

Title: Personal Gifts, Travel, Meals, and Entertainment

Policy #: ADM-17A

Purpose: The purpose of this policy is to set forth the standards for Beth Israel Deaconess Medical Center (BIDMC) relating to members of the Workforce accepting personal Gifts. This policy applies to “Workforce Members,” which means persons working for the benefit of BIDMC, whether or not they are paid by BIDMC. This includes employees, members of the professional staff, volunteers, trainees, and also includes consultants, agents, and members of the Board of Directors when they are acting in a BIDMC capacity.¹

A. Policy Statement

When personal Gifts are made to Workforce Members, they have the potential to influence, or create the appearance of influencing, how they carry out their BIDMC responsibilities.² BIDMC is committed to making sure all decisions, clinical and otherwise, are based upon integrity in our professional judgments.

Except as provided below, Workforce Members may not solicit or accept personal Gifts, travel, meals, or entertainment, from any patient, or from any pharmaceutical company, medical device company, biotechnology manufacturing/supply company (or their representatives), or any person or entity that provides or is seeking to provide goods or services to BIDMC, or that does business with or is seeking to do business with BIDMC. This rule applies to Gifts whether provided at a BIDMC site or off site.

A “Gift” means anything of any value that is received by an individual for which the recipient has not paid fair market value. By way of example, this includes token items such as pens, pads of paper, mugs, calendars, entertainment or recreational items of any value. Meals in conjunction with entertainment or recreation, tickets to concerts or events, and vacation trips are not allowed. Payments of any kind, including cash and cash equivalents, gift certificates, equity, royalties, tangible items, and rebates that are prohibited under applicable federal or state fraud and abuse laws or regulations are also not allowed.

The following are not considered Gifts, but generally require a written agreement or other documentation setting forth the terms of the arrangement:

- Reasonable compensation for providing services;

¹ “Acting in a BIDMC capacity” means an individual is (a) engaged in an activity that constitutes or is part of his/her BIDMC role (for example, serving on a committee or seeing patients as a part-time member of the professional staff; or (b) acting at the direction of a BIDMC supervisor to carry out an activity (for example, attending an off-site meeting at the supervisor’s direction); or (c) engaging in any activity in which the individual identifies him/herself as associated with BIDMC in such a manner that a reasonable person would believe that the individual is acting on behalf of BIDMC.

² Free or discounted goods, if tied to the generation of federal healthcare program business, may violate federal or state anti-kickback laws. In addition, the Massachusetts Pharmaceutical / Medical Device Manufacturer Code of Conduct (MGL c. 111N) prohibits gifts from biomedical manufacturers to health care practitioners licensed in Massachusetts.

- Reimbursement of reasonable costs incurred by an individual in the performance or providing services; and
- Circumstances where BIDMC or the individual provides fair market value for the item.

Additional policies on outside activities and remuneration are found in Policy ADM-62 Consulting, Speaking, and Other Outside Activities.

All solicitations for commercial support for educational fellowships, programs, travel, and events should be coordinated with the BIDMC Office of Development, and follow the guidelines set forth in Policy ADM-17B, Industry-Supported Speaking, Programs, Fellowships, and Shadowing.

This policy does not restrict:

- personal Gifts exchanged between Workforce Members; or
- accepting prizes and awards for scientific or medical achievements from company-supported foundations and organizations if the recipient is chosen through an established, independent process of scientific review.

When situations are not specifically addressed in this policy, decisions should be guided by the BIDMC Code of Conduct, always keeping in mind that our patients and their welfare come first, and that we are committed to ethical and compliant conduct. When in doubt, please ask for advice from your supervisor, or from the Beth Israel Lahey Health Integrity and Compliance Office (617-667-1897 or COIQuestions@bidmc.harvard.edu).

B. Meals and Travel

With the exception of certain programs and trainings described in Policy ADM-17B, BIDMC considers vendor or industry-supplied food, meals, and travel to be prohibited personal Gifts that may not be accepted by Workforce Members, either on-site or off-site.

This policy does not prohibit:

- modest and occasional meals and refreshments made generally available to all participants of a large-scale open-registration meeting, conference, or similar large-scale event, or at an event open to the public, where the identities of individuals partaking are not tracked. “Modest meals and refreshments” are food and drinks that, as judged by local standards, are similar to what that individual might purchase when dining at his or her own expense;
- modest and occasional meals and refreshments offered by the organizer at a bona fide educational event (*not* a marketing event), if the meals are not directly provided by a pharmaceutical, medical device, or biotechnology manufacturing company, are offered across the board to all participants out of the event’s budget, and are subordinate in time and focus to the bona fide educational purpose of the meeting; or
- reasonable meals, travel, and lodging expenses provided to an individual who is
 - a. an employee of the company; or
 - b. providing services (e.g. speaking, consulting) or
 - c. receiving training and who complies with BIDMC Policy ADM-17B, Section C, “Attendance at Industry-Sponsored Events Off-Site.”

C. Gifts to BIDMC

BIDMC is very grateful for bona fide charitable gifts, grants, contributions, and donations to support its missions. However, Gifts to BIDMC from pharmaceutical and medical device companies, or from foreign entities including foreign governments, may give the appearance of undue influence. Charitable Gifts to BIDMC should be approved by the BIDMC Office of Development (617-667-7330). The policies for solicitation and acceptance of Gifts to BIDMC, in cash or in kind, are set forth in BIDMC Policy ADM-64, Gift Acceptance Policy.

- Gifts in-kind such as tickets for sporting or other entertainment events shall be used only in raffles, drawings, silent auctions and the like to raise funds for BIDMC's charitable purposes.
- Units may accept educational brochures provided solely for the use of patients or staff to educate them regarding a disease, condition, drug, device, biological, or medical supply, if the division chief for the area determines in advance that the materials are clinically acceptable, and do not advertise or promote a drug, device, supply, or biologic (materials carrying a corporate name or logo in small font size is acceptable, but no mentions of the company's business lines or products is allowed).
- Gifts of product samples provided solely and exclusively for use by patients, that have the prior approval of the Pharmacy Department (617-754-3810), should be managed in compliance with BIDMC Policy CP-11 Drug Sample Management and ADM-31 Restrictions on Offering or Providing Free or Discounted Goods and Services to Patients.
- The loan to BIDMC of demonstration or evaluation devices and supplies for a short-term trial period should comply with BIDMC Policy ADM-15 Supplier Contact and Negotiation.
- Industry support to BIDMC for educational activities (including trainee fellowships, travel, educational events and programs) may be accepted in compliance with BIDMC Policy ADM-17B, Industry-Supported Speaking, Programs, Fellowships, and Shadowing.
- Workforce Members who interact with any vendor representatives are expected to be familiar with BIDMC Policies ADM-02 Industry Representative Code of Conduct (Vendor Access), and ADM-15 Supplier Contact and Negotiation.

D. Personal Gifts from Patients

Gifts from a patient to a caregiver can compromise the therapeutic relationship. Members of the Workforce should not accept personal Gifts from patients or their family members, unless the Gift meets all of the following requirements:

1. The Gift is meant as a token of gratitude.
2. It is not meant to influence the care given.
3. It has not been solicited.
4. It is not cash or a cash equivalent (gift card, gift certificate, check, money order, or other similar item).
5. It is valued at less than \$50.

In instances where a patient offers a Gift valued greater than \$50 for the benefit of an entire unit, the appropriate VP should be consulted for guidance. Patients wishing to give Gifts of cash or cash equivalents should be referred to the BIDMC Office of Development (617-667-7330).

Vice President Sponsor:

**Meghan Colozzo
BIDMC Compliance & Privacy Officer**

Approved By:

☒ **Medical Executive Committee: 4/20/22** **Daniel Talmor
Chair, MEC**

☒ **Senior Management Team: 3/28/22** **Peter Healy
President, BIDMC**

Requestor Name:

**Shannon Torgerson
Director, Research Compliance and Conflicts
of Interest, BILH**

Original Date Approved: 03/01/05

Revised: 08/03/05, 03/09/09, 03/21/12, 09/14/15, 9/2018

Next Review Date: 4/25

References:

Massachusetts Pharmaceutical / Medical Device Manufacturer Code of Conduct (MGL c. 111N)