

## The Importance of Finding a Good Attorney and CPA



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While CRNAs are excellent providers of anesthesia, they may not be experts in the laws associated with administering anesthesia or the contracts associated with employment. For those matters, they will want to consult experts in the field, usually an attorney versed in medical law, specifically laws pertaining to anesthesia, or a certified public accountant (CPA) versed in medical contracts. What kind of situations call for this level of expertise? And

how should a CRNA go about finding this type of help?

Paul Santoro, CRNA, MS, is a past president of the AANA and is the founder and chief executive officer of Anesthesia Staffing Consultants, Inc., Bingham Farms, Mich. He answered a few questions that CRNAs may have when beginning their search for an attorney or CPA.

**Q: What type of help can an attorney and a CPA provide on employment contracts/employment arrangements, and why is it beneficial to use them? Why can't a CRNA just seek the advice of a colleague or another CRNA?**

First of all, contracts, either employment contracts or facility contracts, have a lot of regulatory issues as well as tax issues. It's obviously important to enlist the help of experts on these issues. Simply asking a colleague is insufficient. They might know something about anesthesia and a little bit about anesthesia contract management, but they're not experts in legal or regulatory matters or accounting matters. Part of being a good businessperson is being able to cover that base in one form or another. Since healthcare is regulated at the state level, Centers for Medicare & Medicaid Services (CMS) might say something that might be not exactly what your state law says in regards to being compliant. It may be more complex.

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**Q: In finding and choosing an attorney and CPA, what types of skills or knowledge should a CRNA be looking for in these individuals?**

CRNAs should seek attorneys and CPAs who have specific experience with anesthesia. Anesthesia contracts are different than other medical service contracts, so it's important to hire a professional who understands these issues. These consultants can also help you expand your network. In addition to their technical expertise, a consultant who has specific experience in medical and anesthesia contracts can provide local insights, knowledge, and a professional network. Their clients become an extension of their professional network, and that can serve you well in expanding your practice or getting good off-the-record advice.

**Q: Do you have any advice on what questions a CRNA should be asking in order to determine if an attorney and/or CPA is the right fit?**

A good place to start is to ask the attorney or CPA for the name of someone who is in a business similar to yours as a reference. What hospitals do they work with? They may be unwilling to give out provider names without consent, but they will know clients they can use for references.

**Q: What is the best resource for finding an appropriate attorney/CPA for a CRNA business? Should they check out the state hospital association websites? Or is word of mouth best?**

Visiting a state hospital association website can be a great way to locate lawyers, in particular, but also it can also be used to find accountants. Certain law firms and accounting firms have vendor-approved relationships with the healthcare facilities. Firms that are tied into the hospitals frequently understand the hospital perspective, and they'll understand the need for anesthesia services. Firms that sponsor the hospital associations often employ staff who are specialists in areas like anesthesia. That can be very helpful. I've used half a dozen law firms over the years for varying projects, and all of them have very extensive relationships in the healthcare communities.

I think the websites are a good place to search for attorneys and CPAs, but word of mouth is key. Talk to surgeons, talk to other anesthesia providers. Specialty websites such as association websites, including those of state medical societies or hospital associations, will often have these approved-vendor relationships.

### **Q: Is there anything else you think CRNAs should keep in mind?**

A CRNA who is going to function as an independent contractor or hold facility contracts needs to have a CPA who is familiar with their specialty and an attorney—always. It's not something you can skimp on.

Particularly with greater scrutiny in regulatory compliance, the penalties can be quite severe, both from a tax perspective and a regulatory perspective. One circumstance that anesthesia providers can get in trouble with right now is the company model (where physician owners of a surgery center are taking a cut of the anesthesia fee). That can be disguised in a lot of different ways. The bottom line is that the

Office of the Inspector General is paying very close attention to these relationships, and there are all kinds of whistleblower protections, so people will often report illegal relationships. The financial penalties are quite severe, and it could cost anesthesia professionals their careers if they're found not in compliance or guilty. Every time they apply for clinical privileges, they'll be asked whether they've been sanctioned by CMS. And, if they have, that's basically a career killer.

Obviously, hiring very good people is important. I'm fond of saying you don't need to be an expert in everything, but you need to know somebody who is. ■