

222.429 Prohibition against solicitation or receipt of remuneration for referrals to treatment programs -- Penalties.

- (1) A person or provider shall not:
 - (a) Knowingly and willfully solicit or receive any remuneration, including but not limited to kickbacks, bribes, or rebates, either directly or indirectly, overtly or covertly, in cash or in kind, or in return for referring a resident to a treatment program as defined in KRS 222.427; or
 - (b) Pay or offer any remuneration, including but not limited to kickbacks, bribes, or rebates directly or indirectly, overtly or covertly, in cash or in kind:
 1. To induce a referral of an individual to a treatment program; or
 2. In exchange for an individual using the services of that treatment program.
- (2) Any conduct or activity that is protected under the provisions of 18 U.S.C. sec. 220(b), as amended, or federal regulations promulgated under that section, shall not be deemed to violate this section and the conduct or activity shall be afforded the same protections allowed under federal law and regulation.
- (3) Any conduct by any individual or provider which violates 18 U.S.C. sec. 220(b), as amended, shall be deemed to violate this section.
- (4) Any person who violates the provisions of this section shall be guilty of a Class A misdemeanor for each offense unless the aggregation of value of the benefit received is valued at one thousand dollars (\$1,000) or more, in which case it shall be a Class D felony.

Effective: July 15, 2024

History: Created 2024 Ky. Acts ch. 68, sec. 4, effective July 15, 2024.