

**UNIVERSITY OF KENTUCKY
MEDICAL STAFF BYLAW FAIR HEARING PROCEEDINGS
ON APPEAL TO THE UNIVERSITY HEALTH CARE COMMITTEE**

PAUL KEARNEY, M.D.

AFFECTED INDIVIDUAL

V.

UNIVERSITY OF KENTUCKY

RESPONDING PARTY

**APPELLATE REVIEW PANEL'S
RECOMMENDATION OF FINAL ACTION
TO THE UNIVERSITY HEALTH CARE COMMITTEE**

This matter is before the Appellate Review Panel on an appeal from Dr. Paul Kearney. Pursuant to § 10.23 of the Medical Staff By-Laws, the Appellate Review Panel must recommend final action to the University Health Care Committee.

The Medical Staff Executive Committee's recommended the University permanently revoke Dr. Kearney's clinical privileges. Following a two-day hearing, the Hearing Panel affirmed the recommendation. Dr. Kearney filed a timely request for appellate review and the Chair of the University Health Care Committee appointed the Appellate Review Panel.

Pursuant to §§ 10.22 and 10.23 of the Medical Staff By-Laws, the Appellate Review Panel met in an Open Meeting on Friday, July 31, 2015 to consider the appeal. Before that meeting, the individual members of the Appellate Review Panel reviewed statements from Dr. Kearney and the University as well as the entire record of proceedings before the Medical Staff Executive Committee and the Hearing Panel.

Under the terms of § 10.21 of the Medical Staff By-Laws, the Appellate Review Panel's inquiry is limited to whether:

- (1) There was substantial failure on the part of the Hearing Panel, or the Medical Staff Executive Committee to comply with this Fair Hearing Plan, so as to deny due process or a fair hearing; or
- (2) The recommendations of the Hearing Panel were made arbitrarily, capriciously, or with prejudice; or
- (3) The recommendations of the Hearing Panel were not supported by the evidence.

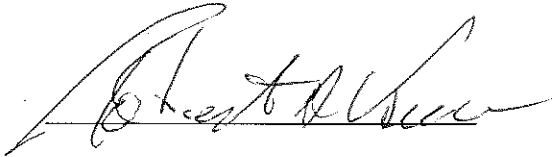
Dr. Kearney raised all three issues in his request for appellate review.

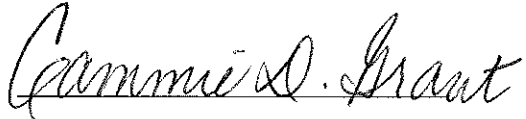
In answering these issues, the Appellate Review Panel has relied on the entire record, the written statements of the parties, the presentations made during the July 31 meeting, and the deliberations between the Appellate Review Panel members during the July 31 meeting. The Appellate Review Panel recommends the University Health Care Committee:

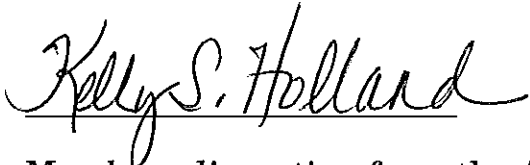
ACCEPT the recommendation of the Hearing Panel and the Medical Staff Executive Committee to revoke the clinical privileges of Dr. Kearney.

REJECT the recommendation of the Hearing Panel and the Medical Staff Executive Committee to revoke the clinical privileges of Dr. Kearney

Members Supporting the Appellate Review Panel's Recommendation







Members dissenting from the Appellate Review Panel's Recommendation

July 31, 2015