

FREQUENTLY ASKED QUESTIONS

GIFTS FROM EXTERNAL SOURCES

The intent of the following FAQs is to help UW Medicine workforce members, including faculty, staff and trainees, navigate the applicable laws, policies and rules governing the receipt of gifts from external sources.

This FAQ primarily addresses gifts to individuals from external sources such as patients, as well as vendors and vendor representatives (i.e., those with whom UW Medicine does business or who desire to do business with UW Medicine). At the heart of this issue is influence — whether the externally-supported gift, including food, meals, beverages, travel, services, supplies, equipment, or pharmaceuticals, could be viewed as an attempt to influence your judgment about business-related decisions impacting the work you do for UW Medicine. Your entity’s policies may also put limits on what gifts you can accept. In addition, the Washington State Ethics in Public Service Act (State Ethics Act) places restrictions on gifts for state employees.

Additionally, if you are a state employee and your job responsibilities include decision-making about contracting or purchasing, you are likely considered to be a “Section 4” employee and are restricted from accepting almost all types of personally directed gifts (including food and beverages) from current or potential future vendors or contractors with whom you have a Section 4 relationship. The [Washington State Executive Ethics Board \(EEB\) website](#) has additional resources which you are encouraged to review for more specific information on gift restrictions that may apply to you.¹

UW School of Medicine faculty members and trainees are subject to more stringent limitations, and cannot accept personally directed gifts of any kind from commercial entities (including any food or beverages, as well as promotional items such as pens or pads), as further explained in the [UW School of Medicine Policy on Potential Financial Conflicts of Interest for Commercial and Non-Profit Entities](#).

These FAQs represent general guidance, tailored to the facts of the scenarios described below. Accordingly, the appropriate guidance for other scenarios may vary, depending on the specific details of those scenarios. If you have any questions, consult with your department leadership, such as your chair, vice chair for finance and administration, administrator, supervisor or manager.

1. May I accept a gift from a patient?

UW Medicine workforce members should not accept gifts or gratuities that exceed more than courtesy value from patients, and should never accept cash or a cash equivalent (check or gift card). Gifts of courtesy value such as flowers, chocolates or home-baked goods may be accepted but should be shared with your team. If a patient or their family gives you cash or a cash equivalent, you should notify your direct supervisor or manager, who can help contact UW Medicine Advancement at writemed@uw.edu / **206.543.5686** to process the gift as a donation to UW Medicine.

¹ [The WA State Executive Ethics Board’s Ethics in Public Service Act material on “Gifts”](#) provides additional information on the gifts limitations for state employees who are considered to be “Section 4” employees and those who are not.

2. Can my coworkers and I take each other out to lunch or give one another gifts on occasions, such as birthdays or during the holiday season?

Yes – as long as you use your own personal funds to purchase/provide any gifts or other items of value to your coworkers. This type of gift giving is not considered to be “gifts from external sources” (such as vendors or patients), so there is no restriction on dollar value of the gifts. However, please use your best judgment, and be mindful of the optics of any coworker gift giving situation. For example, if you are a supervisor or manager, be mindful of fairness and equity – i.e., any gifts you give to individuals you supervise could appear as showing favoritism to those individuals.

3. Are we allowed to give “recognition award” gifts to any of our staff members for an outstanding work-related accomplishment, such as sharing a cost-saving idea or process improvement idea that gets implemented, or for a work anniversary or retirement?

Yes. For UW employees, the WA state law on recognition awards (which is separate from the State Ethics Act) allows for UW Medicine entities to recognize individuals or groups of individuals for an outstanding achievement. There is a \$200 limit on the value of the award per individual for each specific accomplishment. For more information, please visit the UW Human Resources website on Recognition Awards: <https://hr.uw.edu/talent/recognition/employee-recognition/>

4. May I accept a personally directed gift from a vendor or a vendor representative?

No. The Anti-Kickback Statute (AKS) prohibits offering, paying, soliciting or receiving anything of value (“remuneration”) intended to induce referrals for furnishing or arranging to furnish items or services or the purchase of medical services or items covered under a federal healthcare program or any state health care program that uses any federal monies (e.g., Medicare, Medicaid, Tri-Care, etc.). This applies to anything of value given to you directly or to your UW Medicine department or entity. In addition, the State Ethics Act prohibits state employees from receiving anything of value if it could be reasonably expected that the item(s) would influence the employee’s actions or judgments, or be considered as part of a reward for action or inaction. Instead, a vendor can show their gratitude to UW Medicine by being a good business partner – i.e., a business relationship which prioritizes the best interests of our UW Medicine patients. They may also make a gift to UW Medicine in consultation with UW Medicine Advancement.

5. Can I attend a vendor-sponsored offsite educational event?

Yes. With your chair or supervisor’s approval, you may attend a free, local, vendor-sponsored offsite educational event that is primarily focused on education, not marketing. Typically, these events are held during normal business hours and are open to a variety of area healthcare professionals, and the educational topic is directly related to the work you do for UW Medicine. You may accept incidental modest complimentary food and beverage (such as breakfast or lunch) at such programs. The fair market value of the food and beverages should not exceed \$50 unless they are being provided at a hosted reception where your attendance is related to your job duties and the reception is open to all of the program’s participants. Physicians and advanced practice professionals (APPs, such as Physician Assistants and Advanced Registered Nurse Practitioners) should be aware that the fair market value of food and beverage provided by a drug, device or medical supplies manufacturer will likely be reported by the vendor to the Centers for Medicare and Medicaid Services (CMS) per the Physician Payment Sunshine Act (PPSA).

6. What if I wanted to attend a vendor-sponsored dinner event at a restaurant or other location, during which a vendor representative or other speaker talks about a particular disease, technique or treatment, which may or may not mention the vendor's products/services?

You may not accept food and beverages paid for by a vendor at an event that is primarily for marketing purposes. This type of event is usually held at a “nice” restaurant after the end of the workday and usually includes dinner and alcoholic beverages. In this circumstance, the “education” is almost always incidental to the meal. Sometimes attendance is by invitation only to a small number of invited guests. The fair market value of the meal is likely greater than \$50 and cannot be accepted by those covered by the State Ethics Act. Your institution or entity may also have policies that prohibit accepting gifts—including food and drink valued at more than \$50. Also, per the PPSA, vendors that are a manufacturer of drugs, devices or medical supplies are required to report this as a payment to physicians or APPs who attend. If you believe there is sufficient educational value in attending such an event, you may attend but you should pay for your own food and drink.

7. Are there other situations where I can accept meals and beverages?

If you are authorized by your employer to attend an event as a representative of UW Medicine, then you may consume food or beverage that is incidental to the meeting. This is true whether the assigned event is sponsored by governmental, civic, charitable, or community organizations.

8. A vendor wants to show us their new equipment, but the only time we can meet is during our lunch break. We will be working through our lunch as we listen to their sales pitch. Can they pay for or provide our lunch?

No. Commercial entities are prohibited from bringing food or drink into our facilities. We must reimburse vendors if they provide food or meals for us.

9. What if I go to a work-related conference and a vendor is sponsoring the hosted happy hour? Can I have hors d'oeuvres and wine there?

If you are sent to a work-related conference, you may participate in the conference activities that are considered part of the registration fee and offered to all participants, such as hosted cocktail receptions, even if they are sponsored by a vendor. However, you may not accept free meals or beverages from a vendor outside of the conference, such as being taken to dinner by a vendor or by attending a private vendor party.

10. I went to a conference paid for by work. Each attendee was automatically eligible to win a door prize and I won a laptop donated by a vendor. Can I personally keep it?

No — you may either decline to accept the laptop, or you may contact UW Medicine Advancement or your department's human resources representative to have the prize processed as a gift to your entity. Depending on the circumstances, your department may be able to retain the device while its fair market value may be counted towards UW Medicine fundraising totals. You can also donate the prize to a charity within 30 days of receiving it.

11. What if I had paid my own way to the same conference, including travel, lodging and conference registration fees and had gone on my vacation time? Could I keep the door prize?

Yes — the prohibitions only apply to fully or partially work-sponsored conference attendance and not to activities undertaken on your own time and expense. Note, however, that you may not ever use your UW Medicine business cards to enter raffles or drawings of any kind at any time, such as at your favorite local restaurant, café, etc.

12. A vendor with whom we do business really likes my work and wants me to participate in their corporate focus group. They will pay for my airfare, hotel, meals and time. Can I accept this invitation?

Do not accept vendor offers to participate in their focus groups. Doing so could give the appearance of a conflict of interest, particularly if you are involved in any UW Medicine decision-making about the vendor's products or services. During the normal course of doing business with vendors, you are permitted to share your feedback regarding your experience with vendor products, as long as such discussions are brief and do not impact your ability to properly perform your job duties. However, be careful to remind the vendor that while they can use your feedback for product development purposes, they cannot use your feedback to promote or endorse their products.

13. I never knew so many things were prohibited. What would be acceptable for a vendor to give me?

Vendors can give you informational material on their products and free local education opportunities. Unless you are a UW School of Medicine faculty member or trainee, you may take promotional items of nominal value, such as pens and pads, from a vendor booth at a conference or event you are attending as a UW Medicine representative – but use your best judgment and do not take excessive amounts of these items. Vendors and others are also welcome and encouraged to make donations to UW Medicine through UW Medicine Advancement. Many generous vendor and patient gifts have contributed to our mission.

14. I have been invited to share my expertise with my professional organization or another university at an event they're hosting. Is it OK for me to accept a payment for this type of activity?

Depending on the specific details of the event and the information you're sharing, it may be possible for you to accept a special form of compensation called an "honorarium," which is not considered a gift. UW employees are subject to the following State Ethics Act and UW Honoraria Policy requirements:

- The honorarium is for a speech, appearance, article, or similar item or activity in connection with your UW Medicine position; and
- The honorarium (payment) cannot be from an entity such as a vendor seeking to do business with UW/UW Medicine if your UW Medicine position includes you contributing to decisions about the business UW Medicine does/will do with the entity (i.e., a "Section 4 employee" with regard to that vendor).

REFERENCES

UW Medicine Compliance Sponsored Travel – FAQs:

https://depts.washington.edu/comply/docs/FAQ_SponsoredTravel.pdf

UW Medicine Compliance Code of Conduct:

https://depts.washington.edu/comply/docs/UWM_CodeofConduct.pdf

UW School of Medicine Policy on Potential Financial Conflicts of Interest for Commercial and Non-Profit Entities:

<https://www.uwmedicine.org/about/policies-and-notice/conflicts-interest-commercial-non-profit-entities>

UW School of Medicine – Graduate Medical Education (GME) Industry Interactions Policy:
<https://drive.google.com/file/d/1Y-lzcr50yBVbXNc31p3UdUmQcM65yuAV/view>

UW Executive Order 32 – Employee Responsibilities and Employee Conflict of Interest:
<http://www.washington.edu/admin/rules/policies/PO/EO32.html>

UW Executive Order 43 – Policy Governing Acceptance of Honoraria:
<http://www.washington.edu/admin/rules/policies/PO/EO43.html>

Washington State Code of Ethics for Municipal Officers:
<http://apps.leg.wa.gov/rcw/default.aspx?cite=42.23.040>

Washington State Ethics in Public Service Act:
<http://apps.leg.wa.gov/rcw/default.aspx?cite=42.52>

Washington State Recognition Awards law:
<https://apps.leg.wa.gov/RCW/default.aspx?cite=41.60.150>

Anti-Kickback Statute:
https://www.ssa.gov/OP_Home/ssact/title11/1128B.htm