**Section 1235.230 Assurances**

In addition to documenting compliance with Sections 1235.210 and 1235.220, a health care worker must document compliance with the assurances and conditions of this Section. Documentation shall consist of a written profile demonstrating how compliance will occur and copies of all supporting documentation. Assurances and conditions are that:

a) *no health care worker who invests shall be required or encouraged to make referrals to the entity or otherwise generate business as a condition of becoming or remaining an investor;*

b) *the entity shall market or furnish its services to referring health care worker investors and other investors on equal terms;*

c) *the entity shall not loan funds or guarantee any loans for health care workers who are in a position to refer to an entity;*

d) *the income on the health care worker's investment shall be tied to the health care worker's equity in the facility, rather than to the volume of referrals made;*

e) *any investment contract between the entity and the health care worker shall not include any covenant or non-competition clause that prevents a health care worker from investing in other entities;*

f) *when making a referral, a health care worker must disclose* his or her *investment interest in an entity to the patient being referred to* that *entity. If alternative facilities are reasonably available, the health care worker must provide the patient with a list of alternative facilities. The health care worker shall inform patients that they have the option to use an alternative facility other than one in which the health care worker has an investment interest. The patient will not be treated differently by the health care worker if the patient chooses to use another entity. This shall be applicable to all health care worker investors, including those who provide direct care or services for their patients in entities outside their office practices;*

g) *if a third party payer requests information with regard to a health care worker's investment interest, the same shall be disclosed;*

h) *the entity shall establish an internal utilization review program to ensure that investing health care workers provided appropriate or necessary utilization;*

i) *if a health care worker's financial interest in an entity is incompatible with a referred patient's interest, the health care worker shall make alternative arrangements for the patient's care* [225 ILCS 47/20(b)(2) through (10)]; and

j) all documentation required by the State Board to confirm that all assurances have been met will be provided upon request for a period of two years following exception issuance.

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