

Privileging Block Informational Packet

Cosmetic Surgery Hospital Privileges: Upholding Your Rights and Opposing Improper Privileging Blocks.

Brief Overview of Packet:

Comprised of physicians from various disciplines who practice cosmetic surgery and seek to continue and expand their cosmetic surgery education, the American Academy of Cosmetic Surgery (AACS) is dedicated to patient safety and physician education. In this regard, AACS seeks to assure that: (i) physicians performing cosmetic surgery obtain adequate education, training, and experience with respect to the procedures they perform; and (ii) cosmetic surgery patients are educated regarding cosmetic surgery and the physicians who perform it.

Based on information it regularly receives from physicians throughout the country, AACS recognizes that cosmetic surgery patients' safety is often jeopardized as a result of improper hospital privileging with respect to cosmetic surgery. National privileging standards adopted throughout the health care industry, including hospital accrediting bodies and the Federal Government, require an assessment of the physician based on the physician's education, training, experience, and proven competence. Unfortunately, cosmetic surgery patients' safety is jeopardized by physicians who employ anti-competitive methods to secure an advantage in the lucrative and highly competitive cosmetic surgery market by blocking qualified physicians' requests for cosmetic surgery privileges (Privileges). AACS has received countless reports from physicians throughout the country who are being denied Privileges or dissuaded from applying for Privileges solely because they did not complete a plastic surgery residency and/or are not board certified by the American Board of Plastic Surgery (ABPS). While the methods vary, privileging blocks share similar patterns. The following are a few examples of the more common reported privileging blocks:

- Applications for Privileges are directed to, or otherwise evaluated by, the hospital's plastic surgery department, which summarily denies applications by physicians who are not certified by the ABPS or have not completed a plastic surgery residency.
- Hospitals' governing documents (Bylaws) preclude physicians who are not certified by the ABPS or who have not completed a plastic surgery residency from obtaining Privileges.
- Physicians face objections to their applications for Privileges by board certified plastic surgeons (most often practicing at the hospital or in the surrounding geographic location) based in some manner on the fact that the physician is not certified by the ABPS or has not completed a plastic surgery residency.

In furtherance of its exempt purpose, AACS prepared this Packet to arm physicians with information to protect their legal rights and oppose their competitors' improper attempts to preclude them from obtaining Privileges. While this Packet is designed to assist physicians

facing privileging blocks, it also provides vital information that will assist physicians who plan to apply for Privileges.

Packet Content.

- **Introduction.** Section I introduces the *Privileging Block Informational Packet*, and outlines its contents.
- **Packet Road Map.** Section II outlines and discusses certain steps a physician should take when facing an Adverse Decision (defined in the Packet), and provides a road map regarding the manner in which to utilize the information contained in this Packet.
- **Utilizing the Hospital's Bylaws (Governing Documents).** Section III discusses hospital Bylaws, the manner in which they apply to the privileging process, and how physicians may utilize them in challenging Adverse Decisions.
- **National Standards Applicable to Privileging.** Section IV summarizes and discusses privileging standards maintained by various nationally recognized health care organizations and accrediting bodies, which consistently require an assessment of the physician based on the physician's education, training, experience, and proven competence.
- **What is Cosmetic Surgery and Who is Qualified to Perform It?** Section V discusses: (i) the difference between cosmetic surgery and plastic surgery; (ii) the commonly accepted misconception that board certification in plastic surgery evidences competence in cosmetic surgery; and (iii) the manner in which cosmetic surgery patients' safety is jeopardized by this misapprehension.
- **Specialty Board Recognition.** Section VI discusses specialty board recognition and is provided to assist physicians to correct common misapprehensions regarding the American Board of Medical Specialties (ABMS).
- **Plastic Surgery Residencies Lack Cosmetic Surgery Training.** Section VII discusses the lack of cosmetic surgery training in certain plastic surgery residencies, and reviews certain Accreditation Council for Graduate Medical Education (ACGME) recognized plastic surgery residency programs in the U.S. whose published curricula do not require substantial cosmetic surgery training. This Section is intended to further evidence that while certification by the American Board of Plastic Surgery (ABPS) evidences education, training, and experience in plastic surgery, it does not evidence education, training, and experience in cosmetic surgery.
- **Cosmetic Surgery Patient Safety: Relevant Studies.** Section VIII summarizes various studies evidencing significantly higher rates of morbidity, mortality, and malpractice claims among board certified plastic surgeons over all other medical

specialties performing certain cosmetic procedures. This information is provided to support the argument that cosmetic surgery patients are harmed when they choose their physician based solely on his or her underlying board certification.

- **Contributors to the Development of Cosmetic Surgery Procedures.** Section IX refutes the false claim that cosmetic surgery procedures are exclusively encompassed in the plastic surgery specialty, and provides information evidencing that cosmetic surgery was developed by, and evolved from the efforts of, physicians from a variety of disciplines.
- **Organizations.** Section X provides a review of several organizations that may be relevant to, or discussed as part of, a Hospital's Adverse Decision regarding a physician's request for cosmetic surgery privileges and the physician's opposition thereto.
- **Legal Challenges to Adverse Decisions.** Section XI provides a comprehensive discussion regarding legal issues (state and federal) applicable and/or related to the improper denials of physicians' requests for Privileges.