

# Guidelines for Improving Practice

A Resource from CNA/Schinnerer

## Sole Practitioners Should Anticipate Medical Contingencies

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**P**rofessional service firms are increasingly separated into large firms employing many licensed design professionals and small firms that are often sole practitioners or single professional operations.

Large firms rarely face difficulty when an individual licensed design professional is physically unable to complete a project. Most large firms operate with interchangeable staffs where the person signing and sealing required documents often has had only a minor role in the project design and many others are capable of performing the initial calculations or designs. But small firms—especially those that are sole practitioners—could experience catastrophic damage because of any form of incapacitation.

Every sole practitioner's worst nightmare is injury, illness, or some form of incapacitation to the point of inability to provide professional services. While some clients may not fear the delay of a project because of a sudden personal misfortune, others may be hesitant to hire a sole practitioner unless a contingency plan is in place for completing the project. Consequently, it is prudent to structure a backup system and inform the client of its existence

### Prepare a Practice Support System

No sole practitioner wants to abandon a client or project or see a carefully built practice destroyed by an unplanned absence of several weeks or more. But few have prepared their clients, contracts, or operations for such an interruption in service. The simplest form of preparation for continuity on a project is a prearranged support system. Forming a relationship with another sole practitioner or small firm with a similar practice can provide the continuity of client service and of viability of a professional practice.

### Rely on Digital Practice

With contemporary communications and project software, a colleague in another location can step in quickly to continue or complete a project. The backup practitioner can access communications and files through email or a project website. The backup professional will be able check client correspondence and emails and access documents without physically disrupting his or her existing practice. By choosing to form a cooperative,



reciprocal relationship with another small firm, transition is less disruptive to the client and staff.

### **Address Laws, Rules, and Insurance**

There are many concerns in taking over a project, including, registration laws, the client's ability to void a personal services agreement, the legality of software use, confidentiality, and trade secrets.

Of course, there is the issue of professional liability insurance coverage to consider. Part of the arrangement for reciprocal backup would include exchanging insurance information, including carriers, limits, and deductibles. Unfortunately, many sole practitioners and small firms still do not carry appropriate insurance coverages. It is wise to exchange insurance information to confirm that both parties have the ability to defend their professional operations.

### **Put it in Writing**

Once a backup has been identified and contact and insurance information exchanged, the reciprocal arrangement should be memorialized in writing. The agreement should provide the procedures to be followed if the backup practitioner is needed along with compensation decisions and any limitations on the authority of the backup. A provision that clearly indicates that the client reverts to the primary professional upon return to practice is prudent. The agreement should also provide for confidentiality and nonsolicitation, not only of active clients but entire client lists, since the backup will have access to that information as well. The arrangement, of course, should be mutual.

### **Develop the Relationship**

When the decisions have been made and put into an agreement form, the relationship can be nurtured. Tours of the offices should be arranged to familiarize each party with the location of files and the filing system and a demonstration of computer use and organization. Firms should share passwords and keys and candidly discuss office procedures. The reciprocal arrangement should also address the potential necessity to expand the power of the backup professional depending on the circumstance of an absence. Such information should be shared with legal counsel, a business advisor, or anyone else in the position of being the first to learn of an unanticipated absence from practice. ♦

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