

Chiropractic Ethics and the Law

THE BUSINESS LUNCH

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How I love to be catered to. Great choices.

"Which (elegant) place, doctor?" Asks the diagnostic laboratory's representative. "What (elaborate delicacy) do you prefer, doctor?"

In our one-hour lunch, over a beautifully set table, between the ministrations of elegantly attired servers, amid congenial talk and superior food, the laboratory's representative proposes that I:

< Offer my patients an MRI with no out of pocket expense -- and with door to door transportation service provided by them.

"You have a financial and ethical imperative to make things as easy for your patient as possible," he intones. "You see, even though the law says we have to send the patient the bill, we don't make any effort to collect on this bill. You instruct your patient to ignore this bill, and reassure the patient the laboratory doesn't make collection efforts."

Also ignore the fact that he's revealing to me how much the bills for their services are padded. The MRI charge is \$1,300 but \$500-700 is the amount they'll accept. They'll take whatever the insurance pays. They set their fees so high to reach the deep pockets. We chiropractors do this too. Looking me in the eye, he says emphatically. "Everything is completely ethical and legal." Trust him. (If I do it, this makes me party to a fraudulent action.)

< Order additional diagnostic patient tests they offer. The nerve conduction test can put \$400 into my pocket with this method -- the laboratory has the technician conduct the test at my office, and I bill \$400 for "doing the test." The laboratory bills \$800 for "reading the test." The nerve conduction test is strongly in my financial interest.

"Everything is completely ethical and legal," he assures me again. He goes on to explain how he's not like the other laboratories. They are corrupt. He's not, and he's the authority. (He offers to do fee splitting or give me a kickback).

< Receive other rewards for doing business with him. He will include me in his business network. He will set me up with PI attorneys who will trade referrals of patients with me in a one for one exchange. (This is out of the lab representative's control and is clearly legal).

He makes further points: "I won't phone you to pressure you to send patients who might not need the test." He seems genuinely concerned about the patients' needs. He's considerate to me. "Should you or your family ever need an MRI, there will be no charge." He's nice.

I've been playing my part, holding up my end of the conversation, keeping it gracious and humorous. The atmosphere is light, but formal. He is the host. Words that accuse your benefactor of wrongdoing are not polite. It would be inappropriate. I'm nice too.

Since I'm nice, I must be good. Since he's nice, he must be good. (Not true. If someone's nice, it doesn't always mean that they are good.)

Satiated, through a haze of warm gratification, reality becomes unclear. I slip into rationalization without realizing it. I'm so content! My gut tells me to please my benefactor. My instincts have been aroused to perpetuate this relationship that feels so good.

On one level during the business lunch I have great choices. On the other level, the business lunch has used those fun, easy choices to push me into bad choices.

He wants to buy what he's selling. He is lulling me into making the decision, and is feeding me misinformation about ethics and legality along with my lunch. I'm confused, upset, and in turbulent inner conflict. It's so much easier to go along with him.

I'm sorry because some patients are unjustly denied access to needed health care services because of financial inability. But in spite of what the laboratory's representative says, I'm not Robin Hood. I can't right this wrong.

It's plain to me how this business lunch is symptomatic of the forces in our health care system that are driving up costs for everyone. Other countries have the ability to determine how much expensive diagnostic equipment is needed on a regional level, and they do provide what is needed within reasonable limits. If we put our minds to it, we Americans could provide needed diagnostic equipment on a regional basis -- and do it better than they. If there was a regulated, regional diagnostic facility that everyone used, there would be no more bill padding.

I look forward to the days when my choices for expensive diagnostic tests are not courted with business lunches.

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