

Anti-Kickback Statute Checklist for Analysis

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Practice Area: Health Law

I. FINANCIAL RELATIONSHIPS WITH PHYSICIANS.

A. Physician Ownership Interest In Any Part Of The Hospital Or In A Joint Venture For Goods Or Services.

Joint Venture Includes:

- 1) Corporations.
- 2) Partnerships.
- 3) Limited liability companies.
- 4) Contract arrangements.

B. Compensation Arrangements With Physicians, Including:

- 1) Medical director contracts.
- 2) Contracts with hospital-based physicians.
- 3) Recruitment contracts, including guarantees, loans or sale of services, space or equipment rental at a rate arguably below fair market value or payment of recruitment expenses such as moving costs, recruitment fees, malpractice insurance premiums, etc.
- 4) Other employment or service contracts with physicians.
- 5) Contracts or arrangements to provide goods or services to physicians with or without charge.

C. Lease Of Office Space Or Provision Of Office Space Or Use Of Facility With Or Without Charge.

D. Equipment Rental Arrangements.

E. Hospital Transactions Regarding Physician Practices.

- 1) Purchase of physician practice.
 - 2) Contract management of physician practice.
 - 3) Provision of goods, supplies or services with or without charge; with or without discount.
- a. Laboratory contracts.

F. Establishment Of Physician Referral Services Such As An "Ask-a-Nurse" program.

II. FINANCIAL ARRANGEMENTS WITH VENDORS, PURCHASERS AND REFERRAL SOURCES.

A. Joint Venture Arrangements For Home Health Services.

B. Joint Venture Arrangements For Durable Medical Equipment.

C. Joint Venture Arrangements For Home I.V. And Related Goods/Services.

D. Group Purchasing Organization Arrangements.

E. Managed Care Plan Discounts (i.e., HMO, PPO, or direct provider arrangements).

F. Discount Arrangements Other Than Group Purchasing Organizations And Managed Care Plans.

G. Vendor Provision Of Free Goods.

H. Space Or Equipment Leases With Vendors.

I. Home Health Agency Contracts Or Arrangements With Referral Sources.

III. FINANCIAL RELATIONSHIPS WITH OTHER PROVIDERS.

A. Cross-Referral Arrangements, (i.e., between a hospital and nursing home regarding the transfer of patients).

B. Bed Hold, Reservation Of Beds And Other Guarantees Of Access To Nursing Home Beds For Hospital Patients.

C. Lease Of Space Or Equipment.

D. Joint Ventures Of Any Kind.

E. Personal Services Or Management Contracts.

IV. FINANCIAL RELATIONSHIPS WITH PATIENTS.

A. Waiver Of Hospital Deductibles For Part A Services.

B. Other Waivers Of Deductibles/Coinsurance.

C. Other Utilization Incentives, Including Provision Of Free Goods And Price Discounts Offered To Medicare And Medicaid Patients.

1) Free items or services.

2) Free pre-surgical overnight stays.

3) Free product samples.

4) Free blood screening or other testing services.

D. Direct Provider Agreements.

E. Referral Policies And Protocols, Especially With Regard To Providers Or Suppliers In Which The Hospital Has A Financial Interest.

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