

# International Health Care Business Integrity for Third Party Intermediaries

## KEY FACT CARD

### Your Obligation to Comply with All Laws and Johnson & Johnson Policies

Johnson & Johnson Companies and any third parties acting on their behalf must comply with the laws of the countries in which they do business, including anti-bribery and anti-corruption laws.

Regardless of where they are located globally, Johnson & Johnson and its affiliates are subject to US anti-bribery and anti-corruption laws, in addition to any local laws.

As an employee or principal of a Third Party Intermediary (TPI), you are also expected to comply with Johnson & Johnson's policies and standards regarding TPI interactions with Health Care Professionals (HCPs) and Government Officials (GOs).

**Johnson & Johnson policy strictly prohibits its TPIs from offering or paying anything of value to any HCP or GO in an attempt to influence that person's decision (e.g., to purchase Johnson & Johnson products, approve a product, approve a product registration, etc.).**

This key fact card only provides a brief summary of the applicable guidelines set forth in the relevant Johnson & Johnson policies and the *Johnson & Johnson International Health Care Business Integrity (HCBI) Guide*. To obtain more information, reach out to your Johnson & Johnson Company contact.

### Important Roles

**Third Party Intermediary (TPI)** - A company or individual that interacts or transacts business with HCPs or GOs on behalf of a Johnson & Johnson Company. Some examples of TPIs include sales intermediaries; logistics providers; lobbyists; tender advisers; those interacting with production or site regulators, distributors, or sales intermediaries; and others who interact with GOs or HCPs on behalf of a Johnson & Johnson Company (e.g., meeting planners, travel agents, etc.).

**Health Care Professional (HCP)** - A broad designation that includes individuals in the health care field who can prescribe, obtain, or influence the prescription or acquisition of Johnson & Johnson products and/or services that are regulated or reimbursed. This includes physicians, nurses, pharmacists, and hospital administrators. Some HCPs are also considered GOs. See the definition for GO to learn more.

**Government Official (GO)** - An individual who is defined as a GO under local law. This includes employees of regulatory authorities, customs officials, tax authority employees, most employees of government-owned hospitals, and officials and other individuals



responsible for product approvals, licenses, and registrations. GOs also include those HCPs who are employed by or acting on behalf of a hospital or other institution owned or controlled by a government body, such as HCPs who work at public hospitals or public universities. These HCPs should be considered GOs even if they are not considered GOs under local law.

### Obligations of TPIs

**Due Diligence** - All TPIs engaged by Johnson & Johnson Companies are selected following a thorough, documented due diligence process. Due diligence also occurs for contract changes and, potentially, for sub-intermediaries.

**Anti-Corruption Training** - As part of their mid-term due diligence certification, a TPI must certify that it has provided the appropriate training to all individuals employed or appointed by the TPI, including affiliates and sub-contractors, who interact with HCPs or GOs on behalf of a Johnson & Johnson Company. These individuals need to complete their training before starting work on behalf of a Johnson & Johnson Company.

**Books & Records** - Johnson & Johnson Companies are required to record all expenditures. Each Johnson & Johnson Company requires that all its TPIs do likewise. All invoices, debit notes, and other documents supporting payments made by TPIs working on behalf of a Johnson & Johnson Company must be clear, transparent, and include the exact qualification for the payment due.

## Fee-for-service Arrangements with HCPs

Fee-for-service arrangements with HCPs (such as agreements to serve as speakers, advisory board members, training consultants, etc.) should have legitimate, documented business needs and never be made with the intent to provide compensation or remuneration in exchange for business—actual or expected.

- Services should be documented in a detailed agreement that specifies the complete compensation package. (See your Johnson & Johnson Company contact for examples.)
- Compensation should be at fair market value for the services provided.
- Services performed must be documented before payment is made.
- Invoices should be detailed enough to enable proper recordkeeping and auditing.
- Associated travel, lodging, and meal expenses should be reasonable, not excessive, and not include side trips, unrelated trip extensions, or individuals who are not providing services to Johnson & Johnson.

## HCP Meals, Travel, Lodging, and Other Hospitality

Where it is permissible to provide meals, travel, or lodging to an HCP (such as in the context of a fee-for-service arrangement), the following requirements apply:

- Reasonable, documented expenses for travel, lodging, and meals must be reimbursed in accordance with the Johnson & Johnson Travel and Entertainment Policy and applicable local policies.
- The location and venue of any meeting with an HCP must be suitable for and conducive to the exchange of business or scientific information.
- Meals and refreshments must be modest in value and supplemental, in time and focus, to the business part of the meeting.
- Entertainment or recreation may not be provided to HCPs.
- Payments should be tied to milestones and/or deliverables; there should be no advance lump-sum payments.
- There are no exceptions for interactions involving one-day events and/or small monetary amounts.

## Gifts to HCPs

Occasional gifts may be given to HCPs if those gifts meet Johnson & Johnson guidelines. Gifts to HCPs should be modest, inexpensive, and customary; be permitted by local law or regulation; have educational or scientific value; benefit patients; be relevant to the practice of the HCP; and not be restricted by local industry associations/codes. Cash gifts must NOT be given to HCPs. This includes cash equivalents, such as cash cards.



While J&J guidelines may occasionally allow gifts to HCPs, please note that local guidelines may be stricter. Please consult your local Johnson & Johnson contact for more information.

## Gifts and Hospitality for GOs

In most countries, government employees, elected and appointed officials, and oftentimes paid and unpaid consultants or advisors to the government are subject to special ethics rules.

In general, such individuals are prohibited from soliciting or accepting any gift or any other item of value.

In those rare instances where giving a gift or other benefit to a GO is permitted, that gift or benefit should be modest and inexpensive in value, not exceed the legal maximum value, and otherwise comply with local law. **Cash gifts are not permissible under any circumstances.** Hospitality expenditures for GOs should be reasonable, customary, and comply with local law.

## All Other Interactions with Government Employees

Interactions with government employees may include interactions with product and site regulators, auditors, inspectors, import/export authorities, pricing authorities, product registration personnel, tender authorities, and many others. TPIs should follow all local laws when interacting with a government employee and should never offer or accept a benefit presented with the intent of influencing decisions.

## Credo Hotline

Johnson & Johnson has a toll-free hotline you can use 24 hours a day, 7 days a week to anonymously report any ethical or legal concerns and submit questions regarding ethical or legal concerns. For instructions on using the hotline, go to: [www.credohotline.com](http://www.credohotline.com)