



**Protect Your Practice:
Hot Button Legal Issues**

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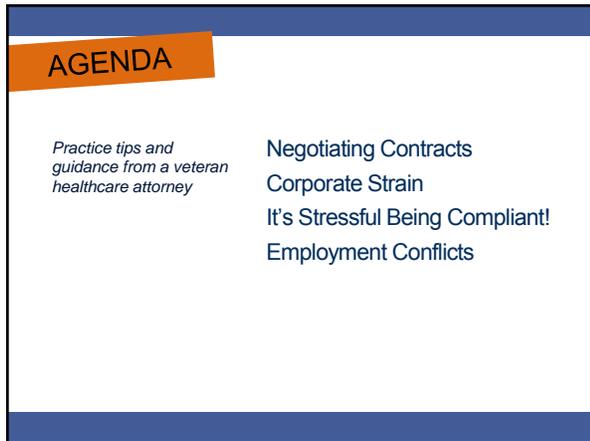
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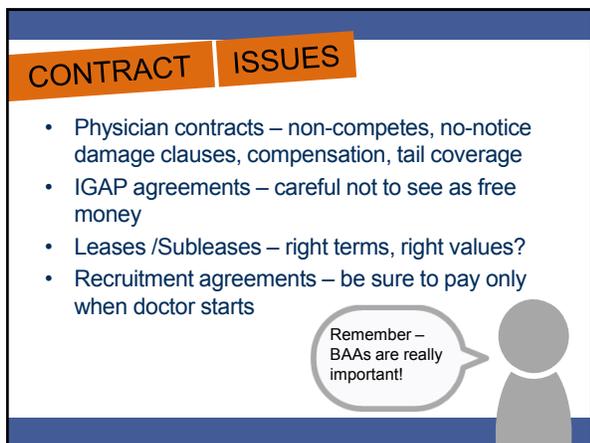
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CONTRACT ISSUES

Common Contract Problems

- Non-competes – time and scope are key
- Termination
- Call / After hours / Schedules
- Withholding of pay provisions
- Governing law and dispute resolution
- Comp – expenses not spelled out!

Don't just sign the contract without legal review!



CORPORATE ISSUES

- Companies set up incorrectly or not following company by-laws or agreements
- Mergers, acquisitions, and unique business arrangements – have a high rate of fraud and abuse concerns
- Thinking you can carve out governmental health programs
- Telemedicine – standards are the same as an in-person visit

CORPORATE ISSUES

Common Corporate Problems

- Exclusivity
- Too good to be true / not fair market value or unreasonable
- Issues with management agreement, ownership / membership votes / power
- Carving out federal plans so "no problem"
- Disguised referrals downstream – follow the trail
- Doesn't fall within a safe harbor (very specific factors)
- "Shell company" doesn't mean protection
- Any actual management services being provided?
- TPSA and Texas Penal Code, along with commercial plan audits



CORPORATE ISSUES

- Joint ventures or mergers – beware of “creative” payment arrangements with ancillary providers
- Medical directorships – is compensation fair and reasonable?
- Payment for supervision – can create conflict between midlevels
- Rent for space – often based on the wrong things. What is fair market value?
- Lab arrangements – safe harbors are important!

Have these arrangements reviewed! It will save time and money later!



COMPLIANCE ISSUES

- Overall practice compliance plan – required!
- HIPAA procedures and plan – create a plan you can actually follow and provide meaningful training
- Security audits – required by HIPAA and meaningful use. Be proactive to avoid the stress of a breach
- Coding and billing audits – best thing you can do for your practice! Let your auditors be on your team
- Telemedicine – beware of security and privacy issues. Be sure to vet agreements and vendors

EMPLOYEE ISSUES

- Stop a little problem before it grows: e.g., overtime, workplace safety
- Discrimination / Retaliation – requires training, especially about retaliation
- Sexual harassment – how will you handle this sensitive matter?
- Physician firing – notice period, vacation time, non-compete clause
- Performance improvement plans – be consistent with your discipline approaches

When there are people, there will be problems. That's just life.



Conflict Resolution

- Talk it out, but mostly listen
- Deal with the problem EARLY rather than wait until opinions and positions are entrenched
- Consider the other person coming from a good place. Give people the benefit of the doubt rather than assuming the worst
- Work with a trained mediator
- Set a corporate culture as being inclusive of ideas, never demeaning, never finger pointing, always helpful

Questions?

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Thank You



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