



POLICY/GUIDELINE TITLE: Lobbying and Political Activity Policy	ADMINISTRATIVE POLICY AND PROCEDURE MANUAL
POLICY #: 800.67	CATEGORY: Compliance and Ethics
System Approval Date: 11/17/17	Effective Date:
Site Implementation Date: 1/9/18	Last Reviewed/Approved: NEW
Prepared by: Office of Corporate Compliance	Notations: N/A

GENERAL STATEMENT of PURPOSE

The purpose of this policy is to ensure Northwell Health’s compliance with local, state, and federal lobbying and political activity laws and regulations.

It is the policy of Northwell Health to abide by local, state, and federal lobbying and political activity laws. Accordingly, this policy provides relevant information to Northwell Health workforce members in their capacities as employees, volunteers, and/or representatives of Northwell Health.

- Lobbying:** Workforce members must obtain the express authorization of the Vice President of Government and Community Affairs prior to engaging in any lobbying activity. Workforce members granted this authorization may periodically be called upon to make contact with members of the local, state or federal legislative executive bodies and other government officials to set forth and advocate for Northwell Health’s positions on certain issues. Any workforce member who has authorization to lobby on behalf of Northwell Health is expected to abide by all applicable laws, regulations and established Northwell Health policies at all times. Depending on the circumstance, individuals and lobbying firms granted this permission may be required to register as lobbyists and/or file reports concerning their activities.
- Political Activity:** Northwell Health encourages workforce members to participate in civic affairs as individuals, but workforce members may not use Northwell Health’s funds, facilities, time, equipment or other assets to support or oppose any political candidate. Engaging in such activities could endanger Northwell Health’s nonprofit status and could lead to other potentially serious penalties.

SCOPE

This policy applies to all Northwell Health employees, as well as medical staff, volunteers, students, trainees, physician office staff, contractors, trustees and other persons performing work

for or at Northwell Health; faculty and students of the Donald and Barbara Zucker School of Medicine at Hofstra/Northwell conducting research on behalf of the Zucker School of Medicine on or at any Northwell Health facility; and the faculty and students of the Hofstra Northwell School of Graduate Nursing and Physician Assistant Studies.

DEFINITIONS

- **Internal Revenue Code Section 501(c)(3):** This is a tax exemption granted to certain types of nonprofit organizations. A 501(c)(3) organization, such as Northwell Health, may engage in some lobbying without the loss of tax-exempt status. In general, no organization may qualify for tax exempt status if a *substantial* part of its activities is attempting to influence legislation (i.e., lobbying).
- **Lobbying:** Lobbying is generally defined as any request for assistance in obtaining funding or to influence legislation or policy actions made to: (1) a public official or his or her staff; (2) any administrative unit of government. Generally, lobbying regulations do not apply to a formal grant application process, contract request-for-proposal process, or governmental requests for information or testimony. Lobbying communications include personal visit, email, letter, telephone conversation, so-called association lobby day, or chance meeting.
- **Political Activity:** Political activity is participating in, or intervening in (including the publishing or distributing of statements), any campaign in support of or in opposition to any candidate for public office. This includes monetary contributions and in-kind contributions (e.g., use of Northwell Health services, facilities, publicity, or advertising).

PROCEDURE/GUIDELINES

I. Lobbying

Federal and state laws allow nonprofit organizations such as Northwell Health to engage in *some* lobbying activity. Usually such activity triggers registration and reporting requirements as well as limitations on different forms of lobbying. Failure to abide by these laws could result in substantial penalties for Northwell Health and for individuals engaged in such activities.

To assure that applicable lobbying laws and policies are fully complied with, no Northwell Health workforce member shall engage in lobbying without express authorization from the Vice President of Government and Community Affairs. Therefore, any lobbying encounter on behalf of Northwell Health with a public official or his or her staff or any unit of government, except through a formal grant process, must be reported to the Vice President of Government and Community Affairs

Any Northwell Health workforce member who is subsequently authorized to lobby on behalf of Northwell Health must abide by all applicable laws at all times, including, without limitation, complying with all rules on conduct, registration and reporting.

The requirements for state lobbying registration and reporting are found on the New York State Joint Commission on Public Ethics website:
http://www.jcope.ny.gov/about/laws_regulations.html.

Requirements for federal lobbying registration can be found on the lobbying disclosure website of the U.S. House of Representatives Office of the Clerk:
http://lobbyingdisclosure.house.gov/amended_lda_guide.html.

Please note that other local rules (e.g., county rules) and regulations may apply.

If you have any questions whether a proposed activity would constitute lobbying, please contact the Office of Government and Community Affairs, the Office of Legal Affairs and/or the Office of Corporate Compliance.

Retention of a Lobbying Firm

Northwell Health may engage the work of certain external lobbying firms. Engagement of these firms requires express authorization from the Vice President of Government and Community Affairs.

Log of Authorized Individuals / Lobbying Firms

The Office of Government and Community Affairs shall keep a log of all individuals/lobbying firms with permission and authority to lobby on behalf of Northwell Health. A copy of this log shall be provided from the Office of Government and Community Affairs to the Office of Corporate Compliance on an ongoing basis.

The Office of Government and Community Affairs shall complete, maintain, and monitor all applicable regulatory filings.

Grant Application Process

Laws define what constitutes lobbying. A grant application does not constitute lobbying. However, please be advised that state law prohibits any lobbying regarding a grant during the competitive phase of the grant application process. Violation of this law could result in the loss of the grant and other penalties.

Contacts With Government Officials

Please be aware that Northwell Health has many contacts and dealings with governmental agencies and officials (e.g., grant applications). Northwell Health and its workforce members shall conduct all such contacts and transactions in an honest and ethical manner. No one shall attempt to influence the decision making process of government agencies or officials by an improper offer of any benefit. This includes paying for meals, refreshments, travel or lodging expenses of government officials.

Workforce members shall immediately report any suspected or actual improper requests or demands by a government agency or official to the Office of Corporate Compliance.

Employment Of Former Government Official

Northwell Health representatives must obtain clearance from Human Resources and the Office of Government and Community Affairs prior to discussing the employment or possible retention as a consultant of any current or former government representative.

II. Political Activity

Pursuant to Section 501(c)3 of the Internal Revenue Code, Northwell Health may not “participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf (or in opposition to) any candidate for public office.” This shall include making contributions to any political organization or campaign for a political candidate, and includes both direct and indirect participation and intervention. Violating this prohibition may result in denial or revocation of tax-exempt status and the imposition of certain excise taxes.

Accordingly, Northwell Health workforce members acting in their professional capacity for or on behalf of Northwell Health shall not use Northwell Health’s funds, facilities, time, equipment or other assets to support or oppose any political candidate or slate of candidates. This includes monetary contributions as well as in-kind contributions (e.g., contributions of Northwell Health services, facilities, publicity, or advertising). For example, this would include the contribution of t-shirts, hats or any other tangible item that includes the Northwell Health logo. Some other examples of prohibited political activity include:

- writing a check drawn on a Northwell Health account to a candidate, a candidate’s political action committee (PAC), or a political party (including political party picnics, holiday parties, and galas);
- Northwell Health paying/reimbursing a workforce member for the workforce member’s expenses for contributions or attendance at political functions;
- using Northwell Health’s resources (e.g., office supplies or employee time during work hours) to support or encourage support for a candidate;
- providing a candidate with Northwell Health’s facilities to conduct any kind of political event, fundraiser, or other similar activity; and
- allowing the placement of signs for or against a candidate on Northwell Health’s property.

Note that regardless of intent, the mere fact that an improper activity occurred may be a violation of the law.

Personal Political Activity Is Not Banned

Workforce members are encouraged to participate in the political process as individuals, but they may not represent Northwell Health in any manner in such process.

Allowance For Forums and Ceremonial Events

Northwell Health may host public forums and other ceremonial events (e.g., ribbon-cuttings), provided that such activities are authorized by the Office of Government and Community Affairs.

The activities surrounding public forums and ceremonial events must comply with applicable law, including adhering to the following protocols: (i) for the local governmental jurisdiction where the event will be held, all legally qualified candidates and elected officials should be invited to attend; (ii) the program agenda should be broad and nonpartisan, (iii) if one candidate is given the opportunity to speak, equal time should be given to his/her opponent(s). In order to avoid equal time controversies, the recommended but not mandated practice is to recognize the public officials in attendance, but not give them the opportunity to speak.

Sanctions

Violations of this policy will be subject to disciplinary action as outlined in the Human Resources Policy and Procedure Manual and in the Bylaws, Rules and Regulations of the Medical Staff.

Enforcement

All violations of this policy shall be reported to the appropriate manager/supervisor/director or to the Office of Corporate Compliance (516.465.8097) for appropriate resolution of the matter. You can also make an anonymous report to the Compliance Help-Line, 24 hours a day, 7 days a week, by calling (800) 894-3226 or by visiting www.northwell.ethicspoint.com online.

REFERENCES to REGULATIONS and/or OTHER RELATED POLICIES

- Internal Revenue Code Section 501(c)(3)
- New York State Legislative Law Article 1-A (Lobbying Act)
- 19 NYCRR Part 933 Gift Regulations for Public Officers
- 19 NYCRR Part 934 Gift Regulations for Lobbyists and Clients
- New York State Joint Commission on Public Ethics:
http://www.jcope.ny.gov/about/laws_regulations.html
- U.S. House of Representatives Office of the Clerk:
http://lobbyingdisclosure.house.gov/amended_lda_guide.html
- Mehta, Nayantara. "Lobbying For Nonprofits. Yes They Can." American Bar Association. Vol. 18 Issue 4. April 2009.
- Healthcare Association of NYS and Allied Associations' Federal PAC, Guidelines on PAC Participation, Private Political Fundraising, and Political and Lobbying Activity for 501(c)(3) Organizations (2016).

CLINICAL REFERENCES/PROFESSIONAL SOCIETY GUIDELINES

N/A

ATTACHMENTS

N/A

FORMS

N/A

APPROVAL:

System Administrative P&P Committee	10/26/17
System PICG/Clinical Operations Committee	11/17/17

Standardized Versioning History:

*=Policy Committee Approval; ** =PICG/Clinical Operations Committee Approval