

## **CONFLICT OF INTEREST POLICY FOR THE TENNESSEE HEALTH INFORMATION COMMITTEE**

The Tennessee General Assembly established the All Payer Claims Database (“APCD”) through the enactment of Tenn. Code Ann. § 56-2-125 (“Act”), charged the Tennessee Department of Finance and Administration (“F&A”) with the responsibility of maintaining the data collected in the APCD. The General Assembly also established the Tennessee health information committee (“HIC”) to, upon request, advise the Commissioner of F&A on policies and other recommendations based on the HIC’s usage of the data collected in the APCD. HIC membership is enumerated in Tenn. Code Ann. § 56-2-125(c)(7).

All HIC Member notes and other records prepared by the HIC Member when fulfilling his or her official duties are subject to the Tennessee Open Records Act at Tenn. Code Ann. § 10-7-501, et seq. (“Open Records Laws”). In addition, all HIC meetings, or meeting of two or more HIC members to discuss HIC business, are subject to the Public Meetings Act at Tenn. Code Ann. § 8-44-101, et seq.

### I. Prohibited Actions by HIC Members

Each HIC Member shall avoid any action, whether or not specifically prohibited by statute or regulation, which might result in or create the appearance of:

- a. Using public office for private gain
- b. Giving preferential treatment to any person
- c. Impeding government efficiency or economy
- d. Losing complete independence or impartiality
- e. Making a governmental decision outside of official channels;
- f. Affecting adversely the confidence of the public in integrity of the government; or
- g. Failing to preserve notes or other applicable HIC records that are subject to Open Records Laws.

### II. Use of government property by HIC Members

An HIC Member shall not make use of the facilities, equipment, personnel, or supplies of the State or its agencies for private use or gain, except to the extent that the use is incidental or *de minimis* or is lawfully available to the general public.

### III. Use of information by HIC Members

An HIC Member shall not directly or indirectly use, disclose or allow the use or disclosure of non-public information obtained through or in connection with the HIC Member’s service on the HIC for the purpose of furthering the private interest or personal profit of any person, including the HIC Member. In addition, an HIC Member shall not engage in a

financial transaction or business decision as a result of, or primarily relying upon, non-public information obtained through the HIC Member's service on the HIC.

IV. Avoiding Conflicts of Interest

Each HIC Member will avoid all known conflicts of interest, and to the extent he or she becomes aware of a conflict of interest in connection with any matter brought before the HIC, he or she will disclose such conflict to the Chairman of the HIC as soon as he or she becomes aware of it and will further publicly recuse himself or herself from participating in any discussion or other consideration of any related matter.

In addition, while serving on the HIC, each HIC Member will not:

- a. Participate in considerations or actions involving individuals in his or her immediate family, individuals employed by him or her, or his or her organization, services provided by him or her, or his or her organization, or any other matter in which his or her participation may create an appearance of bias or impropriety; and
- b. Have a direct or indirect financial interest, other than the interest that serves to qualify the HIC Member for service pursuant to the Act, that conflicts substantially, or appears to conflict substantially, with his or her government duties or responsibilities as an HIC Member.

V. Questions

When an HIC Member is in doubt as to the proper interpretation of this conflict of interest statement, he or she is expected to seek the advice of the Chairman of the HIC.

**Acknowledgement:**

**By signing below, I acknowledge that I have read and agree to comply with this HIC Conflict of Interest Policy for HIC Members. Further, I acknowledge that I have been provided with a copy of Governor Haslam's Executive Order No. 20 and that I agree to be bound by its terms to the same extent as if I was an employee in the executive branch. To the extent that I am aware of an existing conflict of interest with my service as a HIC Member as of this date, I have disclosed all pertinent facts of such conflict below.**

\_\_\_\_\_  
HIC Member Signature

\_\_\_\_\_  
Date Executed

\_\_\_\_\_  
HIC Member Printed Name

Disclosure of any Conflicts of Interest known as of the date first written above:

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