



Title: Gifts and Business Courtesies

1.CE.14

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POLICY: Persons who are employees, officers, and members of the Boards of Directors of Iowa Health System, d/b/a UnityPoint Health (“UPH”), or UPH entities may offer or accept Gifts or Business Courtesies (as defined below) only according to this Policy.

The basic foundations of this Policy are set forth in Policy 1.CE.02, Code of Conduct, Section 7, Business Relationships.

SCOPE: UPH system wide. All UPH, its affiliate facilities and organizations including, but not limited to, hospitals, clinics, ambulatory surgery centers, home care, and physician practices (“UPH Entity” or “UPH Entities”).

This Policy applies to all UPH Representatives (as defined below) while acting on behalf of or within the scope of their employment or responsibility with a UPH Entity. It does not apply to Gifts or Business Courtesies that are unrelated to the UPH Representative’s job or responsibilities with UPH Entities.

This Policy extends to family members and others who offer or accept a Gift or Business Courtesy on behalf of a UPH Representative or non-UPH Representative (as defined below).

This Policy does not apply to joint ventures involving UPH Entities, unless there is a 50% or more UPH interest, but does apply to UPH Representatives when involved with joint venture operations or governance.

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. Employees 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 employees and Board Members while acting on behalf of or within the scope of their employment or responsibility with the UPH entity and does not apply to gifts offered or accepted by individuals that are unrelated to the person’s job or responsibilities with UPH or a UPH entity. Nor does this Policy apply to compensation or gifts from a UPH entity or UPH employee resulting from one’s employment by a UPH entity.

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2. **Definitions.**

2.1 **UPH Representative.** Any of the following persons:

2.1.1 UPH Entity employees;

2.1.2 Members of the Board of Directors of UPH or a UPH Entity; or

2.1.3 UPH employees working for, or providing services to, a joint venture entity between a UPH Entity and a third party.

2.2 **Non-UPH Representative.** Any of the following individuals:

2.2.1 an employee of a Non-UPH Entity (as defined above);

2.2.2 a contractor providing services on behalf of a Non-UPH Entity; or

2.2.3 a current or former patient including family members of a UPH Entity.

2.3 **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.

2.3.1 **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.

- 2.3.2 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.
- 2.4 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).
- 2.5 UPH Entity. Includes UPH and each affiliate, facility, and organization within UPH including, but not limited to, hospitals, clinics, ambulatory surgery centers, home care, and physician practices.
- 2.6 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 below.
- 2.7 Vendor. Includes all Non-UPH Representatives and Non-UPH Entities that offer goods or services to a UPH Entity. Examples include information technology consultants, construction services, banking and other services, and sellers of pharmaceuticals, office supplies, and medical products. The term Vendor has a very broad meaning as used within this Policy.
- 2.8 Educational Conference or Presentation. An activity that:
- 2.8.1 has a primary purpose, dedicated both in time and effort, to promoting educational activities and discourse;
 - 2.8.2 is held at an appropriate location for the subject matter being conveyed; and
 - 2.8.3 is intended to bring attendees together to further their knowledge on the topics being presented.
3. Basic Rules Applicable to All Gifts and Business Courtesies (“Basic Rules”). The following **Basic Rules** are applicable to all Gifts and Business Courtesies:
- 3.1 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 employees, officers and directors 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.

- 3.2 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.
 - 3.3 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.
 - 3.4 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.
4. UPH Employee Standards.
 - 4.1 UPH Employee Acceptance of Gifts and Business Courtesies. *(See Section 4.4 for Exchange of Gifts with Patients.)*
 - 4.1.1 General. If a UPH employee accepts a Gift or Business Courtesy within the requirements of this Policy, the Employee is encouraged to share the item with other employees or to use the item for UPH business purposes.
 - 4.2 UPH Employee Acceptance of Tangible Gifts and Business Courtesies. Employees may only accept Tangible Gifts or Business Courtesies if:
 - 4.2.1 the **Basic Rules** (*page 3*) are not violated;
 - 4.2.2 the item is not of substantial value (One Hundred Dollars (\$100) or less); and
 - 4.2.3 the item is not offered more than three (3) times annually, totaling Three Hundred Dollars (\$300). Exception language is in Section 4.5.
 - 4.3 UPH Employee Acceptance of Intangible Gifts and Business Courtesies. Employees 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:

- 4.3.1 the **Basic Rules** (*page 3*) are not violated;
 - 4.3.2 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;
 - 4.3.3 no travel or expenses are paid by the Non-UPH Representative or Non-UPH Entity;
 - 4.3.4 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
 - 4.3.5 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.
- 4.4. Additional Rules Regarding Employee Exchange of Gifts or Business Courtesies with Patients.
- 4.4.1 Employees may: (i) accept Gifts or Business Courtesies from patients; or (ii) offer Gifts or Business Courtesies to patients if:
 - 4.4.1.1 the **Basic Rules** (*page 3*) are not violated; and
 - 4.4.1.2 the Gift or Business Courtesy has a value of less than Fifteen Dollars (\$15) individually or less than Seventy-Five Dollars (\$75) total, per patient per year.
 - 4.4.2 No Solicitation. UPH employees are prohibited from asking for tips, gratuities, or Gifts or Business Courtesies from patients or patient representatives, and UPH employees may not accept tips or gratuities from patients or patient representatives.
 - 4.4.3 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.
- 4.5 Exceptions. Any exception to the rules in this Section 4 must be approved, in advance, by the UPH employee's supervisor and the Entity Compliance Officer or CEO. Any exception by the CEO requires the prior approval of the

Entity Compliance Officer. Documentation of the exception should be maintained for a minimum of two (2) years.

5. Gifts or Business Courtesy Standards for Board Members. Board Members may offer or accept Gifts and Business Courtesies if:
 - 5.1 the **Basic Rules** (*page 3*) are not violated; and
 - 5.2 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).
6. UPH Representative or UPH Entity Offering Gifts or Business Courtesies. (*See Policy 1.PS.13, Providing Free or Below Fair Market Value Items, Services or Other Benefits to Physicians.*)
 - 6.1 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:
 - 6.1.1 the **Basic Rules** (*page 3*) are not violated; and
 - 6.1.2 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.
 - 6.2 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:
 - 6.2.1 the **Basic Rules** (*page 3*) are not violated;
 - 6.2.2 the value of the Intangible Gift or Business Courtesy is less than One Hundred Twenty-Five Dollars (\$125) per person;
 - 6.2.3 no travel or expenses are paid by the UPH Representative;
 - 6.2.4 the offering of such Intangible Gift or Business Courtesy occurs no more than four (4) times per year to a single Non-UPH Representative; and
 - 6.2.5 if the Intangible Gift or Business Courtesy is the attendance at an event, the UPH Representative sponsoring the attendance is at the event and UPH business is discussed.

- 6.3 Exceptions. Any exception to the rules in this Sections 6 must be approved, in advance, by the UPH employee’s supervisor and the Entity Compliance Officer or CEO. Any exception by the CEO requires the prior approval of the Entity Compliance Officer. Documentation of the exception should be maintained for a minimum of two (2) years.
7. Additional Rules for Vendors. In addition to the above rules in Section 4, the following rules apply to employees’ acceptance of Gifts or Business Courtesies from Vendors.
- 7.1 Acceptance of Gifts and Business Courtesies from Vendors.
- 7.1.1 Acceptance of Tangible Gifts and Business Courtesies from Vendors. The following requirements must be met:
- 7.1.1.1 the item’s fair market face value is One Hundred Dollars (\$100) or less;
- 7.1.1.2 the item is an “educational item”. Educational items are tangible items designed primarily for the education of patients or health care professionals. These items have no value to health care professionals outside of their professional responsibilities (i.e., an anatomical model used in an examination room is intended for the education of the patients; however, a DVD or CD player may have independent value to a health care professional even though it could be used to provide education); and
- 7.1.1.3 the item is not offered more than three (3) times annually, totaling Three Hundred Dollars (\$300). Exception language is in Section 7.1.9.
- 7.1.2 Acceptance of Meals Supplied by Vendors. Each UPH Entity may choose whether or not to allow meals to be supplied by Vendors. Meals must be:
- 7.1.2.1 modest by local standards (“modest” means one similar to what an employee might have when dining at his or her own expense);
- 7.1.2.2 accompanied by an Educational Conference or Presentation;

- 7.1.2.3 provided in a manner conducive to communication (“take-out” or “dine and dash” type meals to be eaten without a representative present are not acceptable); and
 - 7.1.2.4 limited to in-office or in-hospital settings.
- 7.1.3 Acceptance of Vendor Subsidy for Educational Conference or Presentation.
- 7.1.3.1 A Vendor may subsidize a UPH employee’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.
 - 7.1.3.2 A UPH employee should not accept direct payments from a Vendor to defray the registration costs of an Educational Conference or Presentation.
 - 7.1.3.3 A UPH employee 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 UPH employee in connection with an Educational Conference or Presentation, nor should subsidies be accepted to compensate for a UPH employee’s time.
 - 7.1.3.4 A UPH employee may not individually accept from the Vendor any meals, lodging, or social events held as part of an Educational Conference or Presentation.
- 7.1.4 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, UPH employee(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.
- 7.1.5 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 UPH employees related to the evaluation of a

Vendor's product or service, the UPH Entity may accept the Vendor's offer if:

- 7.1.5.1 the fair market value of the travel and accommodations are submitted by the UPH employee as business expenses;
 - 7.1.5.2 the UPH Entity bills the Vendor for the travel and accommodations; and
 - 7.1.5.3 the UPH employee's supervisor approves the travel and accommodations prior to the travel.
- 7.1.6 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** (page 3) 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.
- 7.1.7 Acceptance of Prizes Awarded by Vendors. If a UPH employee is awarded a prize as part of a Vendor-sponsored promotion or contest open to a broad audience, the UPH employee 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 UPH employee must report the circumstances to the UPH Entity Compliance Officer. The Entity Compliance Officer and UPH employee's supervisor will evaluate the circumstances to determine whether the UPH employee may keep the prize or must request that the Vendor donate it to the Entity.
- 7.1.8 Acceptance of Items Related to Faculty/Speakers, Consultants or Researchers.
- 7.1.8.1 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.
 - 7.1.8.2 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.

7.1.8.3 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 UPH employee'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 UPH employee's supervisor.

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

7.1.9 Exceptions. Any exception to the rules in this Section 7 must be approved, in advance, by the UPH employee's supervisor and the Entity Compliance Officer or CEO. Any exception by the CEO requires the prior approval of the Entity Compliance Officer. Documentation of the exception should be maintained for a minimum of two (2) years.

8. Additional Requirements.

8.1 Events When Host Not Present. If an employee offers or accepts tickets to a sporting, theatrical or similar event, as provided in 4.3 and 6.2 above, and the person or entity offering the tickets is not at the event and business is not discussed, as provided above, then the person 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.

8.2 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.

8.3 Private Matters Outside Scope of Policy. UPH employees may offer gifts and business courtesies when the UPH employee is not acting on behalf of a UPH

Entity, the UPH employee 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.

- 8.4 Political Gifts and Political Action Committees. Employee gifts or donations to political candidates, organizations, or Political Action Committees may not be paid or reimbursed by UPH or a UPH Entity. (*See Policy 1.TX.02, Political Contributions/Activities.*)
- 8.5 Family Members. The scope of gifts or business courtesies includes family members and others who accept the gift or business courtesy on behalf of the Non-UPH Representative or family members and others who accept the gift or business courtesy on behalf of a UPH Representative.
- 8.6 Settlement of Disagreements or Complaints. Nothing in this Policy affects the ability of UPH or a UPH entity from agreeing to resolve a disagreement with a Vendor or a complaint from a patient.
- 8.7 PTO Contributions. UPH employees' contributions of PTO to individuals or for purposes approved by UPH or the UPH Entity are not prohibited by this Policy.

/s/ Kevin E. Vermeer

Kevin E. Vermeer
UPH President

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