

INFORMATION ALERT

December 16, 2015

Dear Doctor,

Recently, there has been another wave of entrepreneurial attempts to attract new or struggling chiropractic physicians into fee-splitting arrangements as a way to boost practice volume and income. These are expressly forbidden under Oregon Administrative Rule.

***811-035-0015 (24) Unprofessional conduct in the chiropractic profession:
"Splitting fees or giving or receiving a commission in the referral of patients for services."***

The OCA and the OBCE remind Oregon Chiropractic Physicians that ORS **811-035-0015 (24)** states that a Chiropractor may not pay another individual/entity to recruit or provide patients to their office. This includes paying a percentage of collections, paying a fee per patient, providing "gifts" or other inducements. Note that this does not exclude Chiropractors from having independent contractor arrangements with other chiropractors practicing within their clinic, treating clinic patients on-site.

There have been a number of businesses attempting to induce Oregon Chiropractors to "accept referrals" of motor vehicle injury patients, for example. Often, these arrangements will perform the billing services and pay the chiropractor a percentage of the total collections. This is a violation of the fee splitting rule. Another variant is where the Chiropractor pays a "marketing fee" of \$X per month and is "guaranteed at least Y number of patients per month" for referral of injury patients. This also is a violation of the fee splitting rule.

The permutations are numerous and varied. Ask yourself: "How is this entity staying in business? Is the point of the fee I am paying to get patients in the door?" If the answer is "yes", then it is likely fee splitting.

Marketing is fine, but there should be no exchange of money (or other valuable assets/trips) per patient. Goupons and similar concepts also are considered a violation unless they are established on a flat rate contract. If you find yourself uncertain, please feel free to contact the OBCE directly for further clarification.

Sincerely,

Brian Seitz DC
President, OCA

Daniel Côté DC
Chair, OBCE