

SCHOOLS OF MEDICINE

TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

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MEDICAL PRACTICE INCOME PLAN
BYLAWS

The Bylaws, and all amendments thereto, of the Texas Tech University Health Sciences Center (TTUHSC) School of Medicine Practice Income Plan (MPIP, the Plan) are hereby superseded by the following restated Bylaws:

ARTICLE I
PURPOSE

The Texas Tech University Health Sciences Center School of Medicine and Paul L. Foster School of Medicine (The Schools) have created a separate fiscal plan for the purpose of managing and holding in trust the professional income of their members. This plan shall be named the Medical Practice Income Plan (MPIP, the Plan) and administered pursuant to the Bylaws set forth in this document.

GOVERNANCE

The President of Texas Tech University Health Sciences Center (“President”) retains exclusive oversight and authority over the Medical Practice Income Plan. The MPIP Policy Committees shall have such responsibilities as are delineated in these Bylaws. The Regional Deans and Dean(s) of the Schools of Medicine serve as ex-officio members of their respective MPIP Policy Committees, and carry out such functions as are described in these Bylaws, or as delegated by the President.

MEDICAL COMMITTEE

The Medical Practice Income Plan (“MPIP”) Policy Committee of the Texas Tech University Health Sciences Center is established for the purpose of managing and holding in trust its members’ professional income related to patient care. Membership is required of each

medical school faculty member with a fifty percent or greater faculty appointment at Texas Tech University Health Sciences Center. The MPIP Policy Committee, or any committee established thereunder, is a “medical committee” as defined under Texas Health and Safety Code Chapter 161 and/or other applicable state and federal statutes. All documents generated by, submitted to, or retained for the purposes of fulfilling MPIP committee duties are confidential and privileged as “medical committee documents”.

ARTICLE II
DEFINITIONS

2.10 REGIONAL CAMPUSES

2.11 For the purpose of these Bylaws, each of the four sites (Amarillo, El Paso, Lubbock, Permian Basin) of the Texas Tech University Health Sciences Center shall be referred to by the term campus.

2.20 THE PLAN SHALL CONSIST OF:

2.21 Medical Practice Income Plan Trust Funds at each campus, which will be the initial depository for the receipt and disbursement of all professional fee income;

2.22 Business Operation Funds at each campus, which will provide for the administrative expense of the Plan;

2.23 An Institutional Development Fund at each campus, which will be utilized to support the programs of the School;

2.24 Departmental Program Funds at each campus, which will be used for support of the programs of the departments at each campus.

2.30 TOTAL COMPENSATION

2.31 Total Compensation for each faculty member at any campus may be comprised of state-appropriated education and general budget funds, contract and grant funds, gift funds, MPIP Departmental Program Funds, or other funds designated for salaries by the Board of Regents, as paid to faculty members by the School and reported to the Internal Revenue Service.

2.32 Augmentation

A. Augmentation shall be defined as that part of Total Compensation, paid from MPIP funds or from other sources authorized by the Board of Regents of the School, which is paid to a member pursuant to the Plan. It is expressly understood that Augmentation shall not be guaranteed. If the Departmental Program Fund of any clinical department is insufficient in any fiscal year to pay fully the Augmentation of each member in its department, then Augmentation payments from the Departmental Program Fund shall be

distributed at the discretion of the Chair to the members of the Department, upon approval of the Dean. Exceptions to the above may be made by written approval of the Dean.

B. A member's Augmentation shall be determined annually upon the recommendation of the Department Chair and upon approval by the Dean.

2.33 Total Compensation, minus Augmentation, shall be used, in compliance with federal and state regulations, as the basis for the calculation of fringe benefits.

ARTICLE III
ORGANIZATION OF THE MEMBERSHIP

3.10 MEMBERSHIP

- 3.11 Membership in the Plan shall be required of each School of Medicine faculty member whose appointment at the Health Sciences Center and affiliated institution(s) totals fifty percent (50%) time or greater and who generates income from professional activities related to patient care. Exceptions to the above may be made upon written recommendation of the Department Chair, with final approval of the Regional Dean, if applicable, or Dean.
- 3.12 Members of the Plan shall be eligible to participate in its deliberations and to vote upon matters of business and shall be eligible for election to offices and for appointment to committees.
- 3.13 A member leaving the faculty terminates membership in the Plan without further rights, privileges, entitlements or recourse.

3.20 MEETINGS OF THE GENERAL MEMBERSHIP

- 3.21 The membership of each School of Medicine shall meet in general session at an annual meeting in the third quarter of the fiscal year as designated by the Deans. Notice of the annual meeting, an agenda, and an annual report developed by the Deans shall be sent to each member at least three weeks before the meeting. The annual meeting shall be held simultaneously at all the campuses.
- 3.22 Procedures of the annual meeting
- A. Appropriate means of communication will be provided so that each member is afforded an opportunity to speak and to hear the conduct of the business.
 - B. The conduct of business shall be limited to that of the published agenda. Other business may be admitted to the agenda upon majority vote of the membership present at the meeting.
 - C. A majority vote of members present shall be used for decision making at all MPIP meetings.
- 3.23 Special meetings of the entire membership may be called by the President, the Chairs of the Regional Policy Committees, or upon written petition by twenty-five

percent (25%) of the members. Special meetings shall require the same notice as the annual meeting.

- 3.24 The Dean of one of the Schools of Medicine shall preside at all meetings of the general membership. In even number years, the Dean of the TTUHSC School of Medicine shall preside; in odd numbered years the Dean of the Paul L. Foster School of Medicine shall preside. In the absence of the presiding Dean, the Dean's designee shall preside. A secretary will be appointed by the Dean.
- 3.25 Minutes of each meeting shall be maintained in a central library of meeting minutes, and circulated to each member's department within thirty (30) days following the meeting.
- 3.26 The presence of at least twenty-five (25) members shall constitute a quorum.
- 3.27 Each member shall have one (1) vote and must be present to vote.
- 3.28 Except where otherwise specified within these Bylaws, a simple majority vote of the members present shall prevail.
- 3.29 Meetings of the membership shall be conducted according to *Robert's Rules of Order*.

3.30 REGIONAL POLICY COMMITTEES

- 3.31 There shall be a Regional Policy Committee at each campus.
- 3.32 Each Regional Policy Committee shall consist of voting and non-voting members.
 - A. Voting Members shall be:
 - 1. Each full-time clinical Department Chair, or, in his or her absence, the MPIP member designee of the Department Chair.
 - 2. Two members elected from the membership at large of that particular campus, or, in his or her absence, the MPIP member designee of the member at large. At large members shall serve for two years, such terms being staggered so that one member is elected each year.
 - B. Non-voting members shall be:
 - 1. The MPIP Associate/Assistant Dean
 - 2. The Dean(s) or Regional Deans

3. Other administrative staff or faculty members from each campus may attend MPIP Policy Committee meetings from time to time at the discretion of each Regional Policy Committee Chair.
4. Non-voting members may be excluded during executive session of a Regional MPIP Policy Committee meeting.

3.33 Election of officers

- A. The officers of each Regional Policy Committee shall perform the duties prescribed under these Bylaws. These officers shall consist of the following persons:
 1. The Chair, who will preside;
 2. The Chair-elect, who will succeed the Chair or preside in the Chair's absence;
- B. Officers shall be elected annually by the committee members from among the voting members to serve a term of one year from September through August to coincide with the fiscal year.
- C. No elected officer shall serve more than two full consecutive terms in the same office. Should an elected officer fill an unexpired term of another officer in the event of a vacancy in accordance with 3.33.D, no second elected term in the new office would be available to that officer fulfilling the unexpired term.
- D. In the event of a vacancy:
 1. During the term of the Chair, the Chair-elect shall fill the remainder of the Chair's term, as well as the ensuing term.
 2. During the term of the Chair-elect, a new Chair-elect shall be elected at the next regular meeting following the occurrence of the vacancy and shall fill the remainder of the Chair-elect's term as well as the ensuing term.

3.34 Meetings

- A. Each Regional Policy Committee shall meet at the call of the Chair but no less frequently than every other month, or on the written petition of one half (1/2) of the members of the Regional Policy Committee.

- B. The presence of at least one half (1/2) of the voting members shall constitute a quorum.
 - C. Each voting member or his or her designee shall have one (1) vote.
 - D. A simple majority vote of the voting members present shall prevail.
 - E. Meetings shall be conducted according to *Robert's Rules of Order*.
- 3.35 Each Regional Policy Committee shall consider MPIP business as outlined in these Bylaws, policy matters which may come before it from faculty, other MPIP committees, Deans and Regional Deans.
- A. The Chair of the Regional Policy Committee will communicate recommendations of the Committee to the Dean or Regional Dean.
 - B. The MPIP Associate/Assistant Dean of each campus will staff the Regional Policy Committee, will maintain minutes, and will be accountable to the Dean or Regional Dean who is then accountable for the operational and fiscal status of the respective campus's Plan.
- 3.36 The Regional Policy Committees may create subcommittees as necessary.
- 3.37 The Dean or Regional Dean may create ad hoc committees when necessary.
- 3.38 The Dean(s) shall be accountable to the President for the sound management of MPIP. Final authority on all matters relating to MPIP shall reside with the President.

3.40 BUSINESS OPERATIONS

- 3.41 Each Regional Policy Committee, with the advice and consent of the Dean or Regional Dean of the campus, shall recommend the appointment of an MPIP Associate/Assistant Dean to serve as the regional general administrator and fiscal officer of the campus's Plan.
- 3.42 An MPIP Business Office, under the direction of the regional MPIP Associate/Assistant Dean, shall be maintained by the Plan at each campus for the administration of MPIP affairs.
- 3.43 Administrative personnel and consultants may be retained as recommended by the MPIP Associate/Assistant Dean, or by the Dean or Regional Dean of the campus,

in accordance with Texas Tech University Health Sciences Center Policies and Procedures.

- 3.44 MPIP Associate/Assistant Deans shall prepare annual operating and capital expense budgets for their regional Plans. Budgets for central departments shall be presented to the respective Regional Policy Committee for approval in accordance with the Policies and Procedures of the Board of Regents of the Texas Tech University System. . A summary revenue and expense budget for the coming year shall be submitted to the Regional Policy Committee during the normal budgetary cycle for that fiscal year and to the Dean or Regional Dean at that campus for their approval and recommendation. Associate/Assistant Deans shall work with Department Chairs and clinical department administrators on clinical department budget preparation which will be approved by the Dean or Regional Dean, and incorporated into the Plan's overall budget. Any changes in the total budget must be reviewed and approved by the Regional Policy Committee and approved by the Dean or Regional Dean.
- 3.45 Departmental Financial Reports shall be prepared by each regional MPIP Associate/Assistant Dean and submitted monthly to the clinical departments, to the Regional Policy Committee, and to the Dean or Regional Dean. These reports shall include, but are not limited to, summary financial data concerning departmental MPIP Operations funds.
- 3.46 Collections under the Plan will be recorded for each member and so reported to the appropriate department. An annual statement of funds deposited for the clinical departments in the MPIP Trust Fund during the fiscal year will be submitted by the a MPIP Associate/Assistant Dean to the Department Chairs, Associate Chairs, and the Dean or Regional Dean.
- 3.47 Professional fees shall be centrally billed. Collections shall be made by the campus' MPIP Business Offices in accordance with approved procedures. All collections shall be deposited in the MPIP Trust Funds.
- 3.48 Any exceptions to the billing and collection policy shall be approved in writing by the Regional MPIP Policy Committee.

ARTICLE IV
MPIP TRUST FUND

4.10 COMPOSITION

4.11 An MPIP Trust Fund shall be established at each campus for the receipt and disbursement of all professional income under the provisions of the Plan.

4.12 Each MPIP Trust Fund shall make disbursements to the following fund as hereinafter provided: Departmental Program Fund for each clinical department (see Article 4.70)

4.20 SOURCES OF INCOME

4.21 Pursuant to the member's Assignment and Plan Agreement, each member shall assign all professional income to the MPIP Trust fund (see Article 4.30).

4.22 Income from the professional services collected by MPIP for services rendered at a campus by part-time clinical or volunteer faculty and assigned to the department shall accrue to the MPIP Trust Funds, unless exempted by recommendation of the Department Chair, approved by the Regional Policy Committee, and subsequently approved by the Dean.

4.23 Income earned from any unexpended balances of the MPIP level Business Operations Funds, Institutional Development Funds, or Departmental Program Funds shall accrue to the respective fund that earned it.

4.30 MPIP PROFESSIONAL INCOME

4.31 All professional fees generated from patient care by MPIP members or professional staff shall be considered MPIP professional income, and be deposited in MPIP accounts, unless specifically exempted through written approval by the Department Chair, Regional Dean and/or Dean.

4.32 The following sources of income are not considered MPIP professional income:

- A. Honoraria and non-professional retainers;
- B. Patent income and royalties as shall be established by the Intellectual Property Policy as found in Regents' Rules, Chapter 10.

- C. Fees for court appearances, depositions, record reviews, other than those given by the member in an official capacity, as approved by the Department Chair or Regional Chair;
- D. Payment for editing scientific publications;
- E. Non-patient consultation fees earned as a regional or national consultant with non- affiliated institutions, with approval of the Department Chair or Regional Chair.
- F. Income earned from 4.32, Sections A through E that exceeds twenty percent (20%) of a member's total annual compensation shall be reported on an annual basis to the Regional Policy Committee for review. In such cases, the Policy Committee is not required to take any action, but may make recommendations to the member's Department Chair.
- G. Exceptions to the above must be approved by the Dean.

4.40 DETERMINATION OF PROFESSIONAL FEES

- 4.41 The uniform charge master for each campus shall be reviewed and/or updated annually by the MPIP Associate/Assistant Dean. This charge master shall be reviewed and approved by the Regional MPIP Policy Committee at each campus.

4.50 BUSINESS OPERATIONS FUNDS

- 4.51 The Business Operations Funds shall be maintained for the purpose of paying the expenses of the general administrative and business operations of the Plan and other expenses as approved by the Regional MPIP Policy Committees.
- 4.52 Each clinical Department at each campus shall be required to contribute monthly to the campus Business Operations Fund its share of the business operation expenses incurred by the Plan, as determined by each Regional Policy Committee.

4.60 INSTITUTIONAL DEVELOPMENT FUNDS

- 4.61 An Institutional Development Fund (IDF) shall be established by the School to enhance and support clinical practice and research programs of the Institution. The budget and the method of funding this IDF shall be proposed annually by the

Dean or Regional Dean and approved by the Regional Policy Committee at each campus. Expenditures from this IDF shall be at the discretion of the Dean or Regional Dean.

- 4.62 A Facility Use Fee funded by MPIP shall be established annually and paid monthly. The amount shall be set in accordance with general business practices and approved by the Regional Policy Committee at each campus. The method of funding the Facility Use Fee for each campus shall be proposed by the Dean or Regional Dean and approved by the Regional Policy Committee.
- 4.63 A Resident Physician Support Fund may be maintained and funded by each Regional MPIP, if required. The budget for this fund shall be proposed by the Dean or Regional Dean, and approved by the Regional Policy Committee.

4.70 DEPARTMENTAL PROGRAM FUNDS

- 4.71 A Departmental Program Fund shall be established for each clinical department in each School.
- 4.72 The Departmental Program Fund shall consist of the balance of each department's professional income account maintained by the MPIP Trust Fund after all payments required by the Plan are paid.
- 4.73 The Departmental Program Funds shall be used to support faculty compensation and benefits, professional liability, departmental business and related functions.
- 4.74 Expenditures from the Departmental Program Funds shall be under the direction of each Department Chair in accordance with those items allowable in Appendix A.

ARTICLE V
GENERAL PROVISIONS

5.10 EXCEPTIONS

5.11 All exceptions granted under provisions of the Plan shall be reviewed and approved by the Regional MPIP Policy Committee annually.

5.12 This Plan is created for management purposes only, and nothing in this Plan shall be construed to create a partnership, trust, association or any other entity.

5.20 ETHICS

5.21 The Principles of Medical Ethics of the American Medical Association, as amended, are accepted as the governing code of ethics for the Plan (Appendix B).

5.30 CONTRACTS

5.31 Assignment and Plan Agreement contracts shall be executed between each member and spouse and the Plan, if applicable (Appendix C).

5.40 GRIEVANCE COMMITTEE

5.41 The Chair of the Regional Policy Committee may name an ad hoc MPIP Grievance Committee to review and make recommendations regarding any grievance related to compliance with these Bylaws and submitted by a member of the Plan. Unresolved grievances will be referred to the Dean for final resolution.

5.50 AMENDMENT OF BYLAWS

5.51 These Bylaws, may be amended by a two-thirds (2/3) vote of those members responding by written ballot, provided that the amendment shall have been offered by written notice not fewer than thirty (30) days prior to the meeting of the membership.

5.52 These Bylaws or any amendments thereto shall be effective upon approval by the Board of Regents of the Texas Tech University System.

5.60 DISSOLUTION

- 5.61 The Plan may be dissolved by the President upon recommendation and approval by a two-thirds (2/3) majority vote of the membership, the Chancellor and the Board of Regents.
- 5.62 Upon voluntary dissolution of the Plan in order to establish a new organizational structure, all the assets of the pre-existing Plan shall be transferred to the new structure.
- 5.63 Upon ultimate dissolution of the Plan, all residual monies in the MPIP Trust Funds shall be utilized to discharge obligations of the Plan with the balance to be distributed by the Dean with the approval of the President. Accounts receivable remaining outstanding after a one-year period shall be assigned by the MPIP Trust Fund to the Texas Tech Foundation (the Foundation), or other equivalent organization, and all collections of such accounts shall inure solely to the benefit of the Foundation.
- 5.64 If any campus is dissolved, all residual monies shall be utilized to discharge obligations of the campus with the balance to be distributed by the Dean with the approval of the President.

APPENDIX A
EXPENSES ALLOWABLE FROM THE DEPARTMENTAL PROGRAM FUND

This appendix has been developed by the Deans, Regional Deans, and the campuses Regional Policy Committees to provide guidelines for expenditure of MPIP funds. In accordance with current requirements found in the “Special Provisions Relating Only to State Agencies of Higher Education, General Appropriations Act”, an annual report showing the use of practice plan funds shall be filed as directed. The following expenditures are permitted from MPIP, subject to availability of funds and the approval of the Department Chairs, Regional Deans, the Deans and the President.

- A. Augmentation of members’ salaries.
- B. Salary, partial salary or augmentation for faculty and/or staff (within accepted salary ranges and classification including required school benefits) with approval of the Dean or Regional Dean.
- C. General maintenance, operation and purchase and/or replacement of equipment used in education, research and patient care.
- D. Ordinary and necessary business expenses incurred by a member in generating professional income, in accordance with IRS guidelines for business expenses.
- E. Travel and other expenses, including registration fees and tuition, incidental to attendance at professional meetings as well as the support of education, research and patient care.
- F. Professional society memberships.
- G. Expenses and consultant fees for guest speakers including official entertainment.
- H. Allowance for automobile expenses.
- I. Group medical, life, disability, supplemental retirement, dental and vision benefit insurance and other insurance benefits, which would be appropriate. These benefits may be individually established by the Department Chair or Regional Chair with the approval of the Dean or Regional Dean.
- J. Medical and professional liability premiums and reserves.
- K. Allowance for special educational training of the faculty member.

- L. Fringe benefits for residents, fellows and other employees necessary for conduct of departmental activities, as approved by the Department Chair or Regional Chair and the Dean or Regional Dean.
- M. Recruiting expenses for faculty, staff and other individuals necessary to the department.
- N. Texas Medical Board annual license fee.
- O. Medically related educational aids, e.g. books, journals, slides, audio and videotapes.
- P. Institutional participation in community organizations or events.
- Q. Official institutional functions and official entertainment for business related events or for a documented benefit to Texas Tech University Health Sciences Center.
- R. Capital projects.
- S. Endowment funds for the establishment of support for professorships, chairs and fellowships, subject to prior approval by the Dean or Regional Dean and the President. Funds deposited yearly for this purpose shall not exceed twenty-five percent (25%) of the amount distributed to a Departmental Program Funds during that year. In the event that an Endowment Fund is dissolved, the principal shall accrue to the Departmental Program Funds in amounts proportional to the deposits made by each Department.
- T. No MPIP funds may be expended for the benefit of any single individual person or member except as provided in these Bylaws.
- U. All expenditures are subject to state and federal law, and the TTU Regents Rules, and other applicable institutional regulations and procedures.

This list of authorized expenditures may be periodically amended by action of the office of the President, upon recommendation of the Executive Vice President and Dean.

APPENDIX B
AMA CODE OF ETHICS
PRESENT PRINCIPLES OF MEDICAL ETHICS

Preamble

The medical profession has long subscribed to a body of ethical statements developed primarily for the benefit of the patient. As a member of this profession, a physician must recognize responsibility not only to patients, but also to society, to other health professionals and to self. The following Principles adopted by the American Medical Association are not laws, but standards of conduct, which define the essentials of honorable behavior for the physician.

- I. A physician shall be dedicated to providing competent medical service with compassion and respect for human dignity and rights.
- II. A physician shall uphold the standards of professionalism, be honest in all professional interactions, and strive to report to the appropriate entities those physicians who are deficient in character or competence, engage in fraud or deception.
- III. A physician shall respect the law and also recognize a responsibility to seek changes in those requirements, which are contrary to the best interests of the patient.
- IV. A physician shall respect the rights of the patients, of colleagues, and of other health professionals and shall safeguard patient confidences within the constraints of the law.
- V. A physician shall continue to study, apply and advance scientific knowledge, maintain a commitment to medical education, make relevant information available to patients, colleagues, and the public, obtain consultation, and use the talents of other health professionals when indicated.
- VI. A physician shall, in the provision of appropriate patient care, except in emergencies, be free to choose whom to serve, with whom to associate, and the environment in which to provide medical services.
- VII. A physician shall recognize a responsibility to participate in activities contributing to the improvement of the community and betterment of public health.
- VIII. A physician shall, while caring for a patient, regard responsibility to the patient as paramount.
- IX. A physician shall support access to medical care for all people.

APPENDIX C
ASSIGNMENT AND PLAN AGREEMENT
Medical Practice Income Plan
TTUHSC School of Medicine and Paul L. Foster School of Medicine

I, _____ (*Name*), a Faculty/Provider of Professional Services at the Texas Tech University Health Sciences Center (TTUHSC) School of Medicine, as a condition of my employment by TTUHSC, hereby ASSIGN to the Medical Practice Income Plan (MPIP) Trust Fund all fees charged by me for professional activities and patient care, except those specifically exempted by the Plan.

I further AGREE that all electronic funds, monies received by me, or other accrued credits resulting from my professional activities will promptly be remitted to the School of Medicine MPIP Business Office. It is expressly understood that this Assignment and Plan Agreement (Assignment) does not apply to salary received from TTUHSC or to reimbursement of actual expenses incurred under the Plan.

Further, I AGREE to comply with the MPIP Bylaws, AMA Code of Ethics and the TTUHSC Operating Policies and Procedures.

This Assignment will terminate when my membership in the Plan ends.

As indicated by my spouse's signature below, if applicable, the undersigned joins this Assignment in acknowledging that such Assignment and Plan Agreement is binding on the marital community pursuant to Texas law.

CHAIR *Date*

(*Printed Name*)

FISCAL MANAGER *Date*

(*Printed Name*)

FACULTY/PROVIDER *Date*

(*Printed Name*)

SPOUSE OF PROVIDER *Date*

(*Printed Name*)