



## **POLICY ON CLINICAL DEPARTMENT FACULTY PROVIDING EXPERT LEGAL SERVICES AND TESTIMONY**

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### **Policy Statement**

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This policy governs medical legal reviews and expert testimony provided by faculty in the clinical departments of the School of Medicine, and all such must be conducted in compliance with these requirements.

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### **Audience**

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This policy applies to all faculty members in the clinical departments of the School of Medicine.

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### **Policy Requirements**

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1. Medical legal reviews and expert testimony are considered professional activity of the faculty member in all clinical departments and must be approved by the Chair as such. It will not be permitted through the EPAP (External Professional Activity for Pay) process for any faculty member in these departments, irrespective of whether an individual is on the medical staff.
2. Faculty members are permitted to perform medical legal reviews and provide testimony as expert witnesses, both for defense and plaintiff law firms, both in-state and out-of-state, with the exception that they are not permitted to provide medical legal reviews or testimony against anyone who currently is or was at the time of the alleged incident or care in dispute either 1) a member of UNC Hospitals medical staff and insured by the Liability Insurance Trust Fund, or 2) employed by a UNC Health Care System (UNCHCS) entity.
3. Faculty members are not permitted to provide professional consultative services for a law firm that is currently representing anyone with a claim or lawsuit against UNCHCS, UNCH or any UNC-Chapel Hill employee (involving that employee's professional activities). Faculty members should request written confirmation from the firm (by letter or email) that this requirement is satisfied. That written confirmation should be forwarded to the UNCHCS Legal and Risk management department for verification.
4. All compensation for expert medical legal review or testimony must be paid to UNC Faculty Physicians (UNCFP) and not to the individual.



5. Expert fees will be distributed by UNCFP to the department in which that faculty member resides.
6. Expert fees to the department may be used as each department determines, consistent with a departmental plan approved in advance by the Dean. Departmental plans should be provided to the Dean by November 1, 2013, with the intent of approval and implementation by December 15, 2013.
7. Effective July 1, 2014, departmental use and distributions of expert fees must meet the following requirements. To the extent that the department's current policy does not meet these requirements, the department is required to submit a revised policy by June 1, 2014, for the Dean's approval.
  - Funds may be allocated to any departmental expenditures that support the missions of teaching, research and patient care (e.g., resident education, research funding, etc.) and are not tied directly to faculty compensation
  - Funds may be allocated to a professional development account for the individual faculty member who "earned" that income to use for conferences, travel, research support, etc., provided that all expenditures are approved by the chair pursuant to a standard policy applicable to all members of the department governing how such funds may be used.
  - Funds may be allocated to support faculty compensation to the extent those funds support a faculty member's base compensation or are included in a departmental pool to support the department's incentive compensation plan. Funds may not be paid directly to the faculty member as additional compensation that is not part of a faculty member's base or incentive compensation.
8. UNCFP and School of Medicine Clinical Departments shall provide to the Dean, on a date to be determined by the Dean, an annual report of all funds received from expert testimony/services (by faculty member) and how those funds were allocated/spent (by faculty member, if applicable).
9. Questions about the application of this policy may be referred to the President of UNC Faculty Physicians or the Dean's Chief of Staff.

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### Document History

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- Effective Date: October 15, 2013
- Revised: November 15, 2013
- Revised: March,\_\_\_ 2016



THE UNIVERSITY  
*of* NORTH CAROLINA  
*at* CHAPEL HILL

**Responsible University Officer**

Dean, School of Medicine

**Responsible Office**

Dean, School of Medicine



**Responsible University Officer**

Dean, School of Medicine

**Responsible Office**

Dean, School of Medicine

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### **Procedures**

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*Place any associated procedures, or a link to them, here.*

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### **Standards**

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*Place any applicable standards, or a link to them, here.*

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### **Forms**

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*Attach, or link to, any forms or templates related to this policy or its procedures.*

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### **Other Related Documents**

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*Attach, or link to, any related documents (FAQs, etc.) not included elsewhere.*