



Group probes doctor reviews

Whistleblowers targeted for citing poor care

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By Steve Twedt, Pittsburgh Post-Gazette

A national physicians group says it will look into the misuse of hospital peer review for targeting doctors who blow the whistle on poor care.

The Association of American Physicians and Surgeons, citing a recent Pittsburgh Post-Gazette series, has formed a five-member committee to come up with a resolution and position paper for its members to vote on at its national convention in October. The resolution will "condemn the practice of sham peer review and those who participate in it," said committee chairman Dr. Lawrence Huntoon.

"We believe that we are the first national medical organization that has formed such a committee."

The decision to form the committee came at an association board meeting in Florida, where Huntoon distributed copies of the Post-Gazette series and a story published in the Journal of American Physicians and Surgeons -- both documenting how physicians nationwide had faced reprisals from hospitals after raising concerns about patient care. Huntoon is editor-in-chief of the journal.

"I think all the members could see that this is a significant problem nationwide, and it's going to get worse because of falling reimbursements. We thought we needed to do something about it."

Specifically, Huntoon said the group's concern centers on the broad immunity and secrecy provided to hospitals and peer review panels under the federal Health Care Quality Improvement Act of 1986. The act's intent was to assure that those reviewing a physician's work could make decisions to protect patients without fear of being sued.

But, Huntoon said, that immunity also means peer review panels that make false accusations against doctors are not held accountable. "I think some of the board members were incredulous at how much immunity these attacks had under the [federal] law."

The Post-Gazette series, "The Cost of Courage," revealed how even top physicians who advocated for better patient care too often or too loudly can be labeled "disruptive" and subjected to peer review and sanctions, including loss of admitting privileges. That, in turn, can trigger a report that puts those doctors in the National Practitioner Data Bank, which lists doctors who have lost malpractice judgments or have been removed from a hospital staff, and that can cripple a physician's career.

"A lot of cases have come to our attention," said Dr. Jane Orient, executive director of the Tucson, Ariz.-based group. She said the association's action is intended "to publicize our views on peer review and how it should be properly done and the risks involved in the current procedure. It gives people some ammunition if they want to make changes in their hospital bylaws, or petition their state medical board, or take it to their state legislature."

Huntoon, a board-certified neurologist in New York, said he was "viciously attacked by sham peer review" at a hospital a few years ago himself.

"I survived. I successfully defended myself, but it was difficult because the hospital has control of everything,"

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said Huntoon, who declined to name the hospital or give other specifics.

AAPS, with 4,000 members nationwide, was formed in 1943 and is "dedicated to the highest ethical standards of the Oath of Hippocrates and to preserving the sanctity of the patient-physician relationship and the practice of private medicine," according to its literature.

"We help individual physicians where most other medical organizations don't," Huntoon said.

The AAPS is not the only organization looking into misuse of hospital peer review. In November, the delegates to the Oregon Medical Association voted to investigate "misuse of the disruptive physician doctrine." Also in response to the Post-Gazette stories, two bills have been introduced in the Pennsylvania Legislature to amend the state's Whistleblower Law so that medical whistleblowers will have more legal protection.

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