

Combating the Physician Shortage

Physician-recruiting Programs Must Be Properly Developed – And Managed

BY GARY L. FIALKY, ESQ. AND
MARTIN C. DUNN, ESQ.

Almost anyone who has sought medical services in Western Mass. lately can attest in many instances to waiting months for even the most routine appointments. While this can, to a certain degree, be attributed to the desirability of the particular physician, it is more often than not due to the general shortage of doctors in our region. Organizations such as the Massachusetts Medical Society, which keeps a close eye on the physician labor market, have long since identified a severe and critical shortage in the Massachusetts physician labor market, and the situation is predicted to worsen in Massachusetts over the next 20 years.

Fingers are often pointed at the legal community with its naturally litigious nature as one reason why physicians are dissuaded from practicing in the state. High malpractice insurance premiums are the byproduct of such litigation. Alternatively, the legal community argues that if not for physician carelessness, malpractice insurance would not be so frequently utilized, and that the threat of litigation may have the effect of improving the quality of care.

Regardless of which side of the argument you may find yourself, the physician shortage affects us all. Hospitals, large private practice groups and clinics must therefore have ongoing physician recruitment programs in order to meet patient demand and to ensure the continuity and existence of the organization. Before embarking on any such recruitment effort, organizations

need to establish a common sense recruitment approach that includes determining the organization's recruitment objectives, employs various recruiting sources, assesses whether the candidate is a good fit for the

law, they are strongly encouraged to review the information provided by the Massachusetts Commission Against Discrimination (MCAD) and found at its website, prior to posing what may be an improper battery of

cially if necessary.

Your organization also needs to mobilize adequate resources for the recruitment process. This means having enough money set aside to fund the effort and also to hire competent, experienced internal or external recruiters. Organizations sometimes make the mistake of delegating this task, at least at the earliest stage, to a lower level administrative employee. Unfortunately, you run the risk of missing out on a good potential candidate due to lack of proper knowledge on the part of the screener. You may also lose a great candidate for lack of a timely response from your staff.

Like any good marketing campaign, your efforts should employ a variety of tactics. Networking among colleagues and physician groups is one of the most effective ways to attract new physicians and obtain leads as to out-of-area candidates. Organizations frequently look outside the United States for potential candidates, or attempt to recruit foreign physicians completing programs in the United States. If you are considering such an applicant, you need to be aware of the immigration procedures necessary to put someone on your payroll.

Generally speaking, due to the physician shortage, organizations do not need to go through the extensive 'labor certification process.' This is the procedure in which an employer proves to federal and state authorities that there are no suitable candidates who are United States citizens or lawful permanent residents. However, although sidestepping

Fingers are often pointed at the legal community with its naturally litigious nature as one reason why physicians are dissuaded from practicing in the state.

organization, and has personnel in place to clearly explain employee benefits to candidates.

Incentive packages are often successful tools that may be utilized in physician recruiting. Reimbursement for relocation expenses, payable if the physician stays for a predetermined amount of time, may be an attractive incentive. Another option may be a bonus, also to be paid if the physician remains for a certain period of time. A third attractive incentive is the extension, by the employer, of a low-interest loan to assist the physician's purchase of a home by providing a down payment. These and other packages have been used successfully by many organizations.

While legal problems often arise due to questionable hiring decisions, organizations can sometimes find themselves in hot water from the outset by asking the wrong types of questions of potential employees. If your hiring staff is not familiar with the

questions to candidates in an interview or on an application. (See www.mass.gov/mcad/pre-employfactsht.html)

Before starting the recruitment process, your organization needs to identify what type of physician it is seeking; i.e. a staff physician, physician partner or potential partner. The methods you utilize to find your next employee could vary depending on the role he or she will be playing in your organization. In addition, the new employee's affect on your budget needs to be identified early on. A new doctor often means additional professional and administrative staff support as well as extra burdens on space and equipment.

The best way to ensure hiring the best possible employee for your organization is to have a well-thought-out hiring program in place. Your organization needs to have a manpower plan that identifies the number and types of doctors it requires, now and in the future, broken down by spe-

this lengthy procedure is an ironic benefit of the physician shortage, not all foreign candidates can be easily and quickly hired because of their individual immigration status. You should consult with an experienced immigration lawyer before making an offer to a foreign candidate.

Once you have spent the time and money to attract and hire your chosen candidate, you should monitor them during an initial two- or three-year period.

Professional and, to the extent possible, personal issues that may result in their leaving the practice, should be identified and addressed.

When physician recruitment programs are properly developed and managed, organizations can achieve outstanding results. Successful programs can enable employers to recruit the desired number and quality of physicians, while retaining those physicians for years to come and

perhaps avoiding costly litigation in the future due to a bad hiring decision.❖

Gary L. Fialky is chairman of the firm's Corporate Department. His practice is concentrated in Business and Banking Law, with an emphasis on business formations, as well as the purchase and sale of businesses and the representation of physicians, medical groups and financial lending institutions; (413) 781-

0560 or gfialky@bacon-wilson.com

Martin C. Dunn, Esquire is an associate with Bacon & Wilson, P.C. He is a general practitioner who possesses expertise in the areas of immigration law, real estate, commercial business transactions, contracts and agreements; (413) 781-0560; mdunn@bacon-wilson.com