



Stony Brook Medicine Administrative Policy and Procedures

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Policy:

Stony Brook University Hospital (including all campus locations, collectively SBUH) is 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 workforce member's participation in an outside activity that requires a level of time commitment that interferes with the workforce member'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. This definition also extends to step-relatives and in-laws within the same degree of relationship

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.

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.

Stony Brook University Hospital campus locations - shall refer to:

Stony Brook University Hospital Main Campus (SBUH Main Campus)
Stony Brook Eastern Long Island Hospital (SBELIH)
Stony Brook Southampton Hospital (SBSH)

Workforce Member - An employee, volunteer, trainee, medical staff member, including state, research foundation, professional employer organization, personnel employed through contracted agencies, or other individual affiliated with SBUH who furnish products or services on behalf of SBUH or is otherwise under the direct control of SBUH, regardless of whether they receive(d) payment(s) from SBUH.

Procedures:

I. Conflicts - Financial in Nature

- A. Hospital representatives cannot 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. Workforce members cannot 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 workforce member has ownership interest of ten percent or more.
- D. Workforce members are not to 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 workforce member is a member may render certain services to state agencies, provided

the profits resulting there from are not shared by the workforce member.

- F. Workforce members are not to 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. Workforce members are not to 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 workforce member, or firm or association of which they are a member, or a corporation, in which the workforce member directly or indirectly owns or controls a substantial portion of the stock, cannot 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. Workforce members are not to accept other employment or engage in any business or professional activity which impairs their independence or judgment in the exercise of official duties, poses a conflict in time or interest with hospital employment, or requires them to disclose confidential information which was gained by reason of the workforce member.
- B. Workforce members do 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. Workforce members cannot use their official position to secure unwarranted privileges or exemptions for themselves or others.
- D. Hospital employees are not, by their conduct, to give a reasonable basis for the impression that they can be improperly influenced or unduly enjoy favor in the permanence of their official duties, or that they are affected by the kinship, rank, position or influence of any party or person.

- E. Workforce members are not to 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 reviews any ownership interest in a competitor, supplier or entity which refers patients to SBUH.
- F. Workforce members conduct themselves in a manner that inspires confidence and trust among the public. Therefore, a workforce member cannot 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. Workforce members cannot use SBUH owned equipment, materials or proprietary information for any outside employment interest.
- H. Workforce members who have a direct or indirect financial interest in an entity that does business with SBUH are not in any way to decide whether SBUH engages with the entity or how much SBUH pays the entity, and reports this relationship in writing to their supervisor, department head or deputy director and the Chief Compliance Officer.

III. Conflicts - Family

- A. Workforce members are not to 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 workforce member employed by a New York State entity may, within two years after termination of 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 they participated during their 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 designee.

V. Conflicts – Reporting and Mitigation

- A. A workforce member 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 files with the Secretary of State a written statement of such interest.
- B. A workforce member who has a direct or indirect financial interest in an entity that does business with SBUH are not in any way to decide whether SBUH engages with the entity or how much SBUH pays the entity, and reports this relationship in writing to their supervisor, department head or deputy director and the Chief Compliance Officer.
- C. A workforce member who has a financial interest of more than ten thousand dollars in an entity that does business with SBUH notifies their supervisor and the Chief Compliance Officer in writing, and files the necessary documents with the Secretary of State.
- D. Workforce members who maintain private practices are to notify their supervisors in writing and cannot solicit SBUH patients directly for their private practices. Workforce members are required to report any evidence of the preceding situations to the Chief Compliance Officer. Workforce members cannot make referrals to private practices maintained by SBUH employees, if the workforce member has a financial interest in that practice.
- E. Workforce members who work for entities which do business with SBUH are required to notify their supervisor and cannot receive any “case finding” fees. Additionally, their compensation cannot be based on any decision by SBUH to do business with the entity. Workforce

members are required to report any evidence of the preceding situations to the Chief Compliance Officer.

- F. Workforce members 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 are 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 \(Investigator Conflict of Interest policy, p209\)](#)

[MM0019 Pharmaceutical Representatives](#)

[LD0039 Corporate Compliance 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
- Physician Payments Sunshine Act (42 CFR Part 403) / CMS Open Payments Program

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