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Gifts and Interactions with Vendors

PURPOSE

To provide clear expectations and guidance for Denver Health and Hospital Authority (“DHHA”) staff regarding appropriate interactions with vendors who have or seek a business relationship with DHHA.

SCOPE

A. Inclusions:

1. This policy applies to activities of DHHA staff who have or contemplate business relationships with individuals and/or entities outside DHHA; it does not pertain to actions between or among DHHA and its staff.

Members of the DHHA Medical Staff are expected to follow this policy as well as any higher standards as outlined in the Conflicts of Interest Policy.

It is expected that all Vendors follow this policy when interacting with DHHA staff or while on DHHA campus. Vendors are expected to not engage, or attempt to engage in any conduct that could cause a DHHA staff member to violate this policy.

B. Exclusions:

1. This policy does not apply to:
DHHA staff’s interactions with formally recognized affiliated membership organizations (e.g., Vizient, CCHN, etc.) or formerly recognized DHHA affiliations.
The sponsoring of organized events designed to benefit DHHA or involving DHHA or to charitable gifts to DHHA.

DEFINITIONS

Ghost Writing: Ghostwriting is the provision of written material that is officially credited to someone other than the writer(s) of the material. It includes unacknowledged, undisclosed provision of content. Transparent writing collaboration with attribution between academic and industry investigators, medical writers, and/or technical experts is not ghostwriting.

Gifts: May be a tangible or intangible benefit, including, but not limited to, such items as non-monetary gifts, meals, drinks, entertainment, hospitality, recreation, door prizes, transportation, discounts, tickets, passes, sporting events, side excursions or outings, promotional items, or use of a donor’s time, materials, or

equipment.

Government Sponsored Health Care Program: For purposes of this policy, Government Sponsored Health Care Programs include any health care program that is funded in whole or part by the federal government or by any state government (e.g., Medicare, Medicaid, Indian Health Services, TRICARE).

Honorarium: A payment for a service, such as making a speech, that is provided without a charge.

Immediate Family Member : includes: husband or wife; natural or adoptive 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: \$25 or less for a single gift .

Solicit: To ask for something, such as gifts, sponsorships, gratuities and business courtesies from people, companies, etc.

Speakers' Bureaus: shall mean sponsored marketing activities to promote a particular product(s) using recognized professional leaders as paid spokespersons. Speakers' Bureaus include arrangements with any of the following characteristics:

- The company has the contractual right to dictate or control the content of the presentation or talk, and/or
- The company creates the slides or presentation material and has final approval of the content and edits, and/or
- The company expects the speaker to act as a company's agent or spokesperson for the purpose of disseminating company or product information.

Staff : Denver Health physicians, dentists, and employees (including executives and management), board members, students, residents, interns, temporary and intermittent employees, contracted workers, and volunteers.

Vendors : Includes those seeking to do or are doing business with DHHA. The Denver Health Medical Plan (DHMP) is not considered a vendor.

POLICY

- A. At all times, DHHA staff exercise independent professional judgment relating to business or financial relationships with vendors.
- B. Medical staff members and their immediate family members do not accept gifts of any monetary value from vendors.
- C. DHHA staff members or their immediate family members never accept from an outside entity or person any gift or gratuity that is intended to or does unduly influence business decisions that involve DHHA.
- D. Gifts, or sponsorships that are offered, given, requested or accepted in exchange for or to induce referrals or other business that may be reimbursed by a Government Sponsored Health Care Program are never accepted.
- E. Gifts or sponsorships with conditions attached are never accepted.
- F. Other gifts that should never be solicited or accepted include:
 1. Weapons of any kind.

2. Tobacco of any kind.
 3. Drugs of any kind.
 4. Items that reasonably may be viewed as vulgar, pornographic, or offensive.
- G. Cash and cash equivalents (e.g., 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) are never accepted.
- H. Nothing in this policy should be understood as encouragement to solicit or accept gifts or sponsorships from outside entities. Gifts or sponsorships that benefit staff personally are never solicited using your affiliation with DHHA.
- I. DHHA staff members do not give gifts to patients or their family members except for the situations noted in procedure G.1.
- J. DHHA staff members do not ask for or receive gifts, tips, or personal donations from a patient, his/her family or visitors. This is not to prohibit receiving small tokens of appreciation such as candy, fruit, or other such perishable items.
- K. DHHA staff members are not permitted to participate in Speakers' Bureaus.
- L. Gifts or sponsorships that do not meet the requirements of one or more sections of this policy or procedure guidelines may be accepted if approval is received from the General Counsel in concert with the Chief Compliance and Audit Officer. Approval under this paragraph should only be sought and will only be given for gifts that do not meet the requirements of another section of this policy.

PROCEDURES

A. Solicitation

1. You may solicit from outside entities or persons financial gifts that constitute support of or participation in DHHA sponsored fund raising events for the benefit of a DHHA entity or for the benefit of the community, provided, however, that no promise, express or implied shall be made that any DHHA entity will do business, or continue to do business with a contributor in exchange, in whole or in part, for any such support or participation.

B. Non-monetary items (gift baskets, etc.)

1. You may accept (unless you are a member of the DHHA Medical Staff) from outside entities or persons a non-monetary gift of nominal value (\$25 or less) which is a token of respect or friendship and is consistent with the following guidelines.
 - a. All gifts received from the same person or entity may not exceed \$25 per instance and \$100 annually.
 - i. Example: In March, an employee receives a fruit basket valued at \$16 from an equipment vendor. In May, the same vendor sends the employee a box of cookies valued at \$20. The value of each gift is below the \$25 threshold and the combined value of the gifts of \$36 does not exceed the annual nominal value guideline. In this situation the both the fruit basket and the cookies can be accepted.
 - b. Acceptance of gifts should be infrequent. Generally, this means gifts may not be accepted from the same person or outside entity more often than four times in a calendar year. When gifts are received from multiple individuals belonging to one outside entity the gifts shall be considered multiple gifts from a single entity.

- i. Example: Sales Rep John from XYZ Company delivers flowers to a DHHA employee. Later in the month Sales Rep Sally from XYZ Company brings by a cake to the same employee. The employee may only accept two more gifts from XYZ Company within the current calendar year providing the nominal value has not been exceeded.
- c. Cash and cash equivalents (such as gift cards) must either be returned to the gifting person or entity, or in the rare circumstance where this is not possible (e.g., because the giver cannot be identified or is deceased), must be surrendered to a DHHA affiliated charitable foundation for its unrestricted use.
 - i. If you are a bona fide candidate for elective public office, you may accept campaign contributions from outside persons or entities, provided, however, that no promise, express or implied, shall be made that any DHHA entity will do business, or continue to do business with the contributor in exchange, in whole or in part, for any such contribution.
- d. Gifts may be accepted by a department or division for use in celebrating occasional events that are significant to the department (e.g., Nurses Week). However, they must be of a nominal value, limited in frequency, and must not be solicited. For gifts (non-food) that will be maintained in or shared with the department, nominal value will be calculated by dividing the value of the gift by the number of employees in the department. Provided, however, that the total value of any single item given directly to a department or division may not exceed \$200. Acceptance of department gifts should be infrequent. Generally, this means gifts may not be accepted from the same person or outside entity more often than four times in a calendar year.
- e. Gifts of Food (e.g., fruit basket, holiday cookies, food tray) that are given to a department, or are given to an individual, but are shared with a department, are considered for purposes of calculating nominal value as follows:
 - i. The value of the gift is divided by the number of people in the department or group to determine the value received by each individual.
 - ii. Gifts of food given to or shared with a department are not considered when determining the frequency of gifts given to an individual.
 - iii. Acceptance of department gifts of food should be infrequent.
 - a. Generally, this means gifts may not be accepted from the same person or outside entity more often than four times in a calendar year.
 - iv. This policy does not require inquiry about the actual cost of a gift. Reasonable judgment should be used in determining whether the cost of a gift has exceeded the amount allowed by this policy.
 - v. To the extent that it is reasonably possible, gifts that exceed the limitations established by this policy must be refused or returned to the individual or entity from which they were received or, if this is not possible, must be surrendered to one of DHHA's charitable foundations for their unrestricted use.

C. Meals, events, and entertainment 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. Meals, events, and entertainment sponsored by vendors must be considered to be in furtherance of legitimate business objectives of DHHA.

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 \$50 per person. Generally, the cost of the meal will be the amount actually paid for the meal. However, in situations where the amount actually paid for a meal varies significantly from the amount that would normally be paid for similar accommodations, the amount normally paid (i.e., the meal's value) will be the cost of the meal for purposes of this policy.
- ii. On Campus: Meals, beverages, snacks or other hospitality paid for by Vendors should not be provided to or accepted by, DHHA staff in DHHA facilities (both main campus and off-campus clinic locations) unless it is a part of an education and training session or it has been specifically authorized by the Staff person's Executive Staff member as furthering the business interests of DHHA.

c. Events and Entertainment:

- i. The cost of the event must be reasonable and appropriate. As a general rule, this means that the cost of the event must not exceed \$100 per person. Generally, the cost of an event will be the amount actually paid for the event. However, in situations where the amount actually paid for an event varies significantly from the amount that would normally be paid for similar accommodations, the amount normally paid (i.e., its value) will be the cost of the event for purposes of this policy. Consecutive events occurring on a single day shall be considered a single event for purposes of determining reasonable cost.
- d. Acceptance of meals, entertainment, and events with current or potential vendors should be infrequent. Generally, this means that gifts should not be accepted from a vendor more than four times in any calendar year. However, because circumstances can significantly alter the frequency of business meals that would be considered appropriate you must use your judgment in determining whether exchanges of business meals have become so frequent in a particular business relationship that an appearance of impropriety (i.e., undue influence or bribe) may result from the exchange.
- e. The hosting vendor must be in attendance at the event or meal.
- f. The cost of travel in an automobile owned privately, or owned by a host company shall not be considered a gift or business courtesy for purposes of this policy.
- g. 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 DHHA entity as the guest of a contributor to the event without regard to the limitations established by this policy. The Denver Health and Hospital's Foundation Gala and other fundraising events for DHHA are exempt from this requirement.
- h. 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.
 - i. Example: A DHHA manager and her spouse are invited to attend a professional football game by a vendor. The value of the box tickets (including catering) is \$100 per person. Even though the total cost of treating the DHHA employee and her spouse is \$200, the cost of the event for purposes of this policy is \$100 per person. The invitation may be accepted.

- ii. Example: A DHHA vendor is a major contributor to the Denver Symphony and received from the Symphony free box seat season tickets to the Symphony's concerts. If the vendor offers to take a DHHA employee to a symphony concert using these tickets, the cost of the concert for purposes of this policy will be the amount normally paid for box seat tickets. The fact that the vendor paid nothing for the tickets does not mean that the cost of the tickets is \$0 for purposes of the analysis required by this policy.
- iii. Example: A vendor invites several DHHA managers to a golf outing that will cost \$100 per person followed by a dinner at a local restaurant that will cost \$50 per person. The cost of the golf outing and the cost of the dinner would be combined to determine reasonable cost. In this case \$150 would exceed the \$100 limit established by this policy. Either the golf or the dinner should be declined, expensed to Denver Health if appropriate, or paid out of pocket, unless the event is specifically authorized by the person's Executive Staff member as furthering the business interests of DHHA.

D. Travel and Paid Attendance at Meetings and Conferences

1. Paid attendance, travel, and other expenses for meetings and conferences should not be accepted by DHHA staff from vendors.
 - a. DHHA staff members are permitted to attend, in person or by telephone, webcast or similar means, vendor-run educational programs that are offered for free to all attendees, and to accept books or other written or electronic materials provided to all attendees regarding the subject matter of the program.
2. DHHA staff may receive reasonable honoraria and reimbursement for travel, lodging, and meal expenses associated with attending a professional organization or association conference or meeting if you are responsible for making a substantive presentation as a faculty of, or for bona fide substantive participation in a legitimate conference, task force or meeting. This allowance for honoraria and expense reimbursement does not apply to situations where the speaking arrangement is merely a token engagement or is designed to circumvent the requirements of this or other DHHA policies.
 - a. Unless the conference or meeting furthers DHHA's interests and has been approved in advance by a DHHA staff's supervisor, staff must utilize personal time or PTO hours when preparing for and participating as faculty in conferences.
 - b. Honoraria earned during DHHA work hours belong to and must be remitted to DHHA. Exempt employees are considered "on the clock" during their normal work hours (including their lunch hour) unless they have utilized PTO hours for the period of preparation for and attendance at the conference. You may retain honoraria for your own use if both the presentation and all related preparation were done on your own time. Expense reimbursement for any expenses paid by DHHA must be remitted to DHHA.
3. All speaking relationships and contracts are subject to review and approval by DHHA, in accordance with DHHA policies, and must be disclosed.
4. If you have benefited from an education or training sponsorship under this policy, you must consider whether the sponsorship created a conflict of interest. To determine if a conflict of interest has occurred please refer to the DHHA Conflict of Interest Policy. If a conflict of interest has occurred it must be disclosed in accordance with the Conflict of Interest Policy and you must not participate in corporate decisions involving the sponsor/vendor in question. If you are not sure whether the sponsorship created a conflict of interest, consult with your Vice President of the Chief Compliance

and Audit Officer.

E. 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 necessary in the context of an active purchasing decision and is a critical factor in the decision to purchase the vendor's product.
2. For out of town travel to be necessary, it must be the case that it is not reasonably possible to inspect the vendor's 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 DHHA personnel).
3. When travel expenses will be paid for in whole or in part by an outside entity, travel must be approved in advance by an Executive Staff member, the CEO, or the Chief Compliance and Audit Officer, in consultation with the CEO or DHHA Board Chair (in the case of approval for the CEO).
4. Travel expenses may be accepted if travel to another site is necessary as part of an existing contractual arrangement between DHHA and an outside entity or person
 - a. For out of town travel to be necessary, it must be the case that it is not reasonably possible to accomplish the purposes of the travel locally (e.g., the vendor's only training facility is out of town, or the vendor is unable to provide equivalent training at DHHA for a lesser cost).
 - b. When travel expenses will be paid for in whole or in part by an outside entity, travel must be approved in advance by an Executive Staff member, the CEO or the Chief Compliance and Audit Officer.

F. Ghostwriting

1. DHHA staff are prohibited from allowing their professional presentations of any kind, oral or written, to be ghostwritten by any party, industry or otherwise.

G. Giving Gifts to Patients and Families

1. DHHA staff members should not provide gifts to patients and families. An exception includes service recovery efforts, and DHHA approved assistance, such as donated clothing, a meal card of nominal value or transportation to home. Caution must be applied as federal law prohibits offering Medicare/Medicaid beneficiaries anything of value that could be viewed as an inducement (cash and cash equivalents are strictly prohibited) greater than \$15.00 per instance with an annual maximum of \$75 per patient that may influence a patient to choose DHHA over another provider. This includes enticements such as free transportation, gifts, medical equipment, etc.

H. Accepting Gifts from Patients and Families

1. If a patient, client, family member or other individual wants to give an acknowledgment of special thanks to a staff member(s), the following guidelines should be followed:
 - a. The Denver Health Foundation should be offered as the primary vehicle for accepting major gifts, etc.
 - b. If the individual declines the opportunity to give to the Foundation, and still wishes to acknowledge staff members, it is hospital policy to encourage gifts which may 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 DHHA foundation or volunteers department to provide to DHHA patients in need.

I. Professional/Business Courtesies

1. DHHA does not permit the practice known as “professional courtesy” where private physicians and their family members receive discounts on services received from DHHA.
2. DHHA staff members are not allowed to solicit or use hospital services for free or at a discounted charge (e.g., diagnostic tests done at DHHA must be performed according to standard processes: 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

- A. [DHHA Code of Conduct](#)
- B. [Regulation of Pharmaceutical Industry Representatives and Medication Samples](#)
- C. [Medical Device Industry Representatives](#)
- D. [Conflicts of Interest](#)
- E. [Medical Staff Frequently Asked Questions \(FAQ\)](#)
- F. [All Staff Frequently Asked Questions \(FAQ\)](#)
- G. [COI Questionnaire](#)
- H. [Management Plan](#)

Attachments

No Attachments

Approval Signatures

| Step Description | Approver | Date |
|--------------------------------|--|---------|
| | Robin Wittenstein: Chief Executive Officer | 11/2019 |
| Executive Compliance Committee | Catharine Fortney: Chief Compliance And Audit Officer | 11/2019 |
| Formatting Review | Colette Morris: Program Manager of Document Management | 11/2019 |
| | Catharine Fortney: Chief Compliance And Audit Officer | 11/2019 |

Applicability

Denver Health (DHHA), Denver Health Medical Plan (DHMP)

COPY