

**GMDEC Reviewed: June 2008****GMDEC Approved: June 2008**

## **CONFLICT OF INTERESTS INTERACTIONS BETWEEN HEALTH CARE PROFESSIONALS AND INDUSTRY**

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Effective: 05/01/08

Fiscal Procedure F125B

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**Purpose.** Objectivity and integrity are essential qualities for employees of any organization, particularly those who are engaged in the service of a comprehensive university health science center. Physicians and other healthcare providers have special obligations to patients and these obligations cannot be compromised by the presence or appearance of conflict of interests with commercial interests or their marketing practices. If the University of Tennessee Health Science Center (UTHSC) is to carry out its missions of education, research, patient care, and public service with unquestioned credibility, its employees must maintain the highest levels of integrity and objectivity as they perform their duties. The purpose of this policy is to provide guidelines to help the faculty and staff of the Health Science Center maintain these qualities in situations that may involve a conflict of interests, or the appearance of a conflict of interests, in interactions with industry.

**Application.** The restrictions of this policy apply not only to UTHSC employees, but also to an employee's spouse and dependent children and in some circumstances may apply to an employee's non-dependent children and parents. This UTHSC policy supplements The University of Tennessee System Policy on Conflict of Interests (UT System Policy), Fiscal Policy FI0125, which is incorporated herein by reference in its entirety. To the extent this UTHSC policy is more restrictive than the UT System Policy, this policy shall be the controlling policy for UTHSC employees. This UTHSC policy also incorporates by reference in its entirety UTHSC Policy F125A, Conflict of Interests Research Related Issues.

### **Prohibition of Gifts and Compensation**

- a. Soliciting or accepting personal gifts or the use of gifts, gratuities, and favors from industry representatives is not allowed, as it creates the possibility of (or appearance of) favored treatment or an unfair influence for the outside entity.
- b. UTHSC personnel may not accept gifts or compensation for listening to sales talks by industry representatives or prescribing medications.
- c. UTHSC personnel may not accept meals or other gratuities supplied directly by industry.
- d. Grants and gifts provided to the University to support education and development activities are permissible. However, industry officials cannot exhibit industry products, service, devices, or promotional materials directly within the education or development activity site. Such displays are permitted, however, at general vendor designated areas.

- e. UTHSC personnel may not accept compensation or defrayment of cost from industry sources simply for attending a continuing education event or other activity if the individual is not speaking or a course participant.
- f. Consulting agreements which provide remuneration without associated duties are prohibited.
- g. A faculty member/staff/student may not participate in a sponsored program if he, she, or a family member has a significant interest in the sponsoring organization. Note: This prohibition applies to any family member (not just spouse, dependent children, parents, and non-dependent children).
- h. UTHSC may not participate in a sponsored program if the dean, department chair, or other supervisor has a significant financial interest in the sponsoring organization.

### **Disclosure of Significant Financial Interests**

Given that the University encourages its faculty to develop entrepreneurship and translate new discoveries/scholarship into products for public good, the following guidelines are designed to allow and encourage a balance between fulfilling academic responsibilities and pursuing individual interests in translational activities that may reach outside the institution and that may provide financial reward to the researcher/scholar. Faculty are required to disclose significant financial interests, including but not limited to:

1. Salary for services from a single source when aggregated over 12 months expected to exceed \$5,000.
2. Equity interests including gifted stock in faculty/staff/student owned companies or a company proposing to sponsor research at UTHSC.
3. Intellectual property rights (patents, copyrights, and royalties)

NOTE: This disclosure requirement applies not only to the interests of UTHSC faculty, but also to the interests of a spouse and dependent children and in some circumstances to the interests of non-dependent children and parents. Faculty should err on the side of full disclosure of significant financial interests of non-dependent children and parents that might present an appearance of a conflict of interest.

### **Employee Reporting Requirements**

Employees are notified annually to disclose outside interests on the form required by the University. This form requires the disclosure of specific outside interests that may or may not represent conflicts. New employees are required to complete and file new disclosure forms within 30 days of employment. All employees are required to take the initiative and report in writing to their immediate supervisor any conflict or potential conflict of interests involving their University duties and an outside interest as soon as it develops.

### **UTHSC Enforcement Responsibilities**

The UTHSC Finance and Operations office has responsibility for review of potential conflict of interests and the development of oversight procedures to manage potential conflict of interests. Responsibilities include:

1. Presenting and discussing this policy with new employees during orientation;
2. Requiring all faculty and exempt staff to have outside interest disclosure forms on file;
3. Notifying employees annually of their obligation to disclose in writing outside interests and activities;
4. Instructing department heads and supervisors to ensure they understand their responsibility in identifying and reporting conflict of interests;
5. Establishing a committee(s) to review information disclosed by employees and determine whether conflict of interests exist;
6. Working with employees to prevent or resolve conflicts and documenting the review of information disclosed and conflicts resolved.

### **Failure to Comply**

Failure to comply with this policy may result in disciplinary action up to and including termination of employment.

\* Click here to access Fiscal Policy [FI0125 Conflict of Interests](#)

QUESTIONS RELATED TO THIS POLICY SHOULD BE DIRECTED TO THE OFFICE OF FINANCE AND OPERATIONS – SPECIAL PROJECTS AND PLANNING AT 448-5523.

**Reviewed and approved by GMDEC 6/12/08**

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**UTMCK Procedure to UT HSC Fiscal policy F125b:**

Programs will comply with the UT HSC Fiscal Policy F125b (5/1/08). In the event the program decides to have vendor(s) present their products at an educational conference that residents or medical students attend, the program may require the vendor(s) to contribute an unrestricted grant to the department's resident education fund. Program faculty will have full responsibility for conducting the conference and monitoring vendor presentations. Programs will also assume responsibility for educating residents and medical students about vendors' products and strategies for influencing physician practices.

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