

## AMERICAN MEDICAL ASSOCIATION HOUSE OF DELEGATES

Resolution: 12  
(A-06)

Introduced by: Arizona Delegation

Subject: Protecting Physicians' Due Process Rights

Referred to: Reference Committee on Amendments to Constitution and Bylaws  
(Joseph H. Reichman, MD, Chair)

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- 1 Whereas, Restriction of a physician's hospital privileges can destroy his entire career because  
2 of reporting to the National Practitioner Data Bank and subsequent actions by the licensure  
3 board; and  
4
- 5 Whereas, Physicians have minimal rights to defend themselves, even against accusations  
6 made in bad faith from anti-competitive or other malicious motives, in any proceeding that  
7 claims to be undertaken to protect patient safety; and  
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- 9 Whereas, Hospitals control the entire process, including the flow of information, the selection of  
10 the hearing panel, and the conduct of the hearing; and  
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- 12 Whereas, Powerful law firms representing hospitals give seminars to teach hospital officials how  
13 to remove physicians who do not serve the hospitals' interests (for example, by exposing quality  
14 of care issues); and  
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- 16 Whereas, Courts are reluctant to intervene, presuming that whatever a hospital peer review  
17 committee does is fair, so that persons engaging in "sham peer review" have virtually absolute  
18 immunity; and  
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- 20 Whereas, The secrecy of the process protects accusers who engage in innuendo, slander, and  
21 unfair tactics to ruin physicians without just cause; and  
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- 23 Whereas, Such unfair processes depend upon the collaboration of physicians; therefore be it  
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- 25 RESOLVED, That our American Medical Association declare that physicians shall refrain from  
26 enabling any process that deprives a colleague of procedural or substantive due process and  
27 that engaging in sham peer review shall constitute unethical conduct. (Reaffirm HOD Policy)

Fiscal Note: Staff cost estimated at less than \$500 to implement.

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