



POLICY INFORMATION

Policy Title: Non-Monetary Compensation (Business Courtesies) and Incidental Medical Staff Benefits Policy and Procedure

Departmental Owner: Chief Compliance, Audit, and Privacy Officer

Version Effective Date: September 19, 2024

Last Reviewed: September 19, 2024

SCOPE

This policy applies to the following individuals and/or groups:

This policy applies to the following individuals and/or groups:

All Covered Individuals (e.g., all Nuvance workforce members, business affiliates, and agents) as defined below in “Definitions”, “Covered Individuals” who, or that:

- i. Receive Non-Monetary Compensation or Incidental Medical Staff Benefits; or
- ii. Provide, Authorize, or Otherwise Furnish Non-Monetary Compensation or Incidental Medical Staff Benefits; or
- iii. Record or Monitor the Furnishing of Non-Monetary Compensation or Incidental Medical Staff Benefits; or
- iv. Oversee, Provide Oversight, or are Otherwise Responsible for the Furnishing of Non-Monetary Compensation or Incidental Medical Staff Benefits; or
- v. Report on the Furnishing of Non-Monetary Compensation or Incidental Medical Staff Benefits; or
- vi. Are Otherwise Affected by this Policy.

This policy applies to all above listed Nuvance Health workforce members including but not limited to the following locations:

All of the below entities

- Nuvance Health Systems
- Danbury Hospital (including New Milford Hospital Campus)
- Northern Dutchess Hospital
- Norwalk Hospital
- Putnam Hospital
- Sharon Hospital
- Vassar Brothers Medical Center
- Health Quest Systems, Inc. (“HQSI”)
- Health Quest Home Care, Inc
- Hudson Valley Cardiovascular Practice, P.C. (aka The Heart Center) (“HVCP”)
- Other HQSI-affiliated Entities Not Listed
- Western Connecticut Home Care, Inc (“WCHN”)
- Western Connecticut Health Network Physician Hospital Organization ACO, Inc.
- Western Connecticut Home Care, Inc
- Other WCHN-affiliated Entities Not Listed
- Nuvance Health Medical Practices (NHMP PC, NHMP CT, ENYMS & HVCP)

POLICY STATEMENT/PURPOSE

The purpose of this policy is to provide guidance to Hospital employees and/or agents with respect to how compensation in the form of certain items and services is treated under the Non-Monetary Compensation Exception and the Medical Staff Incidental Benefits Exception of the Federal “Stark” law, and to incorporate relevant guidance issued by the Office of Inspector General of the Department of Health and Human Services with respect to certain arrangements that may potentially implicate the Federal “Anti-Kickback” statute.

Original Effective Date: LHQ= 7/11/2018; LWCHN=6/10/2010

Revision Dates: 7/24/24, 9/19/24

Supersedes: 5.1.27 Non-Monetary Compensation (Business Courtesies) and Incidental Medical Staff Benefits Policy;
 5.1.27 Non-Monetary Compensation (Business Courtesies) and Incidental Medical Staff Benefits Procedure;
 Incidental Benefits for Members of the Medical Staff and Non-Monetary Compensation for Members of the Medical Staff and Other Physicians

DEFINITIONS

Covered Individual: Any Nuvance Health (“Nuvance”) workforce member, business affiliate, or agent, as those terms are described in subdivisions (i)-(iii) below:

i. *Workforce Members*

For purposes of this Policy, the term "workforce member" shall include any of the following individuals at Nuvance Health who, on a fulltime, part time or per diem basis, whether functioning remotely, onsite, or any combination thereof, performs, executes, or otherwise carries out Nuvance Health functions, duties, or services:

1. Members of the Nuvance Health Board of Directors, and Members of the Boards of any Nuvance related entity including, without limitation, any Nuvance entity first highlighted above in Section III of this policy;¹
2. Chief Executive Officer;²
3. Corporate Officers;³
4. Executives and other senior managers regardless of title;⁴
5. Employees;⁵
6. Administrators;⁶
7. Managers;⁷
8. Affiliates;⁸
9. Medical Staff Members;⁹
10. Clinicians;¹⁰
11. Allied Health Professionals;¹¹
12. Appointees;¹²
13. Volunteers;¹³
14. Personnel;¹⁴

¹ For purposes of this Policy, "members of the Nuvance Health Board of Directors and Members of the Boards of any Nuvance Health related entity" shall be construed to include members of any associated Board committee.

² 18 NYCRR 521-1.2 [b][1]

³ 18 NYCRR 521-1.2 [b][1]

⁴ New York State Office of the Medicaid Inspector General, Compliance Program Review Guidance, New York State Social Services Law 363-d and Title 18 New York Codes Rules and Regulations Part 521(10/26/16)(hereinafter 2016 OMIG Compliance Program Guidance), p.3

⁵ 18 NYCRR 521-1.2 [b][1]

⁶ 18 NYCRR 521-1.2 [b][1]

⁷ 18 NYCRR 521-1.2 [b][1]; see also, generally, OIG Compliance Program Guidance for Hospitals, 63 Fed. Reg. 8987, 8988, § [I] (1998)

⁸ 2023 OMIG Compliance Program Guidance, p. 18

⁹ See, generally, 2016 OMIG Compliance Program Guidance, p.3; see also OIG Compliance Program Guidance for Hospitals, 63 Fed. Reg. 8987, 8995-8996, § [II][E][I] (1998) and 18 NYCRR 521-1.2 [b][1] (last accessed on 9/3/24)

¹⁰ 18 NYCRR 521-1.2 [b][1]

¹¹ See, generally, OMIG Required Risk Areas at 18 NYCRR §521-1.3(d) (last accessed on 9/3/24)

¹² 2016 OMIG Compliance Program Guidance, p.3 (last accessed on 9/3/24)

¹³ 2016 OMIG Compliance Program Guidance, p.3 (last accessed on 9/3/24)

¹⁴ See, generally, OIG Compliance Program Guidance for Hospitals, 63 Fed. Reg. 8987, 8993, § [II][A][9] (1998) (last accessed on 9/3/24)

15. Interns;¹⁵
16. Students;¹⁶
17. Trainees; **and**
18. Any individual whose performance or other conduct is under the direction and control of Nuvance Health, whether or not they are paid by Nuvance Health;

ii. *Business Affiliates:*

For purposes of this Policy, the term "Business Affiliate" shall include any non-workforce member contractor, independent contractor, vendor, subcontractor, consultant, third-party, or person (collectively "Contractors"), who or that, in acting on behalf of Nuvance Health:

- (1) Delivers, furnishes, prescribes, directs, orders, authorizes, administers, or otherwise provides Federal healthcare program items, supplies, and services;¹⁷
- (2) Performs coding or billing functions;¹⁸
- (3) Monitors the healthcare provided by Nuvance Health;¹⁹
- (4) Contributes to Nuvance Health's entitlement to payment under Federal healthcare programs or payment from private payors;²⁰
- (5) Is affected by any of the following Nuvance risk areas:²¹
 - (a) Medical record documentation;²²
 - (b) Coding;²³

¹⁵ 18 NYCRR 521-1.2 [b][1] (last accessed on 9/3/24)

¹⁶ 18 NYCRR 521-1.2 [b][1] (last accessed on 9/3/24)

¹⁷ See CMS, DRA 6032 - Employee Education About False Claims Recovery- Frequently Asked Questions, p.6 (available at: <https://downloads.cms.gov/cmsgov/archived-downloads/SMDL/downloads/smd032207att1.pdf> (last accessed on 8/29/24); See, also, generally Department of Health and Human Services, Office of Inspector General, *OIG Special Advisory Bulletin on the Effect of Exclusion from Participation in Federal Health Care Programs* (Updated, 5/8/13) (available at: <https://oig.hhs.gov/exclusions/files/sab-05092013.pdf>)(last accessed on 9/3/24).

¹⁸ See CMS, DRA 6032 - Employee Education About False Claims Recovery - Frequently Asked Questions (available at: https://downloads.cms.gov/cmsgov/archived-downloads/SMDL/downloads/smd032207_att1.pdf)(last accessed on 8/29/24; see also CMS, Center for Medicaid and State Operations, Dear State Medicaid Director Letter dated 12/13/06):

<https://downloads.cms.gov/cmsgov/archived-downloads/SMDL/downloads/SMD121306.pdf>)(last accessed on 8/29/24)

¹⁹ See CMS, DRA 6032 - Employee Education About False Claims Recovery - Frequently Asked Questions <https://downloads.cms.gov/cmsgov/archived-downloads/SMDL/downloads/smd032207att1.pdf> (last accessed on 8/29/24; see also CMS, Center for Medicaid and State Operations, Dear State Medicaid Director Letter dated 12/13/06):

<https://downloads.cms.gov/cmsgov/archived-downloads/SMDL/downloads/SMD121306.pdf>)(last accessed on 8/29/24)

²⁰ 2016 OMIG Compliance Program Guidance, p.3

²¹ Note, business affiliates affected by "other risk areas that are or should reasonably be identified by Nuvance through its organization experience" are also covered under this policy to the extent that the potential impact of such risk areas when exploited could reasonably lead to, or result in, a potential or actual overpayment. (10 NYCRR 521-1.3 [d][10]). (last accessed on 9/3/24)

²² See 18 NYCRR 521-1.3 [d][10]

²³ See 18 NYCRR 521-1.3 [d][10]; see also CMS, DRA 6032- Employee Education About False Claims Recovery Frequently Asked Questions (available at: https://downloads.cms.gov/cmsgov/archived_downloads/SMDL/downloads/smd032207att1.pdf)(last accessed

- (c) Billings;²⁴
- (d) Claims preparation and submission;²⁵
- (e) Claims reimbursement;²⁶
- (f) Payments;²⁷
- (g) Patient collections;²⁸
- (h) Order services;²⁹
- (i) Medical necessity;³⁰
- (j) Quality of care;³¹
- (k) Governance;³²
- (l) Mandatory reporting;³³
- (m) Credentialing;³⁴
- (n) Contractor oversight;³⁵
- (o) Identification and returning of overpayments;³⁶
- (p) Joint ventures;³⁷
- (q) Improper referrals, incentives, or financial arrangements;³⁸ or
- (r) Cost reporting.³⁹

(6) Is otherwise affected by this policy due to their:

- (a) duties, functions, role, or responsibilities; or⁴⁰
- (b) provision of goods or services to Nuvance.

iii. Agents: For purposes of this Policy, the term "Agent" shall mean individuals or entities that have entered into an agency relationship with Nuvance Health. Agents may fall under the categories of either Workforce Members or Business Affiliates.

on 8/29/24; *see also* CMS, Center for Medicaid and State Operations, Dear State Medicaid Director Letter dated 12/13/06): https://downloads.cms.gov/cmsgov/archived_downloads/SMDL/downloads/SMDI21306.pdf(last accessed on 8/29/24)

²⁴ See 18 NYCRR 521-1.3 [d][1]

²⁵ See 18 NYCRR 521-1.3 [d][10]

²⁶ See 18 NYCRR 521-1.3 [d][10]

²⁷ See 18 NYCRR 521-1.3 [d][2]

²⁸ See 18 NYCRR 521-1.3 [d][10]

²⁹ See 18 NYCRR 521-1.3 [d][3]

³⁰ See 18 NYCRR 521-1.3 [d][4]

³¹ See 18 NYCRR 521-1.3 [d][5]

³² See 18 NYCRR 521-1.3 [d][6]

³³ See 18 NYCRR 521-1.3 [d][7]

³⁴ See 18 NYCRR 521-1.3 [d][8]

³⁵ See 18 NYCRR 521-1.3 [d][9]; *see also* 42 USC 1396a [a][68][A] (last accessed on 9/3/24)

³⁶ See 18 NYCRR 521-1.3 [d][10]

³⁷ OIG Compliance Program Guidance for Hospitals, 63 Fed. Reg. 8987, 8990, § [11][A][2] (1998) (last accessed on 9/3/24)

³⁸ See 18 NYCRR 521-1.3 [d][10]

³⁹ See 18 NYCRR 521-1.3 [d][10]

⁴⁰ See 18 NYCRR 521-1.3 [d]; *see also* OIG Compliance Program Guidance for Hospitals, 63 Fed. Reg. 8987, 8989 § [11][A] (last accessed on 9/3/24)

Original Effective Date: LHQ= 7/11/2018; LWCHN=6/10/2010

Revision Dates: 7/24/24, 9/19/24

Supersedes: 5.1.27 Non-Monetary Compensation (Business Courtesies) and Incidental Medical Staff Benefits Policy;
5.1.27 Non-Monetary Compensation (Business Courtesies) and Incidental Medical Staff Benefits Procedure;
Incidental Benefits for Members of the Medical Staff and Non-Monetary Compensation for Members of the Medical Staff
and Other Physicians

Physician: 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.

Immediate Family Member: A spouse or domestic partner, natural 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; and grandparent or grandchild.

Non-Monetary Compensation and Medical Staff Incidental Benefits Exceptions: The regulations at 42 CFR § 411.357(k) and (m) set forth exceptions to the Physician self-referral prohibition for certain non-monetary compensation and certain medical staff incidental benefits, respectively. Under both exceptions, the compensation limits are adjusted each calendar year to the nearest whole dollar by the increase in the Consumer Price Index-Urban All Item (CPI-U) for the 12-month period ending the preceding September 30 and are displayed on CMS's website at <https://www.cms.gov/medicare/regulations-guidance/physician-self-referral/cpi-u-updates>.

For the calendar year beginning January 1, 2024, the compensation limit for Non-Monetary Compensation Exception at 42 CFR § 411.357(k) is \$507, and the value of any medical staff incidental benefits to be furnished in compliance with this exception at 42 CFR § 411.357(m)(5) is less than \$44 per occurrence of the benefit.

POLICY

A Hospital employee or agent may extend a business courtesy for "incidental benefits" to a non-employed Physician and his or her Immediate Family Members under the following conditions:

- It is not a cash or cash equivalent gift.
- Does not exceed \$507 in value or cause the total value of business courtesies extended to the same Physician and the Physician's Immediate Family Members during the calendar year.
- The decision to extend a business courtesy, or the amount or value of the courtesy to be extended, cannot be based on the volume or value of referrals or other business generated by the Physician.
- It is not solicited by the Physician or their practice (including employees and staff members).

If a hospital or employee/agent inadvertently provides non-monetary compensation to a Physician or one of his or her Immediate Family Members in excess of the \$507 limit per year, such compensation is deemed to be within the \$507 limit if:

- The value of the excess non-monetary compensation is no more than 50% of the \$507 limit; **AND**
- The Physician or his or her Immediate Family Members return to the Hospital the excess non-monetary compensation (or an amount equal to the value of the excess non-monetary compensation) by the end of the calendar year in which the excess non-monetary compensation was received, or within 180 consecutive calendar days following the date the excess non-monetary compensation was received by the Physician and his or her Immediate Family Members, whichever is earlier.
- This "return" option may be used by an entity only once every three years with respect to the same referring Physician.

Failure to meet the above criteria may result in a voluntary self-disclosure to

Original Effective Date: LHQ= 7/11/2018; LWCHN=6/10/2010

Revision Dates: 7/24/24, 9/19/24

Supersedes: 5.1.27 Non-Monetary Compensation (Business Courtesies) and Incidental Medical Staff Benefits Policy;

5.1.27 Non-Monetary Compensation (Business Courtesies) and Incidental Medical Staff Benefits Procedure;

Incidental Benefits for Members of the Medical Staff and Non-Monetary Compensation for Members of the Medical Staff and Other Physicians

the Centers for Medicare and Medicaid Services (CMS).

EXAMPLES OF BUSINESS COURTESIES

A. TRACKABLE BUSINESS COURTESIES:

- a. Paying the greens or entry fees for non-employed Physicians and/or their Immediate Family Members for golf (whether one-on-one or for a charity or facility golf tournament).
- b. Providing tickets for non-employed Physicians and/or their Immediate Family Members to sporting or theatrical (or similar) events.
- c. Providing flowers or other gifts to non-employed Physicians and/or their Immediate Family Members when they are hospitalized or to recognize a birthday or other family occasion.
- d. Hosting holiday or other parties for medical staff members and their spouses or guests other than one appreciation party per year.
- e. Paying for a table at a charitable event and providing a ticket or tickets to a non-employed Physician.
- f. Sending perishable items to a non-employed Physician's office when it is anticipated the non-employed Physician will share in the enjoyment of items. The value to each non-employed Physician in the practice is the total cost of the item divided by the number of persons who will enjoy the benefit of the items (i.e., total number of non-employed Physicians and employees in the practice). Such calculation does not need to be determined for food and beverages provided to the office staff. If the non-employed Physician is expected to participate, or is known to have participated, in a modest meal that the facility provides a practice, the facility is to attribute \$10 toward the non-employed Physician's business courtesies limit.
- g. Providing gifts or gratuities to members of the medical staff or their guests during an annual appreciation dinner.
- h. Paying for restaurant dinners.
- i. Paying for Continuing Medical Education (CME) seminars, if unrelated to medical services provided at the hospital, and all on-campus CME seminars in excess of \$44 (2024) per seminar.
- j. Providing hospital staff services that otherwise would be paid for by a non-employed Physician practice (e.g., marketing assistance).
- k. Providing food during office outreach visits.
- l. Paying for admission to foundation or auxiliary functions.

B. NON-TRACKABLE BUSINESS COURTESIES (EXCLUSIONS)

The following activities are NOT considered business courtesies and may be provided to members of staff only if they are offered during periods when the members of staff (i.e., Physicians) are engaged in services or activities that benefit Hospital or its patients. Because they are not considered business courtesies, they do not count toward the \$507 annual business courtesy limit and do not need to be tracked but cannot exceed \$44. Specifically, the Hospital may:

- a. Gifts, entertainment, or other items or value given to a Nuvance Health employed physician or his or her immediate family member by a Nuvance Health employee.
- b. Provide items in exchange for their fair market value price.
- c. Provide meals at medical staff meetings, so long as the meeting is on-site and only a modest meal is provided.

Original Effective Date: LHQ= 7/11/2018; LWCHN=6/10/2010

Revision Dates: 7/24/24, 9/19/24

Supersedes: 5.1.27 Non-Monetary Compensation (Business Courtesies) and Incidental Medical Staff Benefits Policy;
5.1.27 Non-Monetary Compensation (Business Courtesies) and Incidental Medical Staff Benefits Procedure;
Incidental Benefits for Members of the Medical Staff and Non-Monetary Compensation for Members of the Medical Staff
and Other Physicians

- d. Pay the expenses of its board members (including Physician board members) to participate in a board retreat, including travel, meals and lodging expenses.
- e. Pay for a Physician's education session related to becoming a member of the Hospital Board of Trustees or of the Hospital Medical Executive Committee.
- f. Host a roundtable event with members of the community to discuss healthcare related issues or concerns. Refreshments only are served.
- g. Pay for a meal incidental to a meeting with a Physician to discuss issues relating to the Physician's medical directorship on behalf of the Hospital, pursuant to a professional services agreement with the Hospital that provides for it.
- h. Provide dinners for its Physicians who attend a Hospital medical executive committee (or similar) meetings, pursuant to a letter of appointment that provides for it.
- i. Pay for an annual Hospital medical staff appreciation dinner (including a holiday party), so long as:
 - i. The facility has a formal medical staff.
 - ii. All members of the medical staff are invited.
 - iii. The expense is not lavish or extravagant as defined by the Internal Revenue Code.
 - iv. Note: as noted above, any gifts or gratuities provided in connection with the medical staff appreciation event (such as door prizes) and given to Physicians (or immediate family members of Physicians) would be trackable business courtesies that would count toward the \$507 annual limit.

C. Medical Staff Incidental Benefits (Medical Staff Incidental Benefits Exception)

Standard: Compensation may be given by an Nuvance hospital to a member of its medical staff if all of the following conditions are met:

- a. It is not a cash or cash equivalent gift and is limited to less than \$44 per occurrence;
- b. The item or service is used on the hospital's campus;
- c. The compensation is reasonably related to the provision of, or designed to facilitate directly or indirectly the delivery of, medical services at the hospital;
- d. The compensation is offered to all members of the medical staff practicing in the same specialty and is not offered in a manner that takes into account the volume or value of referrals or other business generated between the parties;
- e. The compensation is provided only during periods when the medical staff members are making rounds or are engaged in other services or activities that benefit the hospital or its patients; and
- f. The compensation is provided by the hospital and used by the medical staff members only on the hospital's campus. Compensation, used away from the campus only to access hospital medical records or information or to access patients or personnel who are on the hospital campus (e.g., internet access, pagers, or two-way radios) meets the "on campus" requirement.

D. EXAMPLES OF INCIDENTAL BENEFITS TO MEDICAL STAFF

The following items are considered incidental benefits to the medical staff and are NOT considered business courtesies. They may be provided to members of staff only if they are offered during periods when the members of staff (i.e., Physicians) are engaged in services or activities that benefit Nuvance or its patients (as explained above). Because they are not considered business courtesies, they do not count toward the \$507

Original Effective Date: LHQ= 7/11/2018; LWCHN=6/10/2010

Revision Dates: 7/24/24, 9/19/24

Supersedes: 5.1.27 Non-Monetary Compensation (Business Courtesies) and Incidental Medical Staff Benefits Policy;

5.1.27 Non-Monetary Compensation (Business Courtesies) and Incidental Medical Staff Benefits Procedure;

Incidental Benefits for Members of the Medical Staff and Non-Monetary Compensation for Members of the Medical Staff and Other Physicians

annual business courtesy limit (note this list specifically excludes cash or cash equivalents, i.e., general purpose gift cards or certificates, which are not permissible):

- a. The ability to access the records of patients remotely, including results of diagnostic and testing services;
- b. Internet access in the Physicians' lounge;
- c. Free parking in the Hospital garage;
- d. Pagers or other communication devices used away from Hospital locations (but only to access entity information or personnel);
- e. Identification on the entity's website, (however, there can be no promotion or advertising of a Physician's private practice);
- f. Lab coat worn at the Hospital;
- g. Other de minimis compensation offered to Hospital medical staff members, if the benefit is supplemental to the medical services being provided by the medical staff member, while the medical staff member is performing services at the entity;
- h. CME seminars held on hospital property provided the value of the CME seminar is less than \$44 (2024) per invited physician per occurrence; and
- i. CME seminars held on hospital property for the benefit of the hospital's patients (such as traditional on-site hospital grand rounds and other similar in-house education programs) regardless of value.

E. Additional Exclusions and Examples: Activities NOT Considered Trackable Business Courtesies and NOT Considered Medical Staff Incidental Benefits

The following are also NOT considered business courtesies or medical staff incidental benefits and may be provided to a Physician or Immediate Family Member only if the conditions below are met:

- i. A Hospital employee or agent who has become friends with a Physician and/or Immediate Family Member, and who socializes with such individual(s), may personally pay for the cost of social events provided the Hospital employee does not include this item as a business expense for tax purposes, and does not charge Hospital or otherwise receive reimbursement from Hospital to cover this expense.
- ii. A Physician who is also the spouse of a hospital employee may attend Hospital social events in his or her capacity as the employee's spouse, and such events do not count toward the business courtesies limit and do not need to be tracked.
- iii. Leadership Training - On occasion, certain Physician leaders are invited to Hospital leadership training sessions or strategic planning retreats that are intended to benefit Hospital. Hospital is permitted to cover the costs of these training sessions or retreats, even if the amount is anticipated to be in excess of the non-monetary compensation dollar value limit referenced, provided Hospital complies with the following:
 1. Physician leaders are invited to Hospital training sessions or retreats based on objective criteria (membership on the Hospital Board of Trustees or Hospital Medical Staff Executive Committee, committee chairs, etc.),
 2. A written agenda showing the participants and the business purposes of the training or retreat should be maintained,
 3. The nature or location of the training session or retreat is conducive to informational communication, and

Original Effective Date: LHQ= 7/11/2018; LWCHN=6/10/2010

Revision Dates: 7/24/24, 9/19/24

Supersedes: 5.1.27 Non-Monetary Compensation (Business Courtesies) and Incidental Medical Staff Benefits Policy;
5.1.27 Non-Monetary Compensation (Business Courtesies) and Incidental Medical Staff Benefits Procedure;
Incidental Benefits for Members of the Medical Staff and Non-Monetary Compensation for Members of the Medical Staff
and Other Physicians

4. No recreational activities, gifts or other items or services of value that are not related to the business purpose of the event are provided to the participants.
- iv. Dinners Solely for Business Purposes - If a Physician (not including spouses) receives a modest meal in connection with a meeting at a Hospital location, relating to Hospital business or medical staff work in furtherance of Hospital's mission, or if a Physician serves on the Hospital Board of Trustees or one of its entities or a Hospital Board committee and receives meals in connection with such service (whether on or off-campus), such a meal will not be considered "remuneration." If there is any question regarding whether a particular meal qualifies as "remuneration" and whether it must be tracked, please contact the Compliance Office and/or Legal Counsel to discuss particular situations.
 - v. Compliance Training - Hospital may provide compliance training to a Physician (or to the Physician's Immediate Family Member or office staff) that practices in Hospital's service area, provided that the training is held in that service area. Compliance training includes the following:
 1. Training regarding the basic elements of a compliance program (i.e., establishing policies and procedures, training to staff, internal monitoring or reporting).
 2. Specific training regarding the requirements of federal and state healthcare programs (i.e., billing, coding, reasonable and necessary services, documentation, or unlawful referral arrangements).
 3. Training regarding other federal, state, or local laws, regulations, or rules governing the conduct of the party for which the training is provided.
 4. Compliance training can include programs that offer continuing medical education credit, provided that compliance training is the primary purpose of the program.

Any instances of non-monetary compensation that are not specifically set forth in this policy shall not be given to a non-employed Physician or an Immediate Family Member without written approval from the Compliance or Legal Department.

PROCEDURE

1. Authorized Individuals

- a. Only individuals with the following roles may provide non-monetary compensation:
 - i. Senior executive leadership;
 - ii. Hospital presidents; and
 - iii. Physician recruitment.

2. Reporting and Tracking Non-Monetary Compensation

- a. The Compliance Office shall maintain a non-monetary compensation log on The Hub Compliance page.
- b. The log should be checked prior to any event/gift/dinner (see examples) being exchanged/promised to ensure that the compensation limit has not been previously met/exceeded.
- c. All instances meeting the definition of Non-Monetary Compensation benefits must be recorded in the Physician Benefit Documentation log by the Authorized Individual's designated record keeper. The Non-Monetary Compensation designated record keeper is the Administrative Assistant, or designee, for the President of the respective Hospital or Executive Leader.

Original Effective Date: LHQ= 7/11/2018; LWCHN=6/10/2010

Revision Dates: 7/24/24, 9/19/24

Supersedes: 5.1.27 Non-Monetary Compensation (Business Courtesies) and Incidental Medical Staff Benefits Policy;
5.1.27 Non-Monetary Compensation (Business Courtesies) and Incidental Medical Staff Benefits Procedure;
Incidental Benefits for Members of the Medical Staff and Non-Monetary Compensation for Members of the Medical Staff
and Other Physicians



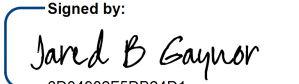
- d. All Authorized Individuals that wish to provide Non-Monetary Compensation benefits to a non-employed Physician and/or Immediate Family Members are encouraged to utilize their Hospital or Nuvance corporate card to pay for the expense and provide detailed information about the benefit and recipient to Hospital’s designated record keeper at each entity within three (3) business days of the provision of the non-monetary compensation to ensure the annual, aggregate dollar value limits are not exceeded
- e. All instances of non-monetary compensation expenses incurred must be reported, to include detailed information about the benefit and recipient, as well as itemized receipts, to one of Nuvance’s designated record keepers (Administrative Assistants or designees for Authorized Individuals).
- f. The incidental benefit is of low value (less than \$44) with respect to each occurrence of the benefit.
- g. The designated record keeper must report the event using the Non-Monetary Compensation Documentation Form (located on the Hub under the Compliance tab).
- h. All reports shall be recorded within three (3) business days of event/dinner/gift exchange, or sooner if value is known in advance.
- i. Circumstances may arise in which we find it necessary to take other steps not specifically designated here. We reserve the right to use professional judgment to do so at our discretion.

3. Notification of Planned Events - If an event is planned or the providing of other non-monetary compensation is planned, the Compliance Office shall be notified, so that potential excess non-monetary compensation can be avoided whenever possible.

REFERENCES

42 C.F.R. § 411.357(k), § 411.357(m)

APPROVAL

Signed by:

 6D04982F5DB24D1...

9/20/2024

Signature

Date