

**WHAT TO LOOK FOR IN YOUR
EMPLOYMENT CONTRACT**

ATTORNEY-CLIENT PRIVILEGED / CONFIDENTIAL / WORK PRODUCT

PRESENTED BY:

FRIER LEVITT
ATTORNEYS AT LAW

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About Frier Levitt, LLC

Frier Levitt is a national boutique healthcare law firm located in Pine Brook, New Jersey. Our over 30 attorneys bring collective experience and backgrounds in pharmacy, hospital administration, professional licensing, Attorney General actions, clinical practice, and medical billing. Through our experience in representing thousands of pharmacies across the country, we have developed strong relationships with key decision-makers at each pharmacy benefits manager and have successfully fought on behalf of pharmacies and healthcare providers in conducting Medicare appeals. Frier Levitt provides directed and uniquely-tailored legal services to our healthcare clients, including pediatricians and the NJ Chapter of the American Academy of Pediatrics, including corporate and transactional services, regulatory advice, and litigation support.

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About Frier Levitt, LLC



Guillermo J. Beades, Esq.
Senior Counsel

Guillermo J. Beades, Esq., is a Senior Counsel practicing in Frier Levitt's Healthcare Litigation Department. Guillermo represents healthcare professionals in a broad range of administrative, civil and criminal healthcare matters. Guillermo has extensive litigation experience before state licensing authorities and Medical Boards (e.g., NJ BME, OPMC), federal healthcare agencies (e.g., OIG, CMS, DEA) and state healthcare agencies (e.g., NJ Medicaid Fraud Division, NY OMIG). Guillermo has represented practices and healthcare professionals in matters concerning credentialing and denial of privileges, administrative discipline, Medicare audits, post-payment demands and pre-payment audits.

Guillermo also represents healthcare professionals in criminal and civil white collar defense matters, including matters alleging Medicare / Medicaid Fraud and violations of the Anti-Kickback Statute, False Claims Act, Codey Law and Stark.

Guillermo has been selected to the New Jersey Super Lawyers Rising Stars list in 2015 - 2017.

Education

Villanova University School of Law

Pennsylvania State University, Bachelor of Science, Crime, Law and Justice

Bar Admissions

State of New Jersey
U.S. District Court, New Jersey
State of New York
Commonwealth of Pennsylvania

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EMPLOYMENT AGREEMENTS

Contracting Basics

- Identify the Contract
- Read the Contract
- Understand the Contract
- Don't Dismiss "Boilerplate"
- Ask for Changes

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EMPLOYMENT STATUS

Employee or Independent Contractor

- Control over Means and Methods
- Control over Results Only

Employee Advantages

- Taxes (sometimes)
- Benefits

Independent Contractor Advantages

- Autonomy

COMPENSATION

Salary

Bonuses

Expense Reimbursement

- Phone / Data Plan
- Travel
- Meals and Entertainment

CME

BENEFITS

Health Insurance

Retirement Plan

Disability Insurance

Paid Time Off

- Vacation and Personal
- Holidays
- Illness

Partnership Track?

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MALPRACTICE INSURANCE

Claims Made vs. Occurrence Based

“Tail” Coverage

Reporting Obligations

Post-employment requirements

Covered v. Non-covered acts

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DUTIES

Hours

Location

Treatment of Patients

On-call

When? Where? Frequency?

Billing and Recordkeeping

Administrative Duties

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TERM AND TERMINATION

Initial Term

Automatic Renewals

Termination Without Cause

Termination for Cause

- Notice and opportunity to cure
- Beware “Employer Discretion”
- Beware “Self-Reporting” Obligations

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EFFECTS OF TERMINATION

Payment / Forfeiture of Bonus

Liquidated Damages

Hospital Privileges

Restrictive Covenants & Non-Compete Clauses

Right to a hearing before reporting to Board? NPDB?

- Reciprocal Board Actions
- Credentialing issues with insurers / hospitals

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RESTRICTIVE COVENANTS

Confidentiality

- Medical Records
- Patient Lists
- Referral Sources

Non-solicitation

- Duration
- Patients
- Employees
- Referral Sources

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RESTRICTIVE COVENANTS

Non-competition

- Scope of Activities
- Geographic Limitation
 - How many miles?
 - How many offices?
- Duration

DISPUTE RESOLUTION

Arbitration vs. Court

Advantages of Arbitration

- Can be less time consuming
- Can be less expensive

Advantages of Court

- Can be less expensive
- Right to Discovery
- Right to appeal

Prevailing Party Legal Fees

CAPTIVE PRACTICES

Captive Practices

- Who is the employer?
- Interplay between a hospital and practice group
- What happens if there is an issues with the hospital?

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SMALL PRACTICES

Many times no formal contract

Offer letter with basic terms

Where are the terms of your employment?

Does the practice have:

- Policies
- Practice Manual
- Training

Expectations?

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KEY TAKEAWAYS

Read it

Understand it

Get it signed

Keep it

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Thank You!



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