

**§482.22(b) Standard: Medical Staff Organization and Accountability**

The medical staff must be well organized and accountable to the governing body for the quality of the medical care provided to the patients.

- (1) The medical staff must be organized in a manner approved by the governing body.
- (2) If the medical staff has an executive committee, a majority of the members of the committee must be doctors of medicine or osteopathy.
- (3) The responsibility for organization and conduct of the medical staff must be assigned only to one of the following:
  - (i) An individual doctor of medicine or osteopathy.
  - (ii) A doctor of dental surgery or dental medicine, when permitted by State law of the State in which the hospital is located.
  - (iii) A doctor of podiatric medicine, when permitted by State law of the State in which the hospital is located.

**Interpretive Guidelines §482.22(b)(1) – (3)**

The conditions of participation create a system of checks and balances within an overall framework of collaboration between the governing body and the medical staff (and, to a certain degree, also between an individual practitioner and the hospital's medical staff and governing body). Each has its own areas of authority. The medical staff has oversight of all practitioners practicing in the hospital through processes such as peer review and making recommendations concerning privileging and re-privileging. The governing body has the authority to establish the categories of healthcare professionals (regardless of the terms used to describe those categories) who are eligible for privileges and medical staff appointment. However, the governing body must rely on the medical staff to apply the criteria for privileging and appointment to those eligible candidates and to make their recommendations before the governing body makes a final decision to appoint or not appoint a practitioner to the medical staff. (77 FR 29042 May 16, 2012).

If the hospital uses a unified medical staff that it shares with other hospitals that are part of a multi-hospital system, this does not change the requirement for the medical staff to be well organized and accountable to the system's governing body for the quality of care in each separately certified hospital.

**Leadership of the medical staff**

The members of the hospital's medical staff must select, in accordance with the medical staff bylaws, rules or regulations approved by the governing body, a single individual to lead the medical staff and be responsible for the organization and conduct of the medical staff. This individual must be a doctor of medicine or osteopathy, or, if permitted by State

law where the hospital is located, a doctor of dental surgery, dental medicine, or podiatric medicine. Removal of the leader of the medical staff may only occur in accordance with medical staff bylaws, rules or regulations.

If the hospital uses a unified medical staff, only one individual may be responsible for the organization and conduct of the unified medical staff; that individual may or may not hold privileges and practice at the hospital being surveyed. When the individual does not practice at the hospital being surveyed and it is necessary to interview this individual as part of a survey, a telephone interview must be arranged.

### **Executive Committee**

The medical staff bylaws, rules and regulations may provide for the members of the medical staff to select a smaller executive committee to which it delegates many of the functions of the medical staff, in order to increase the efficiency of its operations. If the medical staff has an executive committee, the majority of the voting members must be doctors of medicine (MDs) or osteopathy (DOs).

#### **For Information Only – Not Required/ Not to be Cited**

A hospital is not required to have an executive committee. However, use of an executive committee may facilitate efficient and effective functioning of the medical staff in hospitals systems that use a unified medical staff, particularly if the executive committee includes members from each hospital that shares the unified medical staff.

### **Accountability of the medical staff**

The medical staff must be accountable to the hospital's governing body for the quality of medical care provided to the patients. The medical staff demonstrates its accountability through its exercise of its duties related to appointment of members of the medical staff, its conduct of reappraisals, including peer reviews, its approval of policies and procedures as required under other conditions of participation and its leadership participation in the organization and implementation of the hospital's quality assessment and performance improvement program required in accordance with §482.21.

If the hospital uses a unified medical staff, the medical staff continues to be accountable for the quality of care in each separately certified hospital that uses the unified medical staff.

### **Survey Procedures §482.22(b)(1) – (3)**

- Verify that the medical staff has a formal, organized structure reflected in the medical staff bylaws, rules and regulations and that functions and responsibilities within the medical staff and with respect to the governing body and other parts of the hospital are reflected.
- If there is a medical staff executive committee, verify that a majority of the members are doctors of medicine or osteopathy.
- Verify that an individual doctor of medicine or osteopathy, or if permitted by State law, a doctor of dental surgery, dental medicine, or podiatric medicine, selected by the medical staff, is responsible for the conduct and organization of the medical staff.
- Ask the CEO and medical staff leadership to describe the mechanisms by which the medical staff fulfills its responsibility to be accountable for the quality of medical care in the hospital.

- Interview several members of the medical staff, including both practitioners who hold leadership or executive committee positions and ones who do not. Ask them what their medical staff duties and responsibilities are and how they perform them. Ask them to describe how the medical staff is accountable for the quality of medical care provided to patients.