



HCCA'S 12TH ANNUAL COMPLIANCE INSTITUTE

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Conflicts of Interest:

Get Control of Conflicts Disclosure Statements



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Get Control of Conflicts Disclosure Statements

- **Introductions**
- **Disclosures: in the spirit of the topic, relationships between panel members; panel and HCCA**
- **Session format:**

Generic policy and procedures

Real world experience



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**Get Control of Conflicts Disclosure Statements
Food for Thought**

**Does your conflicts policy capture the
following relationships?**

Should it?



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**Get Control of Conflicts Disclosure Statements
Food for Thought**

- **Medical director and chair of your pharmaceutical committee is engaged by pharmaceutical company to train physicians on use of new drug.**
- **Your CEO and CFO have engaged a state legislator to lobby on behalf of your organization's interests.**



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Get Control of Conflicts Disclosure Statements Food for Thought

- **A board member's company has responded to an RFP issued by the agency that regulates your organization.**
- **A social worker in your agency is planning to open a private practice serving your agency's geographical area.**



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Get Control of Conflicts Disclosure Statements Objectives:

- **To identify types of conflicts**
- **To identify policy purposes and elements**
- **To discuss procedures from receipt of disclosure statements to enforcement**
- **To apply theory to practice: a case study**



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Get Control of Conflicts Disclosure Statements: Types of Conflicts

- **Financial:** IRS private inurement/benefit; guidance
- **Clinical:** Joint Commission-mission and responsibility to patient not harmed by professional, business, ownership, contractual, other relationships
- **Professional:** professional associations, licensing requirements re ethical obligations
- **Personal:** religious, cultural



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Get Control of Conflicts Disclosure Statements: Policy Purposes

- **Compliance with legal requirements, accreditation standards**
- **Establishing parameters of organizational conduct and consequences for deviation**
- **Communicating with/educating staff**
- **Evidencing due diligence, good faith, prudent practice**



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Get Control of Conflicts Disclosure Statements: Policy Elements

- Policy Statement**
- Background Statement**
- Applicability**
- Definitions**
- Procedures**



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Get Control of Conflicts Disclosure Statements: Policy Elements

- Citations**
- Distribution**
- Adoption date and effective date**
- Signatures**
- Monitoring responsibilities**



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Get Control of Conflicts Disclosure Statements: Policy Elements

- Forms and attachments
- Originator
- History: review and revision dates and section(s) revised



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Get Control of Conflicts Disclosure Statements: Procedures

- **Duty to Disclose: what to whom, when, and how**
 - * disclosure statements plus ongoing duty
- **Investigation:**
 - Preliminary: returns; “red flags”
 - Final: interviews, et als caution re: seeking “proof”
- **Determination: who and how**
 - *does the disclosed interest/relationship pose an actual/potential conflict; why, why not



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Get Control of Conflicts Disclosure Statements: Procedures

- **Prohibited and/or required conduct: regulations and standards form minimum**
- **Waiver: how, by whom, on what criteria**
- **Consequences: for staff, management, board, contractors**
- **Acknowledgments: via disclosure statement and/or other means, ex. at performance evaluations for those not completing disclosure statements**



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Get Control of Conflict Disclosure Statements: Procedures

- **Documentation: disclosure statements, determinations, transactions involving conflicts**
- **Enforcement: by whom, against whom, how**
- **Monitoring: of receipt and content of statements, compliance with procedures**
- **Auditing: of determinations, subsequent transactions, enforcement**



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Get Control of Conflicts Disclosure Statements: Final Thoughts

- **Integrated conflicts policy vs. separate policies**
- **Distributing disclosure statements is not enough**
- **Close the loop—know what you know and how you know it**



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