PRINCIPLES OF PER DIEM WORK: UNDERSTANDING LIABILITIES & LEGALITIES

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DISCLOSURE/ CONFLICT OF INTEREST

- Owner of ATvantage Athletic Training
- Contracting Company
- Information is unbiased and based on current research & best practices

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DEFINITIONS & KEY LEARNING OBJECTIVES:

- **Definitions:**
  - Per Diem: Latin for “per day”
  - Independent Contractor: Self Employed (IRS)

- **Key Learning Objectives:**
  - Recognizing the prevalence of per diem opportunities in the workplace and how to prepare oneself for this type of work
  - Distinguish the differences between independent contractor and employee work types for purposes of liability, insurance, taxes, and law
  - Identify means of readiness for per diem work, including appropriate contracts, conversations, and consents
INTRO

- Standard Occupational Classification system (NATA)
- Opportunity
- Emerging Practices & Non-Traditional Settings
- Increased fulfillment
BEFORE ACCEPTING PER DIEM WORK:

LEGAL ASPECTS OF ACCEPTING PER DIEM WORK
PROFESSIONAL LIABILITY INSURANCE

▪ Also known as Errors & Omissions (“mistakes”)
  ▪ Protects service providing individuals & companies from bearing the cost of defending against an act, omission, negligence claim or other damages against a client. (Hiscox)

▪ Coverage from your employer
  ▪ General Liability Policy
  ▪ Physician Malpractice

▪ Healthcare providers do not work uninsured
HOW TO PURCHASE INSURANCE PROPERLY

▸ Ensure you are selecting the proper work type

▸ Select Appropriate Profession
HOW TO PURCHASE INSURANCE PROPERLY

- Employed (W2) or Self Employed (1099)

- Full Time or Part Time

5. Do you work more than 24 hours per week?* □ Yes / Full-Time □ No / Part-Time
WHAT TO LOOK FOR IN AN INSURANCE POLICY

- Professional Liability - up to $1 Million each claim/up to $3 Million aggregate
- License Protection - up to $25,000 aggregate
- Defendant Expense Benefit - up to $25,000 aggregate
- Deposition Representation - up to $10,000 aggregate
- Personal Liability Coverage - up to $1,000,000 aggregate
- Defense Attorney Provided
- Assault Coverage - up to $25,000 aggregate
- Personal Injury Coverage - up to 1 Million aggregate
- Medical Expenses
- Damage to Property of Others - up to $10,000 aggregate
- First Aid Expenses
- Covers you on and off the job, even if you change jobs
- Affordable Group Rates

Coverage Enhancements for Healthcare Professionals

- Sexual Misconduct/Abuse - up to $25,000 aggregate
- Information Privacy Coverage (HIPAA) - up to $25,000 aggregate
“IT IS THE INTENT OF THIS ACT TO ENSURE WORKERS WHO ARE CURRENTLY EXPLOITED BY BEING MISCLASSIFIED AS INDEPENDENT CONTRACTORS INSTEAD OF RECOGNIZED AS EMPLOYEES HAVE THE BASIC RIGHTS AND PROTECTIONS THEY DESERVE UNDER THE LAW”

AB5 - Independent Contractor Status
CONCUSSION LAW

» Concussion Laws (Moms Team)

» Every single state has one

» Difference between interscholastic & youth

» Sport specific
PHYSICIAN STANDING ORDERS

▸ “Under the direction of a physician”

▸ CO: “Direction of a Physician, Dentist, or Health Care Professional”
  (CO Board of Medical Examiners)

▸ Options for obtaining orders:
  ▸ Already established relationship
  ▸ Provider provided
  ▸ Ask for a referral

▸ Sample Standing Orders (NATA)
COME PREPARED WITH TO WORK PER DIEM:

DOCUMENTS TO HAVE IN PLACE FOR ACCEPTING PER DIEM WORK
WRITTEN CONTRACTS

- Importance
  - Avoid misunderstandings
  - Define work status
  - Defend yourself
  - Establishment as a professional
WRITTEN CONTRACTS

- What to include:
  - Description of services & responsibilities
  - How much, when, and how to be paid
  - Who is responsible for expenses
  - Agreement to IC relationship, including taxes
  - Insurances, licenses, etc.
  - Term & termination
  - Arbitration (resolving disputes)
### PRINCIPLES OF PER DIEM WORK: UNDERSTANDING LIABILITIES & LEGALITIES

**WRITTEN CONTRACTS**

- Be careful of:
  - Non-compete clauses
  - Exclusivity contracts
  - Non-solicitation
  - Non-disclosure
  - Cancellations & late changes

- W-9, not W-4
- Resources
  - Legal Zoom
  - Lawyer
- Worse case scenario
HOW TO GET HIRED

▸ Direct hire from an organization
▸ Hired via a staffing company
▸ Outsourced via an employer
PRINCIPLES OF PER DIEM WORK: UNDERSTANDING LIABILITIES & LEGALITIES

DOCUMENTATION

▸ If it isn’t documented, it didn’t happen

▸ Professional responsibility

▸ Time lapse

▸ All patient encounters should be documented

▸ Have your own system in place

▸ Must be retained for 7 years

▸ Paper is not ideal

▸ Electronic options
WHAT TO ASK WHEN ACCEPTING PER DIEM:

SUPPLIES AND OTHER RESOURCES TO PROVIDE QUALITY PER DIEM WORK
SUPPLIES

- Most professional industries provide their own supplies
- Always bring your own kit
- What to ask:
  - What are the expectations?
  - Can I charge? Will they bring their own?
- Excessive use should be reimbursed
SUPPLIES CONT’D

▸ Optional:
  ▸ Tent
  ▸ Water
  ▸ Ice
  ▸ Table

▸ Always discuss the inference of these being available
AED & EMERGENCY EQUIPMENT

- AEDs:
  - Ask if one is available
  - Ideally provided by venue
  - Incorporate in EAP

- C-Collar
  - Splinting Supplies
  - Slings
  - Crutches
  - Braces

- Other Equipment:
EMERGENCY ACTION PLANS

▸ EAPs:
  ▸ Not necessarily your responsibility, but ask for it
  ▸ Benefits
  ▸ Optional
  ▸ Radios
  ▸ Primary Components

▸ Venue
  ▸ Korey Stringer Institute
  ▸ Personnel
  ▸ Emergency Equipment
  ▸ Role Delineation
  ▸ Specific Scenarios
FIELD/ COURT SET UP

- What will the ratio be?
  - Contact or non-contact/ Age Group
  - Layout
- Is it safe for me?
- What liability am I placing on myself?
- Can I limit my scope?
CONSENT TO TREAT

- Gold Standard

- Informed Consent: "Informed consent is the process of assuring that a patient is fully aware of all aspects associated with a treatment intervention to be rendered." (NATA)

- “It is the responsibility of the Athletic Trainer to assure that the patient understands & agrees to the rendering of the proposed care/ intervention.” (NATA)

- “The patient consenting to such care must do so voluntarily and be a competent adult who is not under any influential pressures to receive the care.” (NATA)
ETHICS

▸ Ask appropriate questions about the demographic you will be treating & the environment you will be working in.

▸ Ask yourself difficult questions:
  ▸ Can I treat all athletes the same?
  ▸ Is someone’s political affiliation going to offend me?
  ▸ Is race or sexual orientation going to be a barrier to act for me?
IN SUMMARY

- Make extra money, expose yourself to new sports or settings, diversify your resume, or increase visibility of the profession.
- Examine with the same level of scrutiny.
- Minimum qualifications to be considered valuable work.
- Best practices.
- You will be the one to decide.
THANK YOU!

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