
Subject	Conflicts of Interest
Index Number	GL-3017
Section	Compliance
Subsection	General
Category	Corporate
Contact	Adank, Kari B
Effective Date	9/18/2020
Next Revision Date	9/18/2023

References

Gundersen Health System Compliance Program and Standards of Conduct; GL-1350 Patents and Copyrights; HR-250 Moonlighting Policy

Applicable To

This policy applies to Gundersen Health System and its wholly controlled subsidiaries and affiliates (hereinafter each referred to as an “Affiliate”), and any other entity or organization in which Gundersen Health System or an Affiliate has greater than 50% control (hereinafter collectively referred to as “Gundersen”).

Purpose Statement

Gundersen employees are subject to an increasing number of restrictions on the solicitation and receipt of personal gifts, gratuities, entertainment and other things of monetary value. Such restrictions can be found in medical ethical principles, the anti-kickback statute, Stark, federal and state tax laws governing **nonprofit organizations**, and standards relating to the awarding of continuing medical education credits. The purpose of this policy is to clarify, in a single document, the rules and guidelines concerning the solicitation and receipt of personal gifts and other items of monetary value. The policy will help Gundersen staff make good personal judgments when dealing with issues and circumstances that present a potential or actual conflict of interest, even when those issues and circumstances are not specifically referenced within this policy.

Definitions

Campus: Campus shall mean all property owned or rented for occupancy by Gundersen.

Conflict of Interest: A conflict of interest occurs when an individual’s private interest interferes, or even appears to interfere, with the interests of Gundersen as a whole.

Gift: A gift is considered anything of monetary value such as a gratuity, favor, entertainment, loan, reward, pens, notepads, meals, other food items or any vendor promotional items, such as items with a vendor logo or items promoting a vendor’s product or service.

Exclusions from the definition of a Gift (these items are acceptable and may be received by employees):

1. Genuine educational materials such as textbooks, pamphlets, medical journals or models, if the materials benefit the organization or patients. (Note: These items are acceptable even if they include the vendor's logo).
2. Reasonable honoraria and reimbursement for reasonable travel, lodging, registration fees and meal expenses when staff serves as a legitimate faculty member at a professional meeting or continuing education conference.
3. After hours off-campus or off-site meals or entertainment activities or events sponsored by vendors if the meal or activity is modest (less than \$50 per meal and \$338 in the aggregate per year, per vendor.) and when educational meetings occur in conjunction with such meal. (Note: On-campus food, drink or meals provided by vendors is prohibited).
4. Samples requested or used for patient care activities or legitimate business purposes if allowed by the department or regional clinic.
5. Items provided at a discount as part of a Gundersen contract. A rebate or discount that is made in the regular course of business to members of the public without regard to their status as a Gundersen employee (e.g., a coupon in the newspaper for a discount on a pain reliever).
6. Items with vendor name or logo provided by the organizers of a professional meeting that are available to all attendees when the meeting is conducted under national continuing education accreditation body guidelines (e.g., a tote bag with a vendor's name on it). However, such items may not be brought onto Gundersen premises.
7. Vendor or patient donations (product or monetary) to a Gundersen Foundation, Inc.
8. Non-monetary industry or professional awards.

Gundersen Foundation: A Gundersen Foundation shall mean Gundersen Medical Foundation and an Affiliate's Foundation.

Immediate Family Member: An immediate family member means the employee's spouse, natural or adoptive parent, child, sibling, stepparent, stepchild, stepbrother, stepsister, father-, mother-, daughter-, son-, brother-, or sister in law, grandchild or grandparent, spouse of grandparent or grandchild.

Vendor: a company or its representative or the agent of a company that either produces or markets: drugs; devices; nutritional products; other products or services; information technology software or hardware equipment; or who serves as a consultant.

All Gundersen employees are expected to conduct themselves in a manner consistent with this Conflict of Interest Policy. Toward that end:

1. They should take appropriate steps to avoid actual and perceived conflicts of interest.
2. They should not solicit or accept any gifts unless otherwise specified herein.
3. They should not solicit or accept any gifts that might influence their judgment concerning the provision of patient care or the performance of duties at Gundersen.
4. They should not use their position or status at Gundersen, or information acquired by them as a result of their position or status, for personal gain or that of their immediate family members. See the "Use of Position For Personal Gain" section below for further detail.

Implementation

This section sets forth the application of this policy to different conflict of interest situations:

Gifts From Patients

For medical ethical reasons, personal gifts should never be solicited from patients or their families. Only cards, candy, flowers and other nominal gifts may be accepted from patients and their families. If a patient or immediate family member wishes to make a more substantial gift, they should be encouraged to contact staff at a Gundersen Foundation. Donations to a Gundersen Foundation may be designated for special purposes by the donor.

Gifts From Vendors

Unless otherwise specified herein, no gifts may be accepted by any Gundersen staff. Items excluded from the definition of "gift" may be accepted if the following requirements are met:

1. Such items are not linked to the referral of patients or business; and acceptance and receipt of the item will not influence or appear to influence the recipient's judgment or conduct at Gundersen.
2. Compliance with this requirement is critical to ensure that our employees avoid violating the anti-kickback statute, Stark and other laws governing Gundersen's status as a nonprofit health care organization.

Professional Meetings and Continuing Education Conferences

If employees serve as legitimate members of the faculty at professional meetings and continuing medical education conferences (other than those sponsored by a Gundersen Foundation), they may accept reasonable honoraria and reimbursement for reasonable travel, registration fee, lodging and meal expenses. Employees who are not legitimate faculty members, however, are subject to the same restrictions as those set forth above in the "Gifts From Vendors" section.

Professional Meetings and Continuing Education Conferences Sponsored by a Gundersen Foundation

Risks of violating the Stark or anti-kickback laws can arise when a Gundersen Foundation sponsors professional meetings and continuing education conferences for employees. Of course, the primary purpose of such meetings and conferences is to enhance the quality of patient care in Gundersen's service area. However, where free or discounted meals, golf outings, entertainment and other things of value are provided at such events to non-Gundersen providers who make referrals to our organization, we run the risk of violating the anti-kickback statute and Stark, not to mention jeopardizing the Foundation's ability to award continuing medical education credits.

Donations from vendors to underwrite the costs of professional meetings and continuing education conferences sponsored by a Gundersen Foundation are permissible only if the following requirements are met:

1. The Foundation retains responsibility for and control over selection of the faculty, educational content, methods and materials;
2. Donations are received only by a Gundersen Foundation, not by individuals in attendance;
3. Donations are not used to pay honoraria, registration fees, travel, lodging or other personal expenses (other than modest meals and entertainment) for non-faculty attendees;
4. The value of meals and entertainment provided at each professional meeting or continuing education conference is limited to \$50 in the aggregate for each non-faculty provider and member of his or her immediate family in attendance; and

5. The value of meals and entertainment received at all professional meetings and continuing education conferences throughout the year by each non-faculty provider and member of his or her immediate family does not exceed \$338 in the aggregate.
6. Again, with respect to non-Gundersen employees who serve as legitimate members of the faculty at such meetings and conferences, they may accept reasonable honoraria and reimbursement for reasonable travel, registration fee, lodging and meal expenses.

Disclosure of Conflict Of Interest

All Executive staff, Board Members, Medical and Associate staff, Residents, Administrative Directors, Directors, Purchasing Agents, and others who have been identified based on job description or job responsibility, shall complete a conflict of interest disclosure statement on an annual basis (and more often as a conflict of interest may arise). In addition, all other employees who have authority to make, recommend or influence decisions have a duty to disclose to their superiors, governing boards or others as may be appropriate any actual or potential conflict of interest which may influence their ability to impartially make or recommend a decision.

Disclosed conflicts of interest will be reviewed by a panel of individuals appointed by the Gundersen Executive Committee, which will provide a response to the employee with instructions on how to manage the conflict of interest in order to mitigate risks to Gundersen. For instance, employees who have a conflict of interest with respect to a particular decision should not exercise decision making authority over that matter and may be asked not to participate in related discussions. Failure to disclose conflicts of interest or disclosing inaccurate or false information may result in disciplinary action up to and including termination of employment.

The following relationships or interests should be considered by individual employees when making such disclosures:

1. Income, gifts, entertainment, food or other remuneration ,equal to or exceeding \$10 in a single instance or \$100 cumulatively in a single calendar year from a single external source, received directly by the individual or an immediate family member.;
2. Investments or ownership interests owned by the individual or an immediate family member
3. Ownership of a financial interest in any Gundersen entity tax exempt bonds
4. Offices, board memberships and other positions of authority held by the individual or an immediate family member; and
5. Any other relationships that actually or potentially create a conflict of interest.
6. However, unless there is an ownership interest of 5% or more, employees are not required to disclose ownership or income derived from stocks, bonds and other securities sold on a national exchange, mutual funds, or certificates of deposits and other depository accounts at financial institutions, unless their action will directly influence the value or income from those items.

Use of Position for Personal Gain

No employee shall use his or her position or status for personal gain. This prohibition precludes activities such as the following:

1. Soliciting, accepting or receiving compensation for acting as a consultant for any business or organization that seeks or has a business or financial relationship with Gundersen;

2. Soliciting, accepting or receiving discounts on goods or services in the name of Gundersen when, in fact, such goods or services are intended for the individual’s personal use or that of an immediate family member.
3. Using Gundersen’s tax-exempt status to purchase goods or services for an individual’s personal use or
4. Using data, ideas, processes, devices, methods, equipment and information developed from or in connection with the individual’s position, status or employment at Gundersen for personal gain, except as otherwise allowed under Gundersen’s policy on patents and copyrights (GL-1350).
5. Using the individual’s position or influence within Gundersen to direct, coerce or ask another employee to make decisions that benefit the individual, an immediate family member or others outside the organization.

Employment at Another Business/Organization or Ownership of Financial Interest in a Private Practice/Business

If required, employees shall disclose this employment, ownership or financial interest on their annual conflict of interest disclosure statement and as required under Gundersen’s Moonlighting policy. Employees are prohibited from the following activities related to that employment, ownership or financial interest:

1. Soliciting, representing, making reference to, referring patients to or otherwise marketing the business or private practice while on Gundersen time. If making outside referrals to GHS patients, patients are to be furnished with a list of businesses that provide the services being recommended.
2. Promoting the business or private practice except as may be permitted by the Gundersen’s Non-Solicitation policy.
3. Using Gundersen’s name or the name of Gundersen’s vendors or business partners in personal business marketing or promotions.
4. Making decisions with respect to purchasing products or services from such business or private practice or suppliers or potential suppliers of such private practice or business. You may participate in internal discussions with your colleagues related to such purchases, but you must disclose your relationship during these discussions.
5. Sharing, copying, removing or using Gundersen’s healthcare, employment and proprietary information including forms, documents or records unless otherwise permitted by law or Gundersen policy.

Gundersen’s Professional Liability Coverage does not cover employees working outside of scope of employment with Gundersen.

Reporting Suspected Violations

Actual or alleged violations of this policy shall be communicated to an individual’s superior or, if that would be problematic, to one of the following: (a) Kari B Adank, Chief Compliance Officer; (b) Daniel J. Lilly, General Counsel,(c) Taryn Zubich, Director of Compliance, or (d) Peter Weidenheim, Director of Compliance for WI & IA Critical Access Hospitals. Actual or alleged violations of this policy also may be reported on an anonymous basis to Gundersen’s Compliance Hotline:

Local Phone Number.....(608) 784-0477

Toll-Free Number.....(877) 532-8879

Email: Submit an electronic form by accessing the Compliance Office Website on Gundersen’s intranet – Gladiator.

Responsibilities

See Implementation section above.