



# STATE HEALTH CARE ANTI-KICKBACK ANALOGUES

Index	State	Act/Statute/Provision: Section Title	Citation	Penalties
1	Alabama*	<i>Health, Mental Health, and Environmental Control: Kickbacks, Bribes, etc.</i>	<b>Ala. Code § 22-1-11(b)-(c)</b> (creating criminal liability for soliciting/receiving or offering/paying any remuneration for referral of an item/service reimbursable by the state Medicaid Agency)	Subject to a Class C felony punishable by 1-10 years of imprisonment and a fine up to \$15,000.  <i>See id.</i> §§ 22-1-11(b)-(c) (defining penalty), 13A-5-6(a)(3) (sentencing guidelines), and 13A-5-11(a)(3) (fines).
		<i>Licensing and Registration of Physicians and Osteopaths: Restrictions, etc.</i>	<b>Ala. Code § 34-24-360(10)</b> (creating professional liability for a physician splitting fees with an individual/entity for referral of patients)	Subject to suspension, revocation, or probation of state medical license.  <i>See id.</i> § 34-24-360 (defining penalty).
2	Alaska*	<i>Business and Commercial Offenses: Commercial Bribe Receiving</i>	<b>Alaska Stat. Ann. § 11.46.660(a)(3)</b> (creating criminal liability for a physician soliciting/accepting any benefit for referral of business to the payer)	Subject to a Class C felony punishable by up to 5 years of imprisonment and a fine up to \$50,000.  <i>See id.</i> §§ 11.46.660(b) (defining penalty), 12.55.125(e) (sentencing guidelines), and 12.55.035(b)(4) (fines).
		<i>Business and Commercial Offenses: Commercial Bribery</i>	<b>Alaska Stat. Ann. § 11.46.670(a)</b> (creating criminal liability for offering/conferring a benefit on a physician for referral of business)	Subject to a Class C felony punishable by up to 5 years of imprisonment and a fine up to \$50,000.  <i>See id.</i> §§ 11.46.670(b) (defining penalty), 12.55.125(e) (sentencing guidelines), and 12.55.035(b)(4) (fines).
3	Arizona*	<i>Miscellaneous Offenses: Consideration for Referral of Patient, Client or Customer; Fraud</i>	<b>Ariz. Rev. Stat. Ann. § 13-3713(A)</b> (creating criminal liability for soliciting/accepting or paying/offering any compensation for referral of an item/service reimbursable by the state health care program)	If kickback is \$1,000 or more: Subject to a Class 3 felony punishable by 2-8.75 years of imprisonment and a fine up to \$150,000. If kickback is \$101-\$999: Subject to a Class 4 felony punishable by 1-3.75 years of imprisonment and a fine up to \$150,000. If kickback is less than \$100: Subject to a Class 6 felony punishable by 0.33-2 years of imprisonment and a fine up to \$150,000.  <i>See id.</i> §§ 13-3713(A)(1)-(3) (defining penalty), 13-702 (sentencing guidelines), and 13-801 (fines).

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3	Arizona*	<i>Medical Board: Powers and Duties of the Board; Compensation, etc.</i>	<b>Ariz. Rev. Stat. Ann. §§ 32-1403(A)(2), 32-1401(27)(v)</b> (creating professional liability for a physician sharing a fee in exchange for patient referrals)	Subject to any discipline that does not “shock one’s sense of fairness.”  <i>See Golob v. Arizona Med. Bd. of State</i> , 217 Ariz. 505, 514 (Ct. App. 2008) (upholding sanctions).
4	Arkansas*	<i>Fraud Against the Government: Criminal Acts Constituting Medicaid Fraud</i>	<b>Ark. Code Ann. § 5-55-111(6)-(7)</b> (creating criminal liability for soliciting/receiving or paying/offering any remuneration for referral of items/services reimbursable by the Arkansas Medicaid Program)	If kickback is less than \$2,500: Subject to a Class A misdemeanor punishable by up to 1 year of imprisonment and a fine up to \$2,500. If kickback is \$2,500-\$4,999: Subject to a Class C felony punishable by 3-10 years of imprisonment and a fine up to \$10,000. If kickback is \$5,000-\$24,999: Subject to a Class B felony punishable by 5-20 years of imprisonment and a fine up to \$15,000. If kickback is \$25,000 or more: Subject to a Class A felony punishable by 6-30 years of imprisonment and a fine up to \$15,000.  <i>See id.</i> §§ 5-55-103(b) (defining penalty), 5-4-401(a) (sentencing guidelines), and 5-4-201 (fines).
		<i>Medicaid Fraud Claims Act: Liability for Certain Acts</i>	<b>Ark. Code Ann. § 20-77-902(6)-(7)</b> (creating civil liability for soliciting/receiving or paying/offering any remuneration for referral of items/services reimbursable by the Arkansas Medicaid Program)	Subject to civil restitution, civil damages, and an undefined civil penalty paid to the state of Arkansas.  <i>See id.</i> § 20-77-902 (defining penalty).
5	California*	<i>Business and Professional Code: Consideration for Referral of Patients, Clients, or Customers</i>	<b>Cal. Bus. &amp; Prof. Code § 650</b> (creating criminal liability for a state medical professional’s offer/delivery/receipt of compensation for referral of health care services)	If first conviction: Subject to a misdemeanor punishable by up to 1 year of imprisonment and/or a fine up to \$50,000. If second or subsequent conviction: Subject to a felony punishable by up to 16 months in county jail or 2-3 years in state prison and/or a fine of \$50,000.  <i>See id.</i> § 650(i) (defining penalty) as well as Cal. Penal Code § 1170(h)(1) (sentencing guidelines/fines).

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5	California*	<i>Welfare and Institutions Code: Kickbacks, Bribes or Rebates</i>	<b>Cal. Welf. &amp; Inst. Code § 14107.2(a)-(b)</b> (creating criminal liability for receiving/paying any remuneration for referrals of health care services reimbursable by the state health care system)	If first conviction: Subject to a misdemeanor punishable by up to 1 year of imprisonment in county jail and/or a fine up to \$10,000.  If second or subsequent conviction: Subject to a felony punishable by up to 16 months of imprisonment in county jail or 2-3 years of imprisonment in state prison and/or a fine of \$50,000.  <i>See id.</i> § 14107.2(a)(2), (b)(2) (defining penalty) as well as Cal. Penal Code § 1170(h)(1) (sentencing guidelines/fines).
		<i>Health and Safety Code: Medical Referrals for Profit</i>	<b>Cal. Health &amp; Safety Code § 445</b> (creating criminal liability for referring a patient for profit to any health care professional/facility)	Subject to a misdemeanor punishable by up to 1 year of imprisonment in county jail and/or a \$5,000 fine.  <i>See id.</i> § 445 (defining penalty).
6	Colorado*	<i>Medicaid Fraud Control: Unlawful Remuneration</i>	<b>Colo. Rev. Stat. § 24-31-809</b> (creating criminal liability for receiving/soliciting or paying/offering any remuneration for referral of goods/services reimbursable under the state health care program)	Subject to a Class 1 misdemeanor punishable by 6-18 months of imprisonment and/or \$500-\$5,000 fine.  <i>See id.</i> §§ 24-31-809 (defining penalty) and 18-1.3-501 (sentencing guidelines/fines).
7	Connecticut*	<i>Bribery, Offenses Against the Administration of Justice and Other Related Offenses: Receiving Kickbacks</i>	<b>Conn. Gen. Stat. § 53a-161c(a)(2)</b> (creating criminal liability for soliciting/accepting any benefit for referral of goods/services reimbursable under a local, state, or federal health care program)	Subject to a Class D felony punishable by up to 5 years of imprisonment and a fine up to \$5,000.  <i>See id.</i> §§ 53a-161c(b) (defining penalty), 53a-35a (sentencing guidelines), and 53a-41(4) (fines).
		<i>Bribery, Offenses Against the Administration of Justice and Other Related Offenses: Paying Kickbacks</i>	<b>Conn. Gen. Stat. § 53a-161d(a)</b> (creating criminal liability for offering/paying any benefit to induce referrals for goods/services reimbursable by a local, state, or federal agency)	Subject to a Class D felony punishable by up to 5 years of imprisonment and a fine up to \$5,000.  <i>See id.</i> §§ 53a-161d(b) (defining penalty), 53a-35a (sentencing guidelines), and 53a-41(4) (fines).

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8	Delaware*	<i>Fraudulent Acts: Kickback Schemes and Solicitation</i>	<b>Del. Code Ann. tit. 31, § 1005(a)-(b)</b> (creating criminal, civil, and professional liability for soliciting/receiving or offering/paying any remuneration in return for referral of goods/services reimbursable by “any public assistance program”)	Subject to a Class E felony punishable by up to 5 years of imprisonment.  Subject to full restitution for kickback received plus 1.5% interest per month.  Subject to loss of medical license.  <i>See id.</i> § 1007(c)-(e) (defining penalty) as well as Del. Code Ann. tit. 11, § 4205(b)(5) (sentencing guidelines).
9	District of Columbia (Washington, D.C.)*	<i>Medicaid Provider Fraud Prevention: Prohibited Acts</i>	<b>D.C. Code § 4-802(c)-(d)</b> (creating criminal liability for soliciting/accepting or offering/conferring any remuneration for referral of a good/service reimbursable by the District of Columbia Medicaid Program)	Subject to a misdemeanor punishable by up to 1 year of imprisonment and/or up to a \$500 fine.  <i>See id.</i> § 4-802(a) (defining penalty).
		<i>Health Occupations Boards: Revocation, Suspension, or Denial of License</i>	<b>D.C. Code § 3-1205.14(a)(14)</b> (creating professional liability for splitting fees for professional services with someone for referring a client)	Subject to loss of medical license and a fine up to \$5,000.  <i>See id.</i> § 3-1205.14(c) (defining penalty).
10	Florida*	<i>Regulation of Professionals and Occupations: Kickbacks Prohibited</i>	<b>Fla. Stat. Ann. § 456.054(2)-(3)</b> (creating criminal liability for offering/paying or receiving a kickback for referral of patients)	If the prohibited conduct involves 20 or more patients: Subject to a first-degree felony, punishable by 30 years of imprisonment and a fine of \$500,000. If the prohibited conduct involves 10-19 patients: Subject to a second-degree felony punishable by 15 years of imprisonment and a fine of \$100,000. If the prohibited conduct involves fewer than 10 patients: Subject to a third-degree felony punishable by 5 years of imprisonment and a fine of \$50,000.  <i>See id.</i> §§ 456.054(4) (referring to § 817.505); 817.505(4)(a)-(c) (defining penalty); and 775.082(3)(b), (d), and (e) (sentencing guidelines).

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10	Florida*	<i>Fraudulent Practices: Patient Brokering Prohibited</i>	<b>Fla. Stat. Ann. § 817.505(1)(a)-(c)</b> (creating criminal liability for offering/paying or soliciting/receiving any benefit for referral of a patient)	<p>If the prohibited conduct involves 20 or more patients: Subject to a first-degree felony punishable by 30 years of imprisonment and a fine of \$500,000.</p> <p>If the prohibited conduct involves 10-19 patients: Subject to a second-degree felony punishable by 15 years of imprisonment and a fine of \$100,000.</p> <p>If the prohibited conduct involves fewer than 10 patients: Subject to a third-degree felony punishable by 5 years of imprisonment and a fine of \$50,000.</p> <p><i>See id.</i> §§ 817.505(4)(a)-(c) (defining penalty) and 775.082(3)(b), (d), and (e) (sentencing guidelines).</p>
		<i>Hospital Licensing and Regulation: Rebates Prohibited</i>	<b>Fla. Stat. Ann. § 395.0185</b> (creating professional liability for paying/receiving a kickback from a physician for referring patients to a licensed facility)	<p>Subject to a fine up to \$1,000 and potential disciplinary action.</p> <p><i>See id.</i> § 395.0185(2)(a).</p>
11	Georgia*	<i>Composite Medical Board: Refusal, Revocation or Suspension of Licenses, etc.</i>	<b>Ga. Code Ann. § 43-34-8(a)(9)</b> (creating professional liability for dividing fees for referring a patient)	<p>Subject to revocation of license.</p> <p><i>See id.</i> § 43-34-8(a) (defining penalty).</p>
		<i>Professions and Businesses: Certain Financial Arrangements Between Referring Health Care Providers and Other Providers of Health Care Services Prohibited</i>	<b>Ga. Code Ann. § 43-1B-4(7)</b> (creating civil liability for dividing fees for patient referral)	<p>Subject to a civil penalty up to \$15,000 for each prohibited act.</p> <p><i>See id.</i> § 43-1B-4(7) (defining penalty).</p>

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12	Hawaii*	<i>Insurance Code: Client-Patient Referrals, Health Care Provider Practices Prohibited</i>	<b>Haw. Rev. Stat. Ann. § 431:10C-308.7(b)-(c)</b> (creating professional liability for fee splitting for referrals or referring services for a financial interest)	Subject to revocation of professional license.  See <i>id.</i> § 431:10C-308.7(f) (defining penalty).
		<i>Professions and Occupations: Opticians: Acts Prohibited</i>	<b>Haw. Rev. Stat. Ann. § 458-13(5)</b> (creating professional liability for opticians paying a kickback in exchange for referral of services)	Subject to revocation of professional license.  See <i>id.</i> § 458-13(5) (defining penalty).
13	Idaho*	<i>Insurance: Prohibited Acts—Service Providers</i>	<b>Idaho Code Ann. § 41-348(1)</b> (creating civil liability for paying or accepting payments for referral of a client)	Subject to a civil penalty up to \$5,000.  See <i>id.</i> §§ 43-348(4) (referring to § 41-327), 41-327 (defining penalty).
		<i>Medical Practice Act: Grounds for Medical Discipline</i>	<b>Idaho Code Ann. § 54-1814(8)</b> (creating professional liability for individuals licensed to practice medicine in the state for splitting fees in exchange for referrals)	Subject to revocation of medical license.  See <i>id.</i> § 54-1814 (defining penalty).
14	Illinois	<i>Public Aid Code: Vendor Fraud and Kickbacks</i>	<b>305 Ill. Comp. Stat. § 5/8A-3(b)-(c)</b> (creating criminal liability for soliciting/receiving or offering/paying any remuneration for referrals reimbursable by the state)	If kickback is less than \$150: Subject to a Class A misdemeanor punishable by up to 1 year of imprisonment and/or a fine of \$75-\$2,500 per offense.  If kickback is \$150-\$999: Subject to a Class 4 felony punishable by 1-3 years of imprisonment and a fine of \$75-\$25,000 per offense.  If kickback is \$1,000-\$4,999: Subject to a Class 3 felony punishable by 2-5 years of imprisonment and a fine of \$75-\$25,000 per offense.  If kickback is \$5,000-\$9,999: Subject to a Class 2 felony punishable by 3-7 years of imprisonment and a fine of \$75-\$25,000 per offense.  If kickback is more than \$10,000: Subject to a Class 1 felony punishable by 4-15 years of imprisonment and a fine of \$75-\$25,000 per offense.  See <i>id.</i> §§ 5/8A-3(b)-(c) (referring to § 5/8A-6); 5/8A-6 (defining penalty); and 730 Ill. Comp. Stat. §§ 5/5-4.5-55, -45, -40, -35, and -30 (sentencing guidelines); and -50(b) (fines).

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15	Indiana*	<i>Medicaid: Soliciting, Offering, or Receiving Kickbacks, Bribes, etc.</i>	<b>Ind. Code Ann. § 12-15-24-2</b> (creating criminal liability for offering/receiving a fee for referring goods/services reimbursable by the state health care program)	Subject to a Class A misdemeanor punishable by up to 1 year of imprisonment and a fine up to \$5,000.  See <i>id.</i> §§ 12-15-24-2 (defining penalty) and 35-50-3-2 (sentencing guidelines/fines).
		<i>Medical Licensing Board of Indiana: Standard of Professional Conduct</i>	<b>844 Ind. Admin. Code § 5-2-11</b> (creating professional liability for a practitioner paying/receiving compensation for referral of a patient)	Subject to revocation of medical license.  See <i>id.</i> § 5-1-3 (defining penalty).
16	Iowa*	<i>Medical Assistance: Sanctions</i>	<b>Iowa Admin. Code r. 441-79.2(249A)(2)(o)</b> (creating professional liability for offering/receiving a fee for patient referral)	Subject to revocation of medical license and disciplinary sanctions.  See <i>id.</i> r. 441-79.2(249A)(3).
		<i>Medicine: Standards of Practice and Principles of Medical Ethics</i>	<b>Iowa Admin. Code r. 653-13.7(147,148,272c)(2)</b> (creating professional liability for paying/receiving compensation for patient referrals)	Subject to revocation of medical license.  See <i>id.</i> r. 653-23.1(272C).
17	Kansas*	<i>Crimes Affecting Government Functions: Unlawful Acts Relating to the Medicaid Program</i>	<b>Kan. Stat. Ann. § 21-5928(a)(1)-(2)</b> (creating criminal liability for soliciting/receiving or offering/paying any remuneration for goods/services reimbursable by the state Medicaid program)	Subject to a Level 7, nonperson felony punishable by 15-17 months of imprisonment and/or a fine up to \$100,000.  See <i>id.</i> §§ 21-5929(c) (defining penalty), 21-6804 (sentencing guidelines), and 21-6611 (fines).
18	Kentucky	<i>Miscellaneous Health Care Provisions: Self-Referral Restrictions</i>	<b>Ky. Rev. Stat. Ann. § 216.2950(1)-(2)</b> (creating criminal liability for soliciting/receiving or offering/paying a fee for referring goods/services reimbursable under the state health care program)	If aggregate kickback is less than \$300: Subject to a Class A misdemeanor punishable by up to 1 year of imprisonment and a fine up to \$500.  If aggregate kickback is \$300 or more: Subject to a Class D felony punishable by 1-5 years of imprisonment and a fine of \$1,000-\$10,000.  See <i>id.</i> §§ 216.2950(3) (defining penalty), 532.090 (misdemeanor sentencing guidelines), 532.060 (felony sentencing guidelines), 534.040 (misdemeanor fines), and 534.030 (felony fines).



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19	Louisiana*	<i>Medical Assistance Programs Integrity Law: Illegal Remuneration</i>	<b>La. Stat. Ann. § 46:438.2(A)</b> (creating civil liability for soliciting/receiving or offering/paying any remuneration for referrals of goods/services reimbursable under the state health care program)	Subject to actual damages.  Subject to a civil fine of \$10,000 or three times the amount of the kickback, whichever is greater.  Subject to a civil monetary penalty of \$5,000- \$11,000 per false claim.  <i>See id.</i> § 46:438.6 (defining penalty).
		<i>Offenses Against Property: Fraudulent Remuneration</i>	<b>La. Stat. Ann. § 14:70.5(1)</b> (creating criminal liability for soliciting/receiving or offering/paying any remuneration for referrals of goods/services reimbursable under the state health care program)	Subject to a felony punishable by up to 5 years of imprisonment and/or a fine up to \$20,000.  <i>See id.</i> § 14:70.5(C) (defining penalty).
		<i>Miscellaneous Provisions Common to Certain Professions: Prohibition on Payment for Patient Referrals</i>	<b>La. Stat. Ann. § 37:1745(B)</b> (creating criminal liability for soliciting/receiving or offering/paying any remuneration for referrals of any health care goods/services)	Subject to revocation of professional license.  <i>See id.</i> § 37:1745(C)(3) (defining penalty).
20	Maine		<b>No state health care anti-kickback law.</b>	
21	Maryland*	<i>Medicaid Fraud: Prohibited—Bribe or Kickback</i>	<b>Md. Code Ann., Crim. Law § 8-511</b> (creating criminal and civil liability for soliciting/receiving or offering/paying a kickback or bribe for referral of goods/services reimbursable under the state health care plan)	If aggregate kickback is more than \$1,500: Subject to a felony punishable by up to 5 years of imprisonment and/or a fine up to \$100,000. If aggregate kickback is less than \$1,500: Subject to a misdemeanor punishable by up to 3 years of imprisonment and/or a fine up to \$50,000.  Subject to a civil penalty up to three times the amount of the kickback.  <i>See id.</i> §§ 8-516 (defining criminal penalty) and 8-517 (defining civil penalty).

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21	Maryland*	<i>Health Occupations Code: License Denial, Suspension, or Revocation</i>	<b>Md. Code Ann., Health Occ. § 14-404(a)(15)</b> (creating professional liability for paying or agreeing to pay a sum for referral of a patient)	Subject to revocation of professional license.  See <i>id.</i> § 14-404(a) (defining penalty).
22	Massachusetts*	<i>False Health Care Claims Act: Solicitation, Improper Inducement to Use Goods, Facilities, Services, or Products Covered by Insurance</i>	<b>Mass. Gen. Laws ch. 175H, § 3</b> (creating criminal and civil liability for soliciting/receiving or offering/paying any remuneration for referrals of goods/services reimbursable by any health care insurer)	Subject to a felony punishable by a fine up to \$10,000 and/or either up to 2.5 years of imprisonment in county jail or up to 5 years of imprisonment in state prison.  Subject to civil restitution, attorneys' fees for such civil prosecution, and costs of civil investigation.  See <i>id.</i> ch. 175H, § 3(a) (defining criminal penalty), and § 7 (defining civil penalty).
23	Michigan	<i>Medicaid False Claims Act: Solicitation, Offer or Receipt of Kickback or Bribe in Connection with Furnishing Goods or Services, etc.</i>	<b>Mich. Comp. Laws § 400.604</b> (creating criminal liability for soliciting/receiving or offering/paying a kickback for referral of goods/services reimbursable by the state health care program)	Subject to a felony punishable by up to 4 years of imprisonment and/or a fine up to \$30,000.  See <i>id.</i> § 400.604 (defining penalty).
		<i>Health Care False Claims Act: Solicitation, Offer, etc., of Bribes in Connection with Furnishing of Goods or Services Paid for by Health Care Corporations or Insurers, etc.</i>	<b>Mich. Comp. Laws § 752.1004</b> (creating criminal liability for soliciting/receiving or offering/paying a kickback for referral of goods/services reimbursable by the state health care program)	Subject to a felony punishable by up to 4 years of imprisonment and a fine up to \$50,000.  See <i>id.</i> § 752.1004 (defining penalty).
24	Minnesota*	<i>Medical Practice Act: Grounds for Disciplinary Action</i>	<b>Minn. Stat. Ann. § 147.091(1)(p)(1)</b> (creating civil and professional liability for physicians soliciting/receiving or offering/paying remuneration for referral of patients)	Subject to revocation of medical license.  Subject to a civil penalty up to \$10,000 for each violation.  See <i>id.</i> §§ 147.091(1) (defining penalty) and 147.141 (forms of disciplinary action).

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25	Mississippi	<i>Medicaid Fraud Control Act: Kickbacks, Bribes, Rebates Prohibited</i>	<b>Miss. Code Ann § 43-13-207</b> (creating criminal and civil liability for soliciting/receiving or offering/paying a kickback for referral of goods/services reimbursable by the state health care program)	Subject to a felony punishable by up to 5 years of imprisonment and/or a fine up to \$50,000.  Subject to forfeiture and a civil penalty equal to triple the amount of the kickback.  <i>Id.</i> §§ 43-13-215 (defining criminal penalty), 43-13-225 (defining civil penalty).
26	Missouri*	<i>Health Care Payment Fraud and Abuse: Kickback, Bribe, etc.</i>	<b>Mo. Rev. Stat. § 191.905(2)-(3)</b> (creating criminal and civil liability for soliciting/receiving or offering/paying any remuneration for referral of any health care)	If first conviction: Subject to a Class D felony punishable by up to 7 years of imprisonment and a fine up to \$10,000.  If second/subsequent conviction: Subject to a Class B felony punishable by 5-15 years of imprisonment and a fine up to \$20,000.  Subject to restitution.  Subject to a civil penalty of \$5,000-\$10,000 for each violation, plus treble damages.  <i>See id.</i> §§ 191.905(7), (11), (12) (defining penalty), 558.011 (sentencing guidelines), and 558.002 (fines).
27	Montana	<i>Offenses Against Property: Medicaid Fraud</i>	<b>Mont. Code Ann. § 45-6-313(1)(b)</b> (creating criminal liability for soliciting/accepting or offering/paying any remuneration for referral of goods/services reimbursable under the state health care program)	If value of funds/services is \$1,500 or less: Subject to a misdemeanor punishable by up to 6 months of imprisonment and/or a fine up to \$1,500 for first offense;  Subject to a misdemeanor punishable by 10 days to 6 months of imprisonment and a fine \$1,500 for second offense;  Subject to a misdemeanor punishable by 30 days to 1 year of imprisonment and \$1,500 fine for third offense/subsequent offenses.  If value of funds/services exceeds \$1,500: Subject to a felony punishable by up to 10 years of imprisonment and a fine of \$50,000 or 10 times the value of funds and services obtained.  <i>See id.</i> § 45-6-313(4)(a)-(b) (defining penalty).

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28	Nebraska*	<i>Offenses Involving Fraud: Commercial Bribery and Breach of Duty to Act Disinterestedly</i>	<b>Neb. Rev. Stat. § 28-613</b> (creating criminal liability for a physician soliciting/accepting any benefit for violating a duty of fidelity)	Subject to a Class I misdemeanor punishable by up to 1 year of imprisonment and/or a fine up to \$1,000.  See <i>id.</i> §§ 28-613 (defining penalty) and 28-106 (sentencing guidelines).
29	Nevada	<i>State Plan for Medicaid: Offenses Regarding Sale, Purchase or Lease of Goods, Services, Materials or Supplies</i>	<b>Nev. Rev. Stat. § 422.560</b> (creating criminal liability for soliciting/receiving or offering/paying anything of value for referral of goods/services reimbursable by the state health care program)	If value of goods/services is less than \$650: Subject to a gross misdemeanor punishable by up to 1 year of imprisonment and a fine up to \$2,000.  If value of goods/services is more than \$650: Subject to a Category D felony punishable by 1-4 years of imprisonment and a fine up to \$5,000.  See <i>id.</i> §§ 422.560(4) (defining penalty), 193.130 (felony), and 193.140 (gross misdemeanor).
		<i>Industrial Insurance: Prohibited Acts; Penalties; Prosecution: Certain Acts Relating to Offer, Payment, Transfer, Acceptance or Solicitation of Additional Value Prohibited</i>	<b>Nev. Rev. Stat. § 616D.390</b> (creating criminal liability for soliciting/receiving or offering/paying anything of value for referral of goods/services reimbursable by the state health care program)	If value of goods/services is less than \$650: Subject to a gross misdemeanor punishable by up to 1 year of imprisonment and a fine up to \$2,000.  If value of goods/services is more than \$650: Subject to a Category D felony punishable by 1-4 years of imprisonment and a fine up to \$5,000.  See <i>id.</i> §§ 616D.390(5) (defining penalty), 193.130 (felony), and 193.140 (gross misdemeanor).
30	New Hampshire	<i>Medicaid Fraud and False Claims: Prohibited Acts</i>	<b>N.H. Rev. Stat. Ann. § 167:61-a(I)(i)</b> (creating criminal liability for soliciting/receiving or offering/paying any remuneration for referral of goods/services reimbursable by the state health care program)	Subject to a Class B felony punishable by up to 7 years of imprisonment and a fine up to double the kickback.  See <i>id.</i> §§ 167:61-a(II)(a) (defining penalty), 651:2(II)(b) (sentencing guidelines), and 651:2(IV)(c) (fines).

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31	New Jersey*	<i>Forgery and Fraudulent Practices: Commercial Bribery and Breach of Duty to Act Disinterestedly</i>	<b>N.J. Stat. Ann. § 2C:21-10(a)(3), (c)</b> (creating criminal liability for soliciting/accepting or offering/conferring any benefit to a physician for violating a “duty of fidelity”)	If the value of goods/services is \$1,000 or less: Subject to a fourth-degree felony punishable by up to 18 months of imprisonment and a fine up to \$10,000. If value of goods/services is \$1,001-\$74,999; Subject to a third-degree felony punishable by 3-5 years of imprisonment and a fine up to \$15,000. If value of goods/services is \$75,000 or more: Subject to a second-degree felony punishable by 5-10 years of imprisonment and a fine up to \$150,000.  <i>See id.</i> §§ 2C:21-10(d) (defining penalty), 2C:43-6(a) (sentencing guidelines), and 2C:43-3(a)-(b) (fines).
		<i>Out-of-Network Consumer Protection, Transparency, Cost Containment and Accountability Act: Inducement to Receive Services from Provider</i>	<b>N.J. Stat. Ann. § 26:2SS-15(a)</b> (creating civil liability for an out-of-network health care provider paying or waiving payment to induce a covered person to seek health care services from that provider)	Subject to a civil penalty up to \$1,000 for each violation.  <i>See id.</i> § 26:2SS-17(a) (defining penalty).
		<i>Professions and Occupations Regulated by State Boards of Registration and Examination: Clinical Laboratories: Prohibited Activities</i>	<b>N.J. Stat. Ann. § 45:9-42.42(d)</b> (creating civil liability for clinical laboratories offering rebates in exchange for referral of services)	Subject to civil penalties of \$100-1,000 per violation.  Subject to repayment of funds received.  <i>See id.</i> § 45:9-42.43 (defining penalty).
		<i>Limitations on and Obligations Associated with Prescriber Acceptance of Compensation from Pharmaceutical Manufacturers: Prohibited Gifts and Payments</i>	<b>N.J. Admin. Code § 13:45J-1.3(c)</b> (creating administrative liability for physicians and other healthcare providers accepting “any item of value that does not advance disease or treatment education” from pharmaceutical manufacturers)	Subject to revocation of medical license.  <i>See id.</i> § 13:45-5.2(a) (defining penalty).

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32	New Mexico*	<i>Medicaid Fraud: Defined; Investigation; Penalties</i>	<b>N.M. Stat. Ann. § 30-44-7(A)(1)</b> (creating criminal liability for soliciting/receiving or offering/paying a kickback for referring goods/services reimbursable under the state health care program)	Subject to a fourth-degree felony punishable by up to 18 months of imprisonment and a fine up to \$5,000.  <i>See id.</i> §§ 30-44-7(B) (defining penalty), 31-18-15(A)(13) (sentencing guidelines), and 31-18-15(E)(11) (fines).
		<i>Criminal Offenses: Offering or Paying Illegal Kickback</i>	<b>N.M. Stat. Ann. § 30-41-2(A)</b> (creating criminal liability for paying any remuneration for referring a good/service for which payment may be made by “public money”)	Subject to a fourth-degree felony punishable by up to 18 months of imprisonment and a fine up to \$5,000.  <i>See id.</i> §§ 30-41-2(B) (defining penalty), 31-18-15(A)(13) (sentencing guidelines), and 31-18-15(E)(11) (fines).
		<i>Uniform Licensing Act: License May Be Refused, Revoked or Suspended, etc.</i>	<b>N.M. Stat. Ann. § 61-6-15</b> (creating professional liability for offering/delivering or receiving/accepting consideration for referring patients)	Subject to revocation of medical license.  <i>See id.</i> § 61-6-15(A) (defining penalty).
33	New York*	<i>Medical Assistance for Needy Persons: Medical Assistance Provider, Prohibited Practices</i>	<b>N.Y. Soc. Serv. Law § 366-d(2)</b> (creating criminal liability for soliciting/receiving or offering/paying any payment for referral of goods/services reimbursable by the state health care program)	If value of goods/services is \$7,500 or less: Subject to a misdemeanor punishable by up to 1 year of imprisonment and/or a fine of \$500-\$1,000 or up to double the value of the goods/services.  If value of goods/services is more than \$7,500: Subject to a Class E felony punishable by up to 4 years of imprisonment and a fine up to \$5,000.  <i>See id.</i> § 366-d(3)-(4) (defining penalty) as well as N.Y. Penal Law §§ 70.15 (misdemeanor sentencing guidelines), 70.00 (felony sentencing guidelines), 80.05 (misdemeanor fines), and 80.00 (felony fines).
		<i>Workers' Compensation Law: Removal of Physicians from Lists of Those Authorized to Render Medical Care or to Conduct Independent Medical Examinations</i>	<b>N.Y. Workers' Comp. Law § 13-d(2)(g)</b> (creating professional liability for splitting a fee for referral of business)	Subject to revocation of professional license.  <i>See id.</i> § 13-d(1) (defining penalty).

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34	North Carolina*	<i>Medicine and Allied Occupations: Referral Fees and Payment for Certain Solicitations Prohibited</i>	<b>N.C. Gen Stat. § 90-401</b> (creating professional liability for paying/receiving compensation for referral of health care services)	Subject to revocation of medical license and/or discretionary disciplinary sanctions.  See <i>id.</i> § 90-402 (defining penalty).
35	North Dakota	<i>Medicaid Fraud Control Unit: Medicaid Fraud</i>	<b>N.D. Cent. Code Ann. § 50-24.8-11(1)</b> (creating criminal liability for soliciting/receiving or offering/paying any remuneration for referral of goods/services reimbursable by the state health care program)	If value of kickback/goods/services is more than \$50,000: Subject to a Class A felony punishable by up to 20 years of imprisonment and/or a fine up to \$20,000. If value of kickback/goods/services is \$10,001-\$50,000: Subject to a Class B felony punishable by up to 10 years of imprisonment and/or a fine up to \$20,000. If value of kickback/goods/services is \$1,001-\$10,000: Subject to a Class C felony punishable by up to 5 years of imprisonment and/or a fine up to \$10,000. If value of kickback/goods/services is \$1,000 or less: Subject to a Class A misdemeanor punishable by up to 360 days of imprisonment and/or a fine up to \$3,000.  See <i>id.</i> §§ 50-24.8-11(3)-(6) (defining penalty) and 12.1-32.-01(2)-(5) (sentencing guidelines and fines).
36	Ohio*	<i>Criminal Code: Medicaid Fraud</i>	<b>Ohio Rev. Code Ann. § 2913.40(C)(2)</b> (creating criminal liability for offering/receiving any remuneration for referral of goods/services reimbursable by the state health care program)	If value of kickback/goods/services is \$1,000 or less: Subject to a first-degree misdemeanor punishable by up to 180 days of imprisonment and a fine up to \$1,000. If value of kickback/goods/services is \$1,000- \$7,499: Subject to a fifth-degree felony punishable by 6-12 months of imprisonment and a fine up to \$2,500. If value of kickback/goods/services is \$7,500-\$149,999: Subject to a fourth-degree felony punishable by 6-18 months of imprisonment and a fines up to \$5,000. If value of kickback/goods/services is \$150,000 or more: Subject to a third-degree felony punishable by 9-36 months of imprisonment and a fine up to \$10,000.  See <i>id.</i> §§ 2913.40(E) (defining penalties), 2929.14 (felony sentencing guidelines), 2929.24 (misdemeanor sentencing guidelines), 2929.18 (felony fines), and 2929.28 (misdemeanor fines).

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36	Ohio*	<i>Insurance Code: Kickbacks, Bribes, and Rebates Prohibited</i>	<b>Ohio Rev. Code Ann. § 3999.22(B)</b> (creating criminal liability for offering/receiving any remuneration for referral of goods/services reimbursable by any health care plan)	If first offense: Subject to a fifth-degree felony punishable by 6-12 months of imprisonment and a fine up to \$2,500.  If second/subsequent offense: Subject to a fourth-degree felony punishable by 6-18 months of imprisonment and a fines up to \$5,000.  <i>See id.</i> §§ 3999.22(D) (defining penalty), 2929.14 (felony sentencing guidelines), and 2929.18 (felony fines).
		<i>Physicians Code: Disciplinary Procedures; Quality Intervention Program</i>	<b>Ohio Rev. Code Ann. §§ 4731.22(B) (17)</b> (creating professional liability for a physician sharing fees for referral of patients)	Subject to revocation of medical license.  <i>See id.</i> § 4731.22(A) (defining penalty).
37	Oklahoma*	<i>Public Health Code: Payment for Securing or Soliciting Patients for Hospital or Other Entity</i>	<b>Okla. Stat. Ann. tit. 63, § 1-742(A)</b> (creating criminal, civil, and professional liability for paying/accepting anything of value for referral of patients)	Subject to a misdemeanor punishable by a fine of \$500-2,000.  Subject to a civil action by the aggrieved party.  Subject to professional discipline.  <i>See id.</i> § 1-742 (defining penalty).
		<i>Medicaid Program Integrity Act: Unlawful Acts</i>	<b>Okla. Stat. Ann. tit. 56, § 1005(A)(6)</b> (creating criminal liability for soliciting/accepting a benefit for referral of goods/services reimbursable by the state health care program)	If kickback is \$2,500 or more: Subject to a felony punishable by up to 3 years of imprisonment and/or a fine of the greater of \$10,000 or three times the kickback.  If kickback is less than \$2,500: Subject to a misdemeanor punishable by up to 1 year of imprisonment and/or a fine of the greater of \$1,000 or three times the kickback.  <i>See id.</i> § 1006(B)(1)-(2) (defining penalty).
38	Oregon	<i>Administrative Code: Medical Assistance Programs: Provider Sanctions</i>	<b>Ore. Admin. R. 410-120-1400(4)(a)</b> (creating professional liability for a health care provider who is convicted under the federal anti-kickback statute)	Subject to discretionary sanctions and revocation of license.  <i>See id.</i> R . 410-120-1400 (defining penalty).



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39	Pennsylvania*	<i>Human Services Code: Provider Prohibited Acts</i>	<b>62 Pa. Stat. and Cons. Stat. Ann. § 1407(a)(2)</b> (creating criminal liability for soliciting/receiving or offering/paying any remuneration for referral of goods/services reimbursable by the state medical assistance program)	Subject to a third-degree felony punishable by up to 7 years of imprisonment and/or a fine up to \$15,000.  <i>See id</i> § 1407(b)(1) (defining penalty).
		<i>Workers' Compensation Code: Insurance Fraud: Compensation Paid by Lawyers or Health Care Providers to Secure Employment</i>	<b>77 Pa. Stat. and Cons. Stat. Ann. § 1039.3(b)</b> (creating criminal and civil liability for health care providers compensating an individual for referring them a patient with a workers' compensation claim)	Subject to a first-degree misdemeanor punishable by a fine up to \$20,000 and/or double the amount of the kickback.  Subject to a \$5,000 civil penalty for first offense, \$10,000 civil penalty for second offense, and \$15,000 civil penalty for subsequent offenses.  <i>See id.</i> §§ 1039.5(b) (defining criminal penalty) and 1039.11 (defining civil penalty).
		<i>Clinical Laboratory Act: Unlawful Conduct</i>	<b>35 Pa. Stat. and Cons. Stat. Ann. § 2163.1(b)(1)</b> (creating civil and professional liability for clinical laboratories paying or receiving a kickback for referral of business)	Subject to a \$500 civil penalty per day of misconduct.  Subject to revocation of state laboratory operation permit.  <i>See id.</i> §§ 2164(b) (defining civil penalty) and 2156 (defining professional penalty).
40	Rhode Island*	<i>Patient Protection Act: Prohibited Acts</i>	<b>R.I. Gen. Laws § 5-48.1-3(a)-(b)</b> (creating criminal liability for soliciting/receiving or offering/paying any remuneration for referral of any health care item/service)	Subject to a misdemeanor punishable by up to 1 year of imprisonment and/or a fine up to \$1,000.  <i>See id.</i> § 5-48.1-3 (defining penalty).
		<i>Human Services Code: Medical Assistance Fraud: Prohibited Acts</i>	<b>R.I. Gen. Laws § 40-8.2-3(a)(2)</b> (creating criminal liability for soliciting/receiving or offering/paying any remuneration for referral of goods/services reimbursable by the state Medicaid program)	Subject to a felony punishable by up to 10 years of imprisonment and/or a fine up to \$10,000.  <i>See id.</i> § 40-8.2-3(b)(1) (defining penalty).

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41	South Carolina*	<i>Health Code: Provider Self-Referral: Kickback Defined</i>	<b>S.C. Code Ann. § 44-113-60</b> (creating criminal liability for a health care provider offering/paying or soliciting/receiving any remuneration for referral of patients)	Subject to a misdemeanor punishable by up to 30 days of imprisonment and/or a fine up to \$1,000.  See <i>id.</i> § 44-113-60(c) (defining penalty).
42	South Dakota*	<i>Criminal Code: Unlawfully Obtaining Benefits or Payments from Medical Assistance Program</i>	<b>S.D. Codified Laws § 22-45-4(3)</b> (creating criminal liability for soliciting/receiving or offering/paying anything of value for referral of goods/services reimbursable by the state health care program)	Subject to a Class 5 felony punishable by up to 5 years of imprisonment and a fine of \$10,000.  See <i>id.</i> §§ 22-45-4 (defining penalty) and 22-6-1(8) (sentencing guidelines).
		<i>Physicians and Surgeons Code: Acts Considered to Be Unprofessional Conduct</i>	<b>S.D. Codified Laws § 36-4-30(10)</b> (creating professional liability for a physician splitting fees with an individual for referral of a patient)	Subject to revocation of medical license.  See <i>id.</i> § 36-4-29 (defining penalty).
43	Tennessee*	<i>Medicine and Surgery Code: Division of Fees</i>	<b>Tenn. Code Ann. § 63-6-225(b)</b> (creating criminal liability for a physician splitting fees with an individual for referral of a patient)	Subject to a Class B misdemeanor punishable by up to 11 months and 29 days of imprisonment and/or a fine up to \$2,500.  See <i>id.</i> §§ 63-6-225(b) (defining penalty) and 40-35-111(e)(1) (sentencing guidelines).
44	Texas*	<i>Occupations Code: Soliciting Patients; Offense</i>	<b>Texas Occ. Code Ann. § 102.001(a)</b> (creating criminal liability for soliciting/accepting or offering/paying any remuneration for referral of patients)	If first offense and offender is not a government employee: Subject to a Class A misdemeanor punishable by up to 1 year of imprisonment and/or a fine up to \$4,000. If subsequent offense or offender is a government employee: Subject to a third-degree felony punishable by 2-10 years of imprisonment and a fine up to \$10,000.  See <i>id.</i> §§ 102.001(b)-(c) (defining penalty) and Tex. Penal Code Ann. §§ 12.21 (misdemeanor sentencing guidelines) and 12.34 (felony sentencing guidelines).

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45	Utah*	<i>False Claims Act: Kickbacks or Bribes Prohibited</i>	<b>Utah Code Ann. § 26-20-4</b> (creating criminal and civil liability for soliciting/receiving or offering/paying any remuneration for referral of goods/services reimbursable under any health care program)	<p>If kickback is more than \$5,000: Subject to a second-degree felony punishable by 1-15 years of imprisonment and a fine up to \$10,000.</p> <p>If kickback is \$1,500-\$4,999: Subject to a third-degree felony punishable by up to 5 years of imprisonment and a fine up to \$5,000.</p> <p>If kickback is \$500-\$1,499: Subject to a Class A misdemeanor punishable by up to 364 days of imprisonment and a fine up to \$2,500.</p> <p>If kickback is less than \$500: Subject to a Class B misdemeanor punishable by up to 6 months of imprisonment and a fine up to \$1,000.</p> <p>Subject to civil penalties of restitution, costs of enforcement, treble damages, and \$5,000-\$10,000 per violation.</p> <p>See <i>id.</i> §§ 26-20-9(2)-(3) (defining criminal penalty), 76-6-412 (defining level of criminal penalty), 26-20-9.5 (defining civil penalty), 76-3-203(2)-(3) (felony sentencing guidelines), 76-3-204(1)-(2) (misdemeanor sentencing guidelines), and 76-3-301(1) (fines).</p>
46	Vermont*	<i>Board of Medical Practice Code: Unprofessional Conduct</i>	<b>Vt. Stat. Ann. tit. 26, § 1354(12)</b> (creating professional liability for a physician splitting fees with an individual for referral of a patient)	<p>Subject to revocation of medical license and an administrative penalty up to \$1,000 per violation.</p> <p>See <i>id.</i> § 1361 (defining penalty).</p>
47	Virginia*	<i>Regulation of Medical Assistance: Solicitation or Receipt of Remuneration for Certain Services; Offer or Payment of Remuneration for Inducement of Such Services</i>	<b>Va. Code Ann. § 32.1-315(A)-(B)</b> (creating criminal liability for soliciting/receiving or offering/paying any remuneration for referral of goods/services reimbursable by any “medical assistance” program)	<p>Subject to a Class 6 felony punishable by 1-5 years of imprisonment and a fine up to \$25,000.</p> <p>See <i>id.</i> §§ 32.1-315(A)-(B) (defining penalty) and 18.2-10(f) (sentencing guidelines).</p>

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47	Virginia*	<i>Medicine and Other Healing Arts Code: Division of Fees Among Physicians Prohibited</i>	<b>Va. Code Ann. § 54.1-2962</b> (creating criminal liability for a physician splitting a fee with another physician for referral of a patient)	Subject to a Class 1 misdemeanor punishable by up to 12 months of imprisonment and/or a fine up to \$2,500.  See <i>id.</i> §§ 54.1-2962(C) (defining penalty) and 18.2-11 (misdemeanor sentencing guidelines).
48	Washington*	<i>Rebating by Practitioners of Healing Professions: Rebating Prohibited/Deemed Unprofessional Conduct</i>	<b>Wash. Rev. Code Ann. §§ 19.68.010, 19.68.020</b> (creating criminal and professional liability for offering/paying or accepting valuable consideration for referral of health care services)	Subject to a misdemeanor punishable by up to 90 days of imprisonment and/or a fine of \$1,000.  Subject to revocation of medical license.  See <i>id.</i> §§ 19.68.010(3) (defining criminal penalty), 9A.20.021 (sentencing guidelines), and 19-68.030 (defining professional penalty).
		<i>Public Assistance Code: Medical Care: Bribes, Kickbacks, Rebates</i>	<b>Wash. Rev. Code Ann. § 74.09.240(1)-(2)</b> (creating criminal liability for soliciting/receiving or offering/paying any remuneration for referral of goods/services reimbursable by the state health care program)	Subject to a Class C felony punishable by up to 5 years of imprisonment and/or a fine up to \$25,000.  See <i>id.</i> §§ 74.09.240(1)-(2) (defining penalty) and 9A.20.021 (sentencing guidelines).
49	West Virginia	<i>Fraud and Abuse in Medicaid: Bribery, False Claims, Conspiracy</i>	<b>W. Va. Code § 9-7-5(a)</b> (creating criminal liability for soliciting/receiving or offering/paying “any unlawful remuneration” for referral of goods/services reimbursable under the state health care program)	Subject to a felony punishable by 1-10 years of imprisonment and/or a fine up to \$10,000.  See <i>id.</i> § 9-7-5(d) (defining penalty).
50	Wisconsin*	<i>Medical Practices Code: Fee Splitting</i>	<b>Wis. Stat. Ann. § 448.08</b> (creating criminal liability for a licensed professional splitting fees with another individual/entity for referral of patients)	Subject to a misdemeanor punishable by up to 9 months of imprisonment and/or a fine up to \$25,000.  See <i>id.</i> § 448.09 (defining penalty).

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51	Wyoming	<i>Medicaid Fraud Control Act: Kickbacks, Bribes, Undisclosed Payments, Referral Fees and Illegal Copayments</i>	<b>Wyo. Stat. Ann. § 42-4-407(a)</b> (creating criminal liability for soliciting/accepting or offering/paying anything of value for referral of goods/services reimbursable under the state Medicaid program)	Subject to a felony punishable by up to 5 years of imprisonment and a fine up to \$10,000.  See <i>id.</i> § 42-4-407(b) (defining penalty).

\*Some form of liability exists for paying/receiving kickbacks for referrals of goods/services reimbursable by *private health insurance* or other non-publicly funded health care programs.