

CORPORATE POLICY

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Title: Loans and Guarantees to Physicians and Other Potential Referral Sources	Effective Date: 09/22/2021
	Previous Versions: 10-05-20; 03-02-15; 09-27-11; 05-06-08; 01-01-07; 08-17-04
	Approved By: Executive Leadership Team
	Approval Date: 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, through the implementation of prudent and reasonable controls, that Tenet Entities do not make loans to, receive loans from, or guarantee loans made to Physicians, Group Practices, or Other Potential Referral Sources without prior written approval by the Assistant General Counsel and the Vice President - Compliance.

III. Definitions:

Assistant General Counsel: Assistant General Counsel for Hospital Operations or Senior Managing Counsel for Ambulatory Operations or other attorney in the Tenet Law Department who oversees Tenet Facility’s Operations Counsel. Tenet’s General Counsel can approve in lieu of the Assistant General Counsel if/when needed.

Group Practice: Two or more physicians who practice medicine through a single legal entity, using a common trade name and a common tax identification number, including a faculty practice plan or other physician group practice organization affiliated with an academic medical center.

Other Potential Referral Source: Any individual or entity other than a physician or Group Practice in a position to make or influence referrals to, or otherwise generate business for, a Tenet Entity.

Physician: A duly licensed and authorized doctor of medicine or osteopathy, doctor of dental surgery or dental medicine, doctor of podiatric medicine, doctor of optometry or chiropractor and his or her immediate family members. Immediate family member means 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.

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Vice President – Compliance: Compliance Vice President for Hospital Operations or other leader in the Tenet Compliance Department who oversees Tenet Hospital Compliance Officers. Tenet’s Chief Compliance Officer can approve in lieu of such person if/when needed.

IV. Policy:

Except as set forth in Law Department Policy L-2 or L-4, a Tenet Entity may not loan money or guarantee the loan of money from any source to a Physician, Group Practice, or any Other Potential Referral Source nor shall a Tenet Entity accept a loan or guarantee of a loan of money from a Physician, Group Practice or Other Potential Referral Source without the Assistant General Counsel’s prior written approval. Tenet strictly prohibits loans or guarantees of loans to a Physician, Group Practice or Other Potential Referral Source for the purchase of an equity interest in a Tenet Entity.

V. Procedure:

- A. The Tenet Entity seeking to make a loan, guarantee a loan, or receive a loan, must submit a written summary to its responsible Tenet Operations Counsel containing:
 1. The terms of the transaction, which must include the terms of and business rationale for making the loan or guarantee;
 2. The reasons why the entity will not obtain financing from a third party lender or other non-Tenet entity;
 3. A statement of why the terms of the loan or guarantee are fair market value and commercially reasonable in the absence of referrals among the parties; and
 4. Other information relevant to the transaction and upon request by the Operations Counsel.
- B. Once Operations Counsel approves the proposal, he or she shall submit it to the Assistant General Counsel for final review and approval.
- C. All documentation of the review and approval must be maintained in eCATs along with the documents for any transaction.

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

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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:

Law Department Policy L-2 Physician Relocation

Law Department Policy L-4 Office Space and Equipment Leases with Physicians and Other Potential Referral Sources

Tenet Law Department Contractual Arrangements Manual

Stark Law, 42 U.S.C. § 1395nn, and implementing regulations

Definition of Immediate Family Member, 42 C.F.R. § 411.351