

SYSTEMWIDE POLICY

Gifts, Meals and Entertainment

This Policy is Applicable to the following Spectrum Health sites:

SYSTEMWIDE

Big Rapids (Mecosta County Medical Center), Continuing Care, Corewell Health Watervliet Hospital, Corporate (Spectrum Health System), Gerber Memorial (Newaygo County General Hospital Association), Ludington (Memorial Medical Center of West Michigan), Outpatient/Physician Practices, Pennock (Pennock Hospital), Priority Health, Reed City (Reed City Hospital Corporation), SH GR Hospitals (Spectrum Health Hospitals), SHMG, Spectrum Health Lakeland (Lakeland Hospitals at Niles and St. Joseph Inc.; All Region Sites), United/Kelsey (Spectrum Health United; Spectrum Health Kelsey Hospital), Zeeland (Zeeland Community Hospital)

Applicability Limited to:	N/A
Reference #:	86
Version#:	9
Effective Date:	11/24/2021
Functional Area:	Administrative Operations, Compliance
Department Area:	Compliance

1. Purpose

Spectrum Health team members are responsible to conduct all business actions with honesty, integrity, and fairness. Consistent with our mission, vision and values, this policy is intended to establish clear and consistent rules and guidelines for giving and accepting gifts, meals, entertainment or other items of value.

2. Resources

[Policy Tip Sheet – Giving and/or Accepting Gifts](#)

[Frequently Asked Questions \(FAQs\)](#)

3. Definitions

Cash or Cash Equivalent: Includes cash, tips, checks, credit/debit cards, stock, financial instruments, gift cards and gift certificates.

Educational Event: A bona fide independent, educational, scientific, and/or policymaking program or event that promotes knowledge, medical advancement and/or the delivery of effective health care through in-person or virtual training sessions, workshops, lectures, presentations or grand rounds. Educational Events do not include programs held at entertainment venues, during recreational events or otherwise in a manner not conducive to an educational presentation (e.g., wineries, sports

stadiums fishing trips, golf clubs, high-end restaurants where expensive meals and alcohol are served, and the like).

Gift: Any item, service or business courtesy given or received free of charge. Examples include gift cards, meals, beverages, refreshments, cash or cash equivalents, medical samples for personal use, textbooks, material goods, travel, waived conference fees, accommodations, trinkets, entertainment of any kind, tickets to sporting or cultural events, golf outings, spa services, gift basket, holiday tins/cookies, flowers, etc.

Supplier: Any third-party organization that supplies materials, goods or services to Spectrum Health.

Supplier Representative: An employee, agent or representative of a Supplier including, but not limited to, consultants, sales representatives, service technicians and technical support personnel.

Patient: A person who has received, or is currently receiving, health care services from Spectrum Health. This includes those individuals who accompany the Patient for the medical service, such as the Patient's caregiver or family member.

Member: A customer who is a policyholder, subscriber, enrollee or other individual covered under a Priority Health policy, certificate or contract.

Employed Team Member: An individual on Spectrum Health's payroll who may also receive benefits, if eligible, directly from Spectrum Health; may also be referred to as employee.

4. Policy

- 4.1.** Decisions made by Spectrum Health Employed Team Members during their work must be objective, ethical and based solely upon the best interests of Spectrum Health, its Patients and Members. Gifts or other incentives should never be used to improperly influence relationships or business outcomes.
- 4.2.** Relationships with Suppliers and Supplier Representatives are intended to benefit our Patients and Members and otherwise improve how we serve our communities. As such, any interaction with a Supplier or Supplier Representative should be focused on informing Employed Team Members about products and services, providing scientific and educational information, and supporting medical education and research.
- 4.3.** Employed Team Members may not give Gifts to Patients or Members.
- 4.4.** Employed Team Members may not give Gifts to Suppliers or Supplier Representatives.
- 4.5.** Employed Team Members may not accept Cash or Cash Equivalent Gifts of any value.
- 4.6.** Employed Team Member may accept the following Gifts:
 - 4.6.1.** An Unsolicited Gift from a Patient or Member if the Gift is perishable/consumable and shared with other Employed Team Members in the area or department (i.e., flowers, cookie tins, fruit baskets, nuts, etc.). If the circumstances are such that refusal could hurt feelings of a Patient or Member or otherwise be counterproductive to the relationship with the Patient or Member, then it is permissible to accept a modest non-cash token of appreciation.

4.6.2. Modest meals and refreshments offered as part of an Educational Event.

4.6.3. Complimentary registration from a Supplier or Supplier Representative for attendance at an Educational Event.

4.6.4. Promotional items of nominal value such as t-shirts, hats, pens, trade show bags, hand sanitizers, or key chains that are offered to all attendees of an event related to Spectrum Health work such as conferences, training events, tradeshow and seminars.

4.6.5. Gifts to encourage participation in blood drives hosted by Spectrum Health (e.g., Versiti Blood Center or similar efforts).

5. Exceptions

5.1. Exceptions to this Policy may be granted by the CEO of Spectrum Health (or designee).

5.2. Other Exceptions

5.2.1. This Policy does not apply to Gifts from Spectrum Health to Employed Team Member(s). However, Cash or Cash Equivalent Gifts (e.g., gift cards) must be reported to Spectrum Health Payroll for tax purposes.

5.2.2. This Policy does not apply to Gifts from a Spectrum Health Employed Team Member to another Spectrum Health Employed Team Member.

5.2.3. This Policy does not apply to Gifts from the Spectrum Health Foundation.

5.2.4. This Policy does not apply to Gifts given as part of a Spectrum Health Employed Team Member's participation in a research project approved through the Spectrum Health IRB (or other applicable Spectrum Health approval process).

5.2.5. Employed Team Members (excluding Priority Health), should reference the Non-Monetary Compensation and Medical Staff Incidental Benefits Policy when giving a Gift to a non-Spectrum Health Employed Physician and/or Immediate Family Member.

6. Compliance

Any person in violation of this policy is subject to performance correction, up to and including termination.

7. Revisions

Spectrum Health reserves the right to alter, amend, modify or eliminate this policy at any time without prior written notice.

8. Policies Superseded and Replaced:

This Policy supersedes and replaces the following policies as of the effective date of this Policy: *Gifts and Business Courtesies*

9. References

[Non-Monetary Compensation and Medical Staff Incidental Benefits
Additional Professional Income - Physicians and Psychologists
Additional Professional Income Request Form](#)

10. Policy Development and Approval

Document Owner:

Stephanie Korteway (Analyst, Compliance Ops)

Writer(s) (formerly Author):

Jennifer Veltman (Analyst, Compliance Sr)

Reviewer(s):

David Leonard (Chief Legal Officer), Leah Voigt (SVP, Chief Compliance Officer)

Approver:

Christina Freese Decker (President & CEO)

11. Keywords:

gifts, gift, free stuff, Gift, Business Courtesy, Meal, Legal, Inducement, Anti-Kickback, Business Associate, Cash, Compliance, Gift Card, Inducement, Present, Stark, Solicit, Vendor, Physician, Employee, Education

**Policy Tip Sheet
Giving and/or Accepting Gifts**

	TO:	FROM:
Patients and Members	NOT ALLOWABLE to give Gifts to Patients or Members.	OK to accept unsolicited Gifts that are perishable/consumable and shared with the department. Examples include flowers, cookies and fruit baskets. OK to accept a modest non-cash token of appreciation only if circumstances are such that could be counterproductive to a Patient and/or Member relationship.
Supplier and/or Supplier Representative	NOT ALLOWABLE to give Gifts to a Supplier and/or Supplier Representative.	OK to accept a complimentary registration fee from a Supplier to attend an Educational Event. OK to accept modest meals and refreshments as part of an Educational Event.
Employed Team Members	OK to give Gifts (including gift cards) to Employed Team Members. Note: These Gifts would consist of utilizing personal funds.	OK to accept gifts (including gift cards) from Employed Team Members. Note: These Gifts would consist of utilizing personal funds and do not need to be reported for tax purposes.
Spectrum Health	Contact the Foundation.	OK to accept Gifts (including gift cards) from Spectrum Health. Note: Cash and/or Cash Equivalent Gifts (i.e., gift cards) must be reported to Spectrum Health payroll for tax purposes.
Physicians and/or their Immediate Family Member(s)	Employed Team Members (excluding Priority Health) should reference the Non-Monetary Compensation and Medical Staff Incidental Benefits Policy when considering Gifts to Physicians not employed at Spectrum Health and/or their Immediate Family Members.	NOT ALLOWABLE to accept Gifts from Physicians who are not employed by Spectrum Health and/or their Immediate Family Member(s).

Entities will reference associated Documentation contained within this document as applicable
Printouts of this document may be out of date and should be considered uncontrolled.

Frequently Asked Questions (FAQs) Gifts, Meals and Entertainment

Q: Is it permissible for a Supplier Representative to stop by my department and drop off pizza, sandwiches or other food for my birthday?

A: No, Employed Team Members may only accept modest meals and refreshments as part of attendance at an Educational Event.

Q: Do I have to gift track modest meals and/or beverages provided by a Supplier Representative during an Educational Event?

A: No, gift tracking is no longer necessary for purposes of the new Gifts, Meals and Entertainment Policy.

Q: May I accept a gift card from a patient who really wanted to show her appreciation?

A: Generally, no. However, if the circumstances are such that refusal of the Gift could hurt feelings of a Patient or Member or otherwise be counterproductive to the relationship with the Patient or Member, then it is permissible to accept a modest non-cash token of appreciation.

Q: Is it acceptable to give a Patient or Member a Gift as a nice gesture?

A: No, giving a Gift to a Patient or Member is not permitted.

Q: A Supplier Representative offered me free tickets to a hockey game. May I accept the tickets?

A: No, Employed Team Members may not accept this type of Gift from any type of Supplier Representative. However, if an Employed Team Member wishes to attend, he/she may do so by paying their own way.

Q: A Supplier Representative invited me to attend a cadaver lab training session in Florida. The Supplier offered to pay for my flight and hotel during my stay. Can I accept the offer?

A: No. Employed Team Members may either attend by paying their own way or by utilizing Spectrum Health funds upon approval.

Q: Is it permissible for an Employed Team Member to accept travel expenses and/or an honorarium when asked to speak at an Educational Event?

A: An Employed Team Member who performs a professional service in connection with an Educational Event (such as speaking) and is offered expenses, event registration and/or an honorarium or other compensation should seek approval from their leader to ensure that a conflict of commitment with their current role doesn't occur. An honorarium or other compensation for the participation in the Educational Event should be paid directly to Spectrum Health, if the Employed Team Member uses Spectrum Health resources for the event (e.g., computer and software systems to prepare materials; travel and attendance time considered part of the Employed Team Members regular works hours and not PTO, etc.).

Q: I am a Spectrum Health Employed Physician and was asked by a medical device company to speak at a conference in California. The company will cover my flight, hotel, registration fees and pay me a \$1,000.00 honorarium. Am I able to accept this offer?

A: The Gifts policy does not address this. Please reference the Additional Professional Income – Physician and Psychologists Policy.

Q: Does the Gifts, Meals and Entertainment Policy address giving Gifts to Physicians not employed by Spectrum Health?

A: No, the Gifts, Meals and Entertainment policy does not address this. A new policy was created to address giving items or services to Physicians not employed by Spectrum Health and/or their Immediate Family Member(s). This policy is titled Non-Monetary Compensation and Medical Staff Incidental Benefits.

Q: A Supplier Representative offered to cover the cost of my registration at an upcoming conference. Is it ok to accept the offer?

A: Yes, Employed Team Members may accept a complimentary registration to attend events hosted by the Supplier. This is appropriate when the event is defined as an Educational Event for purposes of the policy. All other costs of in-person attendance, such as hotel and travel costs, must be paid for by Spectrum Health (upon approval) or the Employed Team Member. One permissible exception to this rule is participation in conferences and trainings related to clinical research studies. In that case, the Employed Team Member may accept registration, expenses and travel costs, so long as the sponsor has agreed to cover these costs in the applicable clinical research agreement(s).

Q: Is it permissible for an Employed Team Member to go to a conference and win a sponsored raffle prize which could have significant value (such as an iPad)?

A: Attendance at Educational Events should be focused on informing Employed Team Members about health care delivery, health care products and services, providing scientific and educational information, or otherwise supporting medical education and research. It is recommended that Employed Team Members use their own judgement when considering accepting such a Gift.

Q: My department is sending me to a national conference which relates to my role at Spectrum Health. Does the new policy prohibit me from accepting trinkets or other small items offered at the exhibit booths throughout the week?

A: No, the new policy does not prohibit this. Items that are offered to all attendees of the event and that are of nominal value (\$15 or less) such as t-shirts, pens, show bags, etc. are acceptable.

Q: An existing Supplier invited Employed Team Members to a holiday party at the GRAM. Is it permissible for them to attend?

A: If the invitation to the holiday party is extended to other clients or customers of the Supplier, and not exclusively to Spectrum Health, Employed Team Members may accept the invitation and attend. Because of the scrutiny given to business and financial relationships between drug/device manufacturers and health care providers, it is generally not advisable for Employed Team Members to attend any event (that is not an Educational Event) sponsored by a drug or device company.

Q: Is it permissible to give a Gift to a Supplier Representative?

A: Providing a modest Gift (such as a modest meal and/or beverage) to a Supplier and/or Supplier Representative may be permissible in some cases. Discretion should be used. Gifts of Cash or Cash Equivalents are prohibited.

Q: Leadership would like to provide gift cards to all Employed Team Members within the department to recognize them for their hard work. Is this permissible under the new policy?

A: The Gifts policy does not apply to Gifts from Spectrum Health to Employed Team Members. However, Gift cards may only be purchased through Supply Chain and Employed Team Members are required to report all Gift cards to Payroll for tax purposes.

Q: A Supplier Representative gave me jewelry for Christmas. May I keep it since it was a gift given to me during the holidays?

A: No, the Gift, Meals and Entertainment guidelines always apply; they do not change during traditional Gift-giving seasons.

Q: I'd like to take a colleague at another health care organization in the Grand Rapids area out for lunch or breakfast, to maintain the professional and collegial connection. Can I pay for the meal?

A: Yes, assuming it is a reasonable, non-extravagant meal.

Q: I'd like to take a Non-Spectrum Health employee out to dinner for the purpose of discussing Spectrum Health business. Can I use Spectrum Health funds to pay?

A: Business meals with non-Spectrum Health employees are not considered Gifts for purposes of the Gifts, Meals and Entertainment policy. Employed Team members should reference the Travel and Reimbursement policy for additional information.