

**County of San Bernardino
Department of Behavioral Health**

Conflict of Interest Policy

Effective Date 07/2004
Revision Date 02/12/2010



Allan Rawland, Director

Policy It is the policy of the Department of Behavioral Health (DBH) to ensure that each member of the DBH workforce, including interns and volunteers, do not engage in any employment, activity or enterprise that may be inconsistent, incompatible, or in conflict with their duties as a DBH employee. DBH workforce will acknowledge their understanding of this policy by completing the [Conflict of Interest Disclosure Statement](#).

Purpose The purpose of this policy is to:

- Formulate basic departmental rules specifying the kinds of outside employment, activity, or enterprise that is inconsistent and/or incompatible with employment at DBH.
- Mitigate possible conflicts of interest by conducting an annual review of the [Conflict of Interest Disclosure Statement](#) and providing immediate response to any DBH employee that may have an actual or potential conflict of interest.
- Provide a method for DBH workforce to request a review of their [Conflict of Interest Disclosure Statement](#) when a potential or actual conflict of interest exists.

Avoid the appearance of **actual or potential** conflict of interest between county employment and DBH staff's private practice/outside employment.

Conflict of Interest Disclosure Each member of the DBH workforce must complete the [Conflict of Interest Disclosure Statement](#):

- Upon start of employment
- Annually, **and**
- If a change in circumstances occurs, the DBH workforce member must immediately report within ten (10) working days of the change.

The DBH [Conflict of Interest Disclosure Statement](#) does not replace or is in lieu of Form 700, Statement of Economic Interests that public officials and designated county employees must complete.

Note: Failure to submit or refusal to submit a [Conflict of Interest Disclosure Statement](#) timely may result in disciplinary action up to and including termination of employment.

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Conflict of Interest Policy, Continued

Conflict of Interest Defined

An actual or potential conflict of interest may include, but is not limited to, the following:

- A DBH clinician referring any DBH client to any service in which the DBH clinician has a personal interest.
- A DBH employee referring and/or accepting any DBH client to any private practice or health care network which the DBH employee has a financial interest.
- Any activity in which a DBH employee's efforts may be subject to the control, inspection, review, audit, or enforcement of any other DBH employee, including:
 - Employment, practicing, or consulting privately at a facility which DBH utilizes for its clients.
 - Employment, practicing, or consulting for a non-contract facility which begins accepting DBH referrals or enters into a contract with the County.
 - Rendering any professional services which may be subject to audit by a DBH department or employee.
- A DBH employee who renders services to a DBH client in which those services are outside of the employee's scope of job classification.
- A DBH employee in private/contracted practice who provides services to a client and the client becomes a DBH client during the course of the relationship.
- Administrative, management, treatment, or case management staff assigned to San Bernardino County jail facilities accepting referrals to conduct PC 1368, PC 1368.1 or PC 1026 evaluations unless prior authorization is received by the appropriate Deputy Director.
- DBH workforce member engaging in any:
 - Outside activity which involves the use of County time, facilities, equipment or supplies.
 - Activity which involves the use for private gain or advantage of the uniform, prestige, or influence of the individual's County employment, including using County employment to contact and/or solicit clients for any private practice.
 - Outside employment involving time demands/schedules which negatively impacts the performance of his/her County duties.

Note: Employment at a facility specifically licensed for developmentally disabled clients is exempt from the policy.

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Conflict of Interest Policy, Continued

Waiver Request In some instances, a waiver request may be granted if it is determined that no conflict, real or perceived, exists and if advanced approval in writing is granted by the Director, Assistant Director, or Deputy Director. An employee may initiate waiver request by completing a memo and providing the memo to his or her clinic supervisor and program manager to be forwarded to the appropriate Deputy Director.

The waiver request will be subject to the review process provided below to include the Office of Compliance, Deputy Director, Assistant Director and/or Director. All applicable regulations will be taken into consideration in making the determination of whether a conflict of interest exists.

Review of possible conflict The Office of Compliance reviews all Conflict of Interest Disclosure Statements to determine if a conflict exists and will initiate contact with the employee if additional information is needed in making a determination.

If it is determined that a conflict...	Then...
does not exist	<ul style="list-style-type: none">• Waiver will be placed in employee's personnel file.• Memo will be sent to the employee to confirm that a conflict of interest does not exist as that time.
exist	<ul style="list-style-type: none">• Employee will be notified via a certified letter signed by the Deputy Director, Assistant Director, or Director.• A copy of the letter will be placed in employee's personnel file.• The Human Resources Officer will be notified for further action.• The employee will have 30 days from the receipt of the letter to come into compliance.

Consequences of Violations Staff who violate or found in violation with the policy described above will be subject to disciplinary action up to and including termination of employment. In addition, DBH will refer matter to the appropriate enforcement agencies.

References [California Government Code, Sections 1090, 1126 and 87100](#)
[Office of the Attorney General website, Conflicts of Interest](#)
[San Bernardino County, CA Code of Ordinances, Title 1, Div 3, Ch 7](#)
