

## **ENTERPRISE-WIDE CORPORATE POLICIES**

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Corporate Area: Office of Corporate Compliance

Policy Title: Corporate Gift Policy

Functional Owner: Internal Senior Vice President, Enterprise Chief Compliance Officer

Contributing Departments: Legal, Human Resources, Compliance

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### **PURPOSE**

This policy will provide guidance, in accordance with applicable federal and state laws, regarding appropriate interactions of Thomas Jefferson University and Jefferson Health (collectively referred to as “Jefferson”) employees with vendors and third parties, in order to minimize undue influence or perceived undue influence and/or conflicts of interest in Jefferson-related business decisions. The provisions of this Policy do not supersede other policies governing Conflicts of Interest and Industry Relationships.

### **DEFINITIONS**

**Gifts:** Anything of value given or received for which the recipient has not paid for or performed services in a manner that is routine in commercial transactions at fair market value. Gifts include: cash, gift certificates, loans, trade show/office promotional items (e.g. pens, mugs), flowers, food/beverage (e.g., candy, wine), entertainment tickets, tickets for sporting events (e.g. golf tournaments), invitations to charitable events, and other business courtesies. Gifts include the receipt of free or discounted items that are given to or for the benefit of Jefferson employees.

Unless prohibited by Jefferson’s Conflict of Interest Policies, honoraria (outside payments by colleges, universities or other 501(c)(3) organizations to teachers, lecturers and researchers) given to Jefferson employees are not subject to the provisions of this policy governing gifts and may be permitted.

**Practicing (New Jersey):** Any person shall be regarded as practicing medicine and surgery, within the meaning of NJ Rev Stat § 45:9-18 (2013), which includes any person providing care under a license in New Jersey.

**Prescriber (New Jersey):** "Prescriber" means a physician, podiatrist, physician assistant, advanced practice nurse, dentist, or optometrist licensed pursuant to Title 45 of the Revised Statutes. "Prescriber" does not include a licensee who is an employee, as defined in N.J.A.C. 18:35-7.1, of a pharmaceutical manufacturer who does not provide patient care.

## **POLICY**

All dealings with vendors and third parties must follow applicable law, meet ethical standards, avoid or minimize conflicts of interest, and promote fair and open dealings. Jefferson employees can't give or receive gifts from vendors or third-parties who do business or who seek to do business with Jefferson where such gifts would violate applicable federal or state law. Also, when choosing and doing business with vendors and third parties, it should be free from improper or inappropriate influence or the appearance of it.

On top of the general principles, this policy details how Jefferson employees can interact with vendors and third parties. We understand that these provisions don't cover everything and may not cover every possible or potential interaction that occurs with vendors and third-parties. For interactions that don't fall into these categories, employees should refer to the guidelines provided in Jefferson's Code of Conduct and Ethical Behavior.

### A. Gifts

#### *Prohibited Items*

- 1) Employees can't ask or accept gifts of any kind from vendors and third parties.
- 2) If an employee can't accept a gift, an employee's immediate family can't either.
- 3) Employees can't give or accept cash or cash equivalents (e.g. gift certificates, stock) from vendors or third parties.
- 4) Except as allowed by other Jefferson policies, such as the Industry Relationships Policy, departments, units, or physician practices can't accept unrestricted grants that are specific to the department, unit, or physician practice.

#### *Permitted Items*

- 1) Employees are permitted to give and accept tangible gift(s) (i.e. noncash or noncash equivalents) if the value of the gift(s) does not exceed \$250 totaled annually for each vendor or third party. The employee can accept a tangible gift which exceeds the annual limit if his or her refusal of the gift would offend the third party hosting the employee (e.g. mission abroad, other

institution visit), as long as the employee donates the gift to Jefferson's Office of Institutional Advancement so that it can be auctioned off at a future fundraising event.

- 2) Employees can exchange gifts with personal friends, as long as the cost is paid by the individual and not through Jefferson or a vendor company.
- 3) Employees can accept gifts of nominal value from patients, former patients, and friends and relatives of patients, but the gift must be modest token of appreciation, and refusal of such a gift may be harmful to the employee-patient relationship.
- 4) Departments, units, or physician practices may give or accept modest perishable gifts (e.g. flowers, cookies, candy) it is shared by all staff. Departments, units, or physician practices should not give or accept more than six (6) such gifts per year, per vendor or third party.
  - a. Physicians practicing in New Jersey may not accept meals valued at more than \$15.
- 5) Departments, units, or physician practices may accept gifted items that serve a clinical, research, or educational function. Examples include anatomical models, textbooks, and charts.

If items given to departments, unit, or physician practice, are intended for patient use, the value must be limited to \$10 per item and \$50 per year. Medicare and Medicaid patients can't be offered or transferred anything that is likely to influence their decision about a provider or supplier.

- 6) Physicians practicing in New Jersey may not accept more than \$10,000 per year in total from all pharmaceutical companies (excluding bona fide educational and research activities, as defined at N.J.A.C.13:45J-1.6 )

## B. Meals and Entertainment

### *Prohibited Items*

- 1) Departments, units, or physician practices may not accept meals from vendors or third parties.

### Permitted Items

- 1) Employees may host or accept invitations to meal and entertainment events with vendors or others. The total cost of the event must be reasonable (the value not to exceed \$500 per person) and the location must be reasonable. Expense reimbursement for travel and/or lodging related to the event is prohibited. A vendor or third party should not have more than three (3) occurrences a year.
- 2) Employees may provide or accept modest meals at business meetings where business is discussed and employees and third party staff are working together. This includes meals provided as part of a properly documented and disclosed consulting relationship.
- 3) Employees may provide or accept meals in conjunction with an accredited Continuing Education (CE) Program. Meals held off-site from conferences are subject to the limitations in B.1 (permitted items).

#### C. Conferences

1. Employees may accept invitations to attend conferences (unrelated to a consulting arrangement) given by vendors or third parties provided the registration fee, if waived for the employee, does not exceed \$500/per person. Reimbursement for travel and/or lodging related to the conference is not allowed. Employees should not exceed three (3) free conferences per year per vendor.
2. Unless otherwise specified in the Industry Relationships Policies, this restriction does not apply if the vendor or third party requests that the Jefferson employee speak at the event and it is apparent from the purpose of the meeting that the purpose does not involve establishing a business relationship with Jefferson.
3. Likewise, the restriction outlined above does not apply to a Jefferson employee who serves on a company's Board of Directors, and who, from time to time attends retreats or conferences sponsored by that Board. Such relationships must be disclosed pursuant to Jefferson's Conflict of Interest Policies.

D. Disclosure of Relationships with Third Parties and Vendors

1. According to Jefferson's Conflicts of Interest Policies, employees should not make decisions that look like they have a conflict of interest. Before Jefferson selects equipment, supplies, products, or services, any relationships with vendors and third parties need to be disclosed.
2. If you have additional questions, please contact the Office of Enterprise Corporate Compliance at 844-MY-1-CODE (844-691-2633) or [ComplianceQuestions@jefferson.edu](mailto:ComplianceQuestions@jefferson.edu).

**References:**

Industry Relationships Policy (University 107.25)

Industry Relationships Policy (Hospital 111.22)

Conflict of Interest (Enterprise 107.03)

Code of Conduct Policy (Enterprise 132.01)

N.J.A.C. 13:45J

**Attachments/Appendices:**

**Review Date (s):** 4/2/2020, 3/16/2021, 10/29/2021, 1/10/2022

**Revision Date(s):** 6/13/2018, 4/2/2020, 1/18/2022

(Signature on File)

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**Approved by:**

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