

Effective Date: May 23, 2013

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Approved by: Region II Human Services Governing Board

Nebraska Revised Statute §71-809(4) (a) states that each regional behavioral health authority shall “establish definitions of conflicts of interest for regional behavioral health authorities and procedures in the event such conflicts arise.” As required by said statute, Region II Human Services has developed the following conflict of interest policy:

Definition of Conflict of Interest:

A conflict of interest may exist when the Region and/or providers have a competing interest in a service that may be impacted (financially or otherwise) by a decision that is under the authority of the Region. Examples of a conflict may include, but not be limited to the following: funding cuts occur and there is not an objective and uniform way for the Region to apply cuts due to variances in contract terms, units performed and unperformed, and other factors, then a conflict of interest may exist. A conflict may also arise if a service provider's contract is prematurely terminated or said provider is not fulfilling their contractual obligation and there are no competitive bids for replacement services and the Region must fulfill the remainder of the contract term and a determination needs to be made as to what portion of the contract funds are to be paid to the provider and to the region for service provided or to be provided. A conflict may arise over the determination of whether a provider is fulfilling their contractual obligation. Other real or perceived conflicts of interest may also arise that are not in the contemplation of the Region at the time of the adoption of said policy.

Procedures for Handling Conflict of Interest:

If a potential conflict of interest arises or a conflict of interest is asserted by a third party, Region II Human Services shall take the following action:

- a) If a conflict is being alleged by a third party, the Region will inform the third party to set forth in writing the details of the alleged conflict of interest and provide any supportive documentation. Said information is to be shared with the Region II Human Services Governing Board.
- b) When the Region believes that a conflict of interest may have arisen, the Regional Administrator will provide the Region II Human Services Governing Board with a written statement of the alleged conflict of interest and any supportive documentation. Upon receiving a statement alleging a conflict of interest, the matter will be set to be heard at the next scheduled Governing Board meeting for consideration. The Governing Board will review all relevant information available to them regarding the alleged conflict of interest and take the appropriate action under the circumstances which would include, but not limited to following:
 - 1) Make a determination that a conflict of interest does not exist and set forth in writing the reasons therefore and provide said written determination to all interested parties. No further action is required.
 - 2) Make a determination that additional information is required, continue the matter for further consideration and take action as appropriate to acquire the additional information.
 - 3) Make a determination that a conflict does exist and refer the matter to a neutral entity for resolution. That entity would include, but not be limited to, the State Director of the Division of Behavioral Health.
 - 4) With the agreement of all interested parties, refer the matter to mediation in order to facilitate a resolution. If the parties are not able to successfully mediate said matter, referral will be made to a neutral entity as set forth in Provision 3 above.