

Ask the Ethicist: Promoting Surgery with Vacation Discount Program

Question: My partners and I are brainstorming ideas to increase our LASIK and photorefractive keratectomy patient numbers. One idea is to offer all refractive surgery patients a chance to participate in a discounted vacation program. This vacation program is offered by a third party and is not subsidized by the practice; rather, the practice simply provides patient access to the program. None of our surgeons would ever operate on a poor surgical candidate simply because the patient was interested in the vacation deal, and the practice has no financial ties to the third party company. Are there potential ethical issues with marketing this type of promotion?

Answer: Based on this description, there is no violation of the Academy's Code of Ethics. To be on the safe side; however, we strongly advise you to check with the state medical board or someone who is knowledgeable about your state laws to ensure there are no state-related advertising issues.

While you are likely in the clear from an ethics perspective, it would be wise to consult with your malpractice carrier to assess the risk of the promotion being used against you in a malpractice case. For example, an attorney may be able to show that patients were lured into your office by the offer of a vacation deal. In addition, as with any advertising, the wording of your ad (e.g., discussing success rates) could be misconstrued, or images in the ad could inadvertently imply a guaranteed successful surgery.

Finally, you may run the risk of an implied endorsement of the vacation program. If a patient has a less-than-acceptable vacation experience, there may be resentment toward your practice as a result.

For more information, see [Code of Ethics](#). For more information or to submit a question, contact the Ethics Committee at ethics@aao.org.