



Date Issued: 6/6/2018
Last Approved Date: 6/6/2018
Last Revised Date: 6/6/2018
Next Review: 6/5/2021
Owner: Jennifer Bergersen:
 11005001-Chief Operations
 Officer
Policy Area: Mental Health Board
References:

Conflict of Interest Policy

Approved by the Mental Health Board on 12/17/15

Purpose:

The purpose of this policy is to safeguard the integrity of the Milwaukee County Behavioral Health Division (BHD) and its organized medical staff by fostering the proper and unbiased conduct of all business operations and medical staff activities. This policy also defines conflicts of interest that could affect the safety and quality of patient care, treatment, and services and how such conflicts of interest will be addressed.

Scope:

This policy is applicable to all members of the organized medical staff, and all persons employed by BHD¹. Medical staff members, and employees shall conduct their relationships in compliance with this policy to ensure that decisions are made for the best interests of the BHD.

¹Milwaukee County Mental Health Board (MHB) members are subject to the Code of Ethics for Public Officials, Employees and Local Government Officials as stated in the Wisconsin Statutes, Chapter 19, as applicable. Effective, January 1, 2015, all MHB members became subject to the provisions of Wis. Stat. §19.59(3)(a) and (e) and §19.59(5) in particular, which require submission of statements of economic interest, disclosure of conflicts, and authority for the soliciting of advisory opinions, public and private, on ethics matters. MHB member are subject to removal for cause and for engaging in any activity that disqualifies an individual from board membership per Wis. Stat. 51.41(l d)(i).

Policy:

1. Conflict of interest:

A conflict of interest exists when an individual to whom this policy applies, or any friend, relative, or business associates of such individual might directly or indirectly profit or benefit or reduce some detriment through the application of the position or knowledge of the individual. A conflict of interest also exists when there is a divergence between an individual's private interests and his/her professional obligations to the BHD, fellow medical staff members, patients, and employees, such that an independent observer might reasonably question whether the individual's actions or decisions are determined by potential or actual personal gain, financial, or otherwise. Medical staff members, and employees shall not enter into any transaction or utilize

any position with the BHD to make a decision when a conflict of interest exists with respect to the transaction or decision.

2. Disclosure:

Any medical staff member, or employee shall promptly report in writing to the Administrator of the BHD any actual or contemplated transaction which appears to violate this policy. In addition, each member of the administrative staff, and **Unit Manager** shall annually complete a conflict of interest disclosure statement relating to this policy.

3. Consequences:

Upon full disclosure of any real or potential conflict situation, if the Administrator of the BHD decides that the conflict will not adversely affect those interests, the situation may continue. If the Administrator of the BHD decides there is adverse affect or the potential for such adverse affect exists, or if there is a failure to comply with this policy either through failure to disclose or otherwise, the Administrator of BHD may direct that the situation be discontinued or institute other appropriate action.

4. Guidelines:

This statement is a broad policy on conflicts of interest. The Administrator of the BHD may, from time to time, promulgate additional policies and guidelines to be utilized in interpreting questions arising under this policy. Any additional policies and guidelines shall be available in the Administrator's office.

Definitions:

N/A

Procedure:

CONFLICT OF INTEREST GUIDELINES

This document contains guidelines for compliance with the Conflict of Interest Policy of the BHD.

1. Disclosure:

Each medical staff member, and employee of the BHD must promptly disclose in writing to the Administrator of the BHD any situation which poses a possible conflict of interest. The report shall contain a statement of all material facts as to the relationship or interest which creates the possible conflict of interest.

2. Determination:

The disclosure of any actual or potential conflict of interest will be considered by the BHD Administrator through a committee of 3 the BHD Administrator selects, which will determine whether the actual or potential conflict of interest will have an adverse effect on the BHD. The committee will cause notice to be given to the disclosing person, in writing, of the determination and whether the situation may be allowed to continue or should be terminated, and of any other action that will be taken by the committee or should be taken by the medical staff member, or employee. Approval of a transaction or decision will not be granted by the committee if the transaction or decision is not in the best interest of the BHD.

3. Conflicts of Interest:

A. **Actual:** Actual conflicts of interest exist when the following directives are violated.

1. Political Contributions - No BHD funds or assets shall be used, directly or indirectly, for political contributions. Likewise, nothing of value shall be given, offered, or promised to any government official by an individual acting as a representative of the BHD to enhance relations with that official or the government.
2. Questionable Payments - No bribe, payoff, kickback, or other payment for any purpose shall be made by or on behalf of the BHD, directly or indirectly, nor shall any such payment be accepted by any person to whom this policy applies. Social amenities, reasonable entertainment, and other courtesies within BHD policies may be extended and accepted when the value of the item received or extended does not exceed \$50.00.
3. Sales and Purchases - All sales by the BHD shall be billed directly to the purchaser and no patient or customer shall be billed for any amount in excess of the actual selling prices of the goods or services. No part of any purchase price shall be rebated to a patient or customer. All payments made by the BHD shall be made by BHD check, draft, or other document transfer. No purchase of equipment, instruments, materials, or services for the BHD shall be made (or such decisions influenced) from private firms in which a medical staff member, employee, or immediate family member has a financial interest.
4. The negotiation of any contract between the BHD and a private organization with which a medical staff member or employee, or immediate family member has a consulting or other significant relationship or stands to receive favorable treatment as a result of such influence shall not be entered.
5. Accounts and Deposits - Unless otherwise approved by the MHB, all money paid to the BHD or paid by the BHD shall be deposited in or paid through accounts established by the BHD, in its name and for its use.
6. Medical staff members' consulting or commercialization of technologies derived from research - While it is appropriate for medical staff members to be compensated for such activities, the individual's actions and/or decisions made in the course of his/her BHD activities shall not be determined or influenced by considerations of personal financial gain.
7. Use of Position - No person to whom this policy is applicable shall use a position with the BHD for personal gain nor shall any such person disclose or misuse privileged information or utilize such information for personal gain.
8. Personal Business - An employee shall not conduct personal business for gain on BHD time.

B. **Potential:** Potential conflicts of interest exist when any person to whom the policy applies, or any friend, relative, or business associate of such person:

1. External Interests - Renders directive, managerial, or consultative services, or holds, directly or indirectly, a position in any outside concern from which the individual has reason to believe the BHD secures goods or services, or that provides goods or services competitive with the BHD.
2. Investments - Holds directly or indirectly substantial investment (in excess of 5% ownership) in any outside concern from which the individual has reason to believe the BHD secures goods or services, or that provides goods or services competitive with the BHD.
3. Gifts, Gratuities, and Entertainment - Accepts gifts, entertainment, or other favors from any outside

concern that does, or is seeking to do business with, or is a competitor of the BHD, under circumstances from which it might be inferred that such action was intended to influence or possibly would influence the individual in the performance of his/her duties. This does not include the acceptance of items or benefits of nominal or minor value that clearly result from respect or friendship and are not related to any particular transaction or activity of the BHD.

C. Not Applicable to this Policy:

Joint Employment with Company in Competition - Joint appointment to the BHD and another local hospital and/or private practice must be negotiated and approved at the time of employment and is not considered a conflict of interest under this policy.

References:

N/A

Monitors:

N/A

Attachments:

[Conflict of Interest Disclosure Statement](#)

Approval Signatures

Step Description	Approver	Date
Mental Health Board	Michael Lappen: 11008000-BHD Administrator	6/6/2018
	Michael Lappen: 11008000-BHD Administrator	6/6/2018
	Jennifer Bergersen: 11005001-Chief Operations Officer	6/6/2018