



## CNA HealthPro

### FAQs – Independent Contractor Liability

**Q.** I am a dentist working as an independent contractor in a dental practice owned by another practitioner. I do not have any employees of my own, but I use the practice's front office staff, dental assistants and dental hygienists. In this situation, am I still at risk for claims alleging discrimination or other employment-related liability?

**A.** While your independent contractor status protects you from certain lawsuits, it is by no means a complete shield against liability.

As you do not have an employer-employee relationship with practice staff, you probably would not be held liable as an individual for employment practices violations under most anti-discrimination/harassment statutes. However, an employee of the practice may still bring a lawsuit against you under a variety of different tort theories, such as assault and battery, slander or infliction of emotional distress.

You also should be aware that the practice in which you work may be held liable for any unlawful acts of discrimination or harassment committed by you against its employees. Depending on state law and the nature of your contract with the practice, you may be subject to a claim for indemnification by the practice in the event an employee's discrimination or harassment claim against the practice is successful.

Everyone involved in a dental practice is held to the same legal standard and, therefore, should follow the same rules. Independent contractor status should not be thought of as a means to circumvent or minimize the consequences of illegal or unethical behavior.

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