



AMERICAN ACADEMY OF
FAMILY PHYSICIANS
STRONG MEDICINE FOR AMERICA

May 4, 2015

Andy Slavitt,
Acting Administrator
Centers for Medicare & Medicaid Services
200 Independence Ave., SW
Washington, DC 20201

RE: Physicians' due process rights within hospitals

Dear Administrator Slavitt,

On behalf of the American Academy of Family Physicians (AAFP), which represents 115,900 family physicians and medical students across the country, I respectfully urge the Centers for Medicare & Medicaid Services (CMS) to address the lack of an employed physician's due process rights within hospitals. We believe physicians deserve fair hearings when threatened by termination from a hospital and that fear of retribution may limit or prevent physicians from fully advocating for their patients' best interests. Physicians with due process rights are more likely to protest fraudulent practices that threaten the integrity of the Medicare and Medicaid programs.

The AAFP believes physicians should have the right to due process prior to termination from a hospital's medical staff and that right should not be waived by a third party. We urge CMS to address this by revising Medicare's Conditions of Participation for hospitals and forbid hospitals and physician staffing companies from including a clause in employment contracts allowing hospital administrators to directly or indirectly terminate a physician with or without cause, unless the termination receives a fair hearing. CMS should promote policies that require physicians are provided fair hearings and appellate reviews before any termination or restriction of their professional activity or medical staff privileges, and that these rights cannot be denied through a third party contract.

Physicians have a duty to advocate for their patients, even when such advocacy requires opposition to a hospital's interests. Due process rights protect physician autonomy, serve as a mechanism to protect patients, and assure physicians that their practice will not be penalized unfairly.

For any questions you might have please contact Robert Bennett, Federal Regulatory Manager, at 202-232-9033 or rbennett@aafp.org.

Sincerely,

Reid B. Blackwelder, MD, FFAFP
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