



Gifts Policy FAQ

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General

1. To whom does OHSU's Gift Policy apply?

The policy applies to all OHSU employees, students, and volunteers. It is a good idea to read the entire policy so you can determine which parts could apply to you.

2. The policy calls out people at OHSU who have a "position of authority." What does that term mean?

A position of authority is defined in the policy as:

- (a) A position in which one does or is expected or anticipated to influence the selection, retention, evaluation, direction, or supervision of a vendor. Any position that could influence the decision to place business, increase or decrease business, or continue, modify, or terminate a relationship with a vendor. This includes but is not limited to:
 - 1. Health care providers with prescription privileges;
 - 2. OHSU Members with grants who purchase supplies;
 - 3. OHSU Members with fiscal authority related to a specific business decision;
 - 4. A person who is a voting member of a RFP (request for proposals) committee;
 - 5. Each OHSU employee as to all vendor relationships:
 - a. Within the employee's oversight authority;
 - b. Where the vendor relationship is a part of a vendor selection process in which the employee participates; and/or
 - c. Where the employee exerts or attempt to exert influence over the awarding of business to the vendor; and
 - 6. Employees with authority over specific financial decisions related to a vendor.

3. I am not a health care provider or someone with fiscal authority, so does that mean this policy doesn't apply to me?

The policy likely does apply to you. For example, the policy does not allow acceptance of promotional items from vendors, such as pens, beverage mugs, note pads, and similar items by anyone at OHSU, regardless of a person's role at OHSU. Employees should think broadly about their sphere of influence and the appearance that they could have influence over a particular business decision. For example, although a department chair may him/herself not make any purchasing decisions with respect to a particular vendor and may not have any research sponsored by that vendor, if other faculty in that department have research sponsored by that company, the appearance of influence is present because the department chair signs off on the Proposed Project Questionnaire for research in the department.

ii) Each employee should consider:

- (1) All vendor relationships that are within the employee's oversight authority;
- (2) Vendor relationships that are part of a vendor selection process in which the employee participates; and
- (3) Situations where the employee exerts or attempts to exert influence over the awarding of business to the vendor.

In addition, the policy includes other prohibitions on gifts that apply to all. See , for example, FAQs: [General #12](#), [Token Gifts #1](#), & [Food & Beverages #1](#)

4. The policy and these FAQs talk about being a “representative of OHSU” in order to meet certain exceptions. What does this mean?

Per Oregon law, representing OHSU means that you are making an authorized appearance in an official capacity on behalf of OHSU. For example, your supervisor or other official may have selected you to attend the event on behalf of OHSU, to represent OHSU’s interests. Examples of what would NOT fit the description of “representing OHSU” include: an OHSU researcher attending a pharmaceutical company’s dinner event; an OHSU employee going to dinner with a vendor rep to discuss a new product; an OHSU clinician attending an industry-sponsored conference. Those who are officially representing OHSU are requested by a supervisor or higher level person to attend an event as OHSU’s designated representative.

5. What if I’m in a position of authority and am offered a gift from a vendor I am uncertain we do business with?

The gift limits do not apply to gifts received by an OHSU employee from a source that could not reasonably be known to have a business interest in OHSU. However, if the vendor is representing a pharmaceutical company or a medical device manufacturer or the vendor’s business interests are otherwise related to the health care field, it should be assumed that they may be seeking business with OHSU and the gift should not be accepted. If you are uncertain, you may contact the Integrity Office, Purchasing, or Contracting.

6. How does this affect vendor gifts to departments, schools, units, divisions?

OHSU policy still allows gifts to departments, schools, units, and divisions. However, some restrictions do apply. See section 4 of the Gifts to Institution Policy http://ozone.ohsu.edu/policy/pac/chapt_10/10-01-030.htm. See also [FAQ Charitable Contributions-2](#)

7. What is the dollar limit for accepting gifts from vendors under the new OHSU gifts policy?

If you are or could be perceived as being in a position of authority relative to the vendor offering the gift, the limit is zero dollars – nothing; not a cent. Following this rule generally will help ensure your compliance with Oregon law, OHSU policy, and national ethics guidance.

8. When do the changes go into effect?

Revised Oregon law took effect on January 1, 2008. The new OHSU policy is effective immediately.

9. What do we do with gifts that are sent to us, such as a holiday food basket?

These gifts must either be consumed/used by OHSU employees who are clearly not in a position of authority relative to the giver or the gift should be declined or donated to a charitable organization.

Whether you accept the gift or not, you should advise the giver of the change in state law and proposed OHSU policy.

10. What about internal gifts, such as gift cards or similar items?

Internal gifts are not restricted. However, other OHSU policies do apply. See

11. What about gifts from patients?

The receipt of gifts from patients is not be restricted by these changes. Such gifts may be accepted so long as they are not cash or cash equivalents (gift certificates) and are of nominal value. The Code of Conduct section on Gifts, K-5, addresses this question.

12. What about accepting free samples from pharmaceutical companies?

The distribution of these samples is exceedingly difficult to track in the event of recalls or other safety alerts. Because of this, OHSU Healthcare has a policy generally prohibiting samples. Some exceptions apply. See <http://ozone.ohsu.edu/healthsystem/policy/display.cfm?id=849>.

13. What about OHSU employees giving gifts to other state public employees, candidates, or persons in the private sector?

Providing gifts to others subject to the Oregon state ethics law is also prohibited under the law. OHSU employees may not provide gifts, food, beverages, travel, or entertainment to anyone in the public service or the private sector who may be doing business or seeking to do business with OHSU, unless the food/ travel fits into one of the exceptions discussed in section 5 of the Gifts to Individuals policy.

14. My grade-schooler is best friends with a vendor's daughter. I have a position of authority over the vendor's type of work. Does Oregon law regulate my daughter's friendship?

Oregon's state ethics law applies to you and your family members. Thus, your daughter may not accept anything of value worth more than \$50 for the year. If you choose to accept gifts, you must tally the value of everything this friend has given your daughter, including the cost of gasoline for carpooling, dinners, birthday presents, hand-me-down clothes, etc.

15. Does this policy apply to volunteer or adjunct faculty?

Yes, the policy applies to all OHSU faculty including those not paid by OHSU. However, it only applies to those faculty in interactions related to their OHSU service. Thus, a clinician with a volunteer appointment at OHSU who also has a private practice may accept gifts from their private practice vendors so long as the gift is not offered in connection to the OHSU appointment (see section 5J of the [policy](#)).

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Token Gifts

1. May I accept a pen, clock, paperweight, notepad, other office supplies or the like from a pharmaceutical company representative who provides these tokens?

No. OHSU's gift policy prohibits the receipt of gifts from vendors that are promotional in nature (items displaying company logos/symbols), regardless of having a position of authority. However, it is recognized that some items purchased (such as equipment, etc) contain vendor names/logos. Logos/symbols on purchased items are allowed.

2. I presented at an event sponsored by a pharmaceutical company. I was given a plaque in appreciation. May I accept it?

Yes, but only if you can reasonably estimate that the resale value of the plaque is under \$25.

3. What if a professional conference I am attending has conference bags for all attendees that have vendor logos on them?

You are encouraged not to use this bag. If you need the bag while you are at the conference, you should return it at the end or donate it. The new policy does not allow the presence of such items at OHSU.

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Food and Beverages

1. A vendor wants to sponsor a noon time seminar for my department. May I let the vendor provide lunch?

The OHSU gift policy does not allow meals or other types of food directly funded by industry to be provided at OHSU. A vendor may provide sponsorship through an unrestricted gift or grant to the Foundation. A portion of these funds may be used to provide food and beverages if the department so chooses.

2. What if I am at a conference of my professional organization, one of the lunches is directly paid for by industry, and I have a position of authority relative to the industry at OHSU. May I eat lunch?

You may accept the lunch if you are presenting or speaking at the conference or if you are attending as an official OHSU representative. If you are simply attending the conference as a regular participant, you must either decline the lunch or pay for it.

3. What if I am at a conference of my professional organization, one of the lunches is paid for by industry, and I do not have a “position of authority” relative to the business at OHSU, e.g. I do not write any prescriptions, influence the purchase of any devices, direct or hire consultants, or the like. May I eat lunch?

Yes.

4. What if the lunch is not paid for by industry, but is covered by the organization and/or my conference fees? May I eat the meal?

Yes.

5. May I eat a sit-down meal sponsored by industry if I am a speaker on a panel?

Yes, but only if the meal is part of the event where you are speaking and the food/beverages provided are modest.

6. A consultant wants to take me to lunch so that we can conduct business during the lunch hour; it is the only time we have available. May the consultant pay for lunch?

Food and beverages consumed by OHSU employees acting in their official capacity can be paid for by a vendor if it is in association with the review, approval, execution, or closing of a borrowing, investment, or other financial transaction or other business agreement. This exception is meant to be applied narrowly. For example, a vendor representative taking an OHSU employee out to lunch to discuss a new product or future clinical trial does not meet this exception.

You should contact the OHSU Integrity Office or Legal Department prior to accepting this lunch.

7. **May I attend an evening dinner event sponsored by a pharmaceutical company? I have prescription privileges.**

No. Food is included in the definition of a gift, and having prescription privileges means that you are in a position of authority relative to pharmaceutical companies. In order to attend the event, you would need to either decline the food and beverages or reimburse the sponsor for your share, if possible.

8. **If I do attend a dinner event are there other limitations I need to know about?**

Yes. The vendor may not pay you for attending the event if you are not presenting, serving on a panel, or doing other work and you may not accept other gifts, including trinkets. See also [FAQ Vendors-General 7](#)

9. **A vendor has invited me to a seat at a charity event. May I attend?**

If you are attending as an official OHSU representative, you may accept admission to the event, food, and beverages.

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Entertainment

1. **An OHSU vendor wants to take me to a Blazers game. I have a position of authority relative to that vendor. May I accept?**

No. Gifts of entertainment are not permissible regardless of cost. If you go, you must pay for your own ticket and food.

2. **I am attending an evening presentation by a vendor and live music will be provided off to the side. I have a position of authority. May I listen to the music? May I attend the program?**

Yes, entertainment that is incidental to an otherwise appropriate function is allowed.

3. **An OHSU vendor wants to give me concert tickets to the Wiggles because his wife and children have been called out of town and he knows my pre-schooler loves the Wiggles; he doesn't want the tickets to go to waste. I have a position of authority. May I accept?**

No. Gifts of entertainment are not permissible regardless of cost. If you go, you must buy the tickets from the vendor. Please check local scalping laws.

4. **My best friend is a long time employee of an OHSU vendor; I was just hired into an OHSU job where I have an "official position" relative to the type of service her company provides. We have a childhood tradition of taking one another fishing on our birthdays. May she still take me fishing?**

No. Gifts of entertainment are not permissible regardless of cost. If you go, you must pay for your reasonable share of the costs of the outing.

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Travel & Speaking Engagements

1. I have been invited to give a lecture at another academic institution. They have offered to pay for my travel related costs. May I accept this?

Yes.

2. I need to travel to an out-of-state company to review a new piece of equipment and determine if it is something that we may want to purchase for OHSU. May the vendor pay for my travel expenses?

Yes. Travel reimbursement proportionate to the time spent in the activity is allowed if approved in advance by the employee's supervisor for any "product, service, or project evaluation activity", which includes evaluating new products for purchase or where additional education about the product is required for proper use.

3. May I serve on a speaker's bureau for a company? May they reimburse my travel and provide honoraria?

Maybe. OHSU employees are authorized to accept compensation and reimbursement for consulting, appearances, and speeches. However, you must have control over the content of the lecture, which should reflect a balanced assessment of the current science/treatment options. Your presentation may not be provided by the company and must not include the company's logos or other advertisements. Keep in mind that you are attending as a representative of OHSU, not as a sales person for the company. Compensation, including travel reimbursement, must be reasonable (e.g., for a one-day lecture, lodging should not be covered for more than 2-3 days). The general idea here is that a pharmaceutical or device company (or other industry) may not pay you to provide a lecture created by them, pay your costs for a week in Hawaii when you are giving a one hour lecture, and rely upon you to tacitly endorse their products. Please use good judgment and think about how the arrangement would appear if it were publicly disclosed. The activity must be appropriately disclosed and approved as required under the Outside Activity policy http://ozone.ohsu.edu/policy/pac/chapt_10/10-01-015.htm.

4. What does it mean to "have control over the content of the lecture" for industry-sponsored speaking engagements? What if the company provides some of the slides but not all?

An approach that some companies are taking is to provide only a few slides that contain information about the company's drug that is part of the lecture. Because the FDA must review to assure that only FDA-approved uses are discussed, and side effects are adequately addressed, etc, it is okay to use those few slides in an un-altered form as long as you believe the slides are appropriate for the talk and you are able to include other slides that you have developed to make up the majority of the talk.

5. What if a vendor is providing payment to an outside speaker (and travel reimbursement) to come and speak at OHSU? Can we invite this speaker to talk at OHSU?

Yes. However, you should ensure that the vendor does not control the content of the presentation, the speaker has the right to edit or amend the material, and the presentation is balanced and has educational value. A presentation heavily slanted toward the products of the company paying for the trip would not be allowed.

6. A vendor that does business with OHSU wants to provide travel and accommodation

reimbursement and tuition for five OHSU students to attend a conference. Can we accept this?

Yes, so long as the funds are provided to the Foundation and not directly to the students. Other restrictions include that the department must be responsible for selecting the students who attend and the students are not expected to provide something in return to the vendor. See section 4 of the Gifts to the Institution policy.

7. What if the travel funds are given as an award that the students must apply for?

In this case the funds are like a grant and not a gift and there would be no restrictions.

8. I am a researcher conducting a sponsored clinical trial at OHSU and the study sponsor will provide travel and meals as part of a study meeting. Is this allowed?

Yes, because study meetings are required in order to meet the obligations of the conduct of the clinical trial, the sponsor may provide funds for travel expenses as food so long as reimbursement for travel and lodging is reasonable and appropriate for the time spent in the OHSU-related activity.

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Vendors-General

1. Are pharmaceutical reps still allowed to pay a fee to have a table at a CME event?

Yes. This is permissible but there are other requirements that must be met for a pharmaceutical rep to have a table at a CME event. To comply with ACCME standards (<http://www.accme.org>), the vendor booth must be separate from (e.g., the next room over, down the hall, not immediately adjacent to) the educational event. The vendor may not provide gifts, trinkets, or promotional materials to attendees.

2. A vendor wants to hold a product show at OHSU and bring refreshments. Are they allowed to?

Food incidental to the event and served reception-style is permitted. Otherwise, vendors are not allowed to directly provide food at OHSU events.

3. May a pharmaceutical company provide my department with textbooks, DVDs, journals, and other educational materials?

Yes, provided they are educational materials related to the recipients' work or positions at OHSU. Educational materials include, but are not limited to, informational handouts, publications, or subscriptions that are not solely promotive of a company's products. It is okay if the handouts or other materials have the company's logo on them, as long as the department has reviewed the material and determined that they are of educational value and not purely promotive in nature.

4. A pharmaceutical company sponsors an on-line program to our faculty for a full array of specific medical information. Is this ok?

Yes. However, the information should be reviewed by the department to assure it is balanced and educational and not purely promotive in nature.

5. We have regular departmental conferences and vendors are allowed to display and discuss products with attendees before and after the conference. If the vendor does

not provide a meal, may it still set up presentations and displays?

Yes, however see [Vendor Presence #1](#) above. [The Health Care Policy for Sales Representatives](#) may also apply and should be reviewed.

6. A vendor has a buy one get one free sale. Can we accept the free product? What about a free product trial?

Yes, this would not be considered a gift.

7. A vendor is hosting an event and compensation is offered for attendees. May I accept this and attend the event?

Those in a position of authority may not accept compensation for simply attending an event. Other OHSU employees or students should not accept compensation for simply attending an event because the event is highly likely to be promotive of a specific company's product(s) and the actual educational value is likely to be minimal.

Charitable Contributions

1. May vendors still make charitable contributions to OHSU, either directly to its units or to the Foundation?

OHSU policy on management of charitable contributions is found at http://ozone.ohsu.edu/policy/pac/chapt_12/12-01-015.htm. In keeping with this policy, gifts must be made through the Foundation, not through departments, divisions, schools or other units within OHSU.

2. Do Departments have responsibilities to track gifts from a vendor?

Yes. OHSU policy [10-01-030](#) includes a requirement to report any gifts from an individual vendor to the department/division/unit that total greater than \$100,000 in a fiscal year. Therefore, gifts must be tracked by the department to assure that this report can be provided when/if this amount is reached. A sample tracking form is available at: <http://www.ohsu.edu/xd/about/services/integrity/coi/gifts/index.cfm>

These reports are due and must be submitted to the Integrity Office at the end of the fiscal year, no later than August 1. The Integrity Office will post announcements as reminders that the reports are due near the fiscal year end.

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Penalties

1. What is the penalty for violating the Oregon ethics law relating to gifts?

The Ethics Commission may levy a fine against the employee of up to \$5,000.

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Please direct any questions to the **Integrity Office** at
503-494-8849 (option 3) or oioeduc@ohsu.edu