

CORPORATE POLICY

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Title: Limitations on Pre-Authorization Services	Effective Date: 08-25-2021
	Previous Versions: 10-05-20;11-17-14; 8-01-10
	Approved By: Executive Leadership Team
	Approval Date: 08-23-2021

I. Scope:

This policy applies to (1) Tenet Healthcare Corporation and its subsidiaries and affiliates (each, an “Affiliate”); (2) any other entity or organization in which Tenet Healthcare Corporation or an Affiliate owns a direct or indirect equity interest greater than 50%; and (3) any hospital or healthcare entity in which Tenet Healthcare Corporation or an Affiliate either manages or controls the day-to-day operations of the entity (each, a “Tenet Entity”) (collectively, “Tenet”).

II. Purpose:

To describe the framework by which facilities operated by a Tenet Entity (each a “Facility”) may obtain pre-authorization for Diagnostic Imaging Services provided at Tenet Entities. Tenet Entities may provide the pre-authorization information to Ordering Physicians who have ordered Diagnostic Imaging Services if the services do not have a professional component that the Ordering Physician may bill, so obtaining such preauthorization is solely for the benefit of the Tenet Entity.

III. Definitions:

Diagnostic Imaging Services: Services that include but are not limited to MRI, CT Scan, various cardiac and nuclear tests at both hospital-based and freestanding Tenet Facilities.

Ordering Physician: A physician who orders a service or procedure at a Facility but who is not an employee of a Tenet Entity.

IV. Policy:

All pre-authorizations the Tenet Entities obtain for outpatient Diagnostic Imaging Services to be performed at the Tenet Entities must meet the criteria set forth in this policy. No Facility may obtain pre-authorization information and provide it to the Ordering Physician for any service other than a Diagnostic Imaging Service or a Diagnostic Imaging Service for which the Ordering Physician could bill a professional fee, unless the Facility is a TPR practice that will provide the Diagnostic Imaging Service. The Facility cannot obtain pre-authorization if the purpose in obtaining the pre-authorization is to benefit the Ordering Physician in order to generate referrals from the physician.

V. Procedure:

The Tenet Entity, or a third party vendor engaged by a Tenet Entity, may obtain pre-authorization for patients receiving clinical services, including Diagnostic Imaging Services, at the Facility and, for

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Diagnostic Imaging Services, may communicate the pre-authorization information to the Ordering Physician under the following circumstances:

- A. This policy does not require Tenet Entities to research a physician’s payor obligations, but if the Facility is aware that the Ordering Physician has a contractual obligation to obtain the pre-authorization from a particular payor, the Facility must not perform the pre-authorization for the Ordering Physician for that payor.
- B. Facility representatives that obtain the pre-authorization must identify themselves to payors as representatives of the Tenet Entity, disclose the pre-authorization process to the payor, and inform the payor that they are calling to obtain the pre-authorization on behalf of the Ordering Physician’s practice. The Facility must follow any rules, directions, or requirements imposed by the payors regarding pre-authorization.
- C. The Facility must provide pre-authorization at no cost to the Ordering Physician and must be available on an equal basis to all patients and Ordering Physicians without regard to the volume or value of any Ordering Physician’s expected or past referrals.
- D. The Facility must not make assurances to the Ordering Physicians or patients about whether the payor will approve any request made by the Facility for pre-authorization.
- E. The Facility may provide the Ordering Physician with information about the pre-authorization it obtained for the Ordering Physician’s patients.
- F. The Facility may communicate its pre-authorization process for Diagnostic Imaging Services to all members of the medical staff. Because the pre-authorization process exists to ensure payment for the Tenet Facility, not for the benefit of the Ordering Physicians and must not be marketed as such.

Example: A Tenet diagnostic imaging center may obtain preauthorization for a CT scan from the payor and may communicate such preauthorization to the Ordering Physician because the Ordering Physician may not bill a professional fee for the interpretation of the CT scan. A Tenet hospital may obtain pre-authorization for the hospital services from the payor for an outpatient surgery but may not obtain on behalf of or communicate such pre-authorization information to the surgeon because the surgeon may bill a professional fee for performing the surgery.

VI. Enforcement:

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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:

- Social Security Act Section 1861
- 42 C.F.R. Section 411.353(a) and (b)
- 42 U.S.C. Section 1320a-7(b)
- OIG Advisory Opinion No. 10-04