

<i>Procedure Title:</i> <b>Acceptance of Gifts</b>	<i>Procedure #:</i> <b>ADM-0873</b>
<i>Department:</i> <b>Organizational Integrity</b>	<i>Policy #:</i> <b>ADM-0491</b>
<i>To Review:</i> <b>VP Organizational Integrity</b>	<i>Effective:</i> <b>02/11/2016</b>
	<i>Next Review:</i> <b>09/10/2022</b>

## SCOPE

This Procedure applies to all PeaceHealth Divisions (PHDs).

## PURPOSE

The Purpose of this Procedure is to outline the minimal requirements for the acceptance of gifts and other considerations by members of the PeaceHealth Workforce from industry vendors and others.

## PROCEDURE

This Procedure implements Policy No. ADM-0491 Acceptance of Gifts.

1. **Acceptance of Gifts By Individual Members of the PeaceHealth Workforce (and/or their Relatives)**
  - 1.1. PeaceHealth Workforce members may not accept Cash or Cash Equivalents from a vendor, patient, patient family member, or other person or entity with which PeaceHealth has an association.
  - 1.2. All individuals, in their roles as members of the PeaceHealth Workforce, must evaluate the potential for undue influence when accepting a Gift for their private benefit from any person or entity with which PeaceHealth has an association and those seeking a business relationship with PeaceHealth. This requirement applies to Gifts provided by Vendors at conferences and Vendor Fairs on and off PeaceHealth premises.
  - 1.3. PeaceHealth Workforce members may accept a gift from a Vendor if all of the following criteria are met:
    - 1.3.1. The total value of the gift is less than \$100;
    - 1.3.2. The gift is given on an infrequent or non-routine basis;
    - 1.3.3. A gift is generally not accepted from the same Vendor or entity more than once per year; and
    - 1.3.4. The gift is not Cash or a Cash Equivalent.
  - 1.4. PeaceHealth Workforce members may accept a gift of a prize or award from a bona fide competition such as a random drawing at a conference or event.
  - 1.5. PeaceHealth Workforce members may accept items of Nominal value such as promotional items given at conferences and other events.
  - 1.6. A gift of perishable or consumable items such as those given during holidays may be accepted and shared with members of the recipient's department.

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- 1.7 A Workforce Member who accepts a Gift is required to document the source, value, and circumstances related to the Gift if it is valued over \$50. Such documentation will be disclosed on the Workforce Member’s annual conflict of interest disclosure or, if the Workforce Member is not required to file an annual conflict of interest disclosure or the Gift was a perishable or consumable item valued over \$50 that was shared with the department, the recipient will maintain the record for a period of two years and make the record available for a compliance audit upon request from Organizational Integrity.
- 1.8 PeaceHealth Workforce members may solicit a Gifts from a Vendor only in compliance with section 7 of this policy.
- 1.9 A Relative of a PeaceHealth Workforce member must evaluate the potential for undue influence when accepting Gifts from Vendors known to be seeking a business relationship with PeaceHealth.

**2. Offers of Paid Travel**

- 2.1 Workforce members and their Relatives may not accept paid travel and accommodation unless such an offer complies with this policy.
- 2.2 Travel paid by Vendors during the purchasing/capital acquisition process may be considered an inducement to influence decision-making. PeaceHealth must pay for these travel expenses.
- 2.3 PeaceHealth Workforce members may accept a Vendor’s ground transportation during an on-site visit when the location is remote or when the use of public transportation is not practical or not advisable due to safety reasons.
- 2.4 Travel that is necessary for education and training related to items already purchased must either be paid for by PeaceHealth or explicitly specified in the Request for Proposal (RFP) process or any subsequent contract.
- 2.5 When allowed, all travel costs covered by the Vendor must be reasonable and necessary to the training activity and comply with PeaceHealth policy. The Vendor will identify costs associated with training or education. PeaceHealth will select which Workforce members will attend training/education offered by the vendor.

**3. Accepting Meals**

- 3.1 PeaceHealth Workforce members may accept an occasional meal from a Vendor if:
  - 3.1.1 The meal is provided in conjunction with an education or business presentation or discussion;
  - 3.1.2 The meal is Modest in value (no greater than \$100); and,
  - 3.1.3 The meal occurs in a setting that is conducive to the discussion of business such as a restaurant and not a sports or entertainment venue.

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- 3.2 If meals occur on a more frequent basis, the parties should alternate paying for the meals or each pay for their own meal.
- 3.3 Vendors may not directly provide meals, food, snacks, or other food items to PeaceHealth Workforce members on PeaceHealth premises unless the meals are modest and provided in conjunction with a bona fide education event sponsored by the Vendor at a PeaceHealth facility.
- 3.4 Vendors may provide food in conjunction with a Vendor meeting such as a users' group or Vendor fair.
- 3.5 PeaceHealth senior leaders may engage in social interactions (meals, entertainment) with those who may have a potential business interest with PeaceHealth. The interaction must not influence a business transaction or decision. As a general rule, the cost and location must be reasonable and not extravagant, the invitation is for an event where the host is present, and events with such host are infrequent, not regular.
- 3.6 Workforce members may accept an invitation from a Vendor to a charity event.

#### 4. Presentations

- 4.1. As long as the other requirements of this policy are met, members of the PeaceHealth Workforce:
  - 4.1.1. Who provide presentations at professional meetings or institutions may accept expense reimbursement and reasonable Honoraria for their participation so long as their attendance at the event is on their own time (i.e., vacation time or other approved leave time) and approved according to the "[Outside Activity/Outside Compensation](#)" policy. Those who participate in such events on PeaceHealth's time (i.e., while being paid by PeaceHealth) must provide any Honorarium to a PeaceHealth Foundation. (Honoraria for attendance only are not permitted.)
  - 4.1.2. Who speak or serve on a panel at a reception or meeting and who are listed as part of the scheduled program may accept food and beverages of Modest value.
  - 4.1.3. May participate in meetings of professional societies as part of their continuing education and other professional obligations even when the meetings are partially sponsored by industry but organized by professional societies.

#### 5. Patient Gifts

- 5.1. PeaceHealth Workforce members may accept:
  - 5.1.1. Occasional Gifts of Nominal value (such as consumable items or flowers, etc.) from patients or patient family member when the gift is shared amongst members of a work group

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- 5.1.2. Mementos of thanks, such as homemade arts and crafts or similar personalized items that are of Nominal value from patients or patient family members when it is evident that refusal would cause offence.

## 6. **Industry Gifts to Providers**

Gifts of any type, provided to doctors by manufacturers of drugs, devices or supplies (“Industry”) must be reported by the company providing the gift in the Open Payments (Sunshine Act) database. Providers should periodically review information posted about themselves on this database to confirm that any gifts from industry are correctly listed. The database is available at <https://www.cms.gov/openpayments/>

## 7. **Institutional Gifts to PeaceHealth**

- 7.1. Philanthropic support and other charitable donations are acceptable and may be solicited and accepted when such support is given for the benefit of PeaceHealth and not to influence PeaceHealth decision-making with respect to the donor.
- 7.2. PeaceHealth Foundations are specifically established and authorized to accept gifts given as philanthropic support.
- 7.3. Members of the PeaceHealth Workforce who are offered Institutional Gifts should direct the offeror to the appropriate PeaceHealth Foundation, which will ensure that it meets Foundation policies and procedures.

## 8. **Educational Funds, Materials, and Events**

- 8.1. Vendor support for the purpose of education, seminars, continuing education programs, or similar events oriented toward PeaceHealth’s Mission, Vision, Values, and strategic direction may be accepted only if free of any actual or perceived conflict of interest.
- 8.2. Vendors may sponsor general attendance at a local education event through a subsidy to the host or sponsor of the event but may not provide travel to the event.
- 8.3. Attendance courtesy of a Vendor at a regional or national education event is not allowed.
- 8.4. Educational materials (e.g., textbooks, reference materials, reprints, software) and support may be accepted from Vendors only if the following conditions are met:
  - 8.4.1. The PeaceHealth department, division, or operational unit

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accepting the materials or support has determined that they have educational merit; and

- 8.4.2. Educational materials and presentations provided by Vendor representatives are not solely promotional of the Vendor or the Vendor's products or services (i.e., there is objective educational value in the materials/presentations).
- 8.4.3. Educational Events as defined below are not considered Gifts for purposes of this Policy.

## DEFINITIONS

**Cash Equivalent** means cash, cashier checks, personal checks, gift certificates or cards with cash value.

**Gift** means something with financial value offered or given for no or below market value including but not limited to cash; gift cards and gift certificates; items of token value such as notepads, pens, coffee mugs, clocks, or similar promotional items; food; beverages; cruises; travel; and entertainment such as attendance at or tickets to theater or sporting events, movies, concerts, or similar events. The definition excludes informational material, publications, or subscriptions related to the PeaceHealth Workforce member's official duties.

**Educational Event** means an Educational Event is a bona fide educational, scientific, and/or policymaking program or event that promotes scientific knowledge, medical advancement and/or delivery of effective healthcare through training sessions, lectures, presentations or grand rounds. Such events should be conducted in a setting conducive to the effective transmission of information. In some cases, it may be appropriate for a Vendor to host an Educational Event at the Vendor's place of business. Any food and beverages should be modest in value and subordinate in time and focus to the event's purposes. An Educational Event shall not include entertainment or recreation.

**Institutional Gift** mean something with financial value provided to PeaceHealth or any of its operating units, foundations or affiliates. Such gifts include monetary funds, grants, donations, sponsorship for clinical care or research, support for construction or enhancement of facilities, sponsorship of educational events, textbooks, subscriptions, equipment, devices, supplies, and similar gifts of value in promoting PeaceHealth's mission.

**Honoraria** means money or other items of monetary value provided for presentations, serving on panels, mediating events, and similar work.

**Modest value** means no greater than \$100 in value.

**Nominal value** means no greater than \$25 in value.

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**Workforce** means employees (caregivers), volunteers, trainees, and other persons whose conduct, in the performance of work for PH, is under the direct control of PH, whether or not they are paid by PH. For purposes of this Procedure, Workforce includes but is not limited to:

- Members of the PeaceHealth System Board;
- Members of Community Boards;
- Members of Foundation Boards
- Committees with board-delegated powers;
- System and Community officers and employees;
- Employed providers; and
- PeaceHealth or Health Ventures representatives on joint ventures' boards

**Relative** mean the spouse, registered domestic partner, domestic partner, or dependent child of a member of the PeaceHealth Workforce.

**Vendor** means an industry, business, service provider, contractor, or representative of same that currently has a business relationship with PeaceHealth or is seeking a business relationship with PeaceHealth including, but not limited to, a business that is selling products or services to PeaceHealth, is seeking to sell products or services to PeaceHealth, or is seeking product/service endorsement or similar services from a member of the PeaceHealth Workforce.

**Vendor Fair** means an event on or off PeaceHealth premises where a Vendor or several Vendors provide information related to their products and/or services.

## HELP

Further guidance concerning this Policy may be obtained from the [Local OI Compliance and Privacy Officer](#). Questions regarding the acceptability of gifts should be referred to the System Vice President for Organizational Integrity.

## RELATED MATERIALS

### Job Aids & Tools:

- [FAQ: Acceptance of Gifts](#)

### PeaceHealth Policies & Procedures:

- [Acceptance of Gifts](#) (PH-SYS)
- [Gifts to Caregivers](#) (PH-SYS)
- [Business Courtesies to Potential Referral Sources](#) (PH-SYS)
- [Outside Activity/Outside Compensation](#) (PH-SYS)
- [Reporting of Philanthropic Contributions](#) (PH-SYS)

### Practice Advisories, Guidelines, and Statements:

- [JAMA Commentary: A Social Science Perspective on Gifts to Physicians From Industry](#)
- [JAMA Special Communication: Health Industry Practices That Create Conflicts of Interest](#)

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- [Physician Financial Transparency Reports \(Sunshine Act\)](#)

## APPROVALS

### Initial Approval:

System Leadership Group approve Procedure No. ADM-0873 February 11, 2016.

### Subsequent Review/Revision(s):

VP Organizational Integrity approved review; 09/10/2019