

UConn HEALTH

Administrative Policy 2016-02 Stark and Anti-Kickback Compliance

Title	Stark and Anti-Kickback Compliance
Policy Owner and Contact Information	Office of Healthcare Compliance & Privacy Phone: 860-679-6060 Email: OHCP@uchc.edu
Campus Applicability	All UConn Health locations, including UConn John Dempsey Hospital
Applies To	All UConn Workforce Members and Agents of UConn Health
Effective Date	September 21, 2023

PURPOSE:

This document outlines requirements for complying with the federal Physician Self-Referral Law (“Stark Law”) and Anti-Kickback Statute (“AKS”). The federal Stark Law prohibits Physicians from referring patients to receive Designated Health Services (“DHS”) payable by Medicare or Medicaid from entities with which the Physician or an Immediate Family Member has a financial relationship unless an exception applies. The federal AKS prohibits and criminalizes the knowing and willful payment of Remuneration to induce or reward patient referrals or the generation of business involving any item or service payable by any Federal healthcare programs unless an exception applies.

POLICY STATEMENT:

UConn Health complies with the Stark Law and AKS.

1. UConn Health does not offer, pay, provide, or accept Remuneration, including any payment of any type, to or from Physicians or Immediate Family Members, to induce referral of patients.
2. UConn Health prohibits Physicians or Immediate Family Members with whom UConn Health has a Financial Relationship from referring any patient to UConn Health for DHS, unless an exception applies as identified by the Office of the General Counsel.
3. UConn Health maintains a compliance program demonstrating UConn Health’s commitment to full compliance with all federal health care program requirements, including the Stark Law and AKS.
 - a. As part of this program, all UConn Health Workforce Members receive annual education regarding federal and state fraud, waste, and abuse laws, including information about the Stark Law and AKS, expected conduct, non-retaliation policy, and reporting obligations, such as the requirement to direct all questions, concerns, and issues relating to fraud, waste, and abuse, referrals for medical supplies or services, or compliance with applicable laws to the Office of Healthcare Compliance & Privacy and/or the Office of the General Counsel.
4. UConn Health maintains records of all contractual relationships with Referral Sources that are considered Focus Arrangements.
5. UConn Health requires that any known or suspected violations of the Stark Law or AKS be reported, investigated, and remediated in accordance with applicable University, UConn Health, and specific compliance program policies.

DEFINITIONS:

Designated Health Services (DHS): Any of the following services:

- Clinical laboratory services
- Physical therapy, occupational therapy, and speech-language pathology services
- Radiology and certain other imaging services
- Radiation therapy services and supplies
- Durable medical equipment and supplies
- Parenteral and enteral nutrients, equipment, and supplies
- Prosthetics, orthotics, and prosthetic devices and supplies
- Home health services
- Outpatient prescription drugs
- Inpatient and outpatient hospital services

Financial Relationship:

1. Any Remuneration between a Physician or Immediate Family Member and UConn Health.
2. Ownership or investment, whether direct or indirect, including equity, debt, stock, options, partnership, bonds, and loans.

Focus Arrangements: Every arrangement or transaction that:

1. Involves, directly or indirectly, the offer or payment of anything of value and is between UConn Health and any actual source of health care business or referrals to UConn Health; or
2. Is between UConn Health and a Physician (or a Physician's Immediate Family Member) who makes a referral to UConn Health for DHS.

Immediate Family Member: Spouse, including husband or wife; birth or adoptive parent, sibling, or child; stepparent, stepsibling, or stepchild; parent-in-law, sibling-in-law, child-in-law; grandparent, grandchild, and the spouses of either.

Physician: A doctor of medicine or osteopathy, a doctor of dental surgery or dental medicine, a doctor of podiatric medicine, a doctor of optometry, or a chiropractor.

Referral Source: A Physician, a Physician's Immediate Family Member, any entity that is controlled by a Physician or a Physician's Immediate Family Member, or any non-physician who may be capable of making referrals to UConn Health.

Remuneration: Anything of value, including payment or benefit, directly or indirectly, overtly or covertly, in cash or in kind, which may take many forms.

REFERENCES:

- Physician Self-Referral Law (Stark Law): Section 1877 of the Social Security Act, 42 U.S.C. § 1395nn; 42 C.F.R. § 411.350 et seq.
- Anti-Kickback Statute: 42 U.S.C. § 1320a-7b(b); 42 C.F.R. § 1001.952, Safe Harbors.

PROCEDURES AND FORMS:

For reporting obligations, please see University policy - [Prevention and Reporting of Fraud and Fiscal Irregularities](#)

RELATED POLICIES:

University Policy: [Non-retaliation](#)

[University-wide Policy: Prevention and Reporting of Fraud, Waste and Fiscal Irregularities](#)

[UConn Health Policy: 2018-02: Prevention and Reporting of Fraud, Waste and Fiscal Irregularities](#)

ENFORCEMENT:

Violations of this policy or associated procedures may result in appropriate disciplinary measures in accordance with University By-Laws, General Rules of Conduct for All University Employees, applicable collective bargaining agreements, the University of Connecticut Student Code, other applicable University Policies, or as outlined in any procedures document related to this policy.

APPROVAL:

Bruce Liang (Signed)
Bruce Liang, MD, FACC
Interim Chief Executive Officer, UConn Health
Executive Vice President for Health Affairs

9/21/2023
Date

Elle Box (Signed)
Elle Box
Chief Healthcare Compliance & Privacy Officer
Administrative Policy Committee Co-Chair

9/18/2023
Date

Janel Simpson (Signed)
Janel Simpson
Chief Administrative Officer
Administrative Policy Committee Co-Chair

9/19/2023
Date

POLICY HISTORY:

New Policy Approved: 01/12/2016
Revision: 09/2023
Reviewed Without Changes: N/A