FAVORABLE

OIG WATCH

24-03

Patient travel, lodging, and meals for gene therapy recipients

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What OIG Said

OIG said this patient support counts as remuneration, but it can be okay if it's narrow, non-duplicative, and not designed to steer referrals.

- ✓ OIG reviewed a pharma-sponsored support program covering travel, lodging, and meal expenses for eligible patients receiving a one-time gene therapy at designated treatment centers.
- ✓ OIG said this counts as "remuneration" that could trigger Anti-Kickback, but declined sanctions due to the low fraud risk and tight scope.
- ✓ OIG noted that benefits were income-limited, not duplicative of insurance or Medicaid, and not marketed as an incentive, which helped show the support was commercially necessary, not a volume driver.
- ✓ Importantly, OIG emphasized that the product was one-time and potentially curative, meaning there's no repeat dosing to "seed" future revenue.

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Diligence Checklist

What you need to be ready to show in diligence

- ✓ Show income thresholds, eligibility criteria, and documentation proving the support is not duplicative of any insurance, Medicaid, or charitable programs.
- ✓ Prove the support is not used in marketing materials or to drive referrals, and that treatment centers are not required to use the product exclusively.
- ✓ Have documentation showing the support is limited to clinically relevant phases (e.g., conditioning, infusion) and is not blanket "assistance."
- ✓ Demonstrate that all assistance amounts are modest, pre-defined, and not based on referral volume or provider preference.

If your support program can't show commercial necessity, limited scope, and independence from provider steerage, this is the profile OIG said will draw 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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