	Ethics & Compliance Department	
	Policy No.: 4	Created: 11/2014
		Reviewed: 05/2023
	Revised: 09/2019	

PATIENT REFERRALS

SCOPE:

Applies to all AMSURG Corp. and its subsidiary or joint venture entities, including affiliated ambulatory surgery center teammates. For purposes of this policy, all references to “teammate” or “teammates” include temporary, part-time and covered persons, full-time employees, independent contractors, clinicians, officers and directors.

PURPOSE:

Envision Healthcare and its subsidiaries and affiliates (“Envision” or “the Company”) has adopted this Patient Referrals policy to establish a protocol for compliance with referrals of patients to affiliated ambulatory surgery centers.

POLICY:

AMSURG requires compliance with federal and state laws prohibiting “kickback” activities within health care facilities.

PROCEDURE:


Definitions

Immediate family member means husband or wife; birth or adoptive parent, child, or sibling; stepparent, stepchild, stepbrother or stepsister; father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law; grandparent or grandchild; and spouse of a grandparent or grandchild.

Referral Source means a Doctor of Medicine or Osteopathy, a Doctor of Dental Surgery or Dental Medicine, a Doctor of Podiatric Medicine, a Doctor of Optometry, or a Chiropractor.

Overview

The Federal Healthcare Program Anti-Kickback Statute (the “Anti-Kickback Statute”), 42 U.S.C. § 1320a-7b, imposes criminal penalties on individuals and entities that knowingly and willfully solicit or receive remuneration “in return for referring an individual to a person for the furnishing or arranging for the furnishing of an item or service” or “in return for purchasing, leasing, ordering, or arranging for or recommending purchasing, leasing, or ordering any good, facility, service, or item for which payment may be made in whole or in part under a federal healthcare program. ”

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Prohibited Inducements

The Anti-Kickback Statute prohibits a person from knowingly and willfully offering or paying remuneration to any person to induce that person to refer or purchase, lease, order, or arrange for or recommend the purchasing, leasing, or ordering of items or services for which payment may be made by a federal healthcare program. The types of remuneration prohibited by the Anti-Kickback Statute include, but are not limited to, “cash” or “in kind” kickbacks, bribes, and rebates. Additionally, the Anti-Kickback Statute expressly prohibits both “direct” and “indirect” remuneration.

AMSURG does not offer, pay, provide, or accept any remuneration, including any payment of any type, for referrals of patients. AMSURG is committed to ensuring that its relationships with physicians and other Referral Sources do not violate the Anti-Kickback Statute, the Stark Law, or any other applicable federal or state laws.

Envision Healthcare has established a Code of Business Conduct and policies and procedures demonstrating its commitment to full compliance with all federal health care program requirements, including the Anti-Kickback Statute and Stark Law. Envision Healthcare’s Ethics & Compliance policies and procedures and other policies that govern transactions with Referral Sources are on the AMSURG intranet.

Examples of kickback and other prohibited activities include the following:

1. Paying a Referral Source items of value or other non-cash incentive in return for referrals to the Center;
2. Providing free or discounted goods or services to a federal healthcare program beneficiary;
3. Providing free or discounted goods or services, or the use of free or significantly discounted office space or equipment to Referral Sources who refer or may refer patients to the Center;
4. Paying any existing or potential Referral Source for services that require few, if any, substantive duties;
5. Paying an existing or potential Referral Source for services in excess of the fair market value of the services rendered; or
6. Accepting an item of value from a Referral Source that would have been improper for Center staff to offer to a Referral Source.

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While some laws prohibit physician referrals to any entity, they or their immediate family members own or with which they have a financial relationship, these laws do not prohibit referrals for ambulatory surgical services. However, because physicians own a portion of the applicable Center, the Center must provide only ambulatory surgical services unless those other services are approved unanimously by the applicable Operating Board. The Operating Board may seek review of legal counsel prior to approving any additional service not currently provided in the Center.


The Center does not pay anyone for referrals. Any payment made by the Center should be made solely in exchange for services provided by the Referral Source. Any financial or business arrangement between the Center and a Referral Source must meet the following requirements:

1. Be in writing and signed by the parties;
2. Specify the items or services covered;
3. Specify the time frame for the arrangement, which if for professional services, must be at least one year;
4. Specify the consideration that will be provided, which shall be based upon a reasonable, fixed, fair market value without regard to the value or volume of any patient referrals by the physician to the Center and, if for professional services, shall be set in advance;
5. Be intended to obtain or provide an item or service that is reasonable and necessary for a legitimate business purpose; and
6. Be approved in advance by the Center’s Operating Board.

Medical director or other professional services agreements also must clearly define the physician’s duties and obligations and be for administrative or clinical services reasonably needed by the Center, such as services to increase efficiency in the delivery of patient services or quality of care and/or to comply with licensure or certification standards.

A Center shall pay compensation under such agreements only if the following conditions are met:

1. The duties are actually performed;
2. Written documentation is provided by the physician detailing the number of hours spent, the dates on which services were provided, and the nature of the duties performed, and
3. Payment is not being made for a service the physician already has a legal obligation to perform through contract.

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A Center provider who is in a position to make referrals to any health professional or facility must make the referrals on the basis of what is best for the individual seeking treatment and without regard to the value or volume of referrals that the Center receives from any health professional or facility.

Any known or suspected violations of the Anti-Kickback Statute and Stark Law must be reported, investigated, and remediated.

If the Ethics & Compliance Department becomes aware of any activity that may violate the Anti-Kickback Statute or the Stark Law, the Ethics & Compliance Department, in coordination with the appropriate departments, shall conduct an appropriate review or investigation of the activity.

POLICY REVIEW

The Ethics & Compliance Department will review and update this Policy, when necessary, in the normal course of its review of the Company’s Ethics & Compliance Program.