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The Ventura Community Memorial Hospital Medical Staff Crisis

The CSA Legal Defense Fund—Why You Should Donate!

By H. Douglas Roberts, M.D., CSA President

The physicians in California, as well as other states, should familiarize themselves with the onerous situation facing the medical staff of the Community Memorial Hospital (CMH) in Ventura, which is beginning to work itself through the legal system. The outcome of this legal battle could have dramatic and far reaching ramifications on how physicians practice medicine. The administration of CMH has taken the position that the Medical Staff is nothing more than another department within the hospital and, as such, the physicians within the Medical Staff must adhere to rules and decisions made unilaterally by the administration! Requirements and/or conditions to belong on active staff at CMH would include the demand that physicians must sign non-competitive agreements (that is, cannot own or participate in a surgical center, or medical laboratory, which might compete with the hospital). The administration demands to be present at peer review committee meetings. The administration also demands final say on who will be “elected” to offices within the Medical Staff! No medical staff meeting may be held unless an administrative official is present.

These outrageous demands have caused the vast majority of the CMH Medical Staff membership to form a group known as the Ventura Concerned Physicians (VCP). The VCP has been holding meetings at nearby hotels to conduct business and to formulate their future plans. The California Medical Association, the American Medical Association, the American Society of Anesthesiologists, as well as the CSA all are attentive and responsive to the problems facing the physicians at CMH. This is a crisis that would impinge on all physicians practicing in hospitals should the court system find in favor of the hospital administration's stance. Jack Lewin, CEO of CMA, Gregg Abrams, legal counsel of CMA, and I, among others, have attended one or more meetings with members of the VCP.

Good news and bad news—recently, the court has agreed that a medical staff is a valid entity and as such has the right to file suit against the administration.

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This is a significant step in the right direction for physicians. However, this is only the beginning of this battle and, unfortunately, much time and money undoubtedly will be devoured before a final decision will be made. At the July 12th meeting of the CSA Executive Committee, a donation from the CSA Legal Defense fund was approved and has been forwarded to the CMA to aid in this coordinated legal battle on behalf of the Medical Staff of CMH.

Legal counsel for CSA and CMA will be keeping us up-to-date as this legal action unfolds. Requests for help with a portion of the legal costs have been sent to all California county medical societies as well as to many, if not all, hospital medical staffs within California.

You, as a member of CSA, receive an annual dues statement which contains several additional and voluntary contribution requests, among which is one for the Legal Defense Fund. This fund is separately maintained and kept available to provide assistance in legal matters or administrative actions which may benefit anesthesiologists. Often these needs arise quickly and demand immediate attention. Unfortunately, many CSA members fail to donate and this creates a dilemma when a crisis presents itself.

The recent legal crisis in Ventura is but one example of several matters which CSA leadership feels are of such significant importance that we must become involved. Yet the CSA cannot respond financially as forcefully as perhaps some would hope CSA could and should. Make no mistake: the CSA has responded to the CMH Medical Staff crisis and continues to closely monitor the situation.

With virtually any form of insurance, one must pay the premium in advance. Otherwise, the policy is not in force, and hence, would be of no benefit when some adverse event occurs. While the CSA Legal Defense Fund is not an insurance policy, simple (and similar) economics still influences what can be done—not what should be done! I strongly urge each member of CSA to forward a donation to the Legal Defense Fund if you haven't already done so this year. Hopefully, the day will not come when you need to turn to the CSA to ask for help, only to find our Legal Defense Fund unable to respond because you and/or your fellow members have not contributed!