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Owner Janel Mudry  
Area Corporate Compliance  
Applicability MHS

## Conflict Of Interest

### POLICY STATEMENT:

This is a Policy of Mon Health and applies to all of its Affiliates, as defined below.

It is Mon Health policy to refrain from any activity which creates, or could create, the appearance that Mon Health is not committed to its charitable purpose or its compliance program (Compliance Policies and Code of Conduct).

Mon Health does not permit financial incentives or personal interest or gain to guide decision making. Certain relationships could create a risk of non-compliance, the appearance of impropriety, or could inappropriately influence or compromise Mon Health personnel's judgment or conduct. This includes receiving or soliciting gifts and/or subsidies or endorsing goods or services with an individual, a business, or other entity (identified below).

The purpose of this policy is to provide guidance to Mon Health Personnel to ensure that their relationships with vendors, care providers, payers, manufacturers, educational, scientific or other institutions, and other third parties (Defined in Section II below) are appropriate and in support of Mon Health's compliance program. This policy provides a minimum standard of guidance. Management of Mon Health's departments, units, facilities or entities may exercise discretion to implement stricter guidance to reduce the risk of conflict, the appearance of conflict, impropriety, the risk of inappropriate influence, judgment, conduct, or decision-making.

This policy describes both permitted and prohibited activities. In some cases, permitted activities may require Prior Approval (Defined in Section II below). Prior Approval is to be requested by completing a Conflict of Interest/ Gifts/Travel/ Endorsements Disclosure Form and submitting to the Chief Compliance Officer ("CCO"). and/or designee The Prior Approval request process is referred to in this policy as "Prior Approval". This policy applies to all Mon Health personnel and is in addition to any other

policy requirements. For the avoidance of doubt, employed physicians, and employed research personnel are also subject to this policy (in addition to the research compliance policy regarding financial conflicts of interest and all Mon Health institutional review board and research administration requirements).

## DEFINITIONS:

**“Affiliate”** refers to any of Mon Health System’s business units including: Mon Health System, Mon Health Medical Center, Preston Memorial Hospital, Stonewall Jackson Memorial Hospital, Mon Health Marion Neighborhood Hospital Mon Health Equipment & Supplies, The Village at Heritage Point, and any managed joint venture.

**“Conflict of Interest”** refers to a situation, in which an individual's financial, professional or other personal considerations may directly or indirectly affect, or have the appearance of affecting, such individual's professional judgment in exercising any Mon Health duties or responsibilities. Typically, a Conflict of Interest arises when an individual has the opportunity, or appears to have the opportunity, to influence Mon Health's business, administrative, academic, patient care, research or other decisions in ways that could lead to personal financial or professional gain or advantage of any kind, whether or not the value is readily ascertainable.

- i. Have a direct or indirect financial, personal, or other interest in a transaction with Mon Health;
- ii. Have a compensation arrangement or other direct or indirect interest in or affiliation with any entity or individual that: (a) sells goods or services to, or purchases goods or services from, Mon Health; (b) competes with Mon Health, or (c) Mon Health has negotiated, or is negotiating or contemplating negotiating with regard to any transaction or arrangement;
- iii. Use of Mon Health assets to his/her personal advantage or for an improper or illegal purpose;
- iv. Solicit or accept any gift, entertainment or other favor which might create the appearance of influence on Mon Health personnel; or have financial, personal or other beneficial interests in organizations for which they serve as director or officer.

**“Conflict of Commitment”** refers to a situation where Mon Health personnel engage in external activities or interests, either paid or unpaid, that interfere, appear to interfere with, or burdens, their obligation and commitment to Mon Health. A Conflict of Commitment relates to a Mon Health personnel’s distribution of effort between Mon Health job duties versus commitment to external business activities or employment, external professional activities, or personal activities.

**“Gifts”** means items of value that include, but are not limited to: cash and cash equivalents, meals and other food items, flowers, promotional items, discounts, travel and/or lodging expenses, tickets to sporting or entertainment events, tickets to hospital sponsored events (e.g. golf outings and galas), Vendor-sponsored educational sessions, and Vendor payment or reimbursement for attendance at seminars and conferences.

**“Immediate Family Member”** means a spouse/domestic partner, parent, child, sibling, stepparent, stepchild, stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent or grandchild, aunts, uncles, nephews, nieces and spouse of a grandparent or grandchild.

**“Mon Health Personnel”** means employees, officers, employed physicians, employed research personnel, board and committee members.

**“Prior Approval”** means the process of completing and submitting a Disclosure Form in those instances under this policy where prior approval is required before Mon Health personnel are permitted to undertake the activity

**“Pharmaceutical Manufacturer”** means any entity that:

- i. Is engaged in the production, preparation, propagation, compounding, conversion, or processing of prescription drugs or prescription biologics, by extraction from substances of natural origin, or independently by means of chemical synthesis;
- ii. Is directly engaged in the packaging, repackaging, labeling, relabeling, or distribution of prescription drugs or prescription biologics, provided, however, that “Pharmaceutical Manufacturer” or “Manufacturer” shall not include a health care facility licensed by the Department of Health, or a pharmacy holding a permit issued by the Board of Pharmacy.

**“Pharmaceutical Manufacturer's Agent”** means a person who, while employed by, or under contract with, a Pharmaceutical Manufacturer, engages in detailing, promotional activities, or other marketing of prescription drugs or biologics to any Prescriber authorized to prescribe, dispense, or purchase prescription drugs, biologics, health care facility, or pharmacist, but shall not include a Prescriber or pharmacist when acting within the ordinary scope of the practice for which he or she is licensed.

**“Prescriber”** means a physician, podiatrist, advanced practice provider, dentist, or optometrist. It does not include a licensee who is an employee of a Pharmaceutical Manufacturer who does not provide patient care.

**“Vendor”** means an individual or entity (e.g. company, institution) or its agents or representatives that:

- i. Sells, or offers to sell, goods to Mon Health;
- ii. Performs, or offers to perform services, for Mon Health;
- iii. Employs or otherwise utilizes health care providers who may refer patients to Mon Health or to which Mon Health may refer patients;
- iv. Is a Non-Employed-Mon Health care provider;
- v. Is classified as a Mon Health Payor;
- vi. Is an affiliated educational, scientific or other institution;
- vii. Is a Manufacturer; or
- viii. Is a Sponsor or potential sponsor of research.

Generally, a vendor is any individual or entity with whom Mon Health has a business relationship, including any potential vendor, sponsor, or potential sponsor of research.

## **CONFLICT OF INTEREST INVESTMENTS:**

Certain investments by Mon Health personnel may influence, compromise, or appear to influence and/or

compromise, a Mon Health personnel's duty to act in the best interests of Mon Health over personal interest, gain or advantage. Mon Health personnel must disclose investments of \$10,000 or greater or investment representing more than 10% equity or ownership in the entity. The following investments do not require disclosure:

- i. Mutual funds or other such investment vehicles over which Mon Health personnel exercise no discretion in the selection of the securities or holding of the fund or investment vehicle.
- ii. A publicly-traded entity that does not perform services for Mon Health and does not sell goods to Mon Health and does not employ or otherwise utilize health care providers who may refer patients to Mon Health or to which Mon Health may refer patients.

## **CONFLICT OF COMMITMENT (OUTSIDE EMPLOYMENT,CONSULTING,OTHER ACTIVITIES)**

Mon Health personnel are expected to devote their primary professional loyalty, time and energy to their position at Mon Health. On occasion, Mon Health personnel participate in external activities such as employment outside of Mon Health, involvement with professional societies or trade organizations, participation in review panels, advisory boards, boards of directors/trustees, educational meetings, community service, conferences, consulting, other professional or personal activities, and non-Mon Health business activities related to outside entities and business ventures. Mon Health personnel must be selective when choosing outside commitments, regardless of whether they are professional or non-professional in character. It is possible to have a Conflict of Commitment even if there is no compensation for the external activity.

### **A. Permitted Second Jobs/Consulting**

- i. Mon Health personnel may hold non-healthcare secondary job(s). This does not present a Conflict of Commitment and does not require Prior Approval.
- ii. A per diem employee who has a second job at an organization or vendor that offers services similar to Mon Health's does not require Prior Approval so long as the per diem employee has advised his/her manager in writing (or the person to whom he/she directly reports), and the manager has properly documented that the per diem employee has such other job(s) with the understanding that:
  1. The per diem employee cannot appear to represent Mon Health at the per diem employee's other job(s);
  2. The per diem employee cannot wear his/her Mon Health ID badge or any other Mon Health identifier at the other job(s);
  3. The per diem employee must keep Mon Health business information and Protected Health Information (PHI) confidential; and
  4. The per diem employee's other job(s) cannot lessen the efficiency, alertness or productivity at his/her Mon Health job.

## B. Second Jobs/Consultingrequiring Prior Approval:

Mon Health full-time and part-time personnel may not:

- A. Hold second jobs at organizations that offer services similar to Mon Health;
- B. Hold second jobs with Vendors; or
- C. Undertake consulting positions unless Prior Approval is obtained.

## C. Permitted Outside Activities that Benefit Mon Health:

**Permitted Activities:** Attending outside activities (e.g., meetings, conferences) or providing services (e.g., speeches, presentations) that benefit Mon Health are considered work events. Preparation for these activities should be conducted during work time and attendance at such activities and events is considered work time.

**Prior Approval for these activities is required.**

## D. Outside Activities that DO NOT Benefit Mon Health:

Outside activities that do not benefit Mon Health and are personal in nature must be performed on days and at times when Mon Health personnel are not engaged in Mon Health job duties or Mon Health activities. This includes time during Mon Health personnel's paid time off or when Mon Health personnel typically do not work or are not scheduled to work). Mon Health resources may not be used. The presenter cannot identify him/herself as Mon Health personnel. These activities are permitted and no Prior Approval is required.

**Prior Approval Required:** Any questionable activities should be reported to the Chief Compliance Officer (CCO) and/or designee by completing and submitting a Disclosure Form.

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### Attachments

[Conflict of Interest Form 2021.docx](#)

### Approval Signatures

Step Description	Approver	Date
Administrative Approval	Edward Phillips: Chief Legal Officer and General Counsel	3/9/2021

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