

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.

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 or the practitioner in combination with the practitioner's immediate family owns a beneficial interest;

(2) In which the practitioner's immediate family owns a beneficial interest of 3 percent or greater; or

(3) 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.