

Gifts and Business Courtesies

This Policy is Applicable to the following sites:

Big Rapids, Continuing Care, Corporate, Gerber, Ludington, Outpatient/Physician Practices, Pennock, Priority Health, Reed City, SH GR Hospitals, SHMG, United/Kelsey, Zeeland

Applicability Limited to:	N/A
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Functional Area:	Administrative Operations, Organizational Integrity/Compliance
Department Area:	Organizational Integrity/Compliance

1. PURPOSE

Employees of Spectrum Health are responsible to conduct all business actions with honesty, integrity and fairness. The purpose of this policy is to establish guidelines for giving and receiving gifts, meals, entertainment or other items of value.

2. [Compliance Policy Definitions Log](#)

- Gifts
- Cash or Cash Equivalent
- Educational Event

3. GENERAL

It is critical to avoid any impropriety when giving or receiving gifts from individuals who do business or are seeking to do business with Spectrum Health. Gifts or other incentives should never be used to improperly influence relationships or business outcomes. Relationships with vendors/contractors are intended to benefit our patients/members. Interactions should be focused on informing healthcare professionals and staff about products, providing scientific and educational information, and supporting medical education. Decisions made by Spectrum Health employees in the course of their work must be objective and based solely upon the best interest of Spectrum Health. They should never be influenced by personal gain or gain to any personal associate (friend or family).

Under no circumstances may an employee solicit a gift, meal or entertainment. Nothing should be accepted in exchange for purchasing/using products or for a commitment to continue using products. Nothing should be accepted that would interfere with a healthcare professional's practice patterns or prescribing practices.

These guidelines apply at all times; they do not change during traditional gift-giving seasons or during the planning of a company event. It is important to remember that the judgment of each individual and

his/her up-line is vital as to whether a gift or entertainment might be compromising or is unreasonable.

4. TABLE OF CONTENTS (Hold Ctrl and click hyperlink below to advance to applicable section).

- [Physician or Potential Referral Source Gifts](#)
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5. PHYSICIAN OR POTENTIAL REFERRAL SOURCE GIFTS

5.1. Accepting Gifts

5.1.1. Employees may never accept Gifts of Cash or Cash Equivalents.

5.1.2. Employees may accept unsolicited Gifts such as: Perishable/consumable Gifts provided to a department (for example, flowers, cookie tins, fruit baskets, modest meal, etc.). Modestly priced Gifts **shared** within a department do not need to be gift tracked in the gift tracking database.

5.1.3. Employees may individually accept up to \$300 per year in Gifts from a referral source. Gifts not stated in 5.1.2 must be recorded into the Gift Tracking Database within 30 days of receipt.

5.2. Giving Gifts

5.2.1. Gifts of Cash or Cash Equivalents cannot be given.

5.2.2. Spectrum Health may give Gifts to non-employed physicians or referral sources up to \$300 annually per Spectrum Health entity. All Gifts given to a non-employed physician must be entered in the Gift Tracking Database within 30 days. Please check available funds prior to the giving of any Gifts.

5.3. Incidental Medical Staff Benefits. Excluded from 5.2 above are certain medical staff incidental benefits, which are items of nominal value (defined as \$32 or less) provided to physicians as a part of their hospital work and used while the physician is at a hospital facility. Incidental benefits may be provided to physicians as long as: they are available to all members of the Spectrum Health medical staff of the same specialty, do not exceed \$32, and are not in the form of Cash or Cash Equivalents. Examples include: on-campus education, physician lounge access, meals/food, lab coat worn on-campus, complimentary parking, etc.

5.4. Annual Medical Staff Appreciation Event. Spectrum Health entities that have a formal medical staff can offer one local medical staff appreciation event per year for the entire medical staff. The Spectrum Health entity will notify their local compliance department of the event. The value of the event will not be tracked in the Gift Tracking Database. However, any Gifts provided in connection with the event must be under \$300 and entered in the Gift Tracking Database (see 5.2.2).

5.5. PATIENT, PATIENT'S FAMILY, OR HEALTH PLAN MEMBER GIFTS

5.6. Accepting Gifts

- 5.6.1. Employees may never accept gifts of Cash or Cash Equivalents.
- 5.6.2. Employees may not solicit tips, personal gratuities or Gifts from patients, health plan members or family members.
- 5.6.3. Employees may accept unsolicited gifts from patients, health plan members or family members only if the gifts are perishable/consumable and shared with a department (for example, flowers, cookie tins, fruit baskets, etc.).
- 5.6.4. If an individual wishes to give a monetary or non-perishable gift, he/she should be directed to the Spectrum Health Foundation.

5.7. Giving Gifts

- 5.7.1. Spectrum Health will not give gifts to patients, health plan members or family members.
- 5.7.2. Free items to patients provided in the course of patient care or service shortfalls/recovery (e.g., clinical preventative services, sleep sacks at patient discharge, gas cards for service shortfalls, lodging assistance for underserved populations, etc.) are not considered gifts and therefore not covered in this policy. Please see policies referenced below for guidance on these situations.

6. VENDOR GIFTS

6.1. Accepting Gifts from Pharmaceutical and Medical Device Companies

Spectrum Health has adopted the principles and guidelines established by the Advanced Medical Technology Association (AdvaMed)'s [Code of Ethics On Interactions With Health Care Professionals](#) and the Pharmaceutical Research and Manufacturers of America (PhRMA)'s [Code on Interactions with Health Care Professionals](#); therefore, employees may not receive Gifts from a pharmaceutical or medical device company unless the Gift is for a *bona fide* independent, educational, scientific, and/or policymaking conference that promotes scientific knowledge, medical advancement and the delivery of effective health care. For clarification on acceptable Gifts from a pharmaceutical or medical device company, please contact your entity's compliance department.

6.2. Accepting Gifts from All Other Vendors

- 6.2.1. Employees may accept perishable/consumable Gifts provided they are shared with a department (for example, flowers, cookie tins, fruit baskets, etc.). These Gifts do not need to be entered into the Gift Tracking Database.
- 6.2.2. At a vendor's invitation, an employee may accept offsite meals or refreshments at the vendor's expense. Occasional attendance at a local theater or sporting event, or similar entertainment at vendor's expense may also be accepted so long as the expenses do not exceed \$300 per year per vendor. A business representative of the vendor should attend with the employee. These Gifts from a vendor must be entered in the Gift Tracking Database within 30 days.

6.3. Vendor and/or Academic Institution-Sponsored Educational Event.

Spectrum Health Employees may attend Educational Events, at the vendor or academic institution's expense (including travel, lodging, and modest meals and receptions where appropriate), with the prior written consent of the applicable up-line Director and/or Vice President (see Attachment A to be completed and returned to OrganizationalIntegrity@SpectrumHealth.org). Any Gift(s) received while in attendance at the Educational Event must be entered in the Gift Tracking Database within 30 days of the Educational Event, if required per this Policy. Educational Event(s) outside of the continental United States are not permitted without prior written approval from the entity's

compliance department. Academic Institutions would include universities, colleges, and other similar teaching establishments.

6.4. Giving Gifts to Pharmaceutical and Medical Device Companies

6.4.1. Spectrum Health will not give Gifts to pharmaceutical or medical device vendors as we have adopted the principals and guidelines established by the Advanced Medical Technology Association (AdvaMed)'s [Code of Ethics On Interactions With Health Care Professionals](#) and the Pharmaceutical Research and Manufacturers of America (PhRMA)'s [Code on Interactions with Health Care Professionals](#).

6.5. Giving Gifts to All Other Vendors

6.5.1. Gifts of Cash or Cash Equivalents cannot be given.

6.5.2. Spectrum Health may give Gifts to vendors up to \$300 annually per Spectrum Health entity. All Gifts given to a vendor must be entered in the Gift Tracking Database within 30 days. Please check available funds prior to the giving of any Gifts.

7. EXCEPTIONS TO THIS POLICY. The President and Chief Executive Officer of Spectrum Health System (or a person designated by him/her in writing) ("CEO") may make written exceptions to this Policy, if, in the judgment of the CEO, and in consultation with legal counsel, the best interests of Spectrum Health would be served by granting such an exception within the limits of the law.

7.1. Other Exceptions

7.1.1. The adoption of a "zero tolerance" gift policy is strongly encouraged by any Spectrum Health department wishing to do so.

7.1.2. This Policy does not apply to Gifts from Spectrum Health to an employee(s). However, Cash or Cash Equivalent Gifts (e.g., gift cards) must be reported to Spectrum Health Payroll for tax purposes.

7.1.3. This Policy does not apply to Gifts from an employee(s) to an employee(s).

7.1.4. This Policy does not apply to Gifts from the Spectrum Health Foundation.

7.1.5. Spectrum Health reserves the right to alter, amend, modify or eliminate this policy at any time without prior written notice.

8. POLICY VIOLATIONS. Any person in violation of this policy is subject to performance correction, up to and including termination.

9. Revisions

Spectrum Health reserves the right to alter, amend, modify or eliminate this policy at any time without prior written notice.

10. References

Gift Tracking Database, Additional Professional Income Policy, Transportation Policy, Clinical Preventative Services Policy, Utilization of Care Funds Policy, Offering Education and Other Events to Private Practice Physicians Policy, Vendor Philanthropy Policy, Travel and Expense Reimbursement Policy.

11. Policy Development and Approval

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12. Keywords

gifts, gift, free stuff, Gift, Business Courtesy, Meal, Legal, Inducement, Anti-Kickback, Business Associate, Cash, Compliance, Gift Card, Inducement, Present, Stark, Solicit, Vendor, Physician, Employee, Education.

SPECTRUM HEALTH EDUCATIONAL EVENT APPROVAL FORM

Spectrum Health’s Gift & Business Courtesies Policy (the “Policy”) generally prohibits Spectrum Health Employees from receiving Gifts (see the Policy for a definition of “Gifts”) more than Three Hundred Dollars (\$300.00) per year from vendors, potential vendors and/or academic institutions. However, Spectrum Health recognizes that in some instances it is beneficial to permit Spectrum Health Employees to attend an Educational Event(s) that promotes scientific knowledge, medical advancement and the delivery of effective health care.

1. In connection with the Spectrum Health employee’s attendance at _____

(please insert the name of the Educational Event),
Spectrum Health and the Spectrum Health employee will receive the following items or services of value from _____ (please insert name of organization): (Please check all of the items that the vendor, potential vendor, or academic institution will pay for on behalf of the Spectrum Health Employee. If there are additional items which are not currently listed, please add them as appropriate).

- a) _____ Air transportation to and from the Educational Event;
- b) _____ Ground transportation to and from the Educational Event;
- c) _____ Any registration or entry fees needed to access the Educational Event;
- d) _____ Any accommodations the Spectrum Health Employee may need in order to
- e) perform any type of service(s) offered at the Educational Event;
- f) _____ Modest Meals;
- g) _____ Gratuities/tips;
- h) _____ Parking; and
- i) _____ Other (please describe): _____

2. Please state the business purpose or other considerations for attendance: _____

3. In the event the vendor, potential vendor, or academic institution provides or pays for unnecessary items such as Gifts, the total value of such Gifts will not exceed the Three Hundred Dollar (\$300.00) annual limit set forth in the Policy and shall be entered in the Gift Tracking Database within thirty (30) days of attendance at the Educational Event.

ACKNOWLEDGEMENT OF ABOVE BY SPECTRUM HEALTH EMPLOYEE:	APPROVAL OF UP-LINE (DIRECTOR or MORE SENIOR EXECUTIVE):
Signature:	Signature:
Printed Name:	Printed Name:
Date:	Date:

