DePaul Corporate Compliance
Antikickback – Business Courtesies, Gifts, and Entertainment Policy

Purpose:

DePaul (sometimes referred to as "Organization" or "the Organization") recognizes that there are legitimate and lawful reasons to accept or provide reasonable business courtesies. However, in healthcare, business courtesies pose a risk for conflict of interest or fraud and/or abuse related to anti-kickback laws and regulations. The Federal Anti-Kickback law prohibits the offer of payment, solicitation, or receipt of anything of value to induce or reward the referral of Federal health care program recipients, such as Medicare and Medicaid recipients. The Federal Anti-Kickback statute also prohibits the payment or receipt of any remuneration that is intended to induce the purchasing, leasing, or ordering of any item or service that may be reimbursed, in whole or in part, under a Federal health care program. It also prohibits the payment or receipt of any remuneration that is intended to induce the recommendation of the purchasing, leasing, or ordering of any such item or service.

The purpose of this policy is to assure that the Organization complies with Federal Anti-Kickback laws. The policy provides guidance for providing business courtesies.

For the purpose of this policy, the following definitions apply:

1. Affected Individuals: All persons who are affected by the required provider's risk areas including the required provider's employees, the president and other senior administrators, managers, contractors, agents, subcontractors, independent contractors, and governing body and corporate officers.

2. Business Courtesies: A business courtesy is anything of value, a favor, or a benefit provided free of charge or at a charge less than fair market value in the context of a business relationship. The Policy applies to gifts, entertainment, and hospitality involving the Organization's employees or Board members and its referral sources and business partners intended to enhance business relationships and/or further their mutual business interests. Examples include gifts, entertainment, or hospitality for the purposes of inducing:
    - Referrals for DePaul's services or treatment;
    - The purchasing, leasing, or ordering of any item or service; or
    - The recommendation of the purchasing, leasing, or ordering of any such item or service.

3. Immediate Family Member: For the purpose of this policy, an immediate family member is any person who is related by blood or marriage, or whose relationship with the employee or Board member is similar to that of persons who are related by blood or marriage. An immediate family member of a person includes:
    - The person's spouse;
    - Natural 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.

4. Nominal Value: DePaul has determined that items with a value of $75.00 or less to be of nominal value.

5. Potential Referral Source: A potential referral source includes a physician, other healthcare provider, or party who could reasonably be a source of referral of individuals or patients to the Organization for services or treatment.

6. Remuneration: Any type of direct or indirect payment, bribe, rebate, or other type of inducement.

Policy:

1. Any business courtesy intended to induce or reward referrals or result in the purchase of goods or services is strictly prohibited.

2. It is the policy of DePaul that gifts, entertainment, and other benefits will not be provided to a potential referral source, except as permitted by this policy.

3. Any business courtesies involving physicians or other individuals or entities in a position to refer individuals or patients to DePaul for services must strictly follow DePaul's policies and be in conformance with all Federal and State laws, regulations, and rules regarding these practices.

Regulatory References:

Social Service Law 363-D
18 NYCRR Part 521

Procedures:

1. DePaul's employees and Board members may not offer potential referral source business courtesies unless the following criteria are met:
    - The business courtesy is not based, directly or indirectly, on the volume or value of referrals or other business generated by the potential referral source;
    - The business courtesy is not solicited by the potential referral source or the referral source's employees;
    - The business courtesy does not consist of cash or the equivalent of cash; and
    - The business courtesy does not violate the Federal Anti-Kickback statute or any state or Federal law governing claims submission.

2. All employees and Board members must inform the Compliance Officer before extending business courtesies in an amount greater than $75.00 to potential referral sources and business partners. The Compliance Officer will record any business courtesy extended to potential referral sources and business partners on the Gifts and Entertainment Recording Log

attached to this Policy. The Compliance Officer will ensure that business courtesies in any amount greater than $75.00 are not in violation of the procedures outlined in bullet 1 of this policy.

3. Employees, Board members, and their Immediate Family Members are prohibited from receiving and/or accepting business courtesies from DePaul's business partners or potential business partners as an inducement to purchase or lease goods or services.

4. Employees, Board members, and their Immediate Family Members shall not accept or solicit excessive gifts, meals, expensive entertainment, or other offers of goods or services that have more than nominal value from vendors, suppliers, contractors, or other persons.

5. Employees and Board members may only retain gifts from vendors that have a nominal value. Gifts from vendors exceeding the amount of $75.00 should be reported to the Compliance Officer and recorded on the Gifts and Entertainment Recording Log. If an employee or Board member has any concern as to whether a gift should be accepted, the Compliance Officer should be consulted. To the extent possible, these gifts should be shared with other individuals/employees at DePaul.

Sanction Statement:

Non-compliance with this policy may result in disciplinary action, up to and including termination.

Compliance Statement:

As part of its ongoing auditing and monitoring process in its Compliance Program, DePaul will review this policy based on changes in the law or regulations, as DePaul's practices change, and, at minimum, on an annual basis. Additionally, this policy will be tested for effectiveness on an annual basis or more frequently as identified in accordance with DePaul's Compliance Program. Testing will include but is not limited to ensuring that the policy is appropriately followed; the policy is effective; the policy has been disseminated to all Affected Individuals, who will also be notified of any updates or changes.

Tracking of the criteria above and results of this testing will be completed by the Compliance Officer, or designee. Additionally, results will be reported to the Compliance Committee and Governing Body on a regular basis.

Record Retention Statement:

DePaul will retain this policy and all subsequent revisions, and any related documentation will be retained for a period of, at minimum, six years.

DePaul
Gifts and Entertainment Recording Log

For the period _____ to _____

Potential Referral Source, Business Partner, or Vendor	Authorized By	Date of Gift/ Entertainment	Type of Gift/ Entertainment	Gift/Entertainment Amount	Reason for Gift/ Entertainment