

Marketing Practices

Federal Regulations: 42 U.S.C. §1320a-7b	Effective Date: March 29, 2019
State Regulations:	Revision Date(s): February 27, 2023

PURPOSE: To provide hospice staff with guidelines for conducting business with physicians, vendors and other persons employed in the health care industry.

POLICY: No employee of Hospice shall knowingly or willfully request, receive, or give any payment (including any kickback, bribe, or rebate) directly or indirectly, overtly, or covertly, in cash or in any other form of value in return for referring a patient to a health care provider or related vendor for any item or service regardless of the patient’s source of health care coverage.

PROCEDURE:

- I. No employee of Hospice will request, receive, or give cash or any cash equivalent (excluding merchant gift cards \$10 in value or less) to physicians, vendors or other persons employed in the health care industry.
- II. **Receiving Gifts** – The Administrator will be informed of all items received by staff in the form of gifts or services (collectively “Gift”) from a physician, vendor or other person employed in the health care industry.
 - A. The Administrator will make the determination of whether the Gift should be refused, given back if already received (i.e., a gift card), or if the Gift is appropriate to be shared among staff (i.e., food items).
 - B. The Administrator will refer to MP – Form A – Marketing Risk Assessment for guidance.
- III. **Giving Gifts** – Employees involved in marketing activities will refer to AP – Form A – Marketing Risk Assessment for guidance before providing any item in the form of a gift to physicians, vendors, or other persons employed in the health care industry.
 - A. Items listed in the “Low Risk” column are accepted as standard practice and do not require Administrator pre-approval.
 - B. Items listed under “High Risk” are prohibited by the company.
 - C. Any item not listed on the Marketing Risk Assessment must be approved by the Administrator prior to purchase.
 - D. The maximum cumulative value provided to any one (1) healthcare provider under this Section shall not exceed \$300 per annual aggregate without VP of Hospice Operations approval.
- IV. **Documentation**
 - A. All items received by Hospice staff will be turned over to the Administrator and documented on AP – Form B – Gift Log.
 - i. Description of items includes the following details:
 - a. A brief description of what was received
 - b. Who the Gift was provided to

Marketing Practices

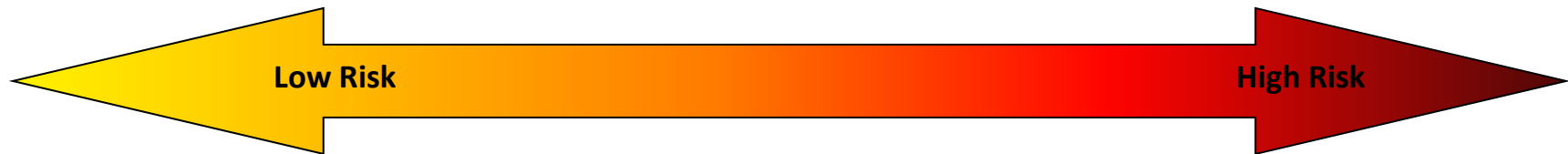
- c. Who provided the Gift
 - ii. The Administrator's determination will include the following details:
 - a. If the Gift was refused and returned to the giver
 - b. If the Gift was distributed among staff
 - c. Any notification to the individual or agency that provided the Gift of the Facility's policy regarding the receipt of Gifts
 - d. Any report made to an outside agency regarding an attempted inducement by the individual or agency that provided the Gift
 - B. All marketing expenses are logged on the Concur expense reporting platform. Marketing expenses will include the following details:
 - i. A brief description of what was purchased
 - ii. Who the item(s) were provided to
 - iii. Names of all persons who attended a particular event
 - iv. The business purpose, in the form of a brief description of the goal of the meeting.
 - C. Marketing events that include an educational component require submission of a sign-in sheet and an outline of the educational material.
 - D. The Administrator will review each expense report before it is submitted for reimbursement.
- V. If any Hospice staff becomes aware of a violation of this policy, he/she will report such violation to the Silverado Compliance Department.
- A. The Compliance Officer will perform an investigation of any alleged violation of the Anti-Kickback Statute under the direction of legal counsel.
- VI. Hospice will not bill for any referral made as the result of an inducement or kickback.

Forms:

- MP- Form A – Marketing Risk Assessment
- MP – Form B – Gift Log

Marketing Risk Assessment

The following are examples of marketing practices and their associated risks. This list does not include every scenario. Please consult with your Administrator if you have any concerns about providing/receiving any items to/from a physician, vendor or other person employed in the health care industry.



- Providing office supplies (pens, notes pads, etc.)
- Providing a reasonably priced meal or snack (e.g. coffee, fruit plate, bagels, pastries/cookies, sandwiches) for a group or an individual while conducting an in-service, open house, or providing information about hospice services
- Accepting a gift from a physician or vendor that is of minimal value and can be shared among staff (e.g., box of chocolates)
- Providing a merchant issued gift card with a value of \$10 or less

- Accepting or providing cash or cash equivalents in any amount or gift cards with a value in excess of \$10
- Accepting or providing frequent or expensive meals (e.g., weekly lunches with the same physician or a dinner in excess of \$30 per person)
- Accepting or providing tickets to a sporting event, concert, or other event
- Accepting any personal gift from a physician or vendor that cannot be distributed among staff (e.g., a purse)

Date of Receipt	Description of Item(s)	Administrator's Determination	Administrator Signature
10-01-2011	Carol (DSS) received a box of chocolates from a representative at Orange County Angels Hospice.	The box of chocolates was returned to the representative at Orange County Angels Hospice because of a comment made to Carol regarding referrals.	SAMPLE ENTRY