



STATE OF CONNECTICUT
Department of Mental Health & Addiction Services



Commissioner's Policy Statement and Implementing Procedures

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| SUBJECT: | Gifts' Policy |
| P & P NUMBER: | Chapter 3.6 |
| APPROVED: | Miriam Delphin-Rittmon, Commissioner Date: 10/15/2015 |
| EFFECTIVE DATE: | October 15, 2015 <i>Miriam Delphin-Rittmon</i> |
| REVISED: | 3/15/2012, 3/3/2009 |
| REFERENCES: | State of Connecticut, Code of Ethics C.G.S. § 1-79 et seq. Commissioner's Policy Statement #8 |
| FORMS AND ATTACHMENTS: | State of Connecticut, Code of Ethics C.G.S. § 1-79 et seq. |

STATEMENT OF PURPOSE: The purpose of this policy is to provide guidance to the Department of Mental Health and Addiction Services' (DMHAS) employees, and others either conducting business with the DMHAS or seeking to conduct business with the DMHAS, to ensure that neither this agency nor its employees are exposed to sanctions for perceived or actual conflicts of interest.

POLICY: All DMHAS employees and others either conducting business with DMHAS or seeking to conduct business with the DMHAS are required to review and comply with the entire State of Connecticut Code of Ethics C.G.S. § 1-79 et seq. with regard to the acceptance of gifts (See Commissioner's Policy Statement No. 8, The State Code of Ethics and Compliance Matters). The examples in this policy are provided for guidance but can not and should not take the place of a careful review of C.G.S. § 1-79 et seq. and individual consultation with a Compliance Officer and the Office of State Ethics. The DMHAS has the right to exceed the statutory requirements and formulate a more restrictive policy.

Gifts

The State Code of Ethics defines a "gift" in C.G.S. § 1-79 (e) as anything of value, which is directly and personally received, unless consideration of equal or greater value is given in return (i.e. you pay for the item). Under the State Code of Ethics, C.G.S. § 1-79 et seq., the following is a (non all-inclusive) list of examples that would be considered to be gifts:

1. Food or beverage or both, costing more than fifty (50) dollars in the aggregate per recipient in a calendar year, and consumed on an occasion or occasions at which the person paying directly or indirectly for the food or beverage, or his/her representative is in attendance. (See C.G.S. § 1-79(e)(9)) For example a state employee could receive several \$40 meals in one year, provided that the meals are coming from different sources, and that the source or its representative is in attendance. The state employee must keep in mind who is really paying the bill, however. An annual limit of fifty (50) dollars per vendor is applied, not per representative.
2. A certificate, plaque, or other ceremonial award costing more than one hundred (100) dollars (See C.G.S. 1-79(e)(6));
3. A “gift” of a value of more than ten (10) dollars given by a person to a staff member. (See C.G.S. 1-79(e)(16)) If the person insists on gift giving the following alternatives are acceptable to the Office of State Ethics:
 - A. A “gift to the state” in the form of something that is needed in the particular unit at DMHAS (for example, something for the waiting room or a new piece of equipment) made in the staff member’s name;
 - B. A donation to DMHAS or some other recognized charity also made in the staff member’s name (provided that the staff member does not take the charitable tax deduction); or
 - C. A gift of flowers or a fruit basket given to an entire staffing unit and not to just one individual. The cost per person must be less than ten (10) dollars.

Non Gifts

Under the State Code of Ethics, C.G.S. § 1-79 et seq., the following is a (non all-inclusive) list of examples that would not be considered to be gifts:

1. Anything having a value of not more than ten (10) dollars provided the aggregate value of all things provided by a donor to a recipient under this subdivision in any calendar year does not exceed fifty (50) dollars. (See C.G.S. 1-79(e)(16)) For example: If a company representative wanted to provide a calculator or a ballpoint pen valued at twenty (20) dollars, you could not accept the item because the item would exceed the ten (10) dollar maximum;
2. Goods or services which are provided to DMHAS for use on DMHAS property or to support an event, which facilitate state functions (See C.G.S. § 1-79(e)(5));
3. A rebate, discount, or promotional item available to the general public (See C.G.S. § 1-79(e)(7));
4. Printed or recorded informational material germane to DMHAS action or functions (See C.G.S. § 1-79(e)(8));

5. Admission to a charitable or civic event, including food and beverage provided at such event, but excluding travel or lodging expenses, at which a DMHAS employee participates in his official capacity, provided such admission is provided by the primary sponsoring entity (See C.G.S. § 1-79(e)(14));
6. In general, a “gift” of travel and/or lodging is not acceptable; however necessary expenses received for an article, appearance or speech, or for participation at an event, in the employee’s official capacity are acceptable. Necessary expenses are limited to necessary travel expenses, lodging for the nights before and/or after the appearance, speech or event, meals and any related conference or seminar registration fees. (See C.G.S. § 1-79(q)); If necessary expenses are paid by an outside entity other than a state or federal government and include lodging or out-of-state travel, the employee is required to file a form (ETH-NE) with the Office of State Ethics, within thirty (30) days of receiving payment or reimbursement.
7. Free Drug Samples can only be accepted by DMHAS facilities for distribution to individuals in recovery who are participating in DMHAS’ programs. DMHAS employees must not use free Drug Samples for themselves or family members. Since distribution of Non-Formulary Free Drugs to DMHAS clients may encourage use of costlier medications, DMHAS prescribers should be cautious in distributing medications that are not on Formulary.

PROCEDURE:

1. The practice of vendors bringing in lunches for the DMHAS staff either for educational workshops or other occasions is not allowed. This includes but is not limited to the pharmaceutical industry.
2. No person conducting business for DMHAS (i.e. public officials, employees, consultants, etc.) shall knowingly accept, directly or indirectly, any gift, as defined in C.G.S. § 1-79 (e) from restricted donors, registered lobbyists or any person who is: (a) doing business with or seeking to do business with DMHAS, (b) engaged in activities regulated by DMHAS, or (c) a contractor pre-qualified by the Department of Administrative Services. (C.G.S. § 1-84 (j) and (m)) Persons doing business with DMHAS includes individuals in recovery who are participating in DMHAS’ programs. Therefore, any gift from a person who is receiving DMHAS services should be limited and in compliance with DMHAS’ policies and the Code of Ethics.
3. No person conducting business for DMHAS shall knowingly give or receive, directly or indirectly, any gift or gifts in violation of the State Code of Ethics. (C.G.S. § 1-79 et seq.)
4. All persons conducting business for DMHAS shall be held individually accountable for their acceptance of gifts for each calendar year. It is imperative that anyone with questions contact their Compliance Officer and/or the Office of State Ethics to ensure that their actions are within the law.