AAEM™
AMERICAN ACADEMY OF EMERGENCY MEDICINE
CHAMPION OF THE EMERGENCY PHYSICIAN

May 27, 2026

Dear Ross Simcoe, MD,

This letter regards the situation at Virtua Our Lady of Lourdes Hospital (OLOL) confronting you and your colleagues, Drs. Sacchetti and Smith in the state of New Jersey. The American Academy of Emergency Medicine (AAEM) is very concerned about such matters and, as you know, has been a staunch advocate for emergency physicians regarding due process.

Dr. Robert McNamara, MD, a Past President, has spoken with you and relayed these concerns to the AAEM and forwarded material including a timeline of events and your medical staff Bylaws. It is our understanding that hospital administration has awarded the contract for emergency services to TeamHealth replacing the current contractor Envision. As part of this hospital administration has told TeamHealth that you and your colleagues are on the "do not hire" list administratively terminating your right to practice at OLOL. It is especially disturbing to hear that this termination is likely a direct result of bringing up patient safety issues.

Importantly, as described, your professional activities as an emergency physician are being terminated outside of the processes detailed in the Medical Staff By-Laws. This is unacceptable as, according to Joint Commission guidelines, the authority to terminate or modify your ability to practice rests with the organized medical staff via the Medical Staff By-Laws. This intervention by the hospital appears to be in violation of Medicare's Conditions for Participation (42 CFR § 482.22) that expressly requires that hospitals have an organized medical staff that is responsible for the quality of medical care in the hospital. Hospital administrators do not have the authority to unilaterally determine who is qualified to provide care.

You were required to obtain medical staff membership as part of your employment contract, and you are therefore entitled to the full protection of the By-Laws in this matter. Due process is an essential right of physicians with extensive legal foundations as outlined in an AAEM white paper. (1) You have numerous avenues to pursue including reporting this denial of due process to the Joint Commission and the state Department of Health. Additionally, the AAEM has supported legal action by physicians who have been wrongfully terminated via our Foundation. You will note that in the recent Economy v Sutter ruling from CA the Court of Appeals concluded the Medical Staff processes cannot be circumvented even in situations where quality of care is at issue. (2)

Finally, termination of emergency physicians for speaking out on the quality of care is not looked upon favorably by the courts. As you can see from the attached article regarding Dr. Brovont, the penalties for such an action can be significant. (3) Dr. Robert McNamara will be your primary point of contact on this matter and is available to discuss this matter further with you. You may share this communication as you see fit.

Sincerely,

Vicki Norton M.D.

Vicki Norton, MD, FAAEM
President, the American Academy of Emergency Medicine

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3. https://www.kcur.org/health/2021-04-13/physician-collects-26-million-after-litigation-over-inadequate-e-r-staffing-finally-ends

cc: Robert McNamara, MD, MAAEM
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