

This safe harbor provides that remuneration does not include any exchange of value among individuals and entities where one party agrees to refer a patient to the other party for the provision of a specialty service payable - in whole or in part - by a federal health care program if an agreement on the part of the other party to refer the patient back to the first party at a mutually agreed upon time or circumstance. All of the following four standards must be met to qualify for the safe harbor:

Elements of the Safe Harbor	Check if Applicable to the Arrangement
The mutually agreed upon time or circumstance for referring the patient back to the originating individual or entity is clinically appropriate	
The service for which the referral is made is not within the medical expertise of the referring individual or entity, but is within the special expertise of the other party receiving the referral	
The parties receive no payment from each other for the referral and do not share or split a global fee from any federal health care program in connection with the referred patient	
Unless both parties belong to the same group practice, as group practice is defined by the Statute, the only exchange of value between the parties is the remuneration the parties receive directly from third party payors or from the patient compensating the parties for the services they each have furnished to the patient	