

OUT-OF-COUNTRY HEALTH SERVICES COMMITTEE

CODE OF CONDUCT

PART 1 INTRODUCTION AND APPLICATION

The people of Alberta have a right to public services that are conducted with impartiality and integrity, and which uphold the reputation of the Out-of-Country Health Services Committee as a public agency. It is this obligation to Albertans that demands that there not be, nor appear to be, any conflict between the private interests of the Out-of-Country Health Services Committee's members or employees and their respective duties to the public. At the same time, it is recognized that members and employees of the Out-of-Country Health Services Committee have the same rights in their private dealings as any other citizen, unless it can be demonstrated that a restriction to these rights is necessary to protect the public interest.

This Code of Conduct (Code) applies to all Committee Members of the Out of Country Health Services Committee (the Committee), a Public Agency. As this Code does not cover every specific scenario, Committee Members are expected to adhere to the spirit and intent underlying this Code to guide their conduct, decision-making and all other matters in the course of their work with the Committee.

This Code is not intended to conflict with other codes of conduct. If a Committee Member is subject to more than one code of conduct, the Committee Member must consider the expectations in all.

PART 2 DEFINITIONS

“Act” means the *Alberta Health Care Insurance Act*, R.S.A. 2000, c. A-20, as amended.

“Administrator” means an employee of Alberta Health whose responsibilities include day-to-day management of the Committee's work, as directed by the Chair;

“Affiliation” includes being a member, employee, volunteer, owner, shareholder, creditor, director, elected representative, appointee, or trustee of an Entity or having any type of legal or equitable interest in an Entity.

“Apparent Conflict(s) of Interest” means a conflict, which can be deduced from appearances or where there is a reasonable apprehension or likelihood that a conflict exists.

“Business Interest(s)” include any interests arising as a result of a current, former, or prospective Affiliation with any for profit, not-for-profit, or charitable Entity.

“Chair” means the Committee Member designated pursuant to section 4(3) of the Regulation and who has the primary responsibility for the day to day operations of the Committee.

“Closely Associated Person(s)” are persons or Entities with whom there is a substantial relationship and include a spouse, adult interdependent partner, child or other Relative, a close friend, an employer, a business associate, a client, or an Entity in which an individual holds a position as director or officer, holds a beneficial interest in shares (excluding a credit union), or in which an individual or a Closely Associated Person is a partner, director, officer or member.

“Code” means this Code of Conduct.

“Committee” means the Out-of-Country Health Services Committee established pursuant to sections 4 and 5 of the Regulation.

“Committee Member” has the same meaning as “member” as set out in section 4 of the Regulation.

“Confidential Information” is information received during the course of the Committee Member’s duties which is identified as confidential or which would reasonably be considered to be confidential.

“Conflict(s) of Interest” includes actions or decisions that Committee Members take on behalf of the Committee that provide, appear to provide, or have the potential to provide them with an opportunity to further the Private Interests of themselves or Closely Associated Persons, or any situation where the Committee Member’s Private Interests interfere, or may appear to interfere, in any way with the Committee’s interests or with the interests of parties appearing before or making representations to the Committee, and includes Apparent Conflicts of Interest..

“Entity” includes a corporation, partnership, sole proprietorship, firm, franchise, association, organization, holding company, joint venture, trust, society, post-secondary institute and research institute.

“Private Interest(s)” includes a personal obligations, financial interests, Business Interests or interests of Closely Associated Persons. A Private Interest does not include an interest:

- i. in a matter that is of general application;
- ii. that affects a person as one of a broad class of the public; or
- iii. that is trivial.

“Public Agency” has the same meaning as set out in the *Alberta Public Agencies Governance Act*, and includes the Committee.

“Relative” includes a spouse, adult interdependent partner, child, legal dependant, parent, sibling, in-law, grandparent, grandchild, niece, nephew, aunt, uncle, first cousin, and a person to whom a Committee Member or Employee has demonstrated a settled intention to treat as a child of the Committee Member’s or Employee’s family.

“Regulation” means the *Out-of-Country Health Services Regulation*, Alta. Reg. 78/2006, as amended.

PART 3 CODE ADMINISTRATION

- 3.1 The Chair is the Code Administrator for other Committee Members.
- 3.2 The Code Administrator for the Chair is another Committee Member, selected by the Committee Members on an annual basis.
- 3.3 The role of the Code Administrator includes establishing appropriate policies and procedures related to the Code, and ensuring awareness and effective implementation of the Code.
- 3.4 In addition to the basic principles set out in this Code, the Committee has developed and implemented a procedure to respond to and manage breaches of the Code in accordance with the principles of procedural fairness.
- 3.5 Even though the Committee has developed a procedure for responding to and managing concerns as noted in section 3.4 of this Code, the Code Administrator is responsible for ensuring procedural fairness in regard to that procedure.
- 3.6 If Committee Members have any questions about the Code, or are not sure how to apply responsibilities under the Code, they should consult their Code Administrator.
- 3.7 Committee Members must review the Code on an annual basis to ensure ongoing effectiveness and, in writing to the Chair, must affirm or reaffirm their commitment to, and compliance with, the Code. The Chair must confirm in writing to the Ethics Commissioner’s office within 90 days of each new calendar year that all Committee Members have reviewed the Code.
- 3.8 The Committee must review this Code at least every 24 months with a view to ensuring ongoing effectiveness.

PART 4 RESPONSIBILITIES UNDER THE CODE

Values

- 4.1 Committee Members must act with impartiality and integrity.
- 4.2 Committee Members must act in a respectful, transparent and accountable manner.

- 4.3 Committee Members must be responsible stewards of public resources.
- 4.4 Committee Members must act in good faith.
- 4.5 Committee Members must exercise diligence in their activities with the Committee.

General Behavioural Expectations

- 4.6 Committee Members must act in a way that is consistent with the all Committee policies, protocols and procedures, and are expected to be familiar with all such policies, protocols and procedures.
- 4.7 Committee Members must not engage in any criminal activity and must comply with all laws, regulations, policies and procedures applicable to the Committee's work.
- 4.8 Committee Members must not use drugs or alcohol in a way that affects their performance and safety, or the performance and safety of their Committee colleagues, or that negatively impacts the operations of the Committee.
- 4.9 Committee Members must not engage in behaviours or activities that may negatively impact the reputation of the Committee.
- 4.10 Committee Members must not comment publicly to the media about the Committee's work without first consulting the Code Administrator. Committee Members must immediately inform the Code Administrator about any media requests and the Code Administrator must deal with the request.
- 4.11 Committee Members must conduct themselves in a manner that contributes to a safe and healthy working environment that is free from discrimination, harassment or violence.
- 4.12 Committee Members must not act in self-interest or further their Private Interests by virtue of their position or through the carrying out of their duties.
- 4.13 Committee Members must behave in a way that is fair, reasonable and ethical.
- 4.14 Committee Members must conduct themselves and fulfill their duties to the Committee professionally, diligently and effectively, including devoting sufficient time and attention to their respective duties and obligations so as to ensure that the Committee's decision-making process is well-informed and balanced.

- 4.15 Committee Members will encourage colleagues to act in accordance with this Code.
- 4.16 Committee Members must submit honorarium claims or travel expense documents within 30 days of a meeting, for ease of administration.
- 4.17 Committee Members must inform the Chair of any absences from a meeting at least one week prior to a scheduled meeting, subject to extenuating circumstances.

Privacy and Confidential Information

- 4.18 In addition to the general expectations set forth in section 4.6 of this Code, Committee Members must comply with protocols of the Committee and applicable privacy laws that guide the collection, storage, use, transmission and disclosure of information.
- 4.19 Committee Members must respect and protect Confidential Information, use it only for the work of the Committee and not use it to further a Private Interest.
- 4.20 Once a Committee Member has left the Committee, they must not disclose Confidential Information.
- 4.21 All meeting materials provided to Committee Members, including funding applications, and all meeting materials created by Committee Members such as notes, are to be disposed of no later than 30 days after the last meeting to which the materials relate. Electronic copies of material are to be “double deleted” (that is, also deleted from any electronic trash such that the materials are not recoverable) from email and other electronic platforms. Hard copies of material are to be returned to the Chair or Administrator for disposal in a manner authorized by the *Health Information Act*.
- 4.22 A master copy of all funding application files is to be kept/stored by the Chair or Administrator in a manner authorized by the *Health Information Act*.

Use of Property

- 4.23 Committee Members may have limited use of the Committee’s premises and equipment, including fax and email, for authorized incidental purposes providing such use involves minimal additional expense to the Committee, is performed on the individual’s own time and does not interfere with the work or mission of the Committee.

Gifts

- 4.24 Committee Members must not accept any fees, gifts or other benefits from any current or reasonably foreseeable applicant for funding, or the patients on whose behalf the applicant is seeking funding, or any Closely Related Person to such patients.
- 4.25 Committee Members must not accept fees, gifts or other benefits that are connected directly or indirectly with the performance of their Committee duties from any individual or Entity, other than:
- the normal exchange of hospitality between persons doing business together;
 - tokens exchanged as part of protocol; or
 - the normal presentation of gifts to persons participating in public functions.
- 4.26 The monetary value of a single gift should not exceed \$100 and must not include cash, cheques, gift cards or gift certificates. The monetary value of gifts received within a single year from a single source must not exceed a total of \$200.

Conflicts of Interest

- 4.27 Committee Members must be aware of and avoid Conflicts of Interest and must not participate in outside activities that create Conflicts of Interest. For example:
- a) Business Interests and Financial Interests: Committee Members must not hold Business Interests or financial interests directly, or indirectly through a Closely Associated Person, that could benefit from or influence the work of the Committee.
 - b) Employment/Appointment: Subject to clause 4.27(c), Committee Members must not accept new appointments or employment that affects their performance or impartiality in their work with the Committee. Committee Members considering a new offer of appointment or employment must be aware of and manage any potential Conflicts of Interest between their current position and their future circumstance, and must remove themselves from any Committee decisions affecting their new appointment or employment. Further, such new appointment or employment must be disclosed in writing to the appropriate Code Administrator in advance.

The Code Administrator must review the details of the proposed new appointment or employment to determine if there is any potential for a Conflict of Interest with the Committee Member's duties related to the Committee, and respond in writing to the Committee Member with an

approval or denial of the new employment or appointment. The reason for the approval or denial of any new employment or appointments must be clearly stated in the Code Administrator's written decision. The Code Administrator will seek guidance from the Ethics Commissioner as needed.

The Committee Member may wish to accept the new appointment or employment notwithstanding a contrary decision from the Code Administrator. In such a case, the Committee Member must resign from the Committee prior to accepting the new appointment or employment.

- c) Concurrent Employment of Committee Members: it is acknowledged and accepted that Committee Members are required to be practising physicians in the province of Alberta. Accordingly, the potential for Conflicts of Interest arising from funding applications involving a patient of one of the Committee Members exists, and is managed by the Committee's existing policy of requiring the affected Committee Member to declare the conflict and recuse themselves from deliberation over that particular application. As it is recognized that it is not possible to avoid any potential Conflict of Interest arising given the necessity of concurrent employment as a practising physician, this is not a disqualification for any Committee Member provided that Committee Member respects and abides by the Committee's standard practices for declaring Conflicts of Interest when they may arise. Further, such concurrent appointment or employment must be disclosed in writing to, and approved in writing by, the appropriate Code Administrator in advance.

The Code Administrator must review the details of the concurrent employment to determine if there is any potential for a Conflict of Interest, and respond in writing to the Committee Member with decision as to whether the concurrent employment creates a Conflict of Interest with Committee duties in a manner that cannot be addressed by the Committee's existing policy in relation to particular applications. The reason for the conclusion reached must be clearly stated in the written decision. The Code Administrator will seek guidance from the Ethics Commissioner as needed. If a Conflict of Interest is found by the Code Administrator which cannot be satisfactorily addressed by the Committee's existing policy in relation to particular applications, then should the Committee Member wish to accept or continue with the concurrent employment, the Committee Member must resign from the Committee.

- d) Political Activity: Committee Members may participate in political activities, including holding membership in a political party, supporting a candidate for elected office or seeking elected office. However, they must not use their position with the Committee to seek contributions for a political party or solicit political support from current or future clients or Entities doing

business with the Committee. In addition, any political activity must be clearly separated from activities related to the work for the Committee; must not be done while carrying out the work of the Committee; and must not make use of Committee facilities, equipment or resources in support of these activities. If a Committee Member is planning to seek an elected municipal, provincial or federal office, they must disclose their intention to their Code Administrator in advance, and the Code Administrator must provide written approval prior to the Committee Member seeking such elected office.

- e) Volunteer Activity: If Committee Members are involved in volunteer work, the activity must not influence or conflict with the work of the Committee. Further, any intended volunteer work must be disclosed in advance to the appropriate Code Administrator, who must review the volunteer activity to determine if there is any potential for conflict and seek guidance from the Ethics Commissioner as needed.
- f) Dealings with Closely Related Persons: Committee Members must disqualify themselves from activities with others if the relationship between them may bring their impartiality into question. In situations in which this may impair the work of the Committee, Committee Members must advise the appropriate Code Administrator as soon as possible. In limited circumstances, the Committee may permit relatives of a Committee Member to work for the Committee, provided that the Code Administrator ensures that all steps are taken as is necessary to ensure that there is no opportunity to exercise favouritism and no Conflict of Interest exists for the Committee Members involved. A Committee Member may not supervise a Relative. In staff hiring and selection processes, Committee Members making a hiring decision must disqualify themselves where applicants are Relatives or Closely Related Persons if the continued participation of such staff could raise, or could reasonably be seen to raise, a question as to their impartiality.

- 4.28 Committee Members have a continuing obligation to promptly and fully disclose any and all Conflicts of Interest, including Apparent Conflicts of Interest, to their Code Administrator. The Chair may request that the disclosure be put in writing. A disclosure alone does not remove a Conflict of Interest.
- 4.29 If an unanticipated Conflict of Interest arises during a meeting, hearing or other business of the Committee, Members must bring this to the attention of their Code Administrator immediately, or as soon as possible after the meeting.
- 4.30 When there is a change in the Committee Member's responsibilities related to the Committee or in personal circumstances, any relevant information about any Conflict of Interest shall be disclosed in writing to the appropriate Code Administrator as soon as possible.

- 4.31 The Code Administrator will endeavour to address and manage Conflicts of Interest.
- 4.32 Where a Conflict of Interest cannot be avoided, Committee Members must take the appropriate steps to manage the conflict in consultation with the Code Administrator. Management could include steps such as:
- Removing oneself from matters in respect of the Conflict of Interest;
 - Avoiding the particular interest or activity causing the Conflict of Interest; or
 - Resigning from the position with the Committee.
- 4.33 Once a Committee Member has left the Committee, the Committee Member must not disclose confidential information, including information pertaining to Committee processes, of which he or she became aware while a Committee Member, and he or she must not use contacts with former colleagues to gain an unfair advantage for his or her current circumstance. To avoid the appearance of conflict, former Committee Members may not make applications to the Committee, or provide advice to others making funding applications to the Committee on behalf of Albertans, for twelve (12) months after the termination of their appointment or employment.
- 4.34 Similarly, Committee Members shall not engage in any lobbying activity related to the activities of the Committee for a period of twelve (12) months following the termination of their appointment or employment.
- 4.35 No current Committee Member may make a funding application on behalf of an Albertan during the term of their appointment. The Committee recognizes that even a recusal would not be sufficient to address the perception of conflict in such a situation.

PART 5

STATUTORY OBLIGATIONS OF THE CHAIR

- 5.1 The Chair of the Committee is a “senior official” within the meaning of that term as used in the *Conflicts of Interest Act*, R.S.A. 2000, c. C-23, and is accordingly required to comply with the statutory obligations on senior officials set out in that legislation.
- 5.2 The Chair must not take part in a decision in the course of carrying out his or her office or powers knowing that the decision might further a private interest of the Chair, a person directly associated with the Chair or the Chair’s minor or adult child.

- 5.3 The Chair must not use his or her office or powers to influence or to seek to influence a decision to be made by or on behalf of the Crown or Committee to further a private interest of the Chair, a person directly associated with the Chair or the Chair's minor child or to improperly further any other person's private interest.
- 5.4 The Chair must not use or communicate information not available to the general public that was gained by the Chair in the course of carrying out his or her office or powers to further or seek to further a private interest of the Chair or any other person's private interest.
- 5.5 The Chair must appropriately and adequately disclose a real or apparent conflict of interest.

PART 6 BREACH DISCLOSURE, DISCIPLINE AND REVIEW

Disclosures and Reporting

- 6.1 Committee Members shall self-report potential breaches of the Code, and have a responsibility to report potential breaches by other Committee Members to the Code Administrator.
- 6.2 When reporting a potential breach of another Committee Member in good faith and with reasonable grounds, the reporting Committee Member will be protected from reprisal for such reporting.
- 6.3 The identity of the person reporting a breach or potential breach will not be disclosed by the Code Administrator unless required by law, and no documentation regarding the reporting will be recorded in the Committee's records.
- 6.4 Once an actual or potential breach of the Code has been reported, the Code Administrator will engage the Breach Procedures appended to this Code. At the conclusion of the Code Administrator's review of the reported breach or potential breach, she or he will complete a written report in a timely manner, and provide the report to the Ethics Commissioner's office, the affected individual, and other parties as necessary.
- 6.5 The Code Administrator must review the circumstances and details of the actual or potential breach and ensure the confidentiality of all disclosures.
- 6.6 Subject to section 6.3, if a reported breach or potential breach relates to a Committee Member other than the person reporting it, the Committee Member in

question has the right to be made aware of the allegation and will be given the opportunity to respond to the allegation.

- 6.7 A Committee Member has the right to request a review of the Code Administrator's decision by submitting a request in writing to Ethics Commissioner within 30 days of receipt of the Code Administrator's written report.
- 6.8 If a Committee Member or Employee is charged with an offence under the *Criminal Code of Canada* or *Controlled Drugs and Substances Act (Canada)* arising from the conduct of the Committee Member or Employee while on or off duty, the Committee Member or Employee shall immediately report the charge to the Chair or the appropriate Code Administrator. Where any such charge is reported, the Chair will determine if the Committee Member has (a) created a real or perceived conflict of interest that impacts the member's ability to continue to perform their duty as a Committee member.

Discipline

- 6.9 Breaches of this Code may result in disciplinary action, up to and including suspension or removal of the Committee Member from the Committee.
- 6.10 If there is reason to believe that a Committee Member is engaging in inappropriate conduct outside the jurisdiction of the Code Administrator, such as criminal conduct, further steps may be taken by the Code Administrator.

PART 7 COMING INTO FORCE

- 7.1 This Code shall come into force on a business day that is 30 days after the date on which notice of this Code is given to the public.

APPENDIX A: Guidance Questions

When Committee Members are faced with a difficult situation, the following questions may help them decide the right course of action:

- Have I reflected on or consulted with the Code Administrator about whether I am compromising my responsibilities under the Code?
- Have I considered the issue from a legal perspective?
- Have I investigated whether my behaviour aligns with a policy or procedure of the Committee?
- Could my Private Interests or relationships be viewed as impairing my objectivity?
- Could my decision or action be viewed as resulting in personal gain, financial or otherwise?
- Could my decision or action be viewed as furthering the private interests of someone with whom I have a significant personal or business relationship?
- Could my decisions or actions be perceived as granting or receiving preferential treatment?
- Could my action result in a Conflict of Interest, whether real or apparent?

APPENDIX B

Breach Procedures and form (see attached)

Where a potential breach of the Code is reported to the Code Administrator, the Code Administrator will initiate the breach protocol within 3 business days of the report being filed.

The Code Administrator will file a report with the Ethics Commissioner within 30 business days of the breach being reported.

Affirmation/Re-affirmation:

I reviewed the Code of Conduct (Code) for the Out-of-Country Health Services Committee and affirm/re-affirm my commitment to, and compliance with the Code.

Name

Signature

Date

**Out of Country Health Services Committee
Code of Conduct (Code) Breach Report Form**

NOTE: All fields are mandatory.

Report Date*:	Incident number*:
CONTACT INFORMATION - <u>Code Administrator:</u>	
Name and contact information for a person who can answer questions related to a breach of the Code.	
Description of the Breach (report all of the circumstances of the breach)*:	
Patient Name/ULI: (if applicable)	
Created By: Person(s) who committed the breach of the Code	
Date* on which or time period during which the breach occurred:	
Date breach discovered*	
INFORMATION INVOLVED	
Description* of the type(s) of information involved in the breach:	

**BREACH PROTOCOL
OUT-OF-COUNTRY HEALTH SERVICES COMMITTEE
APRIL 2018**

When an issue is identified that may compromise the privacy or security of personal information, or where a conflict of interest has occurred, the following processes are in place to ensure the appropriate action is taken.

An example of an incident that warrants reporting would be:

- A conflict of interest was not declared by a Committee member or employee.

**THE FOLLOWING CHECKLIST IS REQUIRED TO BE COMPLETED UPON NOTIFICATION OF A
POTENTIAL PRIVACY BREACH OF INFORMATION**

CODE ADMINISTRATOR WILL:

- receive information regarding a potential breach of the Code of Conduct (Code)
- ensure that the affected party (Committee member or employee) is made aware of the allegation and that they will be given the opportunity to respond to these allegations
- assure the affected party, where applicable, that the circumstances of the breach will be investigated by the Code Administrator
- inform the affected party of the breach protocol
- complete the Breach form
 - obtain as much information as possible including the history of the situation,
 - who is reporting the incident?
 - what was the nature of the incident?
 - when did it happen?
 - receive demographic information of all affected, if applicable
- identify the section of the Code that was breached
- investigate how the breach occurred, this can be done by identifying the nature of the incident
- forward a copy of the breach form and completed report to the Office of the Ethics Commissioner
- Ethics Commissioner will advise the Code Administrator of any next steps.