

OIG ADVISORY OPINIONS

<i>No.</i>	<i>Date</i>	<i>Description</i>	<i>Issues</i>
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1997 OIG ADVISORY OPINIONS

97-1	4/11/97	Donations by Renal Dialysis Providers	CMP Against Beneficiary Inducements
97-2	4/28/97	Payment of Insurance Premiums for End-Stage Renal Disease Beneficiaries	CMP Against Beneficiary Inducements
97-3	6/11/97	Transfer of Assets Prior to Application for Medicaid Benefits	Disposition of Assets
97-4	9/25/97	Collection of Copayments from Employer-Sponsored Medicare Patients	Antikickback Statute; CMP Against Beneficiary Inducements; Waiver of Coinsurance & Deductible Safe Harbor
97-5	10/06/97	Outpatient Radiology Imaging Center Joint Venture Owned by a Medical Group Specializing in Radiology and a Hospital Care Provider	Antikickback Statute; Small Investment Safe Harbor
97-6	10/08/97	Arrangement for Restocking Ambulance Supplies and Medications <ul style="list-style-type: none"> • Related AAS Letter to OIG and OIG Reply 	Antikickback Statute

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<i>No.</i>	<i>Date</i>	<i>Description</i>	<i>Issues</i>
<u>1998 OIG Advisory Opinions</u>			
98-1	3/19/98	Distribution and Billing Service Arrangements	Antikickback Statute; Personal Services. & Management Contracts Safe Harbor
98-2	4/08/98	Pharmaceutical Discount Pricing Arrangements	Antikickback Statute; Discount Safe Harbor; Discounts Safe Harbor
98-3	4/06/98	Hospital System Provision of Ambulance to Municipal Fire Department	Antikickback Statute
98-4	4/15/98	Proposed Management Services Contract Between Medical Practice Management Company and Physician Practice	Antikickback Statute; Personal Services. & Management Contracts Safe Harbor
98-5	4/24/98	“Coordination of Benefits” Arrangement Between Nursing Home & Health Care Plan	Antikickback Statute; Discount Safe Harbor; Waiver of Coinsurance & Deductible Safe Harbor; Price Reductions Safe Harbor
98-6	5/01/98	Waiver of Coinsurance for National Emphysema Treatment Trial Participants	Antikickback Statute; CMP Against Beneficiary Inducements; Waiver of Coinsurance & Deductible Safe Harbor
98-7	6/16/98	Ambulance Restocking & Continuing Education Arrangement	Antikickback Statute
98-8	7/06/98	DME Claims in Excess of Usual Charges; Charges to Medicare Greater Than to “Cash & Carry” Retail Customers	Antikickback Statute; Claims Beyond Usual Charges; Referral Services Safe Harbor
98-9	7/13/98	RN Compensation Arrangement Under Collective Bargaining Agreement	Antikickback Statute; CMP Against Beneficiary Inducements; Employee Safe Harbor
98-10	8/31/98	Sales Commission to Sales Rep Does Not Violate Antikickback Statute	Antikickback Statute; Personal Services & Management Contracts Safe Harbor
98-11	9/14/98	Group Purchasing Arrangement Between Nursing Home Trade Assn. and Electrical Utility Consultant	Antikickback Statute; Group Purchasing Safe Harbor; Referral Services Safe Harbor
98-12	9/16/98	Joint Venture Among Orthopedic Surgeons and Anesthesiologists for Ambulatory Surgical Center	Antikickback Statute; Investment Safe Harbor Large; Investment Safe Harbor Small
98-13	9/23/98	Ambulance Restocking Program Through a Local Emergency Medical Services Counsel	Antikickback Statute

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<i>No.</i>	<i>Date</i>	<i>Description</i>	<i>Issues</i>
<u>1998 OIG Advisory Opinions</u>			
98-14	9/21/98	Pharmaceutical Restocking & Medical Supplies Restocking Programs	Antikickback Statute
98-15	11/02/98	Pharmacy Services Contract for Outpatient Pharmacy Program at University Hemophilia Center	Antikickback Statute; Personal Services & Management Contracts Safe Harbor
98-16	11/02/98	Mail Order Pharmacy Employee at Hospital Transplant Centers for Providing Pharmacy-Related Products and Services	Antikickback Statute; Personal Services & Management Contracts Safe Harbor
98-17	11/6/98	Charitable Donations in Support of Program to Fund Payment of Medicare Part B and Medigap Premiums for Financially Needy ESRD Beneficiaries	CMP Against Beneficiary Inducements
98-18	11/25/98	Sublease and Consultant Arrangement Between Ophthalmologist and Optometrist	Antikickback Statute; Equipment Rental Safe Harbor; <i>De Minimus</i> Safe Harbor Suggested
98-19	12/14/98	IPA Investment in MCO	Antikickback Statute; Investment Safe Harbor Small; Personal Services & Management Contracts Safe Harbor

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<u>1999 OIG Advisory Opinions</u>			
99-1	1/20/99	Arrangement for Back-up Emergency Ambulance Services, Waiver of Coinsurance	Antikickback Statute; Waiver of Coinsurance & Deductible Safe Harbor
99-2	2/26/99	Discounted PPS Ambulance Services to SNF; And related OIG Letter: Discount Arrangements Between Clinical Laboratories and SNFs	Antikickback Statute; Claims Beyond Usual Charges; Discount Safe Harbor; Discounts Safe Harbor
99-3	3/16/99	Therapeutic Mattress Pricing Arrangement Offered to SNFs	Antikickback Statute; Discount Safe Harbor; Personal Services & Management Contracts Safe Harbor; Discounts Safe Harbor
99-4	3/31/99	Arrangement for Hospital District 1 to Locate a Medical Clinic Within Hospital District 2	Antikickback Statute
99-5	4/08/99	Ambulance Fee Imposed by City X on Ambulance Companies Providing Ambulance Services in the City	Antikickback Statute
99-6	4/17/99	St. Jude Children’s Research Hospital—Waiver of Copay and Deductible	Antikickback Statute; CMP Against Beneficiary Inducements; Waiver of Coinsurance & Deductible Safe Harbor
99-7	6/30/99	National Eye Care Project—Waiver of Coinsurance	CMP Against Beneficiary Inducements
99-8	7/06/99	Professional Training of Shoe Sales Associates/Podiatrist’s Personal Appearances in Shoe Departments	Antikickback Statute; Personal Services & Management Contracts Safe Harbor
99-9	10/7/99	Podiatry-Specific MCO Agreement to Cover Podiatry Copayments	Antikickback Statute; CMP Against Beneficiary Inducements; Waiver of Coinsurance & Deductible Safe Harbor
99-10	10/25/99	Corporate Sponsorship Program Between DMEPOS Supplier and Charity: Donation in Exchange for Proprietary Rights	Antikickback Statute; CMP Against Beneficiary Inducements
99-11	10/25/99	Coalition Arrangement to Provide Psychotherapy Services at Free or Reduced Prices, primarily to non-Medicare patients	Antikickback Statute CMP Against Beneficiary Inducements
99-12	11/23/99	Distribution of Coupons at Physician Practices and Health Care Clinics	Antikickback Statute; CMP Against Beneficiary Inducements
99-13	11/30/99	Discounts beyond cost-savings for Pathology	Antikickback Statute; Claims Beyond

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		Services Billed under “Account Billing” Arrangements	Usual Charges; Discount Safe Harbor; Discounts Safe Harbor
99-14	12/28/99	Telemedicine Arrangement Between a Health System and Outlying Facilities beyond the time limits of the Telemedicine Grant Program	Antikickback Statute

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<u>2000 OIG Advisory Opinions</u>			
00-01	3/9/00	Percentage of recoveries consulting agreement not involving Federal health care business	Antikickback Statute;
00-02	4/4/00	Hospital percentage-based cost savings program	Inducement to Limit Services; Antikickback Statute; Employee Safe Harbor
00-03	4/18/00	Free Services to Hospice Patients Not Eligible for the Medicare Hospice Benefit	CMP Against Beneficiary Inducements; Anti-Kickback Statute
00-04	6/27/00	Referrals to and From a Lifestyle Modification Program	Antikickback Statute
00-05	6/30/00	National Emphysema Treatment Trial Waiver of Part A and Part B Copayments and Deductibles	CMP Against Beneficiary Inducements; Waiver of Coinsurance & Deductible
00-06	9/29/00	Nonprofit Hospital's Donation of Ownership Interest in Facility to Agency of State	Antikickback Statute
00-07	11/17/00	Free Transportation Services for Needy Patients In Area Without Public Transportation	Antikickback Statute; CMP Against Beneficiary Inducements
00-08	12/5/00	Housing Referral Service for the Elderly not Meeting Criteria for Referral Services	Antikickback Statute; Referral Services Safe Harbor
00-09	12/8/00	Nonprofit Hospital's Restocking Arrangement for Volunteer Emergency Ambulance Companies in One-Hospital Location	Antikickback Statute
00-10	12/15/00	Drug Company's Provision of Support Services, Replacement Medications and Invoice Credits to Physicians and Distributors	Antikickback Statute
00-11	12/19/00	One-time Donation to EMS Company by Non-Profit Hospital	Antikickback Statute

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<u>2001 OIG Advisory Opinions</u>			
01-1	1/11/01	Gainsharing Arrangement Involving Percentage-based Incentives for Use of Specific Supplies and Medications in Cardiac Surgical Procedures	Inducement to Limit Services; Antikickback Statute
01-2	3/20/01	Vendor and Supplier Donations in Connection with Nonprofit's Fund-raising Golf Tournament	Antikickback Statute
01-3	5/3/01	Contracts for Discounted Services Between a Federally Recognized Indian Tribe and Local Hospitals	Antikickback Statute
01-4	5/3/01	Recruitment Arrangement Between a Hospital and New Physician	Antikickback Statute; Practitioner Recruitment Safe Harbor
01-5	5/18/01	Hospital Foundation's Lease of Cardiac Diagnostic Equipment to EMS Providers	Antikickback Statute
01-6	5/22/01	Payments from Vendors to GPO	Antikickback Statute; GPO Safe Harbor
01-7	7/2/01	Hospital's Insurance Only Billing Policy; Hospital's Foundation Reimburses Hospital for Amount of Waived Coinsurance	Antikickback Statute; CMP Against Beneficiary Inducements; Waiver of Coinsurance Safe Harbor
01-8	7/3/01	Pricing/Warranty Program Involving Sale of Therapeutic Mattresses w/ Skin and Wound Care Products to SNFs	Antikickback Statute; Discount Safe Harbor; Warranty Safe Harbor
01-9	7/19/01	Grant from Hospital to Community Health Center That Is Leasing Hospital's Clinic	Antikickback Statute
01-10	7/20/01	Fire District's Waiver of Coinsurance for District Residents	Antikickback Statute; CMP Against Beneficiary Inducements
01-11	7/20/01	Fire District's Waiver of Coinsurance for District Residents	Antikickback Statute; CMP Against Beneficiary Inducements
01-12	7/20/01	EMS Service Contract Under Which City Requires Ambulance Company to Waive Coinsurance for City Residents	Antikickback Statute; CMP Against Beneficiary Inducements
01-13	8/17/01	"Coordination of Benefits" Arrangement Between Nursing Facilities & Health Care Plan's HMO	Antikickback Statute
01-14	8/27/01	Hospital's waiver of coinsurance for breast and gynecological cancer screening services	Antikickback Statute; CMP Against Beneficiary Inducements
01-15	9/19/01	MCOs' program to subsidize M+C premiums and copays for dually eligible members	Antikickback Statute; CMP Against Beneficiary Inducements

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<u>2001 OIG Advisory Opinions</u>			
01-16	9/28/01	Health Plan's employment of excluded physician as Senior Program Developer	CMP Against Employment of Excluded Individual
01-17	10/10/01	ASC joint venture between hospital-affiliated entity and ophthalmologist-owned entity, with related ancillary agreements	Antikickback Statute; Safe Harbor for Investment Interests for ASCs jointly owned by hospitals and physicians; Space Rental Safe Harbor; and Safe Harbor for Personal Services and Management Contracts
01-18	10/31/01	Exclusive contract for ambulance services between county, state, and medical center; county assumes copay obligations on behalf of county residents	Antikickback Statute; CMP Against Beneficiary Inducements
01-19	11/14/01	Donation of free office space	Antikickback Statute
01-20	11/14/01	Arrangement between hospice and nursing homes for services provided to dually eligible hospice patients	Antikickback Statute
01-21	11/16/01	Hospital's acquisition of ASC owned by gastroenterologists, with related ancillary agreements	Antikickback Statute; Safe Harbor for Investment Interests for ASCs jointly owned by hospitals and physicians; Safe Harbor for Personal Services and Management Contracts

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<u>2002 OIG ADVISORY OPINIONS</u>			
02-1	4/4/2002	Grants from Charitable Nonprofit Organization to Subsidize Medicare Part B Cost-sharing Amounts and Medigap Premiums for Financially Needy Patients	Antikickback Statute; CMP Against Beneficiary Inducements
02-2	4/4/2002	Ambulance Restocking Arrangement	Antikickback Statute; Ambulance Restocking Safe Harbor
02-3	4/4/2002	Region-wide Ambulance Restocking Program Established by Quasi-governmental Agency	Antikickback Statute; Ambulance Restocking Safe Harbor
02-4	4/19/2002	DME Provider's Placement of Portable Oxygen Systems On-site at Hospitals, Clinics, Physician Offices for Distribution to Departing Patients	Antikickback Statute
02-5	5/7/2002	Reorganization of radiation oncology group practice into two companies	Antikickback Statute
02-6	5/14/2002	Refund program for hospitals purchasing a blood-filtering device for treatment of rheumatoid arthritis	Antikickback Statute; Warranty Safe Harbor
02-7	6/5/2002	Proposed waiver of coinsurance for portable x-ray services provided to dually eligible nursing facility residents	Antikickback Statute
02-8	6/12/2002	Waiver of coinsurance by ambulance service owned and operated by a political subdivision of a state	Antikickback Statute
02-9	6/14/2002	Physician ownership of single-specialty (endoscopy) ASC	Antikickback Statute; Safe Harbor for Investment Interests in Single-specialty ASCs
02-10	7/30/2002	Discounts offered to purchasers of dialysis equipment and supplies	Antikickback Statute; Discount Safe Harbor
02-11	8/12/2002	Grant from state-chartered hospital authority to a university-affiliated endowment fund for education and research at the university's school of medicine	Antikickback Statute
02-12	8/21/2002	Internet-based chronic disease management business that awards health plan members and physicians for online compliance activities, and sells web advertising	Antikickback Statute; CMP Against Beneficiary Inducements
02-13	9/27/2002	Nonprofit foundation established and funded by pharmaceutical company to subsidize cost-	Antikickback Statute

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<u>2002 OIG ADVISORY OPINIONS</u>			
		sharing amounts incurred by financially needy patients using its drug	
02-14	9/30/2002	Program providing free safety equipment and electronic pagers for hemophilia patients	CMP Against Beneficiary Inducements; Antikickback Statute
02-15	9/30/2002	Waiver of coinsurance by ambulance service owned and operated by a municipal corporation	CMP Against Beneficiary Inducements; Antikickback Statute
02-16	12/23/2002	Waiver of Part B coinsurance for NIH clinical trial participants	Antikickback Statute

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<u>2003 OIG ADVISORY OPINIONS</u>			
03-1	1/13/2003	Employment of excluded physician	CMP Against Employment of Excluded Individual
03-2	1/13/2003	Medical center's purchase of ownership interest in single-specialty (orthopedic) ASC	Antikickback Statute; Safe Harbor for Investment Interests in Jointly Owned ASCs
03-3	2/3/2003	Payment of Part B coinsurance for financially needy patients using immunosuppressive therapy drugs after organ transplant surgery	CMP Against Beneficiary Inducements; Antikickback Statute
03-4	2/3/2003	Program providing free medical-alert pagers and pager monitoring services to homebound home health patients	CMP Against Beneficiary Inducements
03-5	2/6/2003	ASC jointly owned by hospital and multi-specialty physician group	Antikickback Statute; Safe Harbor for Investment Interests in Jointly Owned ASCs; Group Practice Safe Harbor
03-6	3/19/2003	Provision of medical services by medical center to clinic at below FMV fee, plus free inpatient hospital services to needy self-pay patients	Antikickback Statute
03-7	3/19/2003	Provision of renal dialysis services by dialysis facility to hospital district patients, purchase of hemodialysis equipment from hospital district by dialysis facility	Antikickback Statute; Personal Services/Management Contracts Safe Harbor
03-8	4/3/2003	Placement & development of distinct part inpatient rehab units in general acute care hospitals for per-patient, per-day management fee	Antikickback Statute; Personal Services/Management Contracts Safe Harbor
03-9	4/17/2003	Municipal corporation's program treating real estate tax revenue as payment of copayments for ambulance services	Antikickback Statute; CMP Against Beneficiary Inducements
03-10	5/8/2003	Medigap plan contracting with "preferred hospital" network for discounts on Medicare inpatient deductibles; reducing premiums for policyholders who use network hospitals	Antikickback Statute; CMP Against Beneficiary Inducements; Safe Harbor for Waiver of Coinsurance/Deductibles
03-11	5/21/2003	Ambulance company's fixed annual subscription fee collected in lieu of Medicare Part B cost-sharing amounts	Antikickback Statute; CMP Against Beneficiary Inducements
03-12	5/22/2003	Joint venture between medical center and radiology group to own and operate outpatient open MRI facility (including professional services and staffing agreements; equipment	Antikickback Statute; Small Entity Investment Safe Harbor

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<u>2003 OIG ADVISORY OPINIONS</u>			
		sublease; assignment of space lease)	
03-13	6/16/2003	Joint venture ownership of freestanding MRI center in rural area	Antikickback Statute; Small Entity Investment Safe Harbor, Rural Entity Safe Harbor
03-14	6/26/2003	Hospital/ambulance company joint provision of emergency helicopter transports of trauma patients	Antikickback Statute
03-15	12/11/2003	Reintegration of medical group practice and hospital that were formerly a single entity	Antikickback Statute

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<i>No.</i>	<i>Date</i>	<i>Description</i>	<i>Issues</i>
<u>2004 OIG ADVISORY OPINIONS</u>			
04-1	1/21/2004	Waiver of Part B cost-sharing obligations in NIH-sponsored clinical trial	Antikickback Statute; CMP Against Beneficiary Inducements
04-2	3/1/2004	Municipality's program treating special utility assessment revenue as payment of cost-sharing amounts for ambulance services	Antikickback Statute; CMP Against Beneficiary Inducements
04-3	5/21/2004	Marketing arrangement for physician surveys on behalf of pharmaceutical firms	Antikickback Statute
04-4	5/26/2004	Program for providing free vision screening tests to infants	CMP Against Beneficiary Inducements; Preventive Care Exception
04-5	6/2/2004	Volunteer pathology lab services for medical assistance program for low-income, uninsured patients	Antikickback Statute
04-6	6/4/2004	Municipal corporation's reduction of ambulance service fees by amounts equal to residents' cost-sharing obligations	Antikickback Statute; CMP Against Beneficiary Inducements
04-7	6/17/2004	Consultative telemedicine program provided by health system to low-income schoolchildren	Antikickback Statute; CMP Against Beneficiary Inducements
04-8	06/23/04	Lease of physician group-owned PT center to physicians with patient requiring PT services	Antikickback Statute; Safe Harbors for Space and Equipment Lease, and Personal Services Management Contracts
04-9	7/15/04	Employment of primary care physicians as consultants for nursing home patients	Antikickback Statute; Employment Safe Harbor
04-10	8/4/2004	County's contract for "second responder" emergency ambulance services	Antikickback Statute
04-11	9/2/2004	Hospital subsidy of malpractice insurance premiums for obstetricians	Antikickback Statute; Safe Harbor for Obstetrical Malpractice Subsidies
04-12	9/21/2004	Municipality treatment of tax revenues as payment of cost sharing amounts due from taxpayers receiving municipality ambulance services	Antikickback Statute; CMP Against Beneficiary Inducements
04-13	10/5/2004	Municipality treatment of tax revenues as payment of cost sharing amounts due from taxpayers receiving municipality ambulance services	Antikickback Statute; CMP Against Beneficiary Inducements
04-14	10/28/2004	City's treatment of tax revenues as payment of cost sharing amounts due for city ambulance services	Antikickback Statute; CMP Against Beneficiary Inducements
04-15	10/29/2004	Charitable organization's grants to defray drug therapy costs of financially needy patients w/ chronic or life-threatening illnesses	Antikickback statute; beneficiary inducement CMP
04-16	11/18/2004	Provision of lab employees, equipment, and supplies	Antikickback Statute; Safe Harbor for

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<u>2004 OIG ADVISORY OPINIONS</u>			
		for preparing lab specimens at dialysis facilities	Personal Services and Management Contracts
04-17	12/10/2004	Pathology services joint venture arrangement	Antikickback Statute
04-18	12/22/2004	Cash donations from health system's charitable foundation to nonprofit hospice	Antikickback Statute
04-19	12/30/2004	Malpractice insurance premium subsidies paid by hospital to neurosurgeons	Antikickback Statute

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<u>2005 OIG ADVISORY OPINIONS</u>			
05-1	1/28/2005	Gainsharing arrangement between hospital and cardiac surgeons	CMP for Hospital Payments to Induce Physicians to Reduce/Limit Services; Antikickback Statute
05-02	2/10/2005	Gainsharing arrangement between hospital and cardiologists	CMP for Hospital Payments to Induce Physicians to Reduce/Limit Services; Antikickback Statute
05-03	2/10/2005	Gainsharing arrangement between hospital and cardiac surgeons	CMP for Hospital Payments to Induce Physicians to Reduce/Limit Services; Antikickback Statute
05-04	2/10/2005	Gainsharing arrangement between hospital and cardiologists	CMP for Hospital Payments to Induce Physicians to Reduce/Limit Services; Antikickback Statute
05-05	2/18/2005	Gainsharing arrangement between hospital and cardiologists	CMP for Hospital Payments to Induce Physicians to Reduce/Limit Services; Antikickback Statute
05-06	2/18/2005	Gainsharing arrangement between hospital and cardiac surgeons	CMP for Hospital Payments to Induce Physicians to Reduce/Limit Services; Antikickback Statute
05-07	2/18/2005	In-kind exchange of dispatch and billing services between municipality and ambulance company	Antikickback Statute
05-08	6/6/05	Provision of blood collection supplies and payment to physicians for collection of blood samples	Antikickback Statute; Personal Services and Management Contracts Safe Harbor
05-09	6/6/05	Municipality's treatment of tax revenues as payment of cost-sharing amounts due from residents receiving municipality EMS	Antikickback Statute; CMP Against Beneficiary Inducements
05-10	6/9/05	Municipality's treatment of tax revenues as payment of cost-sharing amounts due from taxpayers who receive municipality EMS	Antikickback Statute; CMP Against Beneficiary Inducements
05-11	8/16/05	Hospital's donation of medical office building to state-affiliated medical school to replace school's existing family medicine clinic	Antikickback Statute
05-12	10/31/05	Joint venture for day treatment facility providing pediatric psychiatric services	Antikickback Statute; Small Entity Investment Interest Safe Harbor

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<u>2006 OIG ADVISORY OPINIONS</u>			
06-01	3/20/2006	Free preoperative home safety assessment by home health agency	CMP Against Beneficiary Inducements; Antikickback Statute
06-02	3/21/2006	DME delivery management programs between DME supplier and physicians	Antikickback Statute; Safe Harbors for Space Rental, Equipment Rental, Personal Services and Management, and Discounts
06-03	4/18/2006	Pharmaceutical Patient Assistance Program	Antikickback Statute
06-04	4/20/2006	Patient Assistance Program: Parts B&D, Medigap, and Medicare Advantage premiums and cost-sharing obligations	CMP Against Beneficiary Inducements; Antikickback Statute
06-05	4/26/2006	Provision of drugs/supplies by research hospital to affiliates for administration to hospital patients receiving treatment by affiliates	Antikickback Statute
06-06	5/1/2006	City's exclusive arrangement for emergency ambulance services	Antikickback Statute; Discounts to Uninsured
06-07	6/26/06	Municipality's treatment of local tax revenue as payment of cost-sharing amounts for ambulance services	Antikickback Statute; CMP Against Beneficiary Inducements
06-08	6/27/06	Clinic's dispensing of drugs to financially needy patients on behalf of patient assistance programs sponsored by pharmaceutical manufacturers	Antikickback Statute; CMP Against Beneficiary Inducements
06-09	8/18/06	Charitable organization's subsidization of Part premium/cost sharing obligations for financially needy ESRD patients	Antikickback Statute; CMP Against Beneficiary Inducements
06-10	9/14/06	Charitable organization's program providing therapy management services and cost-sharing assistance to financially needy Medicare beneficiaries being treated for certain diseases	Antikickback Statute; CMP Against Beneficiary Inducements
06-11	9/18/06	Municipality's exclusive contract for non-emergency inter-facility ambulance transport services	Antikickback Statute
06-12	9/18/06	Municipality's exclusive contract for non-emergency inter-facility ambulance transport services	Antikickback Statute
06-13	9/18/06	Charitable organization's grant program assisting financially needy with cost obligations under Medicare Part B, Part D, Medicare Supplementary Health Insurance, and Medicare	Antikickback Statute; CMP Against Beneficiary Inducements

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<u>2006 OIG ADVISORY OPINIONS</u>			
		Advantage	
06-14	9/21/06	Pharmaceutical company's PAP providing outpatient prescription drugs to financially needy Medicare Part D enrollees, outside Part D benefit	Antikickback Statute; CMP Against Beneficiary Inducements
06-15	9/29/06	Managed care company's administration of state Medicaid program's pay-for-performance program, including disbursement of financial initiatives	Antikickback Statute
06-16	10/3/06	DME manufacturer's provisions of advertising assistance and reimbursement consulting services to customers	Antikickback Statute
06-17	10/6/2006	Dental network organizer's payment for marketing services connected to use of dental network by federal employee health benefits plan	Antikickback Statute; Safe Harbor for Personal Services and Management Contracts
06-18	10/26/2006	Rural volunteer services program's coverage of volunteers' travel costs	Antikickback Statute
06-19	10/26/2006	Pharmaceutical company's PAP providing outpatient prescription drugs to financially needy Medicare Part D enrollees, outside Part D benefit	Antikickback Statute; CMP Against Beneficiary Inducements
06-20	11/1/2006	DME supplier's provision of free home oxygen and oximetry tests to patients	Antikickback Statute; CMP Against Beneficiary Inducements P
06-21	11/2/2006	Pharmaceutical company's PAP providing outpatient prescription drugs to financially needy Medicare Part D enrollees, outside Part D benefit	Antikickback Statute
06-22	11/9/2006	Gainsharing arrangement between hospital and cardiac surgeons	CMP for Hospital Payments to Induce Physicians to Reduce/Limit Services; Antikickback Statute

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<u>2007 OIG ADVISORY OPINIONS</u>			
07-01	1/18/2007	Hospital's provision of dialysis services to chronic dialysis patients	CMP Against Beneficiary Inducements; Antikickback Statute
07-02	3/7/2007	Hospital's subsidy of ambulance transportation from outside of hospital's service area	CMP Against Beneficiary Inducements; Antikickback Statute
07-03	3/27/2007	Credit card usage rewards for benefit of residential health care facility and its employees	Antikickback Statute; Employment Safe Harbor
07-04	3/30/2007	Pharmaceutical company's PAP for financially needy Part D enrollees	Antikickback Statute
07-05	6/12/2007	Sale of physician-investors' ASC ownership interest to local hospital	Antikickback Statute; Safe Harbor for Investments in Physician/Hospital-Owned ASCs
07-06	7/23/2007	Charitable organization's subsidization of cost-sharing & premium obligations for Medicare/Medicaid patients with certain chronic diseases	CMP Against Beneficiary Inducements; Antikickback Statute
07-07	7/23/2007	Cash donation by health system's charitable foundation to a senior residence program	Antikickback Statute
07-08	7/23/2007	Provision of free in-home congestive heart failure assessments by DME supplier	CMP Against Beneficiary Inducements; Antikickback Statute
07-09	8/21/2007	Warehouse club's reward program giving members reward certificates based on purchases	CMP Against Beneficiary Inducements; Antikickback Statute
07-10	09/20/2007	Medical center's on-call coverage and uncompensated care arrangement with staff physicians	Antikickback Statute; Safe Harbor for Personal Services and Management Contracts
07-11	9/28/2007	Charitable foundation's program assisting financially needy cancer patients with out-of-pocket treatment costs	Antikickback Statute; CMP Against Beneficiary Inducements
07-12	10/10/2007	Veteran home operator's acceptance of low or no-cost bids for therapy services in its veterans' homes	Antikickback Statute
07-13	10/12/2007	Sale of ownership interests in ophthalmology ASCs to optometrists	Antikickback Statute; Safe Harbor for Investment Interests in Physician-Owned ASCs
07-14	10/12/2007	County's exclusive contracts for emergency ambulance services, under which providers	Antikickback Statute

Updated (3/13/09)

OIG ADVISORY OPINIONS

<i>No.</i>	<i>Date</i>	<i>Description</i>	<i>Issues</i>
<u>2007 OIG ADVISORY OPINIONS</u>			
		would absorb reimburse county for certain costs	
07-15	12/3/2007	Use of preferred hospital network in Medigap plan	Antikickback Statute; Safe Harbor for Waiver of Beneficiary Coinsurance and Deductibles; Safe Harbor for Reduced Premium Amounts Offered by Health Plans
07-16	12/5/2007	HHA's provision of free educational videos with postoperative care instructions to prospective orthopedic patients	Antikickback Statute; CMP Against Beneficiary Inducements
07-17	12/19/2007	Transfer of excluded individual's intellectual property rights in invention to Newco owned by his children	Antikickback Statute
07-18	12/19/2007	Charitable organization's subsidy of financially needy patients' out-of-pocket costs for outpatient drug treatment for certain chronic illnesses	Antikickback Statute; CMP Against Beneficiary Inducement
07-19	12/21/2007	Radiology group's provision of free radiology test reports to critical care hospital	Antikickback Statute; CMP Against Beneficiary Inducements
07-20	12/27/2007	Medical imaging center jointly owned by physician and his brother, located in same building as physician's practice	Antikickback Statute
07-21	12/28/2007	Gainsharing arrangement between hospital and cardiac surgeons	CMP for Hospital Payments to Induce Physicians to Reduce/Limit Services; Antikickback Statute
07-22	12/28/2007	Gainsharing arrangement between hospital and anesthesiologists	CMP for Hospital Payments to Induce Physicians to Reduce/Limit Services; Antikickback Statute

Updated (3/13/09)

OIG ADVISORY OPINIONS

<i>No.</i>	<i>Date</i>	<i>Description</i>	<i>Issues</i>
<u>2008 OIG ADVISORY OPINIONS</u>			
08-01	1/28/2008	Pharmaceutical manufacturers PAP providing drugs to free clinics & FQHCs for use by financially needy patients	Antikickback statute; CMP Against Beneficiary Inducements; FQHC safe harbor
08-02	1/29/2008	M&R company's incentive program to encourage physicians to complete online survey	Antikickback statute
08-03	1/30/2008	Health system prompt pay discount program for federal health care program beneficiaries, other insured patients	Antikickback statute; CMP Against Beneficiary Inducements; safe harbor for waiver of beneficiary coinsurance and deductibles
08-04	2/12/2008	Health care product and pharmaceutical manufacturer's free trial prescription program for hemophilia A patients	Antikickback statute; CMP Against Beneficiary Inducements
08-05	2/15/2008	Placement of screening kiosks in physician offices by pharmaceutical company	Antikickback statute; CMP Against Beneficiary Inducements
08-06	5/2/2008	Free labeling of test tubes and specimen collection containers by laboratory for dialysis facilities	Antikickback statute; safe harbor for personal services and management contracts; safe harbor for discounts (note)
08-07	7/7/2008	\$10 gift cards provided to patients dissatisfied with service by health care system	Antikickback statute; CMP Against Beneficiary Inducements
08-08	7/18/2008	Investment in ASC by surgical group and health care corporation owning hospitals	Antikickback statute; ASC investment safe harbor; personal services and management contracts safe harbor
08-09	7/31/2008	Gainsharing arrangement between medical center, groups of orthopedic surgeons, and a group of neurosurgeons	CMP Against Beneficiary Inducements; Antikickback statute; Safe harbor for personal services and management contracts
08-10	8/19/2008	Block leases between physician practice groups for space, equipment, and personnel	Antikickback statute; Safe harbors for space rental, equipment rental, and personal services and management contracts
08-11	9/17/2008	Waiver of cost-sharing obligations of participants in long-term oxygen treatment trial	Antikickback statute; CMP Against Beneficiary Inducements t
08-12	9/19/2008	Administrative insurance preauthorization processing and submission services provided by newly formed legal entity for radiology/imaging centers	Antikickback statute; Safe harbor for personal services and management contracts

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OIG ADVISORY OPINIONS

<i>No.</i>	<i>Date</i>	<i>Description</i>	<i>Issues</i>
<u>2008 OIG ADVISORY OPINIONS</u>			
08-13	9/23/2008	Use of preferred hospital network as part of Medigap policy	Antikickback statute; CMP Against Beneficiary Inducements; Safe harbor for waivers of beneficiary coinsurance/ deductibles
08-14	9/24/2008	Motivational incentive reward program for patients of substance abuse treatment center	Antikickback statute; CMP Against Beneficiary Inducements
08-15	10/6/2008	Gainsharing agreement between hospital and cardiologists	Antikickback statute; CMP prohibition of inducements to reduce services; Safe harbor for personal services and management contracts
08-16	10/7/2008	Gainsharing agreement whereby hospital pays physician entity part of its share of performance pay from private insurer	Antikickback statute; CMP prohibition of inducements to reduce services; Safe harbor for personal services and management contracts
08-17	10/14/2008	Nonprofit charity's program assisting with cost-sharing obligations of financially needy Medicare, Medicaid patients for outpatient drug treatment of specific disease	Antikickback statute; CMP Against Beneficiary Inducements
08-18	10/21/2008	Program accepting payment from county's tax fund for cost-sharing obligations related to EMS transportation provided to county's residents	Antikickback statute; CMP Against Beneficiary Inducements
08-19	10/29/2008	Expansion of Internet advertiser's pay-per-lead advertising business to chiropractic industry	Antikickback statute; Safe harbors for personal services and management contracts, referral services
08-20	11/19/2008	Suppliers' placement of DMEPOS in hospitals and provision of personnel to train and educate patients on use of respiratory equipment	Antikickback statute
08-21	11/25/2008	Multi-year gainsharing arrangement between hospital, cardiologist groups, radiology group	CMP prohibition of inducements to reduce services; Antikickback statute; Safe harbor for personal services and management contracts
08-22	12/8/2008	Part-time physician employment arrangements	Antikickback statute; Safe harbor for employment relationships
08-23	12/12/2008	Program accepting payment from county's tax fund for cost-sharing obligations related to EMS transportation provided to county's residents	Antikickback statute; CMP prohibition of beneficiary inducement
08-24	12/29/2008	Shared medical practice by 23 physicians, podiatrists	Antikickback statute

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OIG ADVISORY OPINIONS

No. *Date* *Description* *Issues*

2009 OIG ADVISORY OPINIONS

09-01	3/6/2009	Local transportation program for friends and family of SNF residents	Antikickback statute; CMP prohibition of beneficiary inducement
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