

Chapter 1: Agency Administration

Contact:	Ethics Advisor	Effective:	
Reference:	RCW 42.52.010 Title 29B RCW RCW 42.52.150 Executive Ethics Board Gift Advisory Opinions HCA Ethics Guidance Document: Gifts	Supersedes:	HCA Administrative Policy 1-07, <i>Accepting Gifts</i> (August 11, 2022)
Forms Used:	N/A	Applies to:	All employees
		Approved by:	<u>/s/</u> Chief Operations Officer

Accepting Gifts

PURPOSE

The purpose of this policy is to inform Health Care Authority (HCA) employees about the ethics law's limitations on the receipt of gifts.

DEFINITIONS

Appearance	The act of performing or participating in an event.
Charitable Association, Institution, or Organization	Any entity that provides services beneficial to the public to an open class of people.
Civic Organization	A nonprofit group relating to the duties or activities of people in relation to their town, city, or local area.
Community Organization	An organization aimed at making desired improvements to a community's social health, well-being, and overall functioning.
Family Member	The employee's spouse or domestic partner, dependent children, and other dependent relatives, if living in the household.

Gift	Anything of economic value for which no consideration is given.
Hosted Reception	A social function involving a diverse group of people (e.g., the vendor, HCA employees, and other vendor customers, politicians, news media, etc.) that does not involve a sit-down meal (e.g., drinks and hors d'oeuvres).
Official Duties	Those duties within the Health Care Authority (HCA) employee's specific scope of employment as defined by the employee's position description, supervisor, appointing authority, or by statute or the state Constitution. Employees in doubt as to what is and is not within their official duties should consult their supervisor.
Participate	The personal and substantial exercise of discretion or judgment through approval, disapproval, decision, recommendation, advice, investigation, or other similar act.
Reasonable Expenses	Travel, lodging, and subsistence expenses incurred the day before through the day after the event.
Regulated by HCA	If a person, business, or other entity has interests that HCA can control or affect, that person, business, or other entity is "regulated by HCA".
Section 6 Employee	An HCA employee is a Section 6 employee if: 1) the person offering the gift is regulated by HCA or contracts or may seek to contract with HCA, and 2) the HCA employee offered the gift participates in regulatory or contractual matters related to the person offering the gift.

POLICY REQUIREMENTS

1. An HCA employee may not accept, directly or indirectly, any thing of economic value as a gift, gratuity, or favor if a reasonable person would expect that the gift, gratuity, or favor would influence the employee's action or judgment, or consider it a reward for action or inaction.
2. The following items are presumed not to influence under requirement #1 and any HCA employee may accept them in any amount (this presumption may be overcome based on the circumstances surrounding the giving and acceptance of the item):
 - a. Items from family members or friends where it is clear beyond a reasonable doubt that the gift was not made as part of any design to gain or maintain influence in HCA.
 - b. Items related to the employee's outside business that are customary and not related to the employee's performance of official duties.
 - c. Items exchanged among employees or a social event hosted or sponsored by an employee for coworkers.
 - d. Items returned by the employee to the donor or donated to a charitable organization within 30 days of receipt.
 - e. Discounts available to an employee as a member of an employee group, occupation, or similar broad-based group.

- f. Unsolicited advertising or promotional items of nominal value, such as pens and note pads.
 - g. Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item.
 - h. Unsolicited items received for the purpose of evaluation or review, if the employee has no personal interest in the eventual use or acquisition of the item by HCA.
 - i. Informational material, publications, or subscriptions related to the employee's performance of official duties.
 - j. Food and beverages consumed at hosted receptions where attendance is related to the employee's official duties.
 - k. Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization.
 - l. Unsolicited gifts from dignitaries from another state or a foreign country that are intended to be personal in nature.
 - m. Campaign contributions reported under 42.17A RCW.
 - n. Awards, prizes, scholarships, or other items provided in recognition of an academic or scientific achievement that is unrelated to the employee's official state role.
 - o. Items the employee is authorized by law to accept.
3. In addition to the items in requirement #2, a non-Section 6 employee may accept:
- a. Unsolicited flowers, plants, and floral arrangements.
 - b. Payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity.
 - c. Payment of enrollment and course fees and reasonable expenses attributable to attending seminars and educational programs sponsored by a bona fide governmental or nonprofit professional, educational, trade, or charitable association or institution.
 - d. Meals on infrequent occasions where attendance is related to the performance of official duties.
 - e. Gifts with an aggregate value no greater than 100 dollars from a single source in a calendar year or a single gift from multiple sources with a value no greater than 100 dollars.
 - i. "Single source" means any person, whether acting directly or through any agent or other intermediary.
 - ii. "Single gift" includes any event, item, or group of items used in conjunction with each other or any trip including transportation, lodging, and attendant costs, not permitted under Section 3(b) or 3(c) of this policy.
 - iii. The value of gifts given to an employee's family member or guest are attributed to the employee for the purpose of determining whether the limit has been exceeded, unless an independent business, family, or social relationship exists between the donor and the family member or guest.
4. If an employee receives a gift that they cannot accept under this policy, the employee can legally dispose of the item by:
- a. Returning it to the giver within 30 days from receipt, or
 - b. Donating it to a charitable organization within 30 days from receipt.

If the gift is a perishable food item, the EEB has advised that an employee can legally dispose of the item by placing the food in an area accessible to the public where anyone could enjoy it.