The Massachusetts Medical Society is a professional association of over 25,000 physicians, residents, and medical students across all clinical disciplines, organizations, and practice settings. The Medical Society is committed to advocating on behalf of patients, to give them a better health care system, and on behalf of physicians, to help them provide the best care possible. To that end, the MMS wishes to be recorded in support of H.2291, An Act Relative to Hospital Medical Staffs.

The quality of the delivery of health care services in a hospital depends on many factors, including the competence and commitment of both the hospital staff and the hospital administration. In Massachusetts, a key factor in assuring quality has also been the existence of professional hospital medical staff organizations – organizations of physicians and other practitioners with privileges at a hospital who are governed by their own by-laws. The role of the hospital medical staff is so crucial that an array of statutes and regulations make reference to it regarding such key areas of patient care assessment and professional peer review.

In most cases, hospital and their medical staffs are aligned, but there are times when there are conflicts. In order for hospital medical staffs to perform their functions, they must be able to be independent of the hospital administration. This allows them the autonomy to make recommendations and act in ways that may be in the best interest of health care but not necessarily always in accord with the position of the facility’s board of trustees. This independence has come increasingly under fire in recent years.

The intent of this legislation is not only to ensure medical staff autonomy, but also, and more importantly, to empower the medical staff in the delivery of quality patient care. This measure would clearly establish the independent status of the medical staff of a hospital by delineating the basic rights and responsibilities of the medical staff and clarify their relationship with the hospital administration. It would specify that each hospital must have its own governing authority for interactions with the medical staff and that large systems may not govern multiple medical staffs with one governing board. It would also affirm the right of a medical staff to ensure that its members’ financial relationships with a hospital or health system, such as employment or contractual relationships, cannot determine membership or participation on the medical staff.

H.2291, based on legislation enacted in California, describes the minimum set of self-governance attributes of a hospital medical staff, the essence of which will lead to both improved patient care and better relationships between hospitals and their physicians. It includes:

- The initiation, development, adoption, and amendment of medical staff bylaws, rules, and regulations, subject to approval of the hospital governing body, from which approval shall not be unreasonably withheld;
- The selection and removal of medical staff officers;
- The establishment and collection of medical staff dues and use of the dues fund consistent with the purposes of the medical staff;
• The right of the medical staff to access and use independent legal counsel at the expense of the medical staff; and
• The right of the medical staff to seek judicial relief to protect its self-governance authority from undue interference by the hospital governing body or administration.

H.2291 will also guarantee the confidentiality of information submitted to hospitals by physicians and health care professionals and ensure explicit protection of such from misuse or inappropriate dissemination by establishing a cause of action for damages and/or equitable relief.

Passage of this legislation would allow physicians and health care professionals the independence and confidence they need to successfully fight for the highest standards of quality health care in our hospitals.

The MMS urges the Committee on Public Health to report H.2291 out of Committee favorably.