



# Mental Health Emergency Center

<b>Title:</b> Unenforceable Oral Agreements and Arrangements		<b>Document Number:</b>
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<b>Content Applies to Patient Care:</b> (Select all that apply)  <input checked="" type="checkbox"/> Adults <input checked="" type="checkbox"/> Pediatrics (Under 18)	<b>Content Applies to:</b> (Select One)  <input type="checkbox"/> Clinical <input checked="" type="checkbox"/> Administrative	<b>Next Review Date:</b>
		<b>Effective Date:</b>
<b>Scope:</b> <input checked="" type="checkbox"/> Mental Health Emergency Center (MHEC)		

## UNENFORCEABLE ORAL AGREEMENTS AND ARRANGEMENTS

### POLICY STATEMENT

The Medical Center is committed to establishing policies and developing effective internal controls that will promote adherence to applicable legal requirements and ensure compliance with the principles and guidelines established under the Medical Center’s Compliance Program. These ongoing efforts require Medical Center compliance with all laws, not only with respect to the delivery of health care, but also with respect to its business affairs and dealings with physicians. Accordingly, in the event a written agreement is necessary to qualify for an exception and/or avoid liability under applicable law, including without limitation, the physician self referral prohibition statute, commonly referred to as the “Stark Law,” no oral agreement or arrangement between the Medical Center and any physician (or a member of a physician’s immediate family), pursuant to which any remuneration is to be provided to such physician (or a member of such physician’s immediate family), shall be enforceable, and all such oral agreements and arrangements shall be considered null and void with no force and effect. Accordingly, except in rare circumstances defined as exceptions under the Stark Law as agreed to by the Medical Center and the applicable physician, all agreements and arrangements between the Medical Center and any physician (or a member of a physician’s immediate family), pursuant to which any remuneration is to be provided to such physician (or a member of such physician’s immediate family), must be in writing, signed by both parties, and meet the requirements of all applicable laws. For purposes of this Policy, the terms “physician” and “member of a physician’s immediate family” shall have the meanings prescribed to such terms in 42 C.F.R. § 411.351. All capitalized terms not defined in this Policy shall have the meaning set forth in the Medical Staff Bylaws.

### REFERENCES:

MEDICAL STAFF POLICY GOVERNING MEDICAL PRACTICES

42 U.S.C. § 1395nn  
42 C.F.R. § 411.351

**FORM(S):**

None

**MEDICAL EXECUTIVE COMMITTEE APPROVAL:**

**BOARD OF DIRECTORS APPROVAL:**