FAVORABLE

OIG WATCH

24-12

Drug company sponsors lab tests + counseling for rare kidney condition

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What OIG Said

OIG said this was okay because all payments were set in advance, consistent with FMV, and not linked to referrals or data access.

- ✓ A pharmaceutical company paid a lab to deliver free genetic testing, counseling, and admin support for patients with suspected ultra-rare kidney disease.
- ✓ OIG said this does count as remuneration, but allowed it because it wasn't tied to referrals, prescribing, or claims submission.
- ✓ All lab and counseling fees were fixed in advance, documented in writing, and certified as fair market value.
- ✓ The drug company received no patient data and had no visibility into who was tested or diagnosed, which broke any link to commercial inducement.

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Diligence Checklist

What you need to be ready to show in diligence

- ✓ Have fixed-fee contracts for any lab, counseling, or vendor support, with rates set in advance and consistent with third-party FMV.
- ✓ Prove that no payment is contingent on prescribing, referrals, or diagnosis outcomes.
- ✓ Show firewalls: no identifiable patient or provider data flows back to the sponsor.
- ✓ Document a clear scope of services tied to a legitimate diagnostic or educational purpose, not promotion or steerage.
- ✓ Keep proof that payments cover only services actually rendered, with no pass-through costs to patients or payors.

If your education or lab support program lacks FMV proof, data firewalls, or fixed-fee logic, you're potentially exposed.

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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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