



# WHAT IS PHYSICIAN PEER REVIEW

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# What Is Physician Peer Review?

As a physician or surgeon, you prioritize the care and treatment of your patients and understand that this is your highest responsibility. Despite this priority, you are likely familiar with the bureaucracy and legal regulations that are present in your profession, as well. Peer reviews are one administrative aspect that healthcare practitioners must deal with—and for many providers, it is a process that they are unfamiliar with. To avoid the pitfalls or serious adverse consequences that can flow from peer review, it is critical to seek the advice and support of lawyers who are knowledgeable and experienced with hospital peer review processes.

## What Is the Peer Review Process?

A peer review is a confidential process in which a committee or board provides feedback on professional conduct and standard-of-care issues in medical facilities. It is widely recognized as a way to support professionalism, transparency, integrity, and trust vis-à-vis providing confidential feedback to other healthcare providers. Unfortunately, however, peer review can sometimes be motivated by economic or retaliatory reasons. In other words, in certain circumstances, a provider may be the target of a “sham” peer review process. Regardless of the motivation or impetus for the peer review, rest assured that our firm will be a strong advocate for you every step of the way.

What Is Physician Peer Review?

Page 1 of 3

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The importance of having seasoned counsel during peer review investigations or subsequent proceedings, i.e., fair hearings, cannot be understated. Adverse findings by an internal peer review body can result in the restrictions on—or the revocation of—a physician’s hospital privileges. Outside of the hospital, an adverse finding can also result in an investigation by a state medical board or a report to the National Provider Data Bank. Objectivity and careful consideration should be given during each review to balance the medical professional’s rights and their obligation to abide by the hospital’s bylaws.

### **Where Can I Find More Information About Peer Review?**

Your hospital’s bylaws provide the foundation for the peer review process. The bylaws establish the rights and responsibilities of both the provider who is the subject of the peer review process and the Medical Executive and/or Peer Review Committee initiating the peer review action. For example, the bylaws can explain the structure or hierarchy of the hospital’s medical staff, protocols for decision-making regarding credentialing issues, and due process procedures for taking adverse action against a member of the medical staff. The bylaws are often legally binding and can be found in documentation approved by the hospital’s board or other governing body.

Hospital bylaws are not the only set of regulations that dictate physician behavior and conduct. In the event that a surgeon or physician has a history of adverse actions stemming from peer reviews, the Healthcare Quality Improvement Act (HCQIA) is

What Is Physician Peer Review?

Page 2 of 3

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something to be aware of. The HCQIA is a federal law that created a system to track healthcare providers that have a history of disciplinary actions or medical malpractice claims. It also provides liability protection for members of peer review panels in the event they decide, after reasonable consideration and consideration of the facts, to implement actions that negatively affect a physician.

## **Do I Need a Lawyer?**

Because there are federal and state laws and facility regulations to consider when facing a peer review, it is vital to seek the advice of an experienced lawyer. Obtaining legal counsel that is well-versed in peer review issues and inquiries will give you the best opportunity to ensure your hearing is impartial and fair.

There is too much at stake to risk going through this process alone and unprepared. An adverse peer review action can affect your hospital privileges, credentials, reputation, and livelihood. For the representation that your case requires, call Athan Law at (509) 215-4679.

*Disclaimer: The information provided on this blog is for educational purposes only and is not intended as legal advice. Every case or situation is unique, and you should consult with a licensed attorney before taking any action. No attorney-client relationship is formed by reading this blog post.*

What Is Physician Peer Review?

Page 3 of 3

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