

To: Hospitals and Health Systems *and* Fraud and Abuse  
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Date: May 22, 2013

**Two New Settlements under Stark Self-Referral Disclosure Protocol**

By Jennifer Hutchens and Kelly Koeninger\*

The Centers for Medicare & Medicaid Services (CMS) announced that on May 7, two settlements were reached under the Voluntary Self-Referral Disclosure Protocol (SRDP).

The first new settlement involved violations of the federal physician self-referral statute (commonly known as the Stark Law) by a Texas hospital (Texas Hospital). Under the SRDP, the Texas Hospital disclosed that it violated the Stark Law because some of its arrangements for physician ownership interests failed to satisfy the whole hospital exception under the Stark Law. The Texas Hospital's violations were settled for \$23,730.

The other SRDP settlement concerned a hospital located in Minnesota (Minnesota Hospital). Here, the Minnesota Hospital disclosed that one of its recruitment arrangements failed to satisfy the requirements of the physician recruitment exception under the Stark Law. The Minnesota Hospital's violations were settled for \$760.

CMS provides a [list](#) of "select" self-disclosures resolved under the SRDP, including these settlements.

*\*We would like to thank Jennifer C. Hutchens, Esquire, and Kelly A. Koeninger, Esquire (Robinson Bradshaw and Hinson PA, Charlotte, NC), for authoring 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.*

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Member benefit educational opportunity:  
Participate in [Part V](#) of the 2013 healthcare fraud and abuse bootcamp webinar series: compliance (June 5).

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