



# Healthcare Anti-inducement and Anti-kickback Policy

**Applies to:** All employees worldwide when interacting with United States Health Care Professionals

**Effective Date:** September 16, 2008; Revised September 25, 2015; January 1, 2020; March 1, 2021; June 1, 2022; October 15, 2024.

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## 1. Introduction

Hologic, Inc. and its subsidiaries and affiliates (“Hologic” or the “Company”) is dedicated to the improvement of patient care, through providing innovative, high quality, cost-effective health care technology. The Company recognizes that adherence to ethical standards and compliance with applicable laws and regulations is critical to achieving those objectives.

The anti-kickback/anti-inducement laws are aimed at ensuring that medical decision-making is free of improper industry influence. These laws are complex and the activities governed by them are

enforced broadly by the US government. The risks associated with violating the law include felony conviction, extensive fines, government enacted corporate integrity agreements, exclusion from government contracting for the purchase of Hologic products and prohibition on customers from seeking reimbursement for Hologic’s products under federal healthcare programs (Medicare/Medicaid).

The law makes it a felony for the Company to offer to pay anything of value (to a customer) directly or indirectly, to induce a purchase or recommendation to purchase a product or service paid for by a federal healthcare program.

The law has been widely interpreted by US courts that no payment actually has to be made; the violation of the law can occur in the “offer” itself. Moreover, it has ruled that it is only necessary to prove that one of the purposes of the payment was to induce the ordering of goods or services, even if there is some other “justifiable” purpose.

The Company respects the obligation of Health Care Professionals to make independent decisions and has developed this policy as guidance to employees regarding their interactions with Health Care Professionals.

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*The term “Health Care Professional” includes individuals and entities who purchase, lease, recommend, use or arrange for the purchase or lease of Hologic’s products in the United States including both clinical and non-clinical professionals who make product-related decisions. This is a broad definition intended to encompass anyone with material influence over purchasing decisions.*

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This policy is reflective of the AdvaMed Code of Ethics on Interactions with U.S. Healthcare Professionals. The Company supports and has adopted the principles outlined in the AdvaMed Code which can be found at:  
<https://www.advamed.org/member-center/resource-library/advamed-code-of-ethics/>

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*Hologic is a proud supporter of the AdvaMed Code, which can also be found on the Company's policy page. Hologic associates are encouraged to consult the AdvaMed Code for additional examples of the concepts discussed in this policy.*

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The Company encourages all Hologic associates to consult with the Legal Department to review sales, marketing, advertising, promotional, educational or other programs involving Health Care Professionals. Please review this policy carefully when considering your activities and consult with your manager or the Legal Department as necessary. Any interpretation of this policy not specifically addressed below must support Hologic's objective of encouraging ethical business practices and avoiding unlawful inducement with respect to Hologic's products. Any exceptions to this policy or non-standard activity involving Health Care Professionals must be reviewed and approved by the Legal Department prior to implementation.

Each of the Company's operating divisions maintains systems and processes specific to its programs and products that help ensure compliance with the principles stated in this policy. Associates should consult guidance disseminated by their applicable division from time to time for more detailed requirements. Note that other Company policies may apply to the topics addressed here; such as the Company's Sunshine Act Policy that addresses tracking and documentation of payments to Health Care Professionals.

## 2. Reporting Suspected Violations

It is each employee's personal responsibility to bring violations or suspected violations of this policy to their supervisor, the designated Compliance Officer or the Legal Department. The Company encourages you to report or question any conduct that may violate this policy. Employees will not suffer any retribution in connection with any good faith reporting.

**To report a suspected violation of this policy through the [Hologic Compliance Hotline](https://hologic.ethicspoint.com): 1-888-320-6579 or <https://hologic.ethicspoint.com>.**

## 3. Hologic-Sponsored Product Training and Education

Hologic often makes education and training available to customers to ensure the safe and effective use of Hologic's technology. Such programs should follow the following guidelines:

- Programs should have a clearly-defined, legitimate business purpose documented in an event agenda or similar program materials.
- Programs and events should be conducted in clinical, educational, conference, or other settings, including hotel or other commercially available meeting facilities, which are conducive to the effective transmission of knowledge. As an alternative to in-person programs, Hologic should consider whether the legitimate education or training need could be met via a virtually-conducted program.
- Programs requiring "hands on" training should be held at training facilities, medical institutions, laboratories or other appropriate facilities. Training staff may include field sales employees but must have the proper qualifications and expertise to provide training.

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- Hologic may provide attendees with modest meals and refreshments in connection with training programs but they must be subordinate in time and focus to the educational or training purpose of the meeting.
- Where there are objective reasons to support the need for out-of-town travel, Hologic may pay for reasonable travel and lodging costs incurred by attendees of the educational or training event.
- Hologic will not pay for the meals, hospitality, travel, or other expenses for relatives or guests of Health Care Professionals, or for any other person who does not have a *bona fide* professional interest in the information being shared at the meeting.

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*Although most training sessions may be conducted locally or virtually, out-of-town travel for training may be warranted if the product is not easily moved (e.g., large capital equipment) or the training is most efficiently delivered at a training center that enables hands-on sessions.*

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#### 4. Sponsoring Third Party Educational Conferences

*Bona fide* independent, educational, scientific, or policymaking conferences promote scientific knowledge, medical advancement and the delivery of effective health care. Such educational events typically include conferences sponsored by national, regional, or specialty medical associations; conferences sponsored by accredited continuing medical education providers; and hospital grand rounds. Hologic may support such events in the following ways:

- **Educational Grants.** Hologic may provide a grant either directly to the conference sponsor to reduce conference costs, or to a training institution or conference sponsor, to allow

attendance by medical students, residents, fellows, and others who are Health Care Professionals in training. Hologic may provide educational grants when: (1) the gathering is primarily dedicated to promoting objective scientific and educational activities and discourse; and (2) the training institution or the conference sponsor selects the attending Health Care Professionals who are in training. Such 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. Such grants also should be consistent with relevant guidelines established by professional societies or organizations. The conference sponsor should be responsible for and control the selection of program content, faculty, educational methods, and materials.

- **Reasonable Meals and Hospitality.** Hologic may provide funding to the conference sponsor to support the conference's meals and hospitality. Hologic may provide meals and receptions for professional attendees, but only if it is also consistent with the sponsor's guidelines. Any meals, receptions, and hospitality should be reasonable in value and should be subordinate in time and focus to the purpose of the conference.
- **Faculty Expenses.** Hologic may make grants to conference sponsors for reasonable honoraria, travel, lodging, and meals for Health Care Professionals who are *bona fide* conference faculty members.
- **Advertisements and Demonstration.** Hologic may purchase advertisements and lease booth space for company displays at conferences.

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*It is not appropriate for Hologic to sponsor the private social event of a Health Care Professional such as an office holiday party.*

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## 5. Company-Conducted Programs and Meetings

It is appropriate for Hologic to meet with Health Care Professionals to discuss product features, service offerings, contract provisions, and sales terms and to pay for occasional hospitality during these meetings but only in the form of reasonable meals and receptions for Health Care Professional attendees which are conducive to the exchange of information. It is also appropriate to pay for reasonable travel costs of attendees when there is a legitimate need for an in-person meeting (e.g., for plant tours or demonstrations of non-portable equipment). It is not appropriate to pay for meals, hospitality, 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. Jointly Conducted Education and Marketing Programs

On occasion, the Company may choose to partner with Health Care Professionals to jointly conduct education and marketing programs such as a promotional advertisement featuring the Company's products that also highlights a Health Care Professional. There must be a legitimate need for the Company to engage in this activity for its own educational or marketing benefit. In this type of arrangement the Company and Health Care Professional must serve as *bona fide* partners, with contributions and costs shared fairly and equitably. Also, information must be presented in a fair and balanced manner. Due to the inherent complexity of these types of arrangements, it is important that associates work with their legal business partner on implementation to ensure appropriate controls and documentation is put in place prior to execution.

## 7. Arrangements with Consultants

Health Care Professionals may serve as consultants to Hologic, providing valuable *bona fide* consulting services such as research, participation on advisory boards, presentations at Hologic-sponsored training, and product collaboration. It is appropriate to pay Health Care Professionals reasonable compensation for performing these services. The following factors support the existence of a *bona fide* consulting arrangement between Hologic and Health Care Professionals:

- Consulting agreements should be written and describe all services provided. Contracts for clinical research services should be based on a written research protocol.
- Consulting agreements are entered into only where a legitimate need and purpose for the services is identified in advance.
- Selection of consultants is based on the consultant's qualifications and expertise to address the identified purpose.
- Compensation paid to consultants must be consistent with fair market value for the services provided.
- Hologic may pay for reasonable and actual expenses incurred by consultants in carrying out the subject of the consulting arrangement, including reasonable and actual travel, reasonable meals and lodging.
- The venue and circumstances for Hologic meetings with consultants must be appropriate to the subject matter of the consultation. These meetings must be conducted in clinical, educational, conference, or other settings, including hotel or other commercially available meeting facilities or virtually, conducive to the effective exchange of information.

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- Hologic-sponsored hospitality events in conjunction with a consultant meeting must be reasonable in value and subordinate in time and focus to the primary purpose of the meeting.
- Hologic's sales personnel may provide input about the suitability of a proposed consultant but should not control or unduly influence the decision to engage a particular Health Care Professional as a consultant.

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*Consulting agreements may never be provided as an award or incentive for present or future business. A company may hire only as many consultants as are necessary to fulfill its requirements for bona fide services.*

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It is the responsibility of each business unit to ensure that any compensation paid to a Health Care Professional is consistent with fair market value. Each business unit maintains various resources and tools to help associates understand the Company's fair market value payment rates for any particular Health Care Professional specialty. Each business unit should document the process for determining legitimate need and fair market value compensation. Associates should contact their legal business partner if they have questions regarding what is an appropriate compensation rate for services involving a Health Care Professional.

## **8. Prohibition on Entertainment and Recreation**

Interactions between Hologic personnel and Health Care Professionals should be professional in nature and should facilitate the exchange of medical or scientific information that will benefit patient care. To ensure the appropriate focus on education and/or informational exchange and to avoid even the appearance of impropriety, Hologic should not provide or pay for any entertainment or recreational event of activity for any non-employee Health Care Professional. Entertainment and recreational

events (e.g., theater, golf, sporting events, vacation trips) should not be provided, regardless of: (1) their value; (2) whether the Company engages the Health Care Professional as a consultant; or (3) whether the event is secondary to an educational purpose.

## **9. Modest Meals and Travel for Health Care Professionals**

Hologic may provide modest meals in connection with its legitimate business interactions with Health Care Professionals. The meal should be incidental to the *bona fide* presentation of scientific, educational or business information and provided in a setting conducive to the presentation of such information. Meals may be provided only to Health Care Professionals who actually attend the meeting and who have a *bona fide* professional interest in the information being shared at the meeting. Hologic may not provide a meal for an entire office staff where everyone does not attend the meeting. It also may not provide a meal where its representative is not present (such as a "dine and dash" program). Meals and refreshments provided to Health Care Professionals may not exceed \$150.00 per head/per meal OR \$150.00 per day, including tax and tip. Associates must use care when hosting events that involve alcoholic beverages and take steps to ensure consumption remains moderate and reasonable. Consider using per-person drink limits, per-drink spend limits, limitations on types of alcohol permitted, or disallow alcohol at certain events.

As noted throughout this policy, in certain circumstances the Company may provide travel and lodging for Health Care Professionals when there is a legitimate business need. Like meals, travel and lodging expenses must be modest and reasonable under the circumstances. The Company will not pay for a health care professional's personal travel or lodging.

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*The Company's Health Care Professional meal limit is **\$150.00 per head/per meal OR \$150.00 per day, including tax and tip.** Be sure to consult any detailed guidance provided by your department or division with respect to hosting meals or events, including tracking requirements for these activities and expenses.*

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If the Company elects to host a presentation, educational session or similar business interaction via a virtual interface (Zoom, Webex, etc.), the Company may send a modest meal to the health care facility, business office or similar place of employment for program participants. In this circumstance, all other aspects of this policy as well as the Company's record keeping policies (such as sign in sheets, headcount collection and the like) still apply. The Company may not send a meal to a Health Care Professional at his/her home nor may it reimburse a Health Care Professional (either directly or by providing a pre-paid meal card) for a meal purchased by the Health Care Professional to be eaten during the Company's virtual program without prior written approval from the Legal Department for an exception.

The spend limits described above apply to any interactions between the Company and Health Care Professional, regardless of how arranged for or paid. Company associates may not split bills or charge any portion of an expense to their personal account in order to meet the thresholds and other requirements noted above.

## **10. Educational Items; Prohibition on Gifts**

Hologic occasionally may provide items to Health Care Professionals that benefit patients or serve a genuine educational function for Health Care Professionals. Other than medical textbooks or anatomical models used for educational purposes, any such item should have a fair market value of less than \$100. Hologic may not provide items that are

capable of use by the Health Care Professional (or his or her family members, office staff or friends) for non-educational or non-patient-related purposes, for example, a cellphone or watch.

Hologic may not 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. Hologic also may not provide Health Care Professionals with gifts such as cookies, wine, flowers, chocolates, gift baskets, holiday gifts or cash or cash equivalents.

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*Examples of prohibited non-promotional items include pens, notepads, mugs and other items that have Hologic's name or logo, or the logo of one of its products on them.*

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## **11. Providing Reimbursement and Other Economic Information**

Hologic may support accurate and responsible billing to Medicare and other payers by providing objective coverage, reimbursement and health economics information to Health Care Professionals and their patients. This information may include identifying available coverage and reimbursement codes for Hologic products, or of procedures using those products. Hologic may also provide information designed to offer technical or other support intended to aid in the appropriate and efficient use or installation of Hologic products. However, it is inappropriate for Hologic to interfere with Health Care Professional's independent decision-making or provide coverage, reimbursement or health economics support as an unlawful inducement.

## **12. Grants and Other Charitable Donations**

Hologic may make donations for a charitable purpose, such as supporting genuine independent medical research for the advancement of medical

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science or education, indigent care, patient education, public education, or the sponsorship of events where proceeds are intended for charitable purposes. Donations should be made only to charitable organizations or, in rare instances, to individuals engaged in genuine charitable work. It is not appropriate for the Company to make such donations for the purpose of unlawfully inducing Health Care Professionals to purchase, lease, recommend, use, or arrange for the purchase, lease or prescription of Hologic's products. All donations should be appropriately documented in writing. Examples of appropriate charitable grants and related considerations are:

- **Advancement of Medical Education.** Hologic may make grants or award scholarships to support the genuine medical education of medical students, residents, and fellows participating in fellowship programs, which are charitable or have an academic affiliation or, where consistent with the preamble to this section, other medical personnel.
- **Support of Research with Scientific Merit.** Hologic may make research grants to support genuine medical research. Such grants must be funded by and solely determined by the Company's functional groups responsible for Clinical Affairs or Research and Development and not Sales and Marketing. The purpose of the grant must be clearly documented in writing.
- **Public Education.** Hologic may make grants for the purpose of educating patients or the public regarding important health care topics.

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*A Company may support a Health Care Professional's charitable event (e.g. golf tournament, outing, gala dinner, and the like) if the proceeds earned from the event are used for a charitable purpose and the donation is not otherwise used as an inducement. The Company may not pay for an individual Health*

*Care Professional to attend or participate in the charitable event.*

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## 13. Evaluation and Demonstration Products

Under certain limited circumstances the Company may provide reasonable quantities of product to Health Care Professionals at no charge for evaluation and demonstration purposes:

- **Single Use/Consumables/Disposables.** The number of single use products provided at no charge should not exceed the amount reasonably necessary for the adequate evaluation of the products under the circumstances.
- **Multiple Use/Capital.** Multiple use products provided without transfer of title for evaluation purposes should be furnished only for a period of time that is reasonable under the circumstances to allow for an adequate evaluation. The terms should be set in advance in writing and the Company should have procedures for removing the product at the conclusion of the evaluation if the product is not sold or leased the customer.
- **Demonstration.** The Company may provide demonstration products for education and training of Health Care Professionals or patients. Unlike evaluation products, demonstration products are not typically used for patient care and should be labeled accordingly.

## 14. Company Representatives Providing Technical Support

Company representatives may play an important role in the clinical setting by providing technical support in the safe and effective use of the Company's products. When providing this support, representatives must:

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- Enter and be present only at the request of and under the supervision of a Health Care Professional.
- Be transparent they are acting on behalf of the Company in a technical capacity.
- Not interfere with a Health Care Professional's independent decision-making.
- Comply with the applicable hospital or facility policies and requirements.
- Not eliminate overhead or other expense that the Health Care Professional should otherwise incur while providing care.

## 15. State Requirements

In addition to federal requirements, certain states have more stringent requirements when it comes to interactions with Health Care Professionals who are licensed in their particular state or interactions with hospitals and health care facilities in their state. Key differences of these state requirements are noted below but this list is not exhaustive. It is important that associates consult the specific policies of their division medical education teams and/or their legal business partner as needed when dealing with Health Care Professionals licensed in these areas.

### California

California law requires the establishment of a compliance program that includes various elements such as training and restrictions on items provided to Health Care Professionals who are licensed in the state of California. The Company's compliance programs have been established with these requirements in mind and therefore it is important that all associates adhere to the training, spend tracking and other procedures established by the Company.

### Massachusetts

Training provided to Massachusetts Health Care Professionals is generally expected to be conducted in the hospital setting and must include an informational presentation made a Company sales representative.

Massachusetts state law sets out specific guidelines regarding the sponsorship of third party educational conferences:

- *Limitation on Travel Support.* The Company may not provide financial support for the costs of travel, lodging, or other personal expenses of non-faculty MA Health Care Professionals attending any educational event either directly to the individuals participating in the event or indirectly to the event's sponsor.
- *Accreditation Requirement.* Sponsorship or payment for an Educational Event must meet the standards for commercial support as established by the Accreditation Council for Continuing Medical Education ("ACCME") or equivalent commercial support standards of the relevant continuing education accrediting body.
- *No Payment for Time.* The Company may not provide funding to compensate for the time spent by MA Health Care Professionals participating in any educational event.
- *Restriction on Meals.* The Company cannot make payment directly to a MA Health Care Professional to cover meals at an educational event.

There are various additional requirements under Massachusetts law that are embedded in the Company's compliance program and procedures. It is particularly important that associates follow the Company's established tracking and documentation procedures to enable the Company to meet its MA reporting requirements.

### Vermont

Last review date: April 2025

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The restrictions on support for third party educational conferences in MA likewise apply in the state of Vermont. **In addition, in Vermont, the Company may never provide a grant or payment directly to a hospital for an educational event even if the educational event is ACCME or equivalent accredited.**

In addition, training for VT Health Care Professionals **must** be conducted in a “Hospital Setting.” A Hospital Setting is: (a) a hospital; (b) academic medical center; or (c) medical device specialized training facility, where the facility is specifically designed to approximate the conditions of a surgical suite, or the conditions of a working clinical

laboratory or to provide medical training on large and/or technical medical devices.

Hologic may not provide meals to VT Health Care Professionals in connection with training unless the meal is purchased by the VT Health Care Professional separately or as part of the original sales agreement. **Except for these purchased training meals, the Company may not provide meals to VT Health Care Professionals.**

The state of Vermont does not allow grants or charitable donations to be made directly to a VT Health Care Professional or VT hospital, even if the hospital is a qualified charitable entity.