

MEDICAL STAFF BYLAWS

APPENDIX "D"

MEDICAL STAFF POLICY REGARDING PEER REVIEW, ONGOING PROFESSIONAL PRACTICE EVALUATION (OPPE) & FOCUSED PROFESSIONAL PRACTICE EVALUATION (FPPE)

This Policy is adopted in connection with the Medical Staff Bylaws and made a part thereof. The definitions and terminologies of the Bylaws also apply to the policy and procedures described herein.

SCOPE

Applies to all credentialed members of the Medical Staff and Allied Health Practitioners.

EXCEPTION:

No volume providers with medical staff membership and without clinical privileges or refer and follow privileges per Joint Commission clarification are exempt from the Ongoing Professional Performance Evaluation and Focused Professional Practice Evaluation requirements contained within this document.

I. PURPOSE:

To assure that the hospital, through the activities of its medical staff, assesses the ongoing professional practice and competence of its medical staff, conducts professional practice evaluations, and uses the results of such assessments and evaluations to improve professional competence, practice, and the quality and safety of patient care;

To define those circumstances in which an external review or focused review may be necessary

To address identified issues in an effective and consistent manner.

"Professional Practice Evaluation" is considered an element of the peer review process and the records and proceedings relating to this policy are confidential and privileged to the fullest extent permitted by applicable law.

II. DEFINITIONS

Peer:

For purposes of this policy, the term "Peer" refers to any practitioner who possesses the same or similar knowledge and training in a medical specialty as the practitioner whose care is the subject of review.

Examples include:

- Emergency Medicine / Internal Medicine / Family Practice / Pulmonology

- Pediatrics / Family Practice
- General Surgery / Gynecology / ENT / Urology
- Obstetrics / General Surgery / Family Practice with OB privileges (larger facilities Obstetrics may be reviewed by same specialty)
- Podiatry – reviewed by the same specialty
- Orthopedics – reviewed by same specialty
- Radiology – reviewed by same specialty
- Pathology – reviewed by same specialty
- Anesthesiology – reviewed by the same specialty
- Dentist (oral surgeon) – reviewed by same specialty
- Cardiology / Internal Medicine
- Interventional Cardiology – reviewed by same specialty
- Nurse Practitioner/PA/CNS – reviewed by same specialty or physician of same specialty
- CRNA – reviewed by same specialty or physician of same specialty

Individual Case Review:

The process outlined for peer review of a particular case identified with a potential quality of care issue.

Ongoing Professional Practice Evaluation:

The ongoing process of data collection for the purpose of assessing a practitioner's clinical competence and professional behavior. Information gathered during this process is factored into decisions to maintain, revise, or revoke an existing privilege(s) prior to or at the time of the two-year membership and privilege renewal cycle.

Focused Professional Practice Evaluation:

The time-limited evaluation of practitioner's competence in performing a specific privilege or privileges. The process is consistently implemented as a means to evaluate the privilege-specific competence of the practitioner who does not have documented evidence of competence in performing the requested privilege. This process may also be used when a question arises regarding a currently privileged practitioner's ability to provide safe, high quality care.

FPPE affects only the privileges for which a relevant concern has been raised and related privileges for which the same concern would apply. Other existing privileges in good standing should not be affected by the decision to initiate FPPE.

Peer Review

Peer Review is the process by which a practitioner, or committee of practitioners, examines the work of a peer and determines whether the practitioner under review has met accepted standards of care in rendering medical services. The professional or personal conduct of a physician or other healthcare professional may also be investigated. Individual Case Review, Ongoing Professional Practice Evaluation, and Focused Professional Practice Evaluation are components of peer review.

Practitioner Proctoring:

The personal presence of an assigned practitioner who does not have a treatment relationship with the patient, who is designated to provide clinical teaching or to monitor the clinical performance of another practitioner to facilitate quality of care to patients, as required for purposes of credentialing, reappointment,

quality improvement, FPPE, or corrective action.

Focused Professional Practice Evaluation (FPPE)

A. Initiation of FPPE

FPPE will be initiated in the following instances:

- Upon initial appointment;
- When a new privilege is requested by an existing practitioner;
- (For cause) When a question arises through the OPPE process, individual case review, or other peer review process regarding a currently privileged practitioner's ability to provide safe, high-quality patient care. For example, when a trigger is exceeded and preliminary review indicates a need for further evaluation.

A recommendation for FPPE may be made by at least two of the following:

- The Credentials Committee;
- A Clinical Service of the Medical Staff;
- The Medical Staff President/Chief Medical Officer;
- A special committee of the medical staff;
- The MEC

The FPPE monitoring plan for a new practitioner, or newly requested privilege(s) will be specific to the requested privileges or group of privileges.

FPPE is not considered corrective action as defined in the Medical Staff Bylaws and is not subject to the Bylaws provisions related to the corrective action process. If the outcome of FPPE results in an action plan to perform an investigation, the process identified in the Medical Staff Bylaws would be followed.

B. Timeframe for Collection and Reporting

The period of FPPE must be time-limited. Time-limited may be defined by:

- A specific period of time; or
- A specific volume (number of procedures/admissions/encounters)

The duration of FPPE may be tiered for different levels of documented training and experience:

1. Practitioners coming directly from an outside residency or fellowship program (unknown data)
2. Practitioners coming directly from the organization's residency program (have data)
3. Practitioners coming with a documented record of performance of the privilege and its associated outcomes versus those with no record

FPPE shall begin with the applicant's first admission(s), encounter(s), or performance of the newly requested privilege. FPPE should optimally be completed within six months, or a suitable period based upon volume. The period of FPPE may be extended as necessary at the discretion of the medical staff but may not extend beyond 12 months.

C. Methods for Conducting FPPE/Communication to the Practitioner

FPPE may be accomplished by:

1. Chart reviews, both concurrent and/or retrospective
2. Simulation
3. Discussion with the involved practitioner and/or other individuals involved in the care of the practitioner's patients, e.g., consulting physicians, surgical assistants, nursing staff or administrative personnel
4. Direct observation/proctoring
5. For dependent AHPs, FPPE methods may include review or proctoring by the sponsoring physician
6. Internal or external peer review

FPPE completed via medical record review may be delegated to quality management staff for screening, utilizing medical staff approved criteria, so long as said staff has access to physician peer for input if needed.

The terms of all FPPE shall be communicated in writing to the affected practitioner or AHP, including the following:

- The cause for the focused monitoring
- The anticipated duration
- The specific mechanism by which monitoring will occur (i.e. chart reviews, proctoring, peer observation, etc.)

D. Performance Monitoring Criteria and Triggers

Monitoring criteria, including specific performance elements to be monitored, as well as thresholds or triggers, are developed and approved by the medical staff or applicable medical staff clinical services/committees and the Board. Triggers are defined as potentially unacceptable levels of performance. Triggers to consider include, but are not limited to:

- A single egregious case or evidence of a practice trend
- Unacceptable number of individual peer reviews with adverse determinations
- Sentinel events/serious safety events
- Increasing lengths of stay as compared to others
- Increasing number of returns to surgery
- Patient/staff complaints
- Non-compliance with Medical Staff Bylaws, Rules and Regulations
- Elevated infection, mortality and/or complication rates
- Failure to follow approved clinical practice guidelines
- Behavior that undermines a culture of safety

If the results for a practitioner or AHP exceed thresholds established by the Medical Staff, outliers may be forwarded for peer review after initial screening by the Quality Management Department.

E. Conclusion of FPPE

At the conclusion of the initial FPPE, findings will be reviewed by the Clinical Service Chair,

Credentials Committee, and Medical Executive Committee for decision and recommendation. Decisions may include moving forward with OPPE, extending the period of FPPE, development of a performance improvement plan, or recommending to limit or suspend the privilege. Such recommendations are reported to and approved by the Medical Executive Committee and Board of Trustees. For recommendations resulting in restriction, suspension, revocation of specific privileges or other limitation on privileges, the processes pursuant to the Medical Staff Bylaws Appendix A (Fair Hearing Plan) will apply.

Each practitioner or AHP will be notified of their performance and outcome(s) following FPPE. A letter is forwarded to the Medical Staff member or AHP including, but not limited to, the following:

- An overall summary of the findings and outcome of FPPE
- Specific actions, if any, that need to be taken by the practitioner or AHP to address any quality concerns and the method for follow-up to ensure that the concerns have been addressed
- If the focused review is complete or will continue (duration will be specific if the focused review will continue)
- The period of initial FPPE is completed and the practitioner or AHP will move into OPPE
- The period of FPPE for a specific privilege is completed and the practitioner or AHP will continue with OPPE

At the end of the period of focused evaluation, in the event that the practitioner or AHP's activity/volume has not been sufficient to meet the requirements of FPPE:

- The practitioner or AHP may voluntarily resign the relevant privilege(s), or
- The practitioner or AHP may submit a written request for an extension of the period of focused evaluation, or
- FPPE may be extended at the discretion of the responsible clinical service or committee.

The practitioner or AHP is not entitled to a hearing or other procedural rights for any privilege that is voluntarily relinquished. Note that even in the absence of entitlement to hearing rights, a report to the National Practitioner Data Bank may still be triggered.

FPPE practitioner-specific data reports are maintained in the practitioner or AHP's confidential file and/or electronic data file.

F. Performance Improvement Plan

If FPPE outcomes identify the need for an improvement plan, the plan will be drafted by the responsible medical staff department, committee or chair. The written improvement plan and supporting FPPE outcomes should be presented to the Medical Executive Committee for approval. The involved Practitioner or AHP should also be offered the opportunity to address the MEC and respond to the findings before the improvement plan is finalized and implemented.

Methods identified to resolve performance issues shall be clearly defined. Examples of improvement methods may include:

- Necessary education
- Proctoring and/or mentoring
- Counseling
- Practitioner Assistance Program

- Suspension or revocation of privilege, subject to the provisions of the Bylaws.

Following approval by the Medical Executive Committee (MEC), the Clinical Service or Committee Chair, or Medical Staff President, or Chief Medical Officer will meet with the Practitioner or AHP to communicate the improvement plan. If the Practitioner or AHP agrees with the plan, the written document should be signed by the Practitioner or AHP and forwarded to the Quality Department. If the Practitioner or AHP does not agree with the plan and/or refuses to implement the improvement plan, the outcome will be reported to the responsible department chief and/or Medical Executive Committee for resolution.

ONGOING PROFESSIONAL PRACTICE EVALUATION

A. Timeframe for Collection and Reporting

OPPE will be initiated and reported on all providers with clinical privileges. Results of OPPE will be reported for review and/or action as specified in this policy.

B. Indicators for Review

1. The type of data to be collected and related thresholds or triggers is determined by individual medical staff committees/departments and approved by the Medical Staff. Indicators may change as deemed appropriate by the department and/or medical staff and should be reviewed and approved on an annual basis. Data collected should not be limited to negative/outlier trending data. Good performance data should also be considered.
 - a. Each Medical Staff clinical service will select three to five *specialty-specific* indicators based upon their clinical service. These indicators may be evidence-based, such as post-op infection rate, mortality data, blood utilization, etc.
 - b. The Medical Staff will select two or three *general* indicators that apply to all credentialed practitioners and AHPs.
 - c. The Medical Staff may consider the six areas of "General Competencies" developed by the Accreditation Council for Graduate Medical Education (ACGME). These include:
 - i. Patient care
 - ii. Medical/clinical knowledge
 - iii. Practice-based learning and improvement
 - iv. Interpersonal and communication skills
 - v. Professionalism
 - vi. Systems-based practice

Information used in the OPPE may be acquired through:

- Periodic chart review
- Direct observation
- Monitoring of diagnostic and treatment techniques
- Discussion with other individuals involved in the care of each patient including consulting physicians, assistants at surgery, and nursing and administrative personnel
- Crimson data (or other equivalent electronic system)

2. Thresholds/triggers for performance must be defined for the selected indicators. Triggers are defined as unacceptable levels of performance within the established defined criteria and are used to identify those performance outcomes that could trigger FPPE. Triggers to consider include, but are not limited to:

- Defined number of events occurring
- Defined number of individual peer reviews with adverse determinations
- Elevated infection, mortality, and/or complication rates
- Sentinel events
- Small number of admissions/procedures over an extended period of time
- Increasing lengths of stay in comparison to peers
- Increasing number of returns to surgery
- Frequent unanticipated readmission for the same issue
- Patterns of unnecessary diagnostic testing/treatments
- Failure to follow approved clinical practice guidelines

C. Oversight and Reporting

The organized Medical Staff delegates the collection of the selected performance indicators to the appropriate hospital department. The overall process, data compilation and reporting is coordinated by the Quality Management Department.

The review of performance data and any recommendation(s) for action, if necessary, may be the responsibility of one of the following:

- The Medical Executive Committee;
- The specific Clinical Service;
- The Chief of the Clinical Service;
- A standing or special committee of the medical staff.

D. Results and Reporting of Data Analysis

Data are analyzed and reported to determine whether to continue, limit, or revoke any existing privilege(s). The results of the individualized practitioner or AHP report are referenced in the MEC meeting minutes, maintained in the electronic database and incorporated into the two-year reappointment process.

A summary of OPPE physician-specific data reports, quality screens, etc., shall be maintained in the electronic database. For purposes of this provision, notification shall be sent via e-mail to the practitioner at the conclusion of each review period informing him/her whether he/she successfully met the established expectation for OPPE.

During the course of OPPE, FPPE may be triggered by the following special circumstances:

- A single egregious case or evidence of a practice trend
- Exceeding the predetermined thresholds established for OPPE
- Patient/staff complaints
- Non-compliance with Medical Staff Bylaws, Rules and Regulations
- Elevated infection, mortality and/or complication rates
- Failure to follow approved clinical practice guidelines
- Behavior that undermines a culture of safety

If unprofessional behavior or disruptive conduct is identified as a possible concern, the Behavior that Undermines a Culture of Safety Policy will be initiated as a component of the OPPE.

RESPONSIBILITIES OF THE QUALITY MANAGEMENT DEPARTMENT:

1. The Quality Management Department will be responsible for working with each Medical Staff Clinical Service or Committee on an annual basis to review the continued relevance of the selected indicators and triggers.

Individual Case Review Process

Cases identified with potential quality of care issues are referred to the appropriate Medical Staff Department or Committee for review. The Quality Management Department is responsible for coordinating the Peer Review Process.

Cases may be identified through OPPE, FPPE, case management, risk management, audits, sentinel events/serious safety events, clinician referrals, allegations of suspected substance abuse or disruptive behavior and other sources. All cases should be initially screened by the Quality Management department utilizing medical staff approved screening criteria, prior to forwarding for physician review. If there are no potential quality of care issues identified following the quality management screening, the case is closed, the findings are documented and trending is performed in the Quality Department.

If potential quality of care issues are identified through Quality Management screening, the following process for peer review shall be implemented:

A. Reviewer Selection & Duties

Reviews are completed by the designated Medical Staff Practitioner, Department or Committee (based upon the particular medical staff structure).

The designated reviewer may not review a case where he/she participated in the care.

B. Reviewer Disqualification & Replacement

If a reviewer does not feel he/she can adequately review a medical record due to a conflict of interest or believes he/she is not qualified to address a certain issue, the reviewer may discuss the issue with the Chairperson of the Committee, Department Chief or Chief of Staff. If the Chair concurs, the Chair shall reassign the record(s) to another reviewer. If a member has reviewed a record that needs to be presented but is unable to attend the meeting, the member shall report to the Chair so that the presentation may be reassigned to another Committee member or presented by the Chairperson. If the chairperson is the practitioner subject to review, the record review will be assigned to another Active Staff member by the Chief of Staff or to an external reviewer if circumstances are as described in Section D, below.

C. Communication to Involved Practitioner

Any Practitioner or AHP who is the subject of a review receiving an assigned peer review score of 3 or greater, shall be notified in writing at least two weeks prior to the medical staff meeting where the outcome of review is reported. Communication shall include the case

medical record number, admission/discharge date, reason and outcome of the review. Comments and/or opinions made by the reviewer may be included, however, the identity of the reviewer should be redacted.

The involved Practitioner or AHP is provided the opportunity to respond to the results of the review in writing in advance of the meeting where the outcome is reported. At the request of the Department Chief, or Chief of Staff, the Practitioner or AHP may be invited to attend the meeting and discuss the case.

D. Circumstances Requiring External Peer Review

The MEC, President of the Medical Staff/Chief Medical Officer, Clinical Service Chair, Peer Review Committee/Chair or the Board of Trustees may request external peer review by a practitioner who is Board certified within the same specialty in circumstances, including, but not limited to, the following:

- The pool of eligible reviewers is unable to serve
- There is no qualified practitioner on staff to conduct the review
- Litigation risk
- The facility has only a single practitioner in a particular specialty and no other practitioner has similar background, training or experience
- The procedure is new to the organization
- Other reasons as deemed by the MEC and Board.

No practitioner or AHP may require the Hospital to obtain external peer review if it is not deemed necessary by the Medical Staff President/Chief Medical Officer, MEC, Clinical Service Chair or the Board of Trustees.

E. Review Form Summary

Reviewing practitioners must complete the Peer Review Form, Attachment One, clearly and concisely. The reviewing practitioner must sign his/her name on the review form which shall grade the care and outcome based on the following schedule:

- 1 = Treatment appropriate, outcome good, and any patient impact was minimal
- 2 = Treatment appropriate but patient sustained significant adverse outcome
- 3= Treatment inappropriate but adverse impact on patient was minor or minimal, temporary or permanent harm
- 4 = Treatment inappropriate and patient sustained moderate to severe, temporary or permanent harm.

DOCUMENTATION OF PEER REVIEW ACTIVITIES:

Reports of OPPE, FPPE and individual case review findings and recommendations shall be presented to the MEC. The MEC may adopt the recommendations of the Medical Staff Department/Committee and/or make further recommendations, including recommendation for further investigation and/or Corrective Action in accord with the Medical Staff Bylaws.

All recommendations of the MEC other than for further investigation or Corrective Action shall be delivered to the Board. The Board shall make a final determination concerning any actions warranted based on the findings and recommendations of the MEC.

Results of OPPE, FPPE and Peer Review outcomes shall be documented and maintained in the practitioner's file and referenced at reappointment. A summary of OPPE and FPPE (for cause) shall be provided to the MEC and Board no greater than every nine (9) months or as determined by the organization. A summary of peer review outcomes shall be reported to the Board on at least a quarterly basis.

Practitioner Review of Confidential Quality File

A practitioner or AHP may review his quality file by making an appointment with the Director of Quality Management and Regulatory Compliance (QMRC)/Chief Quality Officer, and the Chief of Staff. No copies of the quality file may be made, nor may the practitioner or AHP remove any portion of the quality file from the Hospital. In the discretion of the CEO, in consultation with the Chief of Staff, personal information, such as the identity of external or internal peer reviewers, or the identity of patients or employees reporting quality issues, may be redacted before the practitioner or AHP may review the file.

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