

POLICY CLASSIFICATION: TMC Health	POLICY TYPE: Corporate Compliance - Compliance	PAGE: <b>1 of 6</b>
DOCUMENT ID: CC-01-16	VERSION: G	EFFECTIVE: 6/21/2024
TITLE: <b>Gifts and Business Courtesies</b>		

<b>Purpose:</b>	This document provides guidance to TMC Health (TMCH) Workforce Members for appropriate decision-making regarding acceptance, solicitation, and/or provision of gifts and business courtesies.
<b>Definitions:</b>	<p><u>Business Courtesy</u>: An item of value, whether tangible or intangible, that is (a) accepted by a Workforce Member from a Vendor or (b) offered by a Workforce Member to a Vendor or Referral Source, including but not limited to gifts, meals, Vendor-sponsored educational sessions, payment for seminars and conferences, entertainment, tickets, admissions, passes, or other access to an opportunity or place not available to the general public.</p> <p><u>Cash Equivalent</u>: A short-term vehicle of cash worth that can easily be converted into a known cash amount, such as gift certificates and gift cards.</p> <p><u>Gift</u>: Anything of more than nominal value provided at no charge or at a discount (less than fair market value), including but not limited to loans, cash, cash equivalents, prizes, transportation, meals, food items, flowers, promotional items, travel and/or lodging expenses, tickets to sporting or entertainment events, tickets to hospital-sponsored events, Vendor-sponsored educational sessions, and payment for seminars and conferences.</p> <p><u>Nominal Value</u>: Such limited value as to not be reasonably perceived as an attempt to affect the judgement of the recipient or to induce referrals. Nominal value means \$15 or less per instance per individual and \$75 or less annual aggregate per individual.</p> <p><u>Referral Source</u>: A physician or other person or entity that can influence or recommend the purchasing, leasing, ordering or arranging for any goods, facility, item or service paid for, in whole or in part, by a Federal Health Care Program or state healthcare program. This includes physicians or other persons or entities in a position to refer patients to TMCH and who are subject to federal laws, rules, and regulations regarding these practices.</p> <p><u>Vendor</u>: Any person or organization that provides goods or service to TMCH or is seeking to provide goods or service to TMCH, or that otherwise does business with TMCH or is seeking to do business with TMCH.</p> <p><u>Workforce Member</u>: Employees, volunteers, trainees and other persons whose conduct is under the direct control of TMCH, whether or not the person is paid by TMCH.</p>

POLICY CLASSIFICATION: TMC Health	POLICY TYPE: Corporate Compliance - Compliance	PAGE: <b>2 of 6</b>
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<b>Keywords:</b>	Business Courtesies, Entertainment, Gifts, Gratuities
<b>Applicability:</b>	TMC Health: TMC Hospital Main and TMC Hospital at Rincon, including all inpatient and outpatient departments, Peppi's House – TMC Hospice, TMC Integrative Pain Clinic, and TMC Wound Care Center; TMC Medical Network and TMCOne, including all ambulatory primary and specialty care clinics, TMC Urgent Care – Rincon, and TMC Urgent Care – Wyatt; Benson Hospital, including Benson Hospital Rehabilitation, Benson Family Health Care Clinic, Benson San Pedro Clinic, and Vail Valley Family HealthCare; Northern Cochise Community Hospital, including Sulphur Springs Medical Center and Sunsites Medical Clinic; and all other TMC HealthCare subsidiaries except as otherwise noted.
<b>Statement of Policy:</b>	<p><b>1. Receiving Gifts and Business Courtesies</b></p> <p>Workforce Members unclear about whether accepting a Gift or Business Courtesy is allowed contacts the Compliance Officer or Office of General Counsel for guidance.</p> <p>1.1. <u>Solicitation</u></p> <p>(a) TMCH prohibits Workforce Members from soliciting Gifts or Business Courtesies.</p> <p>(b) Solicitation of Gifts or Business Courtesies may constitute an actual, potential or perceived conflict of interests and/or violation of the Federal Anti-Kickback Statute.</p> <p>1.2. <u>Referral Sources</u></p> <p>Gifts, Business Courtesies, or services from a Referral Source are accepted with integrity and good judgment.</p> <p>1.3. <u>Prohibited</u></p> <p>(a) TMCH prohibits Workforce Members from accepting gifts of cash or Cash Equivalents. Workforce Members direct patients who wish to make a monetary gift to the hospital's Foundation.</p> <p>(b) TMCH prohibits the acceptance of meals from Vendors</p>

POLICY CLASSIFICATION: TMC Health	POLICY TYPE: Corporate Compliance - Compliance	PAGE: <b>3 of 6</b>
DOCUMENT ID: CC-01-16	VERSION: G	EFFECTIVE: 6/21/2024
TITLE: <b>Gifts and Business Courtesies</b>		

	<p>unless:</p> <p>(1) The meal is of Nominal Value and is provided in conjunction with permitted Vendor-provided education and training as outlined in this Policy; or</p> <p>(2) The meal is related to a legitimate business purpose as determined and approved by the Chief Legal Officer and/or Chief Executive Officer.</p> <p>(c) In general, travel expenses for Workforce Members to attend a Vendor-sponsored educational session, seminar, or conference relating to product, equipment or services that TMCH has not contracted for is not reimbursed by the Vendor. Honoraria is not accepted to attend Vendor-sponsored educational session, seminar, or conference meetings. The Chief Legal Officer has the authority to allow acceptance of an offer to attend Vendor-sponsored educational sessions, seminars, or conferences at the Vendor's expense.</p> <p>(d) TMCH prohibits Workforce Members from accepting a Gift or Business Courtesy if it could be perceived by an objective observer as intended to influence a business decision involving TMCH.</p> <p>(e) TMCH prohibits Workforce Members from accepting Gifts or Business Courtesies that provide a personal benefit from a patient, visitor, or Vendor, such as tickets to an event or golf outing.</p> <p>(f) TMCH recognizes that attendance at non-TMCH events, such as charitable golf tournaments or galas, may serve a beneficial business purpose. Because the value of such events typically exceeds Nominal Value, payment by Vendors for Workforce Members to attend shall not be permitted unless the event directly supports a non-profit organization, the host and recipient are both present at the event, and attendance is approved by the Chief Legal Officer.</p> <p>1.4. <u>Permitted</u></p>
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POLICY CLASSIFICATION: TMC Health	POLICY TYPE: Corporate Compliance - Compliance	PAGE: <b>4 of 6</b>
DOCUMENT ID: CC-01-16	VERSION: G	EFFECTIVE: 6/21/2024
TITLE: <b>Gifts and Business Courtesies</b>		

	<p>(a) TMCH permits a department or clinical unit to accept a modest perishable gift from a patient, visitor, or Vendor, such as a floral arrangement or edible item <u>to be shared by all staff within that department or clinical unit</u>, provided the value of the perishable gift does not exceed Nominal Value.</p> <p>(b) Workforce Members may accept from a patient or visitor unsolicited gifts that are not cash or Cash Equivalents and that are not intended to induce or reward referrals or result in the purchase of goods or services, so long as the gift is of Nominal Value and is neither intended for nor capable of personal use.</p> <p>(c) Workforce Members may accept from a Vendor unsolicited promotional products (e.g. ink pens, sticky note pads) with the approval of the department's manager as long as the gift is of Nominal Value. Department managers allowing Vendors to provide such unsolicited promotional items treat all Vendors consistently, either allowing or prohibiting all from doing so.</p> <p>(d) TMCH may permit the provision of Vendor-sponsored educational sessions to Workforce Members so long as the education provided contributes to the provision of care by TMCH by facilitating use of products or services furnished under contract with TMCH.</p> <p>(e) TMCH may permit the provision of Vendor-sponsored educational sessions to Workforce Members for products, equipment, or services not under contract if the following criteria are met:</p> <ul style="list-style-type: none"> <li>• The primary purpose of the session is the distribution of objective scientific information, involves an educational activity, or provides education on services available to TMCH patients;</li> <li>• Acceptance of the education is not made, conditioned on, or related in any way to preexisting or future business relationships with the Vendor;</li> <li>• The Vendor's support is of minimal individual value</li> </ul>
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POLICY CLASSIFICATION: TMC Health	POLICY TYPE: Corporate Compliance - Compliance	PAGE: <b>5 of 6</b>
DOCUMENT ID: CC-01-16	VERSION: G	EFFECTIVE: 6/21/2024
TITLE: <b>Gifts and Business Courtesies</b>		

	<p>but promotes the educational nature of the session; and</p> <ul style="list-style-type: none"> <li>• TMCH management supervises the session, including presentations and associated discussions.</li> </ul> <p>(f) TMCH may permit Vendors to be financially responsible for travel, accommodation, and instruction for Vendor-provided education or training related to a product, equipment or services that TMCH has contracted for, provided such arrangements are outlined in the initial Vendor contract agreement or in an addendum.</p> <p>(g) TMCH may permit Workforce Members to attend a TMCH fundraising event sponsored by a Vendor provided that the Vendor or others sponsoring the event extend the invitation to the Workforce Member and attend the event with the Workforce Member. Any Vendor desiring to sponsor a TMCH fundraising event but who plans to be absent from the event may offer the event tickets to the TMCH administrative office. The administrative office shall determine how the sponsored tickets will be distributed.</p> <p>1.5. <u>Refusing or Returning Prohibited Gifts</u></p> <p>Workforce Members offered a prohibited Gift or Business Courtesy refuses the Gift or Business Courtesy upon presentation. Workforce Members who receive a prohibited Gift or Business Courtesy return the Gift or Business Courtesy. If a Workforce Member is unable to return a Gift or Business Courtesy for any reason, the Workforce Member contacts the Compliance Officer or Office of General Counsel for guidance.</p> <p><b>2. Giving/Offering Gifts and Business Courtesies</b></p> <p>2.1. TMCH prohibits the offering of a Gift or Business Courtesy intended to induce or reward referrals or to result in the purchase of goods or services from TMCH.</p> <p>2.2. TMCH may develop promotional items of Nominal Value to promote awareness of clinical programs for patients or Referral Sources consistent with TMCH's mission.</p> <p>2.3. TMCH may sponsor events with a legitimate business purpose</p>
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POLICY CLASSIFICATION: TMC Health	POLICY TYPE: Corporate Compliance - Compliance	PAGE: <b>6 of 6</b>
DOCUMENT ID: CC-01-16	VERSION: G	EFFECTIVE: 6/21/2024
TITLE: <b>Gifts and Business Courtesies</b>		

	such as board meetings or retreats, and TMCH may offer reasonable and appropriate meals and entertainment for these events. TMCH may also pay for transportation and lodging for these events.
<b>Procedure:</b>	TMCH does not have a Procedure associated with this Policy.
<b>Standard Work:</b>	TMCH has not adopted Standard Work for this Policy.
<b>References:</b>	<p>42 CFR 411.350 Stark Law</p> <p>42 USC §1320a-7b Anti-Kickback Statute</p> <p>Deficit Reduction Act. S. 1932 – 109<sup>th</sup> Congress. 2005.</p> <p>OIG Supplemental Compliance Program Guidance for Hospitals, Vol. 70, 4858 FR, No. 19 (Jan. 31, 2005).</p> <p>Publication of the OIG Compliance Program Guidance for Hospitals, Vol, 63, 8987 FR, No. 35 (Feb. 23, 1998).</p>
<b>Policy Creator:</b>	TMCH Chief Compliance Officer
<b>Executive Sponsor:</b>	TMCH Chief Executive Officer
<b>Review:</b>	This Policy shall be reviewed as needed per changes in applicable laws, regulations, and accreditation or operational requirements, but no less often than every one (1) year.

Approved: /s/ Denise Hathaway 06/21/2024  
Denise Hathaway Date  
Chief Compliance Officer