

REGULATIONS

APPENDIX 9 (2025)

GRIEVANCE PROCEDURE

I. MEDICAL STAFF, FACULTY & CONSULTANTS

1. FAIR HEARING AND APPEAL

1.1. Fair Hearings

a. Right to Hearing

Every effort shall be made to give any medical staff, faculty member and consultant full opportunity before adverse action is taken against him/her. Provided that if the adverse action is related to clinical functions including patient care the hearing request (see below) will be addressed to the Medical Director, whereas if it relates to teaching or research functions it will be addressed to the Dean. However, the following actions shall entitle the applicant or named practitioner to a hearing in accordance with the procedural safeguards set forth:

- i) Denial of requested delineated clinical privileges for which criteria of training or experience have been met
- ii) Reduction in delineated clinical privileges
- iii) Suspension of delineated clinical privileges
- iv) Revocation of delineated clinical privileges

b. Initiation of Hearing

Request for hearing

- i) If the Medical staff, faculty member or consultant (the Named Practitioner) decides to request a hearing, such request shall be sent by an e-mail or a written application, to the Medical Director, or Dean as may be, within 15 days of receipt by the practitioner of the adverse recommendation.
- ii) If the named practitioner fails, without reasonable cause, to submit a proper or timely request, it shall constitute a waiver of the right to a hearing and to any appeal to which the Named Practitioner otherwise would have been entitled by these Regulations.
- iii) Failure without good cause to personally appear at a scheduled hearing shall be deemed to constitute voluntary acceptance of the recommendations involved, and waiver of the right to a hearing. If the physician waives his rights to a hearing against an adverse recommendation made by the Clinical Privileges Committee (CPC), or the Medical Director, or the Dean, that impugned decision shall become final.

c. Notice of Hearing

After receipt of a request for a hearing from a Named Practitioner, an ad hoc Fair Hearing Committee (FHC) from the Medical staff shall be appointed by the Medical Director, or from the Faculty by the Dean, as the case may be, which shall schedule and arrange for a hearing and shall notify the Named Practitioner of the date, time and place by e-mail or a written notice. The hearing date shall be not more than thirty (30) days from the date that the request for hearing from the Named Practitioner was received.

d. Composition of Hearing Committee

A hearing shall be conducted by a Fair Hearing Committee (FHC). This committee, comprising of three (3) accredited members of the medical staff, or faculty as the case may be, will be

constituted by the Medical Director or Dean as the case may be, on a case-by-case basis, and should be acceptable to the appellant. One of the three members would be designated as Chair for the FHC.

e. Conduct of Hearing

- i) The Chairman FHC shall determine the order of proceedings during the hearing to assure that all participants have a reasonable opportunity to present relevant oral and documentary evidence, rule on all motions and evidentiary matters, and maintain decorum.
- ii) The Named Practitioner shall be entitled to have access to any records or reports provided to the FHC.
- iii) A record of the hearing shall be made in the manner chosen by the FHC
- iv) The personal presence of the Named Practitioner at the hearing is required. No legal practitioner shall be allowed to appear on behalf of any party during any proceedings under these Regulations.
- v) If the Named Practitioner fails without good cause to appear and participate in the hearing, the Named Practitioner shall be deemed to have waived all procedural rights under this Article, with the same effect as a waiver as defined above and to have accepted the adverse decision or recommendation.
- vi) The Named Practitioner shall have the burden of proving, by clear and convincing evidence, that the adverse recommendation or decision lacks, totally or partially, factual basis or that such factual basis or the conclusions reached therefrom were arbitrary, unreasonable or capricious.
- vii) The FHC may, without special notice, recess the hearing and reconvene the same for the convenience of the participants or for the purpose of obtaining new or additional evidence or consultation.
- viii) After the hearing is closed, the FHC shall at a time deemed convenient by the FHC chair, conduct its deliberations in the absence of the Named Practitioner for whom the hearing was convened. At the completion of the FHC deliberations, the hearing shall be deemed to be finally adjourned.
- ix) ix). Within three (03) business days of the final adjournment of the hearing, the FHC shall issue a written report of its findings, including a recommendation that the original adverse recommendation or decision be affirmed, rejected or modified. This report, together with the hearing record and all other documentation considered, shall be transmitted to the parties.

1.2. Appeal

a. Right to Appeal

When a decision on a matter that has been the subject of a hearing has been made and served upon the named practitioner and that decision is one listed in 1.1.a (the Right to Hearing Section), the Named Practitioner shall have the right to appeal that decision.

b. Request for Appeal by Named Practitioner:

The Named Practitioner will have ten (10) business days from the date of receipt of the decision of the FHC to request appeal of the adverse decision. This request should be delivered to the Medical Director or the Dean as the case may be or their designee either in person or by e-mail / written application, and may include a request for a copy of the report and record of the hearing committee and all other material, favorable or unfavorable, if not previously forwarded, that was considered in making the adverse decision.

- c. A Named Practitioner who fails to appeal within the time and in the manner specified waives any right to such appeal.

d. Notice of Time and Place for Hearing of Appeal:

Upon receipt of a timely request for appeal, the Clinical Executive Board if the appeal lies with the Medical Director or the Academic Council in the case of the Dean shall schedule and arrange a hearing which shall be not more than fifteen (15) days from the date of receipt of the request. A written notice/e-mail of the time, place and date of the hearing of appeal shall be sent to the Named Practitioner at least fifteen (10) days prior to the date scheduled for the hearing of appeal. The time for the hearing of appeal may be extended by the appellate body for good cause shown and if either party's request is made as soon as is reasonably practicable.

- e. The CEB or the Academic Council as the case may be shall be the authority to conduct hearing of appeals.

1.3. Appellate Procedure**a. Nature of Proceedings**

The proceedings by the appellate body (CEB or the Academic Council) shall be based upon the record of the hearing before the FHC, that committee's report, and all subsequent results and actions thereon.

b. Written Statements

The Named Practitioner seeking the appeal may submit a written statement detailing the findings of fact, conclusions and procedural matters with which he or she disagrees, and the reasons for such disagreement. This written statement shall be submitted to the CEB at least ten (10) business days prior to the scheduled date of the appeal, unless such time limit is waived by the CEB.

- c. The Chair CEB Academic Council shall determine the order of procedure during the appeal and make all required rulings.

d. Consideration of new or additional matters

New or additional matters or evidence not raised or presented during the original hearing or in the hearing report and not otherwise reflected in the record shall be introduced at the appeal only if permitted in the sole discretion of the CEB or Academic Council, following an explanation by the party requesting the consideration of such matter or evidence as to why it was not presented earlier.

- e. CEB or Academic Council as the case may be, shall have all the powers granted to the hearing committee while dealing with appeals, and such additional powers as are reasonably required to discharge its responsibilities under these Regulations.

f. Presence of Members and Vote

A majority of the CEB or Academic Council as the case may be, must be present throughout the hearing of appeal and deliberations. If a member of the appellate body is absent from any part of the proceedings, that member shall not be permitted to participate in the deliberations or the decision.

- g. The CEB or Academic Council as the case may be, may recess the appellate proceedings and reconvene the same without additional notice for the convenience of the participants or for the purpose of obtaining new or additional evidence or consultation.

1.4. Action Taken

CEB, or Academic Council as the case may be, within three (03) working days of the final adjournment of its deliberations, and through a majority vote, shall make recommendations as to affirm, modify or reverse the decision made by the FHC or may return the whole matter to FHC for re-hearing.

- a. The CEB or Academic council as the case may be, will convey its decision to the Board of Governors who may affirm, modify or reverse the decision or may return the whole matter to FHC for re-hearing. The decision of the Board of Governors will be final.

II. NONCLINICAL ADMINISTRATIVE STAFF & EMPLOYEES

1. FAIR HEARING AND APPEAL

1.1. Fair Hearings

a. Right to Hearing

Every effort shall be made to give any non-clinical staff member or employee (hereinafter referred to as “applicant”) full opportunity before an adverse action is taken against him/her.

b. Initiation of Hearing

Request for hearing

- i) If the applicant decides to request a hearing, such request shall be sent by e-mail or a written application, to the Hospital Director, within 15 days of receipt of the adverse recommendation by the applicant.
- ii) If the applicant fails, without reasonable cause, to submit a proper or timely request, it shall constitute a waiver of the right to a hearing and to any appeal to which the applicant otherwise would have been entitled by these Regulations.
- iii) Failure without good cause to personally appear at a scheduled hearing shall be deemed to constitute voluntary acceptance of the recommendations involved, and waiver of the right to a hearing. If the applicant waives his rights to a hearing against an adverse recommendation made by the administration that impugned decision shall become final.

c. Notice of Hearing

After receiving a request for a hearing from an applicant, an ad hoc Fair Hearing Committee (FHC) from the hospital nonclinical staff shall be appointed by the Hospital Director, which shall schedule and arrange for a hearing and shall notify the applicant of the date, time and place by e-mail or a written notice. The hearing date shall be not more than fifteen (15) days from the date that the request for hearing from the applicant was received.

d. Composition of Hearing Committee

A hearing shall be conducted by the Fair Hearing Committee (FHC). This committee, comprising of three (3) accredited members of the administrative non-clinical staff, will be constituted by the Hospital Director on a case-by-case basis, and should be acceptable to the appellant. One of the three members would be designated as Chair for the FHC.

e. Conduct of Hearing

- i) The Chairman FHC shall determine the order of proceedings during the hearing to assure that all participants have a reasonable opportunity to present relevant oral and documentary evidence, rule on all motions and evidentiary matters, and maintain decorum.
- ii) The applicant shall be entitled to have access to any records or reports provided to the FHC.
- iii) A record of the hearing shall be made in the manner chosen by the FHC.
- iv) The personal presence of the applicant at the hearing is required. No legal practitioner shall be allowed to appear on behalf of any party during any proceedings under these Regulations.
- v) If the applicant fails without good cause to appear and participate in the hearing, the applicant shall be deemed to have waived all procedural rights under this Article, with the same effect as a waiver as defined above and to have accepted the adverse decision or recommendation.
- vi) The applicant shall have the burden of proving, by clear and convincing evidence, that the adverse recommendation or decision lacks, totally or partially, factual basis or that such factual basis or the conclusions reached therefrom were arbitrary, unreasonable or capricious.
- vii) The FHC may, without special notice, recess the hearing and reconvene the same for the convenience of the participants or for the purpose of obtaining new or additional evidence or consultation.

- viii) After the hearing is closed, the FHC shall at a time deemed convenient by the FHC chair, conduct its deliberations in the absence of the applicant for whom the hearing was convened. At the completion of the FHC deliberations, the hearing shall be deemed to be finally adjourned.
- ix) Within three (03) business days of the final adjournment of the hearing, the FHC shall issue a written report of its findings, including a recommendation that the original adverse recommendation or decision be affirmed, rejected or modified. This report, together with the hearing record and all other documentation considered, shall be transmitted to the parties.

1.2. Appeal

Right to Appeal

- a. When a decision on a matter that has been the subject of a hearing has been made and served upon the applicant and that decision is one listed in 1.1.a (the Right to Hearing Section), the applicant shall have the right to appeal that decision.
- b. **Request for Appeal by applicant:**
The applicant will have ten (10) business days from the date of receipt of the decision of the FHC to request appeal of the adverse decision. This request should be delivered to the Hospital Director or his designee either in person or by e-mail / written application and may include a request for a copy of the report and record of the hearing committee and all other material, favorable or unfavorable, if not previously forwarded, that was considered in making the adverse decision.
- c. An applicant who fails to appeal within the time and in the manner specified waives any right to such appeal
- d. **Notice of Time and Place for Hearing of Appeal:**
Upon receipt of a timely request for appeal, the Hospital Director shall schedule and arrange a hearing before the Hospital Management Committee (HMC - see Regulations section 18) which shall be not more than fifteen (15) days, from the date of receipt of the request for appeal request. A written notice / e-mail of the time, place and date of the hearing of appeal shall be sent to the Named Practitioner at least ten (10) days prior to the date scheduled for the hearing of appeal. The time for the hearing of appeal may be extended by the appellate body for good cause shown and if either party's request is made as soon as is reasonably practicable.
- e. The HMC shall be the authority to conduct hearing of appeals.

1.3. Appellate Procedure

a. Nature of Proceedings

The proceedings by the appellate body (HMC) shall be based upon the record of the hearing before the FHC, that committee's report, and all subsequent results and actions thereon.

b. Written Statements

The applicant seeking the appeal may submit a written statement detailing the findings of fact, conclusions and procedural matters with which he or she disagrees, and the reasons for such disagreement. This written statement shall be submitted to the HMC at least ten (10) business days prior to the scheduled date of the appeal, unless such time limit is waived by the HMC.

- c. The Hospital Director shall determine the order of procedure during the appeal and make all required rulings.
- d. **Consideration of new or additional matters**
New or additional matters or evidence not raised or presented during the original hearing or in the hearing report and not otherwise reflected in the record shall be introduced at the appeal only if permitted in the sole discretion of the HMC, following an explanation by the party requesting the consideration of such matter or evidence as to why it was not presented earlier.

- e. HMC shall have all the powers granted to the hearing committee while dealing with appeals, and such additional powers as are reasonably required to discharge its responsibilities under these Regulations.
- f. **Presence of Members and Vote**
A majority of the HMC must be present throughout the hearing of appeal and deliberations. If a member of the appellate body is absent from any part of the proceedings, that member shall not be permitted to participate in the deliberations or the decision.
- g. The HMC may recess the appellate proceedings and reconvene the same without additional notice for the convenience of the participants or for the purpose of obtaining new or additional evidence or consultation.

1.4. Action Taken

HMC, within three (03) working days of the final adjournment of its deliberations, and through a majority vote, shall make recommendations as to affirm, modify or reverse the decision made by the FHC or may remand the whole matter to FHC for re-hearing.

- a. The HMC will convey its decision to the Board of Governors who may affirm, modify or reverse the decision made by the HMC or may remand the whole matter to FHC for re-hearing. The decision of the Board of Governors will be final.