

DEPARTMENT: Legal	POLICY DESCRIPTION: Non-Employed Physician Education Expenses
PAGE: 1 of 2	REPLACES POLICY DATED: 2/11/98, 7/21/99, 3/1/00, 2/15/02, 6/1/02, 8/31/05; 1/1/06, 05/1/06, 11/15/06, 03/1/07, 12/1/07, 2/1/10, 5/15/10
EFFECTIVE DATE: September 1, 2012	REFERENCE NUMBER: LL.010
APPROVED BY: Ethics and Compliance Policy Committee	

<p>SCOPE: All Company affiliated facilities including, but not limited to, hospitals, ambulatory surgery centers, outpatient imaging centers, physician practices, service centers, and all Corporate Departments, Groups, Divisions and Markets.</p>
<p>PURPOSE: To ensure that payment or reimbursement of expenses incurred by a non-employed physician for conferences or continuing education courses, including tuition, travel, room and board, and similar expenses be provided to the physician free of charge only in a limited number of circumstances. In all other circumstances, a physician must be charged the fair market value of the education and related expenses.</p>
<p>POLICY: Any benefit provided free of charge to or payment or reimbursement made to, or on behalf of, a non-employed physician for expenses integral to training received through the facility's provision of continuing education, seminars and/or conferences must be considered a business courtesy pursuant to the Business Courtesies to Potential Referral Sources Policy, EC.005, UNLESS:</p> <ol style="list-style-type: none"> 1. the expense incurred is education that is related to compliance with the Company's Code of Conduct and/or compliance policies and procedures and is conducted in the local community or service area; 2. the education is conducted locally and the primary purpose of the education is Compliance Training; such programs may include the physician's immediate family members and office staff and may also offer continuing medical education credit; 3. the education is provided pursuant to a Personal Services Agreements (PSA) in compliance with the Professional Services Agreement Policy, LL.002; 4. the in-person education is 2 hours or less in duration, occurs within a hospital, is offered to all medical staff members or those practicing in the same specialty, and relates to the provision of, or is designed to facilitate the delivery of, medical services at the hospital, whether or not the facility's Medical Staff Bylaws indicate that CME included in Department meetings will be provided free of charge in exchange for physicians' participation; 5. the education is provided online via the UpToDate Clinical Reference Tool, the HealthStream Physician Learning Center (PLC), or something comparable thereto. 6. the education is provided pursuant to an executed agreement consistent with the Reimbursement of Expenses and Extending Tokens Related to Voluntary Leadership Service by Potential Referral Sources Policy, LL.022; or

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7. the physician pays the fair market value of the education and related expenses, as determined by the facility using fair market value information of other similar programs.

PROCEDURE: The fair market value of one credit hour of Continuing Medical Education can be assumed to be \$15, unless specific information about the particular education in question includes a different amount. The fair market value of related expenses must be determined from the course materials or, if no materials are available, from similar education programs.

DEFINITIONS:

Accounting Requirements: The costs of continuing education, seminars and/or conferences for non-employed physicians are not related to patient care, as defined by Medicare, and should be segregated in separate accounts to facilitate proper exclusion for Medicare cost reporting purposes.

Compliance Training: For purposes of this policy, Compliance Training means training regarding the basic elements of a compliance program (for example, establishing policies and procedures, training of staff, internal monitoring, or reporting); specific training regarding the requirements of Federal and State health care programs (for example, billing, coding, reasonable and necessary services, documentation, or unlawful referral arrangements); or training regarding other Federal, State, or local laws, regulations, or rules governing the conduct of the party for whom the training is provided.

Non-Employed Physician: For purposes of this policy, a non-employed physician is a physician who is not directly employed by the facility providing the education. Physicians who enter employment agreements with an HCA Physician Services entity, rather than with the facility, are non-employed physicians of the facility and subject to the requirements in this policy.

REFERENCES:

1. 42 U.S.C. § 1320a-7b; 42 C.F.R. § 1001.952(a)-(v); 42 U.S.C. § 1395nn;
2. 60 Fed. Reg. 41914 (Aug. 14, 1995); 63 Fed. Reg. 1659 (Jan. 9, 1998);
3. 66 Fed. Reg. 856 (Jan 4, 2001);
4. 69 Fed. Reg. 16054 (March 26, 2004)
5. 72 Fed. Reg. 51012, et.seq. (Sept. 5, 2007)
6. Company Code of Conduct
7. Business Courtesies to Potential Referral Sources Policy, [EC.005](#)
8. Professional Services Agreements Policy, [LL.002](#)
9. Reimbursement of Expenses and Extending Tokens Related to Voluntary Leadership Service by Potential Referral Sources Policy, [LL.022](#)
10. [UpToDate Clinical Reference Tool](#)