FAVORABLE

OIG WATCH

19-04

Per-click and per-booking provider fees in a consumer healthcare search platform

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What OIG Said

OIG said this can be okay if payments are set in advance, independently valued, and not tied to referrals or collections.

- ✓ OIG reviewed a platform where providers pay either per-booking, per-click, or flat subscription fees to appear in search results and purchase ad space visible to federal healthcare beneficiaries.
- ✓ OIG acknowledged this setup does involve “remuneration,” meaning it could raise kickback concerns, but focused on payment structure and intent.
- ✓ OIG said fees were acceptable because they were set in advance, did not vary based on insurance status or referral volume, and were backed by independent third-party valuation.
- ✓ Importantly, OIG noted that providers still pay fees even if no appointment occurs, and no preference is given in rankings based on fees, undercutting a “pay for referrals” theory.

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Diligence Checklist

What you need to be ready to show in diligence

- ✓ Have an independent FMV opinion supporting all payment streams: subscription, per-click, and per-booking.
- ✓ Prove the platform does not prioritize or rank providers based on payment level.
- ✓ Show that payment amounts are set in advance and don't vary based on insurance status or volume of federal program patients.
- ✓ Confirm providers owe fees even when no appointment occurs or no claim is paid.
- ✓ Keep all terms and scope clearly documented, including valuation firm methodology.

If you can't show FMV support and payment independence from referrals, your model may be exposed under scrutiny.

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Structure not diligence-ready?

Cabra Consulting helps healthcare organizations make sure compensation and transaction structures are independently valued, clearly scoped, and defensible in diligence.

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