



Banner Del E. Webb
Medical Center

MEDICAL STAFF BYLAWS

Adopted: 1/14/2010

BANNER DEL E. WEBB MEDICAL CENTER

**Sun City West, Arizona
MEDICAL STAFF BYLAWS**

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Glossary:

Telemedicine: use of medical information exchanged from one site to another via electronic communications for the health and education of the patient or health care provider and for the purpose of improving patient care, treatment, and services. *Source: American Telemedicine Association.*

Distant Site: site where the practitioner providing the telemedicine service is located.

PREAMBLE

These Bylaws are adopted in order to provide for the organization of the Medical Staff of Banner Del E. Webb Medical Center (the "Medical Center") and to provide a framework for self-government in order to permit the Medical Staff to discharge its responsibilities in matters involving the quality of medical care and to govern the orderly resolution of those purposes. These Bylaws provide the legal structure for Medical Staff operation and describe relations between the organized Medical Staff and applicants to, and members of, the Medical Staff. These Bylaws along with the Bylaws of Banner Health provide a recognized structure for Medical Staff activities and document the relationship between the Medical Staff and the Board of Directors of Banner Health (the "Board").

INDEMNIFICATION

Indemnification for Medical Staff activities shall be provided by Banner Health pursuant to the policy adopted by the Board.

ARTICLE ONE: NAME

The organizational component of Banner Health to which these Bylaws are addressed is called "The Medical Staff of Banner Del E. Webb Medical Center."

ARTICLE TWO: PURPOSES AND RESPONSIBILITIES OF THE MEDICAL STAFF

2.1 PURPOSES

The purposes of this Medical Staff are:

- 2.1-1 The primary function of the organized Medical Staff is to provide oversight for the quality of care, treatment, and services provided by practitioners with privileges, and to approve and amend the Medical Staff bylaws.
- 2.1-2 To continually provide quality care for all patients admitted to, or treated in, any facilities, departments, or service of Banner Del E. Webb Medical Center.
- 2.1-3 To provide a mechanism for accountability to the Board for the review of the appropriateness of patient care services, professional and ethical conduct, and teaching and research activities of each practitioner appointed to the Medical Staff, so that patient care provided at the Medical Center facilities is maintained at that level of quality and efficiency consistent with generally recognized standards of care.
- 2.1-4 To evaluate clinical processes and outcomes and identify and implement opportunities for professional performance improvement.
- 2.1-5 To maintain the highest scientific and educational standards for continuing medical education programs for members of the Medical Staff.
- 2.1-5 To serve as the organization through which individual practitioners may obtain prerogatives and clinical privileges at the Medical Center and through which they fulfill the obligations of staff appointment.
- 2.1-6 To provide an orderly and systematic means by which staff members can give input to the Board and CEO on medico-administrative issues and on Medical Center policy-making and planning processes.

2.2 **RESPONSIBILITIES**

The responsibilities of the Medical Staff through its departments, committees, and officers include:

- 2.2-1 To participate in the performance improvement, patient safety, and utilization review programs by conducting all activities necessary for assessing, maintaining, and improving the quality and efficiency of care provided in the Medical Center, including:
 - (a) Evaluating practitioner and institutional performance through measurement systems based on objective, clinically-sound criteria;
 - (b) Engaging in the ongoing monitoring of patient care practices;
 - (c) Evaluating practitioners' credentials for appointment and reappointment to the Medical Staff and for the delineation of clinical privileges; and
 - (d) Promoting the appropriate use of Medical Center resources.
- 2.2-2 To make recommendations to the Board concerning appointments and reappointments to the staff, including category, department and section assignments, clinical privileges, corrective action, and termination of membership.
- 2.2-3 To participate in the development, conduct, and monitoring of medical education programs and clinical research activities.
- 2.2-4 To develop and maintain Bylaws and policies that are consistent with sound professional practices, and to enforce compliance with them.
- 2.2-5 To participate in the Medical Center's long-range planning activities, to assist in identifying community health needs, and to participate in developing and implementing appropriate institutional policies and programs to meet those needs.
- 2.2-6 To exercise through its officers, committees, and other defined components, the authority granted by these Bylaws, to fulfill these responsibilities in a timely and proper manner, and to account thereon to the Board.

ARTICLE THREE: MEMBERSHIP

3.1 **GENERAL QUALIFICATIONS**

Every practitioner who seeks or enjoys staff membership must, at the time of application and continuously thereafter, demonstrate, to the satisfaction of the Medical Staff and the Board, the following qualifications and any additional qualifications and procedural requirements as are set forth in these Bylaws or in department rules and regulations:

3.1-1 **LICENSURE**

Evidence of a currently valid, unrestricted license issued by the State of Arizona to practice medicine, dentistry, podiatry, or psychology. Evidence of a currently valid, unrestricted license by another state will be accepted for federally employed military staff who treat only military patients and their families.

3.1-2 **PROFESSIONAL EDUCATION AND TRAINING**

- (a) Applicants must have graduated from an approved medical, dental, podiatric school or school of osteopathy or attainment of a PhD, PsyD, or EdD degree in psychology. Foreign Medical Graduates must be certified by the Educational Council for Foreign Medical Graduates, or must have successfully completed the Foreign Medical Graduate Examination in the Medical Sciences. For purposes of this section, an "approved" or "accredited" school is one fully accredited for the entire time of the practitioner's attendance by the Accreditation Council for Graduate Medical

Education ("ACGME"), by the American Osteopathic Association ("AOA"), by the Royal College of Physicians and Surgeons of Canada, by the Commission on Dental Accreditation, by the American Podiatric Medical Association, or by a successor agency to any of the foregoing; and

- (b) Applicants (other than podiatrists, dentists and psychologists) must demonstrate satisfactory completion of postgraduate training in an internship or residency accredited by the ACGME, the AOA, or the Royal College of Physicians and Surgeons of Canada, with such postgraduate training to be in a field or specialty appropriate and acceptable to the department to which the applicant would be assigned if appointed to the Staff. Applicants must provide evidence that he/she is within the board examination system or board certified in the specialty in which privileges have been requested; and
- (c) Applicants for the Affiliate Staff who are podiatrists and dentists must demonstrate satisfactory completion of at least one year of postgraduate training accredited by the American Podiatric Association or the National Commission on Accreditation of Dental Schools; and
- (d) Applicants for the Affiliate Staff who are psychologists must possess a PhD, PsyD, or EdD degree in psychology from a program approved by the American Psychological Association, possess certification by the American Board of Professional Psychologists, be currently listed in the National Register of Health Services Providers in Psychology, or meet the educational requirements for licensure in the State of Arizona. Applicants must also demonstrate at least one year full-time experience or its equivalent in an inpatient setting (either pre- or post-doctoral) or in a mental health care setting.

3.1-3 **BOARD CERTIFICATION OR QUALIFICATION**

- (a) Membership on the Medical Staff does not require board certification. However, except as specially provided below, having Medical Staff privileges to practice at the Medical Center requires the applicant and Members to either be board certified or board qualified followed by board certification as provided in Section 3.1-3(c) by one of the following:
 - 1. Physician: The American Board of Medical Specialties, the American Osteopathic Association or the Royal College of Physicians and Surgeons of Canada;
 - 2. Podiatrist: The American Board of Podiatric Surgery; or The American Board of Podiatric Orthopedics and Primary Podiatric Medicine;
 - 3. Dentist: The American Dental Association; or
 - 4. Psychologist: The American Board of Professional Psychologists.
- (b) For purposes of this section, "Board certification" or "Board certified" means the applicant/member has been/is certified by a board approved by the American Board of Medical Specialties or the Advisory Board for Osteopathic Specialists or by a board determined by the department to be equivalent. For purposes of this section, "Board qualification" or "Board qualified" means the applicant/member has completed the necessary training and has applied for and been accepted to become an active candidate for certification as determined by the appropriate board. Where the board requires a period of practice prior to submitting an application for certification, the applicant/member will be deemed qualified during this time period if the director of his/her training program certifies that he/she has met all training requirements for qualification by the appropriate board.
- (c) Where Medical Staff privileges are granted on the basis of being board qualified, board certification must be obtained within five years of completion of training, or sooner as required by the department, or within three years from the expiration of original board certification or recertification. Failure to become board certified within the time allowed under these Bylaws or the Rules and Regulations of the Member's department or section shall result in the voluntary, automatic relinquishment of the Member's Medical Staff privileges.

(d) Exceptions to achieving board certification may be considered in the following circumstances as determined by the Medical Executive Committee:

1. When a physician is on the Medical Staff or has filed an application as of September 1, 2008.
2. When the Board requires time to determine that a recently graduated physician who has submitted an application is board qualified, the physician will be deemed Board qualified for up to six months.
3. When a particular field or specialty of the department does not have a Board certification;
4. When the applicant's privileges are limited to surgical assisting only; or
5. To applicants/members where there is a shortage of qualified Medical Staff members in the practitioner's specialty necessary to meet the Medical Center's demand for services where the Medical Executive Committee has determined that the practitioner's training and experience approximates as nearly as possible those assured by Board certification.

(e) Members are required to remain board certified if they wish to maintain their privileges. Recertification must be obtained within three years from the expiration of board certification or recertification. Failure to become recertified within the time allowed under these Bylaws shall result in the voluntary, automatic relinquishment of Medical Staff privileges. In addition to the provisions for granting a waiver of the board certification requirement, the Medical Executive Committee may consider extending membership in cases where:

1. a practitioner has been certified, has taken the exam and is awaiting results, or has the exam scheduled; or
2. a practitioner has submitted evidence of a particular medical, physical, family, or financial hardship that causes him/her unable to become recertified within the required time frame. In this instance, the practitioner must sit for the next available board exam to become certified or recertified. In the event the practitioner fails to become certified or recertified or does not take the exam, privileges will be immediately forfeited.

(f) A member of the Medical Staff who was but is no longer board certified but does not qualify for any of the exceptions described above, but who has demonstrated his/her clinical competence through his or her activities at the Medical Center, may request a waiver of the requirement that such Member be board certified. Any such request must be made in writing and state the reasons why the Member is no longer board certified, what requirements such Member must meet to become board certified, and why such Member believes this requirement is not applicable. Such requirement must also establish that the physician is currently clinically competent based upon regular involvement in the care of patients at the Medical Center and in compliance with the Medical Center's quality metrics. The waiver may be granted only if approved by a vote of 75% of the members of the Medical Executive Committee in attendance at a duly called meeting and by the Board of Directors of the Medical Center. Any Member who is granted a waiver under this Paragraph must obtain a minimum of fifty (50) hours of continuing medical education each year in order to remain a Member of the Medical Staff. Evidence of such continuing medical education shall be submitted to the Medical Staff Services Office of the Medical Center each year on or before the anniversary date of such Member's date of appointment to the Medical Staff. The failure by a Member who has been granted a waiver pursuant to this Paragraph to obtain required CME will result in the voluntary relinquishment of Medical Staff privileges.

3.1-4 **CLINICAL PERFORMANCE**

Current experience, clinical results, and utilization patterns, demonstrating a continuing ability to provide patient care services at an acceptable level of quality.

- 3.1-5 **PROFESSIONALISM**
Demonstrated ability and willingness to work with and relate to others in a cooperative, professional manner that is essential for maintaining an environment appropriate to quality and efficient patient care and patient as well as employee satisfaction. It is the policy of the Medical Center and this Medical Staff, that all individuals within its facilities be treated courteously, respectfully, and with dignity. To that end, all Medical Staff members, and other practitioners must conduct themselves in a professional and cooperative manner. Failure to do so may constitute disruptive behavior. Disruptive behavior by any practitioner against any individual (e.g., against another Medical Staff member, house staff, Medical Center employee, patient, or visitor) shall not be tolerated. Members/applicants who participate in activities constituting “disruptive conduct” as described in the Professional Conduct Policy shall be considered to lack the qualifications required by this Section 3.1-5. If a practitioner fails to conduct himself/herself appropriately, corrective action, including summary suspension, may be taken.
- 3.1-6 **SATISFACTION OF MEMBERSHIP OBLIGATIONS**
Satisfactory compliance with the basic obligations accompanying appointment to the staff and equitable participation, as determined by Medical Staff and Board authorities, in the discharge of staff obligations specific to staff category.
- 3.1-7 **SATISFACTION OF CRITERIA FOR PRIVILEGES**
Evidence of satisfaction of the criteria for granting of, and maintenance of, clinical privileges in at least one department.
- 3.1-8 **PROFESSIONAL ETHICS AND CONDUCT**
Demonstrated high moral character and adherence to generally recognized standards of medical and professional ethics which include refraining from: paying or accepting commissions or referral fees for professional services; delegating the responsibility for diagnosis or care to a practitioner or allied health professional not qualified to undertake that responsibility; failing to seek appropriate consultation when medically indicated; failing to provide or arrange for appropriate and timely medical coverage and care for patients for whom the practitioner is responsible; and failing to obtain appropriate informed patient consent for treatment.
- 3.1-9 **HEALTH STATUS**
Freedom from or adequate control of any significant physical or mental health impairment and freedom from abuse of any type of substance or chemical that may affect cognitive, motor, or communication ability in a manner that interferes with the ability to provide quality patient care or the other qualifications for membership, and freedom from infectious tuberculosis.
- 3.1-10 **ABILITY TO PARTICIPATE IN FEDERAL PROGRAMS**
Practitioners seeking membership must demonstrate that they are not currently suspended, excluded, barred or sanctioned under the Medicare program, any Medicaid programs, including AHCCCS, or any other federal program for the payment or provision of medical services or any other government licensing agency, and are not listed by any federal agency as barred, excluded or otherwise ineligible for federal program participation.
- 3.1-11 **VERBAL AND WRITTEN COMMUNICATION SKILLS**
Ability to communicate in writing and verbally in the English language in an intelligible manner, and to prepare medical record entries and other required documentation in a legible manner.
- 3.1-12 **PROFESSIONAL LIABILITY INSURANCE**
Evidence of professional liability insurance of a kind and in an amount satisfactory to the Board.
- 3.1-13 **EFFECTS OF OTHER AFFILIATIONS**
No practitioner shall be entitled to appointment, reappointment, or the exercise of particular clinical privileges merely because of:

- (a) Licensure to practice;
- (b) Completion of a postgraduate training program at any Banner facility;
- (c) Certification by any specialty board;
- (d) Membership on a medical school faculty;
- (e) Staff appointment or privileges at another health care facility or in another practice setting; or
- (f) Prior staff appointment or any particular privileges at Medical Center.

3.1-14 **NONDISCRIMINATION**

No aspect of Medical Staff appointment or particular clinical privileges shall be denied on the basis of age, sex, race, creed, color, national origin, a handicap unrelated to the ability to fulfill patient care and required staff obligations, or any other criterion unrelated to the delivery of quality and efficient patient care in the Medical Center, to professional qualifications, to the Medical Center's purposes, needs and capabilities, or to community need.

3.1-15 **EXEMPTIONS FROM QUALIFICATIONS**

Any or all of the above stated requirements for Medical Staff membership may be waived for those practitioners appointed to the honorary and community-based staff and as otherwise provided in these Bylaws. Members of the Medical Staff who were appointed or had applied prior to September 1, 2008 shall be grandfathered with respect to the requirements of Section 3 (except for the requirement that they not be suspended, excluded, barred or sanctioned under federal programs) provided that they comply with the requirements in effect at the time of their application.

3.2 **RIGHTS OF INDIVIDUAL STAFF MEMBERSHIP**

Each staff member, regardless of assigned staff category, shall have the following rights:

- (a) The right to meet with the Medical Executive Committee in the event he/she is unable to resolve a difficulty working with his/her respective department chairman. The member must submit written notice to the Chief of Staff at least two weeks in advance of the regular meeting;
- (b) The right to challenge any rule or policy established by the Medical Executive Committee by presentation to the Medical Executive Committee of a petition signed by 10% of the Active Staff. Upon receipt of such a petition, the Medical Executive Committee will provide information clarifying the intent of the rule or policy or schedule a meeting to discuss the issue;
- (c) The right to request a department meeting when a majority of members in a section or specialty believe that the department has not acted appropriately;
- (d) The right to request a hearing pursuant to the Fair Hearing Plan in the event that reviewable corrective action is taken.
- (e) The right to request a review by the Medical Executive Committee in the event that nonreviewable corrective action is taken.

3.3 **BASIC OBLIGATIONS OF INDIVIDUAL STAFF MEMBERSHIP**

Each staff member, regardless of assigned staff category, and each practitioner exercising temporary privileges under these Bylaws, shall:

- (a) Provide patients with continuous care at the level of quality and efficiency generally recognized as appropriate;
- (b) Abide by the Banner Health Bylaws, these Bylaws, department rules and regulations, and all other standards and policies of the Board, the Medical Staff and Medical Center;
- (c) Discharge such staff, committee, department, and Medical Center functions for which he or she is responsible, including review and supervise the performance of other practitioners and serve on the on-call roster for charity, unassigned, and emergency patients;

- (d) Prepare and complete in timely fashion, according to these Bylaws and to Medical Center policies, the medical and other required records for all patients to whom the practitioner provides care in the Medical Center, or within its facilities, services, or departments;
- (e) Communicate with patients and make entries in Medical Center medical records solely in accordance with, and to the extent authorized by, Medical Staff Rules and Regulations;
- (f) Arrange for appropriate and timely medical coverage and care for patients for whom he or she is responsible and to obtain consultation when necessary for the safety of those patients;
- (g) Participate in continuing education programs;
- (h) Use confidential information only as necessary for treatment, payment or healthcare operations in accordance with HIPAA laws 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 Banner Health's business information designated as confidential by Banner Health or its representatives prior to disclosure;
- (i) refrain from disclosing confidential information to anyone unless authorized to do so;
- (j) Protect access codes and computer passwords and to ensure confidential information is not disclosed;
- (k) 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 the Medical Center;
- (l) Refrain from making treatment recommendations/decisions for economic benefit of the practitioner and unrelated to requirements of patients' insurance plans, including refraining from transferring patients to facilities where the practitioner, his/her group or his/her employer has an ownership interest when appropriate services are available on the Medical Center campus; and
- (m) Disclose to a patient any direct financial interest that the practitioner, his/her group or his/her employer has in a separate diagnostic or treatment facility prior to transferring the patient to such facility.
- (n) Each member of the Medical Staff is expected to comply with all governmental laws and regulations relating to the provision of medical services, and to conduct his/her practice in the Medical Center at all times in a manner that will satisfy all standards, requirements and conditions necessary for the Medical Center to maintain licensure, accreditation and certification for participation in all applicable governmental and private payment programs to which it is a party.

3.4 **TERM OF APPOINTMENT**

Appointments to the Medical Staff and grants of clinical privileges are for a period not to exceed two years.

3.4-1 **EXPIRATION**

- (a) The appointment of each staff member shall expire every two years on the last day of the birth month of the practitioner, except as provided below.
- (b) The Board, after considering the recommendations of the Medical Executive Committee, may set a more frequent reappraisal period for the exercise of particular privileges in general or for a staff member who has an identified impairing disability, has been the subject of disciplinary action, or is under investigation or where further evaluation is pending.

3.5 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

Every applicant to and member of the Medical Staff agrees that when corrective action is initiated or taken or when a recommendation is made by any committee or any person acting on its behalf, the effect of which is to deny, revoke, or otherwise limit the privileges or membership of the applicant or member, such applicant

or member must exhaust the administrative remedies afforded in these Bylaws (and Fair Hearing Plan) prior to initiating litigation.

3.6 LIMITATION OF DAMAGES

Every applicant to and member of the Medical Staff agrees that his or her sole remedy for any adverse or corrective action taken under these Bylaws and the Fair Hearing Plan shall be the right to seek injunctive relief pursuant to ARS 36-445 et. seq. An alleged breach of any provision of these Bylaws and/or Fair Hearing Plan shall eliminate any right to monetary relief from the Medical Staff, the Medical Center or any third party, including any employee, agent or member of the Medical Staff or the Medical Center and any person engaged in peer review activities.

3.7 RESIGNATIONS

Resignations from the Medical Staff require fifteen (15) days written notice. All bylaws, rules and regulations, policies and obligations, including Emergency Department on-call assignments, shall continue to apply in the interim period.

3.8 PRACTITIONERS PROVIDING CONTRACTUAL PROFESSIONAL SERVICES BY CONTRACT OR EMPLOYMENT

3.8-1 QUALIFICATIONS

A practitioner who is or who will be providing professional patient care services pursuant to a contract or employment with the Medical Center must meet the same appointment qualifications, must be evaluated for appointment, reappointment, and clinical privileges in the same manner, and must fulfill all of the obligations of the assigned category as any other staff member. This section shall not apply to outside practitioners assisting the Medical Staff with its peer review functions.

- (a) Practitioners rendering professional services pursuant to employment or contracts with the Medical Center shall be required to maintain Medical Staff membership and privileges.
- (b) Termination of such employment or contracts shall not result in automatic termination of Medical Staff membership and privileges unless otherwise provided in the applicable contract for professional services.
- (c) The CEO will inform the Medical Executive Committee upon establishment of a full-time or part-time contracted or employed group or physician position.

3.9 EXCLUSIVE CONTRACTS

The Medical Center may enter into an Exclusive Agreement with members of the Medical Staff which limit the rights of other practitioners to exercise some or all of the clinical privileges and/or the rights and prerogatives of Medical Staff membership previously granted to them. Such Agreements may only be entered into after a determination that expected improvements to and or continuation of the quality of care, coverage, cost-efficiency and service excellence will outweigh the anticompetitive effect of the Agreement, as required by the Board's Physician Exclusive Agreements policy. No reporting is required under federal or state law when a practitioner's privileges or membership are limited because an Exclusive Agreement is entered into, and no such reports shall be made.

3.9-1 REVIEW OF POSITIONS

- (a) Prior to entering into an Exclusive Agreement for a program or service not previously covered by an Exclusive Agreement, and prior to renewing or transferring an Exclusive Agreement, the CEO shall explain to the Medical Executive Committee the need for, and expected benefits of, the Exclusive Agreement.
- (b) The Medical Executive Committee shall give Medical Staff members whose privileges may be adversely affected by the establishment or modification of the Agreement an opportunity to submit written information to the Medical Executive Committee regarding the impact the establishment of

the Agreement would have on the quality of patient care to be provided and/or why the Agreement is not necessary to achieve the expected benefits.

- (c) The Medical Executive Committee shall be given an opportunity to report its findings to the CEO before the Exclusive Agreement is entered into, renewed or transferred. The report shall be limited to information relating to the impact the Agreement would have on quality of care, including information relating to the qualifications of the practitioners who would be providing services under the Agreement, and whether the Agreement is necessary to achieve the expected benefits. The report must be submitted, if at all, within 60 days of when the CEO provided the Medical Executive Committee with an explanation of the need for, and expected benefits of, the Agreement. The CEO is ultimately responsible for determining, at his/her discretion, whether to enter into, renew or transfer the Agreement.
- (d) In the event the Medical Executive Committee disagrees with the decision of the CEO to enter into, renew or transfer an Exclusive Agreement, the Medical Executive Committee may request that the decision be reviewed by a Joint Conference Committee as set forth in Section 14.1. The request must be made, if at all, within 10 days of when the Medical Executive Committee's receives notification of the CEO's decision.

3.10 **MEDICAL DIRECTORS**

A medical director is a practitioner engaged by the hospital either full or part-time in an administrative capacity in accordance with Article Six of these Bylaws. Where provided for by contract, a medical director's responsibilities shall include assisting the Medical Staff to carry out its peer review and quality improvement activities. Medical Directors must continuously satisfy the qualifications and complete the requirements set forth in Section 3.1.

3.11 **GRADUATE MEDICAL EDUCATION**

Participants in approved training programs in Banner Del E. Webb Medical Center, in the role of a medical student, intern, resident and/or fellow are not credentialed as members of the Medical Staff and provide patient care/services within the scope of individual competency and prescribed program structure. Each participant shall be supervised, as defined in Administrative policies or the Banner/St. Joseph's Geriatric Fellowship Policy on Fellow/Resident Responsibilities, by the assigned attending and/or teaching staff members of the Medical Staff.

3.12 **CHIEF MEDICAL OFFICER**

The Chief Medical Officer shall automatically be granted Active Staff membership. The Chief Medical Officer need not remain in the active practice of medicine, and need not comply with the applicable requirements in Section 3.1. The Chief Medical Officer shall have Medical Staff leadership and peer review responsibilities as delegated by the Medical Executive Committee including, but not limited to, responsibility for reviewing care, conducting investigations, identifying trends and resolving issues.

3.13 **CREDENTIALING PROCESS**

Applicants for appointment and reappointment will be processed in accordance with the Credentialing Procedures Manual.

ARTICLE FOUR: MEDICAL STAFF CATEGORIES

4.1 **CATEGORIES**

There will be four categories of appointment to the staff; active, courtesy, affiliate and referring.

4.2 **ACTIVE STAFF**

4.2-1 **QUALIFICATIONS FOR ACTIVE STAFF**

The active staff shall consist of physicians who demonstrate a genuine concern, interest, and activity in the Medical Center through substantial involvement in the affairs of the Medical Staff or Medical Center or are regularly involved in the care of patients in the Medical Center facilities.

Active staff must admit or otherwise be involved in a minimum of twenty-five (25) patient admissions, consultations or inpatient/outpatient procedures at the Medical Center per calendar year or must be able to document he/she has made a significant contribution to support the Medical Center's patient care mission to the satisfaction of the Medical Executive Committee. For purposes of satisfying the patient contact requirements described in the preceding sentence, being involved in the care of patients treated at outpatient surgical centers affiliated with the Medical Center shall be counted. Active Staff status may be requested, when qualifications are met, any time after the first provisional year.

4.2-2 **PREROGATIVES OF ACTIVE STATUS**

An active staff member may:

- (a) Admit patients, except as set forth in department rules and regulations, privilege criteria and Medical Center admission policies.
- (b) Exercise such clinical privileges as are granted by the Board.
- (c) Vote on all matters presented at general and special meetings of the Medical Staff and of the department and committees of which he or she is a member; and
- (d) Hold office at any level in the staff organization and be chairman or a member of a committee provided the specific qualifications for the position involved are met and except as otherwise provided in these Bylaws or by resolution of the Medical Executive Committee.

4.2-3 **OBLIGATIONS OF ACTIVE STATUS**

An active staff member must, in addition to meeting the basic obligations set forth in these Bylaws, including in Section 3.3:

- (a) Contribute to organizational, administrative, quality and patient safety reviews, and utilization management activities of the Medical Staff, and faithfully perform the duties of any office or position to which elected or appointed; and
- (b) Pay all staff dues and assessments as required.

4.2-4 **FAILURE TO SATISFY QUALIFICATIONS**

Failure of an active staff member to satisfy the qualifications or obligations of the active staff category for any reappointment period may result in reassignment to another staff category or corrective action where appropriate. A practitioner who feels he or she has unjustly been removed from the active staff category may request reconsideration of the change by the Medical Executive Committee.

4.3 **COURTESY STAFF**

4.3-1 **QUALIFICATIONS**

The Courtesy Staff shall consist of physicians who admit patients to the Medical Center only on an occasional basis or are only occasionally involved in the affairs of the Medical Staff or Medical Center. Practitioners, who practice remotely in any fashion, will be appointed to the Courtesy category (i.e. telemedicine, teleradiology).

4.3-2 **PREROGATIVES**

A Courtesy Staff member may:

- (a) Admit patients, except as set forth in department rules and regulations, privilege criteria and Medical Center admission policies;
- (b) Exercise such clinical privileges as have been granted by the Board;

- (c) Demonstrate his/her continued clinical competency to provide care to patients treated at the Medical Center by providing information regarding current experience, clinical results and utilization practice patterns at either the Medical Center or other hospitals or outpatient surgical centers;
- (d) Be appointed to committees unless otherwise provided by these Bylaws; and
- (e) Vote on matters presented at committees to which he or she has been appointed and at department meetings unless otherwise limited by these Bylaws or by department rules and regulations.

4.3-3 OBLIGATIONS

A Courtesy Staff member must meet the basic obligations set forth in these Bylaws, including the applicable provisions of Section 3.3, and pay all staff dues and assessments.

4.3-4 CHANGE IN STAFF CATEGORY

Upon request or at the time of reappointment, Courtesy Staff members may be advanced to the active staff category if the qualifications set forth in 4.2-1 are satisfied. Failure to demonstrate treatment of patients in a Hospital setting during two reappointment periods may result in a practitioner reverting to community-based or referring category.

4.4 AFFILIATE STAFF

4.4-1 QUALIFICATIONS

The Affiliate Staff shall consist of dentists (not including oral surgeons), podiatrists and psychologists who treat patients at the Medical Center or who are involved in the affairs of the Medical Staff or Medical Center.

4.4-2 PREROGATIVES

An Affiliate Staff member may:

- (a) Exercise such clinical privileges as have been granted by the Board;
- (b) Demonstrate his/her continued clinical competency to provide care to patients treated at the Medical Center by providing information regarding current experience, clinical results and utilization practice patterns at either the Medical Center or other hospitals or outpatient surgical centers;
- (c) Be appointed to committees unless otherwise provided by these Bylaws; and
- (d) Vote on matters presented at committees to which he or she has been appointed and at department meetings unless otherwise limited by these Bylaws or by department rules and regulations.

4.4-3 OBLIGATIONS

An Affiliate Staff member must meet the basic obligations set forth in these Bylaws, including the applicable provisions of Section 3.3, and pay all staff dues and assessments.

4.4-4 CHANGE IN STAFF CATEGORY

Failure to demonstrate treatment of patients in a Hospital setting during two reappointment periods may result in a practitioner reverting to community-based or referring category.

4.5 REFERRING CATEGORY

4.5-1 QUALIFICATIONS

The Referring Staff shall be composed of physicians who do not apply or are not eligible for clinical privileges. Members of the Referring Staff must meet all minimum eligibility requirements for

Medical Staff membership with the exception of Board certification. Annual medical staff dues will be waived for this category.

4.5-2 **RESPONSIBILITIES**

Each member of the Referring Staff must provide the name(s) of a physician(s) (who must be an appointee to the Medical Staff with clinical privileges) who agrees to accept those of the Referring Staff member's patients that present to the Emergency Department or require admission. The Referring Staff member must update covering physician information with the hospital immediately if the agreement terminates or if the Referring Staff member changes covering physicians.

4.5-3 **PREROGATIVES**

Appointees to the Referring Staff may not admit patients, treat patients, or write orders for patient care. Appointees to the Referring Staff shall not be eligible to vote, hold office or hold committee chairmanships. If a Referring Staff member desires full staff status and clinical privileges, the practitioner must complete the full credentialing process and meet all eligibility requirements for clinical privileges as outlined in these bylaws.

4.6 **COMMUNITY-BASED PHYSICIANS**

Community-based physicians are physicians who request Medical Center services for their patients and wish to be affiliated with the Medical Center. Community-based physicians are not members of the Medical Staff and do not have clinical privileges at the Medical Center.

4.6-1 **QUALIFICATIONS**

Physicians seeking to affiliate with the Medical Center must apply for community-based status and provide evidence of the following qualifications:

- (a) Arizona licensure in good standing;
- (b) Ability to participate in Medicare/AHCCCS and other federally funded health programs;

4.6-2 **PREROGATIVES**

The prerogatives of community-based physicians are to:

- (a) Order Medical Center outpatient diagnostic services for patients;
- (b) Access Medical Center information, via Clinical Connectivity, for their own patients;
- (c) Attend Continuing Medical Education programs at the Medical Center.
- (d) Receive Medical Staff Newsletters and other BDWMC Publications.
- (e) Attend department and general staff meetings.

4.6-3 **OBLIGATIONS**

Community-based physicians must agree to use Medical Center patient information only as necessary for treatment, payment or healthcare operations in accordance with HIPAA laws and regulations.

Denial or termination of community-based status: Community-based physicians or physicians seeking community-based status are not entitled to due process rights under the Fair Hearing Plan. A physician who believes he or she was wrongly denied community-based status or whose status was terminated may submit information to the Medical Executive Committee, demonstrating why the denial or termination was unwarranted. The Medical Executive Committee, in its sole discretion, shall decide whether to review the submission. The physician has no appeal or other rights in connection with the Medical Executive Committee's decision.

4.7 **HONORARY STAFF**

4.7-1 **QUALIFICATIONS**

Membership on the honorary staff is by invitation and is restricted to staff members for whom the Medical Executive Committee recommends and the Board approves this status in recognition of long-standing service to the Medical Center or other noteworthy contributions to its activities.

4.7-2 **PREROGATIVES**

Honorary staff members shall not be eligible to vote on matters presented to the staff nor to hold elected office; are not required to have malpractice insurance or a license to practice; are exempt from the reappointment process; and are not required to pay dues or assessments. Honorary staff members are not allowed to admit or treat patients or to consult.

ARTICLE FIVE: DELINEATION OF PRACTICE PRIVILEGES

5.1 **EXERCISE OF PRIVILEGES**

5.1-1 **IN GENERAL**

Documentation of orientation to the Medical Center will be required for those practitioners joining the staff after September 2009. Exceptions may be made for practitioners granted temporary or disaster privileges. Except in an emergency, a practitioner providing clinical services at the Medical Center may exercise only those clinical privileges specifically granted.

5.1-2 **PRIVILEGES IN EMERGENCY SITUATIONS**

In an emergency in which serious permanent harm or aggravation of injury or disease is imminent, or in which the life of a patient is in immediate danger and any delay in administering treatment could add to that danger, any practitioner is authorized to the degree permitted by the practitioner's license, to do everything possible to save the patient's life or to save the patient from serious harm, regardless of department affiliation, staff category, or privileges. A practitioner providing such emergency services outside the scope of granted privileges is obligated to summon all consultative assistance deemed necessary and to arrange for appropriate follow-up care.

5.1-3 **EXPERIMENTAL PROCEDURES**

Experimental drugs, procedures, or other therapies or tests (Experimental Procedures) may be performed only after approval of the involved protocols by the Banner Institutional Review Board. Any Experimental Procedure may be performed only after the regular credentialing process has been completed and the privilege to perform or use such procedure has been granted to the practitioner.

5.2 **PROCEDURE FOR DELINEATING PRIVILEGES**

5.2-1 **REQUESTS**

Each application for appointment and reappointment must contain a request for the specific clinical privileges desired by the practitioner. Specific requests must also be submitted for modifications of privileges in the interim between reappointment periods. All requests for clinical privileges will be processed in accordance with the procedures set forth in the Credentialing Manual.

5.2-2 **SUPERVISION**

Whenever a practitioner is required by the Medical Staff to be supervised, the practitioner is responsible for making these arrangements. After completion of such supervision requirements, the practitioner may request unsupervised privileges, which must be recommended by the Medical Executive Committee and approved by the Board.

5.3 **BASIS FOR PRIVILEGES DETERMINATIONS**

Clinical privileges shall be granted in accordance with education and training, experience, current licensure, utilization practice patterns, current health status, and demonstrated competence and judgment to provide quality and appropriate patient care in an efficient manner as documented and verified in each practitioner's credentials file. Additional factors that may be used in determining privileges include those qualifications set forth in Section 3.1. Where appropriate, review of the records of patients treated in other hospitals or practice settings may also serve as the basis for privileges determination(s). In reappointment determinations, results of quality and performance improvement and utilization review, supervised cases, and where appropriate,

practice at other hospitals will also be considered. In review of requests for changes in privileges, evidence of appropriate training and experience and current clinical competence must be documented.

5.4 PRIVILEGE DECISION NOTIFICATION

The decision to grant, limit, or deny an initially requested privilege or an existing privilege petitioned for renewal shall be communicated to the requesting practitioner within three weeks of the Board's action. In the case of privilege denial, the applicant shall be informed of the reason for denial. The decision to grant, deny, revise, or revoke privilege(s) shall be disseminated and made available to all appropriate internal and/or external persons or entities.

5.5 PRIVILEGES FOR NEW PROCEDURES

Departments will consider new technologies and procedures to determine whether the privilege to use such technologies or perform such procedures is subsumed under existing core or other privileges or requires additional education and training, experience and demonstrated competence and/or new staff competencies. Physicians desiring to utilize new technologies or perform new procedures may do so once the Medical Executive Committee has considered and approved the department's recommendation to create/not create new criteria for privileges and, where new criteria are established, has determined that the physician has demonstrated that he/she has the necessary qualifications. The Medical Executive Committee's determination is subject to ratification by the Banner Board.

5.6 ESTABLISHMENT OF PRIVILEGES FOR INTERDISCIPLINARY PROCEDURES

5.6-1 REQUEST FOR PRIVILEGES

As a result of emerging technology, practitioners in different specialties may be qualified by training, demonstrated competence, and judgment to perform procedures traditionally under the jurisdiction of one department. In the event that a practitioner requests privileges to perform a procedure not currently within the jurisdiction of his or her department, the practitioner will notify the Chief of Staff in writing. The notice must contain basis for such practitioner's determination that he or she is qualified for the requested privileges, including proof of training and number of procedures performed.

5.6-2 DETERMINATION OF APPROPRIATENESS

The Chief of Staff, with the approval of the Medical Executive Committee, will establish an interdisciplinary Ad Hoc Committee or request the Professional Review Committee to evaluate the request. The Chairman of the Committee shall be a disinterested party currently not performing these procedures. The Committee shall give the affected practitioner and other interested persons an opportunity for an interview. After receipt of the Committee's report, the Medical Executive Committee will recommend to the Board whether inter-disciplinary privileges are appropriate and, if applicable, the criteria and process for granting such privileges.

5.7 SPECIAL CONDITIONS

5.7-1 ORAL SURGEONS AND DENTISTS

Surgical procedures performed by oral surgeons and dentists are under the overall supervision of the Chairman of the Department of Surgery. Dentists are responsible for that portion of their patients' history and physical examinations related to dentistry. An oral surgeon who meets the requisite qualifications may be granted the privilege of performing a history and physical examination and assessing the medical risks of the proposed procedure to the patient but only in those instances where the patient has no known current unrelated medical problems. Where any medical problems exist, a physician member of the Medical Staff must perform a basic medical appraisal on such patient, must determine the risk and effect of any proposed surgical or special procedure, and must be responsible for the care of any medical problem that may be present at admission or that may arise during hospitalization. When significant medical abnormality is present, the final decision whether to proceed must be agreed upon by the oral surgeon or dentist and the physician consultant. The chairman of the Department of Surgery will decide the issue in case of dispute. Where the patient is an inpatient, the oral surgeon or dentist must arrange for a physician member of the Medical Staff to be an attending physician. (Per DHS reg R9-10-207)

5.7-2 **PODIATRISTS**

Surgical procedures performed by a podiatrist are under the overall supervision of the Chairman of the Department of Surgery. A podiatrist may write orders. Podiatric inpatients and outpatients must receive a complete medical history and physical examination by a physician who is permitted by the applicable State scope of practice laws or regulations to perform the examination that is applicable to the care to be provided by the podiatrist. Podiatrists are responsible for that portion of their patient's history and physical examinations. Appropriate consultation will be requested as required by patient's condition.

5.7-3 **CLINICAL PSYCHOLOGY PRIVILEGES**

The exercise of privileges in Psychology will be in conjunction with appropriate physician Staff members. Clinical psychologists shall not have privileges to admit patients to the Medical Center, but shall see patients upon the request and recommendation of physician members of the Medical Staff.

5.7-4 **EMERGENCY PRIVILEGES**

In the event of an emergency, which threatens life or permanent injury, a practitioner shall do everything possible as permitted by licensure to treat the patient, regardless of departmental affiliation, Staff category, or level of privileges. A practitioner exercising emergency privileges shall as expeditiously as possible obtain appropriate consultative assistance and arrange for appropriate follow-up care.

5.8 **TEMPORARY PRIVILEGES**

5.8-1 **CONDITIONS**

Temporary privileges may be granted only in the circumstances and under the conditions described below, only to an appropriately licensed practitioner, only when the information available substantially supports a favorable determination regarding the requesting practitioner's qualifications, and only after the practitioner has satisfied the professional liability insurance requirement of these Bylaws. Special requirements of supervision and reporting may be imposed by the Chief of Staff or department chairman. Under all circumstances, the practitioner requesting temporary privileges must agree to abide by these Bylaws and the policies of the Medical Staff and Medical Center.

5.8-2 **CIRCUMSTANCES**

Upon the recommendation of the Chief of Staff, department chairman, and Credentials Committee chairman or their respective designees, the CEO or designee may grant temporary privileges in the following circumstances:

- (a) Application pending final action: Temporary privileges may be granted to an applicant who has submitted a complete application that has been verified and raises no concerns, has been approved by the Credentials Committee and Department Chairman, and is awaiting review and approval of the Medical Executive Committee and the Board.

Temporary privileges may be granted to an applicant for an initial period not to exceed 90 days. One extension may be granted for an additional period not to exceed 90 days. Any such renewal shall be made by the Department Chairman when the information available continues to support a favorable determination regarding the practitioner's application for membership and privileges. Under no circumstances may such privileges be granted or renewed if the application is still pending because the applicant has not responded in a satisfactory manner to a request for clarification of a matter or for additional information.

- (b) Specific Patient Care Need:

- 1. One Time Request: Temporary privileges may be granted to a practitioner for the care of a specific patient when he or she has a required skill not provided by another

credentialed practitioner. The request for specific privileges and the patient care need must be documented. Verification of appropriate licensure, adequate professional liability insurance, DEA Registration, if applicable, documentation to meet privilege criteria and board certification requirements, and review of the criminal background check and National Practitioner Data Bank (NPDB) report will be performed prior to the granting of temporary privileges except where patient need requires otherwise. Such temporary privileges may not be granted to a practitioner more than three (3) times in any 12 month period after which the practitioner must apply for staff appointment. Such privileges shall be in effect for a specific period of time, but in no case for a time to exceed ninety (90) days or at time of the patient's discharge, whichever comes first. One additional period of ninety (90) days, or at time of the patient's discharge, whichever comes first, for temporary privileges may be granted upon recommendation by the Chief of Staff or designee. The individual must fully and completely agree to abide by the provisions of the Bylaws, Rules and Regulations Policy Manual, as well as the appropriate Department Rules and Regulations.

2. Coverage of Service: In special circumstances where a service is not adequately covered to meet patient care needs, temporary privileges may be granted upon receipt of application and verification of the following information: appropriate licensure, adequate professional liability insurance, DEA Registration, if applicable, education and training, NPDB, Criminal Background Check, and documentation required to meet privilege criteria. Temporary privileges granted under these circumstances constitute the exception rather than the norm, and cannot be utilized for the sake of physician convenience. Temporary privileges will be considered on an individual basis for a period not to exceed 90 days.
3. Additional Privileges: Temporary privileges to perform specific procedures which have been approved to be performed at the Medical Center but for which the member has not previously been granted privileges may be granted, but only after the member has applied for such privileges and provides documentation of appropriate training and current clinical competence. Temporary privileges for specific additional procedures may not be granted more than once and may not be granted for a period of more than 90 days.

5.8-3 **TERMINATION**

The CEO, Chief of Staff, department chairman, or Credentials chairman may terminate any or all of a practitioner's temporary privileges on the discovery of any information or the occurrence of any event of a nature that raises a question about a practitioner's professional qualifications. In the event of such termination, the practitioner's patients then in the Medical Center will be assigned to another practitioner. The wishes of the patient will be considered, where feasible, in choosing a substitute practitioner.

5.8-4 **RIGHTS OF THE PRACTITIONER**

A practitioner is not entitled to the procedural rights afforded by these Bylaws or the Fair Hearing Plan because a request for temporary privileges is refused in whole or in part or because all or any portion of the temporary privileges are terminated, not renewed, restricted, suspended, or limited in any way.

5.9 **DISASTER PRIVILEGES**

- 5.9-1 Temporary disaster privileges may be granted by the CEO or designee only when the following two conditions are present: the emergency management plan has been activated, and the organization is unable to meet immediate patient needs. In order for volunteers to be considered eligible to act as licensed independent practitioners, the following information will be obtained: a valid government-issued photo ID from a state or federal agency, such as a driver's license or passport, and at least one of the following:

- (a) Current picture Medical Center ID card with professional designation
- (b) Current license to practice (primary source verified)
- (c) Identification indicating the volunteer is a member of a DMAT or other recognized entity
- (d) Authorization by federal or state entity indicating authority to render care during disaster
- (e) Identification by a current Medical Center employee or Medical Staff member with personal knowledge of ability of the volunteer to act independently during a disaster.

5.9-2 Primary source verification of licensure will begin as soon as the immediate situation is under control, and must be completed within 72 hours (or as soon as possible) from the time the volunteer begins working at the Medical Center. If not verified within 72 hours, the reason must be documented.

5.9-3 Oversight of the professional performance of volunteer practitioners who receive disaster privileges (e.g. direct observation, mentoring, clinical record review) will be the responsibility of the Chief of Staff or Appropriate Department Chairman, or other designee.

5.9-4 The CEO or designee will decide within 72 hours whether continuation or renewal of the disaster privileges is indicated. This decision is based upon information regarding the professional practice of the volunteer.

5.9-5 Volunteer practitioners functioning under disaster privileges will be identified as such by wearing an identification badge provided upon the granting of privileges.

5.9-6 Such privileges may be terminated in accordance with Section 5.8-3. A Practitioner is not entitled to the procedural rights afforded by these Bylaws or the Fair Hearing Plan because a request for temporary disaster privileges is refused or because such privileges are terminated or otherwise limited.

5.10 **TELEMEDICINE AND TELERADIOLOGY PRIVILEGES**

5.10-1 The Medical Executive Committee shall determine which patient care, treatment, and services may be provided by practitioners through a telemedicine link. The clinical services offered must be consistent with commonly accepted quality standards.

5.10-2 Practitioners providing care, treatment, and services of a patient via telemedicine link are subject to the credentialing and privileging processes of the Medical Center. The practitioner may be privileged at the Medical Center using credentialing information from **another Banner facility** if the application meets quality standards as determined by the Medical Staff. Under this option, the Medical Center would obtain and utilize the other Banner facility's primary source verified information including, but not limited to, licensure, education, training, the ability to perform privileges requested, and health status. The Medical Center will re-verify licensure and perform a query of the National Practitioner Data Bank and Criminal Background Screening. The information will be used for decision making in regard to granting of telemedicine privileges. The application approval process outlined in the Credentialing Procedures Manual will apply.

5.10-3 The Medical Executive Committee shall continually evaluate the Medical Center's ability to provide these services safely, and must evaluate the performance of the services by practitioners at reappointment, renewal, or revision of clinical privileges.

ARTICLE 6: CORRECTIVE ACTION

6.1 **CRITERIA FOR INITIATING CORRECTIVE ACTION**

An investigation or a corrective action may be initiated against a practitioner if it appears that the practitioner does not meet the standards required by these Bylaws or any applicable Medical Staff Rules, Regulations or

policies, or if the practitioner is or may be engaged in a course of conduct, either within or outside the Medical Center, that is detrimental to patient care or lower than the standards or aims of the Medical Staff.

6.2 PROCEDURES FOR INITIATING AN INVESTIGATION LEADING TO POSSIBLE CORRECTIVE ACTION

- (a) A request for an investigation and/or corrective action may be submitted to the Chief of Staff by any member of the Medical Staff, the CEO or designee, or the Board. The request must be in writing and must be supported by reference to the specific activities or conduct forming the basis for the request. The Chief of Staff shall notify the practitioner of the general nature of the request orally or in writing and may communicate additional information regarding the request. The Chief of Staff may notify the Medical Executive Committee if the matter is, in his or her opinion, plainly without merit. The Medical Executive Committee may dismiss such matter with a notation on its record to that effect. If the matter may have merit, the Chief of Staff shall refer the request to the Professional Review Committee.
- (b) The Professional Review Committee or subcommittee thereof ("Professional Review Committee") shall consider the request and determine if an investigation is warranted. The Professional Review Committee may use one or more "evaluation tools" described below to determine if an investigation is warranted, or where an investigation is undertaken, these evaluation tools may be used to determine whether corrective action is necessary. The use of evaluation tools does not constitute an investigation. Evaluation tools include an interview with the practitioner, concurrent or retrospective chart review, concurrent observation and/or consultation requirements. A practitioner's refusal to cooperate in an evaluation constitutes grounds for automatic suspension pursuant to Section 6.6-10 of these Bylaws. The practitioner has the right to an interview if he/she believes the Professional Review Committee should reconsider the use of any such evaluation tool. However, the practitioner is not entitled to the procedural rights afforded by these Bylaws or the Fair Hearing Plan because of the use of such tools.
- (c) Certain matters that may lead to corrective action are routinely considered by each Medical Staff department and/or the Professional Review Committee as a part of their ongoing quality and performance improvement, clinical, administrative, and educational functions. When, as a result of fulfilling these functions, information comes to the attention of the department or the Professional Review Committee, the Professional Review Committee shall conduct a review as set forth herein.

6.3 PROCEDURE FOR PROFESSIONAL REVIEW

- (a) Within 60 days of the determination by the Professional Review Committee that corrective action may be warranted, the Professional Review Committee shall conclude an investigation and document its findings. If the findings warrant that corrective action be taken, the affected practitioner shall have an opportunity for an interview with the Professional Review Committee. This interview shall not constitute a hearing, shall be preliminary in nature, and none of the procedural rules provided in these Bylaws or the Fair Hearing Plan shall apply thereto, including the right to be accompanied by counsel. A record of such interview shall be made and included with its report. In certain instances, an investigation by the Professional Review Committee may not be concluded within 60 days. In such instances, the investigation shall be concluded as soon as reasonably practical. The affected practitioner shall have no procedural rights arising out of such delay. A sixty (60) day interim report from the Professional Review Committee Chairman must be made to the Department Chairman and the Medical Executive Committee stating the estimated completion date.
- (b) After its deliberations, the Professional Review Committee will make its recommendation, and if adverse, shall forward it to the Medical Executive Committee. The Medical Executive Committee shall review the recommendation to determine whether it is supported by substantial evidence and whether the Bylaws were followed. If the Medical Executive Committee recommends corrective action that is reviewable, the affected practitioner shall be given notice and a right to a hearing as set forth in these Bylaws and the Fair Hearing Plan.

6.4 **SUMMARY SUPERVISION**

6.4-1 **INITIATION**

Whenever criteria exist for initiating corrective action pursuant to this Article, the practitioner may be summarily placed under supervision concurrently with the initiation of professional review activities and until such time as a final determination is made regarding his or her privileges. The Chief Executive Officer or designee and one of the following individuals in concert shall have the right to impose supervision:

- (a) Chief of Staff or designee;
- (b) Member of the Professional Review Committee;
- (c) Applicable department chairman or designee;

6.4-2 **REVIEW BY THE PROFESSIONAL REVIEW COMMITTEE**

A practitioner whose clinical privileges have been placed under summary supervision by any two individuals identified in Section 6.4-1 shall be entitled to request a review of the summary supervision by the Professional Review Committee or a subcommittee thereof having no less than three (3) members.

This right to a review does not apply to supervision imposed by a department committee under Section 5.2-2. The review must be requested, if at all, within 15 business days of the practitioner's receipt of notice of the supervision. Such review shall take place within 15 days of the request for review. Upon deliberation, the Professional Review Committee or subcommittee thereof may direct that summary supervision be terminated or continued.

6.5 **SUMMARY SUSPENSION**

6.5-1 **INITIATION**

Whenever immediate action must be taken in the best interest of patient care in the Medical Center or to prevent imminent danger to the health of any individual, the Chief Executive Officer or designee and one of the following shall have the right to summarily suspend membership and all or any portion of the clinical privileges of a practitioner:

- (a) Chief of Staff or designee;
- (b) Member of the Professional Review Committee;
- (c) Applicable department chairman or designee

A summary suspension is effective immediately upon imposition and until such time as a final decision is made regarding the practitioner's privileges. Summary suspension shall be followed promptly by special notice to the affected practitioner.

6.5-2 **REVIEW BY THE PROFESSIONAL REVIEW COMMITTEE**

A practitioner whose clinical privileges have been summarily suspended shall be entitled to request a review of the summary suspension by the Professional Review Committee or a subcommittee thereof having no less than three (3) members. The review must be requested within 15 business days of the practitioner's receipt of notice of the suspension. Such review shall take place within 15 business days of the request for review. Upon deliberation, the Professional Review Committee or subcommittee thereof may direct that summary suspension be terminated or continued.

6.5-3 **EXPEDITED HEARING RIGHTS**

In the event summary suspension is continued, special notice of the decision shall be sent to the affected practitioner who may request an expedited hearing pursuant to the Fair Hearing Plan.

6.5-4 **ALTERNATIVE COVERAGE**

Immediately upon imposition of summary suspension, the Chief of Staff, Chairman of the Professional Review Committee, the department chairman or their respective designees shall have the authority to provide for alternative medical coverage for the patients of the suspended

practitioner who remain in the Medical Center. Patients' wishes shall be considered in the selection of an alternative practitioner.

6.6 **AUTOMATIC SUSPENSION OR LIMITATION**

Automatic suspension shall be immediately imposed under the conditions contained in this Section. Alternative medical coverage will be provided for patients as set forth in Section 6.5-4. In addition, further corrective action may be recommended in accordance with the provisions contained within these Bylaws whenever any of the following actions occur:

6.6-1 **LICENSE**

- (a) Revocation: Whenever a practitioner's license to practice in this State is revoked, Medical Staff appointment and clinical privileges are immediately and automatically revoked.
- (b) Restriction: Whenever a practitioner's license is limited or restricted in any way, those clinical privileges that are within the scope of the limitation or restriction are similarly immediately and automatically restricted.
- (c) Suspension: Whenever a practitioner's license is suspended, Medical Staff clinical privileges are automatically suspended for the term of the licensure suspension.
- (d) Probation: Whenever a practitioner is placed on probation by a licensing authority, his or her membership status and clinical privileges shall become subject to the same terms and conditions of the probation.
- (e) Expiration of License: whenever a practitioner's license to practice in this state expires, the practitioner's Medical Staff appointment and clinical privileges shall immediately and automatically expire, unless the practitioner is moved to the honorary staff category

6.6-2 **CONTROLLED SUBSTANCES REGISTRATION**

Whenever a practitioner's DEA or other controlled substances registration is revoked, restricted, suspended, or has expired, the practitioner's right to prescribe medications covered by the registration is similarly revoked, restricted, or suspended.

6.6-3 **MEDICAL RECORDS**

A temporary suspension of privileges to admit new patients or to schedule new procedures shall be imposed for failure to complete medical records within the time periods established by the Medical Executive Committee. Such suspension shall not apply to patients admitted or already scheduled at the time of the suspension, to emergency patients, or to imminent deliveries. Temporary suspension shall be lifted upon completion of the delinquent records. Temporary suspension shall automatically become a voluntary resignation for failure to complete delinquent records within 60 cumulative days during a calendar year. Affected practitioners may request reinstatement during a period of 30 calendar days following voluntary resignation if the delinquent records have been completed and will be required to pay a \$300 reinstatement fee. Thereafter, such practitioners shall be deemed to have voluntarily resigned from the staff and must reapply for staff membership and privileges.

- (a) The privileges of members of the Allied Health and Ancillary Staff will be suspended in accordance with this Section. The privileges of the supervising physician for any such practitioner will also be suspended in conjunction with the Allied Health or Ancillary Staff practitioner and such supervising physician shall accumulate suspension days for his/her supervised practitioner's incomplete medical records.

6.6-4 **PROFESSIONAL LIABILITY INSURANCE**

A practitioner's Medical Staff appointment and clinical privileges shall be immediately suspended for failure to maintain the minimum amount of professional liability insurance required under Section 3.1-11 of these Bylaws. Affected practitioners may request reinstatement during a period of

90 calendar days following suspension, upon presentation of proof of adequate insurance. Thereafter, such practitioners shall be deemed to have voluntarily resigned from the staff and must reapply for staff membership and privileges.

6.6-5 FREEDOM FROM INFECTIOUS TUBERCULOSIS

A practitioner's Medical Staff appointment and clinical privileges shall be immediately suspended for failure to provide evidence of freedom from infectious tuberculosis as required by law and Medical Center policy. Affected practitioners may request reinstatement during a period of 90 calendar days following suspension upon presentation of evidence of freedom from TB. Thereafter, such practitioners shall be deemed to have voluntarily resigned from the staff and must reapply for staff membership and privileges.

6.6-6 EXCLUSION FROM MEDICARE/STATE PROGRAMS

The CEO with notice to the Chief of Staff will immediately and automatically suspend the Medical Staff privileges of an Excluded Practitioner. The CEO may restore limited privileges to an Excluded Practitioner upon his/her signing an agreement whereby he/she agrees (a) not to provide items or services to patients enrolled in Medicare/State Programs and (b) to indemnify the Medical Center and the Medical Staff for any liability they might have solely as a result of a breach of this agreement. An "Excluded Practitioner" is a practitioner whose name is listed on the then current "list of Excluded Individuals/Entities" maintained by the Office of Inspector General, Department of Health and Human Services or who has been barred from participation in any Medicare/State Program. A "Medicare/State Program" is any federal or state program, including Medicare, Medicaid, AHCCCS, Indian Health Service, or Tricare (formerly Champus).

6.6-7 FAILURE TO SATISFY 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 Section 10.3-3, shall automatically be suspended from exercising all clinical privileges with the exception of emergencies and imminent deliveries. Failure to appear within 3 months of the request to appear shall result in revocation of staff membership and privileges. Thereafter, the affected practitioner must reapply for staff membership and privileges.

6.6-8 FAILURE TO PAY STAFF DUES

A practitioner who fails to pay staff dues as set forth in Section 12.3 shall automatically be suspended from the Medical Staff. If the dues are paid within 30 calendar days of notification of suspension, the practitioner shall be reinstated. Thereafter, such practitioner shall be deemed to have resigned voluntarily from the staff and must reapply for staff membership and privileges.

6.6-9 FAILURE TO EXECUTE RELEASES AND/OR PROVIDE DOCUMENTS

A practitioner who fails to execute a general or specific release and/or provide documents, as set forth in Section 11.4, during a term of appointment when requested by the Chief of Staff, Department Chairman or designee or the Professional Review Committee shall automatically be suspended. If the release is executed and/or documents provided within 30 calendar days of the notice of suspension, the practitioner shall be reinstated. Thereafter, such practitioner shall be deemed to have resigned voluntarily from the staff and must reapply for staff membership and privileges.

6.6-10 FAILURE TO PARTICIPATE IN AN EVALUATION

A practitioner who fails to participate in an evaluation of his/her qualifications for Medical Staff membership and/or privileges as required by Section 11.1 shall automatically be suspended. If, within 30 days of the suspension, the practitioner agrees in writing to participate in the evaluation and does participate constructively, the practitioner shall be reinstated. Thereafter, such practitioner shall be deemed to have resigned voluntarily from the staff and must reapply for staff membership and privileges.

6.6-11 **FAILURE TO COMPLETE ASSESSMENTS AND PROVIDE RESULTS**

A practitioner who fails to complete a required educational assessment and/or training program and/or health (including psychiatric/psychological health) assessment and follow-up treatment or to provide a report of such findings shall automatically be suspended. If the report is provided within 30 calendar days of the notice of suspension, the practitioner shall be reinstated. Thereafter, such practitioner shall be deemed to have resigned voluntarily from the staff and must reapply for staff membership and privileges.

6.6-12 **REMOVAL FROM CALL FOR FINANCIAL CONFLICTS**

A practitioner who transfers patients for medical care to any diagnostic or treatment facility in which the practitioner, his/her group, or his/her employer has a direct financial interest despite available services located on the Medical Center's campus may be removed from Emergency Room call by the CEO, the Chief Medical Officer or the Board absent evidence that the transfer request was initiated by the patient or by the patient's insurance carrier. Removal from call under this Section does not preclude the imposition of other corrective action as a result of inappropriate transfers.

6.6-13 **FAILURE TO BECOME BOARD CERTIFIED**

Except as provided in Section 3.1-3, whenever a practitioner's time period in which to become board certified expires, the practitioner is deemed to have immediately and voluntarily relinquished his/her Medical Staff appointment and clinical privileges.

6.7 **REVIEWABLE ACTIONS**

The following actions are considered reviewable under the Fair Hearing Plan except when a version of the action is considered "non-reviewable" under the subsequent definition.

- (a) Denial of initial Staff appointment.
- (b) Denial of reappointment.
- (c) Revocation of Staff appointment.
- (d) Denial or restriction of requested clinical privileges.
- (e) Reduction in clinical privileges.
- (f) Revocation of clinical privileges.
- (g) Individual application of, or individual changes in, mandatory concurring consultation requirement and
- (h) Suspension of staff appointment or clinical privileges.
- (i) Removal from Staff for refusing to provide information to a Medical Staff Committee and/or Department concerning quality review or care issues.

6.8 **NONREVIEWABLE ACTIONS**

Not every action entitles the practitioner to rights pursuant to the Fair Hearing Plan. Those types of corrective action giving rise to automatic suspension as set forth in Section 6.6 are not reviewable under the Fair Hearing Plan. In addition, the following occurrences are also nonreviewable under the Fair Hearing Plan:

- (a) Imposition of supervision pending completion of an investigation to determine if corrective action is warranted or pending exhaustion of due process rights.
- (b) Issuance of a warning or a letter of admonition or reprimand.
- (c) Imposition of monitoring of professional practices, other than direct supervision, for a period of 6 months or less.

- (d) Termination or limitation of temporary privileges or disaster privileges.
- (e) Termination of any contract with or employment by the Medical Center.
- (f) Any recommendation voluntarily accepted by a practitioner.
- (g) Denial of membership and privileges for failure to complete an application for membership or privileges.
- (h) Removal of membership and privileges for failure to complete supervision within the time period specified in these Bylaws.
- (i) Removal of membership and privileges for failure to complete supervision as may be required by the Medical Executive Committee or the Medical Staff department in which privileges are granted.
- (j) Reduction or change in staff category.
- (k) Refusal of credentials committee, department, or Medical Executive Committee to consider a request for appointment, reappointment, staff category, department assignment, or privileges within one year of a final adverse decision regarding such request.
- (l) Removal or limitation of Emergency Department call obligations.
- (m) Any requirement to complete an educational assessment or training program.
- (n) Imposition of a consultation requirement pending completion of an investigation to determine if corrective action is warranted or pending exhaustion of due process rights.
- (o) Any requirement to complete a health and/or psychiatric/psychological assessment and follow-up treatment recommended by the designated or approved healthcare professional.
- (p) Retrospective chart review.
- (q) Denial, removal or limitation of membership and/or privileges as a result of (1) the decision of the Medical Center to enter into, terminate or modify an exclusive contract for certain clinical services; or (2) the termination or modification of the practitioner's relationship with the exclusive provider.
- (q) Grant of conditional appointment/reappointment **or** appointment/reappointment for a limited duration.
- (r) Automatic suspension of Allied Health/Ancillary Staff membership and privileges due to loss of sponsoring physician.

Where an action that is not reviewable under these Bylaws or the Fair Hearing Plan has been taken against a practitioner, the affected practitioner may request review of the action and may submit information demonstrating why the action is unwarranted. Depending upon the nature of the action and the Committee or individual who took the action, the Medical Executive Committee, the Professional Review Committee or the CEO shall consider the request and decide, in its/his/her sole discretion, whether to review the submission and whether to take or recommend any action. The affected practitioner shall have no appeal or other rights in connection with the Medical Executive Committee's, Professional Review Committee's, or CEO's decision.

ARTICLE SEVEN: GENERAL STAFF OFFICERS

7.1 GENERAL OFFICERS OF THE STAFF

7.1-1 IDENTIFICATION

The general officers of the staff are:

- (a) Chief of Staff
- (b) Vice Chief of Staff
- (c) Immediate Past Chief of Staff (ex officio)
- (d) Secretary-Treasurer

7.1-2 QUALIFICATIONS

Each general officer must:

- (a) Be a member of the active staff at the time of nomination and election and remain a member in good standing during his or her term of office.
- (b) Have demonstrated ability through experience and prior participation in staff activities and be recognized for a high level of clinical competence.
- (c) Have demonstrated a high degree of interest in and support of the Medical Staff and the Medical Center.
- (d) Be able and willing to fully discharge the duties and exercise the authority of the office held and work with the other general and department officers of the Medical Staff, the CEO, and the Board.
- (e) Not have a disabling conflict of interest with the Medical Staff or Medical Center as determined by the Medical Executive Committee.
- (f) File a Statement of Disclosure with the Medical Executive Committee upon taking office and annually while in office.
- (g) Not serve simultaneously as an officer and a department chairman.

7.2 TERM OF OFFICE

The term of office of general staff officers is two years. Officers shall assume office on the first day of January following their election, except that an officer appointed to fill a vacancy assumes office immediately upon appointment and serves for the remainder of the unexpired term. Each officer serves until the end of his or her term and until a successor is elected, unless such officer sooner resigns or is removed from office.

7.3 ELIGIBILITY FOR RE-ELECTION

A general staff officer is eligible for nomination and re-election in succeeding terms.

7.4 NOMINATIONS

7.4-1 NOMINATING COMMITTEE

- (a) The General Officers of the Staff shall serve as the nominating committee. The Nominating Committee will develop a slate of nominees, which shall include at least one candidate for each office. Nominees must disclose interests that potentially compete with the interests of the Medical Staff and/or the Medical Center, including ownership and financial interests in competing facilities or employment or contractual relationships with the Medical Center. At the July meeting of the Medical Executive Committee, the Nominating Committee shall present for information the list of nominations to the Medical Executive Committee and the CEO. The

Secretary shall give written notice of the nominations to all active staff members of the Medical Staff by mail or e-mail within 21 days following presentation to MEC and the CEO.

- (b) Nominations may also be made by petition signed by at least 10% of the Active category. Such petition must be submitted within 14 days following distribution of the original of nominations.

7.5 ELECTIONS, VACANCIES, AND REMOVALS

7.5-1 ELECTION PROCESS

The Medical Executive Committee shall conduct all elections, both regular and special, and shall be in charge of all matters pertaining thereto.

- (a) The Secretary shall mail one official ballot and two official envelopes, with instructions, to each active staff member of the Medical Staff within 14 days after nominations are completed. Potential conflicts of interest shall be noted on the ballot or in a notice enclosed with the ballot. The name of the voting member shall appear on the official outer envelope. The sealed ballot must be returned on or before the date specified in the instructions, which shall be no more than 14 days after the mailing of the ballots. Any ballots received after the designated date shall not be opened and shall not affect the outcome of the election.
- (b) The Secretary, or his/her designee, shall identify the outer envelope as containing the vote of a qualified voter and shall deposit the sealed inner envelope into the ballot box. On the date designated in the ballot instructions, the inner envelopes shall be opened and the ballots counted by the Medical Executive Committee or its designee.
- (c) A majority of the votes cast for any office shall be necessary to elect any officer. If more than two nominees appear on the ballot and no nominee receives a majority of the votes cast, a second vote shall be conducted in the manner stated above between the two candidates receiving the highest number of votes.
- (d) In the case of a tie, when only two nominees appear on the ballot, a majority vote of the Medical Executive Committee shall decide the election.

7.5-2 VACANCIES IN ELECTED OFFICES

In the event of a vacancy in the office of Chief of Staff, the Vice Chief of Staff shall serve for the remainder of the unexpired term. A vacancy in any other general staff office shall be filled by appointment by the Chief of Staff with the approval of the Medical Executive Committee.

7.5-3 RESIGNATIONS AND REMOVAL FROM OFFICE

- (a) Resignations: any officer may resign at any time by giving written notice to the Medical Executive Committee. Such resignation takes effect on the date of receipt or at any later time specified in the notice.
- (b) Removals: removal from office or membership on the Medical Executive Committee may be initiated by the Medical Executive Committee or by petition signed by at least 25% of the active staff members, for failure to maintain qualifications of the office as outlined in Bylaws Section 7.1-2 and/or uphold the duties of the office as outlined in Bylaws Section 7.6 or for any other reason. Such removal shall be considered at a special meeting of the Medical Staff as provided in Section 10.1-2, for the purpose of considering and acting upon the request for removal. Removal shall require a two-thirds vote of the voting members present at the special meeting and shall be effective immediately upon tabulation of the vote by the CEO or his designee.

7.6 DUTIES OF OFFICERS

7.6-1 CHIEF OF STAFF

The chief of staff shall serve as the highest elected officer of the Medical Staff to:

- (a) enforce the Bylaws and implement sanctions where indicated;

- (b) call, preside at, and be responsible for the agenda of all general staff meetings and meetings of the Medical Executive Committee;
- (c) serve as an ex officio member of all other staff committees without vote. If membership in a particular committee is specified by these Bylaws, he or she shall have a vote;
- (d) appoint, with the consultation of the Medical Executive Committee, members for all standing and special Medical Staff or multi-disciplinary committees, and designate the chairman of these committees;
- (e) interact with the CEO and Chief Medical Officer in all matters of mutual concern within the Medical Center;
- (f) represent the views and policies of the Medical Staff to the CEOs;
- (g) be a spokesman for the Medical Staff in external professional affairs; and
- (h) perform such other functions as may be assigned to him or her by these Bylaws, by the Medical Staff, or by the Medical Executive Committee.
- (i) receive and act upon requests of the Medical Staff from the Board;
- (j) at the Board's request, report on the performance and maintenance of quality and patient safety as delegated by the Board to the Medical Staff;
- (k) meet and discuss with the Board Subcommittee any matters of concern to the Medical Staff.

7.6-2 VICE CHIEF OF STAFF

The vice chief of staff shall assume all duties and authority of the Chief of Staff in his or her absence. The vice chief of staff shall be a member of the Medical Executive Committee, and shall perform such other duties as the Chief of Staff may assign or as may be delegated by these Bylaws or by the Medical Executive Committee.

7.6-3 IMMEDIATE PAST CHIEF OF STAFF

The immediate past chief of staff shall be a member of the Medical Executive Committee and shall perform such duties as may be assigned by the Chief of Staff or delegated by these Bylaws or by the Medical Executive Committee.

7.6-4 SECRETARY-TREASURER

The secretary-treasurer shall be a member of the Medical Executive Committee. As secretary, he/she shall determine that accurate and complete minutes of all Medical Executive Committee and Medical Staff meetings are maintained. As treasurer, he/she shall safeguard all funds of the Medical Staff. The secretary-treasurer shall perform all such other duties as ordinarily pertain to the office or as may be assigned from time to time by the Chief of Staff or the Medical Executive Committee.

ARTICLE EIGHT: CLINICAL DEPARTMENTS

8.1 CLINICAL DEPARTMENTS

The Medical Staff shall be divided into two clinical departments; Department of Medicine and Department of Surgery. Each department shall be organized as a separate component of the Medical Staff and shall have a chairman selected and entrusted with the authority, duties, and responsibilities as specified in this Article. When appropriate, the Medical Executive Committee may recommend the creation, elimination, modification, or combination of departments or sections. Such recommendation shall become effective upon Board approval and shall not require formal amendment of these Bylaws.

8.2 ASSIGNMENT TO DEPARTMENTS

Each member shall be assigned membership in at least one department. A physician may be appointed to more than one department if that physician is dual-certified or is eligible for privileges in both departments, as recommended by the Department Chairmen. A practitioner may be granted clinical privileges in more than one department; the exercise of clinical privileges within the jurisdiction of any department is always subject to the rules and regulations of that department.

8.3 **FUNCTIONS OF DEPARTMENTS**

Departments shall continually seek to improve quality of care for all patients through an effective peer review process as defined by Medical Staff policy. Each department shall:

- (a) develop and approve clinically relevant quality indicators that identify variances which trigger evaluation of the care by a physician reviewer; review and approve criteria/indicators annually which include but are not limited to:
 - 1. medication use
 - 2. blood use
 - 3. operative/invasive review
 - 4. unexpected deaths
 - 5. identification of known or potential problems that have an adverse effect on patient care.
- (b) develop recommendations for the qualifications and credentialing criteria appropriate to obtain and maintain clinical privileges in the department and its sections.
- (c) establish and implement clinical policies and procedures, and monitor its members' adherence to them.
- (d) identify and engage in opportunities for education and process improvement.
- (e) establish quality parameters and indicators and recommend appropriate action to the Medical Executive Committee.
- (f) participate in Banner clinical initiatives and assist with the adoption of appropriate clinical standards to facilitate improved aggregated clinical outcomes and patient safety as determined by the Medical Staff and Banner;
- (g) adopt its own rules and regulations to clarify or expand these Bylaws to meet the needs of its particular area of practice. Department rules and regulations shall not conflict with these Bylaws and shall be subject to approval by the Medical Executive Committee and the Board. Any rule, regulation or policy that may be temporarily adopted on an emergency basis shall be approved by the Chief of Staff prior to communication or enforcement.
- (h) consider the aggregated results of the review for quality and appropriateness of patient care and make recommendations relating thereto to the Medical Executive Committee.
- (i) provide a forum for discussion of Medical Staff matters of concern to its members.
- (j) assure adequate on-call coverage for emergency patients consistent with the physician resources available within the department. The Department will have the responsibility to determine whether a mandatory or voluntary Emergency Department (E.D.) On Call is adequate to serve the needs of the community. Members serving on the On Call Schedule shall treat all patients regardless of the ability of patients to pay for those services. If the Department recommends a mandatory E.D. call, they must forward their recommendation to the Medical Executive Committee for approval.
- (k) be responsible for the conducting of continuing education within the department.
- (l) coordinate the professional services of its members with those of other departments and with Medical Center nursing and support services.
- (m) participate in budgetary planning pertaining to department activities with Medical Center administration, including the review of new technologies.
- (n) establish a department committee and any subcommittees as are necessary to perform functions required of it. The composition and method of selection of the department committee and subcommittee members shall be defined within the department rules and regulations.
- (o) support utilization management review in regard to appropriateness of admissions and consultations, level of care, continued stays, diagnostic testing, transfers, and discharges.

8.4 **SECTIONS**

Sections representing particular specialties may be established by the Departments. Such sections shall be directly responsible to a Department. The Section Chair shall be a member of the Active Staff, will serve a two-year term and shall be entitled to serve as a voting member of the Medical Executive Committee. The section chairperson will assist the Department chairperson for any quality management activities related to the specialists of that section. Sections shall be responsible for the selection of their respective chief.

Anesthesia - Section of the Department of Surgery
Cardiology – Section of the Department of Medicine
Emergency Medicine - Section of the Department of Medicine
Medical Imaging - Section of the Department of Medicine
OB/Gyn – Section of the Department of Surgery
Orthopedics – Section of the Department of Surgery
Pathology - Section of the Department of Surgery
Psychiatry – Section of the Department of Medicine

The Departments of Medicine and Surgery, with the approval of the Medical Executive Committee, may authorize the creation of sections for other specialties or subspecialty groups; however, the chairpersons of other sections other than those listed above will not be entitled to serve as a member of the Medical Executive Committee.

Sections are optional, collegial and professional and will have no work other than that assigned by a Department chairperson. Sections may be organized to perform any of the functions assigned to the Department. Minutes reflecting the activities of sections of the individual departments are required.

8.5 DEPARTMENT OFFICERS

8.5-1 QUALIFICATIONS

Each department shall have a chairman who shall be and remain, during his or her term, a member in good standing of the active Medical Staff; shall be a board certified (or considered equivalently qualified by the Medical Executive Committee); shall be qualified by training, experience, and demonstrated ability in at least one of the clinical areas covered by the department; and shall demonstrate a high degree of interest in and support of the Medical Staff and Medical Center. Departments will also have a vice-chairman and may have other officers as defined in the department's rules and regulations.

8.5-2 SELECTION

A department chairman shall be elected every two years by the active staff members of the department. For this election, a request for nominations will be sent to department members prior to October of even-numbered years. Nominations may also be made at the department meeting, so long as the nominee is qualified and has consented to the nomination. Following the Department meeting, the slate will be deemed finalized and ballots mailed out. Vacancies in elected department offices due to any reason shall be filled for the unexpired term through a special election held for that purpose at a meeting of the department.

8.5-3 TERM OF OFFICE

Elected department chairmen and other department officers, if any, shall serve a two-year term terminating on December 31 of even-numbered years or until their successors are chosen, unless a vacancy occurs for any reason. Department officers shall be eligible to succeed themselves.

8.5-4 RESIGNATION

A Chairman may resign at any time by giving written notice to the Medical Executive Committee. Such resignation shall take effect on receipt or at any later time agreed to by the Chairman and the Medical Executive Committee.

8.5-5 VACANCIES

If the Department has a Vice Chairman, that person will automatically assume the Chairmanship. If the Department does not have a Vice Chairman, the Medical Executive Committee will temporarily appoint an acting Chairman and the Department conduct a Departmental election.

8.5-6 **REMOVAL**

An elected department officer may be removed for failure to maintain the qualifications of the office as required by these Bylaws. Removal must be initiated by petition signed by at least one-third of the active staff members of the department. Such vote shall occur by written ballot conducted in the same manner as that used in the election of department officers. Removal shall require a two-thirds vote of the active staff members of the department. Removal of a contract department officer is governed by the terms of the contract or employment arrangement with the Medical Center.

8.5-7 **DUTIES**

Each chairman shall have the authority, duties, and responsibilities listed below.

- (a) Act as presiding officer at department meetings;
- (b) Be a member of the Medical Executive Committee, and account to the Medical Executive Committee for all administrative and clinically related activities within the department; must attend a minimum of 50% of the Medical Executive Committee meetings;
- (c) Maintain quality control programs, as appropriate, and provide continuous assessment and improvement of the quality of care, treatment, and services;
- (d) Recommend to the Medical Executive Committee and implement department rules and regulations, criteria for clinical privileges that are relevant to the care provided in the department, programs for orientation and continuing medical education of members of the department, and policies and procedures that guide and support the provision of care, treatment and services within the department.
- (e) Provide guidance on overall medical policies of the Medical Center, and recommend strategies for integrating department services into the primary functions of the medical center, and coordinating interdepartmental and intradepartmental services.
- (f) Recommend the clinical privileges and staff category of practitioners who are members of or applying to the department;
- (g) Provide continuing surveillance of the professional performance of all individuals in the department who have delineated clinical privileges, and refer to the Professional Review Committee issues relating to professional conduct and the quality and appropriateness of patient care and professional performance.
- (h) Enforce the Bylaws, rules and regulations, and policies of the department and the Medical Center;
- (i) Implement, within the department, actions directed by the Medical Executive Committee or the Board;
- (j) Participate in every phase of administration of the department, including cooperation with the nursing service and Medical Center administration;
- (k) Appoint such sections and committees as are necessary to conduct the functions of the department;
- (l) Appoint such committee chairmen or members as required by these Bylaws and department rules and regulations; and
- (m) Perform such other duties as may, from time to time, be reasonably requested by the Chief of Staff or the Medical Executive Committee.

- (n) Assess and recommend to the Medical Executive Committee and the CEO off-site sources for needed patient care, treatment, and services not provided by the department or the Medical Center.
- (o) Assess and recommend to the Medical Executive Committee and the CEO a sufficient number of qualified and competent persons to provide care, treatment, and services.
- (p) The determination of the qualifications and competence of department or service personnel who are not licensed independent practitioners and who provide patient care, treatment, and services.
- (q) Recommend space and other resources needed by the department/service.

ARTICLE NINE: COMMITTEES

9.1 DESIGNATION

The committees described in this Article or in the Medical Staff Rules and Regulations shall be the standing committees of the Medical Staff. The Chief of Staff may appoint other standing committees for specific purposes, and when appropriate, the Medical Executive Committee may recommend the creation, elimination, modification, or combination of committees. Such recommendation shall become effective upon Board approval and shall not require formal amendment of these Bylaws. In addition, special or ad hoc committees may be appointed for specific purposes by the Chief of Staff; such appointment will cease upon the accomplishment of the purpose of the committee. Such special or ad hoc committees shall report to the Medical Executive Committee.

9.2 GENERAL PROVISIONS

9.2-1 EX OFFICIO MEMBERS

The Chief of Staff, Chief Medical Officer, and the CEO or their respective designees are ex officio members of all standing and special committees of the Medical Staff.

9.2-2 SUBCOMMITTEES

Any standing committee may elect to perform any of its specifically designated functions by appointing a subcommittee which reports its recommendations to the parent committee. Any such subcommittee may include individuals appointed by the committee chairman who are not members of the standing committee.

9.2-3 APPOINTMENT OF MEMBERS AND CHAIRMEN

Except as otherwise provided, the Chief of Staff shall appoint, in consultation with the Medical Executive Committee, the members and chairman of any Medical Staff committee formed to accomplish Medical Staff functions. The chairman of all standing committees shall be members of the active staff. Chairmen of special or ad hoc committees may be appointed from the Courtesy or honorary staff.

9.2-4 TERM, PRIOR REMOVAL, AND VACANCIES

- (a) Except as otherwise provided, committee members and chairmen shall be appointed by the Chief of Staff for a term of two years which shall coincide with the term of the Chief of Staff or until the member's successor is appointed, unless such member or chairman sooner resigns or is removed from the committee.
- (b) A Medical Staff member serving on a committee, except one serving ex officio, may be removed by the Chief of Staff from the committee for failure to remain as a member of the staff in good standing, and by action of the Medical Executive Committee. A committee member removed by Medical Executive Committee action shall have the right to an

appearance before the Medical Executive Committee to request reconsideration of the removal.

- (c) A vacancy in any committee may be filled for the unexpired portion of the term following appointment by the Chief of Staff and approval by the Medical Executive Committee.

9.2-5 **VOTING RIGHTS**

Each Medical Staff committee member shall be entitled to one vote on committee matters. Medical Center personnel assisting the Medical Staff in performance of the functions of the committee shall have no voting rights.

9.3 **MEDICAL EXECUTIVE COMMITTEE**

The organized Medical Staff authorizes the Medical Executive Committee to carry out Medical Staff responsibilities in accordance with law and regulation.

9.3-1 **COMPOSITION**

The Medical Executive Committee includes physicians and may include other licensed independent practitioners. Membership shall consist of the following:

- (a) Chief of Staff, as chairman
- (b) Vice-Chief of Staff
- (c) Secretary/Treasurer
- (d) Immediate Past Chief of Staff (ex-officio, with vote)
- (e) Chairmen of the Departments and designated Sections
- (f) Credentials Committee Chairperson
- (g) One (1) Member at Large
- (h) Chief Medical Officer (ex officio with vote)
- (i) Chief Executive Officer (ex officio, without vote)
- (j) Other representation as necessary (ex-officio, without vote)*

*Appointed by the Chief of Staff and approved by a majority vote of the Medical Executive Committee.

9.3-2 **ELECTIONS, TERMS, VACANCIES, AND REMOVALS**

(a) **Elections**

The Medical Staff officers shall be elected in the manner prescribed in Section 7.5; department chairmen shall be selected in the manner prescribed in Section 8.5.

(b) **Terms of office**

With the exception of ex officio members, all members of the Medical Executive Committee shall serve a two year term. General staff officers shall serve terms that terminate December 31 in odd numbered years. Department chairmen shall serve terms that terminate December 31 in even-numbered years. Members serving on the Medical Executive Committee by virtue of appointment by the Chief of Staff shall serve two year terms that terminate on December 31 of odd-numbered years. The Chief of Staff may appoint these members to subsequent two-year terms with approval of the Medical Executive Committee, or appoint new members with approval of the Medical Executive Committee.

(c) **Removals and vacancies**

Removals and vacancies of general staff officers, department chairmen, and other Medical Executive Committee members will be handled in the manners prescribed in Section 7.5 and Section 8.5. Vacancies among at-large members may be filled by appointment by the Chief of Staff with approval of the Medical Executive Committee.

9.3-3 **DUTIES**

The duties and authority of the Medical Executive Committee are to:

- (a) Act on all matters of Medical Staff business, except for the election or removal of general staff officers;
- (b) Receive and act upon reports and recommendations from Medical Staff departments, committees and other assigned activity groups;
- (c) Make recommendations to the Board of Directors regarding the organized Medical Staff structure, and the process used to review credentials and delineate privileges;
- (d) Coordinate and implement the professional and organizational activities and policies of the Medical Staff;
- (e) Review aggregate quality performance data and make recommendations for quality improvement;
- (f) Review quality parameters and indicators recommended by departments, Care Management and/or Banner;
- (g) Make recommendations to the CEO and to the Board on Medical Center medico-administrative matters;
- (h) Review the qualifications, credentials, performance, and professional competence and character of Medical Staff applicants and members and make recommendations to the Board regarding such matters;
- (i) Account to the Board for the quality and efficiency of medical care provided to patients in the Medical Center, including a summary of specific findings, actions, and results and including an assessment of the quality of services rendered pursuant to contract;
- (j) Take reasonable steps to ensure professionally ethical conduct and competent clinical performance on the part of staff members;
- (k) Designate such committees as may be appropriate to assist in carrying out the duties and responsibilities of the Medical Staff and provide consultation to the Chief of Staff in the appointment of members to such committees; and
- (l) Assist in obtaining and maintaining accreditation of the Medical Center.
- (m) Act on behalf of the Medical Staff.

9.3-4 **MEETINGS**

The Medical Executive Committee shall meet as often as necessary, but at least six ~~10~~ times per year and shall maintain a record of its proceedings and actions. Special meetings of the Medical Executive Committee may be called at any time by the Chief of Staff and the CEO. The Medical Executive Committee, in its discretion, may appoint a subcommittee to fulfill the Medical Executive Committee's obligations with respect to the appointment/reappointment process during periods when the Medical Executive Committee does not regularly meeting. A summary of the actions taken by such subcommittee will be submitted to the Medical Executive Committee for ratification or other action at the Medical Executive Committee's next regularly scheduled meeting.

9.3-5 **ATTENDANCE REQUIREMENTS**

All members of the Medical Executive Committee are required to attend a minimum of 50% of the Medical Executive Committee meetings. If attendance does not meet the minimum, the Chief of Staff may appoint a representative for the Medical Executive Committee to replace that member.

9.4

PROFESSIONAL REVIEW COMMITTEE

9.4-1 **COMPOSITION:** The Professional Review Committee shall consist of at least five members, including the Chief Medical Officer who shall serve as Chairman. Members shall be physicians engaged to assist the Medical Staff in the performance of its functions and duties, including its peer review and quality improvement activities. The Chief of Staff and a representative of Medical Center administration in addition to the Chief Nursing Officer shall serve as ex-officio members of the PRC (without vote). Members shall be appointed for staggered terms of three years and may be appointed for successive terms.

9.4-2 **QUALIFICATIONS:** PRC members must continuously satisfy the qualifications and complete the requirements set forth in Article I, Section 3. Such members must demonstrate leadership skills and may not have disabling conflicting interests.

9.4-3 **SELECTION AND REVIEW PROCESS:** The Chief of Staff and the CEO shall assemble a committee of six physicians to select the PRC members. The Chief of Staff and CEO shall serve, and shall each select two other physicians to serve on the selection committee. A majority decision is required to select any PRC member. The Medical Executive Committee will periodically review and make recommendations to the CEO regarding the performance of PRC members.

9.4-4 **DUTIES:** The duties of the Professional Review Committee include:

- (a) Take reasonable steps to ensure professionally ethical conduct and competent clinical performance on the part of staff members;
- (b) Enforce the Bylaws, rules and regulations, and policies of the department and the Medical Center;
- (c) Review sentinel events, near misses, and complex clinical issues;
- (d) Review potential conflicts of interest and recommend actions to address actual conflicts;
- (e) Investigate, review and resolve complaints of disruptive conduct by any member of the Medical Staff or Allied Health Staff;
- (f) Serve as a resource for moral and ethical issues;
- (g) Monitor and evaluate the quality and appropriateness of patient care and professional performance of Medical Staff and Allied Health Staff members;
- (h) Seek peer review assistance from external sources if and when the PRC determines that such assistance is appropriate and/or necessary;
- (i) Review aggregate quality performance data of individual physicians and make recommendations for quality improvement in the context of peer review;
- (j) Share information with the Departments and Committees to provide opportunities for learning and process improvement;
- (k) Review professional competence issues identified as part of its ongoing quality and performance improvement, clinical, administrative and educational functions as well as issues referred from a department chair or medical director;
- (l) Implement investigative and precautionary tools as required, including requiring educational/health assessments, supervision, consultation and suspension as warranted;
- (m) Recommend to the Medical Executive Committee, as required, the limitation, revocation or termination of Medical Staff membership and/or privileges;

- (n) Establish a subcommittee or subcommittees as are necessary to perform its duties. Members of subcommittees may include practitioners who are not members of the PRC and/or who are not members of the Medical Staff.
- (o) Designate one or more of its members to serve as ex-officio appointee(s) with vote on committees of the Medical Staff if and as requested by the Chief of Staff or CEO.

9.7 **CREDENTIALS COMMITTEE**

9.7-1 **COMPOSITION**

The Credentials Committee shall consist of at least five active staff members appointed by the Chief of Staff, one of whom shall be designated by the Chief of Staff as chairman, and a representative of Medical Center administration. The Chairman of Credentials Committee shall serve as a voting member of the Medical Executive Committee.

9.7-2 **DUTIES**

The duties of the Credentials Committee shall be to examine the qualifications of each applicant to determine whether all qualifications for staff membership have been met. It shall forward applications recommended for privileges to the clinical departments or sections in which privileges have been requested.

9.8 **BYLAWS COMMITTEE**

9.8-1 **COMPOSITION**

The Bylaws Committee shall consist of at least five members appointed by the Chief of Staff, one of whom shall be designated by the Chief of Staff as Chairman.

9.8-2 **DUTIES**

The duties of the Bylaws Committee shall include:

- (a) conducting a review of the Bylaws annually or more frequently when deemed necessary;
- (b) submitting to the Medical Executive Committee recommendations for changes in the Bylaws; and
- (c) receiving and evaluating, for recommendation to the Medical Executive Committee, suggestions for modifying the Bylaws.

9.9 **PROFESSIONAL HEALTH (WELLNESS) COMMITTEE**

9.9-1 **COMPOSITION**

The Professional Health Committee shall consist of a chairman and four other members. When possible the Committee shall include at least one member in recovery and one behavioral health professional.

9.9-2 **DUTIES**

The Professional Health Committee will:

- (a) Provide ongoing education to the Medical Staff and Administrative leadership on practitioner impairment recognition issues, on the different kinds and levels of impairment and the problems of impairment, and on resources available for the diagnosis, prevention, treatment and rehabilitation of impairment.
- (b) Recommend or require available resources for diagnosis and/or treatment of practitioner experiencing possible illness and impairment issues.
- (c) Serve as resource for practitioners experiencing illness and impairment issues.

- (d) Evaluate potential illness and impairment and monitor ongoing compliance with treatment recommendations and requirements. Assist Medical Staff leadership with an intervention, when so requested by a department chairman, Chief of Staff, Peer Review Committee, Chief Medical Officer, CEO or respective designee.
- (e) Require the affected practitioner to obtain a psychological, psychiatric and/or physical examination.
- (f) Ensure the recommendations and/or requirements of the committee/subcommittee are being followed.
- (g) Require the affected practitioner to obtain a report from his or her treatment physician/psychologist stating the practitioner is able to engage safely in the practice of medicine and obtain subsequent periodic reports from his or her treating physician/psychologist for a period of time specified by the PHC or appropriate department chairman.
- (h) Advise the appropriate Department Chairman/Medical Executive Committee/Medical Staff Leader of the affected practitioner's failure to adhere to the recommendations and/or requirements.
 1. **Medical Staff** – If the Committee does not feel that its recommendations and/or requirements are being followed, the Committee Chairman will notify the Medical Executive Committee and the Department Chairman for consideration of appropriate corrective action in accordance with the Medical Staff Bylaws.
 2. **Allied Health/Ancillary Staff** – If the Committee does not feel that its recommendations and/or requirements are being followed, the Committee Chairman will notify the practitioner's Department Chairman for consideration of appropriate corrective action in accordance with AHP/Ancillary policies. The Committee will also notify the practitioner's supervising physician of circumstances warranting notification to the Department Chairman.

9.10 **BIOETHICS COMMITTEE**

9.10-1 **COMPOSITION**

The Bioethics Committee shall consist of physicians from a variety of specialties and associates representing Med/Surg, Social Work, Chaplaincy, Nursing, Risk Management, Administration, and a lay member from the community.

9.10-2 **DUTIES**

The Bioethics Committee at the Medical Center provides recommendations relating to ethical dilemmas that may arise during the provision of care. The Bioethics Committee is an interdisciplinary group that offers consultative services for ethical issues, questions, or dilemmas related to patient care, and is available to consult with families, patients, health care professionals, and Medical Center employees desiring assistance with ethical decision making. Additional duties of this Committee may include:

- (a) participating in development of guidelines for consideration of cases having bioethical implications.
- (b) developing and implementing procedures for the review of such cases.
- (c) developing and/or reviewing institutional policies regarding care and treatment of such cases.
- (d) retrospectively reviewing cases for the evaluation of bioethical policies.
- (e) consulting with concerned parties to facilitate communication and aid conflict resolution.
- (f) educating the Medical Center staff and Medical Staff on bioethical matters.

9.10-3 **CONSULTATION**

A physician is encouraged to consult with the Bioethics Committee whenever he/she:

- (a) Believes that the refusal of medical care by a patient's legally authorized representative is not in the patient's best interest;
- (b) Believes that the refusal by a pregnant woman threatens the life or safety of a viable fetus; or
- (c) Believes that the refusal by the sole parent of a minor child risks abandoning the minor child; or
- (d) Is uncertain of his or her obligations.

9.11 **PHARMACY & THERAPEUTICS COMMITTEE**

9.11-1 **COMPOSITION**

The Pharmacy and Therapeutics Committee should consist of a chairperson, at least 4 members of the Medical Staff, the director of pharmacy, the clinical pharmacy coordinator or designee, and a representative from administration, nursing and quality management or as otherwise noted in specific facility bylaws.

9.11-2 **DUTIES**

Pharmacy and Therapeutics committee recommends the adoption or assists in the formulation of policies regarding evaluation, selection, procurement, distribution, use, safe practices, and other matters pertinent to medications in both the Medical Center and any associated ambulatory department.

The committee recommends or assists in the formulation of programs designed to meet the needs of the professional staff (physicians, licensed independent practitioners, nurses, pharmacists) for complete current information on matters related to medications and pharmaceutical care (i.e. Medication Use Evaluation and Improving Organizational Performance). The following are activities of the Pharmacy & Therapeutics Committee:

- (a) Serve in an advisory capacity to the Medical Staff and Medical Center administration in all matters pertaining to the safe use of medications.
- (b) Serve in an advisory capacity to the Medical Staff and Pharmacy Department in the selection or choice of medications which meet the most effective therapeutic quality standards.
- (c) Evaluate objectively the clinical data regarding new medications or agents proposed for use in the Medical Center.
- (d) Develop a formulary of accepted medications for use in the Medical Center and provide for continued review.
- (e) Participate in the formulation and analysis of Medication Use Evaluations.
- (f) Review and approve pharmacy policies and procedures.
- (g) Review adverse drug reactions reports and make appropriate recommendations.
- (h) Review medication occurrence reports and make appropriate recommendations.
- (i) Review pharmacy intervention activities and make appropriate recommendations
- (j) Present recommendations from the Pharmacy and Therapeutics Committee to the appropriate Medical Staff committee and/or the Medical Executive Committee.

9.12 **CRITICAL CARE COMMITTEE**

9.12-1 **COMPOSITION**

The Critical Care Committee is a multi-disciplinary committee and will be appointed by the Chief of Staff in consultation with the Chairman of Medicine and Chairman of Surgery.

9.12-2 **DUTIES**

The duties of the Critical Care Committee will be to:

- (a) Oversee the functioning of the critical care areas and the Cardiac Catheterization Lab statistics; consider staffing, policies and equipment.
- (b) Review admissions to the combined CCU/MICU/SICU areas in sufficient detail to determine adequacy of care.
- (c) Review and approve written policy for the operation of Critical Care; Medical Intensive Care and Surgery Intensive Care Units; the Cardiac Catheterization Lab and for the Medical Department and telemetry beds. Such policy will be approved by the Medical Department and Surgery Department and Medical Executive Committee.
- (d) The Committee's review shall be reported to the Medical Department and Surgery Department, which will forward reports to the Medical Executive Committee.

9.12-3 **MEETINGS**

The Critical Care Committee will meet at least quarterly.

9.13 **PEDIATRIC COMMITTEE**

9.13-1 **COMPOSITION**

Practitioners of this Committee shall consist of members of the Medical Staff who have been granted pediatric or neonatal privileges, regardless of staff category. Additional appointees shall be appointed by the Chief of Staff in consultation with the Chairman of Pediatrics.

The Pediatric Committee Chairperson shall assist the Department Chairperson in evaluating the credentials and qualifications of new applicants for membership and privileges in Pediatrics or Neonatology. The Pediatric Committee Chairperson shall be required to take part in regulatory and certification processes.

9.13-2 **DUTIES**

The duties of the Pediatric Committee will be to:

- (a) Review data regarding the diagnoses of patients admitted to any units designated within the Hospital for pediatric or neonatal patients, report to the Department of Medicine on the appropriateness of such admissions as measured against the scope of service of the unit(s), and otherwise review policies and practices within the unit(s). The Committee's reports and any recommendations shall be forwarded to the Department of Medicine.
- (b) Assist in developing written policy for the operation of the nursery or any other unit within the Hospital designated for pediatric or neonatal patients. Such policy shall be approved by the Medical Department and Medical Executive Committee.

ARTICLE TEN: MEETINGS

10.1 **MEDICAL STAFF MEETINGS**

10.1-1 **REGULAR MEETINGS**

General staff meetings will be held at least annually.

10.1-2 **SPECIAL MEETINGS**

A special meeting of the Medical Staff may be called by the Chief of Staff, the CEO, the Medical Executive Committee, or the Board. The Chief of Staff will call for such a meeting upon petition signed by 10% of the members of the active staff.

10.2 **CLINICAL DEPARTMENT, SECTION AND COMMITTEE MEETINGS**

10.2-1 **REGULAR MEETINGS**

Clinical departments, sections and committees may, by resolution, provide the time for holding regular meetings and no notice other than such resolution is required. A department must meet at least 4 times per year.

10.2-2 **SPECIAL MEETINGS**

A special meeting of any department, section or committee may be called by the chairman thereof, and must be called by the chairman at the written request of the Chief of Staff, or the Medical Executive Committee. A notice of such special meeting will be sent to all members of the department or committee.

10.2-3 **EXECUTIVE SESSION**

All quality review activities undertaken by a department, section or committee, including but not limited to recommendations regarding Medical Staff membership, delineation of clinical privileges, and corrective action, shall be undertaken in Executive Session. "Executive Session" means portions of a meeting designated by the Chair as involving confidential information. Separate minutes shall be kept of activities undertaken in Executive Session. During Executive Sessions, attendance shall be limited to personnel other than members to those who, in the discretion of the Chair, need to attend. When other Medical Staff Committees or the Board act on or review discussion or action taken in Executive Session, such action or review shall be undertaken in Executive Session. All Executive Session minutes and activities shall be maintained confidentially as required by law.

10.3 **ATTENDANCE REQUIREMENTS**

10.3-1 **CHART REVIEW**

A practitioner whose patient's clinical course of treatment is scheduled for case discussion as part of regular quality review activities may be required by the department, section or committee to present the case. If the practitioner has been so notified, his or her attendance will be mandatory at the meeting at which the case is to be discussed. Failure to attend may result in initiation of corrective action proceedings.

10.3-2 **CLINICAL CONFERENCE**

Whenever a department or section perceives an education program or clinical conference is needed based on the findings of quality review, risk management, utilization management, or other monitoring activities, the practitioners whose patterns of performance prompted the program will be notified by the chairman of the time, date, place of the program, the subject matter to be covered, and its special applicability to their practice. Attendance is mandatory. Failure to attend may result in initiation of corrective action proceedings.

10.3-3 **SPECIAL APPEARANCE**

Whenever deviation from standard practice is identified or suspected with respect to a practitioner's performance or conduct, the Chief of Staff, the chairman of the Professional Review Committee or the applicable department or section chairman may require the practitioner to confer with him or her or with the committee considering the matter. The practitioner will be notified of the date, time, and place of the conference, and the reasons therefore. Failure of a practitioner to appear at any such meeting may result in the initiation of corrective action proceedings.

10.4 **QUORUM**

10.4-1 **GENERAL STAFF MEETINGS**

Those present and voting.

10.4-2 **COMMITTEE MEETINGS**

The presence of 50% of the members of the Medical Executive Committee shall constitute a quorum. The presence of 2 voting members shall constitute a quorum at any other committee meeting.

10.4-3 **DEPARTMENT MEETINGS**

Each department shall establish what constitutes a quorum for the transaction of business before the department as a whole.

ARTICLE ELEVEN: CONFIDENTIALITY, IMMUNITY AND RELEASES

11.1 **AUTHORIZATIONS AND RELEASES**

By submitting an application for staff appointment or reappointment or by applying for or exercising clinical privileges or providing specified patient care services at the Medical Center, a practitioner:

- (a) authorizes Medical Center representatives to solicit, provide, and act upon information bearing on or reasonably believed to bear upon the practitioner's professional ability, utilization practices, and qualifications;
- (b) agrees to be bound by these Bylaws regardless of whether membership or clinical privileges are granted or are subsequently limited;
- (c) acknowledges that the provisions of this Article are express conditions to an application for, or acceptance of, staff membership, and the continuation of such membership and the exercise of clinical privileges or provision of specified patient care services at the Medical Center;
- (d) agrees to release from legal liability and hold harmless the Medical Center, Medical Staff, Medical Staff committees and all persons engaged in peer review activities, which include but are not limited to those activities identified in Section 11.3 of these Bylaws as well as any other Medical Staff functions provided for, or permitted, in the Bylaws, the Fair Hearing Plan, or any applicable federal or state statute or regulation; agrees that his/her sole remedy for any corrective action taken or recommended by the Medical Staff, for failure to comply with these Bylaws or the Fair Hearing Plan, or for any other peer review action shall be the right to seek injunctive relief pursuant to ARS 36-445 et. seq.
- (e) agrees to release from legal liability and hold harmless any individual who or entity which provides information regarding the practitioner to the Medical Center or its representatives; and
- (f) authorizes the release of information about the practitioner to other Banner facilities where the practitioner has or requests membership or privileges.

11.2 **CONFIDENTIALITY OF INFORMATION**

Information obtained or prepared by any representative of the Medical Staff or the Medical Center for the purpose of evaluating or improving the quality and efficiency of patient care, reducing morbidity and mortality, or contributing to teaching or clinical research, shall, to the fullest extent permitted by law, be confidential. Such information shall only be disseminated to the extent necessary for the purposes identified above or except as otherwise specifically authorized by law. Such confidentiality shall also extend to information provided by third parties.

11.3 **ACTIVITIES COVERED**

The confidentiality and immunity provided by this Article applies to all information obtained or disclosures made in connection with this or any other health care facility's or organization's activities concerning, but not limited to:

- (a) applications for appointment, clinical privileges, or specified services;

- (b) periodic reappraisals for reappointment, clinical privileges, or specified services;
- (c) corrective or disciplinary actions;
- (d) hearings and appellate reviews;
- (e) quality review program activities;
- (f) utilization review and management activities;
- (g) claims reviews;
- (h) profiles and profile analysis;
- (i) significant clinical event review;
- (j) risk management activities; and
- (k) other Medical Center, committee, department, section, or staff activities related to monitoring and maintaining quality and efficient patient care and appropriate professional conduct.

11.4 RELEASES AND DOCUMENTS

Each practitioner shall, upon request of the Medical Center, execute general and specific releases and provide documents when requested by the Chief of Staff or Chairmen of Departments or Committees or their respective designees. Execution of such releases is not a prerequisite to the effectiveness of this Article. Failure to execute such releases or provide requested documentation shall result in an application for appointment, reappointment, or clinical privileges being deemed voluntarily withdrawn, and it shall not be further processed. Failure to execute such releases or provide documents upon request during a term of appointment to the staff shall result in automatic suspension as provided in Section 6.6-9.

11.5 CUMULATIVE EFFECT

Provisions in these Bylaws and in application and reapplication forms relating to authorization, confidentiality of information and immunities from liability are in addition to other protection provided by relevant Arizona and federal law and not in limitation thereof. A finding by a court of law or administrative agency with proper jurisdiction that all or any portion of any such provision is not enforceable shall not affect the legality or enforceability of the remainder of such provision or any other provision.

ARTICLE TWELVE: GENERAL PROVISIONS

12.1 MEDICAL STAFF RULES AND REGULATIONS

Subject to approval by the Board, the Medical Executive Committee shall adopt such Medical Staff Rules and Regulations as may be necessary to implement the general principles found in these Bylaws; such rules and regulations shall be consistent with these Bylaws and Medical Center policies. The Medical Executive Committee may act for the staff in adopting or amending them. The Medical Staff Rules and Regulations may not conflict with the Banner Health Bylaws.

12.2 DEPARTMENT RULES AND REGULATIONS

Each department and section will formulate written rules and regulations for the conduct of its affairs and the discharge of its responsibilities, all of which must be consistent with the Bylaws and Medical Center policies. These department rules and regulations must be reviewed and approved by the Medical Executive Committee and the Board as needed, but must be reviewed at least every two (2) years; any changes affecting qualifications, privileges, supervision, and call coverage must be approved by the Medical Executive Committee and the Board.

12.3 **STAFF DUES**

The Medical Executive Committee shall establish the amount of annual Medical Staff, Allied Health Professional, and Ancillary Staff dues. Notice of dues shall be given to the staff by written notice in the first quarter. Dues are payable within 60 days of written notice. If dues are not paid timely, a special notice of delinquency shall be sent to the practitioner and an additional 30 days given in which to make payment. All new staff members shall be billed on a pro rated basis and shall include dues with the application. Failure to render payment shall result in automatic suspension as provided in Section 6.6-8 or nonprocessing of a new application. Special assessments may be levied by a majority vote of the active staff, and rules of payment similar to those described above in terms of time frame shall apply. The honorary staff and referring staff shall be exempt from payment of dues and assessments.

12.4 **COMMUNICATION**

Electronic communication is the Medical Center's designated method of communication with the Medical Staff. All applicants and members of the Medical Staff must provide a current email address for communication of regular Medical Center business. All applicants and members are responsible for reading email notifications and responding timely to Medical Center business.

12.5 **SPECIAL NOTICE**

When special notice is required, the Medical Staff Office shall send such notice by certified mail, email with confirmation of receipt, or facsimile with confirmation of receipt. If the post office indicates that the letter has been refused, such notice shall be deemed to be delivered on the date delivery was first attempted. If the post office indicates the letter is undeliverable, the Medical Staff Office shall attempt to contact the practitioner at the location last identified by him or her. If such attempt is unsuccessful, notice shall be deemed to be delivered on the date delivery was first attempted.

12.6 **SUPPORT STAFF**

The Medical Staff recognizes that the organizational structure required to carry out the credentialing, peer review and corrective action processes of the Medical Staff require the support of certain members of the administrative staff of the Medical Center who may or may not be members of the Medical Staff including, but not necessarily limited to, the Medical Center's CEO, Chief Medical Officer, Chief Nursing Officer and/or designees, and Quality Management, and members of the Medical Staff Services Department (collectively "Support Staff"). All activities of such Support Staff provided in support of the Medical Staff's credentialing, peer review and corrective action activities shall be conducted in a confidential manner and shall be afforded all of the privileges available to members of the Medical Staff performing such activities under these Bylaws and under applicable state and federal law. The activities of the Support Staff covered by this provision include, but not limited to, activities involved in reviewing practitioner applications, reviewing practitioners' care in and outside of the Medical Center, participating in the conduct of investigations, identifying trends, participating in the resolution of issues involving Medical Staff members and other practitioners working in the Medical Center, and any other activities as may be delegated from time to time by the officers or committees of the Medical Staff.

12.7 **CONSTRUCTION OF TERMS AND HEADINGS**

The captions or headings in these Bylaws are for convenience only and are not intended to limit or define the scope or effect of any provision of these Bylaws.

12.8 **PARLIAMENTARY PROCEDURE**

The rules contained in the current edition of Roberts Rules of Order shall govern the Medical Staff in all cases to which they are applicable, in all cases which they are not inconsistent with these Bylaws, and any special rules of order the Medical Staff may adopt.

ARTICLE THIRTEEN: ADOPTION AND AMENDMENT

13.1 **MEDICAL STAFF AUTHORITY AND RESPONSIBILITY**

The Medical Staff shall be responsible for the development, adoption, and periodic review of these Bylaws which must be consistent with Medical Center policies, Banner Bylaws, and applicable laws. The Medical Staff shall exercise its responsibility in a reasonable, timely and responsible manner, reflecting the interest of

providing patient care of recognized quality and efficiency and of maintaining a harmony of purpose and effort with the CEO, the Board and the community. These Bylaws may not conflict with the Banner Health Bylaws.

13.2 **BYLAWS REVIEW**

The Bylaws shall be reviewed and revised as needed, but must be reviewed at least annually. When necessary, the Bylaws will be revised to reflect current practices with respect to Medical Staff organization and functions. Reviews shall also be conducted upon request of the Board.

13.3 **ADOPTION AND AMENDMENT**

The Bylaws of the Medical Staff must be adopted by the Medical Staff and approved by the Board prior to becoming effective. Amendments to these Bylaws may be adopted upon approval of the Medical Executive Committee and approval by a majority in a mail and/or electronic ballot vote of members of the Active Staff. Ballots shall be sent to each Active Staff member, accompanied by a copy of the proposed amendments and a summary thereof. The ballots must be returned within **14** days after their mailing at which time they will be tallied. Any ballots received after the designated date shall not be opened and shall not affect the outcome of the vote.

Neither the Medical Staff nor the Board may unilaterally amend the Medical Staff Bylaws, except the Board may take action if the Medical Staff fails to act within sixty (60) days following receipt of notice from the Board to assure compliance with state and federal laws; in the event of substantial circumstances affecting the operation of the Medical Center, welfare of its employees and staff, or provision of optimal care to patients; or in the event the Medical Staff fails to perform its functions delegated hereunder. The action described in the preceding sentence shall be taken only after consideration of the proposed amendment by an ad hoc committee with equal representation from both the Medical Staff and the Board; representatives from administration shall be ex-officio members without vote. Such committee shall meet, if at all, within sixty days of the date that notice of the Board's request for amendment is sent to the Medical Executive Committee.

13.4 **BOARD OF DIRECTORS ACTION**

13.4-1 **WHEN FAVORABLE TO MEDICAL STAFF RECOMMENDATION**

Medical Staff recommendations regarding proposed Bylaws or amendments thereto shall be effective upon the affirmative vote of the Board.

13.4-2 **BOARD CONCERNS**

In the event the Board has concerns regarding any provision or provisions of the proposed Bylaws or amendments thereto, the Board shall advise the Medical Staff of its concerns. The Medical Staff may request, and if so requested, the Board will establish, a joint conference committee comprised of three representatives of each body to resolve such concerns.

13.5 **TECHNICAL AND EDITORIAL AMENDMENTS**

Upon recommendation of the Bylaws Committee, the Medical Executive Committee shall have the power to adopt such amendments to the Bylaws as are technical or legal modifications or clarifications, reorganization or renumbering of the Bylaws, or amendments made necessary because of punctuation, spelling, or other errors of grammar or expression. Such amendments shall be effective immediately upon Board approval.

13.6 **CREDENTIALS PROCEDURE MANUAL, FAIR HEARING PLAN AND MEDICAL STAFF RULES AND REGULATIONS**

The Credentials Procedure Manual, Fair Hearing Plan and Medical Staff Rules and Regulations, shall be reviewed and revised as needed, but at least every two (2) years. Reviews shall also be conducted upon request of the Board.

13.7 **ADOPTION AND AMENDMENT**

The Credentials Procedure Manual, Fair Hearing Plan and Medical Staff Rules and Regulations must be adopted by the Medical Executive Committee and approved by the Board prior to becoming effective.

Amendments to the Fair Hearing Plan and/or Medical Staff Rules and Regulations may be adopted upon approval of the Medical Executive Committee and the Board.

ARTICLE FOURTEEN: JOINT CONFERENCE COMMITTEE

- 14.1 In the event the Medical Executive Committee or the Board have concerns or disagreements regarding credentialing recommendations, Exclusive Agreements with members of the Medical Staff, policies or other issues that have not been able to be resolved through informal processes between the Medical Executive Committee and the Medical Center or Banner Health administration, management or Board, the Board and the Medical Executive Committee shall establish a Joint Conference Committee consisting of three representatives appointed by the Board and three representatives who are members of the Medical Staff appointed by the Chief of Staff to resolve such concerns. The Joint Conference Committee shall conduct its proceedings in the manner specified in the Banner Health Bylaws.

ADOPTION AND APPROVAL:

Bylaws Committee – 9/29/09 & 10/13/09

Medical Executive Committee – 12/3/09

Active Medical Staff (by majority) – 1/5/10

Board – 1/14/10