

Policy Name: Gifts/Non-Monetary Compensation Policy
(Physicians) Policy

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Policy Number: CG-05 (Compliance - General)

I. PURPOSE

The purpose of this policy is to establish guidelines that comply with federal laws related to UHA giving gifts and other non-monetary compensation to physicians.

II. POLICY STATEMENT

All gifts and other non-monetary compensation offered to physicians and/or their immediate family members, including, but are not limited to, meals and tickets to sporting or cultural events, must meet the guidelines in this policy.

III. SCOPE

This policy applies to all of UHA.

IV. DEFINITIONS

A. Immediate Family Member— means husband or wife; birth or adoptive parent, child, or sibling; stepparent, stepchild, stepbrother, or stepsister; father in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law; grandparent or grandchild; and spouse of a grandparent or grandchild.

V. GUIDELINES/PROCEDURES

A. General.

1. UHA is subject to the Federal Stark law (see Physician Referral— Stark Law Policy). In general, this law establishes rules and regulations governing remuneration (anything of financial value) between a physician and an entity (e.g. UHA) that provides certain health care services such as laboratory, radiology, and inpatient services. There are significant penalties if UHA violates Stark.
2. Under Stark, UHA must ensure that any gifts or other non-monetary compensation, including meals and entertainment, it gives or provides to a physician meets applicable requirements. UHA affiliated physicians and medical groups must also abide by these rules for any gifts and other non-monetary compensation it gives to non-UHA affiliated physicians.

B. Gifts from UHA to Physicians (Non-Monetary Compensation)

1. Under the Non-Monetary Compensation exception of Stark, UHA may provide gifts such as meals, tickets to sporting or cultural events, gift baskets and etc. so long as:

<p>UNIVERSITY HEALTHCARE ALLIANCE</p>	<p style="text-align: right;">Approval Date: 6/25/13 Revision Date: Approval Signature: _____</p>
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- a. The value of the gifts given over a calendar year does not exceed the amount established in the Stark regulations. This amount increases each year. For 2013, the amount is \$380.00;
 - b. The amount of the gift is not determined in any manner that takes into account the volume or value of referrals to UHA or other business generated by the referring physician;
 - c. The gift was not solicited by the physician or the physicians practice; and
 - d. The items or services are given to individual physicians (as opposed to entire medical groups); and
 - e. The provision of the gift does not violate the Anti-Kickback Statute or any Federal or State law or regulation governing billing or claims submission.
2. If UHA inadvertently provides non-monetary compensation to a physician in excess of the amount allowed, Stark is not considered to have been violated if:
 - a. The value of the excess of the gift is not more than 50% of the monetary limit; and
 - b. The physician returns the gift(s) that exceed the allowed amount to UHA by the end of the calendar year in which the physician received the gift. Please note, however, this "return" option may only be used once every three (3) years with respect to the same physician.
 3. To meet this exception under Stark, UHA may not give gifts of cash or cash equivalents, such as gift cards.

C. Gifts or Non-Monetary Examples.

1. Examples. Examples of gifts that fall under this exception, include, but are not limited to:
 - a. Meals provided away from a UHA, with the exception of those provided for business purposes as described below in section (V)(C)(3) below.
 - b. Tickets to sporting events or other similar cultural events;
 - c. Local recreational events such as fishing, golfing etc., but excluding the value of the charitable contribution of the event is a charity event.

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- d. Flowers or other gifts to physicians or their family members when they are hospitalized or used to recognize a special event;
- e. Holiday gifts; and
- f. All other gifts and prizes given in connection with special days or events.

2. Calculating the Value of Gift. UHA must keep track of the costs associated with any gift(s) given to a physician. Costs will be allocated as follows:

- a. For any discreet gifts (e.g. bottle of wine, gift basket, ticket to baseball game etc.) the actual value of the gift, including tax will be used to assign the value of that gift.
- b. For meals and any other non-discreet entertainment, such as a party at museum or etc., the cost attributable to the physician is as follows:
 - i. The total cost of the meal or event is divided by the total number of participants, even those participants that are not physicians, to establish a “per-person” amount.
 - ii. The per-person amount is tracked for each physician who took part in the meal or event.
 - iii. If the physician brings his or her spouse, child(ren) or other guest, the per person amount is applied to each of those individuals and must also be attributable and tracked as a gift to the physician.

3. Business Related Meals and Travel Expenses

As part of their relationship with UHA under the terms of their PSA, UHA physicians may be required to assist UHA with various clinical, strategic and other initiatives pursued by UHA and Stanford. UHA will have a written acknowledgement with each medical group indicating such business meetings are considered part of the physician’s duties under their employment agreement. UHA may pay for meals and reasonable travel expenses provided to or incurred by the UHA physician when they are engaged in business related expenses.

D. Reporting Gifts. Any gift given to a physician by or on behalf of UHA must be reported to the UHA Director of Compliance who will track total amounts given to each physician for each calendar year.

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- E. Gifts from UHA Physicians or Medical Groups to Non-UHA physicians. A UHA physician or medical group may provide a gift to non-UHA affiliated physicians and practices in an effort to develop and maintain business relationships provided that:
1. The value of the gift should not exceed \$50.00 per individual and not exceed the federally permitted annual; and
 2. The gift is reported to the UHA Director of Compliance for tracking purposes. The UHA Director of Compliance will share the tracked data with the UHA Executive Director, Provider Recruitment and Development.

VI. RELATED DOCUMENTS/POLICIES

- A. Physician Referral Stark Law Policy

VII. REFERENCES

- A. 42 C.F.R. § 411.357(k)