

MEDICAL STAFF BYLAWS

APPENDIX "E"

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 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 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 – 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 competence in performing a specific privilege. The process is consistently implemented as a means to verify clinical competence for all initially requested privileges, for a newly requested privilege, and whenever a question arises regarding a practitioner's ability to provide safe, high-quality patient care. FPPE is not considered an investigation or corrective action as defined in the Medical Staff Bylaws and is not subject to the Bylaws provisions related to the corrective action process.

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;
- 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 of FPPE may be made by:

- The Credentials Committee;
- A Department of the Medical Staff;
- The Chief of the Department;
- 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 an investigation as defined in the Medical Staff Bylaws and is not subject to the bylaws provisions related to investigations. If 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;
- A specific volume (number of procedures/admissions)

The medical staff may take into account the practitioner's previous experience in determining the approach, extent, and time frame of FPPE needed to confirm current competence. The practitioner's experience may be individualized based upon one of the following experience/training examples:

1. Recent graduate from a training program affiliated with the facility, where the requested privileges were part of the training program (competence data is available)
2. Recent graduate from a training program at another facility, where the requested privileges were part of the training program (competence data is not available)
3. A practitioner with regular experience exercising the requested privilege of fewer than two years on another medical staff
4. A practitioner with regular experience exercising the requested privilege of more than five years at another medical staff

FPPE shall begin with the applicant's first admission(s) or performance of the newly requested

privilege. FPPE should optimally be completed within three 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 the first biennial reappointment.

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
4. Direct observation/proctoring
5. For dependent AHP's, FPPE methods may include review or proctoring by the sponsoring physician.
6. Internal or external peer review.

The terms of all FPPE shall be communicated in writing to the affected practitioner, 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 medical staff department/committee. The 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
- 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
- Unprofessional behavior or disruptive conduct

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

**Refer to Attachment A "Standardized FPPE Template"*

**Refer to Attachment B "Examples of Performance Measures & Triggers"*

E. Conclusion of FPPE

At the conclusion of the initial FPPE, findings will be reviewed by the Medical Executive Committee or responsible Department, 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 will be notified of their performance and outcome(s) following FPPE. A letter is forwarded to the Medical Staff member including, but not limited to, the following:

- Findings and outcome of FPPE
- Specific actions, if any, that need to be taken by the Practitioner to address any quality concerns and the method for follow-up to ensure that the concerns have been addressed; and
- 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 will move into OPPE
- The period of FPPE for a specific privilege is completed and the practitioner will continue with OPPE

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

- The practitioner may voluntarily resign the relevant privilege(s), or
- The practitioner may submit a written request for an extension of the period of focused evaluation, or
- If the practitioner has sufficient volume of the privileges in question at another local facility, external peer references specific to the privilege/procedure will be obtained.
- FPPE may be extended at the discretion of the responsible medical staff department or committee.

The practitioner is not entitled to a hearing or other procedural rights for any privilege that is voluntarily relinquished.

Results of FPPE are maintained in the Practitioner's Confidential Quality 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 should also be offered the opportunity to address the Committee 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 Department or Committee Chair, or Chief of Staff will meet with the Practitioner to communicate the improvement plan.

If the Practitioner agrees with the plan, the written document should be signed by the Practitioner and forwarded to the Quality Department. If the Practitioner 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 every three to six months if possible, and in no event less frequently than every nine months.

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 department 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, etc.
 - b. The Medical Staff will select *general* indicators that apply to all credentialed practitioners.
 - c. The Medical Staff may consider using 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
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:

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- The Medical Executive Committee;
- The specific Medical Staff Department;
- The Chief of the Department;
- 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 report are referenced in the MEC meeting minutes, maintained in the quality file and incorporated into the two-year reappointment process.

The outcome of the evaluation must be documented and maintained in the practitioner quality file.

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
- Unprofessional behavior or disruptive conduct

If unprofessional behavior or disruptive conduct is identified as a possible concern, the Disruptive Practitioner Policy will be initiated as a component of the OPPE.

At the completion of the review period, the results of OPPE (the practitioner profile report) will be communicated to the individual practitioner. The original report will be maintained in the practitioner quality file.

RESPONSIBILITIES OF THE QUALITY MANAGEMENT DEPARTMENT:

1. The Quality Management Department will be responsible for compiling and reporting results of FPPE and OPPE to the Medical Staff Committee(s) every three, six, or at a maximum, every nine months. A practitioner-specific profile will be utilized.

2. In order to facilitate FPPE for Allied Health Professionals, and/or those practitioners requesting a new privilege, the practitioner must notify the Quality Management Department of the first scheduled procedure or encounter. The practitioner must also provide the Quality Management Department with a patient listing or log until the specified patient volume or FPPE requirement is met.
3. The OPPE practitioner-specific profile that illustrates performance over the two-year reappointment cycle will be utilized at the time of reappointment.
4. The Quality Management Department will be responsible for working with each Medical Staff 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, 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. Should the hospital have only one practitioner in a particular specialty, or the pool of eligible reviewers is otherwise conflicted or unable to serve, the MEC or the Board of Trustees may request external peer review by a practitioner who is Board certified within the same specialty.

C. Communication to Involved Practitioner

Any Practitioner 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 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 may be invited to attend the meeting and discuss the case.

D. Circumstances Requiring External Peer Review

If no practitioner on staff is qualified to conduct a review, the MEC, Chief of Staff, Department Chair or the Board of Trustees may request external peer review by a practitioner who is Board certified within the same specialty. External Peer Review may be necessary, but not limited to, the following circumstances:

- 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.

No practitioner may require the Hospital to obtain external peer review if it is not deemed necessary by the Chief of Staff, Executive Committee or Board of Trustees.

Where the body conducting the peer review seeks external or outside peer review by a qualified practitioner within the same specialty or discipline as the practitioner under review, it shall appoint such external or outside reviewer to be a member of the peer review committee, without vote. Any report generated by such external or outside reviewer shall be considered to be a report of the peer review committee and shall be utilized for the committee's purposes. Likewise, where the peer review committee in its discretion affords the practitioner under review the opportunity to respond to the report of an external or outside reviewer, the practitioner shall attend a peer review committee meeting to discuss such response, and any information submitted by the practitioner under review in response to such report shall be considered to have been acquired in connection with or in the course of the peer review committee proceeding. An external or outside reviewer who is appointed to the peer review committee shall attend peer review committee meetings personally or telephonically, as is appropriate under the circumstances, for the purpose of deliberations related to any report by such external or outside reviewer. All information pertaining to any external or outside review by a qualified practitioner who is appointed to the peer review committee shall be protected to the fullest extent permitted by state law. For purposes of this paragraph, "peer review committee" shall include, without limitation, any medical review committee, departmental peer review committee, and the Medical Executive Committee.¹

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 minimal
- 4 = Treatment inappropriate and patient sustained a significant adverse outcome

DOCUMENTATION OF PEER REVIEW ACTIVITIES:

Reports of OPPE and 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 quality file and referenced at reappointment.

Practitioner Review of Confidential Quality File

A practitioner 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 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 may review the file.

<Refer to policy "Guidelines for Confidential Quality Files">

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