



Medical Clinic Set Up Checklist





Preparing to open your clinic doors

The policies, agreements and processes that contribute to a compliant medical clinic setup are often the least exciting pieces in opening a clinic; however, they are incredibly important to ensure a smooth start.

If areas are overlooked, the impact can be felt in both the short term and the long term. For some practices, this results in a delay in the opening date, or a rush to get the compliance elements in place in time. It also creates additional pressure for everyone, especially when your new team will need some time to become familiar with your policies and the practice's obligations and expectations.

Whether you are the practice manager or an owner in the practice, you won't want to be facing that additional pressure. To help you be well prepared and enjoy opening the doors of your practice with a fresh and clear mind, instead of an overwhelmed or exhausted one, we've put together this checklist for you.

It takes into account the key considerations that impact on your profit, your people and your practice. We cover what you need in relation to:

- Practice Structure & Business Partner Protection
- Premises
- Online Presence and Promotion
- Intellectual Property
- Patient and Practice Protection
- People

Consider this your comprehensive guide to compliance and risk mitigation in your practice. I trust you will find it helpful.

Sarah Bartholomeusz | Principal You Legal



Practice Structure & Business Partner Protection

If you haven't finalised the type of business structure your practice will operate under, such as a partnership, company or a unit trust, you must first consult with your accountant. They are the key advisor to recommend what will be best for your circumstances. If you have already determined your business structure with your accountant, you will still want to read this section as there are points relevant to protecting you in relation to that structure.

There are a number of legal documents, specific to your structure type, to protect you, the practice and your business partners. There will be a need for the following, where relevant:

- Company Register
- Trust Deed(s)
- Owner's Agreement
- Equity Holders Agreement
- Unit Holders Agreement
- Shareholders Agreement; and/or
- Partnership Agreement

Agreements between partners are essential to protect the partners and the business in the event of disagreement between partners, illness, death or divorce.





Practice Structure & Business Partner Protection

To learn more about structures and agreements, right click on the topics of interest below, to open them in a new tab.

[Structures: Six Ways to Structure Your Medical Practice](#)

[Agreements: Shareholders Agreement: Is Your Practice Covered?](#)

[No Shareholders' Agreement? What happens when things go wrong?](#)

What do you need to investigate further or seek advice about? Tick the boxes that apply.

- Company Register
- Trust Deed(s)
- Owner's Agreement
- Equity holder's Agreement
- Unit holders Agreement
- Shareholders Agreement
- Partnership Agreement

[Contact us](#) if you would like more information about any of the above.





Premises

If you are leasing a property for your practice, it is important to have the lease reviewed by your lawyer before signing. If required, we help practice owners negotiate the terms of the lease to ensure you don't run into issues that create significant problems for you later on.

If you plan to sublease to other professionals or a Pathology service, it is important to ensure that you have an agreement or licence drafted to outline the terms of the agreement. If you are letting rooms or space to others, you will require a License to Occupy. It is not uncommon for Pathology companies to bring a contract to you, which may seem very helpful as it's one less step in the process for you to manage. However, that lease should be reviewed by a lawyer to ensure you are alert to any potential disadvantages and the contract does not create any risks for the practice during the term of the agreement.

To learn more about premises, licences and agreements, right click on the topics of interest below, to open in a new tab.

[5 Reasons Why You Need a Lease Reviewed](#)

[Pathology Leases - What Practice Owners Need to Know Before Signing a Lease](#)

What do you need to investigate further or seek advice about? Tick the boxes that apply.

Our practice should consider:

- Lease Agreement Drafting or Review
- License to Occupy
- Pathology Lease

We can assist with the reviewing and drafting of leasing agreements and licenses for your practice. Connect with us to discuss your needs [here](#).





Online Presence and Promotion

Most practices have a website and website terms and conditions are strongly recommended. Essentially this is to protect you, particularly as it is often one place where patients enter their information, through contact forms or third-party integrations like appointment setting tools.

If you plan to set up social media profiles for your practice and do some marketing or advertising to drive awareness about your new practice, what you do and where you are located, there's lots to be aware of. As a regulated health service, you will need to adhere to some very strict advertising rules. Therefore, to ensure that anyone who posts to your account or authorises any advertising materials is compliant, you will benefit from a social media policy and a broader advertising framework that everyone needs to adhere to, to avoid posting prohibited content and the penalties that follow.

To learn more about policies for your practice (including any third parties you engage to assist), right click on the topics of interest below to open in a new tab.

[Getting It Right: Social Media For Medical Practices](#)

[Can Puffery Be Used In Medical Advertising?](#)

What do you need to investigate further or seek advice about? Tick the boxes that apply.
Our practice should consider:

- [Website terms and conditions](#)
- [Advertising Framework \(Guidelines & Social Media Policy\)](#)

Click on any of the titles above to access our fasttrack solutions. Alternatively, for more information or to discuss your specific needs, connect with us [here](#).





Intellectual Property

If you have decided on your practice name, you may well have already taken steps to trade mark your name and/or logo.

Some practices develop valuable Intellectual Property as they grow that would be helpful for other practices. If you have a method or solution you've developed internally that you could potentially on-sell, getting an Intellectual Property Licence could be helpful.

To learn more about trade marking your practice and intellectual property, click on the topics of interest below.

[4 Reasons Why Your Business Needs to Register a Trade mark](#)

What do you need to investigate further or seek advice about? Tick the boxes that apply.

Our practice should consider:

- A trade mark for our practice name
- A trade mark for our practice logo
- Licensing our Intellectual Property

Learn more about trade marks and licensing your IP, by connecting with our advisors [here](#).





Patient and Practice Protection

Given that your practice will collect patient information that is categorised as sensitive personal information, an up-to-date privacy policy is essential.

A privacy policy should detail how your practice collects and stores sensitive information and serves as both a trust mechanism with patients but also functions as the guide of the way your team is to treat patient data. If your current policy doesn't take into account current privacy obligations, then your practice is at risk of not being compliant. Additionally, anyone working within your practice needs to know what to do in the event of a data breach, whether that be internally or via any third party source. They need to be alert to the indicators, know what to do and who to report their concerns to, if there is a hint of a breach.

Similarly your telehealth policy should be up to date. Your policy should serve as a guide for determining when a patient is suitable for a telehealth consultation as well as how practitioners within your practice are required to conduct telehealth appointments.

If your practice ever conducts surgical procedures, has medical students onsite, takes images of a patient or provides other treatments, procedures or interventions, each of these require express consent from your patient.

Additionally, email disclaimers are essential for all communications sent from anyone within your practice. An email disclaimer should mitigate your risk and limit liability in relation to confidentiality, virus transmission, and details how the communication can or cannot be used and reduce broader legal risks.





Patient and Practice Protection

To learn more about consent, privacy, patient and practice protection, right click on the topics of interest below, to open in a new tab.

[Privacy Policies for Medical Practices in Australia](#)

[5 steps to be prepared for a Patient Data Breach](#)

What do you need to investigate further or seek advice about? Tick the boxes that apply.

Our practice should consider:

- [Privacy Policy](#)
- [Telehealth Policy](#)
- [Data Breach Protocol & Mandatory Notification Documentation](#)
- [Patient Imagery Consent](#)
- [Email Disclaimer](#)

Click on any of the above to access our fasttrack solutions. Alternatively, to seek advice and discuss your practice's specific needs, connect with us [here](#).



People

If you intend to have nurses, support staff, allied health professionals or other doctors in your practice you will need to consider whether they are engaged as independent contractors or employees or with a services agreement. While it can be seen as a good business decision to engage doctors as independent contractors, you will need to ensure you are not exposing yourself to the risk of 'sham contracting' and the legal cost consequences that follow, including the potential back payment of payroll tax.

Practices are increasingly being picked up for having the wrong agreements in place. Therefore, whether you will require contractor agreements, service agreements or employment agreements, in addition to confidentiality or remote work agreements, ensuring you are compliant is vital.

To learn more about independent contractor agreements for hiring doctors and support staff, right click on the topics of interest below, to open in a new tab.

[Employing doctors - doctors as independent contractors or employees?](#)

[Adding a doctor to your practice: 5 considerations for how to hire a doctor](#)

[Tips for New Doctors and the Practices Hiring Them](#)



People

What do you need to investigate further or seek advice about? Tick the boxes that apply.

Our practice should consider:

- [Practitioner Services Agreement - Independent Medical Contractor](#)
- [Practitioner Services Agreement - Psychologist](#)
- [Practitioner Services Agreement - Allied Health Professionals](#)
- [Employment Agreement for Nurses](#)
- [Employment Agreement for Support Staff](#)
- [Practice Manager Employment Agreement](#)
- [Remote Work Agreement](#)
- [Confidentiality and Non-Complete Deed - For Employees](#)
- [Confidentiality Agreement for Third Party Service Providers](#)

Click on any of the titles above to access our fasttrack solutions. Alternatively, for more information or to discuss your specific needs, connect with us [here](#).



To The Future Success of Your Practice

My team and I wish you all the very best in the set up of your medical practice. I have witnessed many doctors as they go through a medical clinic set up and establish their practices over the years. It is the business side of the practice, along with managing the people who work within your practice, that is often the most challenging component. After all, there was no business component to medical school. We help ensure you can avoid the issues that so often arise, so you can focus on your patients.

I trust you have found this resource helpful. To seek our advice and support, the earlier the better is truly the best approach. We have helped countless practice owners and their managers over the last 8 and a half years. We look forward to assisting you to ensure that the lead up to opening your doors, and the months and years ahead, are as smooth as possible as you navigate your new life as a practice owner.

To Your Success,

Sarah Bartholomeusz
Principal | [You Legal](#)

Disclaimer: This resource is for general guidance only. Legal advice should be taken in relation to taking actions on specific issues.