

Physician Employment Contract

CHECKLIST

REQUIRED CONTRACT LANGUAGE AND TERMS

Term/dates

Title and duties (job description and performance standards)

Malpractice coverage and insurability

Professional certification and licensure/educational requirements

- Maintaining a medical license, DEA license, board certification(s) and credentialing eligibility with government/commercial insurance payers (if all are applicable)
- Maintaining necessary hospital privileges (if applicable)

Schedule and minimum hours worked per year (full time, part time, etc.)

Location(s) to be covered

On-call requirements

Records and files

Compensation

- Methodology
- Call pay
- Directorships
- Modifier-based adjustments

Termination

- For cause
- Without cause
- Payout in lieu of notice
- Resignation
- Disability
- Death
- Contract termination when one becomes a shareholder (if applicable)
- Assignment of third-party reimbursement contracts (if applicable)
- Survival of terms (If applicable)/post-termination obligations

Confidentiality

Medical decision making — right of a physician to exercise independent professional judgment in the care of patients

Business opportunities and professional engagements, including an authorization to utilize the physician's information in marketing and public relations

Representations and warranties — verify that the clinician is not bound by prior contractual or regulatory limitations, including prior malpractice claims

Conflicts of interest/outside services

Non-compete/restrictive covenants

- Duration
- Geographic radius
- Buyout clause

Non-solicitation provisions

Policy adherence and behavioral standards

Regulatory compliance

- Structure contract terms to satisfy applicable safe harbor laws under Stark Law. Also consider requirements under the Anti-Kickback Statute, False Claims Act and fair market value (FMV)
- State specific requirements

Penalties for violation — confidentiality, non-solicitation, etc.

Alternative dispute resolution — mediation or binding arbitration

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OPTIONAL CONTRACT LANGUAGE AND TERMS

Term/dates

Title and duties (job description and performance standards)

Benefits

- Payment or reimbursement of liability/malpractice insurance
- Claims-made vs. occurrence based
- Tail coverage or prior acts coverage (if applicable)
- Retirement plan
- Time off (vacation, sick pay, etc.)
- Short-/long-term disability
- Leaves of absence

Sign-on bonus (as well as a repayment clause if applicable)

NPP/APP supervision payments

Relocation expense reimbursement

CME (travel, expenses and time off)

Dues and subscriptions expense reimbursement (medical license, DEA license, etc.)

Cell phone expense reimbursement

Intellectual property

Medical directorships

Student loan repayment

Research requirements

Academic teaching requirements

Real estate or lease guarantees

Workers' compensation insurance (if required by state law for independent contractors)

Indemnification for all parties against claims or losses

Office space, supplies or personnel requirements