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Contact	Tracy Roth: Executive Asst-VP
Area	Compliance
Applicability	System Wide Policies

Compliance with the Anti-Kickback Statute and Stark Law

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1. Policy Statement

In order to provide quality health care to members of the community, Erlanger Health ("EH" or "Erlanger") employs and conducts business with a number of different physicians and other third parties. Certain federal laws and regulations, such as the Anti-Kickback Statute and the Physician Self-Referral Law, commonly referred to as the Stark Law, govern Erlanger's relationships with individuals (including, but not limited to, physicians) and entities that refer patients to Erlanger-affiliated facilities, clinics, or otherwise generate business for Erlanger. Erlanger is committed to complying with all applicable laws in its relationships with potential referral sources, maintaining high ethical standards, and helping ensure the providers practicing at Erlanger's facilities also adhere to high ethical standards.

2. Scope/Who Should Read This Policy?

Members of the EH workforce including employees, providers, nurses, students, trainees, volunteers and others who are associated with EH and its affiliated entities ("EH Colleagues").

3. Purpose

The purpose of this policy is to ensure compliance with the Federal Anti-Kickback Statute and Stark Law.

4. Definitions

Agents. Those individuals or entities that have contracted with or volunteer at Erlanger to provide health care related services, equipment or other items or services, including, but not limited to, residents, medical students, independent contractors, consultants, volunteers and vendors.

Stark Law. The federal Physician Self-Referral Law (commonly referred to as the "Stark Law" or "Stark") specifies the circumstances under which a physician may refer a Medicare patient to an entity for certain

healthcare services (known as "designated health services" or "DHS") if the physician, or an immediate family member of the physician, has a financial relationship with the entity.

Anti-Kickback Statute. The federal Anti-Kickback statute (the "AKS") makes it a criminal offense knowingly and willfully to offer, pay, solicit or receive anything of value (directly or indirectly, overtly or covertly, in cash or in kind) to induce or reward referrals of items or services that can be paid for by a federal healthcare program (including, but not limited to, Medicare, TennCare, other state Medicaid programs, CHAMPUS, and TRICARE).

5. The Policy

Erlanger will maintain relationships with physicians and other potential referral sources in a manner consistent with applicable Federal and state laws and regulations, based on the needs of the community, and in accordance with Erlanger's Mission, Vision and Core Values.

EH Personnel are strictly prohibited from offering, paying, soliciting or receiving anything of value (directly or indirectly, overtly or covertly, in cash or in kind) to:

a. induce the referral of patients to an Erlanger facility or clinic;
b. induce the order, purchase or lease of any item or service that may be reimbursed by Medicare, Medicaid or any other federal or state healthcare program; or
c. otherwise generate business for Erlanger or any Erlanger-affiliated facility.

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EH Personnel are also prohibited from accepting gifts, favors, payments, services or anything else of value that might appear to influence the actions of Erlanger or Erlanger-affiliated providers, but may retain gifts of nominal value in accordance with the Code of Conduct and other Erlanger policies. Inappropriate offers should be reported to the Chief Compliance Officer and Privacy Officer ("CCPO"), a member of the Executive Compliance Committee or any supervisor.

Erlanger will treat potential referral sources fairly and consistently, and will not provide anything of value that could be considered payment for referrals, including but not limited to:

- free or below market value rents;
- administrative or staff services at no- or below cost;
- grants in excess of amounts for bona fide research or other services rendered;
- interest-free loans; or
- gifts, "perks", or other payments intended to induce referrals.

Compliance with these policies is a required condition of employment or continued engagement with Erlanger. Violations of these policies should be reported in accordance with the Reporting Policy for Compliance Concerns.

References:

- 42 U.S.C. § 1320a-7b(b)
- 42 U.S.C. § 1395nn
- 42 C.F.R. Part 411

- 42 C.F.R. § 1001.952

Approval Signatures

Step Description	Approver	Date
Final Approval - Chief Compliance Officer	Martha Arvin: VP Chief Compliance & PrvcyOff	08/2024
EWC Board Approval	Monique Matheny: Accreditation Coordinator	08/2024
Executive Compliance Committee Approval	Victoria Belcher: Executive Asst-VP	07/2024
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Applicability

Erlanger Health - All Search, Erlanger Health - Baroness, Erlanger Health - Bledsoe, Erlanger Health - Children's, Erlanger Health - EMG, Erlanger Health - East, Erlanger Health - North, Erlanger Health - System, Erlanger Health - Western Carolina, Erlanger Health - Western Carolina EMG

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