

REFERENCE: AD1.0073 Physician Recruitment/Relocation Agreements
REFERENCE: Stark Law, 42 U.S.C. § 1395nn and implementing regulations
REFERENCE: Definitions of Immediate Family Members, 42 C.F.R. § 411.351

SCOPE:

This policy applies to Tomball Hospital Authority d/b/a Tomball Regional Hospital (“Tomball, Hospital or TRH”) and any other entity or organization in which Tomball or affiliate owns a direct or indirect equity interest of 50% or more.

PURPOSE:

The purpose of this policy is to ensure, through the implementation of prudent and reasonable controls that the Hospital does not make loans to physicians and does not guaranty loans made to physicians, unless covered by other applicable policies. The purpose of this policy is to also ensure compliance with the terms of the Corporate Integrity Agreement (“CIA”) dated July 23, 2007, and the CIA Amendment dated May 5, 2009, between Tomball Hospital Authority d/b/a Tomball Regional Hospital (the “Hospital”) and the Office of the Inspector General (“OIG”) of the Department of Health and Human Services.

DEFINITIONS:

The following definitions apply to this policy:

1. “Physician” means a duly licensed and authorized doctor of medicine or osteopathy, a doctor of dental surgery or dental medicine, a doctor of podiatric medicine, a doctor of optometry, or a chiropractor or any immediate family member of a physician.
2. “Immediate family member” means husband or wife; birth or adoptive parent, child or sibling; stepparent, stepchild, stepbrother, or stepsister; father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law; grandparent or grandchild; and spouse of a grandparent or grandchild.
3. “Group practice” means two or more physicians who practice through a single legal entity, using a common trade name and common tax identification number, including a faculty practice plan or other physician group practice.
4. “Hospital Based Physicians” include but are not limited to: anesthesiologist, radiologists, pathologists and emergency physicians.
5. “Physicians who are in effect Hospital-Based” include but are not limited to: neonatologists, hospitalists, and intensivists.

POLICY:

The Hospital may not loan money or guaranty the loan of money from a third-party lending institution or any other source to the physician or to any group practice. Notwithstanding the foregoing, the Hospital may pay relocation benefits and start-up loans pursuant to a Physician Recruitment/Relocation Agreement that meets the requirements of the TRH Physician Recruitment/Relocation Agreements Policy; AD1.0073.

Programs that have the effect of providing an income guarantee or the equivalent to a

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hospital-based physician or a physician who operates in effect like a hospital-based physician or programs that operate with the purpose of reducing the cost to the facility of hospital-based physician services or the equivalent are not considered loans prohibited by this policy.

ENFORCEMENT:

Failure to adhere to the terms and conditions of this policy will be referred to the Legal Services Department, the Compliance Officer, or designee, and the appropriate administrative officers and shall result in appropriate human resources action up to and including termination. Failure to adhere to the terms and conditions of this policy also will be a factor in individual performance evaluations, including individual compensation determinations.

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COMPLIANCE: Accounting
COMPLIANCE: Administration
COMPLIANCE: Business Development
COMPLIANCE: Compliance
COMPLIANCE: Legal Services