

AB5 codified the ABC test

all 3 of the following must be met to be an independent contractor:

- A. The person is free from the control and direction of the hiring entity in connection with the performance of the work, both under the person's contract and in fact
- B. The person performs work that is outside the scope of the hiring entity's business
- C. The person is customarily engaged in an independently established trade, occupation, or business of the same nature as that involved in the work performed

AB2257

- Make sure you are an employee of the anesthesia business service provider
- Have the business of which you are an employee of enter into, or at least try to enter into, multiple anesthesia service contracts
- Make sure all contracts--and if possible name badges and billings--reflect the name of the business service provider
- Make sure all contracts contain provisions reflecting other 11 B2B exemption requirements
- Comply with other B2B exemption requirements.
 - (1) possess any business licenses or tax registrations required by the jurisdictions in which the business operates
 - (2) maintain a business location, which may include the business service provider's residence (i.e., the CRNA's residence in the case of a single-employee business) that is separate from the location of the other contracting business
 - (3) advertise and hold itself out to the public as available to provide anesthesia services (a business card or website would seem to meet this requirement)