

APPENDIX II
FAIR HEARING PLAN OF THE PROFESSIONAL STAFF

APPLICABILITY

This Fair Hearing Plan applies only to non-resident physicians with privileges and/or staff membership at the University of Utah Neuropsychiatric Institute (“UNI”). This Fair Hearing Plan does not apply to other employees or health care providers who are employed by or who have privileges or credentials at UNI, including but not limited to psychologists, Allied Mental Health Professionals, social workers, physician assistants, nurse practitioners, or medical residents.

Any individual who is employed by or who has privileges at UNI to whom this Fair Hearing Plan does not apply shall instead be entitled to grieve certain disciplinary/personnel actions in accordance with University of Utah Policies and Procedures (PPM), including without limitation PPM 2-32, as may be amended from time to time. Medical residents are entitled to grieve certain disciplinary/personnel actions as governed by the relevant GME policies. If the individual is not subject to University of Utah PPMs (because, for instance, s/he is not employed by the University of Utah), the individual shall be entitled to a process substantially similar to those contemplated by University PPMs.

ARTICLE I. INITIATION OF HEARING

1.1 RECOMMENDATIONS OR ACTIONS

The following recommendations or actions shall, if taken by the Executive Committee or Governing Body, entitle the physician or dentist affected thereby to a hearing:

- (a) Denial of initial staff appointment;
- (b) Denial of staff reappointment;
- (c) Revocation of staff membership;
- (d) Limitation or denial of requested clinical privileges;
- (e) Reduction in clinical privileges;
- (f) Suspension of clinical privileges (other than a precautionary suspension);
- (g) Revocation of clinical privileges;
- (h) Imposition of mandatory concurring consultation requirement (i.e., the consultant must approve the course of treatment in advance); or
- (i) Denial of reinstatement from a leave of absence, or imposition of modifications of privileges or conditions for reinstatement, if a report to the National Practitioner Data Bank is required.

No other action or recommendation shall entitle an individual to a hearing.

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- 1.2 None of the following actions shall constitute grounds for a hearing, and shall take effect without hearing or appeal, provided that the individual shall be entitled to submit a written explanation to be placed into his or her file:
- (a) the issue of a letter of guidance, warning, or reprimand;
 - (b) the imposition of conditions, monitoring, or a general consultation requirement (i.e., the individual must obtain a consult but need not get prior approval for the treatment);
 - (c) the termination of any interim or temporary privileges;
 - (d) automatic relinquishment;
 - (e) the imposition of a requirement for additional training or continuing education;
 - (f) the imposition of a precautionary suspension;
 - (g) denial of a request for leave of absence, or for an extension of a leave, or denial of reinstatement, or modifications to privileges or conditions for reinstatement, if no report to the National Practitioner Data Bank is required;
 - (h) denial of requested advancement in staff category;
 - (i) reduction in staff category; or
 - (j) loss or denial of privileges based on a failure to satisfy eligibility criteria, including without limitation the failure to obtain/maintain a faculty appointment, if required.

1.3 THE HEARING

All other aspects of the hearing shall be conducted as provided in the Credentialing Policy of the University of Utah Hospitals and Clinics (“UUHC Policy”), Article 7.B. through 7.E.7, as may be amended from time to time, except that:

Whenever the term “Chief Executive Officer” appears in the UUHC Policy, the term “Executive Director of UNI” shall be substituted;

Whenever the term “Medical Board” appears in the UUHC Policy, the term “UNI Executive Committee” shall be substituted;

Whenever the term “President of the Medical Staff” appears in the UUHC Policy, the term “President of the Professional Staff of UNI” shall be substituted, or if no such person exists, the term “Medical Director of UNI” shall be substituted;

The term “Medical Staff” shall refer to the Professional Staff of UNI;

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ARTICLE II. ADOPTION AND AGREEMENT

2.1 ADOPTION

2.1-1 Professional Staff

The foregoing Fair Hearing Plan was adopted and recommended to the Hospital Board by the Executive Committee in accordance with and subject to the Professional Staff Bylaws.

Date President of the Professional Staff

2.1-2 The foregoing Fair Hearing Plan was approved and adopted by resolution of the Hospital Board after considering the Executive Committee's recommendation in accordance with and subject to the hospital corporate Bylaws.

Date For the Hospital Board

2.2 AMENDMENT

This Fair Hearing Plan may be amended or repealed, in whole or in part, by a resolution of the Executive Committee of the Professional Staff recommended to and adopted by the Hospital Board, subject always to the Bylaws of the respective bodies.

2.3 PROFESSIONAL STAFF RESPONSIBILITY AND BOARD INITIATIVE

The principles stated in the Professional Staff and hospital Corporate Bylaws regarding medical staff responsibility and authority to formulate, adopt and recommend medical staff bylaws and amendments thereto and the circumstances under which the Hospital Board may resort to its own initiative in accomplishing those functions shall apply as well to the formulation, adoption and amendment of this Fair Hearing Plan.