

The BPHC Newly Funded TA Web Guide Resources for New and Existing Grantees

Developed by:

The U.S. Department of Health and Human Services (HHS)
Health Resources and Services Administration (HRSA)
Bureau of Primary Health Care (BPHC)
Office of Training and Technical Assistance Coordination (OTTAC)

The BPHC Newly Funded TA Web Guide is a self assessment tool designed to help new BPHC grantees provide high-quality primary health care from the day they open their doors for business. The Guide is a central hub for links to HRSA-approved templates, information pages, and policy documents, and many other resources. The intent of the Web Guide is to help Health Center grantees improve their quality and efficiency, work within Health Center Program Requirements, and access Federal policies, programs and resources intended for the specific needs of Health Centers.

This document is a printable version of a portion of the content available on the Web Guide. It was developed by the BPHC Office of Training and Technical Assistance Coordination and is hosted at:
<http://bphc.hrsa.gov/technicalassistance/index.html>

5c. Program Requirement 19: Conflict of Interest Policy

Requirements:

Health center bylaws or written corporate board approved policy include provisions that prohibit conflict of interest by board members, employees, consultants, and those who furnish goods or services to the health center.

- No board member shall be an employee of the health center or an immediate family member of an employee. The Chief Executive Officer may serve only as a non-voting ex-officio member of the board.**

Note: Portions of program requirements notated by a double asterisk “**” indicate regulatory requirements that are recommended **but not required** for grantees that receive funds solely for Health Care for the Homeless (section 330(h)) and/or the Public Housing Primary Care (section 330(i)) Programs.

Authority:

45 CFR Part 74.42 and 42 CFR Part 51c.304(b)

Documents to Review for Answers:

- 1) Corporate Bylaws, 2) most recent update of Conflict of Interest policy

Links and Additional Resources:

The MSCG Resource Center [Sample Conflict of Interest Disclosure*](#).

**Note: All non-Federal documents are for use as aids to consultants and grantees, the contents of such documents are solely the responsibility of the authors and do not necessarily represent the official views of HRSA, and should not be considered official guidance by BPHC. Any “sample” documents must be tailored to the health center’s unique circumstances and needs.*

Table 1: Conflict of Interest Questions

These questions are intended to help grantees assess the adequacy of their Conflict of Interest policies.

Conflict of Interest
Health center’s bylaws or written, corporate-board-approved policy includes provisions that:
1. Prohibit conflict of interest by board members, employees, consultants and those who furnish goods or services to the health center.
1.a. Do the bylaws or policy include this provision(s)?
2. State that no Board member shall be an employee of the health center or an immediate family member (i.e., spouse, child, parent, brother or sister by blood, adoption, or marriage) of an employee.
2.a. Is any current Board member(s) an employee of the health center or an immediate family member of an employee?
3. State that the Chief Executive may serve only as a non- voting, ex-officio member of the Board.
3.a. Does the CEO participate as a voting member of the Board? Address such issues as:
<ul style="list-style-type: none"> • disclosure of business and personal relationships, including nepotism, that create an actual or potential conflict of interest;

Conflict of Interest
<ul style="list-style-type: none"> • extent to which a board member can participate in board decisions where the member has a personal or financial interest; • using board members to provide services to the center; • board member expense reimbursement policies; • acceptance of gifts and gratuities; • personal political activities of board members; and • Statement of consequences for violating the conflict policy.
<p>4. Do the bylaws or policy include and/or address these provisions?</p> <p>Note that When section 330 grantees procure supplies and other expendable property, equipment, real property, and other services, the health center's conflict of interest policy must specifically address the following:</p> <ul style="list-style-type: none"> • The health center grantee must have written standards of conduct governing the performance of its employees engaged in the award and administration of contracts. • No health center employee, board member, or agent may participate in the selection, award, or administration of a contract supported by Federal funds if a real or apparent conflict of interest would be involved. Such a conflict would arise when a health center employee, board member or agent, or any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in the firm selected for an award. • The board members, employees, and agents of the health center grantee shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, or parties to subagreements. However, recipients may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. <p>The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by board members, employers, or agents of the health center grantee.</p>

Table 2: Additional Conflict of Interest Questions

These questions are intended to help grantees assess whether they are in line with recommended practices for mitigating conflicts of interest.

Conflict of Interest
1. Are annual conflict of interest statements required?
2. If yes, are the required statements on file?
3. Does the Board allow related party transactions to take place? If yes, please describe.