



## American Academy of Family Physicians

### Protocol for Establishing a Department of Family Medicine

The American Academy of Family Physicians (AAFP) strongly supports the establishment of clinical departments of family medicine in departmentalized hospitals. A full clinical department of family medicine is one that possesses all the rights, duties, and responsibilities afforded any other specialty department. Most particularly, these responsibilities should include recommendation of clinical privileges for department members, review of the quality of care of department members, representation of family physicians on various hospital bodies, and review of the credentials of applicants to the department.

To assist family physicians who encounter difficulties in establishing a family medicine department, the AAFP's Commission on Quality and Practice (CQP) has developed this protocol. The commission believes that by following the steps outlined, family physicians can obtain the privileges needed to care for their patients in hospitals.

1. Review the "[Hospital Privileging for Family Physicians](#)" web content

This web content provides resources for family physicians seeking information on hospital credentialing and privileging. The "[Departments of Family Medicine](#)" web content describes the reasons for establishing a department of family medicine, the process for establishing such a department, and the membership criteria and functions of the department. The AAFP policy [Privileges in Family Medicine Departments](#) supports the assertion that hospitals departmentalized by specialty should establish departments of family medicine that have rights, duties, and responsibilities comparable to other specialty departments of the medical staff.

2. Understand the hospital and medical staff bylaws

Review the hospital and medical staff bylaws that pertain to clinical departments within the hospital. These bylaws may contain provisions that prohibit or restrict the establishment of a full clinical department of family medicine. List any provisions that must be amended in order to allow the establishment of a family medicine department. Proposed changes will need to be presented to the appropriate bodies of the medical staff.

3. Know the approval process for new departments

If a process for requesting approval of a family medicine department is not included in the bylaws, request a description of the process in writing from the hospital administrator or medical staff executive office. Be certain that an appeals process is delineated so you will be prepared if your request for the establishment of a family medicine department is denied at any stage of the process.

4. Prepare a logical, objective position paper explaining the reasons why the hospital should establish or upgrade a family medicine department

The position paper should enumerate the benefits a family medicine department would bring to the community, the hospital, the medical staff, and patients in your region. For example, describe benefits such as potential improvements to patient care, decreased cost, increased quality, and possible public relations benefits for the hospital. Be sure to detail how the department would function, including its proposed internal organization and its interaction with other departments and bodies within the hospital. Address the issues of privileges and credentials, explaining the fact that peers are the best judges of a physician's competence and that family physicians have a vested interest in ensuring the competence of their peers. Emphasize that family physicians within a family medicine department are in the best position to ensure quality among the department's members. The position paper should also describe the important role a family medicine department can play in the hospital's continuing medical education (CME) and nursing education efforts.

5. Notify your AAFP chapter

Your AAFP chapter may be in a position to provide assistance, such as supplying a letter of support and/or providing advice and counsel. In addition, your AAFP chapter may have a specific committee to deal with hospital and medical staff issues.

6. Proceed through the approval process

At each level of the approval process, present your arguments for a family medicine department. If you encounter any problems pertaining to the establishment of a family medicine department, seek assistance from your AAFP chapter and/or the national AAFP. Keep your AAFP chapter informed of your progress and/or problems.

7. Consider legal counsel

Some experts advocate for engaging legal counsel if it appears that the proposal to establish a family medicine department will be rejected or if you do not understand the due process outlined in the bylaws. This is a decision to be made by the family physician(s) involved. The AAFP is not in a position to advise for or against retaining an attorney. There may be situations in which it would be appropriate to take legal action; however, lawsuits are expensive and may produce bad feelings. As a word of caution, do not be overly influenced by an attorney's encouragement to litigate. In general, courts are hesitant to substitute their judgment for the judgment of hospital boards.

8. Request AAFP chapter support for legal action

If you decide legal action is necessary, you may wish to seek your AAFP chapter's support. The chapter will review the situation to ensure that the prescribed process has been followed and that this is a case that will advance the cause of family medicine in your state. The chapter's board of directors will decide whether it will support the case and, if so, to what extent. **Note: The AAFP chapter is under no obligation to provide legal support for its members.**

9. AAFP chapter determines whether to seek national AAFP support

If all attempts to resolve the problem at the local level have failed, the AAFP chapter's board of directors may wish to seek the support of the national AAFP. The chapter must submit its request for assistance to the AAFP's CQP. The chapter should submit the following:

- a. A request for support letter that describes thorough documentation of the case
- b. A written report of the findings of the chapter's investigation, with a detailed list of all steps taken to date to resolve the case
- c. The opinion of your attorney, which should address the merits of the case and include: (i) the basis for taking legal action; (ii) an opinion on the likelihood of success; (iii) citations to specific statutes and cases that support your position; and (iv) an estimate of the cost involved to litigate
- d. Specific information about the type of support the chapter would like the national AAFP to provide (e.g., a letter of support for the case, a site visit by AAFP officials, financial assistance for legal costs)

If the chapter requests financial assistance, it should indicate its own level of approved support for the effort. Before deciding to commit financial resources to potentially costly legal action, your chapter should seek an opinion on the merits of the case from an attorney other than your attorney. This opinion would be similar to that described in 9(c) above.

The CQP will review the submitted materials, ensure the protocol and documentation requirements have been met, and provide this information and the commission's recommendation to the AAFP Board of Directors for its consideration.

10. AAFP Board of Directors determines whether to support the case

The official request for support will be considered by the AAFP Board of Directors. Conditions for AAFP financial support of legal action include, but are not limited to, the following:

- a. The AAFP Board of Directors must receive the official request to support the case from the chapter's board of directors, along with a recommendation from the CQP.
- b. Requests for AAFP financial support will be considered only if: (i) the chapter has committed its own funds to the case and (ii) you and the chapter each have obtained legal opinions, as described in 9(c) above.
- c. In making its determination, the AAFP Board of Directors will consider the merits of the request, the process followed, and the impact of the case on the family medicine movement.

The chair of the AAFP Board of Directors or his/her designee will contact the chapter's president immediately following the board meeting to notify the chapter of the board's decision. A letter to reiterate this conversation will follow, with a copy of the letter also sent to the member(s) whose case has been considered.

**Note: The AAFP is under no obligation to provide financial support for such cases.**