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# 10 THINGS ABOUT: OFFICE SHARING

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1. While sharing office space with other clinicians with whom you are not professionally affiliated can be a great way to cut down on overhead costs, it is important to take steps to avoid liability exposure. A psychiatrist can be sued and held liable for the activities of a professional with whom he merely shares office space.
2. Courts consider the *perception* of patients in determining whether a treatment relationship has been created and/or exists. Your very presence in a shared office may be the only factor that leads a person to believe that you associate with, employ, control or supervise your office mate(s); however, you risk being held liable if a court finds the patient's perception to have been reasonable.
3. If you plan on sharing office space, check with your personal business attorney to assess whether your shared arrangement may be perceived as a legal entity, (e.g., a limited or general partnership), despite your intent.
4. Be sure that your office mates have not had any serious complaints or sanctions leveled against them by any licensing agency or professional organization. Know your office mates' insurance carrier and limits of professional liability coverage. If your limits are higher than your office mates' limits, you could become the "deep pocket" if you are named in litigation involving your office mates.
5. Avoid the appearance of any control of or supervision of your office mates. Eliminate as many objective indicators of association as possible. This might include shared outdoor signs, letterhead, office telephone numbers, billing personnel, etc.
6. Post and provide to every patient a fact sheet or disclosure statement stating, at a minimum: that all of the professionals are independent practitioners, you are not in partnership, that you have no responsibility for each other's billing, and that you neither control nor supervise the services provided by the other clinicians. You may wish to have patients acknowledge this in writing.
7. Keep patient and business records separate from those of your office mates. Paper charts should be maintained in your own locked space rather than a common storage area. Never combine records in an electronic health record system.

8. Frequently, unaffiliated clinicians will advertise together or maintain a website under a name that suggests they are working in a group practice. Should you choose to advertise or share a website with other individual practitioners, make certain you include a clear statement on the indicating that all practices are independent.
9. If you share a receptionist and/or answering service, create protocols to help ensure that the individual practices are referred to separately. For example, when someone calls your office the receptionist and operators should be answering your phone line with words that identify you and your office only and not with a phrase such as “The *offices* of \_\_\_\_\_ and \_\_\_\_\_.”
10. Keep in mind that there may be ethical and legal issues related to fee-splitting if you accept or pay a percentage of fees collected for office space, administrative services, and other overhead expenses. To avoid the appearance of fee-splitting, psychiatrists should negotiate a reasonable charge for the use of space, administrative coverage, and other expenses. Personal counsel should be consulted when developing office sharing arrangements to ensure compliance with all relevant statutes and regulations.

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