

Human Research Protection Program Policies & Procedures



Enrollment Incentives and Finder's Fees

Version 2.0
Date Effective: 1.23.2013

Research Integrity Office
Mail code L106-RI
Portland, Oregon 97239-3098
Phone: 503-494-7887
Fax: 503-346-6808

Background

The ethical conduct of research requires that participation of all human volunteers be completely voluntary. Investigators and/or research staff receiving payment from a sponsor for recruiting subjects, including higher payment for subjects based upon the speed of recruitment (often called "enrollment incentives"), can create a potential conflict of interest. The investigator or his/her staff may be motivated by financial interest to enroll a patient when such enrollment might not be appropriate or in the best interest of the subject.

The American Medical Association has issued guidelines that suggest that compensation for referring patients to research studies, commonly called "finder's fees", are unethical. Individuals participating in the conduct of research should only be reimbursed for activities directly related to the performance of such research, at a rate that does not exceed the fair-market value for the level of activity performed. In addition, Federal Medicare anti-kickback laws may also prohibit finder's fees.

I. Scope

This policy defines the standards and parameters for the allocation of funds or remuneration for work done with respect to the recruitment of research participants for human subject research at OHSU.

II. Responsible Parties

- A. Investigators
- B. Research Staff
- C. OHSU IRB

III. Policy

- A. It is a violation of ethical guidelines, OHSU policy, and the law to accept finder's fees, referral fees, enrollment incentives, or similar payment or consideration in exchange for referring or enrolling participants into studies.
 - 1. Timely enrollment of patients into approved trials is desirable, but care must be taken to ensure that the interests of patients are not jeopardized during the recruitment process. Payments based solely on either the number or rate of subject enrollment (enrollment incentives) are not permitted.
 - 2. Cash payments or other financial or non-monetary incentives to physicians for referral of patients, otherwise known as "finder's fees," pose a conflict of interest and are strictly prohibited.
- B. The OHSU IRB requires full disclosure of any financial arrangements that may encourage physicians to recruit patients for research participation that may not be in the patient's best interest. All funds, remuneration, subsidies, gifts (monetary or otherwise), or other consideration received from a study sponsor or provided to physicians referring patients to OHSU studies must be carefully and accurately allocated to actual and substantive work completed for the study.

- C. All payments for the conduct of a research project must be negotiated at the beginning of the study and included in the research contract. Allocation of funds may be for study personnel, treatment, procedures, data collection activities, participant reimbursement, or other legitimate expenses.
- D. In some special circumstances, physicians who are not formally listed on the protocol may be performing specific research-related activities (such as conducting screening examinations or tests, or participating in the consent process), but solely in the role of service provider. These physicians may be reasonably compensated for their time and effort. Such arrangements should be clearly detailed and justified in the research protocol.

IV. Procedure

A. Research Budgets and Payment Terms

- 1. When creating OHSU research budgets, enrollment speed or number of participants may not be factors in the determination of compensation amount to OHSU.
- 2. OHSU sponsored project funds may not be used to compensate for the referral of patients to research studies.

B. Disclosing Financial Arrangements

- 1. When a sponsor or supporting funding source provides payment for the conduct of a research project, this should be stated clearly in the informed consent form.
 - a. OHSU consent templates list the sponsor and supporting funding source, if applicable, on the first page of the form.
 - b. Sponsored medical device studies must state, below the sponsor listing, "The sponsor provides money to OHSU to support the conduct of this study and additional research related costs."
 - c. Other studies may use this language to disclose financial arrangements as applicable.

V. Authority

Moore v. The Regents of the University of California (51 Cal. 3d 120; 271 Cal. Rptr. 146; 793 P.2d 479.)

Association for the Accreditation of Human Research Protection Programs, Inc. (AAHRPP) Tip Sheet: Financial Conflict of Interest for Investigators and Research Staff.

Elizabeth A. Maher, MD, PhD, "An Analysis of Finder's Fees in Clinical Research." *Can Med Assoc J* 1994; 150 (2).

American Medical Association, "[Finder's Fees: Payment for the Referral of Patients to Clinical Research Studies](#)," (December, 1994)

VI. Definitions

A **Finder's Fee** is payment in the form of money, goods or services to a professional (usually a physician) made in exchange for the referral of a research participant.

An **enrollment incentive** is a financial reward paid to an investigator tied to the number and/or rate of subject enrollment.