



American College of
Emergency Physicians®

ADVANCING EMERGENCY CARE 

POLICY STATEMENT

Approved September
2018

Due Process for Physician Medical Directors of Emergency Medical Services

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The American College of Emergency Physicians (ACEP) considers Emergency Medical Services (EMS) a practice of medicine requiring physician oversight, reaffirms its commitment to physician medical director leadership in EMS, and supports the following principles:

- Physician medical directors in EMS systems who are practicing in accordance with the principles of responsible, ethical, evidence-based, patient-centered oversight of EMS systems must be afforded due process rights in their EMS oversight responsibilities or contracted services.
- Physician due process rights help to sustain and advance quality patient care and patient safety.
- The threat of termination or actual termination from EMS medical oversight services for physician medical directors in EMS systems without the right of a fair hearing prevents physician medical directors in EMS systems from fully advocating for patients for fear of retribution. Denial of due process rights for physician medical directors in EMS systems is a critical quality-of-care issue that negatively impacts patients.
- The right to due process is well established in the United States healthcare system, found in the Healthcare Quality Improvement Act of 1986 and affirmed in the 14th Amendment of the Constitution of the United States.
- Physician medical director in EMS contracts should include a due process clause. Employed or independently contracted physician medical directors in EMS systems should be protected from any clause in relevant contracts requiring that due process be waived unless the physician medical director is part of a group that chooses to terminate its group affiliation with the EMS system.

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- ACEP encourages the Centers for Medicare and Medicaid Services (CMS) to guarantee due process rights for physician medical directors in EMS systems by making such rights un-waivable and irrevocable through the Medicare Conditions of Participation and other appropriate avenues.
- Employment due process protections subject to this policy are intended to be exclusive of due process procedures associated with hospital or other health care entity peer review policies and procedures.