

## INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION

# RULE ON CONFLICT OF INTEREST

**ADOPTED: DRAFT**

**EFFECTIVE: DRAFT**

AMENDMENT HISTORY (LIST WHEN AMENDED AND CITE SECTION NUMBER):

- None

CHAPTER 11 – Rule on Conflicts of Interest

### **11.1 Authority**

This chapter is promulgated by the Interstate Commission pursuant to the Interstate Medical Licensure Compact section 12. The rule shall become effective upon adoption by the Interstate Commission and retire IMLCC Policy #2 – Policy on Conflict of Interest.

### **11.2 PURPOSE**

Interstate Medical Licensure Compact (IMLC) commissioners and staff members occupy positions of trust and good faith and are obligated to act in the best interest of the IMLC and its member boards without regard to their personal benefit or the interests of other organizations with which they are associated. Commissioners and staff members shall disclose all actual or perceived conflicts of interest and shall recuse themselves from all discussions and decisions when a conflict of interest has been disclosed or identified, except for situations as outlined in this rule.

### **11.3 DEFINITIONS**

***Conflict of Interest*** – An actual or perceived conflict of interest exists when a financial or other relationship might directly or indirectly benefit the private or personal interests of a Commissioner or staff member, or prejudice a Commissioner or staff member in business before the IMLC Commission. A majority of the Commissioners present may determine if an actual or perceived conflict of interest exists for a Commissioner or staff member.

***Financial Interest*** – Is an interest, whether through commitment, investment, relationship, obligation, involvement, loan, donation, exchange transaction, or otherwise, direct or indirect, that may influence a person's judgement.

***Gift*** – Is any item or service with monetary value in excess of \$50.00 offered to the IMLC, a Commissioner or a staff member without the expectation of compensation to the contributor. The gift might be tangible or intangible.

## 11.4 REQUIREMENTS

- (1) **Duty to Disclose.** Commissioners and staff members have a duty to disclose all actual and perceived conflicts of interest for themselves or other Commissioners or staff members. The disclosure should be made to the meeting Chair, Secretary of the IMLCC, or the IMLCC Legal Counsel, preferably prior to the commencement of the meeting, but in no case later than the commencement of the discussion of the agenda item.
- (2) **Personal recusal.** Commissioners and staff members who disclose a personal conflict of interest shall recuse themselves from all discussions and decisions, on the matter. Should the personal recusal be perceived rather than an actual conflict, a majority of the Commissioners present may determine if the perceived conflict requires recusal. The recusal shall be recorded in the meeting minutes or in a disclosure form provided at the initiation of a meeting.
- (3) **Commission-directed recusal.** If a Commissioner or staff member becomes aware of the existence of an actual or perceived conflict of interest of another Commissioner or staff member, that information shall be provided to the meeting Chair, Secretary of the IMLCC, or the IMLCC Legal Counsel. A motion requesting that a vote be held to determine if the disclosed conflict of interest raises an unacceptable risk of bias or prejudgment in matters to be discussed may be made by the Chair or any other Commissioner. A second to the motion is required. Upon the vote of a majority of the Commissioners present in favor of the motion will result in the Commissioner or staff member being recused from discussion of or voting on the matter. The motion, results of the vote, and the recusal shall be recorded in the meeting minutes.
- (4) **Gifts.** The IMLC Commission shall maintain a public listing of all gifts.
- (5) **Annual review of this policy.** Each IMLC commissioner and staff member shall annually sign a statement which affirms such person:
  - a. Has received a copy of the conflict of interest policy,
  - b. Has read and understands the policy,
  - c. Has disclosed any and all Conflicts of Interest or state that none exist, and
  - d. Has agreed to comply with this rule.

## 11.5 ADMINISTRATION OF THIS RULE

The Secretary of the IMLC Commission shall be responsible for administering this rule. The IMLC Commission Rules and Administrative Procedures Committee shall be responsible for ensuring that this rule is current, compliant with all statutory requirements and case law, and consistent with other applicable standards.