



Origination:	08/2019
Effective:	08/2020
Last Reviewed:	08/2020
Last Revised:	08/2020
Next Review:	08/2022
Sponsor:	Brian Kozik: SVP, COMPLIANCE & PRIVACY
Section:	GA-Corporate Compliance
Manuals:	Compliance

GA-004-012 Gifts, Gratuities, and Business Courtesies

I. Purpose

On occasion, vendors, potential vendors, contractors, patients, or others may offer gifts or gratuities directly or indirectly to Workforce Members of Broward Health. The Federal Anti-Kickback Statute (42 U.S.C. § 1320a-7b(b)) prohibits the offering, paying, soliciting, or receiving of anything of value which may induce or reward (or even appear to induce or reward) referrals to a health care facility receiving federal health care money such as Medicare or Medicaid. These offerings represent a potential for conflicts of interest, or the appearance of such, on part of the Workforce Member and Broward Health. Gifts and gratuities are not part of Broward Health's operational environment as the acceptance of gifts and gratuities in certain instances may implicate that decision-making is predicated on such offering. As such, the acceptance of such gifts and/or gratuities would constitute a risk to the integrity of Broward Health and its Workforce Members. This policy is intended to provide guidance to the Workforce Member to aid them in complying with Broward Health's mission and purpose and federal and state laws prohibiting the appearance of impropriety. The examples provided in this policy are not exhaustive as individual situations can differ. If situations arise which are not covered in the examples within this policy, it should be addressed with the Workforce Member's immediate supervisor and the Broward Health Corporate Compliance and Ethics Department.

II. Key Terms

Cash Equivalents: Any item that is easily converted to cash such as gift certificates, gift cards, stocks, bonds, treasury bills, certificates of deposit, money market accounts, other marketable securities, negotiable instruments, commercial paper, vouchers, and rebates.

Gifts: Anything of value that an individual receives for which the individual has not paid for or performed services. These can include meals, flowers, candy, promotional items, cash equivalents, discounts, travel expenses, lodging expenses, and tickets to events.

Special Occasion: The period between Thanksgiving until the New Year. This period also includes celebratory weeks such as Nurse's Week, Hospital Week, etc.

Immediate Family Member: Spouse, birth or adoptive parent, child, sibling, stepparent, stepchild,

stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, grandchild, and spouse of a grandparent or grandchild.

Nominal Value: Anything of value not exceeding ten (\$10) dollars.

Physician: A Doctor of Medicine or Osteopathy, a Doctor of Dental Surgery or Dental Medicine, a Doctor of Podiatric Medicine, a Doctor of Optometry, or a Chiropractor.

Referral Source: A physician, a physician's immediate family member, an entity that is controlled by a physician or a physician's immediate family member, or any non-physician who may be capable of making referrals to a Broward Health region or entity.

Reporting Individual: Any Workforce Member designated by Broward Health as being required to file a full or limited disclosure of financial interests pursuant to the Florida Code of Ethics.

Workforce Member: Any employee, independent contractor, agent, trainee, or other person who performs work for or on behalf of Broward Health. This includes full-time, part-time and pool employees; associates; directors; officers; managers; supervisors; members of the Board and members of standing committees; medical staff employed by or otherwise affiliated with Broward Health; medical students and all other affiliated students or others receiving training at any Broward Health facility; and others who provide goods or services to Broward Health.

III. Policy

1. Workforce Members of Broward Health shall not solicit, receive, nor shall they allow others to solicit or receive on their behalf, gifts, gratuities, cash, cash equivalents, promotional items, or services from vendors, contractors, patients, physicians, or any other referral source or recipients of referrals from Broward Health except as otherwise permitted in the Gifts and Gratuities Guideline attached to this Policy.
2. Broward Health acknowledges that there are certain circumstances where a patient or a patient's family will give gifts of nominal value such as candy or flowers to Workforce Members as a modest token of appreciation during the course of a patient-caregiver relationship or during a Special Occasion. Workforce Members should, whenever practical, politely decline these gifts and inform the patient or the patient's family about the Broward Health Foundation and its programs. However, gifts of nominal value may be received as modest tokens of appreciation during the patient-caregiver relationship or during special occasions from patients and/or their family members provided they are not cash or cash equivalents; they are not intended to induce or reward referrals; the purchase of goods, or services; do not exceed ten dollars (\$10) in value; refusing the gift could compromise the employee-patient relationship; and the gifts are reported to the Workforce Member's immediate supervisor. In no circumstances can the aggregate value of gifts that a Workforce Member accepts exceed one hundred dollars (\$100) per calendar year. If any gift exceeds the amounts indicated above, the Workforce Member and/or Workforce Member's supervisor will report the occurrence to the Corporate Compliance and Ethics Department for further review.
3. Gifts received by Departments of Broward Health from patients, vendors, and contractors that are modest, infrequent, shareable amongst the Department, and perishable as tokens of appreciation or during a Special Occasion are permitted provided they are not cash or cash equivalents; they are not intended to induce or reward referrals; the purchase of goods or services, and the gifts are reported

to and approved by the Broward Health Corporate Compliance and Ethics Department.

4. Reporting Individuals and their spouses and minor children may not accept gifts of any kind value, regardless of how small, from Florida lobbyists or vendors seeking to influence, obtain, or maintain Broward Health contracts, business or procurement of services or goods. This policy does not provide guidance as to the Reporting Individual's responsibility to determine what is reportable under The Code of Ethics for Public Officers and Employees found in Chapter 112 (Part III) of the Florida Statutes ("Florida Code of Ethics"). Nothing reported to the Corporate Compliance and Ethics Department pursuant to this policy exempts a Reporting Individual from their reporting requirements under the Florida Code of Ethics.
5. Exceptions to this Policy are rare and are allowed only if they are granted by both the respective facility's CEO and the Chief Compliance Officer.

IV. Related Policies and Compliance Documents

- Broward Health Code of Conduct
- Broward Health Board of Commissioners Codified Resolution Section 2.7
- GA-001-015 Conflict of Interest
- GA-004-405 Business Courtesies to Physicians and Immediate Family Members

V. References

The Code of Ethics for Public Officers and Employees found in Chapter 112 (Part III) of the Florida Statutes

42 U.S.C. § 1320a-7b

VI. Administration and Interpretation

The administration and interpretation of this policy is the responsibility of the Senior Vice President, Chief Compliance/Privacy Officer.

Attachments

[Gifts, Gratuities, and Business Courtesies Guideline](#)

Approval Signatures

Step Description	Approver	Date
Final Approver	Brian Kozik: SVP, COMPLIANCE & PRIVACY	08/2020
	Lucia Pizano-Urbina: EXEC DIR, CORP COMPLIANCE	08/2020

Step Description	Approver	Date
	Lauren Brown: DIR, COMPLIANCE/PRIVACY OPS	08/2020