



Issuing Department: Internal Audit,
Compliance, and Enterprise Risk Management

Effective Date: March 29, 2005
Reissue Date: July 27, 2017

Acceptance and/or Solicitation of Gifts or
Benefits from Vendors, Patients, or Other Third
Parties

I. Summary of Policy

NYU Langone Health is committed to ensuring ethical and compliant behavior that does not violate federal and state laws and regulations surrounding gift-giving and other activities between NYU Langone Health and non-NYU Langone Health individuals or entities. This Policy provides guidance for Members of the NYU Langone Health community in an effort to ensure that individuals are able to perform their job responsibilities and make objective decisions that are in the best interest of NYU Langone Health and its employees and patients, free from undue influence.

II. Policy Purpose

To provide guidance regarding appropriate practices for receiving gifts and responding to Vendor invitations that is in compliance with all applicable federal and state laws and regulations and NYU Langone Health policies.

III. Applicability of the Policy

This Policy applies to employees, trustees, officers, faculty, medical staff, residents, fellows, students, volunteers, trainees, vendors, contractors, consultants, and agents of NYU Langone Health. "NYU Langone Health" includes the NYU Langone Health System (the "System"), NYU Langone Hospitals (including the NYU Langone Hospital-Brooklyn and NYU Langone Orthopedic Hospital campuses), NYU School of Medicine, and all entities that are controlled by the System. This Policy has also been adopted by the Family Health Centers at NYU Langone, therefore, for the purposes of this Policy, "NYU Langone Health" also includes the Family Health Centers at NYU Langone ("FHC").

IV. Definitions

Anti-Kickback Statute: federal and state laws which prohibit the knowing and willful, direct or indirect, exchange (or offer to exchange), directly or indirectly, of anything of value in cash or in kind for patient, product, or service referrals, or to induce referrals. This prohibition extends to any purchasing, leasing, ordering, arranging for or recommending any purchasing, leasing or ordering of any goods and services.

Gift or Benefit: refers to anything of value accepted from a patient, friend or family member of the patient, a Vendor, or other non-NYU Langone Health source. Examples of Gifts or Benefits include cash, gift cards, checks, stock, subsidies, use of personal property or real estate (including interests therein), food or beverages, transportation, lodging, membership dues, admission fees, tickets to sporting or other events, entertainment, Vendor invitations to social events or other activities with no educational purpose, promotional items (including office products with the Vendor's logo), goods, donations,

honoraria, favors, prizes, offers of employment or business relationships that compete or conflict with a Member of the NYU Langone Health Community's role and/or responsibilities, discounted goods or services, preferential rates or forgiveness of debts or loans, or anything reasonably regarded as providing a financial gain or advantage to either the recipient or his/her Immediate Family Member.

Member of the NYU Langone Health Community or Individual: includes employees, trustees, officers, faculty, medical staff, residents, fellows, students, volunteers, trainees, vendors, contractors, consultants, and agents of NYU Langone Health.

Immediate Family Member: means a family member by blood, marriage or adoption; domestic partner, significant other or roommate; or an individual who is not legally related but who resides with a Member of the NYU Langone Community.

Vendor: a company and/or its representative or agent, contractor, or any other person that provides or seeks to provide goods and/or services to NYU Langone Health, currently does business or seeks to do business with NYU Langone Health.

V. Policy

To prevent undue influence or a potential conflict of interest, Members of the NYU Langone Health Community may not accept or solicit a Gift or Benefit from Vendors, patients, or others who may influence or appear to influence the recipient's decision making, unless accepted in accordance with this Policy. The Office of Development and Alumni Affairs ("Office of Development") and the Office of Science & Research are the only departments authorized to accept a Gift or Benefit for NYU Langone Health's academic, educational, research and/or patient care activities. A Gift or Benefit may only be accepted in accordance with this Policy.

This Policy is not intended to prohibit the exchange of Gifts among employees or individuals who have independent personal relationships (e.g., holiday, birthday) provided the Gift is not intended to influence the status of the individual giving the Gift. Any such Gifts should be purchased with the employees personal funds, not with Procurement Cards (PCards) or other NYU Langone Health funds.

If you are uncertain about a specific gift-giving situation, it is your responsibility to seek guidance from your supervisor or the Office of Internal Audit, Compliance, and Enterprise Risk Management ("IACERM").

A. Acceptance of Gifts and Benefits from Patients & their Families

While this Policy prohibits the acceptance of Gifts and Benefits, on occasion, a Member of the NYU Langone Health Community may be offered Gifts from patients and/or the patient's family in appreciation for the management and care of the patient. Gift-giving may also occur in the normal course of business with Vendors. In such instances, the following guidelines should be followed to prevent non-compliance with this Policy:

- 1) An Individual should not solicit or accept a Gift or Benefit from a Vendor, patient, or other individual or company.
- 2) Unsolicited Gifts of nominal value (e.g., flowers, food, fruit baskets) may be accepted from patients and their families provided the Gift can be shared with other members of the recipient's department, unit or division, and the Gift is not related to past or anticipated

- preferential treatment.
- 3) Gifts containing alcohol should not be accepted under any circumstances.
 - 4) Gifts of cash, gift cards or certificates, gratuities, or other monetary equivalents of any kind should not be accepted for any reason. Donations to NYU Langone Health may be suggested instead of giving a personal monetary Gift in instances where a patient and/or the patient's family want to express their appreciation. He/she should be referred to the Office of Development in order to make their donation.

In the event an Individual is offered or receives a Gift and is unable to refuse acceptance or return the Gift, the matter should be disclosed to the Individual's supervisor. If the Gift is in the form of a check or cash, the Gift-giver should be informed that the Gift will be delivered to the Office of Development for processing. The Individual should immediately contact the Office of Development at 212.404.3685 and provide location and contact information for pick-up of the Gift including the full name and address of the Gift-giver, so that the Gift-giver can be receipted properly.

B. Vendor Offers, Invitations, Sponsored Meals and Other Gifts and Benefits

Acceptance of Vendor invitations to attend an offsite event is generally discouraged unless there is a bona fide academic or educational purpose for the event. Prior to accepting the invitation, the Individual should consult with his/her supervisor. Each invitation should be evaluated independently and carefully for the appearance of any conflict of interest. Vendor invitations should only be accepted if the following conditions are met:

- 1) there is a valid business reason to attend an event
- 2) the value of the event is of reasonable cost
- 3) the invitation is extended to all clients (e.g., applicable members of the department) (for example, "exclusive" invitations should be declined)
- 4) the invitation is within the limitations outlined in this Policy relative to Gifts and grants to support education and research and underwrite conference travel, lodging and meals, if applicable

Any Individual who receives an invitation or offer of a Gift or Benefit from a Vendor should disclose the situation to his/her supervisor. If the supervisor determines that the invitation or offer should be declined, the supervisor's decision may be appealed to the responsible Vice President/Dean/Vice Dean. If the supervisor has any questions about whether or not acceptance of the Vendor invitation is permissible, he/she should confer with IACERM.

Individuals may not accept payment or reimbursement for travel, lodging and meal expenses from Vendors to attend offsite product or equipment demonstrations that NYU Langone Health is considering purchasing.

Consult with IACERM if there is any question regarding the appropriateness of accepting a Gift or Benefit.

Vendor Sponsored Meals

On premise meals offered by Vendors are prohibited unless they are provided in conjunction with a bona fide educational event and must be in accordance with this Policy.

Nominal Vendor Gifts or Benefits

Occasional de minimus Gifts from Vendors, such as promotional pens, mugs and tote bags are permissible, but should be shared with other staff members within the Individual's department whenever possible. Meals provided by Vendors should not be accepted, even if they can be shared, with the exception of those provided in conjunction with bona fide educational events.

Individuals may not accept Vendor Gifts or Benefits in exchange for prescribing or advocating the Vendor's products or services or for performing marketing tasks during the course of practicing medicine or performing research and development services.

C. Vendor Patient Educational Materials

Vendors are prohibited from directly placing any promotional or educational materials in any patient care area or waiting area of any NYU Langone Health inpatient or outpatient site. Any educational materials must be given to the department Manager, Administrator, Director or their designee for review and will be distributed to patients at such Individual's discretion.

D. Gifts and Grants for Education, Research and Conference Travel, Lodging & Meals

Gifts and Grants to Support Research or Education

Gifts or grants from Vendors to support research or education may be accepted by NYU Langone Health only if:

- 1) the Gift or grant is accompanied with the Vendor's written certification that the Gift or grant is given to support NYU Langone Health research or education and is not intended to influence purchasing decisions or research outcomes. The certification should be submitted to the Office of Development or the Office of Science & Research, as appropriate;
- 2) it is approved and managed by the Office of Development or the Office of Science & Research, as appropriate;
- 3) the Gift or grant is paid directly to NYU Langone Health.

This Policy does not prohibit grants from, or contracts with, Vendors for research or clinical trials under a formal agreement executed through the Office of Science & Research Sponsored Programs Administration.

Gifts to Underwrite Educational Conferences and Seminars at NYU Langone

NYU Langone Health may accept an offer from a Vendor to underwrite or subsidize the cost of an educational conference, meeting, or seminar provided:

- 1) it is approved by the Office of Development or the Office of Science & Research, or, with respect to Certified-Continuing Medical Education ("CCME") activity, the NYU Post-Graduate Medical School, as appropriate;
- 2) the subsidy is paid directly to NYU Langone Health; and
- 3) NYU Langone Health retains responsibility for and control over the selection of content, faculty, education methods, ownership of the materials, and NYU Langone Health attendees.

In no event should a subsidy ever be paid directly to an employee, faculty member, student, resident, fellow, trainee, or volunteer involved with the conference, meeting, or seminar.

In addition, all commercial support for CCME activities at NYU Langone Health shall be compliant with ACCME's Standards for Commercial Support (<http://www.accme.org/>) and shall be

administered in accordance with the policies adopted by the NYU Post-Graduate Medical School. Such policies provide, among other things, that Vendor-sponsored promotional programs cannot be integrated into, or conducted in the middle of, CCME activities, held on NYU Langone Health premises or use NYU Langone Health resources, or advertised as being linked to the CCME activities.

Gifts for Conference Travel, Lodging, or Meal Expenses

Gifts to a special educational or scholarship fund established to underwrite attendance by students, residents, fellows, trainees and volunteers at educational conferences or for research may be accepted by a Member of the NYU Langone Health Community provided:

- 1) the selection of individuals who will receive proceeds from the fund is made by NYU Langone Health personnel;
- 2) the conference or meeting meets the definition of appropriate;
- 3) the Gift is approved by the Office of Development or the Office of Science & Research, as appropriate; and
- 4) the subsidy is paid directly to NYU Langone Health.

For purposes of this Policy, "appropriate" means educational, scientific or policy-making meetings or conferences of national, regional or specialty medical associations or courses given by visiting professors or faculty recognized as experts in their field. Accepting Gifts or Benefits (e.g., transportation, lodging meals, and/or consulting fees in exchange for attending conferences or meetings which deal solely with the Vendor's product(s) or services are not appropriate. Faculty attending conferences or meetings as a consultant for a Vendor who is providing or will be providing funds for a research project he/she is involved in is only permissible if it is disclosed and reviewed and approved by the IACERM Conflict of Interest Management Unit ("CIMU") prior to engaging in the activity.

Individuals may accept reasonable honoraria and reimbursement for travel, lodging and modest meal expenses to attend conferences or meetings only if the Individual lectures, makes a presentation, moderates or participates in a panel, acts as a consultant on a topic related to the Individual's role at NYU Langone Health or otherwise performs a substantive educational role. If the Individual's role at a conference is solely as an attendee, he/she may not accept either honoraria or reimbursement for travel, lodging and meal expenses. All honoraria must be reported in accordance with the appropriate NYU Langone Health Conflict of Interest policy(ies).

Drug and device companies have an obligation to report payments for travel, speaking fees, research, meals, and other transfers of value in accordance with the Physician Payments Sunshine Act (the "Sunshine Act"). These payments are tracked in the Center for Medicare & Medicaid's ("CMS") Open Payments Reporting System. Physicians should review this information before it is made publicly available on the CMS website, following guidance provided by CIMU. Moreover, physicians should maintain accurate records of these kinds of payments or transfers of value in order to aid in the CMS review and dispute process, and also as a basis for financial interest disclosures as required by the NYU Langone Health conflict of interest policies.

E. Fundraising, Lobbying & Political Participation

Solicitations for Fundraising Events

Members of the NYU Langone Health Community may solicit Vendors, Foundations or Corporations for Gifts and donations so long as the solicitation:

- 1) is for a charitable, academic, or educational event organized, managed, sponsored, or approved by the Office of Development;
- 2) is made without preference to or limited to Vendors who are currently doing business or seeking to do business with NYU Langone Health;
- 3) clearly indicates that an affirmative or negative response will not factor into any Vendor selection determination for future business with NYU Langone Health; and
- 4) is in accordance with all other related NYU Langone Health policies.

Solicitations from Government Representatives/Lobbying & Political Participation

Members of the NYU Langone Health Community who are responsible for conducting transactions or handling contracts with government agencies on behalf of NYU Langone Health are prohibited from providing or offering Gifts or Benefits of any kind with the intent of influencing government officials. Individuals, who are approached by government representatives with requests or demands for any kind of Gift or Benefit from NYU Langone Health, should immediately report it to IACERM or the Office of Legal Counsel.

NYU Langone Health is prohibited from making direct campaign contributions or sponsoring Members of the NYU Langone Health Community at political fundraising events. However, Members of the NYU Langone Health Community may make contributions using their own personal funds.

Any requests related to lobbying for a specific cause, inviting government officials to events, providing meals, or purchasing tables (or similar) for fundraising events should be coordinated through the Office of Government and Community Affairs.

VI. Policy Enforcement

The Office of Internal Audit, Compliance, and Enterprise Risk Management has general responsibility for implementation and enforcement of this Policy. Individuals who are found to be non-compliant with applicable federal, state and local laws and regulations, professional standards, and institutional policies, including but not limited to the Code of Conduct, Corporate Compliance Program, and the policies set forth in the Faculty Handbook, Residency Training Program Contract, GME House Staff manual, Postdoctoral Handbook, Student Handbook, By-laws of the Medical Staff, and Patient Care and Safety Standards may be subject to disciplinary action up to and including termination of employment or association with NYU Langone Health. Individuals found to be in violation of the federal or state Anti-Kickback Statutes may also incur fines, imprisonment, and/or exclusion from federal and state reimbursement programs (e.g., Medicaid and Medicare). This Policy shall remain in effect unless terminated or superseded by a revised and/or updated policy issued by IACERM.

VII. Related Policies

Code of Conduct

Compliance Concerns: Reporting, Investigating and Protection from Retaliation

Conflicts of Interest in Business Affairs Policy

Conflicts of Interest in Research and Other Sponsored Programs Policy

Distinguishing Between Gift and Sponsored Awards Policy

Donations from Employees and Faculty in Support of their Own Programs

Faculty Conflicts of Commitment Policy

Faculty Consulting Policy

NYU Langone Fundraising Guidelines: Highlights for Department Use
Procurement Cards (PCards) Policy
Relationship of Pharmaceutical and Related Biomedical Industries to Graduate Medical Education
Policy
Speaking Supported by Industry Policy
Supplier Access Policy

VIII. Version History

March 29, 2005	Original Policy
May 23, 2012	Reviewed and Revised
July 27, 2017	Reviewed and Revised

This version supersedes all NYU Langone Health (as defined in this Policy) previous policies, including but not limited to NYU Hospitals Center, New York University School of Medicine, and/or Lutheran Medical Center.