

GIFTS POLICY

Category: Compliance

Responsible Department: Compliance & Legal

Applicability: Applies to EHS, Inc. and its affiliates, Community Access Services of WNY, Inc., and The Evergreen Foundation of Western New York, Inc. (collectively, “Evergreen Health”, “organization”) board members, employees, independent contractors, interns, and volunteers (“personnel”)

Date Effective: 06.12.16

Date of Last Review/Update: 08.04.22

Approved By: EHS, Inc. Board of Trustees

Approval Date: 07.11.24

Next Review: 07.11.27

SUMMARY AND PURPOSE

EHS, Inc. and its affiliates, Community Access Services of WNY, Inc., and The Evergreen Foundation of Western New York, Inc. (collectively, “Evergreen Health” or “the Corporation”) require all members of the Board of Trustees, Key Persons, and Employees to maintain the highest ethical standards of conduct, honesty, and integrity as it relates to the acceptance of gifts. This minimizes any actual or apparent conflict of interest. This policy provides guidance on avoiding actual or apparent conflicts of interest when gifts are offered to members of Evergreen Health’s Board of Trustees, Key Persons, and Employees.

SECTION 1: DEFINITIONS

- A. **“Director”** means a member of Evergreen Health’s Board of Trustees.
- B. **“Key Person”** means any person, other than a Director who:
 - (i) Has responsibilities, or exercises powers or influence over Evergreen Health, as a whole, similar to the responsibilities, powers, or influence of directors and officers;
 - (ii) Holds a position of authority or control at Evergreen Health or a segment of the organization that represents a substantial portion of the activities, assets, income, or expenses of the organization; or
 - (iii) Alone or with others, controls or determines a substantial portion of Evergreen Health’s capital expenditures or operating budget.

A Key Person can be someone who is not employed by the Corporation. For example, a Key Person may be a funder or substantial donor who exercises apparent authority over Evergreen Health even though they have no title or official role.

- C. **“Employee”** means exempt, non-exempt, and contracted employees of Evergreen Health, who do not meet the definition of a Key Person above.
- D. **“Relative”** means a person’s (a) spouse, partner or similar relationship; (b) children, grandchildren, and great grandchildren (including those who were adopted); (c) parents, grandparents, great- grandparents, and legal guardians; (d) siblings by full- or half-blood; (e) cousins; (f) nieces and nephews; (g) aunts and uncles; and (h) the spouse, domestic partner, or similar relationship of the preceding categories.

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SECTION 2: DEFINITION OF GIFT

A “Gift” shall mean any of the following:

1. A payment, transfer, gratuity, discount, or other tangible item having monetary value including, but not limited to cash, gift cards, merchandise, real estate, and real property that is provided at no cost or a cost below fair market value;
2. Paid attendance to social, cultural, or sporting events including tickets, transportation, or travel thereto (this includes subsequent reimbursement for an event);
3. Paid meals, food, beverages, lodging, or travel (this includes subsequent reimbursement of the foregoing).

SECTION 3: GENERAL RULE

All Directors, Key Persons, and Employees must not offer or accept any Gift that might influence or appear to influence the person’s decision-making or compromise their judgment. This includes Gifts to Relatives of Directors, Key Persons, and Employees. More specifically, Directors, Key Persons, Employees, and their Relatives must refuse any Gift if all of the following criteria are met:

- The Gift is offered by any individual or business that has current or prospective business, current or prospective employment opportunities, or is a patient with Evergreen Health;
- The person who is offered the Gift has authority or influence (or is related to a person with such authority or influence) in current or prospective Evergreen Health business, employment, or patient care decisions; and
- The Gift has a value of more than \$300.

The following Gifts are never acceptable, regardless of the amount:

- Gifts that are illegal;
- Cash or cash equivalents, including gift cards or other items redeemable for cash;
- Gifts from any individual or business that has been invited to respond to a Request for Proposal (such prohibition will end once a candidate has been selected); and
- Anything that would damage Evergreen Health’s reputation if publicly reported.

The following examples are acceptable:

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- Token seasonal Gifts that have a value of less than \$300;
- When a Director, Key Person, or Employee is participating in their official capacity as a speaker or panel member at a conference or other event, they generally may accept an offer of free attendance, travel, meals, and refreshments on the day of his presentation. If the person is presenting only one day of a multi-day event, the provision of food, meals, and refreshments shall be only for the day of the presentation;
- Occasional meals or entertainment with a business purpose that fall within customary business practices for the profession and are not otherwise extravagant as determined by the Corporate Compliance Officer; and
- Small corporate, promotional gifts (e.g., pens marked with the organization’s logo).

If it would be offensive or detrimental to Evergreen Health to refuse a prohibited Gift, the Gift must be disclosed to and approved by the person’s supervisor and the Corporate Compliance Officer. If approved, said Gift becomes Evergreen Health’s property and will be used for the benefit of Evergreen Health, as approved by the Corporate Compliance Officer. Perishable items may be shared with Employees or patients with approval by the person’s supervisor.

SECTION 4: FREQUENCY AND CUMULATIVE VALUE

It is not acceptable to receive repeated gratuities from the same vendor or individual, even if each gratuity is of low value. Multiple Gifts from the same individual or business within a calendar year totaling **more than \$300** must be disclosed to the person’s supervisor and the Corporate Compliance Officer.

SECTION 5: REPORTING SUSPECTED VIOLATIONS

Individuals with information on potential violations of the Policy must report the situation to the Corporate Compliance Officer.

Reporting can be done through the following avenues:

1. Direct Email to the CCO
2. General Department Email: evergreencompliance@evergreenhs.org
3. CCO Office Telephone: 716.847.2441 x1851
4. Healthicity (internal compliance and risk management incident reporting system)