



Federal Anti-Kickback Statute FAQs

Question: What does the Federal Anti-Kickback Statute specifically prohibit?

Answer: Asking for or receiving anything of value to induce or reward referrals of a Federal Health Care program (such as a Medicare or Medicaid funded program).

Question: Does the Anti-kickback statute apply to those who pay for the referrals or to those who receive the referrals?

Answer: The statute applies to both those who refer and those and those who receive.

Question: Does this statute apply to Medicaid and Medicare programs?

Answer: Yes.

Question: Are the penalties civil or criminal?

Answer: Both.

Question: If the penalty is criminal, what can the punishment include?

Answer: Prison, fines, program exclusion.

Question: How does the False Claim Act apply to the Anti-Kickback Statute?

Answer: Any claims made that are investigated and found to violate the Anti-Kickback Statute is also deemed a false or fraudulent claim.

Question: What does the False Claims Act prohibit?

Answer: The submission of false or fraudulent claims to the government.

Question: What practices may not be treated as offenses under the Anti-Kickback Statute?

Answer: Regulations called Safe Harbors. These are federally recognized practices exempt from Anti-Kickback liability.

Question: Under civil penalties, what does the False Claims Act provide for?

Answer: A way for the federal government to recover money through a lawsuit in federal court.