

St. Dominic – Jackson Memorial Hospital

Medical Staff Bylaws

January 28, 2021

Table of Contents

Part I: Governance	
Section 1. Medical Staff Purpose and Authority	3
Section 2. Medical Staff Membership	4
Section 3. Categories of the Medical Staff	8
Section 4. Conflict Resolution	10
Section 5. Review, Revision, Adoption, and Amendment	11
Part II: Investigations, Corrective Actions, Hearing and Appeal Plan	
Section 1. Collegial, Educational, and/or Informal Proceedings	13
Section 2. Investigations	14
Section 3. Corrective Action	16
Section 4. Initiation and Notice of Hearing	20
Section 5. Hearing Panel and Presiding Officer or Hearing Officer	23
Section 6. Pre-Hearing and Hearing Procedure	25
Section 7. Appeal to the Hospital Board	28
Section 8. Fair Hearing and Appeal for Other Providers	30
Part III: Credentialing Procedures	
Section 1. Qualifications for Membership and/or Privileges	31
Section 2. Initial Appointment Procedure	33
Section 3. Reappointment	38
Section 4. Clinical Privileges	39
Section 5. Clinical Competency Evaluation	41
Section 6. Reapplication after Modifications of Membership Status or Privileges and Exhaustion of Remedies	42
Section 7. Leave of Absence	43
Section 8. Practitioners Providing Contracted Services	44
Part IV: Organization and Functions	
Section 1. Clinical Departments	45
Section 2. Officers of the Medical Staff	46
Section 3. Medical Staff Meetings	49
Section 4. Medical Staff Committees	51
Section 5. Confidentiality, Immunity, Releases, and Conflict of Interest	56

Section 1. Medical Staff Purpose and Authority

1.1 Purpose

The purpose of this Medical Staff is to organize the activities of physicians and other clinical practitioners who practice at St. Dominic - Jackson Memorial Hospital in order to carry out, in conformity with these Bylaws, the functions delegated to the Medical Staff by the Hospital Board. The organized medical staff is an integral part of the Hospital and not a separate entity. The Bylaws serve as a policy of the Hospital which govern the Medical Staff and does not operate as a contract.

1.2 Authority

Subject to the authority and approval of the Board, the Medical Staff will exercise such power as is reasonably necessary to discharge its responsibilities under these Bylaws and associated rules, regulations, and policies and under the corporate bylaws of the Hospital. Whenever the term “the Hospital” is used, it shall mean St. Dominic - Jackson Memorial Hospital; whenever the term “the Board” is used, it shall mean the Board of Directors of the Hospital; and whenever the term “President” is used, it shall mean the President of the Hospital appointed by the Board to act on its behalf in the overall management of the Hospital. The term President includes a duly appointed acting administrator serving when the President is away from the Hospital.

Section 2. Medical Staff Membership

2.1 Nature of Medical Staff Membership

Membership on the Medical Staff of the Hospital is a privilege that shall be extended only to professionally competent physicians (M.D. or D.O.), dentists, and podiatrists who continuously meet the qualifications, standards, and requirements set forth in these Bylaws and associated rules, regulations, policies, and procedures of the Medical Staff and the Hospital.

2.2 Qualifications for Membership

The qualifications for Medical Staff membership are delineated in Part III of these Bylaws (Credentials Procedures Manual).

2.3 Nondiscrimination

The Hospital will not discriminate in granting Medical Staff appointment and/or clinical privileges on the basis of national origin, race, sex, age, religion, disability unrelated to the provision of patient care or required Medical Staff responsibilities, or any other basis prohibited by applicable law, to the extent the applicant is otherwise qualified.

2.4 Conditions and Duration of Appointment

The Board shall make initial appointment and reappointment to the Medical Staff. The Board shall act on appointment and reappointment only after the Medical Staff has had an opportunity to submit a recommendation from the Medical Executive Committee ("MEC") except for temporary, emergency and disaster privileges. Appointment and reappointment to the Medical Staff shall be for no more than twenty-four (24) months.

2.5 Medical Staff Membership and Clinical Privileges

Requests for Medical Staff membership and/or clinical privileges will be processed only when the potential applicant meets the current minimum qualifying criteria approved by the Board. Membership and/or privileges will be granted and administered as delineated in Part III (Credentials Procedures Manual) of these Bylaws.

2.6 Medical Staff Members Responsibilities

- 2.6.1 Each Medical Staff member must provide for appropriate, timely, and continuous care (including appropriate back-up coverage) of his or her patients at the level of quality and efficiency generally recognized as appropriate by medical professionals in the same or similar circumstances.
- 2.6.2 Each Medical Staff member must participate, as assigned or requested, in quality/performance improvement/peer review activities, and in the discharge of other Medical Staff functions (including service on appropriate Medical Staff committees) as may be required.
- 2.6.3 Each Medical Staff member, consistent with his or her granted clinical privileges, must participate in the on call coverage of the emergency department or in other Hospital coverage programs, as determined by the MEC and approved by the Board, after receiving input from the appropriate department, to assist in meeting the patient care needs of the community.
- 2.6.4 Each Medical Staff member must submit to any pertinent type of health evaluation as requested by the Officers of the Medical Staff and President when it appears necessary to protect the well-being of patients and/or Hospital personnel, or when requested by the MEC or Credentials Committee as part of an evaluation of the member's or practitioner's

ability to exercise privileges safely and competently, or as part of a post-treatment monitoring plan consistent with the provisions of any Medical Staff and Hospital policies addressing physician health or impairment.

- 2.6.5 Each Medical Staff member must abide by the Medical Staff Bylaws, Rules and Regulations, and any other rules, regulations, policies, procedures, and standards of the Medical Staff and Hospital.
- 2.6.6 Each Medical Staff member must provide evidence of professional liability coverage of a type and in an amount sufficient to cover the clinical privileges granted or an amount established by the Board, whichever is higher. In addition, Medical Staff members shall comply with any financial responsibility requirements that apply under state law to the practice of their profession. Each Medical Staff member and practitioner with privileges is obligated to notify the President or designee immediately of any and all malpractice claims filed in any court of law against the Medical Staff member.
- 2.6.7 Each Medical Staff member must agree to an absolute release from any liability, to the fullest extent permitted by law, all persons for their conduct in connection with investigating and/or evaluating the quality of care or professional conduct provided by the Medical Staff member and his or her credentials.
- 2.6.8 Each Medical Staff member shall prepare and complete in timely fashion, according to Medical Staff and Hospital policies, the medical records and other required records for all patients to whom the practitioner provides care in the Hospital, or within its facilities, clinical services, or departments.
 - a. A medical history and physical examination shall be completed no more than thirty (30) days before or twenty-four (24) hours after admission or registration, but in all cases, must be completed prior to surgery or a procedure requiring anesthesia services. The medical history and physical examination must be completed and documented by a physician, oral and maxillofacial surgeon, dentist, podiatrist, or other qualified licensed individual in accordance with State law and Hospital policy.
 - b. An updated examination of the patient, including any changes in the patient's condition, shall be completed and documented within twenty-four (24) hours after admission or registration, but in all cases, must be updated prior to surgery or a procedure requiring anesthesia services, when the medical history and physical examination is completed within thirty (30) days before admission or registration. The updated examination of the patient, including any changes in the patient's condition, must be completed and documented by a physician, oral and maxillofacial surgeon, dentist, podiatrist, or other qualified licensed individual in accordance with State law and Hospital policy.
 - c. The content of complete and focused history and physical examinations is delineated in the Medical Staff Rules and Regulations.
- 2.6.9 Each Medical Staff member will use confidential information only as necessary for treatment, payment, or healthcare operations in accordance with HIPAA rules and regulations, to conduct authorized research activities, or to perform Medical Staff responsibilities. For purposes of these Bylaws, confidential information means patient information, peer review information, and the Hospital's business information designated as confidential by the Hospital or its representatives prior to disclosure.
- 2.6.10 Each Medical Staff member must participate in any type of competency evaluation when determined necessary by the MEC and/or Board in order to properly delineate that member's clinical privileges.

- 2.6.11 Each Medical Staff member shall disclose to the Medical Staff any ownership or financial interest that may conflict with, or have the appearance of conflicting with, the interests of the Medical Staff or Hospital. Medical Staff leadership will deal with conflict of interest issues per the Medical Staff Conflict of Interest Policy.

2.7 Medical Staff Member Rights

- 2.7.1 Each Medical Staff member has the right to a meeting with the MEC on matters relevant to the responsibilities of the MEC that may affect patient care or safety. In the event such practitioner is unable to resolve a matter of concern after working with his or her Department Chair or other appropriate Medical Staff leaders, that practitioner may, upon written notice to the Chief of Staff at least two (2) weeks in advance of a regular meeting, meet with the MEC to discuss the issue.
- 2.7.2 Each Medical Staff member has the right to initiate a recall election of a Medical Staff officer by following the procedure outlined in Section 2.7 of Part III of these bylaws, regarding removal and resignation from office.
- 2.7.3 Each Medical Staff member may initiate a call for a general staff meeting to discuss a matter relevant to the Medical Staff by presenting a petition signed by ten percent (10%) of the members. Upon presentation of such a petition, the MEC shall schedule a general staff meeting for the specific purposes addressed by the petitioners. No business other than that detailed in the petition may be transacted.
- 2.7.4 Each Medical Staff member may challenge any rule, regulation, or policy established by the MEC. In the event that a rule, regulation, or policy is thought to be inappropriate, any Medical Staff member may submit a petition signed by ten percent (10%) of the members. Upon presentation of such a petition, the adoption procedure outlined in Section 5.3 will be followed.
- 2.7.5 Each Medical Staff member may call for a Department meeting by presenting a petition signed by ten percent (10%) of the members of the Department. Upon presentation of such a petition, the Department Chair will schedule a Department meeting.
- 2.7.6 The above sections 2.7.1 to 2.7.5 do not pertain to issues involving individual peer review, formal investigations of professional performance or conduct, denial of requests for appointment or clinical privileges, or any other matter relating to individual membership or privileges. Part II of these Bylaws (Investigations, Corrective Action, Hearing and Appeal Plan) provides recourse in these matters.
- 2.7.7 Any practitioner eligible for Medical Staff appointment has a right to a hearing/appeal pursuant to the conditions and procedures described in the Medical Staff's hearing and appeal plan (Part II of these Bylaws).

2.8 Staff Dues

Annual Medical Staff dues, if any, shall be determined by the MEC. Failure of a Medical Staff member to pay dues shall be considered a voluntary resignation from the Medical Staff. Additional details concerning medical staff dues can be found in the Medical Staff Dues and Credentialing Application Fees Policy.

2.9 Indemnification

- 2.9.1 Members of the Medical Staff are entitled to the applicable immunity provisions of state and federal law for the credentialing, peer review and performance improvement work they perform on behalf of the Hospital and Medical Staff.
- 2.9.2 Subject to applicable law, the Hospital shall indemnify against reasonable and necessary expenses, costs, and liabilities incurred by a Medical Staff member in connection with the

defense of any pending or threatened action, suit, or proceeding to which the member is made a party by reason of the member having acted or having made a recommendation in an official capacity in good faith and without malice on behalf of the Hospital or Medical Staff and in the reasonable belief that such action or recommendation is warranted by the facts known to the member at the time of such action or recommendation. However, no member shall be entitled to such indemnification if the acts giving rise to the liability constituted willful misconduct, breach of a fiduciary duty, self-dealing, or bad faith.

Section 3. Categories of the Medical Staff

3.1 The Active Category

The Active Staff shall consist of physicians, dentists, and podiatrist who are actively involved in direct patient care at the hospital. Each Active Staff Member must have a minimum of 12 patient encounters during each 2-year appointment/reappointment cycle at the Hospital. If the practitioner does not meet the minimum number of patient encounters, the practitioner will be required to provide to Medical Staff Services, with his/her application for reappointment, either OPPE documentation from another health care facility or quality/outcomes data from a clinic-based setting, if that is their primary setting of practice.

Members of this category may:

- a. Attend Medical Staff and department meetings of which he or she is a member and any Medical Staff or Hospital education programs;
- b. Vote on all matters presented by the Medical Staff, department, and committee(s) to which the member is assigned; and
- c. Hold office and sit on or be the Chair of any committee in accordance with any qualifying criteria set forth elsewhere in the Medical Staff Bylaws or Medical Staff policies.

3.2 The Consulting Category

The Consulting Staff shall consist of physicians, dentists, and podiatrist who are recognized specialists, active in their specialties, provide services not available on the Active Medical Staff and are qualified for Medical Staff membership but who only act in a consultative capacity. Members of the consulting staff shall provide their services in the care of patients in the Hospital at the request of any member of the Medical Staff and in circumstances where consultations is required by the Rules and Regulations of the Medical Staff. Consulting Staff may not admit patients to the hospital and are not required to participate in the on call coverage of the emergency department or in other Hospital coverage programs.

Appointments to the Consulting Staff shall be made by *invitation only*, such invitations are to be initiated by the Credentials Committee or by the President based on Hospital and community need for specialty services and approved by the MEC and the Board. Appointments to the Consulting Staff will be evaluated every two years to determine continued need.

Each Consulting Staff Member that does not have a minimum of 12 patient contacts during each 2-year appointment/reappointment cycle at the Hospital will be required to provide to Medical Staff Services, with his/her application for reappointment, either OPPE documentation from another health care facility or quality/outcomes data from a clinic-based setting, if that is their primary setting of practice.

Members of this category have the same rights as Active Staff but may not hold office or chair a committee.

3.3 The Ambulatory Category

The Ambulatory Staff shall consist of physicians, dentists, and podiatrist who are qualified for Medical Staff membership but do not participate in direct patient care at the hospital, do not have any patient contacts at the hospital and do not have clinical privileges at the hospital. Ambulatory Staff shall provide prompt and timely assistance by telephone regarding patient care when requested.

Members of this category have the same rights as Active Staff but may not hold office or chair a committee.

3.4 Emeritus Category

The Emeritus Category is restricted to those individuals recommended by the MEC and approved by the Board. Appointment to this category is entirely discretionary and may be rescinded at any time. Members of the Emeritus Category shall consist of those members who have retired from hospital practice, who are of outstanding reputation, and have provided distinguished service to the Hospital as a member of the Active category. They may attend Medical Staff and department meetings, continuing medical education activities, and may be appointed to committees. They shall not hold clinical privileges, hold office, or be eligible to vote.

Section 4. Conflict Resolution

4.1 Conflict Resolution

- 4.1.1 In the event the Board acts in a manner contrary to a recommendation by the MEC, involving issues of patient care or safety, the matter may (at the request of the MEC) be submitted to a Joint Conference Committee composed of the Officers of the Medical Staff and an equal number of members of the Board appointed by the Board for review and recommendation to the full Board. The committee will submit its recommendation to the Board within thirty (30) days of its meeting.
- 4.1.2 To promote timely and effective communication and to foster collaboration between the Board, Hospital Administration, and Medical Staff, the Chair of the Board, President, or the Chief of Staff may call for a meeting between appropriate leaders, for any reason, to seek direct input, clarify any issue, or relay information directly.
- 4.1.3 Any conflict between the Medical Staff and the MEC will be resolved using the mechanisms noted in Sections 2.7.1 through 2.7.4 of Part I of these Bylaws.

Section 5. Review, Revision, Adoption, and Amendment

5.1 Medical Staff Responsibility

- 5.1.1 The Medical Staff shall have the responsibility to formulate, review at least biennially, and recommend to the Board any Medical Staff Bylaws, rules, regulations, policies, procedures, and amendments as needed. Amendments to the Bylaws and Rules and Regulations shall be effective when approved by the Board. The Medical Staff can exercise this responsibility through its elected and appointed leaders or through direct vote of its membership.
- 5.1.2 Such responsibility shall be exercised in good faith and in a reasonable, responsible, and timely manner. This applies as well to the review, adoption, and amendment of the related rules, policies, and protocols developed to implement the various sections of these Bylaws.

5.2 Methods of Adoption and Amendment to these Bylaws

- 5.2.1 Proposed amendments to these Bylaws may be originated by the MEC or by a petition signed by ten percent (10%) of the Medical Staff members of the Active category.

Each member of the Medical Staff will be eligible to vote on the proposed amendment via printed or secure electronic ballot in a manner determined by the MEC. All members of the Medical Staff shall receive at 2 week advance notice of the proposed changes. The amendment shall be considered approved by the Medical Staff unless twenty percent (30%) of those members eligible to vote returns a ballot marked “no.”

Amendments so adopted shall be effective when approved by the Board.

5.3 Methods of Adoption and Amendment to any Medical Staff Rules and Regulations

- 5.3.1 The Medical Staff may adopt additional rules and regulations as necessary to carry out its functions and meet its responsibilities under these Bylaws. A Rules and Regulations Manual may be used to organize these additional documents.
- 5.3.2 The MEC shall vote on the proposed language changes at a regular meeting, or at a special meeting called for such purpose. Following an affirmative vote by the MEC, rules and regulations may be adopted, amended, or repealed, in whole or in part and such changes shall be effective when approved by the Board.
- 5.3.3 In addition to the process described in 5.3.2 above, the organized Medical Staff itself may recommend directly to the Board an amendment(s) to any rule or regulation by submitting a petition signed by ten percent (10%) of the Medical Staff members. Upon presentation of such petition, the adoption process outlined in 5.2.1 above will be followed.
- 5.3.4 When a new rule or regulation is proposed, the proposing party (either the MEC or the organized Medical Staff) will communicate the proposal to the other party prior to vote.

5.3.5 If the MEC proposes to adopt a rule or regulation, or an amendment thereto, it first communicates the proposal to the Medical Staff. In cases of a documented need for an urgent amendment to rules and regulations necessary to comply with law or regulation, the MEC may provisionally adopt and the Board may provisionally approve an urgent amendment without prior notification of the Medical Staff. In such cases, the MEC immediately informs the Medical Staff. The Medical Staff has the opportunity for retrospective review of and comment on the provisional amendment. If there is no conflict between the organized Medical Staff and the MEC, the provisional amendment stands. If there is conflict over the provisional amendment, the process for resolving conflict between the organized Medical Staff and the MEC is implemented. If necessary, a revised amendment is then submitted to the Board for action.

5.4 Methods of Adoption and Amendment to any Medical Staff Policies and Procedures

5.4.1 Medical Staff Policies and Procedures may be developed and/or amended by the majority vote of the MEC. Policies and procedures will become effective upon approval of the MEC.

5.5 Technical and Legal Modifications or Clarifications

5.5.1 The MEC may adopt such amendments to these Bylaws, rules, regulations, and policies that are, in the committee's judgment, technical or legal modifications, or clarifications. Such modifications may include reorganization or renumbering, punctuation, spelling, or other errors of grammar or expression. Such amendments need not be approved by the Board but must be approved by the President. Neither the organized Medical Staff nor the Board may unilaterally amend the Medical Staff Bylaws or Rules and Regulations.

Section 1. Collegial, Educational, and/or Informal Proceedings

1.1 Criteria for Initiation

These Bylaws encourage Medical Staff leaders and Hospital Administration to use progressive steps, beginning with collegial and education efforts, to address questions relating to an individual's clinical practice and/or professional conduct. The goal of these progressive steps is to help the individual voluntarily respond to resolve questions that have been raised. All collegial intervention efforts by Medical Staff leaders and Hospital Administration shall be considered confidential and part of the Hospital's performance improvement and professional and peer review activities. Collegial intervention efforts are encouraged, but are not mandatory, and shall be within the discretion of the appropriate Medical Staff leaders and Hospital Administration.

When any observations arise suggesting opportunities for a practitioner to improve, the matter should be referred for peer review in accordance with the peer review and performance improvement policies adopted by the Medical Staff and Hospital. Collegial intervention efforts may include but are not limited to the following:

- a. Educating and advising colleagues of all applicable policies, including those related to appropriate behavior, emergency call obligations, and the timely and adequate completion of medical records;
- b. Following up on any questions or concerns raised about the clinical practice and/or conduct of privileged practitioners and recommending such steps as proctoring, monitoring, consultation, and letters of guidance; and
- c. Sharing summary comparative quality, utilization, and other relevant information to assist individuals to conform their practices to appropriate norms.

Following collegial intervention efforts, if it appears that the practitioner's performance places patients in danger or compromises the quality of care, or in cases where it appears that patients may be placed in harm's way while collegial interventions are undertaken, the MEC will consider whether it should be recommended to the Board to restrict or revoke the practitioner's membership and/or privileges. Before issuing such a recommendation, the MEC may authorize an investigation for the purpose of gathering and evaluating any evidence and its sufficiency.

Section 2. Investigations

2.1 Initiation

A request for an investigation must be submitted in writing by a Medical Staff Officer, Committee Chair, Department Chair, President, Vice President of Medical Affairs, or Hospital Board Chair to the MEC. The request must be supported by references to the specific activities or conduct that is of concern. If the MEC itself initiates an investigation, it shall appropriately document its reasons.

2.2 Investigation

If the MEC decides that an investigation is warranted, it shall direct an investigation to be undertaken through the adoption of a formal resolution. The MEC may conduct the investigation itself or may assign the task to an appropriate standing or ad hoc committee of the Medical Staff.

In the event the Board believes the MEC has incorrectly determined that an investigation is unnecessary, it may direct the MEC to proceed with an investigation.

If the investigation is delegated to a committee other than the MEC, such committee shall proceed with the investigation promptly and forward a written report of its findings, conclusions, and recommendations to the MEC as soon as feasible. The committee conducting the investigation shall have the authority to review all documents it considers relevant, to interview individuals, to consider appropriate clinical literature and practice guidelines, and to utilize the resources of an external consultant if it deems a consultant is necessary and such action is approved by the MEC and the President. The investigating body may also require the practitioner under review to undergo a physical and/or mental examination and may access the results of such exams. The investigating body shall notify the practitioner in question of the allegations that are the basis for the investigation and provide to the practitioner an opportunity to provide information in a manner and upon such terms as the investigating body deems appropriate. If a meeting is permitted by the investigating body, the meeting between the practitioner in question and the investigating body (and meetings with any other individuals the investigating body chooses to interview) shall not constitute a “hearing” as that term is used in the hearing and appeals sections of these bylaws. The procedural rules with respect to hearings or appeals shall not apply to these meetings either. The individual being investigated shall not have the right to be represented by an attorney before the investigating body nor to compel the Medical Staff to engage external consultation. Despite the status of any investigation, the MEC shall retain the authority and discretion to take whatever action may be warranted by the circumstances, including suspension, termination of the investigative process; or other action.

2.2.1 An external peer review consultant should be considered when:

- a. Litigation seems likely;
- b. The Hospital is faced with ambiguous or conflicting recommendations from Medical Staff committees, or where there does not appear to be a strong consensus for a particular recommendation. In these circumstances, consideration may be given by the MEC or the Board to retain an objective external reviewer;
- c. There is no one on the Medical Staff with expertise in the subject under review, or when the only physicians on the Medical Staff with appropriate expertise are direct competitors, partners, or associates of the practitioner under review.

2.3 MEC Action

As soon as feasible after the conclusion of the investigation the MEC shall take action that may include, without limitation:

- a. Determining no corrective action is warranted, and if the MEC determines there was not credible evidence for the complaint in the first instance, removing any adverse information from the practitioner's file;
- b. Deferring action for a reasonable time when circumstances warrant;
- c. Issuing letters of education, admonition, censure, reprimand, or warning, although nothing herein shall be deemed to preclude appropriate Committee Chairs or Department Chairs from issuing informal written or oral warnings prior to an investigation. In the event such letters are issued, the affected practitioner may make a written response, which shall be placed in the practitioner's file;
- d. Recommending the imposition of terms of probation or special limitation upon continued Medical Staff membership or exercise of clinical privileges, including, without limitation, requirements for co-admissions, mandatory consultation, or monitoring/proctoring;
- e. Recommending denial, restriction, modification, reduction, suspension, revocation, or probation of clinical privileges;
- f. Recommending reductions of membership status or limitation of any prerogatives directly related to the practitioner's delivery of patient care;
- g. Recommending suspension, revocation, or probation of Medical Staff membership; or
- h. Taking other actions deemed appropriate under the circumstances.

2.4 Subsequent Action

If the MEC recommends any termination or restriction of the practitioner's membership or privileges, that recommendation shall be immediately transmitted in writing to the Board. The Board shall act on the MEC's recommendation during the next scheduled Board meeting unless the Medical Staff member requests a hearing, in which case the final decision shall be determined as set forth in this Hearing and Appeal plan.

2.5 In-house Legal Counsel

At any time during the investigation process the MEC may invite the Hospital's in-house legal counsel to participate. The Hospital's in-house legal counsel shall serve as the expert on processes and procedures related to investigations, corrective action, hearings and appeals and not as legal representation for the Hospital.

Section 3. Corrective Action

3.1 Automatic Relinquishment/Voluntary Resignation

In the following triggering circumstances, the practitioner's privileges and/or membership will be considered relinquished, or limited as described, and the action shall be final without a right to hearing. Where a bona fide dispute exists as to whether the circumstances have occurred, the relinquishment, suspension, or limitation will stand until the MEC determines it is not applicable. The MEC will make such a determination as soon as feasible. The Chief of Staff, with the approval of the Vice President of Medical Affairs, may reinstate the practitioner's privileges or membership after determining that the triggering circumstances have been rectified or are no longer present. If the triggering circumstances have not been resolved within sixty (60) days, the practitioner will have to reapply for membership and/or privileges. In addition, further corrective action may be recommended in accordance with these bylaws whenever any of the following actions occur:

3.1.1 Licensure

- a. **Revocation and suspension:** Whenever a practitioner's license or other legal credential authorizing practice in this state is revoked, suspended, expired, or voluntarily relinquished, Medical Staff membership and clinical privileges shall be automatically relinquished by the practitioner as of the date such action becomes effective.
- b. **Restriction:** Whenever a practitioner's license or other legal credential authorizing practice in this state is limited or restricted by an applicable licensing or certifying authority, any clinical privileges that the practitioner has been granted at this Hospital that are within the scope of said limitation or restriction shall be automatically limited or restricted in a similar manner, as of the date such action becomes effective and throughout its term.
- c. **Probation:** Whenever a practitioner is placed on probation by the applicable licensing or certifying authority, his or her membership status and clinical privileges shall automatically become subject to the same terms and conditions of the probation as of the date such action becomes effective and throughout its term.

3.1.2 **Medicare, Medicaid, Tricare (a managed-care program that replaced the former Civilian Health and Medical Program of the Uniformed Services), or other federal programs:** Whenever a practitioner is excluded, precluded, or barred from Medicare, Medicaid, Tricare, or other federal programs, Medical Staff membership and clinical privileges shall be considered automatically relinquished as of the date such action becomes effective. Any practitioner listed on the United States Department of Health and Human Services Office of the Inspector General's List of Excluded Individuals/Entities will be considered to have automatically relinquished his or her privileges.

3.1.3 Controlled substances

- a. **DEA certificate:** Whenever a practitioner's United States Drug Enforcement Agency ("DEA") certificate is revoked, limited, or suspended, the practitioner will automatically and correspondingly be divested of the right to prescribe medications covered by the certificate, as of the date such action becomes effective and throughout its term.
- b. **Probation:** Whenever a practitioner's DEA certificate is subject to probation, the practitioner's right to prescribe such medications shall automatically become subject

to the same terms of the probation, as of the date such action becomes effective and throughout its term.

- 3.1.4 **Medical record completion requirements:** A practitioner will be considered to have voluntarily relinquished the privilege to admit new patients or schedule new procedures whenever he or she fails to complete medical records within time frames established by the MEC. This relinquishment of privileges shall not apply to patients admitted or already scheduled at the time of relinquishment, to emergency patients, or to imminent deliveries. The relinquished privileges will be automatically restored upon completion of the medical records and compliance with medical records policies.
- 3.1.5 **Professional liability insurance:** Failure of a practitioner to maintain professional liability insurance in the amount required by state regulations and Medical Staff and Board policies and sufficient to cover the clinical privileges granted shall result in immediate automatic relinquishment of a practitioner's clinical privileges. If within sixty (60) days of the relinquishment the practitioner does not provide evidence of required professional liability insurance (including tail coverage for any period during which insurance was not maintained), the practitioner shall not be considered for reinstatement and shall be considered to have voluntarily resigned from the Medical Staff. The practitioner must notify the Medical Staff Services Department immediately of any change in professional liability insurance carrier or coverage.
- 3.1.6 **Medical Staff dues/special assessments:** Failure to promptly pay Medical Staff dues or any special assessment shall be considered an automatic relinquishment of a practitioner's appointment. If within sixty (60) days after written warning of the delinquency the practitioner does not remit such payments, the practitioner shall be considered to have voluntarily resigned membership on the Medical Staff.
- 3.1.7 **Felony conviction:** A practitioner who has been convicted of an act that precludes employment in a direct patient care capacity by a healthcare entity, per Mississippi statute, shall automatically relinquish Medical Staff membership and privileges. Such relinquishment shall become effective immediately upon such conviction or plea regardless of whether an appeal is filed. Such relinquishment shall remain in effect until the matter is resolved by subsequent action of the Board or through corrective action, if necessary.
- 3.1.8 **Failure to satisfy the special appearance requirement:** A practitioner who fails without good cause to appear at a meeting where his or her special appearance is required in accordance with these bylaws shall be considered to have automatically relinquished all clinical privileges with the exception of emergencies and imminent deliveries. These privileges will be restored when the practitioner complies with the special appearance requirement. Failure to comply within thirty (30) days will be considered a voluntary resignation from the Medical Staff.
- 3.1.9 **Failure to participate in an evaluation:** A practitioner who fails to participate in an evaluation of his or her qualifications for Medical Staff membership or privileges as required under these bylaws (whether an evaluation of physical or mental health or of clinical management skills), shall be considered to have automatically relinquished all privileges. These privileges will be restored when the practitioner complies with the requirement for an evaluation. Failure to comply within thirty (30) days will be considered a voluntary resignation from the Medical Staff.

- 3.1.10 **Failure to become board certified:** A practitioner who fails to become board certified in compliance with these Bylaws or Medical Staff credentialing policies will be deemed to have immediately and voluntarily relinquished his or her Medical Staff appointment and clinical privileges unless an exception is granted, for a good cause, by the Board upon recommendation from the MEC.
- 3.1.11 **Failure to Execute Release and/or Provide Documents:** A practitioner who fails to execute a general or specific release of information and/or provide documents when requested by the Chief of Staff or designee to evaluate the competency and credentialing/privileging qualifications of the practitioner shall be considered to have automatically relinquished all privileges. If the release is executed and/or documents provided within thirty (30) days of notice of the automatic relinquishment, the practitioner may be reinstated. Thereafter, the member will be deemed to have resigned voluntarily from the Medical Staff and must reapply for Medical Staff membership and privileges.
- 3.1.12 **MEC Deliberation:** As soon as feasible after action is taken or warranted as described above, the MEC shall convene to review and consider the facts, and may recommend such further corrective action as it may deem appropriate following the procedure generally set forth in these Bylaws.
- 3.1.13 **Failure to Meet Other Minimum Qualifications or Responsibilities.** A practitioner who fails to meet any of the minimum qualifications for membership and privileges on the Medical Staff or any of the Medical Staff member responsibilities during his or her appointment will be considered to have automatically relinquished the practitioner's Medical Staff privileges. If the practitioner does not comply with the minimum qualification or responsibility within sixty (60) days of receiving written notice of such deficiency, then the practitioner shall be considered to have voluntarily resigned his or her membership on the Medical Staff. The MEC, at its sole discretion, may consider extenuating circumstances impacting the physician and extend the period for the physician to comply with the minimum qualification or responsibility.

3.2 Summary Restriction or Suspension

- 3.2.1 **Criteria for Initiation:** A summary restriction or suspension may be imposed when a good faith belief exists that immediate action must be taken to protect the life or well-being of patient(s); or to reduce a substantial and imminent likelihood of significant impairment of the life, health, and safety of any person or when Medical Staff leaders and/or the President determines that there is a need to carefully consider any event, concern, or issue that, if confirmed, has the potential to affect patient or employee safety or the effective operation of the Hospital. Under such circumstances the President, or designee, in conjunction with the Chief of Staff, or designee, may restrict or suspend the Medical Staff membership or clinical privileges of such practitioner as a precaution. A suspension of all or any portion of a practitioner's clinical privileges at another hospital may be grounds for a summary suspension of all or any of the practitioner's clinical privileges at this Hospital.

Unless otherwise stated, such summary suspension shall become effective immediately upon imposition and the person or body responsible shall promptly give written notice to the practitioner, the MEC, the President, and the Board. The summary suspension may be limited in duration and shall remain in effect for the period stated or, if none, until resolved as set forth herein. The summary suspension is not a complete professional review action in and of itself, and it shall not imply any final finding regarding the circumstances that caused the suspension.

Unless otherwise indicated by the terms of the summary suspension, the practitioner's patients shall be promptly assigned to another Medical Staff member by the Chief of Staff or designee, considering, where feasible, the wishes of the affected practitioner and the patient in the choice of a substitute practitioner.

- 3.2.2 **MEC action:** As soon as feasible and within fourteen (14) days after such summary suspension has been imposed, the MEC shall meet to review and consider the action and if necessary begin the investigation process as noted in Section 2.2 above. Upon request and at the discretion of the MEC, the practitioner will be given the opportunity to address the MEC concerning the action, on such terms and conditions as the MEC may impose, although in no event shall any meeting of the MEC, with or without the practitioner, constitute a "hearing" as defined in this hearing and appeal plan, nor shall any procedural rules with respect to hearing and appeal apply. The practitioner shall not have the right to be represented by an attorney before the MEC. The MEC may modify, continue, or terminate the summary suspension, but in any event it shall furnish the practitioner with notice of its decision.
- 3.2.3 **Procedural rights:** Unless the MEC promptly terminates the summary suspension prior to or immediately after reviewing the results of any investigation described above, the Medical Staff member or other physician or dentist with privileges without membership (or applicant for the above) shall be entitled to the procedural rights afforded by this hearing and appeal plan once the suspension lasts more than fourteen (14) days.

Section 4. Initiation and Notice of Hearing

4.1 Initiation of Hearing

Any practitioner eligible for Medical Staff appointment or physicians eligible for privileges without membership shall be entitled to request a hearing whenever an unfavorable recommendation with regard to clinical competence or professional conduct has been made by the MEC or the Board. Hearings will be triggered only by the following “adverse actions” when the basis for such action is related to clinical competence or professional conduct:

- a. Denial of Medical Staff appointment or reappointment;
- b. Revocation of Medical Staff appointment;
- c. Denial or restriction of requested clinical privileges, but only if such suspension is for more than fourteen (14) days and is not caused by the member’s failure to complete medical records or any other reason unrelated to clinical competence or professional conduct;
- d. Involuntary reduction or revocation of clinical privileges;
- e. Application of a mandatory concurring consultation requirement, or an increase in the stringency of a pre-existing mandatory concurring consultation requirement, when such requirement only applies to an individual Medical Staff member and is imposed for more than fourteen (14) days; or
- f. Suspension of staff appointment or clinical privileges, but only if such suspension is for more than fourteen (14) days and is not caused by the member’s failure to complete medical records or any other reason unrelated to clinical competence or professional conduct.

4.2 Hearings Will Not Be Triggered by the Following Actions

- a. Issuance of a letter of guidance, warning, or reprimand;
- b. Imposition of a requirement for proctoring (i.e., observation of the practitioner’s performance by a peer in order to provide information to a Medical Staff peer review committee) with no restriction on privileges;
- c. Failure to process a request for a privilege when the applicant/member does not meet the eligibility criteria to hold that privilege;
- d. Conducting an investigation into any matter or the appointment of an ad hoc investigation committee;
- e. Requirement to appear for a special meeting under the provisions of these Bylaws;
- f. Automatic relinquishment or voluntary resignation of appointment or privileges;
- g. Imposition of a summary suspension or administrative time out that does not exceed fourteen (14) days;
- h. Denial of a request for leave of absence, or for an extension of a leave;
- i. Determination that an application is incomplete or untimely;
- j. Determination that an application will not be processed due to misstatement or omission;
- k. Decision not to expedite an application;
- l. Denial, termination, or limitation of temporary privileges unless for demonstrated incompetence or unprofessional conduct;

- m. Determination that an applicant for membership does not meet (or fails to maintain) the requisite qualifications/criteria for membership;
- n. Ineligibility to request membership or privileges or continue privileges because a relevant specialty is closed or adequately staffed under a Medical Staff development plan or covered under an exclusive provider agreement;
- o. Imposition of supervision pending completion of an investigation to determine whether corrective action is warranted;
- p. Termination of any contract with or employment by Hospital or its subsidiaries or affiliates;
- q. Proctoring, monitoring, and any other performance monitoring requirements imposed in order to fulfill any Joint Commission standards on focused professional practice evaluation;
- r. Any recommendation voluntarily accepted by the practitioner;
- s. Expiration of membership and privileges as a result of failure to submit an application for reappointment within the allowable time period;
- t. Change in assigned staff category;
- u. Refusal of the Credentials Committee or MEC to consider a request for appointment, reappointment, or privileges within five (5) years of a final adverse decision regarding such request;
- v. Removal or limitations of emergency department call obligations;
- w. Any requirement to complete an educational assessment;
- x. Retrospective chart review;
- y. Any requirement to complete a health and/or psychiatric/psychological assessment required under these bylaws;
- z. Grant of conditional appointment or appointment for a limited duration; or
- aa. Appointment or reappointment for duration of less than twenty-four (24) months.

4.3 Notice of Recommendation of Adverse Action

When a summary suspension lasts more than fourteen (14) days or when a recommendation is made, which, according to Part II of the Bylaws entitles an individual to request a hearing prior to a final decision of the Board, the affected individual shall promptly (but no longer than five (5) days) be given written notice by the President delivered either in person or by certified mail, return receipt requested. This notice shall contain:

- a. A statement of the recommendation made and the general reasons for it (Statement of Reasons);
- b. Notice that the individual shall have thirty (30) days following the date of the receipt of such notice within which to request a hearing on the recommendation;
- c. Notice that the recommendation, if finally adopted by the Board, may result in a report to the state licensing authority (or other applicable state agencies) and the National Practitioner Data Bank; and
- d. The individual shall receive a copy of Part II of these Bylaws outlining procedural rights with regard to the hearing.

4.4 Request for Hearing

A practitioner shall have thirty (30) days following the date of the receipt of such notice within which to request the hearing. The request shall be made in writing to the President or designee. In the event the affected individual does not request a hearing within the time and in the manner required by this section, the individual shall be deemed to have waived the right to such hearing and to have accepted the recommendation made. Such recommended action shall become effective immediately upon final Board action.

4.5 Notice of Hearing and Statement of Reasons

Upon receipt of the practitioner's timely request for a hearing, the President shall schedule the hearing and shall give written notice to the person who requested the hearing. The notice shall include:

- a. The time, place, and date of the hearing;
- b. A proposed list of witnesses (as known at that time, but which may be modified) who may give testimony or evidence on behalf of the MEC (or the Board), at the hearing;
- c. The names of the Hearing Panel members and Presiding Officer, if known; and
- d. A statement of the specific reasons for the recommendation as well as the list of patient records and/or information supporting the recommendation. This statement, and the list of supporting patient record numbers and other information, may be amended or added to at any time, even during the hearing so long as the additional material is relevant to the continued appointment or clinical privileges of the individual requesting the hearing, and that the individual and the individual's attorney have sufficient time to study this additional information and rebut it.

The hearing shall begin as soon as feasible, but no sooner than thirty (30) days after the notice of the hearing unless an earlier hearing date has been specifically agreed to in writing by both parties.

4.6 Witness List

At least fifteen (15) days before the hearing, each party shall furnish to the other a written list of the names of the witnesses intended to be called. Either party may request that the other party provide either a list of, or copies of, all documents that will be offered as pertinent information or relied upon by witnesses at the Hearing Panel and which are pertinent to the basis for which the disciplinary action was proposed. The witness list of either party may, in the discretion of the Presiding Officer, be supplemented or amended at any time during the course of the hearing, provided that notice of the change is given to the other party. The Presiding Officer shall have the authority to limit the number of witnesses.

Section 5. Hearing Panel and Presiding Officer or Hearing Officer

5.1 Hearing Panel

- a. When a hearing is requested, a Hearing Panel of not fewer than three individuals will be appointed. This Hearing Panel will be appointed by a joint decision of the President and the Chief of Staff. No individual appointed to the Hearing Panel shall have actively participated in the consideration of the matter involved at any previous level. However, mere knowledge of the matter involved shall not preclude any individual from serving as a member of the Hearing Panel. Employment by, or a contract with, the Hospital or a subsidiary or affiliate of the Hospital shall not preclude any individual from serving on the Hearing Panel. Hearing Panel members need not be members of the Hospital Medical Staff. When the issue before the Hearing Panel is a question of clinical competence, all Hearing Panel members shall be clinical practitioners. Hearing Panel members need not be clinicians in the same specialty as the member requesting the hearing.
- b. The Hearing Panel shall not include any individual who is in direct economic competition with the affected practitioner or any such individual who is professionally associated with or related to the affected practitioner. This restriction on appointment shall include any individual designated as the Chair of the Hearing Panel or the Presiding Officer.
- c. The President or designee shall notify the practitioner requesting the hearing of the names of the Panel Members and the date by which the practitioner must object, if at all, to appointment of any member(s). Any objection to any member of the Hearing Panel or to the Presiding Officer shall be made in writing to the President, who, in conjunction with the Chief of Staff, shall determine whether a replacement Hearing Panel member should be identified. Although the practitioner who is the subject of the hearing may object to a Hearing Panel member, he or she is not entitled to veto that member's participation. Final authority to appoint Hearing Panel members will rest with the President and the Chief of Staff.

5.2 Hearing Panel Chair or Presiding Officer

- 5.2.1 The President, acting for the Board and after considering the recommendations of the Chief of Staff (or those of the Chair of the Board, if the hearing is occasioned by a Board determination) may appoint an attorney at law or other individual experienced in legal proceedings as Presiding Officer. The Presiding Officer should have no previous history with either the Hospital or the practitioner. Such Presiding Officer will not act as a prosecuting officer, or as an advocate for either side at the hearing. The Presiding Officer may participate in the private deliberations of the hearing panel and may serve as a legal advisor to it, but shall not be entitled to vote on its recommendation.
- 5.2.2 If no Presiding Officer is appointed pursuant to Section 5.2.1, then one of the members of the Hearing Panel shall be appointed by the President to serve as the Presiding Officer and shall be entitled to one vote.
- 5.2.3 The Presiding Officer shall do the following:
 - a. Provide all participants in the hearing a reasonable opportunity to be heard and to present oral and documentary evidence subject to reasonable limits on the number of witnesses and duration of direct and cross examination, applicable to both sides, as may be necessary to avoid cumulative or irrelevant testimony or to prevent abuse of the hearing process;

- b. Prohibit conduct or presentation of evidence that is cumulative, excessive, irrelevant, or abusive, or that causes undue delay. In general, it is expected that a hearing will last no more than fifteen (15) hours;
- c. Maintain decorum throughout the hearing;
- d. Determine the order of procedure throughout the hearing;
- e. Have the authority and discretion, in accordance with these Bylaws, to make rulings on all questions that pertain to matters of procedure and to the admissibility of evidence;
- f. Act in such a way that all information reasonably relevant to the continued appointment or clinical privileges of the individual requesting the hearing is considered by the Hearing Panel in formulating its recommendations;
- g. Conduct argument by counsel on procedural points and may do so outside the presence of the Hearing Panel; and
- h. Seek legal counsel when he or she feels it is appropriate. Legal counsel to the Hospital may advise the Presiding Officer.

5.3 Hearing Officer

- 5.3.1 As an alternative to the Hearing Panel described above, the President, acting for the Board and in conjunction with the Chief of Staff (or those of the Chair of the Board, if the hearing is occasioned by a Board determination) may instead appoint a Hearing Officer to perform the functions that would otherwise be carried out by the hearing panel. The Hearing Officer may be an attorney in non-clinical matters.
- 5.3.2 The Hearing Officer may not be any individual who is in direct economic competition with the individual requesting the hearing, and shall not act as a prosecuting officer or as an advocate to either side at the hearing. In the event a Hearing Officer is appointed instead of a Hearing Panel, all references to the “Hearing panel” or “Presiding Officer” shall be deemed to refer instead to the Hearing Officer, unless the context would clearly require otherwise.

Section 6. Pre-Hearing and Hearing Procedure

6.1 Provision of Relevant Information

- 6.1.1 There is no right to formal “discovery” in connection with the hearing. The Presiding Officer shall rule on any dispute regarding discoverability and may impose any safeguards, including denial or limitation of discovery to protect the peer review process and provide a reasonable and fair hearing. In general, the individual requesting the hearing shall be entitled, upon specific request, to the following, subject to a stipulation signed by both parties, the individual’s attorney and any experts that such documents shall be maintained as confidential consistent with all applicable state and federal peer review and privacy statutes and shall not be disclosed or used for any purpose outside of the hearing:
- a. Copies of, or reasonable access to, all patient medical records referred to in the Statement of Reasons, at his or her expense;
 - b. Reports of experts relied upon by the MEC;
 - c. Copies of redacted relevant committee minutes;
 - d. Copies of any other documents relied upon by the MEC or the Board;
 - e. No information regarding other individual practitioners shall be requested, provided, or considered; and
 - f. Evidence unrelated to the reasons for the recommendation or to the individual’s qualifications for appointment or the relevant clinical privileges shall be excluded.
- 6.1.2 Prior to the hearing, on dates set by the Presiding Officer or agreed upon by the attorneys for both sides, each party shall provide the other party with all proposed exhibits. All objections to documents or witnesses to the extent then reasonably known shall be submitted in writing prior to the hearing. The Presiding Officer shall not entertain subsequent objections unless the party offering the objection demonstrates good cause.
- 6.1.3 There shall be no contact by the individual who is the subject of the hearing with those individuals appearing on the Hospital’s witness list concerning the subject matter of the hearing; nor shall there be contact by the Hospital with individuals appearing on the affected individual’s witness list concerning the subject matter of the hearing, unless specifically agreed upon by that individual or his or her attorney.

6.2 Pre-Hearing Conference

The Presiding Officer may require a representative for the individual and for the MEC (or the Board) to participate in a pre-hearing conference. At the pre-hearing conference, the Presiding Officer shall resolve all procedural questions, including any objections to exhibits or witnesses, and determine the time to be allotted to each witness’s testimony and cross-examination. The appropriate role of attorneys will be decided at the pre-hearing conference.

6.3 Failure to Appear

Failure, without good cause, of the individual requesting the hearing to appear and proceed at such a hearing shall be deemed to constitute a waiver of all hearing and appeal rights and a voluntary acceptance of the recommendations or actions pending, which shall then be forwarded to the Board for final action. Good cause for failure to appear will be determined by the Presiding Officer.

6.4 Record of Hearing

The Hearing Panel shall maintain a record of the hearing by a reporter present to make a record of the hearing or a recording of the proceedings. The cost of such reporter shall be borne by the Hospital, but copies of the transcript shall be provided to the individual requesting the hearing at that individual's expense. The Hearing Panel may, but shall not be required to, order that oral evidence shall be taken only on oath or affirmation administered by any person designated to administer such oaths and entitled to notarize documents in the State of Mississippi.

6.5 Rights of the Practitioner and the Hospital

- 6.5.1 At the hearing, both sides shall have the following rights, subject to reasonable limits determined by the Presiding Officer:
- a. To call and examine witnesses to the extent available;
 - b. To introduce exhibits;
 - c. To cross-examine any witness on any matter relevant to the issues and to rebut any evidence;
 - d. To have representation by an attorney who may be present at the hearing, advise his or her client, and participate in resolving procedural matters. Attorneys may argue the case for his or her client. Both sides shall notify the other of the name of their attorney at least ten (10) days prior to the date of the hearing; and
 - e. To submit a written statement at the close of the hearing.
- 6.5.2 Any individuals requesting a hearing who do not testify in their own behalf may be called and examined as if under cross-examination.
- 6.5.3 The Hearing Panel may question the witnesses, call additional witnesses, or request additional documentary evidence.

6.6 Admissibility of Evidence

The hearing shall not be conducted according to legal rules of evidence. Hearsay evidence shall not be excluded merely because it may constitute legal hearsay. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the admissibility of such evidence in a court of law.

6.7 Burden of Proof

It is the burden of the MEC (or Board) to demonstrate that the action recommended is valid and appropriate. It is the burden of the practitioner under review to demonstrate that he or she satisfies, on a continuing basis, all criteria for initial appointment, reappointment, and clinical privileges and fully complies with all Medical Staff and Hospital policies.

6.8 Post-Hearing Memoranda

Each party shall have the right to submit a post-hearing memorandum, and the hearing panel may request such a memorandum to be filed, following the close of the hearing.

6.9 Official Notice

The Presiding Officer shall have the discretion to take official notice of any matters, either technical or scientific, relating to the issues under consideration. Participants in the hearing shall be informed of the matters to be officially noticed and such matters shall be noted in the record of the hearing. Either party shall have the opportunity to request that a matter be officially noticed or to refute the noticed matter by evidence or by written or oral presentation of authority. Reasonable additional time shall be granted, if requested by either party, to present written rebuttal of any evidence admitted on official notice.

6.10 Postponements and Extensions

Postponements and extensions of time beyond any time limit set forth in Part II of these Bylaws may be requested by anyone but shall be permitted only by the Presiding Officer or the President on a showing of good cause.

6.11 Persons to be Present

The hearing shall be restricted to those individuals involved in the proceeding. Administrative personnel may be present as requested by the Chief of Staff or President. All members of the Hearing Panel shall be present for all stages of the hearing and deliberations.

6.12 Order of Presentation

The Board or the MEC, depending on whose recommendation prompted the hearing initially, shall first present evidence in support of its recommendation. Thereafter, the burden shall shift to the individual who requested the hearing to present evidence.

6.13 Basis of Recommendation

The Hearing Panel shall recommend in favor of the MEC (or the Board) unless it finds that the individual who requested the hearing has proved, by a preponderance of the evidence, that the recommendation that prompted the hearing was arbitrary, capricious, or not supported by credible evidence.

6.14 Adjournment and Conclusion

The Presiding Officer may adjourn the hearing and reconvene the same at the convenience and with the agreement of the participants. Upon conclusion of the presentation of evidence by the parties and questions by the Hearing Panel, the hearing shall be closed.

6.15 Deliberations and Recommendation of the Hearing Panel

Within twenty (20) days after the later of final adjournment of the hearing or the deadline for any post-hearing memoranda, the Hearing Panel (including the Presiding Officer) shall conduct its deliberations outside the presence of any other person and shall render a recommendation, accompanied by a report, signed by all the Hearing Panel members, which shall contain a concise statement of the reasons for the recommendation.

6.16 Disposition of Hearing Panel Report

The Hearing Panel shall deliver its report and recommendation to the President who shall forward it, along with all supporting documentation, to the Board for further action. The President shall also send a copy of the report and recommendation, certified mail, return receipt requested, to the individual who requested the hearing, and to the MEC for information and comment.

Section 7. Appeal to the Hospital Board

7.1 Time for Appeal

Within ten (10) days after the Hearing Panel makes a recommendation, either the practitioner subject to the hearing or the MEC may appeal the recommendation to the Board. The request for appellate review shall be in writing, and shall be delivered to the President or designee either in person or by certified mail, and shall include a brief statement of the reasons for appeal and the specific facts or circumstances which justify further review. If such appellate review is not requested within ten (10) days, both parties shall be deemed to have accepted the recommendation involved, and the Hearing Panel's report and recommendation shall be forwarded to the Board.

7.2 Grounds for Appeal

The grounds for appeal shall be limited to the following:

- a. There was substantial failure to comply with the Medical Staff Bylaws prior to or during the hearing so as to deny a fair hearing; or
- b. The recommendation of the hearing panel was made arbitrarily, capriciously, or with prejudice; or
- c. The recommendation of the hearing panel was not supported by substantial evidence based upon the hearing record.

7.3 Time, Place, and Notice

Whenever an appeal is requested as set forth in the preceding sections, the Chair of the Board shall schedule and arrange for an appellate review as soon as arrangements can be reasonably made, taking into account the schedules of all individuals involved. The affected individual shall be given notice of the time, place, and date of the appellate review. The Chair of the Board may extend the time for appellate review for good cause.

7.4 Nature of Appellate Review

- a. The Chair of the Board shall appoint a Review Panel composed of at least three (3) members of the Board to consider the information upon which the recommendation before the Board was made. Members of this Review Panel may not be direct competitors of the practitioner under review and should not have participated in any formal investigation leading to the recommendation for corrective action that is under consideration.
- b. The Review Panel may, but is not required to, accept additional oral or written evidence subject to the same procedural constraints in effect for the Hearing Panel or Hearing Officer. Such additional evidence shall be accepted only if the party seeking to admit it can demonstrate that it is new, relevant evidence and that any opportunity to admit it at the hearing was denied. If additional oral evidence or oral argument is conducted, the Review Panel shall maintain a record of any oral arguments or statements by a reporter present to make a record of the review or a recording of the proceedings. The cost of such reporter shall be borne by the Hospital, but copies of the transcript shall be provided to the individual requesting the review at that individual's expense. The Review Panel may, but shall not be required to, order that oral evidence shall be taken only on oath or affirmation administered by any person designated to administer such oaths and entitled to notarize documents in the State of Mississippi.

- c. Each party shall have the right to present a written statement in support of its position on appeal. In its sole discretion, the Review Panel may allow each party or its representative to appear personally and make a time-limited thirty-minute (30) oral argument. The Review Panel shall recommend final action to the Board.
- d. The Board may affirm, modify, or reverse the recommendation of the review panel or, in its discretion, refer the matter for further review and recommendation, or make its own decision based upon the Board's ultimate legal responsibility to grant appointment and clinical privileges.

7.5 Final Decision of the Hospital Board

Within thirty (30) days after receiving the Review Panel's recommendation, the Board shall render a final decision in writing, including specific reasons for its action, and shall deliver copies thereof to the affected individual and to the Chairs of the Credentials Committee and MEC, in person or by certified mail, return receipt requested.

7.6 Right to One Appeal Only

No applicant or Medical Staff member shall be entitled as a matter of right to more than one (1) hearing or appellate review on any single matter which may be the subject of an appeal. In the event that the Board ultimately determines to deny Medical Staff appointment or reappointment to an applicant, or to revoke or terminate the Medical Staff appointment and/or clinical privileges of a current member or a physician or dentist with privileges without membership, that individual may not apply within five (5) years for Medical Staff appointment or for those clinical privileges at this Hospital unless the Board advises otherwise.

Section 8. Fair hearing and appeal for those with privileges without Medical Staff membership and who are not physicians or dentists

8.1 Fair Hearing Process

Podiatrists, psychologists, and APPs are not entitled to the hearing and appeals procedures set forth in the Medical Staff Bylaws. In the event one of these practitioners receives notice of a recommendation by the MEC that will adversely affect his or her exercise of clinical privileges, the practitioner, and his or her supervising physician if applicable, shall have the right to meet personally with two (2) physicians and a peer assigned by the Chief of Staff to discuss the recommendation. The practitioner, and his or her supervising physician if applicable, must request such a meeting in writing to the President within ten (10) business days from the date of receipt of such notice. At the meeting, the practitioner, and his or her supervising physician if applicable, must be present to discuss, explain, or refute the recommendation, but such meeting shall not constitute a hearing and none of the procedural rules set forth in the Medical Staff bylaws with respect to hearings shall apply. Findings from this review body will be forwarded to the affected practitioner, the MEC and the Board.

8.2 Appeal Process

The practitioner, and his or her supervising physician if applicable, may request an appeal in writing to the President within ten (10) days of receipt of the findings of the review body. Two members of the Board assigned by the Chair of the Board shall hear the appeal from the practitioner, and his or her supervising physician if applicable. A representative from the Medical Staff leadership may be present. The decision of the appeal body will be forwarded to the Board for final decision. The practitioner and the supervising physician will be notified within ten (10) days of the final decision of the Board.

Section 1. Qualifications for Membership and/or Privileges

- 1.1** No practitioner shall be entitled to membership on the Medical Staff or to privileges merely by virtue of licensure, membership in any professional organization, or privileges at any other healthcare organization.
- 1.2** The following qualifications must be met and continuously maintained by all applicants for Medical Staff appointment, reappointment, or clinical privileges:
 - 1.2.1** Demonstrate that he or she has successfully graduated from an approved school of medicine, osteopathy, dentistry, podiatry, clinical psychology or other applicable recognized course of training in a clinical profession eligible to hold privileges;
 - 1.2.2** Have a current state or federal license as a practitioner, applicable to his or her profession, and providing permission to practice within the state of Mississippi;
 - 1.2.3** Have a record that is free from current Medicare and Medicaid sanctions and not be on the OIG List of Excluded Individuals and Entities;
 - 1.2.4** Have a record that shows the applicant has never been convicted of, or entered a plea of guilty or no contest to, an act that precludes employment in a direct patient care capacity by a healthcare entity, per Mississippi statute;
 - 1.2.5** A physician applicant must have successfully completed an allopathic or osteopathic residency program, approved by the Accreditation Council for Graduate Medical Education (ACGME) or the American Osteopathic Association (AOA) and be currently board certified or become board certified within (5) five years of completing formal training as defined by the appropriate specialty board of the American Board of Medical Specialties, the American Osteopathic Association, or a foreign board that has been approved by one of these organizations;
 - 1.2.6** Dentists must have graduated from an American Dental Association approved school of dentistry accredited by the Commission of Dental Accreditation;
 - 1.2.7** Oral and maxillofacial surgeons must have graduated from an American Dental Association approved school of dentistry accredited by the Commission of Dental Accreditation and successfully completed an American Dental Association approved residency program and be board certified or become board certified within five (5) years of completing formal training as defined by the American Board of Oral and Maxillofacial Surgery, or a foreign board that has been approved by this organization;
 - 1.2.8** A podiatric physician, DPM, must have successfully completed a two-year (2) residency program in surgical, orthopedic, or podiatric medicine approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association (APMA), and be board certified or become board certified within five (5) years of completing formal training as determined by the American Board of Foot and Ankle Surgery, the American Board of Podiatric Orthopedics and Primary Podiatric Medicine, or a foreign board that has been approved by one of these organizations;

- 1.2.9 A psychologist must have an earned a doctorate degree, (PhD or Psy.D, in psychology) from an educational institution accredited by the American Psychological Association and have completed at least two (2) years of clinical experience in an organized healthcare setting, supervised by a licensed psychologist, one (1) year of which must have been post doctorate, and have completed an internship endorsed by the American Psychological Association, and be board certified as appropriate to the area of clinical practice within five (5) years of completing formal training as determined by the American Board of Professional Psychology, or a foreign board that has been approved by this organization;
- 1.2.10 Have appropriate written and verbal communication skills;
- 1.2.11 Have appropriate personal qualifications, including applicant's consistent observance of ethical and professional standards. These standards include, at a minimum:
 - a. Abstinence from any participation in fee splitting or other illegal payment, receipt, or remuneration with respect to referral or patient service opportunities; and
 - b. A history of consistently acting in a professional, appropriate, and collegial manner with others in previous clinical and professional settings.

1.3 In addition to privilege-specific criteria, the following qualifications must also be met and maintained by all applicants requesting clinical privileges:

- 1.3.1 Possess a current, valid DEA number, if applicable;
- 1.3.2 Demonstrate his or her background, experience, training, current competence, knowledge, judgment, and ability to perform all privileges requested;
- 1.3.3 Upon request provide evidence of both physical and mental health that does not impair the fulfillment of his or her responsibilities of Medical Staff membership and/or the specific privileges requested by and granted to the applicant;
- 1.3.4 Any practitioner granted privileges who may have occasion to admit an inpatient must demonstrate the capability to provide continuous and timely care to the satisfaction of the MEC and Board;
- 1.3.5 Demonstrate recent clinical performance within the last twenty-four (24) months with an active clinical practice in the area in which clinical privileges are sought adequate to meet current clinical competence criteria;
- 1.3.6 The applicant is requesting privileges for a service the Board has determined appropriate for performance at the Hospital. There must also be a need for this service under any Board approved Medical Staff development plan;
- 1.3.7 Provide evidence of professional liability insurance appropriate to all privileges requested and of a type and in an amount established by the Board after consultation with the MEC.

1.4 Exceptions

- 1.4.1 All practitioners who are current Medical Staff members and/or hold privileges as of May 1, 1990 and who have met prior qualifications for membership and/or privileges shall be exempt from board certification requirements.
- 1.4.2 Only the Board may create additional exceptions but only after consultation with the MEC and if there is documented evidence that a practitioner demonstrates an equivalent competence in the areas of the requested privileges.

Section 2. Initial Appointment Procedure

2.1 Completion of Application

- 2.1.1 All requests for applications for appointment to the Medical Staff and requests for clinical privileges will be forwarded to the Medical Staff Services Department. Upon receipt of the request, the Medical Staff Services Department will provide the applicant an application package, which will include a complete set or overview of the Medical Staff Bylaws or reference to an electronic source for this information. This package will enumerate the eligibility requirements for Medical Staff membership and/or privileges and a list of expectations of performance for individuals granted Medical Staff membership or privileges (if such expectations have been adopted by the Medical Staff).

Information requested is listed in the department's Operations Manual. An application shall be deemed incomplete if any of the requested items are missing or if the need arises for new, additional, or clarifying information in the course of reviewing an application as determined by the Board, MEC, or Credentials Committee. An incomplete application will not be processed and the applicant will not be entitled to a fair hearing. Anytime in the credentialing process it becomes apparent that an applicant does not meet all eligibility criteria for membership or privileges, the credentialing process will be terminated and no further action taken.

- 2.1.2 Upon receipt of a completed application the Vice President of Medical Affairs or Credentials Committee Chair, in collaboration with the Medical Staff Services Department, will determine if the requirements of sections 1.2 and 1.3 are met. In the event the requirements of sections 1.2 and 1.3 are not met, the potential applicant will be notified that he or she is ineligible to apply for membership or privileges on the Medical Staff, the application will not be processed and the applicant will not be eligible for a fair hearing. If the requirements of sections 1.2 and 1.3 are met, the application will be accepted for further processing.
- 2.1.3 Individuals seeking appointment shall have the burden of producing information deemed adequate by the Hospital for a proper evaluation of current competence, character, ethics, and other qualifications, and of resolving any doubts.
- 2.1.4 Upon receipt of a completed application, the Medical Staff Services Department will verify current licensure, education, relevant training, and current competence from the primary source whenever feasible. When it is not possible to obtain information from the primary source, reliable secondary sources may be used if there has been a documented attempt to contact the primary source. In addition, the Medical Staff Services Department will collect relevant additional information as defined in the Department's Operation Manual.
- 2.1.5 All applicants for appointment to the Medical Staff and/or the granting of clinical privileges may be required to participate in an interview at the discretion of the applicable Department Chair, Credentials Committee, MEC, or Board. The interview may take place in person or by telephone at the discretion of the requestor. The interview may be used to solicit information required to complete the credentials file or clarify information previously provided, e.g., clinical knowledge and judgment, professional behavior, malpractice history, reasons for leaving past healthcare organizations, or other matters bearing on the applicant's ability to render care at the

generally recognized level for the community. The interview may also be used to communicate Medical Staff performance expectations. The applicant will be notified if an interview is requested. Failure of the applicant to appear for a scheduled interview will be deemed a withdrawal of the application.

- 2.1.6 When the items identified in Section 2.1 above have been obtained, the file will be considered verified and complete and eligible for evaluation.

2.2 Applicant's Attestation, Authorization, and Acknowledgement

The applicant must complete and sign the application form. By signing this application, the applicant:

- 2.2.1 Attests to the accuracy and completeness of all information on the application or accompanying documents and agreement that any substantive inaccuracy, omission, or misrepresentation, whether intentional or not, may be grounds for termination of the application process without the right to a fair hearing or appeal. If the inaccuracy, omission, or misstatement is discovered after an individual has been granted appointment and/or clinical privileges, the individual's appointment and privileges may lapse effective immediately upon notification of the individual without the right to a fair hearing or appeal.
- 2.2.2 Consents to appear for any requested interviews in regard to his or her application.
- 2.2.3 Consents to drug screening with initial application.
- 2.2.4 Consents to compliance with the Hospital's tuberculous and vaccination policies.
- 2.2.5 Authorizes the Hospital and Medical Staff representatives to consult with prior and current associates and others who may have information bearing on his or her professional competence, character, ability to perform the privileges requested, ethical qualifications, ability to work cooperatively with others, and other qualifications for membership and the clinical privileges requested.
- 2.2.6 Consents to Hospital and Medical Staff representatives' inspection of all records and documents that may be material to an evaluation of:
 - a. Professional qualifications and competence to carry out the clinical privileges requested;
 - b. Physical and mental/emotional health status to the extent relevant to safely perform requested privileges;
 - c. Professional and ethical qualifications;
 - d. Professional liability actions including currently pending claims involving the applicant; and
 - e. Any other issue relevant to establishing the applicant's suitability for membership and/or privileges.
- 2.2.7 Releases from liability and promises not to sue, all individuals and organizations who provide information to the Hospital or the Medical Staff, including otherwise privileged or confidential information to the Hospital representatives concerning his or her background; experience; competence; professional ethics; character; physical and mental health to the extent relevant to the capacity to fulfill requested privileges; emotional stability; utilization practice patterns; and other qualifications for staff appointment and

clinical privileges. Acknowledges and consents to agree to an absolute and unconditional release of liability and waiver of any and all claims, lawsuits, or challenges against any individual or organization who provided information to the Hospital or Medical Staff and further, that all such individuals and organizations shall have the full benefit of this release and absolute waiver as well as any legal protections afforded under the law.

- 2.2.8 Authorizes the Hospital Medical Staff and administrative representatives to release any and all credentialing and peer review information to other hospitals, licensing boards, appropriate government bodies and other health care entities or to engage in any valid discussion relating to the past and present evaluation of the applicant's training, experience, character, conduct, judgment, or other matters relevant to the determination of the applicant's overall qualifications upon appropriately signed release of information document(s). Acknowledges and consents to agree to an absolute and unconditional release of liability and waiver of any and all claims, lawsuits, or challenges against any Medical Staff or Hospital representative regarding the release of any requested information and further, that all such representatives shall have the full benefit of this release and absolute waiver as well as any legal protections afforded under the law.
- 2.2.9 Acknowledges that the applicant has had access to the Medical Staff Bylaws, including all rules, regulations, policies and procedures of the Medical Staff, and agrees to abide by their provisions.

Notwithstanding section 3.2.4 through 3.2.8, if an individual institutes legal action and does not prevail, he or she shall reimburse the Hospital and its officers, directors, and employees and any member of the Medical Staff named in the action for all costs incurred in defending such legal action, including reasonable attorney(s) fees.

2.3 Appointment and/or Privileging Process

2.3.1 Department Chair Action

All completed applications are presented to the applicable Department Chair for review, and recommendation. The Department Chair reviews the application to determine that it fulfills the established standards for Medical Staff membership and/or clinical privileges. The Department Chair may obtain input if necessary from an appropriate subject matter expert. If a Department Chair believes a conflict of interest exists that might preclude his or her ability to make an unbiased recommendation, he or she will notify the Credentials Committee Chair and forward the application without comment.

- a. The Department Chair may defer action on an application for additional information but should follow up with a recommendation to the Credentials Committee within thirty (30) days of the deferral, if possible.

2.3.2 Credentials Committee Action

The Credentials Committee will review the application, including all relevant Department recommendations within thirty (30) days, or as soon as reasonably possible thereafter, and will transmit to the MEC the committee report and a recommendation regarding staff appointment and privileges.

- a. The Credentials Committee may defer action on an application for additional information but should follow up with a recommendation to the MEC within thirty (30) days of the deferral, if possible.

2.3.3 MEC Action

The MEC will make a recommendation to the Board within thirty (30) days or reasonable time after receipt and review of the report and recommendation from the Credentials Committee, including the recommendation from the Department Chair.

- a. The MEC may choose to defer the application for further consideration. It must be followed within sixty (60) days or reasonable time with a subsequent recommendation. For initial applicants, if additional information is requested and not provided, the application is deemed incomplete and Section 2.5 shall apply. For the reappointment application, if additional information is requested and not provided within thirty (30) days of the request, the application is deemed incomplete and membership and privileges will be voluntarily forfeited on the date that current privileges expire.
- b. The MEC may defer action on an applicant to the Board. The Chief of Staff will present such applications to the Board at its next regular meeting, in accordance with the Expedited Credentialing Policy.

2.3.4. Board Approval

The Board may adopt or reject in whole or in part a recommendation of the MEC or refer the recommendation to the MEC for further consideration stating the reasons for such referral back.

- a. The President and the Chief of Staff, acting as a subcommittee of the Board, may grant clinical privileges and/or appointment to the Medical Staff. If the MEC's recommendation to the Board is to approve the application, and the application is a Category I, as defined in the Expedited Credentialing Policy, then the President and the Chief of Staff may approve the application for Medical Staff Membership and/or clinical privileges. A report regarding all applicants who are granted appointment and privileges shall be forwarded to the Board of Directors for informational purposes.
- c. If the Board's decision is to approve the application, then the President, Chief of Staff or his/her designee, will notify the practitioner. If the decision is not favorable to the applicant, see Section 4 of Part II of these Bylaws.

2.4 Adverse Recommendations

When the MEC makes an adverse recommendation with respect to a practitioner's request for membership or clinical privileges, the President, Chief of Staff, or designee will notify the practitioner by certified mail, return receipt requested, or hand delivery to the practitioner to his/her home or office. The notice will include the reasons for the recommendation and time in which the practitioner may request a hearing, if applicable. He/She may initiate the hearing procedure as outlined in Section 4 of Part II of these Bylaws unless otherwise so stated in the Bylaws.

2.5 Application Deemed Incomplete (No Hearing Procedures)

The burden is on the applicant to provide all required information. It is the applicant's responsibility to assure that the Medical Staff Services Department receives all required supporting documents verifying information on the application and to provide sufficient evidence, as required in the sole discretion of the Hospital, that the applicant meets the requirements for Medical Staff membership and/or the privileges requested. If information is missing from the application, or new, additional, or clarifying information is required as determined by the Board, MEC, or Credentials Committee, a request for such information will

be made to the applicant by telephone, mail, fax or electronic mail. If the requested information is not returned to the Medical Staff Services Department within thirty (30) days of the request, the application will be deemed incomplete and voluntarily withdrawn by the applicant. For reappointment applications, if additional information is requested and not provided within thirty (30) days of the request, the application is deemed incomplete and membership and/or privileges will be voluntarily forfeited on the date that current privileges expire.

2.6 Denial for Inability to Accommodate (No Hearing Procedures)

A decision by the Board to deny appointment, a Department/Section, or Medical Staff category assignment or particular clinical privileges on the basis of St. Dominic Hospital's present inability, as supported by documented evidence, to provide adequate facilities or supportive services for the applicant and his/her patients, shall not be considered an adverse decision and shall not entitle the applicant to the hearing rights provided in Section 4 of Part II of these Bylaws.

Section 3. Reappointment

3.1 Reappointment

It is the policy of the Hospital to approve for reappointment and/or renewal of privileges only those practitioners who meet the criteria for initial appointment as identified in Section 1. The MEC must also determine that the practitioner provides effective care that is consistent with the Hospital standards regarding ongoing quality and the Hospital performance improvement program.

- 4.1.1 Each practitioner is required to keep Medical Staff Services informed of any action which may adversely affect membership and/or clinical privileges status.
- 4.1.2 In order to continue membership and/or clinical privileges the practitioner shall reapply and be reviewed at least every two years as outlined by Medical Staff Services in accordance with The Reappointment to Medical Staff Policy.
- 4.1.3 Ongoing professional practice evaluation is always used in the decision-making process for renewal of clinical privileges.

3.2 Reappointment/Renewal Process

Medical Staff Services will review each application for completion and verification. An application may be deemed incomplete by Medical Staff Services. If incomplete, the procedure outlines in Section 2.5 shall apply. The complete application will be transmitted to the appropriate Department Chair and then to Credentials Committee. The process thereafter is as outlines under the Appointment and/or Privileging Process.

Section 4. Clinical Privileges

4.1 Exercise of privileges

A practitioner providing clinical services at the Hospital may exercise only those privileges granted to him/her by the Board or emergency or disaster privileges as described herein.

Privileges may be granted by the Board upon recommendation of the MEC to practitioners who are not members of the Medical Staff. Such individuals may be podiatrists, clinical psychologists, Advance Practice Registered Nurses (APRNs), Physician Assistants (PAs), physicians serving short locum tenens positions, telemedicine physicians, house staff such as fellows moonlighting in the Hospital, others deemed to be providing a medical or surgical level of care, or others deemed appropriate by the MEC and Board.

4.2 Requests

Except for applications for Ambulatory Status, each application for appointment or reappointment to the Medical Staff or for privileges must contain a request for the specific clinical privileges the applicant desires. Specific requests must also be submitted for temporary privileges and for modifications of privileges in the interim between reappointments and/or granting of privileges.

4.3 Basis for Privileges Determination

4.3.1 Requests for clinical privileges will be considered only when accompanied by evidence of education, training, experience, and demonstrated current competence as specified by the Hospital in its Board approved criteria for clinical privileges.

4.3.2 Privileges for which no criteria have been established:

In the event a request for a privilege is submitted for a new technology, a procedure new to the Hospital, an existing procedure used in a significantly different manner, or involving a cross-specialty privilege for which no criteria have been established, the request will be processed according to the New Procedure/New Technology Policy.

4.3.3 Requests for clinical privileges will be consistently evaluated on the basis of prior and continuing education, training, experience, utilization practice patterns, current ability to perform the privileges requested, and demonstrated current competence, ability, and judgment. Additional factors that may be used in determining privileges are patient care needs and the Hospital's capability to support the type of privileges being requested and the availability of qualified coverage in the applicant's absence. The basis for privileges determination to be made in connection with periodic reappointment or a requested change in privileges must include documented clinical performance and results of the practitioner's performance improvement program activities. Privileges determinations will also be based on pertinent information from other sources, such as peers and/or faculty from other institutions and health care settings where the practitioner exercises clinical privileges.

4.3.4 The procedure by which requests for clinical privileges are processed are as outlined in Section 2 above.

4.4 Telemedicine Privileges

Telemedicine privileges are granted in accordance with the Telemedicine Policy. Practitioners who provide telemedicine services only are not members of the Medical Staff. Practitioners who apply for and are granted membership to one of the Membership Categories, who also apply for and are granted Telemedicine Privileges, will remain in their applicable Membership Category.

4.5 Temporary Privileges

Temporary privileges may be granted by the President or designee, upon recommendation of the Chief of Staff or designee. The granting of temporary privileges is solely discretionary and may be terminated at any time. There are no hearing procedures applicable to the granting or termination of temporary privileges, unless they are terminated on the basis of competency or professional conduct. Practitioners who are issued temporary privileges are considered non-members of the Medical Staff and may attend educational offerings but may not vote, be a member of a committee, or hold office. Temporary privileges may be granted for up to a 60 day period, and may be renewed for one additional 60 day period. Special requirements of supervision and reporting may be imposed. Additional details concerning temporary privileges are specified in the Temporary Privileges Policy.

4.6 Emergency Privileges

In the case of a medical emergency, any practitioner is authorized to do everything possible to save the patient's life or to save the patient from serious harm, to the degree permitted by the practitioner's license, regardless of Department affiliation, staff category, or level of privileges. A practitioner exercising emergency privileges is obligated to summon all consultative assistance deemed necessary and to arrange appropriate follow-up.

4.7 Disaster Privileges

In circumstances of disaster(s), in which St. Dominic Hospital's emergency management plan has been activated, the President or Chief Medical Office or designee, or in the event that neither is available, the senior ranking member of the Medical Staff present, may grant disaster privileges to licensed practitioners to provide disaster services to patients. Additional details concerning disaster privileges are delineated in the Disaster Privileges Policy.

Section 5. Clinical Competency Evaluation

5.1 Focused Professional Practice Evaluation (FPPE)

All practitioners who initially requested privileges shall undergo a period of FPPE. The Credentials Committee, after receiving a recommendation from the appropriate Department Chair and with the approval of the MEC, will define the circumstances which require monitoring and evaluation of the clinical performance of each practitioner following his or her initial grant of clinical privileges at the Hospital. The Credentials Committee will also establish the duration for such FPPE and triggers that indicate the need for performance monitoring.

5.2 Ongoing Professional Practice Evaluation (OPPE)

The Medical Staff will also engage in OPPE to identify professional practice trends that affect quality of care and patient safety. Information from this evaluation process will be factored into the decision to maintain existing privileges, to revise existing privileges, or to revoke an existing privilege prior to or at the time of reappointment. OPPE shall be undertaken as part of the Medical Staff's evaluation, measurement, and improvement of practitioner's current clinical competency. In addition, each practitioner may be subject to FPPE when issues affecting the provision of safe, high quality patient care are identified through the OPPE process. Decisions to assign a period of performance monitoring or evaluation to further assess current competence must be based on the evaluation of an individual's current clinical competence, practice behavior, and ability to perform a specific privilege.

5.3 Physician Re-Entry

A practitioner who has not provided acute inpatient care within the past two (2) years who requests clinical privileges at the Hospital must arrange for a preceptorship, that is acceptable to the Credentials Committee and MEC, either with a current member in good standing of the Medical Staff who practices in the same specialty or with a training program or other equivalently competent physician practicing outside of the Hospital. If a practitioner has not provided any clinical care within the past two (2) years as determined by the Mississippi medical licensing board or the MEC, he or she may be required to go through a formal re-entry process through an ACGME or AOA accredited residency program or other formal process to assess and confirm clinical competence. The practitioner assumes responsibility for any financial costs required to fulfill these requirements. A description of the preceptorship or training program, including details of monitoring and consultation must be written and submitted for approval to the appropriate Department Chair, Credentials Committee and MEC. At a minimum, the preceptorship or training program description must include the following:

- a. The scope and intensity of the required activities;
- b. The requirement for submission of a written report from the preceptor or training program prior to termination of the preceptorship period assessing, at a minimum, the applicant's demonstrated clinical competence related to the privileges requested, ability to get along with others, the quality and timeliness of medical records documentation, ability to perform the privileges requested, and professional ethics and conduct.

Section 6. Reapplication after Modifications of Membership Status or Privileges and Exhaustion of Remedies

6.1 Reapplication after adverse credentials decision

Except as otherwise determined by the MEC or Board, a practitioner who has received a final adverse decision or who has resigned or withdrawn an application for appointment or reappointment or clinical privileges while under investigation or to avoid an investigation is not eligible to reapply to the Medical Staff or for clinical privileges for a period of two (2) years from the date of the notice of the final adverse decision or the effective date of the resignation or application withdrawal. Any such application is processed in accordance with the procedures then in force. As part of the reapplication, the practitioner must submit such additional information as the Medical Staff and/or Board requires demonstrating that the basis of the earlier adverse action no longer exists. If such information is not provided, the reapplication will be considered incomplete and voluntarily withdrawn and will not be processed any further.

6.2 Exhaustion of administrative remedies

Every practitioner agrees that he or she will exhaust all the administrative remedies afforded in the various sections of these Bylaws before initiating legal action against the Hospital or its agents.

Section 7. Leave of Absence

7.1 Leave Request

A leave of absence must be requested for any absence from the Medical Staff and/or patient care responsibilities longer than ninety (90) days, excluding maternity or paternity leave, and whether such absence is related to the individual's physical or mental health or to the ability to care for patients safely and competently. A practitioner who wishes to obtain a voluntary leave of absence must provide written notice to the Chief of Staff stating the reasons for the leave and approximate period of time of the leave, which may not exceed one (1) year except for military service or express permission by the Board. Requests for leave must be forwarded with a recommendation from the MEC and affirmed by the Board. While on leave of absence, the practitioner may not exercise clinical privileges or prerogatives and has no obligation to fulfill Medical Staff responsibilities. In the event that a practitioner has not demonstrated good cause for a leave, or where a request for extension is not granted, the determination shall be final, with no recourse to a hearing and appeal. A leave of absence can administratively be authorized by the Chief of Staff or Vice President of Medical Affairs when the leave is necessitated by medical reasons and the practitioner is unable to request the leave of absence himself or herself.

7.2 Termination of Leave

At least thirty (30) days prior to the termination of the leave, or at any earlier time, the practitioner may request reinstatement by sending a written notice to the Chief of Staff. The practitioner must submit a written summary of relevant activities during the leave if the MEC or Board so requests. A practitioner returning from a leave of absence for health reasons must provide a report from his or her physician that answers any questions that the MEC or Board may have as part of considering the request for reinstatement. The MEC makes a recommendation to the Board concerning reinstatement, and the applicable procedures concerning the granting of privileges are followed. If the practitioner's current grant of membership and /or privileges is due to expire during the leave of absence, the practitioner must apply for reappointment before being reinstated.

7.3 Failure to Request Reinstatement

Failure, without good cause, to request reinstatement shall be deemed a voluntary resignation from the Medical Staff and shall result in automatic termination of membership, privileges, and prerogatives. A member whose membership is automatically terminated shall not be entitled to the procedural rights provided in Part II of these bylaws. A request for Medical Staff membership subsequently received from a member so terminated shall be submitted and processed in the manner specified for applications for initial appointments.

Section 8. Practitioners Providing Contracted Services

8.1 Exclusivity policy

Whenever certain Hospital facilities or services may be provided on an exclusive basis in accordance with contracts or letters of agreement between the Hospital and qualified practitioners, then other practitioners must, except in an emergency or life threatening situation, adhere to the exclusivity agreements in arranging for or providing care. Application for initial appointment or for clinical privileges related to the Hospital facilities or services covered by exclusive agreements will not be accepted or processed unless submitted in accordance with the existing contract or agreement with the Hospital. Practitioners who have previously been granted privileges, which then become covered by an exclusive contract, will not be able to exercise those privileges unless they become a party to the contract.

8.2 Qualifications

A practitioner who is or will be providing specified professional services pursuant to a contract or a letter of agreement with the Hospital or its subsidiary or affiliate must meet the same qualifications, must be processed in the same manner, and must fulfill all the obligations of his or her appointment category as any other applicant or staff appointee.

8.3 Disciplinary Action

The terms of the Medical Staff Bylaws will govern disciplinary action taken by or recommended by the MEC.

8.4 Effect of contract or employment expiration or termination

The effect of expiration or other termination of a contract upon a practitioner's Medical Staff appointment and clinical privileges will be governed solely by the terms of the practitioner's contract with the Hospital or its subsidiary or affiliate. If the contract or the employment agreement is silent on the matter, then contract expiration or other termination alone will not affect the practitioner's staff appointment status or clinical privileges.

Section 1. Clinical Departments

1.1 Departments

The Medical Staff shall be organized as a departmentalized staff including the following departments: cardiology/cardiovascular surgery, medicine, surgery, and women's health.

The MEC, with approval of the Board, may designate new Medical Staff Departments or dissolve current Departments as it determines will best promote the Medical Staff needs for promoting performance improvement, patient safety, and effective credentialing and privileging.

1.2 Functions of the Departments

- 1.2.1 Responsible for clinical and administrative activities of the Department, unless otherwise provided by the Hospital.
- 1.2.2 Make recommendations regarding credentialing, recredentialing, privileging and corrective action, when appropriate, to the Credentials Committee, Professional Practice Evaluation Committee, and/or MEC.
- 1.2.3 Develop criteria to be used by the Department in monitoring and evaluating patient care and the performance of practitioners.

1.3 Selection, Term, and Removal of Department Chair

- 1.3.1 Each Department Chair shall serve a term of two (2) years commencing on January 1 and may be elected to serve successive terms. All Chairs must be members of the Active Medical Staff with relevant clinical privileges and be certified by an appropriate specialty board or have affirmatively established comparable competence through the credentialing process. They shall have no pending corrective actions and shall have no leadership conflict of interest as defined for Officers.
- 1.3.2 The Leadership and Succession Committee shall offer nominations for each available Department Chair and Vice Chair position. Department Chairs and Vice Chairs shall be elected by plurality vote of the Medical Staff members of the Department. If the post of Department Chair is vacated, then the Department Vice Chair will assume the role of the Chair for the remainder of the unexpired term. If the post of Department Vice Chair is vacated, an election shall be held within thirty (30) days to elect a new Vice Chair who will preside through the remainder of the term.
- 1.3.3 Any Department Chair or Vice Chair who fails to perform assigned duties, after consultation with Chief of Staff, may be relieved of his/her position by a majority vote of voting members present at a Department meeting scheduled specifically for this purpose or at the discretion of the MEC.
- 1.3.4 In the absence of the Department Chair, the Department Vice Chair shall assume all the duties and have authority of the Department Chair. He or she shall perform such further duties to assist the Department Chair as the Department Chair may request from time to time.

1.4 Assignment to Department

The MEC will, after consideration of the recommendations of the Chair of the appropriate Department, recommend Department assignments for all members in accordance with their qualifications. Each member will be assigned to one primary Department. Clinical privileges are independent of Department assignment.

Section 2. Officers of the Medical Staff and MEC At-Large Members

2.1 Officers of the Medical Staff

- 2.1.1 Chief of Staff
- 2.1.2 Vice Chief of Staff
- 2.1.3 Secretary
- 2.1.4 Immediate Past Chief of Staff

2.2 Qualifications

- 2.2.1 Officers must be voting members of the Medical Staff with current hospital privileges at the time of nomination and election and must maintain such during their term of office. Failure to maintain such status shall immediately create a vacancy in the office involved.

2.3 Election of Officers and MEC At-Large Members

- 2.3.1 The Leadership & Succession Committee shall offer at least one nominee for each available Officer and MEC At-Large Member positions.
- 2.3.2 A petition signed by at least ten percent (10%) of the members of the voting members of the Medical Staff may add nominations to the ballot. The Medical Staff must submit such a petition to the Chief of Staff at least ten (10) days prior to the election for the nominee(s) to be placed on the ballot. The Leadership & Succession Committee must determine if the candidate meets the qualifications in section 2.2 above before he or she can be placed on the ballot.
- 2.3.3 The MEC will determine the mechanisms by which votes may be cast. The mechanisms that may be considered include written mail ballots and electronic voting via computer, fax, or other technology for transmitting the member's voting choices. No proxy voting will be permissible. The nominee(s) who receives the greatest number of votes cast will be elected. In the event of a tie vote, the MEC will make arrangements for a repeat vote(s) deleting the candidate with the lowest number of votes until one candidate receives a greater number of votes.

2.4 Term of Office

All Officers and MEC At-Large Members serve a term of two (2) years. They shall take office in the month of January. An individual may not be reelected for the same office or as MEC At-Large Members for two successive terms. Each officer or MEC At-Large Member shall serve until the end of his or her term or until a successor is appointed/elected or unless he or she resigns sooner or is removed as an Officer or a MEC At-Large Member.

2.5 Vacancies of Office and MEC At-Large Members

The MEC shall fill vacancies of Officers and MEC At-Large Members during the Medical Staff year, except the office of the Chief of Staff. If there is a vacancy in the office of the Chief of Staff, the Vice Chief of Staff shall serve the remainder of the term as the Chief of Staff and the MEC shall fill the vacancy left by the Vice Chief of Staff.

2.6 Duties of Officers

2.6.1 Chief of Staff: The Chief of Staff is the primary elected Officer of the Medical Staff and is the Medical Staff's advocate and representative in its relationships to the Board and Hospital Administration. The Chief of Staff, jointly with the MEC, provides direction to and oversees Medical Staff activities related to assessing and promoting continuous improvement in the quality of clinical services and all other functions of the Medical Staff as outlined in the Medical Staff Bylaws, rules, regulations, and policies. Specific responsibilities and authority are to:

- a. Call and preside at all general and special meetings of the Medical Staff;
- b. Serve as Chair of the MEC and as ex officio member of all other Medical Staff committees without vote except as otherwise stipulated in these Bylaws and rules and regulations, and to participate as invited by the President or the Board on Hospital or Board committees;
- c. Enforce Medical Staff bylaws, rules, regulations, and Medical Staff/Hospital policies;
- d. Except as stated otherwise, appoint Committee Chairs and all members of Medical Staff standing and ad hoc committees; in consultation with Hospital Administration, appoint Medical Staff members to appropriate Hospital committees or to serve as Medical Staff advisors or liaisons to carry out specific functions; in consultation with the chair of the Board, appoint the Medical Staff members to appropriate Board committees when those are not designated by position or by specific direction of the Board or otherwise prohibited by state law;
- e. Support and encourage Medical Staff leadership and participation on interdisciplinary clinical performance improvement activities;
- f. Report to the Board the MEC's recommendations concerning appointment, reappointment, delineation of clinical privileges or specified services, and corrective action with respect to practitioners who are applying for appointment or privileges, or who are granted privileges or providing services in the Hospital;
- g. Continuously evaluate and periodically report to the Hospital, MEC, and the Board regarding the effectiveness of the credentialing and privileging processes;
- h. Review and enforce compliance with standards of ethical conduct and professional demeanor among the practitioners on the Medical Staff in their relations with each other, the Board, Hospital Administration, other professional and support staff, and the community the Hospital serves;
- i. Communicate and represent the opinions and concerns of the Medical Staff and its individual members on organizational and individual matters affecting Hospital operations to Hospital Administration, the MEC, and the Board;
- j. Attend Board meetings as a voting member of the Board and Board committee meetings as invited by the Board;
- k. Communicate and carry out the decisions of the Board within the Medical Staff; and
- l. Perform such other duties, and exercise such authority commensurate with the office as are set forth in the Medical Staff bylaws.

- 2.6.2 Vice Chief of Staff: In the absence of the Chief of Staff, the Vice Chief of Staff shall assume all the duties and have the authority of the Chief of Staff. The Vice Chief of Staff shall serve as the chair of the Quality Coordinating Council. He or she shall perform such further duties to assist the Chief of Staff as the Chief of Staff may request from time to time.
- 2.6.3 Secretary: This Officer will collaborate with the Hospital's Medical Staff Services Department, maintain minutes, attend to correspondence, act as Medical Staff treasurer, and coordinate communication within the Medical Staff. The Secretary shall serve as the chair of the Medical Records/Utilization Review Committee. He or she shall perform such further duties to assist the Chief of Staff as the Chief of Staff may request from time to time.
- 2.6.4 Immediate Past Chief of Staff: This Officer will serve as a consultant to the Chief of Staff and Vice Chief of Staff. The Past Chief of Staff shall serve as the chair of the Credentials Committee. He or she shall perform such further duties to assist the Chief of Staff as the Chief of Staff may request from time to time.

2.7 Removal from Office or At-Large Member

Any officer who fails to perform assigned duties may be relieved of his or her position by a simple majority vote of the MEC, but must be ratified by simple majority vote of the voting Medical Staff present at a Medical Staff meeting scheduled specifically for this purpose.

Section 3. Medical Staff Meetings

3.1 Medical Staff Meetings

- 3.1.1 An annual meeting and other general meetings, if any, of the Medical Staff shall be held at a time determined by the MEC. Notice of the meeting shall be given to all Medical Staff members via appropriate media and posted conspicuously.
- 3.1.2 Except for Bylaws amendments or as otherwise specified in these Bylaws, the actions of a majority of the Medical Staff members present and voting at a meeting of the Medical Staff is the action of the group. Action may be taken without a meeting of the Medical Staff by presentation of the question to each Medical Staff member eligible to vote, in person, via telephone, and/or by mail or Internet, and their vote recorded in accordance with procedures approved by the MEC. Such vote shall be binding so long as the question that is voted on receives a majority of the votes cast.
- 3.1.3 Special Meetings of the Medical Staff
 - a. The Chief of Staff may call a special meeting of the Medical Staff at any time. The Chief of Staff must call a special meeting if so directed by resolution of the MEC. Such request or resolution shall state the purpose of the meeting. The Chief of Staff shall designate the time and place of any special meeting.
 - b. Written or electronic notice stating the time, place, and purposes of any special meeting of the Medical Staff shall be conspicuously posted and shall be sent to each member of the Medical Staff at least three (3) days before the date of such meeting. No business shall be transacted at any special meeting, except that stated in the notice of such meeting.

3.2 Medical Staff Committees and Department Meetings

- 3.2.2 Action of Committee or Department: The recommendation of a majority of its members present at a meeting at which a quorum is present shall be the action of a Committee or Department. The Committee or Department Chair shall vote only in order to break a tie. Such recommendation will then be forwarded to the MEC for action.
- 3.2.3 Special Meetings of Committees and Departments: A special meeting of any Committee or Department may be called by the respective Department or Committee Chair or by the Chief of Staff.
- 3.2.4 Notice of Meetings: Written or electronic notice stating the place, day, and hour of any special meeting or of any regular meeting not held pursuant to resolution shall be delivered or sent to each Department or Committee member, as applicable, not less than three (3) days before the time of such meeting by the person or persons calling the meeting. The attendance of a member at a meeting shall constitute a waiver of notice of such meeting.

3.3 Quorum

Voting members present constitute a quorum for Medical Staff, Department, Section, and all other Committee meetings.

3.4 Participation by the President

The President or his or her designee may attend any general, committee, or Department meetings of the Medical Staff as an ex-officio member without vote. The committee may go in to executive session, with Medical Staff members only, when desired.

3.5 Robert's Rules of Order

All meetings shall be run in a manner determined by the Chair of the meeting. When parliamentary procedure is needed, as determined by the Chair or evidenced by a majority vote of those attending the meeting, the latest abridged edition of Robert's Rules of Order shall determine procedure.

3.6 Rights of Ex officio Members

Except as otherwise provided in these Bylaws, persons serving as ex officio members of a committee shall have all rights and privileges of regular members, except that they shall not vote, be able to make motions, or be counted in determining the existence of a quorum.

3.7 Minutes

Minutes of each regular and special meeting of a Committee or Department shall be prepared and shall include a record of the attendance of members and the vote taken on each matter. The presiding Committee or Department Chair shall authenticate the minutes and copies thereof shall be submitted to the MEC or other designated committee. A permanent file of the minutes of each meeting shall be maintained.

Section 4. Medical Staff Committees

4.1 General language governing committees

The following shall be the standing committees of the Medical Staff: Medical Executive, Credentials, Professional Practice Evaluation, Bylaws, and Leadership and Succession. A committee shall meet as often as necessary to fulfill its responsibilities. It shall maintain a permanent record of its proceedings and actions and shall report its findings and recommendations ultimately to the MEC. The Chief of Staff may appoint additional ad hoc committees for specific purposes. Ad hoc committees will cease to meet when they have accomplished their appointed purpose or on a date set by the Chief of Staff when establishing the committee. The Chief of Staff and the President, or their designees, are ex officio members of all standing and ad hoc committees.

Committee members may be removed from the committee by the Chief of Staff or by action of the MEC for failure to remain a member of the Medical Staff in good standing or for failure to adequately participate in the activities of the committee. Any vacancy in any committee shall be filled for the remaining portion of the term in the same manner in which the original appointment was made.

Medical Staff members may be appointed to Hospital committees. Actions taken by Hospital committees that affect the practice of practitioners with privileges must have those actions approved by the MEC prior to going into effect.

4.2 Standing Committees of the Medical Staff

4.2.1 MEC

Composition:

- a. Officers of the Medical Staff to include the Chief of Staff, Vice Chief of Staff, Secretary and Immediate Past Chief of Staff.
- b. Four (4) Members at Large elected two (2) each year on a rotating basis. At least one Member at Large should be a member of the Ambulatory Staff with another being a member of the Active Staff with privileges in Hospital Medicine.
- c. Department Chairs elected in accordance with Section 1.3.2 above.

Responsibilities: The responsibilities of the MEC, as delegated by the Medical Staff, shall be to:

- a. Serve as the final decision-making body of the Medical Staff in accordance with the Medical Staff Bylaws and provide oversight for all Medical Staff functions;
- b. Coordinate the implementation of policies adopted by the Board;
- c. Submit recommendations to the Board concerning all matters relating to appointment, reappointment, staff category, Department assignments, clinical privileges, and corrective action;
- d. Report to the Board and to the Medical Staff for the overall quality and efficiency of professional patient care services provided by individuals with clinical privileges and coordinate the participation of the Medical Staff in organizational performance improvement activities;

- e. Take reasonable steps to encourage and monitor professionally ethical conduct and competent clinical performance on the part of practitioners with privileges including collegial and educational efforts and investigations, when warranted;
- f. Make recommendations to the Board on medical administrative and Hospital management matters;
- g. Keep the Medical Staff up-to-date concerning the licensure and accreditation status of the Hospital;
- h. Participate in identifying community health needs and in setting Hospital goals and implementing programs to meet those needs;
- i. Review and act on reports from Medical Staff committees, Departments, and other assigned activity groups;
- j. Formulate and recommend to the Board Medical Staff rules, policies, and procedures;
- k. Request evaluations of practitioners privileged through the Medical Staff process when there is question about an applicant or practitioner's ability to perform privileges requested or currently granted;
- l. Make recommendations concerning the structure of the Medical Staff, the mechanism by which Medical Staff membership or privileges may be terminated, and the mechanisms for fair hearing procedures;
- m. Consult with Hospital Administration on the quality, timeliness, and appropriateness of contracts for patient care services provided to the Hospital by entities outside the Hospital;
- n. Oversee that portion of the corporate compliance plan that pertains to the Medical Staff;
- o. Hold Medical Staff leaders, committees, and Departments accountable for fulfilling their duties and responsibilities;
- p. Make recommendations to the Medical Staff for changes or amendments to the Medical Staff Bylaws; and
- q. The MEC is empowered to act for the organized Medical Staff between meetings of the organized Medical Staff.

4.2.2 Credentials Committee

Composition: Membership of the Medical Staff Credentials Committee shall consist of at least twelve (12) members of the Active Medical Staff who are experienced leaders. There shall be at least one representative from each department and other members to give representation to the major services in the Hospital. There shall be an Advance Practice Professional representative that will vote solely on APP applications. Credentials Committee members will be appointed for three (3) year terms. Members may be reappointed for additional terms without limit. Any member may be relieved of his or her committee membership by a two-thirds (2/3) vote of the MEC. The Past Chief of Staff will serve as the Chair. The Credentials Committee may also invite members such as representatives from Hospital Administration and the Board.

Responsibilities: The responsibilities of the Credentials Committee include:

- a. To review and recommend action on all applications and reapplications for membership on the Medical Staff including assignments of Medical Staff category;
- b. To review and recommend action on all requests regarding privileges from eligible practitioners;
- c. To recommend eligibility criteria for the granting of Medical Staff membership and privileges;
- d. To develop, recommend, and consistently implement policy and procedures for all credentialing and privileging activities;
- e. To review, and where appropriate take action on, reports that are referred to it from other Medical Staff Committees, Medical Staff or Hospital leaders; and
- f. To perform such other functions as requested by the MEC.

Confidentiality: The Credentials Committee shall function as a peer review committee or a medical review committee consistent with federal and state law. All members of the Committee shall, consistent with the Medical Staff and Hospital confidentiality policies, keep in strict confidence all papers, reports, and information obtained by virtue of membership on the Committee.

4.2.3 Professional Practice Evaluation Committee

Composition: The Medical Staff Peer Review Committee shall consist of at least ten (10) members of the Medical Staff. Representatives from Nursing Service and Hospital Administration will serve as ex officio members at the invitation of the Chair.

Responsibilities:

- a. Perform ongoing professional practice evaluations (OPPE) and focused professional practice evaluations (FPPE) when concerns arise from OPPE based on the general competencies defined by the Medical Staff;
- b. Set expectations and define both individual and aggregate measures to assess current clinical competency, provide feedback to practitioners and develop plans for improving the quality of clinical care provided;
- c. Actively be involved in the measurement, assessment, and improvement of activities of practitioner performance.
- d. Communicate findings, conclusions, recommendations, and actions to improve the performance of practitioners to the appropriate Department Chairs, MEC and the Board, and define in writing the responsibility for acting on recommendations for practitioner improvement.

4.2.4 Bylaws Committee

Composition: The Bylaws Committee shall consist of at least five (5) members of the Medical Staff, two of whom shall be past Chiefs of Staff and Vice Chief of Staff.

Responsibilities:

- a. Conduct periodic review of the Medical Staff Bylaw, Rules and Regulations, and policies; and
- b. Submit written recommendations to the MEC and to the Board for amendments to the Medical Staff Bylaws, Rules and Regulations, and policies.

4.2.5 Practitioner Health and Well-being Committee

Composition: The Practitioner Health and Well-Being Committee shall consist of at least three (3) members of the Active Medical Staff and shall include the Chief of Staff, the Chair of the Professional Practice Evaluation Committee and another physician.

Responsibilities:

- a. Evaluate the credibility of a complaint, allegation, or concern and establish a program for identifying and contacting practitioners who have become professionally impaired, in varying degrees, because of drug dependence (including alcoholism) or because of mental, physical, or aging problems. Refer the practitioner to appropriate professional internal or external resources for evaluation, diagnosis, and treatment;
- b. Establish programs for educating practitioners and staff to prevent substance dependence and recognize impairment;
- c. Notify the impaired practitioner's Department Chair and the MEC whenever the impaired practitioner's actions could endanger patients. The existence of the Practitioner Health Committee does not alter the primary responsibility of the Department Chair for clinical performance within that Chair's Department;
- d. Create opportunities for referral (including self referral) while maintaining confidentiality to the greatest extent possible; and
- e. Report to the MEC all practitioners providing unsafe treatment so that the practitioner can be monitored until his or her rehabilitation is complete and periodically thereafter. The Hospital shall not reinstate a practitioner until it is established that the practitioner has successfully completed a rehabilitation program in which the Hospital has confidence.

4.2.6 Leadership & Succession Committee

Composition: The Leadership and Succession Committee shall consist of three (3) members. All members should be Active members of the Medical Staff and have been in leadership positions such as a Department Chair or Committee Chair, Medical Staff Officer, or MEC At-Large Member.

Responsibilities: The committee shall:

- a. Develop criteria for leadership positions to include tenure, leadership training, previous experience in leadership positions and character;
- b. Provide an annual slate of nominees for the elected Medical Staff positions;
- c. Provide an annual list of potential leaders;
- d. Outline a plan and processes for developing potential leaders;

- e. Submit recommendations for Medical Staff Committee Chairs based on the potential leaders' needs for development and readiness to serve (the Chief of Staff will consider these recommendations for Committee Chairs but will not be bound by them);
- f. Develop position descriptions for Officer or other leadership positions; and
- g. Report annually to the MEC.

Section 5. Confidentiality, Immunity, Releases, and Conflict of Interest

5.1 Confidentiality of Information

To the fullest extent permitted by law, the following shall be kept confidential:

- Information submitted, collected, or prepared by any representative of this Hospital or Medical Staff or any other healthcare facility or organization or medical staff for the purposes of assessing, reviewing, evaluating, monitoring, or improving the quality and efficiency of healthcare provided;
- Evaluations of current clinical competence and qualifications for staff appointment/affiliation and/or clinical privileges or specified services; and
- Contributions to teaching or clinical research; or
- Determinations that healthcare services were indicated or performed in compliance with an applicable standard of care.

This information will not be disseminated to anyone other than a representative of the Hospital or to other healthcare facilities or organizations of health professionals engaged in official, authorized activities for which the information is needed. Such confidentiality shall also extend to information provided by third parties. Each practitioner expressly acknowledges that violations of confidentiality provided here are grounds for immediate and permanent revocation of staff appointment/affiliation and/or clinical privileges or specified services.

5.2 Absolute Immunity from Liability

No representative of the Hospital shall be liable to a practitioner for damages or other relief for any decision, opinion, action, statement, or recommendation made within the scope of his or her duties as an official representative of the Hospital or Medical Staff. No representative of the Hospital shall be liable for providing information, opinion, counsel, or services to a representative or to any healthcare facility or organization of health professionals concerning said practitioner. The immunity protections afforded in these bylaws are in addition to those prescribed by applicable state and federal law.

5.3 Covered Activities

- 5.3.1 The confidentiality and immunity provided by this section of the Bylaws apply to all information or disclosures performed or made in connection with this Hospital or any other healthcare facility's or organization's activities concerning, but not limited to:
- a. Applications for appointment/affiliation, clinical privileges, or specified services;
 - b. Periodic reappraisals for renewed appointments/affiliations, clinical privileges, or specified services;
 - c. Corrective or disciplinary actions;
 - d. Hearings and appellate reviews;
 - e. Quality assessment and performance improvement/peer review activities;
 - f. Utilization review and improvement activities;
 - g. Claims reviews;

- h. Risk management and liability prevention activities; and
- i. Other hospital, committee, department, or staff activities related to monitoring and maintaining quality and efficient patient care and appropriate professional conduct.

5.4 Releases

When requested by the Chief of Staff or designee, each practitioner shall execute general and specific releases. Failure to execute such releases shall result in an application for appointment, reappointment, or clinical privileges being deemed voluntarily withdrawn and not processed further.

5.5 Conflict of Interest

A member of the Medical Staff requested to perform a Board designated Medical Staff responsibility (such as credentialing, peer review or corrective action) may have a conflict of interest if they may not be able to render an unbiased opinion. An absolute conflict of interest would result if the physician is the practitioner under review, his or her spouse, or his or her first degree relative (parent, sibling, or child). Potential conflicts of interest are either due to a practitioner's involvement in the patient's care not related to the issues under review or because of a relationship with the physician involved as a direct competitor, partner, or key referral source. It is the obligation of the individual physician to disclose to the affected committee the potential conflict. It is the responsibility of the committee to determine on a case by case basis if a potential conflict is substantial enough to prevent the individual from participating. When a potential conflict is identified, the Committee Chair will be informed in advance and make the determination if a substantial conflict exists. When either an absolute or substantial potential conflict is determined to exist, the individual may not participate or be present during the discussions or decisions other than to provide specific information requested.

Officers, Department Chairman, and Committee members are discouraged from holding a Leadership Position in a healthcare facility that is not affiliated with the Hospital. A Leadership Position is defined as serving on the Board, officer, MEC, Credentials Committee, peer review committee or on a service line co-management committee. Officers, Department Chairman, and Committee members are obligated to disclose all leadership positions and agree not to let these positions effect their judgement on matters related to the Hospital.