

**MEDICAL STAFF EXECUTIVE COMMITTEE**

**January 29, 2015**

**5:00 PM; CTW-317**

**Voting Members Present:** *See attached sign-in sheet* – Tadarro Richardson, M. Elizabeth Oates, Roger Humphries, Michael Dobbs, Susan McDowell, Darrell Jennings, Andrew Pearson (via phone), Bernard Boulanger, Scott Stevens, Kevin Nelson and Louis Bezold

**Voting Members Absent:** Andrew Bernard (Recusal), Cletus Carvalho

**Ex Officio Members Present:** Dean Sharon Turner, Associate Dean Angela Dearing, Colleen Swartz and Cliff Iler

**Presiding:** Dr. Fred Zachman

**Recorder:** Sarah Bentley

AGENDA ITEM	DISCUSSION	ACTION
<b>Call to Order</b> Dr. Fred Zachman	<i>The meeting of the UK HealthCare Medical Staff Executive Committee was called to order by Dr. Zachman.</i>	
<b>Preamble/Review of Bylaw process</b> Dr. Fred Zachman	<p>On September 5<sup>th</sup>, Dr. Paul Kearney agreed to go on paid administrative leave while a patient care incident was being investigated, which will be further detailed. Throughout lengthy negotiations, the President offered a generous severance package that has been refused by Dr. Kearney. Since the potential of harm to staff and patients remains substantial, on January 26th Dr. Kearney was placed on summary suspension by Dr. Boulanger according to UK Medical Staff Bylaws (section 9.4). A copy of the suspension notification provided to Dr. Kearney was provided as a meeting handout.</p> <p>This called meeting is the second of several steps in our Medical Staff Bylaw process. As the MSEC, this group has 14 days to sustain, amend or rescind the suspension. The grounds to sustain the suspension consist of whether there are reasonable grounds to believe that the allegations are true. They don't have to be proven conclusively true at this stage. The purpose of this step is to ensure that the summary suspension is not capricious, or motivated by a personal or professional vendetta.</p> <p>The purpose of the call meeting for today is to hear preliminary findings and appoint an investigative team who will report back to this committee. This group will reconvene next Thursday (2/5) to review the findings of the investigation and conduct a vote. During the meeting next week any deliberation and voting on the suspension will be attended only by voting members of the Medical Staff Executive Committee.</p> <p>If the suspension is affirmed, Dr. Kearney's case moves on to the fair hearing phase where he will have opportunity to plead his case before a different body. This body's decision is not the final action. After the fair hearing phase, if the suspension is again affirmed, he will have a single appeal before a committee of the Board of Trustees of the University. As a body and as individuals, the MSEC is held legally harmless if acting</p>	Dr. Louis Bezold and Dr. Susan McDowell will investigate the suspension and report their findings to the MSEC voting members on February 5, 2015.

The information contained herein has been compiled as part of UK HealthCare's Patient Safety Evaluation Systems (PSES/PSWP) with the intent to submit to same to our PSN/PSO, is deemed to be Patient Safety Work Product, and is privileged and confidential.

AGENDA ITEM	DISCUSSION	ACTION
<p><b>Foundational Information</b> Cliff Iler</p>	<p>in good faith.</p> <p>The behavioral standard was briefly discussed to include principles and commitments as described in that document. The Bylaws and Behavioral Standards documents were available for the Committee’s review.</p> <p>Cliff Iler was available to answer any questions the committee had around the process.</p> <p>Dr. Nelson reviewed the recusal process. He noted that each participant of this committee should examine our relationship with Dr. Paul Kearney and determine if a significant conflict exists that should then recuse you from this discussion and subsequent voting. Also, if any of the members of this committee have been approached by Dr. Kearney, Dr. Nelson asked that you please let Cliff Iler know.</p> <p>As a next step, the floor was opened for discussion related to the formation of an investigative team. After discussion, Dr. Louis Bezold and Dr. Susan McDowell were selected by the group. This team will collect data around the suspension and report back to the voting members at next week’s meeting.</p> <p><i>The motion to proceed with Dr. Bezold and Dr. McDowell as the investigative team was made by Dr. Nelson, seconded by Dr. Oates. The motion passed with unanimous consent.</i></p> <p>Foundational information related to the substance of the allegations was presented by Cliff Iler. This investigation will be looking at all incidents, not just one isolated incident from last year. The committee presented questions around the foundational suspension with questions addressed by Cliff Iler, Dr. Kevin Nelson and Dr. Bernard Boulanger.</p>	
<p><b>Adjournment</b></p>		