The following items or services are DHS:
5. Radiology and certain other imaging services defined by Code List [https://www.cms.gov/Medicare/Fraud-and-Abuse/PhysicianSelfReferral/List_of_Codes](https://www.cms.gov/Medicare/Fraud-and-Abuse/PhysicianSelfReferral/List_of_Codes)
7. Durable medical equipment and supplies
8. Parenteral and enteral nutrients, equipment, and supplies
9. Prosthetics, orthotics, and prosthetic devices and supplies
10. Home health services
11. Outpatient prescription drugs
12. Inpatient and outpatient hospital services
CMS Issues Stark Law Blanket Waivers

providing the designated health service from filing claims with Medicare (or billing another individual, entity, or third party payer) for designated health services furnished pursuant to a prohibited referral.

The Stark Law exceptions are defined by regulation.

Anti-Kickback Statute

Under the AKS, it can be a criminal offense to knowingly and willfully offer, pay, solicit or receive remuneration to induce or reward referrals of items or services reimbursable by a federal health care program. The AKS definition of remuneration includes anything of value, whether transferred directly or indirectly, overtly or covertly, in cash or in kind. HHS has promulgated safe harbor regulations that define practices that are not subject to the AKS because they would be unlikely to result in fraud or abuse.

Resources:

- CMS, Blanket Waivers of Section 1877(g) of the Social Security Act Due to Declaration of COVID-19 Outbreak in the United States as a National Emergency, Effective March 1, 2020
- CMS, COVID-19 Emergency Declaration Blanket Waivers for Health Care Providers Updated April 3, 2020
- OIG, FAQs – Application of OIG’s Administrative Enforcement Authorities to Arrangements Directly Connected to the Coronavirus Disease 2019 (COVID-19) Public Health Emergency
- OIG, A Roadmap for New Physicians: Fraud & Abuse Laws

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