

## Pre-licensed Employees

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... It is important for licensees who employ pre-licensed persons in private practice settings to assure that the advertising by the pre-licensed persons, if any is done, is reviewed by those employers. I have too often seen or learned about advertisements that were written by an employee, paid for by an employee, and seemed to advertise the intern's or associate's (pre-licensed) own practice. While that may or may not have been what was going on or intended, there is something wrong with such an arrangement – unless the conduct is authorized or permissible under state law. From the viewpoint of the owner of the business, or from the viewpoint of a nonprofit corporation hiring pre-licensed persons, why would pre-licensed employees be allowed to make final decisions about advertising?

If I owned a private practice and employed two registered interns to work in my private practice, I would want to make the decisions on what services, and which person's services, were going to be advertised – and why. I would also want to carefully review the content of each advertisement, including business cards. I have recently heard about nonprofit corporations that employ interns and allow them to advertise as though they were sole proprietors, on the theory that these nonprofit corporations are training pre-licensed persons to develop their own private practices. Such a purpose for the corporation would seem to make it ineligible for nonprofit status on a state or federal level. I do not know how prevalent this practice is, but I have concerns.

It is important to remember that state law or regulation will likely require, at least to some extent, licensed and pre-licensed persons to make certain disclosures to consumers, both in advertisements and at the outset of the relationship with the client.

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