

	Ethics & Compliance Department	
	Policy No.: 10	Created: 07/2015
		Reviewed: 04/2023
	Revised: 09/2020	

RESPONDING TO GOVERNMENT INVESTIGATIONS

SCOPE:

Applies to all Envision Healthcare teammates. For purposes of this policy, all references to “teammate” or “teammates” include temporary, part-time and full-time employees, independent contractors, clinicians, officers and directors.

PURPOSE:

Envision Healthcare and its subsidiaries and affiliates (“Envision” or “the Company”) has adopted this Responding to Government Investigations policy to provide guidance for responding appropriately to requests or inquiries from government agencies.

POLICY:

It is the Company’s policy to cooperate fully with reasonable requests from any government agency concerning the Company's operations. The fact that a law enforcement agent requests information from the Company or its teammates does not mean a crime has been committed or that the agent has concluded a crime was committed. The Company has legal obligations to comply with Medicare and Medicaid rules and regulations as a result of its billing entities and contracts with hospitals. Certain governmental–entities have the right to request information about the services the company provides. Teammates of the Company may receive requests for information. It is Company policy that teammates advise the Chief Compliance Officer or his/her designee before responding to any requests which are outside the ordinary scope of routine reports, regularly made to government authorities.

Rights in responding to government inquiries or requests a teammate has:

- The right to consult with legal counsel during a government investigation or inquiry.
- The right to decide whether he/she wishes to speak to, or not to speak to, a government investigator.
- The right to ask for time to consult with a Company representative or to review Company information.
- If he/she decides to be interviewed, the right to ask the investigator to schedule the interview at a convenient time and place.

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A teammate’s obligation in responding to government inquiries or requests:

- Never destroy Company documents in anticipation of a request.
- Never alter Company documents, records, or patient medical records.
- Never lie or make misleading statements to government investigators.
- Never pressure anyone to hide information from, or provide false information to, government investigators.

Requests for information can come from:

- Private entities;
- United States Department of Health and Human Services (“HHS”);
- The HHS Office of Inspector General;
- Carriers or fiscal intermediaries acting on behalf of HHS or lower state Medicaid programs;
- The United States Attorney’s Offices;
- State or Local Prosecutor’s Offices;
- State Departments of Public Welfare or Medical Assistance;
- State Boards of Medicine, Nursing, and other licensing bodies;
- Office of Civil Rights; and/or
- Federal Bureau of Investigations, Internal Revenue Service, and other federal or state investigative agencies.

Requests could be in any of these forms:

- A contract review letter;
- A civil investigative demand;
- An audit letter requesting access to, or copies of, files and other records;
- A pre-payment or post-payment review letter;
- A subpoena from either a state or federal grand jury;
- A subpoena from either a state or federal agency or from a law enforcement agency; and/or
- An interview.

PROCEDURE:

Responding to Government Inquiries or Interviews:

- Always make sure to ask the interviewer’s name and proof of his or her identity.

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- Request a description of the information sought and the reason the agency believes you have this information.
- Remember your rights.
- Immediately notify the following:
 - Your immediate supervisor
 - The Company’s Chief Compliance Officer
 - The Company’s Legal Department

Immediately report any and all contact with government agencies regarding implied illegal or improper activity to your supervisor, the Chief Compliance Officer, and the Legal Department. A copy of any letter, subpoena, correspondence, audit request, or other documents received from a government agent must be forwarded to the Chief Compliance Officer or his/her designee in the Ethics & Compliance Department within 24 hours of receipt. This contact includes any inquiries or requests, outside the ordinary scope of routine reports that are regularly made to government authorities.

Understand your rights and obligations as previously outlined. Note that government agents are permitted to record conversations without a teammate’s knowledge or consent, and they do not need a court order to do so.

Subpoenas

A subpoena is a command to produce testimony or documents before a jury or judge. If a subpoena does not require you to give testimony, you have the right to decline to talk. Be aware of your rights and obligations (Reference Page 1).

Teammates must advise the Chief Compliance Officer and his/her supervisor before responding to a subpoena. An Officer or Senior Manager of the Company must sign and accept the subpoena. Teammates may not personally accept a subpoena directed to the Company unless he or she is an Officer or Senior Manager of the Company.

The Company has the right to copy all requested records and produce them on the return date of the subpoena, which is a reasonable date in the future. Never surrender an original or sole copy of a record.

Search Warrants

A search warrant is a court order authorizing government agent to search a specific location, during a specified time, and to seize specific items.

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Responding to a Search Warrant

- Request identification.
- Request a copy of the search warrant.
- Immediately notify:
 1. Your immediate supervisor or a member of management
 2. The Company’s Chief Compliance Officer
 3. The Company’s Legal Department
- Once you have located your supervisor, follow his/her instructions.
- Do not interfere with the execution of the search.
- If an agent questions you, remember your rights.
- Leave the area if you are not needed to assist in the search.

Be aware of your rights in responding to a search warrant. You have the same rights and obligations in responding to a search warrant as to government inquiries.

If you have any questions regarding this policy, please contact the Chief Compliance Officer.

POLICY REVIEW

The Ethics & Compliance Department will review and update this Policy, as necessary, in the normal course of its review of the Company’s Ethics & Compliance Program.