

Region 5 Systems

Network Management Procedures
CARF Standard 9
206 NAC 4-001.04A-C1

Revised: RA 9/21/17

■ Conflicts of Interest Procedures

The following procedures are established for Region 5 Systems (the Network) and its Provider Network when addressing conflicts of interest.

Definition of Conflict of Interest

A conflict of interest may exist when the Network and/or its providers have a competing interest in a service that may be impacted (financially or otherwise) by a decision that is under the authority of the Network.

A conflict of interest may also exist when an organizational matter to be acted upon confers a personal benefit, financial or otherwise, direct or indirect, to a member of the Regional Governing Board, an employee, a volunteer, a student, a consultant, or person related by kinship, or personal or professional association.

Examples of a conflict of interest may include but is not limited to:

Between Region 5 Systems (the Network), Employees, and its Network Providers

- Not having a fair and formalized process when elimination or reduction of funding.
- Not having a fair and formalized process when increasing funding (e.g., RFP process).
- If the Network is the recipient of gifts or gratuities, with financial value or otherwise, from individuals or organizations doing business with the Network or its Network Providers.
- The Network misuses confidential information.
- The Network uses its personnel, resources, property, or funds for personal financial gain.
- Uses or attempts to use any official position to secure unwarranted privileges or exemptions for themselves or others.
- Allowing a Network Provider to serve on a board or advisory committee that has decision-making authority regarding a Network Provider.
- The Network becomes a direct service provider, outside the scope of Title 206. Region 5 Systems can only be utilized to provide direct¹ services under the following conditions:

¹ "Direct" services should be defined as helping, direct interaction (face to face or phone) with clients (communities, groups, and individuals). This definition should supplement the definition provided by state statute for behavioral health services.

- A. When there is a mandate, either statutory or contractually required (local, state, or federal government) or from a private funding source;
- B. When Region 5 Systems is the provider of last resort;
- C. When there is a short time line to launch a service. It is assumed that spin-off to other service providers will occur as soon as possible.

Between Network Providers, Employees, and Persons Served

- The Network Provider does not allow the person served an opportunity for informed consent or refusal or expression of choice regarding service delivery, including concurrent services. Examples may include:
 - A treatment provider represents themselves as a sole provider of services, when other providers of the same service are available to the person served.
 - Charitable choice: Persons served have a right to not receive services from a faith-based service provider.
- If the Network Provider is the recipient of gifts or gratuities, with financial value or otherwise, from individuals or organizations doing business with the Network Provider.
- The Network Provider misuses confidential information.
- The Network Provider uses its personnel, resources, property, or funds for personal financial gain.
- The Network Provider employs persons related by kinship or personal or professional association.
- Uses or attempts to use any official position to secure unwarranted privileges or exemptions for themselves or others.

Reporting Allegations and Resolutions of Conflicts of Interest

All Region 5 Systems' employees and Network Providers have a duty to recognize and disclose activities that might give rise to conflicts of interest, or the perception of conflicts, to ensure that such conflicts are properly managed or avoided and that further steps, as detailed below, are taken as necessary.

Conflicts of interest disclosed within Region 5 Systems:

Self-Disclosure: Many situations may require nothing more than a declaration and a brief written record of that declaration, of which shall be maintained by Region 5 Systems. Signed conflicts of interest forms are signed annually by members of the Regional Behavioral Health Advisory Committee (BHAC) and Regional Governing Board (RGB). Employees sign an acknowledgement form of receiving Code of Ethics policy, which outlines conflicts of interest.

Reporting of Allegations and Resolution Process: When there is an allegation of a conflict of interest:

1. The person/entity is required to complete an Incident / Complaint Report.
2. The Incident / Complaint Report shall be processed through Region 5 Systems' Corporate Compliance Program.
3. The Incident / Complaint Report and recommended resolution is required to be presented to the Regional Governing Board Executive Committee for discussion prior to the full Regional Governing Board's review and subsequent action.

4. The Governing Board will review all relevant information available to them regarding the alleged conflict of interest and take the appropriate action under the circumstances which would include, but not limited to the following:
 - a. Make a determination that a conflict of interest does not exist and provide reasons in writing to all interested parties. No further action is required.
 - b) Make a determination that additional information is required, continue the matter for further consideration, and take action as appropriate to acquire the additional information.
 - c) Make a determination that a conflict does exist and refer the matter to a neutral entity for resolution. That entity may include, but not be limited to, the State Director of the Division of Behavioral Health.
 - d) With the agreement of all interested parties, refer the matter to mediation in order to facilitate a resolution. If the parties are not able to successfully mediate said matter, referral will be made to a neutral entity as set forth in provision 3 above.

Conflicts disclosed within the Network Provider:

Self-Disclosure: Many situations may require nothing more than a declaration and a brief written record of that declaration, of which shall be maintained by the Network Provider.

Reporting Allegations and Resolution Process: When there is an allegation:

1. The person/entity shall comply with the Network Provider's written procedures for addressing conflicts of interest.
2. If the person/entity does not believe there was a satisfactory resolution, an Incident / Complaint Report can be filed with Region 5 Systems. If this happens, Region 5 Systems shall follow its Incident / Complaint Reporting process as described above.