

HOUSTON AREA HIV HEALTH SERVICES RYAN WHITE PLANNING COUNCIL

EST. JUL. 15, 1998

REV DECEMBER 13, 2007

POLICY No. 800.01

CONFLICT OF INTEREST

1 PURPOSE

2 To define the policy in which the Houston Area HIV Health Services (RW) Planning Council identifies
3 and addresses conflict of interest within the planning council (PC).

- 4 • Inherent in the system - The Ryan White Program states: The HIV health services planning
5 council shall include representatives of...community-based organizations serving affected
6 populations and AIDS service organizations; local public health agencies...
7
- 8 • Must be managed - The Ryan White Program states: The PC may not be directly involved in the
9 administration of a grant. The PC may not designate (or otherwise be involved in the selection of)
10 particular entities as recipients of any amount provided in the grant.
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12 AUTHORITY

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14 The CARE Act Amendments of 2000 through 2006 Sec.2602(b)(1);Sec.2602(b)(5)(A); Sec.2602(b)
15 (5)(B);Article VIII,Sec8.01 of the Bylaws of the Houston Area HIV Health Services (RW) Planning
16 Council 2001.
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18 DEFINITION(S)

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20 “Conflict of Interest” (COI) is defined as an actual or perceived interest by a RWPC member in an action
21 which results or has the appearance of resulting in personal, organizational, or professional gain. COI
22 does not refer to persons living with HIV disease (PLWH) whose sole relationship to a Ryan White Part
23 A or B or State Services funded provider is as a client receiving services. The potential for conflict of
24 interest is present in all Ryan White processes: needs assessment, priority setting, comprehensive
25 planning, allocation of funds and evaluation.
26

27 PROCESS

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29 The rules contained in this policy apply to all RWPC members, council support, contractors and
30 consultants to the Houston Area HIV Health Services (RW) Planning Council, all of whom shall be
31 referred to as RWPC members in this policy.
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33 RWPC members who have a financial interest in, are employed by, sit on Boards of Directors, or have
34 been employed by such an entity at any time during the previous twelve months, or are members of a
35 public or private entity seeking Ryan White Part A or B or State Services funding will not participate
36 directly or in an advisory capacity, in the Administrative Agency’s processes of selecting entities to
37 receive Ryan White Part A or B or State Services funding within that particular service category. RWPC
38 members shall be provided with copies of, and shall abide by local state regulations governing COI.
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40 RWPC members must complete a COI Disclosure Form annually and/or as needed, describing the
41 relationship of the person to each organization that can benefit from an action by the RWPC. This
42 information, in the form of a matrix of members and their conflicts of interest, will be provided to all

43 members of the RWPC. Additionally all RWPC members will identify conflicts of interest during a
44 discussion and/or vote and abstain from voting on issues pertaining to that conflict. All RWPC members
45 are encouraged to request a review of potential COI of another member during a RWPC meeting.

46
47 The Secretary of the RWPC has responsibility for addressing actions to resolve COI when they occur (see
48 RWPC Policy500.01). When the Secretary has a COI, monitoring voting for COI and processing
49 inquiries related to COI will fall to the role of the Council Vice Chair, if the Council Vice Chair has a
50 COI the responsibility will fall to the Council Chair. If still unresolved then the responsibility will fall to
51 the Chair of the Operation Committee.

52
53 In the event of a COI and/or during the period of review of said COI, members with a COI may
54 participate in the discussion of the COI or questions, but shall abstain from voting on the matter.

55
56 The Operations Committee of the RWPC shall recommend to the CEO the termination of a member from
57 the RWPC if the member refuses to complete a COI disclosure form, refuses to declare a COI, or refuses
58 to cooperate in a COI review, or if it is determined that the member took action intended to influence the
59 conduct of the Administrative Agency in selecting entities to receive Ryan White Part A or B or State
60 Services funding within a particular service category or an action which resulted in or had the appearance
61 of resulting in personal, organizational, or professional gain.

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63 **COI INQUIRY/INTRODUCTION/PROCEDURE:**

64 A COI matrix from the information provided on the COI questionnaire will indicate the service
65 category(ies) in which a conflict(s) occurs.

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67 An inquiry as to whether or not an individual has a conflict of interest that has not been disclosed is
68 handled as a privileged motion: raising a question of privilege.

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70 Questions of privilege relate to the conduct of officers, members, and employees. In this specific case,
71 the conduct being addressed would be not having disclosed a COI. A question of privilege (COI Inquiry)
72 will usually take place during or after a discussion or vote. If necessary, raising a question of privilege
73 may interrupt a member's speech.

74
75 A member of the RWPC, who feels that another member has violated the COI policy by failing to
76 disclose a COI or by voting on an issue regarding a service category in which a conflict has been
77 disclosed, should raise a question of privilege in order to inquire about a possible conflict. The following
78 steps will take place:

79 Step 1: A member rises, addresses the chair, and then, without waiting, says, "I rise to a question of
80 privilege."

81 Step 2: The Chair will at this time request the Secretary to take control of the meeting. The Secretary
82 will direct him/her to state his/her question.

83 Step 3: The member will briefly express his/her complaint and propose, as a motion, a solution. The
84 motion is the actual question of privilege or a request to inquire about a COI.

85 Step 4: The Secretary will attempt to process the motions to inquire as to whether a member has a COI
86 by general consent. (General consent requires no objections). If the general consent is obtained, the
87 motion will be discussed.

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89 If general consent fails, the Secretary will ascertain if there is a second to the motion and then process it
90 as a main motion (even if a main motion was interrupted).

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92 As soon as the interrupting question of privilege is disposed of, the assembly resumes consideration of the

93 question that was interrupted.

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95 **METHOD OF DISCLOSURE:**

96 Annually and on an as needed basis, PC and external committee members are required to submit a
97 Proposed Conflict of Interest Disclosure Questionnaire (RWPC Form 2, COI) to PC Support Staff.

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99 **RESOLUTION OF CONFLICT OF INTEREST:**

100 Ryan White Planning Council's "APPROPRIATE STEPS FOR CONFLICT RESOLUTION" five-step
101 process will be followed. (See RWPC Steps to Conflict Resolution Form).

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103 **PROCEDURE FOR COUNCIL MEMBERS WHO BECOME VENDORS AFTER JOINING THE**
104 **COUNCIL:**

105 Vendors must abide by the same conflict of interest policies that everyone else does.