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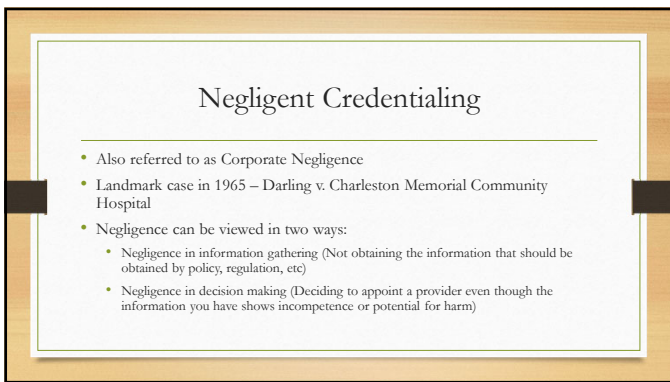
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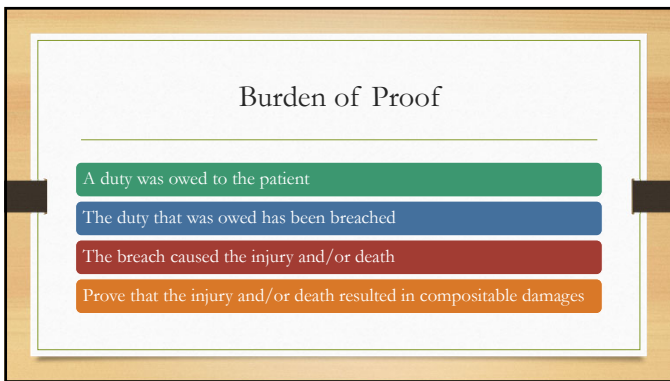
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What is the duty owed?

- 1 Adopting and following state and federal regulatory requirements
- 2 Adopting and following accreditation standards
- 3 Adopting and following medical staff bylaws, rules and regulations, and policy requirements

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Causation for Negligent Credentialing

Plaintiff must establish that had the hospital met its duty, the physician would not have been granted privileges that led to the injury or death

Plaintiff must also prove that the physician was negligent.

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Examples of Causation

- Failure to perform FPPE/OPPE (if required)
- Reappointment without review of quality and performance information
- Reappointment without volume (or proof of volume)
- Not documenting when exceptions are granted
- Granting privileges when information received question's ability to provide safe care

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### Darling v Charleston Memorial Community Hospital

- Landmark negligent credentialing case in 1965
- Provider incorrectly set a broken bone and applied a plaster cast to the leg of an 18-year-old athlete
- Injury: Cast cut off circulation to leg, resulting in amputation

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### Frigo v Silver Cross Hospital

- Alleged negligence in performance of bunionectomy by podiatrist
- Resulted injury: Osteomyelitis ulcerated foot, amputation
- Verdict: \$7,775,668.02

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### Johnson v Misericordia Community Hospital

- Alleged negligence in unsuccessful attempt to remove a pin fragment from right hip
- Damage to femoral nerve and artery, resulting in permanent paralytic condition

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**Tharp v St. Luke's Surgicenter (2019)**

- Case heard by the Supreme Court of Missouri in February 2019
- Patient experienced complications from surgery with damaged common bile duct

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**What can we do to mitigate risk?**

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**Know your regulations!**

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State Regulations

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Federal Regulations (CMS, etc)

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Accreditation Standards (Joint Commission, HFAP, DNV, etc)

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TIP: Don't ONLY look at the "Medical Staff" section/chapters

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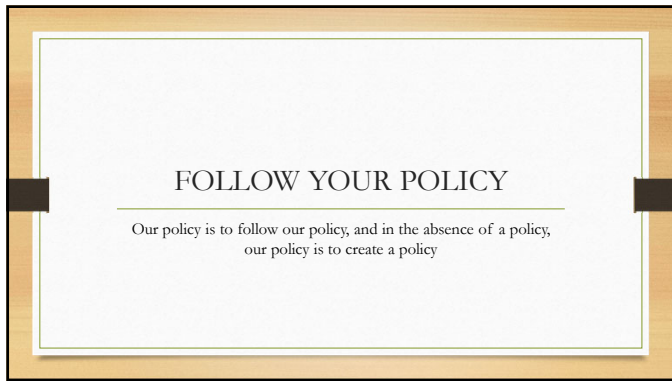
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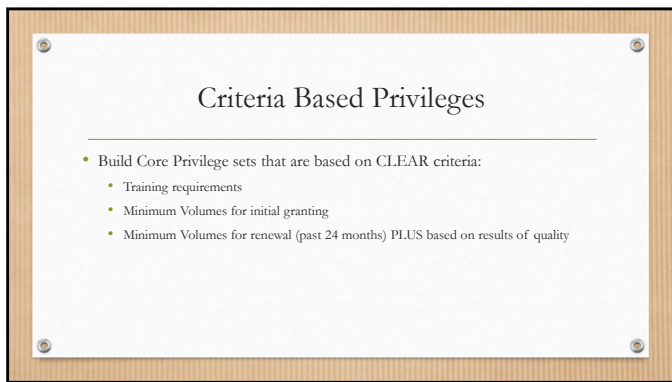
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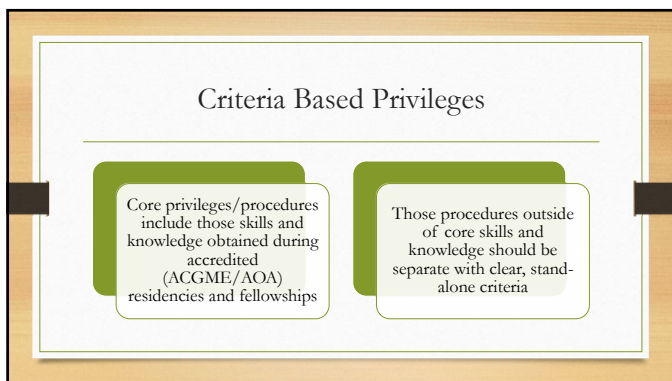
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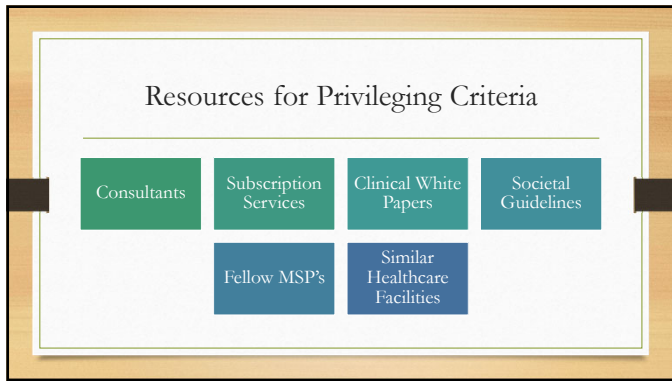
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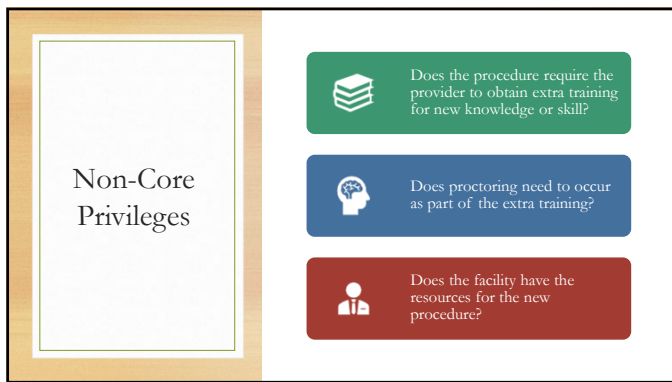
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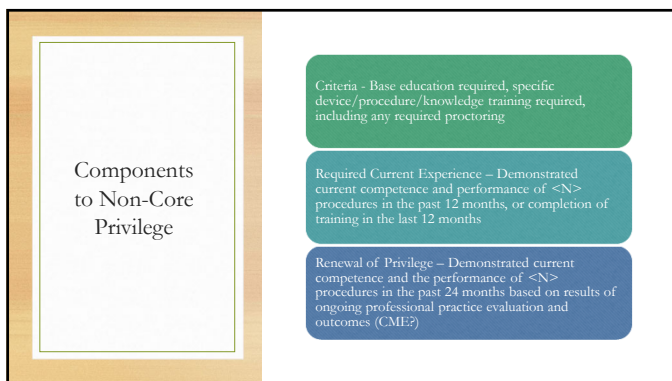
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### Special Considerations

- Qualifications for base privileges should match nationally recognized requirements
- Additional qualification requirements may be needed for services offered and accreditation status
- Qualifications and Criteria written and approved that deviate from national best practice or recognized standard should be documented

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### Exceptions to Approved Criteria

-  Criteria and Qualifications for Privileges/Membership should be applied equally to all applicants
-  Exceptions to criteria and qualifications to either privileging or credentialing criteria should be well documented, and approved at each level of file approval, including the board of directors
-  Exceptions should be based on facts and verifications of equivalent training and/or proven practice

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