

## **REFERRAL FEE POLICY**

Hex Matrix, LLC has developed this Referral Fee Policy to comply with federal and Florida law. Hex Matrix provides a web-based paperless system designed specifically for medical agencies that provide behavioral therapy services for a more productive management process, covering everything from human resource operations, electronic medical records, and employee compliance to smart tools that allow therapists and staff to make better and quicker decisions.

The Office of the Inspector General (“OIG”) issues legal opinions, known as “Advisory Opinions” to one or more requesting parties indicating whether a proposed or existing business arrangement could be violative of federal fraud and abuse statutes and regulations and, if so, whether it is subject to OIG administrative sanctions. Though not considered binding for any party other than the party or parties requesting the opinion, Advisory Opinions can provide meaningful guidance on the application of the Federal Anti-Kickback Statute and other federal fraud and abuse laws (the “Regulatory Laws”) to specific factual situations.

The OIG has issued a few Advisory Opinions regarding the payment of referral fees.<sup>1</sup> In the Advisory Opinions, the OIG noted that while a referral fee is considered remuneration in exchange for a referral, the payment does not implicate the Federal Anti-Kickback Statute when the company paying the referral fee neither furnishes nor arranges for the furnishing of items or services reimbursable in whole or in part by a federal health care program.

Furthermore, Florida laws governing licensed behavioral health care professionals<sup>2</sup> prohibit licensed behavioral health care professionals from paying a kickback, rebate, bonus, or other remuneration for receiving a patient or client, or receiving a kickback, rebate, bonus, or other remuneration for referring a patient or client to another provider of mental health care services or to a provider of health care services or goods; referring a patient or client to oneself for services on a fee-paid basis when those services are already being paid for by some other public or private entity; or entering into a reciprocal referral agreement.

Since Hex Matrix does not furnish or arrange for the furnishing of items or services reimbursable in whole or in part by a federal health care program, Hex Matrix believes the Referral Fee Policy is in compliance with the applicable federal and Florida laws.

In the event that there is a change in the Regulatory Laws, or in the reasoned interpretation of any of the Regulatory Laws or the adoption of new federal or state legislation, any of which are reasonably likely to materially and adversely affect the payment of referral fees as set

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<sup>1</sup> See OIG Advisory Opinions 14-01 and 20-03.

<sup>2</sup> See Sections 490.009(j), and 491.009(j), Florida Statutes.

forth herein, Hex Matrix will immediately modify or terminate the Referral Fee Policy in order to comply with the change in law. Hex Matrix also reserves the right to cease the payment of referral fees at any time.

Referral Fees will be paid in accordance with the following process:

#### **Individual Licensed Behavior Professional Referral**

When an individual licensed behavior professional (the “Referring Professional”) refers another agency (the “New Agency”) to Hex Matrix for services:

- the Referring Professional will receive a gift card in the amount of \$100.00 after the New Agency pays an invoice over \$1.00, and
- the New Agency receives a \$100.00 credit on services from Hex Matrix for 3 months.

#### **Agency Referral**

When an Agency (the “Referring Agency”) refers another agency to Hex Matrix for services from Hex Matrix:

- the Referring Agency receives a 10% discount on services from Hex Matrix for 3 months after the New Agency pays an invoice over \$1.00. If the 10% amount is less than \$100.00, then the Referring Agency will receive a credit in the amount of \$250.00 towards future services from Hex Matrix; and
- the New Agency will receive a \$100.00 credit on services from Hex Matrix for 3 months.