

Policy Name: Clinical Affiliation Agreements

Approval Authority: RBHS Chancellor

Originally Issued:

Revisions: 6/20/13

1. Who Should Read This Policy

All Rutgers University research faculty and staff within Cancer Institute of New Jersey, Robert Wood Johnson Medical School, School of Health Related Professions, Rutgers School of Dental Medicine, New Jersey Medical School, Graduate School of Biomedical Sciences, School of Public Health, and School of Nursing (former UMDNJ School of Nursing).

2. Related Documents (refer to policies.rutgers.edu for additional information)

Corporate Integrity Agreement Between the Office of Inspector General (OIG) of the Department of Health and Human Services and the University of Medicine and Dentistry of New Jersey September 25, 2009, as amended by a letter agreement dated May 1, 2013 between OIG and Rutgers, The State University of New Jersey (the University), and the Focus Arrangement Database Policy and Focus Arrangement Database Approval Procedures

3. The Policy

A. Guidelines:

In recognition of the desirability of clinical affiliations and the need for regionalization of health care services, Rutgers encourages the development of joint programs with other institutions so as to provide a full range of clinical involvement for its students and faculty.

B. Clinical Affiliation Categories and the Corresponding Procedures for Official Designation:

A clinical affiliation agreement may be executed between Rutgers Biomedical and Health Sciences (RBHS) and an institution, in furtherance of the units's mission, within the following categories:

1. Principal Hospital of a RBHS Academic Health Center

Criteria:

- a. Member of the Council of Teaching Hospitals (COH) of the Association of American Medical Colleges (AAMC) or of the Osteopathic Postgraduate Training Institutions (OPTI) of the American Osteopathic Association (AOA); and
- b. Board of the hospital or health system has significant RBHS representation; and

- c. Commitment to joint strategic planning, budget consultation and joint or collaborative public relations and marketing programs with the University; and is either a:
 - i. Non-profit hospital or health system having common ownership with Rutgers; or
 - ii. Non-profit hospital or health system in which the majority of the chiefs of service are also the department chairs of a RBHS School, and the remaining chiefs of service must have the approval of a RBHS Dean; or (in the event that a RBHS School wishes to affiliate with two designated Principal Hospitals of a RBHS Academic Health Center) non-profit hospital or health system in which the majority of the chiefs of service are also the department vice chairs of a RBHS School, and the remaining chiefs of service must have the approval of a RBHS Dean; or
 - iii. Non-profit hospital or health system that significantly supports undergraduate medical, dental, nursing and/or allied health education at one or more RBHS School(s) and participates in at least twenty-four -sponsored, ACGME--accredited Graduate Medical Education programs.
- d. In addition, a hospital or other health-care facility may not be a core hospital of any other academic health center.

Procedure for Official Designation:

- a. The CEO of the hospital must consult with and obtain the agreement of the pertinent RBHS Dean(s). The CEO will have obtained in advance the approval of the hospital's board or other governance structure. Written application must then be made to the RBHS Chancellor documenting how the above criteria are being met and detailing the hospital's programmatic and resource contributions to the academic, research, patient care and community service missions of the University, Campus and/or School(s); and,
- b. The affiliation contract between the University and the hospital must assure the above requirements or must be revised to contain these requirements, and must be executed by both parties prior to application. Upon the approval of the RBHS Chancellor, the application is sent to the President of Rutgers. Upon the approval of the President, the Rutgers Board of Governors is asked to approve the designation. Designation as a Principal Hospital of a RBHS Academic Health Center shall be coterminous with the term of the affiliation contract; and,
- c. Absent the approval of the Rutgers Board of Governors under the above procedure, no hospital is authorized to use the designation "Principal Hospital of RBHS" or "Principal Hospital of Rutgers" and the University may publicly disavow any such unauthorized designation.

2. University Hospital of Rutgers

Criteria:

- a. Member of the Council on Teaching Hospitals (COTH) of the Association of American Medical Colleges (AAMC) or of the Osteopathic Postgraduate Training Institutions (OPTI) of the American Osteopathic Association (AOA); and
- b. Board of the hospital or health system has significant Rutgers representation; and
- c. Longstanding, substantial commitment and contributions to health professions education and research with RBHS School(s), both pre-doctoral and postdoctoral; and
- d. Missions and goals in concert with those of RBHS; and
- e. All chiefs of service are either departmental chairs of a RBHS School or are approved prior to appointment by a Dean of the University and hold faculty appointments at a RBHS School.
- f. In addition, a hospital or other health-care facility may not be a university hospital of any other health sciences school or university.

Procedure for Official Designation:

The procedure shall be the same as that for the designation as a Principal Hospital of a RBHS Academic Health Center. The designation shall be coterminous with the term of the affiliation contract. Absent the approval by the Rutgers Board of Governors, no hospital is authorized to use the designation "University Hospital of Rutgers" or "University Hospital of RBHS."

3. Major Clinical Affiliate of RBHS:

Criteria:

- a. Substantial commitment and contributions to health professions education and research with RBHS unit, both pre-doctoral and post-doctoral; and
- b. Missions and goals in concert with those of RBHS.

Procedure for Official Designation:

The procedure shall be the same as that for the designation as a Principal Hospital of an RBHS Academic Health Center. The designation shall be coterminous with the term of the affiliation contract.

4. Clinical Affiliate of RBHS:

Criteria:

Role in the health professions educational programs, pre-doctoral and/or post-doctoral, of one or more RBHS units as detailed in an affiliation contract.

Procedure:

The pertinent Dean(s)/Executive Director shall develop and approve an affiliation contract with the approval of the Vice Chancellor for Academic Affairs.

- C. A clinical affiliation agreement shall contain provisions which delineate the duties of each party, and shall comply with the laws and regulations of the State of New Jersey, and all other applicable laws and regulations, including the federal Anti-kickback Statute and Stark Law, and policies of RBHS, the University, and the Board of Governors. The following elements shall be included in all affiliation agreements, unless specifically waived by the President:
1. Prohibition against the use of Rutgers name, or any part thereof, its logo or symbol, or names of Rutgers components, without prior approval by the Department of University Relations.
 2. General and professional liability insurance requirements, as designated by the Rutgers Department of Risk Management and Insurance.
 3. Requirements for audit and compliance procedure cooperation by the affiliate, to permit Rutgers to confirm lawful conduct pertaining to the affiliation.
 4. Provision for compensation and/or reimbursement to Rutgers of salary, benefits, insurance coverage and any other pertinent expenses of providing house staff services pursuant to an affiliation.
 5. Such other terms and conditions as designated by the Senior Vice President and Office of General Counsel as necessary or appropriate for the type of affiliation desired.

D. Responsibilities:

1. Responsibility for development of affiliations rests with the Dean/Executive Director of each unit of RBHS. The Dean/Executive Director shall coordinate and be responsible for documentation of the objectives and justification of such programs and for development of agreements suitably identifying the nature of the program, the responsibilities and obligations of the institutional parties and entities involved and in compliance with all relevant Rutgers contract policies and requirements. Such agreements and/or contracts may be entered into and considered legally binding only when approved in accordance with Rutgers Signatory Authority Policy (50.3.13).
2. Each Dean/Executive Director is responsible for determining which health care institutions will provide suitable facilities for the development of an affiliation. The Dean/Executive Director will designate a responsible person (the "Designee") to coordinate the orderly preparation of an agreement. The Designee will coordinate, oversee and monitor the preparation and administration of all agreements originating from the educational unit.
3. The Designee will be responsible for assuring that all relationships with health care institutions, which involve the participation of University faculty or students in programs relating to the care of patients at a health care institution, are governed by an approved affiliation agreement, and that the terms of that agreement are administered. Immediately upon notification of the failure of any affiliate to comply with the terms or conditions of an affiliation agreement, the Designee shall notify the Senior Vice President and Office of General Counsel.

4. Samples of Clinical Affiliate of RBHS agreements (Sec 3.B.4) are available from the Office of the RBHS Chancellor. They should be used as models for the preparation of affiliation agreements and should be reviewed and approved in accordance with all relevant Rutgers contract policies and requirements. The Designee must consult with the Office of the RBHS Chancellor when deviating from the use of standard provisions included in the samples.
5. Any remuneration pursuant to an affiliation agreement shall in no way be conditioned, either directly or indirectly, on an agreement to refer patients or business to, order, purchase or lease health care items or services from, or recommend that others order, purchase or lease health care items or services from either party to the agreement, or cause any physician to so refer, order, purchase, lease, recommend or arrange.
6. Additionally, to the extent the affiliation agreement is a Focus Arrangement, as such is defined under the Corporate Integrity Agreement Between the Office of Inspector General (OIG) of the Department of Health and Human Services and the University of Medicine and Dentistry of New Jersey September 25, 2009, as amended by a letter agreement dated May 1, 2013 between OIG and Rutgers, The State University of New Jersey (the University), and the Focus Arrangement Database Policy and Focus Arrangement Database Approval Procedures must be followed.

E. Exceptions to these policies and procedures may be granted by the President.

F. Signatory Authority for Clinical Affiliation Agreements

Consistent with the Rutgers Signatory Authority Policy and the related Signatory Delegation Matrix, the RBHS Chancellor is authorized to execute any and all Clinical Affiliation Agreements on behalf of Rutgers. The RBHS Chancellor has delegated signatory authority for Clinical Affiliation Agreements to the RBHS Vice Chancellor-Academic Affairs (“VCAA”) and the RBHS Vice Chancellor-Finance and Administration (“VCFA”) as follows: The VCAA is solely authorized to execute any Clinical Affiliation Agreement that does not contain any financial remuneration. Any Clinical Affiliation Agreement that contains any financial remuneration must be executed by both the VCAA and VCFA. The Executive Director of the Cancer Institute of New Jersey (“CINJ”) is solely authorized to execute any and all Clinical Affiliation Agreements directly relating to CINJ.

4.. PROCEDURES

Development of Affiliates:

Performed By:

Action Taken

1 Designee of the Dean/Executive Director

- a. For a Clinical Affiliate of RBHS, prepares a draft agreement and submits it to the Vice Chancellor for Academic Affairs for review and approval;
- b. for a 1) Principal Hospital; University Hospital or Major Clinical Affiliate, prepares a draft agreement and submits it to the Vice Chancellor for Academic Affairs and Senior Vice

President and General Counsel for review and approval.

- 2 Vice Chancellor for Academic Affairs and Senior Vice President and General Counsel (where necessary)

Reviews and approves draft and notifies the Dean and designee of the Dean of the approval.
- 3 Designee of the Dean
 - a. Submits an appropriate number of copies of the final agreement to the health care institution, and then to the appropriate Rutgers official for execution.
 - b. Forwards one copy to the Senior Vice President and General Counsel, returns one copy to the health care institution and retains a copy for the Dean, and submits one copy to the Focus Arrangement Database, if applicable.