

Anti-Bribery and Corruption Policy & Procedures

Region(s) this Policy Applies to: Global

Personnel this Policy Applies to: Global

Document Owner: Head of Legal & Governance

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1. Policy

MedAdvisor requires its employees and anyone acting on behalf of MedAdvisor (including officers, directors, employees, contractors, consultants, agents, temps and interns) to comply with applicable laws related to bribery and corruption in any country where MedAdvisor does business.

Generally, bribery and corruption laws make it illegal for MedAdvisor or anyone acting on MedAdvisor's behalf to bribe, offer or promise to pay a bribe or provide anything of value to any foreign official, or a U.S. public official, or person selected to be a U.S. public official in return for performance of an official act, fraud on the government, or an act in violation of the public official's duties. U.S. law prohibits offers of anything of value to any person with the intent to influence testimony under oath.

Specific to healthcare, U.S. law prohibits the knowing and willful exchange (or offer to exchange) anything of value intended to induce or reward the generation of business involving any item or service payable by the Federal health care programs (e.g., drugs or supplies for Medicare or Medicaid patients).

2. Anti-Bribery and Corruption Laws

Australia:

Prohibited to bribe a foreign public official by an associate (employee, contractor, agent, subsidiary or controlled entity of the corporation or a person that otherwise performs services on behalf of the Company) of the corporation.

United States – Foreign Corrupt Practices Act

Under the Foreign Corrupt Practices Act it is unlawful for a U.S. person or company to offer, pay or promise to pay money or anything of value to any foreign official for the purpose of obtaining or retaining business.

The Bribery of Public Officials and Witnesses statute prohibits the giving or accepting of anything of value to or by a public official or person selected to be a public official, if the item of value is given "with intent to influence" an official act, or if it is received by the official "in return for being influenced." The law also prohibits, directly or indirectly offering or promising anything of value to any person with intent to influence the testimony under oath before any court, legislature, government agency, or other person legally authorized to hear evidence or testimony. [18 U.S.C. § 201].

The Medicare and Medicaid Fraud and Abuse Statute, known as the federal Anti-Kickback Statute (AKS), along with analogous state laws, are criminal statutes that prohibit "remuneration," which is the exchange (or offer to exchange) of anything of value, in an effort to induce or reward the referral of business reimbursable by federal health care programs. Examples of prohibited kickbacks include receiving financial incentives in exchange for writing prescriptions for drugs that are reimbursable by Medicare, Medicaid, or Tricare. There are, however, many important safeguards to federal antikickback prohibitions. For example, prohibited kickbacks would not include payments to healthcare providers to provide services as long as the payment made is the fair market value for such services. [42 U.S.C. § 1320a-7b(b)].

3. Procedure

Procedure Subsection 1 – Foreign and U.S. Officials, and U.S. Healthcare Providers

Offering payment to officials

Personnel or representatives of MedAdvisor must not make an offer, a promise or give anything of value (payment or gifts) to a foreign or U.S. official, foreign political party, candidate for foreign or U.S. political office, or anyone associated with a foreign or U.S. official or public personnel.

Gifts or entertainment for officials

Generally, MedAdvisor personnel or representatives cannot pay for entertainment or meals for government or public personnel. In addition, you may not invite foreign or U.S. government or public personnel to social events unless the event falls within certain exceptions. All meals, entertainment or events where government or public personnel will be involved should be discussed with a MedAdvisor attorney prior to the event.

Payments and Items of Value for U.S. Healthcare Providers

MedAdvisor personnel or representatives should not offer anything of value to healthcare providers that would qualify as “remuneration” that may induce the referral of business that is reimbursable under federal healthcare insurance. Any payments made to healthcare providers for services must be discussed with a Medadvisor attorney to ensure such payments include safeguards that ensure a healthcare provider is not induced.

Procedure Subsection 2 – Reporting

MedAdvisor personnel must report possible wrongdoing related to this Policy via the Compliance Hotline, a MedAdvisor attorney or to the Director of Compliance.

Procedure Subsection 3 – Questions

Questions about this policy and procedures should be directed to a MedAdvisor attorney.

4. Review

The objectives and effectiveness of this policy will be reviewed by the Board annually as part of the annual Corporate Governance Statement approval process.

This policy will be formally reviewed by the Board no less than every 2 years.