**Checklist for Physician Contract Compliance**

**Contract Development:**

* Clear and precise contract language outlining physician roles (employee, contractor, Medical Director, etc.), specific responsibilities, and compensation
* Contracts aligned with industry regulations, including Stark Law and Anti-Kickback Statute
* Contracts should be signed only by authorized individuals
* Ensure that signed contracts adhere to authority limits and policies
* Proof of any previous amendments that may have been made to the agreement that have been accepted
* Maintain comprehensive and updated records of all physician contracts, amendments, and related correspondence

**Contract Audits and Monitoring:**

* Regular and ad-hoc audits to identify deviations from contractual terms
* Performance metric evaluation to verify the physician’s productivity
* Assess financial arrangements and performance metrics
* Establish a contract audit committee ideally consisting of clinical leaders and Legal/Compliance Officers

**Termination and Renewal Protocols:**

* Clearly outline termination and renewal procedures in contracts, including notice periods and criteria for contract continuation
* Evidence that the contract has been reviewed for its value not to allow an auto-renewal

**Indemnification and Liability:**

* Clarify indemnification clauses to allocate responsibilities in case of legal claims arising from physician actions

**Fair Market Value (FMV) Adherence:**

* Clauses addressing Fair Market Value (FMV) calculations and external valuations
* Valuation consultants and/or experts have determined FMV for compensation to avoid regulatory issues
* Documented FMV assessments are incorporated into compensation calculations
* Ensure ongoing compensation adherence to FMV limits

**External Auditing and Benchmarking:**

* Consider periodic external audits and benchmarking of compensation arrangements to validate compliance

**Review by Legal Counsel:**

* Legal Counsel has validated and approved contracts for compliance with local, state, and federal regulations

**Onboarding and Training:**

* Comprehensive onboarding educating physicians about compliance policies and laws
* Schedule regular training sessions to keep physicians informed about regulation and compliance changes

**Transparent Communication:**

* Collaboration between legal, compliance, clinical, and financial teams
* Cross-functional meetings for shared understanding of compliance priorities
* Feedback loop between clinical leaders and legal / compliance officers
* Promptly address physician inquiries and concerns

**Technology-Enabled Contract Management:**

* Digital platform(s) for centralized contract data management
* Automated alerts for compliance milestones and changes
* Regular updates to contract management systems

**Record Retention:**

* Policies have been developed for the retention and secure storage of contract-related documents in accordance with legal requirements

**Accurate Timekeeping or Timesheets:**

* Provide an accurate timekeeping system or process for physicians
* Precisely record time spent on activities and services performed
* Timesheets are aligned with compensation calculations and contractual obligations

**Conflict of Interest Mitigation:**

* Implement processes to identify and manage potential conflicts of interest arising from financial relationships or outside activities

**Confidentiality and Data Security:**

* Contract includes confidentiality clauses to protect patient and organizational data, especially in telemedicine or digital health agreements

**Provider Enrollment and Credentialing:**

* Physicians are appropriately enrolled with insurance plans and credentialed per organizational and regulatory requirements

**Whistleblower Protection:**

* Provide clear avenues for reporting potential compliance breaches or concerns internally
* Establish mechanisms to protect physicians who raise concerns about compliance violations

**Ethical Considerations:**

* Contract language promotes ethical behavior, patient safety, and high-quality care delivery
* Encourage compliance with healthcare organization's code of ethics

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| *The purpose of this physician contract compliance checklist is to provide healthcare organizations with a standardized template which can be adapted based on the organization’s requirements. Healthcare regulations and organizational needs can vary, so it is important that this checklist be tailored to your specific situation. Continuously review and update your checklist to ensure it remains relevant and effective in maintaining physician contract compliance.*  *Please note that this checklist template is provided for informational purposes only and should be reviewed, customized, and validated by legal and compliance professionals before implementing at your hospital setting to ensure accuracy and compliance with your healthcare organization’s protocols as well as state and federal regulations.* |