



## **Lourdes Senior Community Gifts, Gratuities, and Business Courtesies Policy**

### **Purpose**

The federal anti-kickback statute prohibits the acceptance of any item of value (remuneration) made directly or indirectly, in cash or in kind, that may induce or appear to induce the purchase or referral of any kind of health care goods, services, or items reimbursed by a federal or state health care program (Medicare or Medicaid). Consequently, the acceptance of any gifts or business courtesies from vendors or others with whom we presently or potentially conduct business that would violate the federal law or state law is strictly prohibited.

Lourdes Senior Community (LSC) has adopted a clear standard of behaviors to ensure that activities and business interactions conducted by and on behalf of LSC are in compliance with federal and state laws and regulations relative to business gifts and gratuities. Adherence to these guidelines will insure protection of LSC's business practices and avoid even an appearance of improper relationships with vendors, service providers, or individuals who conduct or seek to do business with LSC.

The policy is intended to provide guidelines for appropriate decision making regarding the acceptance or provision of gifts and business gratuities. It should not be considered exhaustive. Rather, it provides guidance for various circumstances, and it sets the standard for all who represent LSC. Any questions regarding a particular relationship, gift, or gratuity should be directed to a supervisor, Human Resources Director or the Compliance Officer.

### **Scope**

This policy applies to all employees, volunteers, board members and other agents working on behalf of Lourdes Senior Community.

### **Policy**

Employees of LSC may not solicit personal gifts, business courtesies, or services from any resident, family member, visitor, vendor, or contractor.

- Unsolicited gifts of nominal value (total value of \$100.00 or less in any one year from any individual or organization) may be permissible.
- Gifts that are intended to influence or which may be considered by an objective observer to have the potential to influence an individual in the conduct of his/her duties or responsibilities at LSC are prohibited.
- Gifts of cash or cash equivalents (i.e. gift cards) are never permissible.

## **Procedures**

### **I. Gifts**

#### **A. Receiving of Gifts**

1. It is acceptable for a department, clinical unit, or building to accept modest perishable gifts such as floral arrangement, cookies, candy or similar food items to be shared by staff members. However, meals sent from non-employed individuals to LSC staff are not permissible.
2. Promotional items such as pens, notepads, mugs, or similar items may be accepted from a vendor or business associate as long as they are nominal in value (\$10 or less per instance and no more than \$50 in the aggregate annually).
3. Cash or cash equivalents such as gift certificates, stocks, bonds, etc. from outside entities or non-employed individuals are prohibited.
4. No gifts or items of value of any kind should be solicited from residents or their families.
5. An employee will keep a written record of gifts received to ensure the value does not exceed the total limit of \$100.00. The employee will turn in the tracking form in to their supervisor at the end of the fiscal year.

#### **B. Offering of Gifts**

1. Food, beverages, gifts and entertainment (even of nominal value) may not be offered to any government official. Such gifts could be misinterpreted as an attempt to improperly influence an official and must be avoided.
2. Any gift intended to induce or reward referrals or results in the purchase of goods or services is prohibited.
3. The Marketing Department and/or other entities of LSC may develop promotional items of nominal value (e.g., pens, notepads, coffee mugs, etc.) that promote awareness of LSC programs for referral sources or residents.
4. Gifts given to physicians currently practicing at LSC should be of nominal value (\$50 or less annually). Gifts of cash or cash equivalents are prohibited.

### **II. Social Events and Business Courtesies**

#### **A. Permitted Business Courtesies**

1. There may be times when it is permissible to accept a meal or other invitation offered by a current business associate. However, the purpose must never be to induce or influence a business transaction. As a general rule, the cost must be reasonable (not to exceed \$50 per person). If the occasion appears extravagant or if the invitation could be perceived as intended to influence a business decision involving LSC, attendance is prohibited. To be acceptable, the occasion should conform to the following guidelines
  - a. The cost and location must be reasonable and not extravagant
  - b. Paid expenses for any travel or overnight lodging for the individual or his/her family is prohibited.

- c. The invitation is for an ordinary business meal or gathering during which the host is present and or business is conducted.
- d. Acceptance of such an invitation from an individual or entity is rare unless expenses are shared by both parties.

B. Prohibited Business Courtesies

1. Business courtesies of personal benefit such as a pair of tickets or invitations to sporting events, theatrical events, or golf outings unaccompanied by the host may not be accepted.
2. Accepting a meal or other invitation by a vendor or contractor that is not a current business associate is prohibited.

C. Sponsoring Business Events

LSC may routinely sponsor events with a legitimate business purpose (board meeting, retreats). For these events reasonable and appropriate meals and entertainment may be offered. Gifts of nominal value (\$100.00 or less annually) may be distributed to attendees of these events.

D. Lourdes Senior Community Fund Raising Events

1. Any current or potential vendor wishing to sponsor a LSC fundraising event, whether the vendor plans on attending or not, may offer the sponsorship (event tickets, greens fees, etc.) to the Development Office. The Development Office will coordinate with senior management and the CEO to determine the most appropriate way to distribute the sponsorship. LSC employees are prohibited from accepting this type of sponsorship directly from the vendor.
2. Those doing business at LSC and who are not current or perspective vendors (i.e., donors, board members) may offer sponsorship (event tickets, greens fees, etc.) to LSC fundraising events and may request specific employees to participate with them in the event. The sponsorship should be offered to the Development Office. The Development Office will notify the specific employee of the invitation.

E. Other Non-Profit Organization Events

LSC employees are permitted to attend other regional non-profit organization events sponsored by current vendors or others with business relationships with LSC provided the event is reasonable (valued at \$100 or less), directly supports the non-profit organization and the host and recipient are present at the event.

F. Referral Sources

3. Any gifts or entertainment involving physicians or other persons in a position to refer residents are subject to federal laws, rules, and regulations regarding these practices and must be undertaken with the utmost integrity and good judgement. Individuals uncertain about whether a particular event or function may be accepted should contact their supervisors, Human Resources Director or the Compliance Officer for advice. The

following elements must be present when accepting a business courtesy from a referral source.

- a. Cost and location must be reasonable.
- b. Paid expenses for any travel or overnight lodging are prohibited.
- c. A business courtesy from an individual or entity should be of such limited value (\$50 annually) that it would not be reasonably perceived by anyone as an attempt to affect the judgement of the recipient or induce referrals.
- d. Subsidies for hospitality and business courtesies should not be accepted beyond modest meals or socializing opportunities held as a part of a conference or meeting.
- e. A conference or meeting must primarily be to discuss business. A modest meal associated with the meeting or conference is acceptable if the host is present.

### **III. Honoraria and Consultation**

1. Individuals who are invited to speak or provide genuine consulting services can accept reimbursement in the form of honoraria or compensation for times and expenses under the following conditions:
  - a. Travel, lodging and meal expense reimbursement is reasonable and directly related to the engagement.
  - b. Compensation fees received are fair market value.
  - c. Presentations or consultation engagements must be of academic merit and/or benefit LSC.
  - d. Those accepting honoraria or consultation engagements must have received prior approval from the CEO.
  - e. Individuals may not do private consulting work for a vendor who conducts business with LSC, without receiving prior approval for the activity from the CEO.

Nothing in this policy is intended to prohibit the development of good and ethical relationships between representatives of LSC and its business partners. To ensure compliance with this policy and to avoid the appearance of impropriety, expenses for multiple social outings with the same individual should be shared equally by both parties.

The guidance provided in this policy is intended to communicate LSC's ethical standards regarding gifts, gratuities and business courtesies. Although all possible instances of gratuities and courtesies cannot reasonably be addressed in a single policy such as this, employees, officers, and agents of LSC are required to abide by the letter and spirit of these guidelines.

Questions regarding the appropriateness of any gift, gratuity, or business courtesy should be directed to the supervisor, Human Resources Director, or the Compliance Officer.

**Lourdes Senior Community**

**Gifts, Gratuities, and Business Courtesies Policy Acknowledgement**

I acknowledge that I have read, understand, and will abide by the Lourdes Senior Community Gifts, Gratuities and Business Courtesies Policy.

Name (please print) \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

\_\_\_\_ Employee      Building: \_\_\_\_ CM    \_\_\_\_ FOX    \_\_\_\_ LRHC    \_\_\_\_ LSC    \_\_\_\_ MAL

\_\_\_\_ Board Member      \_\_\_\_ Committee Member      \_\_\_\_ Volunteer