

16100438D

HOUSE BILL NO. 239

Offered January 13, 2016

Prefiled December 29, 2015

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

Patron—O'Bannon

Referred to Committee on Health, Welfare and Institutions

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

HB239