

EXTERNAL PEER REVIEW

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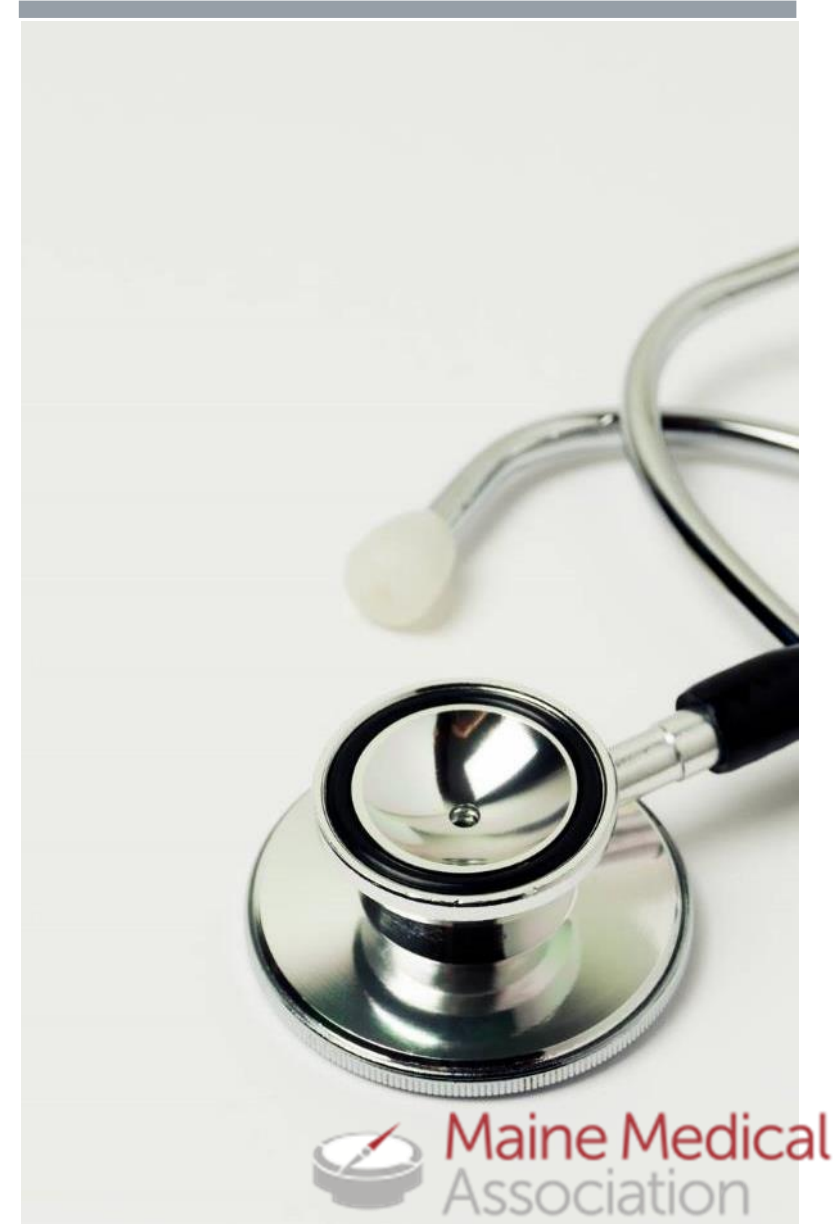


There are no significant or relevant financial relationships to disclose.

I am an employee of the MMA, a professional organization representing approximately 4,000 physicians, residents, & medical students in Maine whose mission is to support Maine physicians, advance the quality of medicine in Maine, & promote the health of all Maine citizens.

OBJECTIVES:

- Define an external peer review and what is its purpose
- Define the significant and subtle differences between the internal and external processes.
- Explain why and when is an external peer review appropriate
- Explain who performs the external peer review
- Explain who are the people involved in the process from start to finish
- How and where does the medical staff professional fit into the process
- In general, what are the goals for an external peer review.
- Discuss the legal protections.
- Discuss confidentiality of the process.



WHAT IS A MEDICAL PEER REVIEW

A medical peer review is a performance assessment. Through this process, peers evaluate other physicians' clinical performances.

- The purpose of the medical peer review is to improve patient safety and the quality of care.

“Peer review by medical societies, hospital credentials and utilization committees, or other bodies, has long been established by organized medicine to scrutinize professional conduct. The peer review process is intended to balance physicians’ right to exercise medical judgment freely with the obligation to do so wisely and temperately.”

American Medical Association



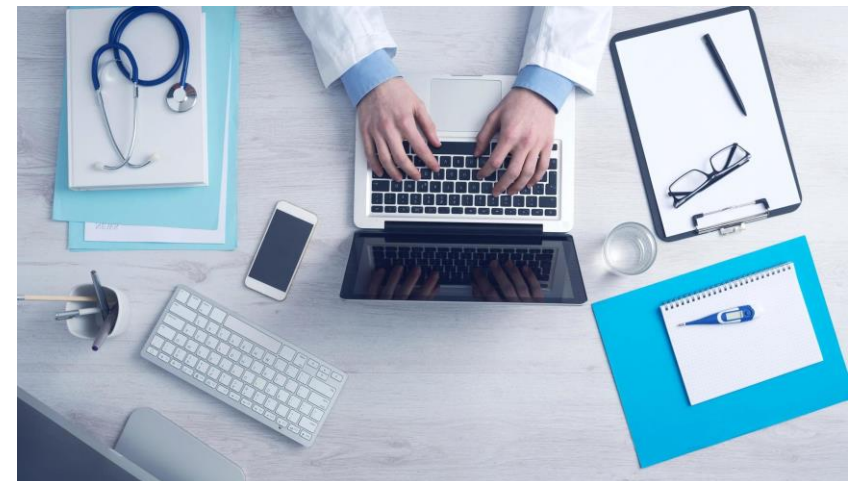
Define the significant and subtle differences between the internal and external processes

When referring to case reviews, there are generally two broad categories of reviews:

- **Internal reviews** - Internal reviews are reviews conducted by the same organization that provided the care. For instance, an organization may review a case if there are special circumstances or if treatment is out of the ordinary or does not appear to meet Medical Necessity Criteria to ensure that the care was in line with organizational standards, or they review cases as part of their quality improvement program.
- **External reviews** – External reviews are reviews conducted by an outside organization who was not part of the provision of care process.



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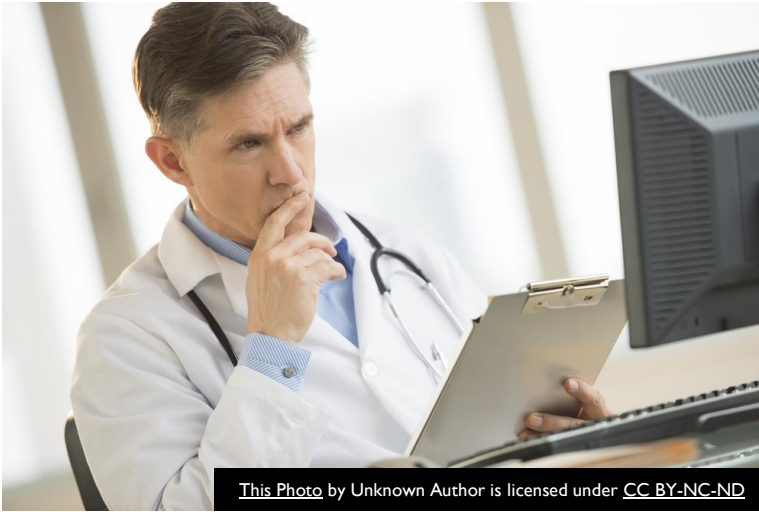


Types of External Peer Reviews

External Peer Review Organizations typically offer several options for peer review:

- An offsite routine peer review which may be part of an organization's quality improvement process
- An offsite focused review where there may be special circumstances for a review.
- An onsite focused review where one or more providers visit an organization and perform a retrospective assessment of records.





Most External Peer Review Organizations offered different types of peer review:

In-Depth Report

When circumstances require comprehensive, detailed findings and case summaries. An In-Depth Report might include the following specific components:

- An Executive Summary that concisely encapsulates the findings of the peer reviewer.
- An abstract of the medical records for each case.
- Answers to pertinent clinical questions within the expertise of the peer reviewer, while eliminating extraneous issues.
- Clear and concise findings and conclusions regarding the medical management of the cases, including the degree of concern (e.g., was it a deviation from the accepted standard of care or an issue requiring additional review or education), and the impact, or potential impact, on patient care.
- The curriculum vitae of the peer reviewer.

PEER REVIEW IS A GOOD THING

- Improves quality
- Physicians reviewing physicians
- Physician-determined standards
- Keeps accountants and attorneys out of medical decision-making





"I DON'T GIVE A DAMN WHAT THE CHART SAYS!
I DID NOT HAVE A HYSTERECTOMY!!!"

PEER REVIEW IS UNAVOIDABLE

In Hospitals

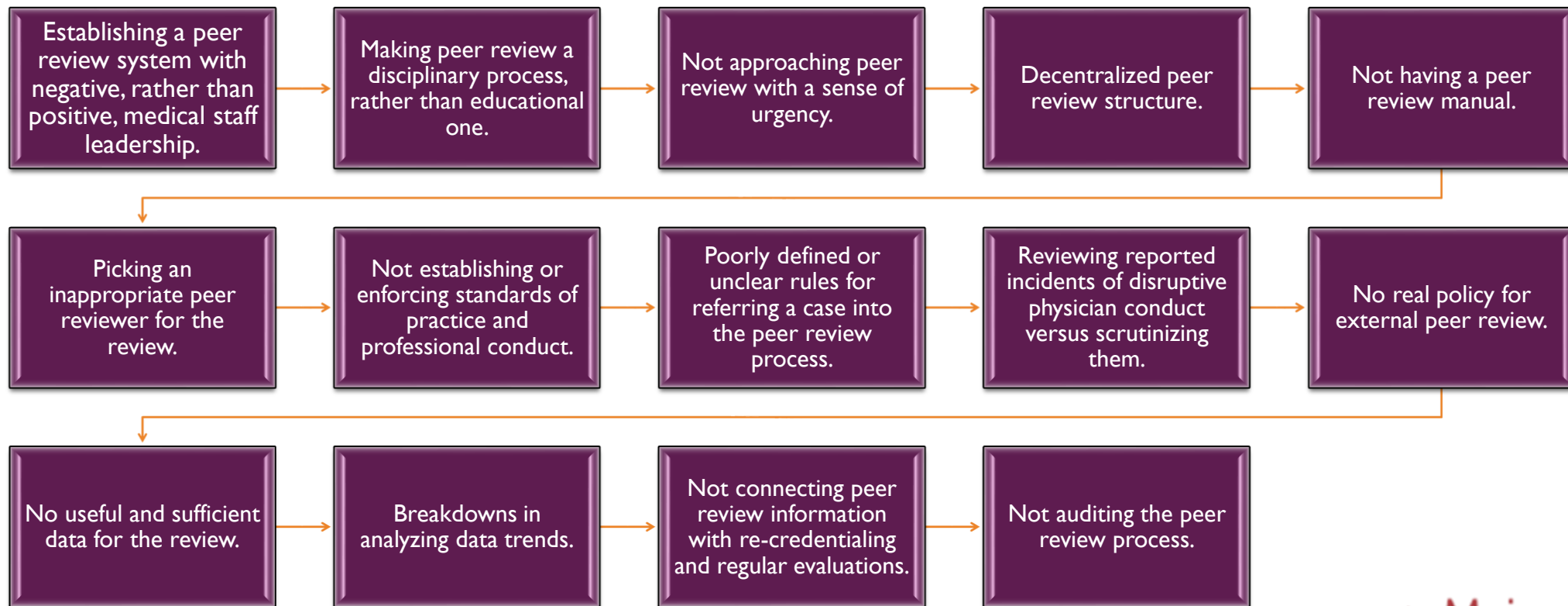
- Required by Law, Accreditation Standards and Medical Staff Bylaws

Indirectly

- Medical groups, payors, employers

COMMON BARRIERS THAT IMPEDE PEER REVIEW

Organizations that help hospitals set up better peer review processes identify common barriers that obstruct the process. Below are some things to avoid:



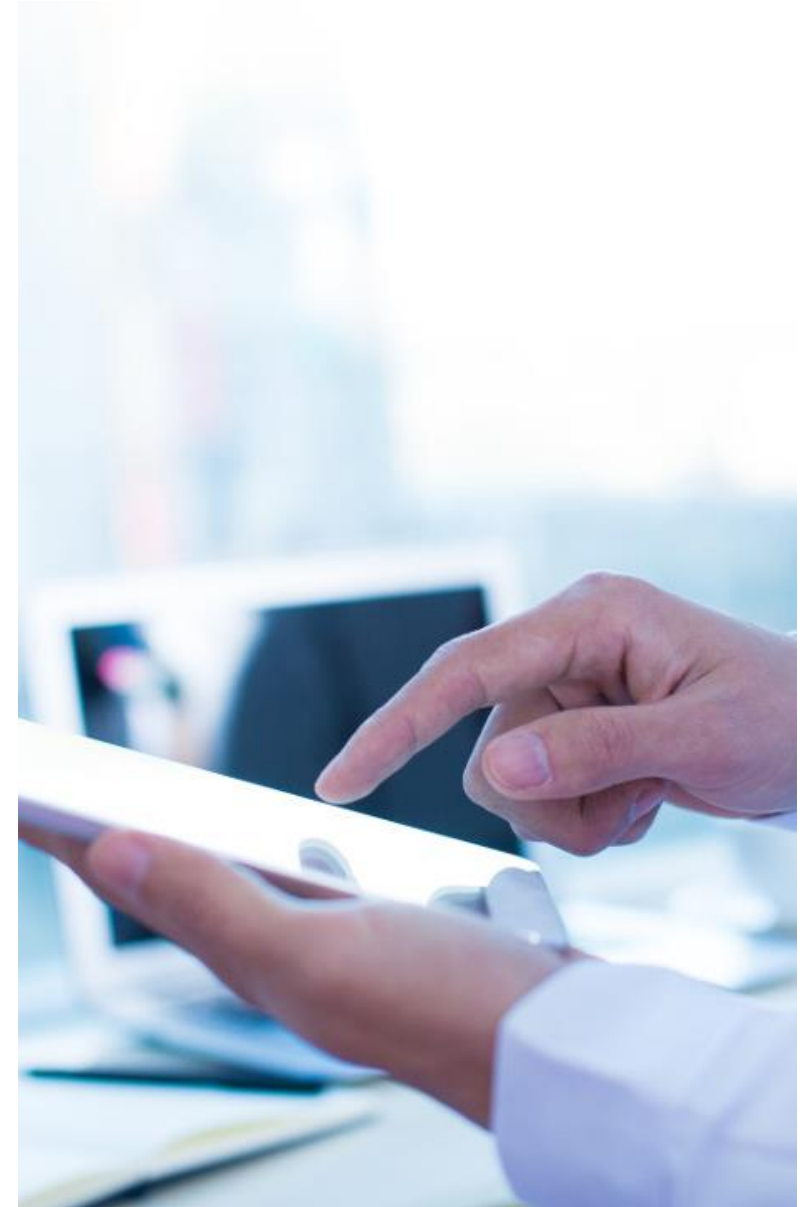
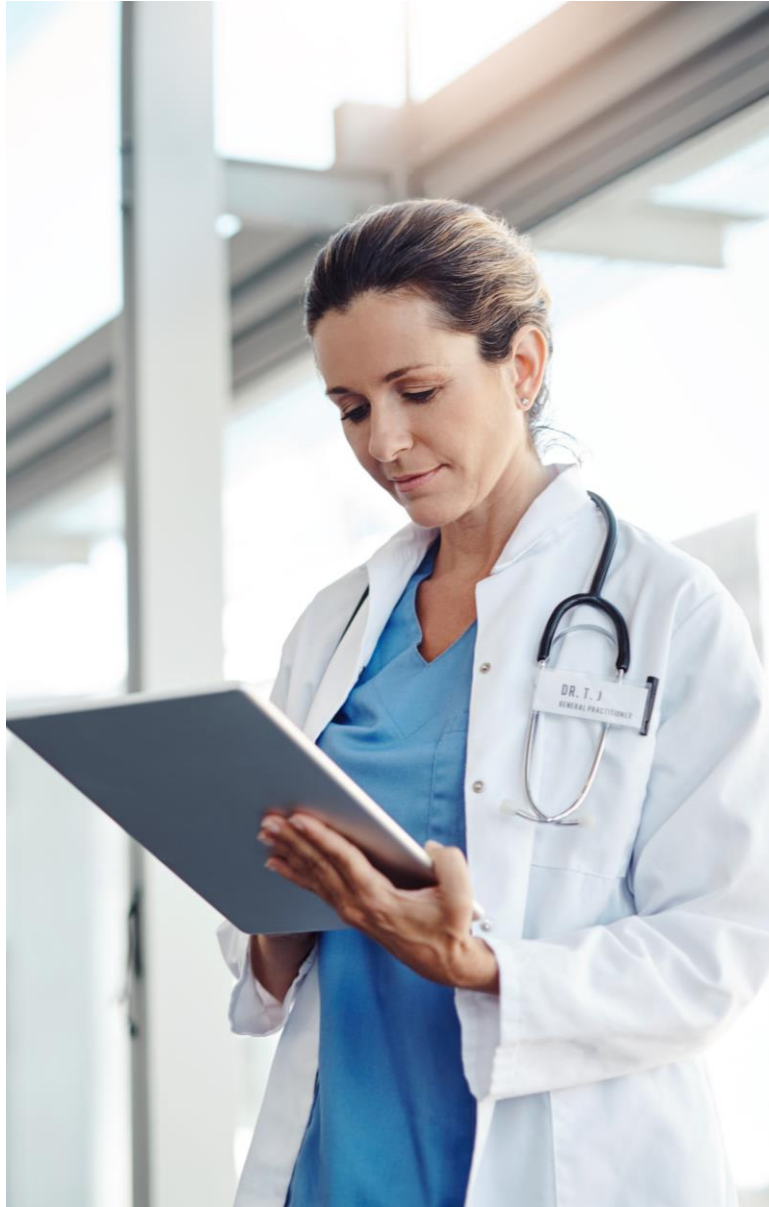
Why and when is an external peer review appropriate?

The peer review committee typically recommends external peer review to the medical executive committee (MEC) under the following circumstances:

- **Litigation:** When dealing with the potential for a lawsuit.
- **Ambiguity:** When dealing with vague or conflicting recommendations from internal reviewers or medical staff committees, and when conclusions from this review will directly affect a physician's membership or privileges.
- **Lack of internal expertise:** When no one on the medical staff has adequate expertise in the specialty under review, or when the only physicians with that expertise are determined to have a conflict of interest.
- **New technology:** When a medical staff member requests permission to use new technology or to perform a procedure new to the hospital and the medical staff do not have the necessary subject matter expertise to evaluate adequately the quality of care involved.
- **Miscellaneous issues:** When the medical staff need an expert witness for a fair hearing, for evaluation of a credential file, or for assistance in developing a benchmark for quality monitoring. In addition, the MEC or governing board may require external peer review in any circumstances deemed appropriate by either of these bodies.

WHO PERFORMS THE EXTERNAL PEER REVIEW?

Peer reviews are assigned to a licensed and credentialed clinical reviewer who works in the same field, and who has the same or similar specialty or subspecialty as the clinician who provided the treatment. The reviews are conducted by actively practicing, board-certified physicians and other practicing clinicians.



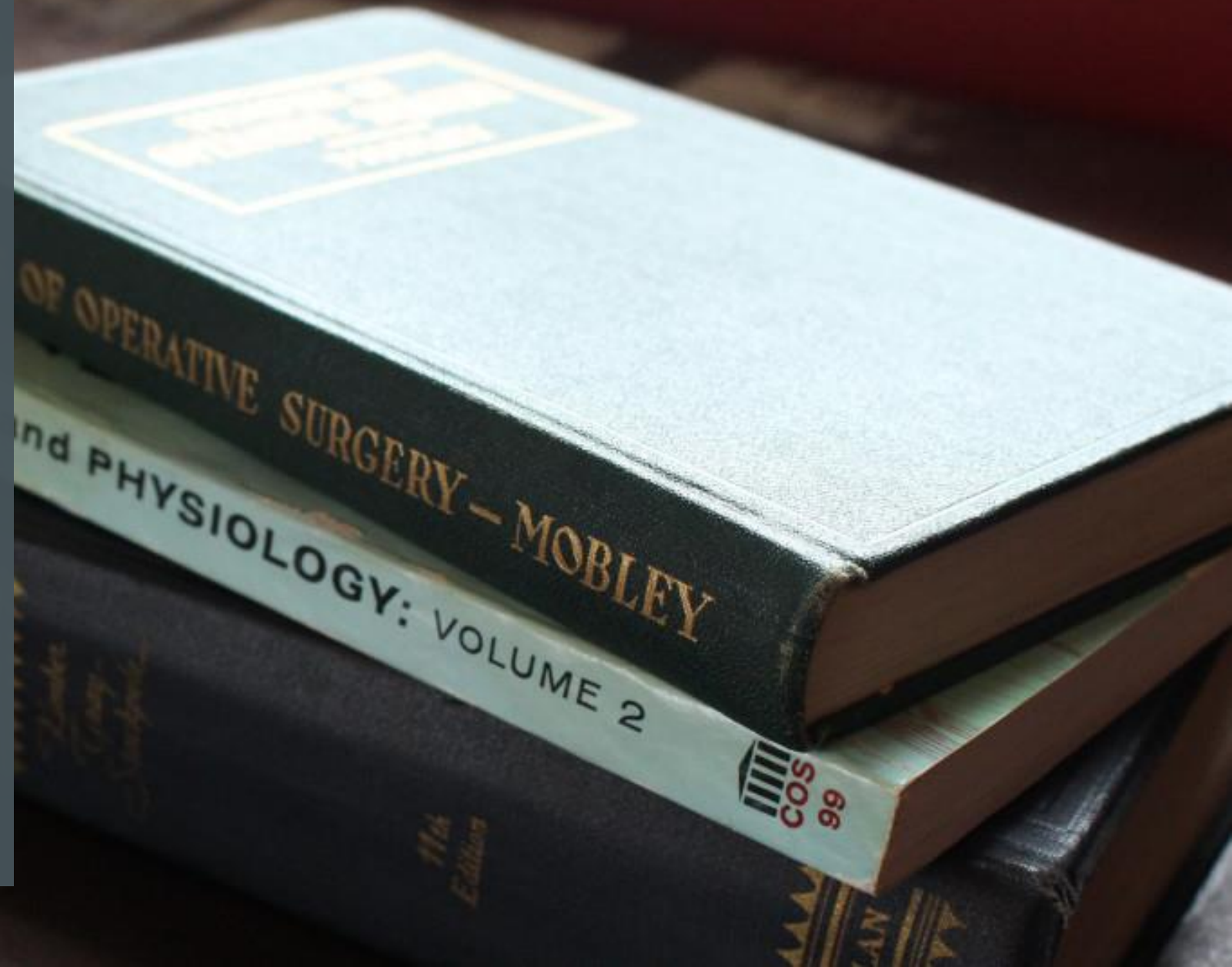


PEER REVIEWER MUST...

- Withdraw from the Peer Review if they had direct involvement with the care in question
- Specialized knowledge required exceeds his/her expertise
- They feel uncomfortable judging the care
- Abstain from review of cases if there is a conflict of interest
- Unable to conduct an objective, impartial, accurate, and informed review

PEER REVIEWER MUST...

- Use the Levels of Care to assign the standard of care given by an individual provider
- Conduct each review through application of current standards of care
- Use peer-reviewed professional literature to support clinical determinations

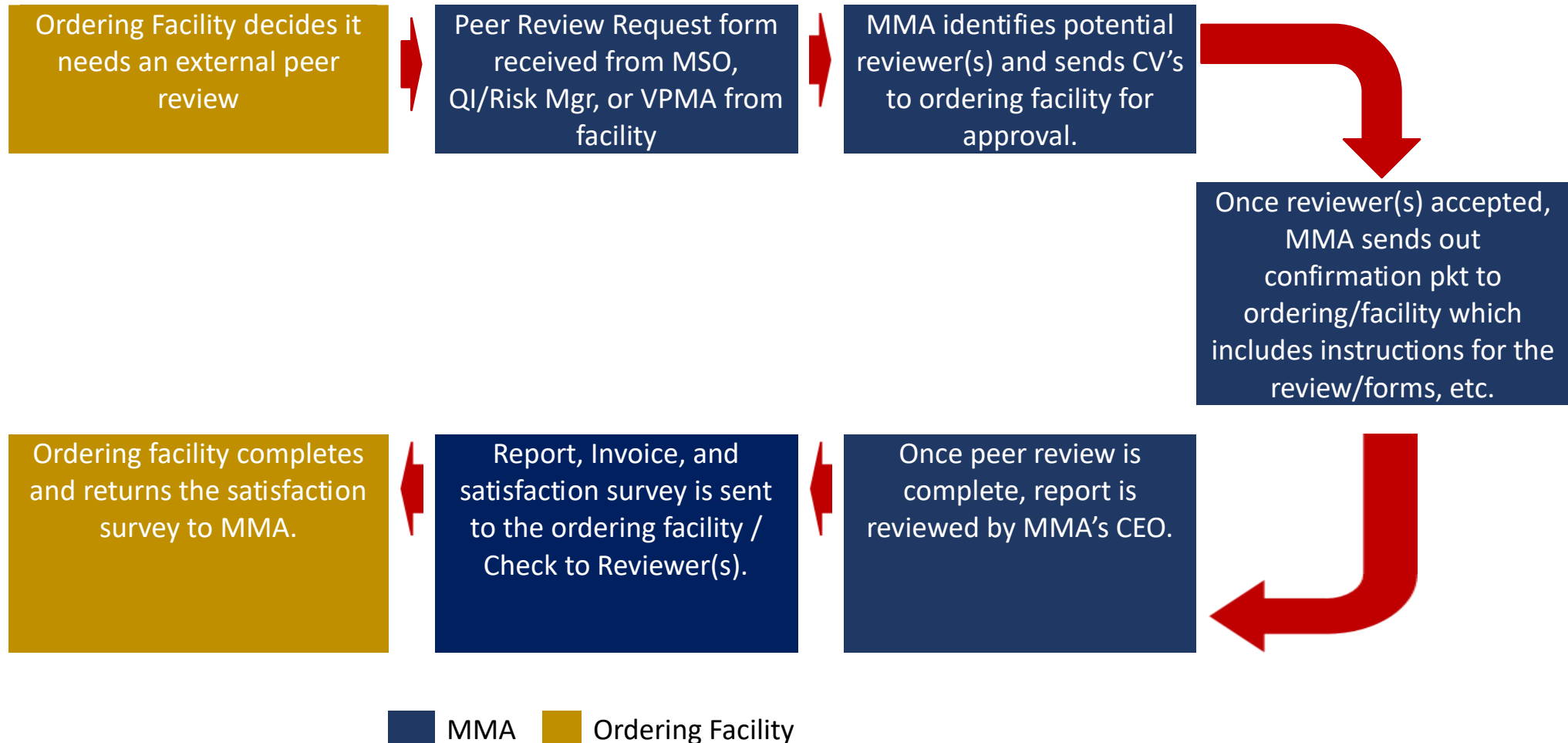


PEER REVIEWER MUST...

- Address any system issues identified and any other information that supports the rationale for their decision on the Level of Care
- Complete the initial Peer Review on time
- Maintain confidentiality
- Do NOT interview anyone involved in the case
- Do NOT discuss the case with anyone
- Conduct a review of documentation only

**MEDICAL
CONFIDENTIALITY**

External Peer Review Workflow



Maine Peer Review Protection

§3296. Records of proceedings of medical staff review committees confidential [from Chapter on Board of Licensure in Medicine]

“All proceedings and records of proceedings concerning medical staff reviews, hospital reviews and other reviews of medical care conducted by committees of physicians and other health care personnel on behalf of hospitals located within the State or on behalf of individual physicians, when the reviews are required by state or federal law, rule or as a condition of accreditation by the Joint Commission on Accreditation of Hospitals **or are conducted under the auspices of the state or county professional society to which the physician belongs, are confidential and are exempt from discovery.**”



NEW CHANGES TO MMA'S EXTERNAL PEER REVIEW PROGRAM

- A new section to MMA's External Peer Review Form has been added.
- An external peer reviewer training packet has been created for physicians new to peer review.
- A peer review mentoring program for new reviewers

Confidentiality of Health Care Information

§1711-C. Confidentiality of health care information

6. Disclosure without authorization to disclose. A health care practitioner or facility may disclose, or when required by law must disclose, health care information without authorization to disclose under the circumstances stated in this subsection or as provided in subsection 11. Disclosure may be made without authorization as follows:

- B. To an agent, employee, independent contractor or successor in interest of the health care practitioner or facility including a state-designated statewide health information exchange that makes health care information available electronically to health care practitioners and facilities or to a member of a quality assurance, utilization review or peer review team to the extent necessary to carry out the usual and customary activities relating to the delivery of health care and for the practitioner's or facility's lawful purposes in diagnosing, treating or caring for individuals, including billing and collection, risk management, quality assurance, utilization review and **peer review**. Disclosure for a purpose listed in this paragraph is not a disclosure for the purpose of marketing or sales;

RESOURCES

- [The Peer Review Clinic \(hortyspringer.com\)](http://hortyspringer.com)
- [Medical Records, Confidentiality, & Access | Maine State Legislature](#)
- [Peer Review: Best Practices for Enhancing Quality - Patient Safety & Quality Healthcare \(psqh.com\)](http://psqh.com)
- [Professional Self-Regulation | ama-coe \(ama-assn.org\)](http://ama-coe.ama-assn.org)
- [Legal Risks Abound in Peer Review; Good Process Required | 2018-03-14... \(reliasmedia.com\)](#)



Thank you / Questions?

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