

Attachment A

Related Laws and Policies

Industry relations and conflict of interest policies are governed by state and federal laws and statutes. As such, policies at many institutions can look very similar to those of Southern Illinois University School of Medicine. SIUSOM acknowledges the leadership of the Association of American Medical Colleges (AAMC) regarding industry relations policies. Several of the policies are taken in part from the AAMC policy recommendations outlined in the June 2008 report, *Industry Funding of Medical Education: Report of an AAMC Task Force*. Additionally, policies from several universities were reviewed, including, but not limited to: David Geffen School of Medicine at UCLA, University of Michigan, Emory University, and Texas Tech University Health Sciences Center.

This section references, for information purposes, several U.S. and Illinois laws and university policies that concern potential conflicts between an employee's private outside interests and his/her university responsibilities or that might apply in evaluating the propriety of a particular non-university interest or activity involving industry.

1. University Faculty Research and Consulting Act: An Act of the State of Illinois relating to research or consulting services by members of the faculty of state-supported institutions of higher learning," 110 Ill. Comp. Stat. 100/1 et seq. This statute, enacted in 1969, requires all full-time faculty members to obtain written approval before engaging in outside research or consulting for remuneration, and requires an annual statement of the amount of actual time spent on such activities. SIU policy extends the requirements to staff.
2. SIUC Conflict of Interest: Non-University Activities and Financial Interests: This policy of SIU Carbondale requires the prior approval of outside activities and financial interests exceeding \$1,000 in annual income.
3. SIUC Fund-raising, canvassing, soliciting, vending, and allied advertising University Property Policy: SIUC policy stating that fund-raisers, canvassers, solicitors, vendors and agents are forbidden to pursue their occupations on any property owned or controlled by the university except on official university business unless in accordance with policies to allow certain educational, cultural, or service activities. Prior written approval is required.
4. State Officials and Employees Ethics Act: (5 ILCS 430) Sponsored Travel disclosures and pre-approvals are required for all faculty and staff by the Illinois State Officials and Employees Ethics Act (Ethics Act). The Ethics Act (5 ILCS 430/10-10) also prohibits the solicitation or accepting of a gift from a prohibited source defined below unless it meets an exception under the Act. Certain exceptions require advance approval by the SIUSOM Ethics Officer as delineated in the Gift Ban section of the Illinois Administrative Code (2 IL Admin. Code 1620.700) According to the Ethics Act, **prohibited sources** are people or entities that fit one or more of the following categories:
 - Is seeking official action by the recipient or the recipient's agency;
 - Does business or seeks to do business with the recipient or the recipient's agency;
 - Conducts activities regulated by the recipient or the recipient agency;
 - Has interests that may be substantially affected by the performance or non-performance of the recipient's official duties; or
 - Are registered or required to be registered as lobbyists.

The Ethics Act prohibits a state employee, including employees of the state's public universities, from soliciting or accepting any gift from a prohibited source or in violation of any federal or state statute.

5. Executive Order 15-9: This order of the Governor of Illinois eliminates the \$75 and \$100 thresholds allowed by the State Officials and Employees Ethics Act for Food and Gifts, respectively.
6. Use of University Property: The Policies of the Board of Trustees of Southern Illinois University – University Property and Physical Facilities/Use of University Policy (Policies, Section 6.c) and the SIUC Regulations Governing the Use of University Personal Property govern the use of university property and prohibit the use of university property for private purposes.
7. SIU Intellectual Property Policy: This policy governs ownership and use of inventions, discoveries and certain copyrightable works developed within the scope of an employee's duties to the university or developed through the use of university facilities or resources.
8. Joint Purchasing Rules Governing Procurement and Bidding at State Systems Universities in Illinois: These regulations implement the Illinois Purchasing Act, 30 Ill. Comp. Stat. 505/1 et seq., and govern the purchase of all goods and services for the university.
9. Federal Anti-Kickback statute: [This law](#) makes it a crime to knowingly and willfully solicit, receive, offer or pay, overtly or covertly, directly or indirectly anything of value in cash or in kind in exchange for the referral of patients, items or services payable by a federal health care program (Medicare, Medicaid, etc.). A gift can be improper if it is made to someone in a position to generate referrals (i.e. prescribe drugs or durable medical equipment) or if the payment represents more than fair market value.
10. Open Payments Act: Section 6002 of the U.S. Affordable Care Act requires that applicable manufacturers of covered drugs, devices, biologicals, and medical supplies must report to the U.S. Centers for Medicare and Medicaid payments or other transfers of value that they make to physicians and teaching hospitals. Other requirements include reporting of physician ownership of or investments in drug/device manufacturers.

