

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 care practitioner or the immediate family member of the health care practitioner to relocate to the geographic area served by the health care entity in order to be a member of the medical staff of a hospital, if:

1. The health care practitioner or the immediate family member of the health care practitioner is not required to refer patients to the health care entity;

2. The amount of the compensation under the arrangement 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 health care entity needs the services of the practitioner to meet community health care needs and has had difficulty in recruiting a practitioner; [or]

(vi) Payments made for the rental or lease of office space if the payments are:

1. At fair market value; and

2. In accordance with an arm's length transaction;

(VII) PAYMENTS MADE FOR THE RENTAL OR LEASE OF EQUIPMENT IF THE PAYMENTS ARE:

1. AT FAIR MARKET VALUE; AND

2. IN ACCORDANCE WITH AN ARM'S LENGTH TRANSACTION;

OR

(VIII) PAYMENTS MADE FOR THE SALE OF PROPERTY OR A HEALTH CARE PRACTICE IF THE PAYMENTS ARE:

1. AT FAIR MARKET VALUE;

2. IN ACCORDANCE WITH AN ARM'S LENGTH TRANSACTION;

AND

3. THE REMUNERATION IS PROVIDED IN ACCORDANCE WITH AN AGREEMENT THAT WOULD BE COMMERCIALY REASONABLE EVEN IF NO REFERRALS WERE MADE.

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(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: