

Outstanding Policy Issues Raised during April 2015 MMA Policy Conference

Restrictive Covenants:

What aspect of a non-compete do you believe is the most onerous?	
Geographic limitation	51.5%
Time limitation	39.4%
Limitation on scope of allowed practice	6.1%
Buyout clause	3.0%

What policy position would you like to see MMA pursue regarding non-competes in physician contracts?	
Strongly oppose non-competes.	30.3%
Do not oppose, but work to define "reasonable" restrictions	60.6%
Support rights of independent group to use, but not large systems	9.1%
Support rights of any employer/group to use	0.0%

Tennessee Model:

A restriction on the right of an employed or contracted health care provider to practice his or her profession upon termination or conclusion of the employment or contractual relationship shall be deemed reasonable if...

- 2 years or less
- Geography - 10 miles or any facility that employer provided services at
- Purchase or sale of assets – no limits
- Does not apply to emergency medicine or radiology
- Six years and you have freedom

Hospital Medical Staff Bylaws:

- Minnesota Supreme Court ruled (*Avera Marshall Medical Staff v. Avera Marshall Regional Medical Center*) that:
 - Medical staff bylaws were an enforceable contract between the hospital and the individual members of its medical staff
 - Medical staff was an unincorporated association with the capacity to sue and be sued under Minnesota law
 - Decision is limited to the parties but has implications for other hospitals and medical staffs and their patients

- Joint Commission:
 - Requires Bylaws
 - Bylaws are adopted by the medical staff members with voting rights and approved by the Board
 - “Neither the organized medical staff nor the governing body may unilaterally amend the medical staff bylaws or rules and regulations.” (M.S. 01.01.03)
 - Not true for hospitals not accredited by Joint Commission
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Should MMA work to pursue a change in Minnesota rules on hospital licensure to limit or preclude unilateral medical staff bylaws amendments by hospital boards of directors or medical staffs?	
Yes	68.8%
No	15.6%
Don't know	15.6%

Physician-Assisted Suicide:

The MMA's position in opposition to physician-assisted suicide (1992) should be revisited.	
Strongly agree	39.3%
Agree	17.9%
Disagree	25.0%
Strongly disagree	17.9%