

LEGAL ANALYSIS OF MEDICAL STAFF BYLAWS

The Medical Staff bylaws, including the fair hearing plan, are the key agreement establishing the relationship between the Medical Staff and the hospital, and between the Medical Staff and its individual members. Clear, comprehensive, well-balanced, bylaws will prevent many problems and simplify others.

Poyner Spruill LLP will analyze and comment on existing staff bylaws at any one of three levels of detail. Poyner offers this service for flat fees, under the auspices of the North Carolina Medical Society. Fees are based on discounted hourly rates for the partners involved.

Basic Analysis

Basic analysis quotes key passages from the bylaws, identifies their strengths and weaknesses, and suggests possible improvements. The document is in memo form, usually running from 8 to 10 pages. The fee is \$4,500. Turn-around time is two weeks.

Expanded Analysis

Expanded analysis quotes key passages, identifies their strengths and weaknesses, suggests improvements, and supports the analysis with references to state and federal law, Medicare Conditions of Participation, Joint Commission Standards, and American Medical Association, North Carolina Medical Board, and NCMS position papers and policy. The document is in memo form, usually from 10 to 15 pages. The fee is \$6,000. Turn-around is two weeks.

Full Analysis

Full analysis comments on the entire set of bylaws, identifying strengths and weaknesses, and offering supporting analysis with references to applicable authorities. Full analysis provides alternative language to address each problem in the bylaws. The document is in memo form, and its length depends on the length of the existing bylaws. The fee is \$12,000. Turn-around is one month.

Optional Services

Turn-around time for analysis can usually be shortened a reasonable amount, on request, at no additional cost. Analysis can be done urgently for an additional fee, set in advance.

Any analysis can be presented in a two-column format (problem on left and comment on right) for easy reading and reference. Fee is an additional \$500.

Analysis can be presented to the Medical Staff in person, with or without Power Point. Fees are as follows: (i) presentation, \$350 per hour for the expected actual time of the presentation; (ii) travel, \$175 per hour plus mileage; and (iii) development of Power Point (if any), \$1,000 for Basic or Expanded, and \$1,500 for Full Analysis.

Contact a member of our Health Care Law Group for more information at 919.783.6400 or visit our web site at www.poynerspruill.com.