

LAKE COUNTY BOARD OF DD/DEEPWOOD

BOARD POLICY

Reviewed and Adopted by the Board
Date: May 18, 2020

Signature on file
Elfriede Roman, Superintendent

I. SUBJECT: CONFLICT OF INTEREST WITH DIRECT SERVICE CONTRACTORS AND/OR PROVIDERS

II. PURPOSE:

The Lake County Board of DD/Deepwood supports the belief that membership of a person on, or employment of a person by the Lake County Board of DD/Deepwood does not affect the eligibility of any member of his family for services provided by the Board or by any entity under contract and/or agreement with the Board to provide services to an eligible individual. Therefore, the Lake County Board of DD/Deepwood has created an Ethics Council to review all direct services contracts and/or agreements, i.e., any legally enforceable agreement with an individual, agency or other entity that, pursuant to its terms or operation, may result in a payment from the county board of developmental disabilities to an eligible individual or to a member of the family of an eligible individual for services rendered to the eligible individual. Direct services contracts and/or agreements can include but is not limited to Supported Living, Family Support Services, and reimbursement for transportation expenses.

Additionally the Ethics Council has a second responsibility with regard to outside employment when a Board employee may work with an individual, either independently or as an employee of an agency provider. The Ethics Council must find that all six factors contained O.R.C. §5126.033(C) are met if a Direct Services Contract may also result in a payment to an employee either independently or as an employee of an agency provider.

III. REFERENCE:

O.R.C 5126.033. Direct Services Contract Requirements
Ohio Administrative Code 5123:2-5-02 Service and Support Administration Certification Standards
LCBDD/Deepwood Policy A-2 Ethics Council

**CONFLICT OF INTEREST WITH DIRECT SERVICE CONTRACTORS
AND/OR PROVIDERS**

IV. POLICY:

- A. A county board shall not enter into a direct services contract and/or agreement for services provided in accordance with section 5123.11 or sections 5126.40 to 5126.46 of the Revised Code under which an individual, agency, or other entity will employ a management employee, professional employee, or service employee, as defined in section 5126.20 of the Revised Code, who is also an employee of that board unless all of the following conditions are met:
- 1) The employee is not in a capacity to influence the award of the contract and/or agreement.
 - 2) The employee has not attempted in any manner to secure the contract and/or agreement on behalf of the individual, agency, or other entity.
 - 3) The employee is not employed in management level two or three according to rules adopted by the director of developmental disabilities and does not provide service and support administration.
 - 4) The employee is not employed by the board during the period when the contract and/or agreement is developed as an administrator or supervisor responsible for approving or supervising services to be provided under the contract and/or agreement and agrees not to take such a position while the contract and/or agreement is in effect, regardless of whether the position is related to the services provided under the contract and/or agreement.
 - 5) The employee has not taken any actions that create the need for the services to be provided under the contract and/or agreement.
 - 6) The individual, agency, or other entity seeks the services of the employee because of the employee's expertise and familiarity with the care and condition of one or more eligible individual(s) and other persons with such expertise and familiarity are unavailable, or an eligible individual has requested to have the services provided by that employee.
- B. In accordance with Board Policy A-2 entitled "Ethics Council", the following Policy shall set guidelines for any request from Board employees to work for a direct service entity.
- C. The employee who is the subject of the contract and/or agreement shall inform the Superintendent of the county board of any employment the employee has outside the county board that is with any individual, agency, or other entity that has a contract and/or agreement with the county board.

**CONFLICT OF INTEREST WITH DIRECT SERVICE CONTRACTORS
AND/OR PROVIDERS**

- D. Once the employee has notified the Superintendent in writing of his/her desire to be employed by the County Board and a Community Residential Provider, the attached affidavit (Attachment A) will be sent to the employee for completion and returned to the Superintendent or his/her designee. The completed form will be used by the Superintendent to determine any conflict of interest and will remain on file with the Lake County Board of DD/Deepwood. If the employee is seeking to be an Independent Provider, the attached affidavit (Attachment B) will be sent to the employee for completion and returned to the Superintendent or designee. The completed form will be used by the Superintendent to determine any conflict of interest and will remain on file with the Lake County Board of DD/Deepwood.
- E. The Superintendent will notify the employee in writing of any conflict of interest or provide a letter authorizing the employee's employment for the Lake County Board and the Community Residential Provider. To avoid the appearance and/or perception of a conflict of interest, a Board employee occupying any position that is directly involved in Individual Plan development and/or direct service Provider referral for eligible individuals will be determined unauthorized to work for a direct service contracting entity.
- F. A copy of this Policy with the attached "Affidavit(s)" will be distributed to all new Board employees at the Agency Orientation.

V. DISTRIBUTION:

Board Members
All Management Staff
All Staff (via Department Managers)
LEADD President

VI. REVIEWED:

5/20, 5/18, 5/17, 5/16, 5/15, 5/14, 5/13, 5/12, 5/10, 6/08, 6/06, 5/04, 6/02, 4/98, 6/97