

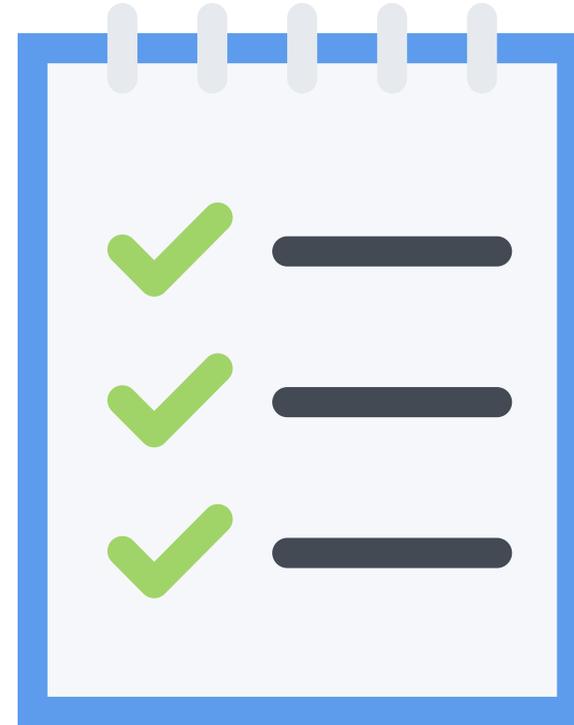


# Conflict of Interest

# Agenda

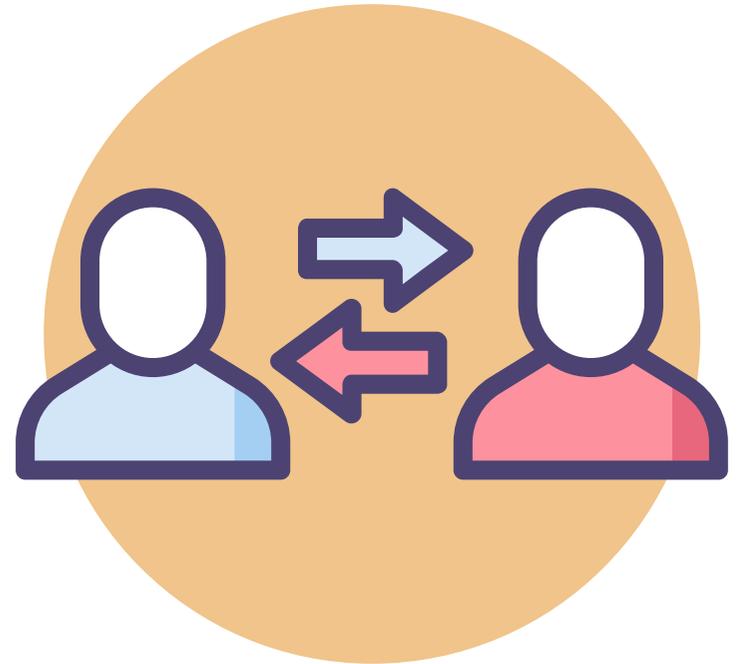


- Define conflict of interest (COI)
- Review the regulations that govern COI
- Role of COI in the Planning Process
- How to best manage COI



# Definition

- A conflict of interest is:
  - Actual or perceived interest
  - An action that will result or appear in resulting personal, organizational, professional gain
  - Occurs when a PC member or relative of a PC Member has interest in a PC decision or vote



# Actual vs. Perceived Conflict of Interest



# Actual Conflict of Interest



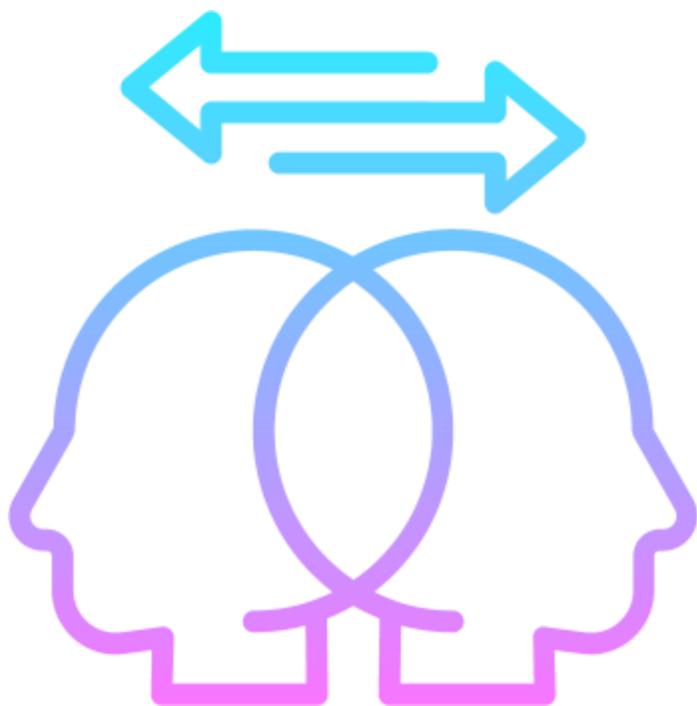
- Direct Conflict
- A currently held position or role that stands to directly benefit from a Planning Council decision or vote
- Compromises objectivity, professional judgement, & professional integrity
- Personal, financial or third-party interest or obligation



# Perceived Conflict of Interest



- Implied, indirect, supposed conflict
- A given appearance of benefit from a Planning Council decision or vote
- Personal, financial or third-party interest or obligation



- Governing Regulations



# Governing Regulations

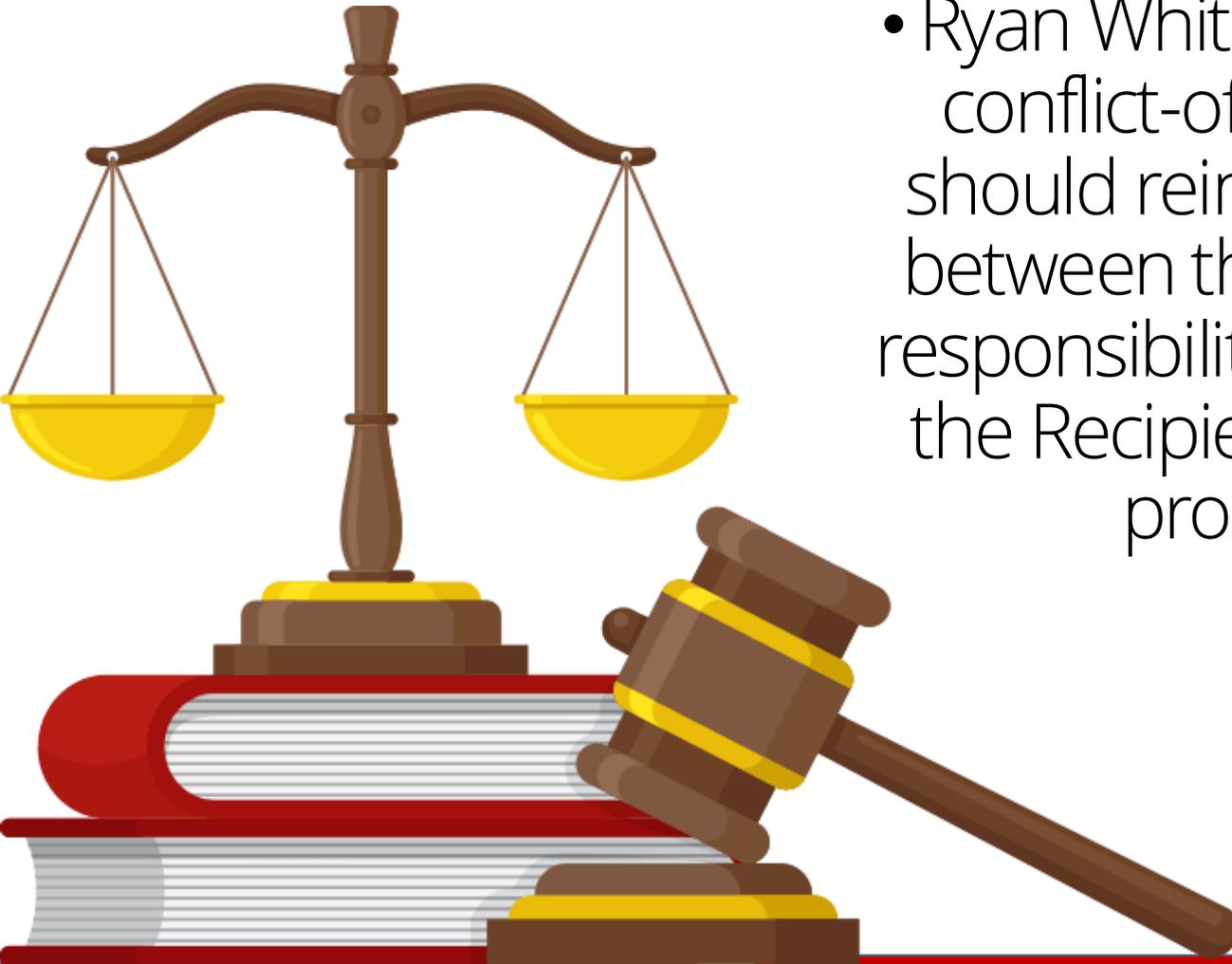
- Ryan White Legislation [2602 (b)]
- HRSA/HAB/DMP Expectations
- Florida's Code of Ethics for Public Officers (112.3143)



# Ryan White Legislation [2602 (b)]



- Ryan White HIV/AIDS Program conflict-of-interest provisions should reinforce the distinction between the Planning Council's responsibility to set priorities and the Recipient's responsibility to procure services.



# HRSA/HAB/DMP Expectations



- The law **prohibits** the planning council from being directly involved in either the administration of a grant or in the selection of organizations to receive Part A/B funds.



# HRSA/HAB/DMP Expectations

- **This means that Planning Councils may not:**
  - Name, recommend, or approve organizations for funding
  - Be involved in the management of the contracts that govern the procurement of services
  - Participate or otherwise be involved in the review of funding applications or selection of sub-recipients (providers of services)
  - Be involved in the monitoring of the fiscal or program performance of individual contractors/providers (sub-recipients)

# Florida's Code of Ethics for Public Officers (cont..)

- **Definitions:**

- **Public Officer:** includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body
- **Relative:** means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law
- **Participate:** any attempt to influence the decision by oral or written communication, whether made by the officer or at the officer's direction



# Florida's Code of Ethics for Public Officers (112.3143)

- **Statutes:**

- No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss
- Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer's interest in the matter from which he or she is abstaining from voting



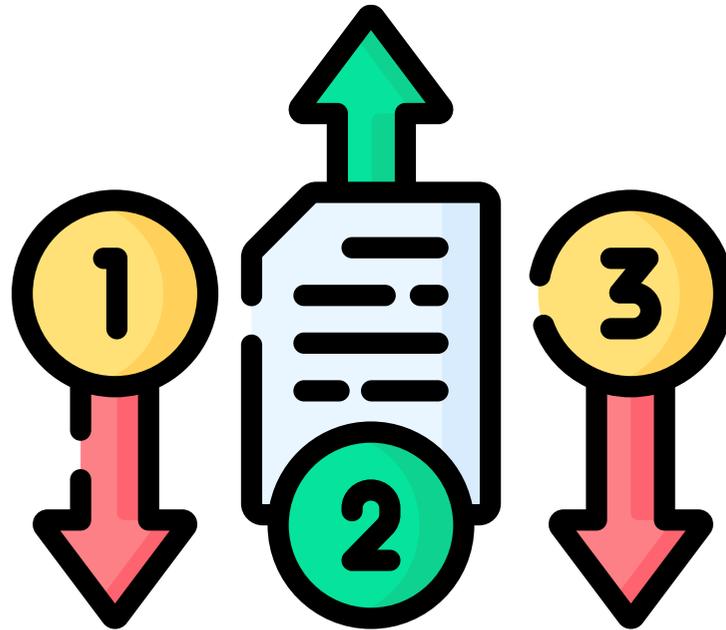
- Your Role in the Planning
  - Process



# Priority Setting and Resource Allocation Process



When setting priorities, Planning Councils should look at the big picture—the continuum of care—rather than focus on individual categories of funding.



# Examples of Conflicts in the Priority Setting Process



- Failure to use the council's criteria to set priorities, and instead advocating for one's own interests
- A choice to fund services that do not match the needs identified in the needs assessment
- Setting priorities based on who was the most vocal at the priority setting meeting

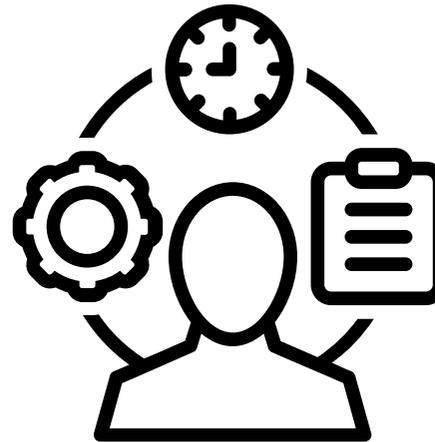
- Managing Conflict of Interest



# Managing Conflict of Interest

## *Planning Council Structure*

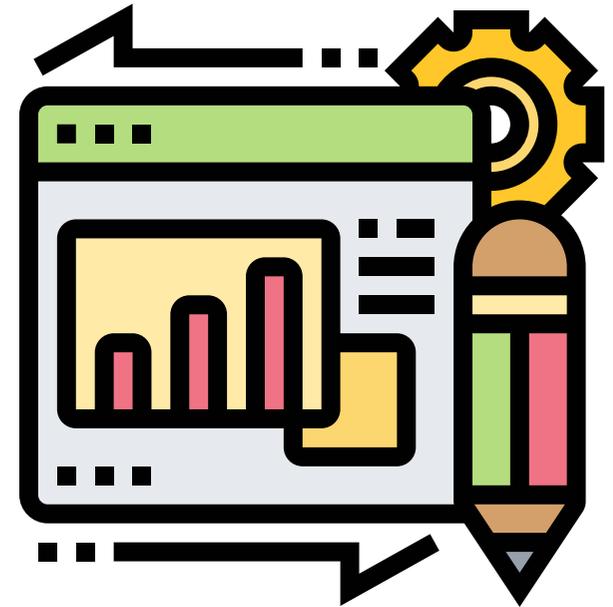
- Memorandum Of Understanding (MOU) between the Planning Council and the Recipient
- Disclosure Forms
- Member Term Limits
- Conflict of Interest Standards
- Reminders of Conflict of Interest during the meetings
- Grievance Procedures



# Managing Conflict of Interest

## *Member Responsibility*

- Sign a Disclosure Form every year
- Update the form if affiliations change within 5 business days
- Declare any COI before discussion begins
- Answer questions but not *initiate* discussion about service categories for which you have a conflict
- Not vote on priorities or allocations for categories where there is a real or perceived conflict of interest



# Managing Conflict of Interest

## *Bylaws*



- The Chair shall call for disclosure of conflicts before beginning discussion of any agenda item in which COI is relevant
- A COI remains in effect for a period of six months after the conflict no longer exists
- Members may not use any information about individual sub-recipients during decision making, even if it is available via Public Records and the Freedom of Information Act
- Being a client of a specific provider is not considered a conflict of interest

# Managing Conflict of Interest

## *Bylaws*



- A member may not participate in discussion or vote on issues on which the member has a real or perceived conflict of interest. With regard to funding priorities or allocations, members with a conflict may vote only on a slate of service categories.



Let's practice!

# Applying Knowledge



The Planning Council is doing allocations. As the allocation for Oral Healthcare is being discussed, a funded substance use treatment provider makes a passionate plea for more funding for this service category. Members ask him questions. He answers the questions and asks several clients who are in the room to support his statements. He votes yes during the roll call. Was this appropriate? *Why or why not?*





QUESTIONS?