

# CORPORATE POLICY

<b>Manual / Library:</b> Law Department	<b>No:</b> L-12
	<b>Page:</b> 1 of 6
<b>Title:</b> Charitable Contributions	<b>Effective Date:</b> 09/22/2021
	<b>Previous Versions:</b> 10-05-20; 02-25-16
	<b>Approved By:</b> Executive Leadership Team
	<b>Approval Date:</b> 09/20/2021

## I. Scope:

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

## II. Purpose:

To ensure that Donations and Sponsorships to Charitable Organizations from Tenet comply with federal Anti-Kickback Law and other laws that relate to arrangements between Referral Sources.

## III. Definitions:

**Charitable Contribution:** A Donation or Sponsorship.

**Charitable Organization:** A nonprofit organization that qualifies for tax-exempt status according to the U.S. Treasury. Qualified Charitable Organizations must be operated exclusively for religious, charitable, scientific, literary, or educational purposes, for the prevention of cruelty to animals or children, or for the development of amateur sports.

**Donation:** Any payment or other benefit made by Tenet, directly or indirectly, in cash or in kind, to a Charitable Organization other than a fair market value exchange for items or services.

**Immediate Family Member:** A Referral Source’s husband or wife, birth 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.

**Non-Referral Source:** An individual or organization that is not a Referral Source.

**Referring Physician:** A doctor of medicine or osteopathy, doctor of dental surgery or dental medicine, doctor of podiatric medicine, doctor of optometry, or a chiropractor who currently makes referrals to a Tenet Entity or is in the position to make referrals to a Tenet Entity in the future.

**Referral Source:** A Physician or other person or entity that can influence or recommend a Tenet Entity purchase, lease, order, or arrange for any goods, facility items, or services paid for, in whole or in part, by a Federal or state Health Care program. Anyone who has the capacity to refer or influence the flow

# CORPORATE POLICY

<b>Manual / Library:</b> Law Department	<b>No:</b> L-12
	<b>Page:</b> 2 of 6
<b>Title:</b> Charitable Contributions	<b>Effective Date:</b> 09/22/2021
	<b>Previous Versions:</b> 10-05-20; 02-25-16
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of Medicare/Medicaid or other Federal Health Care Program business to another party, including anyone who has referred a patient to the Tenet Entity in the past or who is reasonably anticipated to refer a patient to the Tenet Entity in the future. This includes instances when a Tenet Entity or facility is the party in a position to refer or influence the referral of Federal Healthcare Program business to a vendor, and includes Immediate Family Members of Referral Sources. Examples of Referral Sources are listed in L-15.DR.01 Examples of Referral Sources.

**Sponsorship:** Any payment or other benefit made directly or indirectly, in cash or in kind, to a Charitable Organization and for which a Tenet Entity receives advertising in a program, on a sign, or on a banner or any other benefit.

## IV. Policy:

A Tenet Entity may contribute to activities, organizations, and causes that advance a public purpose if the contributions are made in accordance with this policy. Tenet Entities should focus support on health and wellness organizations; children, youth, and educational organizations; arts, cultural, and humanities organizations, and social service and humanitarian organizations. Under no circumstance may a Tenet Entity make a Charitable Contribution that is offered, solicited, made, or received with the intent to induce a party to generate business for the other party to the transaction.

## V. Procedure:

### A. Permitted Recipients of Donations by a Tenet Entity

1. In the evaluation of Donation and Sponsorship opportunities, Tenet Entities will prioritize organizations that are aligned with the areas listed above.
2. Only organizations with 501(c)(3) status and government agencies, such as police departments, are eligible for Donation or Sponsorship.
3. Tenet Entities will consider Donations to include, but not limited to, the examples listed in Exhibit A.
4. A Tenet Entity shall not provide charitable grants to non-religious organizations that have a written policy of discrimination on the basis of race, religion, color, sex, national origin, age, marital status, mental or physical ability, sexual orientation or gender identity.

### B. Approval of Proposed Contributions

# CORPORATE POLICY

<b>Manual / Library:</b> Law Department	<b>No:</b> L-12
	<b>Page:</b> 3 of 6
<b>Title:</b> Charitable Contributions	<b>Effective Date:</b> 09/22/2021
	<b>Previous Versions:</b> 10-05-20; 02-25-16
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	<b>Approval Date:</b> 09/20/2021

1. The Tenet Entity shall determine whether the organization who will be the recipient of the contribution is a Referral Source.
  2. The Tenet Entity shall approve all Referral Source Contributions using the eCATS system prior to making a commitment to contribute, and the eCATS package must include the information listed in Exhibit B.
  3. If the Tenet Entity offers the Charitable Contribution as part of another arrangement, the Tenet Entity must approve the eCATS as part of the eCATS package for that arrangement. The Tenet Entity must include the elements in Exhibit B in the eCATS package in addition to the considerations for the arrangement.
  4. The Tenet Entity shall document all charitable contributions involving Referral Sources by a written agreement signed by both parties. Examples of acceptable written agreements include:
    - a. A Bill of Sale for a transfer of property such as medical equipment and supplies, or
    - b. Sponsorship or Donation agreement or an agreement for an underlying arrangement that includes payment by the Charitable Organization for rental space.
  5. The Tenet Entity shall obtain approvals for contributions to Charitable Organizations, which are Non-Referral Sources, using the eCATS system in accordance with Law Department Policy L-15.
  6. Any marketing or advertising materials arising from a Sponsorship payment shall be subject to Marketing and Advertising Review System (MARS) approval.
- C. Charitable Contributions to a Tenet Entity
1. A Tenet Entity may accept cash Donations or Donations of items or services from an outside organization or person, if the hospital informs the organization or person in writing that the Tenet Entity is a for-profit entity and the Donation is not eligible for deduction as a charitable gift. The Tenet Entity shall document Charitable Contributions from a Referral Source in a written agreement signed by both parties. Examples of acceptable written agreements include a Bill of Sale for a transfer of property such as medical equipment and supplies, sponsorship or Donation agreement.

# CORPORATE POLICY

<b>Manual / Library:</b> Law Department	<b>No:</b> L-12
	<b>Page:</b> 4 of 6
<b>Title:</b> Charitable Contributions	<b>Effective Date:</b> 09/22/2021
	<b>Previous Versions:</b> 10-05-20; 02-25-16
	<b>Approved By:</b> Executive Leadership Team
	<b>Approval Date:</b> 09/20/2021

2. Charitable Contributions which are Sponsorships of medical education programs to be presented by a Tenet Entity shall comply with the Accreditation Council for Continuing Medical Education “Standards for Commercial Support: Standards to Ensure Independence in CME Activities.”

## VI. Enforcement:

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 will 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:

Exhibit A – Examples of Donations

Exhibit B – Required eCATS Elements

4242 U.S.C. § 1320a-7b(b)

Accreditation Council for Continuing Medical Education Standards for Commercial Support: Standards to Ensure Independence in CME Activities

*Relevant Advisory Opinions from the HHS Office of Inspector General:*

Advisory Opinion No. 08-02

Advisory Opinion No. 04-18

Advisory Opinion No. 01-9

Advisory Opinion No. 10-11

L-15.DR01 Examples of Referral Sources

L-15 Electronic Contract Approval Term Sheet (eCATS)

# CORPORATE POLICY

<b>Manual / Library:</b> Law Department	<b>No:</b> L-12
	<b>Page:</b> 5 of 6
<b>Title:</b> Charitable Contributions	<b>Effective Date:</b> 09/22/2021
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## Exhibit A - Examples of Donations

- A. Community Events
- B. Donations – Event participation or contributions
- C. Arts, Cultural and Humanities Organizations
- D. Fundraising dinners
- E. Community service organizations
- F. School fundraisers
- G. Cultural programs/events
- H. Humanitarian relief organizations
- I. Donation of pharmaceuticals, medical supplies and equipment, which may be made directly to a Charitable Organization or through an intermediary company that engages in the business of receiving and distributing these items to Charitable Organizations for purposes of enhancing community health.

# CORPORATE POLICY

<b>Manual / Library:</b> Law Department	<b>No:</b> L-12
	<b>Page:</b> 6 of 6
<b>Title:</b> Charitable Contributions	<b>Effective Date:</b> 09/22/2021
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## Exhibit B - Required eCATS Elements

Pursuant to L-12 Charitable Contributions, the contract package shall include the following information:

- A. A description of the organization, including its purpose and activities in the community;
- B. Evidence of the recipient’s 501(c)(3) status;
- C. A summary of any prior contributions by the Tenet Entity to the organization;
- D. A description of the proposed contribution, including its value and whether it is a cash contribution, a discounted service or rent or other in-kind contribution;
- E. The circumstances and purpose of the proposed contribution, including whether it was solicited (if so, by whom) and whether the solicitation is part of a broad-based campaign;
- F. A description of the relationship between the recipient and any Referral Source; and
- G. Such other information as is requested by Operations Counsel.