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Hospitals Risk Stark Violation With Free NPs For Independent Physicians

By Nina Youngstrom

Across the country, hospitals are flirting with a Stark Law violation by providing the services of employed nurse practitioners (NPs) free to independent physicians, attorneys say. Whether this crosses the line depends on how far the free services go.

“From coast to coast, hospitals and hospital systems are hiring nurse practitioners for a host of reasons,” said Charles Oppenheim, an attorney with Hooper, Lundy & Bookman in Los Angeles, at the Healthcare Enforcement Compliance Conference sponsored by the Health Care Compliance Association in Washington, D.C., on Nov. 4. “They think it helps with patient throughput, quality, and documentation. Some have used it almost as a hospitalist-lite program.”

When NPs employed by hospitals take over some of the services performed by independent physicians who are not employed by hospitals, they may run afoul of the fraud and abuse laws. “It has gotten to be very common,” he said.

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