

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 54.1-2962 of the Code of Virginia, relating to division of fees among*
3 *physicians.*

4
5 Approved

[S 201]

6 **Be it enacted by the General Assembly of Virginia:**

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

8 **§ 54.1-2962. Division of fees among physicians prohibited.**

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

10 *1. Knowingly and willfully, directly or indirectly, share any professional fee charged for a surgical*
11 *operation or medical services with a physician who brings, sends or recommends a patient to such*
12 *surgeon for operation, or such physician for such medical received for the provision of health services,*
13 *as defined in § 54.1-2410, to a patient with another physician licensed to practice medicine or*
14 *osteopathy in the Commonwealth in return for such other physician's making a referral, as defined in*
15 *§ 54.1-2410, of such patient to the physician providing such health services; and no physician who*
16 *brings, sends, or recommends any patient to a surgeon for a surgical operation or medical services shall*
17 *accept from such surgeon or physician any portion of a fee charged for such operation or medical*
18 *services or*

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

23 *B. This chapter shall not be construed as prohibiting (i) the members of any regularly organized*
24 *partnership or group practice, as defined in § 54.1-2410, of such surgeons or physicians licensed to*
25 *practice medicine or osteopathy in the Commonwealth from making any division of their total fees*
26 *among themselves as they may determine or a group of duly licensed practitioners of any branch or*
27 *branches of the healing arts from using their joint fees to defray their joint operating costs; (ii)*
28 *arrangements permitted under the Practitioner Self-Referral Act (§ 54.1-2410 et seq.); or (iii) payments,*
29 *business arrangements, or payment practices that would be permitted in accordance with 42 U.S.C.*
30 *§ 1320a-7b(b)(3) if such payments, business arrangements, or payment practices involved an underlying*
31 *payment source that was a federal health care program, as defined in 42 U.S.C. § 1320a-7b(f),*
32 *regardless of whether the underlying payment source actually is a federal health care program or other*
33 *bona fide payment source.*

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

ENROLLED

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