Finder’s Fees” for the Identification of Potential Research Subjects

Modified: January 2017

Background:
For the purpose of this guideline, finder’s fees for the identification of potential research subjects means that faculty, staff, students or others are compensated in any form for identifying for the study team a potential study subject.

Q: Are there regulations governing research “finder’s fees”?

Yes, the professional practice acts (for example, medical, pharmacy) prohibit payments and kickbacks for referrals. In addition:

a) Florida Statutes section 817.505 provides that (1) It is unlawful for any person, including any health care provider or health care facility, to:
   i. Offer or pay any commission, bonus, rebate, kickback, or bribe, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, to induce the referral of patients or patronage from a health care provider or health care facility;
   ii. Solicit or receive any commission, bonus, rebate, kickback, or bribe, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, in return for referring patients or patronage to a health care provider or health care facility.

b) Federal Medicare anti-kickback laws may also prohibit “finder’s fees”.

Q: Does the University Of Florida Institutional Review Board allow Finder’s Fees?

No, in general, the use of finder’s fees is discouraged and in some cases, may violate Florida and/or federal law. Ethical conduct of research requires that the participation of all human volunteers be completely voluntary. Particularly in a health care setting where relationships are hierarchical, it is important that there be no suggestion of subtle encouragement for any person’s participation in a research study by someone who will receive a finder’s fee if that person is enrolled as a subject.