

Health Care ‘Kickbacks’ Cover More Than You Might Think

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In the past several years, federal law enforcement has begun to heavily focus resources on rooting out fraud and abuses within the health care industry. Congress passed legislation that joins the U.S. Department of Justice and the U.S. Department of Health and Human Services agencies with local law enforcement into “strike force” teams whose mission is to root out health care fraud and abuse.

One enforcement tool used heavily by strike force teams is the federal Anti-Kickback Statute, 42 U.S.C. § 1320a-7b, which makes it a criminal offense to exchange anything of value in an effort to induce or reward the referral of Medicare or Medicaid covered services. The AKS is typically used to prosecute doctors and health care administrators who give or take money in exchange for referrals of Medicare or Medicaid patients. While many health care professionals may be tempted to stop reading right here, thinking that the AKS could never apply to them, the AKS has much broader implications than one might think.

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