



## CORPORATE POLICY

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|  | <b>Previous Versions:</b> 10/5/20, 7/21/20, 06/30/19, 02/01/17, 06/01/16 |
|  | <b>Approved By:</b> Executive Leadership Team                            |
|  | <b>Approval Date:</b> 05/10/2022   |

### 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 establish processes to ensure that Non-Physician Practitioners are engaged to provide services at a Tenet Facility for the purpose of enhancing the quality and efficiency of patient care, without providing an inappropriate benefit to Physicians who are responsible for the provision of medical services to the Tenet Facility's patients.

**Commented [CH1]:** I changed the policy title to Non-Physician Practitioners since that's how we refer to them in the body of this Policy.

### III. Definitions:

**Emergency Medical Condition:** A medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in (1) placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part, or (2) with respect to a pregnant woman who is having contractions that there is inadequate time to effect a safe transfer to another hospital before delivery, or that the transfer may pose a threat to the health or safety of the woman or her unborn child.

**Engage:** To employ or to enter into an employee lease, independent contractor, or a professional services arrangement.

**Facility:** An acute care hospital, surgical hospital, rehabilitation hospital, psychiatric hospital, micro-hospital, or ambulatory surgery center. For purposes of this Policy, Facilities do not include TPR or other Physician practices.

**Facility Services:** Services offered by a Facility including: bed and board; nursing services and other related services; use of hospital facilities; medical social services; drugs, biologicals, supplies,



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appliances, and equipment; certain other diagnostic or therapeutic services. Facility Services do not include Physician services or the services of a Non-Physician Practitioner.

**Immediate Family Member:** A 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.

**Non-Physician Practitioner (NPP):** Advanced practice registered nurses and physician assistants operating within the scope of their respective licenses and applicable scope of practice laws.

**NPP Professional Services:** Services that (1) are the type that are considered Physician's services if furnished by an MD or DO; (2) are performed by a person who meets the definition of an advanced practice registered nurse or physician assistant; (3) are performed under the supervision of a Physician (for physician assistants only) or are performed in "collaboration" with a Physician (for NPs and CNSs only); (4) the practitioner is legally authorized to perform the services in the state in which they are performed; and (5) are not otherwise non-covered.

**Operations Counsel:** The attorney assigned by the Tenet Law Department to support the Facility's legal operations.

**Physician:** A duly licensed and authorized chiropractor or doctor of medicine, osteopathy, dental surgery, dental medicine, podiatric medicine, optometry and their Immediate Family Members.

**Tenet Facility Leader:** A hospital's Chief Nursing Officer, Ambulatory Surgery Center (ASC) Administrator, or other senior most facility leader.

### IV. Policy:

- A. A Tenet Facility shall only Engage a NPP to perform services for purposes of enhancing the efficiency of its patient care services. NPPs Engaged by a Tenet Facility shall not perform any service for which:
1. A Physician is responsible pursuant to the bylaws, rules and regulations, or policies of the Medical Staff or
  2. Any Physician receives payment, in whole or in part, as a separate billable service for which such Physician independently bills or as part of a global surgical payment.



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- B. Other entities shall not Engage NPPs on behalf of Tenet Facilities for the general provision of patient care services in the hospital or other Facility setting.
- C. TPR may Engage non-Tenet Facility NPPs to provide NPP Professional Services to TPR-employed-Physician patients. Independent Physicians may also Engage non-Tenet Facility NPPs to provide medical care to their respective patients at a Tenet Facility in accordance with the policies of the Facility.

### V. Procedure:

- A. General Considerations
  - 1. Non-Physician Practitioners delivering Facility Services at a Tenet Facility must hold all appropriate licenses and certifications to practice their profession in the State and shall be authorized to perform a scope of services defined by the Facility, and, if applicable, its medical staff and in accordance with standard operating procedures developed by the Facility. The Facility's Chief Nursing Officer (CNO) or other individual designed by the Facility shall make recommendations to the medical staff regarding the qualifications and performance of each NPP.
  - 2. If required by the laws of the State in which the Tenet Facility operates, each NPP shall maintain on file with the Human Resources Department a copy of an agreement with all supervising Physicians holding appropriate privileges at the Facility who will be responsible for directing the practice of the NPP.
  - 3. Each NPP Engaged by a Tenet Facility shall fulfill the roles and responsibilities outlined in a job description or services agreement and shall not assume additional responsibilities without approval of the CNO or other responsible individual designated by the Facility.
  - 4. A Tenet Facility may Engage a NPP in furtherance of delivery of patient services on a service line/service offering basis and shall be made available to all interested Physicians in the service line/service offering on the same terms and conditions. Under no circumstances shall a Tenet Facility Engage a NPP to support a particular Physician, except where the Physician is the sole Physician privileged to provide medical services in the service line/service offering.



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5. Each patient's attending or consulting Physician shall remain primarily responsible for the care prescribed for their patients at the Facility. In the hospital setting, Physicians are required to respond to requests for personal attendance as appropriate to the condition of each patient and to personally see inpatients at least daily during their admission.
  6. Physicians shall not submit a claim for payment to any patient or third party payor for Facility Services provided in whole or in part by a Facility-Engaged NPP and shall independently document their patient care services, impressions, and plans without reliance on the documentation of a Facility-Engaged NPP.
  7. Except as may be approved by the Operations Counsel after review of the proposed role of the NPP and the available alternatives, a Tenet Facility shall not contract with a member of Facility's medical staff to provide NPP Facility Services, including without limitation, anesthesiologist services, in-house patient monitoring, and surgical first assistant services for the cases performed by the member or by other members of the member's group medical practice, at the member's or group medical practice's office or any other location or care setting (e.g., nursing home).
  8. This policy is not intended to restrict payments to hospital-based physician groups which include the services of NPPs solely in support of the hospital-based group providers and otherwise comply with L-5 Personal Services Arrangements with Physicians.
- B. Hospital Services
1. A NPP may be Engaged to provide services solely in support of hospital services. Such services may include implementation of protocols approved by the medical staff in accordance with hospital policy, patient education, and monitoring compliance with clinical measures and overseeing performance of orders to assure timely care.
  2. The costs of the NPP providing services to hospital inpatients which are solely in support of hospital services may be included on the hospital's Medicare Cost Report.
- C. The Tenet Facility Leader is responsible for ensuring that all personnel adhere to the requirements of this policy, that these procedures are implemented and followed, and that instances of noncompliance with this policy are reported to the responsible Compliance Officer.



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- D. See Exhibit A for specific guidance on permissible and impermissible services that different types of NPPs can provide.

### 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 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:

- L-5 Personal Services Arrangements with Physicians
- L-21.PR.01 Non-Physician Practitioners in the Inpatient Rehab Facility (IRF)

### VIII. Exhibit:

- Exhibit A – NPP Professional Services



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### Exhibit A – NPP Professional Services

- A. Facility-Engaged NPPs
1. Tenet Facilities are required to obtain advance approval from their Operations Counsel of how they intend to utilize Facility-Engaged NPPs and any change in their duties. However, such approval is not required for Facility-Engaged NPPs functioning as Nurse Anesthetists, Surgical First Assists, Nurse Midwives, or in Clinic Settings as described in this Policy (see Sections B–E below).
  2. Non-surgical Facility-Engaged NPPs may perform the following NPP Professional Services for non-surgical patients subject to any limitations imposed by the Tenet Facility or supervising Physician:
    - a. Preliminary history and physical exam that is in addition to, not in lieu of, the Physician's history and physical exam;
    - b. Daily patient visits for routine follow-up and rounds performed in addition to, not in lieu of, the Physician's daily patient visits and rounding;
    - c. Initial nursing and/or medical diagnoses for acute and chronic health care problems to be accompanied by Physician consult;
    - d. Ordering and interpreting laboratory and diagnostic tests;
    - e. Prescribing treatments, including medications, within the scope of delegated prescriptive authority;
    - f. Medication reconciliation;
    - g. Preparation of preliminary discharge summary in addition to, not in lieu of, the Physician's discharge summary.
  3. Because surgeons are paid for their services in a manner that includes pre-surgical evaluation, the surgical procedure, and postsurgical management, the scope of Facility Services that a NPP Engaged by a Tenet Facility may perform for surgical patients is limited to the following:



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- a. Preliminary or “baseline” history and physical exam that is in addition to, not in lieu of, the Physician’s pre-op or “updated” history and physical exam performed the day before or on the day of surgery;
  - b. Daily patient visits for routine follow-up and rounds performed in addition to, not in lieu of, the Physician’s daily patient visits and rounding;
  - c. Ordering and interpreting laboratory and diagnostic tests;
  - d. Prescribing treatments, including medications, within the scope of delegated prescriptive authority;
  - e. Medication reconciliation.
4. A Facility-Engaged NPP may not assume responsibility for evaluating the patient in the post anesthesia recovery unit.
  5. Each Facility who elects to have a Facility-Engaged NPP provide NPP Professional Services for a service line shall provide information to the service line physicians in a form approved by the Operations Counsel which shall include the prohibition on billing for any of the services or documentation performed by a NPP Engaged by the Tenet Facility.
  6. Notwithstanding any other provision in this policy, a Facility-Engaged NPP may provide NPP Professional Services to any patient in a Tenet Facility in an urgent situation, prior to the availability of a responding Physician.
- B. Facility-Engaged Nurse Anesthetists
1. A Tenet Facility may Engage a NPP to provide services as a certified registered nurse anesthetist to perform services at the Facility.
  2. Generally, the services provided by the NPP providing anesthesia services will be billed separately as professional services and the costs of the NPP providing anesthesia services to hospital inpatients are not included on the hospital’s Medicare Cost Report.
  3. An exception applies to certain rural hospitals and Critical Access Hospitals, which have received prior approval from the Centers for Medicare and Medicaid Services to receive cost-based payments for CRNAs on the hospital’s cost report. For these hospitals,



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CRNAs will not be separately billed by the hospital to Medicare Part B and the Medicare pass-through reimbursement for the cost of these services will be claimed in the hospital's Medicare Cost Report.

C. Facility-Engaged Surgical First Assistants

1. A Tenet Facility that performs surgery may Engage a NPP to provide services as a surgical first assistant, which shall be limited to care of the patient in the operating room.
2. A NPP may not seek to provide services as an employee and an independent contractor, depending on the nature of the procedure or the payor responsible for reimbursement of the patient's care.
3. Tenet Facilities are not required to bill for surgical first assistant services.

D. Facility-Engaged Nurse Midwives

1. A Tenet hospital may Engage a NPP to provide services as a certified nurse midwife.
2. A hospital-Engaged NPP may be assigned to evaluate patients presenting to the Emergency Department to determine whether they have an Emergency Medical Condition and, for patients who do not have a current relationship with an obstetrician on the hospital's medical staff, to assume responsibility for supervising the labor and delivery of the patient, within the capabilities of the NPP.
3. A NPP may act as a laborist at a Tenet hospital, provided that there is an agreement in place with each obstetrician whose patients will be served by the NPP to assure that the hospital receives adequate compensation for the NPP's professional services.
4. In the event that NPP is Engaged as a midwife by a Tenet hospital, the NPP's role shall be considered in any determination of the need for Physician on-call services in Obstetrics and Gynecology and in the valuation of such Physician services.
5. Tenet hospitals are not required to bill for midwife services.

**Commented [CH2]:** Is this section limited to hospital or should this be Facilities?

E. Facility-Engaged NPPs Covering Facility Clinics





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1. A Tenet Facility may Engage a NPP to provide NPP services to patients of a hospital-based clinic as an alternative to Physician coverage.
2. When a Facility-Engaged NPP provides clinic coverage services, some payors may consider the NPP services covered services. The Tenet Facility shall bill for the NPP services.

F. TPR-Engaged NPPs

1. TPR may Engage a NPP to provide NPP Professional Services for patients of the TPR practice and should, but is not required to, bill for the NPP Professional Services.
2. TPR-Engaged NPPs shall not provide professional services for independent Physicians or Tenet Facilities.

G. NPPs Engaged by Independent Physicians

NPPs Engaged by independent Physicians may perform NPP Professional Services for patients of the independent Physician while such patients are in a Tenet Facility provided that the NPP is credentialed to do so and follows the policies and procedures of the Facility.