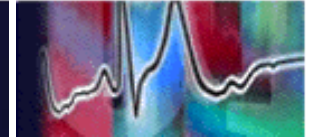




ROBINSON & COLE LLP

Health Law Pulse



Long-Term Care - It's Time to Revise Your Medical Staff Bylaws

Over the years, medical staff bylaws for long-term care facilities have become more complicated. In 2004, long-term care facilities must comply with a new JCAHO standard requiring a fair hearing and appeal process for medical staff members. This process is essential for adverse decisions regarding reappointment and denial, and reduction, suspension, or revocation of clinical privileges that may relate to quality of care, treatment, and service issues. The fair hearing and appeal process is designed to provide affected medical staff members with a fair opportunity to defend themselves regarding an adverse decision, especially in light of the requirement that adverse decisions be reported to the National Practitioner Data Bank. The medical staff member must receive an unbiased hearing and an opportunity to appeal the decision of the committee to the governing board of the facility. Although this was already required for other JCAHO accredited organizations, this is a new requirement for long-term care and will likely require revisions to medical staff bylaws and practices. The Robinson & Cole [Health Law Group](#) has extensive experience in assisting long-term care facilities with the fair hearing and appeal process and other medical staff related issues.

FTC Turns Up the Heat on Antitrust Enforcement of Provider Networks

Years after the shift from risk contracting between the managed care industry and health care providers, the Federal Trade Commission has turned up the heat on provider networks, such as PHOs and IPAs, alleging that the negotiating activity of these provider networks constitutes price fixing or other anticompetitive behavior. [\[Click here for full article.\]](#)

Foreign National Health Care Workers Face Crucial July 2004 Deadline

Hospitals and other health care facilities continue to struggle with persistent shortages of nurses, medical technicians and other health care professionals. The ability to tap into an international pool of healthcare workers has helped to ease the shortages. However, new certification requirements, previously applied only to those foreign nationals seeking permanent resident status, threaten to disrupt the ability of foreign national health care workers temporarily working in the U.S. to maintain their status. [\[Click here for full article.\]](#)

Collection Practices May Jeopardize Tax Exempt Status

A recent decision by the State of Illinois Department of Revenue has caused tax-exempt hospitals across the country to reconsider their methods of collecting payment from poor and uninsured patients. The decision resulted in Provena Covenant Medical Center, a prominent Catholic hospital located in Urbana, Illinois, being stripped of its tax-exempt status, in large part due to findings that Provena's collection practices were inconsistent with its charitable status. [\[Click here for full article.\]](#)

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