



Missouri Department of Health and Senior Services

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PM-11-03
VM-11-03

August 23, 2010

MEMORANDUM FOR ALL HOME AND COMMUNITY BASED CARE PROVIDERS

FROM: Celesta Hartgraves, Director
Division of Senior and Disability Services

SUBJECT: Anti-Kickback Laws

It has come to the attention of the Division of Senior and Disability Services (DSDS) that certain Home and Community Based Care providers continue to offer items or services of value to current or prospective clients or offer bonuses to provider staff that bring in new clients as part of their marketing strategy.

Providers have been informed of anti-kickback laws in the past (PM-03-02 and PM-06-06). Providers are again reminded to review the language in 42 U.S.C. § 1320a-7b (search engine located at <http://uscode.house.gov/search/criteria.shtml>) and Sections 191.905.2 and .3 RSMo (<http://www.moga.mo.gov/statutes/C100-199/1910000905.HTM>).

Under law, DSDS has an obligation to report any violations to the MO HealthNet Division, and subsequently, other appropriate federal and/or state authorities.

Any questions regarding this information should be directed to the provider's General Counsel.

CH/CL

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The Missouri Department of Health and Senior Services will be the leader in promoting, protecting and partnering for health.

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER: Services provided on a nondiscriminatory basis.