

## MEDICAL STAFF QUALIFICATIONS, CONDITIONS, AND RESPONSIBILITIES

### 2.A. QUALIFICATIONS

#### 2.A.1. Threshold Eligibility Criteria:

- (a) To be eligible to apply for initial appointment or reappointment to the Medical Staff or Allied Health Staff, individuals must:
  - (1) have a current, unrestricted license to practice in Nebraska that is not subject to probation and have never had a license to practice revoked or suspended by any state licensing agency;
  - (2) where applicable to their practice, have a current, unrestricted DEA registration and state controlled substance license;
  - (3) be located close enough to the Medical Center, as defined by the Board, to fulfill their Medical Staff responsibilities and to provide timely and continuous care for their patients in the Medical Center;
  - (4) have current, valid professional liability insurance coverage in a form and in amounts required by the Nebraska Hospital-Medical Liability Act, including the Excess Liability Fund, and, for individuals not covered by this law, maintain limits of one million dollars (\$1,000,000) per occurrence and three million dollars (\$3,000,000) aggregate coverage;
  - (5) have never been convicted of, or entered a plea of guilty or no contest to, Medicare, Medicaid, or other federal or state governmental or private third-party payer fraud or program abuse, nor have been required to pay civil monetary penalties for the same;
  - (6) have never been, and are not currently, excluded, precluded, or debarred from participation in Medicare, Medicaid, or other federal or state governmental health care program;
  - (7) have never had Medical Staff appointment, permission to practice, or clinical privileges denied, suspended, revoked, or terminated by any training program, health care facility or health plan for reasons related to clinical competence or professional conduct;
  - (8) have not resigned Medical Staff appointment or permission to practice, or relinquished privileges during a Medical Staff investigation or in exchange for not conducting such an investigation;

- (9) have never been convicted of, or entered a plea of guilty or no contest to, any felony or any misdemeanor relating to controlled substances, illegal drugs, Medicare, Medicaid, or insurance or health care fraud or abuse, child abuse, elder abuse, violence against another, or sexual abuse;
- (10) agree to personally fulfill all responsibilities regarding emergency service call coverage for their specialty or to obtain appropriate coverage (as determined by the Credentials Committee) by another member of the Medical Staff;
- (11) have or agree to make appropriate coverage arrangements (as determined by the Credentials Committee) with other members for those times when the individual will be unavailable;
- (12) demonstrate recent clinical activity in their primary area of practice during the last two years;
- (13) meet any current or future eligibility requirements that are applicable to the clinical privileges being sought;
- (14) if applying for privileges in an area that is covered by an exclusive contract, meet the specific requirements set forth in that contract;
- (15) document compliance with all applicable training and educational protocols as well as orientation requirements that may be adopted by the Medical Executive Committee or required by the Board, including, but not limited to, those involving electronic medical records, computerized physician order entry (“CPOE”), the privacy and security of protected health information, infection control, and patient safety;
- (16) document compliance with any health screening requirements (i.e., TB testing, mandatory flu vaccines, and infectious agent exposures);
- (17) as applicable, have successfully completed:
  - (i) a residency training program approved by the Accreditation Council for Graduate Medical Education (“ACGME”) or the American Osteopathic Association (“AOA”) in the specialty in which the applicant seeks clinical privileges;
  - (ii) a dental or oral and maxillofacial surgery training program accredited by the Commission on Dental Accreditation of the American Dental Association (“ADA”); or

- (iii) a podiatric surgical residency program accredited by the Council on Podiatric Medical Education of the American Podiatric Medical Association;
  - (18) at initial appointment, be or become board certified (and have maintained certification) in the specialty in which they practice within the time frame specified by the applicant's specialty board or, if not specified, within five years of completion of residency and/or fellowship training (This requirement is applicable only to those individuals who apply for initial staff appointment after the date of adoption of this Policy. All individuals appointed previously will be governed by the board certification requirements in effect at the time of their appointments.); and
  - (19) apply for privileges that are not covered by an exclusive contract (or be a member of the group that has been awarded the exclusive contract).
- (b) In addition to the applicable criteria outlined in (a) above, an advanced practice provider must have a written supervision or collaborative agreement, as applicable, with a Sponsoring Physician in order to be eligible to apply for initial and continued permission to practice at the Medical Center. Such agreement must meet all applicable requirements of state law and Medical Center policy.

#### 2.A.2. Waiver of Threshold Eligibility Criteria:

- (a) Any applicant who does not satisfy one or more of the threshold eligibility criteria outlined above may request that it be waived. The applicant requesting a waiver bears the burden of demonstrating (i) that he or she is otherwise qualified, and (ii) **exceptional** circumstances exist (e.g., when there is a demonstrated Medical Center or Medical Staff need for the services in question). Exceptional circumstances generally do not include situations in which a waiver is sought for the convenience of an applicant (e.g., applicants who wish to defer taking Board examinations).
- (b) A request for a waiver will be submitted to the Credentials Committee for consideration. In reviewing the request for a waiver, the Credentials Committee may consider the specific qualifications of the applicant in question, input from the relevant department chair, and the best interests of the Medical Center and the communities it serves. Additionally, the Credentials Committee may, in its discretion, consider the application form and other information supplied by the applicant. The Credentials Committee's recommendation will be forwarded to the Medical Executive Committee. Any recommendation to grant a waiver must include the specific basis for the recommendation.
- (c) The Medical Executive Committee will review the recommendation of the Credentials Committee and make a recommendation to the Board regarding

whether to grant or deny the request for a waiver. Any recommendation to grant a waiver must include the specific basis for such.

- (d) No applicant is entitled to a waiver or to a hearing if the Board determines not to grant a waiver. A determination that an applicant is not entitled to a waiver is not a “denial” of appointment or clinical privileges. Rather, that individual is ineligible to request appointment or clinical privileges. A determination of ineligibility is not a matter that is reportable to either the state licensure board or the National Practitioner Data Bank. If such a determination is made, the individual may not seek a waiver of the same criteria for a period of two years.
- (e) The granting of a waiver in a particular case does not set a precedent for any other applicant or group of applicants.
- (f) An application for appointment that does not satisfy an eligibility criterion will not be processed until the Board has determined that a waiver should be granted.
- (g) If a waiver is granted that does not specifically include a time limitation, the waiver is considered to be permanent and the individual does not have to request a waiver at subsequent reappointment cycles.

### 2.A.3. Factors for Evaluation:

The six ACGME general competencies (patient care, medical knowledge, professionalism, system-based practice, practice-based learning, and interpersonal communications) will be evaluated as part of the appointment and reappointment processes, as reflected in the following factors:

- (a) relevant training, experience, and demonstrated current competence, including medical/clinical knowledge, technical and clinical skills, and clinical judgment, and an understanding of the contexts and systems within which care is provided;
- (b) adherence to the ethics of their profession, continuous professional development, an understanding of and sensitivity to diversity, and responsible attitude toward patients and their profession;
- (c) good reputation and character;
- (d) ability to safely and competently perform the clinical privileges requested;
- (e) ability to work harmoniously with others, including, but not limited to, interpersonal and communication skills sufficient to enable them to maintain professional relationships with patients, families and other members of health care teams; and

- (f) recognition of the importance of, and willingness to support the Medical Center's and Medical Staff's commitment to, quality care and a recognition that interpersonal skills and collegiality are essential to the provision of quality patient care.

2.A.4. No Entitlement to Appointment:

No individual is entitled to receive an application or to be appointed or reappointed to the Medical Staff or Allied Health Staff or to be granted particular clinical privileges merely because he or she:

- (a) is employed by the Medical Center or its affiliates or has a contract with the Medical Center;
- (b) is or is not a member or employee of any particular physician group;
- (c) is licensed to practice a profession in this or any other state;
- (d) is a member of any particular professional organization;
- (e) has had in the past, or currently has, appointment or privileges at any hospital or health care facility;
- (f) resides in the geographic service area of the Medical Center; or
- (g) is affiliated with, or under contract to, any managed care plan, insurance plan, HMO, PPO, or other entity.

2.A.5. Nondiscrimination:

No person shall be denied appointment or clinical privileges solely on the basis of age, national origin, culture, race, gender, sexual orientation, gender identity, ethnic background, religion, creed, or disability unrelated to the provision of patient care to the extent the individual is otherwise qualified.