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The Legal Side of Establishing your Private Practice

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Equityholder Agreement

What's covered

The instruction manual for running the business

Regulates decisions including

- Director
- The board
- Shareholder
- Unitholder

Process for

- Admitting and exiting owners
- Meetings
- Absence, death, disability
- Termination and restraints

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Service Agreements

What's covered

For owner and non-owner practitioners

In return for the services, the practitioner pays a service fee, usually representing a % of patient fees each fortnight

Essential that payment is made by the practitioner to the service provide, otherwise risk of deemed employment/contractor arragement

Service entity (being the service structure) provides services to the practitioner for the conduct of their medical practice

% depends on type and number of services required

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Employment Agreements

What's covered

- Most practices employ support staff and nurses
- These employees should enter employment agreements documenting employer and employee rights and obligations
- Performance management and dismissal
- Modern awards
- Superannuation
- Vicarious liability

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Contractor Agreements



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Associateship Agreements

- Documents the relationship between each practitioner who is conducting their own independent medical practice and for reasons of economy and convenience share certain expenses as detailed in the service agreement
- Set out the terms by which clinical practices operate in associations (i.e. receipt of fees, expenses, charging for work for patients of another associate, holidays, insurance and so on)
- Used to mitigate the risk of a deemed partnership for tax and at law
- Independent with the equityholder agreement and service agreement

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Thank you

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