

# TACONIC IPA, INC. (“TIPA”)

## REGULAR APPEAL AND HEARING

1. In the event that the Credentialing Committee or the Peer Review Committee determines after a reasonable investigation that the Participating Physician Agreement of a Participating Physician (“Participating Physician” or “Physician”) be terminated (excluding non-renewal of such Agreement), the Committee shall notify the TIPA CEO. After reviewing the entire record of the Committee’s investigation and determination, the CEO shall provide written notice to the affected Physician in accordance with the provisions set forth below.
  - A. The CEO shall notify the Physician, in writing, of the proposed action. The notice shall include: (a) the reasons for the proposed action; (b) notice that the Physician has the right to request a hearing before a body appointed by TIPA (the “Hearing Body”); (c) a time limit of not less than thirty (30) days within which the Physician may request a hearing; and (d) a time limit for a hearing which must be held within thirty (30) days after TIPA’s receipt of a request for a hearing.
  - B. The Hearing Body shall be comprised of three persons appointed by TIPA. At least one person on such Hearing Body shall be a clinical peer in the same discipline and the same or similar specialty as the affected Physician. Action may be taken by the Hearing Body based upon a two-thirds majority. Hearing Body members shall not be in direct economic competition with the affected Physician.
  - C. Rules relating to the examination of witnesses and the presentation of evidence in a court of law shall not apply at the hearing. TIPA may adopt such rules and make such rulings and determinations with respect to the conduct of the hearing as it deems appropriate in the interests of arriving at a just result in an orderly and efficient manner.
  - D. Following the hearing, the Hearing Body shall render a written decision on the proposed action in a timely manner. Such decision shall include one of the following: reinstatement of the Physician by TIPA or provisional reinstatement subject to conditions set forth by TIPA or termination of the Physician’s Participating Physician Agreement. The hearing panel decision shall be provided, in writing, to the Physician. A decision by the Hearing Body to terminate a Physician shall be effective not less than thirty (30) days after the receipt by the Physician of the Hearing Body’s decision. In no event shall termination be effective earlier than sixty (60) days from the receipt of the original notice of termination.
2. Notwithstanding anything to the contrary herein, the CEO shall have the right to terminate immediately a Participating Provider Agreement in cases involving: (a) imminent harm to patient care; (b) a determination of fraud; or (c) a final disciplinary action by a state licensing board or governmental agency that impairs the Physician’s ability to practice. Such termination shall be effective upon delivery of the notice of termination. Furthermore, such physician shall not be entitled to a hearing as provided above.