FREQUENTLY ASKED QUESTIONS

GIFTS, FOOD AND MEALS 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, food and meals from external sources.

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 State Ethics Law places restrictions on gifts for state employees.

This document primarily addresses gifts directed at individuals. If your job responsibilities include decision-making about contracting or purchasing with specific vendors, you should be aware that there are greater restrictions on the gifts you can accept from those vendors. If you are a state employee and have this type of job responsibility, then you are likely considered to be a “Section 4” employee with respect to the specific vendors with whom you are engaged in contract or purchasing decision-making. 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

In addition, UW School of Medicine faculty members are subject to stringent limitations, and cannot accept any 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.

The 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 chair, department director, supervisor or manager.

1. **Are you saying gift giving is bad or that we should just refuse all gifts?**

   No. 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). Gifts to UW Medicine are welcomed, and should be processed through the appropriate Advancement Office to ensure proper documentation and receipt.

2. **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

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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.
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 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 should be aware that the value of food and beverage provided by a vendor that is 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).

3. 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. These types of events are usually held at a “nice” restaurant after the end of the workday and usually include 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 value of the meal is likely greater than $50 and cannot be accepted by those covered by the state ethics law. 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 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.

4. 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.

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

6. 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 the conference, such as being taken to dinner by a vendor or by attending a private vendor party.

7. I went to a conference paid for by work. Each attendee was automatically eligible to win a door prize and I won a tablet PC donated by a vendor. Can I personally keep it?
No — you may either decline to accept the tablet PC, or you may contact UW Medicine Advancement or human resources, (as applicable to your entity) 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 value may be counted towards UW Medicine fundraising goals. You can also donate the prize to a charity within 30 days of receiving it.
8. 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. However, do 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.

9. We have a long-standing relationship with a vendor and we are midway through a five-year contract. The vendor wants to take my team out for a boat cruise to show their thanks for our business. Can we accept it? 
No, you cannot accept the free cruise at any time. You are prohibited from participating in any vendor-sponsored “thank you” events because such events can create the appearance of bias. Additionally, many of these events are prohibited by state and federal laws.

10. 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.

11. 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, 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.

12. What about patients? 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. Gifts of courtesy value such as flowers, chocolates or home-baked goods may be accepted but should be shared with your team in the break-room. If a patient or their family does give you a gift card/cash/check, you should thank them on behalf of UW Medicine and turn the gift over to the Executive Director’s Office at your entity for use in employee recognition or contact UW Medicine Advancement, which may be able to process the gift as a donation to UW Medicine.

REFERENCES

UW Medicine Entity Codes of Conduct: 
http://depts.washington.edu/comply/resources/

UWP Employee Handbook: 
UW School of Medicine Policy on Potential Financial Conflicts of Interest for Commercial and Non-Profit Entities:
https://www.uwmedicine.org/about/Pages/conflicts-interest-commercial-non-profit-entities.aspx

UW Medicine Advancement:
https://depts.washington.edu/uwsom/administration-and-finance/advancement

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

Anti-Kickback Statute: