Name of student

Name of institution

Name of instructor

The Stark Law

Stark law has been in use for a long period of time and mainly defines how referrals should be made. In most cases, physicians do not have all the facilities that might be needed so that they can handle all the problems that their clients have. Patients have the right to the best quality service but is not always easy for them to get it from one point. The physicians that they visit have to refer them to some hospitals that have the facilities needed to be able to provide the best quality services to the patients.

In this case, Dr. S and Dr. V feel that the referrals they have been making because they do not have the cameras have reduced their potential in earning. Stark law prohibits referrals that are made with the intention of getting kickbacks. In most cases, physicians always try to make money by making referrals to hospitals of their choice. In this case, the two physicians wish to make money by using the cameras in the hospital for nuclear imaging. This is because they cannot afford the cameras. This can be defined as an act self referral. They can tell the clients that they will get the services at the hospital yet they know that they will still earn from it. The hospital knows very well that this is a deal that can reduce their revenue by a great percentage. They are mutual business entities and the manner in which the case is solved can guarantee the hospital more clients or not. They still wish to have a good relationship with the physicians so they opt to sublease the camera though it will stay at the physician’s office and it can be used from there. The case can be defined as a violation of Stark law because they two physicians wanted to refer themselves in this case.

The legal parameters that protect the rights of patients in this case are those that are related to getting services fast. It is possible that clients might be in need of services from one service provider and they have the right to get such services. Patients also have the right to get services from one service provider. Most of them do not always support the idea of making referrals. They feel that they should just be served by one person who already knows the problem that they have. Referrals always turn out to be quite expensive on the part of the clients and it important that they come up with ways of reducing it. Both physicians act with the intention of helping them to reduce costs in the process. Reducing costs means that they will have to reduce the amount of money that the hospital has been making from the referrals that they make to them. This is what has angered the hospitals and has hence threatened that they will have to do away with the rights of the doctors to make any admissions. This is a step that is meant to also reduce the money that the two doctors make.

The evidence to this case is basically Stark law. Though the two doctors were acting with the intention of making healthcare affordable to the clients, they acted in a wrong way to refer themselves. This means that they also have interest in the monetary gains that come from such a business. It is what will define whether they can win the case or not. Using the healthcare statutory, they can win the case because it aims at reducing the costs that patients have to incur to get the best services.

References

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