

## I. HWLD 02 Conflict of Interest, Conflict of Commitment and Outside Activities Policy

Functional Division: Multispecialty & Research Hospital	Original Effective Date: 12/06/2024
Section: Hospital-Wide (HW)	Date Last Reviewed:
Chapter: Leadership (LD)	Date Last Revised:
	Responsible Executive: Associate Vice President, Chief Compliance and Privacy Officer

## II. Purpose

This policy is designed to guide employees of the UT Health San Antonio Multispecialty & Research Hospital (MSRH) in making ethical decisions that uphold the hospital's core values and comply with applicable state ethics laws, The University of Texas System Policies and Board of Regents' Rules. Its purpose is to protect the credibility and reputation of the MSRH by establishing a framework for addressing Conflicts of Interest, Conflicts of Commitment, and Outside Activities. Additionally, the policy ensures compliance with UT Systemwide Policies UTS 175 and UTS 180. In the event of a conflict, The University of Texas System Board of Regents' Rules shall govern.

## III. Scope

This policy applies to all individuals who conduct business or provide patient care on behalf of UT Health San Antonio Multispecialty & Research Hospital (MSRH), its Hospital Outpatient Departments (HOPD), or any other entity that is controlled or managed by MSRH (collectively referred to, herein, as Hospital). However, requirements for disclosure of Outside Activities and Financial Interests apply only to Covered Individuals and/or circumstances as outlined in this policy. Employees should refer to the definitions below and follow the requirements applicable to their status throughout the policy.

Employees who participate in research activities may be subject to additional disclosure requirements under the UT Health San Antonio Institutional Handbook of Operating Policies (IHOP) [10.1.6 Conflict of Interest in Research and Disclosure](#) policy.

## IV. Policy

The primary responsibility of Hospital employees is the fulfillment of the duties and responsibilities assigned to one's position of appointment ([UTS 180](#); [Regents' Rule 30104](#), Sec. 1)

1. The Hospital permits Employees to engage in Outside Activities or other work, subject to state laws, UT System Administration and UT Health San Antonio Multispecialty & Research Hospital policies and procedures.

2. Unmanaged Conflicts of Commitment (COC) and/or Conflicts of Interest (COI), as defined herein, of any Employee are prohibited and may result in discipline, up to and including termination.

## V. Procedures

### A. Conflicts of Interest

A Conflict of Interest exists when an Employee's Outside Activity or Financial Interest or an Employee's Immediate Family Member's Outside Activity or Financial Interest conflicts with the proper discharge of the Employee's Hospital responsibilities. The proper discharge of an Employee's responsibilities could be directly or significantly affected if the Outside Activity or Financial Interest: (1) might tend to influence the way the Employee performs their responsibilities; (2) could reasonably be expected to impair the Employee's judgment in performing their responsibilities; or (3) might require or induce the Employee to disclose confidential or proprietary information acquired through their roles and responsibilities.

### B. Conflict of Commitment

A Conflict of Commitment exists when an Employee's time or effort devoted to an Outside Activity directly or significantly interferes with the Employees fulfillment of their Hospital responsibilities.

### C. Reporting Frequency

#### 1. Initial Reporting

Covered Individuals are required to submit a Disclosure Statement through the electronic disclosure system regarding an existing Financial Interest or Outside Activity:

- a. Within thirty (30) days of the start of employment;
- b. Within thirty (30) days of transferring into a new position at the Hospital or UT Health San Antonio;
- c. Annually; and
- d. Within thirty (30) days of the discontinuation of an Outside Activity or Financial Interest.

#### 2. New Interests or Activities that Requires Pre-Approval

- a. Covered Individuals are required to submit a Request for Pre-Approval via the electronic disclosure system as least thirty (30) days before engaging in any of the following new, anticipated or proposed Financial Interests or Outside Activities:
  - i. Activities that rely on their professional expertise that is the basis for their employment at the Hospital;
  - ii. Providing expert testimony in a legal proceeding;
  - iii. Providing consulting professional or clinical practice;
  - iv. Serving on an Outside Board of Directors; or
  - v. Any Outside Activity, employment, or relationship with a foreign entity.

## HWLD 02 Conflict of Interest, Conflict of Commitment and Outside Activities Policy

- b. Sponsored travel reimbursement associated with Outside Activities does not require Pre-Approval. The Financial Interest must be disclosed no later than thirty (30) days after the travel has been completed.

### 3. Retrospective Reporting

A Covered Individual may be granted retroactive approval for an Outside Activity or a Financial Interest if the Covered Individual was called upon to assist in an emergency or urgent situation where it would be impossible or unreasonable to obtain advance approval. In such cases, the Outside Activity or Financial Interest must be reported via the electronic disclosure system as soon as possible.

### 4. Confidential Reporting

If a Covered Individual wishes to engage in an Outside Activity or must disclose a Financial Interest that involves confidential information (i.e. classified government work or other information made confidential by law), they must report the Outside Activity or Financial Interest to their supervisor, who may approve it without requiring provision of confidential information if they determine there is a compelling reason to treat certain information confidential.

## D. Managing Conflict of Interest and Conflict of Commitment

It is the responsibility of the Institutional Compliance and Privacy Office's Conflict of Interest program ("ICPO") to provide for the impartial and fair review of all disclosed information to determine whether a Conflict of Interest, Conflict of Commitment, or undue outside influence exists subject to this Policy; and when necessary, to issue a Management Plan approved by the Institution's Conflict of Interest Committee that is designed to assist the employee to avoid an unmanaged Conflict of Interest or Conflict of Commitment.

## E. Management Plan Development and Monitoring

A Management Plan may be necessary to manage a Conflict of Interest or Conflict of Commitment. Employee performance to fully perform an assigned Management Plan will be monitored by the ICPO. The Hospital will take appropriate disciplinary action to enforce adherence to assigned Management Plans.

## F. Appellate Process

A Covered Individual who disagrees with the proposed Management Plan may submit a written appeal to the ICPO via email ([compliance@uthscsa.edu](mailto:compliance@uthscsa.edu)) within fourteen (14) calendar days of receiving the Management Plan. The appeal must explain the deficiency and request a specific remedy. ICPO shall respond within thirty (30) calendar days of their receipt of any appeal, and such decision is final.

## G. Rescinding Pre-Approval for Outside Activity

Approval of a Covered Individual's Outside Activity may be rescinded upon receipt of information indicating that the Outside Activity is not consistent with or is in violation of any applicable law or Hospital policy. The Covered Individual for whom the activity may be rescinded shall be given written notice of the decision to rescind, and an opportunity to respond within fourteen (14) calendar days of the receipt of the notice to rescind.

## VI. Definitions

When used in this document, the following words have the meaning set forth below unless the context requires a different meaning.

Conflict of Interest - a divergence between an individual's private interests and their professional obligations to the Hospital, other medical staff, patients, and employees, such that an independent observer might reasonably question whether the individual's professional actions or decisions are determined by considerations of personal gain, financial or otherwise. Conflicts of Interest include, but are not limited to, the following situations:

1. Influence on purchases of equipment, instruments, materials, or services for the Hospital from private firms in which the individual or an Immediate Family Member has a financial interest.
2. Unauthorized disclosures of patient or Hospital information for personal gain.
3. Giving, offering, or promising anything of value, as a representative of the Hospital, to any government official to enhance relations with that official or the government they represent.
4. Transmission to a private firm, or other use for personal gain, of hospital-supported work, products, results, materials, record, or information that are not made generally available.
5. Influence on the negotiation of contracts between the Hospital and private entities with which the individual or an immediate family member has consulting or other significant relationships or will receive favorable treatment because of such influence.
6. Improper use of Hospital resources for personal financial gain.
7. Acceptance of compensation or free services from a vendor, service provider, or contract of the Hospital, when the individual is in a position to determine or influence the Hospital's purchases from those entities.
8. Substantial relationships between any Covered Individual, including a faculty member or researcher, and programs that are sponsored, funded, and/or controlled by a foreign government, foreign agency, or foreign institution are prohibited unless properly and timely disclosed according to this policy.

Covered Individuals - Employees that are members of the Hospital Operating Board (HOB), the Medical Executive Committee, members of the Hospital's Medical Staff (full-time and part-time), senior managers, directors, or heads/assistant heads of a budget entity or participate in the management of a Hospital department (e.g., persons assigned to act in an official capacity on behalf of the Hospital); procurement personnel as defined by [IHOP 10.1.9](#); research personnel as defined by [IHOP 10.1.6](#).

Disclosure Statement - a confidential electronic questionnaire through which employees submit information regarding Financial Interests, Outside Activities, and other relationships that may represent a Conflict of Interest or Conflict of Commitment.

## HWLD 02 Conflict of Interest, Conflict of Commitment and Outside Activities Policy

Employee - this policy applies to all employees of the UT Health San Antonio Multispecialty & Research Hospital and Hospital Outpatient Departments (HOPD), as determined by the Internal Revenue Service, whether part-time, full-time, Faculty, Administrative and Professional, or Classified, but does not include independent contractors. Employees are public servants of the State of Texas.

Financial Interest - any remuneration, whether in cash or in kind, who's fair market value is not de minimus. A Financial Interest includes, but is not limited to:

1. Any Financial Interest in an entity whose business is in the academic, research, or health care fields;
2. Income from intellectual property rights held and any agreements to share in royalties related to those rights, if income is received from any entity other than the UT Health San Antonio Multispecialty and Research Hospital;
3. All gifts that exceed \$250 in value to the Employee or their Immediate Family Member that could reasonably appear to affect decisions or actions related to the Employee's Institutional Responsibilities or the Employee's professional training or expertise; and
4. Any externally funded or reimbursed travel costs (domestic and foreign); including but not limited to, transportation (air and ground), hotel accommodations, travel insurance, meals, incidentals, or out-of-pocket expenses.

Immediate Family Member - includes (a) a spouse, (b) a dependent child or stepchild or other dependent, for purposes of determining federal income tax liability during the period covered by the disclosure statement.

Management Plan - a written agreement that may impose conditions and prescribe actions necessary, including reduction or elimination, to manage conflicts of interest, conflicts of commitment, or outside activities.

Outside Activity - any personal activity performed by an Employee, other than their Hospital responsibilities, for which remuneration is received. This includes, but is not limited to, distance teaching; any work for a third party, such as supervising, consulting, board or advisory services; or other employment for which remuneration, regular or occasional, is received. Outside Activity also includes professional activities with foreign entities, regardless of remuneration.

Employees are permitted to participate in certain Outside Activities when the activity creates opportunity for professional development or otherwise has clear alignment with the UT Health San Antonio Multispecialty & Research Hospital's mission and does not violate this policy. If remuneration is not received, then the following Outside Activities listed below are permitted and do not require Pre-Approval or disclosure. If remuneration is received for participating in one of the following Outside Activities, then an annual disclosure is required.

1. Serving on a federal, state, or local government agency committee, panel, or commission. For certain governmental positions, Regental approval is required under Regents Rule 30103, Section 4;

HWLD 02 Conflict of Interest, Conflict of Commitment and Outside Activities Policy

- 2. Acting in an editorial capacity for a professional journal, reviewing journal manuscripts, book manuscripts, or grant or contract proposals;
- 3. Attending and presenting talks as scholarly colloquia and conferences; and
- 4. Serving as a committee member or as an officer of a professional or scholarly society or developing scholarly communications in the form of books or journal articles, movies, television productions, and similar works, even when such activities result in financial gain, provided the activity is consistent with intellectual property and other applicable UT Health San Antonio Multispecialty & Research Hospital policies.
- 5. Mission promoting activities that have been approved by the Employee’s supervisor and that do not require pre-approval are subject to a limit of an aggregate of forty-eight (48) working days (384 hours) per fiscal year. Approval by the UT Health San Antonio Multispecialty & Research Hospital’s Chief Executive Officer (CEO) or CEO’s designee is required if the Permitted Outside Activity exceeds the limits outlined above.

**VII. Related References**

Joint Commission Standard LD.02.01.01

[Rule 30104: Conflict of Interest, Conflict of Commitment, and Outside Activities](#)

[UTS 180 Conflicts of Interest, Conflicts of Commitment, and Outside Activities](#)

[IHOP 10.1.6 Conflict of Interest in Research and Disclosure](#)

[IHOP 10.1.9 Conflict of Interest in Procurement Activities](#)

**VIII. Review and Approval History**

Effective Date	Action Taken	Approved By
12/06/2024	Policy Origination	Hospital Operating Board