

**Policy name: Gifts and Courtesies**

**Effective Date:** 05/2000

**Review/Revision History:** 05/2000, 04/2004, 10/2009, 09/2011

**Definitions:**

Gift or Courtesy means favor, entertainment, hospitality, food, beverages, transportation, lodging, use of personal property or real estate, or other gratuity item or service.

Medical Staff includes any member of the medical staff who is credentialed to provide health care service at any Duke University Health System ("DUHS") facility.

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**Policy:**

Background/Purpose

No **gifts** or **courtesies** are to be offered or accepted by DUHS employees or members of the medical staff which:

- are inducements for patient referrals;
- improperly influence business relationships or outcomes; or
- increase governmental program costs.

Absolute Prohibition Against Remuneration for Referral of Patients/Business

It is against DUHS policy to offer or receive **gifts**, **courtesies** or other remuneration which:

- are inducements for patient referrals;
- improperly influence business relationships or outcomes; or
- increase governmental program costs.

Prohibition of General **Gifts** and **Courtesies**

Employees and members of the medical staff of DUHS and its component facilities shall not offer to, or accept **gifts** or **courtesies** from actual or potential patients or other consumers of DUHS services, healthcare providers or vendors of goods or services.

## Acceptable **Gifts** and **Courtesies** Restricted to Reasonable Value

- It is recognized that health care professionals may, on occasion, be offered **gifts** and **courtesies** from patients in appreciation for managing an episode of care. Such unsolicited **gifts** or **courtesies**, which are reasonable in value and not related to past or anticipated preferential treatment, may be accepted by health care professionals in rare circumstances. Health care professionals shall not accept more than one such gift from any individual patient or such patient's family in a calendar year. Receipt of any cash or cash equivalent (e.g., gift certificate) of any value is prohibited.
- It is recognized that health care professionals may accept a gift of a model of a medical device, supply or other similar product to use for purposes of patient education, explanation of clinical decision-making or informed consent of a procedure or service.
- It is recognized that health care professionals or staff may accept a perishable gift (e.g., food or flowers) from an individual patient or patient's family when it is shared with all employees in a department, unit or division.
- Sample medications may be stocked in outpatient clinics in accordance with applicable DUHS facility's policy and procedure and applicable state and federal laws regarding dispensing, labeling and patient counseling.

## Special Circumstances

DUHS recognizes that from time to time special circumstances exist where the receipt or offer of a gift or courtesy would not be illegal or improper. Such circumstances include, among others, fundraising efforts and unique job responsibilities, where, for example, an individual may represent DUHS in an official capacity at a function such as a conference, seminar or other meeting. Approval of **gifts** or **courtesies** in these special circumstances can only be made if the gift or courtesy is reasonable in value and also necessary and appropriate to accomplish DUHS' business objectives and/or the performance of an individual's job responsibilities on behalf of DUHS. In these special circumstances, the individual who is contemplating the acceptance of, or giving of, the gift or courtesy, should immediately contact his or her supervisor, who may approve the specific gift or courtesy. Such individual and/or supervisor should, if there remains a question about the appropriateness of the gift or courtesy, contact the DUHS Chief Compliance Officer ("CCO") or the Chief Executive Officer ("CEO") of the facility or division who may approve the gift or courtesy. If the CEO of the facility or division has a question concerning the appropriateness of a gift or courtesy, he or she should contact the DUHS CCO.

## Alternatives to Receipt of **Gifts**

Staff or health care professional when offered a gift or courtesy may suggest the following alternatives to a donor:

- A donation to DUHS or the appropriate Duke entity made in the staff member's name (provided that staff member does not take the charitable tax deduction).

- Donors may be directed to the Development Office to donate such **gifts** to the appropriate Duke entity.
- A donation in the name of the donor to be used in Duke fundraising events, e.g., silent auction.

The manager of a patient unit or department may accept a gift from a patient or a patient's family on behalf of the unit or department provided that it is of nominal value and can be shared with all members of the unit, e.g., a basket of fruit or flowers.

### Reporting

Any violation of this policy shall be reported in accordance with the DUHS Compliance Reporting (Non-Retaliation/Non-Retribution) Policy.

**Cross Reference:** DUHS Compliance Reporting (Non-Retaliation/Non-Retribution) Policy

**Applicable Standards:** LD.04.01.01  
LD.03.01.01

**Policy does NOT apply to the following DUHS entities:**

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**Developed by:** DUHS Compliance Program  
**Policy Primary:** Chief Compliance Officer, DUHS  
**Scheduled Review Date:** 09/2014