



PROFESSIONAL ISSUES

Bulletproof bylaws: Maintaining the right to protect doctors -- and patients

Physician-hospital conflicts over quality of care continue to push medical staff bylaw issues into the courts. Here's how to keep them out.

By [Amy Lynn Sorrel](#), AMNews staff. Feb. 11, 2008.

Before joining the medical staff at Lawnwood Regional Medical Center in Fort Pierce, Fla., pathologist Anil G. Desai, MD, spent two years sitting in on meetings to learn what goes into the bylaws that he says ultimately safeguard patient care.

"The capability, the knowledge and the expertise is with the physicians," said Dr. Desai, who serves on Lawnwood's medical executive committee and has been a medical staff member since 2001. The bylaws "are the only way you can take care of patient care independently. Who will be the advocate of the patient if the medical staff is not there?"

Little did Dr. Desai know he would get swept into a court battle after Lawnwood in 2003 succeeded in getting passed a county law that doctors say eviscerated their rights. The statute allowed hospital board policy to supersede medical staff bylaws in conflicts over privileging, contracting and quality issues. Last June, a Florida appeals court found the law unconstitutional, but the case wages on before the state Supreme Court.

Medical and legal experts point to such fights as an indication of rising tensions between physicians and hospitals. Revised standards released by the Joint Commission in July 2007 spell out what belongs in medical staff bylaws in order to promote collaboration.

But the power struggle continues to push staff bylaws into the courts.

In the last two years, courts in Arkansas, Georgia and Illinois have addressed such disputes. As the feuds rise to the level of litigation, they often boil down to a difference of opinion over who's in control of patient care.

[...]

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