



State of West Virginia

Board of Medicine

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Conflict of Interest Policy

The West Virginia Board of Medicine is committed to protecting the health and safety of the public through the fair and just regulation of the health care professionals licensed by this Board. Members of the Board have an ethical duty and a fiduciary obligation to act on behalf of the Board, and the people of West Virginia, with honesty, integrity and without divided loyalties. The Board hereby adopts the following policy to guide Board members in resolving actual and potential conflicts of interest which may arise in course of discharging public duties and official actions on behalf of the Board.

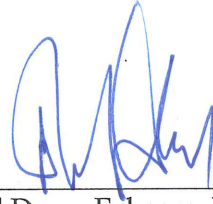
1. As public officials, members of the Board shall at all times comport with the requirements of the West Virginia Governmental Ethics Act, West Virginia Code § 6B-1-1 *et seq.*, and the rules promulgated thereunder. As used in this policy, the terms "business," "immediate family," and "relative" carry the same meaning as set forth by the legislature in the West Virginia Governmental Ethics Act.
2. Members shall exercise good faith in all matters related to their duties to and on behalf of the Board.
3. A member may not knowingly and intentionally use his or her membership on the Board, or the prestige conferred by membership on the Board, for personal private gain, or for the private gain of another.
4. To avoid any appearance of impropriety, and as part of the complaint and investigation process, any complaint submitted to the Board which alleges professional misconduct by a licensed Board member shall be sent to an independent consultant for review.
5. Generally, a member may not vote on a matter before the Board if:
 - a. The member or the member's immediate family member have a financial interest in the matter;
 - b. The member or the member's immediate family member is a director, officer, owner, employee, compensated agent, or holder of stock which constitutes five percent or more of the total outstanding stocks of any business that has a financial interest in the matter; or
 - c. The matter involves the employment or working conditions of the member's relative or a person with whom the member resides.

However, if the member, immediate family, relative or associated business are affected by the matter as part of a professional or occupational class or business group, and the class or group includes at least five similarly situated persons or businesses, a Board member may participate in the vote. A member may also participate in the vote if the business is a publicly traded company, the member and dependent family members individually or jointly own less than five percent of the issued stock, and the member discloses his or her interest in the publicly traded company prior to the vote.

6. A member may not vote on the appropriation of public funds or the awarding of a contract to a nonprofit corporation if the member or an immediate family member is employed by, or a compensated officer or board member of, the nonprofit. If the member or immediate family member is an uncompensated officer or board member of the nonprofit, then the member must publicly disclose such relationship prior to the vote. Such relationship should be reported on the agenda (if known when the agenda is published), disclosed at the meeting, and reflected in the minutes.
7. Other conflicts of interest may arise in the course of a member's service to the Board, and should be carefully evaluated on a case by case basis. Other conflicts of interest may include situations in which:
 - a. A member is a relative of, or has a current or recent provider-patient relationship with, a patient who has filed a complaint with the Board.
 - b. A member is a relative of, or has a current or recent provider-patient relationship with, a candidate for licensure or a licensee against whom a complaint has been filed or a disciplinary matter is pending;
 - c. A member has a personal or private interest which may benefit from his or her official actions or influence; and/or
 - d. A member has competing loyalties or interests which may affect, or have the appearance of affecting, his or her impartiality or public actions on behalf of the Board.
8. A member with a conflict of interest shall recuse himself or herself from all discussion and voting upon the matter for which the member is conflicted from participation.
9. To effectuate recusal, a member shall:
 - a. Promptly and fully disclose the conflict to the other members of the Board when the interest becomes a matter of Board action;
 - b. Refrain from using his or her personal influence on the matter;
 - c. Excuse himself or herself from the discussion and decision-making process in its entirety and recuse himself or herself from voting on the matter; and
 - d. Leave the meeting room until such time as the discussion and vote have concluded.
10. The meeting minutes shall reflect the basis for the recusal and that the member left the meeting room for all discussion and voting upon the matter.
11. A member who has a reasonable basis to believe that an undeclared conflict exists regarding another member's participation in a matter shall raise any such concern for

discussion by the members participating in the meeting prior to any discussion or vote on the matter. The member about whom a possible conflict of interest has been raised shall address his or her position regarding whether an actual or potential conflict of interest exists, and all discussion related thereto shall be fully and completely recorded in the minutes.

12. This policy shall be regularly reviewed by Board members and available at all meetings of the Board and its Committees for consultation as needed.



Adopted January 8, 2018

Ahmed Daver Faheem, M.D., D.L.F.A.P.A., President



Rahul Gupta, M.D., M.P.H., M.B.A., F.A.C.P., Secretary