

Employee E-mail and Internet Policy

Why have an E-mail and Internet policy at work? Employers can manage productivity, minimize litigation, and control data security. "Workers' e-mail and other electronically stored information create written business records that are the electronic equivalent of DNA evidence," said Nancy Flynn, executive director of the ePolicy Institute. She noted that in an American Management Association study, 24% of employers have had email subpoenaed by courts and regulators, and another 15% have battled workplace lawsuits triggered by employee e-mail. Responses of 304 major companies surveyed:

Over 28% **fired employees for violation of company e-mail policy**: inappropriate or offensive language, excessive personal use (including social networks), breaching confidentiality rules, other. Over 30% have **fired workers for Internet misuse**: viewing, downloading or uploading inappropriate or offensive content, violation of any company policy, and excessive personal use. *IT World.com*

Protect your business. A healthcare consultant or book like [The ePolicy Handbook](#) can help design company guidelines and monitoring systems for your staff handbook. When managers explain the e-policy and grounds for firing, and have employees sign a copy of the rules, computer abuse lessens.

Choice: Retail Clinic or Private Practice Appointment?

493 subjects answered a phone poll by the Survey Research Center at the U. of Georgia. **Less waiting time and cost savings** for flu medical care were the most important factors in a patient's decision to **go to a retail clinic** instead of a traditional physician's office. *Annals of Family Medicine, March/April 2010*

Practice Buy-Out

A legally designed buy-sell agreement for a medical practice saves time when an owner leaves his/her business. In general, the plan lists the approved reasons for selling: age, years of service, health capability, requisite notice, termination for cause, etc. Then it outlines a method for figuring the sale price. Physiciansnews.com. noted that the formula usually includes a combined total of values.

- 1.Hard assets:** equipment, furniture, supplies, based on either an appraisal or modified net book value (depreciated over a period of years.) Supplies of usable goods can be inventoried, or some people use 50% the annual expense for a basis.
- 2.Stock:** a tangible asset value is often paid in full upon departure. Your CPA and legal counsel must meet the restrictions of the new Internal Revenue Code 409A, if the buy-in and/or buy-out arrangement is structured primarily as a stock deal with, possibly, deferred compensation tied just to the receivables.
- 3.Accounts receivable:** The partner may receive his own AR as they are collected after leaving (less 10% overhead fees) or an equal share of the entire practice's AR, as valued upon termination.
- 4.Goodwill:** It is common to use a 50-75% of the annual compensation over the prior few years. This often includes the departing doctor's share of AR, not *gross* collections which doesn't include overhead.
- 5.Debt:** Asset value must be decreased by any outstanding loans or lines of credit. Efforts should be made to remove the departing physician as a guarantor on any debt, although it is the creditor's decision.

When a buy-sell agreement is unclear, have your legal advisors include a Separation Agreement with Mutual Releases in the process. The practice should follow up with the retirement plan distribution.

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