

## Finder's Fees and Payments to Research and Clinical Staff

### Overview:

It is important to consider the ethical issues or conflicts that may arise when financial compensation or bonuses are paid to clinicians, investigators or study team members for referring or identifying potential participants, for meeting targeted enrollment numbers, or even timely completion of the study. Such payments may increase the likelihood that the person referring patients may be influenced by the promise of compensation and not act in the best interest of their patient. Conversely, the likelihood of a significant bonus may result in the promotion of unfounded benefits of study participation, or the recruitment of individuals who may not meet study inclusion criteria. Providing compensation to researchers that is not directly tied to the costs of performing the study is also contrary to University policies on cost accounting for research, and gives rise to a conflict of interest under FDA regulations.

Failure to recruit and enroll participants properly may result in study participants being exposed to unnecessary risks and may diminish the public trust in research. For this reason, the University Conflict of Interest Policy states that compensation for support of human research studies shall not affect the conduct or influence the outcome of such research. Finder's fees and incentive payments are not permitted in clinical trial agreements.

It is important to understand that 'incentives' are not limited to a financial payment but may be extended to authorship, future paid consulting work, or even opportunities for future research support.

### Description:

It is not permissible for investigators to offer finder's fees for referral of research subjects to physicians, nurses, investigators or other clinicians. Clinicians may be paid a reasonable amount for any services (e.g., obtaining a medical history, performing screening examinations, conducting medical record reviews) they perform in support of a research study. The amount paid should not exceed the fair market value for the services performed. Furthermore, it is not permissible to provide gifts to a department or staff organization, nor is it permissible to pay or receive bonuses with respect to meeting or exceeding subject recruitment goals or completing the study early.

Current research subjects may receive payments for identifying or referring potential study participants. This payment should not be contingent on whether or not the potential participant enrolls in, or finishes, the study. The discussion should be limited to telling the person about the study and seeing if they would be interested in obtaining additional information. There must be no undue influence, and if the person is not interested, the discussion should be terminated.

## **Definitions:**

**Finder's fee:** Payment to members of the research team or clinicians to identify potential participants

**Bonus payments:** Gift or payment provided to members of research team based on rate or timing of recruitment or timely completion of study activities

**Recruitment incentive:** Gift or payment to individual for identifying potential participants but not contingent on whether the referred person enrolls or completes the study

## **OSIRIS:**

Section 4 – Subject Recruitment and Informed Consent Procedures

Question 4.1 and 4.2

## **Additional Information:**

Office of Inspector General, U.S. Department of Health & Human Services: Recruiting Human Subjects

<http://oig.hhs.gov/oei/reports/oei-01-97-00196.pdf>

POLICY 11-01-03 Conflict of Interest Policy for Faculty, Scholars, Researchers, Research Staff/Coordinators

<http://www.coi.pitt.edu/Policies/index.htm>

AMA Council on Ethical and Judicial Affairs: Finders Fees

<http://www.ama-assn.org/resources/doc/code-medical-ethics/603a.pdf>