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# MARKETING AND HOSPITALITY TO CONSUMERS AND POTENTIAL REFERRAL SOURCES

ETHICS & COMPLIANCE DEPARTMENT

## **SCOPE:**

Applies to all Evolution Health colleagues. For purposes of this policy, all references to “colleague” or “colleagues” include temporary, part-time and full-time associates, independent contractors, clinicians, officers and directors.

## **PURPOSE:**

To assist colleagues of Evolution Health (the “Company”) in complying with all laws and regulations governing sales and marketing practices in the health care industry.

This Policy governs interactions with all consumers, existing Company sources of patient referrals as well as those sources of referrals with whom the Company is not currently doing business, but who may become Company sources of referrals. As this Policy cannot address all situations that may arise, this Policy also is intended to educate colleagues so they can recognize practices that are permissible, practices that are prohibited, and practices for which colleagues should seek additional guidance from their supervisor and/or the Company’s Legal Department before proceeding.

## **POLICY:**

It is against the law for anyone to offer anything of value to a consumer, referral source, or potential referral source, in order to influence that consumer, referral source, or potential referral source to select the Company’s products or services for their patients. For more information, see the Company’s *Overview of Relevant Laws Policy*.

## **PROCEDURE:**

### ***For Consumers and Potential Patient Referral Sources:***

- From time to time, the Company may market its services directly to consumers and potential sources of patient referrals, and may desire to offer certain free items and services to consumers, potential referral sources, or the general community in order to enhance the Company’s name recognition, visibility and goodwill in the community.
- Under no circumstances will colleagues of the Company, or anyone acting on behalf of the Company, offer any free item or service (or any item or service for less than a fair market



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value payment) outside the items authorized in this Policy to consumers, referral sources with whom the Company is currently doing business or those referral sources with whom the Company is not currently doing business, but who are in a position to become a referral source of the Company).

- Marketing Personnel should not market the Company's services as being "medically necessary". The determination of medical necessity requires a case-by-case review of the particular facts and circumstances by a licensed clinician. Rather, it is important for Marketing Personnel to explain accurately what Company services may be covered depending upon key facts and circumstances. All Marketing Personnel shall receive training regarding "medical necessity" as part of their standard initial compliance training.
- Marketing personnel shall only use marketing and training materials which have been approved by the Company's Legal department.

***Gifts and Hospitality for Customers and Referral Sources:***

- The Company occasionally may provide modest gifts to customers and parties who may be in a position to make referrals, but only if the gifts benefit patients or serve a genuine educational function. Other than a gift of medical textbooks or anatomical models used for educational purposes, any gift from the Company should have a fair market value of less than \$100 (irrespective of the Company's cost). The aggregate value of all such items given to any individual in any consecutive twelve-month period must be less than \$300. The purpose of the gift may not be to reward or induce referrals.
- In addition, the Company may occasionally give customers and referral sources branded promotional items of minimal value related to a health care professional's work or for benefit of patients. Gifts may not be given in form of cash or cash equivalents such as gift cards.
- It is appropriate for the Company to meet with potential customers and referral sources to discuss its services, contract negotiations, and sales terms. It is appropriate for the Company to pay for occasional hospitality in the form of modest meals, receptions and other events for such personnel in settings that are conducive to the exchange of information. Hospitality extended in such situations should comply with the guidelines above (i.e., no more than \$100 per event per person and \$300 during any consecutive twelve-month period). It is also appropriate to pay for reasonable travel costs of attendees, when necessary (e.g., for site tours or demonstrations of non-portable equipment). However, it is not appropriate to pay for meals, hospitality, travel, or lodging of guests of such persons or any other person who does not have a bona fide professional interest in the information being shared at the meeting.
- If a colleague of the Company, or anyone acting on behalf of the colleague, would like to offer a nominal item or service not specifically authorized, or which exceeds the amount specified in this policy, the colleague must seek review and prior approval from the Legal Department and/or Ethics & Compliance Department.



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***Other Authorized Items for Individuals:***

- The OIG has interpreted the prohibition on remuneration to beneficiaries to permit providers to offer beneficiaries inexpensive gifts (other than cash or cash equivalents) or services without violating the statute. For enforcement purposes, inexpensive gifts or services are those that have a retail value of no more than \$15 individually, and no more than \$75 in the aggregate annually per patient. The following are the only non-health related items that colleagues of the Company, or anyone acting on behalf of the Company, may offer, without charge, to patients or potential patients of the Company, so long as they meet the forgoing definition of “inexpensive”:
  1. CPR training offered to the public (or a segment thereof) at large;
  2. Participation in health fairs;
  3. Tee shirts, exercise videos, and water bottles provided for participating in a post-cardiac care fitness program;
  4. Written materials (books, pamphlets, etc.) emphasizing relevant public safety matters;
  5. Small items with the Company’s logo, such as coffee mugs, pens, notepads, key chains, calendars and kitchen magnets;
  6. Greeting cards;
  7. Refreshments; and
  8. Other items specifically approved in writing by the Legal Department and/or Ethics & Compliance Department.

***Unauthorized Items:***

- Under no circumstances should colleagues of the Company, or anyone acting on behalf of the Company, offer any of the following types of free items or services to the Company’s consumers, referral sources or potential referral sources (or their respective patients), regardless of the retail value of the item or service:
  1. Cash or Cash equivalents such as gift cards or gift certificates;
  2. Payment of patient’s insurance premiums;
  3. Payment of patient’s living expenses;
  4. Waivers of coinsurance and deductibles unless based on financial hardship and authorized by other relevant Company policies;
  5. Courtesy transports;
  6. Any free use of Company vehicles by referral sources;
  7. Computers, computer software or fax machines (unless solely for use related to Company product ordering or the cost-effective medically appropriate usage of the Company’s products as approved by the Ethics & Compliance Department);
  8. TVs, VCRs, and other entertainment-related equipment;



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9. Lodging or travel expenses, except as provided above or with the express prior written approval of the Ethics & Compliance Department; and
  10. Other items not within the parameters above, unless approved by the Legal Department and/or Ethics & Compliance Department.
- If a colleague believes that an item or service is distinguishable from items listed above, the colleague must seek review and obtain approval from the Chief Compliance Officer, who may consult legal counsel in making the final determination.

### **POLICY REVIEW**

The Ethics & Compliance Department will review and update this Policy and all HIPAA policies when necessary in the normal course of its review of the Ethics & Compliance Program.