



<b>POLICY TITLE:</b> Lobbying and Political Activity Policy	<b>SYSTEM POLICY AND PROCEDURE MANUAL</b>
<b>POLICY #:</b> 800.67	<b>CATEGORY:</b> Compliance & Ethics
<b>System Approval Date:</b> 06/20/2024	<b>Effective Date:</b> 11/17/2017
<b>Site Implementation Date:</b> 06/20/2024	<b>Last Reviewed/Approved:</b> 11/2021
<b>Prepared by:</b> Office of Corporate Compliance	<b>Notations:</b> The policy “Scope” as defined within the policy also collectively defines “Personnel”

## GENERAL STATEMENT of PURPOSE

The purpose of this document is to ensure Northwell Health’s compliance with local, state, and federal lobbying and political activity laws and regulations.

## POLICY STATEMENT

It is the policy of Northwell Health to abide by local, state, and federal laws relating to (1) Lobbying Activities (as hereinafter defined) and (2) Political Activity (as hereinafter defined).

- Lobbying Activity:** Northwell Health Personnel must obtain the express authorization of the Senior Vice President of Government Affairs prior to engaging in any Lobbying Activity (as hereinafter defined). Any Personnel who have authorization to lobby on behalf of Northwell Health shall abide by all applicable laws, regulations and established Northwell Health policies at all times. Such Personnel shall register as lobbyists and/or file periodic reports concerning their activities as directed by the Senior Vice President of Government Affairs.
- Political Activity:** Northwell Health Personnel may participate in civic affairs as individuals, however, they may not direct, deploy or use Northwell Health’s funds, facilities, time, equipment or other assets to engage in a Political Activity. Engaging in such activities could endanger Northwell Health’s nonprofit status and could lead to other potentially serious penalties.

## SCOPE

This policy applies to all Northwell Health employees, as well as medical staff, volunteers, students, trainees, physician office staff, contractors, trustees and other persons performing work for or at Northwell Health; faculty and students of the Donald and Barbara Zucker School of Medicine at Hofstra/Northwell or the Hofstra Northwell School of Nursing and Physician Assistant Studies

conducting research on behalf of the Zucker School of Medicine on or at any Northwell Health facility.

## DEFINITIONS

**Lobbying Activity:** Each of the states and the local and city governments in areas in which Northwell Health operates have adopted their own definitions of Lobbying Activity and their own specific reporting obligations. A sampling of definitions from New York State, Nassau County, Suffolk County and New York City are set forth in Attachment 1, and a sampling of definitions from New Jersey, Connecticut, Florida and Pennsylvania are set forth in Attachment 2. New York State and local laws generally define Lobbying Activities to include:

- Any effort to influence a government official (whether elected or employed) regarding a government policy or action, be it legislation, resolution, regulation, executive order, contracting activities, funding, the award process of a grant, the outcome of a rate-making proceeding, government procurement process, and tribal-state agreements regarding class III gaming.
- Indirect Lobbying, such as directing or requesting a third party to influence a government office with respect to the above-listed activities.

New York State's definition includes Procurement Lobbying, that is, an attempt to influence any aspect of the State's procurement contracting process (i.e., from the development of specification until the final award of the contract) where the value of the procurement is estimated to be over \$15,000.00 annually. For example, an attempt to influence the following would be considered Procurement Lobbying:

- The purchase of a commodity, service, technology, public work, or construction.
- Contracts regarding concessions or franchises.
- Purchase, sale or lease of government-owned real property.
- Acquisition or granting of an interest in real property.

Lobbying Activities may take the form of in-person or remote/virtual meetings, emails, letters, telephone conversations, or association lobby day activities, among others. Lobbying Activities may also occur as a result of chance meetings.

The following activities typically do not constitute Lobbying Activity:

- Submitting formal response to a grant or procurement application process, or governmental requests for information or testimony provided on the record.
- Submission of a grant application.

**Political Activity:** Political Activity includes providing support for or opposition to a candidate for public office, a political party, or a political campaign. Such support may take the form of:

- Monetary contributions, which could include:
  - Donating funds or writing a check drawn to a candidate, a candidate's committee, or a political party or event (e.g., political party picnics, holiday parties, and galas).
  - Paying for or reimbursing an individual for their expenses, contributions, attendance at political functions or similar activities on behalf of a candidate for public office, a political party or a political campaign.

- In-kind contributions which could include:
  - Donations of facilities, time, equipment, supplies, merchandise or other assets. This includes the use of office supplies, resources or employee time during work hours.
  - Allowing the placement of political signage or campaign in workspaces, facilities and gathering places.

**Reportable Business Relationship**: means any transaction where a lobbyist or a client pays more than \$1,000.00 for goods or services to (i) a New York state public official or (ii) an entity in which the lobbyist or client of a lobbyist has reason to know that a New York state public official is a proprietor, partner, director, officer or manager, or owns or controls ten percent or more of the stock of such entity, or one percent of stock if it is a publicly traded entity.

**Restricted Period**: means the period of time starting with the earliest posting, solicitation or advertisement of a request for proposal, invitation for bids, solicitation of proposals, or any other method for soliciting a response from offerers intending to result in a procurement contract with a governmental entity, and ending with the final contract award and approval by the governmental entity and, where applicable, the state comptroller.

## **PROCEDURE**

### **I. Lobbying Activity**

Federal tax laws allow charitable nonprofit organizations such as Northwell Health to engage in some Lobbying Activity. Usually, such activity triggers federal, state, and/or local registration and reporting requirements. Failure to abide by these laws and applicable registration and reporting obligations (collectively “Lobbying Laws”) could result in substantial penalties for Northwell Health and for Personnel engaged in Lobbying Activities.

**To assure compliance with Lobbying Laws, Northwell Health Personnel shall obtain express authorization from the Senior Vice President of the Office of Government Affairs (“SVP, Office of Government Affairs”) prior to engaging in any Lobbying Activity. Therefore, all Personnel must consult with the SVP, Office of Government Affairs prior to engaging in Lobbying Activity on behalf of Northwell Health with a public official, staff or any unit of government. Upon receiving such authorization, Personnel must abide by all applicable Lobbying Laws, including, without limitation, complying with all obligations with respect to their conduct, registration and reporting.**

The Office of Government Affairs shall maintain a current log of all Personnel and lobbying firms authorized to participate in Lobbying Activity on behalf of Northwell Health, including the registration status of each such individual and firm, and shall provide a copy of such log to the Office of Corporate Compliance upon request.

If you have any questions regarding whether a proposed activity would constitute a Lobbying Activity or any other aspects of applicable state, county, city or local lobbying laws, registration requirements or reporting requirements, please contact the SVP, Office of Government Affairs.

### **Retention of Lobbying Firms and Other Vendors**

Northwell Health may engage the work of third-party lobbying firms or other vendors subject to applicable disclosure obligations. Engagement of such lobbying firms requires written authorization from the SVP, Office of Government Affairs. All other vendors must go through the proper Northwell Procurement process, but the procuring units must work with the Office of Government Affairs to ensure compliance with any obligation to report covered business relationships, as described below.

### **Vendor Reportable Business Relationships**

The Office of Government Affairs shall work with Northwell Health's Office of Procurement to ensure that each agreement with a third-party vendor will include a provision requiring such vendor to disclose all Reportable Business Relationships to the Office of Procurement on an on-going basis. The Office of Procurement shall report all such disclosures of Reportable Business Relationships to the Office of Government Affairs, and the Office of Government Affairs will in turn include as part of its New York state lobbying disclosures any applicable Reportable Business Relationship.

The Office of Government Affairs will disclose if:

- Any Northwell Health vendor that is paid more than \$1,000 includes a State Person (e.g., Northwell Health hires an accounting firm to conduct an audit. The accounting firm includes an owner or partner who also is a state elected, officer, or employee, or member of the legislature or legislative employee);
- Any Northwell Health individual who is a director, trustee, or other executive management, or is otherwise part of the Government Affairs team who, in his or her personal capacity, has a business relationship with a State Person that is valued in excess of \$1,000.

### **Regulatory Filings**

The Office of Government Affairs shall complete, maintain, and monitor all applicable regulatory filings. All Northwell Health Personnel, officers, and directors who engage in Lobbying Activity as part of their employment or in connection with Northwell Health will be disclosed on such Northwell Health filings, regardless of how much time is devoted to the Lobbying Activity.

### **Grant Application Process**

Northwell Personnel are prohibited from participating in any Lobbying Activity regarding a grant during the competitive phase of the grant application process. Violation of this law could result in the loss of the grant and other penalties.

### **Procurement Lobbying**

During the Restricted Period of any governmental procurement process, Personnel may only contact those individuals identified as the designated contacts by the government entity seeking governmental procurement. However, exceptions may apply, for example, in New York State, under the following circumstances:

- Attending bid conferences.
- Submitting bids.

- Contacts with designated persons in the procurement entity.
- Negotiations between the tentative awardee and the procuring agency.
- Complaints to certain officials.
- Protests and judicial actions relating to the procurement.
- Communications regarding a determination of responsibility.
- Communications with State legislators.

### **Contacts With Government Officials**

Northwell Health and its Personnel shall conduct all contacts and transactions with governmental agencies and officials in an honest and ethical manner. Personnel shall not attempt to influence the decision-making process of government agencies or officials by an improper offer of any benefit. This includes paying for meals, refreshments, travel or lodging expenses of government officials, or providing any other item of value that is considered a “gift,” under the relevant law, unless the Office of Corporate Compliance and/or the Office of Legal Affairs has determined that an applicable exception exists.

Northwell Health Personnel shall immediately report any suspected or actual improper requests or demands by a government agency or official to the Office of Corporate Compliance.

Please refer to policy 800.60 Anti-Bribery and Anti-Corruption, which sets forth the prohibition against engaging in bribery or corruption of any kind and provides guidance and direction on how to comply with the obligations arising from the United States Foreign Corrupt Practices Act (“FCPA”) and other applicable anti-bribery and anti-corruption laws when conducting business within the United States or abroad.

### **Employment of Former Government Official**

Northwell Health representatives must obtain clearance from Human Resources and the Office of Government Affairs prior to discussing the employment or possible retention as a consultant of any current or former government representative.

## **II. Political Activity**

**Northwell Health Personnel are prohibited from participating in Political Activity for or on behalf of Northwell Health.**

### **Personal Political Activity Is Not Banned**

Northwell Health Personnel are encouraged to participate in the political process as individuals, but may not represent Northwell Health in any manner in such activities. This means, for example, Northwell Health Personnel may not seek reimbursement for any such activities.

### **Allowance for Forums and Ceremonial Events**

Northwell Health may host public forums and other ceremonial events (e.g., ribbon-cuttings), provided that such activities are authorized by the Office of Government Affairs. All such events must comply with applicable law, including adhering to the following protocols:

- (i) for the local governmental jurisdiction where the event will be held, all legally qualified candidates and elected officials should be invited to attend;
- (ii) the program agenda should be broad and nonpartisan; and
- (iii) if one candidate is given the opportunity to speak, equal time should be given to their opponent(s). To avoid “equal time” controversies, the recommended but not mandated practice is to recognize the public officials in attendance, but not give them the opportunity to speak.

### **III. Sanctions and Enforcement**

#### **Sanctions**

Violations of this policy will be subject to disciplinary action as outlined in the Human Resources Policy and Procedure Manual and in the Bylaws, Rules and Regulations of the Medical Staff.

#### **Enforcement**

All violations of this policy shall be reported to the appropriate manager/supervisor/director or to the Office of Corporate Compliance (516.465.8097) for appropriate resolution of the matter. The HelpLine is available 24 hours a day, seven days a week at (800) 894-3226 or online at [www.northwell.ethicspoint.com](http://www.northwell.ethicspoint.com), is accessible to all Affected Individuals and allows for questions regarding compliance issues to be asked and for compliance issues to be reported. Reports of potential fraud, waste and abuse and compliance issues also may be made directly to the Chief Corporate Compliance Officer or designee in person, in writing, via email, mobile device via a QR code, or by telephone. All reports received by the Office of Corporate Compliance are investigated and resolved to the fullest extent possible. The confidentiality of persons reporting compliance issues shall be maintained unless the matter is subject to a disciplinary proceeding, referred to, or under investigation by Medicaid Fraud Control Unit, U.S. Department of Health and Human Services (HHS) Office for Civil Rights, HHS Office of Inspector General, Office of Medicaid Inspector General or law enforcement, or disclosure is required during a legal proceeding, and such persons shall be protected under Northwell Health’s policy for non-intimidation and non-retaliation. Violations of this policy will be subject to disciplinary action as outlined in the Human Resources Policy and Procedure Manual and *Northwell Health Policy #800.73 – Compliance Program Disciplinary Standards for Non-Employees*.



Reports can be made anonymously. No individual who reports any concerns may be retaliated against for making a report in good faith per the *Northwell Health Non-Intimidation and Non-Retaliation policy #800.01*.

## **REFERENCES to REGULATIONS and/or OTHER RELATED POLICIES**

1. Internal Revenue Code Section 501(c)(3)
2. New York State Legislative Law Article 1-A (Lobbying Act)
3. 19 NYCRR Part 933 Gift Regulations for Public Officers
4. 19 NYCRR Part 934 Gift Regulations for Lobbyists and Clients
5. New York State Commission on Ethics and Lobbying in Government:  
<https://ethics.ny.gov/lobbying-laws-and-regulations>
6. U.S. House of Representatives Office of the Clerk:  
[http://lobbyingdisclosure.house.gov/amended\\_lda\\_guide.html](http://lobbyingdisclosure.house.gov/amended_lda_guide.html)
7. New York City Clerk:  
<https://www.cityclerk.nyc.gov/content/lobbying-bureau/lobbying-law-admin-code>
8. Suffolk County Legislature:  
<https://www.scnylegislature.us/677/Lobbyist-Information>
9. Nassau County Attorney:  
<https://www.nassaucountyny.gov/5161/Lobbyist-Disclosure-Forms-and-Filing-Ins>
10. Mehta, Nayantara. "Lobbying For Nonprofits. Yes They Can." American Bar Association. Vol. 18 Issue 4. April 2009.
11. Healthcare Association of NYS and Allied Associations' Federal PAC, Guidelines on PAC Participation, Private Political Fundraising, and Political and Lobbying Activity for 501(c)(3) Organizations (2016).
12. State Lobbying information: <https://ethics.ny.gov/>
13. Federal Lobbying information: [http://lobbyingdisclosure.house.gov/amended\\_lda\\_guide.html](http://lobbyingdisclosure.house.gov/amended_lda_guide.html).
14. Laws of Suffolk County, New York Part IV Regulatory Local Laws, Section 580-2; 580-3(A)
15. Laws of Nassau County, Local Law 2-2015, Section 1110-1120
16. New York City Administrative Code, Sections 3-211-223; Title 51 of the Rules of the City of New York, Sections 1-01-08.
17. New Jersey Code Title 52 (State Government, Departments and Officers), Section 52:13C
18. Connecticut General Statutes, Title 1, Chapter 10, Part II (Code of Ethics for Lobbyists)
19. Florida Statutes, Title X, Chapter 112, Part III, Section 112.3215 (Lobbying before the executive branch or the Constitution Revision Commission; registration and reporting; investigation by commission).
20. Florida Statutes, Title III, Chapter 11, Section 045 (Lobbying before the Legislature; registration and reporting; exemptions; penalties)
21. Northwell Health Policy #800.60 - Anti-Bribery and Anti-Corruption Policy

## **CLINICAL REFERENCES/PROFESSIONAL SOCIETY GUIDELINES**

N/A

## ATTACHMENTS

- Attachment 1: Local Lobbying Definitions
- Attachment 2: New Jersey, Connecticut, Florida, and Pennsylvania Lobbying Definitions

## FORMS

N/A

<b>APPROVAL:</b>	
Northwell Health Policy Committee	5/21/2024
System PICG/Clinical Operations Committee	6/20/2024

### Standardized Versioning History:

Approvals: \* =Northwell Health Policy Committee; \*\* = PICG/Clinical Operations Committee; ☒ = Provisional; ✦ = Expedited

\*10/26/17            \*\*11/17/17

☒09/26/19

\*10/24/19            \*\*11/15/19

☒09/23/21

\*10/28/21            \*\*11/11/21

\*10/24/23            \*\*11/21/23



**Nassau County**

“Lobbying” or “Lobbying activities”: means any attempt to influence:

- i. any determination made by the Nassau County Legislature or any member thereof with respect to the introduction, passage, defeat or substance of any local legislation or resolution;
- ii. any determination made by the County Executive to support, oppose, approve or disapprove any local legislation or resolution, whether or not such legislation or resolution has been introduced in the County Legislature;
- iii. any determination made by an elected county official or an officer or employee of the county with respect to the procurement of goods, services, or construction, including the preparation of contract specification, including but not limited to the preparation of request for proposals, or the solicitation, award or administration of a contract or with respect to the solicitation, award of administration of a grant, loan, or agreement involving the disbursement of public monies;
- iv. any determination made by the County Executive, the County Legislature, or by the County of Nassau, its agencies, boards, commissions, department heads or committees, including but not limited to the Open Space and Parks Advisory Committee, the Planning Commission, any agencies, boards, commissions, department heads, or committees with respect to the zoning or the use, development or improvement of real property subject to County regulation, or any agencies, boards, commissions, department heads, or committees with respect to requests for proposals, bidding, procurement or contracting for services for the county;
- v. any determination made by an elected county official or an officer or employee of the county with respect to the terms of the acquisition or disposition by the county of any interest in real property, with respect to a license or permit for the use of real property of or by the county, with respect to a franchise, concession or revocable consent;
- vi. the proposal, adoption, amendment or rejection by an agency of any rule having the force and effect of law;
- vii. the decision to hold, or the timing or outcome of, any rate making proceeding before an agency;
- viii. the agenda or any determination of a board or commission;
- ix. any determination regarding the calendaring or scope of any legislature oversight hearing;
- x. the issuance, repeal, modification or substance of a county executive order; or
- xi. any determination made by an elected county official or an officer or employee of the county to support or oppose any state or federal legislation, rule or regulation, including any determination made to support or oppose that is contingent on any amendment of such legislation, rule or regulation, whether or not such legislation has been formally introduced and whether or not such rule or regulation has been formally proposed.

## **Suffolk County**

Lobbying or Lobbying Activities: Any attempt to influence any determination made by the County Legislature or any member thereof with respect to the introduction, passage, defeat or substance of any local legislation; any determination made by the County Executive to support, oppose, approve or disapprove any local legislation; the adoption, issuance or modification of any executive order by the County Executive; the adoption or rejection by a County agency of any rule or regulation having the force and effect of law; the outcome of any rate-making proceeding by a County agency; any determination made by a department, officer or employee of the County with respect to the procurement of goods, services or public works; or the award by a department, officer or employee of the County of any grant, loan or agreement which involves the disbursement of public monies.

## **New York City**

“Lobbying” or “lobbying activities” is defined as any attempt to influence:

1. the determination of the introduction, passage or defeat of any local law or resolution by the City Council;
2. the support, opposition, approval or disapproval of any local law or resolution by the Mayor;
3. any determination made by any City official, officer or employee concerning:
  - the procurement of goods, services or construction;
  - the solicitation, award, or administration of a contract;
  - the solicitation, award, or administration of a grant, loan, or agreement involving the disbursement of public monies.
4. any determination made by the Mayor, the City Council, the City Planning Commission, a Borough President, Borough Board, or a Community Board concerning zoning or the use, development, or improvement of real property subject to City regulation; or by the city, or with respect to a franchise, concession or revocable consent;
5. Any determination by an elected City official, officer, or employee concerning:
  - The terms of acquisition or disposition by the City of any interest in real property
  - A license or permit for the use of real property of or by the City
  - A franchise, concession, or revocable consent
6. the proposal, adoption, amendment or rejection by any city agency of any rule having the force and effect of law;
7. the decision to hold, timing or outcome of any rate making proceeding before a city agency;
8. the issuance, repeal, modification or substance of a mayoral executive order;
9. any determination made by the Mayor, the City Council, the City Planning Commission, a Borough President, a Borough Board or a Community Board with respect to zoning or the use, development or improvement of real property subject to city regulation;
10. the agenda or any determination of any city board or commission; Examples include:
  - Community Board, even if approval by Community Board is not required;
  - Landmark Preservation Commission during the special permit process, but attempts to influence the LPC post designation permit proceeding is not covered;
  - City Planning Commission
11. any determination regarding the calendaring or scope of any city council oversight hearing;

12. any determination made by an elected city official or an officer or employee of the city to support or oppose any state or federal legislation, rule or regulation, including any determination made to support or oppose that is contingent on any amendment of such legislation, rule or regulation, whether or not such legislation has been formally introduced and whether or not such rule or regulation has been formally proposed.

## New Jersey

“Lobbyist” means any person or organization that uses the services of any governmental affairs agent to influence legislation, regulation or governmental processes.

“Governmental affairs agent” shall mean any person who receives or agrees to receive, directly or indirectly, compensation, in money or anything of value (including reimbursement of his or her expenses where such reimbursement exceeds \$100.00 in any three-month period), to influence legislation, to influence regulation, or to influence governmental processes, or all of the above, by direct or indirect communication with, or by making or authorizing, or causing to be made or authorized, any expenditures providing a benefit to a member of the Legislature, legislative staff, the Governor, the Governor’s staff, or any officer or staff member of the Executive Branch, or who holds himself or herself out as engaging in the business of influencing legislation, regulation, or governmental processes by such means, or who, incident to his or her regular employment, engages in influencing legislation, regulation, or governmental processes by such means. The term “governmental affairs agent” shall also include any person who receives or agrees to receive, directly or indirectly, compensation, in money or anything of value for the purpose of conducting communication with the general public, or who incident to his or her regular employment conducts communication with the general public, or who holds himself or herself out as engaging in the business of conducting communication with the general public. However, a person shall not be deemed a governmental affairs agent who, in relation to the duties or interests of his or her employment or at the request or suggestion of his or her employer, communicates with a member of the Legislature, with legislative staff, with the Governor, with the Governor’s staff, or with an officer or staff member of the Executive Branch concerning any legislation, regulation, or governmental process, or who conducts communication with the general public, if such communication is an isolated, exceptional or infrequent activity in relation to the usual duties of his or her employment. For the purposes of this definition, activities to influence legislation, influence regulation, or influence governmental processes, or to conduct communication with the general public shall be deemed “isolated, exceptional or infrequent” if they constitute less than 20 hours of the time an employee spends working at his or her employment during a calendar year.

## Connecticut

“Lobbying” means communicating directly or soliciting others to communicate with any official or his staff in the legislative or executive branch of government or in a quasi-public agency, for the purpose of influencing any legislative or administrative action.

## Florida

*Lobbying before the Legislature:* “Lobbying” means influencing or attempting to influence legislative action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Legislature.

*Lobbying before the Executive Branch or the Constitution Revision Commission:* “Lobbies” means seeking on behalf of another person, to influence an agency with respect to a decision of the agency in the area of policy or procurement or an attempt to obtain the goodwill of an agency official or

employee. "Lobbies" also means influencing or attempting to influence, on behalf of another, the Constitution Revision Commission's action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Constitution Revision Commission.

## **Pennsylvania**

"Lobbying." An effort to influence legislative action or administrative action in this Commonwealth. The term includes:

1. direct or indirect communication;
2. office expenses; and
3. providing any gift, hospitality, transportation or lodging to a State official or employee for the purpose of advancing the interest of the lobbyist or principal.