

# CONFLICT OF INTEREST RULES FOR MEMBERS OF THE PHYSICIAN PAYMENT REVIEW BOARD AND FORMER MEMBERS OF THE PHYSICIAN PAYMENT REVIEW BOARD

## PART I

### RULES FOR MEMBERS APPOINTED TO THE PHYSICIAN PAYMENT REVIEW BOARD

These conflict of interest rules are based on those in Ontario Regulation 381/07 under the *Public Service of Ontario Act, 2006 (PSOA)*. Where a provision in the rules is inconsistent with a provision in the Regulation, the provision in the regulation prevails. For this purpose, a provision in the rules is inconsistent with a provision of the Regulation where a provision in the rules establishes a degree of ethical conduct that is lower than is established by the Regulation. An inconsistency does not arise where a provision in these rules exceeds the degree of ethical conduct established by the Regulation.

## Interpretation

### Definitions

1. In this Part,

“Board”; means The Physician Payment Review Board.

"confidential information" means information that is not available to the public and that, if disclosed, could result in harm to the government or could give the person to whom it is disclosed an advantage.

“Conflict of Interest Commissioner” is appointed by the Lieutenant Governor in Council and is responsible for, among other things, approving the Board’s conflict of interest rules, giving direction on conflict of interest referred by the Chair of the Board and giving direction on post-service conflict of interest obligations of former chairs and members of the Board.

“ethics executive”; means the Chair of the Board is the designated ethics executive for members of the Board; for former members, the Conflict of Interest Commissioner is the designated ethics executive; for the Chair of the Board, the Conflict of Interest Commissioner is the designated ethics executive.

"gift" includes a benefit of any kind.

“member”; means persons appointed to the Physician Payment Review Board.

"spouse" means,

(a) a spouse as defined in section 1 of the *Family Law Act*, or

(b) either of two persons who live together in a conjugal relationship outside marriage.

## **Application**

2. This Part applies to every member appointed to the Board.

## **Prohibited Conduct**

### **Benefiting self, spouse or children**

3. (1) A member shall not use or attempt to use his or her appointment to the Board to directly or indirectly benefit himself or herself or his or her spouse or children.

(2) A member shall not allow the prospect of his or her future employment by a person or entity to detrimentally affect the performance of his or her duties.

### **Accepting gifts**

4. (1) A member shall not accept any gift if a reasonable person might conclude that the gift could influence the member when performing his or her duties.

(2) Subsection (1) shall not operate to prevent a member from accepting a gift of nominal value given as an expression of courtesy or hospitality if doing so is reasonable in the circumstances.

(3) A member who is offered or receives a gift in the circumstances described in subsection (1) shall notify his or her ethics executive.

### **Disclosing confidential information**

5. (1) A member shall not disclose confidential information obtained during the course of his or her appointment to the Board to a person or entity unless the member is authorized to do so by law or the Board or the Crown.

(2) A member shall not use confidential information in a business or undertaking outside his or her duties.

(3) A member shall not accept a gift directly or indirectly in exchange for disclosing confidential information.

### **Giving preferential treatment**

6. (1) When performing his or her duties, a member shall not give preferential treatment to any person or entity that could benefit from it.

(2) When performing his or her duties, a member shall endeavour to avoid creating the appearance that preferential treatment is being given to a person or entity that could benefit from it.

### **Seeking preferential treatment, etc.**

**(3)** A member shall not offer assistance to a person or entity in dealing with the Crown, outside the ordinary course of their duties including seek preferential treatment by, or privileged access to, public servants who work in any minister's office, ministry or public body.

### **Hiring family members**

**7.** A member shall not engage his or her spouse, child, parent or sibling to perform services on behalf of the Board.

### **Engaging in business, etc.**

**8.** A member shall not become employed by or engage in a business or undertaking outside his or her appointment in any of the following circumstances:

- i) If the member's private interests in connection with the employment or undertaking could conflict with his or her duties.
- ii) If the employment or undertaking would interfere with, influence or detrimentally affect the member's ability to perform his or her duties.
- iii) If, in connection with the employment or undertaking, any person would derive an advantage from the member's appointment.
- (iv) If Board premises, equipment or supplies are used in the employment or undertaking.

### **Participating in decision-making and Board Matters involving Members**

**9. (1)** A member shall not participate in any discussions or decision-making by the Board if the member or his or her spouse or children could benefit from the decision.

**(2)** Subsection (1) does not apply if the member obtains the prior approval of his or her ethics executive to participate in the decision-making by the Board.

**(3)** A member is prohibited in participating in any manner in any matter before the Board that involves the member (e.g., an Appeal in which the member is a party or has a personal interest) ("Member Related Matter").

**(4)** In the event there is a Member Related Matter that may come or is before the Board, the member shall immediately inform the Registrar and his or her ethics executive. In addition to the member complying with section 9(1) above, the member shall:

- (a) not engage in any discussions with any of the Board staff or members about the Member Related Matter; and

(b) ensure that the member does not use any confidential information of the Board in connection with the Member Related Matter.

(5) The Board shall ensure that a member does not participate in, appoint members or sit on a panel of the Board in which the member has a Member Related Matter.

## **Matters That Might Involve the Private Sector**

### **Interpretation**

**10. (1)** This section applies to every member appointed to the Board, who routinely works on one or more matters that might involve the private sector and who has access to confidential information about the matter obtained during the course of their appointment.

**(2)** In this section, "matter that might involve the private sector" means a matter,

(a) that relates to services currently provided under a program of the Crown or by a public body, an agency of the Crown or a corporation controlled by the Crown with respect to which it is possible that a private sector entity will provide all or part of the financing for the services or will provide some or all of the services, and

(b) that has been referred to a ministry, a public body or an agency of the Crown by the Executive Council or a member of the Executive Council for review or implementation.

**(3)** When a member begins work on a matter that might involve the private sector, he or she must make a declaration to the Conflict of Interest Commissioner respecting his or her financial interests, in accordance with Section 11 of Ontario Regulation 381/07. He or she is also subject to the restrictions on certain purchases as set out in Section 12 of Ontario Regulation 381/07. A member must consult the ethics executive if the member has any uncertainty or confusion about the application and scope of this section.

## **PART II**

### **RULES FOR FORMER MEMBERS OF THE PHYSICIAN PAYMENT REVIEW BOARD**

#### **Application**

**11. (1)** This Part applies with respect to every former member of the Board who, immediately before he or she ceased to be a public servant, was appointed to the Physician Payment Review Board.

**(2)** Despite subsection (1), this Part does not apply to a person who ceases to be a member before the day on which section 57 of the Act comes into force.

## **Prohibited Conduct**

### **Seeking preferential treatment, etc.**

**12.** A former member shall not seek preferential treatment by, or privileged access to, public servants who work in a minister's office, a ministry or a public body.

### **Disclosing confidential information**

**13. (1)** A former member shall not disclose confidential information obtained during the course of his or her appointment to the Board to a person or entity unless the former member is authorized to do so by law, the Board or the Crown.

**(2)** A former member shall not use confidential information in a business or undertaking.

### **Restriction on lobbying**

**14. (1)** For 12 months after ceasing to be a member, no former member shall lobby any of the following persons on behalf of a public body or another person or entity:

(a). A member of the PPRB or public servant of any other ministry or public body in which the former member worked at any time during the 12 months before he or she ceased to be a public servant.

(b). The minister of any ministry in which the former member worked at any time during the 12 months before he or she ceased to be a public servant.

(c). A public servant who works in the office of a minister described in paragraph 2.

### **Restriction on employment, etc.**

**15. (1)** This section applies to all former members who, in the course of their appointment at any time during the 12 months before he or she ceased to be a member;

(a) had substantial involvement with a public body or another person or entity;  
and

(b) had access to confidential information that, if it were to be disclosed to the public body, person or entity could result in harm to the Crown or could give the public body, person or entity an unfair advantage in relation to one or more third parties.

**(2)** For 12 months after ceasing to be a member, the former member shall not accept employment with the public body, person or entity or serve as a member of the board of directors or other governing body of the public body, person or entity.

### **Restriction re certain transactions**

**16. (1)** This section applies to a former member who advised the Board or the Crown about a particular proceeding, negotiation or other transaction.

**(2)** The former member shall not advise or otherwise assist any public body or any other person or entity in connection with the particular proceeding, negotiation or other transaction until the Crown ceases to be involved in it.

**(3)** Despite subsection (2), the former member may continue to advise or otherwise assist the Crown in connection with the particular proceeding, negotiation or other transaction.