

The Phenomenon of Fee Splitting in Medicine: Ethical, Legal, and Social Implications

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Abstract:

The phenomenon of Fee Splitting, or the unethical and illegal division of fees between physicians and other healthcare providers, represents a significant challenge in professional medical ethics. This practice, often driven by the desire to attract more patients or increase financial gain, carries serious ethical, legal, and social consequences. This paper aims to explore various dimensions of Fee Splitting, beginning with its definition and typologies, followed by an analysis of its implications. It also examines global approaches to address this issue, including stringent regulations in the United States, transparent reporting systems in the United Kingdom, and the use of technology in Singapore.

In Iran, despite laws prohibiting this practice, weak enforcement and economic pressures have contributed to its persistence in certain segments of the healthcare system. Insights from successful global experiences suggest that implementing transparent oversight systems, leveraging artificial intelligence to detect violations, and promoting ethical professional practices through education can play a critical role in mitigating Fee Splitting.

The paper also presents practical strategies to prevent and combat Fee Splitting in Iran. These strategies include strengthening regulatory frameworks, educating physicians on professional ethics, utilizing advanced technologies to monitor financial transactions, and introducing clear and lawful financial incentives. Furthermore, the importance of fostering cultural change and reshaping public perceptions within the medical community is emphasized.

The findings of this study underscore that addressing Fee Splitting as a serious ethical challenge requires a shared commitment from physicians, policymakers, and society at large. By reforming oversight structures, prioritizing education, and employing innovative tools, a more transparent healthcare system can be established, enhancing trust within the medical profession.

Keywords: *Fee Splitting, Professional Ethics, Healthcare System, Oversight, Technology, Iran*

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*In Iran, the term "zirmizi" (used among the government and people) and "compensatory costs" (used among doctors) are utilized.

Background and Objective

Key Points:

- **Definition of Fee splitting:**
 - Fee splitting is defined as the illegal and unethical practice of dividing monetary compensation among physicians, referral sources, or other stakeholders within the healthcare system.
- **Consequences of Fee Splitting:**
 - conflict of interest and violation of established professional ethical standards.
 - It undermines patient trust in healthcare providers and the healthcare system at large.
 - Increasing healthcare costs and decreasing the quality of services.
 - legal consequences, including fines, license suspensions, and criminal prosecution.
- **Global Status**
 - In the United States, stringent regulatory frameworks such as the Stark Law and the Anti-Kickback Statute are rigorously enforced.
 - The United Kingdom utilizes a transparent reporting system (NHS).
 - Both Singapore and Canada employ technological solutions and provide professional ethics training to combat.
- **Status in Iran**
 - The regulations established by the Medical System Organization explicitly prohibit fee splitting; however, there exists a significant deficiency in enforcement and oversight capabilities.
 - Economic pressures, coupled with a lack of cultural awareness, present considerable challenges to the effective resolution of this issue within the Iranian context.
- **Proposed Solutions for Iran:**
 - Enhancing oversight, transparency and strengthen the monitoring of medical referrals.
 - Incorporate principles of ethics into medical curricula and ongoing professional development programs.
 - Leveraging modern technology, such as artificial intelligence and electronic health record systems.
 - Revising medical tariffs and eliminating ambiguous financial incentives.

- Fostering an ethical culture and supporting whistleblowers.

- **Successful International Experiences:**

- Strict regulatory frameworks in the United States and the United Kingdom.
- Utilization of transparent databases and artificial intelligence in Singapore.
- Canada's comprehensive approach, encompassing education, cultural awareness, and robust oversight.

- **Conclusion**

Addressing the issue of fee splitting necessitates a collaborative commitment from physicians, policymakers, and society at large. The effective integration of oversight, education, and technology will play a crucial role in diminishing this detrimental phenomenon and fostering a more ethical healthcare system in Iran.

Introduction

Professional ethics is one of the fundamental pillars of the medical community, playing a crucial role in maintaining trust between physicians, patients and the healthcare system. Physicians are traditionally regarded as guardians of public health, expected to base their decisions on knowledge, experience, and ethical principles. However, due to economic challenges and insufficient oversight, behaviors sometimes emerge that violate these principles, leading to serious consequences. One such unethical practice that negatively impacts the physician-patient relationship is fee splitting.¹

Fee splitting refers to the unethical and illegal division of medical fees among physicians or between physicians and other healthcare providers or institutions. This practice, often aimed at attracting more patients or maximizing financial benefits, creates conflicts of interest and undermines patient trust in medical decisions. The American Medical Association (AMA) has explicitly prohibited this practice in its ethical

guidelines, as it compromises the prioritization of patient health over financial gain.²

Globally, fee splitting is a sensitive issue, and strict regulations have been established to counter it. For example, In the United States, the Stark Law and Anti-Kickback Statute strictly prohibit physicians from receiving financial benefits in exchange for patient referrals.³ In the United Kingdom, the General Medical Council (GMC) requires full disclosure of any conflicts of interest by physicians.⁴ Such measures, coupled with strong monitoring systems, have significantly reduced this practice in many countries.

In Iran, regulations against fee splitting have been established by the Iranian Medical Council, explicitly prohibiting financial incentives linked to patient referrals.⁵ However, weak enforcement, economic pressures, and lack of awareness contribute to the persistence of this practice in certain areas of the healthcare system. Studies indicate that insufficient cultural awareness among physicians and patients and the lack of transparent reporting mechanisms are key factors in the continuation of this behavior in Iran.⁶

This article aims to analyze the various aspects of fee splitting. It first defines the concept and types of this practice, followed by an evaluation of its impact on medical service quality and public trust. The study then reviews global approaches to combating fee splitting and finally, proposes solutions for preventing and addressing this issue in Iran.

Definition and Types of Fee Splitting

The phenomenon of Fee Splitting, which can be translated into Persian as "division of fees", refers to the illegal or unethical sharing of medical service costs among physicians, referrers, or other healthcare system members. This practice is often carried out to attract more patients or increase profits through inappropriate collaborations. Regardless of its apparent purpose, such behavior is ethically and legally condemned in many healthcare systems.

Types of Fee Splitting

Fee splitting can manifest in various forms, each with distinct characteristics:

1. Direct Fee Sharing Between Physicians

This is the simplest and most common form of fee splitting. In this case, a physician referring a patient to a specialist or a specific medical center receives a percentage of the patient's payment. This practice is often conducted without the patient's knowledge and can create a conflict of interest in the physician's treatment decisions.⁷

2. Cost Sharing with Medical Centers or Laboratories

In this type of fee splitting, physicians collaborate with medical centers or laboratories, receiving a percentage of the patient's payment in exchange for referrals. This practice may lead to unnecessary tests or treatments, increasing healthcare costs without medical justification.⁸

3. Profit-Oriented Agreements between Physicians and Pharmaceutical Companies

In some cases, physicians receive financial incentives from pharmaceutical or medical equipment companies in exchange for prescribing specific drugs or products. This behavior can jeopardize patient health, as prescription decisions may be driven by financial incentives rather than actual patient needs.⁹

4. Indirect or Concealed Cost Sharing

In this form of fee splitting, payments are made indirectly through ambiguous contracts. For example, a physician might receive hidden financial benefits in the form of office rent discounts or free medical equipment, which are actually compensation for patient referrals.¹⁰

Consequences of Fee Splitting

Each of these types of fee splitting carries serious consequences for the healthcare system, including: erosion of patient trust in physicians, creation of conflicts of interest, decreased quality of healthcare services, increased medical costs, legal and professional risks for physicians and medical institutions. Furthermore, these practices often violate local and international regulations, exposing

healthcare professionals to legal penalties and ethical scrutiny.¹¹

Global and Iranian Perspectives on Fee Splitting

In developed countries, such as the United States and the United Kingdom, clear regulations exist for identifying and combating fee splitting. These regulations are enforced through continuous monitoring of physicians' professional conduct, reporting violations, and imposing heavy fines.¹² In Iran, similar laws have been enacted; however, due to weak enforcement and insufficient awareness, this practice still persists in certain areas of the healthcare system.

Ethical, Legal and Social Consequences of Fee Splitting

Fee splitting, as an unethical and unprofessional practice, has far-reaching effects on the medical profession. This phenomenon can impact the healthcare system from ethical, legal, and social dimensions, significantly reducing service quality and public trust in physicians.

Ethical Consequences

1. Conflict of Interest

Fee splitting often leads to conflicts of interest, as a physician may make treatment decisions based on financial incentives rather than actual patient needs. This can result in unnecessary prescriptions, tests, or medical procedures, directly endangering patient health.¹³

2. Violation of Professional Ethics

Medical ethics are based on honesty, transparency, and a commitment to patient well-being. Fee splitting compromises these principles by introducing undesirable financial motivations, damaging the reputation of the medical profession.¹⁴

3. Weakening the Physician-Patient Relationship

Patient trust is one of the fundamental pillars of effective treatment. When a patient realizes that a doctor's decision is financially

motivated, their trust is significantly diminished, negatively impacting treatment adherence and overall healthcare outcomes.¹⁵

Legal Consequences

1. Legal Violations and Criminal Liability

In many countries, fee splitting is classified as fraud and corruption. Strict laws are in place to combat this behavior, and violators may face substantial fines, suspension of medical licenses, or even criminal prosecution.¹⁶

2. Legal Consequences for Patients and Physicians

Patients who suffer harm due to unlawful medical practices have the right to file lawsuits against their physicians. This can lead to severe legal consequences for the doctor, including professional misconduct charges. Additionally, hospitals and healthcare centers involved in fee splitting may also face legal actions.¹⁷

Social Consequences

1. Decline in Public Trust in the Healthcare System

Fee Splitting can lead to a decline in public trust in physicians and the healthcare system. This issue can have profound effects, especially in countries like Iran, where people traditionally hold high regard for physicians.¹⁸

2. Increase in Healthcare Costs

This phenomenon can unnecessarily increase healthcare costs, as physicians may prescribe additional or unnecessary services to boost their income. This rise in costs places a financial burden on both patients and the healthcare system.¹⁹

3. Decline in the Quality of Healthcare Services

Fee Splitting can cause a shift in focus from quality of care to financial gain, as physicians and healthcare centers prioritize profit over patient well-being. This issue can result in poor-quality services and a decline in medical standards.²⁰

Global Laws and Approaches to Combating Fee Splitting

In many countries, Fee Splitting is recognized as an unethical and illegal practice

and is actively combated through strict regulations. The extent of its enforcement depends on cultural, legal, and structural aspects of the healthcare system. Examining global approaches to this issue can help identify strengths and weaknesses in regulatory systems and serve as a guide for developing more effective policies in Iran.

United States

In the U.S., Fee Splitting is explicitly prohibited under federal law. The two primary legal tools for combating this practice include:

- **The Stark Law:** This law prohibits physicians from referring patients to medical facilities in which they or their family members have a financial interest. The primary goal of this law is to prevent conflicts of interest and prioritize patient health over financial incentives.²¹
- **The Anti-Kickback Statute:** This law makes it illegal for physicians to receive financial incentives in exchange for referring patients or using specific medical services. Violators of this law face hefty fines and exclusion from federal healthcare programs.²²

United Kingdom

In the UK, the National Health Service (NHS) has implemented strict regulations to prevent Fee Splitting. These regulations require transparency in medical decision-making.

- **Ethical Guidelines:** The General Medical Council (GMC) requires physicians to maintain full transparency in all financial interactions and report any potential conflicts of interest.²³
- **Reporting System:** The NHS has established a reporting system that allows patients to report violations by physicians or medical institutions. This oversight mechanism enhances transparency and accountability in medical decisions.²⁴

Canada

Canada also has similar regulations to combat Fee Splitting. The College of Physicians and Surgeons of Canada (CPSA) has established specific guidelines on this issue:

- **CPSA Ethical Requirements:** Physicians are required to make treatment decisions solely based on the medical needs of the patient and to avoid any financial arrangements that may affect the quality of care.²⁵
- **Legal Consequences:** Violations related to Fee Splitting can lead to the revocation of medical licenses and heavy financial penalties.

Iran

In Iran, existing laws also explicitly prohibit Fee Splitting:

- **Iranian Medical Council Law:** This law prohibits any form of fee-sharing or receiving indirect financial benefits by physicians. Article 28 of this law emphasizes that physicians must prioritize patient health and interests in all financial interactions.²⁶
- **Regulatory Challenges:** Despite the legal prohibitions, weaknesses in effective enforcement and inadequate oversight have allowed this practice to persist in some parts of the healthcare system.²⁷

International Efforts

Organizations such as the World Medical Association (WMA) and the World Health Organization (WHO) have also issued guidelines to promote medical ethics and prevent unethical practices such as Fee Splitting. These guidelines emphasize the importance of continuous physician education and patient awareness.²⁸

Strategies for Preventing and Combating Fee Splitting in Iran

Despite legal and ethical bans, Fee Splitting remains present in some parts of Iran's healthcare system. To reduce this unethical practice, implementing strategies focused on improving regulatory structures, education, and cultural awareness is essential. The following section outlines proposed solutions for preventing and addressing Fee Splitting in Iran.

1-Strengthening Regulatory and Reporting Systems

1. Transparent and Integrated Oversight

Developing and enhancing transparent oversight systems to monitor financial interactions between physicians and healthcare institutions is a crucial step in combating Fee Splitting. The Iranian Medical Council and the Ministry of Health can leverage digital tools to track medical referrals and related payments.²⁹

2. Whistleblower Reporting System

Establishing a platform for anonymous reporting of violations can help reduce Fee Splitting. Patients, physicians, and healthcare staff should be able to report misconduct without fear of negative consequences.³⁰

3. Regular Inspections

Conducting regular and targeted inspections by regulatory authorities to evaluate financial transparency in medical clinics and healthcare centers can prevent unethical behavior.³¹

2- Education and Awareness

1. Teaching Professional Ethics

Incorporating topics on professional ethics and the harms of Fee Splitting into university curricula and continuing medical education programs can play a crucial role in increasing physicians' awareness. Emphasizing patient health as a priority and adhering to professional regulations are key aspects of this training.³²

2. Informing Patients

Raising patient awareness about their rights and the negative consequences of Fee Splitting can have a deterrent effect. This can be achieved through public awareness campaigns or informational materials in healthcare centers.³³

3. Educating Physicians on Social Responsibility

Physicians should be aware of their social responsibility toward patients and society. Educational programs should remind them that professional ethics are fundamental to maintaining public trust in the medical community.³⁴

3-Reforming Economic and Incentive Structures

1. Adjusting Medical Tariffs

Imbalanced healthcare tariffs can drive physicians toward unethical practices such as Fee Splitting. Reforming tariff structures and providing incentive packages for transparent and ethical physicians can help reduce these motivations.³⁵

2. Eliminating Unethical Financial Incentives

Eliminating any unnecessary financial payments or incentives from healthcare institutions or pharmaceutical companies to physicians can contribute to reducing Fee Splitting.³⁶

3. Establishing Transparent Revenue Models

Developing transparent and legal models for income distribution between physicians and healthcare institutions can be a suitable alternative to unethical practices. For example, setting fixed rates for professional collaborations.³⁷

4-Cultural Change and Public Perception

1. Promoting an Ethics-Based Medical Culture

Fostering a culture of medical ethics through media, medical associations, and conferences can play a significant role in reducing Fee Splitting.³⁸

2. Creating Positive Role Models

Recognizing and honoring physicians and healthcare centers that lead in maintaining professional ethics can serve as motivation for others.³⁹

3. Supporting Whistleblowers

Ensuring legal and professional protection for individuals who report Fee Splitting violations can encourage reporting and help reduce unethical practices.⁴⁰

Successful International Experiences in Reducing Fee Splitting

One of the best strategies to reduce Fee Splitting is to leverage successful international experiences. Countries with advanced healthcare systems have been able to control this phenomenon through innovative approaches and strict regulations.

United States: Financial Transparency System and Strong Supervision

In the United States, the implementation of laws like the Stark Law and the Anti-Kickback Statute, along with continuous oversight and the use of transparent financial databases, has significantly reduced Fee Splitting. Professional ethics education is also an integral part of medical training and continuing education in this country.¹

United Kingdom: NHS Reporting System

The UK's National Health Service (NHS) not only enforces strict regulations to prevent Fee Splitting, but also has a transparent system for reporting violations. This system allows patients to anonymously report any unethical behavior.²

Canada: Multi dimensional Approach

In Canada, the College of Physicians and Surgeons (CPSA) prevents Fee Splitting through the implementation of strict ethical standards and mandatory education. The combination of regulatory laws and cultural initiatives has minimized this practice in Canada.³

Singapore: Utilizing Technology

Singapore uses advanced technologies such as electronic databases to track physicians' financial interactions. The country has been able to identify unethical financial behaviors through AI and take legal action.⁴

The Role of Technology in Combating Fee Splitting

Technology can be a powerful tool for identifying and reducing Fee Splitting. The use of innovative systems can increase transparency and enable monitoring of financial interactions.

Electronic Referral Systems

Using Electronic Health Records (EHR) and electronic referral systems can facilitate monitoring of patient referrals and related financial interactions. These systems store data transparently and prevent misuse.⁵

Artificial Intelligence for Identifying Abnormal Patterns

AI can identify abnormal financial behaviors. For example, machine learning algorithms can detect repetitive referral patterns or suspicious payments and alert regulatory authorities.⁶

Transparent Financial Databases

Creating a transparent database that tracks the financial interactions between physicians and healthcare institutions can prevent Fee Splitting. This tool could be used in Iran as an effective monitoring system.⁷

Discussion and Conclusion

Fee Splitting, as one of the challenges of professional ethics, has impacted healthcare systems in many countries. This behavior not only poses ethical, legal, and social consequences but also severely threatens patient health and public trust in the healthcare system. On one hand, a physician's decisions may be made based on financial incentives rather than prioritizing the patient's health, and on the other hand, unethical behaviors can tarnish the overall image of the medical community.

Dr. AzizollahAbbasi also criticized fee splitting in a comprehensive article in which he elaborated on its negative aspects.⁴⁸

Globally, countries such as the United States, the United Kingdom, and Canada, through the implementation of strict laws and the use of advanced technologies, have been able to significantly reduce Fee Splitting. For example, the Anti-Kickback Statute and the Stark Law in the U.S. mandate physicians to maintain transparency in their financial interactions. In the UK, the transparent reporting system of the NHS plays a key role in

preventing this behavior. In contrast, countries with weaker oversight or incomplete laws face greater challenges in this regard.

In Iran, although the Medical Council's regulations explicitly prohibit Fee Splitting, several factors such as weak oversight, economic pressures, and the lack of transparent reporting systems have made it difficult to effectively implement these laws. Studies suggest that increasing awareness among physicians and patients, reforming economic structures, and leveraging technology can help reduce this behavior.

The discussions show that addressing Fee Splitting requires a multifaceted approach that includes strengthening laws, promoting professional ethics, and utilizing modern regulatory tools.

Recommendations

1. Strengthening Laws and Oversight:

- Reviewing existing laws to cover financial interactions more comprehensively.
- Establishing independent regulatory bodies to monitor the transparency of physicians' and healthcare institutions' interactions.

2. Use of Technology:

- Implementing electronic systems for recording referrals and financial interactions.
- Utilizing artificial intelligence to identify unusual patterns in physicians' and healthcare institutions' interactions.

3. Education and Cultural Change:

- Integrating professional ethics and awareness of the consequences of Fee Splitting into medical curricula.
- Providing ongoing education for physicians through continuing education programs about the importance of financial transparency.
- Educating patients about their rights in interactions with physicians.

4. Creating Positive Financial Incentives:

- Adjusting treatment tariffs to reduce the financial pressure on physicians.
- Offering financial incentives to transparent and ethically grounded physicians and healthcare institutions.

5. Promoting Reporting:

- Creating a system for anonymous reporting of violations by patients, physicians, and healthcare staff.
- Ensuring legal and professional support for whistleblowers.

Limitations

1. Lack of Transparent Data:

The unavailability of accurate data on the prevalence of Fee Splitting in Iran makes it difficult to assess the extent of this challenge.

2. Cultural Limitations:

In some regions, behaviors similar to Fee Splitting may be accepted due to social pressures or local culture, requiring time and continuous effort to change.

3. Economic Barriers:

Financial pressures on physicians, especially in the private sector, may increase the financial incentives for engaging in Fee Splitting.

4. Lack of Technology:

Insufficient infrastructure for implementing advanced technologies in all healthcare centers across the country may present a challenge in implementing the proposed solutions.

5. Sustainability of Law Enforcement:

Even with strong laws in place, weaknesses in oversight and a lack of strict enforcement can reduce the effectiveness of these regulations.

Final Conclusion

Addressing Fee Splitting requires the collective commitment of physicians, patients, and policymakers. Legal reforms, the use of technology, and the enhancement of professional ethics culture are key actions to reduce this behavior. Establishing a transparent and accountable healthcare system will not only help improve public trust but also play a crucial role in improving the quality of healthcare services and safeguarding patient health. By leveraging successful global experiences and considering local conditions, Iran can take effective steps in this direction.

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