

**1.03 GIFTS POLICY**

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**Pages:** 4

Chief Compliance Officer

**Effective Date:** 6/12/07

**Approved By:**

**Revised/Reviewed** 9/01/09

Executive Compliance Committee

**Date(s):** 04/26/11

### **1.03 Gifts Policy**

#### **BACKGROUND**

It is imperative that all allegations of wrongdoing in the work place received by anyone employed by New York Downtown Hospital (“NYDH”) be acted upon immediately. This includes all violations of the Code of Conduct, policies/procedures, rules, and regulations. This is particularly true of any allegations of criminal wrongdoing. NYDH recognizes that there are situations when employees will be offered gifts from patients, family or business associates. However, in healthcare, both providing and receiving gifts pose a risk for conflict of interest or fraud and/or abuse related to anti-kickback laws and regulations. In general, anti-kickback provisions prohibit the providing or accepting of anything of value in exchange for the referral of patients or services covered by a federal or state healthcare program. In recognition of these issues, this policy provides guidelines for accepting and providing gifts.

#### **PURPOSE**

This policy sets forth the guidelines that must be followed by all Hospital Staff and those doing business on behalf of NYDH relating to the receipt or giving of gifts. These guidelines do not cover business courtesies, (see NYDH Policy on Business Courtesies).

#### **POLICY**

**Accepting or giving a gift or anything of value in a business setting has the potential of creating a sense of obligation or the appearance of obligation. As a general rule, accepting or giving anything of value could be viewed by an objective party as a conflict or the appearance of a conflict of interest, therefore the employee should decline to do so.**

#### **Accepting Gifts**

Acceptance of gifts (including entertainment and hospitality from persons that do business or seek to do business with NYDH) is subject to the following guidelines.

1. Gifts of cash or cash equivalents (including gift certificates, gift checks, and gift cards or the like) in any amount, from patients, their family members or vendors may NOT be accepted.
  - a. If a gift of cash or cash equivalent is forced upon you or if you do not discover the gift until after the gift giver has departed, the appropriate manager within your department and/or the Compliance Officer should be informed and the gift should be turned over to them. (E.g. red envelopes with a few dollars customarily given by members of the Asian community).
2. Certain non-cash or non-cash equivalent gifts may be accepted on infrequent occasions from such a person if the person is not trying to unduly influence or reward the employee inappropriately in connection with any business decision or transaction and the gift is unsolicited.
  - a. Non-cash or non-cash equivalent gifts having a retail value not exceeding \$100 that are given on occasions when gifts are customary (birthdays, or major holidays, promotions, etc. but not gifts given in appreciation for good service, or as a thanks for business.)
  - b. Discounts and rebates on merchandise or services that are offered to the general public or to all employees under a plan negotiated by NYDH.
  - c. Customary mementos given at dinners, permitted outings and similar functions.
  - d. Civic, charitable, educational or religious organization awards for recognition of service and accomplishment having a retail value not exceeding \$100.
  - e. Meals, refreshments, and entertainment in course of a meeting or other occasion provided by non-medical sales representatives provided:
    - i. The purpose is business-related,
    - ii. Your host is present,
    - iii. Your attendance is consistent with your duties with NYDH,
    - iv. The level of expense is reasonable and customary in the context of your business and the relationship with the host, and
    - v. The frequency of such invitations from one host is not excessive.

If the employee has questions about whether a specific invitation may be accepted under this item s/he should discuss it with his/her manager or the Compliance Officer.

  - f. Gifts of food or beverage items that are not easily returned, if they are:
    - i. Given on an occasion where gifts are customary
    - ii. Not extravagant, and

- iii. Shared among members of the employee's unit.
3. Gifts from patients or patient's families in any form should be discouraged. However, if the employee has a reasonable belief that refusing to accept such a gift would have a detrimental effect on a patient or the Hospital as an institution, the appropriate manager in your department and/or the Compliance Officer should be informed and the gift should be turned over to them.
4. Gifts of a personal nature between employees are not prohibited, provided hospital funds are *not* utilized.
5. Gifts related to a person's employment at the Hospital (e.g. for Secretary's Day, Nurses Week, etc.) are permitted, provided they are customary for the occasion, are of reasonable value given the circumstances and the person's position in the organization, and hospital funds are *not* utilized.
6. Vendors' offers to provide parties should be refused.
7. No gifts of any kind, meals, or entertainment should ever be solicited by employees and those doing business on behalf of NYDH unless it is related to Hospital-approved fund raising activities.
8. Any gifts, favors, services, or gratuities that might influence or appear to influence an employee in the conduct of their duties or responsibilities are prohibited, regardless of the value and must be declined.
9. All personnel having any influence in purchasing decisions are to refrain from accepting gifts, loans, credits, discounts, entertainment, favors or services from present or potential suppliers or individuals encountered in the conduct of company business.

### **Providing Gifts**

Under limited circumstances, gifts may be given to external parties provided they relate to business of the Hospital, are in the Hospital's best interests and are legally and culturally acceptable. In addition they should meet the following criteria:

- Cash gifts or cash equivalents, such as gift certificates, are prohibited
- The non-cash or non-cash equivalent gift may not exceed \$25.00 in value per year, per recipient
- The item is customary and does not create an appearance of impropriety.
- Giving imposes no sense of obligation on the giver or recipient.
- Giving does not result in any special or favored treatment between the giver and recipient.
- The gift regardless of value must not be given with the purpose of influencing

relationships, business outcomes or referral of business.

- Giving the item is not concealed.
- Giving the item has been approved in advance and in writing by your manager.

## **PROCEDURES**

1. Receipt of any gift arising as a result of employment at NYDH must be disclosed to the employee's manager and/or the Compliance Officer.
2. For additional guidance refer to the Code of Conduct and Business Courtesies Policy.
3. Any departures from the guidelines of this policy must be approved in advance, in writing, by a senior member of the management team and the Compliance Officer. For the Chief Executive Officer, approval should come from the Chairman of the Board Audit and Compliance Committee.
4. Violations of this policy should be reported to the Chief Compliance Officer.
5. If an individual has questions he/she should contact his/her manager or the Office of Corporate Compliance.

## **RESPONSIBILITIES**

1. Responsibility for enforcement of this policy is with the Chief Compliance Officer.
2. Responsibility for monitoring and updating this policy is the Chief Compliance Officer.