

COMMISSION ON AFFORDABLE HEALTH CARE

CONFLICTS OF INTEREST POLICY

10-28-14 (revised-3)

PURPOSE

The purpose of this policy is to:

- ensure that the activities of the Commission remain transparent to the public;
- protect the public's interest when the Commission is contemplating a decision or action that would benefit the private interest of a Commission member;
- assure that all individuals who, by virtue of their position, can influence decisions affecting work of the Commission, while performing their duties in an open and transparent manner;
- acknowledge that the members of the Commission were appointed based upon their expertise and representation of key market sectors. This background should not be considered a conflict so long as the personal financial interests of a particular Commission member do not influence their ability to be objective; and
- clarify the duties and obligations of Commission members in the context of potential, apparent, or actual conflicts of interest and, further, to provide such individuals with a method for disclosing and resolving such conflicts of interest.

This policy is intended to supplement state laws that could be otherwise applicable.

POLICY STATEMENT

This Commission has been established pursuant to the laws of the State of Colorado. It is the policy of this Commission that members of the Commission, including its committees and staff, undertake their respective responsibilities with an unbending duty of loyalty and fidelity to the Commission and the state of Colorado. Commissioners are to perform the affairs of this Commission honestly and openly, exercising their best care, skill and judgment for the benefit of the Commission and the general public of the state of Colorado.

Commissioners have an obligation to make full disclosure of all interests, actions, or relationships which might result in, or have the appearance of, a conflict or interest in satisfying their obligations to this Commission. In that regard, it is the policy of this Commission to ensure the disclosure of all potential, apparent or actual conflicts of interest in a timely manner.

DEFINITIONS

DIRECT ECONOMIC BENEFIT. A Commissioner has a Direct Economic Benefit if:

- (1) he or she has, or his or her spouse has, directly or indirectly, any ownership or investment interest in any entity which may be affected by the recommendations of the Commission; or
- (2) he or she, or his or her spouse, holds a position or serves in an occupation that might be impacted in a way that is different from those in a similar position in that same industry.

AFFILIATED INTEREST. A Commissioner has an affiliated interest if:

- (1) he or she, or his or her spouse, is employed by an entity or is a member of an entity, that would be financially impacted by the recommendations of the Commission.

PROCEDURES

DUTY TO DISCLOSE. In the event of any potential, apparent, or actual conflict of interest, the Commissioner must disclose the existence and nature of his or her Direct Economic Benefit or Affiliated Interest to the Commission prior to the consideration of the recommendation to be considered by the Commission.

COMMISSION ACTION. After disclosure of a potential, apparent, or actual conflict of interest, the Commission shall consider what, if any, impact the conflict of interest shall be given in considering the merits of any recommendation or report that the Commission may produce.

In no event shall a Commissioner be considered to be disqualified from consideration by the Commission solely because a Commissioner has a potential, apparent, or actual conflict of interest. However, all potential conflict of interests must be disclosed in a timely manner.

FAILURE TO TIMELY DISCLOSE CONFLICTS OF INTEREST. If the Commission, or any member thereof, has reasonable cause to believe that a member of the Commission has failed to disclose a potential, apparent, or actual conflict of interest, it shall inform the member of the basis for such a belief and afford such person an opportunity to explain the alleged failure to disclose.

If, after hearing the response of such person and after making such further investigation as may be warranted in the circumstances, the Commission determines that a Commissioner has in fact failed to disclose a conflict of interest, it may take appropriate corrective action, including the referral to the individual's appointing authority.

RECORDS OF CONFLICTS OF INTERESTS

The minutes of the Commission shall contain the names of all persons who disclosed a Direct Economic Benefit or an Affiliated Interest in connection with any matter that may be considered by the Commission, and the nature of the interest in question. The minutes of the Commission shall also contain any concerns that were raised regarding an undisclosed potential, apparent, or actual conflict of interest and the response of the involved Commissioner.

While it is the Commission's policy to hold all deliberations and decision making in public view, any matter which may disclose personal information that would fall within the personal information exemption, or other exemption, under the Colorado Open Meetings Act, may result in the Commission holding its deliberation in Executive Session. Records of such discussions may also not be available for disclosure under the Colorado Open Records Act.

STATEMENTS PERTAINING TO CONFLICTS OF INTEREST

The Commission shall present each Commissioner with a copy of the attached "Statements Pertaining to Conflicts of Interest." The purpose for such statements shall be to accomplish disclosure of all potential, apparent or actual conflicts of interest in advance. If a Commissioner becomes aware that a potential, apparent, or actual conflict may exist which has not been disclosed previously on such a statement, it shall be the responsibility of that Commissioner to disclose the conflict of interest to the Commission in a timely manner prior to any further Commission discussions or actions with respect to the relevant proposal.

**STATEMENT PERTAINING TO THE
COMMISSION ON AFFORDABLE HEALTH CARE
CONFLICTS OF INTEREST POLICY**

I have received a copy of the Conflicts of Interest Policy, have read and understand the Conflicts of Interest Policy, and in signing this document, I hereby agree to comply not only with the Conflicts of Interest Policy’s literal expression, but also with what I believe to be its intent.

My spouse and I may have certain financial interests or affiliated interests which may give rise to a potential, apparent, or actual conflict of interest, as set forth below. The nature of those interests, the specific proposals that the Commission may receive to which such conflicts may exist, and the reasons why such interests may give rise to a potential, apparent, or actual conflict of interest are as follows:

Please write “none” if applicable. Please attach additional sheets if additional space is needed.

I also hereby certify that if any possible proposal should be considered in the future with respect to which I have a potential, apparent, or actual conflict of interest, and which has not been disclosed in this Statement, I will promptly disclose the circumstances to the Commission and will comply with the Conflicts of Interest Policy in all regards with respect to such proposal.

Printed Name: _____

Signature: _____

Date: _____