



Navigator Program Conflict of Interest Standards

Persons serving as Pinellas County Health Care Navigators are required to comply with county guidelines and standards adopting the Florida Statutes Section 112 (entitled, Code of Ethics for Public Officers and Employees). State of Florida law also sets guidance for navigators in the Florida Statutes Section 626.995 (entitled, Navigators) et. seq.

Funding and Compensation

Navigator entities and Individual Exchange Navigators cannot receive compensation from a carrier, insurance producer, TPA or Medicaid MCO for enrollment into QHPs/Medicaid/MCHP or for enrollment in a non-QHP. (Section 626.9957(3) (c)).

Character

- Any person who has committed a felony of the first degree; a capital felony; a felony involving money laundering, fraud, or embezzlement; or a felony directly related to the financial services business will not be allowed to apply for a position as a Pinellas County Marketplace Navigators. (Section 626.9954(2)).
- Any person who has committed a felony involving moral turpitude within the last fifteen (15) years, will not be allowed to apply for a position as a Pinellas County Marketplace Navigators. (Section 626.9954(3)(a)).
- Any person who has committed a felony within the last seven (7) years will not be allowed to apply for a position as a Pinellas County Marketplace Navigators. (Section 626.9954(3)(b)).
- Any person who has committed a misdemeanor directly related to the financial services business will not be allowed to apply for a position as a Pinellas County Marketplace Navigators. (Section 626.9954(3)(c)).

Outreach and Messaging

- Navigators work under Florida Statutes where there is a clear prohibition on steering or otherwise encouraging individuals or small businesses to enroll in a plan or product on a basis other than the consumer or employer's best interests or that is outside of the Marketplace. (Section 626.9957(20)).

Navigator Program Conflict of Interest Enforcement Procedures

Exchange Protocols

Navigators are responsible for complying with all State and County Ethics laws and rules as further explained in the attached Memo to New Hires in Pinellas County. See attached Pinellas County Ethics Guide Memo that references County Policy State of Florida Statute links:

http://www.flsenate.gov/Laws/Statutes/2015/Chapter626/PART_XIII/ and
http://www.flsenate.gov/Laws/Statutes/2015/Chapter112/PART_III/

A Pinellas County Marketplace Navigator who intentionally defrauds the public or its public agency for profit or other gain, through use of their public office shall be guilty of a felony, dismissed from employment and subject to a ten thousand dollar (\$10,000) fine. (Section 112.3173(2) e)

Navigator Disclosure Policy

Although certain conflicts of interest are not automatic bars to serving as a Navigator, The County recognizes the need to disclose those issues to the Exchange and to each consumer receiving application assistance which as listed below:

- Navigator shall disclose to the Public Health Care Administrator any and all significant financial and/or other interests including personal relationships of the Navigator (for example, spouse, dependent children, etc.): (i) that would reasonably appear to be affected by the grant activities funded or proposed for funding by CMS; or (ii) in entities whose financial or other interests would reasonably appear to be affected by such activities.
- The Health Care Administrator shall (1) review any potential conflict of interest; (2) determine whether a potential (appearance of) or real conflict of interest exists; and (3) Establish what conditions, or restrictions, should be imposed to eliminate the conflict of interest.
- This information shall be conveyed to the Director of Pinellas County Human Services who is designated to act on behalf of the applicable CMS award.
- Prior to expending funds under a new CMS award, the Director shall inform the applicable CMS Grants Management Specialist and Project Officer of any real or potential conflict of interest in a report detailing the County's plan to eliminate the conflict prior to spending CMS funding on the activities in question.
- Similar reports for subsequently identified conflicts shall be made within 30 days of identifying them. Funding for those specific activities should cease until the aforementioned steps are completed.
- Continual updates shall be made for any real or potential conflicts of interest not fully resolved. Additional information shall be made available to the CMS Grants Management Specialist and Project Officer, upon request, as to how the County is handling (or had handled) the real or potential conflict of interest.
- The County shall maintain records of all disclosures and of all actions taken to resolve conflicts of interest for at least three years beyond the termination or completion of the grant to which they relate, or until the resolution of any CMS action involving those records, whichever is longer.

A. D. No. 15-1
Effective Date: Current
Reviewed Date: _____
County Administrator
Approved: Yes

**PINELLAS COUNTY
ADMINISTRATIVE DIRECTIVE**

ETHICS GUIDE FOR EMPLOYEES OF PINELLAS COUNTY

SUMMARY:

The County Attorney provides a memo that directs County employees on ethics laws governing their performance. All County employees are expected to comply with these requirements, restrictions and prohibitions. Do not hesitate to discuss your questions with your supervisor.

DOCUMENT:

ETHICS GUIDE FOR EMPLOYEES OF PINELLAS COUNTY DIRECTIVE

Issued by:
County Attorney Office

ETHICS GUIDE FOR EMPLOYEES OF PINELLAS COUNTY DIRECTIVE

SUPERSEDES: Memo issued by the County Attorney on August 23, 2000, reference same subject.

DEFINITIONS: N/A

PROCEDURE:

Our performance of County duties is governed principally by four different ethical regulations. These include:

- The Florida Code of Ethics for Public Officers and Employees, located at Chapter 112 of the *Florida Statutes*;
- Pinellas County's Conflict of Interest Ordinance, located at Section 2-1-78, et seq., of the *Pinellas County Code*;
- The *Pinellas County Personnel Rules*, which are applicable to those employees within the Unified Personnel System; and
- The *Pinellas County Statement of Ethics*.

What follows is an outline of some requirements, restrictions and prohibitions which the above-listed sources place upon County employees:

1. Solicitation or Acceptance of Gifts. Public officers and employees are prohibited from soliciting or accepting anything of value, such as a gift, loan, reward, promise of future employment, favor or service, which is based on an understanding that their official action or judgment would be influenced by such a gift. Additionally, the County's Personnel Rules prohibit acceptance of a gift if it could be construed as a means of receiving a favor or obtaining better treatment than that accorded other persons, either presently or in the future. However, the Pinellas County Statement of Ethics states that County employees will not accept any gifts or gratuities from those with whom they do business.

2. Unauthorized Compensation. County employees and their spouses and minor children are prohibited from accepting any compensation, payment or other thing of value when they know, or with the exercise of reasonable care should know, that it is given to influence their official action.

3. Misuse of Public Position. County employees are prohibited from corruptly using or attempting to use their official positions to obtain a special privilege for themselves or others.

4. Disclosure or Use of Certain Information. County employees are prohibited from disclosing or using information not available to the general public and obtained by reason of their public positions for the personal benefit of themselves or others.

5. Doing Business With One's Agency. County employees, acting in a private capacity, are prohibited from renting, leasing or selling any realty, goods or services to the County or any of its agencies.

6. Conflicting Employment or Contractual Relationship. County employees may not hold any employment or contractual relationship with any business or agency that is regulated by or doing business with their public agency. They also may not hold an employment or contractual relationship that will pose a frequently recurring conflict between their public duties and private interests, or which will impede the full and faithful discharge of their public duties.

7. Employees Holding Office. A County employee may not be a member of the governing body which serves as his employer while also continuing as an employee of that body.

8. Nepotism. County officials may not seek any appointment, employment, promotion or advancement for a relative in the agency in which they are serving or over which they exercise jurisdiction or control.

9. Misappropriation of County Property. County employees may not appropriate County property or County funds for their personal use, except for authorized wages or reimbursement, or illegally dispose of County property.

COMMENTS:

If you happen to be an employee who is required to file a financial disclosure form annually, some special rules regarding gifts apply to you. You should contact Bill Falkner in our office at 464-3354 and he will explain these to you.

AUTHORITY:

1. *Florida Code of Ethics for Public Officers and Employees*, located at §§ 112.311, et seq., of the *Florida Statutes*.
2. *Pinellas County Code*, § 2-1-78, et. seq.
3. *Pinellas County Personnel Rule XXIV.J.(46)*
4. *Pinellas County Statement of Ethics*