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## I. SCOPE:

This policy applies to (1) Tenet Healthcare Corporation and its subsidiaries and affiliates (each, an “Affiliate”); (2) any other entity or organization in which Tenet Healthcare Corporation or an Affiliate owns a direct or indirect equity interest of greater than 50%; and (3) any hospital or entities in which an Affiliate either manages or controls the day-to-day operations of the facility (each, a “Tenet Entity”) (collectively, “Tenet”).



## II. PURPOSE:

The purpose of this policy is to ensure, through the implementation of prudent and reasonable controls, that Tenet Entities provide complimentary local transportation in a manner that:

- A. promotes greater access to medical care for patients living in a Tenet Entity’s Permitted Transportation Area;
- B. promotes patient safety and ease of care; and
- C. complies with the Federal Health Care Program Anti-Kickback law, the federal physician self-referral (“Stark”) law, applicable state self-referral law and the Beneficiary Inducement Law.

## III. DEFINITIONS:



- A. **“Caregiver”** means a person who provides assistance, typically in the home environment, to (1) an aging relative (*e.g.*, parent or spouse) or another (unrelated) person, or (2) to an ill or disabled person of any age. A caregiver can be a family member, friend, volunteer, or paid professional.
- B. **“Eligible Patient”** means an established patient of a Tenet Entity, as evidenced by either a previous episode of care at or a current appointment for services from the Tenet Entity, who is otherwise eligible to receive complimentary local transportation pursuant to the terms of this policy.
- C. **“Federal Health Care Program”** means any plan or program that provides health benefits, whether directly, through insurance, or otherwise, which is funded directly, in whole or in part, by the United States Government, including, but not limited to, Medicare, Medicaid/Medi-Cal, managed Medicare/ Medicaid/Medi-Cal, TriCare/VA/CHAMPUS, SCHIP, Federal Employees Health Benefit Plan, Indian Health Services, Health Services for Peace Corp Volunteers, Railroad

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Retirement Benefits, Black Lung Program, Services Provided to Federal Prisoners, and Pre-Existing Condition Insurance Plans (PCIPs).

- D. **“Immediate Family Member”** means a husband or wife; 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; grandparent or grandchild; and spouse of a grandparent or grandchild.
- E. **“Operations Counsel”** means, in the case of a hospital, its Regional Counsel responsible for hospital legal operations; in the case of a Physician organization, its Tenet Physician Resources (TPR) Counsel responsible for Physician practice legal operations; and in the case of a non-hospital outpatient facility, its assigned Counsel responsible for outpatient facility legal operations.
- F. **“Owned or Contracted Vehicles”** mean vehicles that are either (i) owned by Tenet and operated either by Tenet personnel or on behalf of Tenet pursuant to a written contract or (ii) contracted for by Tenet where the vendor supplies both a vehicle and an operator.
- G. **“Permitted Transportation Area”** means, for purposes of this policy, an area within twenty-five (25) miles of the Tenet Entity, except for Tenet Facilities located in rural areas, in which case transportation may be provided within fifty (50) miles of the Tenet Entity.
- H. **“Public Transportation”** means publicly or privately owned, general or special transportation services that are offered to the public on a regular and continuous basis. Such services include transport by bus, rail, or other means of conveyance. Such services do not include transport by school bus or charter or livery/limousine or transport by air.
- I. **“Qualified Preventive Care Services”** or **“QPC Services”** mean those services listed in most current Guide to Clinical Preventive Services published by the U.S. Preventive Services Task Force on line through the Agency for Healthcare Research and Quality at <http://www.ahrq.gov/clinic/pocketgd.htm>.
- J. **“Shuttle Service”** means a vehicle that operates on a regular route according to a set schedule with the Permitted Transportation Area, including one or more Tenet Entities. A Shuttle Service vehicle shall not be an aircraft, a luxury vehicle or an ambulance.

#### IV. POLICY:

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A Tenet Entity may only offer a complimentary local transportation program that meets the following general requirements.



- A. Complimentary local transportation may be provided only (1) to Eligible Patients and their Immediate Family Members or Caregivers to and from a Tenet Entity for the specific purpose of receiving medical services from such Entity or (2) as part of a shuttle service approved by Operations Counsel.
- B. Complimentary local transportation must be limited to transportation within the Tenet Entity Permitted Transportation Area.
- C. Payment for complimentary local transportation shall be made with vouchers provided by a Tenet Entity. Under no circumstances shall payment for complimentary local transportation be made in the form of cash (or its equivalent) to a patient.
- D. The costs of the complimentary local transportation program may not be included, directly or indirectly, in any Federal Health Care Program cost report or claim or otherwise shifted to any Federal Health Care Program. These costs should be in a non-allowable cost center.
- E. Unless otherwise permitted by this policy, complimentary local transportation furnished by a Tenet Entity shall not include ambulance or other specialized transportation, unless (1) the patient's medical condition requires such specialized transportation; (2) the patient has been determined to be unable to pay for such service; and (3) the Tenet Entity has determined that there are not reasonable alternative means for the patient to reach the Tenet Entity for services or to a post-discharge care location. The Tenet Entity shall execute an agreement with the transportation provider prior to the transport.

**V. PROCEDURE:**

A. Determining Eligibility & Non-Discrimination

1. Eligibility

Except as set forth in Subsection V.B.3. or elsewhere in this policy, to be eligible for complimentary local transportation, an Eligible Patient of the relevant Tenet Entity must reside in the Entity's Permitted Transportation Area. With the exception of patients who are covered by managed care plans, as set forth in Subsection V.A.2. below, all Tenet Entity patients

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shall be eligible under this policy, regardless of their insurance status or their ability to pay.

Shuttle Services approved by Operations Counsel may be provided to any person, including the general public.

2. Patients Covered by Managed Care Contracts

Complimentary local transportation may be furnished to patients who are covered by a managed care health plan that has a contract with the relevant Tenet Entity that requires the Entity to provide transportation, at no additional cost, to a specified set of persons enrolled in the managed care health plan, provided: (1) the Tenet Entity considered the cost of providing the transportation in determining the contractual terms it was willing to accept from the plan; and (2) the Tenet Entity abides by the conditions and restrictions set forth in the written contract.

3. Non-Discrimination

Complimentary local transportation must be made available on equal terms to all Eligible Patients.



4. Family and Caregivers

Complimentary local transportation may be made available to an Immediate Family Member or Caregiver of an Eligible Patient, provided that the person is actually accompanying the Eligible Patient during the transport for purposes of receiving medical care at the relevant Entity (“Passenger”) or is part of a complimentary transportation program previously approved by Operations Counsel for Family Members and Caregivers.

B. Permissible Destinations and Points of Origin for the Provision of Complimentary Local Transportation

1. Destinations

Eligible Patients to whom complimentary local transportation is furnished under this policy must be transported (1) to only a Tenet Entity for the purpose of receiving medical services from such Entity, or (2) from only a Tenet Entity after receiving medical services from that Entity.

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If approved by Operations Counsel, a Tenet Entity may operate a shuttle service to provide complimentary local transportation to and from established stops on the route approved by Operations Counsel. The shuttle service shall pick up or drop off passengers at locations other than those designated as permissible points of origin or destination for transportation provided to Eligible Patients to receive or after receiving medical services from the Entity.

#### Points of Origin



Eligible Patients must be picked up from a location within the Permitted Transportation Area (the “Point of Origin”). The Point of Origin may include an Eligible Patient’s primary residence, a Caregiver’s residence, any other Tenet Facility located within the Permitted Transportation Area, or any healthcare provider within the Permitted Transportation Area at which the Eligible Patient is present to receive healthcare services. If the Point of Origin is a Tenet Entity, the Eligible Patient may be returned to the Point of Origin, the Eligible Patient’s primary residence, or to a Caregiver’s residence within the Permitted Transportation Area or outside the Permitted Transportation Area in accordance with Subsection V.B.3. A nursing home qualifies as an Eligible Patient’s primary residence, if the Eligible Patient is a resident of the nursing home.

#### 2. Physician’s Office as the Point of Origin

Tenet Entities may furnish complimentary local transportation from the office of the Eligible Patient’s treating physician or physicians (and back), provided that all of the following requirements are met:

- a. The purpose of the transportation to the Tenet Entity is for the furnishing of Hospital items or services.
- b. Transportation must be offered on equal terms to all offices which serve as the Point of Origin is within the Permitted Transportation Area.
- c. Transportation is provided on equal terms for Eligible Patients regardless of their medical condition.

#### 3. Exception Where Patient’s Primary Residence is Outside the Permitted Transportation Area

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Complimentary transportation may be provided to an Eligible Patient whose primary residence is located outside of the Permitted Transportation Area if the following requirements are met:

a. Either:

- (1) Tenet Entity is the nearest hospital to the Eligible Patient's Primary Residence. Complimentary transportation may be provided from the Eligible Patient's primary residence to a Tenet Entity and back to the Eligible Patient's primary residence if the Tenet Entity is the nearest facility to the Eligible Patient's primary residence.

**OR**

- (2) Tenet Entity is not the nearest hospital to the Eligible Patient's Primary Residence. One-way complimentary transportation may be provided to an Eligible Patient's primary residence outside the Tenet Entity's Permitted Transportation Area if:
  - (a) The Eligible Patient arrived at the Tenet Entity by ambulance, law enforcement, or otherwise under circumstances where the Tenet Entity did not know or have reason to know that the Eligible Patient lacked a means of return transportation to the primary residence; *and*
  - (b) The Eligible Patient has been medically cleared for discharge, and absent the provision of complimentary local transportation, the Eligible Patient could not be discharged without substantial delay; *and*
  - (c) The availability of such transportation is not advertised or otherwise publicized; *and*
  - (d) With respect to any particular Eligible Patient, such return-only transportation is provided on a non-routine basis only, and no express or implied

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promise of future return-only transportation has been made to the Eligible Patient.



**OR**

(3) The Eligible Patient is being Discharged to a non-Tenet Health Facility (including but not limited to a nursing home facility). One way complimentary transportation outside the Tenet Entity's Permitted Transportation Area may be provided to an Eligible Patient if:

- (a) The Eligible Patient is being discharged to a health care facility and the health care facility is not required to provide such transportation to the Eligible Patient; and
- (b) The transportation is not a covered service subject to reimbursement on behalf of the Eligible Patient by any federal or State medical assistance program, or private medical insurance; and
- (c) The Eligible Patient has been medically cleared for discharge and absent the provision of complimentary local transportation, the Eligible Patient could not be discharged without substantial delay; and,
- (d) The availability of such transportation is not advertised or otherwise publicized; and,
- (e) With respect to any particular Eligible Patient or health care facility, no express or implied promise of future return-only transportation has been made.

b. To the extent available and appropriate for the Eligible Patient's condition, the Tenet Entity shall use an Owned or Contracted Vehicle to furnish the transportation.

c. For any Complimentary Transportation to an Eligible Patient outside the Permitted Transportation Area, other than

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transportation pursuant to Subsections V.B.3.a.(1), (2) or (3),  
Operations Counsel approval shall be required in writing.

C. Types of Transportation

1. General

Permissible complimentary transportation furnished under this policy is limited to ground transportation furnished in a van, common Public Transportation vehicle, taxi, or similar Owned or Contracted Vehicle. Under no circumstances shall transportation be provided by a Tenet employee or contractor in his or her personal vehicle.

2. Exclusions

This policy prohibits complimentary ambulance transportation, air transportation, luxury transportation or transportation other than ground transportation described in Subsection V.C.1., above.

3. Disabled Patients

Owned or Contracted Vehicles used to transport disabled persons must be appropriately adapted to accommodate physical disabilities.

4. Medical or Other Services for Disabled Patients



Except as set forth in Subsection V.C.3. above, Eligible Patients shall be advised that vehicles used to transport patients will not be equipped or staffed to provide medical or other services.

D. Informing Eligible Patients and Others of the Availability of Complimentary Local Transportation

Tenet Entities may publicize complimentary local transportation only as follows:

1. Tenet Entities may not advertise the availability of complimentary local transportation other than Shuttle Services to the public or to potential Referral Sources through printed materials, websites and any other public communication channels.
2. Tenet Entities may ask Eligible Patients if transportation is needed after an appointment is scheduled at the Tenet Entities. The availability of



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transportation shall not target individuals diagnosed with certain conditions, requiring specific types of medical care, or covered by a particular insurance program or plan.

3. Tenet Entities may provide information to Eligible Patients, potential Referral Sources and the public regarding routes and schedules for Shuttle Services. Shuttle route maps and schedules may not include advertising content in addition to shuttle information.
4. Tenet Entities may not advertise, market or otherwise promote health care services available from Tenet Entities or other providers to any person during transportation provided in accordance with this policy.

E. Additional Requirements for Provision of Complimentary Local Transportation

1. Emergency Care

Each Tenet Entities must adopt and implement a written protocol (the “Protocol”) for ensuring that appropriate medical care is furnished as quickly as possible to individuals who utilize the complimentary local transportation program and require emergency care. Tenet Entities personnel involved in furnishing transportation must be given a copy of the Protocol as well as initial and annual training regarding the Protocol. The following must be documented in writing at each training session: (i) the date of the session, (ii) name(s) of the instructor(s), (iii) name(s) of the attendee(s), and (iv) material covered. Such documentation must be maintained by the Tenet Entity<sup>1</sup> Leader.

2. Operating a Tenet Owned or Leased Vehicle



When offering complimentary local transportation, Tenet Entities must comply with the terms of Tenet policies governing the use of vehicles owned and operated by Tenet.

3. State Law

When offering complimentary local transportation, the Tenet Entity must observe any additional requirements, as determined by Operations Counsel, imposed by state law and local law (*e.g.*, state fraud and abuse

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<sup>1</sup> “Tenet Entity Leader” means the COO, ASC Administrator or other senior most facility leader.

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compliance requirements, licensure requirements, insurance requirements, safety requirements).

4. Gratuities Prohibited

Drivers shall not accept tips or gratuities of any kind when furnishing complimentary local transportation pursuant to this policy.

5. Costs

The Tenet Entity shall bear the costs of free or discounted local transportation provided pursuant to this policy and may not shift the burden of these costs onto any Federal Health Care Program, other payers or individuals.

B. Advance Confirmation of Eligibility Requirements

The Tenet Entity shall confirm in advance of furnishing complimentary local transportation to any patient requesting transportation and any accompanying Immediate Family Member or Caregiver that both the patient and the accompanying Immediate Family Member or Caregiver meet all of the requirements set forth in this policy.



G. Document Retention

Tenet Entities shall retain all documentation relating to the provision of complimentary local transportation, including, but not limited to:

1. determination of Permitted Transportation Area;
2. list of Tenet Entities in the Permitted Transportation Area;
3. Shuttle Services route and schedule materials;
4. Operations Counsel approval for Shuttle Services or other transportation permitted by this policy with approval by Operations Counsel.

The Tenet documentation shall be retained according to the requirements of Administrative Policy AD 1.11 Records Management and its Retention Schedule.

**VI. ENFORCEMENT:**

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All employees whose responsibilities are affected by this policy are expected to be familiar with the basic procedures and responsibilities created by this policy. Failure to comply with this policy shall be subject to appropriate performance management pursuant to all applicable policies and procedures, up to and including termination. Such performance management may also include modification of compensation, including any merit or discretionary compensation awards, as allowed by applicable law.

**VII. REFERENCES:**

- Anti-Kickback Law, 42 U.S.C. § 1320a-7b(b)
- Safe Harbor Regulation 42 CFR 1001.962(bb)
- Beneficiary Inducement Law, 42 U.S.C. § 1320a-7a(A)(5)
- Stark Law, 42 U.S.C. § 1395nn, and implementing regulations
- OIG Advisory Opinion 09-01 (March 6, 2009)
- Administrative policy AD 1.11 Records Management
- Quality, Compliance and Ethics Charter

**VIII. ATTACHMENTS:**

- Attachment A: Complimentary Local Transportation FAQ