



AMA Organized Medical Staff Section 2024 Annual Meeting

Welcome

Navigating Physician Employment: Empowering Medical Staff in a Hospital-Led Environment

DR. NANCY FAN

DR. DONNA SMITH

ELIZABETH “LIBBY” SNELSON, ESQ



Learning Objectives

- Review medical staff self-governance principles, policy and law
- Describe examples of and potential for conflicts, including conflicts of interest, between employed and independent medical staff members
- Address situations threatening medical staff self-governance in all-employee medical staffs
- Present solutions to protect medical staff-self-governance without sacrificing physician livelihoods



Medical Staff Self Governance Is

- (a) initiation, development and adoption of medical staff bylaws, rules & regulations
- (b) approval or disapproval of amendments to the medical staff bylaws, rules & regulations
- (c) selection and removal of medical staff officers
- (d) establishment and enforcement of criteria and standards for medical staff membership
- (e) establishment and maintenance of patient care standards
- (f) accessibility to and use of independent legal counsel
- (g) credentialing and delineation of clinical privileges
- (h) medical staff control of its funds
- (i) successor-in-interest rights

AMA Policy H-235.980



Medical Staff Self Governance Is Called For Under

(a) Joint Commission Standards

(b) Federal Medicare Conditions of Participation

(c) Certain state laws & regulations



MEDICAL STAFF SELF-
GOVERNANCE IS
REQUIRED
-HOSPITAL EMPLOYMENT
NOTWITHSTANDING

Does Hospital Employment Tip The Balance?

Physician Priorities

- Duty to Patients
- Professionalism
- Conflict of Interest Addressed
- Duty to Medical Staff Organization
- Duty to Colleagues

Hospital Power

- Hire & Fire
- Duty of Loyalty
- Pay-or Not
- Control Contracts
- Non-competes- NOT Non-Profits
- References for Future Employment/Membership
- Impose Disciplinary Action
- Report to State Licensing
- Report to Data Bank



Can hospital physician employment work for the hospital medical staff?



GET HELP HERE

- AMA PRINCIPLES FOR STRENGTHENING THE PHYSICIAN-HOSPITAL RELATIONSHIP
- AMA PHYSICIANS GUIDE TO MEDICAL STAFF ORGANIZATION BYLAWS
- AMA PHYSICIANS GUIDE TO HOSPITAL EMPLOYMENT CONTRACTS
- AMA OMSS

