

Physician Self-Referral Law* (42 U.S.C. § 1395nn):

Three Questions to Ask When Analyzing the Physician Self-Referral Law:

(1) Is there a referral from a physician for a designated health service (DHS)?

If you answer yes, go to Question 2.

(2) Does the physician (or an immediate family member) have a financial relationship with the entity providing the DHS?

If you answer yes, go to Question 3.

(3) Does the financial relationship fit in an exception?

If you answer “Yes” to Questions 1 and 2, the arrangement must meet an exception. For more information on the Physician Self-Referral Law, please visit:

<https://www.cms.gov/PhysicianSelfReferral/>

Stark Law Compliance Tips:

1. Meet a Stark Law exception.
2. Document financial relationships with referring physicians.
3. Have systems to ensure properly structured payments.
4. Watch out for “lease creep” problems.
5. Review productivity bonuses.
6. Gifts can implicate the Stark law too.

*For details, including relevant definitions and special rules, see 42 C.F.R. §§ 411.350 et seq.

