

Guidelines for PSD Employees Personnel Consulting with Outside Industry

The Guidelines contained in this document are intended to provide general information related to proposed relationships (and contracts) for personal consulting by PSD employees, including but not limited to employed physicians and other employed healthcare providers. These guidelines cannot provide specific legal advice for any particular situation; they are intended as a checklist to determine if the proposed relationship complies with current PSD and UPMC requirements for personal consulting. Any personal consulting contract should be provided to the appropriate Department Chair in advance of commencing any work thereunder for approval of the overall proposed relationship; a review for conflict of interest issues will be conducted by PSD legal counsel in coordination with the Chair's review. The Chair retains full discretion to approve or not approve any proposed personal consulting arrangement; therefore, meeting the requirements of these Guidelines does not mean your contract has been "approved." The Department Chair must actually see and approve the proposed agreement before the consulting work begins.

1. Personal consulting arrangements that simply pay SOHS or UPMC personnel a guaranteed amount without any associated duties shall be considered gifts and are consequently prohibited. Prohibited payments would include, but are not limited to, payments for the following:
 - i. Holding a seat on a scientific advisory board that does not regularly meet and provide scientific advice;
 - ii. listening to a sales presentation by an industry representative;
 - iii. attending an instructional activity but not speaking or actively participating in the presentation;
 - iv. changing a patient's prescription or using a specific device in a patient;
 - v. excessive travel expenses for employees/spouses/dependents.
2. The personal consulting contract must be in writing; provide for specific, legitimate tasks and deliverables; and payment amount must be commensurate with the tasks performed. A copy of the final, fully-executed contract must be submitted to the Department Chair for the department file, and a copy also should be forwarded by the Department to the PSD legal area.
3. For faculty jointly employed by UPMC and the University of Pittsburgh who also have research-related responsibilities, reference should be made to the University Policy on Conflict of Interest: Research and Teaching:
<http://www.pitt.edu/HOME/PP/policies/11/11-01-03.html>.
4. Consistent with UPMC Conflict of Interest Policy No. HS-LE-0002, PSD employees cannot use UPMC resources to generate personal income/revenue. For instance, personal consulting arrangements cannot include hosting individuals at UPMC clinical sites to observe or be trained. Likewise, personal consulting arrangements may not utilize

UPMC clerical staff, computer resources or clinical resources to perform specific tasks or prepare deliverables.

5. Consistent with UPMC Conflict of Interest Policy No. HS-LE-0002, PSD clinicians who are involved in institutional purchasing decisions (known as the Value Analysis “VA” Team) may not have a paid consultancy with or hold a compensated position on an advisory board for a vendor whose products are under consideration by the VA Team for possible purchase. Recusal from the VA Team is required if the PSD clinician has a financial interest in the vendor or actual proposed transaction. For clinicians also employed by the University of Pittsburgh, reference should be made to the University Policy on Conflict of Interest and Procurement Relationships:
<http://www.pitt.edu/HOME/PP/policies/05/05-02-02.html>.
6. Personal Consulting arrangements cannot include the assignment of intellectual property of the employee to an outside company/vendor without an appropriate qualification and acknowledgment that any such assignment is subject to the superior rights of UPMC and, for fulltime faculty members, the University of Pittsburgh under its Copyright Policy and its Patent Policy, and such assignment will be effective only if the UPMC and the University first waive any rights they may have.
7. Institutional units sponsoring CE activities with external financing (tuition revenue, industry support, grant funding, etc.) shall budget for reasonable costs of faculty participation and resources associated with conducting these programs, including indirect costs (as appropriate). Preliminary budgets for all CE activities with external financing shall be reviewed and approved by the CCEHS. Budgets must be maintained by the CCEHS, sponsoring department, or an entity approved by CCEHS, which shall receive all extramural funding and be responsible for funds management according to institutional policies. Final budgets must be reviewed and approved by the CCEHS and no honoraria may be disbursed to faculty members until this approval has been obtained. The CCEHS must receive a final budget indicating the distribution of course revenues (including the individuals or corporate entities to which funds were disbursed).
8. Personal consulting relationships must observe UPMC policy that sales or marketing representatives of Industry are not permitted access to UPMC facilities for the purpose of marketing or other activities that are designed to advance pecuniary interests of their employers, unless the company with which they are associated has registered with UPMC Supply Chain Management and they have been specifically invited to meet with an individual health provider or a group of health providers for a particular purpose. Representatives without an appointment are not allowed in patient care areas (inpatient or outpatient), in practitioners’ office areas, or other areas of UPMC facilities.
9. All arrangements between individuals or units and outside commercial interests *must be reviewed and approved* prior to initiation in accordance with appropriate University or UPMC policies.
 - a. PSD-employed physicians must receive advance approval by the Department Chair, consistent with physician’s employment agreement.

- b. Prior review and written approval from the faculty member's Dean is required if any one consulting relationship will pay the faculty member in excess of \$10,000 in any twelve-month period.
- c. For employees of UPMC who are not faculty, prior written approval of the appropriate supervisor within UPMC is required for any outside consulting.
- d. The SOHS and UPMC reserve the right to require faculty and employees to request changes in the terms of their consulting agreements to bring those consulting agreements into compliance with SOHS and/or UPMC policies.