

POLICY INFORMATION

Policy Title: Patient Gifts Policy and Procedure

Departmental Owner: Chief Compliance, Audit, and Privacy Officer

Version Effective Date: 11/30/2023

Last Reviewed: 11/30/2023

SCOPE

This policy applies to the following individuals and/or groups:

All of the below categories

All Employees CT Employees NY Employees Remote Employees Contractors Volunteers Students/Interns Vendors

This policy applies to all above listed Nuvance Health workforce members including but not limited to the following locations:

All of the below entities

Nuvance Health Systems

Danbury Hospital (including New Milford Hospital Campus)

Northern Dutchess Hospital

Norwalk Hospital

Putnam Hospital

Sharon Hospital

Vassar Brothers Medical Center

Health Quest Systems, Inc. (“HQSI”)

Health Quest Home Care, Inc

Hudson Valley Cardiovascular Practice, P.C. (aka The Heart Center) (“HVCP”)

Other HQSI-affiliated Entities Not Listed

Western Connecticut Home Care, Inc (“WCHN”)

Western Connecticut Health Network Physician Hospital Organization ACO, Inc.

Western Connecticut Home Care, Inc

Other WCHN-affiliated Entities Not Listed

Nuvance Health Medical Practices (NHMP PC, NHMP CT, ENYMS & HVCP)

POLICY STATEMENT/PURPOSE

To establish Nuvance Health and its affiliates (“Nuvance”) a policy related to the (i) offering of Gifts to patients; and (ii) receipt of Gifts from patients and visitors.

DEFINITIONS

Applicable Federal and State Requirements: Any Federal or State statutes, regulations, or guidance applicable to Nuvance Health’s operations; Medicare and Medicaid Manuals and transmittals; National Coverage Determinations; and publications issued by Medicare Administrative Contractors, including Local Coverage Determinations (“LCDs”).

Gifts: include the receipt of anything of value and without fair market compensation, including the receipt of discounts, free or below-market value goods, or services. Also, perishable and consumable *Gifts*.

Covered Individual: This term refers to all Nuvance Health workforce members, business affiliates, and agents. Workforce members shall include any of the following individuals at Nuvance Health: Members of the Nuvance Health Board and the boards of any Nuvance Health related entity; President/Chief Executive Officer; administrators; managers, officers; employees, affiliates; medical staff members; appointees; volunteers; personnel; interns; students, trainees, and any individual whose conduct is under direct control of Nuvance Health whether or not they are paid by Nuvance Health. Business Affiliates shall include any non-workforce member, contractor, independent contractor, vendor, person, subcontractor or third-party, who or that, in acting on behalf of Nuvance Health: (i) delivers, furnishes,

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Revision Dates: 11/28/23

Supersedes: HQ 5.1.08 Patient Gifts Policy and Procedure

prescribes, directs, orders, authorizes, or otherwise provides Federal healthcare program items and services; (ii) performs billing or coding functions; (iii) contributes to Nuvance Health's entitlement to payment under Federal healthcare programs; and (iv) is affected by one or more of Nuvance Health's risk areas through the Business Affiliate's interaction with, or performance of their role, functions, and responsibilities or provision of contracted services at Nuvance Health. Agents include individuals or entities that have entered into an agency relationship with Nuvance Health. Agents fall under the category of either Workforce Member or Business Affiliate depending on their role, functions, and responsibilities.

POLICY

It is the policy of Nuvance to maintain the highest standard of ethical conduct in its relationships with its patients and visitors. This includes compliance with Applicable Federal and State Requirements with regard to the offering of Gifts to patients and receipt of Gifts from patients or visitors. For questions about the offering or receipt of a Gift, contact the Corporate Compliance.

I. Gifts to Patients

Nuvance and Covered Individuals may not offer or give Gifts to patients, except if the gift meets all the requirements set forth below:

- The Gift is not cash or a cash equivalent (such as Gift cards, Gift certificates, checks, money orders, etc.);
- The retail value of the Gifts is fifteen dollars (\$15) or less;
- The retail value of the Gift in combination with all other Gifts or other free or discounted goods and services furnished to the patient by Nuvance during the calendar year aggregate to a retail value not exceeding seventy-five dollars (\$75);
- Gifts are not offered on preferential terms to patients of specific physicians, but rather are made available on equivalent terms irrespective of the physician(s) treating the individual; and
- Nuvance does not seek reimbursement for the cost of providing the personal gifts from the relevant payer;
- Other permissible non-cash Gifts may involve preventative care, access to care, or transportation pursuant to Beneficiary Inducements Civil Monetary Penalty Law and Regulations: 42 U.S.C. § 1320a-7a(a)(5); 42 C.F.R. §§ 1003.101, 1003.102(c)(13), and subject to Anti-Kickback Statute and regulations: 42 U.S.C. § 1320a-7b(b); 42 C.F.R. § 1001.952; these Gifts must be approved in writing by the Legal or Compliance Office.

II. Gifts from Patients and Visitors

No Covered Individual may solicit or encourage a Gift from a patient or visitor. Covered Individuals should discourage patients or visitors from offering Gifts. A Covered Individual may politely thank the patient or visitor for the offered Gift but should inform the patient that Covered Individuals are not permitted to accept Gifts. Covered Individual may never accept cash or cash equivalents, such as Gift cards, Gift certificates, checks, money orders, etc., and if a Gift is delivered, all efforts should be made to return the Gift.

When patients, visitors, relatives, or friends express a desire to make a Gift or donation to Nuvance, they should be referred to the Hospital's Foundation Office, which will advise the donor with respect to the process for doing so.

PROCEDURE

I. Gifts to Patients

Prior to offering a patient a Gift, all Covered Individuals must review the requirements of the Patient Gifts Policy. After ensuring that the patient Gift meets the requirements of the policy and reviewing the patient chart for prior Gifts, the Covered Individual will document the Gift details in the patient's medical record.

Prior to providing a patient a Gift that may qualify as preventative care, access to care, or transportation, pursuant to Beneficiary Inducements Civil Monetary Penalty Law and Regulations: 42 U.S.C. § 1320a-7a(a)(5); 42 C.F.R. §§ 1003.101, 1003.102(c)(13), and subject to Anti-Kickback Statute and regulations: 42 U.S.C. § 1320a-7b(b); 42 C.F.R. § 1001.952; the Covered Individual must receive written approval by the Legal or Compliance Office. The written approval will be retained with Compliance.

II. Gifts from Patients and Visitors

No Covered Individual may solicit or encourage a Gift from a patient or visitor. Covered Individuals should discourage patients or visitors from offering Gifts. A Covered Individual may politely thank the patient or visitor for the offered Gift but should inform the patient that Covered Individuals are not permitted to accept Gifts. Covered Individuals may never accept cash or cash equivalents, such as such as Gift cards, Gift certificates, checks, money orders, etc., and if a Gift is delivered, all efforts should be made to return the Gift.

In circumstances where the Covered Individual believes declining a Gift would result in considerable embarrassment to the patient or visitor involved, the Covered Individual's respective department or clinical unit may accept a Gift, such as flowers or a food item; however, cash or cash equivalents may never be accepted. A Covered Individual may never accept a Gift that is given in an attempt by the patient or a visitor to secure preferential treatment.

Example: The family of a patient brings perishable food items to the unit on the day that the patient is being discharged from the hospital. Such a token of appreciation may be accepted by the clinical unit as a whole, if the Covered Individual to whom the perishable food item is made determines declining the Gift would involve considerable embarrassment to the patient or the patient's family.

When patients, visitors, relatives, or friends express a desire to make a Gift or donation to Nuvance, they should be referred to the Hospital's Foundation Office, which will advise the donor with respect to the process for doing so.

ENFORCEMENT

All individuals whose responsibilities are affected by this process are expected to be familiar with the basic procedures and responsibilities created by this process. Failure to comply with this process will be subject to appropriate remedial and/or disciplinary action, up to and including termination of any employment or other relationship, in accordance with this process.

REFERENCES

Anti-Kickback Statute and regulations: 42 U.S.C. § 1320a-7b(b); 42 C.F.R. § 1001.952 Beneficiary Inducements Civil Monetary Penalty Law and regulations: 42 U.S.C. § 1320a-7a(a)(5); 42 C.F.R. §§ 1003.101, 1003.102(c)(13)
OIG Policy Statement Regarding Gifts of Nominal Value to Medicare and Medicaid Beneficiaries (December 7, 2016)
OIG Special Advisory Bulletin, Offering Gifts and Other Inducements to Beneficiaries (August 2002)

APPROVAL

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Jared B Gaynor

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11/30/2023

Signature

Date