

Policy Number: A27
Policy Title: A27 Policy - Conflict of Interest
Chapter Location: Leadership (Compliance)

Owner: Compliance and Privacy Counsel	Date Created: 09/2016
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Policy Statement: Gillette Children’s Specialty Healthcare representatives (“Gillette Representatives”) shall act in a manner consistent with their responsibilities to Gillette and may not use their position to profit personally at the expense of the organization, financially or otherwise.

Purpose: To provide guidance for our business affairs so that they are conducted in a manner consistent with the mission, values and interests of Gillette Children’s Specialty Healthcare (“Gillette”).

Scope: Gillette Representatives

Oversight: Compliance Committee

Definitions:

CONFLICT OF INTEREST: Although it is impossible to list every circumstance giving rise to an actual or potential conflict of interest, a conflict of interest may occur when a Gillette Representative, a family member of a Gillette Representative or a person or organization associated with a Gillette Representative:

- Has a financial or ownership interest in an organization with which Gillette directly or indirectly does business or competes;
- Holds a position in an organization with which Gillette directly or indirectly does business or competes;
- Serves as a member of a governing board of an organization with which Gillette directly or indirectly does business or competes;
- Provides management services to an organization with which Gillette directly or indirectly does business or competes; or
- Uses or discloses information relating to Gillette for personal gain;
- Provides consulting activities when:

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- Consulting involves patients where the employee has in the past or is currently providing care to the patient at Gillette.
- Consulting activities hinder or prevent the satisfactory discharge of Gillette responsibilities.
- Consulting for suppliers, contractors, subcontractors, or others entities with which Gillette does business.
- Consulting activities directly compete with programs or services provided by Gillette.

CONSULTING: Professional activity related to the person's field or discipline where payment or some other equivalent is provided by a third party in exchange for providing information, advice, counsel or other work. For the purpose of this policy, consulting includes writing books or other written publications for financial profit.

GILLETTE REPRESENTATIVES: Officers, employees, Board members, members of Gillette's medical staff, independent contractors, consultants and anyone else acting for or on behalf of Gillette.

ORGANIZATIONAL GIFTS: Gifts, gratuities, rebates, favors, tickets, meals, travel, educational offerings, samples, supplies, books, products or services offered to or received by members of the organization on behalf of or for the benefit of the organization, a department or a group of patients, from a vendor or business associate.

PERSONAL GIFTS: are any gifts, gratuities, rebates, favors, tickets, meals, travel, educational offerings, samples, supplies, books, products, or services offered to, or received by a Gillette Representative person.

VENDORS: Any individual, organization or organization representatives who sell or may potentially sell products and/or services for use in the care of patients or the operations of Gillette.

Policy:

When making decisions about relationships, gifts and potential conflicts of interest, Gillette Representatives should:

- Consider how the decision reflects on Gillette if any aspect of the relationship is related to the work or roles at Gillette.
- Avoid not only actual but also perceived conflicts of interest.
- Maintain the integrity of our clinical and business practices.

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- Maintain patient and family (and community) confidence in our ability to provide equitable and effective care.
- Support the provision of care in a way that is equitable and fair.
- Provide services without any expectation, or solicitation, of receiving any personal gifts, gratuities, favors or services that may influence, or appear to influence, our objectivity in performing our duties.
- Refuse personal gifts from vendors or business associates.
- Maintain patient privacy, confidentiality and safety.
- Discourage use of resources in ways that do not contribute to or forward care for patients.
- Comply with all laws, professional codes, and ethical standards.
- Be clearly disclosed.

Procedure:**Personal Gifts****Gifts from Patients and Families under \$100.00**

- A. If a patient or family offers a gift with a value of under \$100.00, the gift may be accepted provided the Gillette Representative reasonably believes that the patient/family gave the gift without any expectation of special treatment, whether the patient feels gifts are necessary or required in order to receive care or service, or whether the gift will alter the therapeutic relationship. The Gillette Representative accepting the gift should do so in a private area whenever possible and exercise care in placing/using the gift to avoid other families feeling a gift is expected. When possible Gillette Representatives are to share these gifts with the other Gillette Representatives involved with the care.
- B. If there is any possibility that the patient or family believes a gift is necessary or expected, Gillette Representatives should ensure the family/patient receives clear guidance that gifts are not required or expected and the gift either refused or returned. If there is concern that accepting a gift will alter the therapeutic relationship, the gift should be refused or returned. These situations should then be referred to your supervisor for additional follow up with the family.
- C. The Gillette Representative(s) receiving the gift will notify their supervisor of the gift and write a note of acknowledgement to the patient/family for the gift.

Gifts over \$100.00 from patients and families

- A. Individuals wishing to contribute gifts of over \$100.00 are referred to the development staff in the Gillette Children's Specialty Healthcare Foundation.

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Personal Gifts from Vendors or Other Businesses or Organizations.

- A. Any time a Gillette Representative is offered a personal gift from a vendor, supplier, sales or service representative, business associate or another organization, the Gillette Representative should refuse or return the gift and explain Gillette's policy regarding personal gifts from vendors or business associates. Examples include tickets to sporting or entertainment events, hospitality, supplies or samples for individual use, etc.
- B. If the gift is associated with a Gillette sponsored event or a third party event benefiting Gillette (e.g. a fundraising event, golf tournament), a Gillette Representative may accept if:
 - 1) The invitation is clearly given without expectation that it would generate any additional contractual business agreements or preferential treatment with the vendor or business associate; and
 - 2) Gillette Representatives accepting the gift will submit a personal donation of \$50 to the event as a mutual acknowledgement of the vendor's/supplier's gift, support or gesture of hospitality.

Organizational Gifts from Vendors and Other Vendor Activities

Review and Consideration of Organizational Gifts from Vendors.

- A. Any offer to provide an organizational gift from a vendor must be reviewed and approved prior to acceptance.
- B. Any time a Gillette Representative is offered something by a vendor, supplier, sales or service representative, business associate or another organization, the Gillette Representative should question both the ethics and the legality of the offer.
- C. In all cases, the following questions should be asked to clarify the nature of the exchange:
 - 1) What is the intent and motivation of the individual or group making this offer?
 - 2) What is the expectation (actual or implied) of the individual or group related to this offering?
- D. Gillette Representatives also need to directly answer the following questions:
 - 1) Will accepting this offering create or potentially create the appearance of special privilege or access?
 - 2) Does accepting this organizational gift create or imply the creation of an expectation of performance, influence or action?
 - 3) Answering YES to EITHER of these questions requires the gift be refused.
- E. Professional codes may impose additional limitations and therefore professionals need to also consider whether accepting money, equipment or services, etc. violates professional boundaries or professional codes of conduct.
- F. Upon offer or receipt of an organizational gift, the department manager must evaluate the nature and value of the gift to determine if acceptance is consistent with Gillette's values and organizational goals. The compliance officer may be contacted to determine whether

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the offer should be accepted, must be returned, or becomes the property of the organization. Organizational gifts of greater than nominal value should be reviewed with the compliance officer prior to accepting, if possible.

Other Vendor Activities

- A. Provision of Food On-site. As noted, Gillette wishes to discourage the use of resources that do not directly contribute to or advance the care of patients. Therefore, vendors may not provide meals to Gillette Representatives on site. A food offering of nominal value is allowed.
- B. Travel, Product Review.
 1. Travel may not be accepted from or provided by a vendor unless specifically included as a purchased service within a contract. Site visits to evaluate products or services are undertaken at Gillette's expense.
 2. Opportunities to review and discuss equipment or products on site may be scheduled by the department manager and/or manager of Supply Chain. Gillette Representatives attending should be limited to those who are directly involved with the equipment or product.
 3. Specific product information may be provided and distributed.
- C. Vendor Sponsored Education Provided On-site.
 1. Educational sessions offered or sponsored by vendors, suppliers or their representatives must be reviewed and approved by the chairperson of one of the education committees or a department manager prior to scheduling on site. Information detailing the course intent, audience, and content will be provided in advance for review by the appropriate chairperson/department manager. This review evaluates:
 - i. The applicability and alignment of the offering to the current needs and priorities of Gillette;
 - ii. Whether the educational value appears proportionate to the use of Gillette Representative time; and
 - iii. Possible bias or a narrow presentation of options or approaches on the given topic.
 2. The individual organizing/coordinating the education should also notify the site manager or other managers who may be impacted.
 3. Educational sessions may not be organized with a primary purpose of promoting products or drugs.
 4. The vendor will pay all speaker fees, travel or other expenses.
 5. The vendor may not send private or individual invitations to any Gillette Representative without approval.

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6. Printed materials for potential and actual attendees will disclose the sponsorship relationship for this education.

D. Vendor Paid/Supported Education or Meetings Provided Off-site

1. Vendor paid off site education, conferences, or meetings must be reviewed and approved in advance by the department manager or supervisor using the criteria noted in section II. The value of the conference, meeting and/or meals must be less than \$100.00 per Gillette Representative with a cumulative annual maximum of \$300.00 per Gillette Representative per vendor.
2. Invitations to such events should be directed to the manager or supervisor's attention.
3. Conferences, meetings and educational sessions that are reviewed and accredited by an official external accreditation entity or whose content is developed by a program committee of practitioners are not considered vendor paid conferences for the purpose of this policy even if a vendor underwrites the costs.

External Professional Activities

A. Employees

Employees are encouraged to participate in professional activities providing information, advice, or services to those outside of Gillette as a means of gaining additional professional experience and maintain professional competency within their specialized discipline. Employment at Gillette requires a priority commitment to Gillette. External professional activities and financial interests should not interfere with this commitment.

1. Professional Services without Payment.

Employees are often asked to participate in professional discipline – related activities, such as officers of professional or national organizations, journal editors, editorial boards, etc. This participation is encouraged but employees should seek approval from their manager if substantial Gillette time and other resources will be needed.

2. Professional Consulting Service with Payment.

- i. Employees may be asked to provide professional expertise as consultants to agencies, industry or individuals for which they receive payment. In order to assure continued trust in our work, employees must not participate in any professional consultation that is or appears to be a conflict of interest. Prior to engaging in consulting activity, employees must disclose this activity and obtain approval from his/her manager. Consulting activities should be done on the employee's own time outside of work hours.

3. Professional Public Service with Honoraria.

- i. Gillette employees are encouraged to provide public service by making presentations to groups and organizations or to serve on proposal review committees. Often an employee may be given honoraria, which is defined as a monetary gift in appreciation of this service. Prior to accepting an engagement

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for these activities employees should disclose and seek approval from their manager. Disclosure should include the description of the activity, the extent of their participation and the possible duration/dates of service and description of any Gillette resources they anticipate (e.g.: prep time, AV, copying cost, course registration costs, and travel costs). The employee's Manager will review the request and assess for appropriateness and impact on Gillette resources and approve or deny the request. The Manager may consult with the compliance officer for additional review.

- ii. Employees can accept honoraria from non-Gillette related entities. However, if the service was provided during work hours or used Gillette resources, the honoraria should be refused or returned to Gillette. The employee can keep nominal non-cash gifts.

4. Expert Testimony.

- i. Because of their unique expertise professional and clinical staff may be asked to provide consultation for medicolegal matters or to serve as expert witnesses in the court of law. As a matter of course, our professional and clinical staff won't provide expert testimony. Exceptions can be granted upon consultation with the Legal department.
- ii. An employee may be required to provide expert testimony if served with a valid subpoena of the court. If so, notify your manager and the Legal Department of the subpoena (see also Administrative Policy A08 – Responding to Lawyers' Requests, Subpoenas, Investigative Demands or Search Warrants and Their Requests and Human Resources Policy A04 – Civic Duty and Other Court Appearances).

B. Gillette Representatives

1. Professional Consulting Service with Payment.

Gillette Representatives may be asked to provide professional expertise as consultants to agencies, industry or individuals for which they receive payment. In order to assure continued trust in our work, Gillette Representatives must not participate in any professional consultation that is or appears to be a conflict of interest. Prior to engaging in consulting activity, Gillette Representatives must disclose this activity and obtain approval from Gillette if a real or perceived conflict may exist.

Related Documents:

A08 – Responding to Lawyers' Requests, Subpoenas, Investigative Demands or Search Warrants and Their Requests

A04 – Jury Duty and Other Court Appearances

A18 – Business Code of Conduct

References: NONE



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THIS POLICY SUPERSEDES ANY PREVIOUS GILLETTE POLICIES OR PRACTICES.