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Surgeon sues med center

*BY SUSAN JENKS
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Dr. Richard Hynes, the chief medical officer at Holmes Regional Medical Center, is suing the Melbourne hospital's board of directors for violating hospital bylaws and potentially compromising patient care.

On behalf of the hospital's medical staff, the Melbourne-based orthopedic surgeon filed the suit in state court earlier this week, alleging that the board violated its own bylaws, which form a contract under Florida law between the hospital and doctors and allied health professionals who work at the hospital.

"This is all about ensuring quality of patient care," said Richard Levenstein, the attorney for Hynes, the president of the medical staff, and the hospital's estimated 584 physicians.

Health First spokesman, Elliot Cohen, called the lawsuit more than groundless.

"I would say it's childish and irresponsible," he said. "We've tried to accommodate the issues raised (in the suit) on numerous occasions before."

In a 12-page complaint before Florida's 18th Judicial Circuit Court, the lawsuit alleges that the Holmes hospital board breached the hospital's bylaws by:

- Refusing to "relinquish possession, custody and control" over meeting reports and minutes of the medical staff, unless the staff's own records were copied "at cost."

Cohen said it's true that Holmes would charge a fee of \$451 to copy these records, which stretch back 12 years and involve over 7,000 pages, but "the bottom line is any doctor who asks to see them" at the hospital can do so.

- Barring Levenstein from hospital grounds without prior permission, "creating a chilling effect on the parties' relations."

Cohen denied that Levenstein has ever been barred from hospital grounds.

- Establishing shadow committees in "bad faith," staffing them with doctors of the board's own choosing.

"There is nothing improper about seeking other opinions," Cohen said, "and there is nothing in the bylaws that prohibit it."

- And, refusing to allow the medical staff's vice president, Dr. Joseph Wasselle, a general and vascular surgeon, the authority to attend hospital board meetings in Hynes' stead.

In this case, Cohen said, the board went to "the trouble of changing its bylaws to allow Wasselle to serve as a voting member" of the hospital board.

Health First officials stripped Hynes of his role on the board as an ex-officio member last February

because of a conflict of interest, tied, they said, to a antitrust lawsuit he filed against Health First, which operates Holmes, in 2007.

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