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SUBJECT: Direct to Consumer Marketing ADM.158 *IHN*	EFFECTIVE Date: 08/12/1999
DEPT: ADMINISTRATION	REVIEW Date: 05/03/2019

I. POLICY

The federal Anti-kickback Statute, Section 1128B(b) of the Social Security Act, makes it a felony, punishable by criminal penalties including fines and/or imprisonment, to offer, pay, solicit, or receive "remuneration" as an inducement to generate business payable by the Medicare or Medicaid programs. The statutory language of the statute is extremely broad in its scope. The government interprets the statute as including direct-to-consumer programs furnishing value directly to patients. Therefore, Inspira Health will require advanced review by the Compliance Officer when anything that exceeds nominal value is used in marketing directly to a patient or consumer.

II. RESPONSIBILITY

Every department within the Inspira Health Organization.

III. PROCEDURE

1. Inspira Health may on occasion market health outreach services directly to members of the community serviced by the Hospital in fulfillment of the Hospital's mission to foster the promotion of health. For example, the Hospital may sponsor a health screening program at which free testing for blood pressure, cholesterol or glucose is conducted. Other activities include free community educational programs, the distribution of free health related educational materials, career information, shirts/hats with Hospital logo, or refreshments in conjunction with a particular program or activity. These examples of direct-to-consumer marketing are considered to be of nominal value.
2. The hospital may not offer free items or services that are not related to medical or health care. Moreover, eligibility for participation in a health outreach or educational program should not be conditioned upon a requirement that an individual utilize any other hospital services.
3. This policy does not set forth an exact dollar figure to define the term "nominal" rather, the hospital will rely on its own reasonable judgment and the advice of legal counsel on a case-by-case basis to determine whether a free item or service has nominal value.
4. Advanced review by the Vice President of Corporate Compliance is required when anything that exceeds nominal value is used in marketing directly to a patient or consumer, or if there is any question as to whether a particular marketing program should be considered to be part of nominal value.