

(I) THE FORWARDING OF A PATIENT BY ONE HEALTH CARE PRACTITIONER TO ANOTHER HEALTH CARE PRACTITIONER OR TO A HEALTH CARE ENTITY OUTSIDE THE HEALTH CARE PRACTITIONER'S OFFICE OR GROUP PRACTICE;
OR

(II) THE REQUEST OR ESTABLISHMENT BY A HEALTH CARE PRACTITIONER OF A PLAN OF CARE FOR THE PROVISION OF HEALTH CARE SERVICES OUTSIDE THE HEALTH CARE PRACTITIONER'S OFFICE OR GROUP PRACTICE.

1-302.

(A) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A HEALTH CARE PRACTITIONER MAY NOT REFER A PATIENT, OR DIRECT AN EMPLOYEE OF OR PERSON UNDER CONTRACT WITH THE HEALTH CARE PRACTITIONER TO REFER A PATIENT TO A HEALTH CARE ENTITY:

(1) IN WHICH THE HEALTH CARE PRACTITIONER, THE PRACTITIONER'S IMMEDIATE FAMILY, OR THE PRACTITIONER IN COMBINATION WITH THE PRACTITIONER'S IMMEDIATE FAMILY OWNS A BENEFICIAL INTEREST; OR

(2) WITH WHICH THE HEALTH CARE PRACTITIONER, THE PRACTITIONER'S IMMEDIATE FAMILY, OR THE PRACTITIONER IN COMBINATION WITH THE PRACTITIONER'S IMMEDIATE FAMILY HAS A COMPENSATION ARRANGEMENT.

(B) A HEALTH CARE ENTITY OR A REFERRING HEALTH CARE PRACTITIONER MAY NOT PRESENT OR CAUSE TO BE PRESENTED TO ANY INDIVIDUAL, THIRD PARTY PAYOR, OR OTHER PERSON A CLAIM, BILL, OR OTHER DEMAND FOR PAYMENT FOR HEALTH CARE SERVICES PROVIDED AS A RESULT OF A REFERRAL PROHIBITED BY THIS SUBTITLE.

(C) SUBSECTION (A) OF THIS SECTION APPLIES TO ANY ARRANGEMENT OR SCHEME, INCLUDING A CROSS-REFERRAL ARRANGEMENT, WHICH THE HEALTH CARE PRACTITIONER KNOWS OR SHOULD KNOW HAS A PRINCIPAL PURPOSE OF ASSURING INDIRECT REFERRALS THAT WOULD BE IN VIOLATION OF SUBSECTION (A) OF THIS SECTION IF MADE DIRECTLY.

(D) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO:

(1) A HEALTH CARE PRACTITIONER WHEN TREATING A MEMBER OF A HEALTH MAINTENANCE ORGANIZATION AS DEFINED IN § 19-701 OF THE HEALTH - GENERAL ARTICLE IF THE HEALTH CARE PRACTITIONER DOES NOT HAVE A BENEFICIAL INTEREST IN THE HEALTH CARE ENTITY;

(2) A HEALTH CARE PRACTITIONER WHO REFERS A PATIENT TO ANOTHER HEALTH CARE PRACTITIONER IN THE SAME GROUP PRACTICE AS THE REFERRING HEALTH CARE PRACTITIONER;