Scope: Renown Health and its affiliated companies (Health Network).

Purpose: To promote physician services in compliance with all applicable laws and regulations.

Policy: Marketing and advertising are used to increase utilization of services using incentives and promotions. Many common marketing activities used to promote physician services implicate the Anti-Kickback Statute and the Physician Self-Referral ("Stark") Law. This policy establishes the guidelines for marketing and advertising services provided to physicians and their practices in compliance with all applicable laws and regulations.

Definition of Terms:
1. Anti-Kickback Statute – prohibits asking for, offering, giving or receiving anything of value (in cash or in kind) in exchange for referrals of Medicare or Medicaid business.
2. Physician Self-Referral ("Stark") Law – prohibits physicians from referring Medicare patients for designated health services ("DHS") to an entity with which the physician has a financial relationship.

Procedure:
1. The Anti-Kickback Statute applies to marketing activities that target patients and/or physicians or other referral services. All Renown marketing activities will be developed to build awareness of available services in accordance with the following guidelines:
   a. Marketing activities shall never include cash gifts or incentives;
   b. Non-monetary gifts shall not be tied to referrals, must be nominal in value, and must be tied to education or business presentations;
   c. Renown will avoid making any statements that could be construed to link the amount of referrals to the type or nature of the gift (e.g., a higher number of
referrals will result in more extravagant gifts or lower referrals will result in fewer/less extravagant gifts);

2. Renown may sponsor community educational events that include employed and non-employed physicians as presenters. For these events, Renown may identify the presenting physician, his/her practice and practice area in marketing materials but must clearly identify Renown as the sponsor of the event.

3. The Renown Compliance Officer will monitor the scope and type of marketing and advertising to ensure compliance with fraud and abuse laws. The Compliance Officer may confer with General Counsel, when appropriate, to determine whether a particular marketing or advertising effort is permissible.

4. Employed Physicians.
   a. Renown may provide advertising or marketing for employed physicians just as other Renown services are advertised or marketed. Marketing or advertising of employed physician practices may include biographical information, practice location and/or practice contact information.

   b. The decision to provide marketing or advertising for an employed physician practice will not be based on the volume or value of referrals generated or expected from the practice.

5. Non-Employed Physicians.
   a. Non-employed physicians are a likely source of referrals of Medicare business to Renown. Therefore, the Stark Law may be implicated by Renown marketing of physicians on the medical staff who are not Renown employees. All marketing activities for non-employed medical staff members must meet one of following three Stark exceptions:
      i. Medical Staff Incidental Benefits Exception. The Medical Staff Incidental Benefits Exception to the Stark Law allows a hospital to provide non-cash items or services to a member of its medical staff if those items or services are nominal in value and are used on the hospital’s campus. Listing or identification of medical staff on the Renown website may meet the Medical Staff Incidental Benefits exception so long as:
1. It is offered to all medical staff members of the same specialty without regard to the volume or value of services; and

2. Lists a similar practice area and contact information.

Listing or identification of medical staff on the Renown website may also include hyperlinks to the medical staff’s website, if applicable.

ii. Non-Monetary Compensation Exception. The Non-Monetary Compensation Exception to the Stark Law allows hospitals to provide non-cash items or services, including advertising, up to the annual limit ($392 for CY2015) established by CMS and adjusted each year for inflation so long as:

1. The compensation is not determined in any manner that takes into account the volume or value of referrals or other business generated by the referring physician;

2. The compensation is not solicited by the physician or the physician’s practice (including employees and staff members); and

3. The compensation arrangement does not violate the anti-kickback statute or any Federal or State law or regulation governing billing or claims submission.

For purposes of meeting the Non-Monetary Compensation Exception, the physician may not request the benefit. Renown must offer the marketing or advertising services and should offer the benefit at the same level to all medical staff members. Any marketing or advertising services received by a physician under the Non-Monetary Compensation Exception must be documented and tracked in accordance with Renown’s Non-Monetary Compensation Policy.

b. Payments by a Physician Exception. In situations where the marketing or advertising activity fails to meet either Medical Staff Incidental Benefits Exception or the Non-Monetary Compensation Exception, the activity may meet be
permissible pursuant to the Payments to a Physician Exception. Under the Payments to a Physician Exception, Renown may provide marketing or advertising to the physician so long as the services are provided at price that is consistent with fair market value.

c. Non-employed physicians shall pay fair market value for any joint advertising or other marketing activity provided by Renown on behalf of the non-employed physician.

References:
Renown HIPAA Marketing Policy