



## 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.