

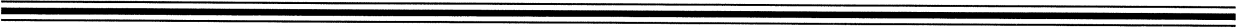
(was MCCMH Policy (10-20-010))



Chapter: **DIRECTLY-OPERATED PROGRAM MANAGEMENT**  
Title: **CONFLICT OF INTEREST**

Prior Approval Date: 9/6/02  
Current Approval Date: 7/30/09

Approved by: Donald S. Halikup      7/30/09  
Executive Director      Date



**I. Abstract**

This policy establishes standards and procedures of the Macomb County Community Mental Health Board (MCCMH) regarding conflict of interest for MCCMH employees and independent contractors.

**II. Application**

This policy shall apply to the MCCMH administrative offices and to all directly-operated network providers of the MCCMH Board.

**III. Policy**

It is the policy of the MCCMH Board that MCCMH employees and independent contractors shall abide by MCCMH MCO Policy 10-010, "Conflict of Interest."

**IV. Definition**

A. Conflict of Interest  
Any situation in which employees or independent contractors of the MCCMH Board receive personal or familial monetary gain or consideration (outside of their salary or contracted reimbursement rate), directly or indirectly, as a result of or related to their position as employees or independent contractors of the MCCMH Board; or

Any activities engaged in by employees or independent contractors of the MCCMH Board that could compromise the integrity of the MCCMH Board or Macomb County in the execution of their legally mandated responsibilities or duties.

## **V. Standards**

- A. Participation by MCCMH employees or independent contractors in activities which create or result in a conflict of interest is prohibited.
- B. Investigation into alleged conflict of interest may be initiated at the Executive, Supervisor, Program Manager, or Division Director level.
- C. The MCCMH Executive Director/designee may suspend the MCCMH employee with pay or the services of the independent service contractor, pending a hearing for determination on the conflict of interest allegation.
- D. A finding of a conflict of interest shall result in requests, rulings, or actions by the MCCMH Executive Director/designee to eliminate the conflict of interest situation.
- E. Failure of the MCCMH employee or independent contractor to comply with the requests, rulings, or actions of the MCCMH Executive Director may be cause for disciplinary action up to and including termination of employment or revocation of contractual status with the MCCMH Board.

## **VI. Procedures**

- A. MCCMH Employees/Independent Contractors
  - 1. Information regarding conflict of interest allegations regarding MCCMH employees and independent contractors shall be brought to the attention of the Supervisor or Program Manager of the program/office to whom the identified MCCMH employee reports or where the independent contractor provides a service.
  - 2. The Supervisor or Program Manager shall discuss the situation with the MCCMH employee/ independent contractor.
  - 3. If after discussion with the MCCMH employee/ independent contractor, the Supervisor or Program Manager believes that a potential conflict of interest may exist, he/she shall prepare a report which details pertinent information regarding the alleged conflict of interest situation. This report may include recommendations from the Supervisor or Program Manager regarding possible resolution of the alleged conflict of interest situation. This report shall be submitted to the Director for the Division.
  - 4. The MCCMH employee/independent contractor may submit to the Division Director information which explains or otherwise describes his/her interpretation of the alleged conflict of interest situation.

5. The Program Manager and/or Division Director shall confer with the MCCMH Deputy Director who may, if necessary, consult with and obtain interpretations or rulings from other County departments, e.g., Corporation Counsel, Human Resources, etc., to assist in resolving the conflict of interest issue(s).
6. The Deputy Director shall make recommendations to the Executive Director on the resolution of the conflict of interest situation.

**B. Requests, Rulings, Actions**

1. The MCCMH Executive Director, in consultation with the Deputy Director, shall make a final determination on the conflict of interest issues.
2. The MCCMH Executive Director/designee shall issue any requests or rulings on the conflict of interest situation and take action as determined appropriate in his/her discretion. Such requests, rulings, or actions by the MCCMH Executive Director/designee shall be transmitted to the employee/independent contractor, Supervisor, Program Manager, Division Director, and the administrative file.

C. In the event the MCCMH employee/independent contractor is in disagreement with the interpretation given or actions taken, he/she may request, in writing, of the Executive Director, that the matter be reconsidered by the Personnel Committee of the MCCMH Board for recommendations to the full MCCMH Board for final action. As with other MCCMH Board actions regarding personnel issues, rulings or interpretations shall be consistent with current Macomb County Personnel Policies. Actions of the MCCMH Board in such matters shall be final. Requests for further review by the Personnel Committee shall not be construed as a grievance unless the MCCMH union-represented employee so wishes and follows the grievance procedures as outlined in the applicable Agreement between Macomb County and the recognized union.

D. Failure to comply with the rulings or actions issued by the Executive Director/designee, may be cause for disciplinary action up to and including termination from employment or revocation of contractual status with the MCCMH Board.

**VII. References / Legal Authority**

- A. 1987 Michigan Department of Community Health Administrative Rules, R 330.2067(g)

**VIII. Exhibits**

- A. None.