

**AUBURN COMMUNITY HOSPITAL &
THE FINGER LAKES CENTER FOR LIVING
17 LANSING STREET
AUBURN, NEW YORK 13041**

Subject: Gifts, Donations, Inducements & Gratuities	Policy No.: CC: 16
Department: Administration; Corporate Compliance	Page: 1 of 5
	Date Issued: 1/25/2012

SCOPE:

This Policy applies to all Board members, officers, managers, and other workforce members, including employees, trainees, volunteers, providers, consultants, independent contractors, students and temporary workers of Auburn Community Hospital and its affiliates (“Affected Individuals”). This Policy does not apply to the giving of gifts between individuals who have a personal relationship outside of the Hospital where such gift giving is unrelated to business conducted by or on behalf of the Hospital.

PURPOSE:

It is the Hospital’s desire to at all times preserve and protect its reputation and to avoid the appearance of impropriety. The purpose of this Policy is to address how the Hospital handles the acceptance of gifts, donation inducement and gratuities and to provide limitations regarding the acceptance of same to ensure that the Hospital does not violate federal fraud and abuse laws and regulations and other applicable laws. The Hospital has developed this Policy to appropriately guide Affected Individuals who may be in the position to receive from, or provide gifts to, vendors, contractors, patients/clients and other parties. Nothing in this Policy shall be considered in any way as an encouragement for Affected Individuals to make, solicit or receive any type of entertainment or gift.

POLICY:

It is the policy of the Hospital that all transactions with vendors, contractors, patients/clients and other third parties are transacted free from offers or solicitation of gifts, favors or other inducements in exchange for influence or assistance in a transaction. The acceptance of any gift or business courtesy from vendors or others with whom the Hospital conducts business in violation of federal or state law is strictly prohibited.

DEFINITIONS:

Nominal Value: Means any gift, meal, entertainment or activity, the fair market value of which does not exceed \$25.00 per institutional calendar year, or in such amount as may be determined by the Hospital from time to time.

Non-Cash Gift: Includes any real, personal and/or intangible property, including, but not limited to, candy, flowers, food, pens, calendars, meals, sports or entertainment tickets, use of vacation property or vehicles for the benefit of Hospital covered persons.

Honorarium: Receipt of reimbursement when acting as speaker or consultant.

PROCEDURE:

- A. **Introduction:** The procedures set forth below are intended to provide guidelines for appropriate decision-making regarding the acceptance or provision of gifts and business gratuities. Affected Individuals may not solicit, accept or give any gifts, favors, services, entertainment, meals, or other items of any value to the extent that decision-making or actions affecting the Hospital might be influenced, or might be perceived as being influenced, by such gift.
- B. **Requests for Gifts or Donations on Behalf of the Hospital:** In general, only the President & CEO or his/her designee is authorized to solicit financial contributions on behalf of the Hospital. On occasion, other designated staff members may also be authorized. However, those employees must be identified and approved, in writing, by the President & CEO or his/her designee.
- C. **Requests for Donations/Contributions Received from External Agencies:** All requests for financial contributions received by the Hospital are given to the President & CEO or VP of Administration. In the event of receipt of a request by the VP of Administration, he/she shall consult with the Chief Financial Officer, and together agree and make recommendation to the President & CEO, who will make the final decision based on consideration of the following criteria:
1. Granting the request must be consistent with accepted business practices and the Hospital mission.
 2. Granting the request will not be viewed or construed as a bribe or payoff.
 3. Granting the request will not be in violation of applicable law and generally accepted ethical standards.
 4. Public disclosure of the facts will not embarrass the Hospital.
- D. **Gifts from Patients:**
1. Affected Individuals are prohibited from *soliciting* tips, personal gratuities or gifts from patients or their family members and from accepting monetary tips or gratuities for personal benefit or the benefit of another.
 2. Affected Individuals may accept unsolicited gifts of a Nominal Value from patients/families. However, no gift of any type or value may be accepted if such gift is

offered with the implied or explicit expectation of the Hospital's favorable action or obligation to the donor.

3. Monetary gifts of cash or cash equivalent such as stocks or other forms of marketable securities of any amount may not be accepted. If a patient or another individual wishes to present a monetary gift, he/she will be referred to the CCO or to the Hospital's Foundation.
4. When in doubt about the value of a gift, Affected Persons will refer family members to the CCO who will determine an appropriate value. If the CCO is not available, family members shall be referred to the President & CEO or his/her designee.
5. It is acceptable to accept a modest perishable gift such as flowers, box of candy, or similar food items to be shared by all staff members.

E. Gifts to Patients: The Hospital and Affected Individuals are permitted to give non-cash gifts to patients so long as the value of such gift does not exceed \$15.00 per gift and \$75.00 annually¹. Gifts to Medicare and other government health care beneficiaries shall not exceed a value of fifteen (\$15) dollars per gift, with an annual aggregate value not to exceed seventy-five (\$75) dollars. Under no circumstances shall the Hospital and/or Affected Individuals provide gifts of any value to patients with the intent of inducing such patient to use the Hospital's services.

F. Gifts to Referral Sources/Other Individuals to Influence Decision-Making:

1. The Hospital or Affected Individuals may not solicit, offer or give money, free services or other items of value with the expectation of influencing the judgment or decision-making process of any referring physician or group, purchaser, supplier, customer, government official, or other person.
2. Any such conduct or attempted conduct must be reported immediately to the CCO.
3. The Hospital or Affected Individuals may provide items of value to physicians as long as the giving of any such item is consistent with the Stark Physician Self-Referral Law (*i.e.*, meets a Stark Law Exception) and the Anti-Kickback law. Questions regarding compliance with such laws shall be referred to the CCO.
4. The Hospital's Community Relations Director may develop promotional items (e.g. pens, notepads, etc.) for appropriate distribution for purposes of promoting awareness of the Hospital's clinical programs consistent with community outreach and education activities.

G. Gifts from Existing Vendors / Vendors Sponsored Events:

1. Affected Individuals may accept personal gifts from vendors which have a Nominal Value offered by a vendor or other invitation offered by a vendor provided at a professional conference or meeting. However, Affected Individuals may not accept

¹ <https://oig.hhs.gov/fraud/docs/alertsandbulletins/OIG-Policy-Statement-Gifts-of-Nominal-Value.pdf>

such meal or invitation if the purpose is to induce or influence a business transaction without approval of the appropriate department director or vice president, nor may they solicit personal gifts from vendors, suppliers, contractors or other persons. To the extent possible, these gifts should be shared with the Affected Person's co-workers.

2. Educational Events. Affected Individuals may attend reasonable and appropriate vendor sponsored educational workshops, seminars or training sessions, provided the event benefits such Affected Individual's hospital work-related obligations. Meals, if any, provided at such workshop, seminar or training session must be reasonable and appropriate under the circumstances. Affected Individuals may not attend unreasonable or extravagant vendor-sponsored events. Usual and customary costs and expenses associated with training, travel and other items included in contracted-for services provided by a vendor to the Hospital are permitted and are not considered "gifts" to Affected Individuals for purposes of this Policy.
3. Social Events. There may be times when it is appropriate and permissible to accept a reasonable meal or other invitation offered by a business partner/vendor at a social event, where it is apparent that the event is not intended as a formal business meeting. The CCO shall be consulted for questions concerning the appropriateness of attending a vendor sponsored event. To be an acceptable invitation, the cost and location of the social event must be reasonable and not extravagant. In addition, paid expenses for any travel costs or lodging are not permitted. The purpose of the invitation must never be to induce or influence a business transaction involving the Hospital. If the invitation appears to be extravagant or if the invitation could be perceived as intended to influence a Hospital business affair or decision, attendance by Affected Individuals at such occasion is prohibited.

H. Honoraria and Consultations: Affected Individuals who are invited to speak or provide genuine consulting services may accept reimbursement in the form of honoraria or compensation for time and expenses under the following conditions:

1. The speaking or consulting activity is consistent with and/or does not interfere with such person's professional obligations involving the Hospital. Affected Individuals who are Hospital employees should obtain the prior approval of his/her supervisor before accepting such invitation.
2. Travel, lodging and meal expense reimbursement is reasonable and directly related to the speaking engagement.
3. Compensation fees received are fair market value.
4. Affected Individuals may not provide private consulting work for a vendor who conducts business with the Hospital or who wants to conduct business with the Hospital, without receiving prior approval from the CCO.

I. Handling of Prohibited Gifts/Other Situations: Gifts that exceed Nominal Value shall be politely returned to the donor, or as an alternative, the gift may be donated to the Hospital

and applied to Hospital activities that benefit the Hospital. In such instances, Affected Individuals shall seek the prior assistance of the CCO.

This Policy addresses many of the situations that may arise concerning the offering and receiving of gifts. However, Affected Individuals may encounter other circumstances not described above, including questions regarding a particular relationship or the appropriateness of any gift or gratuity. In such event, Affected Individuals shall contact the CCO, who shall consult with legal counsel as needed.

Approved: <u>John W. Baganski, MT(ASCP)</u>	<u>Corporate Compliance Officer</u>	<u>10/29/2024</u>
Name	Title	Date

Revised: 12/11/2018

Reviewed: 6/15/14, 8/30/2016, 10/29/2024