

**School of Medicine Executive Committee**  
**Meeting Minutes**  
**Tuesday, December 20, 2011**  
**Academic Office One, 7<sup>th</sup> Floor Board Room**

ATTACHMENT 1

**Present**

**Members:** Bill Betz, John Cambier, Steve Daniels, Laurie Gaspar, Ron Gill, Tom Henthorn, Randall Holmes, Ben Honigman, Richard Krugman, Todd Larabee, Kevin Lillehei, Wendy Macklin, Dennis Matthews, David Norris, Nanette Santoro, David Schwartz, Ann Thor, Andrew Thorburn, Ken Tyler

**Participants:** Terri Carrothers, Timothy Crombleholme, James Hill, Richard Johnston, Celia Kaye, Steve Lowenstein, Thomas Meyers (VA), Dan Meyers, Chip Ridgway, Jane Schumaker, Fred Suchy, Dan Theodorescu, Richard Traystman, Cheryl Welch, Nan LaFrance, Steve Zweck-Bronner

**Guests:** Alison Lakin, Steve Anderson, Jori Leszczynski

**I.** Greetings – Dean Krugman welcomed everyone.

**II.** Approval of the Minutes – The November 15<sup>th</sup>, 2011 SOM Executive Committee Meeting were unanimously approved as written.

**III.** Discussion Items

A. Dean's Comments

1. Updates

- a. *Search Update:* The new Department Chair for Emergency Medicine, Dr. Richard Zane, will officially start on April 1<sup>st</sup>, 2012. He will be visiting for a few days each month prior to April 1<sup>st</sup>.
- b. *Department Chair/Center Director/Division Head Training:* On February 16-17, 2012 – there will be a new Center Director/Department Chair/Division Head training. This training is for all those who started after August 2008, for those who started before August 2008 and have not attended training are encouraged to attend and for those who would like to take a refresher course. Some of the areas that will be addressed are: policies, procedures, promotions, tenure, conflict of interest, how to avoid lawsuits, budget/finance, and fund raising. This is a mandatory exercise for all those who have not completed it. All Department Administrators are welcome to attend the leadership exercise as well. Please mark your calendars. Dr. Santoro suggested that negotiation processes for recruitment could be a subject addressed as a course she attended through the AAMC was extremely helpful. Dr. Daniels also suggested that Dr. Doug Jones address the Clinical Enterprise line.
- c. *Memorial Hospital* – the task force voted unanimously to put forth only one bid, which was the University of Hospital's bid. Included in the bid is

\$3M a year for 40 years to include a branch campus in Colorado Springs. The vote must now go to the city council and possibly a vote to the people of Colorado Springs. There is a question of the implications of putting a branch campus in a “for profit” hospital should one of the other bids be considered.

- d. *Search Update*: Dr. Richard Schulick has a draft Letter of Offer and the Dean hopes to hear from him this week.
- e. *Poudre Valley* – the health district in Larimer County wasn’t sure they wanted to release the lease and the expectation is that they will at some point. Dean Krugman has a meeting this Friday (12/23) with Rulon Stacey, President and CEO of Poudre Valley Hospital.
- f. *University of Denver* is conducting a feasibility study on opening a medical school in Denver. The Dean suggested that this was an opportunity to continue the non-compete discussion regarding PhD faculty moving and reparations.

B. Non-Compete Discussion – Steve Zweck-Bronner, University Counsel, explained to the committee that non-competes are illegal in Colorado except in limited circumstances which include Medical Doctors (MD’s). In the past non-competes were paid off in order for MD’s to move on, however now, it has become a litigious area. He, in conjunction with Jane Schumaker, Sr. Associate Dean for Administration and Finance and UPI Executive Director, brought in outside counsel to review the non-competes and how they are being assessed. One issue was how to deal with our hospital based physicians who leave and take patients with them; this does not include anesthesiologists and Emergency Medicine doctors. There are two mechanisms to recover damages against individuals who leave the University; the non-compete and the letter of offer. Everything has been put into the non-competes; replacement costs, moving expenses, etc. Non-competes are not favored by the courts and are only legal for Medical Doctors. The other mechanism is the letter of offer. The benefit of the letter of offer is that it is a contract which is not controlled by the statute and can be used for MD’s, PhD, etc. Therefore they are currently talking about shifting the information from the non-competes into the letters of offer. LOO’s are more flexible and it’s much more enforceable. Items such as signing bonuses can be recouped through the letters of offer. Steve Zweck-Bronner explained that there are ways around the restrictions on non-competes for those wanting to practice in Colorado with H-1 visa statuses. The non-competes are not going away, there will be an option for a non-competes to be used in conjunction with the letter of offer, by itself or just the letter of offer for all of the damages. This will be designed for each situation and at the discretion of each department chair. If someone’s contract has been terminated during the contract term, they have the right to appeal to the Board of Regents. Templates will be prepared and will be rolled out sometime around the end of February 2012 and the beginning of March 2012.

C. Retirement and Updates – Dr. Steve Lowenstein, Associate Dean for Faculty Affairs updated the committee on new retirement options. There are different

policies regarding retirement options, differentiated workload, tenure buyouts, incentive agreements, etc. which are mandated by the IRS. There's a new proposal for a modified buyout approved by the IRS. One issue with the previous plans was that payments were made to a retirement account for five years and during those five years the retired employee could not come back and work at the University. This was due to an IRS tax shelter policy. The Provost has established a program which would be taxable that would enable tenured faculty to return part-time after they had retired. The particular requirements are under discussion, such as, they must be tenured, must be of a certain age, been at the University for a certain number of years, etc. There are two issues: 1) how will the chairs decide for whom to offer this to and 2) how it will be calculated (base, base/supplement). Health benefits become an issue for faculty when considering retirement, and the ability to retain University benefits will also be reviewed. This is not a tax-sheltered program, it is a straight-up salary. Whether or not this is a time limited plan needs to be discussed. In the previous plan, money is trickled into a retirement account over the course of five years, the new plan is paid directly to them and it not a tax sheltered program, they will be taxed on this money. A possible Spring 2012 roll-out is the goal for 12/31/12 retirement.

- D. Perinatal Research Facilitation Process – Dr. Nanette Santoro, Dept Chair for OB-GYN, made a presentation regarding research pertaining to pregnant women, their fetuses, newborn infant, and pre-term infants in neonatal intensive care units. There is a finite pool of pregnant women and their babies. She acquainted the committee on the perinatal research and process and the need for transgenerational research is apparent. There are several cores to this research; Clinical Recruitment, Data Management & Analysis, Biorepository, Research Facilitation, and Clinical Trials. There is a Perinatal Research Facilitation Committee (composed of senior faculty and administrators across the campus and meets bi-annually to discuss major issues), a Triage Committee (determines the feasibility of the proposed research, assures awareness of existing data, recruitment database) and biobank (fosters collaboration, establishes priorities for protocols, directs investigators to alternative resources and/or research sites) and a Recruitment database. Additional information can be found at <http://cctsi.ucdenver.edu/CMH/PagesFacilitationCommittee.aspx>.
- E. Comparative Pathology Program – Dr. Jori Leszczynski, Director of OLAR and Dr. Steve Anderson, Professor and Vice Chair for Research in the Pathology department. Dr. Leszczynski wanted to inform the committee of this program, not only to inform their departments and divisions but to eventually ask for their financial support. The needs for this program were addressed; most Histology services are out-sourced or conducted by individual research labs, pre-clinical trials require board certified pathologists, and enhances grant applications in a competitive environment and anticipates future requirements for grants funding translational research. The goals of this program are to have veterinary pathology support to research, assist in protocol development, participate/facilitate collaborative research, provide preclinical service for a fee basis, provide support

to local entities, provide training to 3<sup>rd</sup> year pathology residents, fellowship program and participate as trainees in the existing/future T32 awards. There will be joint involvement with CSU which already has a program and are very interested in partnering with CU-SOM the biomedical basis. The new organizational structure will have faculty appointments through Pathology, core finances administered through the Cancer Center in conjunction with CCTSI and the oversight and planning through the Executive Committee.

- F. Distinguished Foreign Physicians – Dr. Steve Lowenstein explained that why this is a very important state statute. It permits the SOM to hire a foreign physician to practice and teach in the State of Colorado without necessarily meeting the same tests and certifications. It has to be used extremely sparingly. The standards for the foreign physicians must be very high. The regulation and statute say that what needs to be qualified is a rare set of credentials; a large, thick CV, a noteworthy and recognized professional attainment, exceptional clinical skills which are documented that would add teaching and clinical practice value to the people of Colorado, and the candidate and the school have to demonstrate to the board on a continuing annual basis that the physician meets all the requirements. They must have a letter of appointment and signed by the dean outlining why this recruitment is essential. This is reminder to make this a rare event and the approval process. Dean Krugman reminded everyone that there needs to be closer monitoring and coordination of any of these appointments. He would like at least a two week to one month notice sent to Dr. Steve Lowenstein's office in Faculty Affairs for review prior to his signature.
- G. CU Foundation Update – Cheryl Kisling updated the committee on the donations received for the year thus far. The hope is that the donations will reach \$16M by calendar year's end.

### **Executive Session**

#### **IV. Approval Items**

- A. **Approval of Faculty Promotions** – all faculty promotions were unanimously approved.
- B. **Approval of Professor Emeritus Appointment** – three Professor Emeritus Appointments (Richard Fischer MD, Gerard Glancy MD, and Marvin Pomerantz, MD) were unanimously approved.

The meeting adjourned at 9:51 AM