

**TITLE: CONFLICT OF INTEREST – ACCEPTANCE OF GIFTS**

**POLICY AND PURPOSE:**

Employees and those acting on behalf of The Rogosin Institute ("RI") have an obligation to conduct business ethically and to make decisions in the best interests of RI. Patient care, business activities, and transactions must be conducted in an objective manner and not motivated by personal or financial gain. Appropriate relationships with third parties, including, but not limited to, patients and their families, vendors, and contractors, should be maintained to avoid actual, or perceived conflicts of interest and potential Anti-Kickback Statute violations.<sup>1</sup>

**DEFINITIONS:**

**"Conflict of Interest"** means any situation in which financial or other personal considerations may compromise or appear to compromise (1) an employee's business judgment; (2) delivery of patient care; or (3) the ability of an employee to do their job. An actual, potential, or perceived conflict of interest occurs when an employee is in a position to make or influence a decision that results in or is motivated by personal gain to him or her or to that person's relatives.

**"Relatives"** means your spouse, domestic partner, ancestors, brothers and sisters (whether by whole or half-blood), children (whether natural or adopted), grandchildren, great-grandchildren, and the spouses of brothers, sisters, children, grandchildren and great-grandchildren.

**"Vendors"** - For the purpose of this policy, vendors include all entities and persons doing business with or seeking to do business with RI.

**Accepting or Giving Gifts** - Accepting or giving a gift or anything of value in a business setting has the potential to create a sense of obligation or the appearance of obligation. As a general rule, if accepting or giving anything of value could be viewed by an objective party as creating a conflict of interest or creating the appearance of a conflict of interest, the employee should decline to do so.

No gifts of any kind, meals, or entertainment should ever be solicited by employees and those doing business on behalf of RI unless it is related to Hospital-approved fundraising activities.

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<sup>1</sup> The AKS is a criminal statute that prohibits transactions intended to induce or reward referrals for items or services reimbursed by the federal health care programs.

It is illegal to knowingly and willfully offer, solicit, accept or pay (directly or indirectly, in cash or kind) bribes or other forms of remuneration in return for generating Medicare, Medicaid or other federal health care program business. The federal Anti-Kickback Statute (42 U.S.C. § 1320a-7b(b)) may impose criminal and civil monetary penalties on individuals and entities who engage in prohibited conduct under the law.

**APPLICABILITY:**

All RI workforce (including staff, volunteers, practitioners and others doing business on behalf of RI).

**Gifts:**

**1. Gifts from vendors or persons doing business or seeking to do business with RI**

Managers have oversight responsibilities regarding vendors and their representatives providing departmental support and/or services. Managers must ensure that vendors and their representatives are aware of RI policies, including, but not limited to, appropriate business conduct, gifts, invitations to external events (social and educational), on-site educational sessions and food (see section 5 of this policy).

Managers are responsible for educating staff on maintaining appropriate business relationships, and their duty to disclose any personal or financial relationship they or an immediate family member have with a vendor or representative.

Acceptance of gifts from persons who do business or seek to do business with RI is subject to the following guidelines (and subject to more restrictive instructions from your supervisor or more restrictive policies established by your department).

**A. Certain gifts (including those offers for entertainment, social events and/or hospitality) may be accepted on an infrequent basis provided the following:**

- a. The gift is unsolicited and does not exceed an aggregate value of \$500 in a calendar year per vendor;
- b. The unsolicited gift is customary for the occasion and would not be viewed by an objective party as unduly influencing or rewarding the employee inappropriately in connection with any business decision or transaction; and
- c. Your supervisor or department has not prohibited or restricted acceptance

of gifts from vendors or persons doing business or seeking to do business with RI.

B. Cash gifts or cash equivalents (including gift certificates, gift checks, and gift cards) in any amount, from a vendor or vendor representative must not be accepted.

- a. Gifts may not be accepted, in any amount, in appreciation for good service, or as thanks for business.
- b. Offers from vendors to provide parties or donate food for internal functions must be refused.
- c. Invitations to vendor sponsored events must be reported to and approved by a manager prior to attending (including for educational purposes).

**Exceptions to this policy may be approved by the Compliance Officer if in the best interest of the hospital.**

## **2. Gifts from patients, their family members or visitors**

Although charitable contributions from individuals to RI are always welcome/encouraged, it is always advisable for staff not to accept individual gifts from patients or their family. The acceptance of such gifts may influence and impact the staff-patient relationship in a negative manner.

Staff must be aware that gifts may be offered, or may be perceived by others, as an incentive to secure or influence care or preferential treatment.

All individual gift offers or gifts received by staff must be disclosed to a manager.

- a. Cash gifts or cash equivalents (including gift certificates, gift checks, and gift cards) in any amount, from patients, family members, or their visitors may not be accepted.
- b. Tokens of appreciation, of nominal value, may be accepted (e.g., perishables, flowers, baked goods. etc.), and should be shared with the recipient's team, unit, or department.
- c. All other gifts should be respectfully declined.
  - (i) If the gift giver is insistent and there is concern that rejecting the gift would have a detrimental effect on the RI as an institution, you must inform a manager.

- (ii) Any gift received after the patient's stay or visit must be disclosed to a manager.
- d. If gifts are accepted that do not meet the requirements of section 2.b. above, the manager should contact the Office of Development, who will determine whether the gift is appropriate for donation. Additionally, the manager may contact Social Work Administration to donate gifts of clothing for patient needs. Managers must contact the Office of Corporate Compliance when gifts cannot be donated.
- e. If the manager has questions or concerns about how to respond to these gifts, they should contact the Office of Corporate Compliance.

### **3. Gifts Between Employees**

Gifts of a personal nature between employees are not prohibited, provided RI funds are not utilized.

Gifts related to a person's employment at RI (e.g. for Secretary's Day, Nurses Week, etc.) are permitted, provided they are customary for the occasion. Although gifts between employees are not prohibited, workforce should be aware that gifts between managers and staff may create an appearance of favoritism.

### **4. Other Gifts**

- A. Discounts and rebates on merchandise or services that are offered to the general public, or to all employees under a plan negotiated by RI may be accepted.
- B. Customary mementos given at events (dinners, permitted golf outings, and similar functions) may be accepted if they are not considered extravagant or excessive by the recipient or another observer.
- C. Civic, charitable, educational, or religious organization awards for recognition of service that would not be viewed by an objective party as unduly influencing or rewarding the employee inappropriately in connection with any business decision or transaction.
- D. Under limited circumstances, gifts may be given to external parties provided they relate to the business of RI, are in RI's best interests and are legally and culturally acceptable. In addition, they should meet the following criteria:
  - a. Giving the item is customary and does not create an appearance of impropriety.

- b. Giving imposes no sense of obligation on the giver or recipient.
- c. Giving does not result in any special or favored treatment between the giver and the recipient.
- d. Giving the item could not be considered extravagant or excessive by the recipient or another observer.
- e. Giving the item is not concealed.
- f. Giving the item has been approved in advance and in writing by your manager.

## **5. Vendor Sponsored Educational Events**

- A. Offers from vendors to provide parties or donate food for internal functions must be refused.
- B. For educational events that are not at RI facilities, industry-sponsored meals, refreshments and entertainment may be allowed if they could not be considered extravagant or excessive by the recipient or another observer, and provided:
  - a. The purpose is business-related,
  - b. Your host is present,
  - c. Your attendance is consistent with your duties with RI ,
  - d. The level of expense is reasonable and customary in the context of your business and the relationship with the host,
  - e. The frequency of such invitations from one host is not excessive, and
  - f. The event is not restricted to RI workforce members only.
- C. Attendance at vendor sponsored events should be approved by the employee's manager. If the manager has questions about whether a specific invitation may be accepted under this item s/he should discuss it with the Compliance Officer.
- D. Participation in industry-sponsored events, including speaking engagements and honoraria are not prohibited, but must meet the requirements outlined in Policy C154 Conflicts of Interest – Speaking Engagements and Honoraria.

## **6. Guidance and Reporting**

If an individual has any questions regarding gifts, he/she should contact his/her manager or the Office of Corporate Compliance.

**Individuals who suspect a conflict of interest must immediately report their concern to the Office of Corporate Compliance. Concerns may be reported directly at (212) 746-1644 or via the Compliance Helpline (888) 308-4435.**

## **7. Violation of Policy**

Failure to uphold the standards and expectations set forth in this policy, or failure to report conflicts of interest concerns may result in disciplinary action, up to and including termination.

### **REFERENCES:**

Anti-Kickback Statute: 42 U.S.C. § 1320a-7b(b),  
Joint Commission Standard LD.02.02.01.  
Physician Sunshine Payment Act: (Section 6002 of the Affordable Care Act).

### **RESPONSIBILITY:**

Corporate Compliance Officer

### **Additional Resources**

Additional guidance can be found in the Code of Conduct, Business Expense Reimbursement (B106), Medical Sales Representative Policy (P230), and Conflicts of Interest – Speaking Engagements and Honoraria Policy (C154). Additional information regarding gifts from post-RI providers (including nursing homes, rehabilitation providers, and home health providers), can be found in the Post-RI Care Provider Policy (P300).

### **POLICY DATES:**

**Issued:** January 2001 (Prior to September 2005, this policy was part of the Corporate Compliance Manual)

**Revised:** December 2004; March 2006; September 2007

**Reviewed:** October 2009; October 2011; November 2013; Nov. 2015; March 2024

**Revised:** September 2017; December 2019; December 2021; April 2023; June 2024, December 2024, **December 2025**