

Subject: Restriction, Suspension, Termination of a Practitioner
Page 1 of 6

Objective:

- I. To ensure there is a mechanism in place by which to determine whether Tuality Health Alliance (THA) should restrict, suspend or terminate a practitioner's ability to provide health care services to THA members, based upon deficiencies in the practitioner's quality of care, service, compliance with administrative processes; credentialing standards or professional conduct, which adversely affects or could adversely affect the health, safety or welfare of any THA member.
- II. To ensure the practitioner's rights to notice and opportunity to be heard when THA acts to remove or limit participation with THA.

Policy:

- I. Only licensed practitioners who are professionally competent and continue to meet the credentials, standards and requirements established by THA's Quality Management Committee (QMC) will be selected and retained to provide health care services to THA members.
- II. The THA QMC is accountable for recommending any disciplinary or termination action against a practitioner when, in the opinion of the Council, a practitioner is performing below acceptable standards for quality of care.
- III. The THA Medical Director or the QMC Chairperson/designee, may counsel, educate, issue letters of warning or censure, request corrective action or institute retrospective or concurrent monitoring in the course of carrying out their duties without initiating formal corrective or disciplinary action. These actions will be documented with a formal letter to the provider and copied to their credentialing file. Informal actions do not constitute a restriction of the practitioner's participation or grounds for a hearing.
- IV. A formal investigation that may result in restriction, suspension or termination of a practitioner's ability to provide health care services to THA members may be initiated when THA obtains reliable information, which indicates that a practitioner may have exhibited acts, demeanor, or conduct or rendered professional services to THA members that is/are reasonably likely to be or include:
 - A. Detrimental to patient health or safety or to the delivery of quality patient care
 - B. Unethical
 - C. Contrary to THA's applicable policies

Subject: Restriction, Suspension, Termination of a Practitioner
Page 2 of 6

- D. Below professional standards
 - E. Disruptive of THA operations
 - F. An improper use of THA resources
 - G. Felony conviction
 - H. Personal use of illegal drugs and alcohol (while on duty)
 - I. Being placed on probation or voluntary limitation by any regulatory agency
- V. When information suggests that corrective action may be warranted, the THA Medical Director or his designee will, on behalf of the QMC will investigate the allegations made against the practitioner and a review all information received regarding the practitioner. All relevant information will be obtained concerning the quality of the care rendered by the practitioner and/or the practitioner's professional competence, conduct or services which fail to comply with THA's qualifications and standards.
- VI. All disciplinary or termination actions shall be reported to the THA Board of Directors.
- VII. THA provides a written notice and a fair hearing process as required under applicable state and federal laws prior to termination, suspension or restriction of privileges.
- VIII. The fair hearing process applies to suspensions that are in effect for a period of more than fourteen (14) days.
- IX. The fair hearing process applies to restrictions that are in effect for a period of more than fourteen (14) days.
- X. The fair hearing process does not apply to the following:
- A. Initial Credentialing of a practitioner
 - B. Termination of a participating practitioner's agreement with THA pursuant to a "without cause" or "contract non-renewal" provision. (Inclusive of loss of license privileges through OBME).
 - C. Termination, restriction or suspension of a practitioner's ability to provide health care services to THA's members for reasons that are not related to quality of care, professional competence or professional conduct which affects or could adversely affect the health, safety or welfare of any THA members and/or is

Subject: Restriction, Suspension, Termination of a Practitioner
Page 3 of 6

- likely to be detrimental to the delivery of patient care (e.g. breach of contract).
- D. Suspensions or restrictions for a period of less than fourteen (14) days.
 - E. A THA Medical Director may act on behalf of the QMC in fulfilling the Committee's duties under the fair hearing process.
- XI. Any one of the following actions, when recommended or taken or made based upon deficiencies in the quality of care, professional competence or professional conduct which affects or could adversely affect the health, safety or welfare of any THA member and/or is likely to be detrimental to the delivery of patient care, constitutes "final proposed actions/adverse actions" and is reason for a hearing:
- A. Denial of recredentialing for a practitioner
 - B. Termination of a practitioner's ability to provide health care services to THA members
 - C. Suspension or restriction of privileges for greater than fourteen (14) days.
- XII. In any instance where a final proposed action/adverse action is proposed to be made or taken against a practitioner are grounds for a hearing. The Medical Director or designee will give the practitioner written notice of the adverse action. The notice should be within sixty (60) days after the final proposed action/adverse action is proposed. The written notice shall include the following:
- A. That a final proposed action/adverse action has been made against the practitioner, and that, if adopted, becomes a final action. The notice to the practitioner advises them that the final proposed action/adverse action, if adopted, will be reported to the NPDB pursuant to the Federal Health Care Quality Improvement Act of 1986, as amended.
 - B. A description of the final proposed action/adverse action.
 - C. The reasons for the final proposed action/adverse action.
 - D. A statement that the practitioner has a right to request a hearing on the final proposed action/adverse action in accordance with this Fair Hearing Process within thirty (30) days after receipt of the notice.
 - E. A statement that the request must be in writing to the THA Medical Director, at the specified address in the notice, and sent by personal delivery, by certified or registered mail or by a shipping company and is deemed given upon receipt.

**Subject: Restriction, Suspension, Termination of a Practitioner
Page 4 of 6**

- F. A copy of this policy.

- XIII. If the practitioner fails to request a hearing within the time and/or manner described above, this constitutes a waiver by the practitioner of his or her rights to a hearing and of any review. In the case of a waiver, the practitioner is deemed to have accepted the final proposed action/adverse action, and the final proposed action/adverse action would become final.

- XIV. Hearing Prerequisites
 - A. After receipt of a request for a hearing, the THA Administrative Coordinator schedules the hearing. The THA Administrative Coordinator sends written notice to the Practitioner of the place, time and date of the hearing. A period of at least 30 days following THA's receipt of the written request for a hearing will be given before scheduling the hearing.

 - B. Witness lists and document exchange will be determined by mutual agreement of the practitioner and THA.

 - C. THA will send a notice to the Practitioner that contains the reason for the final proposed action/adverse action taken or recommended, including the acts of omission with which the Practitioner is charged.

 - D. A request for a postponement of the hearing and/or extension of time beyond the times permitted in "A" above is permitted only upon mutual agreement of THA and the Practitioner one time.

 - E. The personal presence of the Practitioner who requested the hearing is required. Failure of the Practitioner, without good cause, to appear and proceed at the hearing constitutes a waiver of his or her right to a hearing and a voluntary acceptance of the final proposed action/adverse action, which becomes effective immediately.

 - F. The Hearing Panel shall be held, as determined by THA by one of the following options:
 - 1. Before an arbitrator mutually acceptable to the practitioner and THA
 - 2. Before a hearing officer, who is appointed by THA, by and through the THA Chief Executive Officer, and who is not in direct economic competition with the practitioner involved
 - 3. Before a hearing panel as promulgated and implemented by the Oregon Board of Medical Examiners pursuant to ORS 441.055 (6) to (11) and OAR 847-10-095.
 - 4. The majority of the hearing panel will be comprised of members that are

Subject: Restriction, Suspension, Termination of a Practitioner
Page 5 of 6

peers of the affected practitioner.

XV. Hearing

- A. The Practitioner who requested the hearing is entitled to have an attorney or other person of his or her choice represent him/her at his/her personal expense.
- B. Both parties have the following rights within reasonable limitations:
 - 1. To be provided with all of the information made available to the Hearing panel
 - 2. To have a record made of the proceedings, copies of which may be obtained by the Practitioner upon payment of any reasonable charges
 - 3. To call and examine and cross examine witnesses
 - 4. To present and rebut evidence determined to be relevant
 - 5. To introduce exhibits and documents relevant
 - 6. To submit a written statement at the close of the hearing provided it is completed in an efficient and expeditious manner (time period 30 days or less).
- C. At the conclusion of the presentation of evidence, the hearing is closed. Either party may at the close of the hearing submit a written statement.
- D. The Hearing Panel's decision will act as a recommendation that the QMC will consider in making its final decision on the proposed action/adverse action against the Practitioner.
- E. Within 30 days after adjournment of the hearing, a written report will be submitted to the QMC with the recommendations which includes findings of fact and a conclusion articulating the connection between the evidence produced at the hearing and the decision reached.
- F. If the final action adversely affects the ability of a practitioner to provide health care services to THA members for a period of time greater than 30 days and is based on deficiencies in quality of care, competence or professional conduct, then the decision states that the action will be reported to the NPDB and the applicable State licensing board.
- G. The practitioner is notified in writing within 30 days of the hearing determination.

XVI. The Practitioner is entitled to only one hearing on any single matter that has been the subject of the final proposed action/adverse action.

XVII. The decision of the QMC is final and binding on the Practitioner. There will be no right

Subject: Restriction, Suspension, Termination of a Practitioner
Page 6 of 6

of another appeal except as allowed under state and federal laws.

Refer: THA Policy IX-1 Peer Review
THA Policy X-8 Notification to Authorities and Provider Appeal Rights
THC Medical Staff Bylaws
NCQA CR 10 Notification to Authorities and Practitioner Appeal Rights

Formulated: January 2007

Reviewed: July 2010
August 2011

Revised: February 2008
September 2009

THA Plan Director

THA Medical Director