



What Can Peer Review Do for You?

CASE 11: PRECAUTIONARY SUSPENSION: A VALUABLE AND UNIQUE PAUSE BUTTON

Used judiciously, precautionary suspension can simultaneously protect patients, the hospital, and the physician.

Of all the challenges facing medical executive committee members, some of the most difficult may involve the timely management of a provider suspected of having competence or conduct issues.

▲ PRECAUTIONARY SUSPENSION VS. TRADITIONAL SUMMARY SUSPENSIONS - WHY AND WHEN TO USE:

Precautionary suspension differs from summary suspensions in several important ways. While both measures protect patients from harm, summary suspensions are more definitive in nature, disruptive to the operations of the hospital, and have potentially far reaching consequences for physicians' careers. In contrast, precautionary suspension temporarily limits privileges prior to completion of a professional review action, but does not mandate any disciplinary action. Importantly, while a summary suspension requires reporting to the National Practitioner Data Bank (NPDB), precautionary suspension does not.

Consider a situation in which a surgeon has had an unusually high number of complications in a short time. During a precautionary suspension, interviews may be held and relevant charts reviewed, whether internally or through an external peer review resource. Perhaps the unexpected outcomes were related to unique circumstances of each patient and not due to any deviations from standard of care by the provider. If so, the precautionary suspension can be lifted after a short time, but it will have allowed medical staff leadership to hit the "pause" button and ensure patient safety while

investigating. In situations like this, a precautionary suspension will have served to reassure all staff of the hospital's commitment to patient safety while respecting the integrity of the physician's professional reputation.

In other situations, concerns about a physician's behavior or performance may warrant additional remedies short of suspension. Hospitals may also consider options such as:

1. Asking the physician to voluntarily stop performing a particular procedure;
2. Having a mentor or proctor oversee the physician's performance for cases in question (no NPDB reporting is required if a mentor is overseeing care);
3. Requiring additional training.

According to the Health Care Quality Improvement Act (HCQIA) federal statute, precautionary suspension can be used under two conditions.

1. Privileges are restricted or suspended for 14 days or less, during which an investigation is conducted to determine the need for professional review action, or
2. Privileges are restricted or suspended where failure to do so may result in imminent danger to an individual's health.

If a precautionary suspension is pursued according to the second condition, the 14-day time limit does not necessarily apply, according to legal health experts Horthy, Springer & Mattern, PC. Investigations can therefore proceed as needed in order to thoroughly investigate, acquire facts, interview parties involved, and then make conclusions about final actions. An NPDB report is only required if

definitive action to limit privileges is taken. This allows hospitals to balance patient safety with provider autonomy and future opportunities to exercise clinical privileges.

▲ PRECAUTIONARY SUSPENSION CAN BE A WIN-WIN

Precautionary suspensions have a definitive timeline and must be concluded with a definitive action. That action could include suspension, limitation or reduction of privileges, revocation of privileges, or, simply, the reinstatement of all clinical privileges if no significant areas of concern are found. Such an approach protects patients first and foremost, but is also designed to protect providers who may need some mentoring or guidance to ensure safe practice and a long and successful career. As Donald Lefkowitz, MD, Medical Director at MDReview, advises, "If you think patients may be at risk, consider a precautionary suspension. It can buy you the time needed to do the right thing."

References:

1. Harty Springer Question of the Week. Accessed at www.hortyspringer.com/question-of-the-week/may-2-2013 (NOTE: Please consult counsel about situation-specific considerations regarding National Practitioner Data Bank reporting implications for precautionary suspension lasting more than 30 days.)
2. Credentialing & Peer Review Legal Insider. Adopt proper procedures to ensure fair use of precautionary suspensions. June 2007, Vol 4 No 6.

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