

<b>Policy Title</b>	<b>Conflict of Interest (COI) in General and Business Affairs Policy</b>	<b>Policy ID</b>	<b>2701</b>
<b>Keywords</b>	conflict, of, interest, coi, consulting, gifts, meals, vendor, royalties, ownership, ghostwriting, disclosure, promotional, acquisition, purchasing, contracts, advisory board, speakers, URAC, ACHC, bureau, influence, travel, payments, independent contractor		

## I. Purpose of Policy

Relationships with outside entities are vital to furthering Dartmouth Hitchcock's mission to advance health through research, education, clinical practice, and community partnerships. It is Dartmouth Hitchcock's desire that these relationships are maintained consistent with its core values of respect, integrity, commitment, transparency, trust, teamwork, stewardship, and community.

This policy identifies potential, real or perceived outside interests that may be viewed as a conflict and appropriately manages such conflicts. This overarching policy provides guidance regarding conflicts of interest and is intended to supplement, but not replace, state and federal laws governing conflicts of interest for nonprofit and charitable organizations. The procedures describing how to disclose and manage real or perceived conflicts of interest as well as related policies are linked below.

This overarching policy exists in conjunction with the following related policies:

- Conflict of Interest Policy (COI) - Personal Gifts including Meals, Travel, and Education-Dartmouth Hitchcock
- Conflict of Interest (COI) Consulting and Vendor Sponsored Activities Policy
- Conflict of Interest in Research Policy

## II. Policy Scope

This policy applies to all employees, staff, other covered individuals and trustees of Dartmouth Hitchcock (to the extent the trustees are not otherwise covered by different policy). Key employees, trustees, officers and other individuals who hold responsible leadership positions at Dartmouth Hitchcock and their affiliate relationships may be subject to additional reporting duties as defined by regulatory agencies' requirements. This policy also applies to direct or indirect remuneration received by an immediate family member of a Dartmouth Hitchcock employee or covered individual.

## III. Definitions

**Conflict of Interest:** A conflict of interest may occur when an employee, other covered individual or immediate family member of either (hereafter identified as "persons") has, or to a reasonable independent observer appears to have, a financial or business interest in an outside entity doing business with Dartmouth Hitchcock or intending to do business with Dartmouth Hitchcock, the result of which could influence the person's judgment, compromise the person's ability to carry out his/her responsibilities, or weaken public trust in Dartmouth Hitchcock. Conflicts of interest may arise in all aspects of healthcare activities including clinical care, research, education and business matters.

**Dartmouth Hitchcock Location:** Encompasses any Dartmouth Hitchcock facility, including Lebanon, Concord, Keene, Manchester/Bedford, Nashua and Southwestern Vermont locations and regional affiliations.

**Direct or Indirect Payment** is a payment made to a Dartmouth Hitchcock employee, staff or other covered individual(s) or to another party on behalf of any of the above persons.

**Employees:** For the purposes of this policy, “employees” includes all privileged physicians, non-physician practitioners, associate providers, nurses, administrators, technicians, ancillary staff, administrative and support staff, individual independent contractors, and all other individuals, including persons whose services have been purchased or contracted to or by external parties, who receive compensation directly or indirectly from Dartmouth Hitchcock.

**Immediate Family Member:** Includes spouse, partner, children, siblings, step-siblings, parents, step-parents, grandparents, step-grandparents or any person living in the same household.

**Covered Individuals:** For the purposes of this policy, Dartmouth Hitchcock covered individuals are defined as persons who are not an employee of Dartmouth Hitchcock and are not active in the core Human Resource database with a compensation rate or benefit status, and therefore are unable to be paid but are relevant to Dartmouth Hitchcock and could be perceived to represent Dartmouth Hitchcock. Examples of covered individuals include: Dartmouth Hitchcock Trustees (except where covered by other policies), certain Dartmouth College faculty, staff and students, including Geisel School of Medicine faculty, staff and students while actively working at a Dartmouth Hitchcock location, travelers and/or volunteers assigned to any Dartmouth Hitchcock location when those individuals are actively representing or could reasonably be perceived to be representing Dartmouth Hitchcock. For clarity of the above statement, individuals are excluded from this policy when **NOT** actively working at a Dartmouth Hitchcock location or otherwise representing Dartmouth Hitchcock.

**Outside Entity:** The term “outside entity” includes, but is not limited to, pharmaceutical, medical device, medical supply/equipment companies and other health-related entities that conduct or are seeking to conduct business with Dartmouth Hitchcock. In addition, an Outside Entity is any entity providing or wishing to provide non-healthcare or non-medical services, such as financial services, legal services, consulting services, independent contracting services, food services, external auditing services or other services to Dartmouth Hitchcock. An “entity” includes proprietary (commercial interests) organizations, not-for profit organizations, governmental agencies or professional societies.<sup>1</sup>

**Remuneration:** Any form of monetary compensation or equivalent including honoraria, travel, entertainment, accommodations, and other benefits that may be extended in connection with the individual’s relationship with an outside entity.

**Vendor:** A vendor is considered any manufacturer, distributor, company or representative thereof, who solicits, markets, or distributes medications, products, equipment or services. Any remuneration received from a vendor by a physician is reportable by the vendor in accordance with the Open Payments (Physician Sunshine) Act 2013.

#### **IV. Policy Statement**

Individuals subject to this policy have a duty of loyalty and care to ensure that their outside obligations, financial interests, business transactions and activities do not conflict or interfere with their commitment

to Dartmouth Hitchcock and its mission. Therefore, all individuals subject to this policy must avoid any conflict between their personal interests and their obligations/commitment to Dartmouth Hitchcock and our patients and comply with the Dartmouth Hitchcock Conflict of Interest Policies and Code of Ethical Conduct (linked below). The specific details related to the acceptance of meals and/or gifts or the details of other vendor or industry-sponsored activities are outlined in the policies identified in the Related Policies and Procedures box below.

Employees/covered individuals must not knowingly solicit or participate in a decision-making process to influence the acquisition of goods or services from any outside entity that is owned or influenced by themselves or their immediate family member(s). Employees/covered individuals must not coerce or inappropriately refer individuals to themselves or their immediate family members for private gain. Personal business must not be conducted or performed on any Dartmouth Hitchcock campus or location. Employees/covered individuals must be authorized in writing by Dartmouth Hitchcock before making a financial commitment or authorizing the expenditure of Dartmouth Hitchcock funds.

Ownership or investment interests held by Dartmouth Hitchcock employees and covered individuals, including ownership interests or investments not yet exercised must not inappropriately influence the employee's judgment, compromise the employee's ability to carry out his or her responsibilities, or diminish public confidence in the integrity of Dartmouth Hitchcock.

#### **A. Disclosure**

Employees/covered individuals must report all paid or unpaid outside activities that might plausibly create an actual or potential conflict of interest. Disclosure must occur on a timely basis at the start of the relationship and on an annual basis thereafter on the Dartmouth Health disclosure survey and/or upon request. The disclosure must be reported to the Office of Policy Support.

Activities and Interests to be disclosed:

Dartmouth Hitchcock employees or covered individuals must disclose time commitments and/or financial interests that might plausibly conflict with his/her Dartmouth Hitchcock responsibilities.

- **While outside activities must be disclosed, mere disclosure does not necessarily indicate that the activity is prohibited or constitutes a conflict of interest.**
- Each Dartmouth Hitchcock employee and covered individual has an obligation to act in the best interest of our patients and to advance health through research, education, clinical practice and community partnerships. It is impermissible to accept any remuneration that could influence actions in a way that is detrimental to our patients or Dartmouth Hitchcock.

#### **B. Disclosure to Patients**

Employees/covered individuals are responsible to disclose to patients when they have an outside interest, such as financial or consulting relationship with a company that warrants disclosure because the outside interest is relevant to the care of the patient.

### C. Management of Conflict of Interest

- All outside interests must be disclosed at least annually and the disclosure reviewed by the supervisor to determine if the outside interest constitutes a conflict.
- In cases in which the supervisor is concerned that a conflict may exist, a management plan must be created that separates the outside interest from the primary interest of patient care, education, or research and monitors the potential conflict.
- When the conflict is too intractable to be managed, the covered employee must divest the outside interest or discontinue conflicting internal responsibilities, at the discretion of the supervisor.
- Cases of disputes over the resolution of conflicts of interest should be referred to the Conflict of Interest Committee, a subcommittee of the Organizational Ethics Committee.
- In cases involving a Dartmouth Hitchcock Trustee or Trustee Committee, a designated trustee or trustee committee is responsible for disclosure review, management and any dispute review and resolution.

### V. References

Department of Health and Human Services, Federal Register Rules and Regulations 42 CFR Parts 402 and 403; Vol. 78, No. 27/Friday February 8, 2013, pp 9458-9528

### VI. Footnotes

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<sup>1</sup> Department of Health and Human Services, Centers for Medicare & Medicaid Services 42 CFR Parts 402 and 403 Open Payment (Physician Sunshine Act) 2013, 9490.

<b>Responsible Owner:</b>	Organizational Ethics	<b>Contact(s):</b>	Brittany Riordan
<b>Approved By:</b>	Office of Policy Support - Organizational Policies Only; Organizational Ethics Committee	<b>Version #</b>	3
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<b>Related Polices &amp; Procedures:</b>	<a href="#">Conflict of Interest (COI) Consulting and Vendor Sponsored Activities Policy</a> <a href="#">Conflict of Interest Policy (COI) - Personal Gifts including Meals, Travel, and Education</a> <a href="#">Conflicts of Interest (COI) in Research Policy</a> <a href="#">Code of Ethical Conduct-D-H</a>		
<b>Related Job Aids:</b>			