Mediation of Physician Hospital Disputes

AHLA
Mediation of Health Law Controversies
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Stuff Happens!

- Contract disputes
- Credentialing disputes
- Medical Staff disputes
“After more than eighteen months of contentious negotiations, Children's Hospital Oakland and the Committee of Interns and Residents, the union that represents 91 resident physicians, have settled on a new contract, both sides announced this afternoon. … the ongoing dispute centered on the resident physicians' push for a cost-of-living salary bonus as well as their demand that the hospital finance a so-called "patient care fund" — which would allow the doctors to purchase new equipment and medications.”

“An Arkansas hospital system's economic credentialing rule intrudes on the patient-physician relationship and violates public policy, a state trial court ruled on Feb. 27. Baptist Health's credentialing policy precluded staff doctors with interests in competing hospitals from having privileges. The judge found that Baptist's policy was intended to suppress competition from physician-owned specialty hospitals, rather than further patient care.”

http://www.amednews.com/article/20090316/profession/303169977/1/
Medical Staff Dispute

“In 2012, a lawsuit was filed against Avera Marshall by Dr. Steven Meister, chief of the hospital's medical staff, and Dr. Jane Willett, on behalf of the medical staff. The lawsuit alleged that Avera Marshall had violated medical staff bylaws and prevented the chief of staff and the hospital's Medical Executive Committee from fulfilling their duties.”
Overview of Case Study

- Small town hospital now controlled by large multi-hospital health care system

- Tension between medical staff controlled by non-employed physicians and the hospital administration and health care system

- Dispute erupts over:
  - Medical Staff Appointment Power
  - Medical Staff Governance
Parties to the Dispute

- Regional Medical Center (RMC)
- Medical Staff of RMC
  - Medical Executive Committee (MEC)
  - Medical Staff Quality Improvement Committee (MSQIC)
  - Medical Staff Leadership
- Little Town Group Practice (LTGP)
- Integrated
- Community?
Layered Relationships
Earthquake
Medical Staff Perspective

Caution!
Dead Whale
For your safety
Keep Back
Do not Disturb
It’s the Law
Mediator Challenge

- Needs to bridge deep and public animosity between the parties
- Needs to gain an understanding of medical staff governance from both medical staff and hospital perspectives at both policy, economic and legal levels to develop a “bridge” for the parties
Participants in the Mediation

- Medical Staff Representative
- Medical Staff Counsel
- Hospital Representative
- Hospital Counsel
- Mediator