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RECOGNIZED
COORDINATING
ENTITY

Standard Operating Procedure (SOP): Conflicts of Interest

Applicability: Deliberative Bodies

1 PURPOSE

The RCE will rely upon input from a variety of groups to help it effectively operate the activities under the Common Agreement in accordance with its obligations to ONC under the Cooperative Agreement. These groups include, but are not limited to, the Transitional Council, Governing Council, Advisory Groups, workgroups and committees of these (referred to collectively as Deliberative Bodies). It is important that recommendations of the Deliberative Bodies be trustworthy and not influenced by conflicts of interest of any member(s). The RCE recognizes that the individuals who agree to serve on Deliberative Bodies will have some level of involvement in the healthcare landscape and some interests in matters that come before these groups. This is quite normal and is not, by itself, a reason that an individual should be prevented from serving on any Deliberative Body. It is important that the RCE have a process to assure that each individual who serves will act in the best interests of the activities under the Common Agreement in all their decisions. This will help promote trust in the decisions that are made by any Deliberative Body.

2 PROCEDURE

1. Actual or Potential Conflicts of Interest (as defined below) shall be fully disclosed by all members of a Deliberative Body to the RCE and other members of the Deliberative Body. This assures that the RCE and members of the Deliberative Body are aware of the Actual or Potential Conflict of Interest as matters are being discussed and deliberated. If any member of a Deliberative Body believes that another member of the same Deliberative Body has an Actual or Potential Conflict of Interest in any matter being considered by that Deliberative Body, the member has the right to assert the Conflict of Interest to the Co-Chairpersons or other Presiding Officer, in consultation with the RCE, as soon as the member asserts that an Actual or Potential Conflict may exist. A member is not permitted to delay asserting their concern that an Actual or Potential Conflict of Interest exists. The Co-Chairpersons or the Presiding Officer shall consider the asserted Conflict of Interest in consultation with the RCE and shall determine whether an Actual or Potential Conflict of Interest exists and what the appropriate remedy shall be under the circumstances. The Co-Chairpersons or Presiding Officer shall be guided by the following principles:
 - A. An Actual Conflict of Interest exists when a member has a direct or an indirect financial interest in a matter being considered by a Deliberative Body. This includes, but is not necessarily limited to any type of ownership or investment interest by the member, or a spouse or sibling, of greater than 10% in any

entity that stands to benefit or be harmed by a matter under consideration or any compensation arrangement with any entity that stands to benefit or be harmed by a matter under consideration.

- B. A Potential Conflict of Interest exists when a member has any material personal or financial interest in a matter that does not rise to the level of an Actual Conflict of Interest but could still reasonably be considered to influence a member in carrying out their duties for the Deliberative Body. An interest is considered “material” for purposes of this SOP if it would reasonably be expected to influence a member’s decision making or impair a member’s ability to exercise his/her judgment in the best interests of the activities under the Common Agreement.
 - C. If the Co-Chairpersons or Presiding Officer determines that a member has an Actual Conflict of Interest, then the member must recuse themselves from any discussion of the matter that involves the Conflict of Interest. The member may not vote on any aspect of that matter.
 - D. If the Co-Chairpersons or Presiding Officer determines that a member has a Potential Conflict of Interest that does not rise to an Actual Conflict of Interest, the member shall disclose the Potential Conflict of Interest to the Deliberative Body and the Deliberative Body shall decide whether the member may participate in discussions of the matter. However, the member shall not be allowed to vote on any matter in which the member has a Potential Conflict of Interest.
2. A member who is determined to have an Actual or Potential Conflict of Interest but does not agree with this determination may appeal this determination to the appropriate Deliberative Body for a review of the determination by the full membership of the Deliberative Body. The Deliberative Body shall expedite its review of any determination that an Actual or Potential Conflict of Interest exists for a member and shall take a formal vote on the appeal so that the decision is memorialized in the record. The member who is appealing the decision shall not be allowed to vote.

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