

# MaineHealth Accountable Care Organization

<b>Policy # 04</b>	<b>Effective Date:</b> 6/29/2018	<b>Revised Date:</b>
<b>Title:</b> Conflict of Interest		<b>Owner:</b> Compliance Official
<b>Reviewed &amp; approved by:</b> MaineHealth ACO Board		<b>Date:</b> 6/29/2018

**POLICY**

**Policy Summary:** It is the policy of MaineHealth Accountable Care Organization (MaineHealth ACO) to require its entire staff to disclose any personal or financial interests that have the potential to cause a conflict of interest in the course of performing their job or administrative function. This policy incorporates, but does not replace, the conflict of interest policy adopted by the BOT, attached as Appendix A.

**Policies:**

1. All staff are required to abide by the conflict of interest policies enumerated in the following four documents:
  - A. This Conflict of Interest policy and its Appendix A: Disclosure of Certain Interests by staff.
  - B. The Organizational Code of Ethical Conduct policy and its Appendix, which outlines general ethical principles of conduct required of the MaineHealth ACO staff.
  - C. The Maine Medical Center (MMC) Promoting Ethical Partnerships with Health Care Vendors policy, which states the rules for permissible interaction between staff and health care vendors, including, but not limited to, prohibition on gifts and samples from health care vendors, prohibitions on health care vendor support of the MaineHealth ACO education, disclosure requirements for interactions with health care vendors.
  - D. Financial Conflict of Interest Disclosures by Personnel Engaged in Research and Other Sponsored Programs policy, which provides the educational and disclosure requirements for key personnel involved in research and sponsored programs and outlines the process for developing management strategies for conflicts of interest that may arise in research and sponsored programs.
  
2. Generally, staff may not use their positions to profit personally or to assist others in profiting in any way at the expense of the MaineHealth ACO.
  
3. All staff is required to disclose all actual and potential conflicts of interest and to avoid improper acts and the appearance of improper acts arising from the influence of those activities on business decisions of the MaineHealth ACO.
  
4. Staff must obtain clarification from their management, the Organizational Ethics Committee or Audit & Compliance Services on whether a conflict exists or may arise from certain activities.
  
5. Staff must obtain approval from their management, the Organizational Ethics Committee or Audit & Compliance Services to serving as members of the Board of Directors or Trustees of an organization whose interests may

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conflict with those of the MaineHealth ACO. Civic, charitable, scientific and educational organizations do not require such prior approval unless their charitable missions are in conflict or competition with the MaineHealth ACO.

### PROCEDURES

1. Staff must report any potential conflict of interest to their Supervisor or Department Director as soon as it arises. Supervisors or Department Directors who receive reports of potential conflicts shall notify the Compliance Official of the potential conflict. The Compliance Official must be notified of all conflict of interest disclosures that are shown to represent a conflict.
2. Staff can anonymously report a potential conflict through the MaineHealth Compliance Helpline (662-4646). Staff who becomes aware of another individual's potential conflict should notify their Supervisor or the Compliance Official without fear of retaliation.
3. Annually, the Compliance Official shall distribute the conflict of interest disclosure form and policy to individuals that have been identified, based on their role and responsibility at the MaineHealth ACO, as making a required annual disclosure. The categories of staff who will receive annual disclosure forms are specified in the Promoting Ethical Partnerships with Health Care Vendors policy as the following:
  - i) MaineHealth ACO staff and contracted physicians in leadership positions, defined as anyone with the job title of manager, director, medical director, chief, vice president, senior vice president, chief operating officer or chief executive officer;
  - ii) All participants in the MaineHealth ACO and Medicare Shared Savings Program;
  - iii) Members of the MaineHealth ACO Boards and Committees who are not represented in ii).

At the discretion of the Compliance Official other staff may be required to complete a disclosure.

4. Individuals who receive the disclosure form from the Compliance Official shall complete the form fully and accurately, and attest to the truthfulness by signing and dating the disclosure form. Forms shall be returned to the Compliance Official or submitted electronically, within 30 days of receipt or notification.
5. The Compliance Official shall investigate all potential conflicts of interests identified through the disclosure forms and other potential conflicts of interest of which it becomes aware. The Compliance Official shall report to that individual's Supervisor, or to the MaineHealth ACO Compliance Committee any potential conflicts that it finds could affect the individual's decision-making role. Efforts will then be made to either remove the conflicted individual from the decision-making process that created the conflict, establish another mechanism of oversight to ensure that unbiased decisions are made or allow the individual to remove the financial or other interest causing the conflict.

### Definitions

*Conflict of interest:* conflict of interest is a real or perceived divergence between a health care professional's personal interest in a matter and that individual's professional responsibility to another person, colleague, learner or organization.

*Staff:* the term "Staff" includes the MaineHealth ACO's Officials, Board of Trustees, committee members, managers, employees and others as required.

*Health care vendor:* Health care vendor refers to any commercial company that provides goods and services that are used in patient care or in clinical settings and to health care institutions or residential facilities to which the MaineHealth ACO may refer patients. Examples include pharmaceutical companies, medical device companies, suppliers of goods used in the hospital for patient care, companies providing diagnostic services, companies providing residential or home care for patients after discharge from the hospital.

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*Immediate family member and family relationships:* unless otherwise specified, the immediate family of an individual includes his or her spouse, ancestors, brothers and sisters (whether whole or half-blood), children (whether natural or adopted), grandchildren, great-grandchildren, and spouses of brothers, sisters, children, grandchildren, and great-grandchildren.

Outside Financial Interests: The following partial list can serve as a guide for the types of activities by staff, or household members of such staff, which may cause conflicts of interest because they are an outside financial interest:

- Investments or employment with any outside concern that does business with the MaineHealth ACO, except for less than 5 percent ownership of stock held in publicly traded corporations;
- Participating in any transaction for personal gain in which the MaineHealth ACO is a party;
- Disclosure or use of confidential or "insider" information about the MaineHealth ACO, particularly for personal profit or advantage;

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- Competition with MMC directly or indirectly, in the purchase, sale or ownership of property or business interests; and
- Participating in any business or employment that may conflict with the proper performance of one's duties at the MaineHealth ACO.

**Contact for Additional Information:      MaineHealth ACO Office Manager**

**Administrative Approval:**



**06/29/2018**

**Signature      Jennifer Moore**  
Chief Operating Officer  
MaineHealth ACO Compliance Officer

**Date**