

**TITLE: CONFLICT OF INTEREST**

**POLICY AND PURPOSE:**

Employees and those acting on behalf of the hospital, have an obligation to conduct business and to act in the best interests of NYP. Staff must avoid actual or perceived conflicts of interest. Patient care and business activities should be conducted in an objective manner and not motivated by personal or financial gain.

**"Conflict of Interest"** means any situation in which financial or other personal considerations may compromise or appear to compromise (1) an employee's business judgment; (2) delivery of patient care; or, (3) the ability of an employee to do their job. An actual or potential conflict of interest occurs when an employee is in a position to make or influence a decision that results in or is motivated by personal gain to him or her or that person's immediate family.

**Accepting or Giving Gifts:** Accepting or giving a gift or anything of value in a business setting has the potential of creating a sense of obligation or the appearance of obligation. As a general rule, if accepting or giving anything of value could be viewed by an objective party as creating a conflict of interest or creating the appearance of a conflict of interest, the employee should decline to do so.

**APPLICABILITY:**

All Hospital Staff and those doing business on behalf of NYP

**Gifts:**

1. Acceptance of gifts (including entertainment and hospitality from persons that do business or seek to do business with NYP) is subject to the following guidelines (and subject to any more restrictive policies your Department may have). Certain gifts may be accepted on infrequent occasions from such a person if the person is not trying to unduly influence or reward the employee inappropriately in connection with any business decision or transaction and the gift is unsolicited:
  - a. gifts having a retail value not exceeding \$100 that are given on occasions when gifts are customary (birthdays, or major holidays, promotions, etc. but not gifts given in appreciation for good service, or as thanks for business.)
  - b. discounts and rebates on merchandise or services that are offered to the general public, or to all employees under a plan negotiated by NYP.

**NewYork-Presbyterian Hospital**  
**Sites: All Centers**  
**Hospital Policy and Procedure Manual**  
**Number: C144**  
**Page 2 of 4**

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- c. customary mementos given at dinners, permitted golf outings, and similar functions.
- d. civic, charitable, educational, or religious organization awards for recognition of service and accomplishment having a retail value not exceeding \$100 .
- e. meals, refreshments, and entertainment in course of a meeting or other occasion, provided:
  - (i) the purpose is business-related,
  - (ii) your host is present,
  - (iii) your attendance is consistent with your duties with NYP,
  - (iv) the level of expense is reasonable and customary in the context of your business and the relationship with the host, and
  - (v) the frequency of such invitations from one host is not excessive.

If the employee has questions about whether a specific invitation may be accepted under this item s/he should discuss it with his/her manager, or the Compliance Officer.

- f. gifts of food or beverage items that are not easily returned, if they are:
  - (i) given on an occasion when gifts are customary
  - (ii) not extravagant, and
  - (ii) shared among members of the employee's unit.

Questions about whether a gift of food or beverage items is appropriate should be discussed with the appropriate manager, or the Compliance Officer.

- 2. Cash gifts or cash equivalents (including gift certificates, gift checks, and gift cards) in any amount, from patients, their family members or vendors may not be accepted.
- 3. Gifts from patients or families in any form should be discouraged. However, if the employee has a reasonable belief that refusing to accept such a gift would have a detrimental effect on a patient or the Hospital as an institution, the appropriate manager should be informed.
- 4. Gifts of a personal nature between employees are not prohibited, provided hospital funds are *not* utilized.
- 5. Gifts related to a person's employment at the Hospital (e.g. for Secretary's Day, Nurses Week, etc.) are permitted, provided they are customary for the occasion,

and of reasonable value given the circumstances and the person's position in the organization.

6. Vendors' offers to provide parties should be refused.
7. No gifts of any kind, meals, or entertainment should ever be solicited by employees and those doing business on behalf of NYP unless it is related to Hospital-approved fund raising activities.
8. Under limited circumstances, gifts may be given to external parties provided they relate to the business of the Hospital, are in the Hospital's best interests and are legally and culturally acceptable. In addition they should meet the following criteria:
  - The item is customary and does not create an appearance of impropriety.
  - Giving imposes no sense of obligation on the giver or recipient.
  - Giving does not result in any special or favored treatment between the giver and recipient.
  - The item could not be considered extravagant or excessive by the recipient or another observer.
  - Giving the item is not concealed.
  - Giving the item has been approved in advance and in writing by your manager.

**PROCEDURE:**

1. Receipt of any gift arising as a result of employment at NYP must be disclosed to the employee's manager.
2. For additional guidance refer to the Code of Conduct, Travel and Entertainment Policy (#B106) Medical Sales Representative Policy (#P230) and Honoraria Policy.
3. If an individual has any questions he/she should contact his/her manager or the Office of Corporate Compliance.

**RESPONSIBILITY:**

Corporate Compliance Officer

**POLICY DATES:**

Issued: January 2001 (Prior to September 2005, this policy was part of the  
Corporate Compliance Manual)  
Revised: December 2004  
Revised: March 2006  
Revised: September 2007  
**Reviewed:** October 2009; October 2011; November 2013; **Nov. 2015**

**APPROVAL DATES:**

Approved on 03/23/2006 by the Executive Compliance Committee.

Medical Board: October 2013