

Sliding Fee Scale

written by Richard Leslie | May 24, 2016

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... In a [previous issue of the Avoiding Liability Bulletin](#), I wrote about my views (largely negative) on the use of a sliding fee scale by private practitioners. One of the most basic rules of advertising is that advertisements cannot be false, fraudulent, misleading, or deceptive. This principle is usually incorporated into state statutes and professional association ethical standards.

In the event that a private practitioner chooses to use a sliding fee scale, there are some questions that arise if the practitioner advertises that fact. For instance, in one state the law provides that any price advertisement shall be exact, without the use of phrases, including, but not limited to, “as low as,” “and up,” “lowest prices,” or words or phrases of similar import. This law also provides that the price for each product or service shall be clearly identifiable. Thus, if a practitioner were to advertise the use of a sliding fee scale in this particular state, great care would need to be taken so as to not be in violation of the letter or spirit of the law.