

ENTERPRISE DOCUMENT



UnityPoint Health

Policy Section/ Number: 1.CE.14 EWPOL

Effective Date: 10/2022

Supersedes: 05/2020

Responsible Party: Vice President, Compliance Operations & Enterprise Risk Management

Final Approving Body:

☒ UPH Compliance Committee

☐ UPH Clinical Leadership Group

☐ UPH Operational Leadership

☐ UPH Board of Directors

☒ Policy

☐ Procedure

☐ Protocol

☐ Guideline

☐ Form

☐ Other

DOCUMENT TITLE: Gifts and Business Courtesies

DOCUMENT SCOPE: Enterprise-wide

PURPOSE:

Representatives of Iowa Health System, d/b/a UnityPoint Health (“UPH”), and UPH Affiliates (collectively, “UPH Entity(ies)”) may offer or accept Gifts or Business Courtesies (as defined below) only according to this Policy.

BACKGROUND:

This Policy establishes parameters around the offering and acceptance of Gifts and Business Courtesies between UPH Representatives and individuals and entities outside UPH (“Non-UPH Representatives” or “Non-UPH Entities”). The offering or accepting of Gifts or Business Courtesies for personal use is generally discouraged but is permissible if done in compliance with this Policy. UPH Representatives are encouraged to share Gifts or Business Courtesies with co-employees or to use the Gift or Business Courtesy for UPH business purposes. This Policy applies to UPH Representatives while acting on behalf of or within the scope of their employment or responsibility with a UPH Entity and does not apply to gifts offered or accepted by individuals that are unrelated to the person’s job or responsibilities with a UPH Entity. Nor does this Policy apply to compensation or gifts from a UPH Entity and a UPH Employed Team Member resulting from their employment by the UPH Entity.

DEFINITIONS:

Terms not otherwise defined within this document include the following terms. Standard definitions may be found in [Policy 2.AD.01, Systemwide Policy Development](#).

CONTRIBUTIONS: Any tangible item, including cash. This could include donated items or cash from Vendors to provide to or purchase for employees to support a wellness program (i.e., pedometers, chair massages).

EDUCATIONAL CONFERENCE OR PRESENTATION: An activity that has a primary purpose, dedicated both in time and effort, to promoting educational activities and discourse, is held at an appropriate location for the subject matter being conveyed, and is intended to bring attendees together to further their knowledge on the topics being presented.

GIFTS AND BUSINESS COURTESIES: Gifts and Business Courtesies include anything offered or accepted between a UPH Representative or UPH Entity and a Non-UPH Representative or Non-UPH Entity at reduced/no cost. These include, but are not limited to, meals, entertainment, social events, professional courtesy discounts, tickets, golf fees, apparel, and food.

INTANGIBLE GIFTS AND BUSINESS COURTESIES: Non-tangible gifts and business courtesies such as golfing fees, attendance at a concert or sporting event, personal travel in a private aircraft, meals, and lodging expenses.

NON-UPH ENTITY: Organization that provides goods or services to a UPH Entity or that accepts goods or services from a UPH Entity. Specifically includes “Vendors” as defined above.

NON-UPH REPRESENTATIVE: Any of the following individuals:

- an employee of a Non-UPH Entity (as defined above);
- a contractor providing services on behalf of a Non-UPH Entity; or
- a current or former patient of a UPH Entity and their family members.

TANGIBLE GIFTS AND BUSINESS COURTESIES: Material, physically tangible to touch, items such as golf bags, clothing, and food. This also includes cash or a cash equivalent (i.e., checks, stock instruments) and other items that can readily be converted to cash or used like cash.

UPH ENTITY: Includes UPH and each Affiliate.

UPH REPRESENTATIVE: Any of the following persons:

- UPH Entity Employed Team Members;
- Members of the Board of Directors of a UPH Entity; or
- Employed Team Members working for, or providing services to, a joint venture entity between a UPH Entity and a third party.

VENDOR: See, “Contractor/Vendor” above.

APPLICATION:

This policy, 1.CE 14, applies to anyone acting on behalf of UPH or its Affiliates (collectively, “UPH Representatives”). Notwithstanding the foregoing, vendor presentations and other vendor interactions occurring at clinics owned by UPC or with UPC providers at other UPC locations shall be governed UPC Policy 2.CL, *Pharmaceutical Representative and Other Industry/Organization Interactions*, incorporated herein by reference. UPC Policy 2.CL shall govern the actions of Team Members and Providers (including independent providers if performing services on behalf of UPH or a UPH Affiliate) while performing services at UPC clinics and other UPC locations. UPC may make changes to UPC Policy 2.CL from time-to-time in accordance with its governing procedures. If both UPC Policy 2.CL and UPH Policy 1.CE14 apply and there is an inconsistency between these policies, UPC Policy 2.CL shall control.

POLICY:

A. Basic Rules Applicable to All Gifts and Business Courtesies (“Basic Rules”). The following Basic Rules are applicable to all Gifts and Business Courtesies:

1. Gifts and Business Courtesies cannot be offered or accepted to improperly influence decision-making with regard to the UPH Entity. UPH Policy 1.CE.02, Code of Conduct, requires that decisions made by UPH Representatives are to be objective, unbiased decisions that are in the best interests of the UPH Entity and that the person making the decision be free of inappropriate conflicts of interest.
2. No purpose of a Gift or Business Courtesy can be to induce the referral of a patient, or the ordering of a service or supply paid for by a governmental health care program such as Medicare or Medicaid. The Anti-Kickback Statute is a federal criminal law that prohibits any type of remuneration to be exchanged if a purpose of the remuneration is to induce the referral of patients or the ordering of a service or supply paid for by a governmental health care program.
3. Gifts or Business Courtesies that are cash or a cash equivalent (i.e., checks, stock instruments, and other items that can readily be converted to cash or used like cash, such as a general-purpose debit card) may not be offered or accepted.
4. Stark Law Rules. No Gifts or Business Courtesies offered or accepted between an independent physician(s) and a UPH Representative or UPH Entity can be calculated in a manner that takes into account the volume or value of referrals or other business generated between the UPH Entity and the independent physician(s) or physician group.

B. Employed Team Member Standards.

1. Acceptance of Gifts and Business Courtesies by Employed Team Members. If an Employed Team Member accepts a Gift or Business Courtesy within the

requirements of this Policy, the Employed Team Member is encouraged to share the item with other employees or to use the item for UPH business purposes. See Section B.4 for Exchange of Gifts with Patients

2. Acceptance of Tangible Gifts and Business Courtesies by Employed Team Members. Employed Team Members may only accept Tangible Gifts or Business Courtesies if the Basic Rules are not violated, the item is not of substantial value (One Hundred Dollars (\$100) or less), and the item is not offered more than three (3) times annually, totaling Three Hundred Dollars (\$300). See exception language in Section B.5.
3. Acceptance of Intangible Gifts and Business Courtesies by Employed Team Members. Employed Team Members may accept personal, intangible Gifts and Business Courtesies (such as golf fees or the attendance at a sports or entertainment event) from a Non-UPH Representative or Non-UPH Entity if:
 - a. the Basic Rules are not violated;
 - b. the value of the intangible Gift or Business Courtesy, such as attending a concert or athletic event, is no more than One Hundred Dollars (\$100) per person;
 - c. no travel or expenses are paid by the Non-UPH Representative or Non-UPH Entity;
 - d. the acceptance of such intangible Gift or Business Courtesy, such as the attendance at such event(s) is infrequent, not more than four (4) times per year, from a single Non-UPH Representative or Non-UPH Entity; and
 - e. if the intangible Gift or Business Courtesy is attendance at an event, such as a concert or athletic event, the host (the Non-UPH Representative or Non-UPH Entity sponsoring the attendance) is at the event and business is discussed.
4. Additional Rules Regarding Employed Team Member Exchange of Gifts or Business Courtesies with Patients.
 - a. Employed Team Members may: (i) accept Gifts or Business Courtesies from patients; or (ii) offer Gifts or Business Courtesies to patients if the Basic Rules are not violated and the Gift or Business Courtesy has a value of less than Fifteen Dollars (\$15) individually and less than Seventy-Five Dollars (\$75) total, per patient per year.
 - b. No Solicitation. Employed Team Members are prohibited from asking for tips, gratuities, or Gifts or Business Courtesies from patients or patient

representatives, and Employed Team Members may not accept tips or gratuities from patients or patient representatives.

- c. Donations. If a patient or other individual wishes to make a donation or other Gift to a UPH Entity, the patient or other individual should be put in contact with the appropriate Foundation Office.

5. Exceptions. Any exception to the rules in this Section B must be approved, in advance, by the Employed Team Member's supervisor and the UPH Entity Compliance Officer or CEO. Any exception by the CEO requires the prior approval of the UPH Entity Compliance Officer. Documentation of the exception should be maintained for a minimum of two (2) years.

C. Gifts or Business Courtesy Standards for Board Members. Board Members may offer or accept Gifts and Business Courtesies if:

1. the Basic Rules (above) are not violated; and
2. the value of the Gift or Business Courtesy does not exceed appropriate community standards (i.e., the Board Member and the UPH Entity would be comfortable if the acceptance of the item became known in the community).

D. UPH Representative or UPH Entity Offering Gifts or Business Courtesies. See also, [Policy 1.PS.13, Providing Free or Below Fair Market Value Items](#), Services or Other Benefits to Physicians.

1. Offering Tangible Gifts or Business Courtesies. A UPH Representative or UPH Entity may offer Tangible Gifts or Business Courtesies (such as a tote bag or food) to a Non-UPH Representative or Non-UPH Entity if:
 - a. the Basic Rules (page 3) are not violated; and
 - b. the value of the Gift or Business Courtesy is less than Seventy-Five Dollars (\$75) per Gift or Business Courtesy or less than Two Hundred Dollars (\$200) in total per year to any single Non-UPH Representative.
2. Offering Intangible Gifts or Business Courtesies. A UPH Representative or UPH Entity may offer Intangible Gifts or Business Courtesies to a Non-UPH Representative or Non-UPH Entity, if:
 - a. the Basic Rules (page 3) are not violated;
 - b. the value of the Intangible Gift or Business Courtesy is less than One Hundred Twenty-Five Dollars (\$125) per person;
 - c. no travel or expenses are paid by the UPH Representative;

- 207
- 208 d. the offering of such Intangible Gift or Business Courtesy occurs no more
- 209 than four (4) times per year to a single Non-UPH Representative; and
- 210
- 211 e. if the Intangible Gift or Business Courtesy is the attendance at an event, the
- 212 UPH Representative sponsoring the attendance is at the event and UPH
- 213 business is discussed.
- 214
- 215 3. Exceptions. Any exception to the rules in this Section D must be approved, in
- 216 advance, by the Employed Team Member's supervisor and the UPH Entity
- 217 Compliance Officer or CEO. Any exception by the CEO requires the prior approval
- 218 of the UPH Entity Compliance Officer. Documentation of the exception should be
- 219 maintained for a minimum of two (2) years.
- 220
- 221 E. Additional Rules for Vendors. In addition to the above rules in Section B, the following
- 222 rules apply to an Employed Team Member's acceptance of Gifts or Business Courtesies
- 223 from Vendors.
- 224
- 225 1. Acceptance of Gifts and Business Courtesies from Vendors.
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- 227 a. Acceptance of Tangible Gifts and Business Courtesies from Vendors. The
- 228 following requirements must be met:
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- 230 i. the item's fair market face value is One Hundred Dollars (\$100) or
- 231 less;
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- 233 ii. the item is an "educational item". Educational items are tangible
- 234 items designed primarily for the education of patients or health care
- 235 professionals. These items have no value to health care
- 236 professionals outside of their professional responsibilities (i.e., an
- 237 anatomical model used in an examination room is intended for the
- 238 education of the patients; however, a DVD or CD player may have
- 239 independent value to a health care professional even though it could
- 240 be used to provide education); and
- 241
- 242 iii. the item is not offered more than three (3) times annually, totaling
- 243 Three Hundred Dollars (\$300). See exception language is in Section
- 244 E.1.i.
- 245
- 246 b. Acceptance of Meals Supplied by Vendors. Each UPH Entity may choose
- 247 whether or not to allow meals to be supplied by Vendors. Meals must be:
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- 249 i. modest by local standards ("modest" means one similar to what an
- 250 employee might have when dining at his or her own expense);
- 251
- 252 ii. accompanied by an Educational Conference or Presentation;

- iii. provided in a manner conducive to communication. Meals dropped off at a UPH location where the Vendor does not provide an educational presentation or “dine and dash” situations where a Vendor representative is “available” at a restaurant to talk to a physician while the physician’s take-out food is being prepared (paid for, of course, by the vendor) or any other situation where meals paid for by a Vendor are eaten without a Vendor representative present are not acceptable; and
 - iv. limited to in-office or in-hospital settings.
 - c. Acceptance of Vendor Subsidy for Educational Conference or Presentation.
 - i. A Vendor may subsidize an Employed Team Member’s attendance at an Educational Conference or Presentation sponsored by a Non-UPH Entity only by offering such subsidy directly to the Conference’s sponsor, who in turn can apply the subsidy to reduce the Conference registration fee or cost of meals and lodging for all participants.
 - ii. An Employed Team Member should not accept direct payments from a Vendor to defray the registration costs of an Educational Conference or Presentation.
 - iii. An Employed Team Member should not accept a subsidy, directly or indirectly, from a Vendor to pay for the costs of travel, lodging, or other personal expenses of the Employed Team Member in connection with an Educational Conference or Presentation, nor should subsidies be accepted to compensate for an Employed Team Member’s time.
 - iv. An Employed Team Member may not individually accept from the Vendor any meals, lodging, or social events held as part of an Educational Conference or Presentation.
 - d. Acceptance of Vendor-Sponsored Training. In the event that a UPH Entity has purchased or leased an item (e.g., equipment or software) from a Vendor, and as part of the purchase price of the item, Employed Team Member(s) have been invited by the Vendor to travel to another location to learn how to operate the item, then UPH employee(s) may accept the cost of reasonable travel expenses and modest meals and lodging provided by Vendor so long as the UPH employee’s supervisor has approved the trip in advance.

- e. Acceptance of Items Related to Evaluation of Vendor's Product or Services. If a Vendor offers to provide or pay for the travel and accommodation of Employed Team Members related to the evaluation of a Vendor's product or service, the UPH Entity may accept the Vendor's offer if:
- i. the fair market value of the travel and accommodations are submitted by the Employed Team Member as business expenses;
 - ii. the UPH Entity bills the Vendor for the travel and accommodations; and
 - iii. the Employed Team Member's supervisor approves the travel and accommodations prior to the travel.
- f. Acceptance of Contributions from Vendors. Contributions from Vendors are welcomed by UPH Entities. Contributions may include any tangible items including cash from Vendors to provide to or to purchase for employees to support a wellness program (i.e., pedometers, chair massages). Each UPH Entity must evaluate any conditions that are attached by the Vendor to the contribution, and whether or not any such conditions violate the Basic Rules (above) or restrict the UPH Entity's ability to meet its mission. Vendor contributions that are not permitted by this Policy should be either declined or restructured to be acceptable.
- g. Acceptance of Prizes Awarded by Vendors. If an Employed Team Member is awarded a prize as part of a Vendor-sponsored promotion or contest open to a broad audience, the Employed Team Member may keep the prize if its value is less than One Hundred Twenty-Five Dollars (\$125). If the value of the prize is higher, then the Employed Team Member must report the circumstances to the UPH Entity Compliance Officer. The UPH Entity Compliance Officer and the Employed Team Member's supervisor will evaluate the circumstances to determine whether the Employed Team Member may keep the prize or must request that the Vendor donate it to the Entity.
- h. Acceptance of Items Related to Faculty/Speakers, Consultants or Researchers.
- i. Faculty/Speakers. UPH Representatives who serve as faculty or speakers at an Educational Conference or Presentation may accept reasonable honoraria and reimbursement for modest travel, lodging and meal expenses from a Vendor that funds the event.
 - ii. Consultants. UPH Representatives may accept reasonable compensation and reimbursement for reasonable travel and lodging

expenses if the UPH Representative is providing bona fide consultant services to such Vendor.

iii. Travel for Research Purposes. If a UPH Representative travels to convene for a genuine research purpose, a Vendor may pay for reasonable travel expenses of the UPH Representative if approved by the Employed Team Member's supervisor. "Genuine research purpose" means a purpose that is exclusively dedicated to research and is not for promotional purposes. For example, it is permissible for a Vendor that is convening a group of medical personnel to recruit clinical investigators to pay for such expenses if approved in advance by the Employed Team Member's supervisor.

iv. Use of Benefits or Paid Time Off ("PTO") for Faculty, Consultant or Research. If an Employed Team Member uses PTO time for their role as faculty, consultant, or researcher, then the Employed Team Member may keep any fees or compensation unless otherwise provided in their employment agreement. If PTO benefits are not used, the fees or compensation must be given to the UPH Entity that employs the Employed Team Member.

i. Exceptions. Any exception to the rules in this Section E must be approved, in advance, by the Employed Team Member's supervisor and the UPH Entity Compliance Officer or CEO. Any exception by the CEO requires the prior approval of the UPH Entity Compliance Officer. Documentation of the exception should be maintained for a minimum of two (2) years.

F. Additional Requirements.

1. Events When Host Not Present. If an Employed Team Member offers or accepts tickets to a sporting, theatrical or similar event, as provided in B.3. and D.2. above, and the person or entity offering the tickets is not at the event and business is not discussed, as provided above, then the Employed Team Member accepting the tickets should pay, from their personal funds, for the fair market face value of the tickets, thus removing the transaction from the scope of this Policy.

2. Physician Recruitment. For further guidance regarding meals or other events related to the recruitment of a physician, see [Policy 1.PS.07, Recruitment of Non-Employed Physicians](#).

3. Private Matters Outside Scope of Policy. UPH Representatives may offer gifts and business courtesies when the UPH Representative is not acting on behalf of a UPH Entity, the UPH Representative does not include these costs as a business expense for tax purposes, and does not accept reimbursement from the UPH Entity to cover this expense.

- 389 4. Political Gifts and Political Action Committees. Gifts or donations to political
390 candidates, organizations, or Political Action Committees may not be paid or
391 reimbursed by UPH or a UPH Entity. See, [Policy 1.TX.02, Political](#)
392 [Contributions/Activities](#).
393
- 394 5. Family Members. The scope of gifts or business courtesies includes family
395 members and others who accept the gift or business courtesy on behalf of the Non-
396 UPH Representative or family members and others who accept the gift or business
397 courtesy on behalf of a UPH Representative.
398
- 399 6. Settlement of Disagreements or Complaints. Nothing in this Policy affects the
400 ability of a UPH Entity from agreeing to resolve a disagreement with a Vendor or
401 a complaint from a patient.
402
- 403 7. PTO Contributions. Employed Team Members' contributions of PTO to
404 individuals or for purposes approved by the UPH Entity are not prohibited by this
405 Policy.
406

407
408 /s/ *Andrea Eklund*

409 _____
410 Andrea Eklund
411 UPH Chief Compliance Officer
412

413 Date: October 26, 2022
414

415 References:
416

417 <https://www.gpo.gov/fdsys/pkg/FR-2016-12-07/pdf/2016-28297.pdf>; AdaMed Code: [http://form-](http://form-allreview.rhcloud.com/irs/advamed-code-of-ethics-on-interactions-with-health-care-/)
418 [allreview.rhcloud.com/irs/advamed-code-of-ethics-on-interactions-with-health-care-/](http://form-allreview.rhcloud.com/irs/advamed-code-of-ethics-on-interactions-with-health-care-/); PHRMA
419 Code: [http:// phrma-docs.phrma.org/sites/default/files/pdf/phrma_marketing_code_2008-1.pdf](http://phrma-docs.phrma.org/sites/default/files/pdf/phrma_marketing_code_2008-1.pdf)
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421 Addenda:
422

423 Addendum A, "Legal Entity Operating Hospital"
424 Addendum B, "Summary of Changes"

Addendum A: Legal Entity Operating Hospital

The below are entities for which the Document has been adopted, except if noted as an exception on the first page under “Scope” and except if the hospital does not provide the service which is the topic of the Document. **The entities listed below are accurate as of April 1, 2023. A current listing of legal named entities can be found at:**

[https://uphealth.sharepoint.com/sites/intranet/Department%20Documents/Addendum%20A%20\(2023-04\).pdf](https://uphealth.sharepoint.com/sites/intranet/Department%20Documents/Addendum%20A%20(2023-04).pdf)

Region

Legal Entity Operating Hospital

CEDAR RAPIDS	ST. LUKE’S METHODIST HOSPITAL
CEDAR RAPIDS	ST. LUKE’S/JONES REGIONAL MEDICAL CENTER
DES MOINES	CENTRAL IOWA HOSPITAL CORPORATION D/B/A UNITYPOINT HEALTH – DES MOINES
DES MOINES	GRINNELL REGIONAL MEDICAL CENTER
DUBUQUE	THE FINLEY HOSPITAL
FORT DODGE	TRINITY REGIONAL MEDICAL CENTER
QC – MUSCATINE	UNITY HEALTHCARE
QUAD CITIES	TRINITY MEDICAL CENTER
SIOUX CITY	NORTHWEST IOWA HOSPITAL CORPORATION
WATERLOO	ALLEN MEMORIAL HOSPITAL CORPORATION
WATERLOO	UNITYPOINT HEALTH – MARSHALLTOWN
MADISON	MERITER HOSPITAL, INC.

Addendum B: Summary of Changes

- A. Document Change Details** The information below corresponds to the initial adoption of the document or, if the document has been amended, the most recent amendment. The Compliance Department shall retain Summary of Changes Addenda which document a document's initial adoption and any subsequent document amendments.

Standard Approving Bodies:	Action/Date:
Chief Medical Officer Group	
Chief Nurse Executive Group	
Clinical Policy Review Committee	
Clinical Leadership Group	
Core Council	
UPH Compliance Committee	08/22/2022
Specific Stakeholder Groups:	Action/Date:

B. Summary of Updates:

Reviewed/ Revised Date:	Summary of Changes:
05/2004	Policy was created.
05/2007	N/A
03/2018	N/A
05/2020	Scope update only.
10/2022	Put policy in new policy template; added language clarifying that vendor presentations and other vendor interactions occurring at clinics owned by UPC or with UPC providers at other UPC locations shall be governed UPC Policy 2.CL, <i>Pharmaceutical Representative and Other Industry/Organization Interactions</i> , incorporated into the policy by reference. UPC Policy 2.CL shall govern the actions of Team Members and Providers (including independent providers if performing services on behalf of UPH or a UPH Affiliate) while performing services at UPC clinics and other UPC locations.
01/2023	Policy was updated to new template, no other revisions were made.
02/2023	Policy was updated to correct an error identified in minutes of 11/21/2022 CRPC meeting, "gifts to patients should be no more than \$15 per items <i>and</i> (not "or") \$75 per year."

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454 NOTE: Contact the UPH Compliance Department for prior versions.