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STARK LAW

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personally performed if it's provided by any other person, including but not limited to the referring doctor's employees, independent contractors or group practice members.

- **Entity** — An "entity" is any type of business structure or organization that provides "designated health services."
- **Designated Health Services or DHS** — There are eleven statutorily defined "designated health services", which are listed above.
- **Financial Relationship** — means either a direct or indirect (i) "compensation arrangement" or (ii) "ownership or investment interest." A financial relationship does not need to involve designated health services or Medicare/Medicaid patients.
- **Direct Compensation Arrangement** — any arrangement involving payment or remuneration between the doctor/provider (or immediate family member of the doctor/provider) and an entity.
- **Indirect Compensation Arrangement** — the final regulations set forth a very complicated test for determining when an indirect compensation arrangement exists. There are three factors: (1) there must be an unbroken chain of financial relationships (compensation arrangements or ownership interests) between the entity and the doctor/provider; (2) the referring doctor receives aggregate compensation from the person or entity in the chain

ICA E-Newsletter Offers Valuable Practice Success Information

Proven Strategies for Practice Success, an electronic newsletter created by the ICA's Practice Mastery Committee is attracting thousands of doctors of chiropractic, students and clinic staff members who are seeking information about how to build and maintain a successful practice. The newsletter is a weekly publication and is available to both members and non-members who request it. *Proven Strategies for Practice Success*, now in its 30th edition, went on-line in July 2002 and has been enthusiastically received by a rapidly growing subscriber base. Practice related questions ranging from how to promote and manage your practice to the implications of the federal Stark Law are answered by members of the committee.

The Practice Mastery Committee was established by ICA President, Dr. D.D. Humber to help members with the ever more complex challenges of practice. A committee of experienced and successful chiropractors was chosen to provide a forum where practitioners can

receive help. "There is no reason for a chiropractor to struggle alone when there are so many of us who have succeeded that are willing to help," said Dr. Patricia Gayman, committee chair.

The mission of the ICA Practice Mastery Committee is to provide ethical, practical and viable strategies for ICA members and other interested chiropractors & students to meet the challenges of today's rapidly changing, complex and competitive practice environment. Future plans for the committee include presenting one day seminars at various college campuses that will be open to both students and D.C.'s.

The best way to get on-line to receive the weekly publication is to go on-line at ICA's web site www.chiropractic.org or to call ICA at 800-423-4690. If you have a question you would like answered on the *Proven Strategies* newsletter please e-mail Dr. Gayman at drempoweru@earthlink.net.

The Stark Law article included in this issue is part of the Practice Mastery Series.

with which the doctor has a direct financial relationship that varies with, or otherwise reflects the volume or value of referrals or other business generated between the referring doctor/provider and the DHS entity; and (3) the DHS entity has knowledge of or acts with reckless regard as to requirement.

- **Ownership or Investment Interest** — Phase I of the final regulations clarify that an indirect ownership interest can pierce through several layers of holding companies; however, an indirect ownership interest will only trigger the Stark prohibition if the entity has actual knowledge of or acts in reckless disregard or deliberate ignorance of the fact that the referring physician (or an immediate family member) has some ownership or investment interest in the entity.
- **Physician** — The term physician used in the law includes doctors of chiropractic, as defined in the Medicare statute, and any immediate family member of physician, i.e., spouse, child or parent.
- **Volume or Value of Referrals** — compensation does not take into account the volume or value of referrals if the compensation is fair market value for services actually rendered and does not vary during the course of the agreement in any manner that takes into account referrals for DHS. "Per use" or "unit of service" based payment arrangements are allowed under this standard.
- **Set In Advance** — compensation is "set in advance" if the aggregate compensation or a time based unit of service is set in advance in the initial agreement between the parties in sufficient detail such that it can be objectively verified. The payment amount must be fair market value for services actually rendered not taking into account the volume or

value of referrals or the business generated by the referring physician at the time of the initial agreement. *Note:* Percentage based compensations are not set in advance if they are based on fluctuating or indeterminate measures such as revenue, collections or expenses.

Conclusion

While most chiropractic practitioners have no worries or exposure in this area, anyone who has doubts about any financial relationship they may have with any referral source, vendor, etc., would be well-advised to look at their situation in the context of the Stark law and take whatever action is necessary to bring any such relationship into full compliance with this law. The federal government is aggressively policing this area and those in violation stand a very good chance of being called to account for what could be criminal penalties.

Guide your pregnant patients through the journey of birth

with Dr. Carol Phillips'

"Hands of Love"

"Hands of Love is a ground-breaking book that makes a persuasive case for the need to profoundly change traditional, technocratic obstetrical practices... Dr. Phillips' knowledge of the muscles and ligaments and all the fine points of the construction of a woman's body is simply dazzling. Her methodology is practice based and totally convincing... If someone close to me were pregnant, I would rush to the bookstore and buy her two copies — one for her and one for her chiropractor."

Dr. Thomas Verny, Founder and First President
Association for Prenatal and Perinatal Psychology and Health

The Book: Pregnant mothers and DCs will learn from Dr. Phillips' 16+ years of practical experience helping women and attending more than 600 births. *Hands of Love* will open the eyes of the expectant mother as well as the chiropractor to a world of possibilities. It will help eliminate fear of the unknown and show doctors how they can help mothers with chiropractic care and also take responsibility for their birth choices.

The Video: This is the perfect companion to the book. Using incredible 3-D anima-

tion, still photography and home videos, Dr. Phillips has created a tool that will help parents understand the importance of incorporating chiropractic care, craniosacral therapy and doula support into their routine program of prenatal care.



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