PROCEDURE STATEMENT:

To establish Health Quest Systems, Inc. And its affiliates (“HQ”) procedure related to the (i) offering of Gifts to patients; and (ii) receipt of Gifts from patients and visitors.

PROCEDURE:

I. Gifts to Patients

Prior to offering a patient a Gift, all Workforce Members 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 Workforce Member 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 Workforce Member must receive written approval by the Legal or Compliance Department. The written approval will be retained with Compliance.

II. Gifts from Patients and Visitors

No Workforce Member may solicit or encourage a Gift from a patient or visitor. Workforce Members should discourage patients or visitors from offering Gifts. A Workforce Member may politely thank the patient or visitor for the offered Gift but should inform the patient that Workforce Members are not permitted to accept Gifts. Workforce Members 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 Workforce Member believes declining a Gift would result in considerable embarrassment to the patient or visitor involved, the Workforce Member’s respective department or clinical unit may accept a Gift, such as flowers or a food item; however, cash or cash
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equivalents may never be accepted. A Workforce Member 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 Workforce Member 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 HQ, they should be referred to the Hospital's Foundation Office, which will advise the donor with respect to the process for doing so.

**DEFINITIONS:**

**Applicable Federal and State Requirements:** Any federal or state statutes, regulations, or guidance applicable to HQ’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.

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

**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)

POLICY HISTORY:
Supersedes: 10/10/2018
Original Implementation Date: 2/27/2014
Date Reviewed: 9/25/2019
Date Revised: 2/27/2014, 10/10/2018, 9/30/2019

APPROVAL:

Policy Owner

Date