OIG Issues Favorable Advisory Opinion Regarding Community Health Center Outreach Activities



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On April 4, 2025, the U.S. Department of Health and Human Services, Office of Inspector General, ("OIG") issued a favorable advisory opinion (Advisory Opinion No. 25-02) to a community health center funded by the Health Resources and Services Administration (the Health Center) in connection with a proposed outreach program arrangement. The Health Center receives funding to provide not only medical services, but also certain non-medical, social, and educational services that enable individuals to access health care and improve health outcomes (e.g., child care, food banks and meals, employment and education counseling, and legal services). Under the proposed arrangement, while receiving additional services, individuals would be asked if they have seen a primary care provider within the past year. If not, they would receive a list of local providers, including the Health Center. For those who choose the Health Center for primary care, an appointment would be scheduled; otherwise, the Health Center would facilitate an electronic referral to the chosen provider.

The OIG evaluated whether the arrangement would violate the Federal Anti-Kickback Statute ("AKS") and the Beneficiary Inducements Civil Monetary Penalty statute. Although the arrangement would generate prohibited remuneration under these statutes, the OIG found that the following safeguards mitigated the risk for fraud and abuse:

• Outreach would be based on neutral criteria (e.g., not having seen a primary care provider within a year);

• The list of providers would include non-affiliated providers, be alphabetically ordered, and would not promote the Health Center;

• The Health Center would adopt an “any willing provider” policy for the referral list;

• Patients could receive additional services without being required to obtain care from the Health Center; and

• The arrangement aligns with the Health Center’s statutory mission to provide primary care services to underserved populations regardless of ability to pay.

As such, the OIG determined that it would not impose sanctions on the Health Center if it proceeds with the arrangement.

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