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Owner Sandra Shumaker: Director of Hospital Compliance
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Gifts and Interactions with Vendors, Patients and Visitors

Policy

PURPOSE

To provide clear expectations and guidance for Denver Health Staff regarding interactions with vendors who have a business relationship with Denver Health, or may seek to do business with Denver Health, and regarding giving or receiving gifts from vendors, patients, and visitors.

SCOPE

This policy applies to Denver Health Staff members, including the Denver Health Medical Plan and the Denver Health Foundation.

DEFINITIONS

Business Courtesies: Gifts (as defined below) that are offered by Vendors when competing for or doing business with Denver Health with the intent of facilitating business. Gifts offered by Vendors as tokens of appreciation for business or as perks for doing business are considered gifts, not business courtesies.

Cash or Cash Equivalent: Cash or items such as gift certificates or pre-paid gift cards that may be exchanged for unspecified items or services, or that may be converted in whole or in part to cash.

Ghost Writing: Written material that is officially credited to someone other than the writer(s) of the material including unacknowledged or undisclosed provision of content. It also includes naming someone as an author who did not directly contribute to the writing of the content.

Gifts: Tangible or intangible benefits offered by a Vendor such as food or drink, transportation, samples, discounts, comped costs for conferences or trainings, promotional items, entertainment (including tickets, passes, or hospitality at venues or events), or use of a Vendor's time, materials, or equipment free of charge outside of a formally executed agreement with Denver Health.

Government Sponsored Health Care Program: Any health care program that is funded in whole or in part by the federal government or by any state, city, or other governmental entity (e.g., Medicare, Medicaid, Indian Health Services, TRICARE).

Honorarium: A payment made to an individual or organization for performing a duty or service that is not based on a fee-for-service or other calculated methodology.

Immediate Family Member : includes and individual's spouse or domestic partner; natural, adoptive, or foster parent, child, or sibling; stepparent, stepchild, stepbrother, or stepsister; father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law.

Nominal value: \$75 or less per instance/item and no more than \$300 over the course of a year.

Marketing or Endorsement Activities: Activities intended to directly or indirectly promote or endorse a Vendor or their product(s) or service(s). Marketing or Endorsement Activities include arrangements with any of the following characteristics:

- The Vendor has the contractual right to control the content of a presentation or talk, including final editing/approval rights. (This does not include compliance review for alignment with FDA-approved marketing and labeling).
- The Vendor creates the presentation material for use by the individual conducting the activity, or provides materials to be used by the individual to create their presentation.
- The Vendor expects the individual to conduct the activity as a representative or spokesperson for the company.
- The intended recipients, participants, or audience of an activity are potential clients for the Vendor.
- The Vendor reserves the right to reproduce or repurpose material for posting on social media sights, on their website, or for use by their sales team.

Patients and Visitors: Includes any Denver Health patient or client receiving Denver Health services, their family members and visitors, and any other non-Staff member who may visit Denver Health facilities.

Professional Courtesies: The practice of providing or receiving discounted services or preferential scheduling to private physicians, employees, or their immediate family members.

Solicit: To ask for something, such as gifts or business courtesies from an individual or Vendor.

Staff: Denver Health executives, board members, medical staff members, non-medical staff

employees, temporary and intermittent employees, contracted workers, students, fellows, residents, interns, and volunteers.

Vendors: Entities, including their representatives, who are engaged in business, or may seek to do business, with Denver Health, or who seek to benefit from a Staff member's affiliation with Denver Health for their business purposes.

POLICY

- A. Denver Health Staff must exercise independent professional judgment relating to business or financial relationships with vendors.
- B. Medical staff members and their immediate family members are prohibited from receiving Gifts of any monetary value from vendors.
- C. Denver Health Staff and their immediate family members are prohibited from soliciting or accepting gifts or business courtesies that:
 - 1. Create (or create the appearance of) undue influence in Denver Health business;
 - 2. Are offered in exchange for, or to induce, Denver Health business decisions or other benefits to the Vendor;
 - 3. Are offered in exchange for referrals or other business that may be reimbursed by a Government Sponsored Health Care Program;
 - 4. Are in the form of Cash or Cash Equivalents;
 - 5. Are in the form of weapons of any kind, tobacco or drugs of any kind, or are items that reasonably may be viewed as vulgar, pornographic, or offensive; or
 - 6. Have any other form of conditions attached to their acceptance.
- D. Denver Health Staff members are prohibited from participating in Vendor-sponsored marketing or endorsement activities including as a speaker, presenter, or contributor. (This does not include attending demos or trainings required as part of Denver Health procurement activities as noted in Procedure E).
- E. Denver Health Staff members engaged in sponsored research projects are prohibited from receiving any gift, business courtesy, or other item from the study sponsor that is not itemized in the budget under the executed sponsored research agreement.
- F. Denver Health Staff members must never use their Denver Health affiliation to solicit gifts for their personal benefit.
- G. Denver Health Staff members do not give gifts to patients or their family members except as noted in procedure G.
- H. Nothing in this policy is intended to prohibit Denver Health leaders from serving as a Denver Health representative on governmental committees or non-profit boards for the purpose of conducting Denver Health business.
- I. Any exceptions to this policy must be reviewed and approved in advance by the Chief Compliance and Audit Officer and Legal Counsel.

PROCEDURES

A. Solicitation

1. Only the Denver Health Foundation may solicit or accept monetary gifts from vendors. The Denver Health Foundation alerts Enterprise Compliance Services and/or Legal Services before soliciting or accepting such gifts.
2. Denver Health Staff members may solicit other individuals or entities for Denver Health and Denver Health Foundation approved fundraising initiatives such as the Annual Gala.
3. Denver Health Staff members must coordinate with the Denver Health Foundation for any other form of fundraising initiatives for the benefit of Denver Health.
4. Denver Health Staff members may not solicit gifts from Patients or Visitors for personal or other fund-raising initiatives that are not organized through Denver Health or the Denver Health Foundation.

B. Offers of Gifts from Vendors

1. Denver Health departments or divisions may accept infrequent, non-monetary gifts of nominal value from a Vendor agent or representative as long as:
 - a. There is no risk that members of the medical Staff will be considered potential recipients of a gift from a Vendor;
 - b. All such gifts received from the same Vendor (even if offered by different agents or representatives) do not exceed \$75 per instance and \$300 annually;
 - c. The gift is not in the form of a Cash or Cash Equivalent;
 - d. The gift is easily shared among members of the department or division.
2. To the extent that it is reasonably possible, gifts that exceed these limitations must be refused or returned to the Vendor from which they were received. If this is not possible, the gift must be surrendered to the Denver Health Foundation.

C. Offers of Business Courtesies from Vendors:

1. You may accept (unless you are a member of the DHHA Medical Staff) gifts such as meals, events, and entertainment from current or possible future vendors subject to the following guidelines:
 - a. The acceptance of Business Courtesies must be considered to be in furtherance of legitimate Denver Health business purposes and must not create (or create the appearance of) favoritism or preference in business decisions or other forms of conflict of interest in the business relationship.
 - b. Meals:
 - i. Off Campus: The cost of the meal must be reasonable and appropriate. As a general rule, this means that the cost of the meal must not exceed \$70 per person. The hosting vendor must be in attendance at the meal.

- ii. On Campus: Meals, beverages, snacks or other hospitality paid for by Vendors should not be provided to or accepted by, Denver Health staff in Denver Health facilities (both main campus and off-campus clinic locations) unless:
 - it is a part of an education and training session that has been specifically authorized by the appropriate Executive Staff member as furthering the business interests of Denver Health.
 - The Vendor is not a pharmaceutical or medical device company.

c. Events and Entertainment:

- i. The cost of the event must be reasonable, appropriate, and infrequent. As a general rule, this means that the cost of the event must not exceed \$300 per person, and should not be accepted by the same Vendor more than once a year. Consecutive events occurring on a single day shall be considered a single event for purposes of determining reasonable cost.
- ii. The hosting Vendor must be in attendance at the event.
- iii. If the event is a fundraiser for a non-profit organization, the portion of the ticket price that is deemed a charitable contribution will be excluded from the cost of the event for purposes of this policy. You may attend a fundraising event for the benefit of a Denver Health entity (such as the Denver Health Foundation Gala) as the guest of a contributor to the event without regard to the limitations established by this policy.

d. Travel:

- i. The cost of travel in a Vendor's automobile (whether owned privately or by the host company) shall not be considered a gift or business courtesy for the purposes of this policy. Refer to Procedures D and E for provisions regarding other forms or purposes of travel.
- e. This policy does not require inquiry of your host about the actual cost of an event or meal. Reasonable judgment should be used in determining whether the cost of an event or meal has exceeded the amount allowed by this policy.

D. Travel and Paid Attendance at Meetings and Conferences

- 1. Paid attendance, travel, meals, and other expenses for meetings and conferences should not be accepted by Denver Health staff from Vendors unless such expenses are offered free-of-charge to all attendees.
 - a. This does not prohibit Denver Health Staff from accepting gifts, meals, or items bearing industry logos that may be offered to all attendees at

professional meetings or conferences unless the Vendor requires provision of the recipient's name, title, and/or affiliation to receive a specific item.

2. Denver Health staff may receive reasonable honoraria and reimbursement for travel, lodging, and meal expenses associated with attending a professional organization or association conference or meeting when serving as a presenter or for bona fide substantive participation in a legitimate conference, task force or meeting.
 - a. Staff must utilize personal time or PTO hours when preparing for and presenting at conferences or meetings unless, as approved by their supervisor and DOS, they are presenting and attending as a representative of Denver Health or to meet professional certifications and education required for their position at Denver Health.
 - b. If the Staff member is not using personal time or PTO to prepare for and attend the event, any honoraria or stipend earned must be remitted to the Denver Health Foundation or their department.
 - c. Reimbursement received by a Vendor or other entity (e.g., conference organizers, professional societies) for any expenses paid by Denver Health must be remitted to the Denver Health department who paid the expenses.
 - d. Honoraria and travel expenses may be retained personally if both the presentation and all related preparation was conducted outside of Denver Health work hours and Denver Health did not cover any of the expenses associated with participation
3. All speaking relationships and contracts are subject to review and approval by DHHA, in accordance with DHHA policies, and must be disclosed.

E. Procurement Review and Product Training

1. Travel expenses may be accepted to inspect a prospective vendor's products or plant and operations within the 48 contiguous States or Alaska when it is a critical factor in the decision to purchase the vendor's services or products, or when such travel is itemized in a contract or agreement and is part of a fair market valuation for the business transaction.
 - a. For travel to be deemed necessary, it must be the case that it is not reasonably possible to inspect the vendor's services or products locally (e.g., the vendor does not have a similar product installation in the local market, or the only local installation is on the site of a competitor who will not allow an inspection by Denver Health).
2. When travel expenses for procurement purposes will be paid for in whole or in part by a Vendor, travel must be approved in advance by the applicable Director of Service (DOS).

F. Scholarly and Research Activities

1. Ghostwriting:
 - a. Denver Health Staff are prohibited from allowing their professional

presentations of any kind, oral or written, to be ghostwritten by any party, industry or otherwise, and are not permitted to have their name included as an author on any presentation or publication if they did not directly contribute to the writing or content.

2. Research Support:

- a. ANY form of research support from a Vendor (donated or loaned equipment or supplies, participant incentives, funds to cover Denver Health researcher time and effort) for research conducted at Denver Health or using Denver Health patients, data, or other Denver Health resources MUST be itemized and included in an executed sponsored research agreement (including clinical trial agreements.)

3. Research Involvement:

- a. Denver Health researchers may join a vendor-sponsored multi-site clinical trial wherein the sponsor has provided a protocol to guide the trial.
 - i. Beyond sponsor-responsibilities as defined by the FDA or ICH-GCP, sponsors may NOT be involved in other aspects of research conduct, collection, and analysis of results for the Denver Health site UNLESS such involvement is explicitly documented in a SPARO-approved sponsored research agreement. This is to protect the integrity of the research at Denver Health and avoid perceptions of undue influence in Denver Health research.
- b. As necessary, SPARO may present sponsored research requests to the Research Compliance Committee for guidance or approval of unique arrangements.

G. Giving Gifts to Patients and Visitors

1. Denver Health Staff members do not provide gifts to patients and visitors. An exception includes service recovery efforts and Denver Health approved assistance through Patient Advocacy or the Volunteers Department such as donated clothing, a meal card of nominal value, or transportation to home. Any form of assistance must be valued at \$15.00 or less per instance with an annual maximum of \$75 per patient.

H. Accepting Gifts from Denver Health Patients and Visitors

1. If a patient or visitor wants to give an acknowledgement of special thanks to a Denver Health Staff member(s), the following guidelines should be followed:
 - a. The Denver Health Foundation should be offered as the primary vehicle for accepting gifts, especially cash or cash equivalents or larger donations.
 - b. If the individual declines the opportunity to give to the Foundation, and still wishes to acknowledge Staff members, encourage them to offer gifts which can be shared by the department as a whole.
 - c. Although personal gifts are discouraged, a patient or family member may choose to give a gift to an individual Staff member. Gifts from patients or family members to Staff members such as food and flowers may be

accepted by the department. Other items of value such as event tickets, gift certificates, etc. should be donated to the Denver Health Foundation or the volunteers department to provide to Denver Health patients in need.

I. Professional/Business Courtesies

1. Denver Health Staff members and their immediate family members are not allowed to offer, solicit, or use Denver Health services under preferential scheduling or for free or at a discounted charge.
2. Denver Health services must be performed according to standard processes (e.g. patient registration, normal charges and insurance processing). Co-pays and deductibles are not allowed to be forgiven or discounted per Colorado law.

EXTERNAL REFERENCES

- A. [OIG Bulletin, Offering Gifts and Inducements to Beneficiaries \(8/02\); 66 FR 24410-11](#)
- B. [OIG Policy Statement Regarding Gifts of Nominal Value to Medicare and Medicaid Beneficiaries](#)

DHHA RELATED DOCUMENTS

[Code of Conduct](#)

[Regulation of Pharmaceutical Industry](#)

[Medical Device Industry Representatives](#)

[Conflicts of Interest](#)

ATTACHMENTS

None

Approval Signatures

Step Description	Approver	Date
Executive Compliance Committee	Sandra Shumaker: Director of Hospital Compliance	11/2022
Formatting Review	Brooke Tidball: Document Control Program Manager	11/2022
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