

Liability for the Acts of Others

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Most private practitioners practice as sole proprietors. Some sole proprietors may unwittingly expose themselves to possible liability for the negligent acts of others. This can occur if the practitioner is involved in what is called an “ostensible partnership.” In other words, if a patient reasonably believes that a partnership exists, a jury or judge may conclude that one or more individuals who practice together should be treated as a partnership for purposes of assigning liability.

A basic rule of partnership liability is that each partner can be held personally liable for the negligent acts of the other partners. Thus, therapists who practice in “loose groups” and use the same fictitious business name on their business cards or letterhead as their colleagues, and perhaps share receptionists and waiting rooms, should make sure that their patients are clearly informed that no partnership exists and that the patient is being treated by the therapist – a sole proprietor who is essentially unaffiliated with others in the office.