Conflict of Interest and Related Policy Bulletins

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Agenda

• What Governs our Actions?
• Definition
• HRSA’s Policy on Conflict of Interest
• Legislative Mandates
• Policy Questions and Answers
• Wrap Up
What Governs Our Actions?

• Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards
  • [https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=501752740986e7a2e59e46b724c0a2a7&ty=HTML&h=L&r=PART&n=pt45.1.75](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=501752740986e7a2e59e46b724c0a2a7&ty=HTML&h=L&r=PART&n=pt45.1.75)

• HRSA Policy Bulletins

• Notice of Funding Opportunity and Notice of Award
  • [https://www.hrsa.gov/grants/fundingopportunities/default.aspx](https://www.hrsa.gov/grants/fundingopportunities/default.aspx)
What is Conflict of Interest?

• Conflict of Interest Defined (45 CFR § 75.112)
  • A significant financial interest that could directly compromise or bias professional judgment and objectivity related to the management of federal financial assistance.
  
  • Broadly defined, a potential conflict of interest includes external connections that may or may not appear to improperly bias an award recipient’s judgment in performing his or her job responsibilities related to their federal award.
Why Focus on Conflict of Interest?

- Good business practice
- Helps preserve integrity
- Improves your organization’s internal controls
- HRSA award recipients are REQUIRED to have a written conflict of interest policy
Testing for a Conflict of Interest

• **Reasonable person test**
  • If a reasonable, disinterested person would conclude that an individual might emphasize personal interests over other interests for which he/she has responsibility, there is, at the very least, the appearance of a conflict of interest.
Why Potential Conflict of Interest?

• Because a lot depends on the circumstances.
  • For example, if steps are taken to remove an employee with a potential conflict of interest from being involved in a project. That may be a solution.
Examples

- Accepting personal gratuities.
- Using or disclosing confidential information.
- Maintaining roles that conflict.
- One person overseeing all aspects of subcontracting or sub-awards.
- Competing financial interests.
- Conflicting employment outside the organization.
HHS requires that HRSA establish conflict of interest policies for federal awards that:

1. Address conditions under which outside activities, relationships, or financial interests are proper or improper;

2. Provide for advance notification of outside activities, relationships, or financial interests, and a process of review as appropriate; and

3. Outline how financial conflicts of interest may be addressed.
Elements of HRSA’s Federal Financial Assistance Conflict of Interest Policy

- Purpose
- Applicability and Relationship to other Policies
- Definitions
- Situations Requiring Disclosure
- Disclosure Requirements by Recipient Type
- Timing of Disclosures
- Content of Disclosures
- HRSA Actions
HRSA’s Federal Financial Assistance Conflict of Interest Policy

- Uniform Guidance Requirement (45 CFR §75.112)
- Sub-grants/ Subcontracts
- Disclosure Requirements to HRSA
Conflict of Interest - Exceptions

• Program statutes and regulations

• Does not apply to scientific conflicts of interest for research projects

• However this still applies when pass-through entity gives a subaward for scientific collaboration
What to do in Cases of a Conflict of Interest?

• Follow your organization’s conflict of interest policy.

• Do you think you have a conflict?

• Report it!

• Disclosure requirements.

• Failure to make required disclosures may result in additional conditions and could result in suspension or debarment.
What will HRSA do?

• Term and Condition in NoA
• Review
• Respond
Take Away

• Conflicts of interest are more frequent than we think. Be alert to the **risk**.

• A **perceived** conflict is as potentially damaging as a real conflict.

• Err on the side of caution. It’s better to **over-disclose** than under-disclose.

• HRSA’s Financial Assistance Conflict of Interest Policy:
Where Can I Find Related Policies on HRSA’s Website?
Legislative Mandates in Grants Management for FY 2018

FY 2018 Consolidated Appropriations Act 2018 (Public Law 115-141), signed into law on March 23, 2018:

• Provides funding to HRSA for the fiscal year ending September 30, 2018.
• Includes statutory provisions that limit the use of funds on HRSA grants and cooperative agreements for FY 2018.
Legislative Mandates in Grants Management for FY 2018

Division H, Title II:

• (1) Salary Limitation (Section 202)

• (2) Gun Control (Section 210)

• (3) Anti-Lobbying (Section 503)

• (4) Acknowledgment of Federal Funding (Section 505)
Legislative Mandates in Grants Management for FY 2018

Division H, Title II (cont’d):

• (5) Restriction on Abortions (Section 506)

• (6) Exceptions to Restriction on Abortions (Section 507)

• (7) Ban on Funding Human Embryo Research (Section 508)

• (8) Limitation on Use of Funds for Promotion of Legalization of Controlled Substances (Section 509)
Legislative Mandates in Grants Management for FY 2018

Division H, Title II (cont’d):

- (9) Restriction on Distribution of Sterile Needles (Section 520)
- (10) Restriction of Pornography on Computer Networks (Section 521)
- (11) Restriction on Funding ACORN (Section 522)

Division E, Title VII:

- (12) Confidentiality Agreements (Section 743)
Contact Information

For questions concerning the content of this presentation, please contact:

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If you have a question or concern regarding a specific grant issue or program:

For budget, reporting and other grant administrative requirement questions, please contact your Grants Management Specialist.

For project goals, scope, and other programmatic requirement questions, please contact your Project Officer.

Full contact information for both individuals is listed on the last page of your most recent Notice of Award.
Questions?

Find HRSA:

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