



Contract negotiation DOs and DON'Ts

DO:

- ▶ **Prepare for your contract negotiation** by inventorying your non-negotiables and goals. Identify what motivates you. Compensation is an important aspect of a contract negotiation, but so may be practice setting, geographic location(s), patient population, dedicated research hours, flexible scheduling, etc. The more you understand your values, the better you will be able to bring them to fruition.
- ▶ **Be scrupulously respectful** of everyone working with or for the potential employer.
- ▶ **READ THE CONTRACT!** Read. The. Contract.
- ▶ **Use an attorney with experience in physician contracting.** Set up an initial consultation to determine “fit.” Ask a lot of questions, including specifics about the attorney’s fee schedule.
- ▶ **Expect that your attorney will:**
 - respond to your questions promptly and clearly;
 - keep you informed about activity, negotiations, and offers;
 - discuss your expectations with you;
 - return your calls and emails promptly;
 - explain the significance of choices you are offered or decisions you make.
- ▶ **Search for win-win ground wherever possible.** Approach contract negotiation as a search for mutually beneficial terms. Attempt to understand the needs and motivations of the employer.
- ▶ **Trust your intuition.** Follow up when things feel “off.” Be your own best resource and advocate.

DON'T:

- ▶ **Forget to do your research:** Know what expectations and compensation are standard for your specialty in the relevant market.
- ▶ **Believe that the contract is nonnegotiable.** Even “boilerplate” contract terms used by a large employer may be negotiated.
- ▶ **Expect the contract to be ideal.** Negotiation is compromise.
- ▶ **Negotiate without a strategy.** A clear goal and plan will help you achieve your key goals.
- ▶ **Be afraid to ask for additional time** to review new or modified terms with an attorney, advisor, or other resource.
- ▶ **Succumb to pressure** to make a decision that feels hasty or rushed.
- ▶ **Agree to an oral contract or amendment;** with a few exceptions, a contract must be written to be enforceable.
- ▶ **Accept the following behavior from your attorney:**
 - Promising a “perfect” outcome;
 - Failing to promptly respond to your communications;
 - Vague or changing fee schedule or billing practices;
 - Disrespectful or unprofessional behavior.
- ▶ **Ignore the following red flags from potential employers:**
 - Refusing you access to current physicians and staff;
 - Discouraging you from the use of an attorney;
 - Unwillingness to negotiate.

Disclaimer

The information in this document is intended to provide general education only, and does not provide specific legal advice. This document does not create an attorney-client relationship and is not a substitute for the advice of an attorney. It is always best practice to obtain legal advice from an attorney with expertise in the relevant subject matter and jurisdiction. Contract law varies from state-to-state, and this document is not intended to address each state’s laws. The Minnesota Medical Association makes no guarantee as to the completeness of the information in this document.

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