

## Stony Brook Medicine Administrative Policy and Procedures

<b>Subject:</b> ELD0109 Gifts	<b>Published Date:</b> 04/28/2022
Leadership	<b>Next Review Date:</b> 02/02/2025
<b>Scope:</b> SBM Eastern Long Island Campus	<b>Original Creation Date:</b> 12/02/2020

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### **Responsible Department/Division/Committee:**

Office of Compliance and Audit Services

### **Policy:**

Stony Brook University Hospital and its campuses (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:**

**Family Member** – shall mean any person living in the same household as the individual and any person who is a direct descendant of that individual's grandparents or the spouse of such descendant.

**Gifts** – includes, but is not limited to: money, services, loans, travel, lodging, meals, refreshments, entertainment, discount or a forbearance of an obligation or a promise that has a monetary value.

**Hospital Representatives** – employees, volunteers, trainees, medical staff members, including state, research foundation, professional employer organization, personnel employed through contracted agencies, the governing body, contracted or subcontracted agents, vendors or consultants who furnish products or services on behalf of SBUH and other individuals affiliated with SBUH regardless of whether the individual is paid by SBUH.

**Interested Source** – A person or entity that does or is seeking to conduct business with SBUH.

**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.

**Procedures:**

- A. 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 judgement or is intended as a reward for any official action on the Hospital Representative's part.
- B. The prohibition on gifts applies to gifts to or from an interested source.
- C. Hospital Representatives may not solicit, accept or offer cash or cash equivalents (e.g. gift cards) regardless of value.
- D. Hospital Representatives may not solicit, accept or offer alcoholic beverages regardless of value.
- E. Hospital Representatives may not solicit, accept or offer any gift of more than nominal value.
- F. Hospital Representatives may not redirect an impermissible gift to a third party including a spouse, child or charitable organization.
- G. It is recognized that, at times, gifts are given without an opportunity to refuse or return. Under these circumstances, Hospital Representatives must disclose the matter to their Supervisor, Manager, the OCAS or the

Chief Compliance Officer for reconciliation.

- H. Hospital Representatives must always 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.
- I. There are some exceptions to the rules on gifts including, but not limited to, the following:
  - a. Hospital Representatives may accept gifts to or from family members or resulting from personal relationships where it is reasonable to infer the gift was primarily motivated by the familial or personal relationship.
  - b. Hospital Representatives 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 judgement.
  - c. Hospital Representatives 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 Hospital Representative'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.
  - d. Hospital Representatives may at times accept a complimentary invitation to a widely attended conference or educational event from a vendor or other third-party organization. Several conditions must be satisfied to meet this exception; therefore, before attending, Hospital Representatives must notify OCAS or the Chief Compliance Officer to review the circumstances and provide appropriate guidance.
- J. If you have any questions about this policy or require additional guidance, please contact OCAS or the Chief Compliance Officer.

**Forms:** (Ctrl-Click form name to view)

None

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

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

[EHR0031 Vendor Credentialing Management System](#)

[ELD0101 Conflict of Interest](#)

[ELD0039 Corporate Compliance Code of Conduct](#)

[ELD0071 Reporting of Compliance Violations or Suspected Violations and Non- Intimidation/Non-Retaliation](#)

[ELD0103 Marketing Events and Premium Items](#)

[EMM0019 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

**References and Resources:**

None