

ASSOCIATE/INDEPENDENT CONTRACTOR CHECKLIST©

The practice owner hires a optometrist to provide professional services to patients of record of the practice owner. The associate does not obtain an ownership interest in the assets of the practice.

1. **Form of Agreement**
 - a. One written document/signed/dated

2. **Relationship of Parties**
 - a. Employee/employer
 - b. Independent contractor/practice owner

3. **Terms of Agreement**
 - a. Compensation - flat fee/percentage; collections/production
 - b. Benefits
 - c. Job duties

4. **Taxes**
 - a. Employee = withholding
 - b. Independent Contractor = no withholding

5. **Expenses**
 - a. Overhead
 - b. Supplies
 - c. Inventory/Lab
 - d. Flat cost or production based

6. **Ownership Interest**
 - a. Patient records - who owns, who can copy, what happens upon termination
 - b. Equipment, supplies, computer data, telephone number

7. **Income/Production/Collections**
 - a. Mechanics/bookkeeping/records/billings

8. **Management Duties**
 - a. Hire/fire support staff
 - b. Who sets patient schedule

9. **Insurances**-Malpractice/Office Package/Workers Comp/Overhead/Disability
 - a. Insurance costs/cross-verification
 - b. Indemnification - bilateral

10. **Termination/Death/Disability/Sale/Option to Purchase/Right of First Refusal**

11. **Covenant Not to Compete**-valid for sale of practice/goodwill- Business and Professions Code Section 16600, et seq.

12. **Anti-Solicitation Clause**-valid as to separately identified patients