



Oregon

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OBCE decides not to amend fee-splitting rule July 25, 2011

(Groupon issue)

The Oregon Board of Chiropractic Examiners (OBCE) declined to begin rulemaking to amend the prohibition on fee-splitting at their July 21st meeting at the University of Western States. This decision means Groupon type fee-splitting arrangements are still prohibited for chiropractic physicians.

The OBCE has been reviewing the issues of Groupon and similar internet or other marketing programs for several months. They had potential draft language produced by the Administrative Rules Advisory Committee along with a dissent by one of their members outlining the potential problems with the language. (Note: the Summer 2011 BackTalk quoted testimony in support of Groupon.)

Arn Strasser DC, appeared before the OBCE and made a statement in opposition to changing the rule, stating, "...The question is, what do schemes such as Groupon, where we would join restaurants, nail parlors and tanning salons, along with medical providers such as dentists and cosmetic surgeons, do to our credibility and how the public perceives us? In my opinion, offering discounted services in a fee splitting arrangement with companies such as Groupon undermines our credibility..." (Link to statement) (Note: the Summer 2011 BackTalk quoted testimony in support of Groupon.)

OBCE members were concerned that changing the rule would create the potential for problems and unintended consequences. They cited the difficulty in trying to craft a workable exemption.

The OBCE also heard that two other such marketing programs had changed their setup for health professionals from a fee-splitting arrangement to a flat fee marketing program (Living Social and Fox 12 Daily Deal). OBCE members wondered why Groupon could not do the same thing? (The question has been posed to Groupon but no answer has been received yet.) They felt it would be better if the advertisers changed their program for health professionals, instead of the OBCE amending the fee-splitting rule prohibition.

The OBCE members stated that chiropractic clinics who have utilized Groupon would not be sanctioned as previously many have clearly not understood that this is fee-splitting. However, now the profession has been informed several times that fee-splitting arrangements such as the current Groupon program violate the rule. The OBCE recommends that chiropractic physicians refrain from marketing programs that include a split fee in the referral or recruitment of patients.

The OBCE doesn't plan on revisiting this issue at their next meeting.



Any comments sent to the OBCE at Oregon.obce@state.or.us are shared with the board members.

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Unprofessional Conduct in the Chiropractic Profession

... Unprofessional conduct shall include, but not be limited to, the following acts of a Chiropractic physician:

(24) Splitting fees or giving or receiving a commission in the referral of patients for services.

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"The mission of the Oregon Board of Chiropractic Examiners is to serve the public, regulate the practice of chiropractic, promote quality and ensure competent ethical health care."