

THE JOINT COMMISSION CONFLICT OF INTEREST

Section: Human Resources
Effective: January 1, 2008

PURPOSE

It is the mission of The Joint Commission to continuously improve the safety and quality of care provided to the public through the provision of health care accreditation/certification and related services that support performance improvement in health care organizations. The Joint Commission establishes this policy that will address conflicts and duality of interests in order to ensure that all activities and transactions remain true to the mission.

POLICY

The Joint Commission employees are expected to maintain high standards of professional and business integrity and to avoid situations and behaviors that could reasonably be foreseen to reflect negatively on the integrity or reputation of The Joint Commission. All Joint Commission employees have a duty to act in the best interest of The Joint Commission and not put their personal **business** or competing **professional** interests ahead of those of The Joint Commission or its affiliates. The prohibitions of conflicts in this policy include personal business relationships and that of family members.

Upon assuming employment and annually thereafter, Officers and employees are to receive this policy and are required to execute a Conflict of Interest Statement, and periodic supplements as may be deemed necessary. This statement will indicate that the policy has been read and understood, that the individual will conform his or her actions and conduct to the expectations outlined in the policy, and any relevant conflicts will be disclosed. Where applicable, non-employee independent contractors shall also be required to abide by this policy.

The intent of this policy and its guidelines is not to attempt to foresee or define each situation that does or might involve a conflict of interest. The intent is rather to focus on situations that are viewed as likely to pose actual or potential conflicts of interest or to reflect negatively on the integrity or reputation of The Joint Commission and that are, therefore, to be avoided by each designated individual. The intent is also to focus on the Joint Commission's expectation that, in questionable or unforeseen

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situations, timely disclosure will facilitate satisfactory resolution before any such situation becomes problematic.

Failure to adhere to the requirements of this Policy, including the completion of an annual Conflict of Interest Statement, can result in disciplinary measures, including removal from position and/or termination.

During and, as applicable, subsequent to the term of employment with The Joint Commission **the following conflicts shall be disclosed and avoided or managed as required:**

Financial Conflicts

1. The employee or independent contractor shall not accept any fee, remuneration, or gratuity of any value for performance of his or her duties for The Joint Commission, nor accept for himself or herself or for family members or others, gifts, favors, entertainment, or other benefits under circumstances that might be construed or perceived by reasonable persons as influencing the performance of his or her responsibilities.
2. The employee remits to The Joint Commission any honoraria received for services provided on behalf of The Joint Commission.
3. The employee or independent contractor does not utilize or disclose confidential or proprietary information about The Joint Commission or its subsidiaries for commercial or any other purpose or any information that The Joint Commission or its subsidiaries has obtained and committed to keep confidential, except as may be expressly authorized by The Joint Commission.
4. The employee does not take any action in the performance of, or based upon information derived from the performance of, his or her duties for The Joint Commission to create an unfair, unethical or improper competitive advantage for himself or herself or others.

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This prohibition includes, but is not limited to, utilizing information, materials or data obtained as an employee of The Joint Commission in non-Joint Commission activities.

5. **Joint Commission employees or independent contractors shall have no business or monetary interest in non-JCR products and services when there is a reasonable expectation that in providing accreditation or certification surveys the employee may be required or requested to comment upon, evaluate, or recommend such products or services. If an employee does comment about a product or service in which the employee has a business or monetary interest, there must be a timely and full disclosure of the circumstances to both the Field Director and the organization (in JCR policy).**

Self-Promotion Conflict

6. The employee does not promote or market the Joint Commission's name or his or her status as a Joint Commission employee, or permit any other person or entity to do so, in connection with any non-Joint Commission or non-Joint Commission Resources (JCR) services unless authorized.
7. Similarly, the employee does not promote or market the Joint Commission's name or his or her status as a Joint Commission employee, or permit any other person or entity to do so, in connection with his or her participation as a presenter in any non-Joint Commission or non-JCR authorized educational program when such presentation is not under the auspices of The Joint Commission or JCR unless coordinated through the Speaker's Bureau or authorized to do so.
8. The employee may identify himself or herself as a Joint Commission employee as part of a curriculum vita without any highlighting or emphasis on the fact he or she is an employee of The Joint Commission. The Officer having

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divisional responsibility for the employee will designate whether the individual is authorized to speak on behalf of The Joint Commission.

Consulting Conflicts

9. The employee **or** independent contractor is not employed by, does not provide services to, or have a financial relationship with a competitor accrediting organization while working at The Joint Commission. The employee is also prohibited from preparing an organization for accreditation or certification by any accrediting organization that has standards which are drawn from or duplicate in part the Joint Commission standards.
10. All Joint Commission employees are prohibited from providing **accreditation/certification**-related consulting services (see "Definitions" section). This prohibition includes the solicitation of such services and the referral of such services to any individual or organization with which the employee has a professional, business, or financial relationship.
11. All requests for consulting services received from organizations that the employee is surveying or has surveyed will be referred to the employee's Field Director or other immediate manager in the central office.
12. The employee does not survey any organization to which he or she has provided any consulting or related services in any capacity, either directly or through another party with whom he or she is affiliated, at any time during the preceding three (3) years.
13. All **accreditation/certification**-related consulting by an employee is prohibited.

Confidential Communication Conflicts

14. **All Joint Commission employees shall refrain from the disclosure or private use of any Joint Commission**

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confidential or proprietary information. Of utmost importance is that each employee does not utilize or disclose confidential or proprietary information about any organization surveyed by the Joint Commission, except in strict accordance with the Joint Commission Public Information Policy.

15. The employee will abide by all applicable Joint Commission policies intended to preserve and protect the integrity of The Joint Commission and its accreditation/certification process. This includes policies relating to the relationship of The Joint Commission and its affiliate Joint Commission Resources, in particular the policies establishing the “firewall” between accreditation/certification activities and consultative technical assistance services.
16. If a Joint Commission employee is also an employee of an organization that is seeking to obtain or retain Joint Commission accreditation or certification, the Joint Commission employee should not communicate directly with the Joint Commission on behalf of the organization before the survey, during the survey, or during the decision process. An exception to this prohibition can occur when communication between the employee and The Joint Commission clearly comes within the job responsibilities of the employee and is appropriately conducted without any specific proactive reference to the individual’s status as a Joint Commission employee or other misuse of the employee’s Joint Commission relationship.

Publication Conflict

17. The employee does not serve on any editorial advisory board affiliated with a publication that contains content which is similar to or overlaps that produced by The Joint Commission or JCR, unless otherwise approved by the President. (See policy on External Appointments.)

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Other Areas Where Conflicts May Arise

18. The employee refers all media requests for information about Joint Commission subjects* to the Joint Commission's Department of Communications. (See policy on Public Statements.) The employee also refers requests for all educational presentations or speeches that involve Joint Commission subjects to the Joint Commission's Department of Communications. (See policy on Speakers Engagement.) The employee refers all requests for original publications that involve Joint Commission subjects to the JCR Publications Department. In all these cases, the employee should also inform his or her Field Director or other immediate manager of such requests.
19. The **employee** utilizes Joint Commission or JCR computer systems, equipment, and software only for Joint Commission or JCR authorized purposes.
20. The employee or independent contractor does not provide expert or other witness testimony on behalf of any party in any lawsuit or provide consultation to any party about any lawsuit that involves or could involve Joint Commission programs, services, standards, policies, or procedures. In the event any staff member is served with notice of subpoena or other process compelling such testimony, he/she promptly notifies the Office of the General Counsel.

Post-Employment Conflicts

21. Upon termination of employment the employee shall return all Joint Commission and JCR proprietary and confidential information.
22. The employee does not provide any consulting to any organization surveyed by him or her within the preceding three (3) years, either directly or through another party with whom he or she is affiliated. This three-year time period continues to bind the employee after the Joint Commission employment relationship ends.

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23. The prohibitions in this policy against use or disclosure of **Joint Commission** confidential or proprietary information obtained as a result of Joint Commission work shall continue to bind the employee and independent contractor on a permanent basis after any such Joint Commission work relationship ends, **as long as The Joint Commission considers the information confidential.**

In addition to conforming his or her actions and conduct to the provisions outlined above, each employee is expected to disclose to his or her manager any situations that may pose an actual or potential conflict of interest, including any situations that may appear ambiguous.

DEFINITIONS

Conflict of Interest – A conflict of interest occurs when an interested person has a financial interest which is disclosed as or found under this policy to (a) impair the individual's objectivity or (b) create an unfair competitive advantage for any person or organization other than The Joint Commission. NO individual may be appointed or continue to serve on a committee or panel, if the individual has a conflict that is relevant to the functions to be performed. Conflict of interest means more than individual bias. There must be a financial interest that could be directly affected by the work of that committee/panel.

Proprietary Information - Generally, this term applies to educational materials and tools, accreditation and performance measurement, and PFP software, good practice examples of survey compliance, and similar items for which JCR or The Joint Commission has a copyright (whether registered or unregistered). Joint Commission standards and texts may be used to the extent they are purchased from JCR or other legitimate outlets.

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Confidential Information – This includes (a) all information which The Joint Commission has a duty not to disclose to the public, such as sensitive or proprietary information received from outside organizations in the course of the accreditation/certification process, patient-identifiable health information, or personnel files, and (b) all information known by the Joint Commission but not known to the public or to the Joint Commission's competitors. Examples of this include, but are not limited to: unpublished financial statements or budgets; strategic business plans; future and pending transactions (sales, mergers, acquisitions, joint ventures); recruitment targets; pricing/costs or marketing information; and proprietary data developed or purchased by The Joint Commission or an organization seeking to obtain or retain accreditation/certification.

Accreditation/Certification-related consulting includes but is not limited to any services that are provided in preparation for the self-assessment, review or survey, and services focused on maintaining accreditation or certification. These include, but are not limited to, conducting mock surveys/reviews, assisting with the self-assessment of standards compliance, developing plans of correction, interpreting PFP output for an organization, assisting organizations in remedying issues identified by the PFP for the purpose of achieving standards compliance, providing guidance in selection and use of performance measures, demonstrating tracer methodology, and/or evaluating compliance with the standards, particularly including credentialing, patient safety, and quality improvement standards, as well as the National Patient Safety Goals. This prohibition also includes preparing an organization for accreditation/certification by any accrediting organization that has standards which are drawn from or duplicate in part the Joint Commission standards.

Joint Commission subject matter is defined as discussions of standards compliance, all or part of the survey process, or other Joint Commission policies and activities.

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PROCEDURE

ANNUAL STATEMENTS

On an annual basis, all employees **and designated independent contractors** shall complete the required Conflict of Interest **Statement**. This **Statement** will indicate that the policy has been read and understood, and that the individual will conform his or her actions and conduct to the expectations outlined in the policy.

In addition to the statement, all employees will complete a questionnaire which is designed to assist with the recognition and disclosure of any potential conflicts. A more comprehensive questionnaire is required based upon employee's role in The Joint Commission. **This longer questionnaire** will be completed by: Officers; Corporate Compliance Officer; Executive Directors; **Research Investigators; all Director level positions, and all positions which provide a purchasing, contracting function within the organization, to include but not limited to,** Associate Director Pricing and Accounts Receivable; Associate Director Financial Planning; Manager, Purchasing; Corporate Travel Manager; Corporate Sponsorship Committee Members; and any additional staff designated by an Officer.

The Vice President for Human Resources shall initiate this process for all employees. Each **Officer** is responsible for ensuring that all designated staff under his/her supervision have completed and returned this statement annually.

Review - The Corporate Compliance Officer shall be responsible for initial review of the completed forms and forwarding identified conflicts as outlined below. Any issues or questions will be forwarded to General Counsel and/or the President as appropriate.

- **The Department Head shall review any conflicts disclosed by Department Staff;**
- **Officers shall review any conflicts disclosed by the Department Heads; and**
- **The Compliance Officer and General Counsel shall review any conflicts disclosed by Officers. Any issues shall be brought to the President.**

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File - After completion of the review process, the executed statements shall be kept on file for no fewer than six years from the date of execution.

Interim Disclosure - All Joint Commission staff are required to disclose any potential conflicts which develop during the course of the year between annual statements. Such disclosure can occur at a meeting if the subject of the conflict is on the agenda, to his/her manager, and in writing to the Corporate Compliance Officer. The Corporate Compliance Officer will involve the Department Head, General Counsel, and/or President as appropriate.

APPROVALS

Policy Approval – This policy statement requires the approval of the President of The Joint Commission.

Procedure Approval – The initial procedure and any changes thereto require the approval of the Vice President of Human Resources and the Joint Commission General Counsel.



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