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P O L I C Y

Policy

At Strong Memorial Hospital, we strive to conform to the highest standards of institutional and professional ethics. We expect all employees to assist us in maintaining high standards. This policy is intended to provide guidelines regarding the acceptance or provision of gifts and business gratuities, whether such gifts or gratuities are offered by patients, vendors, suppliers or donors.

Certain gifts and donations are permissible. Other gifts/gratuities (often those provided by vendors/suppliers and other entities with which we have a referral relationship) could be considered illegal “kickbacks” (e.g. payment(s) or gift(s) which are intended to induce the referral of business to the party making the gift). Accepting any gift or gratuity intended to induce or reward referrals or to result in the purchase of goods or services is strictly prohibited.

- Overall policy: To prevent any perception that our clinical judgments or medical decisions are influenced by factors other than the best interests of our patients, all employees (including faculty) and trainees (including fellows, residents and students) are prohibited from offering or accepting gifts or other items of sufficient value to influence the provision for or contracting of services, and from accepting any gifts from vendors, including but not limited to manufacturers and suppliers of pharmaceuticals, medical devices, equipment and supplies, even if of nominal value.
- Improper Inducements: As the Medical Center is a recipient of state and federal healthcare funds, our employees are prohibited from accepting cash or anything of value (“kickbacks”) in exchange for purchasing, leasing, ordering or recommending the purchase, lease or ordering of any goods, facilities, services or other items covered by Medicare or Medicaid.
- Employees and trainees are not allowed to enter into any contract or service arrangement that could give the appearance of or result in distorted medical decision making, overutilization of services or supplies or medically unnecessary costs to health care programs.

The URMC Policy on Interactions between the University of Rochester Medical Center and the Pharmaceutical, Biotech, Medical Device, and Hospital Equipment and Supplies Industries (“the URMC Industry Interactions Policy”) also contains a number of sections relating to gifts and gratuities, and is therefore attached and incorporated herein.

Accepting gifts or payments:

- Cash gifts or gratuities: Cash or cash equivalents are inappropriate as a gift and our employees and trainees may not accept gratuities. Any employee or trainee who gives or accepts cash as a gift or gratuity to or from patients, family members, visitors, vendors, suppliers, sales representatives, and others will be subject to disciplinary action.
- Nonmonetary Gifts: On occasion, patients and others may give personal gifts such as flowers, food, homemade items or small tokens of appreciation or recognition. Employees may accept these token gifts as long as the gift is of a nominal value. However, even gifts of nominal value may not be accepted from vendors or sales representatives. (Reference: URMC Industry Interactions Policy, above).

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- Monetary Gifts to the Hospital: Patients or families requesting information about opportunities to give to the hospital or any hospital unit should be referred to the Medical Center Advancement Office. Monetary gifts received by any unit of the hospital should be promptly forwarded to the Medical Center Advancement Office. The Advancement Office will deposit the gift in the hospital account appropriate to the donor's intent and send an acknowledgment to the donor.
- Gifts of Equipment: Gifts or offers of equipment to the hospital or any hospital unit should be referred to the Director's Office. Prior approval of gifts of equipment is necessary because of safety and maintenance standards. If approved, the hospital unit receiving the gift will inform the Medical Center Advancement Office, which will send an acknowledgment to the donor.
- Gifts from Vendors: Gifts from vendors, including but not limited to manufacturers and suppliers of pharmaceuticals, medical devices, equipment and supplies, are prohibited. See SMH policy 7.9, Pharmaceutical Company Representatives, SMH Policy 12.1.1, Sales Representatives, and the attached URMC Industry Interactions Policy. Additional information is available from the American Medical Association "Gifts to Physicians from Industry" at <http://www.ama-assn.org/ama/pub/physician-resources/medical-ethics/code-medical-ethics/opinion8061.page>
- Offers of Payment or Benefit for Services: If a payment or benefit is offered by another party in return for some service by an employee, the employee must report the offer immediately to their supervisor or the University of Rochester Medical Center compliance officer. An offer or solicitation is not necessarily improper if the payment represents fair market value for the service to be performed. The compliance officer will determine whether the arrangement is appropriate and whether the employee may accept.

Offering of gifts to vendors, others:

- Federal law makes it illegal for employees to give gifts, cash or other benefits to vendors, outside providers or suppliers, unless the gift or benefit is of a nominal value. Such activities are therefore prohibited.

Activities which are (or appear to be) in violation of this policy should be immediately reported to the Compliance Office through the Strong Health Integrity Hotline, 756-8888. The caller may remain anonymous if desired. Employees who violate this policy will be subject to disciplinary action including, but not limited to, suspension of hospital privileges, salary reduction or termination of employment.

References:

SMH Policy 7.09, Pharmaceutical Company Representatives

SMH Policy 12.01.1, Sales Representatives and Vendors

SMH Policy 13.09.1, Patient Referrals and Professional Courtesy: Legal Restrictions

[URMC Policy on Interactions between the University of Rochester Medical Center and the Pharmaceutical, Biotech, Medical Device, and Hospital Equipment and Supplies Industries](#)

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History:

For history prior to 2010, contact Hospital Policy Coordinator at 276-6065

- 1/12 Reviewed and approved by Office of Counsel and Policy Management Team
- 2/12 Reviewed and approved by Clinical Council
- 2/15 Reviewed by the Office of Counsel
- 3/15 Reviewed and approved by Policy Management Team
- 4/15 Reviewed and approved by Clinical Council

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