

65. Finder's Fees: Payment for the Referral of Patients to Clinical Research Studies

Introduction

The Council on Ethical and Judicial Affairs has recently received a number of requests, from individual physicians as well as the Massachusetts Medical Society, for its opinion on the practice of physicians being paid fees for referring patients to clinical research studies. In response, the Council wishes to clarify the applicability of Opinion 6.03. Fee Splitting: Referrals to Health Care Facilities to the practice of accepting “finder's fees” or similar forms of compensation for the referral of a patient to a research protocol.

Fee splitting: referral to health care facilities

Opinion 6.03: Fee Splitting: Referrals to Health Care Facilities.

Clinics, laboratories, hospitals, or other health care facilities that compensate physicians for referral of patients are engaged in fee splitting which is unethical.

Health care facilities should not compensate a physician who refers patients there for a physician's cognitive services in prescribing, monitoring or revising the patient's course of treatment. Payment for these cognitive services is acceptable when it comes from patients, who are the beneficiaries of the physician's services, or from the patient's designated third party payer.¹

According to Opinion 6.03, it is unethical for physicians to receive any kind of compensation in return for the referral of patients to health care facilities. By prohibiting referral fees paid to physicians by “clinics, laboratories, hospitals or other health care facilities”, the opinion covers referral fees for research studies as well, since such studies must be conducted in a health care facility.

Conclusions

For the forgoing reasons, the acceptance of compensation for the referral of patients to a research study (a finder's fee) is unethical according to Opinion 6.03.

December 1994.

References

1. Council on Ethical and Judicial Affairs. *Code of Medical Ethics: Current Opinions with Annotations*. Chicago, IL: American Medical Association; 1994.