

# Conflict of Interest

WHO ME? COULDN'T BE.

Office of **HiV** Planning  
Philadelphia

Updated: February 25, 2021

# What is a conflict of interest?

A conflict of interest is an actual or perceived interest by a planning body member in an action which results in personal, professional, or organizational gain.

**What does that  
mean for me as a  
planning body  
member?**


**CONFLICT OF INTEREST IS  
CHARACTERISTIC OF THE NATURE OF  
PLANNING COUNCIL MEMBERSHIP  
BECAUSE MOST MEMBERS WHERE MANY  
HATS AND ULTIMATELY PLAY MORE THAN  
ONE ROLE (I.E., EMPLOYEES,  
CONSULTANTS, ADVISORY BOARD  
MEMBERS) DUE TO THEIR AFFILIATION  
WITH OTHER ORGANIZATIONS.**

# CONFLICT OF INTEREST CARE REQUIREMENTS

No Planning Council involvement in the management of grant award funds (Recipient Function).

No Planning Council involvement in the selection of which entities receive grant funds (Recipient Function).


Planning Council members should be mindful and not discuss specific providers in deliberations regarding services and allocations.



# What do the bylaws say?

→ Section 1.

The Planning Council shall have no role in determining the specific agencies or organizations with whom the recipient, their fiscal agents, or other designees may contract for the delivery of health services utilizing Ryan White HIV/AIDS Part A Program or CDC funds.



# What do the bylaws say?

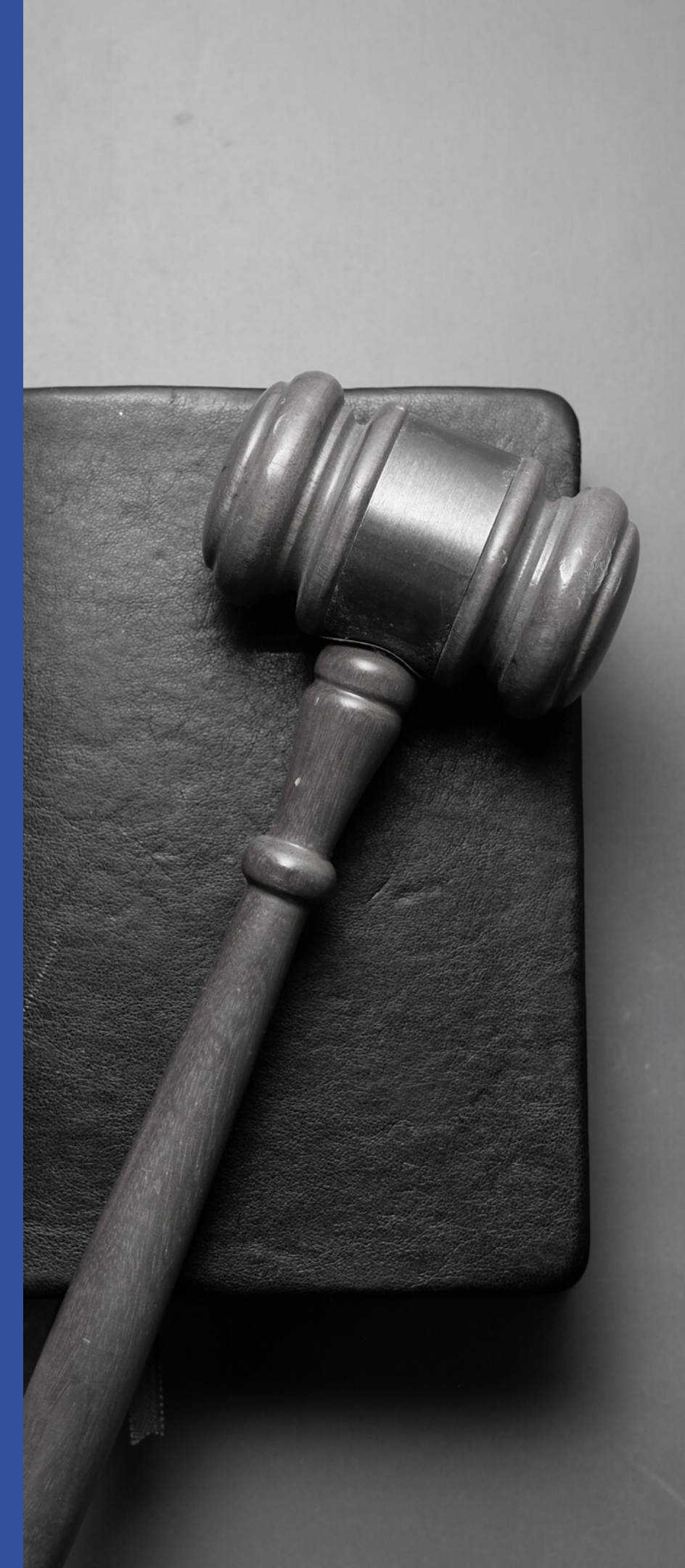
→ Section 2.

The rules contained in this section apply to all members, members of committees, work groups, task forces and technical advisory groups, staff members, contractors and consultants to the Planning Council, and all of whom shall be referred to as Planning Council for the purposes of this section.

# Bylaws, continued

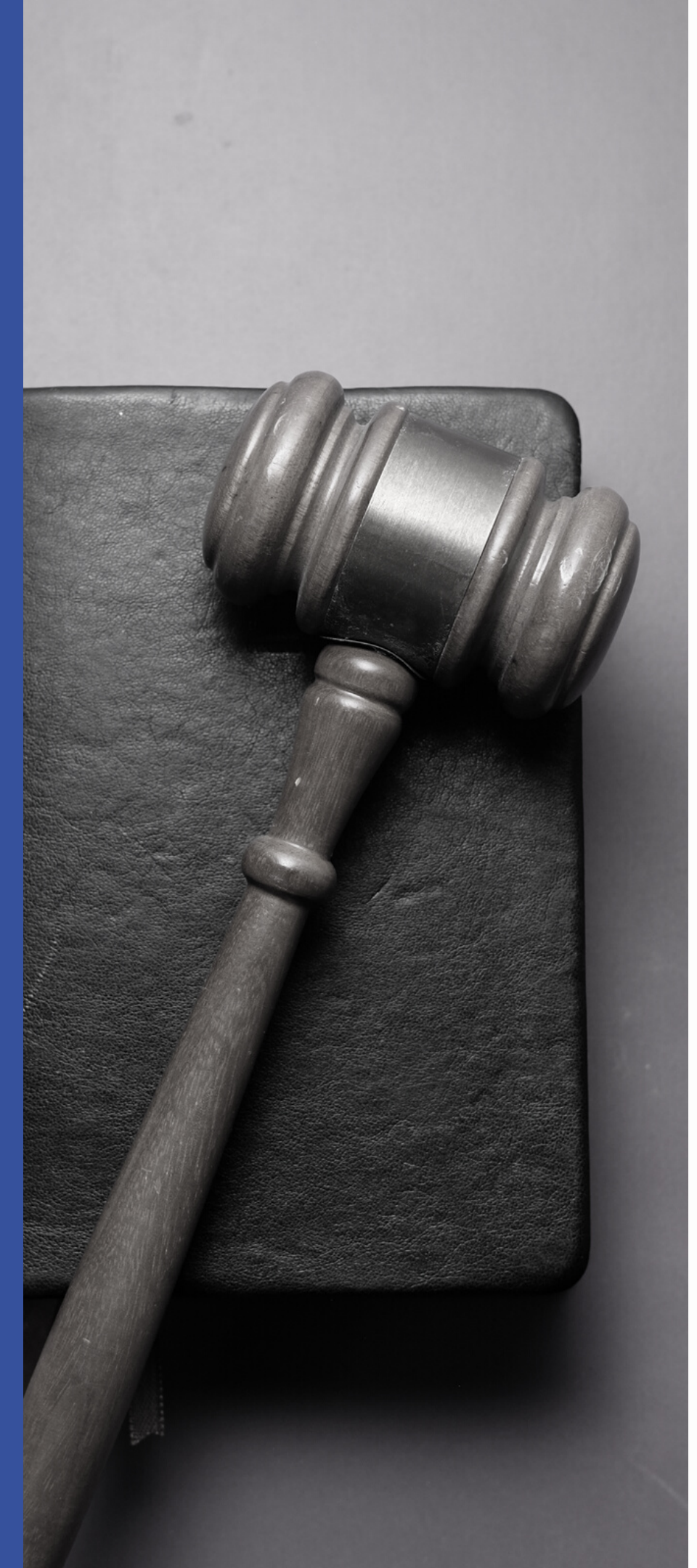
**a.** NO PLANNING COUNCIL MEMBER SHALL USE HIS OR HER RELATIONSHIP WITH THE PLANNING COUNCIL FOR PRIVATE GAIN.

**b.** WHENEVER ANY MATTER ARISES WITH RESPECT TO WHICH A PLANNING COUNCIL MEMBER EITHER HAS A CONFLICT OF INTEREST OR HAS ANY QUESTION ABOUT THE EXISTENCE OF A CONFLICT, HE OR SHE SHALL MAKE A FULL DISCLOSURE OF SUCH CONFLICT OR POSSIBLE CONFLICT BEFORE THE MATTER IS DISCUSSED.



# Bylaws, continued

**C.** PERSONS WHO HAVE  
CONFLICTS OF INTEREST AS  
DEFINED HEREIN MAY  
PARTICIPATE IN THE  
DISCUSSION IN QUESTION BUT  
SHALL NOT VOTE.





# Conflict of Interest, Defined

- d.** For the purposes of this paragraph, conflict of interest shall be defined as a direct financial or fiduciary interest, which shall include, without limitation, ownership, employment, contractual, creditor, or consultative relationship to, or Board membership in, an entity or individual, or in a substantial affiliate of such an entity including any such interest that existed at any time during 12 months preceding the vote, with respect to which a vote is to be taken. This shall not preclude such member from voting on matters affecting a large group of entities or individuals including the one in which he or she has an interest. Such a member shall not, however, vote on a matter affecting only the particular entity or individual he or she has an interest or a small group of entities or individuals including such particular entity or individual.

# Questions?

Reach out to the staff at OHP,  
we're happy to help.

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