

UT Physicians Serving as Volunteers

From time to time, physicians employed by UT have opportunities or occasions to serve as volunteer physicians without compensation. These occasions may be short term, as in a hurricane or other disaster situation, or may be ongoing as in a clinic serving indigent patients that is operated by a charitable organization. While state law provides legal protections to physicians acting as volunteers of a charitable organization, many UT physicians assume and expect that such volunteer activities are automatically endorsed by UT and legally protected by the physician's status as an employee of the State of Texas.

At a minimum, the following procedures must be followed to be afforded legal defense counsel and other protections that are also available as a result of status as a UT physician and employee:

1. Before accepting a volunteer position, the physician shall first advise the Department Chair or, in the case of the Department Chair, the Dean, so that an evaluation of potential conflict of interest regarding the volunteer activity may be made.
2. Written approval of the Department Chair or Dean (as appropriate) must be obtained in substantially the form as in the attached template letter stating:
 - a) that the position would not create a conflict of interest with responsibilities relating to employment with UT;
 - b) that fulfillment of the responsibilities of the position would not impose an unreasonable time requirement and if the volunteer activity is during usual duty time or imposes a significant time requirement, that the physician has appropriate leave to cover the volunteer activity;
 - c) the volunteer organization and capacity in which the physician will serve;
 - d) that no compensation will be made to UT or the physician for the physician's services (including payment that is returned by donation to the volunteer organization);
 - e) that the named volunteer activity is not in conflict with the mission of the institution;
 - f) that no UT resources will be utilized in performing the volunteer services; and
 - g) the approved dates for the volunteer activity, up to a maximum three year period.
3. Retain the written approval in institutional employment files with a copy to the UT System Office of General Counsel-Health Law Section.
4. Renew the approval of the volunteer activity with the current Department Chair or, in the case of the Department Chair, the Dean, at least every three years.

Additional institutional policies and procedures may be imposed for volunteer physician activities in the institution's Handbook of Operating Procedures.

[DATE]

Dear _____

Your request to serve as a volunteer physician with _____[ORGANIZATION NAME] has been reviewed by me. I understand that you will be serving as a _____physician seeing patients in the clinic that is operated by _____at _____[LOCATION]. In addition, I understand that you will serve as medical director of the clinic (if applicable).

There does not appear to be a conflict with UT's mission or your current UT duties and this activity does not appear to present an unreasonable time requirement. I understand that you will accept no compensation for your services and will utilize no UT resources in performing volunteer services. If you do accept any compensation for your services, your activity is not considered a volunteer activity, is subject to the MSRDP (or DSRDP, if applicable) Bylaws, and this approval is immediately revoked.

I approve your participation in this activity beginning _____ and ending _____ (maximum of 3 years). If any of these conditions change regarding your volunteer activity, please allow me to review the changes.

Sincerely,

Department Chair and/or Dean

cc: UT System Office of General Counsel-Health Law Section

August 5, 2010