



**MOUNT SINAI SOUTH NASSAU
POLICY & PROCEDURE**

POLICY TITLE:	Acceptance of Gifts from Patients		
POLICY NUMBER:	OF-ADM-275	LAST REVIEWED DATE:	11/2020
POLICY CATEGORY/MANUAL:	Compliance Hospital-wide Policies		
CROSS REFERENCE:	Conflicts of Interest and Related Party Transactions OF-ADM-277 Acceptance and/or Solicitation of Gifts or Benefits From Vendors OF-ADM-276 Compliance with Anti-Referral Laws Policy OF-ADM-383		

PURPOSE: To establish parameters for the extension of gifts to, and the receipt of gifts from, patients and patient family members.

DEFINITIONS:

- Personnel:** Personnel include employees, management, board members, physicians, physician extenders, contracted staff, volunteers, students, consultants and Other Agents.
- Other Agents:** Other Agents of the Hospital include educational institutions (including students), other care providers, payors and other third parties.
- Relative:** A “Relative” of an individual means (i) his or her spouse, or domestic partner, as defined under New York Public Health Law § 2994-a, (ii) his or her ancestors, brothers and sisters (whether whole or half-blood), children (whether natural or adopted), grandchildren, great-grandchildren; or (iii) the spouse or domestic partner of his or her brothers, sisters, children, grandchildren, and great-grandchildren.

POLICY:

It is prohibited for any Personnel to accept hospitality, loans, or other financial benefits from any patient or patient family member when it could be inferred that the Personnel’s action was for his or her own benefit and not solely for the benefit of the Hospital. Personnel may give to or receive gifts from patients or patient family members only in accordance with the guidelines below.

GUIDELINES:

- To avoid the appearance of impropriety when giving gifts to, or receiving gifts from, any patient or patient family member, Personnel may never use or allow gifts or other incentives to improperly influence relationships or business outcomes.
- Personnel may never use gifts or other incentives to influence a patient’s decision to receive items or services from the Hospital.

- 3) Gifts of nominal or minimal value from grateful patients or patients' family members, with a fair market value of less than \$50 per item, per individual, not to exceed \$100 per year, such as flowers, cookies, or candy that are clearly tokens of appreciation, are acceptable.
- 4) Gifts of cash or cash equivalents, regardless of the dollar amount, are prohibited. Cash equivalents include, but are not limited to, checks, gift certificates, gift cards and stocks.

PROCEDURES:

- 1.) If Personnel are in doubt as to whether a gift or gratuity falls within the proper application of this Policy, they should err on the side of disclosure and immediately make all the facts known to the Compliance Officer.
- 2.) If Personnel have accepted a gift in error, it must immediately be reported to the Compliance Officer. If the gift is able to be returned, a letter thanking the individual with an explanation as to why the gift cannot be accepted, will accompany the returned gift. If the gift cannot be returned for any reason, the gift will be used as a donation to the Hospital and appropriately reported as such.
- 3.) This policy is not intended to prohibit gift-giving between Personnel, Medical Staff, or among people who have independent personal relationships as long as the gift is not intended to influence nor can be perceived as influencing the gift recipient.

REGULATORY STANDARDS: The Federal Anti-Kickback Statute (42U.S.C.§1320a-7b(b)), the New York State Anti-kickback Law (Social Services Law § 366-d)

REVIEWS/APPROVALS:

Original Approval	11/09
Reviewed without Revisions	11/11
Reviewed and Approved	5/12
Reviewed and Approved	7/14
Reviewed and Approved	11/14
Reviewed without Revisions	11/16
Reviewed and Approved	3/17 Oversight Committee
Reviewed and Approved	11/18 Oversight Committee
Reviewed and Approved	11/2020 Oversight Committee