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Medical Association of Georgia

Building a Better State of Health Since 1849

May 15, 2008

Mark R. Chassin, M.D., M.P.P., M.P.H.
President
The Joint Commission
One Renaissance Boulevard
Oakbrook Terrace, IL 60181

RE: Final M.S 1.20

Dear Dr. Chassin:

The Medical Association of Georgia (MAG) has approximately 6,000 members and is the largest physician membership organization in Georgia. MAG's mission is to enhance patient care and health by advancing the art and science of medicine. As such, MAG has a vital interest in medical staff issues, particularly the content of medical staff bylaws.

MAG commends the Joint Commission for its efforts in drafting and adopting the final version of MS 1.20. MS 1.20 helps ensure quality patient care by establishing a much needed standard for the elements of medical staff bylaws and by reinforcing the Joint Commission's existing standards requiring a self-governing medical staff.

A self-governing medical staff is critically important to the quality of care patients receive at a hospital. It is imperative the medical staff have the ability to amend the self-governing provisions of the medical staff bylaws, its primary governance document, which sets forth how practice standards are determined. Over the past two decades, hospitals have removed a number of the self-governing provisions of the medical staff bylaws and placed them in policies and procedures manuals. As such, any amendments to these policies and procedures manuals only need the approval of the medical staff executive committee rather than the entire medical staff.

In Georgia, hospitals have placed the credentialing and privileging procedures and the fair hearing and appeal process in the policies and procedures rather than the medical staff bylaws. By doing this, hospitals have circumvented the authority of the medical staff to be self-governing raising concerns on its effect on patient care. These important provisions ensure and protect the quality of care and patient safety by affording medical staff members' protection and a fair and unbiased review when raising concerns.

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The final version of MS 1.20 prevents the hospital governing body from usurping the self-governing authority of the medical staff. Often times, the hospital governing body controls the medical staff by retaining the right to approve and remove the members of the medical executive committee, raising the question as to whether the medical staff is truly self-governing. In addition, medical staff executive committees are often comprised of hospital-employed or hospital-selected physicians thereby giving the facility's administration authority to govern the medical staff.

Questions arise whether the medical executive committee is adequately representing the medical staff's interests. This new standard addresses this concern by allowing the medical staff, as a whole, to propose medical staff bylaw amendments directly to the hospital governing body. As a result, physicians that are directly responsible for patient care have the authority to amend the bylaws to ensure individual patient needs and quality of care.

The new standard also emphasizes that the medical staff as a whole, not just the medical staff executive committee, is ultimately responsible for ensuring quality care by authorizing the medical staff to delegate responsibilities to the executive committee while maintaining authority over the delegated responsibilities. The medical staff as a whole better serves, rather than members of the medical executive committee, the general and specialty needs of the patient population. This approach provides flexibility while ensuring that the medical executive committee is representing the interests of the entire medical staff.

MAG genuinely appreciates the Joint Commission's efforts to adopt MS 1.20, and MAG supports the final standard in full.

Sincerely,

Donald J. Palmisano, Jr.
General Counsel

Cc: Jack Chapman, M.D., President, Medical Association of Georgia
David Cook, Executive Director, Medical Association of Georgia