

Ma4 CONFLICT-OF-INTEREST PLAN

In order to ensure an impartial, accurate and fair approach to assisting consumers that are enrolling in the marketplace, the Missouri Alliance (dba Association) of Area Agencies on Aging (ma4) has adopted the following pursuant to **45 CFR 155.210 (d) and 45 CFR 155.215**.

A. Conflict of Interest Definitions. “Conflict of interest” refers to using one’s position for purposes that are, or give the appearance of being, motivated by a desire for private financial or other gain for oneself or others, such as those with whom the individual or organization has family, business, or other ties.

1. "Significant financial interest" means anything of monetary value, including, but not limited to, salary or other payments for services (e.g., consulting fees or honoraria); equity interest (e.g., stocks, stock options or other ownership interests); and intellectual property rights (e.g., patents, copyrights and royalties from such rights). The term does not include the following:
 - a. salary, royalties or other remuneration from the partner organization;
 - b. income from seminars, lectures, or teaching engagements sponsored by public or non-profit entities;
 - c. income from service on advisory committees or review panels for public or nonprofit entities;
 - d. an equity interest that, when aggregated for the individual and the individual’s spouse and dependent children, meets both of the following tests: does not exceed \$10,000 in value as determined through reference to public prices or other reasonable measures of fair market value, and does not represent more than a 5% ownership interest in any single entity; or
 - e. salary, royalties or other payments that, when aggregated for the individual and the individual’s spouse and dependent children, are not expected to exceed \$10,000 during the prior twelve-month period.
2. “Or other interest” means a non-financial benefit which results in a potential or real conflict of interest. The potential or real conflict of interest poses the same possible harms received from a financial conflict of interest such as bias due to personal gain. Such benefits may be received from a tangible or intangible personal benefit.
3. “Organizational conflicts of interest” means that because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.

B. Conflict-of-Interest Standards. The following conflict-of-interest standards apply in an Exchange operated by HHS during the exercise of its authority under **§155.105(f)** and to non-

Navigator assistance personnel funded through an Exchange Establishment Grant under section **1311(a)** of the Affordable Care Act:

1. Conflict-of-interest standards for Navigators.

- a. All Navigator entities, including Navigator grant applicants, must submit to the Exchange a written attestation that the Navigator, including the Navigator's staff:
 - (1) Is not a health insurance issuer or issuer of stop loss insurance;
 - (2) Is not a subsidiary of a health insurance issuer or issuer of stop loss insurance;
 - (3) Is not an association that includes members of, or lobbies on behalf of, the insurance industry; and
 - (4) Will not receive any consideration directly or indirectly from any health insurance issuer or issuer of stop loss insurance in connection with the enrollment of any individuals or employees in a QHP or non-QHP. **(Cited in the ma4 Navigator Code of Ethics)**

- b. All Navigator entities must submit to ma4 a written plan to remain free of conflicts of interest during the term as a Navigator.

- c. All Navigator entities, including the Navigator's staff, must provide information to consumers about the full range of QHP options and insurance affordability programs for which they are eligible.

- d. All Navigator entities, including the Navigator's staff, must disclose to ma4 and, in plain language, to each consumer who receives application assistance from the Navigator **(cited in the ma4 Navigator Disclosure Statement)**:
 - (1) Any lines of insurance business, not covered by the restrictions on participation and prohibitions on conduct in §155.210(d), which the Navigator intends to sell while carrying out the consumer assistance functions;
 - (2) Any existing employment relationships, or any former employment relationships within the last 5 years, with any health insurance issuers or issuers of stop loss insurance, or subsidiaries of health insurance issuers or issuers of stop loss insurance, including any existing employment relationships between a spouse or domestic partner and any health insurance issuers or issuers of stop loss insurance, or subsidiaries of health insurance issuers or issuers of stop loss insurance; and
 - (3) Any existing or anticipated financial, business, or contractual relationships with one or more health insurance issuers or issuers of stop loss insurance, or subsidiaries of health insurance issuers or issuers of stop loss insurance.
 - (4) No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by ma4 Navigator funding if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or

anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value.

2. Conflict-of-interest standards for ma4 Responsible Representative/Project Director (PD).
 - a. The PD is subject to ma4's Personnel Policies and Administrative Procedures, Guidelines and Benefits which address conflict of interest for employees. As an employee, the PD is required to disclose any potential conflict of interest to the ma4 Board. This policy eliminates conflicting financial or other interests with respect to CMS grant/cooperative agreement funds.
 - b. The PD must disclose to the Board all significant financial and/or other interests including personal relationships of the PD (for example, spouse, dependent children, etc.):
 - (1) that would reasonably affect or appear to be affected by the grant activities funded or proposed for funding by CMS; or
 - (2) in entities whose financial or other interests would reasonably affect or appear to be affected by such activities.
 - c. The ma4 Board will
 - (1) review the potential conflict of interest;
 - (2) determine whether a potential (appearance of) or real conflict of interest exists; and
 - (3) establish what conditions or restrictions should be imposed to eliminate the conflict of interest.
 - d. Prior to expending funds under a new CMS award, ma4 will inform the applicable CMS Grants Management Specialist and Project Officer of any real or potential conflict of interest. Ma4 will provide continual updates for any real or potential conflicts of interest not fully resolved. Ma4 will make additional information available to the CMS Grants Management Specialist and Project Officer, upon request, as to how it is handling (or has handled) the real or potential conflict of interest.
 - e. Ma4 will maintain records of all disclosures and of all actions taken to resolve conflicts of interest for at least three years beyond the termination or completion of the grant to which they relate, or until the resolution of any CMS action involving those records, whichever is longer.

C. Conflict-of-Interest Procedures.

1. Ma4 will maintain and adhere to a conflict-of-interest policy for the organization. Each participating subaward and subcontract partner must adopt, maintain and implement such a policy that complies with CMS requirements.

2. Each subaward and subcontract partner must use of the ma4 conflict-of-interest policy and plan or a policy and plan that comply with CMS requirements.
3. Navigator applicants must be screened by the AAA subaward directors for conflicts of interest. Any questions that arise must be reviewed by the ma4 Executive Director (Project Director).
4. Individual navigators must sign the ma4 Navigator Code of Ethics, which includes a conflict-of-interest statement, a disclosure policy, and a confidentiality policy.
5. The signed Code of Ethics, conflict-of-interest statement, a disclosure policy, and a confidentiality policy must be maintained in the navigator's personnel file along with their federal certifications and state licenses.
6. The AAA subaward directors must actively monitor their navigators' status. Conflict-of-interest questions are to be addressed during the bi-weekly meetings of the navigator project team. The Project must will poll the navigator project team at least quarterly to ensure compliance with the ma4 Conflict-of-Interest Policy and Plan.
7. The AAA subaward directors must report any identified conflicts within 30 days to the ma4 Executive Director (Project Director).
8. Instances that could pose a potential conflict of interest reported by the AAA directors to the Project Director will be discussed with the Project Officer for resolution.
9. If a conflict of interest does occur, it will be reviewed and acted upon by the Executive Committee of ma4.
10. Enforcement of the ma4 Conflict-of-Interest Policy and Plan may include but is not limited to the following actions:
 - a. Modification of the approved project to remove a potential or real conflict of interest;
 - b. Termination of the subaward or subcontract agreement or other services that create a potential or real conflict of Interest;
 - c. Removal of individuals with a potential or real conflict of interest;
 - d. Severance of relationships with individuals and/or organizations that create potential or real conflicts of interest;
 - e. Divestiture of significant financial interests.
11. Ma4 will maintain records of all disclosures of conflicts and of all actions taken to resolve conflicts of interest for at least three years beyond the termination or completion

of the grant to which they relate, or until the resolution of any CMS action involving those records, whichever is longer.

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