

# Code of Conduct

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REVISED: MAY 24, 2021

# Code of Conduct

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## PURPOSE

Surgery Partners is committed to the highest standards of ethics, honesty, and integrity in pursuit of its core values to act with integrity; be accountable; drive clinical and service excellence; demonstrate compassion and kindness; and set and exceed expectations. All Directors, Officers, employees, Partner Physicians, providers, vendors, affiliated entities, business associates, and others who participate in the work and mission of Surgery Partners (collectively Surgery Partners Community Members) are expected to adhere to this Code of Conduct in the discharge of their duties. Consistent with other Surgery Partners policies and procedures, the Code of Conduct provides guidance for the Surgery Partners community and sets forth our commitment to good practices and following the law. Each section of this document has a separate stand-alone policy which can and should be referenced for additional detail.

Notwithstanding any provision of this Code to the contrary, the provisions of this Code shall not be deemed to limit the provisions of the Amended and Restated Certificate of Incorporation of Surgery Partners and, in the event of any conflict, the provisions of the Amended and Restated Certificate of Incorporation shall govern.

Following this Code of Conduct will help you do the right thing. It will also protect you and the Surgery Partners community. You are encouraged to talk with your supervisor if something is not clear, and the Office of Compliance is always available to assist you.

## COMPLIANCE WITH THE LAW

**Surgery Partners is committed to compliance with all applicable laws, rules, and regulations.**

It is the responsibility of Surgery Partners Community Members to follow, in the course and scope of their work at Surgery Partners, all applicable laws, rules, regulations and Surgery Partners policies, as well as federal and state healthcare program requirements and maintain an environment that is committed to integrity and ethical conduct.

All Surgery Partners Community Members are required to report any concerns that may be violations of law, regulation, contract, or policy to the appropriate party. Surgery Partners will take no adverse action, and maintains a policy specifically prohibiting retaliation, against persons who make such reports in good faith.

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## PATIENT CARE AND RIGHTS

**Our guiding principle at Surgery Partners is that patient care decisions are based on clinical concerns and not business economics.**

Only qualified physicians with proper licensure and credentials can practice medicine or surgery at the Company's Facilities.

All medical records and documentation necessary to meet the requirements of medical staff by-laws, policies, accreditation standards, and all laws and regulations will be maintained.

Patients have the right of informed consent. No medical procedure can be performed without the patient's consent. In special situations where the patient is unwilling or unable to consent to treatment, the Surgery Partners employee should consult with Surgery Partners Chief Compliance Officer.

## CONFIDENTIALITY

**Surgery Partners is committed to the appropriate protection of confidential information.**

Federal and state laws and Surgery Partners policies prohibit the unauthorized seeking, disclosing or giving of confidential information, contained in patient, research, employee or business records. All Surgery Partners Community Members are required to know and comply with laws and policies related to information privacy and security. Confidential information includes all financial, patient and other records and non-public information that, if disclosed, might be of use to competitors, or harmful to Surgery Partners, its partners or patients.

All Surgery Partners Community Members are required to complete confidentiality training and agree to abide by its content. Confidential information is to be accessed, used, and disclosed only when authorized or required by law and required to complete assigned job duties. User IDs, passwords, and other authentication devices are the equivalent of a signature within the information systems and must be safeguarded and never shared or disclosed. Surgery Partners Community Members are required to know and comply with laws and policies related to information privacy and security.

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## DISCRIMINATION

**Surgery Partners is committed to the principles of diversity and equality and will not discriminate.**

Surgery Partners does not discriminate against individuals on the basis of their race, sex, religion, color, national or ethnic origin, age, disability, sexual orientation, gender identity, gender expression, military service, pregnancy, physical or mental disabilities, genetic information, or any other class protected by applicable law in its administration of policies, programs or employment.

## HARASSMENT

**Surgery Partners prohibits harassment of any kind.**

Surgery Partners strictly prohibits harassment or contribution to any type of harassment. This includes, but is not limited to, sexual harassment or misconduct, treating colleagues in a disrespectful manner, retaliation, or bullying. Everyone is encouraged to report if they witness any type of harassment.

## CONFLICTS OF INTEREST

**All Surgery Partners Community Members should avoid potential or perceived conflicts of interest.**

A “conflict of interest” occurs when an individual’s private interest interferes in any way, or even appears to interfere, with the interests of Surgery Partners as a whole. A conflict situation can arise when a Surgery Partners Community Member takes actions or has interests that may make it difficult to perform his or her work for Surgery Partners objectively and effectively. Conflicts of interest also arise when a Surgery Partners Community Member, or a member of his or her family, receives improper personal benefits as a result of his or her position in or with Surgery Partners. Loans, guarantees or obligations to Surgery Partners Community Members or family members are of special concern, and must comply with all laws and may be subject to approval by the Audit and Compliance Committees of the Board of Directors.

Any Surgery Partners Community Member who becomes aware of a conflict or potential conflict of interest or any material transaction or relationship that reasonably could be expected to give rise to a conflict of interest should bring it to the attention of a supervisor, manager or the Chief Compliance Officer.

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## **PUBLIC DISCLOSURE SHOULD BE FULL, FAIR, ACCURATE, TIMELY AND UNDERSTANDABLE.**

Directors, officers and employees who are involved in the preparation of reports and documents that Surgery Partners files with or submits to the Securities and Exchange Commission or that are otherwise public communications have a responsibility to promote full, fair, accurate, timely and understandable disclosure in such reports, documents and communications. Such persons shall act in accordance with Surgery Partners Disclosure Controls and Procedures Manual.

## **PROHIBITION FROM TAKING SURGERY PARTNERS CORPORATE OPPORTUNITIES**

**Surgery Partners is committed to prohibiting the taking of Surgery Partners corporate opportunities for improper personal gain.**

Surgery Partners Community Members are prohibited from (a) taking for themselves opportunities that are discovered through the use of Surgery Partners' property, information or position, without the consent of a majority of the disinterested members of the Board of Directors, (b) using Surgery Partners' property, information or position for improper personal gain or (c) competing with Surgery Partners directly or indirectly. Directors, officers and employees owe a duty to Surgery Partners to advance its legitimate interests when the opportunity to do so arises.

## **FAIR DEALING IN ALL ACTIVITIES**

**Surgery Partners is committed to fair dealing in all activities.**

Surgery Partners Community Members should endeavor to deal fairly with Surgery Partners' partners, employees, competitors, customers and suppliers. Surgery Partners Community Members should not take unfair advantage of anyone through manipulation, concealment, abuse of privileged information, misrepresentation of material facts or any other unfair-dealing practice in connection with Surgery Partners' business.

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## RESEARCH AND SCIENTIFIC INTEGRITY

**Surgery Partners is committed to following all laws and regulations related to scientific research.**

Surgery Partners Community Members are responsible for accurate and complete documentation of research and health care services, the conduct of research with scientific integrity, and adherence to all applicable state and federal regulations particularly regulations relating to the protection of human research participants and accurate reporting and appropriate expenditure of grant funds. In the interest of maintaining the highest standards of patient care and scientific integrity, researchers and physicians must familiarize themselves with all federal and state laws and any requirements of the funding sponsor governing their activities and with policies and procedures relating to misconduct in research.

## MARKET COMPETITION AND PURCHASING, GIFTS, AND KICKBACKS

**Surgery Partners is committed to complying with state and federal antitrust (monopolies) and anti-kickback laws and regulations.**

Surgery Partners business practices prohibit setting charges in collusion with competitors, giving or receiving kickbacks, entering into certain exclusive arrangements with vendors, and sharing confidential information with competitors. When someone who can influence purchasing decisions made at Surgery Partners takes money or anything of value from a vendor, it can be considered a kickback, which is illegal. No Surgery Partners Community Member may solicit gifts, gratuities or accept cash from patients, vendors or others.

Additionally, Surgery Partners Community Members should be aware that if someone refers a patient to another provider and receives something of value in exchange, it can be considered a kickback. Anti-kickback rules also apply to the recruitment of providers, recruitment of research subjects, and the acquisition of providers' practices.

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## PATIENT REFERRALS

**Surgery Partners is committed to the lawful referral of patients to services outside Surgery Partners for the delivery of appropriate patient care.**

**We do not pay for referrals.**

We accept patient referrals and admissions based solely on the patient's medical needs and our ability to render the needed services. We do not pay or offer to pay anyone -- employees, physicians, or other persons or entities -- for referral of patients.

**We do not accept payments for referrals we make.**

No Surgery Partners employee or any other person acting on behalf of the organization is permitted to solicit or receive anything of value, directly or indirectly, in exchange for the referral of patients. Similarly, when making patient referrals to another healthcare provider, we do not take into account the volume or value of referrals that the provider has made (or may make) to us.

If a referring physician, or his or her immediate family member, has an ownership or investment interest in or a compensation arrangement with the entity to which a patient is referred, and payment for the referred services will be made from a federal or state health care program (such as Medicare, Medicaid and Medicare Advantage) a federal law, commonly referred to as the "Stark Law," may prohibit the referral. No Surgery Partners providers shall refer a patient for services in violation of the law.

## BILLING AND CLAIMS

**Surgery Partners is committed to charging, billing, documenting and submitting claims for reimbursement for facility and professional services in the manner required by applicable laws, rules and regulations.**

All providers and staff should know and carefully follow the applicable rules for submission of bills and claims for reimbursement.

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## INELIGIBLE PERSONS

**Surgery Partners is committed to only contract with, employ, or bill for services rendered by an individual or entity that is not excluded or ineligible to participate in federal/state healthcare programs.**

Surgery Partners screens all Surgery Partners Community Members against applicable federal and state lists of ineligible or excluded persons prior to working or contracting with Surgery Partners. Surgery Partners does not employ or contract with any individual who is suspended or debarred from federal government contracts and has not been reinstated in a federal/state healthcare program after a period of exclusion, suspension debarment, or ineligibility.

## ACCURACY, RETENTION, AND DISPOSAL OF DOCUMENTS AND RECORDS

**Surgery Partners is committed to the integrity and accuracy of our organization's documents and records, not only to comply with regulatory and legal requirements but also to ensure records are available to support our business practices and actions.**

No one may alter or falsify information on any record or document. Records must never be destroyed in an effort to deny governmental authorities that which may be relevant to a government investigation. All medical records and documentation necessary will meet the requirements of medical staff by-laws, policies, accreditation standards, and all laws and regulations. Medical and business documents and records are retained in accordance with the law and our record retention policy.

## DISCHARGE PLANNING AND ANCILLARY SERVICE REFERRALS

**Surgery Partners is committed to appropriate discharge planning and the lawful referral of patients for ancillary health care services.**

Surgery Partners recognizes that the discharge of a patient to a residence or post-hospitalization provider is an important decision. In developing and implementing discharge plans, Surgery Partners providers and staff act in the best interest of the patient, in the judgment of the health care provider. This includes the involvement and consent of the patient or patient's legal representative.

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## EMERGENCY TREATMENT FOR PATIENTS AND WOMEN IN LABOR AND PATIENT TRANSFERS

**Surgery Partners is committed to following state and federal laws and regulations with respect to the medical screening, stabilization, admission, and treatment of patients with emergency medical conditions and pregnant women who are in labor regardless of a patient's financial or insurance status in our affiliated facilities with an Emergency Department.**

Emergency services are available to all persons in need of those services without regard to their financial or insurance status. If any individual comes to the Emergency Department of an affiliate facility of Surgery Partners for a medical examination or treatment of a medical condition, the affiliate facility must provide that individual with an appropriate medical screening examination to determine if an emergency medical condition exists, and if one does, the affiliate facility must stabilize the emergency medical condition within its capabilities. Surgery Partners commitment to patients is reflected in our willingness to help anyone in need, without discrimination of any kind.

## ENVIRONMENT

**Surgery Partners is committed to complying with all applicable environmental laws and to maintaining all necessary environmental permits and approvals.**

Environmental compliance includes the proper handling, storage, use, shipment and disposal of all materials that are regulated under any applicable environmental law.

## CONTROLLED SUBSTANCES

**Surgery Partners prohibits the unlawful possession, use, manufacture or distribution of illicit drugs and alcohol on its property or as part of any Surgery Partners sponsored activity.**

Health care professionals, including those who maintain Drug Enforcement Agency (DEA) registration, must comply with all federal and state laws regulating controlled substances.

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## EMPLOYEE LICENSURE AND CERTIFICATION

**Surgery Partners is committed to workforce integrity by promoting that employees and contractors must maintain licensure and certifications as required for their positions.**

All employees and contractors retained by Surgery Partners in positions which require professional licenses, certifications or other credentials are responsible for maintaining their credentials and must comply at all times with applicable laws and requirements applicable to their respective disciplines.

- We do not allow any licensed employee or contractor to work without a valid, current licenses or credentials, or to otherwise provide services unless fully authorized to do so by law;
- To assure compliance, Surgery partners may require evidence of the employee, contractor or facilities current license.

## DISCIPLINARY ACTION

**Surgery Partners is committed to responding appropriately when anyone at Surgery Partners violates law or policy.**

All Surgery Partners Community Members must carry out their duties for Surgery Partners as stated in these policies, and, as required by law, report violations of local, state or federal laws, rules or regulations to a supervisor, the Office of Compliance, the General Counsel or the Surgery Partners Action Line (877-363-3069 / <http://SPActionline.ethicspoint.com> / <http://SPActionlineMobile.ethicspoint.com>).

If any leader, staff or representative does not report violations, knowing that such a failure violates a clear legal obligation, the individual may be subject to disciplinary action and may be terminated from employment. Disciplinary action may apply to a supervisor who knowingly directs or approves a person's improper actions, or is aware of those improper actions but does not act appropriately and within the supervisor's scope of authority to correct them, or who, by knowingly violating a clear legal or professional duty, otherwise fails to exercise appropriate supervision.

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## RESPONSE TO INVESTIGATION

**Surgery Partners is committed to cooperating with government investigators as required by law.**

Surgery Partners Community Members who receive a subpoena, search warrant, or other similar document, before taking any action, that person must immediately contact the General Counsel or the Office of Compliance. The General Counsel and the Office of Compliance are responsible for authorizing the release or copying of documents. If a government investigator, agent, or auditor comes to Surgery Partners headquarters or a Surgery Partners affiliate facility, a supervisor, the Chief Compliance Officer, the General Counsel, or the Facility Administrator should be contacted before discussing any matters with such investigator, agent, or auditor.

## OFFICE OF COMPLIANCE

To assist Surgery Partners with its commitment to appropriate conduct, all Surgery Partners Community Members are encouraged to report violations of any law or policy to a supervisor, the Office of Compliance, or the Surgery Partners Action Line

**(877-363-3069)      <http://www.SPActionLine.ethicspoint.com>  
<http://SPActionlineMobile.ethicspoint.com>**

It is the duty of all Surgery Partners Community Members to report Surgery Partners job-related criminal conduct of which they have actual knowledge or Surgery Partners job-related situations that endanger the health and safety of any individual. All reports are treated as confidential and are shared with others only on a bona fide need-to-know basis. Surgery Partners will take no adverse action toward, and prohibits retaliation against, persons making reports in good faith. False accusations made with the intent of harming or retaliating against another person can subject the accuser to disciplinary action.

## WAIVERS OF CODE OF CONDUCT

Any waiver of this Code for executive officers or directors of Surgery Partners may be made only by the Board of Directors. The nature of reasons for and existence of the waiver will be promptly disclosed to the shareholders of Surgery Partners as required by law.

## STATEMENT OF RECEIPT AND ACKNOWLEDGMENT

Upon initial employment or contract and annually thereafter, Surgery Partners leaders, staff, and representatives must acknowledge compliance with the Code of Conduct.