San Bernardino County
Department of Behavioral Health

Conflict of Interest Policy

Effective Date 07/2004
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Policy

It is the policy of the Department of Behavioral Health (DBH) for staff to complete a Conflict of Interest Disclosure Statement in order to identify, address, and resolve any employment, activity or enterprise that may be inconsistent, incompatible, or in conflict with their duties as DBH employees.

Purpose

The purpose of this policy is to:

- Formulate basic departmental guidelines specifying the kinds of outside employment, activity, or enterprise that is inconsistent, incompatible, and/or in conflict with their employment at DBH.
- Mitigate possible conflicts of interest by conducting an annual review of the Conflict of Interest Disclosure Statement, and provide response to any DBH employee that may have an actual or potential conflict of interest.
- Provide a method for DBH staff to request a review of their Conflict of Interest Disclosure Statement when a potential or actual conflict of interest exists.
- Avoid the appearance of ***actual or potential*** conflict of interest between county employment and private practice/outside employment of DBH staff.

Conflict of Interest Disclosure

Each DBH staff must complete the Conflict of Interest Disclosure Statement:

- Upon start of employment,
- Annually, and
- Within ten (10) working days of a change in outside employment or private practice.

The DBH Conflict of Interest Disclosure Statement does not replace and is not in lieu of Form 700, Statement of Economic Interests, which public officials and designated county employees must complete.

Important Note: Failure to submit or refusal to submit a Conflict of Interest Disclosure Statement in a timely manner may result in disciplinary action up to and including termination of employment.

Continued on next page

Conflict of Interest Policy, Continued

Conflict of Interest Defined

An actual or potential conflict of interest may include, but is not limited to, the following:

- DBH clinician/physician referring any DBH client to any service, private practice or health care network which the DBH clinician/physician has a personal or financial interest.
- Any activity in which a DBH employee's efforts may be subject to the control, inspection, review, audit, or enforcement of any other DBH employee, including, but not limited to, the following:
  - Employment, practicing, or consulting privately at a facility that DBH utilizes for its clients.
  - Employment, practicing, or consulting for a non-contract facility that begins accepting DBH referrals or enters into a contract with the County.
  - Rendering any professional services that may be subject to audit by a DBH department or employee.
- DBH employee who renders services to a DBH client in which those services are outside of the employee's scope of job classification.
- DBH employee in private/contracted practice who provides services to a client and the client becomes a DBH client during the course of the relationship.
- Administrative, management, treatment, or case management staff assigned to San Bernardino County jail facilities accepting referrals to conduct PC 1368, PC 1368.1 or PC 1026 evaluations unless prior authorization is received by the appropriate Deputy Director.
- DBH staff engaging in any:
  - Activity involving the use of County time, facilities, equipment or supplies.
  - Activity where the DBH employee uses his/her uniform, prestige, or influence of County employment for private gain or advantage, such as using County employment to contact and/or solicit clients for any private practice or outside endeavor.
  - Outside employment involving time demands/schedules which negatively affects the performance of his/her County duties.

Note: Employment at a facility specifically licensed for developmentally disabled clients is exempt from this policy.

Continued on next page

Conflict of Interest Policy, Continued

Review of Possible Conflict

The DBH Office of Compliance reviews all Conflict of Interest Disclosure Statements to determine if a conflict exists, and will initiate contact with the employee if additional information is needed to make a determination.

If it is determined that a conflict...	Then...
does not exist	• a memo is sent to the employee to confirm that a conflict of interest does not exist at that time. ○ the memo serves as a waiver, which is placed in employee's personnel file. • the memo may contain conditions to which the employee must adhere.
exists	• the Human Resources Officer is notified for further action. • the employee is notified that a conflict exists via a certified letter signed by the Deputy Director, Assistant Director, or Director. • the employee will have 30 days from the receipt of the letter to comply (resolve the conflict). • a copy of the letter is placed in employee's personnel file.

Request by Staff to Review for Conflict of Interest

DBH encourages staff who are seeking additional employment to contact the Office of Compliance to review if the intended employment is in conflict with DBH employment. The DBH Office of Compliance will ask clarifying questions regarding the intended or proposed outside employment and render a preliminary determination as to whether the additional employment is a conflict. The DBH Office of Compliance shall render this preliminary determination within ten (10) business days; however, if a response is needed sooner, staff must advise Compliance of the timeframe so Compliance can advise if the deadline is feasible.

If staff decide not to consult with the DBH Office of Compliance prior to accepting outside employment, a Conflict of Interest Disclosure Statement must be completed within ten (10) working days of accepting the outside employment or private practice so a determination can be made if a conflict, actual or perceived, exists.

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Conflict of Interest Policy, Continued

Waivers

DBH has the authority to issue a waiver to employees who have outside employment that would otherwise be viewed as a potential conflict, such as working for an agency who contracts with the County or DBH. A waiver will only be issued once DBH has determined no conflict exists, real or perceived.

If an employee is considering applying/accepting outside employment or beginning a private practice that is defined in policy as an actual or potential conflict of interest, the DBH employee may initiate a waiver request by completing a memo and providing the memo to his/her immediate supervisor and follow the chain of command to the appropriate Deputy Director.
The waiver request will be subject to a review process that will include the following staff: Chief Compliance Officer, Human Resources Officer and Deputy Director. Depending on the level of personnel, the Assistant Director and/or Director may partake in the review process. All applicable regulations will be taken into consideration in making the determination of whether a conflict of interest exists.

Consequences of Violations

Staff who violate or are found in violation with the policy described above may be subject to disciplinary action up to and including termination of employment. In addition, DBH may refer the matter to the appropriate enforcement agencies, if applicable.

References

California Government Code, Sections 1090, 1126 and 87100
Office of the Attorney General website, Conflicts of Interest
San Bernardino County, CA Code of Ordinances, Title 1, Div 3, Ch 7