



Position Statement

Topic: Business Practices in Neuromonitoring

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Abbreviations:

- AMA – American Medical Association
- ASNM – American Society of Neurophysiological Monitoring
- IONM – Intraoperative Neurophysiological Monitoring and Mapping

Definitions:

- IONM Provider – Any individual or entity involved, whether directly or indirectly, in the performance and support of technical and/or professional aspects of IONM; including parent companies, subsidiaries, affiliates, contractors and all individuals involved in business matters related to IONM (i.e., medical coding, billing and revenue cycle management).
- Kickback – The exchange, or offer to exchange, of anything of value in an effort to induce (or reward) the referral of a patient for IONM, regardless of payor.
- Self-Referral – The referral of a patient to an entity in which the referring physician has a financial relationship. Self-referral prohibitions include the federal Stark Law.

Position Statement:

It is the position of the ASNM that business practices related to the provision of IONM should be performed in accordance with the AMA Code of Medical Ethics.¹⁻⁵ By extension, it is the position of the ASNM that the existence of certain financial arrangements (i.e., kickbacks or self-referrals) between an IONM provider and a referring physician/surgeon, whether direct or indirect, have the potential to endanger patient safety. Specifically, kickbacks and self-referrals create the potential for overutilization and substandard patient care when a physician/surgeon refers a case to an IONM provider based on financial considerations. The ASNM does not condone kickback arrangements, irrespective of whether or not 1) patients give informed consent for their healthcare provider(s) to engage in these practices and 2) the kickback arrangement is technically considered legal in any state or jurisdiction. Self-referral arrangements should be structured properly with the advice of counsel and with patient care always foremost.

References:

1. AMA Code of Medical Ethics [Website](#).
2. AMA Code of Medical Ethics [Opinion 11.2.1](#) – Fees for Medical Services. “Physicians should not recommend, provide or charge for unnecessary medical services.”
3. AMA Code of Medical Ethics [Opinion 11.2.2](#) – Conflicts of Interest in Patient Care. “Under no circumstances may physicians place their own financial interests above the welfare of their patients.”
4. AMA Code of Medical Ethics [Opinion 11.2.3](#) – Contracts to Deliver Healthcare Services. “Physicians have a fundamental ethical obligation to put the welfare of patients ahead of other considerations, including personal financial interests.”
5. AMA Code of Medical Ethics [Opinion 11.3.4](#) – Fee Splitting. “Payment by or to a physician or health care institution solely for referral of a patient is fee splitting and is unethical.”