

HOSPITAL MEDICAL STAFF SELF-GOVERNANCE ASSISTANCE

PROTOCOL FOR AMA INVOLVEMENT

PURPOSE: The purpose of this protocol is to have a standardized procedure for handling hospital medical staff requests for American Medical Association (AMA) assistance with conflict resolution involving their hospital administration and/or the governing body. Likely, disputes/conflicts would center around medical staff self-governance, e.g., unilateral amendment of the medical staff bylaws, implementation of a hospital or health system policy that conflicts with medical staff bylaws; violation of the medical staff bylaws and/or Joint Commission on Accreditation of Healthcare Organization (JCAHO) Hospital Accreditation Program standards.

1. Central Point of Contact: State medical association or hospital medical staff requests for self-governance assistance will be routed to the Department of Organized Medical Staff Services to ensure that they are handled expeditiously and uniformly. The Department will also collect data/information on these cases for purposes of initiating or supporting AMA advocacy.
2. Collection of Information: The Department of Organized Medical Staff Services will verify that the hospital medical staff executive committee has approved the request for self-governance assistance and inquire whether the medical staff has asked for help from their state medical association. If the state medical association has not been contacted, the medical staff representative will be advised that the initial request for assistance must be directed to their state medical association. Once this has been accomplished, the Department of Organized Medical Staff Services will follow-up with the state medical association to obtain an assessment of the medical staff/hospital dispute and determine if AMA assistance is necessary.

If the state medical association decides to handle the request, the Department will request a summary of the conflict and resolution so that AMA can monitor medical staff-hospital relationships, determine if a trend is developing nationally, and identify successful conflict resolution strategies. If the state medical association requests AMA assistance, the Department of Organized Medical Staff Services will determine which association will take the lead role in responding to the medical staff.

If the state medical association decides to take the lead role, the Department of Organized Medical Staff Services will coordinate any requested assistance. If the state medical association decides that AMA should take the lead role, proceed to step 3 of the Protocol.

3. Conflict Resolution Assessment: Based on available background information, the Director of the Department of Organized Medical Staff Services will assess the hospital medical staff request for assistance and assign a level of response. Three levels are proposed:

“Low Priority” – Requires basic information to support medical staff self-governance or their position with hospital administration and/or governing body. AMA policy, reports, and the *Physician’s Guide to Medical Staff Organization Bylaws* provides the necessary information.

“High Priority” – The request for assistance is a serious erosion of medical staff self-governance, but is similar to other requests that have been received by AMA. However, it

requires input from other AMA units, e.g., Health Law Division. For example, recent adoption of conflict of interest policies by hospital governing boards.

“Urgent Priority” –Requires immediate action because the dispute/conflict has patient care implications if the impasse is not resolved promptly.

The Department Director’s recommendation will be provided to the Director of the Division of Professional Relations and the Office of General Counsel (OGC) for concurrence. If there is concurrence with the low priority assignment, the appropriate resource materials will be sent to the hospital medical staff with a copy to the state medical association. If the Department Director, Director of Professional Relations, or OGC decide the request for assistance is a high or urgent priority, the Department of Organized Medical Staff Services will convene a meeting with the OGC, State/County Relations, and JCAHO staff liaison to discuss the request for assistance, and identify any additional information that is needed from the hospital, and propose strategies to assist the medical staff resolve their conflict or impasse.

4. Convene a “Physician Review Team”: A physician review team composed of a Board member, a State Medical Association Representative, a State OMSS Chair, an OMSS Governing Council Member, and the OMSS Chair will meet to discuss the issue. The physician review team will review the background information and proposed staff strategies to assist the hospital medical staff resolve their conflict or impasse.
5. Physician Review Team Conference Call: Arrange a conference call with the Physician Review Team to finalize the recommended strategies that could include:
 - Organizing a meeting with representatives possibly from the AMA, state medical association, and county medical society with the hospital medical executive committee to develop strategies to resolve the dispute/impasse. For example,
 - Convene a joint committee comprised of governing body and medical staff representatives to negotiate the conflict
 - Meet with the hospital medical staff to explain the issues and consolidate support.
 - Meet with the regional and/or state hospital association to create a local mediation committee to avoid the need to resort to litigation or generate adverse publicity for all parties.
 - Develop a public relations strategy
 - Initiate a complaint to the CMS Regional Office if the dispute/resolution involves a violation of the Medicare Conditions of Participation
 - Initiate a complaint to the Joint Commission if the dispute involves violation of JCAHO standards
 - Initiate a complaint to the state hospital licensing authority if the dispute involves a violation of the state laws and/or regulations.
 - Providing the names of experienced facilitators or mediators to the hospital medical staff.
 - Advising the Litigation Center of the dispute and recommending that the state medical association request assistance.
6. Approval of AMA Assistance: Approval of high priority assistance will be made by AMA General Counsel and the SVP for Governance and Operations. Approval of urgent priority assistance will be made by the Executive Vice President/CEO based on the recommendations of the AMA General Counsel and the SVP for Governance and Operations.