

# UConn HEALTH

**POLICY NUMBER 2016-02**  
**January 12, 2016**

## **POLICY: STARK AND ANTI-KICKBACK COMPLIANCE**

**PURPOSE:** To describe UConn Health's adherence to Stark and Anti-kickback regulations.

### **POLICY STATEMENT:**

UConn Health does not knowingly offer, pay, solicit or receive payment, in cash or in kind, to induce referrals to UConn Health, including UConn John Dempsey Hospital. UConn Health does not knowingly receive anything of value that induces a clinician to use or purchase products/services that are paid for by government programs such as Medicare or Medicaid. (See Anti-kickback Statute defined in 42 USC § 1320a-7b)

UConn Health requires all clinical purchasing, prescribing and referral decisions to be determined only by best medical judgment, and to be free of improper influence.

Physicians cannot refer patients for designated health services (DHS) to an entity with which the physician (or their family members) has a financial relationship. DHS is defined in 42 USC § 1395nn, and includes: laboratory or radiologic testing, physical therapy, durable medical equipment or supplies, prosthetics, home health services, and inpatient/outpatient hospital services. Health care providers cannot bill government payors such as Medicare or Medicaid for goods or services rendered pursuant to a prohibited referral.

When, during the course of business, UConn Health employees, faculty or medical staff members are in a position to make referrals to other clinicians or health care facilities, these referrals are made solely in the best interests of the patient. No payment, in cash or in kind, is permitted in exchange for referrals. Referrals are made to appropriate providers based on best medical judgment and without regard to any past, current or future referrals from that provider to UConn Health.

Any financial relationship between either: a) UConn Health and a physician (or a physician's family member), or b) UConn Health and "Industry" (where Industry is defined as biotechnology companies, device and medical equipment manufacturers and other healthcare suppliers), must comply with all laws, regulations and UConn Health policies applicable to such relationships. These requirements may include, but are not limited to, having a written, counter-signed contract in place prior to the start of services, adequately identifying and describing the components of the transaction, and paying fair market value.

References:

- Title 42 - The Public Health and Welfare - United States Code § 1320a-7b Criminal penalties for acts involving Federal health care programs
- Title 42 - The Public Health and Welfare - United States Code § 1395nn - Limitation on certain physician referrals

Jeffrey Geoghegan (Signed)

1/22/16

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**Jeffrey Geoghegan**  
**Chief Financial Officer**

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**Date**

Andrew Agwunobi (Signed)

1/27/16

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**Andrew Agwunobi, M.D., M.B.A.**  
**Chief Executive Officer**  
**Executive Vice President for Health Affairs**

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**Date**

**New Policy: 1/12/16**