

Benefits and Gifts: VUMC Guidelines for Interacting with Community Clinicians and Other Potential Referral Sources

At Vanderbilt University Medical Center, we believe that decisions made by clinicians to refer patients to a health care provider should be based upon the clinical needs of the patient, the reputation and quality of the provider, and the willingness of the provider to serve as a collaborative partner in meeting the needs of the patient. While we recognize that clinicians in the communities and regions we serve often have several high quality options to consider, we believe VUMC should be distinguished as the preferred choice by the quality of its clinicians and its national reputation as a leader in clinical care and biomedical research, and not by other considerations.

The sharing of experiences, entertainment, food, and gifts with friends and colleagues is a natural outgrowth of human and professional interaction that should be encouraged and valued. However, care must be exercised to ensure social and professional activities are conducted in a manner that does not undermine VUMC's core commitment to ensuring that choices about clinical care are informed by the best interests of patients. Federal law, VUMC's Code of Conduct and VUMC policy strictly prohibit providing items of value to encourage or reward referrals, and set financial limits (\$452.00 in 2022) upon the value of all items health care providers may furnish to individual referring physicians (including immediate family members¹) over the course of a calendar year. Violating these limits may result in significant professional, financial, and legal consequences for VUMC, its employees, and clinicians.

VUMC has developed these Guidelines to ensure that professional and social engagements with external clinical colleagues comply with federal law and conform to the highest ethical standards. They apply: (1) to all clinicians and staff employed by VUMC or by any affiliates that have adopted these Guidelines; (2) in all situations when VUMC (or a VUMC affiliate that has adopted these Guidelines) is the initial or ultimate source of funding for an item or activity; and, (3) in all situations, regardless of funding source, when any part of the purpose for funding an item or activity is to promote the services of VUMC, its affiliates or individual clinicians.

These guidelines do not generally apply to situations when personal resources are expended, without reimbursement from VUMC, to purchase gifts, meals, entertainment, etc. solely as part of a legitimate personal or social relationship existing outside the workplace, and the social gesture is undertaken without the intent of generating or rewarding clinical referrals or advancing practice development-related activity, including local recruitment. As an example, it is completely acceptable for VUMC clinicians to interact socially with community clinicians with whom they have a personal relationship and, from time to time, as a gesture of friendship, cover the cost of these social interactions, just as they might do with other friends who are not involved in the provision of health care services and are not in a position to make referrals. However, all VUMC clinicians and staff are strongly encouraged to consider, in their personal and social interactions, perceptions or feelings of obligation that may result from covering the cost of social activities involving actual or potential referral sources and to avoid situations where the recipient of the gesture or a reasonable third party could reasonably question whether the generosity is impacted by professional considerations.

¹ Immediate Family Member includes a spouse, child, sibling, parent, stepchild, stepsibling, stepparent, in-law, grandchild, grandparent or the spouse of a grandchild or grandparent.

Entertainment	Charitable Events	<p>Invitations to philanthropic events at the expense of VUMC (or a VUMC affiliate that has adopted these Guidelines) are permissible when the event is meant to benefit a specific charitable cause, rather than serve as a practice development (including local recruitment) or referral generation activity. Inviting specific members of the community, including actual or potential referral sources, is acceptable so long as the intent of the invitation is not to encourage or reward actual or potential health care referrals.</p> <p>Regardless of the purpose or motivation for the invitation, when the invitees are physicians (including immediate family members) who are not employed by VUMC or the VUMC affiliate, the expenditure by VUMC or the VUMC affiliate related to the participation of the non-employee physician (including immediate family members) who is an actual or potential source of referrals may not, when combined with other items provided over the course of the calendar year by VUMC or the VUMC affiliate, exceed the CMS annual limit on non-monetary compensation (\$452 in 2022).</p>
	Sports events, concerts, plays, etc.	<p>Provision of complimentary tickets to non-charitable events, including VUMC's VIP Suites at Titans and Predators games, Vanderbilt football games, and Vanderbilt basketball games, is not permitted as a practice development or referral generation activity (including local recruitment), but would be permissible for the purposes of relationship building for other institutional purposes, such as fostering a relationship with potential donors to VUMC or to encourage other philanthropic activity.</p> <p>Regardless of the purpose or motivation for the invitation, when the invitees are physicians (including immediate family members) who are not employed by VUMC or the VUMC affiliate, the expenditure by VUMC or the VUMC affiliate related to the participation of any non-employee physician (including immediate family members) who is an actual or potential source of referrals may not, when combined with other items provided over the course of the calendar year by VUMC or the VUMC affiliate, exceed the CMS annual limit on non-monetary compensation (\$452 in 2022).</p>

Gifts	Flowers, gift baskets, and promotional items	<p>Provision of gift baskets, flowers or low cost VUMC branded items, such as mugs, pens, etc., or other similar items purchased using VUMC funds (or the funds of a VUMC affiliate that has adopted these guidelines) as part of a practice development activity (including local recruitment) is permitted, provided the items are of a moderate cost and are provided for a permitted purpose, such as thanking the recipient for attending an informational session about VUMC’s clinical services, and not to induce or reward the recipients for actual or potential referrals.</p> <p>Provision of gifts is also permitted as part of donor development or other activity that does not relate to practice development or referral generation.</p> <p>Regardless of the purpose or motivation for the gifts, the total value of all items provided by VUMC (or a VUMC affiliate that has adopted these Guidelines) over the course of the calendar year by VUMC or the VUMC affiliate to any non-employee physician (including immediate family members) who is an actual or potential source of referrals may not exceed the CMS annual limit on non-monetary compensation (\$452 in 2022).</p> <p>Sending gifts, such as food, flowers, or other similar items for personal purposes, such as to recognize an individual’s birthday or achievements, or to console an individual for the loss of a family member, is permitted. But in keeping with the personal nature of the gesture, should be paid for out of personal funds not reimbursed by VUMC, and should never be done to encourage or reward referrals.</p>
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Food	Dining out	<p>When using the funds of VUMC (or a VUMC affiliate that has adopted these Guidelines) for a meal that has the intent in whole or in part to achieve a practice development objective (including local recruitment), the meal must be of moderate cost (\$50 or less per guest) and provided in a setting that is conducive to the practice development purpose of the event (for example, discussing the breadth and quality of VUMC's clinical services). Any spouses, significant others, or guests brought by the invitee cannot be covered by the funds VUMC or the VUMC affiliate.</p> <p>The meal must be provided for a permitted purpose, such as providing an opportunity to furnish information about VUMC's clinical services, and not to induce or reward actual or potential referrals.</p> <p>Providing meals is also permitted as part of a donor development activity or other activity that does not relate to practice development or referral generation.</p> <p>Regardless of purpose or motivation for the meal, the total value of the meal and all other items provided over the course of the calendar year by VUMC or a VUMC affiliate to any non-employee physician (including immediate family members) who is an actual or potential source of referrals may not exceed the CMS annual limit on non-monetary compensation (\$452.00 in 2022).</p>
	Lunch for office	<p>Providing a modest lunch by local standards in a physician office or similar setting to participants in a presentation or meeting on the clinical capabilities and services of VUMC (or a VUMC affiliate that has adopted these Guidelines) is acceptable so long as a VUMC representative is in attendance in person (or virtually during the public health emergency), and the meal is consumed during the presentation or meeting.</p> <p>The meal must be provided for a permitted purpose, such as providing an opportunity to furnish information about VUMC's clinical services, and not to induce or reward the recipients for actual or potential referrals. The total value of the meal and all other items provided by VUMC or a VUMC affiliate that has adopted these Guidelines to any non-employee physician participants (including immediate family members) who is an actual or potential source of referrals may not, when combined with other items provided over the course of the calendar year by VUMC or the VUMC affiliate, exceed the CMS annual limit on non-monetary compensation (currently \$452.00 in 2022).</p>
Travel and Conferences	Continuing Medical Education and Conference Expenses	<p>VUMC clinicians and staff may invite community clinicians to participate in continuing medical education programs that are organized, hosted, or sponsored by VUMC and that are generally offered to members of the VUMC community and the clinical community at large. While clinical considerations, such as area of</p>

		<p>specialization and the desire to improve coordination of care, may be bases for identifying participants for specific invitation, the invitation should not be extended for the purpose of inducing or rewarding actual or potential health care referrals.</p> <p>Neither VUMC (nor any VUMC affiliate who has adopted these Guidelines) may cover the registration, travel, lodging or transportation expenses of a clinician who is not employed by VUMC or the affiliate to attend a conference organized or hosted by a third party. Nor may VUMC, or any affiliate who has adopted these Guidelines, pay for the registration, travel, lodging or transportation expenses for an individual to attend a VUMC hosted or sponsored event, unless the individual is either a speaker or an honoree.</p> <p>The total value of any CME credit awarded or procured by VUMC or any VUMC affiliate for any non-employee physician attendee (including immediate family members) who is an actual or potential source of referrals may not, when combined with other items provided over the course of the calendar year by VUMC or the VUMC affiliate, exceed the CMS annual limit on non-monetary compensation (\$452.00 in 2022).</p> <p>For purposes of these guidelines, (1) CME Credit awarded for Grand Rounds, Tumor Boards, Morbidity and Mortality Conferences, Journal Clubs and Compliance Education organized by VUMC or a VUMC Affiliate shall not be included in calculating the annual limit, and (2) CME credit awarded by VUMC shall be valued at \$25 per credit hour.</p>
<p>QUESTIONS REGARDING INTERACTIONS WITH COMMUNITY CLINICIANS OR OTHER POTENTIAL REFERRAL SOURCES THAT ARE NOT ADDRESSED BY THESE GUIDELINES SHOULD BE DIRECTED TO OFFICE OF LEGAL AFFAIRS AND THE OFFICE OF COMPLIANCE & CORPORATE INTEGRITY</p>		