

Subject: Supplementary Professional Activity

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Reviewed by:

## 1. General Principle

The primary responsibility of a physician funded by SEAMO is to undertake clinical, educational, research and administrative activities at the SEAMO signatory hospitals and at Queen's University. Insofar as it is consistent with that commitment, it is appropriate and often desirable for a SEAMO physician to participate in professional activities in addition to those for which he or she receives compensation from SEAMO. Participation in such Supplementary Professional Activity may require absence from a physician's usual hospital and/or university workplace for periods of time.

In certain circumstances, a physician's participation in Supplementary Professional Activity may lead to a divergence between the physician's personal interests and his or her professional responsibilities to a SEAMO department; in such a case, a Conflict of Commitment (hereafter referred to as a Conflict) may arise. It is expected that there will normally be no Conflict between a physician's primary responsibilities and the Supplementary Professional Activity in which he or she engages. It is incumbent upon the physician, the department(s) and SEAMO to take steps to avoid or mitigate such Conflicts. Physician reporting of Supplementary Professional Activity is essential to enable his or her participation in the activity and prevent a Conflict.

The purposes of this policy are: to enable physician participation in Supplemental Professional Activity; to assist physicians in evaluating whether their Supplementary Professional Activity may result in a Conflict; to clarify physician responsibilities to disclose Supplementary Professional Activity; and, to identify the mechanisms by which physicians, departments and SEAMO shall strive to prevent and manage Conflicts.

## 2. Policy Definitions

A SEAMO Physician is a member of a department who holds a recognized SEAMO position and receives SEAMO funding to support his or her clinical, educational, research and administrative responsibilities to the department.

A Full---Time Equivalent (FTE) SEAMO Physician normally devotes a minimum of 45 hours per week (excluding scheduled on---call hours) to fulfilling the responsibilities defined in his or her role description, including the delivery of clinical care, education, research and scholarship, and related administrative activities.

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SEAMO Professional Activity includes clinical, educational, research and administrative activities for which a physician receives SEAMO compensation through a departmental practice plan, and which contribute to the achievement of a department's deliverables under the SEAMO Accountability Framework.

Supplementary Professional Activity is any academic and/or medical professional service provided by a SEAMO physician that does not contribute directly to the achievement of his or her department's clinical, educational, research and/or administrative deliverables, according to the SEAMO Accountability Framework. Such activity may be conducted within or outside the University and/or the signatory hospitals, and may or may not be compensated.

A Conflict of Commitment occurs when a SEAMO physician's Supplementary Professional Activity compromises or may compromise his or her SEAMO responsibilities.

### **3. Role of SEAMO**

SEAMO has a fiduciary responsibility to the Government to ensure effective stewardship of the funding received through the Alternative Funding Plan agreement (AFP).

The Governing Committee of SEAMO establishes policies that enable: SEAMO to meet its fiduciary responsibilities to Government; departments to demonstrate accountability for the funding received from the AFP; and, SEAMO physicians to demonstrate accountability for compensation received through their departmental practice plans.

### **4. Role of SEAMO Departments and Practice Plans**

A SEAMO department demonstrates accountability for the AFP funding it receives by meeting the clinical and academic deliverables articulated in the SEAMO Accountability Framework and other relevant SEAMO policies. These deliverables are achieved through the aggregate activity of a department's members.

Whereas SEAMO manages departmental accountability, a department, through its practice plan, manages the accountability of an individual physician. The practice plan establishes the rules that govern compensation of a physician for SEAMO Professional Activity. It may also establish collegially derived policies for the disclosure and management of any non-SEAMO income generated by the SEAMO Professional Activities or Supplementary Professional Activities of the plan's members.

The duties and responsibilities that comprise a SEAMO physician's role will vary between departments and between individual physicians. The physician's role should be based on an understanding between the physician and the individual to whom that physician reports. For

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most physicians, this will be the Department Head, but for a Department Head this will be SEAMO's Chief Executive Officer (CEO). Individual physician role descriptions exist to document this understanding.

At a minimum, the physician's role description must articulate the duties and responsibilities for which the physician receives compensation from SEAMO through his or her departmental practice plan. The role description may also identify departmentally assigned responsibilities or duties which are supplementary to the department's core deliverables to SEAMO, and which may or may not be additionally remunerated. Such departmentally assigned Supplementary Professional Activities must not compromise fulfillment of the department's deliverables to SEAMO.

### **5. Role of SEAMO Physicians**

A SEAMO physician has a primary responsibility to execute the clinical, educational, research, administrative and other duties assigned in his or her role description with a SEAMO department. Professional activities supplementary to his or her assigned duties, remunerated or otherwise, are permitted, and may be encouraged, provided that they do not impede or compromise the physician's primary responsibilities and the advancement of the mission of SEAMO and its signatories.

The SEAMO physician has an obligation to prevent Conflicts. In order to prevent and to enable the management of real and potential Conflicts, and to facilitate his or her participation in Supplementary Professional Activity, a SEAMO physician must disclose all Supplementary Professional Activity.

### **6. Reporting Supplementary Professional Activity**

- a. A SEAMO physician is required to disclose, both on an annual basis and when there is a material change during an interim period, the nature of his or her Supplementary Professional Activity and the amount of time devoted to any such activity.
- b. A physician's participation in Supplementary Professional Activity is subject to approval by his or her department head or, in the case of a department head, by the SEAMO CEO.
- c. A SEAMO physician will normally spend no more than 10% of his or her SEAMO-compensated time engaging in Supplementary Professional Activity.
- d. A SEAMO physician's engagement in Supplementary Professional Activity that involves a commitment of more than 10% of his or her SEAMO-funded time is exceptional, usually time-limited where granted, and requires both the support of the Department Head as well as the prior written endorsement of the SEAMO CEO.

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- e. A SEAMO physician has an obligation to have a significant physical presence in his or her usual workplace in order to be accessible to students and staff and to be available to interact with his or her academic colleagues

### **7. Procedures for Disclosure and Approval**

A physician makes disclosure of Supplementary Professional Activity to his or her Department Head or, in the case of a Department Head, to the SEAMO CEO.

The Department Head, in consultation with the SEAMO physician and others, where appropriate, will determine whether a Conflict exists. In the event that there is a real or potential Conflict, the Department Head and physician will agree on a course of action to mitigate or resolve the Conflict, and an agreement will be in writing. In the event that agreement cannot be reached, the case will be referred to the SEAMO CEO.

#### **a) Annual Disclosure**

On an annual basis, a SEAMO physician shall complete and submit a Supplementary Professional Activity declaration form to his or her Department Head or, in the case of a Department Head, to the SEAMO CEO. The disclosure shall be both retrospective and prospective, and shall include the type of activity and the amount of time devoted to the activity.

#### **b) Hoc Disclosure**

Between annual declarations, a SEAMO physician shall report to his or her Department Head or, in the case of a Department Head, to the SEAMO CEO, any material change in Supplementary Professional Activity. Reporting should occur in advance of the change, if possible. A Department Head may require a physician to report on his or her Supplementary Professional Activity at any time.

#### **c) Approval**

The Department Head or SEAMO CEO shall evaluate any request for participation in Supplemental Professional Activity, and shall assess the extent to which the Activity will enhance or detract from the fulfillment of the primary clinical, educational, research and administrative responsibilities of the physician and his or her department.

In evaluating whether a Conflict exists, the Department Head or SEAMO CEO has an obligation to ensure that a fair and consistent process is followed, and, when appropriate, shall consult with other relevant individuals inside or outside the department. The following factors,

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supported by the best available evidence, shall guide the decision to grant or deny permission for a physician's request to engage in Supplementary Professional Activity:

- i. The rights and interests of the physician.
- ii. The contributions of the physician to the department's deliverables to SEAMO.
- iii. The expected amount of SEAMO----compensated time, if any, that will be occupied by the Activity.
- iv. Any regulations or policies set out in the department's practice plan.
- v. Any relevant policies of SEAMO, Queen's University, and the signatory hospitals' medical staff bylaws.
- vi. The potential impact on the department, SEAMO, and the individual SEAMO signatories of approving the request of the physician.
- vii. The potential impact on the department, SEAMO, and the individual SEAMO signatories of denying the request of the physician.
- viii. Opportunities to mitigate any identified Conflicts.

A physician who wishes to engage in Supplementary Professional Activity that is expected to occupy more than 10% of his or her SEAMO---funded time must receive approval from both the Department Head and the SEAMO CEO. In such circumstances, the decision to grant approval shall be informed by the same factors enumerated above. However, in granting approval, the Department Head and SEAMO CEO may require that the physician take full or partial release time from his or her SEAMO position, with a commensurate reduction in SEAMO compensation.

### **8. Appeal**

A physician dissatisfied with the application of this policy may appeal in accordance with the extant policies of their departmental practice plan and of SEAMO.

### **9. Confidential Disclosure**

All information or reports disclosed in accordance with this policy will be held in confidence.