FAVORABLE

OIG WATCH

21-20

Per-click listing and platform fees for home health provider search site

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What OIG Said

OIG said per-click fees are OK if they're fixed, fair market value, and not tied to volume or referrals.

- ✓ OIG reviewed a consumer-facing platform that lets users search for home-based care providers and contact them; providers pay to be listed and pay a per-click contact fee.
- ✓ OIG said this counts as remuneration and could trigger Anti-Kickback, but declined sanctions because the platform didn't steer users, and fees were set in advance, fixed, and FMV.
- ✓ OIG accepted that the platform didn't vary listing prominence based on payment, didn't use user data to target ads, and didn't allow provider ads at all.
- ✓ The per-click contact fee applied whether or not the user became a patient, and the platform was free to users regardless of insurance, which helped mitigate inducement risk.

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Diligence Checklist

What you need to be ready to show in diligence

- ✓ Have a third-party FMV opinion covering both the monthly listing fee and the per-click contact fee.
- ✓ Prove your fee model does not vary by referral volume, collections, or payer type, and does not reward conversions.
- ✓ Show your platform does not rank or promote providers based on fees or steer users toward high-paying participants.
- ✓ Confirm your user experience and advertising practices are the same regardless of insurance status or payment source.
- ✓ Document that listed providers don't influence platform design, ad targeting, or user outreach.

If your search or platform fees can't meet that test, it may be perceived as paying for steerage, not services.

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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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