

Sec. 17b-411-13. Conflict of Interest

(a) **Matters of Discipline, Suspension or Termination.** Pursuant to section 17b-400(c) of the Connecticut General Statutes, the State Ombudsman and Regional Ombudsmen are classified service positions. Matters of discipline, suspension or termination of the State Ombudsman or Regional Ombudsmen by the host agency shall be governed by state laws that apply to such classified service positions.

(b) **State Ombudsman.** Any individual who has the following conflicts of interest, or any individual who has an immediate family member with the following conflicts of interest, shall not be appointed as the State Ombudsman:

(1) Direct involvement in the licensing or certification of long-term care facilities or a provider of long-term care services;

(2) ownership or investment interest in a long-term care facility or a long-term care service;

(3) employed by, or participating in the management of, a long-term care facility;

(4) receives, or has the right to receive, directly or indirectly, remuneration under a compensation arrangement with an owner or operator of a long-term care facility; or

(5) membership in a trade association for long-term care facilities.

(c) **Regional Ombudsmen and Volunteer Resident Advocates.** To be designated as a Regional Ombudsman or a VRA, an individual shall be free from the following conflicts of interest:

(1) Ownership or investment interest in a long-term care facility or long-term care service;

(2) service as a Regional Ombudsman or VRA in a long-term care facility in which the individual was employed at least one year prior to the date of designation;

(3) service as a Regional Ombudsman or VRA in a long-term care facility in which the individual or a member of the individual's family resides or is employed;

(4) direct involvement in the licensing or certification of a long-term care facility or a provider of long-term care services;

(5) current employment in, contractual arrangement with, or participation in the management of, a long-term care facility;

(6) membership in a trade association for long-term care facilities;

(7) supervision of any state of Connecticut agency program that may come in conflict with the philosophy, goals and the objectives of the ombudsman program as determined by the State Ombudsman;

(8) service in a leadership role in a community or professional organization that may come in conflict with the philosophy, goals and the objectives of the Ombudsman program as determined by the State Ombudsman;

(9) performance of duties or provision of services, other than those required of the individual's designation, that are in conflict with, or that may create conflict with, the representative's duties as determined by the State Ombudsman. This may include, but is not limited to,

(A) case management services,

(B) pre-admission screening, or

(C) guardianship services or duties; or

(10) service as one of the following:

(A) a resident's legal representative; or

(B) a member of the long-term care facility's ethics committee which makes medical decisions for residents.

(d) **Conflict of Interest Screening Tool.** The host agency, in consultation with the State Ombudsman, shall develop a screening tool for conflicts of interest. The screening tool shall be used when an individual is initially designated a Regional Ombudsman or VRA and at least annually thereafter. The screening tool shall be used by:

(1) The host agency to screen the acting State Ombudsman or any applicant for appointment to State Ombudsman for potential conflicts of interest.

(2) The State Ombudsman to screen for potential conflicts of interest for any Regional Ombudsman or applicant for designation as a Regional Ombudsman.

(3) The State Ombudsman to, in consultation with Regional Ombudsmen, screen new applicants for VRA designation for potential conflicts of interest. Subsequent annual screenings of VRAs shall be done by Regional Ombudsmen.

(e) **Resolving Conflicts of Interest**

(1) Whenever a conflict of interest involves the State Ombudsman the following rules apply:

(A) A State Ombudsman who has knowledge of a conflict of interest shall immediately disclose the conflict of interest to the commissioner.

(B) The commissioner and the State Ombudsman shall determine and agree, in writing, on the method and deadline for removing or otherwise resolving the conflict of interest.

(C) Failure of the State Ombudsman and the commissioner to arrive at a written agreement shall be a reason to terminate the State Ombudsman.

(D) Failure of the State Ombudsman to comply with the terms of the written agreement shall result in termination of the appointment of the State Ombudsman.

(E) An applicant for appointment as State Ombudsman who fails to comply with the terms of the written agreement shall not be appointed.

(2) Whenever a conflict of interest, involving a Regional Ombudsman or a VRA, is identified by or reported to the State Ombudsman, the following rules shall apply:

(A) A Regional Ombudsman or a VRA, who has knowledge of a conflict of interest, shall immediately disclose the conflict of interest to the State Ombudsman.

(B) The State Ombudsman, a Regional Ombudsman or VRA shall agree, in writing, within a reasonable amount of time after the conflict is identified, on the method and deadline for resolving the conflict of interest.

(C) Failure to arrive at a written agreement shall be grounds for the State Ombudsman to deny designation or redesignation as a Regional Ombudsman or VRA.

(D) An acting Regional Ombudsman or VRA shall lose the designation if the individual fails to comply with the terms of the agreement within the timeframe specified in the agreement. An applicant for designation as a Regional Ombudsman or VRA that fails to comply with the agreed upon terms before the anticipated date of designation shall not be designated.

(E) Any individual applying for designation has the duty to disclose any known conflicts of interest at the time of application for designation.

Regulations of Connecticut State Agencies

(Effective April 3, 2013)