

**POLICY: Suspension or Restriction of Privileges - Immediate Mid-Term
Action in an Emergency Situation- Role of the Medical Advisory Committee
Number: 1-035**

Developed by: Chief of Staff	Review or Revision by: MAC
Approval Date: Initial: October 29, 2019	Review or Revision Date: Every Three Years
Approved by: Board of Directors	Signature(s) _____

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***By-Law indicated in italics**

Policy

As per the GGH By-Law Section 16.3:

“(a) The Chief Executive Officer or delegate or Chief of Staff or delegate or Chief of a Department or delegate may temporarily restrict or suspend the privileges of any member of the Professional Staff, in circumstances where in their opinion the member’s conduct, performance or competence:

- (i) exposes or is reasonably likely to expose any patient, health care provider, employee or any other person at the Hospital to harm or injury; or*
- (ii) is or is reasonably likely to be detrimental to patient safety or to the delivery of quality patient care within the Hospital;*
- (iii) is, or is reasonably likely to constitute Disruptive Behaviour; or*
- (iv) results in the imposition of sanctions by the College; or*
- (v) fails to comply with the By-Laws, Policies, the Public Hospitals Act or any other relevant law,*

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AND immediate action must be taken to protect patients, health care providers, employees and any other person at the Hospital from harm or injury.

(b) Before the Chief Executive Officer or delegate, the Chief of Staff or delegate, or Chief of a Department or delegate takes action authorized in GGH By-Law 2019 s16.3(a), they shall first consult with one of the other of them. If such prior consultation is not possible or practicable under the circumstances, the person who takes the action authorized in GGH By-Law 2019 s16.3(a) shall provide immediate notice to the others. The person who takes the action authorized in subsection 16.3(a) shall forthwith submit a written report on the action taken with all relevant materials and/or information to the Medical Advisory Committee.”

Process

1. Arrangements, as necessary, shall be made by the Chief of Staff or Chief of Department for the assignment of a substitute physician to care for the patients of the restricted/suspended member.
2. Within five (5) business days of the restriction or suspension, the individual who suspended the member shall provide the member and Medical Advisory Committee with written reasons for the suspension and copies of any relevant documents or records.
3. Participation of any member of the Medical Advisory Committee in the suspension of the Medical Staff member's privileges does not preclude such member from chairing, participating or voting at the Medical Advisory Committee meeting.

Special Meeting of the Medical Advisory Committee

4. The Medical Advisory Committee shall set a date for a meeting of the Medical Advisory Committee to be held within ten (10) business days from the date of the suspension to review the suspension and to make recommendations to the Board.
5. As soon as possible, and in any event, at least forty-eight (48) hours prior to the Medical Advisory Committee meeting, the Medical Advisory Committee shall provide the member with a written notice of:
 - (a) the date, time and place of the meeting;

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- (b) the purpose of the meeting;
 - (c) a statement of the matter to be considered by the Medical Advisory Committee together with any relevant documentation or witnesses that will be considered by the Medical Advisory Committee as may be determined by the Chief of Staff or designate. For clarity, no other documentation will be produced by the Medical Advisory Committee.
 - (d) a statement that the member is entitled to attend the Medical Advisory Committee meeting and to participate fully, to answer all matters considered by the Medical Advisory Committee, and to present documents and witnesses;
 - (e) a statement that the member's legal counsel may attend to provide confidential legal advice to the member, but will not be entitled to make any submissions and/or participate directly in the meeting including examining any witnesses or directly addressing the Medical Advisory Committee;
 - (f) a statement that counsel to the Medical Advisory Committee may attend at Medical Advisory Committee meetings, including, without limitation, closed deliberations, in order to provide advice to the members of the Medical Advisory Committee and to ensure compliance with applicable Legislation and due process requirements; and
 - (g) a statement that in the absence of the member, the meeting may proceed.
6. The member may request and the Medical Advisory Committee may, after considering the reason cited and acting in its absolute discretion, grant a postponement of the Medical Advisory Committee meeting. The request for postponement of the meeting must be made in writing at least twenty-four (24) hours prior to the Medical Advisory Committee meeting and subject to Medical Advisory Committee scheduling and extraordinary circumstances may not be postponed by more than five (5) business days.
7. The Medical Advisory Committee shall keep minutes of the proceedings and shall provide the member with a copy of the approved minutes. Only the open portion of the proceeding shall be detailed, the closed portion of the

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minutes shall record the Medical Advisory Committee's reasons and recommendations.

8. The staff member shall be given full opportunity to answer each ground as well as to present documents and witnesses if so desired, provided the member provides the Medical Advisory Committee with:
 - (a) a list of witnesses with a brief synopsis of the purpose for which they are being called; and
 - (b) a copy of all documentation in the possession, power or control of the applicant or member that is relevant to the matter(s) under consideration at least forty-eight (48) hours before the meeting.
9. Where the Medical Advisory Committee determines that the matter has merit, the Medical Advisory Committee shall make a recommendation to the Board of Directors. Before deliberating on the recommendation to be made to the Board of Directors, the Chair of the Medical Advisory Committee shall require the member involved, and any other persons present, other than legal counsel, who are not Medical Advisory Committee members, to retire from the meeting.
10. The Medical Advisory Committee shall provide to the member within ten (10) business days of the Medical Advisory Committee meeting written notice of:
 - (a) the Medical Advisory Committee's recommendation and the written reasons for the recommendation; and
 - (b) the member's entitlement to a hearing before the Board of Directors.
11. The Medical Advisory Committee shall provide to the Board within ten (10) business days of the Medical Advisory Committee meeting written notice of the Medical Advisory Committee's recommendation and the written reasons for the recommendation.
12. The time period to provide the written notice may be extended if the Medical Advisory Committee, prior to the expiry of the fourteen (14) days, gives written notice to the member that the final recommendation cannot yet be made and provides the member with written reasons. Where an extension was made, the Medical Advisory Committee's written notice to the Board of Directors shall include written reasons for the extension.

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13. Service of a notice to the member may be made personally or by registered mail addressed to the person to be served at his or her last known address and, where the notice is served by registered mail, it shall be deemed that the notice was served on the third (3rd) day after the day of mailing unless the person to be served establishes that he or she did not, acting in good faith, through absence, accident, illness or other cause beyond his or her control receive it until a later date. In the alternative, when the member is represented by legal counsel, the notice may be served on legal counsel.