



THE FLORIDA HEALTHCARE LAW FIRM

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LEGAL REPORT

Florida Court Frustrates Hospital's Attempt to Replace Radiology Group

The Second District Court in Tampa is causing many hospitals and medical staffs to focus sharply on their contracts and medical staff bylaws, particularly as they relate to traditionally closed departments. In *University Community Hospital v. Wilson*, the appellate court had to decide whether radiologists on the medical staff whose contract with the hospital was terminated could remain on staff. Their contract did not say that privileges end without due process when the services agreement is terminated. And the medical staff bylaws did not clearly allow it either. Still, the hospital decided to drop the doctors from the medical staff without due process at the end of their two year credentialing cycle because of the hospital's business decision to terminate their contract. The doctors sued and won.

On appeal, the hospital argued that a business decision to close a department does not implicate the due



BY JEFFREY L. COHEN,
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process provisions of the medical staff bylaws because the bylaws state that "actions of an administrative nature" do not require a hearing. The judge found the language to be ambiguous and refused to apply it against the doctors. Ultimately, the appellate court decided that the trial judge was right that the hospital failed to follow the medical staff bylaws. The appellate court faulted the hospital for trying to link the end of the group's contract with the termination of their privileges. There simply was no such language in the radiologists' contract and the hospital's attempt to circumvent that fact without due process by relying on vague language in the medical staff bylaws did not win the court over.

The issue of privilege termination for business reasons is not new in Florida. Cases arise periodically on the issue, but case law in Florida remains intact: the relationship between a hospital and its medical staff is a matter of contract. The language of medical staff bylaws and services agreements is critical to the issue.

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