

the AMA's House of Delegates, substantially all United States physicians, residents and medical students are represented in the AMA's policy making process. The objectives of the AMA are to promote the science and art of medicine and the betterment of public health. AMA members practice in all areas of specialization and in all 50 states, including the State of Florida.

2. Interest of Movants

This case concerns the right of Anil Desai, MD, a physician whose medical competence has been questioned, to be reviewed by his peers, according to the procedures specified in the medical staff bylaws of Lawnwood Medical Center (the Hospital). The United States Congress has endorsed medical staff peer review as a mechanism for the prevention of medical error, 42 U.S.C. § 11101(5) (finding "an overriding national need to provide incentive and protection for physicians engaging in effective professional peer review"), as has the Florida Legislature,

§ 395.0191(1), Fla. Stats. (medical peer review encouraged "to secure the provision of quality medical services to the public"). Those laws were crafted in large part through the lobbying efforts of *amici* (nationally, by the AMA, in Florida, by the FMA). *Amici* have numerous policies supporting the enforcement of medical staff bylaws and supporting good faith peer review. *Amici* therefore have an interest in making sure that, in this case, Florida law is upheld as the Florida Legislature intended and the Florida courts have heretofore recognized.

3. Issues to be Addressed

The proposed *amicus* brief will address (i) the various ways in which the Hospital violated Dr. Desai's contractual rights and the requirements of Florida statutory law when it refused to renew his medical staff privileges without following the peer review procedures specified in the medical staff bylaws, and (ii) the ways in which the trial court erred by ruling that Dr. Desai was obliged to accept the Hospital's

“Fair Hearing and Appellate Review Procedures,” rather than the peer review procedures specified in the medical staff bylaws.

4. Assistance to the Court in the Disposition of the Case

Movants believe that, because of their extensive experience with medical staff bylaws and medical staff peer review, they can help the Court better appreciate the legal and policy issues that permeate this case.

/s/ Mary Thomas
Mary Thomas, Attorney for
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Certificate of Service

I certify that the foregoing motion was submitted to the Clerk of the Florida Supreme Court and delivered by e-mail this 27th day of March, 2018 to:

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