

Policy Title:	Stark Law: Non- Monetary Compensation (CMP)
Category:	CMP - Compliance
Policy Number:	100-015
Initial Effective Date:	08/03/23
Review Date(s):	
Revised Date(s):	03/20/24
Associated Forms & Policies:	100-015A Non-Monetary Compensation and Incidental Benefit Tracking Sheet
Regulation Reference (if applicable):	Non-Monetary Compensation Limit https://www.cms.gov/Medicare/Fraud-and-abuse/PhysicianSelfReferral/CPI-U_Updates Social Security Act (42 U.S.C. 1395nn) https://www.cms.gov/medicare/fraud-and-abuse/physicianselfreferral/index
Key Words:	Stark, Gifts, Physicians, Anti-Kickback Statute

I. Policy

It is the policy of Crouse Medical Practice to comply with federal laws related to giving gifts and other non-monetary compensation to physicians. Such laws include the Stark Law and Anti-Kickback Statute. CMP has established the following policy:

- Non-monetary compensation (referred to as non-monetary gifts/benefits throughout this policy) will not be provided to any physician based on the volume or value of referrals to Crouse Medical Practice.
- Crouse Medical Practice prohibits referrals to accountable care organization (ACO) providers based on the organizations participation in such programs and shall not induce ACO beneficiaries with gifts or gratuities to keep participation active or receive certain services.
- All non-monetary benefits/gifts offered to physicians and/or their immediate family members, including but not limited to; meals, tickets to sporting events/concerts/cultural events, and small gifts, must be disclosed to Compliance and must act in accordance with the Stark Law and Anti-Kickback Statute.
- Non-monetary compensation given to physicians must not exceed the allowable amount established by the Centers for Medicare & Medicaid Services (adjusted annually)

II. Purpose

The purpose of this policy is to ensure no referrals are based on a financial relationship between the referring physician and Crouse Medical Practice.

III. Scope

Physicians employed by Crouse Medical Practice & the responsible person(s) who approve funds and/or provide physicians with non-monetary gifts/benefits.

IV. Procedure

- A. When a physician, group of physicians, is provided with a non-monetary benefit/gift, the benefit/gift will be documented and maintained by Compliance. Responsible persons providing the benefit/gift will inform Compliance of the following:
1. The physician(s) in receipt of the benefit/gift
 2. The reason for the benefit/gift
 3. The monetary amount of the benefit/gift
 - i. If a discount is given for group pricing to events such as: sport events, the fair market value must be used as the amount.
 - ii. How the value was determined
 4. The date the physician(s) received the gift/benefit.
 5. If a physician's immediate family member(s) were also given a non-monetary gift/benefit.
 - i. If so, the number of family members (value will be increased per recipient)
- B. Compliance will also track each non-monetary benefit/gift given to each individual physician. Should a physician be close to reaching the allowable amount, a warning will be sent out to that individual physician, their direct supervisor, and the responsible person(s).
- C. If a physician should happen to exceed the allowable amount of non-monetary compensation, compensation is deemed to be in compliance with the Stark Law if:
1. The exceeded amount is valued at no more than 50% the annual limit; and,
 2. The physician returns the excess non-monetary compensation (or equal amount to its value) back to Crouse Medical Practice (i) by the end of the calendar year (ii) within 180 consecutive days, whichever occurs first.
 3. The physician has not exceeded the annual limit more than once in a three year period.

Definitions:

Non-Monetary Compensation (examples) – off campus meals, event tickets, rounds of golf, wine, gift baskets, small items with logos, use of services/employees, holiday gifts, flowers, education, etc.

Incidental Benefits- Benefits that meet all of the following requirements: (1) Non-monetary compensation offered to all members of the medical staff practicing in the same specialty (not necessarily accepted by every member to whom it is offered) without regard to volume or value of referrals; (2) compensation provided only during periods when the medical staff are making rounds or engaged in other services or activities that benefit the practice or its patients; (3) non-monetary compensation is provided and only used by the medical staff members, and only on the practice's campus (i.e. Internet access, devices that are used to access hospital medical records or information meets the requirement for 'on-campus'); (4) non-monetary compensation is reasonably related to the delivery or provision of the medical services at the hospital, (5) non-monetary compensation must be of low value (as defined annually by the Centers for Medicare & Medicaid)

Responsible Person(s)- means any individual or department of Crouse Medical Practice that provides, directs, or approves the provision of items or services that qualify as non-monetary compensation or incidental benefits.

Immediate Family Members- Spouse, parent/child/sibling by birth or adoption, stepparent, stepchild, stepsibling, mother/father in-law, son/daughter in-law, brother/sister in-law, grandparent, grandchild, spouse of grandparent/ grandchild.

Accountable Care Organization (ACO): A legal entity that is recognized and authorized under applicable State, Federal, or Tribal law, is identified by a Taxpayer Identification Number (TIN). It is formed by networks of hospitals, physician practices and specialties that come together to contract with a payer to share medical and financial responsibility for coordinating care of patient population.



Non-Monetary Compensation and Incidental Benefit Tracking Sheet

This sheet is to be filled out any time a physician (or their immediate family member) is provided a gift/benefit from Crouse Medical Practice. After completing this sheet please return to the Compliance Officer.

Please refer to policy: 100-015 'Stark Law: Non-Monetary Compensation' for further clarification

Non-monetary gift/benefit: off campus meals, event tickets, rounds of golf, wine, gift baskets, small items with logos, use of services/employees, holiday gifts, flowers, education, etc.

Incidental Benefit: Benefits that meet all of the following requirements: (1) Non-monetary compensation offered to all members of the medical staff practicing in the same specialty (not necessarily accepted by every member to whom it is offered) without regard to volume or value of referrals; (2) compensation provided only during periods when the medical staff are making rounds or engaged in other services or activities that benefit the hospital or its patients; (3) non-monetary compensation is provided and only used by the medical staff members, and only on the practices campus (i.e. internet access, devices that are used to access CMP medical records or information meets the requirement for 'on campus'; (4) non-monetary compensation is reasonably related to the delivery or provision of medical services at the practice; (5) non-monetary compensation must be of low value (as defined annually by the Centers for Medicare & Medicaid).

Recipient(s)

All Physicians at CMP

All Physicians in a group/department (must complete table on page 2)

Group/ Department: _____

Individual Physician

Physician Name: _____

Department: _____

Were immediate family members in receipt? Yes No

If yes, was the value increased per person in above section? Yes No

Date	Item/Service	Value

How was the value determined? (<i>i.e. did you look up the fair market value, divide by recipients, etc.</i>)	
Who is giving/providing the gift/benefit?	

Non-Monetary Compensation and Incidental Benefit Tracking Sheet

Submitter: _____ Date: _____ Time: _____

Please fill out below table if the gift/benefit was given to multiple physicians

**You may attach a document with all physician names listed instead of filling out the below table*

Last Name	First Name	Item/Service also given to family?			
		<i>If yes, include the # of recipients in the last column.</i>			
1.		No		Yes	
2.		No		Yes	
3.		No		Yes	
4.		No		Yes	
5.		No		Yes	
6.		No		Yes	
7.		No		Yes	
8.		No		Yes	
9.		No		Yes	
10.		No		Yes	
11.		No		Yes	
12.		No		Yes	
13.		No		Yes	
14.		No		Yes	
15.		No		Yes	
16.		No		Yes	
17.		No		Yes	
18.		No		Yes	
19.		No		Yes	
20.		No		Yes	