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Kickback rules knocked back

30 March, 2009 Jared Reed 0 comments Read Later

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by Jared Reed

The government has been forced to back down on its anti-kickback legislation relating to rentals charged for pathology and imaging facilities.

The legislation, introduced in 2008, aimed to deter financial inducements or threats - including rent levels - being used to influence referrals for pathology or diagnostic imaging services.

David Dahm, CEO of practice management firm Health and Life, has successfully argued that market value should determined the price of rent in a public, legal tender.

Taking his case to Canberra, he backed his argument with the 1973 Australian referendum, when the public voted not to give the government legislative power over prices.

"I just said it's actually quite unconstitutional for the government to engage in this process...I said 'the concept of market value is willing buyer, willing seller' ...and this legislation is not correct," said Mr Dahm to 6minutes.

Mr Dahm says he encountered opposition from the government and pathology labs, but says the free market, not the amendment, will determine the price of rents. He says the amendment will make practice operations more viable and transparent.

"I think that's just good practice and the interest of the patient is to always conduct yourself like that. Not only for pathology but it's for allied health that happens to be inhouse, or anything," says Mr Dahm.

Mr Dahm says the altered legislation was "very much imminent."

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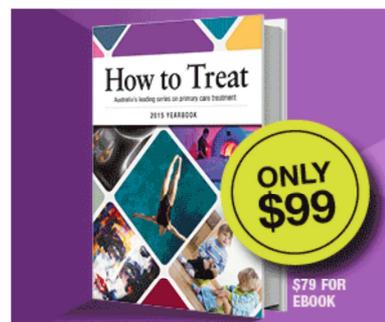
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