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# Nurse Practitioner's **BUSINESS PRACTICE AND LEGAL GUIDE**

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# PREFACE

This text contains the answers to many questions asked of me in my 28 years of practice as an attorney. I specialize in legal issues affecting nurse practitioners. The questions came from nurse practitioners, employers of nurse practitioners, hospital and nursing facility executives, student nurse practitioners and their professors, other attorneys, bureaucrats, and legislators conducting hearings about bills that addressed nurse practitioners.

Nurse practitioners frequently ask questions such as these:

- A physician (or hospital or group) wants to hire me to do [fill in a particular healthcare service]. Can I legally do that?
- An insurance company refuses to pay the bill for a patient's visit with me. What can I do?
- I want to start my own practice. What is involved, legally?
- What should be covered in my employment contract?
- Can I incorporate in a business with physicians?
- I have been working in a trauma center for 4 years. Now, I hear that my notes need to be cosigned by a physician. Is that true?
- I want to prescribe for a patient who lives in another state. Can I do that?
- I have been working without a contract. Now, the company wants me to be on call 3 nights a week. Do I have to do it?
- I am writing a paper for my "nurse practitioner role" class on legislative issues affecting nurse practitioners. What are these issues?
- How can I get on a health plan's provider panel?
- A group wants to pay me a base salary plus a percentage of billings over \$300,000. Is this reasonable?
- What does "incident to a physician's professional services" mean?
- How do I get a DEA number? Do I need to get one?
- I know nothing about how billing is done. Can you tell me how to get reimbursed for my services?

Legislators and bureaucrats frequently ask such questions as these:

- How is a nurse practitioner different from a registered nurse?
- Which states allow nurse practitioners to practice independently?
- How does a nurse practitioner know when to consult a physician?
- Does a physician have to supervise everything a nurse practitioner does?
- In how many states can nurse practitioners write prescriptions?

Employers of nurse practitioners frequently ask such questions as these:

- I want the nurse practitioner to see my hospitalized patients. Can we get reimbursed for that?
- How can we get paid by Medicare for patient visits to the nurse practitioner?
- We want to put nurse practitioners in nursing homes. What can the nurse practitioner do? Admit patients? Perform the yearly visit? Perform illness-related visits? Recertify?
- Who is liable if the nurse practitioner makes a mistake, the nurse practitioner or the physician?

Other attorneys ask such questions as these:

- A nursing home I represent has hired a nurse practitioner to do administrative work and to see patients. How can we bill for his or her services?
- My clients want to start a network of nurse practitioner practices. What can you tell me about that? Do you know anything about [fill in any state] law on nurse practitioners?

Some of the questioners have become clients, and I have done the necessary legal research to answer their questions and completed the necessary legal documents to carry out their plans. Others will now benefit from the work done for those clients.

Nurse practitioners who read this book will have a solid knowledge base to use, whether it be in developing an employment relationship, undertaking a business venture, giving testimony before a state legislature, composing a letter to an insurance company about an unpaid bill, teaching at a school of nursing, or serving as president of a state or national organization. My hope is that once nurse practitioners have this base of knowledge about the business of health care and the legal foundation on which nurse practitioners function, they can hasten the advancement of their careers.