

20. Section 411.357 is amended by revising paragraphs (a) (5) and (b) (4) to read as follows:

§411.357 Exceptions to the referral prohibition related to compensation arrangements.

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(a) * * *

(5) The rental charges over the term of the agreement are not determined in a manner that takes into account the volume or value of any referrals or other business generated between the parties. Per unit-of-service rental charges are not allowed to the extent that such charges reflect services provided to patients referred by the lessor to the lessee.

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(b) * * *

(4) The rental charges over the term of the agreement are set in advance, are consistent with fair market value, and are not determined in a manner that takes into account the volume or value of any referrals or other business generated between the parties. Per unit-of-service rental charges are not allowed to the extent that such payments reflect services provided to patients referred by the lessor to the lessee.

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*Per procedure
Payment
Prohibition*