

Can a Chiropractor Employ a Medical Doctor?

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By Michael H. Cohen

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The question reminds me a tee-shirt I once saw which said: “Can I pay my Mastercard with my VISA?”

Hi, I’m Michael H Cohen, founding attorney of Cohen Healthcare Law Group. We provide legal strategy and regulatory advice to businesses like yours that accelerate health and wellness.

The question about chiropractors employing licensed medical doctors brings up legal issues generally around multi-disciplinary healthcare practices, medical spas, wellness centers, IV hydration clinics, mental and behavioral health centers, addiction centers, and other types of healthcare group arrangements in which providers cross-pollinate.

In California we’ve got the Moscone-Knox Professional Corporations Act, which allows a kind of mixing-and-matching among healthcare practitioners as owners, directors and employees within a professional corporation. Typically, it’s a professional medical corporation although it could also be a professional chiropractor corporation, nursing, psychological, acupuncture, or professional naturopathic corporation, and so on.

One legal tip: simply because Moscone-Knox in California does allow a particular business structure does not mean that the business arrangement will pass scrutiny under corporate practice of medicine and anti-kickback prohibitions. For example, in California, a “strong” corporate practice of medicine State, non-physicians cannot hire and fire physicians, because this implies excessive control over the practice of medicine.

The same restrictions over MSO practices would apply here to the chiropractor.

Therefore, we would recommend structuring the venture so that the chiropractor is housed within a chiropractic corporation; the medical doctor within a medical corporation; then let’s say the chiropractor, our client, they could also own the MSO which provides MSO services to each professional corporation.

Does this sound complicated? Not really. It’s the same MSO model we discuss over and over on the website, on the blog. The nuance is, we get a better structure than one that allows the chiropractor too much control over medical decision-making. Instead, the MSO is involved in management and marketing, basic business operations. It might include something as powerful as branding and marketing the entire center.

Thanks for watching, if you have questions contact us, we look forward to working with you soon.

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