

# Why hiring an attorney is an integral part of your new medical practice

Contributed by [Little Health Law](#)

## WHY DO I NEED AN ATTORNEY FOR MY MEDICAL PRACTICE?

The practice of medicine is focused on improving patient outcomes. While medical professionals should be focused on this, they cannot do so without considering the legal ramifications. Health care is a highly regulated industry to ensure patient safety, promote quality care and prevent fraud. Thus, there are a variety of regulations impacting patient care.

Additionally, running a medical practice is running a business. Owning and operating a business comes with all sorts of issues, from set-up to contracts to employee issues. While providing quality patient care is crucial to operating a good medical practice, it is not sufficient to have a medical practice that is legally compliant.

## SERVICES AN ATTORNEY CAN OFFER YOUR MEDICAL PRACTICE

Here are the top 10 services that an attorney can offer your medical practice:

- **Billing & reimbursement:** A medical practice attorney can help you understand and comply with regulations related to medical billing and reimbursement, such as Medicare and Medicaid billing rules, coding requirements and fraud and abuse laws, as this is necessary to avoid allegations of health care fraud and billing errors.
- **Business structure:** Choosing the right business structure to form the medical practice, such as a sole proprietorship, partnership, corporation or limited liability company (LLC), has important legal implications for liability protection, taxation and governance, and is important to get your business off to the right start.
- **Contracts & agreements:** As a medical practice owner, you will need to draft and negotiate contracts with physicians, staff, vendors and

insurers. This will require careful consideration to protect the interests of the practice and ensure compliance with applicable laws. These contracts could include employment agreements, lease agreements, insurance contracts and vendor agreements.

- **Employment law:** As a medical practice owner, you are also an employer. Complying with employment laws and regulations, such as wage and hour laws, anti-discrimination laws and workplace safety regulations, is important when hiring and managing staff for the medical practice.
- **Intellectual property protection:** Protecting intellectual property, such as trademarks for the practice name and logo, and ensuring compliance with intellectual property laws when using medical software, technologies or proprietary information are some often forgotten legal considerations.
- **Licensing and credentialing:** You will need to obtain the necessary licenses and credentials for health care professionals and the practice itself to operate legally. This includes medical licenses for physicians, DEA registration for prescribing controlled substances and facility accreditation, if applicable.
- **Medical malpractice insurance:** Medical malpractice insurance coverage is essential to protect the practice and its health care providers from liability in case of malpractice claims or lawsuits. A medical practice attorney can walk you through what coverage you will need.
- **Patients' rights & informed consent:** In order to protect patients' rights and avoid legal disputes, you must ensure compliance with laws and regulations related to patient rights, informed consent and medical records management.
- **Real estate & zoning:** If you need to acquire or lease property for the medical practice, you could run into issues with real estate transactions and zoning regulations.
- **Regulatory compliance:** It is important to adhere to health care regulations. While there are certain regulations, such as HIPAA, that are well-known and ever-present, there are other health care regulations that are constantly changing.

## **FINDING A QUALIFIED MEDICAL PRACTICE ATTORNEY**

Not all attorneys are the same. Just as there are specializations in medicine, there are specializations in legal practice. An attorney who is experienced in health care law is your best bet. Additionally, new medical practices should seek out someone who understands employment law and contracts on top of health care law.

One way to find a good attorney is by consulting with other health care professionals in your community. They might point you to a strong firm, even if you are unable to use the same attorney. Reviewing law firm websites is also a way to gauge a firm's or attorney's ability to represent you. For instance, an updated legal blog can show that a firm is staying up with cutting-edge developments in health care, something that you, as a new medical practice, will want your attorney to keep up with.

## **CONTACT AN EXPERIENCED MEDICAL PRACTICE ATTORNEY TODAY**

When starting and running your medical practice, you want to focus squarely on patient care and outcomes. Knowing that you have an attorney who is up to date on changing rules and regulations will give you the peace of mind to do just that. An experienced medical practice attorney will ensure that your business is set up right from the start. This investment in your business will pay off for years to come, both in the health of your medical practice and in the health of your patients.

Reach out to [AOA Physician Services](#) or your state osteopathic association if you need referrals.