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Problems of Professional and Business People: The Morality of Fee-Splitting

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Problems of Professional and Business People

THE MORALITY OF FEE-SPLITTING

PROBLEM: Will you please explain fee-splitting in professional conduct and point out the morality of this practice?

SOLUTION: I suppose the best definition of fee-splitting would be "the sharing among two or more persons of a fee intended for one, because of the cooperation of the other or others with this person." It can be seen most easily in the case of a doctor. Suppose that a physician, a general practitioner, has a patient who needs a surgical operation. This doctor is not a surgeon, so he cannot perform the operation himself. Hence, he suggests to the patient that he have the surgery done by a particular surgeon. The operation is performed, and the surgeon receives \$250 as his fee. From this amount he gives \$25 to the general practitioner who has recommended him. This is fee-splitting as it is ordinarily understood.

Considered in itself, fee-splitting is not contrary to the moral law. For if a doctor wishes to give a token of gratitude to a colleague who has recommended him, he has a perfect right to do so. Such is fee-splitting in theory. But in practice fee-splitting can easily be accompanied by circumstances which will render it immoral.

For example, suppose that the general practitioner described above recommends to his patient a surgeon who

he knows will split the fee, in preference to a more competent surgeon who will not stoop to such a practice. In such a case the general practitioner is failing in his duty — perhaps even gravely — because he is bound in conscience to provide his patient with the best treatment that he knows.

In other words, the doctor who demands a "cut" in the fee would be willing to make the choice of a surgeon, not on the basis of his professional skill, but rather on the basis of his willingness to split the fee. As is evident, this kind of fee-splitting is similar to the "graft" practiced by some civil officials who will give out contracts to labor firms, selecting those companies which they know will pay for them, in preference to those firms that will do a better job but will not resort to bribery.

Another moral danger in fee-splitting is this: The recipient of the fee, knowing that he must give a portion of it to the one who recommended him, is very likely to add this amount to his bill, so that eventually it is the patient who pays for the split. For example, if the equitable fee for the operation is \$250, the surgeon will be tempted to charge \$275 to make up for what he must pay the general practitioner. Of course, this is an act of injustice to the patient.

Fee-splitting can occur also in other

professions. For example, a lawyer, in search of clients might try to obtain accident suits by promising to split his fee with a hospital attendant who will recommend him to patients brought to the hospital after accidents. The moral dangers connected with such a practice are similar to those just described in the case of the fee-splitting doctor.

Because of the dangers of sin involved in fee-splitting, as well as because of the disgrace it brings to professional conduct, fee-splitting is condemned by all professional codes. It is

difficult to see how any professional person can resort to this practice without the guilt of sin. In addition to the objectionable features already described, the fee-splitter is a source of scandal to those who become aware that he is addicted to this degrading practice. It is the duty of Catholics especially, in any form of professional life, to avoid this abuse of their professional services.

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Pope Paul VI speaks to Surgeons . . .

Speaking to participants at the 20th International Congress of General and Cardiovascular Surgeons, the Pope said the human body, whose physical and biological secrets they explore, is a holy place where divinity resides:

"Yes, divinity is there. Be on your guard! Human ways are saturated with the thought of God. Man is in His image. Still more, when grace sanctifies man, his body is not only the instrument of his mind and its organ, it is also the mysterious temple of the Holy Spirit. God lives there.

"In other words, a new concept of the flesh of man opens before our eyes, a concept which does not disturb the vision of physical and biological reality but which on the contrary clarifies it. It fills this vision with a new attraction, an attraction which surpasses sensible and aesthetic attraction.

"It is an attraction, however, which is so real and so powerful and sometimes so evil and fatal, and — shall we say — mystic. It is a new attraction which is suggested neither by pleasure nor beauty but one which the love of Christ inspires."

After expressing his admiration of members of the medical profession, which he described as a "difficult, delicate and providential" calling, the Pope said they were benefactors of the human race in exercising their skills "in keeping with the superior and permanent laws of morality."

"You well deserve to be praised and thanked for all the pain you relieve, and for all the diseases you overcome, as well as by all those who have been saved from suffering and death," the pontiff stated.