

SECOND REGULAR SESSION

HOUSE BILL NO. 1079

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SCHAAF (Sponsor), PAGE AND THRELKELD (Co-sponsors).

Pre-filed December 7, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3704L.011

AN ACT

To amend chapter 197, RSMo, by adding thereto one new section relating to right of self-governance for hospital medical staffs.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 197, RSMo, is amended by adding thereto one new section, to be
2 known as section 197.710, to read as follows:

**197.710. 1. A hospital medical staff shall have a right of self-governance, including
2 but not limited to:**

3 **(1) Establishing in medical staff bylaws, rules, or regulations criteria and standards
4 for medical staff membership and privileges, and enforcement of such criteria and
5 standards;**

6 **(2) Establishing in medical staff bylaws, rules, or regulations clinical criteria and
7 standards to oversee and manage quality assurance, utilization review, and other medical
8 staff activities, including but not limited to periodic meetings of the medical staff and its
9 committees and departments, and review and analysis of patient medical records;**

10 **(3) Selecting and removing medical staff officers;**

11 **(4) Assessing medical staff dues and utilizing the medical staff dues as appropriate
12 for the purposes of the medical staff;**

13 **(5) The ability to retain and be represented by independent legal counsel at the
14 expense of the medical staff;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 **(6) Initiating, developing, and adopting medical staff bylaws, rules, and regulations,**
16 **and amendments thereto, subject to the approval of the hospital governing board, which**
17 **approval shall not be unreasonably withheld.**

18 **2. The medical staff bylaws shall not interfere with the independent rights of the**
19 **medical staff to any of the following, but shall set forth the procedures for:**

20 **(1) Selecting and removing medical staff officers;**

21 **(2) Assessing medical staff dues and utilizing the medical staff dues as appropriate**
22 **for the purposes of the medical staff;**

23 **(3) The ability to retain and be represented by independent legal counsel at the**
24 **expense of the medical staff.**

25 **3. With respect to any dispute arising under this section, the medical staff and the**
26 **hospital governing board shall meet and confer in good faith to resolve the dispute.**
27 **Whenever any person or entity has engaged in or is about to engage in any acts or practices**
28 **that hinder, restrict, or otherwise obstruct the ability of the medical staff to exercise its**
29 **rights, obligations, or responsibilities under this section, a court of competent jurisdiction,**
30 **on petition of the medical staff and after determining that reasonable efforts, including**
31 **reasonable administrative remedies provided in the medical staff bylaws, rules, or**
32 **regulations, have failed to resolve the dispute, may issue an injunction, writ, or other**
33 **appropriate order.**

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