

Stony Brook Medicine Administrative Policy and Procedures

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Policy:

Stony Brook University Hospital and its campuses (collectively, SBUH) are committed to conducting business in a responsible and ethical manner, independent of personal interests and/or potential or actual conflicts of interest. Potential or actual conflicts which appear to be illegal or improper are detrimental to SBUH and its reputation and must be avoided.

Definitions:

Conflict of Commitment - refers to a Hospital Representative's participation in an outside activity that requires a level of time commitment that interferes with the Hospital Representative's ability to meet their SBUH responsibilities.

Conflict of Interest – any interest, financial or otherwise, direct or indirect; or participation in any business, transaction or professional activity; or incurring of any obligation of any nature, which appears to influence judgment, jeopardize the interest of SBUH, or is or may appear to be in conflict with the carrying out of one's duties.

Family Member – any person living in the same household as the individual and any person who is a direct descendant of that individual's grandparents or the spouse of such descendant.

Gifts – includes, but is not limited to, money, services, loans, travel, lodging, meals, refreshments, entertainment, discounts, or a forbearance of an obligation or a promise that has a monetary value.

Hospital Representatives – employees, volunteers, trainees, medical staff members, including state, research foundation, professional employer organization, personnel employed through contracted agencies, the governing body, contracted or subcontracted agents, vendors or consultants who furnish

products or services on behalf of SBUH and other individuals affiliated with SBUH regardless of whether the individual is paid by SBUH.

Nominal Value – is considered such a small amount that acceptance could not reasonably be interpreted or construed as intending to influence a state employee or public official. Items of insignificant value, such as food or beverages less than fifteen dollars, are considered nominal. Alcoholic beverages, cash, and cash equivalents (e.g. gift cards) regardless of value are not allowed.

Procedures:

I. Conflicts: Financial in Nature

- A. A hospital representative may not receive compensation from outside sources in return for services rendered by them in relation to matters before a state agency where such compensation is contingent upon the action taken by the state agency.
- B. A hospital representative may not receive compensation in any form for appearance or rendition of services by themselves or another against the interest of the state in relation to any matters or transaction of business by them or for another before the Court of Claims.
- C. Competitive bidding is required where goods or services in excess of twenty-five dollars are sold to state agencies by firms or associations in which the hospital representative has ownership interest of ten percent or more.
- D. A hospital representative may not accept gifts, whether in the form of money, services, loan, travel, entertainment, hospitality or in any other form or promise, valued at any amount greater than nominal value per gift.
- E. Firms or associations of which the state officer or employee is a member may render certain services to state agencies, provided the profits resulting from are not shared by the hospital representative.
- F. A hospital representative may not have direct or indirect interest, financial or otherwise, in any transaction or activity which conflicts with the proper discharge of their duties in the public interest.

- G. A hospital representative should not engage in any transaction as an agent of the state with any firm in which they have a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of their official duties.
- H. A hospital representative, or firm or association of which they are a member, or a corporation, in which the hospital representative directly or indirectly owns or controls a substantial portion of the stock, must not sell goods or services to any person, firm, association or corporation that is licensed or whose rates are fixed by the state agency in which they are employed.

II. Conflicts – Conflict of Commitment

- A. A hospital representative should not accept other employment or engage in any business or professional activity which impairs their independence or judgment in the exercise of their official duties, poses a conflict in time or interest with their hospital employment, or requires him/her to disclose confidential information which they have gained by reason of their hospital representative.
- B. A hospital representative should not disclose confidential information acquired in the course of official duties, nor is such information used to further the hospital representative's personal interests.
- C. A hospital representative should not use their official position to secure unwarranted privileges or exemptions for them or others.
- D. A hospital representative should not by their conduct give a reasonable basis for the impression that any person can improperly influence them or unduly enjoy their favor in the performance of their official duties, or that they are affected by the kinship, rank, position, or influence of any party or person.
- E. A hospital representative should not make personal investments in enterprises as per statutes/regulations which they have reason to believe may directly involve decisions by them or which would otherwise create a substantial conflict between their duties in the public's interest and private interest. The Chief Compliance Officer

and/or the Office of University Counsel must review any ownership interest in a competitor, supplier or entity which refers patients to SBUH.

- F. A hospital representative must conduct themselves in a manner that inspires confidence and trust among the public. Therefore, a hospital representative should not endeavor to pursue a course of conduct which raises suspicion among the public that they are likely engaged in acts that are a violation of trust.
- G. A hospital representative must not use SBUH owned equipment, materials or proprietary information for any outside employment interest.
- H. A hospital representative who has a direct or indirect financial interest in an entity that does business with SBUH may not in any way decide whether SBUH engages with the entity or how much SBUH pays the entity and must report this relationship in writing to their supervisor, department head or deputy director and the Chief Compliance Officer.

III. Conflicts - Family

- A. A hospital representative should not supervise an immediate family member.
- B. Absent extenuating circumstances, family members are not assigned to render care to members of their own family.

IV. Conflicts – Post Employment

- A. Generally, no former hospital representative may, within two years after termination of his employment with the state, appear before any state agency or render services to any person or firm relating to any cause, preceding or application or other matter before such state agency. No person who has served as a state employee may, after termination of such state service, appear, practice, communicate or otherwise render services rendered by such former employee in relation to any matter which such person was directly concerned or which he participated during his period of employment. These prohibitions may be waived under special circumstances set forth in

the Public Officers Law either by the New York State Ethics Commission, or under special circumstances, when the work requested to be performed is at the request of the Attorney General or his designee.

V. Conflicts – Reporting and Mitigation

- A. A hospital representative having a direct or indirect financial interest valued at ten thousand dollars or more in any activity under the jurisdiction of a state regulatory agency must file with the Secretary of State a written statement of such interest.
- B. A hospital representative who has a direct or indirect financial interest in an entity that does business with SBUH may not in any way decide whether SBUH engages with the entity or how much SBUH pays the entity and must report this relationship in writing to their supervisor, department head or deputy director and the Chief Compliance Officer.
- C. A hospital representative who has a financial interest of more than ten thousand dollars in an entity that does business with SBUH must, in addition to notifying their supervisor and the Chief Compliance Officer in writing, file the necessary documents with the Secretary of State.
- D. Hospital representatives who maintain private practices must notify their supervisors in writing and may not solicit SBUH patients directly for their private practices. Hospital representatives must report any evidence of the preceding situations to the Chief Compliance Officer. Hospital representatives may not make referrals to private practices maintained by SBUH employees, if the hospital representative has a financial interest in that practice.
- E. Hospital representatives who work for entities which do business with SBUH must notify their supervisor and may not receive any “case finding” fees, and their compensation may not be based on any decision by SBUH to do business with the entity. Hospital representatives are required to report any evidence of the preceding situations to the Chief Compliance Officer.

- F. Hospital representatives are required to refer any situation involving a potential conflict of interest which requires investigation or clarification to the Chief Compliance Officer or to the General Counsel's Office for review.
- G. Conflict of Interest concerns or inquiries may be brought by contacting any of the following:
1. Your Supervisor.
 2. The Chief Compliance Officer, Patricia Cooper, (631) 444-5864.
 3. The Office of Compliance, Audit and Privacy Services, (631) 638-4349.
 4. The Corporate Compliance Helpline (866) 623-1480; <https://www.compliance-helpline.com/sbuh.jsp> (which is available 24 hours a day, seven days a week) to report anonymously or by name.
 5. Sending a fax to (631) 444-5791 with correspondence marked "CONFIDENTIAL;" or
 6. Mailing the concern to the Office of Compliance and Audit Services located at 7 Flowerfield, Suite 36, St. James, New York 11780-1514. (Internal zip 6062)

Forms: (Ctrl-Click form name to view)

None

Policy Cross Reference: (Ctrl-Click policy name to view)

[Investigator Disclosure Policy \(Investigator Conflict of Interest policy, p209\)](#)

[EMM0019 Pharmaceutical Representatives](#)

[SBELIH Code of Conduct](#)

Relevant Standards/Codes/Rules/Regulations/Statutes:

- Public Officer's Law, Section 73 and 74
- 19 NYCRR Part 930, 933, 934
- Public Health Law, Section 238-a
- Standards for Commercial Support of Continuing Medical Education

These cross-references supersede this policy in the event of a conflict between them.

References and Resources:

New York State Ethics Commission Advisory Opinion No. 94-16