

JHU School of Medicine Policy on Gifts to Faculty Members and Staff Physicians

Adopted 4/29/20

Introduction

School of Medicine faculty members and staff physicians on occasion are offered gifts of cash or other items of value from patients, their family members or representatives. While the offer of a gift may be an expression of appreciation and gratitude and in some settings may reflect cultural norms, gifts can create an expectation that the gift giver will receive preferential treatment in return for the gift. Ethical guidelines, including American Medical Association Principles of Medical Ethics (Section 1.2.8), provide that physicians should be particularly sensitive to gifts offered by patients or their representatives, and should decline such gifts under certain circumstances. In keeping with these guidelines, the School of Medicine discourages acceptance of gifts from patients and their family members or representatives. In deciding whether to accept a gift, School of Medicine physicians should use good judgment and in all cases avoid any actual conflict with their professional obligations and ethical standards.

In addition, the University has an interest in and obligation to account appropriately for gifts related to activity performed by faculty and staff providers. The School of Medicine adopts this Policy on Gifts to assure transparency in faculty and staff physician activities and to assure that gifts of cash or other items of value are declined where the gift would be inconsistent with ethical and policy guidelines, and are accounted for under applicable laws and regulations and University gift policies in other cases.

Gifts offered by companies, organizations, or other entities are governed by separate policies as described below. Gifts from students, other than small token gifts of nominal value, should not be solicited or accepted by SOM faculty or staff physicians.

Policy

It is the policy of the School of Medicine that all gifts of more than nominal value (generally less than \$75) to faculty members or staff physicians related to activity performed in their capacity as faculty or staff members are the property of the University. This policy specifically applies to, but is not limited to, gifts from patients, their family members or representatives; and gifts from companies, organizations, or other entities. As noted below, flowers, food baskets and other consumable items that are shared with one's office, laboratory, or department are exempt from this policy.

Gifts from biomedical, pharmaceutical and medical device companies and companies that make other products used in the treatment of patients or the provision of medical care (including employees of those companies) are governed by the [Johns Hopkins Medicine Policy on Interaction with Industry](#) and are generally prohibited. The University's [Statement of Ethical](#)

[Standards](#) and its Purchasing policies ([Statement of Behavior in Contractual Relationships](#)) govern gifts from vendors.

Except in the case of philanthropic gifts to the University to support research, teaching, and patient education, SOM faculty members and staff physicians are prohibited from soliciting gifts covered by the policy. When offered a gift covered by this policy, SOM faculty members and staff physicians should recommend that the donor make a gift directly to the University. Faculty members and staff physicians are expected to follow the guidelines issued by the Fund for Johns Hopkins Medicine and should consult with their department or division's development officer when planning to solicit such gifts. Physicians should decline offers of gifts when there is any indication that the gift is offered with the intention of securing preferential treatment, or where the physician has reason to believe that the gift would present any financial hardship to the patient or patient's family.

Faculty members and staff physicians who nevertheless elect to accept gifts covered by this policy are required to follow the procedures outlined below. Failure to adhere to the policy may have tax and legal consequences for faculty members and staff physicians and for the University. Furthermore, failure to comply with this policy may result in review under faculty disciplinary procedures or disciplinary procedures applicable to staff physicians.

1) Gifts of cash and cash equivalents (including currency, gift cards, stock or other securities)

- a. Gifts of cash or cash equivalents must be disclosed to the University and turned over to the individual's department within 72 of receipt or return to the University, whichever is later.
- b. The appropriate institutional tax will be applied to the gift.
- c. Departments may elect to distribute a portion of the gift to the individual who received it in the form of salary supplement or bonus. In those cases, the distribution will be added to the individual's University wages for tax withholding purposes.

2) Tangible personal property over \$75. (including watches, jewelry, works of art, and electronic devices)

- a. Gifts of tangible personal property must be disclosed to the University and turned over to the individual's department within 72 hours of receipt or return to the University, whichever is later.
- b. The department director will notify the Fund for Johns Hopkins Medicine for advice regarding appropriate development stewardship under the University's gift acceptance policy.
- c. Unless a gift of tangible personal property can be used by the department or University in connection with their operations, the item will be transferred to the Fund for Johns Hopkins Medicine. Using standard methods for valuation and disposition, the Fund for Johns Hopkins Medicine, in conjunction with other institutional offices as appropriate, will convert the item to cash. The value of the sale will be credited to the department. If the department chooses to retain

the item for University use rather than converting it to cash, the department must enter the item into inventory as "University-owned property."

- 3) Gifts of consumable items (including food baskets, flowers, and similar items) that are shared with one's office, laboratory, or department, are exempt from this policy.**

Questions about the application or interpretation of this policy should be referred to the University Office of General Counsel or the University Gift Policy and Acceptance Committee.