	Ethics & Compliance Department		
	Policy No.: 6	Created:	08/2022
		Reviewed:	05/2023
		Revised:	

ANTI-KICKBACK STATUTE (“AKS”)

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 Anti-Kickback Statute policy to provide detailed information and outline the guidelines to be followed by AMSURG to ensure that any investment interest transactions or partner selections in ambulatory surgery centers (“ASCs”) are in accordance with the federal Anti-Kickback Statute (“AKS”).


POLICY:

The AKS, 42 U.S.C. § 1320a-7b, prohibits someone from:

Knowingly and willfully			
Soliciting or receiving		Offering or paying	
Any remuneration ¹			
In return for ²		To induce such person to	
Referring an individual to a person for the furnishing or	Purchasing, leasing, ordering, or arranging for or recommending	Refer an individual to a person for the furnishing or	To purchase, lease, order, or arrange for or recommend

¹ Remuneration is broadly defined as anything of value; it can be direct or indirect, and it can be in cash or in kind. Remuneration specifically includes “the waiver of coinsurance and deductible amounts (or any part thereof) and transfers of items or services for free or for other than fair market value,” unless certain requirements are met. 42 U.S.C. § 1320a-7a(i)(6).

² The government has taken the position that if “one purpose” of the remuneration was in return for or to induce referrals, that the conduct can violate the AKS.

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arranging for the furnishing of	purchasing, leasing, or ordering of	arranging for the furnishing of	purchasing, leasing, or ordering of
Items or services reimbursable by federal healthcare programs			

It is the policy of AMSURG that its relationships with potential referral sources will comply with the AKS. In particular, AMSURG does not use investment shares in joint venture ASCs to incentivize referral sources to refer patients to an ASC in which AMSURG has a financial interest.

AMSURG (either directly or through AMSURG representatives serving on the board of directors of an ASC) may be involved in selecting healthcare providers as ASC partners. When AMSURG contributes to partner selections, AMSURG bases its decisions on providers’ abilities to contribute to the clinical and operational excellence of the ASC. AMSURG’s partner selection decisions are guided by and must comply with the AMSURG Partner Selection Policy.

In transactions where AMSURG is buying or selling an investment interest in an ASC, AMSURG determines the price of the investment interest through arm’s-length negotiations with potential partners.³ AMSURG intends to pay no more than fair market value (“FMV”) when buying ownership interests in ASCs and charge no less than FMV when selling such ownership interests.⁴ FMV means the value in arm’s-length transactions, consistent with general market value, without taking into account any ability between parties to refer business to each other. Investment interest pricing decisions are guided by and must comply with the AMSURG Physician Partner Investment Share Pricing Policy & Procedure.

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.

³ This policy does not apply to clinician-to-clinician transactions. For these transactions, AMSURG may provide a financial analysis and valuation of the ASC based on current financial information available to AMSURG. Clinicians are free to use this information to generate a purchase price or select a different, mutually agreeable price.

⁴ Prices above or below FMV do not necessarily violate the AKS; nonetheless, AMSURG intends to pay and charge prices within the FMV range applicable to each transaction.