

EXHIBIT A TO LAW DEPARTMENT POLICY L-27

Examples of Permitted Purposes

A Referral Source Arrangement that takes into account the value or volume of referrals from the Referral Source as a condition to entering the Referral Source Arrangement, or as a mechanism for valuing the Referral Source Arrangement, or as a reason for penalizing the Referral Source, is prohibited. Any use of Referral Source Data, or any resulting discussion, that connects a Referral Source Arrangement with the concept of value or volume of referrals from that Referral Source is also prohibited.

- A Tenet employee or Tenet Entity may generate internal Referral Source Data that is organized and identified by individual physician to indicate those physicians' historical referrals or referral patterns, provided that the Referral Source Data is used for Permitted Purposes and does not reference or take into consideration any referral source arrangement with those physicians.
- A Tenet employee or Tenet Entity may discuss an individual physician's Referral Source Data related to that Tenet Entity with that specific physician or with the leader of the physician's group to understand why the physician does or does not utilize the Tenet Entity, provided that the discussion is focused on quality or service at the Tenet Entity and is unrelated to a discussion or consideration of any Referral Source Arrangement with the physician or the group.
- The following is a list of examples to illustrate the distinction between appropriate and inappropriate conversations with Referral Sources. This list of examples will not cover all situations and is not intended to be exhaustive. Contact your Operations Attorney or Compliance Officer for specific guidance.

- EXAMPLES OF APPROPRIATE CONVERSATIONS

- **Appropriate:** "Dr. Jones, we noticed that you have stopped using our cath lab. Is there a quality or service issue we can address?"
- **Appropriate:** "Dr. Jones, what have your patients shared with you about their experiences at the cath lab and the Tenet Entity?"
- **Appropriate:** "Dr. Jones, it looks like you are satisfied with our care and service. What do you like about our facility as compared to the competitor?"
- **Appropriate:** "Dr. Jones, you appear to be at the Tenet Entity less than you were here in the past. Is there a reason you are not here as often?"
- **Appropriate:** "Dr. Jones, you have indicated that you wish to be off the Hospital's call schedule. Why?"

- EXAMPLES OF INAPPROPRIATE CONVERSATIONS

- **Inappropriate:** “Dr. Jones, we noticed that when you stopped using our cath lab, it was at the same time that you were appointed Medical Director at our competitor. Can we talk about a Medical Directorship Agreement with us?”
 - **Inappropriate:** “Dr. Jones, we noticed that you had roughly 10 inpatient admissions a month every month last year but that this year you are only admitting two a month. Is this because your professional services agreement with us did not get renewed?”
 - **Inappropriate:** “Dr. Jones, will you keep using our Hospital if we get your new contract signed?”
 - **Inappropriate:** “Dr. Jones, we noticed that you aren’t at the hospital as much. Is this because your on-call agreement pays less than the competitor?”
- Tenet employees are required to provide appropriate responses to questions when Referral Sources make statements or ask questions linking their referrals with Referral Source Arrangements.
 - EXAMPLES OF APPROPRIATE RESPONSES TO QUESTIONS FROM REFERRAL SOURCES:
 - **Appropriate:** Tenet employee: “Dr. Jones, we noticed that you have stopped using our cath lab. Is there a quality or service issue we can address?” Dr. Jones: “I just received a directorship agreement at your competitor. Is there anything you can do?” Tenet employee: “Dr. Jones, we don’t enter into financial relationships based on whether you choose to refer here. That’s not appropriate. We can discuss the experiences your patients have at the Tenet Entity, any safety concerns, or clinical outcomes data, but nothing financial.” [Please inform your Compliance Officer that this conversation took place]
 - **Appropriate:** Dr. Jones: “The competitor increased my on-call compensation. You should increase my on-call compensation in the new contract we just signed, or I will shift my business to the competitor. Tenet employee: “We cannot take into consideration this information when valuing your on-call arrangement. Your contract is not set to expire, and the rate cannot be amended.” [Please inform your Compliance Officer that this conversation took place]
 - **Appropriate:** Dr. Jones: “I would like more days on the on-call schedule, and if I get them, we can build the specialty program here at the Hospital. Tenet Employee: “I have an idea regarding picking up more on-call days, but first I want to make clear that we would not trade on-call days in exchange for you building the specialty program at the Hospital — that link would be inappropriate. The on-call schedule is developed on a proportional basis among all physicians in the specialty, according to the Medical Staff Bylaws. If you want to cover more days, perhaps you can ask the other physicians on the on-call schedule if they would be willing to give up their assigned days?” [Please inform your Compliance Officer that this conversation took place]

- EXAMPLES OF INAPPROPRIATE RESPONSES TO QUESTIONS FROM REFERRAL SOURCES:
 - **Inappropriate:** Tenet employee: “Dr. Jones, we noticed that you have stopped using our cath lab. Is there a quality or service issue we can address?” Dr. Jones: “I just received a directorship agreement at your competitor. Is there anything you can do?” Tenet employee: “Let me see what I can do.”
 - **Inappropriate:** Dr. Jones: “I would like to discuss a raise in my on-call compensation, because we’ve been using the same rate for several years and I feel like it’s below market value.” Tenet Employee: “We would like to see you at the Hospital more to help us build the specialty program. Are you planning to do that? If so, we can discuss a raise in your call pay.”

- A Tenet employee may not utilize or reference volume or referral data of any Referral Source when developing or considering a contract with a Referral Source. A Tenet employee may not generate internal Referral Source Data that includes both Referral Source Data and contracting data from any Referral Source. Any connection between a referral source arrangement and a Referral Source’s utilization of hospital services may suggest that contracting is tied to referrals, which is not appropriate.

- EXAMPLES OF APPROPRIATE COLLECTION AND USE OF REFERRAL SOURCE DATA:
 - **Appropriate:** List of all contracts with Referral Sources without reference to referrals
 - **Appropriate:** A TPR employee may review a TPR-employed physician’s prior year wRVUs to determine what percentile of production she has achieved in order to set her compensation at a corresponding percentile.
 - **Appropriate:** Report showing aggregate cost, profitability, and capital needs of a service line, inclusive of information reflective of all physicians in the service line to determine whether a service line is financially viable.
 - **Appropriate:** Report showing average per patient cost for a service for individual physicians at the hospital to identify individual physicians who practice in a cost-efficient manner for purposes of evaluating best practices.

- EXAMPLES OF INAPPROPRIATE COLLECTION AND USE OF REFERRAL SOURCE DATA:
 - **Inappropriate:** Report showing inpatient admissions derived from drop-offs from ambulance providers who are contracted to provide patient transports following discharge.
 - **Inappropriate:** Report showing outpatient therapy visits derived from physical therapists contracted to provide patient education

- **Inappropriate:** List of cases referred from Referral Sources and a column identifying the annual cost of their Referral Source Arrangements
 - **Inappropriate:** A TPR employee asks a hospital employee for information on a TPR-employed physician’s referrals to the hospital in order to make a decision about the physician’s compensation or ongoing employment.
 - **Inappropriate:** A hospital utilizes a report showing cost and profitability, on a physician-by-physician basis, of a service line to limit use of block time by physician with a low contribution margin.

- It is a Permitted Purpose for an individual who appropriately has been granted access to Referral Source Data (internal and external) to utilize the Referral Source Data in conversations with Providers about their experience with a Tenet entity, so long as the conversations do not combine or link topics of quality and service with possibilities of compensation arrangements with the Tenet entity.
 - EXAMPLES OF APPROPRIATE CONVERSATIONS BY AN INDIVIDUAL WHO HAS ACCESS TO REFERRAL SOURCE DATA:
 - **Appropriate:** Tenet Employee: “Dr. Jones, why do you choose to use the competitor facility X to do your robotic cases?”
 - **Appropriate:** Tenet Employee: “Dr. Jones, it appears you are doing more of your procedures at competitor facility X than you have in the past. Why?”
 - **Appropriate:** Tenet Employee: “What is competitor facility X doing well that we aren’t?”

 - EXAMPLES OF INAPPROPRIATE CONVERSATIONS BY AN INDIVIDUAL WHO HAS ACCESS TO REFERRAL SOURCE DATA:
 - **Inappropriate:** Tenet Employee: “Dr. Jones, it appears you are doing more of your procedures at competitor facility X than you have in the past. Why?”
Dr. Jones: “Competitor facility X pays me for procedures. Can you do that?”
Tenet Employee: “I am sure we can do something. I’ll put you in touch with administration if you think something like that would get you back at our facility.”
 - **Inappropriate:** Tenet Employee: “What is competitor facility X doing well that we aren’t?”
Dr. Jones: “They pay me more for call coverage.”
Tenet Employee: “Let’s reach out to the Tenet Hospital and see if we can match.”

- TPR may consider information regarding a physician’s personally performed services and other services expected to be performed in a practice setting in evaluating whether a physician is a desirable candidate for employment and assessing practice operational issues, such as whether TPR has the capacity to serve the needs of the physician’s practice, what resources will be needed to operate the practice if the physician is employed and, upon initial employment and thereafter, appropriate compensation for the physician’s services. Neither TPR nor any Tenet facility may consider the actual or anticipated referrals from a physician

to a Tenet facility not operated by TPR in recommending, approving or terminating a physician's employment or establishing physician compensation.

- EXAMPLES OF APPROPRIATE USE OF REFERRAL SOURCE DATA
 - **Appropriate:** TPR requests that a candidate for employment provide a report of the number of patient visits or wRVUs billed by the candidate in the previous 12 months.

- EXAMPLES OF INAPPROPRIATE USE OF REFERRAL SOURCE DATA
 - **Inappropriate:** Hospital notes that a particular surgeon performs the highest number of procedures in its operating rooms during the course of the year and asks TPR to employ the surgeon to avoid loss of the cases if another system seeks to employ him instead.