



MINNESOTA LANGUAGE CONNECTION
INTERPRETERS TRANSLATORS AND CONSULTANTS

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Anti-Kickback Policy

Policy

This Anti-Kickback Statute Policy requires The Minnesota Language Connection's compliance with the Federal Anti-Kickback Statute and analogous federal and state laws. In addition, it is designed to ensure that all MLC employees and contractors understand:

- The elements of the Anti-Kickback Statute; and
- The obligation to report violations and/or seek guidance, where necessary.

Policy Intent

The purpose of this policy is to comply with certain requirements set forth in the Federal Anti-Kickback Statute with regard to federal health care programs.

Policy Scope

This policy applies to all departments of MLC and its employees and independent contractors.

This Policy is applicable to all MLC business transactions and practices that could implicate the Anti-Kickback Statute and to all MLC employees and contractors engaged in such transactions or practices.

Policy Detail

POLICY:

The Minnesota Language Connection must ensure that all employees, including management, and any contractors or agents are educated regarding the federal anti-kickback statutes and the role of such laws in preventing and detecting fraud, waste and abuse in federal health care programs.

Anti-Kickback Statute

Section 42 U.S.C. 1320a-7b(b) of the Anti-Kickback Statute provides criminal penalties for individuals or entities that knowingly and willfully offer, pay, solicit or receive remuneration in order to induce or reward business payable (or reimbursable) under Medicare or other Federal health care programs. In addition to applicable criminal sanctions, an individual or entity may be excluded from participation in the Medicare and other Federal health care programs and subject to civil monetary penalties. 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

Elements of the Anti-Kickback Statute

Prohibited Transactions and Practices

The Anti-Kickback Statute prohibits anyone from knowingly and willingly offering, paying, soliciting, or receiving any remuneration intended to induce:

- The purchase, lease, order, or recommending or arranging for the purchase, lease or order of an item or service that is reimbursed under a Federal Health Care Program; or
- Referrals for an item or service that is reimbursed under a Federal Health Care Program.

In evaluating whether any particular business transaction or practice violates the Anti-Kickback Statute, the government may consider whether the transaction or practice has the potential to:

1. increase costs to a Federal Health Care Program, beneficiaries, or enrollees;
2. increase the risk of over-utilization or inappropriate utilization;
3. raise patient safety or quality-of-care concerns; or
4. interfere with appropriate clinical decision making.

Remuneration and Safe Harbors

Remuneration means anything of value given, directly or indirectly, overtly or covertly, in cash or in kind, to a Customer and includes, but is not limited to:

1. cash;
2. free goods;
3. free services; and
4. payment for items, services or data at above fair market value.

Because the federal government may construe the Anti-Kickback Statute broadly to prohibit otherwise beneficial business transactions or practices, it created “safe harbors” to shield certain transactions and practices from prosecution under the statute.

To receive the protection of a safe harbor, a transaction or practice must satisfy each element of a safe harbor. Transactions or practices that do not satisfy all elements of a relevant safe harbor are not necessarily illegal but may be subject to heightened scrutiny.

To the extent possible, company business transactions and practices should comply with an applicable safe harbor. Employees and Contractors should consult with Legal Counsel and the Compliance Officer for advice on satisfying the requirements of a safe harbor.

Intent to Induce

The Anti-Kickback Statute is an intent-based statute. However, the Anti-Kickback Statute may be violated if one purpose of the business transaction or practice is to induce referrals or the purchasing, leasing, or ordering of any item or service, or the recommending of or arranging for such activities, even if there are other legitimate purposes for the transaction or practice.

Compliance

MLC is committed to conducting its business transactions and practices in compliance with the Anti-Kickback Statute and analogous state laws. All MLC employees and contractors shall comply with the requirements of the Anti-Kickback Statute as well as all related MLC company policies and procedures. This means that MLC employees and contractors shall not give, receive, solicit or help arrange anything of value as part of the process of obtaining or making referrals in violation of the Anti-Kickback Statute or state law. MLC employees and contractors shall report suspected violations of the Anti-Kickback Statute and/or related company policies and procedures consistent with MLC Compliance Policies and the Code of Conduct.

In addition, MLC employees and contractors may direct any questions regarding the Anti-Kickback Statute and related company policies and procedures to the Compliance Officer or the Director.

Reporting Concerns Regarding Anti-Kickback Statute

MLC takes issues regarding the anti-kickback statutes seriously. MLC encourages all employees, management, and contractors or agents of MLC to be aware of the laws regarding anti-kickback statutes and to identify and resolve any issues immediately.

Penalties:

The Anti-Kickback Statute is a criminal statute, the violation of which constitutes a felony punishable by:

- **a fine of not more than \$25,000 per offense; and/or**
- **Imprisonment for up to five years.**

A conviction also will lead to mandatory exclusion from participation in Federal Health Care Programs. The Office of Inspector General (“OIG”), Department of Health and Human Services, also may impose civil monetary penalties of up to \$50,000 for each violation, plus damages of three times the amount of the remuneration.

Failure to comply with this Policy may result in:

- disciplinary action, up to and including termination of employment, for Employees; and
- termination of the contractual arrangement for Independent Contractors.

Reporting

Any suspicion of violation of the anti-kickback shall be reported to the Compliance Specialist 651-644-7100 or any other reporting mechanism in accordance with the policy on reporting suspected policy violations.

Process for Seeking Additional One Time Policy Exceptions

- No exceptions.

Pre-Approved Policy Exceptions

- No exceptions.

Supporting Process Guides, Standards, Procedures

- Civil Monetary Statute (42 U.S.C 1320a-7a)
- Social Security Act, Section 1128B
- Code of Conduct
- Internal policies and procedures