



Albert Einstein College of Medicine

# Outside Professional Income Policy

## I. Purpose

This policy describes these rules and regulations with respect to the management of professional fees or other outside income earned by individuals holding Einstein faculty appointments as follows.

In general, a faculty member having full-time status is required to devote his/her professional time to activities on behalf of the Albert Einstein College of Medicine (Einstein) and is required to turn over professional fees to Einstein in accordance with the rules and regulations prescribed by Einstein. Under certain circumstances as described below this requirement may be waived.

## II. Scope

These rules shall apply to faculty who hold academic appointments (full- or part-time) and receive compensation from Einstein. Individuals holding faculty appointments, but who receive compensation from an affiliated institution, must adhere to the compensation management rules of their employing institution.

## III. Policy

### A. GENERAL

1. Regardless of a faculty member's source of compensation, and whether in full-time, part-time, or voluntary status, s/he must adhere to Einstein's [Use of the Einstein Name Policy](#).
2. Professional income or fees, other than salary, practice distribution, and other compensation paid to the faculty member by Einstein may be retained only if the activity meets all the criteria of this Section, is consistent with specific requirements for the particular type of outside income set forth in Section B, and have not been prohibited by the Dean or department Chairperson, as set forth in Section D (see below).
3. Outside activities may be undertaken only when the nature, scope, and frequency of the activities do not create conflict of commitment and/or interfere with the individual's obligation to and assignments from his/her department or Einstein.
4. The activity must not be in competition with clinical activities, practice plans, or current or potential grant applications in which Einstein has an interest; nor may it serve the competitive interests of any persons or institution at the expense of Einstein.

5. The activity must not cause any expense to Einstein.
6. The activity must be consistent with all applicable agreements between Einstein and its affiliated institutions and with applicable requirements of governmental and non-governmental grants and contracts.
7. The activity and the income received must not create any conflict of interest as set forth in Einstein policies from time-to-time.

## B. REQUIREMENTS RELATING TO SPECIFIC TYPES OF OUTSIDE INCOME

1. **PRIZES AND ROYALTIES:** Prizes received for professional accomplishments and royalties received for scientific or medical publications may be retained without the need for prior authorization.
2. **HONORARIA AND FEES:** The following income may be retained provided that the scope of involvement in such activities does not create a conflict of commitment (see A.4 above);
  - a. Honoraria or fees for service on governmental and other noncommercial scientific advisory committees;
  - b. Honoraria or fees received from academic organizations or institutions not affiliated with the College, for scientific reviews, lectures, or seminars;
  - c. Honoraria or fees for participation in meetings or conferences supported in-part or in-whole by industry or commercial entities, provided that:
    - i. The source of financial support is fully disclosed to the program audience;
    - ii. Materials are prepared and presented without any determination of content by the commercial sponsor;
    - iii. There is fair and balanced assessment and presentation of therapeutic options;
    - iv. The presentation promotes objective scientific activities and discourse;
    - v. There is no obligation to accept advice or services concerning speakers, content, etc. as a condition of commercial sponsorship;
    - vi. Opinions and content are clearly stated to be the views of the presenter, and are not endorsed the Albert Einstein College of Medicine.
  - d. Honoraria or consultation fees in research areas for occasional service provided to commercial or noncommercial organizations.
  - e. Fees received for service as an expert witness.
3. **INCOME FROM OUTSIDE CLINICAL ACTIVITIES:** Clinical activities undertaken by a faculty member receiving compensation from Einstein, including private practice and consultations, are permitted only as part of assigned departmental responsibilities. Any additional clinical practice activity (“moonlighting”) requires review and approval by the Department Chairperson, provided that there is no conflict with any of the above provisions.
4. **INCOME FROM COMMERCIAL ENTITIES:** Income, whether in the form of monetary payments or equity, from relationships with commercial entities for consulting or service on the Scientific Advisory Board or Board of Directors of a company must be disclosed as described in Einstein’s Comprehensive Policy on Conflict of Interest. All such activities must be conducted according to the Policy on Industrial Research Collaboration and must conform to the Guidelines for Consulting Relationships Between Einstein Faculty and

Third Parties. They also are subject to the approval of the individual's Department Chairperson.

### C. INTELLECTUAL PROPERTY AND PATENTS

Faculty activities related to intellectual property and patents are governed by Einstein's [Official Policy on Intellectual Property and Licensing Agreements](#). Faculty employed by institutions affiliated with Einstein are subject to the patent and IP provisions of their employing institutions.

### D. PROHIBITED OUTSIDE ACTIVITIES

1. **SPEAKERS BUREAUS:** Because of the implied imprimatur that may result from the academic affiliation of a participant, members of the faculty employed by the Albert Einstein College of Medicine **may not** participate in industry-sponsored speakers bureaus.
2. **“GHOSTWRITING:”** Faculty members of the Albert Einstein College of Medicine may accept authorship citation on published works only under the following circumstances<sup>1</sup>:
  - a. Having made substantial contributions to conception and design, acquisition of data, or analysis and interpretation of data; and/or
  - b. Participating in drafting the article or revising it critically for important intellectual content; and
  - c. Involved in final approval of the version to be published.

**N.B.** Einstein faculty members may not accept compensation for or allow citation in authorship lists of publications or presentations prepared by others on behalf of commercial entities (“ghostwritten articles”).

3. **OTHER OUTSIDE ACTIVITIES:** Any outside professional activity, even if not otherwise prohibited by these rules, may be prohibited if deemed inappropriate in the judgment of the department Chairperson or the Dean.

With respect to prohibited activities:

1. Faculty employed by an affiliated institution, must adhere to the policies of their employer.
2. Faculty employed by an affiliated institution and permitted to participate in these prohibited activities, or who serve in part-time or voluntary capacity and choose to do so, **may not** use their Einstein faculty title for purposes of identification.

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<sup>1</sup> International Committee of Medical Journal Editors  
([http://www.icmje.org/ethical\\_1author.html](http://www.icmje.org/ethical_1author.html))

**E. OBLIGATION TO DETERMINE APPLICATION OF POLICY TO OUTSIDE INCOME**

It is the obligation of the faculty member to obtain the approval of their department Chairperson in the specific situations outlined above. The Chairperson may approve a request or may be required to seek further authorization from the Dean. A faculty member denied approval by the Chairperson may request review by the Dean. In either circumstance, the Dean will make every effort to respond to the faculty member within 14 days of receipt of full information.

**F. DISCLAIMER OF RESPONSIBILITY**

Activities that are outside the scope of the faculty member's assigned professional responsibilities are not covered by the College's malpractice or liability coverage and the College accepts no responsibility for such activity. In addition, the faculty member must take affirmative steps to make clear that such activity is not being undertaken as part of the faculty member's responsibilities to the College.

**G. APPLICATION OF RULES ON OUTSIDE ACTIVITIES TO FACULTY ON THE PAY ROLL OF AFFILIATED INSTITUTIONS:**

Outside activities by faculty on the payroll of affiliated institutions are subject to all the criteria in Section B above, to the Disclaimer in Section F above, and to Section H below.

**H. PENALTY FOR VIOLATION OF POLICY**

Violation of these provisions may subject the faculty member to disciplinary action. The provisions of Article V of the System of Appointments, Titles, and Compensation Arrangements for the faculty of the Albert Einstein College of Medicine may apply to the degree applicable.

**IV. Definitions**

"Faculty appointment" and "faculty member" indicate that the Albert Einstein College of Medicine has awarded academic rank and title to an individual; they do not define an individual's source of compensation.

Outside activity and outside income refer to activities in a field directly related to a faculty member's academic expertise that take place under auspices other than that of Einstein and which result in income to the faculty member.

**V. Effective Date**

Effective as of: 28 March 2018

**VI. Policy Management and Responsibilities**

Einstein's Conflict of Interest department is the Responsible Office under this Policy. Einstein's Associate Dean for Finance and Administration is the Responsible Executive, and Einstein's Director of Conflict of Interest is the Responsible Officer for the management of this policy.

**VII. Approved (or Revised)**

  
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Responsible Executive  
**Jed M. Shivers**  
**Associate Dean for Finance and Administration**

  
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Date