



**COMPREHENSIVE COMPLIANCE PROGRAM:  
POLICIES AND PROCEDURES**

## **COMPLIANCE PROGRAM POLICIES AND PROCEDURES**

### **GENERAL PROVISIONS**

Acutus Medical has adopted the AdvaMed Code of Ethics on Interactions with Health Care Professionals (AdvaMed Code) to govern the company's interactions with Health Care Professionals. A copy of the AdvaMed Code is attached to this internal document, which is intended to assist in the company's implementation of the AdvaMed Code by providing a familiar format and some practical information on how Acutus Medical is implementing the AdvaMed Code.

These Policies and Procedures are an integral part of the Acutus Medical Comprehensive Compliance Program. They address a critical part of our operations, and the most significant risk area faced by the medical device industry: our relationship with Health Care Professionals. As set out in our Comprehensive Compliance Program and in our Code of Business Ethics and Standards of Conduct, Acutus Medical is committed to conducting its business affairs in a manner that is compliant with all applicable laws, regulations, industry guidelines, and payor policies.

While the Policies and Procedures are applicable to all Acutus Medical employees, they are especially relevant for our sales and marketing staff. Training on the AdvaMed Code will be provided to all employees as part of our Comprehensive Compliance Program training, with a special focus on issues relating to our sales and marketing activities. All employees are required to complete an initial training by January 30, 2020 and to attend annual refresher trainings thereafter. Under Massachusetts law, employees must also complete regular trainings on general science and product information (see Acutus Standards of Conduct, Appendix 5 for state specific requirements.)

Any questions relating to these Policies and Procedures, including their implementation and whether you are required to attend a specific training, should be directed to your supervisor or the Chief Compliance Officer (CCO) or members of the Compliance Committee.

You are encouraged to seek guidance on adherence this program from appropriate personnel when in doubt about the best course of action to take in a particular situation. If you have a concern about, know of, or suspect a violation of the AdvaMed Code, Acutus Medical's Code of Business Ethics and Standards of Conduct, or our Comprehensive Compliance Program you should report it immediately to the CCO. Reports may also be made anonymously via the company's reporting Hotline at: 1-844-977-0463, or online at: [www.acutusmedical.ethicspoint.com](http://www.acutusmedical.ethicspoint.com)

Chief Compliance Officer:  
Compliance Committee Members:

Gary Doherty  
Greg Geissinger  
Steve McQuillan  
Charles Piscitello

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## 2 ACUTUS MEDICAL-SPONSORED TRAINING AND EDUCATION MEETINGS FOR HCPS

The U.S. Food and Drug Administration allows medical device manufacturers to provide training and education to facilitate the safe and effective use of certain medical technology. Acutus Medical therefore has the responsibility to make available to Health Care Professionals (HCPs) product education and training on the safe and effective use of its products (when necessary), in accordance with Acutus Medical's Standards of Conduct and policies.

Acutus Medical may provide training and education to explain the safe and effective use of Acutus Medical products to persons who have a *bona fide* need for such training and education. Training and education on the safe and effective use of Acutus Medical products must be the principal purpose for the program. The need for any training or education program must be adequately documented and should be submitted to the Chief Compliance Officer for prior approval.

The following principles should be followed when providing training or technical support in a clinical setting:

1. Company representatives should enter and be present in the clinical setting only at the request of and under the supervision of a Health Care Professional.
2. Company representatives should be transparent that they are acting on behalf of the Company in a technical support capacity.
3. Company representatives should not interfere with a Health Care Professional's independent clinical decision-making.
4. Company representatives should comply with applicable hospital or facility policies and requirements, including patient privacy and credentialing requirements.
5. A Company's technical support should not eliminate an overhead or other expense that the Health Care Professional should otherwise incur while providing patient care.
6. Any request by a Healthcare facility to execute a HIPAA Business Associate Agreement shall be forward to the Acutus Chief Compliance Officer.

### 2.1 Venue for Training and Education Meetings

Acutus Medical-sponsored training and education meetings must be conducted in clinical, educational, conference, or other settings, including hotel or other commercially available meeting facilities, that are conducive to the effective transmission of information. In some cases, it may be appropriate to provide training and education at the Health Care Professional's location. Programs that require "hands

on” training in medical procedures will be held at training facilities, medical institutions, laboratories, or other appropriate facilities. Training staff should have the proper qualifications and expertise to conduct the training or education, including qualified field sales employees who have the technical expertise necessary to perform the training.

## **2.2 Travel, Lodging, Meals and Hospitality**

Acutus Medical may provide attending Health Care Professionals with modest meals and refreshments in connection with these programs, so long as such meals and receptions are modest in value and subordinate in time and focus to the educational or training purpose of the meeting. In addition, Acutus Medical may pay for reasonable travel and modest lodging costs of attending Health Care Professionals, where out-of-town travel is needed to efficiently deliver training and education and this need is supported by objective reasons. Under no circumstances may Acutus Medical pay for the travel or other expenses for guests of attendees who are not otherwise legitimately participating in the program, or for any other person who does not have a *bona fide* professional interest in the information being shared at the meeting.

## **2.3 Audit**

The Compliance Committee (or their designee) will maintain a file that contains the documented need for any training or education program. In addition, any costs incurred by Acutus Medical on behalf of Health Care Professionals who attend training and education meetings should be submitted to the Compliance Committee (or their designee) and Finance, who will maintain a file for each event. The file must include a description of the nature of the meeting, the education and/or training provided, the names of the attendees, the costs incurred for each attendee, and any other costs incurred by Acutus Medical.

# **3 ACUTUS MEDICAL PLANT TOURS AND SITE VISITS**

It is appropriate for Acutus Medical to schedule and conduct tours or site visits of its facilities for Health Care Professionals to demonstrate product innovation, product quality, manufacturing capabilities, training facilities or the development process for new or existing products or surgical techniques.

## **3.1 Acutus Medical Approvals**

All tours and site visits of Acutus Medical facilities must be approved in advance and in writing by the Compliance Committee. Requests for approval should identify the proposed components and purpose of the tour, likely attendees, and a description of any specific costs involved. In instances where an HCP under an active consulting



contract visits an Acutus Medical facility, prior approval for the visit by the Compliance Committee is not required. The Compliance Committee will also allow, for instances where a pre-defined program of tours and site visits by HCP's has been organized, a universal approval of the pre-defined program in place of individual approvals for tours and site visits (provided the definition of the program for tours and site visits meets all stated criteria for these activities and there is a reasonable expectation of adherence to the agenda and scope of the stated program across all HCP's.) Copies of all documents relating to the tour or site visit must be sent to the Compliance Committee for inclusion in the file relating to the relevant Health Care Professional, to be retained for at least six (6) years from the date that the tour or site visit occurred.

### **3.2 Selection of Health Care Professional**

Selection and invitation of Health Care Professionals to tour or visit Acutus Medical facilities must be limited to individuals for whom Acutus Medical has a *bona fide* business purpose of demonstrating product innovation, product quality, manufacturing facilities, or the development process for new or existing products. Acutus Medical personnel are prohibited from inviting Health Care Professionals if there is not a legitimate business purpose for having such individuals attend the tour or site visit. A Health Care Professional may not participate in more than one tour or site visit to the same facility during any one-year period, unless there is a documented written need approved by the Compliance Committee.

### **3.3 Travel, Lodging, Meals, and Hospitality**

Acutus Medical may pay or reimburse documented expenses for reasonable travel and modest meals and lodging and hospitality necessary for Health Care Professionals to participate in a tour or site visit of an Acutus Medical facility for demonstrating product innovation, product quality, manufacturing facilities, training facilities or the development process for new or existing products or surgical techniques. Meals and hospitality, however, should be subordinate in time and ancillary to the tour or site visit. Neither Acutus Medical nor its sales agents or sales associates may pay for, or reimburse, Health Care Professionals for expenses related to spouses, guests, or any other person who does not have a *bona fide* professional interest in the information being presented during the tour. Acutus Medical also may not pay for any additional charge or cost incurred as a result of spouses, guests, or any other person who does not have a *bona fide* professional interest in the information being presented during the tour (*e.g.*, higher room rates for additional guests, or higher fees for meals with additional diners).

### **3.4 Plant Tour/Site Visit Guide**

Health Care Professionals must always be accompanied by qualified Acutus Medical personnel while on-site at an Acutus Medical facility. Acutus Medical personnel must restrict the plant tour/site visit to areas that have been approved by Acutus Medical management for visitors and are prohibited from taking guests to other areas that have not been approved.

### **3.5 Agents and Sales Associates**

Acutus Medical and Acutus Medical personnel are prohibited from conducting any action or engaging in any conduct indirectly through an agent or sales associate that would be prohibited by this policy if such action or conduct were taken directly by Acutus Medical or Acutus Medical personnel and approving or condoning any action or conduct of an agent or sales associate that would be prohibited by this policy if such action or conduct were taken directly by Acutus Medical or Acutus Medical personnel. Actions and conduct of Acutus Medical's agents and sales associates (that are not Acutus Medical personnel) are governed by the terms of the contractual arrangement between such agent or sales associate and Acutus Medical.

## **4 CONFERENCES SPONSORED BY ORGANIZATIONS OTHER THAN ACUTUS MEDICAL**

Acutus Medical has an interest in building awareness and understanding of its products and related disease states through support of third-party scientific and educational meetings. Acutus Medical may provide support for bona fide independent, educational, scientific, or policy-making conferences that promote scientific knowledge, medical advancement, and the delivery of effective health care.

### **4.1 Meetings Sponsored by Professional Organizations**

Acutus Medical may support bona fide, professionally sponsored, independent, educational, scientific or policy-making conferences and professional meetings that have a relationship to Acutus Medical businesses or products.

### **4.2 Conference Grants**

Acutus Medical may provide a grant, either directly to the conference sponsor to reduce conference costs, or to a training institution to allow attendance by medical students, residents, fellows, and others who are Health Care Professionals-in-training. Such educational grants may be provided only when:

- 1) The gathering is dedicated primarily to promoting objective scientific and educational activities and discourse

- 2) The training institution or the conference sponsor selects the attending Health Care Professionals who are in training.

The grants should be paid only to organizations with a genuine educational purpose or function and may be used only to reimburse the legitimate expenses for bona fide educational activities.

#### **4.3 Conference Sponsor Guidelines**

Conference grants must be consistent with relevant guidelines established by the conference sponsor and anybody accrediting the educational activity. The conference sponsor should independently control and be responsible for and control the selection of program content, faculty, educational methods, and materials.

#### **4.4 Modest Meals and Hospitality**

Acutus Medical may provide funding to the conference sponsor to support the provision of meals and refreshments to conference attendees. Acutus Medical may also provide modest meals and refreshments directly to Health Care Professional attendees if such meals and refreshments are provided to all Health Care Professional attendees, but only if provided in a manner which is consistent with the sponsor's guidelines. Any meals and refreshments must be subordinate in time and focus to the purpose of the conference, and clearly separate from the continuing medical education portion of the conference.

#### **4.5 Faculty Expenses**

Acutus Medical may make grants to conference sponsors for reasonable honoraria, travel, modest lodging, and modest meals for HCP's who are *bona fide* conference faculty members.

#### **4.6 Advertisements and Demonstrations**

Acutus Medical may purchase advertisements and lease booth space for company displays at conferences.

#### **4.7 Review and Audit**

All expenditures related to the provision of support for professional meetings, other than the routine costs related to the attendance by Acutus Medical employees, will be subject to review and audit by the Acutus Compliance Committee.

## **5 SALES, PROMOTIONAL AND OTHER BUSINESS MEETINGS**

Business courtesies provided to a Health Care Professional in the context of a bona fide sales and promotional meeting are limited to occasional modest meals and

refreshments, reasonable transportation and modest lodging when necessary. In each case such business courtesies must be related to a legitimate business purpose.

All sales, promotional or other business meeting may be held to discuss, for example, one of the following business purposes:

- Explain the features, use or other important aspects of Acutus Medical products
- Understand a Health Care Professional’s concerns in connection with a product-related service, or other needs or demands
- Explain the services and terms available from Acutus Medical
- Negotiate contracts and sales terms.

Often these meeting occur close to the Health Care Professional’s place of business. It is appropriate to pay for reasonable travel costs of attendees when required for such purposes as plant tours or the demonstration of non-portable equipment and/or to provide occasional modest meals and refreshments in connection with such meetings. It is not appropriate to pay for meals, refreshments, travel, or lodging of guests of Health Care Professionals or any other person who does not have a bona fide professional interest in the information being shared at the meeting.

## 6 CONSULTING ARRANGEMENTS

Acutus Medical may compensate individuals, including Health Care Professionals, for bona fide consulting services, including research, participation on advisory boards, presentations at Acutus Medical-sponsored training, and product design and development collaboration, where the services fulfill a legitimate business need of Acutus Medical and are compensated in accordance with fair market value and are not based on the volume or value of the consultant’s past, present or anticipated business. Such arrangements must be accompanied by a written “needs assessment” (see section 6.2 below) and receive prior approval by the Chief Compliance Officer.

### 6.1 HCP Consulting Agreements

Acutus Medical may enter into consulting agreements with Health Care Professionals for *bona fide* consulting services that are necessary for a commercially reasonable business purpose or a legitimate need of Acutus Medical (*e.g.*, a legitimate need that arises when the Company requires services of Health Care Professionals with certain clinical expertise to achieve a specific objective), and for which the compensation is consistent with the fair market value and is based on objective criteria for the services provided (*e.g.*, type of services performed, level of expertise, amount of time, etc.). Such consulting agreements should comply with the requirements of this policy and

corresponding standard operating procedure. Inducing the Health Care Professional to sell, use, or refer Acutus Medical Products is not a commercially reasonable business purpose.

It is not appropriate for Acutus Medical to enter into consulting agreements with any Health Care Professional for consulting services that are not necessary for a legitimate business purpose of Acutus Medical, not commercially reasonable, or for which the compensation provided by Acutus Medical is based on, or related to, the past, present or future volume or value of business generated directly or indirectly for Acutus Medical by that Health Care Professional.

Acutus Medical will not enter into a contract with a Health Care Professional or an organization that is owned, in whole or in part, by a Health Care Professional solely based on Acutus Medical's relationship with the Health Care Professional or the business generated by the Health Care Professional. Contractors and vendors will be selected based upon commercially reasonable factors negotiated at arm's length.

## **6.2 Needs Assessment**

A Needs Assessment is required for any new engagements that involve HCPs. The Needs Assessment Form documents Acutus Medical's commercially reasonable business purpose(s) for engaging an HCP to provide *bona fide* services to Acutus Medical (see Appendix 3 for Template and incorporated here via link: <S:\SunshineAct-HCPCCompliance\Needs Assessments\Forms And Guidelines\Needs Assessment Form Template.docx>). A completed Acutus Medical Needs Assessment Form must be approved by the Compliance Officer prior to entering into any type of service or consulting arrangement with an HCP.

## **6.3 Identification and Evaluation of Health Care Professionals**

Acutus Medical will employ a standardized methodology to identify and evaluate a Health Care Professional's potential to meet objective criteria for providing consulting services that meet the identified need of Acutus Medical. Expertise or other qualifications may be considered in the identification and evaluation of Health Care Professionals to provide consulting services. The criteria used to evaluate a Health Care Professional must not be based on the past, present, or future volume or value of business generated for Acutus Medical by that Health Care Professional. Sales personnel should not control or unduly influence the decision to engage a particular Health Care Professional as a consultant. Acutus Medical's sales personnel may, however, provide input about the qualifications of a proposed consultant.

#### 6.4 Consulting Agreement Form/Template

All consulting agreements with Health Care Professionals must be in written form. The form or template agreement must be approved by the CEO or CFO, and, at a minimum, include each of the following elements:

- 1) Signature of all parties
- 2) All services to be provided
- 3) The interval of time for services to be provided (such as the approximate number of hours to be provided per quarter or per year)
- 4) The amount of compensation to be provided

The CEO or CFO and the Compliance Committee must approve any changes to the form or template agreement.

#### 6.5 Paid Compensation

Acutus Medical shall pay a Health Care Professional only for the provision of *bona fide* consulting services that are necessary for a commercially reasonable business purpose, and that are actually performed. No payments may be made to any Health Care Professional that fails to provide the consulting services as required by his or her respective consulting agreement. Services provided by a Health Care Professional to Acutus Medical that are outside of the scope of the written consulting agreement must be addressed and compensated according to a separate agreement or an addendum to the existing agreement that has been executed in accordance with the approval process set forth in this policy. No payments or other remuneration or benefit may be made to a Health Care Professional in return for the use, ordering of, or referral of business to Acutus Medical.

Acutus Medical may reimburse Health Care Professionals for reasonable expenses incurred in providing the consulting services that are the subject of the consulting agreement between the Health Care Professional and Acutus Medical. Such reimbursement is limited in accordance with Acutus Medical Compliance Policies for “Business Meals for Health Care Professionals” and “Travel by Health Care Professionals”. Expense reimbursement requests should be made using the “HCP Expense Report Template and Instructions” (file available from the Compliance Committee and Finance and incorporated here via link: <S:\SunshineAct-HCPCCompliance\Policies\HCP Expense Report Template and Instructions.xlsx>). The completed template with receipts attached should be submitted via email to [accountspayable@acutus.com](mailto:accountspayable@acutus.com) for processing.

All compensation paid to a Health Care Professional under a consulting agreement with Acutus Medical will be paid in accordance with applicable tax and other legal requirements.

## **6.6 Surveillance of Health Care Professionals Consulting Agreements**

All documentation associated with a consulting agreement with a Health Care Professional, including the Fair Market Value Assessment, all payment and reimbursement records (including substantiation for work performed), must be stored and maintained in a file pertaining to the Health Care Professional by the Compliance Committee (or their designee). All such documentation must be retained for at least six (6) years from the date that the consulting agreement is terminated.

All compensation paid to a Health Care Professional under any consulting agreement must be tracked with respect to the Health Care Professional who is the subject of the agreement, both with respect to the individual agreements and in the aggregate.

## **6.7 Regulatory Approvals**

If necessary, Acutus Medical and/or the Health Care Professional will obtain approvals or authorizations from the appropriate national, regional or local authorities (if any) or institution, as may be required, for entering into the contractual arrangement between Acutus Medical and the Health Care Professional.

## **6.8 Acutus Medical Approvals**

All consulting agreements between Acutus Medical and a Health Care Professional must be approved in advance, in writing, by the CEO or CFO and forwarded to the Compliance Committee. In addition, the CEO and the CFO of Acutus Medical must approve any consulting agreement with a Health Care Professional for which the compensation will exceed \$500 per hour (USD) or \$20,000 (USD) annually. These individuals must also approve any situation where a physician receives a raise beyond \$500 per hour, even if his initial agreement was for a rate less than \$500 per hour. All requests for approval must include a copy of the Fair Market Value assessment.

Acutus Medical must not approve or execute any consulting agreement with Health Care Professionals that is designed or specifically intended to: (1) reward a Health Care Professional for ordering products from Acutus Medical; or (2) induce a Health Care Professional to order products from or generate business for Acutus Medical.

## **6.9 Agents and Sales Associates**

Acutus Medical and Acutus Medical personnel are prohibited from conducting any action or engaging in any conduct indirectly through an agent or sales associate that would be prohibited by this policy if such action or conduct were taken directly by Acutus Medical or Acutus Medical personnel and approving or condoning any action or conduct of an agent or sales associate that would be prohibited by this policy if such action or conduct were taken directly by Acutus Medical or Acutus Medical personnel.



Actions and conduct of Acutus Medical’s agents and sales associates (that are not Acutus Medical personnel) are governed by the terms of the contractual arrangement between such agent or sales associate and Acutus Medical.

**7 PROHIBITION ON ENTERTAINMENT AND RECREATION**

Providing or paying for any entertainment or recreational events, activities, or items for Health Care Professionals is prohibited. Such activities or items include, for example, theater, sporting events, golf, skiing, hunting, sporting equipment, and leisure or vacation trips. Such entertainment or recreational events, activities or items should not be provided to any Health Care Professional, regardless of the value of such events, activities, or items and regardless of whether the applicable Health Care Professional is engaged as a speaker or consultant of Acutus Medical or whether the entertainment or recreation is secondary to an educational purpose.

**8 FOREIGN CORRUPT PRACTICES ACT**

Business conducted in foreign countries sometimes differs from that in the United States, both in terms of common practice and legality. The simple overriding consideration is that if any unethical or illegal activity is necessary to obtain or retain any business, Acutus Medical will not pursue or seek to retain that business. This policy applies not only to Acutus Medical employees, but also to Acutus Medical agents and distributors working in foreign countries.

Acutus Medical will comply with the U.S. Foreign Corrupt Practices Act (“FCPA”) as well as any relevant laws of foreign countries that we do business in (e.g. U.K. Bribery Act). This policy establishes guidelines for Acutus Medical personnel regarding (i) transactions with Foreign Officials and other Covered Recipients, and (ii) accounting and recordkeeping activities required under the FCPA.

As a company that conducts business in non-U.S. countries, Acutus Medical and Acutus Medical personnel may from time to time be asked for, or encouraged to give, bribes, gifts, favors, or other inducements to secure business opportunities. Acutus Medical’s corporate policy, and its obligations as an ethical corporate citizen, is to comply with all elements of the FCPA and all other antibribery laws and regulations in jurisdictions in which Acutus Medical operates.

Acutus Medical specifically has developed these procedures to govern the action of all Acutus Medical personnel with respect to actions covered by the FCPA, including specifically (i) payments to Foreign Officials and other Covered Recipients, and (ii) accounting and recordkeeping procedures.



## 8.1 Background Information

The FCPA consists of antibribery and accounting rules. These rules govern all transactions, proposed transactions, and all other business with non-U.S. countries and nationals in which Acutus Medical personnel are involved.

It is unlawful for Acutus Medical personnel to offer or make payment or any other inducement to any person with the intent to corruptly influence official conduct of a Foreign Official or other Covered Recipient, including Health Care Professionals that work for foreign governments. Acutus Medical and all Acutus Medical personnel must ensure that all transactions are accurately reflected and maintained in company books.

Acutus Medical personnel must also avoid situations in which their own personal interest, or the interest of their family members, affect the personnel's ability to make decisions that are in the best interest of Acutus Medical. Every business decision must be based on the best interests of Acutus Medical, and not be influenced by bribery, corrupt practices, or personal interests.

Both criminal and administrative penalties may be imposed for FCPA violations, against both companies and individuals, any Acutus Medical corporate entity, any corporate officer or director, and any other Acutus Medical personnel.

The Compliance Committee shall conduct regular training, incorporating updates as necessary, to ensure Acutus Medical personnel are familiar with their personal and the corporation's obligations under the FCPA and this policy. Non-compliance with this policy will result in disciplinary action including probation, suspension, or termination.

## 8.2 Prohibited Gifts and Payments

No individual may give a gift to or receive a gift from any foreign national with whom Acutus Medical has business dealings, or reasonably may have business dealings in the future. If an exchange of gifts is both a legal and normal practice, Acutus Medical will provide the gift and any gift received will become company property.

It is a felony under U.S. laws for Acutus Medical, any of its employees, or anyone acting on its behalf, to give, offer, promise or authorize a payment to a foreign official, foreign political party or official thereof, or any candidate for foreign political office, in connection with obtaining or retaining business for Acutus Medical.

Federal law also makes it a felony to pay money or anything of value to a commission agent, sales representative or consultant when there is knowledge or firm belief that the payment will be used to corruptly influence a government official in connection

with business Acutus Medical is attempting to obtain or retain. Political contributions will not be made by or on behalf of Acutus Medical in foreign countries.

Acutus Medical will observe the laws of foreign countries in which it operates concerning payment of agent's fees and commissions, provided these laws are not in conflict with U.S. law. Employees are not to engage in activities designated to circumvent foreign laws concerning retaining or paying sales representatives and consultants.

Acutus Medical personnel must not corruptly offer, pay, promise to pay, or authorize payment or any inducement to any Foreign Official or other Covered Recipient. This prohibition applies to payments or other inducements in any form, including, for example, charitable donations or other payments that may appear legitimate, if the intent of that payment or inducement (wholly or in part) is to corruptly influence official conduct.

**Examples of prohibited gifts or payment:** Bribery and prohibited payments can take many different forms, including cash or cash equivalents (*e.g.*, gift cards); fees; commissions; profit-sharing agreements, even if done through a formal engagement as a speaker or consultant; gifts; hospitality; entertainment; travel expenses; political or charitable contributions; research grants; fellowship support; event sponsorship; or favors or other non-monetary items. Making, at the suggestion of a Foreign Official, a payment to the Foreign Official's favorite charity with the intention that the Foreign Official will look favorably on an Acutus Medical proposal to furnish goods to that country's national health system is prohibited.

No personnel of Acutus Medical may:

- Directly or indirectly offer or pay (or authorize an offer or payment) of money or anything of value to a Government Official, Healthcare Professional, or any other person or entity (including in the private sector), which is:
  - Intended to influence corruptly the judgment of the recipient in exercising his or her job responsibilities, or
  - Intended to corruptly secure preferential treatment or an advantage for Acutus Medical, or
  - Intended as gratitude for the recipient having made a decision or acted in a way that benefited Acutus Medical improperly.
- Directly or indirectly request or accept any money or item of value, which is:
  - Intended to influence corruptly the judgment or conduct of the person in his or her job responsibilities, or

- Intended as gratitude for having made a decision or acted in a way that benefited improperly the person or entity giving the item of value to the person.

Acutus Medical personnel are also prohibited from engaging in any act that might cause a reasonable person to infer that our company is engaging in the prohibited conduct listed above. That is, all Acutus Medical personnel should try to avoid even the appearance of impropriety.

### **8.3 Reporting Requests for Payments**

Acutus Medical personnel must report promptly to the Chief Compliance Officer any instance in which they, or any other Acutus Medical personnel, agent, or other persons working for them, are asked for a gift, payment, or any other inducement in exchange for influencing official actions in a non-U.S. country.

### **8.4 Payments Permitted with Authorization of CEO/CFO**

Certain payments to Foreign Officials made in connection with demonstrating the company's products or services, and certain Facilitating Payments may be permitted in certain circumstances as provided in Acutus Medical standard operating procedures and/or as determined by the Chief Compliance Officer. Before making any payment or inducement of any type to or for the benefit of a Foreign Official or other Covered Recipient, the payment or inducement must be authorized by the Chief Compliance Officer, which will determine whether the payment or inducement is permissible under the FCPA and under Acutus Medical Compliance Policies. As appropriate, the Chief Compliance Officer may develop a payment plan, schedule, documentation procedures, or other set of processes to govern payments in accordance with the FCPA.

### **8.5 Export Control Laws**

It is Acutus Medical's policy to comply with the export and re-export control rules and regulations under the Export Administration Regulations ("EAR") administered by the United States Department of Commerce and the International Trade in Arms Regulations ("ITAR") administered by the United States Department of State. Officers and employees shall not engage in any export-related transaction on behalf of the company which would violate any EAR or ITAR regulation. Management has been instructed to ensure that all employees involved in export-related transactions comply with all applicable export control requirements.

## 8.6 Accounting and Recordkeeping

The Acutus Medical Finance Department, with assistance from other Acutus Medical personnel as appropriate, shall develop procedures to protect against any FCPA accounting and recordkeeping violations by Acutus Medical and Acutus Medical personnel.

In coordination with Acutus Medical management, and other Acutus Medical personnel as necessary, the CFO will establish and implement specific controls to govern how Acutus Medical and Acutus Medical personnel should conduct transactions involving non-U.S. countries, governments, or nationals, and to ensure access to company assets is limited to legitimate transactions.

These controls should take in account different types of transactions that Acutus Medical and Acutus Medical personnel are involved in on a regular basis, including: payments for services; the making of gifts; providing travel, entertainment, and other related expense to potential customers; payments made to facilitate government action; and other such payments.

These controls should require Acutus Medical personnel, including agents or other persons working on Acutus Medical's behalf, to record promptly and completely the relevant information about all transactions with Foreign Officials or Covered Recipients in which they have been involved. The reporting party then will submit that information to Acutus Medical accounting or other personnel as provided for by the CFO.

## 9 DUE DILIGENCE IN SELECTING EMPLOYEES AND CONTRACTORS

Acutus Medical will not employ or contract with any individual or entity that (a) has been convicted of a criminal offense related to health care, or (b) is debarred, excluded, or otherwise ineligible for participation in federal health care programs. Working with representatives of Acutus Medical's Human Resources Department, the Compliance Committee will assure that every new employee and contractor is screened through the OIG and GSA listings of excluded individuals and that no one appearing on either list is hired. Acutus Medical will conduct appropriate additional background checks on all new employees and contractors. As needed, Acutus Medical will update these background checks.

The screening process will include a review of certain issues and factors as determined by the Compliance Committee in coordination with the CEO and other Acutus Medical personnel and management as appropriate, including, but not limited to, issues identified by the U.S. Department of Justice as "red flags," as well as screening parties against the U.S. Treasury Department of Commerce's Entity List, Denied Persons List,

and Unverified List; and the U.S. State Department's List of Debarred Parties. Screening of parties may also include reviewing any other pertinent issues identified by Acutus Medical in consultation with outside counsel and/or based on a review of FCPA or other applicable compliance guidelines and materials.

Periodically, in addition to initial screening, all consultants, agents, and other third persons authorized to act on Acutus Medical's behalf will be screened for FCPA purposes under procedures established by the Compliance Committee.

## **10 DOCUMENT RETENTION AND RECORDKEEPING**

All Acutus Medical employees shall ensure that all transactions are handled honestly and recorded accurately. Acutus Medical will retain those documents that the Company is required to retain in order to comply with pertinent laws and regulations and that are needed for its daily operations. Where documents are no longer required to be maintained by law or by legitimate business needs, they may be destroyed. Acutus Medical will develop a document retention and destruction policy.

The basic rule regarding destruction of documents shall not apply in the following circumstances:

- (1) service of legal process;
- (2) inquiries indicating the commencement of litigation; or
- (3) notice from the Compliance Officer.

Under these circumstances, no documents should be destroyed until written approval has been received from Acutus Medical's Compliance Officer. The Compliance Officer shall be contacted in the event that an individual is uncomfortable with or questions the appropriateness of destroying certain documents.

## **11 DISCOUNTS, REBATES, AND OTHER PRICING CONCESSIONS**

It is generally permissible for Acutus Medical, its agents and sales associates to provide discounts, rebates and other pricing concessions to Health Care Professionals provided the conditions of this policy are met.

Furnishing discounts, rebates or other pricing concessions on Acutus Medical products (which includes third-party products provided or distributed by Acutus Medical, whether through sale, lease or other arrangement) to Health Care Professionals will be done in accordance with national, state, and local laws and regulations, as well as with applicable industry guidelines.

Acutus Medical's customers have a right to expect, and Acutus Medical has an obligation to ensure, that its products and services are delivered at a fair and reasonable

price. Accordingly, Acutus Medical will establish fair prices for its products and services that reflect its costs, the technology involved, the difficulty of overall contract performance, market conditions, and other relevant factors. Employees involved in the negotiation of contracts must ensure that all statements, communications, and representations are accurate and truthful. The submission to a federal government customer or other customer of a proposal, quotation or other document or statement that is false, incomplete or misleading can result in civil and/or criminal liability for Acutus Medical and any involved employees.

For any government contract in which Acutus Medical enters into where payment is on a cost-reimbursable basis, it is important that employees record accurately all contract-related costs in accordance with generally accepted accounting principles and with applicable U.S. government or state regulations. The shifting of charges or costs to inappropriate contracts or accounts is prohibited by company policy and may be punishable by federal law. Each employee has the responsibility for ensuring that no charge is made to a contract that is incorrect, unallowable, or otherwise improper.

### **11.1 Discounts**

Discounts must not be at the discretion of the Health Care Professional or conditioned upon an agreement to solicit future use, orders, or recommendations of Acutus Medical products. Acutus Medical must fully and accurately report discounts on the invoice or other statement submitted to the Health Care Professional at the time the product is purchased and inform the Health Care Professional on the invoice or other statement of his or her potential obligation to report such discount to payors and insurers, as appropriate.

### **11.2 Rebates**

The terms of any rebate must be fixed and disclosed in writing to the purchaser at the time of contracting. A rebate only may be furnished based upon products sold and purchased. A rebate may not be paid or earned prior to the provision and purchase of the Acutus Medical products to which the rebate applies. Each rebate paid must clearly indicate to the purchaser those Acutus Medical products to which the rebate is to be applied. Acutus Medical should inform the purchaser that the rebate must be applied to products purchased during the purchaser's same fiscal year as when the product for which the rebate is paid. A rebate on any Acutus Medical product(s) may not exceed the sum of the actual purchase price(s) for the Acutus Medical product(s) to which the rebate is to be applied.

The net price of any Acutus Medical product after a rebate has been applied must exceed Acutus Medical's cost of manufacturing the product. Acutus Medical must fully and accurately report rebates on the invoice or other statement submitted to the

Health Care Professional at the time the product is furnished, if known, and inform the Health Care Professional of his or her potential obligation to report such rebate to payors and insurers, as appropriate, as a reduction in price on the Acutus Medical products purchased. Acutus Medical personnel must not pay rebates to Health Care Professionals in cash.

### **11.3 Acutus Medical Approvals**

All discounts, rebates or other pricing concessions that are furnished to Health Care Professionals must be approved in advance, and in writing by the appropriate Commercial Team Leader, Acutus Medical CEO or the CFO (or designee). Requests for approval must, at a minimum, describe the proposed discount, rebate or other pricing concession and the amount of benefit to the Health Care Professional receiving the discount, rebate, or pricing concession.

### **11.4 Distributors, Agents, and Sales Associates**

Acutus Medical and its personnel are prohibited from conducting any action or engaging in any conduct, whether directly or indirectly through another person or entity, such as a distributor, agent, or sales associate, in a manner that would be prohibited by this policy. Actions and conduct of Acutus Medical's distributors, agents, and sales associates (who are not Acutus Medical personnel) are further governed by the terms of the contractual arrangement between such distributor, agent or sales associate and Acutus Medical.

## **12 MODEST MEALS AND HEALTH CARE PROFESSIONAL BUSINESS INTERACTIONS**

It is generally appropriate for Acutus Medical to pay for, or reimburse, Health Care Professionals for expenses for modest business meals. It is not appropriate for Acutus Medical to pay for, or reimburse, Health Care Professionals for personal meals or for meals that are not necessary for the conduct of Acutus Medical business. Payment for, or reimbursement of, modest business meal expenses must be limited to meals for which there is a commercially reasonable business purpose. Such benefits should be occasional, modest, incidental to business related activities, and subordinate in time and focus to the commercially reasonable business purpose. Such meals should involve only those individuals who have a *bona fide* professional interest in the related business and who are necessary for the conduct of the related business.

### **12.1 Modest Business Meals for Health Care Professionals**

Acutus Medical may pay for, or reimburse documented expenses for, Occasional and Modest meals for Health Care Professionals who have a *bona fide*, commercially reasonable business purpose for attending such meals. Business meals with Health



Care Professionals must be attended by Acutus Medical personnel and the primary purpose for the meal must be to conduct Acutus Medical business. The location of any business meal must be conducive to and appropriate for discussing Acutus Medical business. Acutus Medical personnel should not pay for business meals with Health Care Professionals that exceed the following limits unless otherwise provided in an Acutus Medical policy or standard operating procedure:

- Breakfast - \$50.00 per person (USD)
- Lunch - \$100.00 per person (USD)
- Dinner - \$200.00 per person (USD)

Certain high-cost locations as outlined in the Acutus Compliance Program: Standards of Conduct, Appendix 1, are subject to higher limits.

It is inappropriate for Acutus Medical personnel to pay for meals or other Hospitality for Health Care Professionals' guests or any other person if there is not a commercially reasonable business purpose for such person to be in attendance. Acutus Medical is prohibited from paying for, or reimbursing a Health Care Professional for, any additional charges or costs that are incurred for the guest or spouse of a Health Care Professional (for example, higher fees for meals with additional diners).

Modest meals associated with a Health Care Professional licensed in the states of Massachusetts and/or Vermont should occur in an office or hospital setting. **Any other venue is strictly prohibited.**

## 12.2 Meal Related Expense Documentation

All business meal-related expenses for Health Care Professionals must be submitted to Acutus Medical Accounts Payable department for review and processing in accordance with Acutus Medical policies and standard operating procedures. The following information must be provided for reimbursement of business meal-related expenses:

- Date of meal
- Amount of expenses incurred
- Name and location of restaurant
- Business purpose of the meal
- Specific product/topic discussed.
- Names, titles, and associated company name of participants

All the original receipts for the business meal expenses shall always be provided to the accounts payable department. Copies of all processed expenses (in a report format) must be sent by Finance to the Compliance Committee (or their designee) for inclusion in the file relating to the relevant Health Care Professional, to be retained for at least six (6) years from the date that the expense was incurred.



### 12.3 Agents and Sales Associates

The Chief Compliance Officer will establish limits on the frequency and costs of meals provided to Health Care Professionals. As part of the audit function, the Chief Compliance Officer will verify that Acutus Medical employees are observing such limits. Acutus Medical and Acutus Medical personnel are prohibited from conducting any action or engaging in any conduct indirectly through an agent or sales associate that would be prohibited by this policy if such action or conduct were taken directly by Acutus Medical or Acutus Medical personnel and approving or condoning any action or conduct of an agent or sales associate that would be prohibited by this policy if such action or conduct were taken directly by Acutus Medical or Acutus Medical personnel. Actions and conduct of Acutus Medical agents and sales associates (that are not Acutus Medical employees) are governed by the terms of the contractual arrangement between such agent or sales associate and Acutus Medical.

## 13 TRAVEL BY HEALTH CARE PROFESSIONALS

Generally, it is appropriate for Acutus Medical to pay for, or reimburse, Health Care Professionals for necessary and reasonable travel-related expenses and modest lodging costs incurred when related to their performance of services for Acutus Medical or other travel requested by Acutus Medical. Payment for, or reimbursement of, such expenses must be limited to individuals for whom there is a bona fide documented, commercially reasonable business purpose for such travel. It is not appropriate for Acutus Medical to pay for travel and lodging expenses for Health Care Professionals' guests or any other person if there is not a commercially reasonable business purpose for such person to be traveling.

Acutus Medical may reimburse travel-related expenses for Health Care Professionals in accordance with applicable national, state, and local laws and regulations, as well as applicable industry guidelines. Travel associated with attendance by Health Care Professionals at:

- Acutus Medical product training and education events
- Acutus Medical sales and promotional activities and conventions
- Acutus Medical plant tours and site visits
- Continuing medical education events for Health Care Professional sponsored by Acutus Medical must adhere to the applicable sections within this policy document

### 13.1 Air Transportation

Payment for, or reimbursement of, travel-related expenses must be limited to individuals for whom there is a *bona fide* documented, commercially reasonable business purpose for such travel. Such travel should be directly related in time and

location to the commercially reasonable business purpose. Health Care Professionals should generally travel via coach-class tickets. Unless otherwise authorized by Chief Compliance Officer, first class and business class tickets are deemed appropriate only if the *bona fide* documented, commercially reasonable business purpose requires an international flight or cross-country flight with a flight time of greater than six (6) hours. Original receipts for travel expenses shall always be provided to the accounts payable department.

## **13.2 Ground Transportation**

All Health Care Professionals may travel to conduct Acutus Medical business via car, rented vehicle, taxi or mass transportation as deemed reasonable by both price and convenience to the Health Care Professional.

### **13.2.1 Car Travel**

Acutus Medical may reimburse Health Care Professionals for mileage for travel in their personal automobiles at the Internal Revenue Service standard mileage rate in place at that time as well as for tolls, shuttles, cab fare or ferry fees with an original receipt and as noted in their reimbursement expense form.

Car rentals are appropriate and will be reimbursed with provision of an original receipt, in limited instances. Car rentals shall be reimbursed only for instances in which the car is necessary to travel for Acutus Medical business, and only for days when conducting Acutus Medical business. Car rentals should be limited to a standard-size car. Mileage costs will not be reimbursed in addition to car rental costs. Limousine services shall not be reimbursed unless the service is organized by Acutus Medical to accommodate multiple Health Care Professionals or unless such service is necessary.

### **13.2.2 Mass Transportation**

Health Care Professionals may use, and may be reimbursed for, travel for Acutus Medical business using mass transportation (e.g. train, bus, or subway) as needed to travel to Acutus Medical related events. Mass transportation travel costs should not exceed reasonable air travel or car rental costs.

### **13.2.3 Lodging/Accommodations**

Acutus Medical may provide or reimburse the expenses for overnight accommodations (e.g. hotel rooms) for Health Care Professionals who are traveling on Acutus Medical business and who will be unable to return home for one or more nights due to the conduct of such Acutus Medical business. All modest lodging and overnight accommodations provided or reimbursed by Acutus Medical must be modest and convenient to the conduct of the Acutus Medical business. Where other rooms are available, a suite is not appropriate lodging. Incidental room expenses, such as movies, spa fees, and alcoholic beverages will not be paid for or reimbursed by Acutus

Medical. Reasonable telephone charges and appropriate meals for the traveling Health Care Professional (including room service) may be paid for or reimbursed by Acutus Medical, for meals that comply with the dollar limits set forth in the Modest Business Meals section of this document.

### **13.3 Travel Related Expense Documentation**

All travel-related expenses for Health Care Professionals must be submitted to Acutus Medical accounts payable department for review and processing in accordance with Acutus Medical policies and standard operating procedures for processing travel expenses. The following information shall be provided for reimbursement of travel-related expenses:

- Date of travel
- Amount of expenses incurred
- Name and location of destination
- Business purpose of the travel.
- Names, titles, and associated company name of participants

Original receipts for travel expenses shall always be provided to the accounts payable department. Copies of all processed expenses (in a report format) must be sent by Finance to the Compliance Committee (or their designee) for inclusion in the file relating to the relevant Health Care Professional, to be retained for at least six (6) years from the date that the expense was incurred.

### **13.4 Agents and Sales Associates**

Acutus Medical and Acutus Medical personnel are prohibited from conducting any action or engaging in any conduct indirectly through an agent or sales associate that would be prohibited by this policy if such action or conduct were taken directly by Acutus Medical or Acutus Medical personnel and approving or condoning any action or conduct of an agent or sales associate that would be prohibited by this policy if such action or conduct were taken directly by Acutus Medical or Acutus Medical personnel. Actions and conduct of Acutus Medical agents and sales associates (that are not Acutus Medical personnel) are governed by the terms of the contractual arrangement between such agent or sales associate and Acutus Medical.

## **14 GIFTS TO HEALTH CARE PROFESSIONALS**

Providing gifts to Health Care Professionals is prohibited. Similarly, providing branded promotional items, even if the item is of minimal value, is prohibited. It is permissible to occasionally (a couple of times per year) provide items to Health Care Professionals that benefit patients or serve a genuine education function. Subject to

some limited exceptions, these items should have a fair market retail value of less than \$100.

#### **14.1 Prohibition on Educational Items and Gifts**

It is permissible to occasionally provide items (i.e., not gifts) to Health Care Professionals that benefit patients or serve a genuine educational function for Health Care Professionals. Examples of items that benefit patients include starter kits and educational brochures. Permissible items are those that are only those that are not capable of a non-educational or non-patient related purpose, such as a DVD player or an iPod. The fair market retail value of any such items must be less than \$100, *although the \$100 limit may be exceeded in the case of medical textbooks or anatomical models used for educational purposes.* While the \$100 limit is intended to be a per-item amount, consideration should be given to the frequency of providing such items to any one individual. For example, multiple items to the same person, despite having a value below the \$100 threshold, as well as items to multiple Health Care Professionals or staff of a Health Care Professional, should be avoided (gifts to the staff of a Health Care Professional are treated as though given to the Health Care Professional directly and are subject to all of the restrictions of this section.) Gifts, such as food, flowers, wine, or other refreshments, even if to recognize a significant life event, are prohibited. Gifts or other items may not be given as a “thank you” for the purchase of Acutus Medical products.

#### **14.2 Branded Promotional Items**

It is not permissible to give Health Care Professionals any type of non-educational branded promotional items, even if the item is of minimal value and related to the Health Care Professional’s work or for the benefit of patients. This includes items such as pens and notepads, and other items that might have Acutus Medical’s name, logo or the name or logo of an Acutus Medical product.

### **15 REIMBURSEMENT SUPPORT PROGRAMS**

Acutus Medical may provide accurate and objective, timely and complete coverage, reimbursement and health economic information on its products to Health Care Professionals. In addition, Acutus Medical may collaborate with Health Care Professionals, patients and organizations representing their interests, to achieve government and commercial payor coverage decisions, guidelines, policies and adequate reimbursement levels to allow patients access to Acutus Medical products. Acutus Medical may not provide this information for unlawfully inducing Health Care Professionals to purchase, lease, recommend, use, or arrange for the purchase, lease, or prescribe Acutus Medical’s products.

### **15.1 No Charge Services**

Acutus Medical cannot interfere with a Health Care Professional's decision-making or provide coverage, reimbursement and health economics support as a free service that eliminates a Health Care Professional's overhead or other expense. For example, it is not permissible to provide personnel or services to a Health Care Professional in situations that relieve such Health Care Professional of the need to hire such personnel or purchase such services, unless a fair market value rate is received. Acutus Medical should not suggest mechanisms for billing services that are not medically necessary or for engaging in fraudulent practices to achieve inappropriate payment.

### **15.2 Corporate Communication Statement of Disclaimers**

Acutus Medical must ensure that, in connection with furnishing reimbursement support information, it has communicated to the Health Care Professional that the Health Care Professional, as the provider or supplier of the item to the patient, is ultimately responsible for ensuring the validity of the code(s) used to bill the Medicare program. Appropriate disclaimer language must be used in all communications.

### **15.3 Continuing Communications with Health Care Professionals**

If Acutus Medical becomes aware of any development that changes or raises an issue with respect to reimbursement support information provided to a Health Care Professional by Acutus Medical, Acutus Medical will promptly notify such Health Care Professional of such development.

## **16 GRANTS AND CHARITABLE DONATIONS**

Educational and research grants and charitable donations are permitted only if the grant or donation is not an unlawful inducement to purchase, order, or recommend Acutus Medical's products.

Permissible donations include those supporting genuine independent medical research for the advancement of medical science or education, indigent care, patient education, public education, or the sponsorship of events where proceeds are intended for charitable purposes. Donations may not be linked, implicitly or explicitly, to an agreement to use, order, recommend or refer for Acutus Medical products or used to reward prior purchases. Acutus Medical sales personnel may provide input about the suitability of a proposed grant or charitable donation recipient or program, but all final decisions with respect to whether a Health Care Professional or institution will receive such grant or charitable donation will be the responsibility of the Chief Compliance Officer.

### **16.1 Research Grants**

Acutus Medical may provide research grants to support independent and original medical research with scientific merit. Such activities should have well-defined protocols, with specific objectives and milestones and may not be linked directly or indirectly to the purchase of Acutus Medical products.

### **16.2 Educational Grants**

Educational grants may be provided for legitimate educational purposes, including: supporting an endowed chair at an academic institution; subsidizing the education of fellows participating in fellowship programs with an academic affiliation; subsidizing medical congresses and conferences; and educating patients or the public about important health care topics. Educational grants may not be made to individual Health Care Professionals.

### **16.3 Charitable Donations**

Acutus Medical may make monetary donations or donations of Acutus Medical equipment for charitable purposes. Donations should be motivated by *bona fide* charitable purposes and should be made only to *bona fide* charitable organizations, or, in rare instances, to individuals engaged in genuine charitable activities for the support of a *bona fide* charitable mission.

### **16.4 Review and Audit**

All donations are subject to review and audit by the Chief Compliance Officer. The Chief Compliance Officer will review to be certain that for each donation there is in the file a description of the organization, the purpose of the donation, objective criteria for the donation, the amount requested, and a statement addressing whether or not there is any relationship or affiliation between the organization for which the donation is intended and any customer or potential customer of Acutus Medical, or anyone in a position to influence the sale or purchase of Acutus Medical equipment.

## **17 CALIFORNIA COMPLIANCE PROGRAM CERTIFICATION**

Acutus Medical is required to annually certify compliance with requirements of the California Health and Safety Code, Division 104, Part 15, Chapter 8, Sections 119400-119402 (the “Statute”) via posting on the Acutus Medical website and based on our good faith understanding of the requirements of the Statute as it may apply to medical device manufacturers.

### **17.1 Program Certification Description**

As part of our ongoing efforts in the area of legal and ethical compliance, Acutus Medical has developed the Comprehensive Compliance Program which sets forth certain of our policies regarding relationships with Health Care Professionals as defined in the Statute. Acutus Medical is required to certify compliance with the Statute on an annual basis and will do so with a summary certification statement. The Statute also requires that the Comprehensive Compliance Program include a specific annual dollar limit, which is \$2,000, on promotional materials, or items or activities that the Company may give or otherwise provide to an individual medical or health care professional.

The summary certification statement will not include the numerous policies and practices that comprise our Compliance Program. The Program is subject to regular monitoring by the Compliance Committee, who will perform a formal annual review of our adherence to the Program and issue the compliance certification declaration. Acutus Medical may identify potential or actual violations of provisions of our compliance program. In those instances, Acutus Medical promptly investigates and responds appropriately to any violations consistent with our policies addressing noncompliance or misconduct, as described in the Acutus Medical Comprehensive Compliance Program.

Our Compliance Program is dynamic and evolves as the laws and regulations that impact our industry evolve. Accordingly, the Program is subject to change.

### **17.2 California Compliance Certification Statement**

#### **Acutus Medical, Inc.**

#### **Declaration Under California Health & Safety Code Section 119402**

#### **Annual Declaration (at January 31)**

Actus Medical is committed to conducting its business ethically and in compliance with all applicable laws. To the best of its knowledge and based on a good faith understanding of the statutory requirements in the state of California, Acutus Medical declares that it has established a Compliance Program that meets the requirements set forth in California Health & Safety Code, Sections §119400-119402. Accordingly, the Company has established an annual dollar limit of \$2,000 per individual on items or activities provided to medical or healthcare professionals, as defined under the California Law. Acutus Medical has tailored its Compliance Program to meet the specific needs of the Company and continuously assesses the effectiveness of the Compliance Program. Acutus Medical declares that, based upon its current internal



tracking and monitoring systems, the Company is, in all material respects, in compliance with the provisions of its Compliance Program.

## 18 EVALUATION PRODUCTS

Acutus Medical may provide reasonable quantities of Acutus Medical products to Health Care Professionals at no charge for evaluation purposes. Such purposes include allowing the Health Care Professional to assess the appropriate use and functionality of the product and to determine whether and when to use, order, purchase, or recommend the product in the future.

### 18.1 Evaluation Time Period

Acutus Medical products should be furnished only for a period that is reasonable under the circumstances to allow for an adequate evaluation – typically limited to 90 days or less. The terms of the evaluation should be set in advance in writing. These terms should expressly state that Acutus Medical retains all title to all such products during the evaluation period and include a process by which Acutus Medical may promptly remove such products from the Health Care Professional’s location at the end of the evaluation period unless the Health Care Professional purchases or leases the products.

### 18.2 Audit

All evaluation agreements must be maintained in a file for audit by the Compliance Officer. The file must include the period of the evaluation. As part of the audit function of the Compliance Program, the Compliance Committee (or designee) will be responsible to ensure that the applicable Acutus Medical product has been returned in accordance with the terms of the evaluation, or whether the Health Care Professional purchased or leased the applicable Acutus Medical products.

## 19 PRODUCT SAMPLES

Acutus Medical personnel may furnish free or discounted samples to Health Care Professionals in accordance with applicable national, state, and local laws and regulations, as well as applicable industry guidelines.

Generally, it is appropriate for Acutus Medical personnel to provide samples to Health Care Professionals. Those Health Care Professionals and entities that receive samples must be informed that they may only use the samples in a manner that is consistent with the approved uses indicated on the labels of the products according to the appropriate national authority or regulatory body overseeing medical devices or equipment. Health Care Professionals and entities are limited to receiving a few samples that are required to support a *bona fide* need consistent with this policy.



Health Care Professionals who receive product samples must be informed not to seek reimbursement for the product sample.

### **19.1 Product Samples for Health Care Professionals**

It is permissible to provide samples without charge to Health Care Professionals to permit evaluation by Health Care Professionals who either: (1) are unfamiliar with the product and have a *bona fide* interest in using or purchasing such product; or (2) request a sample to use for demonstrative purposes with patients or potential patients. Free samples should be made available to all Health Care Professionals in the same manner (in other words, regarding the same Acutus Medical product, free samples may not be offered to certain Health Care Professionals, but not others who are similarly situated). Health Care Professionals are limited to receiving only the number of samples that is necessary to support a stated need consistent with this policy.

Acutus Medical must inform the recipient of any samples that:

- May not be used in humans
- The recipient may not re-sell the samples to any third party
- The recipient is prohibited from seeking reimbursement for any third-party payor for the sample, charging patients or third-party payors for such free items or for the use thereof, or otherwise re-sell the items.

### **19.2 Approved Institutions**

Acutus Medical may provide free samples to *bona fide* Approved Institutions for training or educational purposes related to the use of Acutus Medical products. Acutus Medical must inform the Approved Institution that its use of the free samples received from Acutus Medical must be restricted to *bona fide* training and educational purposes, and it is prohibited from re-selling the free samples to any third-party and from charging patients or third-party payors for the free items. The number of samples provided to an Approved Institution must be consistent with the training and educational need of the institution.

### **19.3 Recipients of Free Acutus Medical Product Samples**

Acutus Medical personnel may not offer, give, or grant as a condition of any contract or service, free samples to any:

- Health Care Professional (or such person's family members or business associates)
- Approved Institution
- Any entity with whom Acutus Medical has a current or potential future business relationship if the offering, giving or granting of such free samples could unduly influence or could have the appearance of potentially unduly influencing the business judgment of the recipient in purchasing other Acutus Medical products.

Recipients of free samples must be informed that they are limited to a few samples required to support a stated need consistent with this policy and are required to use the samples or other items in a manner that is consistent with the approved uses indicated on the labels of the products according to the appropriate national authority or regulatory body overseeing medical devices or equipment.

#### **19.4 Approvals by Compliance Committee**

Generally, Acutus Medical approval is not required when furnishing free samples (demo or instruction units) to Health Care Professionals if provided in accordance with this policy. If samples are implanted in an anatomical model, prior written approval from the Compliance Committee is required.

Prior to providing any samples to a recipient, the recipient must have received any necessary approvals or authorizations from the appropriate national, regional or local authorities (if any), as may be required.

#### **19.5 Agents and Sales Associates**

Acutus Medical and Acutus Medical personnel are prohibited from conducting any action or engaging in any conduct indirectly through an agent or sales associate that would be prohibited by this policy if such action or conduct were taken directly by Acutus Medical or Acutus Medical personnel and approving or condoning any action or conduct of an agent or sales associate that would be prohibited by this policy if such action or conduct were taken directly by Acutus Medical or Acutus Medical personnel. Actions and conduct of Acutus Medical's agents and sales associates (that are not Acutus Medical personnel) are governed by the terms of the contractual arrangement between such agent or sales associate and Acutus Medical.

## **20 REPORTING VIOLATIONS OF STANDARDS OF CONDUCT**

The Standards of Conduct must be followed by all Acutus Medical employees. This obligation applies to every employee of Acutus Medical, regardless of their position. A violation of a Standards of Conduct is a serious matter. Under appropriate circumstances, and after proper procedures have been followed, employees may be subject to discipline, up to and including termination, for violations of the Standards of Conduct.

It is the responsibility of each employee to promptly report any known or suspected violation of the Standards of Conduct, any other Acutus Medical policy, or any Federal or State law or regulation. Employees can satisfy this reporting obligation in several ways. First, employees may make a report, which can be made anonymously. Anonymous reports may be made by calling Acutus Medical's toll-free anonymous

reporting hotline at (844) 977-0463. Alternatively, employees may submit a written report to the Compliance Officer discussing any concerns. Written reports will be treated with the same degree of confidentiality as oral reports, and they may be anonymous. Employees should be assured that retaliation for filing a report of a violation in good faith is absolutely prohibited, even if the report is not found to be accurate.

## 21 APPENDIX 1: DEFINITIONS

Bona Fide - The fact of being genuine or made in good faith without fraud or deceit.

Covered Recipient – Any Foreign Official, non-U.S. political party, official of a non-U.S. political party, candidate for foreign political office, or any other person, if the goal of paying or offering to pay that person is to corruptly influence any official act or decision taken by that person or any other person.

Discount – A reduction in the amount a buyer (who buys directly or through a wholesaler or a group purchasing organization) is charged for an item or service based on an arms-length transaction.

FDA – U.S. Food and Drug Administration

Facilitating Payment – Any payment to a Foreign Official or other Covered Recipient the purpose of which is to expedite or to secure the performance of a routine governmental action by a Foreign Official or other Covered Recipient.

Fair Market Value - The value of an item or service, as bargained for in an arms-length negotiation, that is consistent with the price that a well-informed buyer and seller, who are not otherwise in a position to generate business for the other party, would agree to purchase or sell the same item or service, at the same time of the purchase or sale, in the same geographic region.

FCPA – U.S. Foreign Corrupt Practices Act, as amended from time to time.

Foreign Official – Any officer or employee of (i) any non-U.S. government; (ii) any department, agency, or instrumentality of a non-U.S. government, or (iii) any public international organization; any person acting in an official capacity for or on behalf of any such government or department, agency or instrumentality; or any person acting for or on behalf of any such public international organization.

HCP – Health Care Professional

Hospitality – Modest food (not meals), beverages, and local transportation, such as hors d'oeuvres, refreshments or cocktails.

Instrumentation – Disposable or reusable Acutus Medical products used in medical procedures in human patients.

Labeling - The label and any other written, printed, or graphic material that accompanies a device and any of its wrappers or containers including operating and servicing instructions.

Minimal Value – Less than or equal to \$25 (USD).

Misbranding - A device is misbranded if its labeling is false or misleading in any way. Examples of misbranding include but are not limited to: 1) words, statements, or other required information that are not placed prominently on the labeling or not stated clearly to be read and understood by the ordinary individual under customary conditions of purchase and use; and 2) labeling that does not bear adequate directions for use.

Modest - Of moderate or low value for the geographic location.

Occasional - Infrequent.

Off-Label Use - The use of an approved or cleared Acutus Medical product in a manner that FDA has not approved as safe and effective or cleared through a substantial equivalence determination (i.e., not included in the product’s approved labeling or statement of intended uses). The terms “unapproved new use”, “unapproved use”, and “off-label use” can be used interchangeably.

Promotion - Any way Acutus Medical personnel provide Health Care Professionals with information regarding Acutus Medical Products. Promotion types include printed materials (brochures, magazines, and professional journal advertisements), media (television, radio, and web) and oral statements (discussions between Health Care Professionals and Acutus Medical personnel or representatives, presentations by Acutus Medical personnel or representatives at non-scientific conferences, and speeches at Acutus Medical sponsored events). “Promotion” includes any reference or discussion of the uses of Acutus Medical products, as well as any discussion regarding payment, coding, or reimbursement related to Acutus Medical products and/or the procedures in which they have been or may be used.

Sales Meeting – A gathering of one or more Health Care Professionals to promote or discuss features, specifications and/or pricing of Acutus Medical products (including products in development). A Sales Meeting does not include a sales call, business meal, or gatherings focused on training or education relating to the implantation of Acutus Medical products, as described in the Acutus Medical Compliance Policy on “Support of Acutus Medical Product Training and Medical Education.”

Sample – An Acutus Medical product or instrument provided to a Health Care Professional or other person for purposes of demonstrating the product or instrument’s use, and not for use with living human subjects.

Acutus Medical Compliance Policies – Acutus Medical compliance policies are set forth in and incorporated into the Acutus Medical Compliance Program.

Acutus Medical Compliance Program – A comprehensive set of ethical and compliance directives approved by the Board of Directors.

Acutus Medical Personnel – All employees of Acutus Medical, including employees of any subsidiary, affiliate, or other entity controlled by, or under common control with, Acutus Medical, including contractor personnel, temporary agency personnel, and non-employee agents acting on the company’s behalf.

**22 APPENDIX 2: SUPPORTING DOCUMENTATION**

AdvaMed Code of Ethics on Interactions with Health Care Professionals

Federal Anti-Kickback Statute

Federal False Claims Act

Federal Civil Monetary Penalties Statute

Federal Food, Drug, and Cosmetic Act

**23 APPENDIX 3: NEEDS ASSESSMENT FORM TEMPLATE**

The Acutus Medical Needs Assessment Form is completed as part of the Acutus Medical annual business planning process. Revisions to the annual needs assessment may be submitted during the course of the year based on changes in the needs initially identified during the annual needs assessment process for which there is reasonable justification.

The Acutus Medical Needs Assessment Form documents Acutus Medical’s commercially reasonable business purposes for engaging Health Care Professionals to provide bona fide services to Acutus Medical. An approved Acutus Medical Needs Assessment is needed to complete the Acutus Medical HCP Engagement Form, which must be approved prior to entering into any Service Provider Agreement with a Health Care Professional.

Section 1 – Needs Assessment General Information

Program Owner

<b>Program Owners Name:</b>	<b>Title:</b>
<b>Department:</b>	
<b>Telephone Number:</b>	
<b>Needs Assessment for Fiscal Year:</b>	
<b>Needs Assessment Proposal:</b>	
<input type="checkbox"/> <b>New</b> ( <i>i.e.</i> , this form is being completed as part of the annual business planning process)	

<input type="checkbox"/> <b>Revision to annual needs assessment</b> (Include last revision date):
<b>Related Product(s) and/or Market covered in Needs Assessment, if any:</b>

**Section 2 – Business Needs Assessment**

**Program Owner**

<b>Business Need (General Description):</b>
<b>Project (s) Description/Plan:</b>  <p style="color: blue; font-size: small;">&lt;Include, at a minimum: (1) a description of the project that will require services of one or more Health Care Professionals; (2) a description of the specific services sought; (3) the anticipated number of hours of such services (e.g., 40 hours); (4) the anticipated duration of such services (e.g., 10 months); (5) the number of Health Care Professionals that may be required to provide such services; (6) the proposed budget for the services; and (7) why the services are needed to achieve the commercially reasonable business need described above.&gt;</p>
<b>What will be provided as a result (deliverables):</b>  <p style="color: blue; font-size: small;">&lt;Describe below what tangible activity or deliverable will be received by Acutus Medical because of fulfilling the commercially reasonable business need described above. This may include deliverables such as: speaking engagements, market feedback, papers, case studies, images, clinical data, Clinical research fees, etc.&gt;</p>
<b>Service Provider Qualifications (be as specific as possible):</b>  <p style="color: blue; font-size: small;">&lt;Describe below what expertise or other qualifications that candidates for Service Provider Agreements will need to have in order to fulfill activities defined by this needs assessment such as: OD, MD, PhD, papers published, years of experience in field, geography, area of expertise, etc.&gt;</p>

**Section 3 – Approval**

**Compliance Officer**

Program Owner	Signature/Date:
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Compliance Officer	Signature/Date:

**Section 4 – Administration**

**Needs Assessment Administrator**

After the Needs Assessment is approved by all the approval signatures, the Needs Assessment Administrator assigns a number for future tracking purposes, files the original, and forwards copies to the Requestor/Originator.	
	<b>Needs Assessment Number:</b>