

FACULTY PRACTICE POLICY¹
STANFORD UNIVERSITY SCHOOL OF MEDICINE

1. Scope:

Governs **Clinicians** involved in **Clinical Care Activities** and the revenue generated by such Clinical Care Activities.

1.1 **“Clinicians”** means all full-time and part-time Stanford University School of Medicine (**“SOM”** or **“Stanford”**) employed physicians, psychologists, and dentists who engage in Clinical Care Activities.

1.2 **“Clinical Care Activities”** means the provision of clinical care, medical direction², and/or the practice of medicine, the practice of dentistry, or the practice of psychology.

1.2.1 For purposes of this Policy, Clinical Care Activities include both in-person consultations, telemedicine (both real-time and asynchronous) consults, second opinions, and record reviews provided directly to a patient or to another health care provider within or outside the United States.

2. Basic Principles:

2.1 **Practice Income.** If a Clinician is engaged in a Clinical Care Activity, revenue of any kind generated by such Clinical Care Activity (**“Practice Income”**) belongs to SOM, or such other entity designated by SOM (e.g., SHC, LPCH, SHC-ValleyCare, SCVMC, VA, or other outreach location).

2.1.1 The direct receipt of revenue by a full-time Clinician for Clinical Care Activities, often referred to as **“moonlighting,”** is prohibited.

2.1.2 Some exceptions apply to Clinicians employed on a part-time basis, as set forth in Section 5. (*See additional information on Practice Income below in Section 3.*)

2.1.3 Clinicians may provide Clinical Care Activities on a volunteer/pro-bono basis subject to the terms of this Policy.

2.2 **Malpractice Coverage.** Malpractice insurance coverage is only extended to Clinical Care Activities provided within a Clinician’s scope of employment for Stanford. (*See additional information on Insurance below in Section 6.*)

2.3 **“Consulting” Activities.** A Clinician may provide consulting or other non-clinical care services in her or his free time subject to the University’s Research Handbook policies (including Sections 4.1 and 4.3). Such activities *may not* include Clinical Care Activities.

¹ Formerly known as Rules of Practice for Faculty Physician.

² Medical direction includes serving as a medical director for any diagnostic or therapeutic facility, or any other nonprofit or for-profit enterprise where the medical director has responsibility for the quality of medical services rendered.

3. **Practice Income:**

- 3.1 Practice Income **includes** all compensation, remuneration, revenue, or other form of income derived from or related to **any** Clinical Care Activity, regardless of whether recurrent or non-recurrent.
- 3.2 Income from consulting on disputed medical claims or testifying as an expert witness on the medical condition or treatment of any person is not Practice Income, provided that the consulting or expert witness service meets all of the following:
- Is based solely on a review of medical records (including x-rays, tracings, lab results, and photographic material) of a person who is not a current patient of any Clinician or any Stanford-affiliated entity; and
 - Does not involve use of any Stanford-affiliated staff, trainees, laboratories, or other facilities; and
 - Does not involve personally examining or interviewing the person.

4. **Approved Practice Sites:**

- 4.1 Clinicians may perform Clinical Activities only at Approved Practice Sites unless otherwise approved according to Section 5. Approved Practice Sites include:
- SHC, LPCH, SHC-ValleyCare, and other clinics or healthcare facilities *owned or managed by* SHC, LPCH, or Stanford; and
 - Outreach locations, including hospitals, clinics, and/or other entities with which SOM, SHC, or LPCH *has a contract to provide clinical services.* (This includes UHA and PCHA.)
- 4.2 Approved Practice Sites may be domestic or international.

5. **Clinical Care Activities:**

- 5.1 **Full-Time Clinicians.** Clinicians employed full-time by SOM may engage in Clinical Care Activities in the following circumstances:
- Within the scope of a Clinician's employment by Stanford if such Activities generate Practice Income; or
 - Only within the scope of the Clinician's employment by Stanford on a volunteer/pro-bono basis (i.e., no income is generated by the Activities) if such Activities are at the request of, or with the approval of, the Department Chair (*but see Section 6.2 below regarding Insurance*); or
 - Outside of the scope of their employment only if such Activities are on a volunteer/pro-bono basis and are in the Clinician's "free" non-Stanford time (*but see Section 6.3 below regarding Insurance*).
- 5.2 **Part-Time (>50%) Clinicians.** Clinicians who are employed more than 50% but less than full-time (100%) by SOM, and desire to engage in Clinical Care Activities in their non-Stanford time must obtain an **exemption** to directly receive any type of compensation from such Clinical Care Activities.

- 5.2.1 Such an exemption must be in writing, agreed to by the Division Chief and Department Chair, approved by the Vice Dean at SOM, and documented in the Clinician's appointment letter or annual letter of agreement.
- 5.3 **Part-Time (<50%) Clinicians.** Clinicians who are employed 50% or less by SOM and receive no benefits from SOM, may engage in Clinical Care Activities on their own or others' behalf in their non-Stanford time at locations other than Approved Practice Sites.
 - 5.3.1 Such Clinicians must first provide a list of other employer(s) or entities from whom they will receive compensation to the Vice Dean to be included in the Clinicians' files.
 - 5.3.2 Practice Income derived from this non-Stanford Clinical Care Activity does not belong to SOM or its designees.
- 5.4 **Volunteer/Pro-Bono Clinical Care Activities.** All Clinicians, full-time and part-time, may engage in Clinical Care Activities on a volunteer/pro-bono basis (that is, for no compensation), as follows:
 - 5.4.1 Within the scope of employment at the request of, or with the approval of, the Department Chair.
 - 5.4.2 Outside the scope of their employment and in their "free" non-Stanford time.

6. Insurance:

- 6.1 Stanford University Medical Indemnity and Trust Insurance Company ("**SUMIT**") provides medical malpractice insurance coverage ("**Insurance**") for Clinical Care Activity at Approved Practice Sites, and/or for Clinical Care Activity provided within the scope of a Clinician's employment by Stanford.
- 6.2 If a Clinician engages in volunteer/pro bono Clinical Care Activities within the scope of her or his employment, the Clinician must contact The Risk Authority to confirm whether or not SUMIT will provide Insurance for such Clinical Care Activities.
- 6.3 SUMIT does not provide Insurance for any Clinical Care Activities or consulting/non-clinical care activities in which a Clinician engages in her or his "free" non-Stanford time.

7. Unauthorized Practice of Medicine:

- 7.1 Clinicians should not engage in any Clinical Care Activities, including telemedicine, second opinions, and record reviews, with patients physically located outside the state(s) in which a Clinician is licensed, unless approved by the Office of the General Counsel.
- 7.2 Any Clinician considering the practice of medicine outside a jurisdiction in which she or he is licensed, should consult the Office of General Counsel in advance.

8. Rights and Obligations of Clinicians:

Clinicians have the rights and obligations provided to them in their individual appointment letters, this Policy, and all other applicable University, School, and Department rules, regulations, and policies. Each Clinician has the obligation to know and understand such requirements, and, if in

doubt, shall be obligated to obtain answers from the cognizant Chair or the Vice Dean of the School of Medicine.

9. Effective Date and Approval:

This Policy was initially drafted on May 15, 2011, and adopted by the Dean of the School of Medicine.

It was updated on June 24, 2014, and in May 2018.