**Section 1235.100 Prohibited Referrals**

The following patient referrals are prohibited under the Act:

a) patient referrals *to an entity outside the health care worker's office or group practice in which the health care worker is an investor, unless:*

1) *the health care worker directly provides health services within the entity and will be personally involved with the provision of care to the referred patient* [225 ILCS 47/20(a)]; or

2) the State Board approves an exception pursuant to Section 1235.200;

b) patient *referrals to another health care worker or entity based upon the condition that the health care worker or entity will make referrals with an intent to evade the prohibitions of the Act by inducing patient referrals* that *would be prohibited if the health care worker or entity made the referral directly* [225 ILCS 47/20(e)];

c) patient referrals to a publicly traded entity in which the health care worker has an investment interest that does not comply with the following provisions:

1) *The entity is listed for trading on the New York Stock Exchange or on the American Stock Exchange, or is a national market system security traded under an automated inter-dealer quotation system operated by the National Association of Securities Dealers* [225 ILCS 47/20(c)(1)];

2) *The entity had, at the end of the corporation's most recent fiscal year, total net assets of at least $30,000,000 related to the furnishing of health services* [225 ILCS 47/20(c)(2)];

3) *Any investment interest obtained after January 1, 1993 is traded on the exchanges listed in* subsection*(c)(1) after the entity became a publicly traded corporation* [225 ILCS 47/20(c)(3)];

4) *The entity markets or furnishes its services to referring health care worker investors and other health care workers on equal terms* [225 ILCS 47/20(c)(4)];

5) *All stock held in such publicly traded companies, including stock held in the predecessor privately held company, shall be of one class without preferential treatment as to status or remuneration* [225 ILCS 47/20(c)(5)];

6) *The entity does not loan funds or guarantee any loans for health care workers who are in a position to be referred to an entity* [225 ILCS 47/20(c)(6)];

7) *The income on the health care worker's investment is tied to the health care worker's equity in the entity rather than to the volume of referrals made* [225 ILCS 47/20(c)(7)]; and

8) *The investment interest does not exceed ½ of 1% of the entity's total equity.* [225 ILCS 47/20(c)(8)]

(Source: Amended at 41 Ill. Reg. 15310, effective December 5, 2017)