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Office of the Executive Vice President for Health Affairs
February 18, 2016

Members, University Health Care Committee of the Board of Trustees:

UK HEALTHCARE MEDICAL STAFF BYLAWS

Recommendation: that the University Health Care Committee approve the UK HealthCare Medical Staff Bylaws, attached as Exhibit 1, as the amended and restated bylaws of the UK HealthCare Medical Staff.

Background: Pursuant to University of Kentucky Governing Regulations (GR) II.E.2.i(1)(b), the University Health Care Committee of the Board of Trustees has governing authority for the oversight of the University's clinical enterprise, including management oversight for the development of policies, rules, and regulations for the governance of the University Hospitals and clinical enterprise. No action by the full Board of Trustees is required related to the Medical Staff Bylaws (Bylaws).

The Bylaws govern the medical staff at the University of Kentucky Albert B. Chandler Hospital and UK HealthCare Good Samaritan Hospital. The Bylaws were adopted and approved on October 11, 2010 and last amended on December 10, 2012.

On December 28, 2015, the medical staff (consisting of over nine hundred and seventy-five (975) members) was notified of the January 4, 2016, meeting of the Medical Staff Executive Committee (MSEC). The MSEC was convened to consider proposed amendments to the Bylaws designed to strengthen consistency within the document and address and clarify laws and standards applicable to and improve efficiency in operations of the medical staff. This notification included (i) a summary of the proposed amendments, (ii) a marked copy of the Bylaws, (iii) information concerning the MSEC membership, and (iv) contact information for questions.

On January 4, 2016, the MSEC (consisting of fourteen (14) voting members) met and approved the recommendation to amend the Bylaws as set forth in the Attachment and recommended these amendments to the Organized Medical Staff (OMS) and University Health Care Committee for approval. Voting members of the MSEC include the:

- President of the Medical Staff who serves as chair;
- Vice Presidents for the University of Kentucky Albert B. Chandler Hospital and UK HealthCare Good Samaritan Hospital;
- Six (6) representatives from the Medical Staff Operating Subcommittees;
- Three (3) at-large members;
- Chief Medical Officer; and
- Chair of the Credentials Committee.

In addition to the voting members, ex-officio members serving without vote include the:

- Chief Clinical Officer;
- Deans of the Colleges of Medicine, Nursing, and Dentistry;
- Dean of the College of Pharmacy or Directory of Pharmacy, as his/her designee;
- ACGME Designated Institutional Official;
- Chief Nurse Executive;
- Associate Dean for Veterans Affairs; and
- Legal Counsel.

On January 11, 2016, the OMS (consisting of over two hundred (200) members) was notified of a special meeting on January 27, 2016, to consider the MSEC recommendation. The notification included (i) instructions for voting electronically via submission of a written, signed ballot or an electronic ballot beginning January 11, 2016 and continuing until 12:30 p.m. on January 27, 2016, (ii) the agenda item, which consisted only of the resolution, (iii) the right to and process for proposing an amendment for consideration at the next annual meeting or another special meeting of the OMS, and (iv) contact information for questions. The OMS consists of the following medical staff members of the Active Faculty and Active Community categories determined not more than thirty (30) calendar days before delivery of the notice of the meeting:

- Chief Medical Officer and each Associate and Assistant Chief Medical Officer;
- All Department Chairs;
- Each medical director appointed by the Chief Medical Officer upon consultation with the appropriate Chair and approved by the Chief Clinical Officer, with funding provided through the CMO Office and an express allocation of effort for medical director duties;
- Each service line, section and division chief;
- Each elected officer of the Medical Staff;
- Each University of Kentucky or UK HealthCare center director;
- Each member of the Medical Staff Executive Committee, the Medical Staff Operating Subcommittees and the Credentials Committee;
- Each chair of the other Medical Staff standing committees identified in the Bylaws; and
- Each residency Program Director.

On January 27, 2016, the OMS approved the changes, with a final vote of thirty (31) in favor of and one (1) against.

On February 1, 2016, the medical staff was notified the OMS had adopted the resolution amending the Bylaws subject to the University Health Care Committee's approval at its February 18, 2016 meeting.

The changes are summarized by section as follows:

- Article I, Chief Clinical Officer – Added that the Executive Vice President for Health Affairs or designee shall serve as interim in the event of a vacancy in this position.
- Article I, Chief Medical Officer - Added as a role of the Chief Medical Officer to directly consult with the University Health Care Committee on quality and efficiency periodically but in no event less than twice a fiscal year as required by a recent change to the CMS Conditions of Participation.

- Article I, Practitioner – Deleted reference to genetic counselor and massage therapist.
- 2.1.1 – Added “or UK HealthCare Policy” to reflect that the Medical Staff will provide care to all patients in accordance with the non-discrimination policy.
- 6.2.1(a)(iii) – Changed requirement from one to two peer references for application for membership to the Medical Staff.
- 7.2 – Clarified that only licensed practitioners shall admit patients to the hospital and that health professional staff shall not have hospital admitting privileges with a footnote reference to the applicable Joint Commission standard.
- 7.5.2 – Clarified that a focused review shall be conducted, in addition for each provisionally granted privilege, for each initial request for privilege and each change in delineation of privileges.
- 7.6 – Indicated that criteria used for ongoing professional staff may include, but not be limited to, the identified items.
- 7.7.1 – Deleted reference to “non-adverse” and referenced section 7.7.2(a), which lists some of the items to be verified for approval of temporary privileges.
- 7.7.2(d) – Clarified the appointment period for temporary privileges for an important patient care need of a specific patient was no more than 120 calendar days with a footnote reference to the applicable Joint Commission standard.
- 7.7.8 – Added the requirement that clinical services offered via telemedicine be consistent with commonly accepted quality standards and recommended by a Medical Staff member as being appropriate for telemedicine delivery with a footnote reference to the applicable Joint Commission standard.
- 7.8.5 – Clarified Joint Commission requirement that the determination for continuation of disaster privileges occur within 72 hours of the volunteer’s arrival.
- 7.8.6 – Clarified Joint Commission requirements for primary source verification of licensure for disaster privileges when such verification cannot be completed within 72 hours of the volunteer’s arrival.
- 9.4.2(a) – Clarified the Medical Staff Executive Committee (MSEC) will hold a meeting to discuss the findings of the investigation following summary suspension of a practitioner.
- 9.4.2(a)(i) – Clarified that a practitioner shall be afforded a hearing under the Fair Hearing Plan but any suspension remains in effect pending the hearing.
- 9.6 Heading and 9.6 Table of Contents Reference – Deleted reference to hand hygiene since the applicable section was deleted.
- 9.6.2 – Deleted entirely as there is no longer suspension for violations of hand hygiene.
- 10.2.1.(d) – Clarified practitioner’s right to a fair hearing for summary suspension or adverse action recommended by MSEC.
- 11.1.1 – Added Urology as a department at Chandler Hospital.

- 11.4.2(b) – Replaced elections for Chairs of the Good Samaritan Departments of Medicine and Surgery with appointments by the Chief Medical Officer in consultation with the President of the Medical Staff and Vice President of Good Samaritan Hospital.
- 12.3.1 – Changed the nominating period for election of medical staff officers to biennially in even numbered years.
- 13.1.2 – Added “or designee” to the ACGME Designated Institutional Official’s membership on the MSEC.
- 13.1.3 – Clarified those members of the Medical Staff who can nominate by petition for the at-large members of the MSEC and Medical Staff Operating Subcommittees (MSOS).
- 13.2.2 – Added “or designee” to the ACGME Designated Institutional Official’s membership on the MSOS and clarified that the resident representative serving on the Chandler or Good Samaritan MSOS must have a clinical rotation at that particular hospital.
- 13.3.1 – Added a statement permitting the Credentials Committee and Privileging Subcommittees to consist of the same members and meet at the same time.
- 13.3.2 – Clarified that the Chief Medical Officer shall appoint and remove members of the Credentials Committee and Privileging Subcommittees with the concurrence of the Credentials Committee chair.
- 13.6.1 – Added plans, in addition to policies, as where responsibilities of Medical Staff standing and ad hoc committees may be addressed. Clarified that members of the Medical Staff standing and ad hoc committees shall be appointed by the President in consultation with the MSEC and Chief Clinical Officer and that members of the Medical Staff standing and ad hoc committees may include those listed as ex-officio members.
- 13.6.3 – Added “Prevention” to the name of the Infection Control Committee.
- 13.6.4 – Added “or designee” to the Chief Clinical Officer’s service as Chair of the UK HealthCare Quality and Safety Committee and eliminated references to the subcommittees.
- 13.6.6 – Deleted detailed list of items for review by the Transfusion Committee since these activities are already encompassed in the committee’s charge to review blood usage.
- 13.6.8 - Changed the name of the Transplantation Service Committee to Transplant Steering Committee, deleted unnecessary reference to “bank”, clarified the role of the committee as overseeing transplant management and operations focusing on clinical, fiscal, strategic, regulatory and other academic goals, and replaced reference to Organ Procurement Committee to Donation and Transplantation Counsel (DTAC), which shall be a subcommittee that partners with and reports findings to the Transplant Steering Committee.
- 13.6.9 – Clarified that the Ethics Committee shall serve as an “advisory” resource.

- 13.6.12 –Deleted unnecessary references to Joint Commission and Association of American Medical Colleges in the Cancer Committee description and added “academic” to the description of the cancer program provided by UK HealthCare.
- 13.6.15 – Added Resuscitation Committee as a standing committee of the medical staff.
- 14.5 –Clarified voting by electronic ballot submitted through a secured system operated by the University.
- 16.2 – Deleted reference to UK Administrative Regulation 1.2 since that regulation has been eliminated.
- Article 19 – Referenced most recent bylaws being amended and deleted prior adoption dates pending approval of these amendments.

Action taken: Approved Disapproved Other _____

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UK HEALTHCARE MEDICAL STAFF BYLAWS

PREAMBLE

The University of Kentucky owns and operates, as part of UK HealthCare, the University of Kentucky Hospital and UK HealthCare Good Samaritan Hospital.

The licensed physicians and dentists authorized to practice within UK HealthCare and the Hospitals are organized into the UK HealthCare Medical Staff in conformity with these Bylaws. The Medical Staff is responsible for the quality of care, treatment and services provided to the patients of UK HealthCare and the Hospitals.

Subject to the final authority and approval by the University Health Care Committee and the Board of Trustees of the University of Kentucky, the Medical Staff shall exercise such self-governance and power reasonably necessary to discharge its responsibilities under these Bylaws (which shall not be considered to be a contract).

ARTICLE 1 DEFINITIONS

The following capitalized terms will have the meanings set forth in this Article, unless the context clearly indicates otherwise.

ACGME

ACGME refers to the Accreditation Council for Graduate Medical Education.

Administration

Administration refers to the Chief Clinical Officer, the Chief Administrative Officers, the Chief Medical Officer, the Executive Vice President for Health Affairs, and their respective offices and staff.

Board of Trustees or Board

Board of Trustees or Board refers to the University of Kentucky Board of Trustees.

Chair

Chair refers to a Chair of a clinical department in the College of Medicine or College of Dentistry at the University of Kentucky or a Chair of a department at Good Samaritan Hospital. If an individual who is not the Chair of the department in the College of Medicine or College of Dentistry is appointed as the chief of the related clinical service at Chandler Hospital or at Good Samaritan Hospital with respect to a Hospital-Based or Other Service, as contemplated in Section 11.4.1(b), below, then Chair as used in these Bylaws refers to such individual. For purposes of these Bylaws, the Director of the Lucille Markey Cancer Center shall also be considered to be a Chair.

Chandler Hospital

The University of Kentucky Hospital is referred to in these Bylaws as “Chandler Hospital” and is the tertiary care, teaching, medical, surgical, adult and pediatric care hospital owned and operated as an operating division of and by the University of Kentucky.

Children’s Hospital

Kentucky Children’s Hospital is referred to in these Bylaws as “Children’s Hospital” and is the pediatric hospital operated within Chandler Hospital. References in these Bylaws to Chandler Hospital include Children’s Hospital.

Chief Administrative Officer¹

The Chief Administrative Officers are the chief administrators for each of the Hospitals and are appointed by the Chief Clinical Officer, subject to the approval of the Executive Vice President for Health Affairs and the University Health Care Committee, to act on his/her behalf in the overall management of the Hospitals. The appointment is administrative and may be removed at any time in the sole discretion of the Chief Clinical Officer.

Chief Clinical Officer²

The Vice President for HealthCare Operations and Chief Clinical Officer is the University of Kentucky officer responsible for all of UK HealthCare operations, including enterprise management of clinical services (Chief Medical Officer, Nursing, Customer Service, and Clinical Operation Finances), information and support services, recruitment and retention of staff, physical and financial assets, and the various UK HealthCare clinical units (Chandler Hospital, Good Samaritan Hospital, and ambulatory clinical services). The Chief Clinical Officer is appointed by the University Health Care Committee upon the recommendation of the Executive Vice President for Health Affairs, subject to the approval of the Board of Trustees. For purposes of Hospital accreditation and the CoPs, the Chief Clinical Officer is designated as the chief executive officer of the Hospitals. The appointment is administrative and may be removed at any time in the sole discretion of the University Health Care Committee. In the event of a vacancy in this position due to resignation or removal, the Executive Vice President for Health Affairs and/or designee shall serve as Interim Chief Clinical Officer until a new appointment is made.

Chief Medical Officer

The Chief Medical Officer is the UK HealthCare officer responsible for the oversight activities of the Organized Medical Staff including clinical quality, safety, clinical information services, credentialing, patient care clinical services, outcomes, efficiency, and risk management. The Chief Medical Officer is a member of the Active Medical Staff and is appointed by the Chief Clinical Officer, subject to the approval of the Executive Vice President for Health Affairs and the University Health Care Committee. The appointment is administrative and may be removed at any time in the sole discretion of the Chief Clinical Officer. The Office of the Chief Medical Officer or “CMO Office” is comprised of associate chief medical officers each of whom shall be members of the Active Medical Staff and directors appointed by the Chief Medical Officer, subject to the approval of the Chief Clinical Officer, who are responsible for delegated functions of the Chief Medical Officer. Each such appointment is administrative and may be removed at any time in the sole discretion of the Chief Medical Officer. The CMO Office also includes the Office of Medical Affairs. The Chief Medical Officer, in addition to duties and responsibilities otherwise described in these Bylaws, shall:

¹ EP11 LD01.04.01

² EP3 LD01.03.01; EP1, EP2, EP3, & EP5 LD01.04.01

(a) Assist in coordinating the activities of the Administration, the nursing staff, allied health professionals and other non-physician patient care services with those of the Medical Staff,

(b) Be responsible to and directly consult with the Administration and the University Health Care Committee for the quality and efficiency of clinical services and professional performance within UK HealthCare and in the Hospitals and the effectiveness and quality of patient care periodically throughout the fiscal year but in no event less than twice a year, and

(c) Serve as an ex-officio member of all Medical Staff committees with vote.

CoPs

The Conditions of Participation in Medicare set forth in Part 482 of Title 42 of the Code of Federal Regulations are referred to in these Bylaws as the “CoPs.”

Credentials Committee

The Credentials Committee is the standing committee of the Medical Staff which is responsible for reviewing the application packages for initial appointment and reappointment to the Medical Staff and requests for clinical privileges, and for recommending action on such packages and requests to the Medical Staff Executive Committee and the University Health Care Committee acting as the governing body.

Executive Vice President for Health Affairs

Pursuant to UK Governing Regulation Part VIII and UK Administrative Regulation 1:1.II.B.3, the Executive Vice President for Health Affairs is appointed by the Board of Trustees, acting upon recommendation of the President of the University, as the chief operating officer for the University’s clinical enterprise. The Executive Vice President for Health Affairs is responsible for the planning, development, and operations of the clinical enterprise, according to the priorities established by the President and the Board of Trustees. The clinical enterprise encompasses and integrates all the patient care activities of the University. The appointment is administrative and may be removed at any time in the sole discretion of the Board of Trustees.

Fair Hearing Plan

The Fair Hearing Plan is the procedure described in ARTICLE 10 of these Bylaws for hearings and appeals of Professional Review Actions.

GSA List

GSA List refers to the General Service Administration List of Parties Excluded from the Federal Programs.

Good Samaritan Hospital

UK HealthCare Good Samaritan Hospital is referred to in these Bylaws as “Good Samaritan Hospital” and is the community-based teaching, medical, surgical adult care hospital owned and operated as an operating division of and by the University of Kentucky.

Governance Documents

The Governance Documents include these Bylaws, UK HealthCare policies and procedures, the Behavioral Standards in Patient Care, the Ethical Principles and Code of Conduct of the University of Kentucky, the University of Kentucky Code of Conduct Addendum, the UK HealthCare Corporate Compliance Program, the UK Governing Regulations and the UK Administrative Regulations.

HCQIA

HCQIA refers to the Health Care Quality Improvement Act of 1986, as amended.

Health Professional Staff

The Health Professional Staff is comprised of the licensed practitioners other than physicians and dentists who are credentialed and privileged to provide health professional services to patients at the Hospitals within the scope of their respective licenses and delineated privileges.

HIPAA

HIPAA refers to the Health Insurance Portability and Accountability Act of 1996 and the regulations promulgated thereunder, each as amended.

Hospital

Hospital refers to each of Chandler Hospital and Good Samaritan Hospital. For purposes of the Centers for Medicare and Medicaid Services provider-based determination, Chandler Hospital is the main provider, and Good Samaritan Hospital is a provider-based remote location of the main provider.

Medical Staff

Medical Staff refers to the UK HealthCare Medical Staff, the single, self-governing body, comprised of all licensed medical physicians and dentists who have been appointed to the Medical Staff in accordance with these Bylaws and are privileged to attend patients at the Hospitals. The Medical Staff is an integral part of the University of Kentucky, UK HealthCare, and the Hospitals and is not a separate legal entity.

Medical Staff Executive Committee

The Medical Staff Executive Committee is the executive leadership committee of the Medical Staff.

Medical Staff Operating Subcommittee

The Medical Staff Operating Subcommittees are standing subcommittees of the Medical Staff Executive Committee that are responsible for providing oversight of medical and administrative clinical services, assisting in the monitoring and improvement of patient care, and otherwise fulfilling the responsibilities delegated to them by the Medical Staff Executive Committee. There shall be one Medical Staff Operating Subcommittee for each Hospital: the Chandler Medical Staff Operating Subcommittee and the Good Samaritan Medical Staff Operating Subcommittee.

OIG Sanction Report

OIG Sanction Report refers to the U.S. Health & Human Services, Office of Inspector General's List of Excluded Individuals, as published from time to time.

Organized Medical Staff³

Organized Medical Staff refers to the members of the Medical Staff in the Active Faculty and Active Community categories who are entitled to vote. The exercise of authority of the Organized Medical Staff is subject to the final authority and approval by the University Health Care Committee and the Board of Trustees.

Patient Encounter

A Patient Encounter means an inpatient admission, establishment of an observation case, a patient consultation, or an outpatient procedure, excluding the technical component of such clinical services.

Practitioner

Practitioner refers to any of a physician, dentist, oral surgeon, physician assistant, nurse practitioner, including certified registered nurse anesthetist, advanced practice registered nurse, certified nurse midwife, and clinical nurse specialist, licensed clinical social worker, clinical psychologist, ~~genetic counselor, massage therapist~~, podiatrist and such other licensed independent practitioner whose practice of his/her profession at a Hospital is subject to credentialing and privileging as set forth in these Bylaws.

President of the Medical Staff or President

The President of the Medical Staff serves as the chief officer and representative of the Medical Staff.

Privileging Subcommittee

The Privileging Subcommittees are standing subcommittees of the Credentials Committee that have been delegated the authority to assess and delineate clinical privileges to Practitioners granted appointments to the Medical Staff and the Health Professional Staff, subject to review, ratification and final approval by the Credentials Committee, the Medical Staff Executive Committee and the University Health Care Committee acting as the governing body.

Professional Review Activity

A Professional Review Activity is an activity of UK HealthCare with respect to an individual Practitioner: (1) to determine whether the Practitioner may have clinical privileges with respect to the Hospitals or membership in the Medical Staff; (2) to determine the scope or conditions of such clinical privileges or membership; or (3) to change or modify such clinical privileges or membership.

Professional Review Action

A Professional Review Action is an action or recommendation of UK HealthCare: (1) taken in the course of a Professional Review Activity; (2) based on the professional competence or the conduct of an individual Practitioner which affects or could affect adversely the health or welfare of a patient or patients; and (3) which adversely affects or may adversely affect the clinical privileges of the Practitioner. The term “adversely affect” includes a reduction, restriction, suspension, revocation, denial or failure to renew clinical privileges or Medical Staff membership.

³ EP17 MS01.01.01

Third Party Service

The Third Party Service is a third party centralized clinical credentialing service engaged by the University of Kentucky through the CMO Office to assist in the verification of credentials.

UK HealthCare

UK HealthCare refers to the healthcare delivery and clinical programs of the University of Kentucky Colleges of Medicine, Dentistry, Nursing, Pharmacy, Health Sciences, and Public Health, their affiliated faculty practice plans, University of Kentucky Hospital, UK HealthCare Good Samaritan Hospital, UK HealthCare Ambulatory Services and related support organizations and programs.

University Health Care Committee

The University Health Care Committee is a standing committee of the Board of Trustees. The University Health Care Committee is designated by the Board of Trustees as the governing body of UK HealthCare and the Hospitals for all purposes, including accreditation and the CoPs. The University Health Care Committee has the ultimate authority and responsibility for the oversight and delivery of health care by the Medical Staff and the Health Professional Staff.

University or UK

The University of Kentucky, an agency of the Commonwealth of Kentucky, is a publicly supported institution of post-secondary education established and maintained pursuant to Chapter 164 of the Kentucky Revised Statutes and is sometimes referred to in these Bylaws as "UK."

Vice President

Vice President refers to each of the Medical Staff Vice President for Chandler Hospital and the Medical Staff Vice President for Good Samaritan Hospital, who serves as the administrative officer and representative of the Medical Staff for the respective Hospital.

**ARTICLE 2
PURPOSE****2.1 Medical Staff Purpose**

The Medical Staff, appointed by the University Health Care Committee, is intended to provide an organization through which individual physicians and dentists may obtain the benefits of association with UK HealthCare and the Hospitals and fulfill the obligations of the Medical Staff membership. The Medical Staff, organized pursuant to these Bylaws, is a group of physicians and dentists licensed to practice under the laws of the Commonwealth of Kentucky. The Medical Staff is responsible for the quality of all medical care, treatment and clinical services provided to patients within UK HealthCare and at the Hospitals and for the ethical and professional practices of its members. The Medical Staff is accountable to the University Health Care Committee for these functions. In addition, the Medical Staff is established for the following purposes:

2.1.1 To provide that all patients, regardless of economic or social status, race, color, ethnic origin, national origin, creed, religion, political belief, gender, sexual orientation, marital status, age, disability, service in the armed forces or any other reason prohibited by law or UK HealthCare policy, receive continuous, quality medical care from

Practitioners appointed to the Medical Staff that is commensurate with acceptable standards and available community resources; and

2.1.2 To advance medical knowledge and provide an educational setting that will support the mission, vision and mandates of the University of Kentucky and UK HealthCare in research and education and assist in maintaining patient care standards and encourage continuous advancement in professional knowledge and skill.

2.2 Organized Medical Staff Purpose

The Organized Medical Staff oversees the quality of patient care, treatment and services provided by Practitioners throughout UK HealthCare.⁴ The Organized Medical Staff is accountable to the University Health Care Committee for this function. In addition, the Organized Medical Staff is established for the following purposes:

2.2.1 To provide leadership in activities related to patient safety, including measuring, assessing and improving processes that primarily depend on the activities of one or more members of the Medical Staff and/or Health Professional Staff;⁵

2.2.2 To provide oversight in the process of analyzing and improving patient satisfaction;⁶

2.2.3 To monitor the quality of medical histories and physical examinations;⁷

2.2.4 To maintain and enhance the professional performance of all Practitioners appointed to the Medical Staff through ongoing review, evaluation, and improvement of clinical performance;⁸

2.2.5 To formulate, adopt and amend Bylaws and policies for the proper functioning of the Medical Staff, subject to the approval of the University Health Care Committee;⁹

2.2.6 To assist the University Health Care Committee by serving as a professional review body in conducting Professional Review Activities;¹⁰ and

2.2.7 To organize the activities of Practitioners in the Hospitals in order that they may carry out, in conformity with these Bylaws, the functions delegated to them by the University Health Care Committee.

⁴ EP1 MS03.01.01; EP3 MS03.01.01

⁵ EP4 MS03.01.01; EP1 MS05.01.01

⁶ EP5 MS03.01.01

⁷ EP7 MS03.01.01

⁸ MS08.01.01; MS08.01.03

⁹ EP1 & EP2 MS01.01.01

¹⁰ MS10.01.01

2.3 Bylaws Purpose

The purpose of these Bylaws is:

2.3.1 To establish a framework within which the fundamental objectives of UK HealthCare to provide comprehensive medical clinical services, including diagnostic and curative medical care, preventive medical care, care and rehabilitation of the chronically ill and disabled, dental care, and facilities for education and research for those engaged in activities related to comprehensive medical clinical services may be effectuated through orderly governance and through the performance of credentialing;

2.3.2 To define the organizational structure of the Medical Staff, the rules for its self-governance and its responsibilities in the oversight of care, treatment and services;¹¹

2.3.3 To establish a collaborative relationship among the Medical Staff, the Medical Staff Executive Committee, Administration and the University Health Care Committee;

2.3.4 To promote communication and interaction between clinical services, and functions throughout UK HealthCare to improve operations and clinical outcomes;

2.3.5 To facilitate the formulation of long range and short range health planning goals;

2.3.6 To provide a method of continuous self-evaluation of the medical clinical service through the delineation of clinical privileges and review of clinical activities to improve performance and clinical outcomes;

2.3.7 To develop and maintain high standards in medical education programs and provide for continued medical education of Practitioners; and

2.3.8 To provide a means whereby issues and conflicts concerning the Medical Staff and UK HealthCare may be discussed, managed, and resolved.

ARTICLE 3 MEDICAL STAFF MEMBERSHIP

3.1 Nature of Membership

Appointment to the Medical Staff is a privilege. Membership and the exercise of clinical privileges shall be extended only to Practitioners who continuously meet the requirements of these Bylaws. No person shall admit or provide clinical services to patients of either Hospital unless he/she is appointed to the Medical Staff or has been granted clinical privileges at the appropriate Hospital. Appointment to the Medical Staff and delineation of clinical privileges shall confer on the appointee only such clinical privileges as are granted by the University Health Care Committee. For purposes of these Bylaws, "membership in" has the same meaning as "appointment to" the Medical Staff, however, neither is synonymous with the grant of clinical

¹¹ MS01.01.01

privileges. Similarly, the granting of clinical privileges does not automatically confer Medical Staff membership or appointment. As provided in these Bylaws, a person may be granted clinical privileges without Medical Staff membership or appointment.

3.2 Qualifications for Membership¹²

3.2.1 To be qualified for appointment to the Medical Staff, a Practitioner must:

(a) Have documented current experience, education, background, training, clinical and professional judgment, demonstrated competence, and physical and mental health status (with or without reasonable accommodation) to demonstrate that patients treated by him/her will receive care of the generally recognized professional level of quality and efficiency established by UK HealthCare;¹³

(b) Have documented current licensure (“regular license,” “limited license-institution practice,” or “teacher-limited license” as described by KRS 311.550 or KRS 313.035; “temporary permit” as described in KRS 311.550 for a period not to exceed six months) in good standing and without restriction imposed by the Kentucky Board of Medical Licensure or the Kentucky Board of Dentistry;

(c) Be determined, on the basis of documented references, to adhere strictly to the ethics of his/her profession, to work cooperatively and collegially with others in a professional manner, and to be willing to participate in and properly discharge Medical Staff responsibilities;

(d) Be a graduate of a medical or dental institution accredited by (i) the Liaison Committee on Medical Education, (ii) the American Osteopathic Association Commission on Osteopathic College Accreditation, (iii) the American Dental Association or, if a foreign medical graduate, be certified by the Educational Commission for Foreign Medical Graduates;

(e) If a physician, either:

(i) have completed a residency program approved by the ACGME or the American Osteopathic Association in the specialty area in which clinical privileges are being sought, and either be board certified in that specialty (by the specialty board recognized by the American Board of Medical Specialties or the American Osteopathic Association) or become certified within the period following completion of residency as required by the specialty board, and maintain and document periodic recertification if required by the specialty board, or

(ii) if a physician on the Medical Staff who is a full-time or part-time faculty member of the University of Kentucky, have documented experience equivalent

¹² EP1 MS07.01.01

¹³ EP2 MS07.01.01

to completion of residency and obtaining board certification and have been granted special exemption from the board certification requirement by the Medical Staff Executive Committee upon written request and recommendation of the faculty member's Chair; and

(f) Maintain continuous and effective professional liability insurance coverage with an insurance company licensed and qualified to do business in Kentucky with no gaps in coverage and limits no less than \$1 million per occurrence and \$3 million annual aggregate or such other higher limits as may be required by the UK HealthCare Risk Management Committee or maintain continuous coverage under the University of Kentucky Self-Insured Professional Liability Program.

3.2.2 Unless otherwise provided in these Bylaws, Practitioners who wish to be members of the Medical Staff or exercise clinical privileges at either Hospital must maintain their residences and offices close enough to the applicable Hospital to provide continuous care to their patients. Locations which are "close enough" to the Hospital to satisfy this requirement may vary depending upon the Practitioner's specialty, Medical Staff category, and clinical privileges granted.

3.2.3 No person shall be automatically entitled to Medical Staff membership or to the exercise of clinical privileges merely because he/she is licensed to practice, is a member of any professional organization, is certified by any board, or had or has medical staff membership or clinical privileges in any hospital or any other healthcare facility or provider.

3.2.4 Neither Medical Staff membership nor the granting of clinical privileges shall be denied on the basis of race, color, ethnic origin, national origin, creed, religion, political belief, gender, sexual orientation, marital status, age or disability, service in the armed forces or any other reason prohibited by law.¹⁴

3.2.5 No Practitioner shall be appointed to the Medical Staff or granted clinical privileges if the Hospital where such clinical privileges will be exercised is unable to provide adequate facilities and supportive services for such Practitioner and his/her patients.

3.2.6 No Practitioner shall be eligible or qualified for Medical Staff membership who:

(a) is listed as an "excluded provider" on either the OIG Sanction Report or the GSA List, or

(b) does not participate in the federally funded health care programs, including Medicare and Medicaid, or

(c) has been convicted or has pled guilty or *nolo contendere* to any felony within the immediate past 10 years or to any felony or misdemeanor at any time involving (i) the practice of such Practitioner's profession or the delivery of health care services,

¹⁴ EP3 MS06.01.07; EP4 MS07.01.01

(ii) controlled substances, (iii) illegal drugs, (iv) Medicare, Medicaid, or insurance fraud or abuse, (v) violence against another, or (vi) moral turpitude.

3.3 Basic Responsibilities of Medical Staff Membership

Except for the Honorary Medical Staff, the ongoing responsibilities of each member of the Medical Staff shall include, without limitation:

3.3.1 Continuously providing patients with quality care in a reasonably efficient manner that meets generally recognized professional standards, including the Behavioral Standards in Patient Care;

3.3.2 Completing or causing to be completed and documenting a medical history and physical examination the content of which shall be determined by UK HealthCare policy, for each patient assigned to the care of the Medical Staff member no more than 30 calendar days before or 24 hours after admission or registration, but prior to surgery or a procedure requiring anesthesia services which medical history and physical examination is completed and documented by a Medical Staff member or other qualified and appropriately privileged licensed individual in accordance with State law and UK HealthCare policy;¹⁵

3.3.3 Completing or causing to be completed and documenting an updated examination the content of which shall be determined by UK HealthCare policy, of each patient assigned to the care of the Medical Staff member, including any changes in the patient's condition, within 24 hours after admission or registration, but prior to surgery or a procedure requiring anesthesia services, when the medical history and physical examination are completed within 30 calendar days before admission or registration which updated examination of the patient, including any changes in the patient's condition, is completed and documented by a Medical Staff member or other qualified and appropriately privileged licensed individual in accordance with State law and UK HealthCare policy;¹⁶

3.3.4 Participating in emergency service and call coverage and consultation panels;

3.3.5 Seeking consultation, in accordance with generally accepted standards of patient care, in accordance with UK HealthCare policy, or when requested by the Chief Medical Officer or the President of the Medical Staff;

3.3.6 Preparing and completing in timely fashion in accordance with UK HealthCare policy, all medical records for the patients to whom the member provides care in a Hospital;

3.3.7 As the attending physician or dentist, informing his/her patients of outcomes of care, including unanticipated outcomes;

¹⁵ EP16 MS01.01.01; 42 CFR 482.22; EP6 & EP8 MS03.01.01

¹⁶ EP16 MS01.01.01; 42 CFR 482.22; EP6 & EP8 MS03.01.01

3.3.8 Making timely and appropriate arrangements for coverage of patients;

3.3.9 Participating on, with, or in Hospital or multidisciplinary committees, teams, or programs dealing with the overall medical environment at the Hospitals including, without limitation, medical records, quality improvement, utilization review, practice guidelines, blood and blood component usage review, nursing services, drug usage and formularies, infection control, radiation safety, risk management, operative and invasive procedure review, safety, and patient care policies;

3.3.10 Participating in the UK HealthCare performance improvement activities to improve quality of care, treatment and services, and patient safety, including peer review activities;

3.3.11 Participating in the UK HealthCare risk management program, including without limitation reporting promptly to the UK HealthCare Risk Management Office all claims, potential claims, actions, demands, and within ten calendar days after entered or made, all final judgments, and settlements, involving professional liability claims or proceedings;

3.3.12 Participating in communicable disease prevention by complying with UK HealthCare communicable disease and immunization policies applicable to UK HealthCare employees;

3.3.13 Completing such reasonable responsibilities, assignments, and rotations required by virtue of Medical Staff membership, including committee assignments, proctoring of Practitioners, attendance requirements, and accreditation requirements;

3.3.14 Performing a sufficient number of procedures, managing a sufficient number of cases, and having sufficient Patient Encounters within the Practitioner's practice to permit the assessment of the Practitioner's current clinical competence for any clinical privileges, whether being requested or already granted;

3.3.15 Maintaining current professional competence through appropriate continuing education programs;

3.3.16 Abiding by the Governance Documents, as the same may be applicable to such member of the Medical Staff, and the Principles of Medical Ethics of the American Medical Association and the American Osteopathic Association or the Code of Ethics of the American Dental Association, as applicable;¹⁷

3.3.17 Maintaining confidentiality and the proper use and disclosure of "protected health information," as provided by HIPAA;

3.3.18 Desisting from improper inducements for patient referral or other unlawful or unethical behavior;

¹⁷ EP5 MS01.01.01

3.3.19 Informing the CMO Office, orally and in writing, immediately upon his/her knowledge and in any event immediately upon his/her receipt of notice, of any changes made to or formal action initiated that could result in a change or restriction of license, DEA registration, participation in any program or plan for the reimbursement of clinical services, professional liability insurance coverage, membership, employment status or clinical privileges at other health care institutions or affiliations, and the status and initiation of malpractice claims;

3.3.20 Informing the CMO Office, orally and in writing, immediately if: he/she is under investigation by, threatened with exclusion from, or excluded from or voluntarily or involuntarily terminates his/her participation in any health care program funded in whole or in part by the federal government, including Medicare or Medicaid; he/she receives notice of any proposed or actual sanctions against him/her in connection with participation any such health care program; or he/she ceases to meet any of the qualifications for membership on the Medical Staff as set out in Section 3.2 , above;

3.3.21 Consenting to alcohol and drug testing or psychiatric or medical evaluation when requested by the Practitioner's Chair, the Chief Medical Officer, the President of the Medical Staff or the Chief Clinical Officer, which request and the basis for same shall be reported to such Chair, the Chief Medical Officer, the President of the Medical Staff and the Chief Clinical Officer;

3.3.22 Cooperating with UK HealthCare in matters involving its fiscal responsibility and policies, including those relating to payment or reimbursement of costs by governmental and third party payers, and to participate in UK HealthCare peer review, utilization management, and quality improvement activities, including activities and assessments for improving organizational performance;

3.3.23 If a UK faculty member, supervising residents (post-graduate medical and dental trainees) as appropriate to their level of training, according to UK HealthCare policy relating to supervision of house staff;¹⁸

3.3.24 If a UK faculty member, aiding and participating in approved educational programs for medical students, interns, resident physicians, resident dentists, physicians and dentists, podiatrists, clinical psychologists, nurses, and other personnel; and

3.3.25 Discharging such other Medical Staff obligations as may be lawfully established from time to time by the Medical Staff, the Medical Staff Operating Subcommittee, the Medical Staff Executive Committee, or the University Health Care Committee.

3.4 Authority of the University Health Care Committee

Medical Staff appointments and clinical privileges shall be granted, modified, suspended, and revoked only by the University Health Care Committee, except as specifically and expressly provided in these Bylaws. In exercising such authority, the University Health Care Committee

¹⁸ EPI MS04.01.01

shall comply with the Bylaws, as well as the UK Governing Regulations, the UK Administrative Regulations, and the operating rules of such committee.

ARTICLE 4 CATEGORIES OF THE MEDICAL STAFF

4.1 Categories¹⁹

The Medical Staff shall be divided into categories denominated Active Faculty, Active Community, Associate, Courtesy, Voluntary, Clinical Fellow, University Health, and Honorary.

4.2 Faculty Appointment²⁰

Members of the Medical Staff in the Active Faculty, Associate, Clinical Fellow and Voluntary categories must either currently hold or have an application in process and pending final action by the Board of Trustees for a faculty appointment in the UK College of Medicine or Dentistry. If the applicant is not appointed to the faculty or his/her faculty appointment terminates for any reason, his/her Medical Staff appointment and clinical privileges automatically will terminate, without a hearing or appeal. Members of the Medical Staff in the University Health category must be employed by the University but are not appointed to the faculty of the University. Members of the Medical Staff in the Active Community, Courtesy or Honorary categories are not required to be appointed to the faculty of the University.

4.3 Primary Practice Site; Main Provider Clinical Privileges²¹

Each member of the Medical Staff shall, as between the Hospitals, have a primary practice site which shall be designated on the Practitioner's application for appointment, reappointment or clinical privileges. Subject to the restrictions on primary practice site and limitations on level of clinical privileges indicated below in the description of Medical Staff categories, any Practitioner whose primary practice site is Good Samaritan Hospital must also apply for, obtain and maintain clinical privileges at Chandler Hospital, the main provider. If clinical privileges at either Chandler Hospital or Good Samaritan Hospital are terminated, suspended or restricted in any manner, clinical privileges at the other Hospital shall automatically be terminated, suspended or restricted in the same manner, without right to an additional hearing or appeal.

4.4 Organized Medical Staff²²

4.4.1 The following members of the Active Faculty and Active Community categories shall be entitled to vote and shall therefore comprise the Organized Medical Staff:

(a) Chief Medical Officer and each Associate and Assistant Chief Medical Officer;

¹⁹ EP12 MS01.01.01

²⁰ EP13 MS01.01.01

²¹ EP13 MS01.01.01

²² EP17 MS01.01.01

- (b) All Chairs;
- (c) Each medical director appointed by the Chief Medical Officer upon consultation with the appropriate Chair and approved by the Chief Clinical Officer, with funding provided through the CMO Office and an express allocation of effort for medical director duties;
- (d) Each service line, section and division chief;
- (e) Each elected officer of the Medical Staff;
- (f) Each University of Kentucky or UK HealthCare center director;
- (g) Each member of the Medical Staff Executive Committee, the Medical Staff Operating Subcommittees and the Credentials Committee;
- (h) Each chair of the other Medical Staff standing committees identified in these Bylaws; and
- (i) Each residency Program Director.

4.4.2 Members of the Organized Medical Staff are required to attend meetings of the Medical Staff and to participate actively in the responsibilities of the Organized Medical Staff.

4.5 Active Faculty²³

The Active Faculty category shall be comprised of physicians and dentists who are full-time faculty members of the UK College of Medicine or Dentistry and have been endorsed by their respective Chair as having competence in their area of practice and being active in the teaching program of the University. The primary practice site of an Active Faculty member may be either Hospital. Clinical privileges shall be delineated upon appointment and with each reappointment. Members of the Active Faculty staff may attend meetings of the Medical Staff, may hold office, and if appointed, shall serve on standing or ad hoc Medical Staff committees. Unless the Active Faculty member is a member of the Organized Medical Staff defined above, however, the member does not have the right to vote.

4.6 Active Community²⁴

The Active Community category shall be comprised of physicians and dentists who are not faculty members of the UK College of Medicine or Dentistry and have been endorsed by their respective Chair as having competence in their area of practice. Physicians who are assigned to work at Good Samaritan Hospital but are not faculty members of either the UK College of Medicine or the UK College of Dentistry and who are either (i) hospital-based physicians, (ii) Practitioners providing contractual clinical services on an exclusive basis at Good Samaritan

²³ EP15 MS01.01.01

²⁴ EP15 MS01.01.01

Hospital, or (iii) University-employed full time staff physicians, are included in this category. The primary practice site of an Active Community member shall be Good Samaritan Hospital. Such member, except any Practitioner providing contractual hospital-based services on an exclusive basis at Good Samaritan Hospital in anesthesiology, emergency medicine, pathology, radiation medicine, or radiology, shall be required to obtain and maintain Class I clinical privileges, as defined in Section 7.4, below, in his/her area of practice at Chandler Hospital. Active Community members providing such hospital-based services on an exclusive basis at Good Samaritan Hospital shall not have clinical privileges at Chandler Hospital except as may be granted on an emergency basis in accordance with Section 7.7.9, below. Active Community members shall have 30 or more Patient Encounters at Good Samaritan Hospital during each 12-month period during the term of their appointment or reappointment measured from the first of the month immediately following the date of appointment or reappointment. If the contract with the University of a Practitioner providing contractual clinical services on an exclusive basis at Good Samaritan Hospital terminates for any reason, the Practitioner's Medical Staff appointment and clinical privileges automatically will terminate, without a hearing or appeal. Clinical privileges shall be delineated upon appointment and with each reappointment. Members of the Active Community staff may attend meetings of the Medical Staff, may hold office and if appointed, shall serve on standing or ad hoc Medical Staff committees. Unless the Active Community member is a member of the Organized Medical Staff defined above, however, the member does not have the right to vote.

4.7 Associate²⁵

The Associate category shall be comprised of physicians and dentists who are part-time faculty of the UK College of Medicine or Dentistry and have been endorsed by their respective Chair as having competence in their area of practice and as contributing to the programs of the University. The primary practice site of an Associate member may be either Hospital. Clinical privileges shall be delineated upon appointment and with each reappointment. Members of the Associate staff may not hold office and may not vote at meetings of the Medical Staff, but they may attend Medical Staff meetings and serve as members but not as chairs on standing or ad hoc Medical Staff committees.

4.8 Courtesy²⁶

The Courtesy category shall be comprised of physicians and dentists who are not employed by the University of Kentucky and are not faculty members of the UK College of Medicine or Dentistry but have been endorsed by their respective Chair as having competence in their area of practice. The primary practice site of a Courtesy staff member shall be Good Samaritan Hospital. Such member, except any Practitioner providing contractual hospital-based services on an exclusive basis at Good Samaritan Hospital in anesthesiology, emergency medicine, pathology, radiation medicine, or radiology, shall be required to obtain and maintain Class I clinical privileges, as defined in Section 7.4, below, in his/her area of practice at Chandler Hospital. Courtesy members providing such hospital-based services on an exclusive basis at Good Samaritan Hospital shall not have clinical privileges at Chandler Hospital except as may be

²⁵ EP15 MS01.01.01

²⁶ EP15 MS01.01.01

granted on an emergency basis in accordance with Section 7.7.9, below. Courtesy members shall have fewer than 30 Patient Encounters at Good Samaritan Hospital during any consecutive four calendar quarters. However, Courtesy members shall have a sufficient number of Patient Encounters at Good Samaritan Hospital within the Practitioner's practice to permit ongoing professional practice evaluation of the Practitioner's current clinical competence for any clinical privileges. Courtesy members who have no Patient Encounters at Good Samaritan Hospital within any two-year term of appointment or reappointment to the Medical Staff shall be deemed to have resigned from the Medical Staff and their clinical privileges shall be automatically terminated. Courtesy members who have 30 or more Patient Encounters during any consecutive four calendar quarters shall be required to provide emergency service and call coverage and participate on consultation panels on substantially the same basis as Active Community members. Clinical privileges shall be delineated upon appointment and with each reappointment. Members of the Courtesy staff may not hold office, and may not vote at meetings of the Medical Staff, but they may attend Medical Staff meetings and serve as members but not as chairs on standing or ad hoc Medical Staff committees. Courtesy staff members may, when necessary in the judgment of the Chair, be assigned the responsibility to care for unassigned patients, including emergency clinical service, consultations, and appropriate office follow-up.

4.9 University Health²⁷

The University Health category shall be comprised of physicians and dentists who are employed by the University of Kentucky but who are not faculty members of the UK College of Medicine or Dentistry, to provide health care clinical services to UK students and employee health services to UK employees and have been endorsed by the Chief Clinical Officer as having competence in their area of practice. The primary practice site of a University Health member will be Chandler Hospital. Clinical privileges shall be delineated upon appointment and with each reappointment; however, clinical privileges shall not exceed Class II, as defined in Section 7.4, below. Members of the University Health category staff may not hold office and may not vote at meetings of the Medical Staff, but they may attend Medical Staff meetings and may serve as members but not as chairs on standing or ad hoc Medical Staff committees.

4.10 Voluntary²⁸

The Voluntary category shall be comprised of Practitioners, who are volunteer faculty of the UK College of Medicine or Dentistry and have been endorsed by their respective Chair as having competence in their area of practice and contributing to the teaching programs of the University. The primary practice site of a Voluntary member shall be the Hospital where the teaching program to which he or she contributes is located. Clinical privileges shall be delineated upon appointment and with each reappointment and shall be consistent with the Voluntary member's teaching contribution. Members of the Voluntary category may not hold office and may not vote at meetings of the Medical Staff, but they may attend Medical Staff meetings and serve as members but not as chairs on standing or ad hoc Medical Staff committees. Community physicians appointed to the faculty, on a part-time basis or as volunteers, should be effective

²⁷ EP15 MS01.01.01

²⁸ EP15 MS01.01.01

teachers, serve as role models for students, and provide insight into contemporary methods of providing patient care.

4.11 Clinical Fellow²⁹

The Clinical Fellow category shall be comprised of Practitioners who are employed full-time by the University of Kentucky, have completed all residency requirements for specialty boards and where applicable subspecialty boards and have been endorsed by their respective Chair as having competence in their area of practice and being engaged in specifically defined, non-ACGME accredited, post-residency programs of research development, investigation, training, and/or clinical fellow patient care programs. Clinical privileges shall be delineated on appointment and with each reappointment. Members of the Clinical Fellow category may not hold office and may not vote at meetings of the Medical Staff, but they may attend Medical Staff meetings, serve as members but not as chairs on standing and ad hoc Medical Staff committees and, as a member of the Medical Staff, may admit and manage patients in any Hospital and UK HealthCare clinics consistent with delineated clinical privileges.

4.12 Honorary

The Honorary category shall be comprised of Practitioners who were previously members of the Active staff and are no longer actively practicing in either Hospital or who are of outstanding reputation, not necessarily residing in the community. Honorary members shall not be eligible to admit patients, vote, hold office, or serve on standing or ad hoc Medical Staff committees. They shall be recommended by the Medical Staff Executive Committee, subject to the approval of the University Health Care Committee. No further appointment to the Medical Staff is required unless a change in status is requested. They may attend Medical Staff meetings.

ARTICLE 5 HEALTH PROFESSIONAL STAFF

5.1 Membership and Identification

The Health Professional Staff include faculty members of the University of Kentucky, staff employees of the University of Kentucky, of Active Community members, or of University contractors and selected volunteers, who are appointed by the University Health Care Committee. Members of the Health Professional Staff shall be identified as Health Professional Staff of a particular clinical service. Although members of the Health Professional Staff shall not be considered members of the Medical Staff, they nevertheless shall be bound by these Bylaws. With respect to corrective action described in Section 10.2.1, below, taken based on clinical deficiencies, they shall be entitled to the procedures set forth in the Fair Hearing Plan. With respect to all other corrective actions, they shall be entitled to the grievance and appeal procedures set forth in the UK Administrative Regulations, the University Senate Rules and Regulations and the UK Human Resources Policies and Procedures, the policies and procedures of their employer, as may be applicable, and they shall not be entitled to the procedures set forth in the Fair Hearing Plan.

²⁹ EP15 MS01.01.01

5.2 Clinical Privileges

Members of the Health Professional Staff shall have clinical privileges delineated in accordance with the scope of their licensure, as permitted by statute and as granted upon appointment and reappointment. Clinical privileges for individuals involved with the management of patients will be under the supervision of an Active Medical Staff member consistent with the requirements of applicable Kentucky law and will be strictly limited to the performance of specialized clinical services within the field of the member's competence. The clinical privileges will be specifically designated by individual by the University Health Care Committee and will be noted in the individual's credentials file.

5.3 Application Process³⁰

All applications for appointment to the Health Professional Staff shall be submitted on the application form(s) mandated by the Commonwealth of Kentucky. Such forms shall be completed and signed by each applicant who, as a condition to applying, shall agree to be bound by the Governance Documents and the appropriate ethical standards governing the Practitioner's practice. The procedures, inquiries, and commitments set forth in these Bylaws for membership on the Medical Staff shall likewise apply to membership on the Health Professional Staff, and submission of a completed application for membership on the Health Professional Staff shall constitute acknowledgment by the applicant that the Medical Staff procedures, inquiries, and commitments are applicable.

5.4 Conditions and Term of Appointment

5.4.1 The same conditions set forth in these Bylaws for members of the Medical Staff shall likewise apply to applications and members of the Health Professional Staff, to the extent applicable.

5.4.2 Appointment to the Health Professional Staff shall confer on the appointee only such clinical privileges as have been set forth in the appointment.

5.4.3 The term of appointment and each reappointment shall be for two years.

5.5 Medical History and Physical Examination³¹

Physician assistants and advanced practice registered nurses who are members of the Health Professional Staff may, to the extent permitted by Kentucky and federal law and consistent with clinical privileges granted and UK HealthCare policy, perform and document medical histories and physical examinations and updates thereto required under Sections 3.3.2 and 3.3.3, above.

³⁰ EP26 MS01.01.01

³¹ EP16 MS01.01.01; EP9 MS03.01.01

5.6 Medical Screening

Physician assistants and advanced practice registered nurses who are members of the Health Professional Staff may, to the extent permitted by Kentucky and federal law and consistent with clinical privileges granted and UK HealthCare policy, perform and document medical screening examinations required under 42 CFR 489.24(a)(1)(i), under the direction of the Chair of Emergency Medicine and subject to supervision of an Active Medical Staff member.

ARTICLE 6 PROCEDURE FOR APPOINTMENT AND REAPPOINTMENT³²

6.1 General³³

These Bylaws provide the basic procedural steps for appointment and reappointment and granting of clinical privileges. Associated details for this procedure may be set forth in policies adopted by the Medical Staff Executive Committee or by the Credentials Committee from time to time with prior notice to the Organized Medical Staff and approved by the University Health Care Committee.

6.2 Appointment

6.2.1 Application for Membership³⁴

(a) Each application for Medical Staff appointment and/or clinical privileges shall be in writing, submitted on the KAPER B Provider Application form and with respect to UK faculty and staff on the CAQH Provider Application form, each mandated by the Commonwealth of Kentucky, and signed by the applicant. Each applicant shall provide the following information:

(i) Detailed information concerning the applicant's qualifications, including information on his/her medical or other professional degree and any specialty board certification, post-graduate training, past and present licenses to practice, and DEA registration;³⁵

(ii) The Medical Staff category and clinical privileges requested;

(iii) The names of at least three Practitioners who are not related to the applicant, at least ~~two~~ one of whom shall be a peer of the applicant, and with respect to a non-UK faculty applicant, at least one of whom shall not be a partner or associate in the applicant's practice, who will provide references as to the applicant's current medical and

³² EP14 & EP 27 MS01.01.01; EP1, EP3 & EP4 MS06.01.03; EP4 & EP5 MS06.01.05; EP1 MS06.01.07; EP4 MS07.01.01

³³ EP2 MS06.01.07

³⁴ EP2, EP3 & EP9 MS06.01.05; EP5 MS06.01.07

³⁵ EP1 MS06.01.05

clinical knowledge, technical and clinical skills, clinical judgment, interpersonal skills, communication skills and professionalism;³⁶

(iv) Information as to prior, pending or currently threatened investigations or other challenges to any licensure, certification or registration (including by any state or the Drug Enforcement Administration) or the voluntary relinquishment of such licensure, certification, or registration;

(v) Information as to voluntary or involuntary termination of medical staff membership or voluntary or involuntary limitation, reduction, denial or loss of clinical privileges at a Hospital or another hospital or health care facility;

(vi) Information about applicant's past (at least ten years) and present professional liability insurance coverage (carrier, limits, coverage dates) and a consent to the release of information from past and present liability carriers;

(vii) Information as to at least the past ten years malpractice judgments, suits, cases, actions or proceedings against him/her, either pending, dismissed, settled, filed, or threatened, including any final judgments and settlements;

(viii) Information as to current physical and mental health status as it relates to the applicant's ability, with or without reasonable accommodation, to perform clinical privileges requested;

(ix) Information as to any sanctions imposed under the Medicare, Medicaid or other federally funded healthcare programs;

(x) Proof of authorization to work in the United States based on citizenship or immigration status;

(xi) Any pending application for medical staff membership or clinical privileges at another health care facility, program, or managed care plan;

(xii) Any criminal convictions, guilty pleas and nolo contendere pleas, involving any felony or any misdemeanor, excluding minor traffic violations but including driving under the influence of alcohol or drugs, in any jurisdiction;

(xiii) A current picture hospital identification card or a valid picture identification card issued by a federal or state agency such as a passport or driver's license;³⁷

(xiv) Data from ongoing professional practice evaluation by an organization that currently privileges the applicant if available, including any relevant Practitioner-specific data as compared to aggregate data and morbidity and mortality data;³⁸ and

³⁶ EP8 MS06.01.05; EP1 MS07.01.03

³⁷ EP5 MS06.01.03

(xv) Such other information as may be required in order to evaluate the applicant with respect to competency in patient care, medical and clinical knowledge, practice-based learning and improvement, interpersonal and communication skills, professionalism and systems-based practice.

(b) Certain Statements. The applicant shall affirm that:

(i) The applicant has access to and understands and agrees to abide by the provisions of the Governing Documents, including the Bylaws and the Behavioral Standards in Patient Care, including specifically those bylaws and standards relating to privileges and immunities;

(ii) The applicant agrees to provide continuous care to patients and to fulfill each of the basic responsibilities of Medical Staff members set forth in Section 3.3, above;

(iii) The applicant releases from any and all liability those persons to whom such privileges and immunities provisions of these Bylaws are intended to benefit;

(iv) The applicant has no health problems that could affect his or her ability to perform the clinical privileges requested;³⁹

(v) The applicant agrees that when an adverse ruling is made concerning his/her appointment, Medical Staff status, or clinical privileges, he/she will exhaust all remedies afforded by these Bylaws before resorting to formal legal action or commencing legal proceedings; and

(vi) The applicant will have and continuously maintain professional liability insurance covering acts and occurrences involving professional activities during the period of Medical Staff membership and while clinical privileges are granted, as approved by the University Health Care Committee, with coverage for all clinical privileges granted.

(c) Obligations. By applying for Medical Staff appointment and/or clinical privileges, each applicant:

(i) Agrees to appear for interviews regarding his/her application;

(ii) Authorizes UK HealthCare to consult with Practitioners at other hospitals and healthcare facilities with which the applicant has been associated, and with others who may have information bearing on his/her competence, character and ethical qualifications;

³⁸ EP3 MS08.01.03

³⁹ EP6 MS06.01.05

(iii) Consents to UK HealthCare's inspection of all records and documents that may be material to an evaluation of his/her professional qualifications and competence to carry out the clinical privileges he/she requests, as well as his/her character, moral and ethical qualifications for Medical Staff membership;

(iv) Consents to criminal background searches;

(v) Agrees to comply with UK HealthCare health screening, including drug and alcohol tests;

(vi) Consents to UK HealthCare's obtaining information from peer review and professional review organizations, boards, and committees, and authorizes the release of such information to UK HealthCare, and releases from liability all persons specified in these Bylaws to the fullest extent permitted by law; and

(vii) Agrees that UK HealthCare may obtain an evaluation of the applicant by a consultant selected by the CMO Office if any of the Chief Medical Officer, the Medical Staff Executive Committee, the Chief Clinical Officer, or the University Health Care Committee considers it appropriate.

6.2.2 Failure by the applicant to provide truthful, accurate and complete information shall in itself be grounds for denial, or revocation of Medical Staff membership and appointment, reappointment and clinical privileges.

6.2.3 Burden on Applicant. In all matters pertaining to the applicant's application for initial appointment and clinical privileges, and for reappointment, renewal, and/or updating of clinical privileges, and validation of supporting information, the burden is that of the applicant. Processing of the application cannot begin until all required information is on file and validated. The applicant shall have the responsibility of producing a fully complete application and such other information as may be reasonably requested for a proper evaluation of his/her experience, background, training, demonstrated ability, previous performance, current competence, physical and mental health status and of resolving any doubts about such matters. The applicant shall have a continuing responsibility to provide updated information to the CMO Office, if any information in the application changes between the date it is submitted and the date on which final action and a final decision on the application are taken or made. If an application is incomplete or information is unclear, a request will be made for additional or clarifying information which the applicant will provide or cause to be provided. The reason for the additional information will be communicated to the applicant.

6.2.4 Application. For all faculty and UK employee applicants, the applicant shall submit his/her application to the Chair of the department in which a primary appointment is sought. For all non faculty and non UK employee applicants, the applicant shall submit his/her application either to the CMO Office or to the Third Party Service.

6.2.5 Department Review for Faculty and UK Employees.⁴⁰ Upon receipt of an application from a faculty and UK employee applicant, the Chair shall verify that the

⁴⁰ EP2 MS06.01.03; EP6 MS06.01.07

application form is completely filled out, that all required attachments are included and that the application is signed. Upon such verification, the Chair will submit the application to each division chief and other Chair for any division or other department in which clinical privileges are sought and request documented opinions and recommendations as to Medical Staff appointment or clinical privileges from each. Each Chair and division chief may conduct a personal interview of the applicant and may request additional information from the applicant, if he/she deems it necessary, in which event the applicant shall promptly furnish the requested information. Thereafter, each Chair and division chief shall make recommendations as to Medical Staff appointment and, if appointment is recommended, Medical Staff category and clinical service, clinical privileges to be granted, and any special conditions to the appointment. Recommendations will be based on criteria directly related to the quality of health care, treatment and services including the areas of competency described in Section 6.2.1(a)(iii), above. The reasons for an adverse recommendation shall be stated. Upon obtaining such opinions and recommendations, the Chair shall submit the application to the CMO Office together with all such opinions and recommendations, including that of the Chair.

6.2.6 Credential Verification.⁴¹ Upon receipt of an application, the CMO Office or the Third Party Service shall arrange to verify the references, licensure, including licensure in all states, DEA, malpractice insurance, and other qualification evidence submitted. Such verification shall include obtaining information reported pursuant to the HCQIA, a search of the OIG Sanction Report, the GSA List and other Federal and State reports of sanctions, including State Medical Boards and obtaining a criminal background check to ensure the individual has not been officially sanctioned and is not ineligible for appointment to the Medical Staff. The CMO Office or Third Party Service shall consult primary sources of information about the Practitioner's credentials, where feasible. The CMO Office or Third Party Service shall promptly notify the applicant of any problems in obtaining required information. It shall be the responsibility of the applicant to ensure that all required information is submitted directly to the CMO Office or Third Party Service by all reference sources.

6.2.7 Department Review for Non-Faculty and Non-UK Employees. After verification is accomplished and the application is fully complete for each non-faculty and non-UK employee applicant, the CMO Office shall transmit a copy of the application and supporting materials to the Chair of each clinical service in which the applicant seeks clinical privileges, including the appropriate Chair at Chandler Hospital, and request documented opinions and recommendations as to Medical Staff appointment or clinical privileges. Each Chair may conduct a personal interview of the applicant and may request additional information from the applicant, if he/she deems it necessary, in which event the applicant shall promptly furnish the requested information. Thereafter, each Chair shall make recommendations as to Medical Staff appointment and, if appointment is recommended, Medical Staff category and clinical service, clinical privileges to be granted, and any special conditions to the appointment. Recommendations will be based on criteria directly related to the quality of health care, treatment and services including the areas of competency described in Section 6.2.1(a)(iii), above. The reasons for an adverse recommendation shall be stated. The report shall then be transmitted to the CMO Office.

⁴¹ EP6 MS06.01.03; EP7 MS06.01.05

6.2.8 Meeting. The CMO Office shall provide the Chair with a report of all adverse findings, opinions or recommendations received, if any, with respect to the applicant. Upon request of the CMO Office or the Chair, a meeting among the applicant, the Chair, and such other persons as may be designated by the CMO Office shall be held to discuss the application.

6.2.9 Application Package. An application shall be considered complete only after all required documents and information, including the reports, opinions and recommendations of the Chair(s and chiefs), have been collected, received, and verified. The CMO Office, upon completion of the application, shall submit the application, supporting materials, the reports, opinions and recommendations of the Chair(s and chiefs), and such other available information as may be relevant to the applicant's qualifications (the "application package") to the Credentials Committee.

6.2.10 Privileging Subcommittee Action.⁴² The Credentials Committee shall refer the application package to the appropriate Privileging Subcommittee(s) for consideration. All requests for clinical privileges at Chandler Hospital will be referred to the Chandler Privileging Subcommittee. All requests for clinical privileges at Good Samaritan Hospital will be referred to the Good Samaritan Privileging Subcommittee. Requests for specialty clinical privileges will be referred to such specialty Privileging Subcommittee as may be established by the Medical Staff Executive Committee and the CMO Office from time to time. The Privileging Subcommittee shall review the clinical performance information that is available and shall determine whether such information is sufficient to make a decision regarding the application. If the information is insufficient, the Privileging Subcommittee shall either request additional information, make a recommendation to grant provisional clinical privileges for a period of time during which clinical performance information will be collected for consideration or recommend that the requested clinical privileges be limited or denied. The Privileging Subcommittee(s) shall promptly transmit a written report, including its recommendation to the Credentials Committee as to clinical privileges to be granted and any special conditions to such clinical privileges based on an objective, evidence-based process. Recommendations will be based on criteria directly related to the quality of health care, treatment and services including the areas of competency described in Section 6.2.1(a)(iii), above. The reasons for an adverse recommendation shall be stated. The Credentials Committee, upon consultation with the Chief Clinical Officer and the Chief Administrative Officer, shall determine whether the resources necessary to support each requested privilege are currently available or will be available within a specified time frame before recommending that the requested privilege be granted.

6.2.11 Credentials Committee Action. As promptly as practicable after the Credentials Committee receives the application package from the CMO Office and the report(s) from the Privileging Subcommittee(s), the committee shall transmit a written report, including its recommendation to the Chief Clinical Officer and the Medical Staff Executive Committee that the applicant be appointed to the Medical Staff or be rejected for membership, or that the application be deferred for further consideration. Recommendations will be based on criteria directly related to the quality of health care, treatment and services including the areas of competency described in Section 6.2.1(a)(iii), above. If appointment is recommended, the

⁴² EP10 MS06.01.05; EP1 & EP2 MS06.01.01

Credentials Committee shall recommend the Medical Staff category and clinical service, clinical privileges to be granted, and any special conditions to the appointment and clinical privileges. If appointment and clinical privileges are recommended, the Chief Clinical Officer may, with the recommendation of the President, grant temporary clinical privileges as set forth in Section 7.7.1, below.

6.2.12 Medical Staff Executive Committee Action. At its next regular meeting after receipt of the application and the report and recommendation of the Credentials Committee, the Medical Staff Executive Committee shall determine whether to recommend to the University Health Care Committee that the Practitioner be provisionally appointed to the Medical Staff or be rejected for Medical Staff membership, or the application be deferred for further consideration. Between regular meetings of the Medical Staff Executive Committee, reports and recommendations of the Credentials Committee shall be submitted to the Medical Staff Operating Subcommittees which hereby have the delegated authority to determine whether to recommend to the University Health Care Committee that the Practitioner be provisionally appointed to the Medical Staff or be rejected for Medical Staff membership, or the application be deferred for further consideration. Recommendations will be based on criteria directly related to the quality of health care, treatment and services including the areas of competency described in Section 6.2.1(a)(iii), above. References in these Bylaws to the recommendation of the Medical Staff Executive Committee include a recommendation by the Medical Staff Operating Subcommittees acting under this delegation of authority. All recommendations to appoint must also specifically recommend the clinical privileges to be granted, which may be qualified by probationary conditions relating to such clinical privileges.

(a) When the recommendation of the Medical Staff Executive Committee is to defer the application for further consideration, it must be followed up within 30 calendar days with a subsequent recommendation for provisional appointment with specified clinical privileges, for rejection for Medical Staff membership or for additional deferment, subject to the requirements for timely processing of applications described in Section 6.2.14, below.

(b) When the recommendation of the Medical Staff Executive Committee is favorable to the applicant, the President shall promptly forward it, together with all supporting documentation, to the University Health Care Committee.

(c) When the recommendation of the Medical Staff Executive Committee is adverse to the applicant in respect to appointment or clinical privileges, the President shall promptly so notify the applicant in accordance with Section 10.3, below. Except with respect to recommendations described in Section 10.2.2, below, no such adverse recommendation need be forwarded to the University Health Care Committee until after the applicant has exercised, or has been deemed to have waived, the right to a hearing as provided for in the Fair Hearing Plan. If the applicant exercises the right to a hearing as provided for in the Fair Hearing Plan, the matter shall be forwarded to the University Health Care Committee as provided in the Fair Hearing Plan.

6.2.13 University Health Care Committee⁴³

(a) At its next regular meeting after receipt of a favorable recommendation of the Medical Staff Executive Committee, the University Health Care Committee shall act on the matter. Decisions will be based on criteria directly related to the quality of health care, treatment and services including the areas of competency described in Section 6.2.1(a)(iii), above. If the University Health Care Committee's decision is adverse to the applicant in respect to either appointment or clinical privileges, the President shall promptly notify the applicant of such adverse decision in accordance with Section 10.3, below, and except with respect to decisions described in Section 10.2.2, below, such adverse decision shall be held in abeyance until the applicant has exercised, or has been deemed to have waived, the applicant's rights under the Fair Hearing Plan, and the University Health Care Committee renders its final decision as provided in the Fair Hearing Plan either to appoint the applicant provisionally to the Medical Staff, or to reject the applicant for Medical Staff membership. The fact that the adverse decision is held in abeyance shall not be construed to confer clinical privileges where none exist. All decisions to appoint shall include a delineation of the clinical privileges which the applicant may exercise.

(b) Whenever the University Health Care Committee's decision will be contrary to the recommendation of the Medical Staff Executive Committee, the University Health Care Committee shall submit the matter to the conflict management committee as described in UK HealthCare policy for review and recommendation and shall consider such recommendation before making its decision final.

(c) When the University Health Care Committee's decision is final, it shall send notice of such decision through the President, to the Medical Staff Executive Committee, to the Chair, and to the applicant.⁴⁴

(d) Privileges are granted for a period not to exceed two years.⁴⁵

6.2.14 Timely Processing of Application.⁴⁶ Application for Medical Staff appointment shall be considered in a timely manner by all persons and committees required by these Bylaws to act thereon. Final action shall be taken within 180 calendar days from the date the application is deemed complete as provided in Section 6.2.9, above, unless *bona fide* questions exist regarding the applicant's education, qualification, current competency or ability to exercise clinical privileges and responsibilities under these Bylaws. In such case, additional time up to 90 calendar days may be taken to act on the application, after which time the application shall lapse and expire with no right to the procedures set forth in the Fair Hearing Plan.

6.2.15 Request that Application be Held in Abeyance. At any time in the application process prior to a recommendation by the Medical Staff Executive Committee to the

⁴³ EP8 MS06.01.07; EP2 MS06.01.09

⁴⁴ EP1, EP3 & EP4 MS06.01.09

⁴⁵ EP9 MS06.01.07

⁴⁶ EP11 MS06.01.05; EP4 MS06.01.07

University Health Care Committee for final action, an applicant may request that his/her application be held in abeyance for a period up to, but no greater than 180 calendar days, after which time the application, unless the applicant has requested in writing that the process proceed, shall lapse and expire with no right to the procedures set forth in the Fair Hearing Plan. The applicant shall be required to submit a new application after such expiration to be considered for appointment. The burden shall be on the applicant to update immediately any information contained in the application.

6.2.16 Reapplication. An applicant who has received an adverse decision regarding appointment and/or clinical privileges shall not again be considered for at least two years after final notice of the decision is sent. Any such application shall be processed as an initial application.

6.3 Lapse of Application

If an applicant for Medical Staff appointment, a Medical Staff member who requests a modification of clinical privileges or clinical service assignment or a Medical Staff member who reapplies for Medical Staff appointment fails:

- (a) to furnish the information necessary to evaluate the request in a timely fashion,
- (b) to appear at interviews,
- (c) to obtain or submit required references or other documents, or otherwise complete the application process,
- (d) to meet threshold criteria which do not take into account the applicant's specific individual professional competence or conduct, such as obtaining and maintaining a faculty appointment, satisfying the requirements set forth in Section 3.2, above, or performing a specific number of clinical or surgical procedures before consideration of the application can be given,

the application shall automatically lapse, and the applicant or Medical Staff member shall not have the procedural rights under the Fair Hearing Plan.

6.4 Provisional Status

6.4.1 Upon the recommendation by the Medical Staff Executive Committee, and after approval of an applicant's application by the University Health Care Committee (which shall not be bound by the Medical Staff Executive Committee's recommendation), an applicant shall be assigned to a clinical service and given a provisional appointment for a period of six months or the remainder of the first credentialing year for such clinical service, whichever is greater. Provisional status may be extended by the Chair or the Medical Staff Executive Committee for up to two additional terms of six months for good cause. Provisional members shall have all the privileges and duties of full Medical Staff members in their category, except that they shall not be eligible to hold office or vote unless expressly permitted to do so by the University Health Care Committee.

6.4.2 Each Provisional member shall undergo a period of focused professional practice evaluation by designated monitors or proctors in accordance with Section 7.5, below. The period shall be to evaluate the member's (a) proficiency in the exercise of clinical privileges initially granted and (b) overall eligibility for continued Medical Staff membership and advancement within Medical Staff categories. The Credentials Committee is hereby expressly delegated the responsibility and authority to develop the criteria for conducting adequate focused evaluations of Provisional members including, but not limited to, concurrent or retrospective chart review, mandatory consultation, and/or direct observation. The evaluation shall be conducted by the clinical service under the direction of the Chair unless the privilege in question is new to the service in which case monitoring by an external source may be required. The results of the evaluation shall be communicated by the Chair or President of the Medical Staff to the Medical Staff Executive Committee.⁴⁷

6.4.3 A decision to extend the period of Provisional membership or provisional clinical privileges by the Chair or Medical Staff Executive Committee shall not be deemed to be a Professional Review Action that adversely affects the clinical privileges of the Provisional member and shall not entitle him/her to the procedures afforded by the Fair Hearing Plan. The Provisional member may, however, request further consideration of the Medical Staff Executive Committee. If the decision of the Medical Staff Executive Committee is adverse following further consideration, the Provisional member shall be entitled to the procedural rights provided in the Fair Hearing Plan.

6.4.4 Provisional members shall be eligible for advancement to membership on the Active or other Medical Staff category, but their status shall not be as full members of the Medical Staff until such advancement occurs. After completion of the provisional period, either the Provisional member shall be advanced to Active, Associate, Courtesy, Voluntary, Clinical Fellow, or University Health, in which case his/her clinical privileges shall no longer be provisional in nature, or his/her appointment and clinical privileges shall be terminated. The Chair shall recommend advancement after a review of the Provisional member's activities, if in the judgment of the Chair, the Provisional member is proficient in the clinical privileges requested and is eligible overall for continued Medical Staff membership and advancement. The Chair may recommend advancement of the Provisional member with a written notice to the CMO Office, who will submit the information to the Medical Staff Executive Committee and University Health Care Committee.

6.5 Reappointments

6.5.1 The CMO Office or Third Party Service shall, prior to the expiration date of the present Medical Staff appointment of each Medical Staff member, provide such Medical Staff member with a reappointment application packet for use in considering reappointment. The reappointment application packet shall include the KAPER B application form and for UK faculty or staff, the CAQH application form, each mandated by the Commonwealth of Kentucky. Each Medical Staff member who desires reappointment shall send his/her reappointment packet to the Chair or the Third Party Service in the same manner as a new application is submitted. Failure to return the completed packet after a second written notice

⁴⁷ EPI MS08.01.01

shall result in automatic termination of membership at the expiration of the member's current term.

6.5.2 Information

(a) The reappointment form shall be supplemental to the original application for appointment or the most recent application for reappointment, and the applicant shall supply any information about the applicant that is additional to or different from that furnished on the original application form or that is furnished on his/her most recent reappointment application. All reappointment application forms shall contain the acknowledgments, authorizations, and releases set forth in Section 6.2, above. Any request for a change in clinical privileges shall be included by the applicant on the reappointment form.

(b) In addition, documentation of current Kentucky license, current federal narcotics registration, information regarding continuing education activities in which the applicant has participated since the last application (on request), and the name of one peer reference in the same professional discipline who can attest to the applicant's medical and clinical knowledge, technical and clinical skills, clinical judgment, interpersonal skills, communication skills and professionalism, and ability to perform the clinical privileges requested shall accompany the reappointment application.⁴⁸

(c) Process for Consideration of Reappointment. Applications for reappointment shall be processed in accordance with the process described in Sections 6.2.4 through 6.2.16, above. Unless limited to a shorter period, reappointments shall be for a period of two years.

6.6 Other

6.6.1 Modifications of Category, Assignment, Clinical Privileges⁴⁹

(a) A Medical Staff member may, either in connection with reappointment or at any other time, request modification of his/her Medical Staff category, clinical service assignment consistent with clinical privileges granted or requested, or clinical privileges by submitting a request in writing to the Chief Medical Officer. Such request shall be processed in substantially the same manner as requests for appointment or clinical privileges.

(b) If new or additional clinical privileges are granted, they shall be considered provisional in nature, as in the case of initial clinical privileges granted.

6.6.2 Assistance. The University Health Care Committee, the Medical Staff Executive Committee, the Credentials Committee or the CMO Office may:

- (a) Obtain the assistance of independent consultants or others;

⁴⁸ EP2, EP3 & EP4 MS07.01.03

⁴⁹ EP12 MS06.01.05

(b) Consider the results of quality and performance improvement activities of other hospitals or healthcare institutions with respect to the applicant;

(c) Request or require the applicant to submit to interviews with consultants who may be retained to assist in the review or evaluation process;

(d) Request that specific patient records or categories of records of patients treated by the applicant be submitted for review, subject to appropriate protection of patient confidentiality; and

(e) Require detailed statements, data, and information concerning matters that may affect the applicant's qualifications, professional competence or conduct, including information concerning threatened or pending legal or administrative proceedings.

6.6.3 License Verification. In addition to verification of credentials upon application for appointment and reappointment, the CMO Office or the Third Party Service shall verify the timely renewal of licensure, DEA registration and malpractice insurance upon expiration.⁵⁰

ARTICLE 7 CLINICAL PRIVILEGES⁵¹

7.1 Exercise of Clinical Privileges⁵²

Except as otherwise provided in these Bylaws, a Medical Staff member with clinical privileges at a particular Hospital shall have access to that Hospital to exercise only those clinical privileges specifically granted. Clinical privileges must be within the scope of any license, certificate, or other legal credential authorizing practice in Kentucky and consistent with any restrictions thereon and shall be subject to the rules and regulations of the clinical service and the authority of the Chair and the Medical Staff. Each Practitioner shall be assigned to the primary clinical service in which clinical privileges are granted. If a Practitioner receives a joint appointment and wishes to exercise clinical privileges in a clinical service other than the Practitioner's primary clinical service, the Practitioner shall apply for and, if granted, receive clinical privileges in each clinical service in which the Practitioner is jointly appointed.

7.2 Admitting Clinical Privileges

Only Medical Staff members may be granted admitting clinical privileges. The privilege to admit shall be delineated, and is not automatic. Patients shall be admitted only on the decision of a Medical Staff member who is a licensed practitioner permitted by the Commonwealth of Kentucky to admit patients to the Hospital.⁵³ Those in the Health Professional Staff shall not have hospital admitting privileges.

⁵⁰ EP6 MS06.01.03

⁵¹ EP14 MS01.01.01

⁵² EP2 MS03.01.01

⁵³ EP13 MS03.01.03

7.3 Basis for Clinical Privileges Determination

Requests for clinical privileges shall be evaluated on the basis of the member's prior and continuing education, training, experience, demonstrated current professional competence and judgment, clinical performance, utilization practice patterns, current physical and mental health status, and ability to exercise clinical privileges and responsibilities, with or without reasonable accommodations, the Hospital's capability and the availability of necessary resources to support the clinical privileges requested, adequate professional liability insurance coverage, and the documented results of patient care and other quality review and monitoring that the Medical Staff deems appropriate.

7.4 Delineation of Clinical Privileges in General

7.4.1 Clinical privileges shall be delineated in accordance with the degree of risk to the patient and denoted by the following classes:

- (a) Class 0: Health Professional Staff.
- (b) Class I: Diagnosis and therapy of minor illnesses, injuries or conditions, and performance of procedures with no threat to life.
- (c) Class II: Diagnosis and therapy of major illnesses, injuries, or conditions, and performance of procedures with minimal threat to life.
- (d) Class III: Diagnosis and therapy of major illnesses, injuries, or conditions, and performance of procedures, with possible serious threat to life.
- (e) Class IV: Diagnosis and therapy of unusually complex illnesses, injuries, or conditions and performance of procedures, with possible serious threat to life, within area of specialization.

7.4.2 Each applicant for appointment or reappointment to the Medical Staff must request the specific clinical privileges desired. All applications for clinical privileges, including modifications to existing clinical privileges, must be supported by documentation of training and/or experience to demonstrate current competence.

7.4.3 Each Medical Staff member shall exercise only those clinical privileges specifically recommended by the Credentials Committee and the Medical Staff Executive Committee and approved by the University Health Care Committee. Whenever patient needs exceed the limits of clinical privileges granted, consultation is required.

7.4.4 A member of the Medical Staff with appropriate privileges shall manage and coordinate the patient's care, treatment and services.⁵⁴ A physician member of the Medical Staff shall be responsible for the management and coordination treatment of any

⁵⁴ EPI MS03.01.03

medical or psychiatric problem that may be present in a patient at the time of admission to the Hospital or that may arise during the hospitalization of the patient.⁵⁵

7.4.5 A Health Professional Staff member may exercise only those clinical privileges specifically granted by the Credentials Committee and the Medical Staff Executive Committee and approved by the University Health Care Committee and may, subject to any licensure requirements or other legal limitations, exercise judgment within the areas of his/her professional competence. A Health Professional Staff member shall be directly responsible to the relevant Chair and must be supervised consistent with such member's license or certification and with applicable law, regulation and UK HealthCare policy, during patient treatment by the Medical Staff member attending the patient.

7.4.6 Medical Staff members desiring joint appointments shall have their requests to perform specific patient clinical services evaluated and specifically delineated by the clinical service(s) and specialty division(s) within which the clinical services of the Medical Staff member will be provided.

7.5 Focused Review of Clinical Privileges⁵⁶

7.5.1 A focused review is a quality improvement and peer review activity that involves an intensive, but non-adversarial, review of a Practitioner's performance to determine whether the Practitioner meets the standard of care, or whether the Practitioner may require additional education, training, or other appropriate action to improve performance and enhance quality of care and clinical outcomes or whether the Practitioner has competence in a specific privilege when UK HealthCare does not have documented evidence of such competence. Its goals are to assess and improve the Practitioner's clinical performance, rather than to discipline the Practitioner. However, the results of a focused review may lead to voluntary remediation and/or corrective action, where warranted.

7.5.2 A focused review may be initiated under circumstances when a Practitioner's clinical performance, including but not limited to current competence, clinical skill, technique or judgment, clinical behavior or ability to perform a specific clinical privilege, is called into question, because of a single incident or evidence of a trend based on outcomes, mortality, morbidity, or other concerns and questions or when a Practitioner requests a specific privilege without documented evidence of competence in such privilege. A focused review shall be conducted for each initial request for privilege, each provisionally granted privilege and each change in delineation of privilege.⁵⁷

7.5.3 Focused reviews may be initiated and conducted on the clinical service level. Focused reviews also may be initiated and conducted by the CMO Office, Credentials Committee, Medical Staff Executive Committee, or by an ad hoc committee appointed by the Medical Staff Executive Committee. The Credentials Committee is hereby expressly delegated the responsibility and authority to develop the criteria for conducting focused evaluations of

⁵⁵ EP3 MS03.01.03

⁵⁶ EP2, EP3, EP4, MS08.01.01

⁵⁷ EP1, EP5 & EP6 MS08.01.01

members of the Medical Staff and Health Professionals Staff including, but not limited to, the method for establishing a monitoring plan specific to a requested privilege, the method for determining the duration of performance monitoring, the type of monitoring, the measures to be employed to resolve performance issues and the circumstances under which monitoring by an external source is required. Monitoring may include concurrent or retrospective chart review, mandatory consultation, and/or direct observation.⁵⁸

7.5.4 The Chair, the Chief Medical Officer, President of the Medical Staff, or the Medical Staff Executive Committee, as appropriate, will notify the Practitioner that a focused review is being conducted. The Practitioner will be invited and encouraged to participate actively. Because the emphasis is on education and improvement, cooperation by the Practitioner is imperative. If the Practitioner is uncooperative, a focused review may be terminated, and a request for voluntary remediation and/or investigation that could lead to corrective action may be made.

7.5.5 A focused review should be conducted promptly, but thoroughly. Generally, a focused review should be completed within 45 calendar days, but it may be extended longer, on a case-by-case basis, when appropriate. A focused review for a provisionally granted privilege should be completed within 120 calendar days.

7.5.6 Upon conclusion of the focused review, a finding and recommendation will be made that the Practitioner's performance is acceptable, or that appropriate improvement activities are indicated, which may include, without limitation, further education, clinical "hands-on" training, monitoring, periodic meetings, second opinions, or other efforts to improve performance, reduce morbidity, mortality, errors and enhance quality care and clinical outcomes. The findings and recommendations will be included in a written report that will go to the Medical Staff Executive Committee, the Chair, the CMO Office and the Credentials Committee. If the recommended improvement activity would constitute a Professional Review Action, then the findings and recommendation shall be submitted to the Medical Staff Executive Committee for action under Section 9.3, below.

7.5.7 Because a focused review is a quality improvement and peer review activity, all focused review records and reports shall be privileged to the maximum extent permitted by law and shall be maintained as confidential within UK HealthCare. The results of a focused review, however, may be considered in making recommendations regarding the continuation, limitation or revocation of any existing clinical privilege.

7.6 Ongoing Professional Practice Evaluation⁵⁹

UK HealthCare uses ongoing professional practice evaluation to identify professional practice trends that might affect the quality of care and patient safety. Identified trends may require intervention by the Organized Medical Staff through the Chair, the Chief Medical Officer, the Chief Clinical Officer or the Medical Staff Executive Committee. The criteria used in ongoing professional practice evaluation may include but not be limited to review of operative and other

⁵⁸ EP3, EP7, EP8 & EP9 MS08.01.01

⁵⁹ EP1, EP2 & EP3 MS08.01.03

clinical procedures performed and their outcomes, blood and pharmaceutical usage, requests for test and procedures, length of stay patterns, morbidity and mortality data, use of consultants and other criteria. The process for ongoing professional practice evaluation shall be defined by the Credentials Committee and approved by the Medical Staff Executive Committee. The determination of the type of data to be collected is hereby delegated to the Credentials Committee subject to the approval of the Medical Staff Executive Committee. Individual departments may supplement such data as may be appropriate for evaluation of Practitioners within such department. Information resulting from the ongoing professional practice evaluation will be considered in making recommendations regarding the continuation, limitation or revocation of any existing clinical privilege.

7.7 Temporary Clinical Privileges⁶⁰

7.7.1 Upon receipt of a ~~non-adverse~~ recommendation from the Credentials Committee following verification, including, but not limited to, those items listed in 7.7.2(a) and the President for appointment of an applicant to the Medical Staff or to the Health Professional Staff, and pending the recommendation by the Medical Staff Executive Committee and approval by the University Health Care Committee, the Chief Clinical Officer, as authorized by the University Health Care Committee to act on its behalf, may grant temporary clinical privileges to such applicant at a particular Hospital not to exceed 120 calendar days. In the absence of the Chief Clinical Officer, the Chief Administrative Officer, as his/her delegate, may grant such temporary clinical privileges. In exercising such temporary clinical privileges, the applicant shall act under the general supervision of the Chair. The Chief Clinical Officer shall notify, in writing, the Chief Administrative Officer and the applicant of the specific temporary clinical privileges granted and their duration.

7.7.2 Temporary clinical privileges for an important care need of a specific patient may be granted to a physician or dentist licensed to practice in the Commonwealth of Kentucky who is not an applicant for membership to the Medical Staff on the recommendation of the President, by the Chief Clinical Officer. Such temporary clinical privileges may be granted only after the CMO Office has:

(a) Verified from appropriate licensing authorities, other institutions where the Practitioner has active medical staff membership and clinical privileges and from peer references, that the Practitioner possesses an appropriate, current, and unrestricted medical or professional Kentucky license; and that the Practitioner has appropriate education, training, experience, current competence, judgment, and clinical skills to perform the clinical privileges requested;

(b) Received from the physician or dentist the signed acknowledgment that he or she received and read copies of the Bylaws and the Behavioral Standards in Patient Care; and that the physician or dentist agrees to be bound by the terms thereof in all matters relating to his/her temporary clinical privileges;

⁶⁰ EP1, EP2, EP3, EP4, EP5 & EP6 MS06.01.13

(c) Received from the physician or dentist the signed acknowledgment that the granting of temporary clinical privileges shall not confer membership status; and

(d) Received verification from the issuing insurance company of malpractice insurance covering the Practitioner.

Such temporary clinical privileges shall be restricted to a period not to exceed ~~120~~30 calendar days ~~unless the Chief Medical Officer or the Chief Administrative Officer recommends a longer period based on the medical needs of the specific patient.~~ No action will be taken on a request for temporary clinical privileges until such requirements are verified. This verification process does not constitute, nor is it synonymous with, a completed credentialing and privileging process that UK HealthCare uses when credentialing members or prospective members seeking permanent clinical privileges.⁶¹

7.7.3 Special conditions and requirements of supervision, proctoring and monitoring and reporting, as warranted and reasonable, may be imposed by the Chair on any physician or dentist granted temporary clinical privileges.

7.7.4 Temporary clinical privileges shall automatically terminate at the end of the designated period, unless earlier terminated by the Chief Clinical Officer, the Chief Administrative Officer, the Chief Medical Officer, the President of the Medical Staff, or the Medical Staff Executive Committee.

7.7.5 Temporary clinical privileges may be immediately terminated at any time by the Chief Clinical Officer, the Chief Administrative Officer, the Chief Medical Officer or the President of the Medical Staff, who first shall notify the Chair and the CMO Office, if practicable, before terminating temporary clinical privileges. In such cases, the appropriate Chair or in the Chair's absence, the Chief Medical Officer or President of the Medical Staff shall assign a member of the Medical Staff to assume the responsibility for the care of such Practitioner's patient(s). The wishes of the patient(s) shall be considered in the choice of a replacement Medical Staff member.

7.7.6 A Practitioner shall not be entitled to the procedural rights afforded by the Fair Hearing Plan if a request for temporary clinical privileges is refused or all or any portion of temporary clinical privileges is terminated or suspended.

7.7.7 All Practitioners requesting or receiving temporary clinical privileges shall be bound by the Governance Documents to the extent applicable to such Practitioners by the terms thereof.

7.7.8 Locum Tenens Clinical privileges; Telemedicine Clinical privileges. Any Practitioner who provides locum tenens services or who prescribes, renders a diagnosis, or otherwise provides clinical treatment to a patient at the Hospital through a telemedicine procedure, must be credentialed and privileged through the Medical Staff pursuant to the credentialing and privileging procedures described in these Bylaws. Such Practitioners may

⁶¹ EP6, MS06.01.13

apply for clinical privileges through an application for appointment in the Associate, Courtesy or Volunteer categories, as appropriate. With respect to Practitioners providing treatment through a telemedicine link, the facility from which the activity originates must recommend the Practitioner. Clinical services offered via telemedicine shall be consistent with commonly accepted quality standards and recommended by a Medical Staff member as being appropriate for delivery via telemedicine.⁶²

7.7.9 Emergency Clinical privileges. An emergency shall be considered as a condition in which serious or permanent harm would result to a patient or in which the life of a patient is in immediate danger and any delay in administering treatment would add to that danger. In an emergency, any Medical Staff member with clinical privileges, to the extent permitted by his/her license and regardless of department, Medical Staff status, or clinical privileges, shall be permitted to do and be assisted by Hospital personnel in doing everything possible to save the life of a patient or save the patient from serious harm, using every facility of the Hospital if necessary, including calling for any necessary or desirable consultation. When the emergency no longer exists, the Medical Staff member must request any clinical privileges needed which he/she does not otherwise hold in order to continue to treat the patient. If such clinical privileges are denied or if the Medical Staff member does not wish to request such clinical privileges, the member's patient shall be assigned to an appropriate Active Medical Staff member.

7.8 Disaster Clinical Privileges⁶³

7.8.1 Disaster clinical privileges are granted only under the following circumstances:

- (a) The emergency management plan has been activated; and
- (b) The Hospital is unable to meet immediate patient needs.

7.8.2 Only the Chief Clinical Officer or designee with the concurrence of the President of the Medical Staff or the appropriate Chair is authorized to grant a request for disaster clinical privileges. Disaster clinical privileges may be terminated at any time by the Chief Clinical Officer in accordance with the Bylaws.

7.8.3 When clinical privileges are granted, volunteers considered eligible to practice in the Hospital must present valid government issued photo identification (driver's license or passport) and at least one of the following:

- (a) Current hospital identification of the professional designation,
- (b) Current license to practice,
- (c) Primary source verification of license,

⁶² EP1 & EP2 MS 13.01.03

⁶³ EP1, EP2, EP3, EP4, EP5, EP6, EP7, EP8 & EP9 EM02.02.13

(d) Identification indicating membership on a Disaster Medical Assistance Team (DMAT), Medical Reserve Corps (MRC) or the Emergency System for Advance Registration of Volunteer Health Professionals (ESAR-VHP), or other recognized state or federal organization,

(e) Identification by a current Medical Staff member who possesses personal knowledge regarding the volunteer's ability to act as a licensed independent Practitioner during a disaster, or

(f) Identification that the individual has been granted authority to render care, treatment and services in disaster circumstances (such as those authorities granted by state, federal or municipal entities).

7.8.4 Each volunteer granted clinical privileges will be provided UK HealthCare identification that identifies the person as a volunteer with disaster clinical privileges.

~~7.8.5 Based on its oversight of each volunteer, a decision will be made within 72 hours of the volunteer's arrival if granted disaster privileges should continue.~~

~~7.8.6 Primary source verification of licensure will begin as soon as the immediate situation is under control or and completed within 72 hours ~~when possible from the time the volunteer presents at the hospital, whichever comes first. If primary source verification of licensure cannot be completed within 72 hours of the volunteer's arrival due to extraordinary circumstances, it is performed as soon as possible and all of the following shall be documented:~~~~

~~(a) Reason(s) the primary source verification of licensure could not be performed within 72 hours of the volunteer's arrival.~~

~~(b) Evidence of the volunteer's demonstrated ability to continue to provide adequate care, treatment and services, and~~

~~7.8.5 (c) Evidence of the attempt to perform primary source verification as soon as possible. A decision will then be made regarding continuation of the disaster clinical privileges granted.~~

~~7.8.6~~ 7.8.7 All those granted disaster clinical privileges will be assigned a Medical Staff member to oversee care, treatment and services through appropriate venues such as direct observation, mentoring and clinical record review.

7.9 New Services and Programs

Any procedure or request for clinical privileges that is either new to the Hospital or that overlaps more than one department will initially be reviewed by the Credentials Committee. The Credentials Committee may request information from one or more departments or Practitioners, or may create an ad-hoc committee as deemed necessary to establish credentialing criteria, or make recommendations regarding a request for clinical privileges for a new or transpecialty

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procedure. The recommendation of the Credentials Committee will be forwarded to the Medical Staff Executive Committee for its review and action.

ARTICLE 8 VOLUNTARY REMEDIATION/PRACTITIONER ASSISTANCE

8.1 General

8.1.1 When issues or potential issues involving the clinical competency, the conduct, behavior or the health of a Practitioner are identified, UK HealthCare and the involved Practitioner may attempt to remedy such issues in a voluntary, non-adversarial and informal manner, rather than by formal corrective or disciplinary action. Nothing in this Article, however, limits or restricts in any way the taking of corrective action at any time when warranted, nor shall voluntary remediation or facilitated Practitioner assistance be interpreted as a mandatory first step or pre-condition to taking corrective action.

8.1.2 Individuals are encouraged to report issues or potential issues involving the clinical competency, conduct, behavior, including disruptive behavior, or health concerns of a Practitioner to their Chair, the Chief Clinical Officer, President or Vice President, the Chief Administrative Officer, the Chief Medical Officer or the CMO Office. All such issues, regardless of resolution and regardless of who receives the initial report, shall be reported to the Chief Medical Officer. Retaliation or attempted retaliation against anyone who has reported issues or potential issues, or who has participated in any portion of voluntary remediation or in the facilitation of Practitioner assistance, is strictly prohibited. A Practitioner who is the subject of such reported issues or potential issues and who is found to have engaged in any form of retaliation, regardless of whether the retaliation constitutes discrimination or harassment or results in an adverse job action, will be subject to corrective action.

8.2 Voluntary Remediation

8.2.1 Regardless of whether an issue may constitute grounds for corrective action, voluntary remediation may be appropriate when such measures can resolve the issue. Voluntary remediation requires the willing participation and cooperation of the involved Practitioner to remedy the identified problem.

8.2.2 The Chief Clinical Officer, the Chief Medical Officer, President or Vice President of the Medical Staff, the Chief Administrative Officer, or the Chair may propose voluntary remediation to resolve Practitioner issues.

8.2.3 Voluntary remediation is an authorized peer review activity of UK HealthCare and its Medical Staff. Depending on circumstances, voluntary remediation can take many forms, including but not limited to, informal interviews with the Chief Medical Officer, President or Vice President, and/or the Medical Staff Executive Committee and the use of outside consultants, reviewers, medical practitioners, counselors, therapists, mediators, and monitors. All such persons participating in voluntary remediation, including individuals who report issues and potential issues in good faith, shall be entitled to the privileges and immunities granted under ARTICLE 15, below.

8.2.4 Voluntary remediation, which may include, but is not limited to, education, training, monitoring, psychiatric and/or medical evaluation, counseling, treatment, or therapy, must be documented with a remedial action plan that describes the steps the Practitioner must take to remedy the problem. The Practitioner must voluntarily waive any right under the Fair Hearing Plan that would otherwise be afforded if a Professional Review Action or corrective action were pursued. The remedial action plan will also provide for corrective action to be taken if the terms of the remedial action plan are violated by the Practitioner. The remedial action plan must be signed by the Practitioner, the Chair and the Chief Medical Officer.

8.2.5 A copy of the remedial action plan shall be kept in the Practitioner's credentialing file. As a product of peer review, it shall be marked "Confidential Peer Review Document" and shall not be disclosed or released to any third party without written authorization by the Practitioner, unless disclosure is required by applicable law.

8.2.6 Voluntary remediation shall constitute a Professional Review Activity for the purpose of furthering quality health care, as described by the HCQIA. If the remedial action plan results in a reduction, restriction, suspension, revocation, denial, or failure to renew clinical privileges or membership on the Medical Staff extending for more than 30 calendar days, the plan, notwithstanding the waiver of rights under the Fair Hearing Plan, shall be deemed a reportable Professional Review Action.

8.3 Practitioner Assistance

8.3.1 UK HealthCare and its Medical Staff recognize that, on occasion, a Practitioner may become impaired due to alcohol use, chemical dependency or physical or mental illness. The intent of this Section is to identify and afford an opportunity for prompt treatment and correction of impairment, or a condition that may lead to impairment, in a confidential manner. In matters involving Practitioner impairment, UK HealthCare will act in accordance with pertinent state and federal law, including, but not limited to, the Americans with Disabilities Act.

8.3.2 UK HealthCare and the Medical Staff, through adoption of policy and other appropriate efforts, shall provide education for members of the Medical Staff, the Health Professional Staff and other Hospital staff about illness and impairment recognition issues specific to licensed independent Practitioners, including at-risk criteria.

8.3.3 If any member of the Medical Staff, or any other individual in the Hospital, suspects that a Practitioner appointed to the Medical Staff or the Health Professional Staff is impaired, such person shall immediately report the suspicion to the Chief Medical Officer or designee. The report should be in writing and include the name of the Practitioner suspected of impairment, a detailed account of the facts giving rise to the suspicion, a list of other persons having information about the suspected impairment and the name of the person making the report. The report, including the name of the person making the report, will be handled in a confidential manner, except as limited by applicable law or ethical obligation, or when the health or safety of a patient is threatened.

8.3.4 The Chief Medical Officer or designee shall make a reasonable effort to determine whether the suspicion is reasonable.

8.3.5 If the Chief Medical Officer concludes that the suspicion of impairment is reasonable, the Chief Medical Officer shall cause the report to be filed as follows:

(a) for physicians, the report shall be filed with the Kentucky Board of Medical Licensure and the Kentucky Physicians Health Foundation's Impaired Physicians Program;

(b) for dentists, the report shall be filed with the Well Being Committee of the Kentucky Board of Dentistry and the Kentucky Professionals Recovery Network; and

(c) for other Practitioners, report(s) shall be filed with such other relevant licensing board and related impairment programs as required by law.

8.3.6 Self reporting by impaired Practitioners to the CMO Office and the appropriate licensing board is strongly encouraged. With self-referral, treatment and management of the condition leading to impairment can occur sooner. UK HealthCare will provide reasonable assistance to facilitate the referral, treatment and management process for the impaired Practitioner. All self-referrals will be handled in a confidential manner except as limited by applicable law or ethical obligation, or when the health or safety of a patient is threatened.

8.3.7 Pending evaluation, assessment, and, if warranted, treatment, the Chief Medical Officer or the Practitioner suspected of impairment may request voluntary remediation as described above. Until rehabilitation is complete, and if required, periodically thereafter, the Practitioner's exercise of clinical privileges shall be monitored by the Chair or other physician designated by the Chair and the Chief Medical Officer, and the Practitioner shall agree to and participate in such monitoring. The Chief Medical Officer shall determine the nature of the monitoring after review of all of the circumstances. The Practitioner must agree to submit to an alcohol or drug screening test, if appropriate to the impairment, at the request of the Chief Medical Officer or designee, the Chief Administrative Officer or the Chair.

8.3.8 Any instances of suspected Practitioner impairment when the health or safety of a patient is threatened shall be promptly reported to the Chief Medical Officer who will take appropriate action to stop or prevent such threat.

8.3.9 Nothing in this Article shall limit or restrict, in any way, the taking of corrective action at any time when warranted, nor shall reporting to the appropriate licensing board and/or related impairment program or a request for voluntary remediation, be interpreted as a mandatory first step or pre-requisite to taking corrective action.

**ARTICLE 9
CORRECTIVE ACTION**

9.1 Initiation⁶⁴

9.1.1 Corrective action may be initiated against a Practitioner whenever the activities or conduct of the Practitioner gives rise to a reasonable belief of any of the following:

- (a) Clinical deficiencies, including the failure by the Practitioner to meet the Hospital's standards of quality care, which may be considered in terms of frequency and/or severity;
- (b) Conduct, behavior, or impairment not in the best interest of quality patient care, or a condition that places the Practitioner or others at a risk of harm;
- (c) Behavior disruptive to the orderly operation of the Hospital, which may include, but is not limited to, verbal and/or physical actions, threats, or other inappropriate behavior directed against patients, physicians, nurses, other Hospital personnel, or the public;
- (d) Recurrence of clinical and/or behavior problems;
- (e) Violation of the terms and conditions of any corrective action plan or remedial action plan; or
- (f) Violation of the UK HealthCare Corporate Compliance Program, and/or Behavioral Standards in Patient Care.

9.1.2 Each employee, Medical Staff member and any other person is expected to report activities or conduct that gives rise to such a reasonable belief. Reports may be made to the Chair, the Chief Medical Officer, the CMO Office, the President of the Medical Staff, the Chief Clinical Officer, the Chief Administrative Officer, or the UK HealthCare Office of Corporate Compliance.

9.1.3 Action may be initiated upon the request of any Medical Staff officer, any Chair, any chair of a Medical Staff committee, the Medical Staff Executive Committee, the Chief Medical Officer, the Chief Clinical Officer, the Executive Vice President for Health Affairs or the University Health Care Committee. All requests for corrective action shall be in writing to the President and the Chief Medical Officer and shall be supported by reference to the specific activities or conduct which constitutes the grounds for the request. The President shall notify the Chief Clinical Officer and keep him/her fully informed of all proceedings and action taken. The President shall also notify the Chief Administrative Officer and the Chair of the clinical service in which the questioned activities or conduct occurred.⁶⁵

⁶⁴ EP30 MS01.01.01

⁶⁵ EP7 MS02.01.01

9.2 Investigation

9.2.1 Depending on the nature of the activities or conduct that resulted in the request for corrective action, the President and the Chief Medical Officer shall appoint either the CMO Office or an ad hoc committee (the “investigation body”) to conduct a fact-finding investigation into the matter. The ad hoc committee shall be comprised of three members of the Medical Staff, which will include the Vice President at the primary practice site of the affected Practitioner and at least one other who is a member of the Active Medical Staff at the primary practice site of the affected Practitioner.

9.2.2 The investigation body shall review records and documentary material that are relevant or that could lead to relevant facts, including, but not limited to, medical records, quality assessment data, quality assessment reports, incident reports, complaints, and other reports. However, without the written authorization of the Practitioner and the Chief Clinical Officer, the investigation body shall not review patient safety work product if doing so could result in a waiver of any privilege protection afforded to such work product. The investigation body may consult with counsel for the University of Kentucky, the UK HealthCare Corporate Compliance Office or third-party resources, reviewers or consultants regarding the investigation. The investigation body may interview any person with knowledge of any deficiency, problem, conduct, behavior, or incident serving as grounds for the request for corrective action. These interviews shall be confidential.

9.2.3 The investigation body shall notify and conduct an interview with the Practitioner, unless the Practitioner declines. This interview is informal and does not constitute a hearing. During the interview, the Practitioner shall have an opportunity to discuss the subject matter of the request for corrective action.

9.2.4 The investigation body shall make a written report of its investigation to the Medical Staff Executive Committee. The report shall include any information obtained and reviewed by the investigation body. The report shall indicate whether, based on the information obtained and reviewed during the investigation, sufficient factual support exists for corrective action to be considered. The report may inform the Medical Staff Executive Committee of additional incidents, deficiencies, problems, or other relevant information learned in the course of investigation. If the investigation body concludes there is no basis for the request for corrective action, it shall report such conclusion to the Medical Staff Executive Committee.

9.2.5 The report shall be delivered to the President and Chief Medical Officer within 30 calendar days from the date the request was received, unless the investigation body informs the Chief Medical Officer or President that it requires an additional 30 calendar days to complete the investigation. In such event, the report shall be delivered by the end of such additional 30 day period.

9.3 Action on Report⁶⁶

As soon as practical following receipt of the investigation body report, the President shall deliver the report to the Medical Staff Executive Committee in closed session with voting members only in attendance, either at a regular meeting or a special meeting called for such purpose. The Medical Staff Executive Committee shall act upon the report by either:

9.3.1 Issuing a formal decision not to take an action or not to recommend that an action be taken;

9.3.2 Issuing a warning to the Practitioner that the investigative body report finds that factual support exists for corrective action to be considered but that taking into consideration relevant information learned in the course of investigation, corrective action will not be taken or recommended at this time; or

9.3.3 Reducing, restricting, suspending, revoking, denying, or not renewing clinical privileges or Medical Staff membership or recommending any such action to the University Health Care Committee. Any such adverse action shall entitle the physician or oral surgeon to the procedural rights afforded by the Fair Hearing Plan, except as provided in the Fair Hearing Plan.

9.4 Summary Suspension⁶⁷

9.4.1 Whenever a Practitioner willfully disregards these Bylaws or UK HealthCare policies, or whenever his/her conduct may require that immediate action be taken to protect the health or safety of a patient, or to reduce the substantial likelihood of imminent injury to the health or safety of any patient, employee, or other person in the Hospital, the Chief Medical Officer, with the concurrence of the President, may summarily suspend the Medical Staff appointment and/or any or all of the Practitioner's clinical privileges. The summary suspension shall become effective immediately upon imposition. The Chief Medical Officer shall immediately notify the Practitioner, the Chair, the Chief Administrative Officer(s) at the Hospital(s) where the Practitioner practices and the Medical Staff Executive Committee of the suspension. The Chief Medical Officer or the Chair shall arrange alternative medical coverage of the suspended Practitioner's patients in the Hospital. The wishes of the patients shall be considered in the selection of an alternative Practitioner.

9.4.2 Medical Staff Executive Committee Decision

(a) Upon summary suspension of a Practitioner, the Medical Staff Executive Committee shall direct that an investigation be conducted by persons designated by the Medical Staff Executive Committee to determine the need for the suspension or further action concerning the Practitioner. Within 14 calendar days thereafter, the Medical Staff Executive Committee shall ~~conduct a hearing~~ meet to discuss the findings of the investigation. The Medical Staff Executive Committee may, as a result of the ~~hearing~~ meeting, recommend

⁶⁶ EP6 & EP33 MS01.01.01

⁶⁷ EP29 & EP32 MS01.01.01

modification, continuation, or termination of the summary suspension, and may take such further action concerning the Medical Staff membership and clinical privileges of the Practitioner as it considers appropriate. If the investigation is completed within 14 calendar days from the date of the suspension and the investigation does not result in adverse action, as defined in the Fair Hearing Plan, the Practitioner shall not be entitled to the procedural rights of the Fair Hearing Plan. If the Medical Staff Executive Committee does not recommend immediate termination of the suspension or if further adverse action, as defined in the Fair Hearing Plan, is taken as a result of the investigation:

(i) The Practitioner shall be afforded the right to a hearing as provided in the Fair Hearing Plan pursuant to Article 10 but the terms of the summary suspension or further adverse action recommended by the Medical Staff Executive Committee shall remain in effect pending a final decision under the Fair Hearing Plan.~~appellate review as provided in the Fair Hearing Plan, but the terms of the summary suspension shall remain in effect pending a final decision by the University Health Care Committee.~~

(ii) The Chief Medical Officer or the Chair shall arrange for alternative medical coverage of the suspended Practitioner's patients in the Hospital. The wishes of the patient shall be considered in the selection of an alternative Practitioner.

9.5 Automatic Suspensions⁶⁸

9.5.1 Loss of Licensure or Federal Sanctioning. If a Practitioner's license or other legal credential authorizing him/her to practice is revoked or suspended by a state licensing authority, or the individual has been included on the OIG Sanction Report, the GSA List, or any other Federal or State report of sanctions, he/she shall immediately and automatically be suspended from practicing in the Hospital by the Chief Medical Officer, and his/her Medical Staff membership shall automatically be terminated.

9.5.2 Lapse of Liability Insurance. A Practitioner who does not maintain professional liability insurance as required in these Bylaws shall be automatically suspended until he/she furnishes adequate and satisfactory evidence of such coverage without gaps of coverage for all periods of practice.

9.5.3 Revocation or Suspension of DEA. A Practitioner whose DEA number is revoked or who is suspended from prescribing scheduled drugs as recognized by the DEA shall immediately and automatically be suspended from practicing in the Hospital by the Chief Medical Officer and his/her Medical Staff membership shall automatically be terminated. In regard to actions restricting a Practitioner's right to prescribe non-scheduled drugs, the Medical Staff Executive Committee may consider and take such action as it deems necessary, provided, however, that the Chief Medical Officer may take such action as he/she may deem appropriate in accordance with Section 9.4, above.

9.5.4 Criminal Action. A Practitioner who is convicted or pleads guilty or *nolo contendere* to any felony or to a misdemeanor involving (i) the practice of such

⁶⁸ EP28 MS01.01.01

Practitioner's profession, (ii) controlled substances, (iii) illegal drugs, (iv) Medicare, Medicaid, or insurance fraud or abuse, (v) violence against another, or (vi) moral turpitude shall immediately and automatically be suspended from practicing in the Hospital by the Chief Medical Officer and his/her Medical Staff membership shall automatically be terminated. Upon indictment or charge for any of the above offenses, the individual shall immediately report such indictment or charge to the Chief Medical Officer who shall refer such report to the Medical Staff Executive Committee for investigation and any recommendation or action deemed appropriate and pending such investigation, the individual's clinical privileges shall automatically be suspended.

9.5.5 Process for Automatic Suspension.⁶⁹ Pursuant to Sections 3.3.19 and 3.3.20 above, the Practitioner shall immediately notify the CMO Office of any circumstances that give rise to automatic suspension of clinical privileges and/or automatic termination of Medical Staff appointment. Immediately upon the occurrence of such circumstances and without notice to the Practitioner, the Practitioner's clinical privileges shall be suspended and/or the Practitioner's Medical Staff appointment shall be terminated, as provided in this Section 9.5. The Chief Medical Officer or the Chair shall arrange alternative medical coverage of the suspended or terminated Practitioner's patients in the Hospital. The wishes of the patients shall be considered in the selection of the alternative Practitioner.

9.6 Medical Records and Hand Hygiene

~~9.6.1~~ In accordance with UK HealthCare policy, a Practitioner's admitting and consulting clinical privileges shall be automatically suspended at all UK HealthCare facilities, including the Hospitals, if after warning of delinquency, the Practitioner fails to complete medical records in a timely fashion. Medical records include inpatient, outpatient, emergency, observation, and other records. The suspension shall continue until the records are completed, unless the Practitioner satisfies the Chief Medical Officer that he/she has a justifiable excuse for such failure. Timely refers to within 30 calendar days post discharge. The suspended Practitioner shall not be afforded the right to a hearing or appeal under the Fair Hearing Plan. The Practitioner shall arrange alternative coverage for patients under his/her care. If the Practitioner fails to provide alternative coverage, the Chief Medical Officer or the Chair shall arrange for alternative medical coverage of the suspended Practitioner's patients in the Hospital. The wishes of the patient shall be considered in the selection of an alternative Practitioner.

~~9.6.2~~ In accordance with UK HealthCare policy, a Practitioner's admitting and consulting clinical privileges shall be automatically suspended at all UK HealthCare facilities, including the Hospitals, if after warning and while on a hand hygiene watch list, the Practitioner is observed to fail to adhere to the hand hygiene policy. The suspension shall continue for 24 hours, unless the Practitioner satisfies the Chief Medical Officer that he/she has a justifiable excuse for such failure. The suspended Practitioner shall not be afforded the right to a hearing or appeal under the Fair Hearing Plan. The Practitioner shall arrange alternative coverage for patients under his/her care. If the Practitioner fails to provide alternative coverage, the Chief Medical Officer or the Chair shall arrange for alternative medical coverage of the

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⁶⁹ EP31 MS01.01.01

~~suspended Practitioner's patients in the Hospital. The wishes of the patient shall be considered in the selection of an alternative Practitioner.~~

9.7 Automatic Resignation

9.7.1 Unless otherwise designated by a clinical service or approved by the University Health Care Committee upon recommendation of the Medical Staff Executive Committee, any member of the Medical Staff or person with clinical privileges who takes up permanent residence that does not satisfy the requirement under Section 3.2.2, above to be close enough to the applicable Hospital to permit such member or person to provide continuous care to his/her patients shall be deemed to have resigned from the Medical Staff, and all clinical privileges of such member shall be terminated automatically, without the right to a hearing or appeal under the Fair Hearing Plan.

9.7.2 Any Practitioner who fails to complete and submit his/her credentialing application in a timely fashion shall be deemed to have resigned his/her clinical privileges and Medical Staff appointment effective upon the expiration of the then current term, without the right to a hearing or appeal under the Fair Hearing Plan.

9.8 Report to the National Practitioner Data Bank and Board of Medical Licensure

The President of the Medical Staff or his/her designee shall:

9.8.1 Notify the National Practitioner Data Bank of any Professional Review Action taken which requires reporting under the HCQIA; and

9.8.2 Notify the Kentucky Board of Medical Licensure of any Professional Review Action taken as required by Kentucky law.

ARTICLE 10 FAIR HEARING PLAN⁷⁰

10.1 In General

This ARTICLE 10 describes the Fair Hearing Plan afforded to applicants and members of the Medical Staff. In all cases, the Fair Hearing Plan, in both its description and application, shall be construed to comply with the provisions of the HCQIA so that all actions taken and all individuals who participate in any hearing shall be protected from liability and all information and documents shall be privileged to the maximum extent possible as afforded by the HCQIA. Accordingly, a Professional Review Action shall only be taken:

10.1.1 In the reasonable belief that the action was in the furtherance of quality health care,

10.1.2 After a reasonable effort to obtain the facts of the matter,

⁷⁰ EP34 MS01.01.01

10.1.3 After adequate notice and hearing procedures are afforded to the Practitioner involved or after such other procedures as are fair to the Practitioner under the circumstances, and

10.1.4 In the reasonable belief that the action was warranted by the facts known after such reasonable effort to obtain facts and after meeting the requirement of paragraph 10.1.3.

A Professional Review Action shall be presumed to have met the preceding standards necessary for the protection set out in this Section unless the presumption is rebutted by a preponderance of the evidence. The conduct of the appointment and reappointment process described in Section 6.2, above, a focused review conducted under Section 7.5, above and an investigation conducted under Section 9.2, above, shall constitute a reasonable effort to obtain the facts of the matter.

10.2 Professional Review Action Giving Rise to Right to a Hearing

10.2.1 Except as limited by Section 10.2.2, below, an applicant, an individual holding provisional clinical privileges, or an individual holding a Medical Staff appointment (the "Affected Individual") shall be entitled to a hearing whenever any of the following Professional Review Actions against him/her has occurred:

(a) An adverse recommendation of the Medical Staff Executive Committee in respect to appointment, reappointment or clinical privileges under Section 6.2.12, above;

(b) An adverse decision of the University Health Care Committee in respect to appointment, reappointment or clinical privileges under Section 6.2.13, above;

(c) Any corrective action taken by the Medical Staff Executive Committee pursuant to Section 9.3; or

~~(e)~~(d) A summary suspension or adverse action recommended by the Medical Staff Executive Committee following a hearing pursuant to 9.4.2.

10.2.2 Notwithstanding the general list of actions that may give rise to a right to a hearing listed above, none of the following actions shall give rise to a right to a hearing or appeal, each of which shall take effect without hearing or appeal:

(a) A voluntary or automatic relinquishment of clinical privileges,

(b) The imposition of any requirement for retraining, additional training, or continuing education,

(c) Any reprimand, censure, warning, admonition, probation, proctorship or Professional Review Action that extends for less than 14 calendar days,

(d) Any reduction, restriction, suspension, revocation, denial or failure to renew of temporary, emergency or locum tenens clinical privileges,

(e) Any reduction, restriction, suspension, revocation, denial or failure to renew of clinical privileges due to a failure to meet the qualifications for Medical Staff membership set forth in Sections 3.2.1(b), 3.2.1(d), 3.2.1(e), or 3.2.1(f), above,

(f) Any reduction, restriction, suspension, revocation, denial or failure to renew of clinical privileges due to incomplete or inaccurate application or reapplication information, whether imposed by the Medical Staff Executive Committee or the University Health Care Committee,

(g) Any suspension or revocation of clinical privileges or membership to the Medical Staff as a result of being excluded or suspended from or being ineligible to participate in any Federal health care program or based upon a conviction of a criminal offense related to the provision of health care items or services, and

(h) Any voluntary remedial action taken subject to a voluntary waiver by the Affected Individual of any right to a hearing or appeal.

10.2.3 The purpose of the hearing shall be to recommend a course of action to those acting for the Hospital, whether through the Medical Staff or the University Health Care Committee, and the duties of the Hearing Panel shall be conducted subject to the procedures set forth in this Fair Hearing Plan.

10.3 Notice of Proposed Action⁷¹

10.3.1 When a Professional Review Action is taken giving an Affected Individual the right to request a hearing under this Fair Hearing Plan, the President shall promptly give the Affected Individual notice of that Professional Review Action (the "Notice of Proposed Action"). The Notice of Proposed Action shall contain:

(a) A statement of the Professional Review Action;

(b) The reason(s) for the Professional Review Action;

(c) Notification that the Affected Individual has the right to request a hearing on the Professional Review Action within 30 calendar days of receipt of the Notice of Proposed Action;

(d) A summary of the Affected Individual's rights in the hearing as provided for in this Fair Hearing Plan.

10.3.2 The Affected Individual shall have 30 calendar days following the date of receipt of the Notice of Proposed Action within which to request a hearing by providing written notice to the Chief Clinical Officer with a copy to the President. If the Affected Individual does not request a hearing within such 30 calendar days, he/she shall be deemed to have waived his/her right to such hearing and to have accepted the action involved, and such

⁷¹ EP2 & EP5 MS06.01.09

action shall thereupon become effective immediately upon final action by the Medical Staff Executive Committee or the University Health Care Committee, as the case may be.

10.4 Notice of Hearing and Statement of Reasons

If a hearing is requested in a timely manner, the Chief Clinical Officer shall schedule the hearing and shall give notice (“Hearing Notice”) to the Affected Individual. The Hearing Notice shall: (i) include the time, place, and date of the hearing which date shall not be less than 30 calendar days after the date of the Hearing Notice; (ii) identify the Hearing Panel and the presiding officer; and (iii) include a list of proposed witnesses who may give testimony or evidence in support of the Medical Staff Executive Committee or the University Health Care Committee at the hearing. The witness list may, at the discretion of the presiding officer, be amended or supplemented at any time including during the course of the hearing.

10.5 Hearing Panel⁷²

If a hearing is requested in a timely manner, the Chief Clinical Officer shall appoint a Hearing Panel of not less than three members. The majority of the Hearing Panel shall be composed of Medical Staff appointees who shall not have actively participated in the consideration of the matter involved at any previous level, or physicians or lay persons not connected with UK HealthCare or either Hospital, or a combination of such persons and shall include at least one Active Medical Staff appointee whose primary site of practice is the same as the Affected Individual. The Hearing Panel shall not include any individual who is in direct economic competition with, or who is professionally associated with or related to the Affected Individual. The Chief Clinical Officer shall designate the chairperson of the Hearing Panel. Knowledge of the issues involved in the Professional Review Action shall not preclude any individual from serving as a member of the Hearing Panel.

10.6 Presiding Officer

10.6.1 Appointment. The Chief Clinical Officer may appoint an attorney as presiding officer. Such presiding officer shall be engaged by the University at its expense but shall not be legal counsel to the Hospital or the University. He/she must not act as a prosecuting officer, or as an advocate for either side at the hearing. He/she may participate in the private deliberations of the Hearing Panel and serve as legal advisor to it, but he/she shall not be entitled to vote on its recommendations.

10.6.2 Chair of Hearing Panel. If no presiding officer has been appointed, the chairperson of the Hearing Panel shall be the presiding officer, and shall be entitled to one vote.

10.6.3 Duties. The presiding officer shall act to ensure that all participants in the hearing have a reasonable opportunity to be heard and to present all oral and written evidence, that decorum is maintained throughout the hearing, and that no intimidation of witnesses is permitted. The presiding officer shall determine the order of procedure throughout the hearing, and shall have the authority and discretion, in accordance with this Fair Hearing

⁷² EP35 MS01.01.01

Plan, to make rulings on all questions which pertain to matters of procedure and to the admissibility of evidence.

10.7 Representation

10.7.1 The Affected Individual shall be entitled, at his/her own cost, to be represented at the hearing by an attorney or other person of the individual's choice, to examine witnesses and present his/her case. He/she shall inform the presiding officer in writing of the name and title of that person at least 10 calendar days prior to the date of the hearing.

10.7.2 If the Professional Review Action in question was taken by the Medical Staff Executive Committee, the President shall present such adverse action during the hearing. If the Professional Review Action in question was taken by the University Health Care Committee, the chairperson of such committee or his/her designee shall present such adverse action during the hearing. The University General Counsel shall appoint an attorney, who may be legal counsel to the Hospital or the University to represent the Medical Staff Executive Committee or the University Health Care Committee in support of such adverse action during the hearing and to examine and cross-examine witnesses at the hearing. Such attorney may thereafter continue to advise the University Health Care Committee and the University on the matter. The University General Counsel shall notify the Affected Individual of the appointment of such attorney.

10.7.3 Following appointment of an attorney or other representative for either party, each party shall provide copies of all notices and other documents and information required or permitted to be provided by such party to the presiding officer under this Fair Hearing Plan concurrently to such attorney or other representative.

10.8 List of Witnesses and Supporting Documentation

The Affected Individual shall provide to the presiding officer, within 10 calendar days after receiving the Hearing Notice, a list of proposed witnesses who will give testimony or evidence in support of the Affected Individual at the hearing. The witness list may, at the discretion of the presiding officer, be supplemented or amended at any time, including during the course of the hearing.

10.9 Record of Hearing

The Hearing Panel shall maintain a record of the hearing by a reporter present to make a record of the hearing or by a recording of the proceedings. The cost of such reporter shall be borne by the Hospital, but copies of the transcript shall be provided to the Affected Individual at that individual's expense. The Hearing Panel may, but shall not be required to, order that oral evidence shall be taken only on oath or affirmation, such oath or affirmation to be administered by any person designated by the Hearing Panel and entitled to notarize documents in Kentucky.

10.10 Rights of Both Sides

At the hearing, both sides shall have the following rights: (i) to call and examine available witnesses, (ii) to introduce exhibits, (iii) to cross-examine any witness on any matters relevant to

the issues, and (iv) to rebut any evidence. If the Affected Individual does not testify in his/her own behalf, he/she may be called and examined as if under cross-examination.

10.11 Admissibility of Evidence; Written Statement

The hearing shall not be constrained by any court rules of evidence or procedure relating to the examination of witnesses or presentation of evidence. The “hearsay rule” shall not apply, and the sole standard for admissibility shall be relevancy to the charges or any offered defense or justification. Evidence may include medical charts and witnesses, either live or by deposition, as well as affidavits, witness statements, and any other documentary or physical evidence. Any relevant evidence shall be admitted by the presiding officer if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the admissibility of such evidence in a court of law. Each party shall have the right to submit a written statement or memorandum of points and authorities, and the Hearing Panel may request such a statement or memorandum to be filed, following the close of the hearing. The Hearing Panel may, if it deems appropriate, interrogate the witnesses, call additional witnesses, or request documentary evidence.

10.12 Official Notice

The presiding officer shall have the discretion to take official notice of any matters, either technical or scientific, relating to the issues under consideration that could have been judicially noticed by the state or federal courts in the Commonwealth of Kentucky. Participants in the hearing shall be informed of the matters to be officially noticed, and such matters shall be noted in the record of the hearing. Either party shall have the opportunity to request that a matter be officially noticed or to refute the noticed matter by evidence or by written or oral presentation of authority. Reasonable additional time shall be granted, if requested, to present written rebuttal of any evidence admitted on official notice.

10.13 Burden of Proof

At any hearing conducted under this Fair Hearing Plan, the following rules governing the burden of proof shall apply:

10.13.1 The University Health Care Committee or the Medical Staff Executive Committee, depending upon whose recommendation prompted the hearing initially, shall first come forward with evidence in support of its recommendation. Thereafter, the burden shall shift to the Affected Individual to come forward with evidence in his/her support.

10.13.2 After all the evidence has been submitted by both sides, the Hearing Panel shall recommend in favor of the Medical Staff Executive Committee or the University Health Care Committee unless it finds that the Affected Individual has proved that the recommendation that prompted the hearing was unreasonable, not sustained by the evidence, or otherwise unfounded.

10.14 Failure to Appear

Failure to appear and proceed at the hearing, without good cause, by the Affected Individual shall be deemed to constitute voluntary acceptance of the Professional Review Action, which shall then become final and effective immediately.

10.15 Attendance by Panel Member

Recognizing that it may not be possible for all members of the Hearing Panel to be present continually at all sessions of the hearing and that it is necessary to conduct a hearing as soon as reasonable after the event or events that gave rise to its necessity, the hearing shall continue even though certain members of the Hearing Panel are not present at all times during the hearing. Such absences will not disqualify them or invalidate the hearing, so long as each voting member has read all transcripts or listened to all tape recordings of all proceedings. However, there shall be at least a majority of the members of the Hearing Panel present when the hearing sessions take place, and no member shall vote by proxy.

10.16 Postponements and Extensions

The presiding officer may permit on a showing of good cause, postponements and extensions of time requested by any of the involved parties.

10.17 Adjournment and Conclusion

The presiding officer may adjourn the hearing, and reconvene the same, at the convenience of the participants, without special notice. Upon conclusion of the presentation of oral and written evidence, the hearing shall be closed.

10.18 Deliberations and Recommendation of the Hearing Panel

Within 20 calendar days after final adjournment of the hearing, the Hearing Panel, including the presiding officer, shall conduct its deliberations outside the presence of any other person and shall render a recommendation, accompanied by a report, which shall contain a concise statement of the reasons justifying the recommendation made, and be delivered to the Chief Clinical Officer. The decision of the Hearing Panel shall be based on the evidence produced at the hearing, including matters officially noticed. The Hearing Panel may also rely on written statements or memorandum of points and authorities presented in connection with the hearing. The Hearing Panel shall determine the probity of the evidence presented. The decision of the Hearing Panel shall be supported by the vote of a majority of those appointed to the Hearing Panel. Upon presentation of its recommendation and report, the Hearing Panel's obligation is fulfilled.

10.19 Disposition of Hearing Panel Report

Upon receipt, the Chief Clinical Officer shall forward the Hearing Panel's report and recommendation, along with all supporting documentation, to the University Health Care Committee for further action. The Chief Clinical Officer shall also send a copy of the report and recommendation to the Affected Individual. If the hearing has been conducted by reason of an

adverse recommendation by the Medical Staff Executive Committee, a copy of the report and recommendation of the Hearing Panel shall be delivered by the Chief Clinical Officer to the committee for information purposes.

10.20 Time for Appeal

Within 10 calendar days after the Affected Individual is notified of an adverse recommendation from the Hearing Panel, or an adverse recommendation from the University Health Care Committee modifying a recommendation from a Hearing Panel which was favorable to the Affected Individual, he/she may request an appellate review. The request shall be in writing, shall be delivered to the Chief Clinical Officer, and shall include a brief statement of the reasons for appeal. If such appellate review is not requested within 10 calendar days, the Affected Individual shall be deemed to have accepted the recommendation involved, and it shall thereupon become final and immediately effective. The Chief Clinical Officer shall notify the chairperson of the University Health Care Committee of receipt of the request for appeal.

10.21 Grounds for Appeal

The grounds for appeal from an adverse recommendation shall be that:

10.21.1 There was substantial failure on the part of the Hearing Panel, the Medical Staff Executive Committee, or the University Health Care Committee to comply with this Fair Hearing Plan, so as to deny due process or a fair hearing.

10.21.2 The recommendations of the Hearing Panel or University Health Care Committee were made arbitrarily, capriciously, or with prejudice.

10.21.3 The recommendations of the Hearing Panel or University Health Care Committee were not supported by the evidence.

10.22 Time, Place and Notice

Whenever an appeal is requested as set forth in the preceding Sections, the Chairperson of the University Health Care Committee shall, within 10 calendar days after receipt of such request, schedule and arrange for an appellate review. The University Health Care Committee shall give the Affected Individual notice of the time, place, and date of the appellate review. The date of appellate review shall be not less than 14 calendar days nor more than 40 calendar days from the date of receipt of the request for appellate review. However, when a request for appellate review is from an Affected Individual who is under a suspension then in effect, the appellate review shall be held as soon as the arrangements may reasonably be made and not more than 14 calendar days from the date of receipt of the request for appellate review. The time for appellate review may be extended for good cause by the Chairperson of the University Health Care Committee.

10.23 Nature of Appellate Review

The Chairperson of the University Health Care Committee shall appoint a Review Panel composed of not less than three persons, either members of the University Health Care

Committee or others, including but not limited to reputable persons outside UK HealthCare or either Hospital, or any combination of the same, to consider the record upon which the adverse recommendation was made. The Review Panel may accept additional oral or written evidence subject to the same rights of cross-examination provided at the Hearing Panel proceedings. Such additional evidence shall be accepted only if the party seeking to admit it can demonstrate that he/she was deprived of the opportunity to admit it at the hearing, and then only at the discretion of the Review Panel. Each party shall have the right to present a written statement in support of its position on appeal, and in its sole discretion, the Review Panel may allow each party's attorney or representative to appear personally and present oral argument. Such written statement shall be submitted to the Review Panel at least five business days prior to the scheduled date for the appellate review. The Review Panel shall recommend final action to the University Health Care Committee. The University Health Care Committee may affirm, modify, or revise the recommendation of the Review Panel.

10.24 Final Decision of the University Health Care Committee

Within 30 calendar days after receipt of the Review Panel's recommendation, the University Health Care Committee shall render a final decision in writing and shall deliver copies thereof to the Affected Individual and to the Chief Clinical Officer.

10.25 Right to One Hearing and One Appeal Only

No Affected Individual shall be entitled as a matter of right to more than one hearing and one appellate review on any single matter which may give rise to a right to a hearing and appeal. In the event that the University Health Care Committee ultimately determines to deny initial appointment or reappointment to the Medical Staff, or revokes or terminates the Medical Staff appointment and clinical privileges of an Affected Individual, that individual may not again apply for Medical Staff appointment or clinical privileges at UK HealthCare or either Hospital until after the expiration of two years from the date of such University Health Care Committee decision unless said committee provides otherwise in its written decision.

ARTICLE 11 CLINICAL SERVICES

The Medical Staff practicing at each Hospital will be organized into clinical services as described below. The Medical Staff Executive Committee may create, eliminate, subdivide or combine clinical services, subject to approval by the University Health Care Committee. Each clinical service will have a Chair.

11.1 Clinical Organization

11.1.1 Chandler Hospital Clinical Services. The clinical services at Chandler Hospital shall be as follows:

- Anesthesiology
- Dentistry
- Emergency Medicine
- Family & Community Medicine

Internal Medicine
Neurology
Neurosurgery
Obstetrics/Gynecology
Ophthalmology and Visual Science
Orthopedic Surgery
Otolaryngology
Pathology and Laboratory Medicine
Pediatrics (does not include pediatric surgery)
Physical Medicine & Rehabilitation
Preventive Medicine & Environmental Health
Psychiatry
Radiation Medicine
Radiology
Surgery
Urology

11.1.2 Good Samaritan Hospital Clinical Services. The clinical services at Good Samaritan Hospital shall be organized by department as follows:

Department of Medicine

Allergy/Immunology
Cardiology
Dermatology
Endocrinology
Gastroenterology
Hematology
Infectious Disease
Internal Medicine
Nephrology
Neurology
Oncology
Pulmonary Medicine
Rheumatology

Department of Surgery

Colon and Rectal Surgery
General Surgery
Gynecology
Neurosurgery
Ophthalmology
Oral Surgery (Odontology)
Orthopedics
Otolaryngology
Plastic & Reconstruction Surgery
Thoracic Surgery

Urology

Hospital-Based and Other Services

Anesthesiology

Emergency Medicine

Family & Community Medicine

Pathology and Laboratory Medicine

Psychiatry

Radiation Medicine

Radiology

11.1.3 Cancer Center. In addition to the listed clinical services at each Hospital, there is recognized the Markey Cancer Center as a clinical service at each Hospital. The Director of the Lucille Parker Markey Cancer Center is the Chair of the Markey Cancer Center clinical service. The Markey Cancer Center will function as a clinical service under these Bylaws. UK faculty who are assigned to the Markey Cancer Center shall, in addition to their assignment to the clinical service that corresponds to the department of their primary faculty appointment, be assigned to the Markey Cancer Center clinical service.

11.2 Assignment to Clinical Services

Each Medical Staff member shall be assigned to one clinical service by the Medical Staff Executive Committee upon recommendation of the Credentials Committee, but may be granted clinical privileges in one or more other clinical services. The exercise of clinical privileges within any clinical service shall be subject to UK HealthCare policies and procedures, the policies and procedures of the clinical service, and the authority of the Chair. UK faculty shall be assigned to the clinical service that corresponds to the department of their primary faculty appointment.

11.3 Functions of Clinical Services

Subject to the authority of the Medical Staff Executive Committee and University Health Care Committee, clinical services shall perform the following delegated functions:

11.3.1 Oversee the provision, evaluation, and improvement of quality patient care and periodically report to the Medical Staff Executive Committee;

11.3.2 Require and provide appropriate continuing medical and professional education of Practitioners, residents, medical students, Health Professional Staff members, nursing, and other health personnel; and

11.3.3 Review and recommend for approval by the Medical Staff Executive Committee and University Health Care Committee rules, regulations, policies, and standards regarding qualifications and requirements for determining current competence, credentialing, promotion of effective interdisciplinary communication and function, and governance. These recommendations must be consistent with the Governance Documents or expressly recommend an amendment to such inconsistent provisions of the Governance Documents.

11.4 Chairs of Clinical Service⁷³

11.4.1 Chandler Hospital

(a) Each Chair of a clinical service at Chandler Hospital shall be board-certified or demonstrate equivalent competence affirmatively established through the credentialing process and shall be a member in good standing of the Active Faculty Medical Staff.

(b) Usually, the chair of the academic department in the College of Medicine or Dentistry shall be appointed as the Chair of the respective clinical service within Chandler Hospital or of the respective Hospital-Based and Other Services within Good Samaritan Hospital provided by Active Faculty members. In unusual circumstances, an individual may be made Chair of a clinical service who is not a department chair. Such appointments shall be made and may be removed by the dean of the specific college in accordance with the selection qualification criteria and process described in the University Governing and Administrative Regulations.

(c) The Chair may, in accordance with University regulations, policies and procedures, appoint chiefs of department sections or divisions as may be appropriate for the effective and efficient operation of such sections or division.

(d) If a Chair is unable to serve or resigns or is removed, then the vacancy shall be filled in accordance with the procedures described in the University Governing and Administrative Regulations. Resignation and removal of a Chair shall be governed by the University Governing and Administrative Regulations.

11.4.2 Good Samaritan Hospital

(a) Each Chair of a department at Good Samaritan Hospital shall be board-certified or demonstrate equivalent competence affirmatively established through the credentialing process and shall be a member in good standing of the Active Medical Staff in such department.

(b) ~~Each Chair shall be appointed by the Chief Medical Officer in consultation with the President of the Medical Staff and Vice President for Good Samaritan Hospital. The Active Medical Staff within the Department of Medicine and the Department of Surgery, respectively, shall elect the Chair of such department for a term of two years. Elections shall be held in odd-numbered years from a slate of nominations solicited by the current Chair or from a slate of candidates proposed by a nominating committee appointed by the current Chair.~~ The Chair with respect to each Hospital-Based and Other Services at Good Samaritan Hospital shall be the either the Chair of the appropriate clinical department in the College of Medicine if such clinical department provides such service or the medical director of such service if such service is provided on an exclusive contractual basis by Active Community members.

⁷³ EP36 MS01.01.01

(c) The Chair shall appoint, and may in the Chair's sole discretion remove, service chiefs who shall be responsible to the Chair for the supervision of the work of the members of the service concerning the provision of patient care to the patients on the service and in the completion of all records of these patients. The service chief shall prepare and administer a duty roster for the rotation of service call among members assigned to the service. The service chief shall provide a copy of the duty roster to the Chief Administrative Officer at Good Samaritan Hospital on a monthly basis, plus notice of any changes to same when or before such changes are effective.

(d) If the Chair of the Department of Medicine or Surgery is unable to serve, or resigns or is removed, then the vacancy shall be filled by a special election of the department to complete the unexpired term. The immediate past Chair will fill the vacancy until the election is held. If a Chair appointed by the Dean of the College of Medicine is unable to serve, or resigns or is removed, then the vacancy shall be filled in accordance with the procedures described in the University Governing and Administrative Regulations.

(e) Any Chair may resign at any time by giving written notice to the Medical Staff Executive Committee and, unless specified therein, the acceptance of such resignation shall not be necessary to make it effective. The death of a Chair shall be deemed to constitute resignation. The Chair of the Department of Medicine or Surgery may be removed by the University Health Care Committee upon the recommendation of the Medical Staff Executive Committee. At least one-half of the Active Medical Staff members of the department may petition for removal of the Chair of such department to the University Health Care Committee. The University Health Care Committee shall take such action concerning the request as it deems appropriate. Resignation and removal of a Chair appointed by the Dean of the College of Medicine shall be governed by the University Governing and Administrative Regulations.

11.4.3 Appointments and elections of Chairs shall be subject to the concurrence of the Medical Staff Executive Committee and confirmation by the University Health Care Committee. Every person appointed or elected to be a chief or Chair shall, before beginning clinical service, undergo an orientation and training, at which time duties, responsibilities, and expectations of the office shall be reviewed.

11.5 General Duties of the Chair

11.5.1 Each Chair shall be responsible for the organization of the department and delegation of duties to department members to promote the best interests of patients. Members of departments shall be responsible to the Chair and, through him/her, to the President. Each Chair shall be responsible for:

- (a) All clinically related activities of the department,
- (b) All administratively related activities of the department, unless otherwise provided for by the Hospital,
- (c) Integrating the department into the primary functions of the Hospital,

- (d) Coordinating and integrating interdepartmental and intradepartmental services,
- (e) Developing and implementing policies and procedures that guide and support the provision of care, treatment and services,
- (f) Recommending a sufficient number of qualified and competent persons to provide care, treatment, and services,
- (g) Continuing surveillance of the professional performance of all individuals who have delineated clinical privileges in the department,
- (h) Recommending to the Medical Staff and/or the Credentials Committee the criteria for clinical privileges that are relevant to care provided in the department,
- (i) Recommending clinical privileges for each member of the department,
- (j) Determining the qualifications and competence of departmental personnel who are not licensed independent practitioners and who will provide patient care services,
- (k) Continuously assessing and improving the quality of care, treatment and services provided,
- (l) Maintaining quality control programs, as appropriate,
- (m) Orienting and providing in-service training and continuing education of all persons in the department,
- (n) Recommending space and other resources needed by the department,
- (o) Assessing and recommending to the Chief Clinical Officer and the Chief Administrative Officer off-site sources for needed patient care, treatment and services not provided by the department or the Hospital, and otherwise participating in the selection of sources for such needed services, and
- (p) Transmitting to the Medical Staff Executive Committee department recommendations concerning appointment and classification, reappointment, and delineation of clinical privileges of Medical Staff members, Health Professional Staff and applicants, and corrective action with respect to Practitioners in the department.

**ARTICLE 12
OFFICERS OF MEDICAL STAFF**

12.1 Identification of Officers and Terms⁷⁴

The officers of the Medical Staff shall be:

<u>Office</u>	<u>Term</u>
President	2 years, no more than 2 terms
Vice President for Chandler Hospital	2 years, no more than 2 terms
Vice President for Good Samaritan Hospital	2 years, no more than 2 terms
Secretary	Chief of Staff of the Chief Clinical Officer, ex officio

12.2 Qualifications of Officers⁷⁵

12.2.1 Each officer of the Medical Staff, other than the Secretary, must be a member of the Active Medical Staff at the time of his/her nomination and election, and must remain a member of the Active Medical Staff in good standing during his/her term of office. Failure to maintain such status shall automatically create a vacancy in the office involved. The primary practice site of the Vice President for Chandler Hospital shall be Chandler Hospital, and the primary practice site of the Vice President for Good Samaritan Hospital shall be Good Samaritan Hospital. The Secretary shall be the Chief of Staff of the Chief Clinical Officer who shall serve ex-officio, without vote. No individual may hold more than one office at any time.

12.3 Nominations and Elections⁷⁶

~~12.3.1~~ Biennially, in even numbered years, The Nominating Committee shall prepare a slate of nominees for each of the positions of President and Vice Presidents of the Medical Staff to be filled at a regular or special meeting of the Organized Medical Staff held for this purpose. Nominations may also be made by petition for the office of President signed by at least 10% of the members of the Active Medical Staff or for the office of Vice President for a Hospital, by at least 10% of the Active Medical Staff with a primary site of practice as that required for such Vice President, with a signed statement of willingness to serve by the nominee filed with the President at least 30 calendar days before the meeting. No nominations shall be made from the floor during the meeting. Voting will be by electronic ballot, unless electronic voting is not feasible, and in which case, voting will be by written ballot. Voting by proxy shall not be permitted. The President of the Medical Staff will be elected by a majority vote of the Organized Medical Staff casting ballots. Each Vice President will be elected by a majority vote of the Organized Medical Staff casting ballots whose primary practice site is the same as that required of the particular Vice President. If no candidate receives a majority vote in the election, a run-off election by written ballot shall be held between the two candidates receiving the highest number of votes, and the candidate receiving the highest number of votes of the Organized

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⁷⁴ EP19 MS01.01.01

⁷⁵ EP1 MS03.01.01

⁷⁶ EP18 MS01.01.01

Medical Staff casting ballots in such run-off election shall be elected as the President or Vice President, as the case may be.

12.4 Vacancies in Elected Office

Vacancies in either of the offices of Vice President shall be filled by appointment made by the President of the Medical Staff with Medical Staff Executive Committee approval. A vacancy in the office of President shall be filled by appointment by the majority vote of the Medical Staff Executive Committee. Pending such appointment, the Chief Medical Officer shall serve as interim President.

12.5 Resignations and Removals⁷⁷

Any officer may resign at any time by giving written notice to the Medical Staff Executive Committee and, unless specified therein, the acceptance of such resignation shall not be necessary to make it effective. The death of an officer shall be deemed to constitute resignation. Any officer may be removed by the Medical Staff Executive Committee for failure to perform the duties of the position at a special meeting called for such purpose. A petition for removal shall be submitted to the Chief Medical Officer by at least 50% of the Medical Staff Executive Committee and, upon receipt thereof, the Chief Medical Officer shall call a meeting of the Medical Staff Executive Committee to be held within 30 calendar days to consider and act upon the petition. An officer shall be removed upon receiving at least a two-thirds majority of the valid votes cast at the meeting of the Medical Staff Executive Committee in favor of removal. If an officer resigns or is removed, his/her successor shall be filled in the same manner as any other vacancy.

12.6 Duties of Officers

12.6.1 President of the Medical Staff.⁷⁸ The President of the Medical Staff shall have general overall supervision of the affairs of the Medical Staff. Duties of the President shall include, but are not limited to:

- (a) Together with the Chief Medical Officer, performing the oversight activities of the Organized Medical Staff;
- (b) Performing the duties of the President otherwise described in these Bylaws;
- (c) Serving as a voting member and as chair of the Medical Staff Executive Committee;
- (d) Calling, presiding at and being responsible for the agenda of Medical Staff meetings;

⁷⁷ EP18 MS01.01.01

⁷⁸ EP1 & EP3 MS03.01.01

- (e) Developing and implementing, in conjunction with Chairs and the Chief Medical Officer, methods for credentials review, delineation of clinical privileges, educational programs, utilization management, and performance improvement;
- (f) Communicating and representing the opinions, policies, concerns, needs, and grievances of the Medical Staff to the Chief Medical Officer and the University Health Care Committee;
- (g) Ensuring review and enforcement of these Bylaws;
- (h) Acting as representative of the Medical Staff to the public, as well as to other healthcare providers, other organizations, the University Health Care Committee, and government and voluntary organizations;
- (i) Appointing and discharging chairs and members of all Medical Staff committees, except the Medical Staff Executive Committee, and the Medical Staff Operating Subcommittees, and serve as ex-officio member with vote of all Medical Staff committees;
- (j) Receiving and interpreting the opinions, policies, and directives of Administration and the University Health Care Committee to the Medical Staff; and
- (k) Delegating duties and activities as deemed necessary and appropriate.

12.6.2 Vice President for Chandler Hospital. The Vice President for Chandler Hospital shall, in the absence of the President fulfill the duties of the President as same apply to Chandler Hospital. The Vice President for Chandler Hospital shall chair the Medical Staff Operating Subcommittee at Chandler Hospital. In addition, the Vice President for Chandler Hospital shall perform such duties as may be delegated by the President.

12.6.3 Vice President for Good Samaritan Hospital. The Vice President for Good Samaritan Hospital shall, in the absence of the President fulfill the duties of the President as same apply to Good Samaritan Hospital. The Vice President for Good Samaritan Hospital shall chair the Medical Staff Operating Subcommittee at Good Samaritan Hospital. In addition, the Vice President for Good Samaritan Hospital shall perform such duties as may be delegated by the President.

12.6.4 Secretary. The Secretary shall serve as staff to the Medical Staff Executive Committee, attend to all correspondence and perform other such duties as ordinarily pertain to the office of Secretary, and perform such duties as may assigned by the President. The Secretary shall cause to be kept accurate and complete minutes of all Medical Staff Executive Committee, the Medical Staff Operating Subcommittees and Medical Staff meetings, and call Medical Staff meetings to order and record attendance.

**ARTICLE 13
COMMITTEES AND FUNCTIONS**

13.1 Medical Staff Executive Committee⁷⁹

13.1.1 Responsibility and Authority⁸⁰

(a) The Medical Staff Executive Committee is charged with the delegated responsibility from the Medical Staff and the University Health Care Committee for self-governing the members of the Medical Staff, and for overseeing the performance of clinical programs including the quality, safety and efficiency of care and treatment, as well as the coordination of activities between Medical Staff and Hospital clinical services to promote communication and improve function and clinical outcomes throughout UK HealthCare. The Medical Staff Executive Committee is empowered and expressly delegated the responsibility and authority to the fullest extent permitted by law and standards of accreditation, to transact business on behalf of the Medical Staff and to act for the Organized Medical Staff between meetings of the Organized Medical Staff, which shall include but not be limited to:

- (i) Developing a single, standard credentialing package to be used by all Practitioners applying for Medical Staff membership;
- (ii) Reviewing, adopting, approving and modifying medical policy, procedures, and programs;
- (iii) Promoting medical ethics and patient rights;
- (iv) Establishing the overarching policies and procedures governing all of the clinical activity, including appropriate standards of care, within UK HealthCare;
- (v) Overseeing the performance of clinical services by all Practitioners (including residents and licensed independent practitioners), including quality, safety, outcomes, efficiency and assessment of needs;
- (vi) Ensuring that UK HealthCare meets or exceeds the performance standards for accreditation and compliance with local, state and federal law; and
- (vii) Enforcing compliance with the Bylaws and with UK HealthCare policies and procedures.

(b) The Medical Staff Executive Committee shall receive and act on reports and recommendations from Medical Staff committees, clinical services, and assigned activity groups.⁸¹ The Medical Staff Executive Committee shall be responsible for making

⁷⁹ EP20 MS01.01.01

⁸⁰ EP20 & EP23 MS01.01.01; EP5 MS02.01.01

⁸¹ EP6 & EP12 MS02.01.01

recommendations on matters pertaining to Medical Staff and related issues directly to the University Health Care Committee for its approval. Recommendations shall include, but not be limited to:

- (i) Granting Medical Staff membership (initial appointment and reappointment);⁸²
- (ii) The structure of the Organized Medical Staff and the Active Medical Staff;⁸³
- (iii) The process used to review credentials and delineate privileges;⁸⁴
- (iv) The specific delineation of clinical privileges for each eligible Practitioner, based on demonstrated competency and performance review;⁸⁵
- (v) The participation of the Medical Staff in organization performance improvement, risk management and compliance activities; and
- (vi) Enforcement of voluntary remediation, disciplinary, and corrective action, including revocation and termination of membership and clinical privileges.

13.1.2 Composition.⁸⁶ The Medical Staff Executive Committee shall consist of the following voting members:

President of the Medical Staff (chair)

Vice President for Chandler Hospital

Vice President for Good Samaritan Hospital

Six other representatives from the Medical Staff Operating Subcommittees each of whom shall be a Chair, divided between the subcommittees pro-rata based on the average daily census of the respective Hospital for the calendar quarter ending March 31 immediately preceding selection, selected bi-annually in even-numbered years in May by the membership of each such subcommittee.

Three at-large members, including one member of the Active Community or Active Faculty category whose primary site is Good Samaritan Hospital, one member of the Active Faculty category with clinical privileges at Children’s Hospital and one member of the Active Faculty category whose primary site is Chandler Hospital and who does not have clinical

⁸² EP8 MS02.01.01

⁸³ EP9 MS02.01.01

⁸⁴ EP10 MS02.01.01

⁸⁵ EP11 MS02.01.01

⁸⁶ EP22 MS01.01.01; EP2 & EP4 MS02.01.01

privileges at Children's Hospital, each elected by the Organized Medical Staff as described in Section 13.1.3, below.⁸⁷

Chief Medical Officer

Chair of the Credentials Committee

In addition to the voting members, the following shall serve as ex officio members without vote:

Chief Clinical Officer

Dean, College of Medicine

ACGME Designated Institutional Official or designee⁸⁸

Chief Nurse Executive

Dean, College of Pharmacy or Director of Pharmacy, as his/her designee

Dean, College of Nursing

Dean, College of Dentistry

Associate dean for Veterans Affairs

Legal Counsel for the University

13.1.3 Nominations.⁸⁹ Bi-annually in even-numbered years, the Nominating Committee shall prepare a slate of nominees for each at-large member of the Medical Staff Executive Committee and for each at-large member of the Medical Staff Operating Subcommittees to be filled at a regular or special meeting of the Organized Medical Staff held for this purpose. Nominations may also be made by petition for at-large members of the Medical Staff Executive Committee signed by at least 10% of the appointees of the Active Medical Staff or for at-large members of the Medical Staff Operating Subcommittees, by at least 10% of the Active Medical Staff with a primary site of practice as the subcommittee in question, with a signed statement of willingness to serve by the nominee filed with the President at least 30 calendar days before the meeting. No nominations shall be made from the floor during the meeting. Voting will be by electronic ballot, unless electronic voting is not feasible, and in which case, voting will be by written ballot. Voting by proxy shall not be permitted. The nominees for at-large membership on the Medical Staff Executive Committee in each of the three qualifying categories receiving the highest number of votes of the Organized Medical Staff shall be elected to the Medical Staff Executive Committee. The three nominees for at-large membership on each of the Medical Staff Operating Subcommittees receiving the highest number of votes of the Organized Medical Staff whose primary site of practice is the Hospital in question, shall be elected to such Medical Staff Operating Subcommittee.

13.1.4 Meetings. The Medical Staff Executive Committee shall meet as often as necessary to discharge fully its duties and responsibilities in a timely, efficient manner. Minutes of the Medical Staff Executive Committee shall be forwarded to the University Health

⁸⁷ EP3 MS02.01.01

⁸⁸ EP5 & EP6 MS04.01.01

⁸⁹ EP21 MS01.01.01

Care Committee. A majority of members of the Medical Staff Executive Committee attending and capable of voting shall constitute a quorum. The action of a majority of the voting members present at a meeting at which a quorum is present shall be the action of the Medical Staff Executive Committee. At times appropriate and necessary, the Medical Staff Executive Committee may take action without a meeting by unanimous consent (setting forth the action so taken), provided by each member entitled to vote thereat. Consent may be provided either in writing and signed by the member or electronically through a secure system operated by the University of Kentucky that requires verification of identity of the member sending the consent. Electronic consent shall be submitted to the Secretary with a copy to Legal Counsel.

13.1.5 Vacancies. Vacancies on the Medical Staff Executive Committee shall be filled by appointment made by the President of the Medical Staff with Medical Staff Executive Committee approval.

13.1.6 Resignations and Removals.⁹⁰ Any member of the Medical Staff Executive Committee may resign at any time by giving written notice to the President and, unless specified therein, the acceptance of such resignation shall not be necessary to make it effective. The death of a member shall be deemed to constitute resignation. Any member may be removed by the Medical Staff Executive Committee for failure to perform the duties of the position at a special meeting called for such purpose. A petition for removal shall be submitted to the President by at least 50% of the voting members of the Medical Staff Executive Committee and, upon receipt thereof, the President shall call a meeting of the Medical Staff Executive Committee to be held within 30 calendar days to consider and act upon the petition. A member shall be removed upon receiving at least a two-thirds majority of the valid votes cast at the meeting of the Medical Staff Executive Committee in favor of removal. If a member resigns or is removed, his/her successor shall be filled in the same manner as any other vacancy.

13.2 Medical Staff Operating Subcommittees

13.2.1 Responsibility and Authority. The Medical Staff Operating Subcommittees consist of two standing subcommittees of the Medical Staff Executive Committee, which are responsible for providing oversight of medical and administrative clinical services, assisting in the monitoring and improvement of patient care, and otherwise fulfilling the responsibilities delegated to it by the Medical Staff Executive Committee. There shall be one Medical Staff Operating Subcommittee for each Hospital: Chandler Hospital and Good Samaritan Hospital. The Medical Staff Operating Subcommittees shall meet regularly, at least 10 times per year.

13.2.2 Composition. The voting members of the Medical Staff Operating Subcommittee for each particular Hospital include the President, the Vice President for the particular Hospital, the Chief Medical Officer, the Chair of the Credentials Committee, the Chairs for each clinical service at the particular Hospital and three at-large members elected by the Medical Staff whose primary site of practice is the particular Hospital. Advisory members who serve ex officio without vote include the director of pharmacy, chief nursing officer, Chief Administrative Officer for the particular Hospital, ACGME Designated Institutional Official or

⁹⁰ EP21 MS01.01.01

designee, and legal counsel for the University. A resident representative(s) whose clinical training is primarily located at the particular Hospital, selected by the House Staff Counsel who has a clinical rotation at the particular Hospital shall also serve without vote on the Medical Staff Operating Subcommittee at such Hospital. Each voting and non-voting member of the Medical Staff Executive Committee may attend any meeting of either Medical Staff Operating Subcommittee. The presence of at least five members of the Medical Staff Operating Subcommittee entitled to vote, present and attending, shall constitute a quorum for all actions. If an appropriate quorum is not present, the meeting may be adjourned by those members in attendance and reconvened at such later date as determined by the Vice President when a quorum is available and is present. At times appropriate and necessary, the Medical Staff Operating Subcommittee may take action without a meeting by unanimous consent (setting forth the action so taken), provided by each member entitled to vote thereat. Consent may be provided either in writing and signed by the member or electronically through a secure system operated by the University of Kentucky that requires verification of identity of the member sending the consent. Electronic consent shall be submitted to the appropriate Secretary with a copy to Legal Counsel.

13.2.3 Vacancies. Vacancies on the Medical Staff Operating Subcommittee shall be filled by appointment made by the President of the Medical Staff with Medical Staff Executive Committee approval.

13.2.4 Resignations and Removals. Any member of the Medical Staff Operating Subcommittee may resign at any time by giving written notice to the President and, unless specified therein, the acceptance of such resignation shall not be necessary to make it effective. The death of a member shall be deemed to constitute resignation. Any member may be removed by the Medical Staff Executive Committee for failure to perform the duties of the position at a special meeting called for such purpose. A petition for removal shall be submitted to the President by at least 50% of the Medical Staff Executive Committee and, upon receipt thereof, the President shall call a meeting of the Medical Staff Executive Committee to be held within 30 calendar days to consider and act upon the petition. A member shall be removed upon receiving at least a two-thirds majority of the valid votes cast at the meeting of the Medical Staff Executive Committee in favor of removal. If a member resigns or is removed, his/her successor shall be filled in the same manner as any other vacancy.

13.2.5 Relationship with the Medical Staff Executive Committee. Between regular meetings of the Medical Staff Executive Committee, the Medical Staff Operating Subcommittees shall be responsible fulfilling the duties and obligations of the Medical Staff Executive Committee enumerated in Sections 13.1.1(a) and 13.1.1(b), above, excepting only the enforcement of voluntary remediation, disciplinary, and corrective action, including revocation and termination of membership and clinical privileges which is expressly reserved to the Medical Staff Executive Committee. Without the affirmative vote of at least two-thirds of the voting members of the Medical Staff Executive Committee, the Medical Staff Executive Committee shall not overturn any decision approved by a Medical Staff Operating Subcommittee. Notwithstanding the foregoing, the Medical Staff Executive Committee may resolve a conflict between the Medical Staff Operating Subcommittees by a majority vote of a quorum present at a duly called meeting of the Medical Staff Executive Committee.

13.3 Credentials Committee and Privileging Subcommittees

13.3.1 Responsibility and Authority. The Credentials Committee constitutes a standing subcommittee of the Medical Staff Executive Committee that has been delegated the authority to recommend initial appointment and reappointment to the Medical Staff. The Credentials Committee has two subcommittees, the Chandler Privileging Subcommittee and the Good Samaritan Privileging Subcommittee, plus such specialty and subspecialty Privileging Subcommittees as the Credentials Committee may establish from time to time. The respective Privileging Subcommittee shall be responsible for reviewing all applications for clinical privileges within Chandler Hospital, Good Samaritan Hospital, or such specialty or subspecialty and recommending to the Credentials Committee action to be taken on such applications. The Director of Medical Affairs, appointed by the Chief Medical Officer, shall serve as Chair of the Credentials Committee. The Credentials Committee and Privileging Subcommittees may consist of the same members and meet at the same time.

13.3.2 Composition. The ~~Chief Medical Officer~~President shall appoint the members of the Credentials Committee and the Privileging Subcommittees with the concurrence of the Chair of the Credentials Committee. The appointment is administrative and may be removed at any time in the discretion of the ~~Chief Medical Officer~~President with the concurrence of the Chair of the Credentials Committee. Such appointed members shall be members of the Active Medical Staff and shall include members whose primary appointments are in the following clinical service lines:

- (a) Medicine at Chandler Hospital
- (b) Medicine at Good Samaritan Hospital
- (c) Surgery at Chandler Hospital
- (d) Surgery at Good Samaritan Hospital
- (e) Pediatrics
- (f) Dentistry
- (g) Obstetrics and Gynecology
- (h) One of Anesthesiology, Emergency Medicine, Pathology and Laboratory Medicine, Radiation Medicine, or Radiology

13.4 Nominations Committee

13.4.1 The Nominations Committee shall be composed of the President of the Medical Staff, the Chief Administrative Officers of the Hospitals, the Chief Clinical Officer, the Chief Medical Officer and four Chairs appointed by the President of the Medical Staff. The appointment is administrative and may be removed at any time in the discretion of the President. The Nominations Committee shall be responsible for nominating candidates for Medical Staff

officers, for the at-large members of the Medical Staff Executive Committee and for the at-large members of the Medical Staff Operating Subcommittees.

13.5 Joint Conference Committee⁹¹

13.5.1 Responsibility and Authority. The Joint Conference Committee shall constitute a forum for the discussion of matters of Hospital and Medical Staff policy, practice, and planning, including discussions and, if necessary informal conflict management and resolution, relating to conflict between or among Administration, the Medical Staff Executive Committee and the Medical Staff relative to Medical Staff self-governance or proposals to adopt a rule, regulation, policy or amendment thereto. The Joint Conference Committee shall also serve as a forum for interaction between the University Health Care Committee and the Medical Staff on such other matters as may be referred by the Medical Staff Executive Committee, the University Health Care Committee or at least 20 members of the Organized Medical Staff. The Joint Conference Committee shall exercise other responsibilities as set forth in these Bylaws or in UK HealthCare policies.

13.5.2 Composition. The Joint Conference Committee shall be composed of an equal number of the members of the University Health Care Committee, appointed by the chairperson of such committee, and of the Medical Staff Executive Committee, appointed by the President, but the Medical Staff Executive Committee members shall include the Chief Medical Officer and at least one at-large member of the Medical Staff Executive Committee. Either the President or if the Joint Conference Committee is considering a written request directly from the Organized Medical Staff, up to two members of the Organized Medical Staff designated by the members of the Organized Medical Staff making the request, shall serve on an ad hoc basis on this committee. The Chief Clinical Officer shall also serve on the Joint Conference Committee, ex officio with vote. The appointments are administrative and may be removed at any time by the Chairperson of the University Health Care Committee and the President, respectively. The chair of the Joint Conference Committee shall be selected by the members of such committee.

13.5.3 Meetings. The Joint Conference Committee shall meet as needed and shall transmit written reports of its activities to the Medical Staff Executive Committee and to the University Health Care Committee. Meetings may be called by any of the members of the Joint Conference Committee or by written request of at least 20 members of the Organized Medical Staff eligible to vote submitted to the President. Notwithstanding any recommendation or report of the Joint Conference Committee, the University Health Care Committee has the ultimate authority and shall make any final decision on any matter referred from the committee.

13.6 Other Committees

13.6.1 Other standing committees of the Medical Staff are described in this Section. The responsibilities, duties and charges of such committees shall be further described in UK HealthCare policies and plans. Other ad hoc committees of the Medical Staff may be formed from time to time by the Medical Staff Executive Committee or by the Organized Medical Staff as may be appropriate or prudent for the safe and efficient provision of patient

⁹¹ EP10 MS01.01.01

care, treatment and services. The members and chairs of such standing and ad hoc committees shall be appointed by the President ~~in consultation with subject to the approval of~~ the Medical Staff Executive Committee and the Chief Clinical Officer. ~~and Members of these standing and ad hoc committees may~~ shall include the President, the Chief Medical Officer and the Chief Clinical Officer or one or both of the Chief Administrative Officers as the designee of the Chief Clinical Officer ~~as ex-officio members~~. The appointment to such committees is administrative and may be removed at any time in the joint discretion of the President and the Chief Clinical Officer.

13.6.2 Pharmacy and Therapeutics Committee. The Pharmacy and Therapeutics Committee shall be responsible for overseeing the effective and efficient operation of the formulary system and drug policy development. The Pharmacy and Therapeutics Committee assists in the formulation of broad professional policies relating to drugs throughout UK HealthCare, including their evaluation, selection, prescribing, procurement, storage, distribution, administration, monitoring, and use.

13.6.3 Infection Prevention and Control Committee. The Infection Control Committee shall be responsible for the surveillance of Hospital infection potentials, the review and analysis of actual infections, the retrospective and the concurrent review of the use of antibiotics and their effectiveness, the promotion of a preventative and corrective program designed to minimize infection hazards, and the supervision of infection control in all phases of the Hospital's activities.

13.6.4 UK HealthCare Quality and Safety Committee. The UK HealthCare Quality and Safety Committee shall be responsible for overseeing the quality and safety programs of UK HealthCare and each of the Hospitals. The chair of the UK HealthCare Quality and Safety Committee shall be the Chief Clinical Officer ~~or designee~~. ~~This committee shall have a subcommittee for each of the Hospitals and for ambulatory clinics of UK HealthCare, the chair of which shall be the Chief Administrative Officer for the hospital in question and the chief operating officer for ambulatory services, respectively~~. The chairperson of the University Health Care Committee may appoint one trustee member of such committee to serve as a member of the UK HealthCare Quality and Safety Committee.

13.6.5 Graduate Medical Education Committee (GMEC). The GMEC, consistent with ACGME requirements, is the committee that provides oversight to the graduate medical education program of the University of Kentucky. Its responsibilities include assurance that individual programs operate in a manner consistent with ACGME institutional requirements and assurance that individual programs operate in a manner consistent with ACGME program requirements. In doing this, it recommends policies to govern graduate medical education for adoption by the Medical Staff Executive Committee and, through mechanisms of continuous monitoring, assures that these policies, once adopted, are enforced.

13.6.6 Transfusion Committee. The Transfusion Committee shall review blood usage, ~~including the following:~~

~~(a) — Evaluation of the appropriateness of an adequate sample of cases of patients who have been administered transfusions, including the use of whole blood and blood components;~~

~~(b) — The evaluation of all confirmed transfusion reactions;~~

~~(c) — The development or approval of policies and procedures relating to the distribution, handling, use, and administration of blood and blood components;~~

~~(d) — The review of the adequacy of transfusion service to meet the needs of patients; and~~

~~(e) — The review of ordering practices for blood and blood products.~~

13.6.7 Operating Room Committee. The Operating Room Committee shall oversee proper utilization of the operating rooms and recommend and enforce rules and regulations for the operating room areas to the chief of staff and the Medical Staff Executive Committee.

13.6.8 Transplant Steering ~~Transplantation- Service~~ Committee. The Transplant Steering ~~Transplantation-~~ Committee shall review the programs, minutes, and activities of the individual transplant programs, procurement organization, ~~bank~~ and labs; assuring high quality care and institutional and professional communication. The committee will also recommend procedures, protocols, rules, regulations, and training programs for operation and organization of transplant programs to the Chief Clinical Officer, the Chief Medical Officer, and the Medical Staff Executive Committee. The committee will oversee transplant management and operations focusing on clinical, fiscal, strategic, regulatory and other academic goals, recommend programs for acceptance, for enlargement, retraction, or cessation clinically and financially. The Donation and Transplantation Counsel (DTAC) ~~Organ Procurement Committee~~ is a subcommittee of the Transplant Steering ~~Transplantation Services~~ Committee that is responsible for recommendations for procedures for communication mechanisms, for educational programs that would optimize the process of organ donation and procurement, quality of interpersonal relationships, and understanding of the organ procurement program that will partner with the organ procurement organization to optimize the process of organ donation and procurement, quality of interpersonal relationships and understanding the organ procurement programs. DTAC reports findings and progress to the Transplant Steering Committee.

13.6.9 Ethics Committee. The Ethics Committee shall be multidisciplinary in character and shall serve as an advisory resource for the Medical Staff, UK HealthCare, and the community, addressing issues of medical ethics.

13.6.10 ICU Committee. The duties of the ICU Committee will include coordination and leadership of the activities of the various units and supporting programs for quality care of patients; supervision of the quality of care programs of the units and ICU program; and to monitor, document, and continually improve the care provided at the Hospitals. The committee may consult any and all persons or entities within UK HealthCare and the University in pursuit of effective patient care and management including Medical Staff and

Hospital committees, Medical Staff members, divisions, and departments, and Hospital departments and administrators.

13.6.11 Diagnostic Imaging and Testing Committee. The Diagnostic Imaging and Testing Committee is responsible for (a) evaluating the clinical effectiveness of laboratory tests, histopathologic studies, diagnostic imaging and interventional procedures; (b) the development of policies and protocols to promote appropriate laboratory, pathology, and diagnostic radiologic study availability; and (c) limiting the financial risk related to inappropriate utilization of such tests/studies.

13.6.12 Cancer Committee. The Cancer Committee serves as the oversight committee for all cancer-related activities within UK HealthCare. This committee is charged with assuring the appropriate organization, environment, and services required to provide optimal cancer patient care and professional education through an academic comprehensive cancer program designed to meet the requirements of ~~The Joint Commission~~, the Commission on Cancer of the American College of Surgeons, ~~and the Association of American Medical Colleges.~~

13.6.13 Nutrition Committee. The Nutrition Committee shall be responsible for review and analysis of clinical nutrition care of hospitalized patients including nutrition by the oral, enteral, or parenteral route. The committee will develop and recommend methods of nutritional assessment and evaluation, nutrition care products and services used, and nutrition quality assurance monitors, and serve as the review and approval body for various clinical nutrition-related operational and educational manuals.

13.6.14 Anatomic Pathology Committee. The Anatomic Pathology Committee shall be responsible for the review of tissue analysis, supervision of proper submission of surgical specimens for pathologic examination and supporting programs of quality assurance.

~~13.6.14~~ 13.6.15 Resuscitation Committee. The Resuscitation Committee serves as the oversight committee for code blue response processes. The committee will develop and provide education specific to resuscitation response. This committee will review and analyze practice changes and trends associated with published guidelines, institutional data and code blue activations.

ARTICLE 14 MEDICAL STAFF MEETINGS

14.1 Meetings

14.1.1 Annual Meeting. The Organized Medical Staff shall meet at least annually. The order of business to be considered at the annual meeting shall include without limitation, election of officers and committee members and consideration of amendments to the Bylaws, if any. Other items of business shall be included upon the written request of at least 10% of the Organized Medical Staff delivered to the President at least 30 calendar days prior to such meeting. Prior to such meeting, the President shall notify the Medical Staff Executive

Committee of any rule, regulation, policy or amendment thereto requested to be considered by the Organized Medical Staff.⁹²

14.1.2 Special Meetings. The Chief Medical Officer, the President of the Medical Staff or any Vice President may call a special meeting of the Medical Staff at any time. The President of the Medical Staff shall call a special meeting within 30 calendar days after receipt of a written request for same, signed by not less than 10% of the Organized Medical Staff and stating the purpose of such meeting. The President of the Medical Staff shall designate the time and place of any special meeting. Prior to such meeting, the President shall notify the Medical Staff Executive Committee of any rule, regulation, policy or amendment thereto requested to be considered by the Organized Medical Staff.⁹³

14.1.3 Notice. Notice stating the purpose, place, day, and hour of the annual and any special meeting of the Organized Medical Staff shall be delivered to each member of the Medical Staff not less than 15 calendar days before the date of such meeting or with respect to any meeting during which an election shall be held not less than 45 calendar days before the date of such meeting, by or at the direction of the President of the Medical Staff (or other persons authorized to call the meeting). The members of the Organized Medical Staff entitled to attend and vote at any meeting of the Organized Medical Staff shall be determined by the CMO Office not more than 30 calendar days before the delivery of notice of the meeting.

14.2 Conduct of Meetings

If feasible, meetings of the Organized Medical Staff shall be conducted through video teleconference with Chandler Hospital as the primary location and Good Samaritan Hospital as a video teleconference location. Additional video teleconference locations may be added as may be feasible to afford Medical Staff members the opportunity to attend.

14.3 Quorum⁹⁴

The presence of at least 20 Organized Medical Staff members entitled to vote, present and attending, shall constitute a quorum for all actions. If an appropriate quorum is not present, the meeting may be adjourned by those members in attendance and reconvened at such later date as determined by the President when a quorum is available and is present. Alternatively, except with respect to matters that may not be delegated, the Medical Staff Executive Committee shall, at its next meeting, act for the Organized Medical Staff on all issues requiring vote.

14.4 Parliamentary Authority

All meetings of the Organized Medical Staff shall be conducted according to Robert's Rules of Order, Revised, except in cases where such rules are inconsistent with these Bylaws.

⁹² EP9 MS01.01.01

⁹³ EP9 MS01.01.01

⁹⁴ EP23 MS01.01.01

14.5 Manner of Action

The action of a majority of the Organized Medical Staff entitled to vote present at a meeting at which a quorum is present shall be the action of the Medical Staff. With respect to elections and amendments to bylaws, if feasible, voting may be conducted electronically, and votes so cast shall be counted toward the quorum for such meeting. An electronic vote shall provide the opportunity to vote ~~either by submitting a written, signed ballot to the Medical Staff Affairs Office or by submitting an electronic ballot through a secure system operated by the University of Kentucky that requires verification of identity over a period of not less than five business calendar days immediately preceding the date of the annual or special meeting called for such purpose.~~

14.6 Minutes

Minutes of each Organized Medical Staff meeting shall be prepared and signed by the Secretary, and copies thereof shall be promptly submitted to the President of the Medical Staff, and thereafter made available to all Medical Staff members.

ARTICLE 15 PRIVILEGES AND IMMUNITIES

Each applicant for appointment to the Medical Staff or the Health Professional Staff, each member of the Medical Staff, each member of the Health Professional Staff and each other person having or seeking clinical privileges to practice his/her profession or to render specified clinical services in a Hospital or otherwise within UK HealthCare (an "Applicant/Practitioner") agrees that the provisions of this Article shall specifically control with regard to his/her relationship to the members of the Medical Staff and each of its committees, the members of the Health Professional Staff, the members of Administration, the members of the University Health Care Committee, the UK Board of Trustees and the University and each of their respective representatives (each, a "UK Party"). By submitting an application for membership in the Medical Staff or Health Professional Staff or for clinical privileges, by accepting appointment or reappointment to the Medical Staff or Health Professional Staff or clinical privileges, by exercising clinical privileges, including temporary clinical privileges, and by seeking to render and rendering specified clinical services within UK HealthCare, each Applicant/Practitioner specifically agrees to be bound by the provisions of this Article during the processing of his/her application and at all times thereafter, and such provisions shall continue to apply during his/her appointment or reappointment.

15.1 Privilege

Any act, communication, report, recommendation or disclosure with respect to such Applicant/Practitioner, performed, given or made in good faith and without actual malice and at the request of any authorized representative of the University of Kentucky, including its clinical enterprise known as UK HealthCare or any other healthcare facility or provider for the purpose of providing, achieving and maintaining quality patient care within UK HealthCare, including in the Hospitals or at any other healthcare facility shall be privileged to the fullest extent permitted by law. Such privilege shall extend to each UK Party and to third parties who furnish

information to any UK Party authorized to receive, release or act upon such information. Third parties shall include individuals, firms, corporations and other groups, entities or associations from whom information has been requested or to whom information has been given by a member of the Medical Staff, authorized representatives of the Medical Staff, the Administration or the University Health Care Committee.

15.2 Immunity

To the fullest extent permitted by law, each UK Party shall have absolute immunity from civil liability to Applicant/Practitioner arising from any such act, communication, report, recommendation, or disclosure performed, given or made, even if the information involved would otherwise be privileged. No action, cause of action, damage, liability or expense shall arise or result from or be commenced by Applicant/Practitioner against any UK Party with respect to any such act, communication, report, recommendation, or disclosure. Such immunity shall apply to all acts, communications, reports, recommendations, and disclosures performed, given or made in connection with or for or on behalf of any activities of UK HealthCare or of any other healthcare facility or provider including, without limitation, those relating to:

15.2.1 Applications for appointment to the Medical Staff or Health Professional Staff or for clinical privileges or specified clinical services,

15.2.2 Periodic appraisals or reviews for reappointments, clinical privileges, or specified clinical services,

15.2.3 Focused reviews, ongoing professional practice evaluations, other reviews and investigations, voluntary remediation and practitioner assistance,

15.2.4 Corrective action, including summary suspensions or revocations of clinical privileges or membership,

15.2.5 Hearings and appellate reviews,

15.2.6 Medical care evaluations,

15.2.7 Peer review evaluations,

15.2.8 Utilization management, and

15.2.9 Any other Hospital, clinical service, or committee activities related to quality patient care, professional conduct, or professional relations.

15.3 Scope

The acts, communications, reports, recommendations and disclosures referred to in this Article may concern, involve, or relate to, without limitation, the Applicant/Practitioner's professional qualifications, clinical competency, character, fitness to practice medicine, physical and mental condition, ethical or moral standards, or any other matter that may or might directly or indirectly have an effect or bearing on patient care.

15.4 Release

In furtherance of and in the interest of providing quality patient care, each Applicant/Practitioner releases and discharges from loss, liability, cost, damage, and expense, including reasonable attorneys' fees, each UK Party and each third party who may be entitled to the benefit of the privileges and immunities provided in this Article, and shall, upon request of the University or any officer of the Medical Staff, execute a written release in accordance with the tenor and import of this Article.

15.5 Nonexclusivity

The privileges and immunities provided in this Article shall not be exclusive of any other rights to which those who may be entitled to the benefit of such privileges and immunities may be entitled under any statute, law, rule, regulation, bylaw, agreement, vote of members or otherwise, and shall inure to the benefit of the heirs and legal representatives of such persons.

ARTICLE 16 POLICIES⁹⁵

16.1 Delegation⁹⁶

The Organized Medical Staff hereby delegates to the Medical Staff Executive Committee, the authority to the fullest extent possible, to adopt such policies and procedures as may be necessary to implement more specifically the general principles found within these Bylaws. Such policies shall be compliant with these Bylaws. Prior to and after adoption of any such policies and procedures, the Medical Staff Executive Committee shall so notify the Medical Staff and provide a copy of the proposed or adopted policy or procedure.

16.2 Adoption of Policies by Organized Medical Staff

Notwithstanding the above delegation, the Organized Medical Staff may adopt policies and amendments to policies in accordance with the procedures described in ARTICLE 14, above, and may propose policies directly to the University Health Care Committee, ~~in accordance with UK Administrative Regulation 1:2.~~

16.3 Urgent Amendments

In cases of a documented need for an urgent amendment to policies necessary to comply with law or regulation, the Medical Staff Executive Committee may provisionally adopt and the University Health Care Committee may provisionally approve an urgent amendment without prior notification to the Medical Staff. In such cases, the Organized Medical Staff will be immediately notified by the Medical Staff Executive Committee. The Organized Medical Staff will then have the opportunity for retrospective review of and comment on the provisional amendment. If there is no conflict between the Organized Medical Staff and the Medical Staff

⁹⁵ EP8, EP9 & EP25 MS01.01.01

⁹⁶ EP20 MS01.01.01

Executive Committee, the provisional amendment will stand. If there is conflict over the provisional amendment, the matter will be submitted to the Joint Conference Committee for consideration. If necessary, a revised amendment will then be submitted to the University Health Care Committee for action.

ARTICLE 17 NOTICES; CONFIDENTIALITY

17.1 Notices

17.1.1 Notices to Individuals. Any notice to or request from any applicant or individual Medical Staff or Health Professional Staff member required to be given under these Bylaws, shall be deemed to have been properly given to the applicant or individual if in writing and either personally delivered or deposited in the United States certified mail, postpaid, to the address of the applicant or individual on his/her application or to his/her last known address, return receipt requested. Notice so given shall be considered delivered upon the earlier of the date of receipt and three business days after being so deposited in the United States mail.

17.1.2 Notices to the Medical Staff. Any notice to the Medical Staff as a whole required to be given by the University, the Medical Staff Executive Committee, the President, the Chief Medical Officer, the University Health Care Committee or any other Administration official under these Bylaws or otherwise required by law, regulation or any accreditation standard, shall be deemed to have been properly given if in writing and delivered by email to the email addresses provided by the University to Medical Staff members. Notice so given shall be considered delivered upon being sent.

17.1.3 Notices from Individuals or the Medical Staff. Any notice, request or other communication from an individual or from members of the Medical Staff to the President, the Chief Medical Officer or any other officer or Administration official required to be given under these Bylaws, shall be deemed to have been properly given if in writing and either personally delivered or deposited in the United States certified mail, postpaid, to the attention of such person at 800 Rose Street, Lexington, Kentucky 40536, return receipt requested. Notice so given shall be considered delivered upon the earlier of the date of receipt and three business days after being so deposited in the United States mail.

17.2 Confidentiality of Information

Medical Staff and Medical Staff committee minutes, files and records including information regarding any member or applicant to the Medical Staff or Health Professional Staff shall, to the fullest extent permitted by law, be confidential. Dissemination of such information and records shall only be made where expressly required by law, in the authorized conduct of Medical Staff proceedings, pursuant to officially adopted UK HealthCare policies, including the authorization of representatives of UK HealthCare and the Medical Staff to solicit and provide information bearing upon a Practitioner's ability and qualifications; or by express approval of the Medical Staff Executive Committee.

**ARTICLE 18
AMENDMENTS**

18.1 Review and Proposed Amendments⁹⁷

The Bylaws of the Medical Staff of UK HealthCare will be reviewed regularly, at least biannually, by the Medical Staff Executive Committee or a Medical Staff committee formed for such purpose, which will make recommendations to the Organized Medical Staff and the University Health Care Committee for amendments in accordance with this Article. Members of the Organized Medical Staff may propose amendments to the Bylaws by submitting such proposals to the President for consideration at a meeting of the Organized Medical Staff in accordance with Section 14.1.1 or 14.1.2, above. Notice of any proposed amendments including copies thereof will be delivered to the Medical Staff.

18.1 Amendment by the Organized Medical Staff⁹⁸

These Bylaws may be amended by the Organized Medical Staff and the University Health Care Committee. Neither the Organized Medical Staff, nor the University Health Care Committee may unilaterally amend the Bylaws. These Bylaws may be amended after at least 15 calendar days prior written notice has been given to the Organized Medical Staff together with a copy of the proposed amendment, either at the annual meeting or any special meeting of the Organized Medical Staff. To be adopted, an amendment shall require a majority vote of the Organized Medical Staff members attending the Organized Medical Staff meeting at which a quorum is present, including such Organized Medical Staff members who have participated in an electronic vote in accordance with Section 14.5, above.

18.2 Required Approval

Amendments so made shall be effective only when approved by the University Health Care Committee, which has final legal authority. Prior to approval by the University Health Care Committee, such committee may request the review and recommendation of the Medical Staff Executive Committee of any amendment approved by the Medical Staff.

18.3 Conflicts⁹⁹

Notwithstanding approval by the Medical Staff and the University Health Care Committee, if these Bylaws shall conflict with the Operating Rules of the University Health Care Committee or the UK Governing or Administrative Regulations, the provisions of the Operating Rules, the UK Governing Regulations and Administrative Regulations shall control.

⁹⁷ EP24 MS01.01.01

⁹⁸ EP1 MS01.01.03

⁹⁹ EP4 MS01.01.01

18.4 Copies of Amendments

Members of the Medical Staff shall be provided with copies of all amendments to these Bylaws or will have access to these Bylaws, including amendments, on the University website.

**ARTICLE 19
ADOPTION**

These Bylaws shall be adopted upon approval by the Organized Medical Staff as defined in these Bylaws, by the Medical Staff Executive Committee and by the University Health Care Committee and shall, upon such adoption, supersede and replace in their entirety the UK HealthCare Medical Staff Bylaws adopted and approved October 11, 2010, as amended and restated on December 10, 2012, and any other prior bylaws, rules and regulations adopted by the Medical Staff at UK HealthCare or either Hospital.

Adopted by the Organized Medical Staff:	<u>October 31, 2012</u>
Approved by the Medical Staff Executive Committee:	<u>June 25, 2012</u>
Approved by the University Health Care Committee:	<u>December 10, 2012</u>