



COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ATTORNEY GENERAL

JOSH SHAPIRO  
ATTORNEY GENERAL

October 31, 2019

Dr. Robert McNamara  
830 Foxwood Circle  
Lafayette Hill, PA 19444

Dear Dr. McNamara:

Thank you for filing a complaint with the Pennsylvania Office of Attorney General and for the five anonymous complaints you forwarded to our office. We have carefully evaluated these complaints. As explained below, we have referred these complaints to the Pennsylvania Department of Health, which licenses and regulates hospitals, and the Pennsylvania Department of State, which licenses physicians and regulates their practice of medicine.

The complaints raised primarily concern the impact of TeamHealth's business practices on the quality of care doctors provide and patients receive. There is an overarching concern expressed that the corporate control of medicine is designed to maximize profits and compromises care. Some of the specifics indicated in the anonymous complaints include:

- (1) Changing hours and lengths of shifts to maximize profits
- (2) Levels of staffing and use of doctors v. mid-level providers
- (3) Use of non-board-certified Emergency Medicine physicians rather than board-certified EM physicians
- (4) Favoritism toward lower-pay-scale physicians
- (5) Use of non-compete clauses of 2-years to "blacklist" physicians in local markets, including rural markets where physicians are scarce
- (6) Rigid control over billing practices by TeamHealth administrators
- (7) The use of an RVU-based model for compensation that means that "to make a competitive wage," doctors had to see an "unsafe number of patients per hour," resulting in mistakes.
- (8) Sending physicians home during slow periods, resulting in being short-staffed when volume increased.
- (9) Terminating physicians who don't "tow the line," without due process.
- (10) The pushing of various performance metrics to improve productivity, particularly physician time with patients, and the penalization of physicians who object or fail to meet them by removing those physician from work schedules or targeting lower acuity patients to them, resulting in lower compensation and limiting experience with higher acuity patients.



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The practices concern the quality of care physicians who work for TeamHealth are able to provide given the work environment in which these physicians find themselves after being hired and whether their work is being directed by non-licensed persons.

Jurisdiction over the quality of care provided in Pennsylvania hospitals rests with the Pennsylvania Department of Health and consequently we have referred these complaints to that agency.

The Pennsylvania Department of State licenses physicians and other health care providers. The Pennsylvania Department of State also has the authority to determine whether an individual or entity is engaging in the practice of medicine or related professions without being properly licensed and to take action accordingly. The allegations that have been made suggest that productivity metrics utilized by TeamHealth and the oversight of supervisory personnel, to the extent they are not licensed health care providers, may violate prohibitions against the unlicensed practice of medicine. Consequently, we also referred these complaints to the Pennsylvania Department of State.

The primary jurisdiction of the Office of Attorney General to take action in matters such as the one you have brought to our attention is the law that protects consumers from deceptive business practices, Pennsylvania's Unfair Trade Practices and Consumer Protection Law ("UTPCPL"). 73 P.S. § 201-1, et seq. That law enables the Attorney General to bring civil actions to address unfair or deceptive acts or practices in trade or commerce. Deception and misrepresentation toward consumers and the effect on the consumer is generally the focus of our office in determining whether action by our office is warranted.

In evaluating complaints pertaining to medical services, our office is limited by case law that has determined that the UTPCPL does not apply to providers of medical services. *Walter v. Magee-Womens Hosp. of UPMC Health Sys.*, 876 A.2d 400 (Pa. Super. 2005). Further, under the UTPCPL, protecting consumers is focused not on whether consumers receive the services they should receive but upon the representations that are made regarding those services and whether consumers have been deceived.

We appreciate concerned citizens like you and Dr. Shapiro bringing this matter to our attention. The issues you have raised are concerning, and especially problematic in today's healthcare climate. In cases such as this, the limitations on the legal remedies that can be sought in particular circumstances can be an issue for the General Assembly to take up. Thank you



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again for sharing this, and please do not hesitate to file a complaint with our office should you have other concerns in the future.

Very truly yours,

A handwritten signature in black ink, appearing to read "Geoffrey A. Hale".

Geoffrey A. Hale  
Acting Chief Deputy Attorney General  
Health Care Section