

To: Hospitals and Health Systems *and* Fraud and Abuse
Practice Group Members

From: Hospitals and Health Systems Practice Group Leadership
Hal McCard, Chair
Albert "Chip" Hutzler, Vice Chair of Membership
Mary Beth Fortugno, Vice Chair of Educational Programs
Andrew Murray, Vice Chair of Publications
Lisa Ohrin, Vice Chair of Research and Website
Claire Turcotte, Vice Chair of Strategic Activities

Date: August 20, 2012

**August 2012 Settlement Under
Stark Self-Referral Disclosure Protocol**
By John Garver, III, and Jennifer Hutchens*

On August 15, the Centers for Medicare & Medicaid Services (CMS) announced its twelfth settlement under the Voluntary Self-Referral Disclosure Protocol (SRDP). This settlement involved violations of the federal physician self-referral statute (commonly known as the Stark Law) by a Florida hospital (Hospital). The Hospital disclosed under the SRDP that its arrangements with three physicians for certain services may have violated the Stark Law, because those arrangements did not satisfy the requirements of the personal services exception under the Stark Law. The Hospital's violations were settled for \$22,000. CMS provides a [list](#) of "select" self-disclosures resolved under the SRDP, including this settlement.

**We would like to thank John B. Garver, III, Esquire, and Jennifer C. Hutchens, Esquire (Robinson Bradshaw & Hinson PA, Charlotte, NC), for providing this email alert. We would also like to thank the Hospitals and Health Systems Practice Group leadership for sharing this alert with the Fraud and Abuse Practice Group.*

Member benefit educational opportunity:
Participate in the [webinar](#) on physician-owned distributors and device companies: to be or not to be? (September 18).

Disclaimer: The information obtained by the use of this service is for reference use only and does not constitute the rendering of legal, financial, or other professional advice by the American Health Lawyers Association.