

This safe harbor provides that remuneration does not include any payment or exchange of anything of value between an individual or entity (“participant”) and another entity serving as a referral service (“referral service”) as long as all of the following standards are met:

Elements of the Safe Harbor	Check if Applicable to the Arrangement
The referral service does not exclude as a participant in the referral service any individual or entity who meets the qualifications for participation	
Any payment the participant makes to the referral service is assessed equally against and collected equally from all participants, and is only based on the cost of operating the referral service, and not on the volume or value of any referrals to - or business otherwise generated by - either party for the referral service for which payment may be made in whole or in part by a federal health care program	
The referral service imposes no requirements on the manner in which the participant provides services to a referred person, except that the referral service may require that the participant charge the person referred at the same rate as it charges other persons not referred by the referral service, or that these services be furnished free of charge or at reduced charge	
<p>The referral service makes the following five disclosures to each person seeking a referral, with each such disclosure maintained by the referral service in a written record certifying such disclosure and signed by either such person seeking a referral, or by the individual making the disclosure on behalf of the referral service:</p> <ol style="list-style-type: none"> 1. The manner in which it selects the group of participants in the referral service to which it could make a referral; 2. Whether the participant has paid a fee to the referral service; 3. The manner in which it selects a particular participant from this group for that person; 4. The nature of the relationship between the referral service and the group of participants to whom it could make the referral; and 5. The nature of any restrictions that would exclude such an individual or entity from continuing as a participant. 	