

OIG expands Anti-Kickback Statute safe harbors: 6 things to know

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HHS' Office of Inspector General issued a [final rule](#) Tuesday that adds new safe harbors to the Anti-Kickback Statute, giving providers greater flexibility with certain payment practices.

Here are six things to know about the final rule.

1. The OIG finalized a new safe harbor that protects arrangements to provide free or discounted local transportation to patients.
2. The safe harbor only applies to "established patients." According to the final rule, a patient is "established" for purposes of the safe harbor "after he or she selects and initiates contact with a provider or supplier to schedule an appointment."
3. The safe harbor covers local transportation, which is 25 miles for patients in an urban area and 50 miles for patients in a rural area, according to the final rule.
4. The final rule includes a safe harbor for cost-sharing waivers for emergency state or municipality-owned ambulance services.
5. Under the final rule, ambulance providers must offer the cost-sharing waivers on a uniform basis, without regard to patient-specific factors.
6. For the safe harbor to apply, ambulance providers cannot later claim the amount waived as bad debt or shift the burden to Medicare, a state healthcare program, other payers or individuals.

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