

(IV) THAT ARE UNRELATED TO THE PAST OR EXPECTED VOLUME OF REFERRALS FROM THE HEALTH CARE PRACTITIONER TO THE HEALTH CARE ENTITY; AND

(V) THAT ARE NOT MARKETED DIFFERENTLY TO HEALTH CARE PRACTITIONERS THAT MAY MAKE REFERRALS THAN THEY ARE MARKETED TO OTHER INDIVIDUALS.

(C) (1) "COMPENSATION ARRANGEMENT" MEANS ANY AGREEMENT OR SYSTEM INVOLVING ANY REMUNERATION BETWEEN A HEALTH CARE PRACTITIONER OR THE IMMEDIATE FAMILY MEMBER OF THE HEALTH CARE PRACTITIONER AND A HEALTH CARE ENTITY.

(2) "COMPENSATION ARRANGEMENT" DOES NOT INCLUDE:

(I) COMPENSATION OR SHARES UNDER A FACULTY PRACTICE PLAN OR A PROFESSIONAL CORPORATION AFFILIATED WITH A TEACHING HOSPITAL AND COMPRISED OF HEALTH CARE PRACTITIONERS WHO ARE MEMBERS OF THE FACULTY OF A UNIVERSITY;

(II) AMOUNTS PAID UNDER A BONA FIDE EMPLOYMENT AGREEMENT BETWEEN A HEALTH CARE ENTITY AND A HEALTH CARE PRACTITIONER OR AN IMMEDIATE FAMILY MEMBER OF THE HEALTH CARE PRACTITIONER;

(III) AN ARRANGEMENT BETWEEN A HEALTH CARE ENTITY AND A HEALTH CARE PRACTITIONER OR THE IMMEDIATE FAMILY MEMBER OF A HEALTH CARE PRACTITIONER FOR THE PROVISION OF ANY SERVICES, AS AN INDEPENDENT CONTRACTOR, IF:

1. THE ARRANGEMENT IS FOR IDENTIFIABLE SERVICES;
2. THE AMOUNT OF THE REMUNERATION UNDER THE ARRANGEMENT IS CONSISTENT WITH THE FAIR MARKET VALUE OF THE SERVICE AND IS NOT DETERMINED IN A MANNER THAT TAKES INTO ACCOUNT, DIRECTLY OR INDIRECTLY, THE VOLUME OR VALUE OF ANY REFERRALS BY THE REFERRING HEALTH CARE PRACTITIONER; AND
3. THE COMPENSATION IS PROVIDED IN ACCORDANCE WITH AN AGREEMENT THAT WOULD BE COMMERCIALY REASONABLE EVEN IF NO REFERRALS WERE MADE TO THE HEALTH CARE PROVIDER;

(IV) COMPENSATION FOR HEALTH CARE SERVICES PURSUANT TO A REFERRAL FROM A HEALTH CARE PRACTITIONER AND RENDERED BY A HEALTH CARE ENTITY, THAT EMPLOYS OR CONTRACTS WITH AN IMMEDIATE FAMILY MEMBER OF THE HEALTH CARE PRACTITIONER, IN WHICH THE IMMEDIATE FAMILY MEMBER'S COMPENSATION IS NOT BASED ON THE REFERRAL;

(V) AN ARRANGEMENT FOR COMPENSATION WHICH IS PROVIDED BY A HEALTH CARE ENTITY TO A HEALTH CARE PRACTITIONER OR THE IMMEDIATE FAMILY MEMBER OF THE HEALTH CARE PRACTITIONER TO INDUCE THE HEALTH