

RESOLUTION 61-01, 2004: Sham Peer Review

WHEREAS: the Association of American Physicians and Surgeons supports fair and unbiased peer review in the interest of improving the safety and quality of patient care, and;

WHEREAS: the Health Care Quality Improvement Act (HCQIA) of 1986 has created an environment in which those who conduct or participate in sham peer review (bad faith peer review) enjoy substantial immunity, and;

WHEREAS: substantive due process in peer review corrective actions is often lacking in the hospital setting, and;

WHEREAS: physicians who raise quality of care concerns in the hospital setting are often targeted for retaliation via sham peer review, and careers are often ruined as a result, and;

WHEREAS: in recognition of the fact that sham peer review is a growing problem nationwide;

THEREFORE BE IT RESOLVED that the Association of American Physicians and Surgeons condemns the practice of sham peer review, and;

BE IT FURTHER RESOLVED that the Association of American Physicians and Surgeons declares that those who conduct or participate in sham peer review are engaging in unethical and/or unprofessional conduct

BE IT FURTHER RESOLVED: that existing physicians' "Whistleblower" and "Patient Advocate" laws in effect for physicians who are employees of hospitals, managed care organizations, States, and federal institutions be extended to all physicians in the country