



Physician's Guide to Peer Review

FACING PEER REVIEW: TOP 10 TIPS

- 1 OBTAIN THE BYLAWS** – Bylaws contain crucial deadlines and due process rights; be aware of them and insist upon these important requirements.
- 2 GET COUNSEL INVOLVED EARLY** – Whether behind the scenes for strategic purposes or on the front lines, early legal advice may prevent mistakes and help minimize damage.
- 3 RESPOND IN WRITING WITH A FACTUAL TONE** – Communicating the medical facts with corroborating evidence from the medical file helps the committee understand your case and gets your side of the story into your peer review file.
- 4 MAINTAIN CREDIBILITY** – Do everything you can to present the medical facts in an unbiased and reasoned tone; do not become defensive; do not exaggerate.
- 5 BE THERE FOR EVERY MEETING** – Take full advantage of every opportunity to make a personal connection and explain the medical facts to the committee.
- 6 DON'T RESIGN OR LET PRIVILEGES LAPSE** – If the review is focused on you, to avoid a negative report to the state licensing board or the federal data bank (NPDB), assume an "investigation" exists and get legal help before you resign or let privileges lapse.
- 7 UNDERSTAND YOUR LITIGATION OPTIONS** – Current law provides limited options for litigation. Consult with counsel to be sure you understand them and can utilize them when most advantageous.
- 8 DO EVERYTHING NECESSARY FOR THE FAIR HEARING PROCESS** – Spend your resources on counsel, experts, and services that will maximize the chance of getting your privileges back at the hospital "fair hearing" level.
- 9 LOOK FOR OPPORTUNITIES FOR RESOLUTION** – While preparing for the hearing, be creative and flexible in determining a resolution that you can live with.
- 10 PRACTICE WHERE YOU ARE WELCOME** – Practicing medicine is hard enough. Practicing medicine under a microscope is a recipe for disaster. If it is clear the hospital is not a good fit for you, make your exit with the help of legal counsel.



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AVOIDING PEER REVIEW: TOP 10 TIPS

- 1 DOCUMENT THE MEDICAL RECORD WELL** – Your best defense is the medicine, so make sure the medical record clearly reflects it.
- 2 RESPECT THE HEALTH CARE TEAM** – Do all you can to eliminate complaints that may trigger a review of medical care or allegations of disruption.
- 3 RESPECT YOUR PATIENTS** – Even if your medical care meets the standard, administration must deal with unhappy patients and a peer review may result.
- 4 CHOOSE YOUR HOSPITALS CAREFULLY** – Having privileges at more than one hospital allows you to continue your practice in the event your privileges are affected at another hospital.
- 5 HOLD POSITIONS ON MEDICAL STAFF COMMITTEES** – Being active on committees will allow you to be informed and diffuse potential problems.
- 6 FIND ALLIES ON THE MEDICAL STAFF** – Whether your practice partners or physicians who know and respect you, have support from those in power.
- 7 DON'T COMPLAIN IF VULNERABLE** – If you have little support (you are a solo, new to the medical staff, competitors hold power), complaining may cause scrutiny of your practice.
- 8 RESPOND IN WRITING TO ALL INQUIRIES** – Respond in writing to all inquiries (no matter how minor) and make sure the tone is credible and factual.
- 9 PAY ATTENTION TO THE ATMOSPHERE** – Be alert to signals that you are not welcome on the medical staff and address them.
- 10 RESOLVE IT OR GET OUT OF DODGE** – Resolve any issues directly with the medical staff on a professional level and, if not possible, take your practice elsewhere, with legal counsel's help.

PARTICIPATING IN PEER REVIEW: TOP 10 TIPS

- 1 TAKE IT SERIOUSLY** – Don't marginalize these important duties. Dedicate your attention to the medicine, determine the truth, and do all possible to reach the correct result.
- 2 KNOW THE BYLAWS** – Be familiar with the bylaws so as to ensure that they are followed in letter and in spirit.
- 3 DEMAND FUNDAMENTAL FAIRNESS** – Step back and make sure the physician receives fundamental fairness in all aspects of the peer review.
- 4 RECUSE YOURSELF AS NECESSARY** – If there is an actual or perceived conflict (competitive, personal, or other reason), explain the grounds and recuse yourself. If an outside review is necessary, urge it be done.
- 5 DO NOT "RUBBER STAMP"** – Do not pre-judge. View decisions of prior persons or committees with a skeptical eye. Make sure that you're making an independent judgment based on the facts.
- 6 EVALUATE THE PHYSICIAN'S RECORD** – If information on the physician's statistics and/or trends exists, consider it.
- 7 UNDERSTAND THE MEDICINE** – Make sure you review the medical records (including x-rays, films, etc.). If not your sub-specialty, rely only on sound medical opinion or those with expertise.
- 8 MEDICAL OPINIONS DIFFER** – Remember that a difference of opinion does not mean that the standard of care has been violated.
- 9 LOOK FOR PROPORTIONALITY** – Summary suspensions should be used to prevent danger to patients. Terminations should be used only when retraining, proctoring, or other remedial efforts fail.
- 10 REALIZE THE CONSEQUENCES** – A negative peer review action at one hospital can have a severe effect on a physician's ability to practice medicine or hold a license anywhere. Keep in mind the impact your decision can have on the physician's entire career and livelihood.