CONSUMER GUIDE TO

THE VIRGINIA BOARD OF MEDICINE

Responsibilities of Consumers

First and foremost, be an educated consumer. Consumers of health care can obtain information that may be useful in selecting a physician or other health care practitioner. The Board can assist by disclosing if a practitioner is currently licensed and if disciplinary action has ever been imposed. Members of the public can inquire if the Board has any public information in a practitioner's record.

Citizens who believe that a practitioner of the healing arts has engaged in unprofessional conduct or has violated applicable statutes or the regulations of the Board should contact the Board or the Department of Health Professions. Unless such problems are brought to the attention of the Board and the Department, practitioners may continue to practice in a manner which endangers the public.

Mission Statement

The mission of the Virginia Board of Medicine is to foster the safe and competent delivery of health care services to the citizens of the Commonwealth through the following activities:

- Licensing applicants who meet minimum qualifications as determined by law and regulation.
- Taking appropriate action to enforce compliance with legal requirements.
- Developing and promulgating regulations which govern the practice of regulated professions.
- Studying and recommending the appropriate degree of regulation of health related professions and occupations.

Vision Statement

Provide the optimal achievable regulatory system which promotes safe and effective delivery of services by practitioners of the healing arts.

The primary responsibility and obligation of the Virginia Board of Medicine is to protect consumers of health care services through proper licensing and regulation of doctors of medicine, osteopathy, podiatry, chiropractic, and other practitioners of the healing arts.

The practice of medicine is not an inherent right of an individual, but a privilege granted by the citizens of Virginia. To protect the public from the unprofessional, improper, and incompetent practice of medicine, the state must provide laws and regulations that outline the practice of medicine and the other healing arts. The responsibility of the medical board is to regulate that practice as outlined in state law.

Administration and Operation of the Virginia Board of Medicine

The Virginia Board of Medicine ("Board") is composed of 17 members, appointed by the governor for four-year terms. Each member can be reappointed for a second and final four-year term. The Board has 11 medical doctors (one from each congressional district), one osteopath, one podiatrist, one chiropractor, one clinical psychologist, and two public members.

The Virginia Board of Medicine is part of the Department of Health Professions, an agency under the Secretary of Health and Human Resources. Other boards in the Department of Health Professions include the Boards of Nursing, Pharmacy, Dentistry, Funeral Directors and Embalmers, Nursing Home Administrators, Veterinary Medicine, Optometry, Audiology and Speech Pathology, Psychology, Social Work, Licensed Professional Counselors, Marriage and Family Therapists, and Substance Abuse Professionals. Funding the medical board activities comes from licensing and renewal fees. The Board of Medicine licenses and regulates doctors of medicine, osteopathy, podiatry, and chiropractic; interns/residents; physician assistants; and practitioners in physical therapy, occupational therapy, respiratory therapy, radiological technology, and acupuncture.

The Department of Health Professions and the Board of Medicine employ an administrative staff that includes executive directors, managerial staff, office service specialists, attorneys, legal assistants and investigators. Legal advice and counsel, as well as some prosecutorial functions, are provided by the Office of the Attorney General of Virginia.

Practitioner Licensure

Assembling a quality practitioner population to meet the needs of the public begins with licensure.

Through the licensure process, the Virginia Board of Medicine requires that all practitioners of the healing arts have appropriate education and training, and that they abide by recognized standards of professional conduct while serving their patients. Applicants must submit proof of education and training and provide details about their work history. Also, candidates for licensure must complete a rigorous national examination, designed to assess the ability to apply knowledge, concepts, and principles that are important in health and disease management, and that constitute the basis of safe and effective patient care. Applicants must reveal information regarding licensure, disciplinary action in other states, denials or suspensions of hospital privileges, adverse employment actions, forced resignations from training programs or work settings, medical, mental or substance abuse impairments which impact the ability to practice, malpractice cases, and arrests or convictions for criminal activity.

Practitioners licensed in Virginia must reregister biennially to continue their active status. During this reregistration process, practitioners are required to demonstrate that they have maintained acceptable standards of ethics and medical practice, and have not engaged in improper conduct.

The Board has a mandate to promulgate regulations to ensure continued practitioner competence which may include continuing education, testing, and/or other requirements.

Regulation of Practitioners of the Healing Arts

The duty of the board goes beyond the initial licensing of practitioners of the healing arts.

The Board of Medicine is empowered by law to conduct disciplinary proceedings in situations in which a practitioner's conduct or ability to practice violates relevant statutes or regulations. Such conduct or practice ability may warrant a reprimand, fine, or modification by suspension or revocation of a license or certificate. The Board reviews complaints from consumers, colleagues, treating professionals, employers, as well as malpractice data, information from hospitals, other health care institutions and law enforcement and reports from government agencies. The Board may refer for disciplinary proceedings those cases in which a violation of statute or regulation exists.

When a complaint about a practitioner is received, the complaint is initially screened to determine whether the actions complained of are within the regulatory authority of the Department of Health Professions and the Board of Medicine. If the complaint does assert a claim for which such jurisdiction exists, the case is referred to the Investigations and Enforcement Division and a full investigation is completed. The case is then submitted to the Board for review. Some cases are closed without scheduling administrative proceedings if the results of the investigation do not support a possible violation of statute or regulation. If the investigation has found evidence of a possible violation of law, the Board will hold administrative conferences or hearings and consider imposing disciplinary sanctions, such as a reprimand or fine or the restriction of a license by probation, suspension or revocation. The imposition of probation will require a practitioner to complete

certain activities, such as continuing education, receiving medical treatment or screening, limiting the number of patients or the number of working hours or may specify particular practice settings.

What is unprofessional conduct? *The Medical Practice Act and the Board's Regulations define unprofessional conduct.*

The Medical Practice Act is that portion of the Code of Virginia which pertains to all practitioners of the healing arts. The Board has promulgated regulations which further clarify some of the provisions in the Medical Practice Act.

Some examples of unprofessional conduct include the following:

- Impairment of the ability to practice because of illness or substance abuse
- Prescribing drugs without accepted therapeutic purpose
- Sexual contact with a patient
- Substandard care so as to be a danger to patients
- Performing duties beyond the scope of a license
- Dishonesty, fraud or other acts likely to deceive the public
- Commission or conviction of a crime
- Restriction of a professional license in another jurisdiction
- Delegating practice of the healing arts to an unlicensed individual

Some aspects of practitioner-patient relations, such as fee disagreements or poor customer service,

Public Protection vs Practitioner Discipline. *The Board focuses on protecting the public, not on punishing practitioners.*

While the Board has the authority to suspend or revoke licenses, other disciplinary actions, such as a reprimand or a fine or placing a practitioner's license on probation, may serve to protect the public without totally removing the practitioner from his practice. Probationary terms could require the practitioner to obtain additional training or rehabilitation, to practice in supervised settings, or to limit practice hours or number of patients seen.

Sharing of Information. *The Federation of State Medical Boards operates a National Board Action Data Bank that houses records of disciplinary actions dating to the 1960's. This information is available to all state medical boards and appropriate credentialing agencies.*

Disciplinary sanctions imposed by the Board are reported to the appropriate organizations such as the Federation of State Medical Boards, state and local professional societies, the American Medical Association, the American Osteopathic Medical Association, the National Practitioner Data Bank, and appropriate government agencies.

For more information contact:

The Virginia Board of Medicine
6606 West Broad Street, 4th Floor
Richmond, VA 23230-1717
(804)662-9908
fax (804)662-9943
Complaint line 1-800-533-1560 (in Virginia only)
E-mail WWW.DHP.STATE.VA.US