Referrals Need to Pass Sniff Test to Avoid Federal Kickback Law

Partner John A. Mills spoke about the federal kickback law at the Treatment Center Investment & Valuation Retreat in Scottsdale, Arizona on December 6, 2017. According to John, the law regarding federal kickbacks is convoluted and complex. Ultimately, it does not take much for a referral to be considered a kickback. As such, John suggests healthcare providers follow a sniff test or ask whether a healthcare decision is being made with a patient's best interest in mind. If, however, financial considerations are the driving force behind decisions, they are unlikely to pass the sniff test.