

<b>Policy Title</b>	<b>Conflict of Interest Policy (COI) - Personal Gifts including Meals, Travel, and Education</b>	<b>Policy ID</b>	<b>2846</b>
<b>Keywords</b>	conflict, of, interest, coi, accredited, continuing, education, ce, activities, pharmaceutical, company, law, firm, professional, meeting, conference, grant, education, event, food, lodging, entertainment, gift, card		

## I. Purpose of Policy

This policy establishes guidance for the acceptance of gifts. This policy provides guidance regarding conflicts of interest and is intended to supplement, but not replace, state and federal laws governing conflicts of interest for nonprofit and charitable organizations.

This policy exists in conjunction with related policies:

- Conflict of Interest (COI) in General and Business Affairs Policy
- Conflict of Interest (COI) Consulting and Vendor Sponsored Activities Policy
- Conflict of Interest (COI) In Research Policy

## II. Policy Scope

This policy applies to all employees, staff, other covered individuals and trustees of Dartmouth Hitchcock (to the extent the trustees are not otherwise covered by a different policy). Key employees, trustees, officers and other individuals who hold responsible leadership positions at Dartmouth Hitchcock and their affiliate relationships may be subject to additional reporting duties as defined by regulatory agencies' requirements. This policy also applies to direct or indirect remuneration received by an immediate family member of a Dartmouth Hitchcock employee or covered individual.

## III. Definitions

**Conflict of Interest:** A conflict of interest may occur when an employee, other covered individual or immediate family member of either (hereafter identified as "persons") has, or to a reasonable independent observer appears to have, a financial or business interest in an outside entity doing business with Dartmouth Hitchcock or intending to do business with Dartmouth Hitchcock, the result of which could influence the person's judgment, compromise the person's ability to carry out his/her responsibilities, or weaken public trust in Dartmouth Hitchcock. Conflicts of interest may arise in all aspects of healthcare activities including clinical care, research, education and business matters.

**Continuing Education (CE)** includes educational activities certified by accreditation councils (for example, the Accreditation Council for Continuing Medical Education) that are intended to keep physicians, nurses and health care professionals and staff current on healthcare technology and information<sup>1</sup>. CE activities, presentations, and all associated material in print or any other media must be educational. Activity content must be independent of commercial influence and activity planning and execution must be in compliance with the Standards for Commercial Support, or similar policies, of the accrediting councils. Dartmouth Hitchcock's CE activities' accreditation is centralized in the Dartmouth Hitchcock Center for Continuing Education in the Health Sciences which adheres to the policies of the following agencies: \*Accreditation Council for Continuing Medical Education (ACCME); \*American

Medical Association (AMA); American Nurses Credentialing Center (ANCC); and National Association of Social Workers (NASW).

\*From the accreditation list within Section §403.904 of the Open Payment (Physician Sunshine) Act 2013. Other accreditation councils, e.g. Accreditation Council for Pharmacy Education (ACPE), may be added in the future.

**Direct or Indirect Payment** is a payment made to a Dartmouth Hitchcock employee, staff or other covered individual(s) or to another party on behalf of any of the above persons.

**Employees:** For the purposes of this policy, “employees” includes all privileged physicians, non-physician practitioners, associate providers, nurses, administrators, technicians, ancillary staff, administrative and support staff, individual independent contractors, and all other individuals, including persons whose services have been purchased or contracted to or by external parties, who receive compensation directly or indirectly from Dartmouth Hitchcock.

**Gifts:** For the purpose of this policy, “gift” means any item, product, or service, regardless of the nature, purpose, or value, except in the limited circumstances described below Section IV.

**Honorarium** is defined as a payment, from a tax-exempt or governmental organization, made to a person for services provided in a volunteer capacity for which fees are not traditionally required or where there is no official charge for services rendered (e.g. invited speaker at a professional society meeting). A payment for similar services by a profit-making entity is not considered an honorarium.

**Immediate Family Member:** Includes spouse, partner, children, siblings, step-siblings, parents, step-parents, grandparents, step-grandparents or any person living in the same household.

**Covered Individuals:** For the purposes of this policy, Dartmouth Hitchcock covered individuals are defined as persons who are not an employee of Dartmouth Hitchcock and are not active in the core Human Resource database with a compensation rate or benefit status, and therefore are unable to be paid but are relevant to Dartmouth Hitchcock and could be perceived to represent Dartmouth Hitchcock. Examples of covered individuals include: Dartmouth Hitchcock Trustees (except where covered by other policies), certain Dartmouth College faculty, staff and students, including Geisel School of Medicine faculty, staff and students while actively working at a Dartmouth Hitchcock location, travelers and/or volunteers assigned to any Dartmouth Hitchcock location when those individuals are actively representing or could reasonably be perceived to be representing Dartmouth Hitchcock. For clarity of the above statement, individuals are excluded from this policy when **NOT** actively working at a Dartmouth Hitchcock location or otherwise representing Dartmouth Hitchcock.

**Outside Entity:** The term “outside entity” includes, but is not limited to, pharmaceutical, medical device, medical supply/equipment companies and other health-related entities that conduct or are seeking to conduct business with Dartmouth Hitchcock. In addition, an Outside Entity is any entity providing or wishing to provide non-healthcare or non-medical services, such as financial services, legal services, consulting services, independent contracting services, food services, external auditing services or other services to Dartmouth Hitchcock. An “entity” includes proprietary (commercial interests) organizations, not-for profit organizations, governmental agencies or professional societies.<sup>2</sup>

**Remuneration:** Any form of monetary compensation or equivalent including honoraria, travel, entertainment, accommodations, and other benefits that may be extended in connection with the individual’s relationship with an outside entity.

**Vendor:** A vendor is considered any manufacturer, distributor, company or representative thereof, who solicits, markets, or distributes medications, products, equipment or services. Any remuneration received

from a vendor by a physician is reportable by the vendor in accordance with the Open Payments (Physician Sunshine) Act 2013.

#### **IV. Policy Statement**

Employees and covered individuals, as well as their immediate family members may not solicit or accept personal gifts, business courtesies or services from outside entities, vendors, or business associates, because doing so may constitute an actual or perceived conflict of interest (Section A). The acceptance of gifts from patients or their families is regulated in Section B.

##### **A. Personal Gifts from Outside Entities**

Offering or accepting personal gifts may influence an individual's decisions and thus may constitute a conflict of interest. Employees and covered individuals are deemed to have received a "gift" when an item of value is given to them personally, to their designee or to their family member for their benefit. Any exception to the acceptance of meals and travel may be granted only with written pre-authorization from the individual's supervisor, the Co-Chairs of the Organizational Ethics Committee or the Chief Clinical Officer. The following items are considered gifts and are prohibited:

- i. Food** - The acceptance from a vendor or outside entity of meals, regardless of their value, is generally prohibited. However, there may be limited circumstances where the acceptance of food is permissible, for example, at certain accredited Continuing Education (CME, CNE, etc.) activities if a lunch is being served as a part of approved Dartmouth Hitchcock or other institution's accredited CME or CNE activity and the meal is not extravagant, the Dartmouth Hitchcock employee can accept the meal. (See Conflict of Interest Meals and Gifts Procedure). Reasonable judgment is required in the acceptance of meals.
- ii. Entertainment** - The acceptance from a vendor or outside entity of entertainment, including but not limited to attendance at recreational, cultural, sporting or other events that would generally have a cost, regardless of their value, is prohibited.
- iii. Travel and Lodging** - The acceptance from a vendor or outside entity of any form of travel and/or transportation and/or lodging that would generally have a cost, regardless of their value, is prohibited except when associated with the delivery of accredited CE, as reimbursement for travel and lodging or as part of agreed upon travel associated with research (see COI Consulting and Vendor Sponsored Activities Policy).
- iv. Research** – Reimbursement or coverage of investigator expenses for food, hotel or travel associated with a research grant managed by the Clinical Trials Office or Sponsored Research that are included in the grant award or contract amount, or are part of the agreement between the research sponsor and Dartmouth Hitchcock, are permissible but should be disclosed.
- v. General Gift Items** - The acceptance of a gift of any kind from a vendor or "outside entity" (see definition) is prohibited. Examples of gifts include, but are not limited to: cash, cash equivalent (gift cards), stock, subsidies, property, use of property or equipment, promotional items (including office products with the vendor's logo), goods, donations, favors, prizes, offers of employment or business relationships, or anything reasonably regarded as providing a financial gain or advantage to either the recipient or his/her immediate family member.

The following items are not considered “gifts” under this policy: books, charts, or other materials that enhance patient care, education or training. These items may be accepted if distributed through the relevant department. Payments for contractual services may be accepted if the engagement complies with this or related policies (see Conflict of Interest Policy (COI) - Personal Gifts including Meals, Travel, and Education).

**vi. Education**

1. Accredited Continuing Education (CE) Activities – Meals, snacks or coffee paid for by a vendor, industry or “outside entity” for an accredited and/or certified CE activity may be accepted so long as they are an inclusive part of the accredited CE activity, such as buffet luncheon offered to all participants at a CME event between educational sessions. However, meals that are paid for by a vendor, industry or outside entity exclusive from the accredited CE activity, such as vendor parties or invitations to dinner that occur in the hours before or after the CE activity schedule, or where the invitation is not extended to all CE activity participants equally, are not permitted.
2. Non-Accredited CE Activities - Employees and covered individuals may attend Industry-sponsored events, such as non- accredited CE programs, at their own discretion. Dinner programs, “roundtables,” or other “educational events” sponsored by Industry are included in this category. In such cases, the individual employee shall not receive any remuneration or gifts in exchange for attendance including: snacks, beverages, meals, door prizes, giveaways, travel, accommodations, or registration fees.

**vii. Charitable Contribution** – Includes but is not limited to any payment or transfer of value made to an organization with tax-exempt status under the Internal Revenue Code, which is not provided in exchange for any goods, items or services. Contributions include donations, gifts, bequests, grants, and other transfers of money or property to the extent that adequate consideration is not provided in exchange. The acceptance of a payment by an individual Dartmouth Hitchcock employee from a vendor or outside entity made directly to, intended for, or on behalf of a Dartmouth Hitchcock employee or covered individual must be disclosed. Charitable contributions may be donated to a Dartmouth Hitchcock program or department which may or may not be attributed to an individual Dartmouth Hitchcock employee.

**viii. Education Grant** – Educational and research grant funding from a vendor, industry or outside entity for continuing education or research is permitted but must be reviewed and approved by the supervisor (i.e. appropriate Section Chief, Department Chair or Senior Leader) to assess if there is a conflict present and to determine a management plan if necessary. The education and research funding must also be discussed with the appropriate Dartmouth Hitchcock and Geisel officials (e.g. CME and CNE Directors and Hitchcock Foundation Director) and subsequently disclosed publicly. All educational grants for accredited CE activities at Dartmouth Hitchcock that are provided by a vendor, industry or outside entity are managed through the Center for Continuing Education in the Health Sciences. Research grants provided by a vendor, industry or outside entity are managed through Hitchcock Foundation and/or the Clinical Trials Office.

**B. Gifts from Patients and their Families**

- a. **Gifts to Dartmouth Hitchcock** - Dartmouth Hitchcock, as an organization, may accept contributions from our patients and their family members. Refer patients and their family members who wish to make charitable contributions to the Office of Development.
- b. **Personal Gifts to Individuals** - There are ethical limitations to the acceptance of personal gifts from patients or their family members. Employees and covered individuals may **not** accept personal gifts of cash, cash equivalents, or gift cards from patients or their family members. **Modest personal gifts** given as an expression of gratitude **may** be accepted, particularly when refusing them would create disproportionate hurt to patients or family members. It is best to share gifts with staff members whenever possible. We also may accept perishable items of modest value, such as food or flowers, provided that they are shared with the relevant department or unit. Personal gifts may never be solicited from patients or their family members.

## V. References

Department of Health and Human Services, Federal Register Rules and Regulations 42 CFR Parts 402 and 403; Vol. 78, No. 27/Friday February 8, 2013, pp 9458-9528

## VI. Footnotes

<sup>1</sup> Institute of Medicine As A Profession (IMAP),  
[http://www.imapny.org/conflicts\\_of\\_interest/glossary\\_of\\_terms](http://www.imapny.org/conflicts_of_interest/glossary_of_terms) (accessed February 19, 2014).

<sup>2</sup> Department of Health and Human Services, Centers for Medicare & Medicaid Services 42 CFR Parts 402 and 403 Open Payment (Physician Sunshine Act) 2013, 9490.

<b>Responsible Owner:</b>	Organizational Ethics	<b>Contact(s):</b>	Brittany Riordan
<b>Approved By:</b>	Office of Policy Support - Organizational Policies Only; Organizational Ethics Committee	<b>Version #</b>	3
<b>Current Approval Date:</b>	06/10/2020	<b>Old Document ID:</b>	AC.0001
<b>Date Policy to go into Effect:</b>	06/10/2020		
<b>Related Policies &amp; Procedures:</b>	<a href="#">Conflict of Interest (COI) in General and Business Affairs Policy-D-H</a> <a href="#">Conflict of Interest (COI) Consulting and Vendor Sponsored Activities Policy-D-H</a> <a href="#">Code of Ethical Conduct-D-H</a> <a href="#">Conflicts of Interest (COI) in Research Policy</a>		
<b>Related Job Aids:</b>			