

Consulting Management Committee
Minutes: September 4, 2008

Attendees

Members: M. Aindow, H. Frank and T. Van Hoof
Staff: I. Krisst and S. Wetstone
Guests: M. Larson and Margaret Gilbert

The meeting was convened at 2:15 pm.

- 1) Minutes of the meeting of July 17, 2008 – deferred until the next meeting.
- 2) Email meeting 8/18-8/20/08 – Per the email exchange.
- 3) UCHC request for action #7 – special rules for ad hoc purchasing committee

There are circumstances in which it may be a benefit to the State to allow faculty members with specialized knowledge to participate in purchasing processes despite the presence of Cols (i.e. they are well paid consultants by potential vendors that could benefit from such purchasing processes.) The committee discussed these circumstances and a process that might be used to manage any such Cols. Revisions were made to the draft recommendations and this matter will be addressed again at our next meeting.

Even if the CMC approves the recommendations being made, the University only has jurisdiction over consulting. State Statutes have rules governing the purchasing process of State agencies which are subject to the interpretation of the Office of State Ethics (OSE). It may be necessary to have OSE review and/or approve any special rules for ad hoc purchasing committees. R. Rubin will be asked to determine whether we need such an opinion from OSE and if yes, to make such inquiry.

- 4) UCHC request for action #8 – surveys (paper, electronic or interviews)

When faculty consulting involves the completion of surveys, the nature of all the questions to be answered during the survey may not be known at the time the consulting is approved. The Committee believes that such activities may still be approved contingent on a promise by the faculty member not to answer inappropriate questions that are not based on the faculty member's professional expertise or prominence in his/her academic field or that infer the faculty member was asked to consult due to their position rather than such expertise. Educating the faculty member to recognize such inappropriate questions is important. S. Wetstone will develop a draft of the 'promise' that faculty will be asked to sign that will include such education.

- 5) "Promotional meetings"

Some faculty are being asked by commercial contracting entities to make presentations that are intended to "sell product" rather than serve a more traditional academic purpose. These are characterized by only presenting a single treatment modality rather than a fair and balanced presentation of all treatment modalities. Such presentations are ineligible for receiving CME credit hours and are subject to national attention as being a problem.

In first consideration, it is unclear whether the University Policy on Consulting would forbid such activities so long as the faculty member was asked to do this due to his/her professional expertise and/or prominence in his/her academic field. However, one requirement for an activity to be defined as 'consulting' and therefore to be eligible for the carve out from the State Code of Ethics is that it contributes to the professional development of the faculty member.

Arguments could be made that making promotional presentations could be beneficial for faculty development. However, an argument could also be made that this type of activity could hurt faculty development if it is considered unethical or unprofessional. Prior to the development of the current consulting system, the only bodies known to make determinations whether an activity contributes to faculty development are those involved in the decision whether a faculty member should be promoted. Such decisions are based on issues related to career development, demonstrate faculty competency, regional and national recognition and professionalism.

If the CMC believes promotional presentations are not consulting, then the issue would shift to how to identify such presentations. It may be possible to develop a set of questions that would help in this regard. The issue would then be whether such questions should be a routine part of the standard request form or whether they should only be asked when the Faculty Consulting Offices suspect this sort of activity might be taking place.

We will need to be very careful about the definition to be used for "promotional presentations." A recent request for consulting has been received from a faculty member who would speak to the FDA and other regulatory bodies promoting a treatment modality. This faculty member is basically a founding father of this modality and internationally recognized as an expert with it. During these presentations, the faculty member would only discuss his own published, peer-reviewed work. This was perceived as an acceptable activity by the Committee.

S. Wetstone will formally write this issue up as a Request for Action and present it formally at a subsequent meeting.

- 6) Credit granting courses – Over the summer, the Faculty Consulting Offices became aware of a University policy that forbids faculty from consulting that involves teaching in credit granting courses. A general discussion followed regarding the purpose of this policy and the definitions related to it. The latter may need clarification..

The University prefers that faculty do such teaching as a State employee (i.e.. the contracting entity issues its contract to the University.) A question was raised whether this might be considered ancillary business and threaten the University's or Health Center's non-profit status.

These will be discussed at a future meeting. Until then, such activities are forbidden as consulting.

The committee adjourned at 3:26 pm.