



HAWAII HEALTH SYSTEMS
C O R P O R A T I O N

"Touching Lives Every Day"

COMPLIANCE ALERT 11-01

New 2011 Non-Monetary Compensation and Medical Staff Incidental Benefits Exceptions

CMS announced the new limit for non-monetary compensation for physicians under the Stark Law. For CY2011, the maximum is now \$359 up four dollars from the \$355 in place for the last two years. Facilities must track non-monetary gifts provided to physicians.

From the CMS website... "The regulations at §411.357(k) and (m) set forth exceptions to the physician self-referral prohibition for certain non-monetary compensation and certain medical staff incidental benefits, respectively. Under both exceptions, the compensation limits are adjusted each calendar year to the nearest whole dollar by the increase in the Consumer Price Index-Urban All Item (CPI-U) for the 12-month period ending the preceding September 30.

The percentage increase in the CPI-U for the 12-month period ending September 30, 2010 is 1.1 percent. Thus, for the calendar year beginning January 1, 2011, the compensation limit for the exception at §411.357(k) is \$359, and the value of any medical staff incidental benefits to be furnished in compliance with the exception at §411.357(m) remains less than \$30 per occurrence of the benefit."

“The following table displays the update amounts for each calendar year:

Update Amounts for Calendar Years			
Calendar Year	Non-monetary compensation limit in accordance with §411.357(k)	Medical staff incidental benefit in accordance with §411.357(m)(5)	Percentage Change in the CPI-U
CY 2004	\$300	Less than \$25	N/A
CY 2005	\$308	Less than \$26	+2.5%
CY 2006	\$322	Less than \$27	+4.7%
CY 2007	\$329	Less than \$28	+2.1%
CY 2008	\$338	Less than \$29	+2.8%
CY 2009	\$355	Less than \$30	+4.9%
CY 2010	\$355	Less than \$30	-1.3%
CY 2011	\$359	Less than \$30	+1.1%

Source: http://www.cms.gov/PhysicianSelfReferral/50_CPI-U_Updates.asp#TopOfPage