

PHYSICIAN-HOSPITAL RELATIONSHIPS

November 9, 15, 2011

William H. Maruca, Esq. Fox Rothschild LLP 412-394-5575 wmaruca@foxrothschild.com	Vasilios J. Kalogredis J.D., C.H.B.C. Kalogredis, Sansweet, Dearden and Burke, Ltd. (610) 687-8314 bkalogredis@ksdbhealthlaw.com
---	---

Accountable Care Organizations
© 2011 Fox Rothschild

1

Overview

- Credentialing
- Hospital-Medical Staff Governance
- Models for Physician-Hospital Integration

Accountable Care Organizations
© 2011 Fox Rothschild

2

Credentialing

- Licensure and Accreditation Obligations
- “Exclusive” or “Economic” Credentialing
- Liability for Negligent Credentialing

Accountable Care Organizations
© 2011 Fox Rothschild

3

Governance Issues

Licensure requirements:
Every hospital shall have an active medical staff to deliver the preponderance of medical services within the hospital. The active medical staff shall be responsible for its own organization and administration and should perform all significant duties pertaining thereto. Every member of the active medical staff shall be eligible to vote at staff meetings and to hold office. 28 Pa Code §107.4

Accountable Care Organizations
© 2011 Fox Rothschild

4

Governance Issues

- Medical Staff Bylaws as enforceable contracts
- Immunity for Peer Review activity:
 - HCQIA
 - PA Peer Review Protection Act

Accountable Care Organizations
© 2011 Fox Rothschild

5

Models for Physician-Hospital Alignment and Integration

- **Physician Employment**
 - Traditional
 - Virtual Private Practice
 - Physician Enterprise/Foundation Model
- Practice Leasing Model
- Management Services Agreement:

Accountable Care Organizations
© 2011 Fox Rothschild

6

Models for Physician-Hospital Alignment and Integration

- **Accountable Care Organizations**
- **Shared Pay-For-Performance**
- **Bundled Payment Initiative**
- **Pioneer ACOs**
- **Gainsharing Programs**
- **Clinical Co-Management**
- **ASC and other Ambulatory Freestanding Joint Ventures**

Accountable Care Organizations
© 2011 Fox Rothschild

7

Models for Physician-Hospital Alignment and Integration

- **Contractual Joint Ventures**
- **Donation or Subsidies of EHR**
- **Recruitment Agreements**
- **Stark Fair Market Value Exception**

Accountable Care Organizations
© 2011 Fox Rothschild

8
