



## **ANNUAL DECLARATION OF COMPLIANCE**

PROCEPT BioRobotics Corporation ("**PROCEPT**") is committed to the highest ethical standards and responsible decision-making in its interactions with healthcare professionals. PROCEPT believes that adherence to all applicable laws, regulations, and industry standards are critical to PROCEPT's operations and success. The California Health and Safety Code, §§ 119400-119402, requires medical device companies to adopt a comprehensive compliance program that meets the expectations set forth in the U.S. Department of Health and Human Services, Office of Inspector General's Compliance Program Guidance for Pharmaceutical Manufacturers ("**OIG Guidance**").

### **WRITTEN STANDARDS**

PROCEPT has adopted a comprehensive compliance program ("**Compliance Program**") consistent with OIG Guidance. The Compliance Program is designed to provide guidance for PROCEPT interactions with Health Care Professionals, promote the prevention and resolution of actual or apparent conflicts of interest, ensure compliance with applicable laws and regulations, and provide processes for reporting of violations of PROCEPT's policies relating to the sale and marketing of PROCEPT's products.

The primary requirements of PROCEPT's Compliance Program are set forth in the PROCEPT Code of Business Conduct and Ethics. In addition, PROCEPT has adopted other policies and procedures to further detail the requirements of its Compliance Program.

For example, PROCEPT has adopted the AdvaMed Code of Ethics on Interactions with Health Care Professionals as its policy for interactions with Healthcare Professionals (the "**Policy**"). PROCEPT also participates in the AdvaMed Code of Ethics Certification program.

In response to California Health & Safety Code §§119400 et seq., PROCEPT has established an annual spending limit of \$2,500 for gifts, promotional materials, items or activities directed toward "individual medical and healthcare professionals" in California. This annual aggregate limit does not include (1) device samples given to health care professionals for free distribution to patients; (2) financial support for continuing medical education forums; (3) financial support for health educational scholarships; and (4) the fair market value paid to a health care professional for legitimate professional services, including consulting.

### **CHIEF COMPLIANCE OFFICER**

PROCEPT has appointed the Chief Legal Officer also to the position of Chief Compliance Officer. The Chief Compliance Officer is responsible for providing interpretive guidance in applying the Policy and any policies or procedures within the Compliance Program to specific situations, and is responsible for generally overseeing implementation and enforcement of the Compliance Program. The Chief Compliance Officer, or his or her designee(s), conducts and monitors investigations into alleged violations of law or PROCEPT policies or procedures. As a result of these investigations, appropriate corrective, preventative and/or disciplinary actions will be taken.



## **TRAINING & EDUCATION**

PROCEPT recognizes that training and education are key parts of an effective compliance program. Employees who interact directly or indirectly with healthcare professionals receive training on the Policy. Additional ethics and compliance education and training programs are provided on an ongoing basis as required by an individual's job responsibilities and by changes in the laws. Training records are maintained in accordance with PROCEPT policies.

## **REPORTING VIOLATIONS OF THE COMPLIANCE PROGRAM**

Employees, customers, suppliers and others are encouraged to contact the Chief Compliance Officer with questions or concerns. Information regarding reporting violations is included in PROCEPT's Code of Business Conduct and Ethics and PROCEPT's Whistleblower Policy.

Employees may also ask questions of, or report concerns to, supervisors and other members of management. PROCEPT encourages anyone who reports information to identify themselves when making such a report in order to facilitate investigation of the possible violations (subject to compliance with local laws), but reports may also be made anonymously.

## **CORRECTIVE OR PREVENTIVE ACTION**

The Compliance Program is designed to prevent and detect conduct that may be inconsistent with the requirements of applicable law or regulations. If improper conduct is detected, PROCEPT will address it promptly and responsibly with corrective action including, but not limited to, appropriate disciplinary measures.

## **MONITORING AND PERIODIC REVIEW**

The Chief Compliance Officer, or his or her designees, will monitor the implementation and administration of the Compliance Program and related policies and procedures. The Chief Compliance Officer will periodically report to the PROCEPT Board of Directors as to the status of the Compliance Program.

## **DECLARATION OF COMPLIANCE**

Subject to the limitations described below, PROCEPT declares that, based upon its current tracking and monitoring activities, PROCEPT is, to its knowledge and in all material respects, in compliance with the Compliance Program and with the established annual spending limits. By making this declaration, PROCEPT is not asserting that it can prevent individual employees from improper conduct or otherwise violating the standards set forth in its Compliance Program.

An effective compliance program cannot eliminate the possibility that one or more individual employee engages in conduct that would be considered improper. Accordingly, this declaration is not intended and should not be construed to imply that PROCEPT has not identified any individual instances in which an individual has, or may have, violated one or more provisions of its Compliance Program. In such situations, PROCEPT takes reasonable and appropriate remedial or corrective action in a manner consistent with its Compliance Program.



**For a written copy of the Compliance Program description or this Declaration, call the Chief Compliance Officer at +1 (650) 232-7200 or send an email to [legal@procept-biorobotics.com](mailto:legal@procept-biorobotics.com).**

Last Updated: November 9, 2022