**Section 270.130 Conflict of Interest**

The Department and the State Ombudsman will ensure that no individual, or member of the immediate family, directing, employed by, participating in, or with responsibilities for the selection or designation of the Regional Programs shall be subject to a conflict of interest, as defined by section 712(f) of the Older Americans Act (42 USC 3058g(f)). Accordingly, organizational and individual conflicts of interest that may impact the effectiveness and credibility of the work of the Office shall be identified and the Department and the State Ombudsman will direct action to remove or remedy the conflict in accordance with federal regulations (45 CFR 1324.21 (2016)) and Ombudsman policies and procedures.

a) Organizations involved in the establishment of the Program and individuals who carry out the duties of the Program, Office, Department, Area Agencies on Aging and provider agencies shall be free from conflicts of interest.

b) When a potential conflict of interest is identified, the Office shall review the circumstances of the conflict to determine whether:

1) An actual conflict exists;

2) Whether the conflict was knowing or accidental; and

3) Whether the conflict could be remedied by appropriate action by the individual or agency involved.

c) If a potential conflict of interest is determined to be an actual conflict, the Office, in consultation with the Department, shall determine what actions shall be accepted by the individual or organization. Once validated, a conflict can be remedied only when the conflict no longer exists, or it is determined that continued existence of the conflict does not compromise the ability of the Ombudsman to carry out the duties of the Program as an independent advocate for residents and participants.

d) The Office shall report all conflicts and remedial measures in its annual report through the federal National Ombudsman Reporting System.

(Source: Amended at 43 Ill. Reg. 980, effective January 1, 2019)