

Erin L. Muellenberg

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Erin Muellenberg brings a strong skillset to her exclusive practice of medical staff law. As a former director of medical staff services in a large community-based hospital, she is intimately familiar with the daily operations of the medical staff organization and its governance process. Erin's practice focuses on advising hospitals, health systems, critical access hospitals, ambulatory surgery centers, and medical groups on the regulatory, compliance, and practical requirements of credentialing, peer review, disciplinary matters and for interfacing the medical staff and allied health professional staff with hospital operations.

Erin's representative work includes:

- Development of model bylaws and a fair hearing plan for a large hospital system that includes mediation, arbitration and dedicated hearing panels
- Organized large multi-state provider group into peer review body and established bylaws, policies, rules and regulations related to credentialing, peer review and self-governance
- Established sharing agreements between medical group and hospital and within multi-hospital system
- Developed bylaws and governance documents for multi-hospital unified medical staff
- Litigated multiple medical staff hearings, governing board appellate hearings and associated writs of mandamus
- Develop and assist with implementation of individual provider remediation plans, behavior contracts and performance improvement plans
- Advise and assist with management and self-disclosure of medical staff compliance matters
- Support and strengthen Well-Being Committee and provider resilience processes
- Assist and advise on combining separate facility medical staffs
- Code of conduct, general and department specific rules and regulations, and policies and procedure development, review and revision
- Develop and advise on processes for strengthening credentialing, peer review and information sharing
- Manage and advise on disciplinary processes for employed providers
- Development of general and facility specific medical staff leadership education and orientation programs

Capabilities

- Medical Staff Governance, Operations and Disputes
- Health Care Litigation
- Hospitals and Health Systems

Erin has significant experience with assisting health systems with the due diligence associated with acquisitions. Specifically, this includes:

- Evaluation and risk assessment of proposed acquisition's organized medical staff, including high profile peer review and disciplinary matters
- Revision of medical staff bylaws, rules, regulations, policies and procedures consistent with new structure
- Unification or standardization of medical staffs between multiple hospitals

Erin frequently writes and lectures on a variety of health law topics, including credentials, peer review, compliance, provider health and well-being, risk management, and the medical staff fair hearing process. She is also an active member of the California and National Association of Medical Staff Services, California Society for Healthcare Attorneys, and American Health Lawyers Association.

Education

- Western State College of Law at Argosy University (B.S., *cum laude*, 1987)
 - Law
- Western State College of Law at Argosy University (J.D., *cum laude*, 1988)
 - Law Review contributor
- Certified Professional Medical Service Management (Certificate)

Bar Admissions

- California, 1989

Court Admissions

- U.S. District Court, Central District of California

Memberships

- California Association of Medical Staff Services
- National Association of Medical Staff Services
 - Chair, Education Committee 2020-2022
- California Society for Healthcare Attorneys
 - Education Committee
- American Health Law Association
 - Medical Staff, Peer Review & Credentialing Practice Group

Recognition

- Selected for inclusion in *The Best Lawyers in America*® for Health Care Law, 2021-2023
- Selected by Daily Journal for inclusion in, Top Health Care Lawyers, for Health Care Law, 2020

Matters

- Represented Medical Executive Committee ("MEC") in contentious hearing with a dedicated hearing panel that was able to be completed within two weeks. Finding for the MEC and upheld on appeal.
- Successfully represented hospital in identification and self-disclosure of multiple missing attestation forms, saving approximately \$4 million.
- Successfully negotiated a resolution and exit strategy for disruptive provider with state and federal reporting.
- Successfully managed a senior physician through the well-being process and assisted hospital in development of late career practitioner policy. Reached settlement and resolution of contentious hearing through mediation.
- Advised and assisted a governing board in understanding and accepting the recommended provider termination action.
- Assisted a large medical group in becoming an organized peer review body and developing corresponding governance structure and fair hearing plan.
- Developed corrective action and hearing procedures for peer review bodies which included mediation, alternative dispute resolution and dedicated hearing panel clauses.
- Established peer review sharing arrangements between acute care hospitals and clinics, foundations and medical groups.
- Unified medical staffs of hospitals within same system and completed unified governance documents and sharing arrangements.
- Established chief's table for sister hospital.
- Established and provided external peer review services to multiple hospitals and health systems throughout the country; negotiating to successful resolution physician disciplinary matters.
- Assisted medical staffs and hospitals in understanding and implementing disaster privileging.
- Worked with ethics committees to establish scare allocation resource policies.
- Litigated multiple medical staff hearings, governing board appellate hearings and wrote and responded to associated writs of mandamus.
- Successfully guided an all physician Board to develop and implement a strategic plan and recruitment and retention program that has improved care and increased profits.

Publications

August 31, 2022

Med-Staff Quarterly Newsletter

Med-Staff Quarterly Newsletter

January - February 2022

2022 Medical Staff Leaders and their Legal Advisors: Managing Today's Challenges

October 2021

Med-Staff Quarterly Newsletter

October 18-21, 2021

Hiding in Plain Sight 2021

Speaker, National Association of Medical Staff Services Annual Conference

October 18-21, 2021

Multi-level Critical Analysis of Appointments and Reappointments: Avoiding the one who slipped through

Speaker, National Association of Medical Staff Services Annual Conference

September 30, 2021

Legal Update, Covid & Credentialing

Speaker, Wisconsin Association of Medical Staff Services Annual Conference

September 23, 2021

Hiding in Plain Sight 2021

Speaker, Illinois Association of Medical Staff Services Annual Conference

July 21, 2021

Med-Staff Quarterly Newsletter

July 16, 2021

Credentialing Basics, Red Flags & Dr. Death

Speaker, New Mexico Association of Medical Staff Services Annual Conference

July 13, 2021

Multi-level Critical Analysis Appointments and Reappointments: Avoiding the one who slipped through

Speaker, California Association of Medical Staff Services Annual Conference

July 6, 2021

Hiding in Plain Sight 2021

Speaker, California Association of Medical Staff Services Annual Conference

May 2021

California Bill SB 642 Will Not Move Forward This Year

May 14, 2021

Hiding in Plain Sight 2021

Speaker, Montana Association of Medical Staff Services Annual Conference

May 14, 2021

Lesson Learned from the Pandemic and Other Disasters

Speaker, Montana Association of Medical Staff Services Annual Conference

May 4, 2021

California Health Care Stakeholders, Providers and Investors Take Note: SB 642 Clears California Senate Health Committee

April 26, 2021

Hiding in Plain Sight 2021

Speaker, Oregon Association of Medical Staff Services Annual Conference

April 26, 2021

Lessons Learned from the Pandemic and Other Disasters

Speaker, Oregon Association of Medical Staff Services Annual Conference

April 21, 2021

Lessons Learned from the Pandemic and Other Disasters

Speaker, Washington Association of Medical Staff Services Annual Conference

April 2021

Med-Staff Quarterly Newsletter

March 26, 2021

Medical Staff Leadership

Speaker, Polsinelli Annual Medical Staff Conference

March 2021

Webinar Series - Medical Staff Leaders and their Legal Advisors: Managing Today's Challenges

February 8, 2021

What We Have Learned from the Pandemic and Other Disasters

Presenter

January 29, 2021

What we have Learned from the Pandemic and other Disasters

Speaker, NAMSS Webinar

January 1, 2021

Virtual Medical Staff Meetings in Light of COVID-19

Co-Author, American Health Law Association (AHLA)

November 8, 2020

Compliance and the Medical Staff: What You Should Know

Presenter

October 13, 2020

Confidentiality and Protections: Encouraging Effective Peer Review

Presenter

October 2020

Med-Staff Quarterly Newsletter

September 24, 2020

Hiding in Plain Sight

Presenter, NAMSS

May 27, 2020

Disaster Privileges

Presenter, CAMSS

April 14, 2020

COVID-19 and the Medical Staff Officer

Presenter

April 6, 2020

Medical Staff Credentialing and Telehealth Links During the COVID-19 Emergency
COVID-19 Blog

February 25, 2020

Legacy Health: Case Studies
Presenter

January 20, 2020

Medical Staff Leadership Orientation - JPS Health System
Speaker

January 2020

Med-Staff Quarterly Newsletter

January 8, 2020

Organized Medical Staff for Leaders
Presenter

January 6, 2020

How to Run an Effective Medical Staff Meeting
Presenter

December 16, 2019

Minutes Do's and Don'ts
Presenter, TSMSS

October 11, 2019

CVO Symposium - Whose Bucket Is It
Presenter, NAMSS

September 2019

Med-Staff Quarterly Newsletter

July 2019

California's Patients Right to Know Act of 2018: What Providers Need to Know

June 13, 2019

Diversity/Implicit Bias on the Medical Staff-How to Raise Awareness and Implement Best Practices for Your Medical Leadership Team
Presenter, AHLA

May 24, 2019

Credentialing Basics, Red Flags & Dr. Death
Presenter, California Association of Medical Staff Services Annual Education Conference

May 24, 2019

Hiding in Plain Sight Credentialing and Peer Review Gone Wrong
Presenter, California Association Medical Staff Services Annual Educational Conference

May 17, 2019

Minutes Do's and Don'ts: A Legal Perspective
Presenter, Texas Association of Medical Staff Services

May 2019

California Bill Would Require Hospitals, Clinics and Other Health Facilities to Report

Allegations of Patient Sexual Abuse to State Regulators

May 12, 2019

The False Claims Act and the Medical Staff Office: What You Should Know

Presenter, Washington Association of Medical Staff Services Annual Educational Service

April 24, 2019

Hiding in Plain Sight Credentialing and Peer Review Gone Wrong

Presenter, CAMSS Long Beach Chapter

April 19, 2019

Credentialing, Peer Review and Information Sharing: A Day in the MSP's Life

Presenter, CAMSS Desert Chapter Educational Meeting

April 12, 2019

Dr. Death: Credentialing and Peer Review Gone Wrong

Presenter, Desert CAMSS Chapter

April 2019

Med-Staff Quarterly Newsletter

February 2019

California Hospitals Cannot Use an Exclusive Contract to do an End-Run around a Medical Staff Member's Right to Notice and a Fair Hearing

January 26, 2019

Medical Staff Leadership Orientation

Presenter, Community Memorial Health System Ventura County Medical Center

November 2018

NPDB Quietly Announces October 2018 Guidebook

November 2018

Senate Bill 1152: California's Hospital Discharge Policy for Homeless Patients and How It May Affect Substance Use Disorder Treatment Providers

November 2018

Senate Bill 1152: California's Hospital Discharge Policy for Homeless Patients and How It May Affect Substance Use Disorder Treatment Providers