

## New Kansas Rule Outlaws Non-Health MLMs

Editorial Staff

On April 4, 2000, the Kansas Board of Healing Arts passed a rule restricting the involvement of health care providers in the sale of nonhealth products and nonhealth multilevel marketing programs (MLMs) involving patients. The rule is the result of three years of discussions, which culminated with public hearings this past February.

The rule is the first of its kind in the U.S., but other chiropractic licensing boards are expected to consider its applicability. The Kansas Board defines such selling practices as "dishonorable." The text of the rule follows:

K.A.R. 100-22-3. Business transactions with patients.

(a) *Non-health-related goods or services*

A licensee shall be deemed to engage in dishonorable conduct by offering to sell a non-health-related product or service to a patient from a location at which the licensee regularly practices the healing arts unless otherwise allowed by this subsection. A licensee shall not be deemed to engage in dishonorable conduct by offering to sell a non-health-related product or service if all of the following conditions are met:

1. The sale is for the benefit of a public service organization.
2. The sale does not directly or indirectly result in financial gain to the licensee.
3. No patient is unduly influenced to make a purchase.

(b) *Business opportunity*

A licensee shall be deemed to engage in dishonorable conduct if all of the following conditions are met:

1. The licensee recruits or solicits a patient either to participate in a business opportunity involving a sale of a product or service, or to recruit or solicit others to participate in a business opportunity.
2. The sale of the product or service directly or indirectly results in financial gain to the licensee.
3. The licensee recruits or solicits the patient at any time that the patient is present in a location at which the licensee regularly practices the healing arts.

