

AMA Sees National Precedent in Florida Supreme Court Ruling

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In a ruling the American Medical Association is hailing as a win for physicians around the nation, the Florida Supreme Court has struck down as unconstitutional a narrowly drawn state statute that had allowed the board of a private, for-profit hospital operating in St. Lucie County to supercede medical staff bylaws.

In *Lawnwood Medical Center v. Randall Seeger, MD* (as president of the Lawnwood medical staff), the Sunshine State's highest court agreed with a trial court and an appeals court that the so-called St. Lucie County Hospital Governance Law violated the Florida Constitution because it "granted privilege to a private corporation."

Included in the ruling is an affirmation by the high court that medical staff bylaws are a contract between physicians and the hospital that cannot be unilaterally changed. The court noted that the Hospital Governance Law had given the board of directors at the 331-bed Lawnwood "almost absolute power in running the affairs of the hospital, essentially without meaningful regard for the recommendations or actions of the medical staff."

Cecil Wilson, MD, an internist from Winter Park, FL, and an AMA board member, says the ruling sets a favorable precedent for physicians. "If this law in Florida had been allowed to stand, it would have encouraged other hospitals around the country to do similar things," Wilson says. "We believe that having the Florida Supreme Court rule on the sanctity of hospital staff bylaws, while not binding on other states, will be a precedent that other states can look at."

"These bylaws are a contract between the medical staff and the hospital. They lay out responsibilities, duties, and obligations. And, like with any contract, one party is not free to unilaterally change the contract," Wilson says.

The Florida law applies only to the two private hospitals in St. Lucie County, which is located on Florida's east coast, about 100 miles north of Miami. Both hospitals are owned by HCA. HCA's headquarters in Nashville referred questions about the ruling to Lawnwood, which did not return several telephone calls.

Lawnwood successfully pushed the Hospital Governance Law through the Florida Legislature in 2003 after years of fighting with staff physicians on points ranging from credentialing physicians to quality-of-care issues. The issue came to a head in 1999 when Lawnwood removed physicians from its Medical Executive Committee after they declined to recommend disciplinary actions against two staff pathologists that the hospital claimed threatened patient safety.

Wilson says Lawnwood's decision to unilaterally impose its will on the medical staff was "potentially dangerous because it negates the value of the expertise physicians bring to that equation."

"It is up to the hospital board and the medical staff to work together and not have either side making unilateral decisions that don't take into account the input and expertise of the other side," he says. "The happy medium is people working together and both sides not making unilateral decisions."

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