

Support for S.1767/HR 3413 the Physician and Patient Safety Act



MAINTAINING INDEPENDENCE IN THE PURSUIT OF EXCELLENCE IN EMERGENCY MEDICINE.

BACKGROUND:

Due process is defined as a fair hearing with a right of appeal in front of the peers of the medical staff prior to any alteration, restriction, or termination of our privileges to practice medicine in a hospital.

AAEM believes that due process is fundamental to emergency physicians' ethical mandate to care for patients without being pressured by hospital administration or other external influences.

The Federal Emergency Medical Treatment and Active Labor Act (EMTALA) statute has resulted in the emergency department becoming the "safety net" for the financially disenfranchised patient. Emergency physicians necessarily serve as direct advocates for their patients, many of whom go to emergency departments because they are vulnerable due to medical, social, or financial issues outside of their control.

SUPPORT S. 1767/HR 3413, THE PHYSICIAN AND PATIENT SAFETY ACT:

S.1767/HR 3413 the Physician and Patient Safety Act would require the Secretary of Health and Human Services to, within 18 months, issue final regulations to provide physicians with medical staff privileges at a hospital a fair hearing and appellate review through appropriate medical staff mechanisms before any termination, restriction, or reduction of the professional activity occurs. The due process rights will benefit patients and doctors. Doctors will advocate for the health of their patient when that comes into conflict with other actors and promote quality of care in the healthcare system. Due process will achieve the following important goals: improve patient care through a "patient first mentality, decrease healthcare costs through reducing inappropriate admissions, and strengthen patient faith in the nation's health system and its physicians.

In some cases, such advocacy may conflict with non-patient-oriented forces placing the emergency physician at odds with the hospital or consulting physicians.

Therefore, any contractual limitation on the due process rights of emergency physicians is not in the public interest as it hinders the ability of emergency physicians to always act in the best interest of the patient.



"THIS LEGISLATION ADDRESSES A FUNDAMENTAL ISSUE THAT DIRECTLY IMPACTS BOTH PHYSICIAN INTEGRITY AND PATIENT SAFETY. WHEN PHYSICIANS CAN BE TERMINATED WITHOUT CAUSE OR WARNING, IT DISCOURAGES THEM FROM SPEAKING UP ABOUT UNSAFE CONDITIONS OR ADVOCATING FOR THEIR PATIENTS. THIS BILL RESTORES A CRITICAL LAYER OF PROTECTION NECESSARY FOR HIGH-QUALITY, ETHICAL MEDICAL CARE."

- Robert Frolichstein, MD FAAEM,
Immediate Past President of AAEM

COSPONSOR S. 1767/HR 3413 THE PHYSICIAN AND PATIENT SAFETY ACT.



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