

DRAFT

**CONFLICT OF INTEREST CODE FOR THE
CALIFORNIA HEALTH BENEFIT EXCHANGE**

The Political Reform Act (Government Code Section 81000 et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code Regs. Sec 18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix A designating officials and employees, and Appendix B establishing disclosure categories, shall constitute the conflict of interest code for the CALIFORNIA HEALTH BENEFIT EXCHANGE.

Designated employees shall file statements of economic interest with the CALIFORNIA HEALTH BENEFIT EXCHANGE. The Exchange shall make the statements available for public inspection and reproduction. (Government Code Section 81008). Upon receipt of the statements of Members of the Board and the Executive Director, the Exchange shall make and retain a copy and forward the original to the Fair Political Practices Commission. Statements for all other designated employees will be retained by the Exchange.

**CALIFORNIA HEALTH BENEFIT EXCHANGE
APPENDIX A**

<u>List of Designated Positions</u>	<u>Assigned Disclosure Categories</u>
Board Members	1
Executive Office	
Executive Director	1
Chief Deputy Director	1
Deputy Directors	1
Chief Financial Officer	1
Chief Operations Officer	1
SHOP Exchange Director	1
Health Plan Contracting Director	1
Chief Information Technology and Information Officer	1
Chief Medical Officer	1
General Counsel	1
Communications and Marketing Director	1
Legislation Director	1
Staff Counsel	1
Procurement Personnel	2
Consultants/New positions	*

* Consultants and individuals serving in new positions shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation:

The Executive Director may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant’s duties and, based on that description, a statement of the extent of the disclosure requirements. The Executive Director’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code. (Government Code Sec. 81008).

**CALIFORNIA HEALTH BENEFIT EXCHANGE
APPENDIX B**

1. Designated employees in disclosure category 1 shall disclose all investments and business positions in business entities, and income, including gifts, loans, and travel payments, from the following:
 - Health insurance carriers.
 - Health insurance agents or brokers.
 - Health care providers.
 - Health care facilities or health clinics.
 - Pharmaceutical companies
 - Medical device or equipment manufacturers or distributors.
 - Trade associations of health insurance carriers, health insurance agents or brokers, health care providers, health care facilities or health clinics, pharmaceutical companies, and medical device or equipment manufacturers or distributors.
 - Organizations representing individuals with specific medical conditions.
 - Information technology consulting firms.
 - Sources of the type to provide goods, equipment, materials, supplies, and information technology or telecommunication products to the California Health Benefit Exchange.
 - Sources of the type to provide personal services to the California Health Benefit Exchange, including, but not limited to, health care and insurance research consulting firms.
 - Sources of the type to receive funding from or through the California Health Benefit Exchange.

2. Designated employees in disclosure category 2 shall disclose investments and business positions in business entities, and sources of income, which provide goods, equipment, materials, supplies, and information technology or telecommunication products of the type used by the California Health Benefit Exchange.