

	CATHOLIC HEALTH Rockville Centre, New York	Effective Date: 03/28/2023
	ADMINISTRATIVE POLICY & PROCEDURE MANUAL	Review Date: March 2023
		Supersedes Issue of: 12/07/2009 04/16/2020
	<u>Title:</u> Gift Policy	
	<u>Distribution:</u> All Departments	
<u>Responsible Department:</u> All Departments		

I. Purpose:

The purpose of this Gift Policy (Policy) is to establish standards regarding the solicitation and acceptance of gifts at the workplace or home, by employees, physicians and volunteers of Catholic Health and its affiliates entities (collectively, CH and individually, a CH Entity) from vendors, patients and families.

II. Background:

CH is committed to promoting integrity and honesty in its dealings with patients, families, third-party payors, regulatory agencies, employees, physicians and other health professionals and vendors. To that end, CH has developed and implemented compliance programs designed to:

- assure compliance with applicable statutes, regulations and rules;
- demonstrate to employees and the community CH's commitment to responsible corporate conduct;
- increase the likelihood of preventing and/or identifying unlawful and/or unethical behavior;
- improve the quality, efficiency and consistency of providing services; and
- assess accurately employee, physician and contractor behavior.

Relationships and transactions between healthcare providers and vendors, patients and families are vast and often complex. While offers of gifts are common in the healthcare industry, they may in some circumstances violate the Federal Anti-Kickback Statute. Under this statute, it is unlawful for any person to accept or provide anything of value with the intent of influencing the referral of patients, arranging for the purchasing, leasing, ordering or furnishing of any item or services covered by a Federal or state healthcare program. Therefore, gifts and certain business courtesies from vendors may implicate this statute, because in many cases, vendor costs are either directly or indirectly reimbursed by a government healthcare program such as Medicare and Medicaid.

III. Definitions:

CH Entity – CH Entities include Good Samaritan University Hospital, Mercy Hospital, St. Catherine of Siena Hospital, St. Charles Hospital, St. Francis Hospital & Heart Center®, St. Joseph Hospital, Good Samaritan Nursing & Rehabilitation, St. Catherine of Siena Nursing & Rehabilitation, Our Lady of Consolation Nursing & Rehabilitation, Catholic Health Home Care, Good Shepherd Hospice, CHS Physician Partners, P.C., the CHS Physician Partners entities (ACO, IPA) and CHS Services, Inc., as well as any related organization that is included in the CH consolidated financial statements.

Gifts: Items of value that include, but are not limited to, cash and cash equivalents, meals and other food items, flowers, promotional items, discounts, travel and/or lodging expenses, tickets to sporting or entertainment events, tickets to hospital sponsored events (e.g., golf outings and galas), vendor sponsored educational sessions and payment for seminars and conferences.

Nominal Value: A monetary value assigned to gifts, not to exceed fifty dollars (\$50) per occurrence for non-meal items associated with vendor sponsored educational sessions. Meals associated with vendor sponsored educational sessions shall not exceed one hundred dollars (\$100) per occurrence. For purposes of this Policy, employees, physicians and volunteers may use their best judgment to assign a reasonable estimated value to the gifts.

Vendor: Any individual or company that currently sells goods and/or services to, or seeks to do business with CH, including home health agencies not affiliated with CH.

IV. Policy:

It is the policy of Catholic Health that the solicitation or acceptance of gifts from vendors, patients and families comply with applicable laws and meet ethical standards. Although this Gift Policy is intended to address a broad spectrum of situations that may arise involving interactions between vendors, physicians, patients, families and CH personnel, questions may arise about situations that do not appear to be covered by this Policy. In those circumstances, CH personnel should seek advice from their respective CH Entity Compliance Officer.

The Gift Policy covers the following components:

A. General:

Although employees, physicians and volunteers are prohibited from soliciting gifts, gifts of a nominal value and on an occasional basis may be accepted. However, gifts that would influence or appear to influence an employee, physician or volunteer in the conduct of his/her responsibilities at CH shall never be accepted. The timing of the gift or offer of a gift should also be considered when determining if the gift is appropriate. An appearance of impropriety or undue influence is created when gifts are offered and/or accepted with frequency, of significant value or during a decision making process.

Acceptance of cash by any CH employee, physician or volunteer, from patients, families or vendors is never acceptable.

B. Solicitation of Gifts:

It is not appropriate for CH employees, physicians or volunteers to solicit items for personal or departmental use. This includes, but is not limited to, gifts, payments or loans from a vendor, physician or physicians group, patient, patient's family or any other individual or entity doing business with CH.

CH recognizes that charity events sponsored by CH Entities are an important component of the fundraising activities of these organizations. Therefore, solicitation of donations for fundraising activities is not within the scope of this Policy. In addition, the acceptance and distribution of tickets for such fundraising events, including tickets donated by vendors, shall be the responsibility of the CH Entity's Development Department or in the absence of such department, the department or personnel responsible for fundraising activities at the CH Entity.

Soliciting gifts from vendors or individuals affiliated with a CH Entity, including physicians, for the purpose of holding a department party or celebration week is not permitted. Inquiries from vendors and physicians regarding departmental parties or celebration weeks shall be referred to the respective CH Entity's Human Resource Department.

C. Gifts from Patients and their Families:

CH understands that it is customary for patients and their families to give gifts to employees and volunteers at Christmas and throughout the year to show appreciation for the services provided. Gifts of nominal value given to individual employees may be accepted; however gifts that exceed the nominal value are unacceptable and must be returned. Gifts given to departments, and not individual employees, and which may exceed the nominal value and are considered reasonable and customary (*e.g.*, fruit baskets and cookie trays) may be accepted. If an employee, physician or volunteer is offered a gift greater than nominal value that cannot be respectfully declined or returned, the gift shall be given to the respective CH Entity's Development Department or in the absence of such department, the department or personnel responsible for fundraising activities at the CH Entity.

Cash and cash equivalents, which include gift cards, can never be accepted as a gift by employees, physicians or volunteers from patients and their families. If a patient or another individual wishes to present a monetary gift, the individual should be referred to the CH Entity's Development Department or in the absence of such department, the department or personnel responsible for fundraising activities at the CH Entity.

D. Gifts from Vendors:

In accordance with the CH Vendor Policy, it is inappropriate for CH or any of its employees, physicians or volunteers to request or receive goods and/or services from any vendor for personal use or enjoyment. No vendor may offer gifts, monies or business services to CH employees, physicians or volunteers that could violate Federal anti-kickback statutes and are not in accordance with this Policy.

Vendor Logo Items:

Gifts which are nominal in value and solely promotional in nature, such as items bearing a vendor's logo or given to commemorate an event, are acceptable on an occasional basis.

Christmas Gifts:

CH understands that it is customary for vendors to give gifts to employees and volunteers during the Christmas Season. Gifts of nominal value given to individual employees may be accepted; however gifts that exceed the nominal value are not acceptable and must be returned to the vendor. Gifts given to departments, and not individual employees, and which may exceed the nominal value and are considered reasonable and customary (*e.g.*, fruit baskets and cookie trays) may be accepted during the Christmas Season. Gifts of a similar nature may not be accepted at other times of the year, unless specifically indicated in this Policy.

Conferences, Seminars and Educational Events:

Payment by vendors for conferences and seminars attended by CH employees are not permitted. If attendance is required at a conference, seminar or user group, payment shall be made by the respective CH Entity.

Vendor sponsored educational events, which may include continuing education credits, (such as lunch and learns) at a CH Entity or other local venue are permissible; however the curriculum must be reviewed and approved by the employee's supervisor/department head prior to attendance. The event must meet the following requirements:

- its purpose is to promote healthcare and/or education beneficial to CH employee(s) without creating a conflict of interest;
- the event cannot have vendor advertising or marketing of the vendor's services; and
- the cost of meals/refreshments provided do not exceed nominal value per person.

The supervisor/department head is responsible for maintaining record of the approval, the curriculum and educational materials. Questions regarding vendor sponsored educational events shall be directed to the respective CH Entity Compliance Officer.

Meals and other Food Items:

Meals and other food items provided by vendors without an approved educational purpose or legitimate business purpose are not permitted, unless specifically indicated in this Policy. Meals associated with an approved educational purpose or legitimate business purpose must be nominal in value.

Transportation/Meals/Lodging for Product Evaluations:

Paid transportation, meals and/or lodging for product evaluation from a potential or existing vendor is not permitted. All expenses related to this process shall be paid by the respective CH Entity.

Non CH Events:

CH recognizes that attendance at non-CH events, such as golf outings and galas, may serve a beneficial business purpose. However, since the value associated with these events exceeds nominal value, payment for a CH employee's attendance at such non-CH event by a vendor is not permitted. If attendance by a CH employee at such events is deemed warranted by the respective CH Entity President/Chief Administrative Officer or his/her designee, payment shall be made by the respective CH Entity.

V. Disclosure:

The CH Conflict of Interest Policy requires certain CH employees to disclose all gifts, items, favors, services or entertainment received from companies, persons, or entities that do business with CH or a CH Entity and from whom they were received and the estimated value of item, service, entertainment, etc. on the Annual Conflict of Interest Statement of Disclosure.

Questions about situations that do not appear to be covered by this Policy should be addressed by the respective CH Entity Compliance Officer. Failure to adhere to this Policy shall be considered a serious breach of an individual's obligation to the CH Compliance Program and may result in disciplinary action up to and including termination.

