

# OUTSIDE WORK/ CONFLICT OF INTEREST

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# COMPLIANCE FRAMEWORK

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- There are multiple sources of applicable requirements
- UW is a Washington state agency subject to unique obligations (e.g., State Ethics Act)
  - Practices in private industry, other healthcare entities, or other government agencies may not be acceptable at UW
- Healthcare is subject to a restrictive regulatory framework
  - Practices in other units or schools/colleges on campus may not be acceptable in the SoM
- Other limitations: Research funding, higher education obligations (e.g., GIM 10, LCME, ACGME)

# CONFLICT OF INTEREST

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- UW's Employee Conflict of Interest Policy (Executive Order 32) conforms with the requirements of the Washington State Ethics in Public Service Act, RCW Chapter 42.52
- <https://www.washington.edu/admin/rules/policies/PO/EO32.html>
- In general, prohibits employees from:
  - having an interest, financial or otherwise, direct or indirect, that conflicts with their official duties, or
  - incurring an obligation, or engaging in a business, transaction, or professional activity that conflicts with their official duties.

# UW AND SOM POLICIES

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- The UW Outside Professional Work Policy (Executive Order 57) requires faculty to seek approval prior to engaging in outside professional activities for compensation.
  - <http://www.washington.edu/admin/rules/policies/PO/EO57.html>
- The SoM Policy on Potential Financial Conflicts of Interest for Commercial and Non-Profit Entities imposes additional restrictions on SoM faculty related to outside professional activities.
  - <https://www.uwmedicine.org/about/policies-and-notice/conflicts-interest-commercial-non-profit-entities>

# FORM 1460 AND SOM SUPPLEMENT

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The Form 1460 and the SoM Supplement are completed online

- The application can be found at <https://apps.som.washington.edu/OutsideWork>
- The online application permits fully electronic submission, routing and approval
- Questions about outside work or the online application can be sent to [SoMOutsideWork@uw.edu](mailto:SoMOutsideWork@uw.edu)

# EXCEPTIONS



Faculty do not need to seek approval for the following activities:

- Participating in the work of nonprofit professional associations and societies;
- Contributing expertise to scholarly, editorial, and advisory bodies;
- Serving on public commissions or boards of philanthropic organizations;
- Presenting guest lectures, delivering papers, and serving on review panels for nonprofit organizations, colleges and universities, and governmental agencies (does not apply to teaching credit courses or continuing education activities).

# STATE ETHICS LAW

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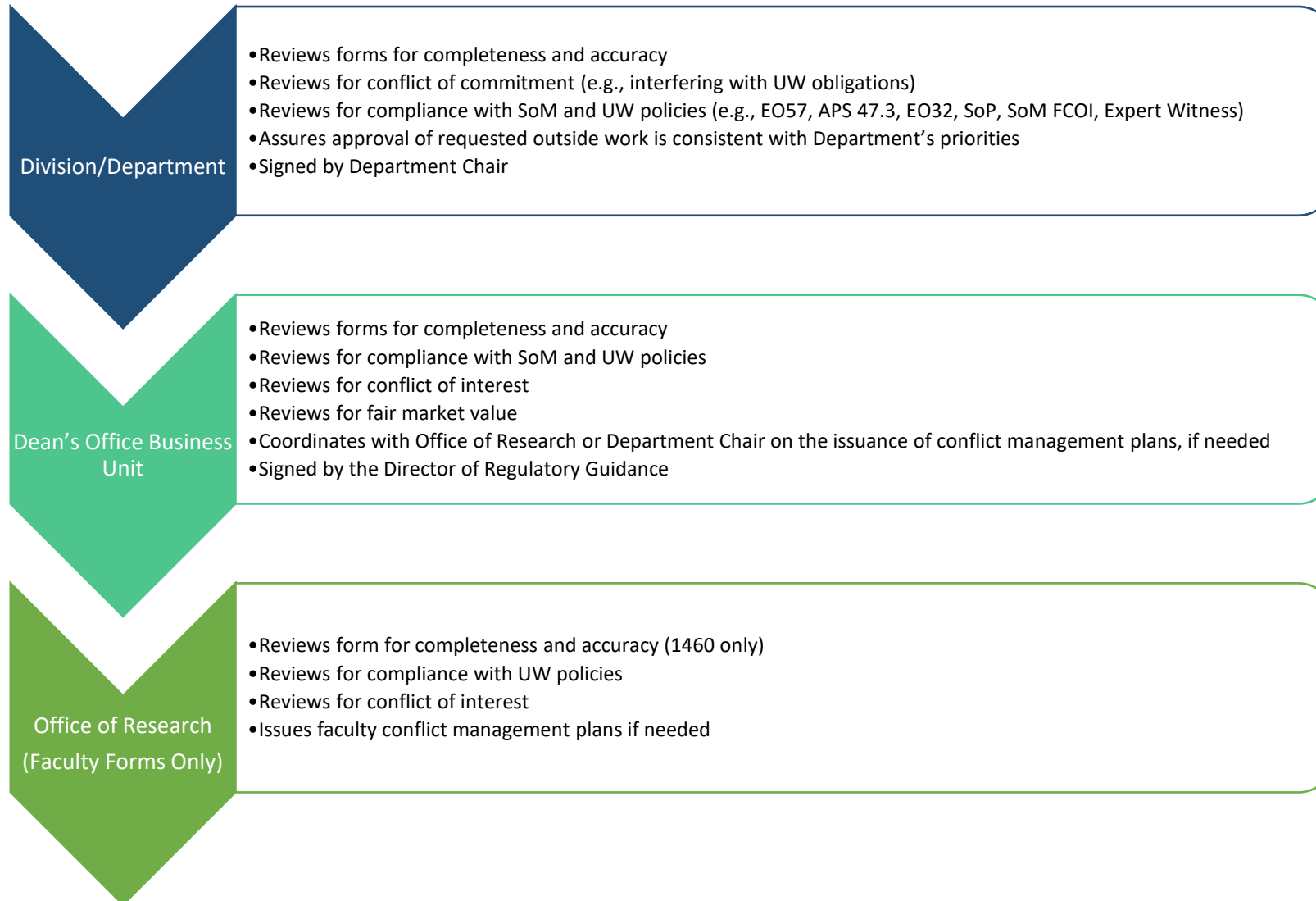
## Use of State Resources:

- State resources cannot be used for outside activities
- Includes University owned computers, equipment and supplies, University titles, and other employees' time.
- Ethics complaints or inquiries are investigated by the UW's Internal Auditor, Richard Cordova





# OUTSIDE WORK APPROVAL PROCESS



# SPECIFIC TYPES OF ACTIVITIES

## Prohibited

- Speakers bureau
- Paid attendance at meetings when neither organizer nor presenter

## Typically Prohibited

- Teaching for credit classes at other institutions
- Conducting Research
- Engaging in Clinical Practice

## Typically Approvable

- Everything else

# INTERSECTION WITH OTHER POLICIES

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- The outside activity might implicate other policies and reporting requirements
  - Independent Clinical Practice
  - Expert Witness
  - Financial Interest Disclosure System (FIDS)
  - Open Payments
  - Leave of Absence

# CLINICAL PRACTICE DEFINITION

“Clinical Practice” is any activity for which a healthcare credential (e.g., M.D., N.P., P.A., etc.) is needed ([Policy on Approval for Clinical Practice](#)).

Includes:

- Delivery of clinical healthcare to a patient
  - direct clinical contact and care of the patient, laboratory, pathology or radiology services associated with a specific patient’s care, or
- Directing other healthcare professionals in their treatment of an individual patient
  - proctoring
  - precepting
  - providing individual consultation or advice regarding a patient
- Medical Director services

# INDEPENDENT CLINICAL PRACTICE

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- Clinical practice separate from the individual's University, SoM, or practice plan duties or activities
- In exceptional instances, a department chair may determine that circumstances warrant an exception
- Approval is rare
- Chair provides Committee with information to support a recommendation to the Dean (or Dean and Children's CEO)
- Factors include the nature of the proposed practice, length of activity, role of individual at UW and in proposed practice, benefit to unit and School, other options to have work performed within UW

# EXPERT WITNESS

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- Case must not involve UW Medicine facilities, faculty, physicians, staff or patients
- A patient is considered a UWP or CUMG patient if the patient has ever been treated by a UWP or CUMG physician
- If the case involves a UWP or CUMG patient, the work may be done by billing through the practice plan

# FINANCIAL INTEREST DISCLOSURE SYSTEM

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## Financial Conflict of Interest Policy ([GIM 10](#))

- Ensures that before participating in research, sponsored project, or technology transfer, any significant financial interest is disclosed through the Financial Interest Disclosure System (FIDS)
- Annual updates or if SFI significantly changes
- FIDS disclosures and 1460 approvals are separate processes
- FIDS disclosures might be required for activities that are exempt from 1460 approval
- Review is conducted by the UW Office of Research and conflict management plans established as needed

# OPEN PAYMENTS

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- Open Payments is a national disclosure program that makes the financial relationships between applicable manufacturers and health care providers (physicians and teaching hospitals) available to the public
- The Open Payments program was created following the adoption of the Physician Payments Sunshine Act in 2010, as part of the Affordable Care Act
- Open Payments Data are available for viewing on the CMS Open Payments [website](#)
- Open Payments reporting and 1460 approvals are separate processes



# LEAVE OF ABSENCE

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- Full-time faculty are limited to 13 days per quarter of outside activity
- If a leave of absence is being requested to engage in outside activities, a separate leave request and process is required and is handled by HR
- The Director of Regulatory Guidance will work with your Department and Academic Appointments and Compensation on the review of the outside work request

QUESTIONS?



# RESOURCES



- Questions about outside work should be sent to [SoMOutsideWork@uw.edu](mailto:SoMOutsideWork@uw.edu)
- SoM Outside Work Intranet:  
<https://depts.washington.edu/uwsom/compliance/outside-work>
- UW School of Medicine Policy on Potential Financial Conflicts of Interest for Commercial and Non-Profit Entities:  
<https://www.uwmedicine.org/about/policies-and-notice/conflicts-interest-commercial-non-profit-entities>
- Executive Order 57:  
<http://www.washington.edu/admin/rules/policies/PO/EO57.html>
- Office of Research Faculty Outside Work FAQs:  
<https://www.washington.edu/research/compliance/outside-professional-work-for-compensation-form-1460/>
- UW's Financial Conflict of Interest Policy, Grants Information Memorandum (GIM) 10:  
<https://www.washington.edu/research/policies/gim-10-financial-conflict-of-interest-policy/>
- WA State Ethics in Public Service Law:  
<http://apps.leg.wa.gov/rcw/default.aspx?cite=42.52&full=true>

# CONTACT INFORMATION

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