Approved by the Board of Trustees

March 17, 2022

**32**

Board Meeting

March 17, 2022

DELEGATE AUTHORITY TO REVIEW UNIVERSITY OF ILLINOIS HOSPITAL AND CLINICS MEDICAL STAFF HEARING PANEL DECISIONS

**Action:** Delegate Authority to Review University of Illinois Hospital and Clinics

Medical Staff Hearing Panel Decisions

**Funding:** No New Funding Required

This Board item relates to the provisions of the University of Illinois Hospital and Clinics (“UIH”) Medical Staff Bylaws (“Bylaws”) that require review by the Board, as UIH’s Governing Body under the Bylaws, of a Medical Staff hearing panel decision, if requested by the Medical Staff member and/or the Medical Staff Executive Committee (the “MSEC”).

# **Background**

The Medical Staff Bylaws, last amended and approved by the Board on January 20, 2022, provide the legal and professional structure for Medical Staff operations, delineates the relationship with the Board of Trustees as the Governing Body, and sets forth the terms and conditions for applicants to and members of the Medical Staff. This last category includes the conditions and process pursuant to which membership and clinical privileges may be terminated, suspended, or otherwise restricted. Under the Bylaws, if Medical Staff membership and clinical privileges are terminated, suspended, or otherwise restricted, Medical Staff member physicians are entitled to seek a hearing.

If requested, the hearing is conducted in accordance with applicable procedures in the Bylaws. A hearing panel – composed of five impartial members of the Medical Staff – then makes a decision on whether or not the termination, suspension, or restriction should be upheld, overturned, or modified. Once a recommendation is made and shared with the MSEC and the Medical Staff member, each has the right under the Bylaws to request a review/appeal of the hearing panel’s decision, which must be submitted in writing to the Board or its authorized designee. Upon receipt of such a request, the Board or authorized designee directs the hearing panel to certify and immediately provide to it the complete record and transcript of the hearing.  The Board or its authorized designee is required to review the certified record and consider any written arguments submitted as part of the record. The purpose of the review is twofold: (1) to determine whether the procedures established by the Bylaws and by appropriate University regulations and policies have been met; and (2) to determine whether the findings of the hearing panel are against the preponderance of the evidence or arbitrary and capricious.

Based on this review, the Board or authorized designee then decides whether to affirm or overturn the hearing panel’s decision, or to take any other action concerning the member’s status that it deems appropriate. The Board or authorized designee must make a decision and provide a copy to the member within 14 days of the time the hearing record is certified and forwarded to the Board. The decision of the Board or authorized designee is in all cases final.

The purpose of this item is to provide for an effective and expeditious review of the hearing panel’s decision by delegating the review and decision referenced above to any two voting members of the Board’s University Healthcare System Committee (“UHS Committee”). This delegation will allow an informed and efficient process involving members of the Board having particular familiarity with healthcare and medical staff issues. The members of the UHS Committee are familiar with hospital and medical staff operations and will be more readily available to review and act in timely fashion on review of any hearing panel decision. In addition, this delegation mirrors a similar delegation by the Board in 2010 concerning general credentialing and privileging decisions.

# **Action Requested**

The Chancellor, University of Illinois Chicago, and Vice President, University of Illinois System and the Vice Chancellor for Health Affairs, recommend that the Board delegate and authorize any two voting members of the Board who also are members of the UHS Committee to conduct the review of the certified record of a Medical Staff hearing and decision of a hearing panel in the event that timely review or appeal is requested, and to issue the decision on behalf of the Governing Body, or take such other action as may be permitted or contemplated by Article IX, Section 6 of the Bylaws.

The Board action recommended in this item complies in all material respects with applicable State and federal laws, *University of Illinois* *Statutes, the General Rules Concerning University Organization and Procedures*, and Board of Trustees policies and directives.

The President of the University of Illinois System concurs.