**Entity: Fairview Health Services** 

**Manual: Corporate Compliance** 

Subject:	Gifts, Gratuities and Entertainment
Purpose:	The purpose of this Policy is to prevent the receipt of gifts, gratuities or favors from interfering with the ability of any employee to make decisions solely in the best interests of Fairview.
Policy:	No employee of Fairview Health Services (Fairview) or any member of his or her Immediate Family shall accept from an actual or prospective customer, e.g., patient, provider, payor, or Supplier of Fairview any compensation, advance, loans, gifts, entertainment or other favors of any kind. Employees may not accept money under any circumstances, nor may they solicit non-monetary gifts, gratuities, entertainment or any other personal benefit or favor of any kind from Fairview's Suppliers or customers.
Definitions:	Gifts: Gifts are items and services of value given to a person, but do not include any of the following:
	Normal business entertainment items such as meals and beverages;
	• Items of minimal or nominal value, given in connection with sales campaigns and not related to any Fairview activity;
	Promotions or employee service, safety or retirement awards;
	Small tokens of appreciation from patients and families; or
	Contributions or donations to recognized charitable and nonprofit organizations.
	Supplier: Suppliers include not only sellers providing services and material to Fairview, but also consultants, financial institutions, advisors and any person or institution which does business with Fairview.
	Immediate Family: The employee's parents, parents-in-law, spouse, children, grandparents, grandchildren, brothers, and sisters.
Requirements	1. Unsolicited Gifts:

# **Explanations**

### **Illustrations:**

Subject to fraud and abuse laws, self-referral prohibitions, and anti-kickback laws applicable to business relationships with government contractors, employees and members of their immediate families may accept unsolicited, non-monetary Gifts from a business firm or individual doing or seeking to do business with Fairview, only if: (i) the Gift is of nominal value; or (ii) the Gift is primarily of an advertising or promotional nature. Gifts of more than nominal value may be accepted if such acceptance does not violate the law and protocol, courtesy or other special circumstances exist. However, all such gifts must be reported to the Fairview Chief Compliance Officer, whom in conjunction with appropriate senior management, will determine if the employee may keep the Gift, return it, or whether it should more appropriately become Fairview property.

Attendance at entertainment events, such as meals or sporting and cultural events, should follow the guidelines in Paragraph 4 below.

## 2. Gifts to Physicians from Industry:

Gift-giving to physicians from industry (such as pharmaceutical companies, device manufacturers, and other health care companies) takes many forms. Some of these gifts are entirely beneficial and appropriate, while other gifts may be provided in an effort to inappropriately impact a physician's clinical judgment. And even if an inappropriate gift has no actual effect on a physician's practices, the gift may cause a public impression of impropriety that can harm the public's trust in Fairview.

The following guidelines have been incorporated into the American Medical Association's code of ethics for the medical profession, and should guide Fairview physicians in their decisions to accept gifts from industry:

- A. Any gifts accepted by physicians individually should primarily entail a benefit to patients and should not be of substantial value. Accordingly, textbooks, modest meals, and other gifts are appropriate if they serve a genuine educational function. Cash payments should not be accepted.
- B. Individual gifts of minimal value are permissible as long as the gifts are related to the physician's work (e.g., pens and notepads).
- C. Subsidies to underwrite the costs of continuing medical education conferences or professional meetings can contribute to the improvement of patient care and therefore are permissible. Since the giving of a subsidy directly to a

physician by a company's sales representative may create a relationship that could influence the use of the company's products, any subsidy should be accepted by the conference's sponsor, who in turn, can use the money to reduce the conference's registration fee. Payments to defray the costs of a conference should not be accepted directly from the company by the physicians who are attending the conference.

- D. Subsidies from industry should not be accepted directly or indirectly to pay for the costs of travel, lodging, or other personal expenses of the physicians who are attending the conferences or meetings, nor should subsidies be accepted to compensate for the physician's time. Subsidies for hospitality should not be accepted outside of modest meals or social events that are held as part of a conference or meeting. It is appropriate for faculty at conferences or meetings to accept reasonable honoraria and to accept reimbursement for reasonable travel, lodging, and meal expenses. It is also appropriate for consultants who provide genuine services to receive reasonable compensation and to accept reimbursements for reasonable travel, lodging, and meal expenses. Token consulting or advisory arrangements cannot be used to justify the compensation of physicians for their time or their travel, lodging, and other out-of-pocket expenses.
- E. Scholarship or other special funds to permit medical students, residents, and fellows to attend carefully selected educational conferences may be permissible as long as the selection of students, residents, or fellows who will receive the funds is made by the academic or training institution.
- F. No gifts should be accepted if there are strings attached. For example, physician should not accept gifts if they are given in relation to the physician's prescribing practices. In addition, when companies underwrite medical conferences or lectures other than their own, responsibility for and control over the selection of content, faculty, educational methods, and materials should belong to the organizers of the conferences or lectures.

#### 3. Discounts on Personal Purchases:

Subject to fraud and abuse laws, self-referral prohibitions, and antikickback laws applicable to business relationships with government contractors, employees may accept discounts on a personal purchase of a Supplier's or customer's products only if such discounts do not affect Fairview's purchase price and are generally offered to others having a similar business relationship with the Supplier or customer.

#### 4. Business Entertainments and Services:

Employees may not encourage or solicit entertainment or services from any individual with whom Fairview does business. Subject to fraud and abuse laws, self-referral prohibitions, and anti-kickback laws applicable to business relationships with government contractors, from time to time, employees may offer or accept entertainment or services, but only if the entertainment or services are reasonable and occur infrequently. The following are examples of entertainment and services which may be appropriate if they do not violate the law and are reasonable:

- Transportation to and from the Supplier's or customer's place of business;
- Attendance at sporting events;
- Golf, recreational or cultural outings;
- Lodging at the Supplier's or customer's place of business; and
- Business lunches and dinners for business visitors to the Supplier's or customer's location.

#### 5. Employee Judgment:

Under no circumstances should a Gift or entertainment be accepted which would influence the employee's judgment. Specifically, employees must avoid any interest in or benefit from any Supplier or customer that would lead to the employee favoring that Supplier or customer over others. It is a violation of this Policy to solicit or encourage a Supplier or customer to give any item or service to an employee, regardless of its value.

The requirements and illustrations listed above are by no means intended to be complete explanations. To the extent you have any further questions regarding this Policy, you should contact your supervisor, the Chief Compliance Officer, or another appropriate officer responsible for compliance matters.

# **Internal Ref: | FHS Compliance Program Policies:**

**Antikickback Prohibitions** 

Procurement

	Conflict of Interest
	Government Relations - Political Contributions and Activities
	Government Relations - Dealing with Government Regulators and Employees
	Government Contracts
Source:	Compliance Officer
Approved by:	Policy Committee
Date Effective:	August 16, 1999
Date Revised:	
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