

HOSPITAL EMPLOYMENT AND PHYSICIANS RIGHTS



As an employee, your relationship with your employer usually involves a little give and take here and there. Physician employment is definitely on the rise in a number of different areas in the United States. With physician employment increasing all over, there is still a huge line drawn between the rights of medical staff and hospital employment obligation. The line that has been drawn is quite blurry because most physicians are unaware how to navigate through. An MD and attorney, Dennis Maher, has said, "Ideally, things related to patient care should not be tied up in employment." However, both of these things, patient care and employment, seem to cross into one another which can greatly affect the rights and the privileges of medical staff members. Dr. Maher says, "Physicians need to know what's in their contract and get educated about what rights they do and don't have." It is important these physicians know and understand every part of the contract, especially when it comes to their rights. If a physician loses their medical staff rights and privileges, they could lose their job at the hospital. Jay A. Gregory, an MD and the chair of the American Medical Association Organized Medical Staff Section Governing Council, has said, "Physicians have the right to treat patients unfettered from outside pressures, and you don't give that up just because you are employed." He also says, "There are certain rights and duties and obligations we have to serve our patients that go back to the oath we take. And nobody can take that right away unless we give it away." In the AMA handbook, it is recommended that each employment contract includes a statement that nothing will prevent or limit the physician and their right to advocate on behalf of the best interest of the patient. And, that nothing should prevent the physician from using his or her medical judgment in certain situations. Physicians should also not be punished for following their own medical judgment, if they were to happen. It is quite obvious that medical staff membership and actual employment is two different things and are entirely separate. However, most physicians who have recently been hired tend to overlook this and with that, losing privileges would also mean losing the job as well. Dr. Maher says, "Even a decision that might not go as far as eliminating medical staff membership might have adverse consequences if you can no longer perform the services for which you were employed." And, when a physician loses their job or chooses to leave a hospital job, they often leave their medical staff membership behind as well. It is most important for physicians to know their contract and know their rights. Physicians should use the contract to find the answers to any questions they have about their rights and privileges.

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