

On March 30, 2020, Department of Health and Human Services Secretary Alex Azar [issued blanket waivers](#) to permit certain financial relationships and referrals that would otherwise be sanctioned by the Physician Self-Referral Law (Stark Law). The blanket waivers protect those financial relationships and referrals (and the claims submitted as a result thereof) specifically enumerated by the Centers for Medicare & Medicaid (CMS) as pertaining to at least one outlined 2019 novel coronavirus (COVID-19) purpose. These blanket waivers were given a retroactive effective date of March 1, 2020, and thus protect those referrals and financial relationships since that date.

The blanket waivers do not apply to all relationships or waive the Stark Law completely. Instead, the waivers apply only to one of 18 enumerated relationships. These 18 enumerated relationships can be described in two broad categories: (1) permissible forms of remuneration and (2) permissible referral relationships. This list summarizes but does not repeat the full listing of 18 enumerated relationships, which are set forth in full in the blanket waivers.

1. Permissible Forms of Remuneration. CMS determined that, solely for the duration of the COVID-19 pandemic, the following categories of remuneration directly between a physician (which in all cases includes a physician's immediate family member) or a physician's practice, and an entity that furnishes DHS, are exempted from Stark Law penalties. Importantly, these waivers do not address indirect financial relationships.

- a. **Compensation for Personally Performed Services –**
- b. **Office Space and Equipment Rent Payments –**
- c. **Payments for the Purchase of Items or Services –**
- d. **Provision of Additional Incidental Benefits to Medical Staff –**
- e. **Provision of Nonmonetary Compensation –**
- f. **Provision of Low-Interest or Interest-Free Loans –**

2. Permissible Referral Relationships. CMS determined that, solely for the duration of the COVID-19 pandemic, the following categories of referrals between a physician and an entity that furnishes DHS are exempted from the Stark Law requirements.

- a. **Referrals by Owners of Physician-Owned Hospitals –**
- b. **Referrals by Owners of ASCs That Temporarily Convert to Hospitals –**
- c. **Referrals by Owners in Home Health Agencies –**
- d. **Referrals for In-Office Ancillary Services at Additional Locations –**
- e. **Rural Referrals to Immediate Family Members –**
- f. **Waiving In-Writing Requirements –**

CMS provided examples on pages 6-7 of its guidance document linked above.