

**Sec. 19a-36-D36. Unethical practices prohibited**

(a) **Definitions.** As used in this section:

(1) “Bribe” means any valuable consideration given or promised by a laboratory providing service with a view to influence the behavior of a requester of laboratory services.

(2) “Fee-splitting inducement” means offering or implying a division of payment in any manner between a requester of laboratory services and the laboratory providing the service.

(3) “Fraudulent practice” means one that involves deceit, trickery or cheating.

(4) “Requester of laboratory services” means any person, firm, corporation or other entity that submits specimens, refers specimens for laboratory services or requests or prescribes laboratory tests.

(b) **Permitted practices**

(1) Discounts that represent a reduction in rates due to an actual saving to the laboratory resulting from volume, cost or functional differences may be allowed by the laboratory. If such discount is allowed, it must be available equally to all users of the laboratory’s services. A statement of discount policy, if any, shall be clearly indicated on any and all price lists provided to any user of the laboratory’s services. A copy of all price lists and fiscal, operating and other business records shall be submitted to the department upon request and at the time of the biennial renewal licensing application.

(2) Competitive bids for laboratory services are exempt from the provisions of subsection (b) (1) of this section. Any agreement resulting from such bidding must be in the best interest of the patient or consumer.

(c) **Prohibited practices:** Bribes and fee-splitting inducements are prohibited

(1) The following practices are prohibited as bribes: offering or providing to a requester of laboratory services office equipment or services of any kind, including, but not necessarily limited to receptionists, nurses or any other employees, except as provided in subdivision (2) of this subsection. Also prohibited are cars, trips, credit cards, or similar favors, free or discounted services to private patients of such requester of laboratory services to a greater extent than is provided by such requester.

(2) The following practices are excluded from the prohibitions identified in subdivision (1) of this subsection: the provision of phlebotomists to collect specimens to be sent to the laboratory for analysis, the provision of equipment or supplies that are used solely to collect, transport, process or store specimens or order or communicate the results of tests or procedures for the laboratory or the provision of specimen collection supplies needed by a physician to obtain and forward specimens for testing, or goods needed by phlebotomists to service institutions such as nursing facilities, or to make house calls or visits to other locations as directed by the requester of laboratory services.

(3) The following are prohibited as fee splitting inducements:

(A) payments of cash by a laboratory to a requester of laboratory services for referring patients or specimens;

(B) cash rebates for volume of business referred or for a period of time of referral except as permitted in subsections (b) (1) and (b) (2) of this section;

(C) payments by a laboratory to rent or lease a portion of the facilities of a requester of laboratory services not related to fair market value of the space or facilities utilized;

(D) payment of excessive fees to a requester of laboratory services for consultation, filing

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forms, providing standby emergency services to laboratory and blood collection facilities, or other services;

(E) payment of excessive interest by a laboratory on deposits collected for the loan of laboratory equipment;

(F) the sale of coupons, tickets or booklets, or other variations of prepayments by requesters of laboratory services that do not result in lower charges to the actual patient or recipient of laboratory services; and

(G) the purchase of corporation stock, or the purchase or rental of equipment or other tangible assets at more than fair market value by a laboratory.

(4) The following are prohibited as fraudulent practices:

(A) any written or oral agreement between a clinical laboratory and a requester of laboratory services that results in utilization of laboratory services in excess of that needed to provide information for diagnosis, prevention, treatment, or assessment of health of the patient or recipient of such services or excessive charges for these services;

(B) any system of billing or accepting payment for laboratory services that does not accurately identify the laboratory, the requester, the patient or recipient and the cost of such laboratory services; and

(C) any system of billing for laboratory services or issuance of receipts for payment that does not accurately indicate the amount and the recipient of such payment.

(Adopted effective June 4, 1996)