



American College of
Emergency Physicians®

ADVANCING EMERGENCY CARE 

POLICY STATEMENT

Approved April 2021

Emergency Physician Rights and Responsibilities

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The American College of Emergency Physicians (ACEP) believes that high-quality emergency care is best provided when emergency physicians practice in a fair and equitable environment. To provide guidance to physicians and others with respect to contractual arrangements involving the practice of emergency medicine in any setting, ACEP hereby adopts this statement of Emergency Physician Rights and Responsibilities.

Emergency physicians' practices are often pursuant to a contractual arrangement. The legitimate purpose of such contracts is to ensure the efficient and reliable staffing of the emergency department (ED) or other practice setting. However, such contracts may limit or eliminate physicians' rights under the medical staff bylaws and contain other provisions that may compromise the professional autonomy of physicians. Consequently, such contracts may harm the public interest.

This document should be of value to hospitals, physicians, and professional or business entities contracting with individual physicians or groups of physicians for the provision of emergency care. It is anticipated that these guidelines will benefit the profession and the public. These guidelines are not intended to dictate individual contracting practices; rather, ACEP members must make independent determinations regarding their employment and contractual relationships with hospitals, practice groups, and other entities based on their individual circumstances.

Rights of Emergency Physicians

1. Emergency physician autonomy in clinical decision making should be respected and should not be restricted other than through reasonable rules, regulations, and bylaws of his or her medical staff or practice group. This includes reasonable, good faith deviations from current, published ACEP clinical policies based upon the particular clinical situation in a given patient.
2. Emergency physician autonomy should not be unduly restricted by value based or other cost-saving guidelines, contracts, rules, or protocols. The physicians must have the ability to do what they believe in good faith is in the patient's best interest.

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3. Emergency physicians and their patients have a right to adequate emergency physician, nurse and ancillary staffing, resources, and equipment to meet the acuity and volume needs of the patients. The facility management must provide sufficient support to ensure high-quality emergency care and patient safety. Emergency physicians shall not be subject to adverse action for bringing to the attention, in a reasonable manner, of responsible parties, deficiencies in necessary staffing, resources, and equipment.
4. Emergency physicians should be reasonably compensated for clinical and administrative services and such compensation should be related to the physician qualifications, level of responsibility, experience, and quality and amount of work performed.
5. Emergency physicians should not be required to purchase unnecessary, unneeded, or excessively priced administrative services from a hospital, contract group of any size, or other parties in return for privileges or patient referrals.
6. Emergency physicians are entitled to detailed itemized reports of billings and collections in their name on at least a semi-annual basis regardless of whether or not billing and collection is assigned to another entity within the limits of state and federal law. Emergency physicians have the right to audit such billings at any time without retribution. The emergency physician must not be asked or induced to waive access to this information.
7. Emergency physicians should be provided access to timely quality and other performance metrics.
8. Emergency physicians are entitled to due process before any adverse final action with respect to employment or contract status, the effect of which would be the loss or limitation of medical staff privileges or their ability to see patients. Emergency physicians' medical and/or clinical staff privileges should not be reduced, terminated, or otherwise restricted except for grounds related to their competency, health status, limits placed by professional practice boards or state law.
9. Emergency physicians should not be required to render anything of value in return for referral of patients by a healthcare facility (eg, through the awarding of an exclusive contract) other than assurances of reliability and high-quality care; nor should emergency physicians receive anything of value in return for referrals of patients to others.
10. Emergency physicians should have the rights outlined in the Emergency Physicians Contractual Relationships policy statement.¹
11. Emergency physicians have the right to be free from restrictive covenants that restrict their ability to practice medicine, for a period of time or in a geographic area, upon termination of employment or a contract. Such restrictions are not in the public interest.

Responsibilities of Emergency Physicians

1. Emergency physicians bear a responsibility to practice emergency medicine in an ethical manner consistent with contemporary, evidence-based emergency medicine principles.
2. Emergency physicians must maintain current emergency medicine knowledge and skills through independent study, continuing medical education (CME) activities, and appropriate requirements to maintain board certification.
3. Emergency physicians should exhibit attributes of professionalism in the healthcare facility where their practice is based including altruism, accountability, duty, honor, integrity, respect, and positive patient experience.
4. Emergency physicians are encouraged to participate in medical staff and/or hospital affairs.
5. Emergency physicians shall gain knowledge of the basic principles of documentation, coding and reimbursement.
6. In order to interpret practice revenue and expense information, emergency physicians are encouraged to gain knowledge of practice expenses, and other applicable physician administration costs.
7. Emergency physicians should have a working knowledge of quality and other performance metrics and ensure that their practice is consistent with this knowledge.

8. Emergency physicians must maintain knowledge of and compliance with major federal and state laws and regulations that affect the practice of emergency medicine.

¹ American College of Emergency Physicians. Emergency Physicians Contractual Relationships (policy statement). Approved April 2021.