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SENATE BILL NO. 201

Offered January 13, 2016

Prefiled January 4, 2016

A BILL to amend and reenact § 54.1-2962 of the Code of Virginia, relating to division of fees among physicians.

Patron—Dunnavant

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2962 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2962. Division of fees among physicians prohibited.

A. No surgeon or physician licensed to practice medicine or osteopathy in the Commonwealth shall:

1. Knowingly and willfully, directly or indirectly, share any professional fee charged for a surgical operation or medical services with a physician who brings, sends or recommends a patient to such surgeon for operation, or such physician for such medical received for the provision of health services, as defined in § 54.1-2410, to a patient with another physician licensed to practice medicine or osteopathy in the Commonwealth in return for such other physician's making a referral, as defined in § 54.1-2410, of such patient to the physician providing such health services; and no physician who brings, sends, or recommends any patient to a surgeon for a surgical operation or medical services shall accept from such surgeon or physician any portion of a fee charged for such operation or medical services or

2. Accept any portion of a professional fee paid to another physician licensed to practice medicine or osteopathy in the Commonwealth for the provision of health services, as defined in § 54.1-2410, to a patient in return for making a referral, as defined in § 54.1-2410, of such patient to the physician providing such health services.

B. This chapter shall not be construed as prohibiting (i) the members of any regularly organized partnership or group practice, as defined in § 54.1-2410, of such surgeons or physicians licensed to practice medicine or osteopathy in the Commonwealth from making any division of their total fees among themselves as they may determine or a group of duly licensed practitioners of any branch or branches of the healing arts from using their joint fees to defray their joint operating costs; (ii) arrangements permitted under the Practitioner Self-Referral Act (§ 54.1-2410 et seq.); or (iii) payments, business arrangements, or payment practices that would be permitted in accordance with 42 U.S.C. § 1320a-7b(b)(3) if such payments, business arrangements, or payment practices involved an underlying payment source that was a federal health care program, as defined in 42 U.S.C. § 1320a-7b(f), regardless of whether the underlying payment source actually is a federal health care program or other bona fide payment source.

C. Any person violating the provisions of this section shall be is guilty of a Class 1 misdemeanor.

INTRODUCED

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