

**American Health Care Association/National Center for Assisted Living**  
**Conflict of Interest (COI) and Confidentiality Policy**  
**Frequently Asked Questions**

**1. What is the AHCA/NCAL COI and Confidentiality policy?**

*The American Health Care Association (AHCA) and the National Center for Assisted Living (NCAL) are dedicated to improving lives by delivering solutions for quality long term care. The integrity of AHCA/NCAL, and the activities it undertakes, depends on the avoidance of conflicts of interest, or even the appearance of such conflicts, by the individuals involved in those activities.*

*Each volunteer should have reviewed the agenda for today's meeting and if a potential or actual conflict is noted on the agenda that was not disclosed earlier then the volunteer should immediately disclose the potential or actual conflict to the Chair of the meeting. Further, any member with a conflict agrees to recuse himself/herself from discussion and/or voting on any topics since the conflict may interfere with the volunteer's ability to provide unbiased loyalty to AHCA/NCAL.*

*It is understood that as volunteers we shall exercise care not to disclose confidential information acquired in connection with our role and will not disclose information which might be adverse to the intent of AHCA/NCAL. Furthermore, we shall not disclose or use information relating to the business of AHCA/NCAL for personal profit or advantage.*

**2. When will the policy go into effect?**

The policy is effective immediately.

**3. Who created the AHCA/NCAL COI and Confidentiality policy?**

Members of a work group included the AHCA Executive Committee, two state affiliate executives and two AHCA Legal Committee members.

**4. Why do we need a COI and Confidentiality policy?**

The AHCA/NCAL COI and Confidentiality policy was formed due to some member concern over potential divided loyalties with members of AHCA/NCAL Committees.

**5. What are the potential areas of conflict?**

- a. **Governing Board/Organization Membership** - Relationships with other organizations, including any current or prospective leadership role in, or other relationship with, any other association, society or foundation (*e.g.*, board member, committee member, advisor, contributor)
- b. **Employment** - Employment, consulting, or other compensation arrangements, including honoraria, involving payments of more than \$5,000.00 per year or \$10,000.00 over a three-year period that are current, prospective or have occurred within the past three years where actual or potential conflict may exist.
- c. **Financial Interests** - Material financial interests of the volunteer, or anyone within the volunteer's immediate family or with whom the volunteer directly shares income, held in a commercial entity that provides products or services to the AHCA/NCAL, or reasonably may be anticipated to conflict with the interests of the AHCA/NCAL.
- d. **Other Relationships** - Relationships with third party vendors that may benefit from any confidential information of AHCA/NCAL plans and strategies.

**6. What is the role of an AHCA/NCAL committee staff liaison?**

Beginning January 2015, staff liaisons will include the statement of AHCA/NCAL's COI and Confidentiality policy on every meeting and conference call agenda similar to the current Antitrust Policy. Staff liaisons are asked to send these out in advance of the meeting or conference call to allow members time to review the policy and the agenda for the upcoming meeting.

**7. What is the role of an AHCA/NCAL committee Chair/Co-Chair/Vice Chair?**

Once or twice a year, typically during face-to-face meetings, the Chair, Co-Chair or Vice Chair will read the COI and Confidentiality policy aloud. At the start of every committee meeting or conference call, the Chair, Co-Chair or Vice Chair will ask members if they have any actual or potential conflicts with any agenda items. If a member does have a conflict, it should be disclosed at that time.

**8. What happens if a committee member has a conflict?**

If there is an actual conflict then the member shall recuse himself/herself from discussion and/or voting on the conflicted issue. If a committee member believes another member has not appropriately disclosed a conflict, that member may file a grievance to AHCA/NCAL's General Counsel, Dianne De La Mare at [delamare@ahca.org](mailto:delamare@ahca.org) who will rule on the issue.

**9. What forms do committee members need to sign?**

In February 2015 and again at the beginning of each committee appointment, an email will be sent to all committee/council/work force/task force members letting them know about the new policy. Included will be a link for each member to certify they:

- a. Will exercise care not to disclose confidential information
- b. Have read the policy and will comply with it
- c. Will disclose any potential or actual conflict at any meeting that includes an agenda item where actual or potential conflict exists
- d. Will recuse self from discussion and/or voting on any topics where a conflict exists

The member will have 30 days from receipt of the email to sign the policy.