

Conflict of Interest: Identification, Remedy, and Removal

State Health Insurance Assistance Program (SHIP), Senior Medicare Patrol (SMP) Program, and Medicare Improvements for Patients and Providers Act (MIPPA) Program

Overview

As the Medicare population grows, the networks serving them continue to feel conflicting pressures as they seek to serve as many individuals as possible, adhere to federal funding and policy requirements, and identify innovative funding streams. Organizations that house the SHIP, SMP, and MIPPA programs must be especially conscientious in navigating these pressures, as their Team Members are tasked with providing unbiased, objective information to Medicare-eligible individuals on their health insurance options.

This document provides technical assistance to SHIP/SMP/MIPPA programs and their partner Community-Based Organizations (CBOs) on how to avoid actual and perceived Conflicts of Interest (COI) and mitigate risk. The Administration for Community Living's (ACL) Office of Healthcare Information and Counseling's (OHIC) intention in preparing this resource is not to be prescriptive, as we know that each state and scenario is different, but instead to provide identification and remedy or removal strategies to help support grantees' risk mitigation efforts. Nor is this document intended to discourage grantees or CBOs from forming new partnerships or contracts when appropriate. The purpose of this document and related technical assistance is to support grantees in identifying and mitigating risks in administering their SHIP/SMP/MIPPA programs. Responsibility for managing conflict of interest risk falls on the SHIP/SMP/MIPPA grantee, not upon ACL. All information provided within this resource impacts not only the direct SHIP/SMP/MIPPA grantees, but also each entity receiving sub-awarded or pass through funding.

In considering the appointment of an individual as a SHIP/SMP/MIPPA Team Member or pursuing a new relationship with a partner entity, it is best practice for the organization or employing agency to:

- (i) Take reasonable steps to avoid employing or appointing an individual who has an unremedied conflict of interest or who has a member of the immediate family with an unremedied conflict of interest;
- (ii) Take reasonable steps to avoid assigning an individual to perform duties which would constitute an unremedied conflict of interest;
- (iii) Establish a process for periodic review and identification of conflicts;
- (iv) Establish proactive policies and contract language that protect the federal programs' interests; and
- (v) Take steps to remove or remedy known conflicts immediately.

As potentially problematic scenarios arise, it is important that you seek to understand the situation, educate all involved, and formulate a mitigation plan along with your ACL OHIC project officer and either the SHIP Technical Assistance (TA) Center or SMP Resource Center. **Whether potential conflicts of interest are actual or perceived, it is essential that grantees pursue solutions that preserve the integrity and unbiased nature of the SHIP/SMP/MIPPA programs.** Even the appearance of a COI should be avoided at all costs. Many situations will not fit neatly into one of the scenarios included within this document. When in doubt, contact your ACL OHIC project officer, the SHIP TA Center, or SMP Resource Center for technical assistance on how to proceed. **In accordance with the Conflict of Interest Decision Tree, risk mitigation plans should be established along with a state's assigned ACL OHIC Project Officer and kept up-to-date and on file.** Technical Assistance requests can be sent to OHIC@ACL.hhs.gov.

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Conflict of Interest Identification, Remedy, & Removal

* Indicates additional information included in 'Terminology' section of resource.

| | Conflict of Interest | Conflict Type | | | Conflict Entity | | Example | Steps Toward Identification/ Best Practices to Avoid This Type of COI | Examples of Remedy or Removal Implementation of one or more remedy tactic(s) below will lessen but may not eliminate conflict or risk. Consult with ACL Project Office to ensure adequate mitigation steps are under way. |
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| | | Loyalty | Commitment | Control | Indiv./ Group | Org./ Agency | | | |
| 1 | Licensed insurance agent/broker acting as SHIP*/SMP*/MIPPA* Team Member* . | X | X | X | X | | <p>Mary (SHIP Team Member) maintains her licensure as a Generic Insurance Company agent for her side job that she works on nights and weekends. She never uses SHIP hours to do Generic Insurance Company work and vice versa.</p> <ul style="list-style-type: none"> Is individual an active SHIP/SMP Team Member? Is individual a licensed insurance agent/broker? Is individual actively working in the relevant insurance industry? If not, how long ago did individual discontinue this work? <p>Best Practice (BP): SHIP/SMP/MIPPA screens for insurance agent licensure prior to accepting new Team Members. BP: SHIP/SMP/MIPPA rescreens at regular intervals in accordance with their VRPM policies and procedures.</p> | <p>No individual may be a licensed insurance agent and a SHIP/SMP/MIPPA Team Member at the same time. This is a violation of the SHIP Statute (see Addendum C).</p> <p>At least one of the following tactics must be implemented in order to remove the conflict and proof of all actions must be documented:</p> <ol style="list-style-type: none"> 1. Removal of insurance license before SHIP/SMP/MIPPA Team Member acceptance. 2. Removal or prohibition of Team Member status as the SHIP/SMP/MIPPA cannot ensure the Team Member will be able to perform their program duties in an unbiased manner. | |
| 2 | SHIP/SMP/MIPPA Team Member is a former/retired insurance agent/broker. | X | | | X | | <ul style="list-style-type: none"> Is individual an active SHIP/SMP/MIPPA Team Member? How long ago did individual discontinue work as insurance agent/broker? Can individual confidently confirm that they are able to remain unbiased in their SHIP/SMP/MIPPA duties? Could there be unknown biases? <p>BP: SHIP/SMP/MIPPA provides new Team Members mentoring and shadowing and all Team Members regular periodic monitoring to monitor for bias and training needs.</p> | <p>At least one of the following tactics must be implemented in order to remove the conflict and proof of all actions must be documented:</p> <ol style="list-style-type: none"> 1. Removal of Team Member as the SHIP/SMP/MIPPA cannot ensure the Team Member will be able to perform their program duties in an unbiased manner. 2. Focused training of Team Member to ensure adherence to expectations/ requirements related to bias. | |

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| 3 | SHIP/SMP/MIPPA Team Member has immediate family member* with financial connection to plan/health system/provider group. | X | | | X | | <p>Anne is a new SHIP Team Member whose husband is a Generic Insurance Company (GIC) agent selling Medicare Advantage plans.</p> <ul style="list-style-type: none"> ▪ Is individual an active SHIP/SMP/MIPPA Team Member? ▪ Does individual's immediate family member have any possible financial gain/loss/personal investment related to insurance plan/health system/provider group? <p>BP: SHIP/SMP/MIPPA screens for COI within immediate family prior to accepting new Team Members. BP: SHIP/SMP/MIPPA rescreens at regular annual intervals in accordance with their VRPM policies and procedures.</p> | <p>If a financial conflict is identified, the SHIP/SMP/MIPPA must take steps to ensure that the program work can be provided free of any bias. At least one of the following tactics must be implemented in order to remove conflict and proof of all actions must be documented:</p> <ol style="list-style-type: none"> 1. Removal of Team Member as the SHIP/SMP/MIPPA cannot ensure the Team Member will be able to perform their program duties in an unbiased manner. 2. Focused training of Team Member to ensure adherence to expectations/ requirements related to bias. | |

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| 4 | CBO* combining staffing for SHIP/SMP/MIPPA and business acumen* activities (i.e. Team Members expected to spend time on activities that support both programs) | X | X | X | | X | <p>Townville Area Agency on Aging (TAAA) maintains 3 staff members who work 20 hours per week providing case management services for a contract TAAA holds with Generic Insurance Company. TAAA requires these same three staff members to provide SHIP services with the other 20 hours of their time.</p> <ul style="list-style-type: none"> ▪ Does CBO employ active SHIP/SMP/MIPPA Team Member(s)? ▪ Does CBO expect SHIP/SMP/MIPPA Team Member(s) to spend a portion of their total FTEs on business acumen-related activities? ▪ Are the business acumen activities supported by funding from a health insurance plan/s? ▪ What funding source(s) support these positions (SHIP/SMP/MIPPA and/or plan funds)? ▪ What funding sources are used to support the supervisors/chain of command? <p>BP: organizations housing both SHIP/SMP/MIPPA and business acumen activities prepare and implement annual firewall/delineation of activities plan including proof of FTE billing and submit as ACL documentation.</p> | <p>This is a conflict if the business acumen work is supported by a health insurance plan. At least one of the following tactics must be implemented in order to remove conflict and proof of all actions must be documented:</p> <ol style="list-style-type: none"> 1. Mandatory: Ensure no SHIP/SMP/MIPPA Team Member is ever in position which is partially or fully supported by plan contract/funds. 2. Requirement that firewalls* be put in place between SHIP/SMP/MIPPA work and plan contracted work. 3. Prohibit cross-training and expectations between SHIP/SMP/MIPPA work and any work with the plans. 4. More frequent/thorough federal/ state monitoring of work plan/ budget when business acumen activities crossover with SHIP/SMP/MIPPA work. <p>Note: Agency does not need to be excluded from SHIP/SMP/MIPPA as long as appropriate firewalls and/or remedy/removal strategies are put in place when health insurance plans are involved in the business acumen activities.</p> | |

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| 5 | CBO houses SHIP/SMP/MIPPA program and has contract with insurance plan ("shared front door") | X | X | X | | X | <p>Townville Area Agency on Aging (TAAA) is an active SHIP site and also holds a contract with Generic Insurance Company (GIC) to provide care management services for their insured individuals in TAAA's service area. SHIP activities and GIC contract activities are not structurally delineated via staffing, leadership, and financial firewalls.</p> <ul style="list-style-type: none"> ▪ Does CBO provide SHIP/SMP/MIPPA services? ▪ Does CBO have signed contract with insurance plan? ▪ Does CBO have staff working on SHIP/SMP/MIPPA and contract work reporting through the same chain of command? <p>BP: Establish proactive policies and contract language that protect federal programs' interests. BP: organizations housing both SHIP/SMP/MIPPA and business acumen activities prepare and implement annual firewall/delineation of activities plan including proof of FTE billing and submit as ACL documentation.</p> | <p>At minimum, the first two of the following tactics must be implemented in order to remove conflict and proof of all actions must be documented:</p> <ol style="list-style-type: none"> 1. (Mandatory) Firewall(s) must be put in place between SHIP/SMP/MIPPA work and the contracted plan. 2. (Mandatory) Ensure no SHIP/SMP/MIPPA Team Member is ever in position which is partially or fully supported by plan contract/funds/activities. 3. Include carefully written/strategic contract language. 4. Identify strict strategic time commitment expectations to limit possibility of double billing time. 5. Limit cross-training and expectations between SHIP/SMP/MIPPA work and any work with the plans. 6. Develop a media/outreach/communication plan that clearly delineates services provided by SHIP/SMP/MIPPA from the work conducted under the plan contract to reduce risk of the appearance of a conflict. 7. More frequent/thorough federal/ state monitoring of work plan/ budget. | |

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| 6 | CBO has contract with health system or provider group. | X | X | X | | X | <p>Townville Area Agency on Aging holds a contract with Townville Regional Hospital System to provide case management for insured local individuals.</p> <ul style="list-style-type: none"> ▪ Does CBO provide SHIP/SMP/MIPPA services? ▪ Does CBO have signed contract with health system or provider group? ▪ Is the health system branded or contracted with any single insurance company? <p>BP: Establish proactive policies and contract language that protect federal programs’ interests</p> | <p>This is a conflict if the health system is branded with or also has a contract with a single insurance company. If this is the case, the conflict must be handled as explained in item #5, and at least one of the following tactics must be implemented in order to remove conflict and proof of all actions must be documented:</p> <ol style="list-style-type: none"> 1. If agency houses both activities and creates general resources, SHIP/SMP Team Members are not involved in soliciting or creating materials beyond providing SHIP/SMP-specific information. 2. If agency houses both activities and creates general resources, SHIP/SMP/MIPPA may be listed, but not featured or highlighted more than other programs included in materials. Online materials including plan branding must be posted on non-SHIP/SMP/MIPPA-specific pages. | |

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| 7 | SHIP/SMP/MIPPA Team Member receiving compensation or other benefits from plan (outside of their role within the program/agency) or showing favoritism. | X | X | | X | | <p>Alex (Local insurance agent) encourages Alice (SHIP Team Member) to recommend Generic Insurance Company as the best local plan because it clearly provides the best possible benefit offering.</p> <p>Minnie (SHIP Team Member) believes she is remaining unbiased but also receives \$200 per enrollment from Generic Insurance Company.</p> | <ul style="list-style-type: none"> ▪ Is individual an active SHIP/SMP/MIPPA Team Member? ▪ What exactly is the plan asking for? ▪ Is plan offering benefit (financial or non-financial) to Team Member for enrollment in or referrals to their plan? <p>BP: Establish a process for periodic review and identification of conflicts. BP: SHIP/SMP/MIPPA screens Team Members at regular annual intervals to ensure that staff are not receiving benefits.</p> | <p>At least one of the following tactics must be implemented in order to remove conflict and proof of all actions must be documented:</p> <ol style="list-style-type: none"> 1. Removal of Team Member as the SHIP/SMP/MIPPA cannot ensure the Team Member will be able to perform their program duties in an unbiased manner. 2. Retraining of Team Member to clearly articulate and ensure adherence to expectations/requirements. 3. Guidance provided to plan to clearly articulate SHIP/SMP/MIPPA Team Member expectations/requirements. 4. If COI exists higher within agency, involved agency staff and/or board members required to excuse themselves from voting/discussion/participation as needed when the conflict arises. |

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| 8 | SHIP/SMP/MIPPA material/advertisement/media/event cobranded* with plan. | X | | X | | X | <p>Townville Area Agency on Aging (TAAA) (who also houses SHIP) disseminates local Open Enrollment reminder flyer which includes brand images for both TAAA and Generic Insurance Company.</p> <ul style="list-style-type: none"> Does material/advertisement/media/event include SHIP/SMP/MIPPA branding? Does material/advertisement/media/event include plan branding? Source of funding for material(s) plays no role in allowability. <p>BP: SHIP/SMP/MIPPA materials include only SHIP/SMP branding.</p> | <p>At least one of the following tactics must be implemented in order to remove conflict and proof of all actions must be documented:</p> <ol style="list-style-type: none"> Cancellation of material/advertisement/event. SHIP/SMP/MIPPA removal of participation. | |
| 9 | SHIP/SMP/MIPPA material/advertisement/media/event sponsored* by plan. | X | | X | | X | <p>Townville Area Agency on Aging plans a local SHIP event during Open Enrollment which includes lunch provided for attendees through funding by Generic Insurance Company.</p> <ul style="list-style-type: none"> Is event intended to provide outreach, counseling, or education to Medicare beneficiaries as part of SHIP/SMP/MIPPA program activities? Is material/ advertisement/media/event financially supported (in part or full) by plan? <p>BP: SHIP/SMP/MIPPA events do not utilize funds received directly or indirectly from plan in any way.</p> | <p>At least one of the following tactics must be implemented in order to remove conflict and proof of all actions must be documented:</p> <ol style="list-style-type: none"> Identify alternative source of sponsorship for event. Procure equivalent sponsorship from <u>all</u> available plans to support event therefore eliminating the conflict of appearing to favor or promote one agency or plan over another. Cancellation (or SHIP/SMP/MIPPA removal of participation) of event if no alternatives are possible. | |

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| 10 | SHIP/SMP/MIPPA participates in a plan organized and sponsored event. | X | X | X | | X | <p>SHIP/SMP/MIPPA attends a local event that is sponsored solely by Generic Insurance Company.</p> <ul style="list-style-type: none"> Is this a large, community-organized event? Is plan one of multiple sponsors, as opposed to the sole sponsor? Will SHIP/SMP/MIPPA presence at event be perceived as bias toward plan? Will SHIP/SMP/MIPPA absence at this large community event detrimentally impact their ability to serve community? <p>BP: SHIP/SMP/MIPPA should only attend plan event if this is a large community-organized event and plan is not the sole sponsor.</p> | <p>At least one of the following tactics must be implemented in order to remove conflict and proof of all actions must be documented:</p> <ol style="list-style-type: none"> SHIP/SMP/MIPPA does not participate in event. SHIP/SMP/MIPPA educates plan on need for diverse sponsorship, resulting in change of event’s financial backing. | |
| 11 | SHIP/SMP/MIPPA event includes plan as exhibitor*. | X | | | | X | <p>Townville Area Agency on Aging plans a local SHIP event during Open Enrollment which includes 20 vender tables, 8 of whom are locally offered insurance companies. Venders will provide educational materials about their offerings.</p> <ul style="list-style-type: none"> Is event intended to provide outreach, counseling, or education to Medicare beneficiaries as part of SHIP/SMP/MIPPA program activities? Is exhibitor a licensed, locally-available plan? What is the purpose of the plan inclusion (education or marketing)? <p>BP: SHIP/SMP/MIPPA event does not include plan as exhibitor unless all plans available in the area are invited to participate.</p> <p>BP: SHIP/SMP/MIPPA event includes variety of exhibitors, including multiple locally-available plans.</p> | <p>At least one of the following tactics must be implemented in order to remove conflict and proof of all actions must be documented:</p> <ol style="list-style-type: none"> SHIP/SMP/MIPPA program should make every possible effort to eliminate perceived favoritism or loyalty to one plan over another. Ensure presence of variety of exhibitors, including multiple locally-available plans. Ensure any plan participation is education based rather than marketing focused. | |

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| 12 | Insurance agent serving as primary trainer for SHIP/SMP/MIPPA Team Members. | X | | X | | X | <p>Sally (local Generic Insurance Company agent) provides excellent Medicare 101 trainings so Townville Area Agency on Aging sends new SHIP Team Members to Sally's trainings in order to save money and maintain healthy working relationship.</p> <ul style="list-style-type: none"> ▪ Is trainer a licensed insurance agent? ▪ What is the purpose of the training? General Medicare knowledge or plan specific information? ▪ Is training attended by SHIP/SMP/MIPPA Team Members as part of mandatory training? ▪ Are all available plans providing equivalent training to SHIP/SMP/MIPPA Team Members? | <p style="color: red;">Agents cannot be used as the primary means of Medicare content training for SHIP/SMP/MIPPA Team Members. At minimum, the first two following tactics must be implemented in order to remove conflict and proof of all actions must be documented:</p> <ol style="list-style-type: none"> 1. (Mandatory) Removal of associated individuals from SHIP/SMP/MIPPA trainer status. 2. (Mandatory) Retraining of impacted Team Member(s) to ensure full, unbiased understanding of appropriate materials and ensure adherence to expectations and requirements. 3. Ensure organization's relationship with Agent/Plan is clearly severed or restructured to ensure elimination of this conflict. 4. Provide guidance to plan to clearly articulate SHIP/SMP/MIPPA Team Member expectations/requirements. 5. If warranted/appropriate, leverage all available plans to benefit from their offerings in controlled situations to provide <u>plan specific information</u> to Team Members. | |

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| 13 | Insurance agent providing training to general public regarding SHIP/SMP/MIPPA. | X | | | | X | Tim (local Generic Insurance Company agent) provides in-depth training on Medicare to the general public and includes reference and explanation of SHIP/SMP/MIPPA in his materials or presentation. | <ul style="list-style-type: none"> Are licensed agents representing themselves as SHIP/SMP/MIPPA Team Members? | As long as the insurance agent is not representing him/herself as a SHIP/SMP/MIPPA Team Member this activity is outside the bounds of the grant/agency purview. If, however, the agent is representing him/herself as SHIP/SMP/MIPPA, the program agency can: <ol style="list-style-type: none"> Provide agent with this document and any supplementary materials to educate them on Conflict of Interest and related bias indicating that they cannot/will not be accepted as a SHIP/SMP/MIPPA Team Member. Take legal action against the agent for misrepresenting him/herself as part of the SHIP/SMP/MIPPA team. |
| 14 | SHIP/SMP/MIPPA Team Members training agents/brokers/plan representatives | X | X | | | X | Brenda (SHIP Team Member) provides in-depth Medicare training for new SHIP Team Members. There is one open seat in the room so John (local Generic Insurance Company agent) is allowed to attend. There is no perceived additional cost to his attendance and he makes all of his own copies of materials. | <ul style="list-style-type: none"> What is the purpose of the training and/or the agent/broker/plan's intent in attending? Is agent's attendance of/participation in training taking space that could be filled by a SHIP/SMP/MIPPA Team Member? Is agent's attendance of/participation in training utilizing SHIP/SMP/MIPPA trainer's time (and therefore grant-funded hours) | At least one of the following tactics must be implemented in order to remove conflict and proof of all actions must be documented: <ol style="list-style-type: none"> SHIP/SMP/MIPPA programs are not intended to be the main source of Medicare knowledge/information for agents/brokers/plans, however, it is allowable for SHIP/SMP/MIPPA to provide training for agents/brokers occasionally if they participate in a public event. These entities should be using available CMS materials for this content. SHIP/SMP/MIPPA must ensure that attendees of public events understand that attendance does not deem them "SHIP/SMP/MIPPA" trained or officially part of the program, nor, can they use this training in any self-promotion/advertising activities. |

Addendum A: Conflict of Interest Terminology

| Abbreviation/Term | Definition/Supporting Details |
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| Area Agency on Aging (AAA) | A public or private non-profit agency designated by the state to address the needs and concerns of all older persons at the regional and local levels. AAAs coordinate and offer services that help older adults and individuals with disabilities remain in their homes - if that is their preference - aided by services and supports to make independent living a viable option. AAAs often provide SHIP/SMP/MIPPA services, as well as other programs serving older adults and individuals with disabilities, to a geographic area. |
| Administration for Community Living (ACL) | The Administration for Community Living was created around the fundamental principle that older adults and people of all ages with disabilities should be able to live where they choose, with the people they choose, and with the ability to participate fully in their communities. By funding services and supports provided by networks of community-based organizations, and with investments in research, education, and innovation, ACL helps make this principle a reality for millions of Americans. ACL provides and administers funding to SHIP/SMP/MIPPA programs nationally, as well as, funding to states, AAAs, and Centers for Independent Living to provide direct services. ACL also administers funding to be used toward business acumen-related activities. |
| Business Acumen | <p>Business acumen refers to the critical skills that aging and disability organizations must possess in order to enhance the effectiveness, efficiency, and sustainability of the services they provide. These skills include: building relationships with health care providers, insurers, and other payers; pricing and billing for services; negotiating contracts; describing the value (both financial and quality of life) of services; and data management (including interoperable data systems and reporting to payers).</p> <p>The goal is to help states and community-based organizations develop innovative business models and tap into new revenue streams that enable them to market their services, compete in a changing marketplace, ensure funding for services, and help payers to achieve quality goals and cost savings.</p> |
| Community-Based Organization (CBO) | Local organizations that offer community living services and supports to advance the health, well-being, independence, and community participation of older adults and people with disabilities. Frequently receive funding from state aging and/or insurance agencies to support SHIP/SMP/MIPPA programs. |
| Cobranding | Marketing of a product or service under two or more brand names. |
| Conflict of Interest (COI) | <p>[def]: a conflict between the private interests and the official responsibilities of a person in a position of trust</p> <p>[def2]: a situation in which a person is in a position to derive personal benefit from actions or decisions made in their official capacity.</p> <p>[def3]: a conflict between competing duties.</p> <p>https://www.merriam-webster.com/dictionary/conflict%20of%20interest</p> |
| Conflict Entity | Individual/Group Conflict Entity: COI relates to individual's actions. Responsibility for this type of conflict falls upon the individual and the organization to mitigate. |

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| | Organization/Agency Conflict Entity: COI relates to organization or agency's actions/allowances. Responsibility for this type of conflict falls upon the organization to mitigate. These are an organization's responsibility to remedy/remove, not an individual's. If an individual finds him/herself in this situation, this resource can be used as supporting documentation in communication with organization about mitigating risk. |
| Exhibitor | Presence at an outreach/enrollment/educational event with intention of disseminating information about own entity. |
| Firewall | A combination of strict physical, organizational, and electronic procedures and security measures that separate two competing priorities housed within one organization. Successful firewalls include a number of formalized policies related to separation of financial, staffing, communication routing, legal, and other aspects of business. |
| Immediate Family Member | Pertaining to conflicts of interest, means a member of the household or a relative with whom there is a close personal or significant financial relationship. |
| Medicare Improvements for Patients and Providers Act (MIPPA) | The Medicare Improvement for Patients and Providers (MIPPA) program provides grants to states and tribes to help older adults, individuals with disabilities, and their caregivers apply for special assistance through Medicare. MIPPA provides valuable support at the state and community levels for organizations involved in reaching and providing assistance to people who may be eligible for the Low-Income Subsidy program (LIS), Medicare Savings Program (MSP), and the Medicare Part D Prescription Drug Program. This initiative includes special efforts to target rural areas and Native American elders. |
| Subaward Requirements | Per the HHS Grants Policy Statement (HHS GPS), the terms and conditions in the HHS GPS apply directly to the recipient of HHS funds. The recipient is accountable for the performance of the project, program, or activity; the appropriate expenditure of funds under the award by all parties; and all other obligations of the recipient, as cited in the NoA. In general, the requirements that apply to the recipient, including public policy requirements, also apply to subrecipients and contractors under grants , unless an exception is specified. |
| State Health Insurance Assistance Program (SHIP) | <p>The SHIP mission is to empower, educate, and assist Medicare-eligible individuals, their families, and caregivers through objective outreach, counseling, and training, to make informed health insurance decisions that optimize access to care and benefits. The SHIP vision is to be the known and trusted community resource for Medicare information.</p> <p>SHIPs conduct outreach by providing presentations, distributing information, conducting enrollment events, and participating in health fairs, senior fairs, and other community events. SHIP outreach helps to inform groups and individuals about Medicare benefits, coverage rules, written notices and forms, appeal rights and procedures, and more.</p> <p>SHIPs provide free, in-depth, unbiased, one-on-one health insurance counseling and assistance to Medicare beneficiaries, their families, and caregivers. SHIPs assist people in obtaining coverage through options such as</p> |

The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

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| | <p>Original Medicare (Parts A & B), Medicare Advantage (Part C), Medicare Prescription Drug Coverage (Part D), and Medicare Supplement (Medigap). SHIPs also assist beneficiaries with limited income to apply for programs, such as Medicaid, Medicare Savings Program and Extra Help/Low Income Subsidy, which help pay for or reduce healthcare costs.</p> <p>SHIPs recruit and train both volunteer and in-kind counselors to provide program services. SHIP counselors are highly trained and certified to help Medicare beneficiaries, their families, and caregivers with:</p> <ul style="list-style-type: none"> • Informing about Medicare Advantage, Medicare Prescription Drug coverage, and Medigap plan comparison or enrollments; • Explaining how supplemental insurance options (e.g. insurance plans for retirees) work with Medicare; • Providing information on long-term care insurance; and • Referring beneficiaries to agencies such as the Social Security Administration and State Medicaid offices for additional assistance. |
| <p>Senior Medicare Patrol (SMP) Program</p> | <p>The SMP mission is to empower and assist Medicare beneficiaries, their families, and caregivers, to prevent, detect, and report suspected healthcare fraud, errors, and abuse through outreach, counseling, and education. SMPs work to resolve beneficiary complaints of potential healthcare fraud in collaboration with state and federal partners, including the U. S. Department of Health & Human Services Office of the Inspector General, Centers for Medicare & Medicaid Services, state Medicaid fraud control units, and state Attorney Generals.</p> <p>SMPs recruit and train retired professionals and other volunteers to recognize and report instances or patterns of healthcare fraud. These activities support ACL’s goals of promoting increased choice and greater independence among older adults and individuals with disabilities. SMP activities also serve to enhance the financial, emotional, physical, and mental well-being of older adults, thereby increasing their capacity to maintain security in retirement and make better financial and healthcare choices.</p> |
| <p>Sponsor</p> | <p>Entity financially supporting an event.</p> |
| <p>Team Member</p> | <p>Includes any individual who works directly on the SHIP/SMP/MIPPA programs. This person may be paid through SHIP/SMP/MIPPA grant funds, through in-kind funding, or be a true volunteer for the program.</p> |
| <p>Three Dimensions of Conflict (Conflict Type)</p> | <p><u>Conflicts of Loyalty</u>: These involve issues of judgment and objectivity. These are the typical situations almost everyone understands—financial and employment considerations. A Team Member’s ability to be fair might be questioned if the Team Member or their family is also a past or current agent.</p> |

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| | <p>Conflicts of Commitment: These are issues of time and attention. Toward which goals or obligations does one direct one’s efforts—i.e., one’s time and energies? Concerns about the adequacy of resources come into play because pressures to do more occur when available resources are limited. In regional or local programs, Team Member who assume several other workplace responsibilities in addition to their Team Member responsibilities may experience conflicts of commitment.</p> |
| | <p>Conflicts of Control: These are issues of independence. Do other interests, priorities, or obligations of the agency that houses the program materially interfere with the Team Member’s ability to advocate for the best interest of the beneficiary? Do administrative or political forces interfere with the professional judgment of the Team Member? Is the Team Member able to act responsibly without fear of retaliation by superiors or those with influence/organizational control?</p> |
| <p>Volunteer Risk and Program Management (VRPM)</p> | <p>Volunteer policies, developed by ACL, designed to establish and organize the structure of the operation of volunteer programs within SHIP and SMP. Additional resources can be found here (https://www.smpresource.org/Content/Resources-for-SMPs/Volunteer-Risk-and-Program-Management-VRPM.aspx).</p> |

Addendum B: Related policies as they currently appear in VRPM

ACL OHIC also plans to prepare interim additions to Volunteer Risk & Program Management (VRPM) policies and procedures to help support the recommendations made within the document. A workgroup will be formed to help identify needed updates to the VRPM document in full and updates will be available in 2021. An on-going workgroup will also be formed to brainstorm possible remedy recommendations for problematic COI situations. Please keep in mind, as COI issues continue to evolve, this will remain a working document with period updates released as needed.

For reference, below are the current VRPM policies that relate to COI:

3.35: Conflict of Interest [Required]

- Policy: No person who has a conflict of interest in connection with the work they will do at the SMP/SHIP, whether personal, philosophical, or financial may serve as a volunteer. Volunteers do not promote any personal or business interest while undertaking their SMP/SHIP assignment. One example of persons with an inherent conflict of interest is anyone who receives compensation for enrolling beneficiaries in a specific insurance plan or plans.
- Rationale: Given the sensitive nature of SMP/SHIP work, the need for objectivity, and the ever-present possibility of fraud and abuse, even inside the SMP/SHIP, the screening of volunteers must be done carefully to avoid a conflict of interest or a perceived conflict of interest.
- Suggested Procedures: SMP/SHIP volunteers sign a conflict of interest statement and agree to immediately notify their designated supervisor if any potential conflict arises during performance of their duties. All possible conflicts of interest are immediately reported by volunteers to their supervisor. SMP/SHIP can attempt to resolve conflicts of interest through, for example, changes of volunteer duties or changes of volunteer role. If a conflict of interest cannot be resolved, the volunteer may be relieved of duty.

3.101: Acceptance of honoraria [Required]

- Policy: Honoraria offered to SMP/SHIP volunteers are respectfully and tactfully declined, citing, as needed, this policy as the basis for their action. Honoraria which is given to the SMP/SHIP program may be accepted by the volunteer on behalf of the SMP/SHIP.
- Rationale: It is not appropriate for SMP/SHIP volunteers to benefit materially from their work duties.
- Definition: SMP/SHIP volunteers perform work functions (e.g., speeches, presentations, training, etc.) which may, from time to time, attract honoraria. Exempted from this policy are one-time speaker's gifts that can reasonably be regarded as small or token and where the nominal value received by any one person is under \$15.00.

3.105 Financial transactions with clients [Required]

- Policy: SMP/SHIP volunteers do not enter into financial transactions with beneficiaries, their family members or caregivers, either lending or borrowing in either direction.
- Suggested Procedure: If clients are in immediate financial need, the coordinator of volunteers is notified and referral is made to appropriate community services.

3.100 Acceptance of gifts [Required]

- Policy: SMP/SHIP volunteers do not accept gifts from beneficiaries, their families, caregivers, or other representatives. Any such offerings are respectfully and tactfully declined, citing, as needed, this policy as the basis for their action.
- Rationale: Acceptance of personal gifts by SMP/SHIP volunteers is prohibited to prevent, and prevent the perception of, exploitation of SMP/SHIP beneficiaries and their families and caregivers and to protect both the reputation of the SMP/SHIP and its volunteers from accusations of favoritism or personal gain. The work of SMP/SHIP volunteers often engenders gratitude among beneficiaries. It is understandable that some SMP/SHIP clients and those who care for them wish to express their thankfulness through gifts to the people who have been so helpful; however, the SMP/SHIP provides services to beneficiaries without compensation.
- Definition: For this policy, gift is broadly defined to include any payment, distribution, transfer, loan, advance, deposit, gift or other rendering of money, property, services or anything else of value, whether tangible or intangible. Gifts include but are not limited to material goods, money in any form, valuables, jewelry, wedding gifts, tickets to sporting events and entertainment, and travel. Meals provided during events are not considered gifts for the purposes of this policy.

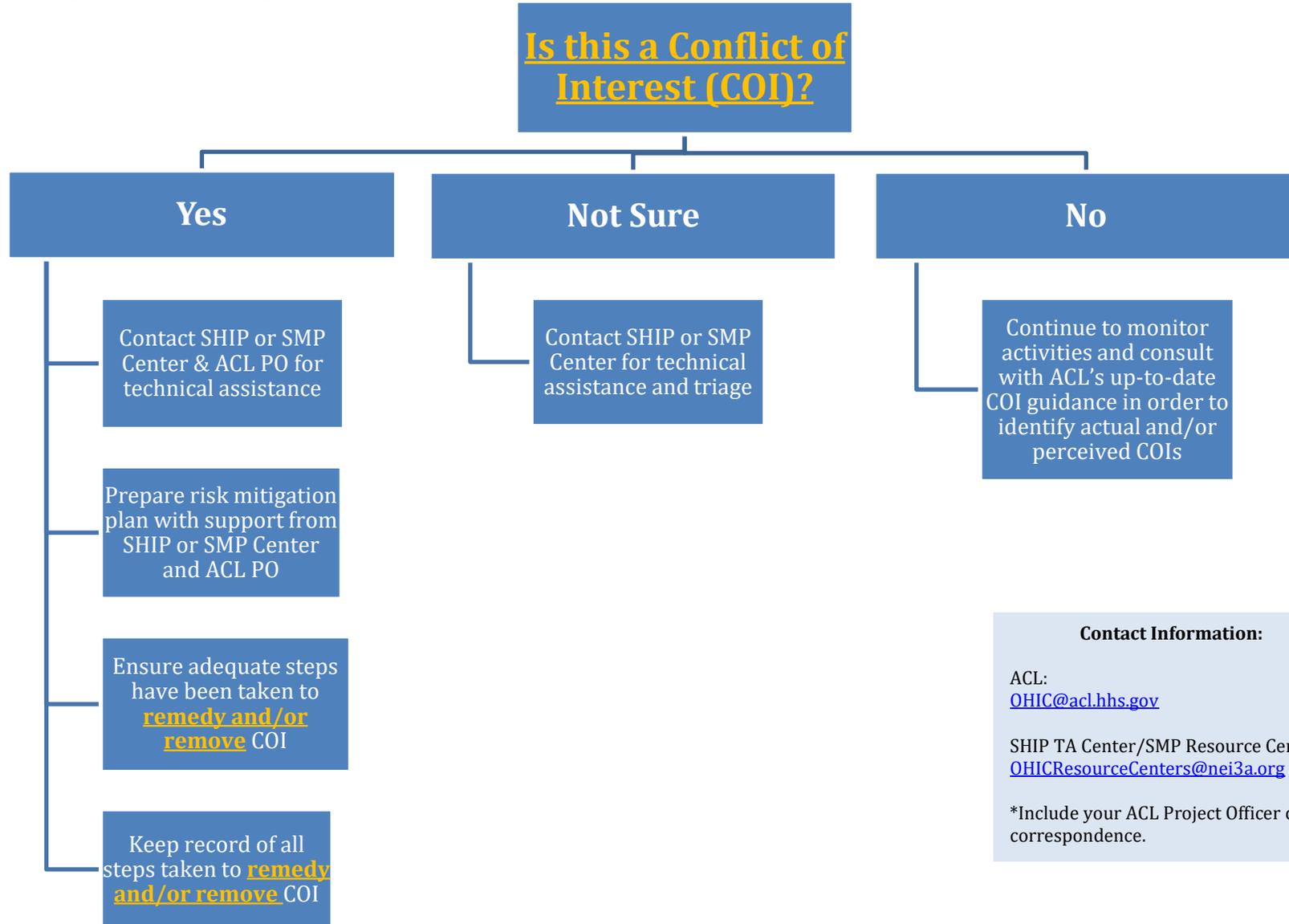
Addendum C: SHIP Statute

The SHIP statute provides the justification, overview, and expectations for the State Health Insurance Program. The statute is also the base for which the entire program has been developed and managed. The full statute, Section 4360 – Health Insurance Information, Counseling, and Assistance Grants of 42 USC 1395b-4, can be found here: https://www.ssa.gov/OP_Home/comp2/F101-508.html. The portion of the statute relevant to conflicts of interest has been excerpted and highlighted below (42 USC 1395b-4, Section 4360 (b) (2)):

- (2) As part of an application for a grant under this section, a State shall submit a plan for a State-wide health insurance information, counseling, and assistance program. Such program shall—
- (A) establish or improve upon a health insurance information, counseling, and assistance program that provides counseling and assistance to eligible individuals in need of health insurance information, including—
 - (i) information that may assist individuals in obtaining benefits and filing claims under titles XVIII and XIX of the Social Security Act;
 - (ii) policy comparison information for medicare supplemental policies (as described in section 1882(g)(1) of the Social Security Act) and information that may assist individuals in filing claims under medicare supplemental policies;
 - (iii) information regarding long-term care insurance; and
 - (iv) information regarding other types of health insurance benefits that the Secretary determines to be appropriate;
 - (B) in conjunction with the health insurance information, counseling, and assistance program described in subparagraph (A), establish a system of referral to appropriate Federal or State departments or agencies for assistance with problems related to health insurance coverage (including legal problems), as determined by the Secretary;
 - (C) provide for a sufficient number of staff positions (including volunteer positions) necessary to provide the services of the health insurance information, counseling, and assistance program;
 - (D) provide assurances that staff members (including volunteer staff members) of the health insurance information, counseling, and assistance program have no conflict of interest in providing the counseling described in subparagraph (A);**
 - (E) provide for the collection and dissemination of timely and accurate health care information to staff members;
 - (F) provide for training programs for staff members (including volunteer staff members);
 - (G) provide for the coordination of the exchange of health insurance information between the staff of departments and agencies of the State government and the staff of the health insurance information, counseling, and assistance program;
 - (H) make recommendations concerning consumer issues and complaints related to the provision of health care to agencies and departments of the State government and the Federal Government responsible for providing or regulating health insurance;
 - (I) establish an outreach program to provide the health insurance information and counseling described in subparagraph (A) and the referrals described in subparagraph (B) to eligible individuals; and
 - (J) demonstrate to the satisfaction of the Secretary, an ability to provide the counseling and assistance required under this section

Addendum D: COI Decision Tree

*This decision tree was prepared for use by ACL SHIP/SMP/MIPPA grantees. Though this document includes best practices that may be helpful for others, guidance for other groups may differ slightly.



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