



Stony Brook Medicine Administrative Policy and Procedures

Subject: LD0109 Gifts	Published Date: 01/02/2025
Leadership	Next Review Date: 01/02/2026
Scope: SBM Stony Brook Campus	Original Creation Date: 02/21/2019

Printed copies are for reference only. Please refer to the electronic copy for the latest version.

Policy:

Workforce members of Stony Brook University Hospital (including all campus locations, collectively, SBUH) are committed to promoting integrity and honesty and ensuring that activities and business interactions with patients, families, vendors, physicians and other health care professionals comply with federal and state laws and regulations relative to business gifts and other gratuities. Gifts may be permissible or impermissible depending on the circumstances. No personal gifts can be offered or received if the action could raise a reasonable question concerning whether the gift would influence a person in the exercise of proper business judgment or is intended as a reward for any official action on the Hospital Representative's part.

Definitions:

Anti-Kickback Statute (AKS) – refers to a criminal law that prohibits the knowing and willful payment of "remuneration" to induce or reward patient referrals or the generation of business involving any item or service payable by the Federal health care programs (e.g., drugs, supplies, or health care services for Medicare or Medicaid patients).

Gifts – refer to anything of value an individual receives where that individual did not pay or perform services in a manner consistent with routine commercial transactions. Examples of gifts include, but are not limited to, cash, gift cards, services, loans, travel, lodging, meals, refreshments, entertainment, discounts, industry invitations or a forbearance of an obligation or a promise that has monetary value.

Family Member – shall include spouse; birth and adoptive parents, children and siblings; step-parents, step-children and step-siblings; fathers-in-law, mothers-in-law, brothers-in-law, sisters-in-law, sons-in-law and daughters-in-

law; and grandparents and grandchildren. (NY PHL §238. Definitions).

Interested Source – A person or entity that does or is seeking to conduct business with SBUH, is regulated by SBUH, or has financial interest in decisions made by SBUH. Interested sources include, but are not limited to, pharmaceutical, biotechnology, medical device and other healthcare-related entities.

Nominal Value – is considered such a small amount that acceptance could not reasonably be interpreted or construed as intending to influence a state employee or public official. Items of insignificant value, such as food or beverages less than fifteen dollars, are considered nominal. Alcoholic beverages, cash, and cash equivalents (e.g. gift cards) regardless of value are not allowed.

Promotional Items – Items having no substantial resale value such as pens, mugs, calendars, hats, and t-shirts which bear an entity's name, logo, or message in a manner which promotes the entity's cause.

Remuneration – refers generally to a payment.

Stony Brook University Hospital campus locations - shall refer to:
Stony Brook University Hospital Main Campus (SBUH Main Campus)
Stony Brook Eastern Long Island Hospital (SBELIH)
Stony Brook Southampton Hospital (SBSH)

Workforce Member - An employee, volunteer, trainee, medical staff member, including state, research foundation, professional employer organization, personnel employed through contracted agencies, or other individual affiliated with SBUH who furnish products or services on behalf of SBUH or is otherwise under the direct control of SBUH, regardless of whether they receive(d) payment(s) from SBUH.

Procedures:

I. Gifts and Interactions from Interested Sources

- A. Workforce members are prohibited from soliciting, offering or accepting personal gifts from Interested Sources. Gifts to or from Interested Sources raise a reasonable question concerning whether the gift would influence a person in the exercise of proper business judgment or is intended as a reward for any official action on the Hospital Representative's part and may violate the Anti-Kickback Statute.
- B. Hospital Representatives may not accept meals brought to SBUH from an Interested Source, as this may be viewed to influence or potentially influence individuals in the conduct of their duties or responsibilities.

However, meals provided by an Interested Source at professional or similar off-site meetings may be permissible under the following circumstances:

- a. The meal is provided in a manner consistent with Accreditation Council for Continuing Medical Education (ACCME) guidelines (e.g. the Industry Representative is not presenting sales materials and food is incidental to the presentation); or
 - b. The meal is incidental to a bona fide discussion and presentation of scientific, educational or business information related to a pharmaceutical, biotechnology or medical device.
- C. Workforce members seeking support from an Interested Source, for the benefit of SBUH, that furthers an educational purpose of SBUH and without intent to influence purchasing decisions or research outcomes must notify the Office of Continuing Medical Education or the Office of Compliance, Audit and Privacy Services (OCAPS). Note any support provided to SBUH must be provided without conditions.
- D. Workforce members may not solicit, accept or offer alcoholic beverages regardless of value.
- E. Workforce members may not redirect an impermissible gift to a third party including a family member or charitable organization on behalf of the Hospital Representative.
- F. Workforce members may accept promotional items with no resale value as long as it cannot raise a reasonable question concerning whether the gift would influence a person in the exercise of proper business judgment.
- G. Workforce members may at times accept a complimentary invitation to a widely attended conference or educational event from a vendor or other third-party organization, consistent with applicable NYS [Commission on Ethics and Lobbying in Government](#) policies, as applicable. Several conditions must be satisfied to meet this exception; therefore, before attending, workforce members must notify the OCAPS or the Chief Compliance Officer to review the circumstances and provide appropriate guidance.
- H. Workforce members who are recipients of gifts, where there is no opportunity to refuse or return, must disclose the gift(s) to their Supervisor, Manager, the OCAPS or the Chief Compliance Officer for reconciliation.
- I. Workforce members consider the timing and frequency of a gift. For

example, a gift of nominal value during the holiday season may be appropriate as long as acceptance does not create an actual or apparent conflict of interest or give the impression of improper influence; however, frequent nominal gifts or a nominal gift provided during a decision-making process may give the appearance of impropriety.

II. Gifts and Interactions with Non-Interested Sources

- A. Workforce members may not offer gifts or services to actual (or potential) patients with the intent to induce or influence such person(s) to order or receive items or services.
- B. Workforce members do not solicit or accept cash gifts or cash equivalents (e.g., gift cards, gift checks or gift certificates) in any amount from patients, family members or their visitors.
- C. Workforce members may accept tokens of appreciation, of nominal value (e.g., perishables, flowers, cooked goods), from patients as long as the token is unsolicited and shared with the recipient's team, unit or department. However, gifts of cash are to be returned. Where return of a gift is impractical or impossible, contact the OCAPS or Chief Compliance Officer to determine the best response.
- D. Workforce members may accept awards, plaques, and other ceremonial items that are publicly presented, or intended to be publicly presented, and in recognition of service related to the workforce member's official duties and responsibilities. Such awards, plaques, and other ceremonial items must be of the type customarily bestowed at similar ceremonies and be otherwise reasonable under the circumstances.
- E. Workforce members are not prohibited from exchanging gifts of a personal nature with colleagues, provided SBUH funds are not utilized and the workforce members have complied with [LD0101 Conflict of Interest](#).

III. Workforce Members who violate this policy may face disciplinary action, including suspension or termination, and if employed by New York State, may be referred to the New York State Commission on Ethics and Lobbying in Government (COELIG) for further investigation. Additionally, violations could result in State and Federal penalties under the Anti-Kickback Statute and Civil Monetary Penalties provisions, including exclusion from federal health care programs for egregious violations involving improper remuneration. SBUH enforces compliance through routine audits, training programs, and monitoring to ensure adherence to this policy

IV. If you have any questions about this policy or require additional guidance, please contact OCAPS or the Chief Compliance Officer, utilizing any of the following methods of contact via:

- A. Telephone to the OCAPS at (631) 638-4349;

- B. Email to compliancehelp@stonybrookmedicine.edu;
- C. The Corporate Compliance Helpline (866) 623-1480 or <https://www.compliance-helpline.com/sbuh.jsp> (which is available 24 hours a day, seven days a week) to report anonymously or by name;
- D. Facsimile to (631) 444-5791 with correspondence marked "CONFIDENTIAL;"
- E. Mail of the concern to the Office of Compliance and Audit Services located at 7 Flowerfield, Suite 36, St. James, New York 11780-1514. (Internal zip 6062); or
- F. Telephone to the Chief Compliance Officer, Patricia Cooper, (631) 444-5864.

Forms: (Ctrl-Click form name to view)

None

Policy Cross Reference: (Ctrl-Click policy name to view)

These cross-references supersede this policy in the event of a conflict between them.

[HR0031 Vendor Credentialing Management System](#)

[LD0101 Conflict of Interest](#)

[LD0039 Corporate Compliance Code of Conduct](#)

[LD0071 Reporting of Compliance Violations or Suspected Violations and Non-Intimidation/Non-Retaliation](#)

[LD0103 Marketing Events and Premium Items](#)

[MM0019 Pharmaceutical Representatives](#)

Relevant Standards/Codes/Rules/Regulations/Statutes:

Public Officer's Law, Section 73 and 74

19 NYCRR Part 930, 931 & 933

Public Health Law, Section 238-a

PHRMA Code on Interactions with Healthcare Professionals

42 U.S.C. §1320a-7b (Anti-Kickback Statute)

42 CFR §1003 – Civil Monetary Penalties

42 U.S.C. §1320a-7h - Physician Payments Sunshine Act

References and Resources:

None