

Office of Inspector General Solicits Comments Regarding New Safe Harbors and Special Fraud Alerts

January 5, 2009

On December 17, 2008, the Office of Inspector General for the U.S. Department of Health and Human Services ("OIG") issued a request for public comments related to developing new and modifying existing safe harbor provisions under the federal Anti-Kickback Statute. Comments are due no later than February 17, 2009.

In determining whether to issue new safe harbor provisions, OIG will consider the extent to which the safe harbor would increase or decrease:

- Access to healthcare;
- Quality of services;
- Patient freedom of choice;
- Competition;
- Cost to federal healthcare programs;
- Potential overutilization of healthcare services;
- The provision of services in medically underserved areas or underserved populations; and
- The potential financial benefit to the healthcare professional providers, including their decisions whether to order healthcare item or service or to arrange referrals.

In addition, OIG is soliciting comments related to additional special fraud alerts. Special fraud alerts provide OIG's current thinking on those matters that are likely to result in violations of the Anti-Kickback Statute.

For Further Information

If you have any questions concerning this topic, please contact [Frederick R. Ball](#), any [member](#) of the [White-Collar Criminal Defense Group](#) or [member](#) of the [Health Law Practice Group](#) or the attorney in the firm with whom you are regularly in contact.