

90 membership or privileges:

91 (i) a physician's decision to advertise, decrease fees, or engage in other competitive acts  
 92 intended to solicit business;

93 (ii) a physician's participation in prepaid group health plans or other health plans not  
 94 sponsored by or affiliated with an integrated health system;

95 (iii) whether a physician is employed by the hospital, an entity affiliated with the  
 96 hospital, or an entity affiliated with the integrated health system;

97 (iv) whether a physician is employed by a hospital that is not affiliated with the  
 98 integrated health system or not affiliated with the hospital that is considering the physician's  
 99 application for medical staff membership or privileges;

100 (v) whether a physician engages in the delivery of health services on other than a  
 101 fee-for-service basis;

102 (vi) a physician's support for, training of, or participation in a private group practice  
 103 that is independent of the hospital or integrated health system;

104 (vii) a physician's referrals to a particular hospital or integrated health system, or to a  
 105 particular outpatient center for surgical services, or any other facility related to the hospital or  
 106 the integrated health system; or

107 (viii) whether the physician or a partner, associate, or employee of the physician:

108 (A) provides medical or health care services at, has an ownership interest in, or  
 109 occupies a leadership position on the medical staff of a different hospital, integrated health  
 110 system, or health care facility; or

111 (B) participates or does not participate in any particular health plan.

112 (d) A hospital or integrated health system may not use patient admission quotas or  
 113 revenue generation minimums as a condition for hospital medical staff membership or  
 114 privileges.

115 (7) A hospital or integrated health system that violates the provisions of this section:

116 (a) has violated standards of operation for the hospital; ~~§~~→ **and** ←~~§~~

117 (b) may be held liable to the physician in a private right of action for the violations,  
 118 including proximately caused damages; ~~§~~→ [**and**

119 ~~(c) may be subject to regulatory action by the department]~~ ←~~§~~ .

120 (8) This section shall not affect the terms of any contract or written employment

121 arrangement that provides that credentials or staff and clinical privileges of any practitioner are  
122 incident to or coterminous with the contract or employment arrangement or the individual's  
123 association with a group holding the contract.

123a **§→ (9) Nothing in this section prohibits a hospital from entering into an exclusive**  
123b **contract for services that are performed in the hospital if the exclusive contract is between the**  
123c **hospital and a physician or physician group that is not employed by:**  
123d **(i) the hospital; or**  
123e **(ii) an integrated health system affiliated with the hospital. ←§**

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Legislative Review Note  
as of 2-25-13 3:31 PM

Office of Legislative Research and General Counsel