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1. PURPOSE

Federal and State laws and regulations including but not limited to the Federal Anti-Kickback Statute, the Ethics in Physician Referrals Act, and the Civil Monetary Penalties Statutes, prohibit the acceptance of anything of value, whether offered directly or indirectly or whether it is in cash or in kind, that may induce or appear to induce the purchase, recommendation or referral for any kind of item or service that may be reimbursed by a federal health care program. Consequently, the acceptance of gifts or business courtesies from any third party with whom Aurora conducts business, or who are seeking to conduct business with Aurora may implicate these prohibitions.

Aurora Health Care seeks to ensure that all caregivers conduct business in an honest, ethical and fair manner and in accordance with all applicable laws and regulations. This policy is intended to provide parameters for appropriate decision-making by all caregivers with regard to the acceptance or provision of gifts, gratuities, business courtesies, so that we can eliminate what might be perceived by patients or others as inappropriate influence. This policy addresses only Vendor Gifts and business courtesies. Please refer to the Interaction with Industry Policy #208 or consult with the Compliance Department for guidance on other Vendor relationships.

2. SCOPE

This policy applies to all Aurora caregivers including all students, trainees, residents, employees, officers, directors and agents of the owned and controlled entities of Aurora Health Care.

3. DEFINITIONS

“Aurora” means Aurora Health Care and any of its affiliated entities.

“Aurora-Sponsored Event” includes social events (examples include, but are not limited to, a meal, attendance at a sporting, cultural or charitable event, participation in a sporting event, or golf outing) sponsored by Aurora at which business matters may be discussed, but the primary purpose is not for a business meeting, as well as conferences and educational programs that are not certified for CME credit.

“Fair Market Value” means the value of a product, service, or transaction, that would result from bona fide bargaining based on an arm’s length relationship between a willing buyer and willing seller who are not otherwise in a position to generate business for the other party.

“Gift” includes anything of value a caregiver receives for which the caregiver has not paid or performed services. Gifts include, but are not limited to, cash, cash equivalents (such as gift cards), loans, promotional items (e.g., pens, note pads, coffee mugs), food and beverages, entertainment or sports tickets, discounts (unless offered to all Aurora caregivers through PerkSpot), or use of a Vendor’s vacation facility or vehicle.

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“**Vendor**” means a company, including any employee, agent or representative of a company that currently supplies or has the potential to supply products or services to Aurora or is otherwise in a position to do business with Aurora.

“**Vendor-Sponsored Event**” includes social events (examples include, but are not limited to, a meal, attendance at a sporting, cultural or charitable event, participation in a sporting event, or golf outing) sponsored by a Vendor at which business matters may be discussed, but the primary purpose is not for a business meeting, as well as conferences and educational programs that are not certified for CME credit.

4. POLICY

4.1 Gifts from Vendors

- a) General Prohibition on Acceptance of Gifts. Aurora caregivers may not solicit or accept any Gifts from Vendors, regardless of the value, except as set forth in this Policy. Even Gifts of nominal value may be viewed to influence or potentially influence Aurora caregivers in the conduct of their duties and responsibilities. Gifts that are impermissible for caregivers are also impermissible when given to family members or guests of Aurora caregivers.

- b) Exceptions. The following are exempted from the general prohibition on acceptance of Gifts, set forth above, and may be accepted:
 - i) Journal reprints and patient educational materials, provided that they have a legitimate business purpose;

 - ii) Items received at charitable events or while attending a conference may be accepted in aggregate amounts up to \$50, but cannot be brought into any Aurora facility;

 - iii) Participating in Vendor-sponsored raffles at external conferences is permissible, provided that all attendees are permitted to participate and no branded prizes are brought into any Aurora facility.

 - iv) Books, of a professional nature, may be accepted, reviewed by the recipient, then donated to the Aurora Library.

4.2 Gifts from Patients

- a) Caregivers are also prohibited from accepting personal Gifts from patients, former patients or the friends and relatives of a patient except under the following circumstances:

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- i) The Gift is a modest token of appreciation (approximate value of \$50 or less) rather than intended to influence behavior;
 - ii) The Gift is not cash or a cash equivalent (such as a gift card or gift certificate); and,
 - iii) The circumstances are such that refusal of the Gift could hurt a patient's feelings or otherwise be counterproductive to a patient relationship.
- b) If possible, patients who wish to give a Gift should be directed to the Aurora Foundation. If a Gift of substantial value or cash or cash equivalent cannot be graciously refused, it may be accepted on behalf of Aurora and delivered to the Aurora Foundation. Perishable gifts (flowers, food) may be shared with a caregiver's co-workers (e.g., placing flowers at in a reception area or putting out cookies in a common break room). If a caregiver is unsure whether they can accept a Gift from a patient, they can consult with the Compliance Department for guidance.

4.3 Gifts to Patients

There may be circumstances when an Aurora caregiver would like to provide a gift in recognition of a patient. For example, as part of a service recovery effort or in recognition of a patient's volunteer efforts. As appropriate, Aurora caregivers and entities may offer or give gifts to patients under the following circumstances:

- a) The value of the gift does not exceed \$15 per item;
- b) The aggregate value of all gifts given to a patient does not exceed \$75 per year; and
- c) The gift cannot be cash or cash equivalent except as specifically approved by the Compliance Department in advance.

4.4 Gifts among Caregivers

This Policy does not apply to interactions between caregivers and Aurora or between caregivers, even though such interactions may involve the exchange of items that would be classified as "Gifts" if received from a Vendor. This would include social, congratulatory, caregiver recognition and other gifts. However, gifts to physicians must comply with the requirements of [PHYSICIAN GIFTS AND BUSINESS COURTESIES](#)

4.5 Gifts to Government Officials

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Aurora caregivers may not offer any Gifts, even if nominal in value to any government official. Such Gifts could be misinterpreted as an attempt to improperly influence an official and must not be given.

4.6 Sponsored Events

a) Vendor-Sponsored Events

Aurora caregivers may accept invitations to attend or participate in Vendor-Sponsored Events provided that the caregiver pays for him or herself and any of his or her guests. The following are examples of permissible Vendor-Sponsored Events:

- i) A caregiver is invited to go to dinner at a local restaurant with a Vendor. The caregiver may accept the invitation, provided that he or she pays for him or herself and any of his or her guests.
- ii) A caregiver is invited to play golf with a Vendor. The caregiver may accept the invitation, provided that he or she pays for the applicable greens fees or other associated costs.
- iii) A Vendor has a table at a non-Aurora charitable event and invites a caregiver to attend. The caregiver may accept the invitation, provided that he or she reimburses the Vendor for the amount it would cost for the caregiver to purchase an individual ticket to attend.
- iv) A Vendor invites a caregiver to a baseball game. The caregiver may attend, provided that he or she reimburses the Vendor for the face value of the ticket and pays for his or her own food and beverage at the event.
- v) A Vendor is sponsoring a reception at an external conference that is open to all conference participants. The caregiver may attend the reception because it is included in the overall cost of the conference program.

b) Aurora-Sponsored Events

Aurora caregivers may accept invitations from Vendors to attend or participate in an Aurora-Sponsored Event as a guest of the Vendor if the caregiver pays to the Aurora Foundation his or her portion of the Fair Market Value amount of such attendance or participation. The following are examples of permissible Aurora-Sponsored Events:

- i) A Vendor pays \$500 for a golf cart at an Aurora sponsored golf outing, and invites a caregiver to participate by riding as the Vendor's guest in the cart and golfing in the outing. The Aurora Foundation has stated the Fair Market Value to golf and participate in events included with the outing to be \$150 per person. The

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caregiver may participate, provided that he or she pays \$150 to the Aurora Foundation which will be recognized and acknowledged as a donation

- ii) A Vendor pays \$1000 for a 10 person table at an Aurora sponsored function. The Aurora Foundation has stated the Fair Market Value to be \$50 per person for attendance at the function. The Vendor asks a caregiver to attend as the Vendor's guest at the table. The caregiver may participate, provided that he or she pays \$50 to the Aurora Foundation which will be recognized and acknowledged as a donation..

4.7 Food and Meals

- a) On Aurora Premises. Vendors may not supply or deliver food, beverages or meals to caregivers in any Aurora facility. However, grants from Vendors to offset the cost of modest refreshments for bona fide educational meetings may be accepted, with Aurora providing the refreshments. Vendors wishing to make such grants should be directed to either the Aurora Foundation or the Aurora Continuing Education Department.
- b) Business Meals. Aurora caregivers may accept a modest meal from a Vendor while participating in a meeting off Aurora premises for which the primary purpose is to conduct business on behalf of Aurora Health Care. An example of a business meal: a team of Aurora and Epic employees is in a day-long session developing project plans for enhancements to Epic at Aurora, and the team continues to work over lunch or dinner. The vendor, in this case Epic, is allowed to provide a modest meal as this is a 'working' lunch/dinner. A meal that includes family members or guests would be considered a social event, and would fall under Vendor-Sponsored Events, discussed in Section 4 above. Meals offered in connection with professional education/user groups or networking events are not considered to be business meals and would also fall under vendor-sponsored events as discussed above. For these purposes, a modest meal would have an expected value of \$25 or less per person for breakfast or lunch and \$50 or less per person for dinner.

4.8 Charitable Contributions.

Vendors may make bona fide charitable contributions to the Aurora Health Care Foundation provided that such contribution is not premised or conditioned upon transacting or conducting business with Aurora. For example, a Vendor may make a charitable contribution in lieu of sending a holiday gift basket.

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5.0 PROCEDURE

5.1 Enforcement.

- a) Caregiver Violations. Suspected violations of this Policy by an Aurora caregiver may be reported by any Aurora caregiver to their immediate supervisor or a higher-level manager, to a compliance officer, or anonymously to the Aurora Corporate Compliance Hotline (1-888-847-6331). All suspected violations will be investigated by the Aurora Compliance Department. Confirmed violations of this policy will be reported to the caregiver's immediate supervisor and Human Resources to determine what corrective actions to take.

- b) Vendor Violations. Violations of this Policy by a Vendor representative shall be reported to the Vice President – System Logistics and Logistics Legal Services and shall result in corrective action, which may include verbal or written warnings to the Vendor representative and/or his or her supervisor and/or suspension of the Vendor representative from Aurora facilities.

- 5.2 Questions related to any gift or business courtesy can be directed to the SVP & Chief Compliance Officer or any Aurora Compliance Officer.

CROSS

REFERENCES:

[PHYSICIAN GIFTS AND BUSINESS COURTESIES INTERACTIONS WITH INDUSTRY](#)

REFERENCES:

Advanced Medical Technology Association (AdvaMed), *Code of Ethics on Interactions with Health Care Professionals* (July 2009), available at: <https://www.advamed.org/resource-center/advamed-code-ethics-interactions-health-care-professionals>

Pharmaceutical Research and Manufacturers of America (PhRMA), *Code of Interactions with Health Care Professionals* (Jan. 2009), available at: <http://www.phrma.org/codes-and-guidelines/code-on-interactions-with-health-care-professionals>

Council of Medical Specialty Societies, *Code for Interactions with Companies* (April, 2015), available at: <https://cmss.org/wp-content/uploads/2016/02/CMSS-Code-for-Interactions-with-Companies-Approved-Revised-Version-4.13.15-with-Annotations.pdf>

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Anti-Kickback Statute, 42 U.S.C. § 1320a-7a and 42 C.F.R. § 1001.951 *et seq.*

Stark Law, 42 U.S.C. § 1395nn and 42 C.F.R § 411.350 *et seq.*

PRIOR REVIEW / REVISION DATES: 06/10, 10/13, 12/13, 10/14, 03/15, 03/16, 12/16