

UNAPPROVED DRAFT
VIRGINIA BOARD OF HEALTH PROFESSIONS
PRACTITIONER SELF-REFERRAL COMMITTEE
INFORMAL CONFERENCE ON REQUEST FOR ADVISORY OPINION
DECEMBER 16, 2005

TIME AND PLACE: The meeting was called to order at 9:12 a.m. on Friday, December 16, 2005 in Conference Room 1 of the Department of Health Professions, 6603 W. Broad St., Richmond, VA.

MEMBERS PRESENT: Juan M. Montero, II, M.D. (Chair)
David H. Hettler, O.D.
Harold S. Seigel, D.D.S.

STAFF PRESENT: Elizabeth A. Carter, Ph.D., Director for the Board
Jim Banning, Executive Director, Administrative Proceedings Division
Grant Kronenberg, Administrative Proceedings Division

OTHERS PRESENT: There were no others present for the meeting.

QUORUM: With three members of the Committee present, a quorum was established.

PURPOSE OF CONFERENCE: **VASCULAR & TRANSPLANT SPECIALISTS (VTS).** The purpose of the informal conference was to review the staff's draft recommendation for the Vascular advisory opinion and make a final decision on a recommendation to be presented to the full Board in accordance with §2.2-4019 of the Code of Virginia (1950), as amended. The practice group requested the Board's opinion in the matter of VTS joining with another practice group to establish a separate business entity to provide access services primarily for dialysis patients. In addition, the facility would be a separate business entity owned by the individual physicians in both practices. The issues under discussion were:

1. Does a practitioner violate the Practitioner Self-Referral Act if he refers a patient to an entity in which he is an investor, and he then provides the care at the entity?
2. If a practitioner refers a patient to an entity in which he is an investor, but does not provide the care at that

entity, does he violate the Practitioner Self-Referral Act?

a. Do referrals to Vascular qualify as referrals within the referring practitioner's group practice?

b. Do referrals to Vascular qualify as referrals within the referring practitioner's office practice?

**COMMITTEE
RECOMMENDATION:**

On properly seconded motion by Dr. Seigel, the Committee voted to adopt staff's advisory opinion as presented and submit to the full board for approval. The advisory opinion of staff is as follows:

1. If a physician refers a patient to Vascular and then provides the patient services at Vascular, there is no violation of the Act;
2. Vascular does not qualify as part of the referring physician's practice group, from which he is referring patients;
3. Vascular qualifies as part of the referring physician's office practice if he provides or supervises the provision of health care services to patients on an ongoing basis at the Vascular facility.

APPROVAL OF MINUTES:

On properly seconded motion by Dr. Hettler, the Committee voted unanimously to approve the minutes of the October 20, 2004 meeting.

ADJOURNMENT: There being no further business, the meeting adjourned at 9:50 a.m.

Juan M. Montero, II, M.D.

Elizabeth A. Carter, Ph.D., Executive Director