

UNIVERSITY OF KENTUCKY ADMINISTRATIVE REGULATIONS	IDENTIFICATION AR 3:14	PAGE 1
	DATE EFFECTIVE 7/1/2009	TO SUPERSEDE REGULATIONS AR II-7.0-3, AR II-7.0-4, AR II-7.0-8, AR II-7.0-9, AR II-7.0-10, AR II-7.0-11, AR II-7.0-12

**PRACTICE PLANS FOR HEALTH SCIENCE COLLEGES AND
UNIVERSITY HEALTH SERVICES**
(Approved by the Board of Trustees)

I. Introduction

This Administrative Regulation authorizes faculty practice plans (“Plan(s)”) for all University health science colleges, currently the Colleges of Dentistry, Health Sciences, Medicine, Nursing, Pharmacy, Public Health, and the University Health Services (“college(s)”). This Administrative Regulation establishes the base plan (i.e. minimum requirements) for the Plan. Each college will complete an addendum (“College Addendum”) to describe the details for the college’s individual Plan and to identify any differences from the basic plan requirements. Each College Addendum shall be the same or substantially the same as the template attached hereto as Appendix “A” and incorporated by reference herein. This Administrative Regulation, along with each College Addendum, constitutes the complete Plan for each college or service.

Authority to approve College Addenda is hereby delegated jointly to the dean of each respective college, the Provost, and the Executive Vice President for Health Affairs (EVPHA).

The purpose of the Plan is to facilitate proper functioning of the instruction, research, and service programs of the University, consistent with the integrity and responsibilities of the University. Income generating activities of the members of the Plan that relate to their professional expertise or credentials are facilitated by their employment at the University. The Plan is created to ensure accountability and legal compliance of these activities. The operation of the Plan shall be evaluated periodically with the underlying principles hereinafter set forth as guides.

This Administrative Regulation supersedes and takes precedence over any other regulations related to professionally generated income provided by a faculty member in any of the health science colleges for such income that is determined by the college to be included in the Plan. Except for reporting and disclosure obligations set forth in Section XI of this regulation, professionally generated income determined by a college not to be part of the Plan, as well as University-approved entrepreneurial activities and royalties associated with income from intellectual property, shall be governed by applicable University regulations or policies. (See, *Administrative Regulation II-1.1-1, Faculty Consulting and Overload*, and *Administrative Regulation II-1.1-3, Intellectual Property Disposition and Administrative Regulation*)

II. Scope

A. The Plan establishes policies and general procedures relating to compensation for services rendered by all members of the Plan, regardless of specialty. Members of the Plan shall include all faculty employees in all title series, regardless of period of appointment, and physicians employed by University Health Services, unless otherwise determined by the college. For purposes of this regulation, the term "faculty" includes physicians employed by University Health Services. The only exception will be those faculty members who were at the University at the time the prior Plan for his or her college was originally established and chose not to join. Individuals in non-faculty positions or staff in adjunct faculty appointments may not be members of the Plan.

B. The Plan is applicable to all services provided by Plan members incident to the care of patients and to all other activities which are a part of the health care programs of the University. Such services and activities include compensation, income and payments (direct or in kind, and whether characterized as fees, retainers, or otherwise) for professional services rendered or to be rendered, including, but not limited to, those relating to: (a) the diagnosis, treatment, and evaluation of patients; (b) the provision of therapeutic products for patients or others; and, (c) consultation with patients. Additional income to be included in the Plan may be determined by each college in its College Addenda.

C. Royalty income or other compensation resulting from intellectual property owned and licensed by the University is exempt from the Plan as it is addressed by Administrative Regulation II-1.1-3. University-approved entrepreneurial income is exempt from the Plan.

D. Any professionally generated income that is not included by a college in its Plan is governed by AR II-1.1-1, Faculty Consulting and other Overload Employment.

III. Definitions

A. The "Fund" means the Fund for Advancement of Education and Research in the University of Kentucky Medical Center, a non-profit corporation organized in 1959 under the laws of Kentucky to promote, advance, and support the educational, research, and other purposes of the University of Kentucky Medical Center. The Fund shall be the Fiscal Entity for each Plan, unless otherwise specified in an individual College Addendum.

B. The "Board of Directors of the Fund" means the Board of Directors of the Fund for Advancement of Education and Research in the University of Kentucky Medical Center. The Board of Directors of the Fund shall include representation from each Plan for which the Fund serves as Fiscal Agent.

C. The "Practice Plan Committee" means the committee as provided in Section X of this regulation.

D. The "Division or Department" means all approved divisions or departments in which the Plan members are employed.

E. The "Plan Services Account" means that separate depository account to be established as provided in Section VI and VII of this regulation.

F. The "Board of Trustees" means the Board of Trustees of the University which by law is the governing board of the institution.

G. The "Fiscal Agent" shall be the 501(c)3 Corporation maintaining the funds of each Plan.

H. The "Billing Entity" shall be that organization billing third parties for services rendered which are subject to each Plan.

I. The "Plan Member Documents" mean the documents by which members are enrolled to bill for services subject to each Plan.

J. The "College Addendum" means the document, approved as an addendum to this regulation, by which the college may add more detail or certain options not specified herein.

IV. Underlying Principles

A. Clinical services are provided by the University's health care programs because they are essential to the instruction, research and service missions of the University, and to the proper use of the facilities and professional skills, and to reinforce health care resources in local communities throughout the Commonwealth.

B. The kinds and volume of services provided shall be determined by the needs of the instruction, research, and service missions of the University. Income derived from the provision of patient care is essential to carrying out these missions and in this sense is properly considered an appropriate product of their operation.

C. Patient care facilities shall be used exclusively for activities which are part of the University's instruction, research, and service programs.

D. The professional interests of Plan members should be concentrated in academic activities. Arrangements creating financial incentives for Plan members that would tend to inappropriately divert or dilute their concentration on instruction, research, and service program responsibilities are not consistent with the mission of the University.

E. Each Plan member can rightfully expect:

1. Facilities, materials, and support needed for instruction and research;

2. Opportunity to maintain and develop clinical skills;
3. Compensation for work on a basis which recognizes the Plan member's responsibilities, competence, and productive effort and which is reasonably in line with compensation which the faculty member could obtain elsewhere in an academic environment; and,
4. Professional liability coverage, to the extent legally permissible, through the University's self-insurance program for clinical activities conducted in accordance with and accounted for through the Plan. The definition of "clinical activities" for coverage purposes shall be set, from time to time, by the UKHealthCare Risk Management Committee or its successor in responsibilities.

F. It is the University's responsibility to assure that the level of compensation for Plan members is competitive with other nationally-recognized academic medical centers and adequate to attract and maintain a strong, competent faculty. Responsibility should rest with the University not only for ensuring that initial and subsequent levels of remuneration are adequate, but also for ensuring that such levels are not excessive. Through budgetary and related actions, the University should, to the extent possible and permissible, assure the Plan member that the member's total remuneration from all sources shall be in accord with a predetermined level which is fixed consistent with adequacy for the particular profession and which is periodically reviewed.

G. Payments received for services rendered by Plan members shall be used only for remuneration of such faculty, in such manner and in such amounts as determined by the Board of Trustees, and for such other purposes as defined in Section VII of this regulation.

H. Overall compensation is approved by the Board of Trustees as part of the operating budget of the University. The manner and extent to which individual compensation from the Plan's Service Account is combined with other compensation shall be reviewed and approved annually by the EVPHA and the Provost, with the objective of providing stability of total compensation without impinging on the freedom of Plan members to apportion their time and efforts among instruction, research, and service activities as determined by their interests and program responsibilities.

V. Setting of Charges for Health Professionals' Services

Standard schedules of charges for services are subject to review by the Practice Plan Committee of each Plan and approval by the dean of the college and EVPHA and shall be the general basis for assessing such charges to patients. However, the amount of charges may be adjusted on a case by case basis as proposed by the Plan member rendering the services with approval by the dean if variation from standard charges is deemed to be warranted by the circumstances and not prohibited by law, regulation, or applicable contract.

VI. Billing and Collection of Charges for Health Professionals' Services

A. Charges for services rendered by Plan members shall be billed by the Billing Entity at the time services are provided or subsequently, with such charges and billings being appropriately coordinated with charges and billings for other services to patients. Billings and collection of all amounts shall be handled by a billing system and Billing Entity approved by the University. Amounts collected for combined charges for services and undesignated receipts from or on behalf of individual patients who receive health care services shall be applied on appropriate bases of pro ration to payment for the various entities providing services. Major problems relating to collection from patients of charges for services shall be handled in a manner that is subject to consultation with the Plan member rendering the services to the patients, subject to applicable legal, regulatory and contractual requirements.

B. Any payments, other than compensation as established by the Board of Trustees, which are received by Plan members for professional services within the scope of the Plan, shall be transmitted immediately to the University for inclusion with other funds collected for services of the Plan members.

C. All funds collected or received by any person or entity, including the University, for Plan members' services shall be collected and received in trust for the Fiscal Agent. Such funds, if not received directly by Fiscal Agent, shall be segregated upon receipt and shall be paid over to the Fiscal Agent for deposit into a separate account of the Fiscal Agent for each individual Plan managed by that Fiscal Agent. Each separate account shall be designated and known as the Plan Services Account of the individual Plan.

VII. Use of Funds Deposited in the Plan Services Account

As a standing policy, the Fiscal Agent, shall use and expend all monies and funds deposited in the Plan Services Account to the extent available for the following purposes:

A. Compensation to members of the Plan in such amounts as may be necessary to provide the difference between other University compensation and the total compensation as established by the Board of Trustees in the operating budget of the University. The operating budget shall show the amounts to be paid from the Plan Services Account, which amounts are dependent upon the availability of funds.

B. Such other purposes as from time to time may be recommended to the Board of Directors of the Fiscal Agent by the Practice Plan Committee of each Plan provided, however, that such funds may not at any time be used for payment to Plan members of income in excess of the total compensation established for the individual members thereof by the Board of Trustees in the operating budget of the University.

VIII. Plan Administrator and Budget

A. The dean of each college, in consultation with the Plan members, shall appoint a Plan administrator. The Plan administrator will be responsible for the day-to-day operation of the Plan and its funds and for the preparation of reports to the dean and the Practice Plan Committee on the financial status of the Plan. The Plan administrator will also be responsible for preparing the annual budget of the Practice Plan.

B. The annual budget shall include funding for the following:

1. Account(s) to enhance college programs;
2. Estimated administrative expenses to manage the Practice Plan;
3. Expenses associated with program implementation;
4. Operating expenses to support Plan member efforts to secure and manage services and contracts;
5. Grant(s) to the University to provide for payment of salary funding of all faculty lines to the extent supported by Practice Plan income and support for staff involved in assisting faculty in generation of professional income; and
6. Contingency reserve to meet potential shortfalls.

C. The proposed annual budget for the Plan shall be submitted by the dean to the Practice Plan Committee for review and comment prior to submitting to the Board of Directors of the Fiscal Agent for approval at its annual meeting.

IX. Provisions for Faculty Salary Supplemental Compensation Program under the Practice Plan

A. Objectives

The specific objectives of the salary supplementation plan include the following:

1. To increase faculty income in addition to that available through State support to the college in an effort to remain competitive with other academic institutions in the recruitment and retention of outstanding faculty;
2. To increase faculty incentive to participate in income-producing activities which are beneficial to the college, the University, and the State;
3. To maintain primary emphasis on the teaching and research programs of the college; and

4. To use professional practice by faculty as a vehicle for clinical training.

B. Basis

The program is based on a system allowing the dean and chairs to reward faculty members for unusual productivity and effort. The rewards shall be derived from income generated by faculty activity but shall not necessarily be directly related to the fiscal productivity of each individual. The system shall allow maintenance of the college balance without overcompensation for one segment of activity to the exclusion of other equally important commitments.

C. Applicable Provisions

1. Supplemental compensation and benefits shall be estimated for the ensuing fiscal year during the annual operating budget process; the amount budgeted shall be included as a separate nonrecurring, supplemental budget item. This supplemental budget shall be submitted to the Board of Directors of the Fiscal Agent and the Board of Trustees for approval as part of the annual operating budget. The appropriation of funds for expenditures shall be equal in amount to additional income to the University provided by a grant by the Board of Directors of the Fiscal Agent to the University specifically for the purpose of financing the supplementary operating budget. Such a grant shall be in addition to that made by the Fiscal Agent in support of salaries provided in the basic operating budget of the college.
2. Fiscal Agent grants for the purpose of supplemental compensation shall constitute non-recurring funds, and approval of the supplementary operating budget based thereon shall not constitute an increase in the budget base of the college. Unless otherwise specified in the College Addendum, supplemental compensation payable to participating individuals in accordance with approved supplementary operating budgets shall be distributed quarterly by the University based on equity determinations on September 30, December 31, March 31, and June 30 of each fiscal year. Supplemental compensation shall be paid at the end of the month following the equity determinations. Individuals no longer in the employment of the University are eligible to receive supplemental compensation at the first distribution following termination based on equity determinations through the last day of their employment, as collected through the last day of the quarter in which the faculty member resigns.
3. The EVPHA and the Provost are delegated the authority to approve the percentage of net revenue to be allocated for supplemental compensation. The amount of the grant to the University by the Fiscal Agent for the purpose of supplemental compensation or increases to individual discretionary accounts within the Fund shall be calculated quarterly based on the approved percentage to

individual faculty members on the basis of net revenues collected from professional fees and other sources.

4. Criteria utilized in determining the percentage to be allocated shall be submitted by the dean of the college for review by the Plan members prior to preparation of the supplementary operating budget. Changes in the criteria may be recommended to the practice plan committee and others, as appropriate, by the dean if necessary to reconcile differences between the actual figures and the projected supplemental budget.

5. Unless otherwise specified in the College Addendum, disbursements for the first quarter of a fiscal year shall be based on the pro rata revenues collected from July 1 - September 30th. Disbursements for the second quarter of a fiscal year shall be based on pro rata revenues collected from October 1 - December 31st. Disbursements for the third quarter of a fiscal year shall be based on pro rata revenues collected from January 1 - March 31st. Disbursements for the fourth quarter of a fiscal year shall be based on pro rata revenues collected from April 1-June 30th.

6. Supplemental compensation and increases to individual discretionary accounts are predicated on and subject to pro rata reductions based on: (a) projected availability of cash on the disbursement dates; (b) availability of net revenues to meet projected annual budget; (c) a projected positive cash balance at the end of the fiscal year; and (d) sufficient projected fund balance to have allocated fund balance to cover Accounts Receivable in accordance with University policy. To the extent distributions have been made for supplemental compensation and increases to individual discretionary accounts, this constitutes full and final payment.

7. If the actual amounts generated and required for the supplementary expenses are greater than the approved annual supplementary operating budget, a revised budget shall be prepared and submitted in accordance with university budgetary procedures, before the established budgetary authority is reached.

8. In preparation of the supplementary operating budget, the dean of the college shall allocate the Fiscal Agent grant for supplemental compensation based on generation of income from professional fees and other sources and based on performance.

9. Departmental or Divisional Practice Plans ("Departmental Plans") are allowed if authorized by the College Addendum. If so authorized, the Departmental Plans shall be approved by the Dean, Provost, and EVPHA, and shall comply with the terms of this regulation.

X. The Practice Plan Committee

A. The Practice Plan Committee of each Plan shall be elected by the members of the Plan and will consist of a minimum of five (5) members of the Plan. In addition, the dean of the college shall serve as an ex-officio member of the Committee.

B. The Committee shall meet periodically and shall review the operation of the Plan and the College Addendum, including matters relating to the applicability of the Plan to sources of income, standard schedules of charges for services, and any other aspects of the operation of the Plan. The Committee shall make such recommendations as it may deem appropriate to the dean of the college, with respect to the modification of the policies and procedures provided by this Plan or utilized in its operation. In the event that changes are deemed necessary by the dean, they shall be brought before the college Plan members by the Chair of the Committee.

XI. Limitations on Practice by Faculty Members

A. As a condition of employment, Plan members shall not maintain offices or engage in the practice of their profession outside of the approved programs of the University, except in infrequent and special circumstances as in emergencies and in other situations where provision of service is required by professional ethics. The Plan Member Documents shall reflect the limitations set forth in this regulation.

B. Plan members shall avoid all actual or potential conflicts of interest in their professional activities. Accordingly, during any period of assignment, non-assignment, sabbatical or other leave, all outside professional activities, whether income-generating or not, and whether exempt from inclusion in the Plan, shall be reported in advance to the dean and again on an annual basis on forms prescribed by the EVPHA and Provost. All outside professional activities are subject to applicable University regulations and policies related to conflicts of interest, including but not limited to: *Governing Regulation, Part I*, Ethical Principles and Code of Conduct and Code of Conduct Addendum-Clinical Enterprise, and *Administrative Regulation II-4.0-4*, Research Conflict of Interest and Financial Disclosure Policy.

C. To assure compliance with Internal Revenue Service (IRS) regulations, an employee who has controlling interests (owns at least 50% or more) of an outside company must report any contributions made to a Qualified Retirement Plan, Simplified Employee Pension plan- Individual Retirement Account (SEP-IRA) or any other retirement investment vehicle. Contributions made should be reported immediately to the Human Resources Employee Benefits Office to ensure Internal Revenue Service plan limits are not exceeded.

XII. Exceptions and Appeals

A. Plan members requesting exclusion from the Plan of an income generating activity not subject to an exemption enumerated in the each college's plan shall make a

request in writing through the respective director or chair to the dean. The dean shall make a decision based upon an interpretation of the definition of income and other facts and circumstances. The decision shall be communicated, in writing, through the division or department, to the Plan member. Plan members wishing to appeal the decision of the dean shall do so in accordance with paragraph B, below.

B. Plan members wishing to appeal a decision of the dean to deny a request for exclusion of income from the Plan, any salary or distribution dispute, or any actions of the Plan, shall advise the dean, in writing, within thirty business days of when the Plan member knew or should have known about the matter so appealed. The dean shall have ten business days to affirm, modify or deny the appeal. If no action is taken, the original action shall be deemed to have been affirmed. The Plan member shall then have thirty business days to appeal the action of the dean to the Provost and EVPHA, each of whom shall receive a written request from the Plan member setting forth the details of the basis for the appeal and the alleged reason(s) the dean is not correct. The Provost and EVPHA shall have thirty business days to issue a joint written decision to affirm, modify or deny the appeal.

XIII. Effective Date

A. This regulation is effective July 1, 2009

B. Until such time as an individual College Addendum is approved, any other existing Administrative Regulation establishing a practice plan for that college shall remain in effect. Upon the effective date of the initial College Addendum for each college, the prior Administrative Regulation shall be superseded in regard to that college's Plan.

C. College Addenda, and revisions thereof, are effective when executed jointly by the respective college dean, the Provost, and the EVPHA, on such date as specified therein.

APPENDIX "A"

COLLEGE (or UNIT) PRACTICE PLAN ADDENDUM
(SAMPLE)

Preamble: This Addendum (the "Addendum") supplements Administrative Regulation (AR) 3:14_____ and provides specific information concerning the practice plan of _____ (the "College" or "Unit"). It may be referred to as the College of _____ or _____ Unit Practice Plan Addendum.

General: An annual contract (the "Annual Contract") _____ is _____ is not (check one) authorized with an approved Fiscal Agent (not required if Fund serves as Fiscal Agent). If authorized, the annual contract is part of this Addendum and incorporated by reference, herein. If a conflict in terms arises between the Annual Contract and the College or Unit Addendum, terms of the Annual Contract shall take precedence.

Specific: College or Unit Addendum Modifications, below, are made in reference to the specific paragraphs of *Administrative Regulation (AR) 3:14, Practice Plans for Health Science Colleges and University Health Services*.

I. Introduction.

The terms set forth in AR 3:14, Paragraph I, are not subject to local modification.

II. Scope.

The Plan Members are faculty in the (title series, appointment periods, University Health Services):

Services provided by Plan Members incident to the care of patients and to all other activities which are a part of the health care programs of the University are included in the Plan. This includes compensation, income and payments (direct or in kind, and whether characterized as fees, retainers, or otherwise) for professional services rendered or to be rendered, including, but not limited to, those relating to: (a) the diagnosis, treatment, and evaluation of patients; (b) the provision of therapeutic products for patients or others; and, (c) consultation with patients.

In addition, the following professionally generated income is included in the plan: (check "yes" or "no")

YES _____ NO _____ Direct and in-kind payments (excluding actual out-of-pocket costs) for providing (a) advice, (b) professional consulting services, (c) service on boards, committees, commissions, or the like, and (d) oversight, supervision, or other participation with any entity or person involved with health or medical care are included in the Plan.

- YES _____ NO _____ Witness fees and payments relating to depositions, testimony, or other evaluations in the capacity of a witness;
- YES _____ NO _____ Professional fees and compensation for educational consulting in medical and pharmacy focused programs in conjunction with the pharmaceutical industry and/or other external agencies;
- YES _____ NO _____ Honoraria for lectures;
- YES _____ NO _____ Unassigned income from publications;
- YES _____ NO _____ Prizes for personal past achievements and not for services rendered;
- YES _____ NO _____ Special administrative stipends paid by the University for performing administrative assignments beyond those normal to academic appointments;
- YES _____ NO _____ Income for a profession or activity unrelated to the professional education, experience, or training that qualifies members of the Plan for a University appointment;
- YES _____ NO _____ Payments for service to NIH or other governmental peer review research project site visits or review activities;
- YES _____ NO _____ Any reimbursement and fees associated with regular continuing education programs funded by the College;
- YES _____ NO _____ Other income which relates to or would not exist but for the professional education, experience, or training that qualifies members of the Plan for a University appointment.

III. Definition Details.

The Fiscal Agent, if other than the Fund, of the Plan is: _____

The Practice Plan Committee consists of:

Department or Division Plans _____ are _____ are not authorized. If authorized, the following requirements apply (first five apply, unless an exception is granted by the Provost and EVPHA):

- ____ Written Document
- ____ Approval by Dean
- ____ Approval by Provost
- ____ Approval by EVPHA
- ____ Legal Review
- ____ Annual Audit

Other: _____

The Plan Service Account is maintained by: _____ the Fund; _____ Other
Specify _____

The Billing Agency is: _____

The Plan Member Documents include:

____ Practice Agreement
____ Assignment for Billing to: _____
____ Non Compete or Restrictive Covenant
____ Other (specify) _____

An example of the form of each is attached hereto, as Collective Attachment III, and incorporated by this reference.

IV. Underlying Principles.

The principles set forth in AR 3:14, Paragraph IV, are not subject to modification.

V. Setting of Charges.

Any special terms concerning the setting of fees are attached hereto as Attachment V, which is attached hereto and incorporated herein by this reference.

VI. Billing and Collection.

The college billing and collection process, if in more detail than AR 3:14, Paragraph VI, is described in Attachment VI, which is attached hereto and incorporated herein by reference.

VII. Use of Funds Deposited in the Plan Services Account.

The terms set forth in AR 3:14, Paragraph VII, are not subject to modification.

VIII. Plan Administrator and Budget.

The Plan Administrator is: _____.

The College budget process, if described in more detail than AR 3:14, Paragraph VIII, is described in Attachment VIII, which is attached hereto and incorporated herein by reference.

IX. Provisions for Faculty Salary Supplemental Compensation.

The percent of net revenue to be allocated for supplemental compensation, as determined by the EVPHA and the Provost is _____.

The College shall retain _____ percent of collected fees for its use in professional development, educational promotion, academic enrichment and related endeavors. Any special retention of funds or fees is described in Attachment VII, which is attached hereto and incorporated herein by reference.

The Frequency of Distributions is: ____ monthly; ____ quarterly; ____ other
(Specify) _____.

X. The Practice Plan Committee.

The terms set forth in AR 3:14, Paragraph X, are not subject to modification.

XI. Limitations on Practice by Plan Members.

Any additional modifications or limitation on practice are attached as Attachment XI, which is attached hereto and incorporated by this reference.

XII. Exceptions and Appeals.

Any modifications to the grievance procedure are described in Attachment XII, which is attached hereto and incorporated by this reference.

Any Special Provisions are attached hereto, as the Special Provisions Attachment, and incorporated by this reference. If any Attachment referenced herein is not included, the Attachment is conclusively presumed to be omitted intentionally.

XIII. Effective Date.

This Addendum shall be in force for a term beginning July 1, 2009 and ending June 30, 2010. It shall automatically renew for any number of successive one year terms unless terminated or modified by a writing signed by the approving parties, below.

APPROVING PARTIES:

DEAN, College of _____

(Signature)

PROVOST:

(Signature)

EVPHA:

(Signature)