

Conflict of Interest Policy 106 Update for

Affiliated Physicians

- "Affiliated physician" is defined as a physician who is employed, contracted or a committee and/or collaborative member of Mercy Health or Mercy Health Affiliated entity.
- A physician has the responsibility to identify and self-report any potential or real Conflicts of Interests (as defined in Policy 106) that impact their job or position within the organization
 - At the time of hire;
 - Prior to contract, negotiation or selection of vendors or health care providers for goods and services;
 - Prior to initial placement and during service on Mercy Health and Mercy Health Affiliated Captive LTD, Boards, Foundations and/or related committees;
 - As conflicts arise during the course of day-to-day services and business activities; or
 - Prior to discussions and decision-making.
- Affiliated physicians are to complete annual Conflicts of Interest Disclosures.
- Potential conflicts can involve financial and non-financial interests and relationships as well as adverse legal events. Good faith efforts should be made to avoid Conflicts of Interest and the "appearance of conflict."
- Conflicts of Interest require at minimum disclosure and may require management; some conflicts may require the Physician to be removed from discussions, the decision-making process and/or Boards and committees.
- Employed physicians (i.e. receive a W-2) are subject to the Conflict of Interest Gifts and Gratuities reporting outlined in Policy 106. Gifts, gratuities or exclusive opportunities (e.g. Super Bowl tickets) offered by current or potential business partners are to be reported as follows:
 - Items or services valued at or above \$100 must be disclosed on the Conflict of Interest Disclosure Certificate
 - Items or services valued more than \$300 per item or occasion or totaling more than \$300 in aggregate from any one individual or entity in a calendar year must be declined
- Contracted physicians (i.e. receive a 1099) are subject to stricter Federal Stark Laws and Non-Monetary and Incidental Benefit reporting requirements that supersede and may replace some of the Mercy Health Policy 106 Gifts and Gratuities provisions.

Common Examples of Reportable Conflicts and Gifts and Gratuities Under Policy 106 for Affiliated Physicians

- Family member(s) who work for Mercy Health or Mercy Health Affiliated entities;
- Family member(s) who work for companies competing with Mercy Health or Mercy Health Affiliated entities;
- Serving as Chief Medical Officer (CMO) as paid independent contractor;
- Investment or involvement with any joint venture that competes with Mercy Health or Mercy Health Affiliated entities;
- Outside consulting, endorsements, and/or investment interests performed by the Physician with an outside company, joint venture or supplier that may provide services to or may compete with Mercy Health or Mercy Health Affiliated entities;
- Personal or family member ownership or investment interest in an outside company competing with and/or providing goods and services to our patients (e.g. medical devices, pharmaceuticals, supplies) at Mercy Health or Mercy Health-Affiliated entities;
- Offers of money, gifts, meals, payment of any kind (cash or anything of value) or exclusive opportunities in exchange for referrals or access to business opportunities. **Note:** This type of conflict is a prohibited activity under Federal and State Anti-Kickback Law and Stark Law (for physicians);
- Knowledge of Mercy Health and Mercy Health-Affiliated confidential information that provides the individual an “inside advantage” that could result in personal gain or profit by the individual or family member if they would act on the information for outside investment or ownership opportunities;
- Offers of free services, deeply discounted services, gifts certificates, meals, or trips for past services or relationship with vendors or suppliers.

If you are unsure if an arrangement, offer or gift is a conflict, contact the Mercy Health Corporate Responsibility Officer at 513-952-4740 or clrice@mercy.com for assistance.