

 OhioHealth		POLICY & PROCEDURE	
TITLE: Acceptance/Solicitation of Gifts		NUMBER: OH.POL.SC-5100.008	
ISSUE DATE: 5/15/07		EFFECTIVE DATE: 5/15/13	
DEVELOPED / REVISED BY: System Director, Supply Chain Services			
REVIEWED BY: System VP, Supply Chain Services, Ethics & Compliance		DATE REVIEWED: 5/15/13	
APPROVED BY:			

SCOPE:

This policy is in effect for the following OhioHealth system business units:
 Doctors Hospital, Dublin Methodist Hospital, Grady Memorial Hospital, Grant Medical Center, Hardin Memorial Hospital, Marion General Hospital, O’Bleness Memorial Hospital, OhioHealth Home Care, OhioHealth Physician Group (OPG) and Riverside Methodist Hospital.

STATEMENT OF PURPOSE:

To provide guidance regarding appropriate practices for the acceptance and/or solicitation of gifts and/or benefits to ensure compliance with all applicable federal and state laws.

POLICY:

OhioHealth workforce members may not accept or solicit from a vendor or patient a gift or benefit intended for the individual’s personal use. The federal Anti-Kickback Statute prohibits the knowing and willful solicitation or receipt, offer or payment, overtly or covertly, directly or indirectly, of any remuneration in cash or in kind in return for patient, product, or service referrals, or to induce such referrals. This prohibition extends to any purchasing, leasing, ordering, arranging for or recommendations for such activities. The statute has been interpreted to mean that if even one purpose of the transaction is to induce referrals or to obtain a competitive advantage by offering the gift or benefit, it is a violation of the statute even if it is not the sole purpose for the transaction. A violation of the federal and state anti-kickback laws may result in significant fines, imprisonment and exclusion from federal and state health care programs for both the vendor and the recipient. Acceptance of gifts, hospitality, services or favors that have more than a nominal monetary value from current or potential suppliers/vendors or other organizations or individuals who do business with OhioHealth is a conflict of interest and is prohibited [see **HR 3.35: Conflict of Interest**]. It is imperative that you distinguish between appropriate and inappropriate practices and seek guidance if you are uncertain about the propriety of a particular situation.

PROCEDURE:

Under no circumstances may cash or cash equivalents (e.g., gift certificates) be accepted. Any workforce member who receives an invitation or offer of a gift from a vendor, a patient or patient’s family, or any other third party should disclose the situation to his/her supervisor. If the supervisor and/or workforce member is unsure of the appropriateness of the gift, they should contact the Ethics and Compliance office for additional guidance. If the workforce member is already in receipt of the gift, the workforce member’s supervisor should be made aware and arrangements to return the gift should be made if it is not intended for entire unit to enjoy, is not of modest value, or any cash or cash equivalent (never acceptable). When declining the gift or benefit, it is appropriate to graciously explain OhioHealth’s policy and why acceptance of the gift or benefit is not allowed.

Gifts to a Patient Unit

A patient unit may accept a gift that is not in the form of cash or a cash equivalent from a patient or patient's family provided that the gift is of modest value (less than thirty dollars (\$30)) and can be shared with ALL members of the unit (e.g., a basket of fruit or flowers). Encourage patients or patient family members to make a donation to the OhioHealth Foundation if they wish to recognize a specific unit, the unit can work with the Foundation to arrange for the donation to be segregated for use within the department.

Gifts of a Nominal Value

An employee may accept a gift that is not in the form of cash or a cash equivalent from a vendor provided the gift is of modest value (less than thirty dollars (\$30)) and can be generally classified as a business meal or a promotional item which is typically used in the workplace.

The following are examples where the acceptance of gifts of a nominal value may be permitted:

1. Pens, pencils, note pads, coffee cups and other similar items with a value less than thirty dollars.
2. Business meals at restaurants and other off-site locations provided by a vendor where the following criteria is met:
 - a. Retail value of the meal is less than thirty dollars per person,
 - b. There is a bona fide agenda for meeting
 - c. The employee's supervisor has provided approval

Review of Vendor Offers or Invitations

Any OhioHealth workforce member who receives an invitation or offer of a gift from a vendor, other than those of a nominal value, should disclose the situation to his/her supervisor. If the supervisor has any doubts, he/she should confer with the Ethics and Compliance Office.

It is impossible to anticipate every circumstance where acceptance of reimbursement from a vendor is appropriate or not appropriate. No employee may accept any gift, entertainment, favor or personal services (other than those of a nominal retail value of \$30.00 or less) from any participating vendor. The total retail value of all nominal value gifts received by an OhioHealth employee during each calendar year from a participating vendor shall not exceed \$100. The total retail value of all nominal value gifts received by an OhioHealth employee during each calendar year from all sources shall not exceed \$300. Employees receiving gifts are responsible for maintaining a log to document receipt of gifts and compliance with annual limits. If there is any question whether the gift offered is acceptable, the situation should be discussed with the individual's supervisor or the Ethics and Compliance Office.

The following are examples where the acceptance of gifts or benefits is not permitted:

1. A gift offered in return for prescribing or advocating the vendor's products or services; and
2. A gift certificate offered to a workforce member from a patient's family member.
3. A gift offered from a vendor to a decision-maker related to the product.

Violations

Violations of this policy are subject to disciplinary action up to and including termination [See **HR 2.10: Performance Management**]. Workforce members are required to report any suspected violation to their direct supervisor and/or the Ethics and Compliance Office.

REFERENCES:

- *42 U.S.C. 1320a-7b. Criminal penalties for acts involving Federal health care programs.*