Physician Liability for Mid-Level Provider Conduct

Mid-level providers (MLP’s) including nurse practitioners, advanced practice nurses and physician assistants can play an important role in the healthcare team. For many practices, the use of an MLP provides a time and cost savings where the MLP can address routine issues and free up the physician to handle more complex matters. While the appropriate use of MLP's can benefit your practice, it is important to understand the parameters of MLP use as well.

Each state licenses and regulates MLP's. Thus, the specific rules about the MLP's scope of practice and the type of written agreements required to provide patient care tend to vary in each jurisdiction. Commonly, a Collaborative Agreement is required between an MLP and his or her Supervising Physician. State statutes often define some of the contents of the agreement, but the agreement should be customized to fit your needs. Often, the agreement defines responsibilities of the Supervising Physician and may serve as an outline to the physician's duties and liability exposure. Care should be taken entering into a Collaborative Agreement; and, it is worthwhile to seek legal assistance so that all parties understand the scope of risk accompanying the relationship.

Sometimes physicians mistakenly believe that by defining an MLP as an independent contractor, they absolve themselves and their practice from responsibility for a MLP's conduct. Unfortunately, simply referring to the MLP as an independent contract rarely insulates the practice from liability exposure. MLP’s in your practice may be seen as ostensible employees or apparent agents and your practice may bear vicarious liability for their conduct regardless of their employment status. Consider partnering with a legal firm that can help you better understand the issues for your particular practice setting within your jurisdiction.

MLP's can help your practice address patient needs more efficiently. You should understand the responsibilities and risk associated with using an MLP in order to address those risks appropriately.