



The Arc Mid-Hudson
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POLICY STATEMENT

Topic: Potential Referral Source Inducement Date Effective: 7/1/2019

Revised New Section: Corporate Compliance Number: 10.07

Date: 2/28/2023 Approved by: *Jemme*

POLICY

It is the policy of The Arc Mid-Hudson (“Arc Mid-Hudson”), that gifts, entertainment, and other benefits will not be provided to Potential Referral Sources (as defined below) and/or to their Immediate Family Member (as defined below), except as permitted by this policy. When gifts or entertainment are provided to a Potential Referral Source and/or to their Immediate Family Member in accordance with this policy, it is critical that the value of all such gifts and entertainment be carefully tracked as required by this policy.

SCOPE

This policy and procedure applies to all employees and representatives of Arc Mid-Hudson.

DEFINITIONS

Gifts and Entertainment: Gifts and Entertainment include items of value given to another, free of cost, as well as social events sponsored or hosted by Arc Mid-Hudson, such as meals, sporting events, theatrical events and receptions. Further examples of Gifts and Entertainment subject to this Policy are set forth below.

Immediate Family Member: For purposes of this policy, an immediate family member of a person includes: (1) the person’s spouse; (2) natural or adoptive parent, child, sibling; (3) stepparent, stepchild, stepbrother or stepsister; (4) father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law; (5) grandparent or grandchild; and (6) spouse of a grandparent or grandchild.

Potential Referral Source: A potential Referral Source includes a doctor of medicine or osteopathy, a doctor of dental surgery or dental medicine, a doctor of podiatric medicine, a doctor of optometry

or a chiropractor who could reasonably be a source of referrals of people for services or treatment to an Arc Mid-Hudson facility.

PROCEDURE

Arc Mid-Hudson, employees and representatives may not offer a Potential Referral Source and/or their Immediate Family Members Gifts or Entertainment unless the following criteria are met:

- The Gift or Entertainment is not determined in a manner that directly or indirectly takes into account the volume or value of referrals or other business generated by the Potential Referral Source;
- The Gift or Entertainment does not consist of cash or cash equivalents, such as gift certificates, checks or stock instruments;
- The gift or Entertainment is not solicited by the Potential Referral Source or the Potential Referral Source's practice, including the Potential Referral Source's employees and/or staff members;
- The Gift or Entertainment must not exceed \$75 in value, or cause the total value of Gifts and Entertainment extended to the same Potential Referral Source and that Potential Referral Source's Immediate Family Members to exceed \$75 for the calendar year;
- The Gift or Entertainment does not violate the federal Anti-Kickback statute or any state or federal law governing billing or claims submission; and
- Gifts to physician groups are not authorized.

All employees and representatives of Arc Mid-Hudson, must obtain prior approval from the Director of Quality Management/Corporate Compliance, Corporate Compliance Officer and if necessary after consultation with General Counsel before extending Gifts or Entertainment to Potential Referral Sources or their Immediate Family Members.

Gifts and Entertainment must be tracked during the course of the calendar year through the Corporate Compliance Department's use of the "Gifts and Entertainment Log" in the form attached as Appendix A to this Policy to ensure that the annual aggregate value of such Gifts and Entertainment does not exceed \$75.

Examples of Gifts and Entertainment that must be tracked on the Gifts and Entertainment Log include:

- Dinner with a potential Referral Source and/or their Immediate Family Member;
- Gifts or flowers to a Potential Referral Source or their Immediate Family Member;
- Tickets for sporting or cultural events to a Potential Referral Source and/or their Immediate Family Member; or
- Paying for a Potential Referral Sources' Continuing Medical Education costs.

Benefits such as meals or reimbursement for travel incident to a physician employment agreement or personal services agreement that meets the requirements established in Arc Mid-Hudson's policy on

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Contractual/Financial Arrangements with Physicians are not considered Gifts and Entertainment and need not be counted toward the \$75 Gifts and Entertainment limit.

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Updated by: Mara LeBlanc

Appendix A

**THE ARC MID-HUDSON
GIFTS AND ENTERTAINMENT TRACKING LOG
JANUARY 1, 20__ TO DECEMBER 20__**

Potential Referral Source or Potential Referral Source and Immediate Family Member	Authorized by	Date of Gift/Entertainment	Type of Gift/Entertainment	Gift/Entertainment Amount	Reason for Gift/Entertainment	Calendar Year Balance

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