

Health PEI

Medical Affairs

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Why do bylaws matter? Here are only some of the ways they may impact you:

1. Providing an administrative structure for the governance of the medical staff of Health PEI
2. Clearly outlining what medical staff and Health PEI administrators are responsible for - and the rules of working relationships between us
3. Outlining who will be a member of the Health PEI medical staff
4. Allowing physicians to work with a standard province-wide medical staff appointment and reappointment process, credentialing process, and discipline process
5. Confirming that physicians with appointments will have access to basic lab, diagnostic imaging, home care and related health services operated by Health PEI
6. Streamlining and significantly improving peer review, credentialing and other processes

August 19, 2010

ISSUE #10

To all Island Physicians,

This letter provides a guide to the legislation governing the practice of physicians, residents and medical students on PEI. It also provides an explanation of the need for the new Health PEI Medical Staff Bylaws and summarizes the next steps toward implementation of these bylaws.

Legislation

Physicians, residents, and medical students who practice in PEI are subject to several Acts and regulations made pursuant to them, including the *Medical Act*, the *Health Services Act*, the *Health Services Payment Act*, the *Hospitals Act*, the *Pharmacy Act* and the *Vital Statistics Act*.

The *Medical Act* continues the operation of the long-established College of Physicians and Surgeons of Prince Edward Island and regulates the practice of medicine in the province through the licensing and registration of physicians and disciplinary measures.

The newly proclaimed *Health Services Act* establishes Health PEI and provides for its governance by a Board of Directors. Health PEI became a legal entity on April 1, 2010, and assumed control of the Island health system operations on July 6, 2010. The Act requires the Board of Directors to make bylaws governing the medical staff of Health PEI, including bylaws respecting the appointment, reappointment, suspension and termination of members, the discipline of members, the granting of privileges to members, and the classification and organization of medical staff. It also mandates the establishment of a provincial medical advisory committee and such other committees as the Board considers appropriate. A bylaw made by the Board does not come into effect until it is approved by the Minister of Health and Wellness.

The *Health Services Payment Act* outlines the powers of the Minister of Health and Wellness in relation to physician resource management and the payment of benefits to physicians and practitioners for health services provided. Physicians refer to this Act for guidance on insured services and billing arrangements for insured services.

Physicians with hospital privileges are governed by the *Hospitals Act*. This Act currently requires the establishment of a medical advisory committee (MAC) and medical staff bylaws to govern the medical staff of a hospital. Both the current *Hospitals Act* and *Hospital Management Regulations* will be amended to remove these requirements and reflect the requirement under the new *Health Services Act* for the Board of Directors of Health PEI to make medical staff bylaws that apply province-wide.

Additional legislation related to medical practice includes the *Pharmacy Act* and the *Vital Statistics Act*. The *Pharmacy Act* governs a pharmacy operated by a physician in connection with his/her practice, wherein drugs are sold to the physician's patients. Under the *Vital Statistics Act*, physicians are required to complete and file medical certificates respecting deaths in specified circumstances.

Medical Staff Bylaws

Medical staff bylaws are established to provide a framework and an administrative structure for the governance of the medical staff of a facility or entity. Under Health PEI, all medical students, residents, physicians, dentists and nurse practitioners who wish to access Health PEI services and facilities will be governed by the Health PEI Medical Staff Bylaws, in accordance with the *Health Services Act*.

The Health PEI Medical Staff Bylaws contain a credentialing process that determines appointment and reappointment to the Health PEI Medical Staff and the granting of privileges. An appointment to the medical staff is made and privileges are granted by the Board of Health PEI. When applying for an appointment or reappointment to the medical staff and privileges, physicians must agree to be bound by Health PEI's policies and procedures.

The Health PEI Medical Staff Bylaws also contain provisions regarding the classification of medical staff members, the governance structure of the medical staff and the relationships between the medical staff and health system administrators. The bylaws also include a complaints and discipline process.

I am pleased to report that the drafting process by the Medical Staff Bylaw Working Group is nearing completion. During the past year, these new bylaws were written by physicians representing medical directors, government and MSPEI. They are similar to the various sets of medical staff bylaws currently in force at each hospital and deal with issues of medical staff administration, provision of quality medical services, and allow for physicians to advocate on behalf of themselves and their patients. Over the past several weeks, we solicited medical staff input regarding the bylaws resulting in draft #2 available to medical staff the week of August 23. The final draft is being presented to the Provincial Medical Leadership Steering Committee early September.

The new bylaws, when completed and established by the Board of Health PEI, must be approved by the Minister of Health and Wellness. Once approved by the Minister, they will be legally in force. Copies of the latest draft are available in all medical staff lounges across PEI and can be sent electronically, if requested.

Next Steps Toward Implementation

Following the consultation period on the draft bylaws which ends late August, we are planning the following next steps:

1. Bylaw Working Group takes all consultation feedback into consideration and prepares a final version.
2. A final version is circulated to the Medical Staff and Provincial Medical Leadership Steering Committee (SC) for consideration by early September.
3. Steering Committee submits a final version to the Executive Leadership Team (ELT) of Health PEI for consideration by early September.
4. A final version to the Board of Directors of Health PEI for consideration in September.
5. Board then submits a final version to the Minister of Health and Wellness for final approval. Assuming ministerial approval, the new bylaws would likely come into force this fall.

The Medical Staff Bylaw Working Group feels that the proposed bylaws accomplish a great deal toward providing consistency across the province, while providing flexibility in organizational structural issues so Health PEI can address individual facility circumstances and needs. It is important that all physicians familiarize themselves with their Bylaws and their Rights and obligations while practicing medicine on PEI.

If you have any questions regarding our draft Bylaws or your obligations, please feel free to contact your Medical Director or myself at (902) 368-6261 or rhwedge@gov.pe.ca. We look forward to your input and the implementation of the Medical Staff Bylaws for Health PEI.

Sincerely,

A handwritten signature in black ink, appearing to read "R Wedge". The signature is written in a cursive, flowing style.

Richard H. Wedge, M.D.
Executive Director of Medical Affairs