

| CONFLICT OF INTEREST, BIAS AND INAPPROPRIATE INFLUENCE POLICY | | |
|---|-----------------------------------|---|
| Policy #: 14 | Date of Approval: 3/4/2011 | Date Policy is Effective: 3/4/2011 |
| Responsible Person: Regional ADRC of Eagle Country Management Team | | Author: John Grothjan 2/1/2021 |
| Reference: ADRC and CMO-State Contracts, DHS policy on Conflict of Interest and Co-location of ADRC and CMU staff dated 5/29/09. ADRC Technical Assistance Bulletin #4, 6/16/06 https://www.dhs.wisconsin.gov/sites/default/files/legacy/adrc/professionals/planningstartup/startupinfoseries/adrc4separation.pdf and §46.285 Stats. http://docs.legis.wisconsin.gov/statutes/statutes/46/285 | | Approved By: ADRC of SW WI-North Governing Board 3/2011 ADRC of Eagle Country Governing Board 1/27/2017 |
| Cross Reference: | | |

This policy applies to Aging & Disability Resource Centers (ADRCs) and Tribal Aging & Disability Resource Specialists (Tribal ADRS) herein referred to as "agency" or "staff."

Purpose

The purpose of this policy is to ensure conflicts of interest are prevented, recognized, and promptly addressed so that the agencies can provide customers with objective and unbiased information about a broad range of programs and services.

Agency representatives, employees, volunteers, and ADRC governing board members shall be sensitive to their own personal potential for conflicts of interest, be vigilant about the existence of conflicts of interest elsewhere, and take steps to limit, mitigate, or eliminate conflicts of interest that are discovered.

Policy

Representatives of the agency will be mindful of their duty to represent the interests of the general public as related to long-term care and therefore not represent the interest of any one group or agency. The function of the agency is to represent the interest of the customer at all times.

Agency representatives will avoid potential conflicts of interest as described in this policy in order to provide impartial agency services. Agency representatives will likely encounter situations that may be a potential conflict of interest or something that is not clearly prohibited. Whenever an agency representative is concerned about a potential conflict of interest, they must discuss the situation with their agency supervisor or director. Not all situations that pose a potential conflict of interest are prohibited so long as the potential conflict can be mitigated and mitigation efforts are documented.

Staff who are dually employed by both the agency and another employer are required to notify their agency supervisor or director in order to ensure a conflict of interest does not exist. The agency must establish a mitigation plan for any staff person that is dually employed with an entity that may have a relationship with the agency, such as a long-term care provider or health care provider. Examples of long-term care providers or health providers include, but are not limited to, managed care organizations, home health agencies, skilled nursing facilities, and assisted living facilities. The agency must make the mitigation plan available to the Department upon request. Mitigation plans must be reviewed and approved by the ADRC's governing board chair and a designated county or tribal official such as corporation counsel. Staff that are dually employed by an agency that does not have a relationship with the agency do not need to complete a mitigation plan.

The following conflicts of interest are prohibited:

- 1) Staff shall not counsel or otherwise attempt to influence customers for financial gain or other self-interests.
- 2) Staff shall not counsel or otherwise attempt to influence customers in the interest of any provider, managed care organization (MCO), IRIS consultant agency (ICA), IRIS Fiscal Employer Agent (FEA), or other organization.
- 3) In accordance with the Federal Home and Community Based Services Rule § 441.730, an agency representative is not allowed to provide agency services to customers if they are:
 - a) *Related to the customer by blood or marriage, or related to any paid caregiver of the customer.*
 - b) *Financially responsible for the customer.*
 - c) *Empowered to make financial or health-related decisions on behalf of the customer.*
 - d) *Holding financial interest in any entity that is paid to provide care for the customer.*
 - e) *Serving in a policy or decision-making position for any entity that provides or could provide direct services to the customer.*

Agency representatives will work with their supervisor or director to ensure that another staff person provides agency services to customers in this situation.

4) Elder benefit specialists and disability benefit specialists may not perform the long-term care functional screen, conduct eligibility determinations for SSI-E or other programs, or provide guardianship or adult protective services. Furthermore, in the event that a benefit specialist encounters a potential conflict, specialists may refer to colleagues in the region.

5) Staff who also work in adult protective services may not provide enrollment counseling to any adult protective services client with whom they are working.

6) Staff may not continue to provide services to customers in any situation where a mitigation plan is required but has not yet been approved by the ADRC board or designated county agency for implementation.

Definitions

1) Conflict of Interest: A situation that interferes with an agency representative's ability to provide objective information or act in the best interest of the customer. Avoiding conflict of interest is important to the reputation of the agency and to the public's trust in the agency as a place where people can get unbiased, professional advice.

2) Agency Representative: Representatives include, but are not limited to, all limited-term or permanent employees of the ADRC or a Tribal ADRS (contracted or otherwise), volunteers, and ADRC governing board members.

3) Potential Conflicts of Interest: Conflicts of interest include, but are not limited to, financial relationships. All potential conflicts of interest should be discussed with the agency supervisor or director.

The following are examples of Potential Conflicts:

- *An employee who provides ADRC services has familial ties to a community resource to which a customer could be referred.*
- *An employee who provides ADRC services has familial ties to the customer who has called or who is the subject of a call.*
- *An employee who provides ADRC services has a non-familial, yet close relationship to a customer who has called or who is the subject of a call.*
- *Department administrators, staff or governing board members who work closely with or are members of governing boards of community organizations to which a customer may be referred.*
- *An ADRC employee who owns operates or is employed by an agency or provider for which a customer may be referred.*
- *An ADRC employee whose conviction to personal religious or other beliefs may lead to influencing the options presented to customers.*
- *Conflicts that result from shared staff positions (such as APS, DBS, EBS),*

Procedure

A perceived or potential conflict of interest may exist even if there has been no misconduct on the part of an agency representative. Perceived or potential conflict of interest may occur in any situation that might lead a representative to put other interests ahead of those of the customer. Mitigation measures are needed to ensure that perceived or potential conflicts of interest do not turn into actual conflicts of interest or misconduct.

Management/Director Responsibilities: The director or designee shall identify any perceived or potential conflict of interest, determine whether to address the conflict, and when required, assist the agency representative in terminating or minimizing the conflict.

Agency Representative Responsibilities: The agency representative shall be aware of, exercise sound judgment, and report instances of potential or present personal conflicts of interest. In addition, agency representatives are prohibited from accepting gifts, loans or favors from individuals or providers who might stand to benefit from referrals or other actions made by the agency.

1) Training. All agency representatives will receive training on the agency's Conflict of Interest Policy prior to having contact with customers. ADRC governing board members will receive training before serving on the ADRC governing board. This policy will be reviewed with agency representatives annually.

2) Assurances. Each agency representative will acknowledge, by signature, the receipt of training and the obligation to be objective and customer-centered.

3) Reporting. Agency representatives shall identify and report potential or present conflict(s) of interest to the director (or designee) upon hire or whenever a conflict is identified. County offices will report potential or present conflicts to the regional director. All potential conflict(s) of interest are treated as if a conflict exists until a determination is made and the potential conflict has been resolved.

4) Response. The director (or designee) will receive reports of possible conflicts of interest from agency representatives, employees, volunteers and ADRC governing board members. The director (or designee) will then make a determination as to whether the situation is in fact a conflict of interest.

5) Resolution. The director (or designee) and the agency representative involved shall take immediate steps to terminate or minimize the conflict of interest. This may involve finding an alternate agency representative, source of service, or the termination of the relationship that has resulted in a conflict of interest. The Regional Office is available to assist with identifying potential conflicts and developing mitigation plans.

6) Advocacy. The agency representative must assure that customers receive appropriate advocacy, representation, and information, especially in regard to a customer's choice of or eligibility for program benefits or services.



Conflict of Interest Policy Assurance – ADRC Staff

As a representative of the Aging and Disability Resource Center of Eagle Country, I have reviewed and received training on the ADRC’s Conflict of Interest Policy. If I do not fully understand this policy or how it is relevant to my employment or association with the ADRC, I will not sign this statement until I have spoken with the ADRC Regional Director and I understand this policy.

I acknowledge that I will be required to review the Conflict of Interest Policy on an annual basis including the circumstances that may be potential conflicts of interest and the procedures for disclosing and mitigating potential conflicts of interest.

As a representative of the ADRC, I acknowledge, by signature, or **e-mail** that I have reviewed the Conflict of Interest Policy, received training on the Policy, and agree to comply with its provisions. I acknowledge the obligation of ADRC staff to be objective and customer-centered.

Printed name and title: _____

Date of policy review: _____

Employee Signature:

Date signed:

Manager/Director Signature:

Date signed:

In the event this policy is reviewed remotely, staff will cut and paste the text above into an e-mail; inserting their own information, and send it to the Regional Director at jgrothjan@co.juneau.wi.us and their office Director/Manager

History: Reviewed by the North Management Team 10/25/2010. Approved by North Governing Board 3/4/2011. 10/2012 ADRC Name Change: ADRC of Eagle Country. 7/2013 Remove reference to joint policies, reflect name change, removed reference to local office policies, remove review of training logs. 6/2014 Updated policy to reflect Regional Manager providing orientation and annual reviews of this policy whereas Office Managers monitor compliance with policy. Also updated the Regional Office maintains documentation of staff training. 10/2014 included Freedom of Choice link. 12/13/2016 Adopted State policy. Reviewed 5/20 and is fully compliant with state policy; Reviewed Feb 2021 and updated to the regional policy to match the updated state policy from Sept of 2020

Annual Review Dates: Reviewed, no changes 6/2012. Reviewed and Updated 7/2013
Reviewed and Updated 6/2014; Update 10/2014 , Reviewed 1/2017; Reviewed 5/2020

