Navigating the Referral Minefield: Stark and Antikickback Rules

By Mark D. Chouteau, JD
The federal government is serious about enforcing laws that govern health care billing and financial relationships. Among the laws implicated are the antikickback statute and the Stark law.

These laws are complex. Without a safe harbor protection, a physician violates the antikickback statute if even one purpose behind remuneration is the referral or generation of business payable by a federal health care program. Likewise, the Stark law’s very broad prohibition against physician self-referral is mitigated by a large number of exceptions, and physicians must meet these exceptions exactly to avoid violating the law. Penalties for violation are steep.

This publication explains the safe harbors and exceptions created to ensure the best, unbiased treatment and care. Learn to spot the nuances of the laws so you can avoid unintentional violations and know when to contact an attorney when you’re unsure.