

**SOUTH NASSAU
COMMUNITIES
HOSPITAL**

One Healthy Way, Oceanside, New York 11572

POLICY TITLE: Acceptance of Gifts

POLICY NUMBER: OF-ADM-275

DEPARTMENT: Hospital-Wide

CROSS-REFERENCE:

Conflicts of Interest and Related Party Transactions (OF-ADM-277)

Acceptance and/or Solicitation of Gifts or Benefits From Vendors (OF-ADM-276)

PURPOSE: To establish parameters for the extension of gifts to, and the receipt of gifts from, patients, patient family members, vendors, contractors, agents, individuals, companies or concerns that do business with the Hospital or are under consideration to do business with the Hospital, or is a competitor of the Hospital.

DEFINITIONS:

1. **Personnel:** Personnel include employees, management, board members, physicians, physician extenders, contracted staff, volunteers, students, consultants and other agents.
2. **Vendors:** Vendors include all vendors, suppliers, consultants, other care providers, educational institutions, payors, physician owned distributorships, and other third parties (including, but not limited to, pharmaceutical manufacturers) seeking to do, or currently engaged in, business or in competition with the Hospital. For further information on interactions with vendors, see policy “Acceptance and/or Solicitation of Gifts or Benefits from Vendors.”
3. **Other Agents** – Other agents of the Hospital include educational institutions (including students), other care providers, payors and other third parties.
4. **Relative** “Relative” of an individual means his or her (i) spouse, ancestors, brothers and sisters (whether whole or half blood), children (whether natural or adopted), grandchildren, great-grandchildren, and spouses of brothers, sisters, children, grandchildren, and great-grandchildren; or (ii) domestic partner, as defined under New York Public Health Law § 2994-a.

POLICY:

It is prohibited for any Personnel or other agents to accept hospitality, loans, or other financial benefits from any patient, patient family member, vendor, contractor, individual, company or other concern that does business with the Hospital or is under consideration to do business with the Hospital, or is a competitor of the Hospital. The prohibition applies whenever the thing of value is offered under circumstances from which it could be inferred that the Personnel’s action was for his or her own benefit and not solely for the benefit of the Hospital.

PROCEDURE:

- 1.) To avoid the appearance of impropriety when giving gifts to, or receiving gifts from, any patient, patient family member, vendor, contractor, individual, company or concern, personnel may never use or allow gifts or other incentives to improperly influence relationships or business outcomes.
- 2.) Gifts and gratuities of nominal value, \$100 or less (without exceeding an annual aggregate retail value of \$300 per person), such as flowers, cookies, or candy that are clearly tokens of appreciation, are acceptable. However, gifts of cash or cash equivalents, regardless of the dollar amount, are prohibited. Cash equivalents include, but are not limited to, checks, gift certificates, gift cards and stocks.
- 3.) Business entertainment can only be provided or received consistent with what is reasonable under the circumstances, as a token of appreciation and for hospitality, and not for the purpose of influencing the business behavior of the recipient.
- 4.) If personnel or other agents are in doubt as to whether a gift or gratuity falls within the proper application of this Policy, they should err on the side of disclosure and immediately make all the facts known to the Compliance Officer.
- 5.) If personnel or other agents have accepted a gift in error, it must immediately be reported to the Compliance Officer. If the gift is able to be returned, a letter thanking the individual with an explanation as to why the gift cannot be accepted, will accompany the returned gift. If the gift cannot be returned for any reason, the gift will be used as a donation to the Hospital and appropriately reported as such.
- 6.) This policy is not intended to prohibit gift-giving between personnel or among people who have independent personal relationships as long as the gift is not intended to influence nor perceived as influencing the status or compensation of the gift giver.

OTHER REGULATORY STANDARDS: The Federal Anti-Kickback Statute (42U.S.C.§1320a-7b(b)), the New York State Anti-kickback Law (Social Services Law § 366-d)

REPLACES: 11/09, 11/11 (reviewed without revision), 5/12, 7/14

APPROVALS: Oversight Committee 11/14