

*Webinar on*

# **Fair Hearings From A Hearing Officer's Perspective**

# Learning Objectives

*Actions that must be taken and the actions to avoid*

*Learn how to develop the application process to take into account what information is required to support the application with regard to education and training, references prior practice, and prior adverse actions and liability settlements*

*Learn how to devise query forms to other hospitals and employers to solicit the type of information that is necessary to make informed appointment decisions*

Learn how to develop the appropriate forms to document education and training and prior experience with the procedures for which the privileges are requested

Learn what constitutes adequate notice to the affected practitioner

Learn what the respondent is entitled to with regard to due process

Gain the presenter's perspective as a hearing officer with regard to handling the disruptive practitioner

This webinar will provide the perspective of a hearing officer as to what actions should and must be taken before a corrective action is taken and how to prepare for the hearing.

**PRESENTED BY:**

*William Mack Copeland, MS, JD, Ph.D., LFACHE, practices health care law in Cincinnati at the firm of Copeland Law, LLC, where he is president and CEO. He also serves as hearing officer in medical staff disciplinary proceedings. Bill is a frequent author and speaker on health law topics. Copeland is a member of the American Health Lawyers Association and is a life fellow in the American College of Healthcare Executives.*

On-Demand Webinar

Duration : 60 Minutes

Price: \$200

# Webinar Description

It sometimes becomes necessary for the medical staff to recommend to the governing board that the medical privileges of a practitioner either be removed or denied. Before such an adverse action is taken, it is very important that the practitioner is afforded due process. That requires planning. It is extremely important to have set the stage properly. This session will provide the perspective of a hearing officer as to what actions should and must be taken before a corrective action is taken and how to prepare for the hearing. Specifically, actions that should be taken and should not be taken will be discussed. The webinar will discuss the application process, particularly for new applicants. In this regard, we will discuss the criteria, reviewing what information is required to support the application with regard to education and training, prior practice, references, and prior adverse actions and liability settlements. We will also discuss what information should be solicited from other hospitals where the applicant claims to have privileges. It is important that the information solicited be specific, leaving no room for gaps.

We will discuss the elements of good, clear and concise bylaws, fair hearing plans and other policies. The importance of not only having these documents but following them to the letter will be emphasized. Too often, organizations fail to follow their own procedures, leading to sometimes catastrophic circumstances. There is no excuse for failing to provide the affected practitioner due process because clear directions were not followed.



The presenter will share his perspective and experience in a number of situations where there was a failure to follow directives. In addition, adequate notice and hearing procedures will be discussed. We will be very specific about what constitutes adequate notice, what the practitioner must be told regarding the action that has been taken and his/her rights, particularly his/her right to a hearing and a delineation of the basis of the adverse action. We will discuss time constraints, especially the time for taking definitive action where a summary suspension has been imposed. It is very important to provide correct information at the appropriate time and ensure that the medical staff does not violate the affected practitioner's rights. It is also important to meet definite dates specified in the bylaws and the fair hearing plan.

Finally, the webinar will review the problem, disruptive practitioner. In many cases, the actions of a disruptive physician, at least for the first several incidents, is handled by counseling, and very little if any documentation is maintained concerning either the incident or the counseling. After the medical staff leadership and/or hospital management is “fed up” with the behavior, documentation starts. Unfortunately, this usually happens right before affirmative action is taken. Quite frankly, this leads to a “he said-she said” type of hearing, and many times the result is less than constructive. We will review the appropriate methods of dealing with the disruptive practitioner and discuss the progressive ways these situations should be handled. We will also discuss what type of documentation is required to support an adverse action taken in these situations.



# Who Should Attend ?

*Medical staff officers*

*Physicians who serve on peer review committees*

*Medical support staff*

*Attorneys representing medical staffs*

*Hospital executives, particularly those involved in medical staff activities*



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