



Negotiation Principles

Considerations Checklist

This checklist provides general strategies for negotiating a contract and should be tailored to the specific scenario and party with whom you are entering negotiations. Aspects of these negotiation principles can also apply to other scenarios such as negotiating with vendors or formal and informal negotiations within your facility with your staff, employers, or other stakeholders.

With reference to contracts, whether a CRNA is an independent contractor or becoming an employee of a facility or anesthesia group, entering into an anesthesia contract is the beginning of a partnership. The strategy used to negotiate the contract should reinforce your personal and professional goals. Preparation for any negotiation is essential for success.

Preparation

- Gather data and resources to develop and support your bargaining position.
- Research and understand the other party (e.g., your potential employer).
 - What is their mission?
 - What is their motivation?
 - What are their values?
 - What are their strategic priorities?
 - What is the population they serve?
 - What is the market they serve?
 - What is the case mix?
 - Do they provide specialized services (e.g., advanced pain management)?
 - [Proforma Elements](#)
- Understand your value as a CRNA
 - Do you bring unique skills and knowledge to the job? (e.g., multilingual, proficient in regional anesthesia, advanced pain management, leadership, quality improvement)
 - [Anesthesia Facts](#)
 - [AANA Research & Quality](#)
- Benchmark regional and local compensation and benefits. The AANA [CRNA Compensation and Benefits Survey](#) provides detailed information by state.
 - AANA members may download a complimentary summary report
- Determine whether specific practice model considerations impact your negotiations. See the Efficiency-driven Anesthesia Modeling Toolkit.
- Set negotiation goals
 - Prioritize what is important to you – what are your needs and wants?
- Be prepared to articulate your points and justify your proposal.
 - Practice your presentation.



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- Compile data or information in a format that tells your story after you are gone.
- Research your best alternatives in case an agreement can't be reached with this party – this helps you to better understand your bargaining position, and at what point you should consider walking away.
- Research and contemplate the other party's best alternatives in case they can't reach an agreement with you – as stated above, this gives a better idea of how strong their bargaining position is, and when they would be inclined to walk away.
- Engage legal counsel with specific experience in healthcare business or employment law to review the terms of your contract.
- Obtain clarification of any terms or provisions you are unsure about. An employer/facility/group who is unwilling to provide additional detail or clarity may raise a red flag.
- AANA Resources
 - [Practice Management webpage](#)
 - AANA employment webinars: [Most Prevalent Employment Issues Facing CRNAs \(Part I and Part II\)](#)
 - Professional Practice Division
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Negotiation Process

- Negotiating a contract may be the beginning of a long-term relationship. Approach the negotiation process as business partners, not adversaries. Make the negotiation process a constructive dialogue.
- Negotiations may get emotional – Be professional and courteous, remain objective and level-headed.
- Try to negotiate directly with the decision maker for the other party – if the person you are talking to has to keep checking with their supervisor/department head/etc., you might be better off directly speaking to that person.
- Evaluate the entire contract / compensation and benefits package.
- Focus on objective criteria and mutual gain.
- Remain calm when presenting your points and listening to the response of the employer/facility/group. Acknowledge what the employer/facility/group responds with and respectful reply with your points of why you may not be able to accept their proposal as part of the contract.
- Tailor your requests in a way that is persuasive and relevant to the other party.
- Whenever possible, try to base your offers and requests on objective, external criteria (gained from your research in the preparation process). Discussing the merit and relevancy of your sources is more likely to be productive than just randomly arguing over baseless demands.
- When the other party makes offers or requests, ask them to justify these offers with objective, external criteria. If they have no ability to justify their demands, you shouldn't feel obligated to use them as a basis for negotiations.



- Learning how to balance value, relationships, and reputation will help you determine what techniques are acceptable in a situation and help frame a successful negotiation process.
- Assert yourself effectively.
- Make strategic counteroffers.

Negotiating Anesthesia Contracts

- Note that not all employment arrangements involve an explicit written formal employment contract or agreement; for example, they may conclude with a written offer letter confirming a verbal offer of employment that is accepted by signing or beginning to work. CRNAs should carefully review the terms and conditions of any offer letter or explicit written employment agreement or contract. While typically employment contracts or agreements are more formal and detailed, offer letters may be less formal, brief, and describe basic terms. Offer letters may provide for employment “at will” (the employee may be fired or resign at any time, except the firing must not be illegal (e.g., illegal discrimination)) and may disclaim any contractual relationship.
- Customize your negotiation tactics and points to the scenario (e.g., negotiating employment with a facility/health system, negotiating employment with an anesthesia group)
- Determine which elements of the contract are negotiable and what changes you’d like to see. For example:
 - Maximum hours worked per week
 - Scheduling structure and process
 - Call time – maximum hours, days, weekends
 - If working within a system, requirements for working at remote facilities
 - Opportunities/funding for professional development (e.g., continuing education, recertification, professional dues)
 - Fringe benefits (e.g., health insurance, retirement plans)
 - Vacation, sick, and personal days
 - Performance evaluation process
 - Termination conditions
 - Can you be fired without cause?
 - What type of due process is necessary before termination?
 - Can you terminate the contract?
 - What is the amount of notice required before either party may terminate?
 - Are there post-termination obligations?
 - Length of the contract, renewal options, and future negotiations
 - Non-compete covenants
 - Liability insurance
 - Reimbursement
 - Who collects professional fees?
 - Will the CRNA be signing over billing rights or bill directly for their services?



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- Any bonuses based on group performance
- Additional AANA contract resources:
 - [CRNA Independent Contractor Agreement Checklist](#)
 - [CRNA Employment Agreement Checklist](#)
 - [Anesthesia Services Agreement Checklist](#)
 - [Anesthesia Services Agreement \(Template\)](#)
- Terms governing the independent contractor or employment relationship with the facility or group should be explicit and in writing.
- Once negotiations are complete, ensure that the contract accurately reflects the agreed upon provisions prior to signing.

References

- Allain, B. [Resolving Disputes More Effectively](#). *AANA NewsBulletin*. Jan 2015.
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- American Academy of Family Physicians. [Negotiating Employment Contracts](#).
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- Bruno, LF. [The Art of Negotiating Physician Employment Agreements](#). Nov 7, 2011.
- Clemens. [How Hard Should You Push in Negotiations? 3 Science-Based Tips](#). September 12, 2014.
- Small Business Trends. [11 Tips to Negotiate a Contract Like a Pro](#). Sep 21, 2015.
- Young, TP. [The Business of Anesthesia](#). Jul 20, 2014.

Resources

- Access numerous free resources and white papers on negotiations from the [Program on Negotiation at Harvard Law School](#)

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