

Practitioner Recruitment

This safe harbor provides that remuneration does not include any payment or exchange of anything of value by an entity in order to induce a practitioner who has been practicing within his or her current specialty for less than one (1) year to locate, or to induce any other practitioner to relocate, his or her primary place of practice into a Health Professional Shortage Area (HPSA) for his or her specialty, that is served by an entity, as long as all of the following standards are met:

Elements of the Safe Harbor	Check if Applicable to the Arrangement
The arrangement is set forth in a written agreement signed by both parties, and the agreement specifies the benefits provided by the entity, the terms under which the benefits are to be provided, and the obligations of each party	
If a practitioner is leaving an established practice, at least seventy five (75%) of the revenues of the new practice must be generated from new patients not previously seen by the practitioner at his or her former practice	
The benefits are provided by the entity for a period not in excess of three (3) years, and the terms of the agreement are not renegotiated during this three (3) year period in any substantial aspect; provided, however, that if the HPSA to which the practitioner was recruited ceases to be a HPSA during the term of the written agreement, the payments made under the written agreement will continue to satisfy this safe harbor for the duration of the written agreement (not to exceed three (3) years)	
There is no requirement that the practitioner make referrals to, be in a position to make or influence referrals to, or otherwise generate business for the entity as a condition of receiving the benefits; provided, however, that for purposes of this safe harbor, the entity may require as a condition for receiving benefits that the practitioner maintain staff privileges at the entity	
The practitioner is not restricted from staff privileges at, referring any service to, or otherwise generating any business for any other entity of his or her choosing	
The amount or value of the benefits provided by the entity may not vary (or be adjusted or renegotiated) in any manner based on the volume or value of any expected referrals to, or business otherwise generated for, the entity by the practitioner for which payment made be made in whole or in part by a federal health care program	
The practitioner agrees to treat patients receiving medical benefits or assistance under any federal health care program in a nondiscriminatory manner	
At least seventy five (75%) of the revenues of the new practice must be generated from patients residing in a HPSA or a Medically Underserved Area (MUA) or who are part of a Medically Underserved Population (MUP)	
The payment or exchange of anything of value may not directly or indirectly benefit any person (other than the practitioner being recruited) or entity in a position to make or influence referrals to the entity providing the recruitment payments or benefits of items or services payable in whole or in part by a federal health care program	