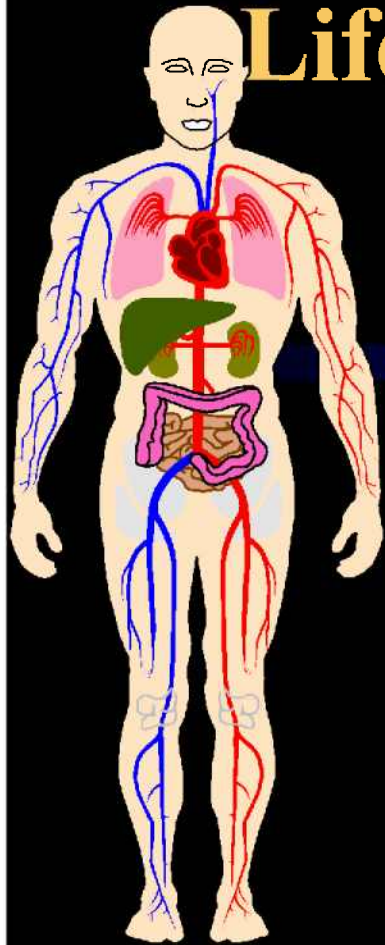


# Representing Physicians: Potential Perils & Pitfalls:

## Life Cycle of a Physician-Practice Association



A Presentation For:  
American Health Lawyers Association

Fundamentals of Health Law

Chicago

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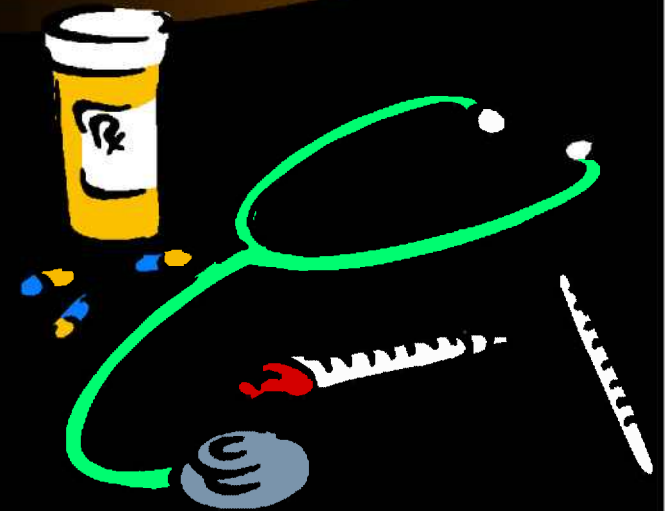
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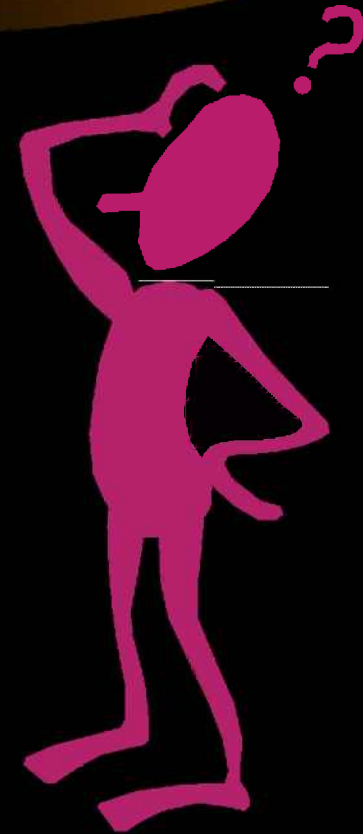
# OVERVIEW

- General Considerations
  - Who is Your Client?
  - Who Can Employ a Physician?
- Basic Issues in Employment Contracts
- The Buy-In: Becoming an Owner in a Medical Practice
- Retirement Issues/Sale
- Post Termination Restrictions
- Alternatives to Physician Employment
- Dissolving/Closing a Practice



# WHO IS YOUR CLIENT?

- The medical practice itself (“Practice”)
- The physician being admitted to the Practice
- A younger owner
- An older owner
- The President of the Practice



# UNDERSTAND YOUR CLIENT

- Advise each owner to have his or her own counsel, accountant and other necessary professional(s)
- Know who you are dealing with “*Who are the parties and the professionals?*”
  - Accountant
  - Attorney
  - Outside practice management consultants
- *What are your client’s goals?*

# WHO CAN EMPLOY A PHYSICIAN?

- Corporate Practice of Medicine Doctrine
  - Prohibits unlicensed individuals or entities from practicing medicine or employing healthcare professionals
  - Regulates who can employ physicians in some states

# WHO CAN EMPLOY A PHYSICIAN?

- Check Current State Laws
  - Physicians cannot be employed by unlicensed entities, general business corporations, or general business limited liability companies (LLCs)
  - Many states allow physicians to form a professional corporation or LLC



