



29 British American Boulevard, 2nd Floor
Latham, NY 12110
518-439-8311
thearcny.org

[Policy Number]: Gifts and Entertainment

Category: Corporate Compliance Effective Date: XXXXXXXX
Department: XXXXXXXXXXXXXXXXXXXXXXXX Last Revision Date(s): 06/16/2020

POLICY STATEMENT

It is the policy of [Chapter] that gifts, entertainment and other benefits will not be provided to Potential Referral Sources (as defined below) and/or to his or her Immediate Family Member (as defined below), except as permitted by this Policy. When gifts or entertainment are provided to a Potential Referral Source and/or to his or her Immediate Family Member in accordance with this Policy, it is critical that the value of all such gifts and entertainment be carefully tracked as required by this Policy.

This Policy and Procedure applies to all employees and representatives of [Chapter].

PROCEDURE

I. Definitions.

1. Gifts and Entertainment. Gifts and Entertainment include items of value given to another free of cost, as well as social events sponsored or hosted by [Chapter] such as meals, sporting events, theatrical events and receptions. Further examples of Gifts and Entertainment subject to this Policy are set forth below.
2. Immediate Family Member. An Immediate Family Member of a person includes: (1) the person's spouse; (2) natural or adoptive parent; (3) child or sibling; (4) stepparent, stepchild, stepbrother or stepsister; (5) father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law or sister-in-law; (6) grandparent or grandchild; and (7) spouse of a grandparent or grandchild.
3. Potential Referral Source. A Potential Referral Source includes a doctor of medicine or osteopathy, a doctor of dental surgery or dental medicine,



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a doctor of podiatric medicine, a doctor of optometry or a chiropractor that could reasonably be a source of patient referrals for services or treatment to a [Chapter] facility.

II. Gifts and Entertainment to Potential Referral Sources.

A. [Chapter] employees and representatives may not offer a Potential Referral Source and his/her Immediate Family Members Gifts or Entertainment unless the following criteria are met:

1. The Gift or Entertainment is not determined in a manner that, directly or indirectly, takes into account the volume or value of referrals or other business generated by the Potential Referral Source;
2. The Gift or Entertainment does not consist of cash or cash equivalents, such as gift certificates, checks or stock instruments;
3. The Gift or Entertainment is not solicited by the Potential Referral Source or the Potential Referral Source's practice, including the Potential Referral Source's employees and/or staff members;
4. The Gift or Entertainment must not exceed \$322 in value or cause the total value of Gifts and Entertainment extended to the same Potential Referral Source and that Potential Referral Source's Immediate Family Members to exceed \$322 for the calendar year;
5. The Gift or Entertainment does not violate the federal Anti-Kickback statute or any state or federal law governing billing or claims submission; and
6. Gifts to physician groups are not authorized.



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- B. All employees and representatives of [Chapter] must obtain prior approval from the Compliance Officer before extending Gifts or Entertainment to Potential Referral Sources and/or his or her Immediate Family Members.
- C. Gifts and Entertainment must be tracked during the course of the calendar year through the Compliance Officer's use of the "Gifts and Entertainment Log" in the form attached as Appendix A to this Policy to ensure that the annual aggregate value of such Gifts and Entertainment does not exceed \$322.
- D. Examples of Gifts and Entertainment that must be tracked on the Gifts and Entertainment Log include:
 - 1. Dinner with a Potential Referral Source and/or his/her Immediate Family Member;
 - 2. Gifts or flowers to a Potential Referral Source or his/her Immediate Family Member;
 - 3. Tickets for sporting or cultural events to a Potential Referral Source and/or his or her Immediate Family Member; and
 - 4. Paying for a Potential Referral Source's Continuing Medical Education costs.
- E. Benefits such as meals or reimbursement for travel incident to a physician employment agreement or personal services agreement that meets the requirements established in [Chapter]'s [policy on contractual/financial arrangements with physicians] are not considered Gifts and Entertainment and need not be counted toward the \$322 Gifts and Entertainment limit.



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ATTACHMENT A

**GIFTS AND ENTERTAINMENT TRACKING LOG
 JANUARY 1, 20__ TO DECEMBER 31, 20__**

Potential Referral Source or Potential Referral Source and Immediate Family Member Name	Authorized By	Date of Gift/ Entertainment	Type of Gift/ Entertainment	Gift/ Entertainment Amount	Reason for Gift/Entertainment	Calendar Year Balance