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**SECTION: HUMAN RESOURCES**

**AREA: EMPLOYEE RELATIONS**

**SUBJECT: ETHICAL CONDUCT/GIFT POLICY**

### PURPOSE

To provide standards and guidelines regarding the general prohibition on accepting Gifts by employees of the University of Arkansas for Medical Sciences (“UAMS”).

### SCOPE

All UAMS employees, excluding the acceptance of institutional donations.

### DEFINITIONS

**Gift** shall include any gratuity, favor, discount, entertainment, hospitality, or other item without payment. It includes services as well as gifts of training, transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

Gift shall not include:

- i. A one-time token of appreciation from a patient provided its value is less than \$25.00;
- ii. Rewards and prizes in contests open to the public;
- iii. Commercial discounts available to the general public or to all government or UAMS personnel;
- iv. Commercial loans and pensions, and similar benefits;
- v. Anything for which the employee pays Market Value; and
- vi. Awards and honorary degrees.

**Given because of the employee’s official position** shall mean a Gift given from a person other than another UAMS employee and would not have been given had the employee not held the status, authority, or duties associated with the employee’s UAMS position.

**Healthcare Industry** shall include the development, manufacture, supply and delivery of healthcare products or services. Entities in the Healthcare Industry include, but are not limited to, pharmaceutical and medical devices, medical supply, patient transportation and ambulance services, hospitals, laboratories, medical imaging, and physician and nursing services.

**Market Value** shall mean the cost that a member of the general public would reasonably expect to incur to purchase the Gift. An employee who cannot ascertain the Market Value of a Gift may estimate its Market Value by reference to the retail cost of similar items of like quality.

## **POLICY**

### **Principles of Ethical Conduct**

The following principles of ethical conduct apply to all employees of UAMS:

1. Public service is a public trust, requiring employees to place loyalty to the laws and ethical principles above private gain.
2. Employees shall not engage in financial transactions using non-public information or allow the improper use of such information to further any private interest.
3. An employee shall not solicit or accept any Gift or other item of monetary value from any person or entity doing business with or seeking to do business with UAMS.
4. Employees shall put forth honest effort in the performance of their duties.
5. Employees shall make no unauthorized commitments or promises of any kind purporting to bind UAMS.
6. Employees shall not use their position for private gain.
7. Employees shall act impartially and not give preferential treatment to any private organization or individual.
8. Employees shall protect and conserve UAMS property and shall not use it for other than authorized activities.
9. Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with their UAMS duties and responsibilities.
10. Employees shall disclose fraud, abuse and corruption to appropriate authorities.
11. Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or these Standards of Ethical Conduct.

### **Basic Concepts**

Employees shall apply the principles stated above in weighing the propriety of conduct not otherwise addressed in this policy.

Even though acceptance of a Gift may be permitted in some scenarios, it is never inappropriate and is typically prudent for an employee to decline a Gift if acceptance would cause a reasonable person to question an employee's integrity or impartiality.

## PROCEDURE

### A. Gifts

1. In accordance with University of Arkansas Board of Trustees Policy 330.1, employees in purchasing, billing, collections, financial offices and offices otherwise engaged in contracting for expenditure or receipt of funds shall not solicit or accept Gifts from persons or entities that contract with, do business with or seek to do business with UAMS.
2. UAMS employees shall not solicit or accept a Gift:
  - a. from a patient, visitor or a person or entity that contracts with, does business with or seeks to do business with UAMS; or
  - b. from Healthcare Industry vendors or representatives; or
  - c. given because of the employee's official position.
3. There are certain limited exceptions where Gifts may be accepted by UAMS employees other than those described in paragraph 1 above. Such employees may accept the following:
  - a. Gifts based on an outside relationship, such as a family relationship or personal relationship;
  - b. meals and Gifts of a value of \$25 or less offered to UAMS employees by entities where the employee is physically present as a result of UAMS job duties.
    - UAMS employees whose scope of employment requires physical presence at non-UAMS facilities may accept meals and Gifts of a value of \$25 or less provided such meals or Gifts are given to similarly situated employees of that facility.
  - c. discounts and similar benefits offered to groups in which membership is not related to UAMS employment (or "government discounts" where the same offer is broadly available to the public through similar groups), and certain benefits offered by professional associations or by persons who are not prohibited sources (A.1. above);
  - d. legitimate awards that are part of a regular and established program of recognition for meritorious public service;
  - e. free attendance provided by the sponsor of a widely-attended gathering, speaking engagement, or other event where UAMS has determined it is in its best interest to attend the event;
  - f. food, refreshments, and entertainment at certain social events extended by persons who are not prohibited sources, where no one is charged a fee to attend the event;
  - g. unsolicited Gifts for free attendance for UAMS employees (and spouses) at events sponsored by state or local governments or non-profit, tax exempt civic organizations, where UAMS has determined it is in its community relations interests to attend the event.
  - h. unsolicited Gifts of food, lodging, travel or attendance at events for UAMS employees (and spouses) when the employee is appearing in an official capacity for UAMS based on the employee's office or position and the purpose of the appearance is to further the UAMS mission.

4. Travel to attend training or other events where UAMS has determined it is in its interest to attend the event may only be accepted under the following conditions:
  - a. The reasonable cost of travel to and from the event and for lodging and meals during the event may only be accepted upon the approval of the Department Chair, Director, Dean, or Hospital CEO.
  - b. Employees shall not accept any payment as "compensation" for their time or any out-of-pocket expenses except for honoraria or consultation fees for actual services rendered, when appropriately disclosed and approved, and not otherwise prohibited.
  - c. In accordance with the Anti-Kickback Statute (42 USC § 1320a-7b(b)), costs for travel, lodging and/or meals may not be provided in exchange for the referral of services or products covered by any federal healthcare program.
5. Unless a previously stated exception applies, meals may not be accepted.
  - a. Educational, marketing and other promotional programs may not include meals for UAMS employees.
  - b. Sponsors of educational programs must submit funds to the appropriate foundation account.
  - c. Each college will establish procedures to implement this provision of this policy.
6. Handling Improper Gifts.

Items from a patient or a patient's family are often hand-made and reflect heartfelt appreciation. In accepting a homemade item under \$25, employees should explain to the patient that while they appreciate the Gift, under UAMS policy they cannot accept any future Gifts. (See the first exception to the definition of Gifts.)

When an employee is the recipient of an improper Gift, the employee should:

- a. First and foremost, if possible, refuse the offer of an improper Gift. Diplomatically explain that UAMS employees may not accept certain Gifts.
- b. If an improper Gift was not initially refused, the employee should:
- c.
  - i. Return the Gift; or
  - ii. Pay the donor its market value; or
  - iii. Subject to the approval of the Department Chair, Director or Dean, perishable items may be donated to charity or destroyed.

For example scenarios implementing the gift policy and answers to our most commonly asked questions, please see the "Gift Policy Frequently Asked Questions" at <https://coi.uams.edu/policies/>.

Signature:  \_\_\_\_\_

Date: July 28, 2021