

Two Primary Federal Fraud and Abuse Statutes

- Stark Law
 - Civil Statute
 - Prohibits Physician Referrals to entities with which they have a financial interest

• Anti-Kickback Statute

- Criminal Statute
- Prohibits Payments for Referrals
- State Laws

Stark Law

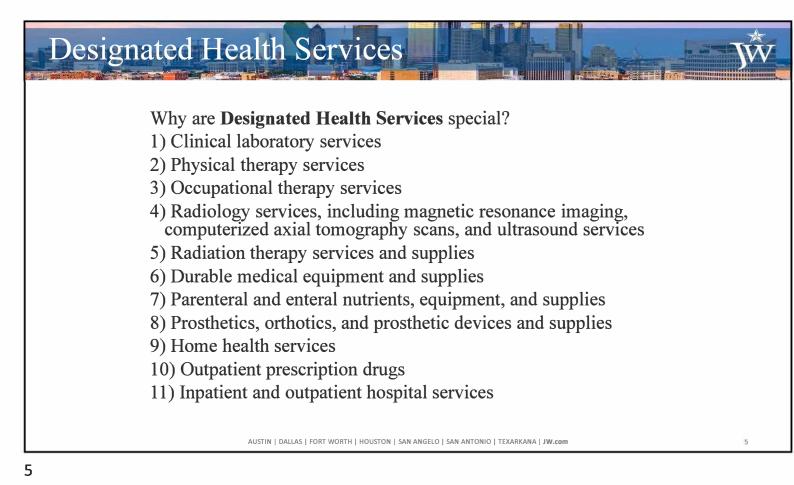
- H.R. 5198 introduced on August 10, 1988 by Representative Fortney "Pete" Stark (D-Cal.) Eventually Stark I and the 1993 amendments, known as Stark II, were born. Since then, there have been numerous updates to the law.
- Initially created to:
 - Limit impermissible physician self-referrals by providing "bright line" rules as to the types of arrangements that are permissible and prohibited.
 - Impose penalties severe enough to provide incentive for self-enforcement in the industry.

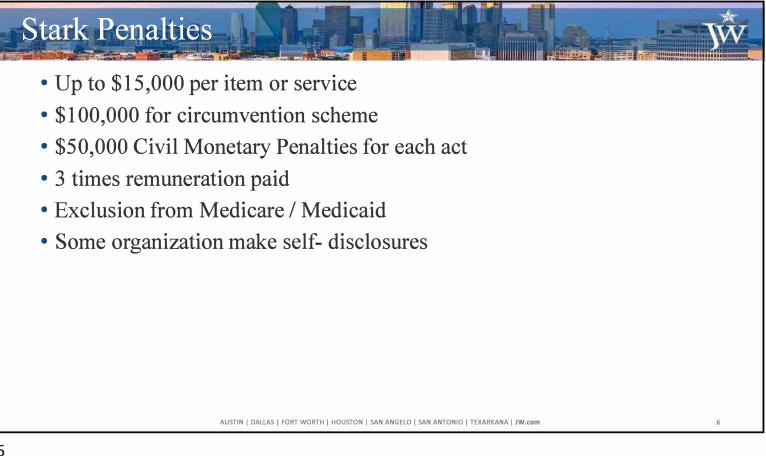
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42 U.S.C. § 1395nn

A <u>physician</u> may not refer a Medicare or Medicaid patient to an entity for furnishing "designated health services" if the physician or an immediate family member has a financial relationship with that entity, unless an exception is present.





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Title search: Fundamentals of Healthcare: Stark Law, Anti-Kickback Statute and HIPAA

Also available as part of the eCourse <u>Health Law Fundamentals (2023)</u>

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