

TO: House Health Policy Committee Members

FROM: Chris Mitchell, Vice President, Government & Political Affairs

DATE: May 17, 2016

SUBJECT: House Bill 5090: Physician Maintenance of Certification and Hospital Privileging

MHA Position: OPPOSE

The Michigan Health & Hospital Association strongly opposes House Bill 5090, introduced by Representative Edward Canfield, D.O. (R-Sebewaing), which would prohibit the owner, operator or governing body of a hospital from denying admitting privileges to a physician solely because the physician does not maintain a national or regional certification. **As one of the state's largest private-sector employers, the MHA and Michigan hospitals oppose the bill because it is an unnecessary regulation and believe that decisions regarding privileging should remain with each individual hospital.**

Hospital privileges are the right of a physician to use the facilities and equipment of a hospital. According to the U.S. Department of Health & Human Services Centers for Medicare (CMS) and Medicaid Services, the hospital's Governing Body is legally responsible for the conduct of the hospital as an institution. The medical staff is accountable to the Governing Body for the quality of care provided to patients at the hospital. Physicians in each hospital provide input in developing the criteria for hospital privileging. Each hospital and its medical staff take this responsibility seriously and use many criteria to develop the standards for privileging.

All hospitals have a responsibility to the public to provide safe medical care. The responsibility encompasses many aspects of patient care but at its most basic level includes exercising due diligence when evaluating potential practitioners and awarding clinical privileges to physicians to serve on a hospital staff. During a time when CMS has instituted hospital monetary penalties for issues such as patient readmissions within 30 days of discharge, it is paramount that hospitals are able to use a variety of measures to staff its medical team.

As of today, there is not a hospital in Michigan that solely uses maintenance of certification to determine hospital privileges for physicians. This legislation inherently restricts the right of Michigan hospitals to develop their own standards of practice and care. **The MHA urges you to vote no on House Bill 5090 and continue to allow each hospital to work with their medical staffs to develop their standards for hospital privileging.**

Please contact Chris Mitchell at (cmitchell@mha.org) or (517) 703-8622 at the MHA if you have further questions on this issue.