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TO: **All Idaho Medicaid Providers**

FROM: **Leslie M. Clement, Administrator**

SUBJECT: **Federal Anti-Kickback Statute**

The Department has recently received complaints about Medicaid providers that may be offering incentives to participants who select their services. Providers that engage in these practices are in violation of the anti-kickback statute. Violation of this law can result in nonpayment of claims, civil monetary penalties, exclusion from the Medicaid program, and liability for the submission of false claims. Violation of the anti-kickback statute may also result in imprisonment and criminal fines.

The anti-kickback statute, set forth at § 1128B of the Social Security Act, (42 U.S.C. § 1320a-7b), makes it a criminal offense to offer, pay, solicit, or receive any remuneration to induce or reward referrals or selection of items or services reimbursable by a Federal health care program. Where remuneration is paid purposefully to induce or reward referrals or selection of items or services payable by a Federal health care program, the anti-kickback statute is violated. For purposes of the anti-kickback statute, "remuneration" includes the transfer of anything of value, directly or indirectly, overtly or covertly, in cash or in kind. For more information see http://oig.hhs.gov/fraud.html.

Idaho Medicaid providers should closely review the anti-kickback statute as well as their own policies, procedures, and practices to ensure compliance with this Federal law. When the Department identifies potential violations, the case will be referred to the appropriate Medicaid fraud authority for further investigation.

If you have further questions about this information, please refer to the contact information provided in the above link to the Office of Inspector General (OIG). Thank you for your continued participation in the Idaho Medicaid program.