

Roundtable: Contract Negotiation – Get What You’re Worth

Date: October 18, 2022

Questions and Answers		
Questions Asked	Answer Given	Responder
If your contract states that you do not cover a certain service for autopsy, then an institution imposes it on all faculty due to a leadership change- is that considered a breach? if you do not want to quit - how do you approach that? (For example)	Usually, when there is a significant change in the offerings, a request for an amendment to the contract would transpire. If this is something the group is not comfortable supporting, the group may want to brainstorm with administration to come up with options that is agreeable to both sides.	Mari Patel, DM, HMHA, CT(ASCP)HTL
	Consistent with MP’s response, if a service agreement is express that a particular service is excluded, then it is not unreasonable to request an amendment and negotiate compensation for the added service. One caveat would be to review the terms of the current agreement to confirm that the institution doesn’t have the ability to unilaterally expand the scope of the services.	Elizabeth Sullivan JD
Can you speak to evaluating the whole package: how to look beyond salary to retirement, health insurance, and other	Two avenues of evaluation: first you can put a dollar value on the various benefits. Second, you need to evaluate: 1. Why have people left the practice (retirement) and are the duties ones you want to perform and is there advancement opportunity (if you want this).	James E. Richard DO, FCAP

benefits? (When comparing multiple offers in particular)	Depending on your circumstances, consider life components such as city, schools for family, and the level of support you may receive at the location. A large facility does not necessarily equate to support, if you're placed in a remote location with limited access to coaching/consultation, this arrangement may be challenging. A newer pathologist may shy away to this set up compared to a seasoned pathologist. In a hospital setting, pathologists find themselves consumed with meetings, medical directorships etc. Prioritize what's important to you.	Mari Patel, DM, HMHA, CT(ASCP)HTL
Do you have any thoughts on RVU-based compensation for pathologists, including lab medical directorships?	Still too many non-RVU duties to be completely equitable. (Meetings, tumor boards, education, audits of various kinds.)	James E. Richard DO, FCAP
	There are different camps regarding the actual utility based on RVU. There is literature regarding this. Depending on the agreements, certain specialties may pursue this arrangement. Some specialties trending to this include Derm, GIs etc. Medical Directorships are negotiated between Path group and client. Some Path groups collect the fees and put it back into the bucket of the Path group. Employed Pathologists may negotiate for compensation. The arrangements are unique to the practice.	Mari Patel, DM, HMHA, CT(ASCP)HTL
Are prospective employers obligated to allow an applicant to complete theirs without cause termination period?	<p>If I am understanding the question correctly, it is: Does a new employer have to wait for a new employee to fulfill the employee's obligations to its current employer? So, for example, employee is offered new employment with a start date in two weeks, but employee needs to give notice to existing employer of at least 90 days. Does new employer have to honor that?</p> <p>The new employer does not have to honor that unless it is part of the negotiated package for the new position. As a practical matter, it is good to be upfront with the new prospective employer about any termination notices. Likely a new employer will wait if it is a good fit.</p>	Elizabeth Sullivan JD
Would the negotiation approach differ from a partnership offer? How so?	Yes. You need to ask a lot more questions, especially ones related to personal guarantees.	James E. Richard DO, FCAP

	<p>This would differ from group to group, depending on what by-laws are in place regarding track for partnership. I would encourage the applicants to ask questions. Partnership does not necessarily translate to more salaries. There is also a level of risk associated if the group isn't performing well etc. There are pros and cons to both sides of the tracks. I recommend knowing your own personal level of comfort regarding performance and time capacity.</p>	Mari Patel, DM, HMHA, CT(ASCP)HTL
	<p>Agree with MP above. Ownership may offer a higher salary, but also typically comes with more financial exposure, so it is important to understand the obligations of the owners of the group if you are considering becoming an owner. It is also a good idea to ask about the financial position of the company. The agreements are also different but understanding the role of the owner and the financial position of the entity is a good first step.</p>	Elizabeth Sullivan JD
<p>I do have a comment about the pieces of non-compete/other outside arrangements. Although important for a candidate to understand, the more questions around those pieces of the contract make employers a little hesitant as to why anyone would ask. Again, I'm agreeing that it's an important thing to review for both the candidate and employer, but a large focus on this is sometimes seen as a deterrent</p>	<p>Non-competes does not need to be a significant focus of the interview. I recommend simply understanding what kind of restrictions are in place based on the hiring group's expectations. This way, there's agreement on both sides.</p>	Mari Patel, DM, HMHA, CT(ASCP)HTL
<p>The duties and responsibility section of a physician contract are often summarized as "performing all duties and covering all areas of relevance to patient care" for that group. Is it your experience that it is actually more detailed in contracts?</p>	<p>Yes. There must be a balance between too vague, such as the language you offered, and too specific/detailed/restrictive.</p>	James E. Richard DO, FCAP
	<p>I would recommend looking onto job descriptions and or workplace policies for more detailed description. A generic understanding of knowing whether you are working for a private lab, hospital network, academic institution would define roles and responsibilities. Sometimes, the group also needs to pivot to</p>	Mari Patel, DM, HMHA, CT(ASCP)HTL

	accommodate a new body of work and may ask for accommodations.	
	This is a good point, as there are many agreements with broad language with respect to the scope of duties. That said, if a group has multiple locations or covers multiple hospitals, or has an outreach service line, it would be reasonable to understand specific coverage expectations and include in the agreement. A variation on the same concept would be applicable to other types of entities as employers.	Elizabeth Sullivan JD
You mentioned that we need to do our homework and have data on what is a reasonable salary. Where can we find information like this? Is there data on new fellowship graduate salaries for example? Or a breakdown by subspecialty or years of experience?	There are salary surveys (MGMA and AGA, Modern healthcare, CAP, etc.) for both new in practice and experienced. Another good resource are headhunters who have ranges for both categories. There are a few that breakdown the most frequent subs like derm, cytology and heme, too. Other healthcare employment consultants like Jackson/Coker can be helpful, too.	James E. Richard DO, FCAP
	I am not aware of a specific resource like that, but there are consultants that place pathologists that could assist in providing an overview of the existing market trends.	Elizabeth Sullivan JD
Any experience/advice with contract negotiations with universities specifically? The universities don't seem to negotiate at all.	Usually, this information is covered during the interview at a very high level. Depending on how many people you are meeting, you may use the opportunity to explore further. For example, prioritize your questions if you're limited to 1 hour with the President of the group versus a secondary interview with a potential colleague, which may allow for more conversations regarding detailed day to day expectations.	Mari Patel, DM, HMHA, CT(ASCP)HTL
Are duties and responsibilities should be discussed during an in-person interview or also when signing the contract?	Both. You want to make sure what was discussed is the same as what you see in the contract.	James E. Richard DO, FCAP
Do you have a lawyer database with their location and prices?	No. My experience is that larger firms have more options. The price is variable, depending on the area of the country and the pages in a contract. Most of the time you can get a fixed fee.	James E. Richard DO, FCAP