

VIRGINIA BOARD OF MEDICINE DISCIPLINARY PROCESS

Presented to the

JOINT SUBCOMMITTEE STUDYING

Risk Management Plans
For Physicians and Hospitals

SJT 394(2005)/HJR 704
(2005/SB601(2004))

September 20, 2005

The Board's Process:

- Complaint-Driven
- Governed by the Administrative Process Act
- Provides for a Range of Remedies

Steps in the Process:

- Complaint Received and Analyzed
- Assigned for Investigation
- Investigative Report sent to Board
- Probable Cause Review
- Case Closure or Statutory Remedy

The APA Provides For:

- Informal Conference
 - Fact-Finding
 - Committee of 3 Board Members
 - No Sworn Testimony
- Formal Hearing
 - Sworn Testimony
 - Court Reporter
 - Rules of Evidence
 - 5 or More Board Members
- Consent Order

Authority to Sanction

- **Informal**

- Reprimand
- Fine
- Probation

- **Formal**

- Suspend
- Revoke

Authority to Sanction

- Summary Suspension
 - Substantial Danger
- Mandatory Suspension
 - Loss of License in Another Jurisdiction
 - Felony Conviction

Resources

- 18 Board Members
- 6.5 Board Staff
- Investigators in Enforcement Division
- Adjudication Specialists in Administrative Proceedings Division
- Prosecutors in the Office of the Attorney General
- Medical Experts

Statistics

- Total Number of Licensees- 46,705
- Total MDs, DOs - 30,904
- Total MDs and DOs- 16,494
with VA practice addresses

Cases Received, Closed, & Open

Calendar Year	Received	Closed	Open
2001	1451	1102	1338
2002	1544	1450	1419
2003	2305	1733	1984
2004	2049	1918	2100
2005 (to 8/31)	1260	1221	2134

Informal Conferences, Formal Hearings & Consent Orders

Calendar Year	Number of IFC	Number of FH	Number of COs	Number of CCAs
2001	67	19	36	
2002	72	18	40	
2003	75	22	40	44
2004	70	23	49	390
2005 (to 8/31)	49	27	24	169

Board Actions

	2001	2002	2003	2004	2005 (to 8/31)
Total Loss of License Actions By Year	38	57	43	51	40

Board Actions

	2001	2002	2003	2004	2005 (to 8/31)
Total of Restriction of License Actions by Year	44	40	45	50	34

Paid Claims on Profile

■ Total # MDs/DOs with Claims	1448
■ Total # MDs/DOs with 1 Paid Claim	1191
■ Total # MDs/DOs with 2 Paid Claims	210
■ Total # MDs/DOs with 3 Paid Claims	40

Mean Paid Claims Since 1995

- All \$252,281
- Pathology \$820,778
- Allergy-Immunology \$53,039

Recent Statutory Changes

■ 2003

- Enhanced Reporting
- Intentional or Negligent Conduct
- Confidential Consent Agreements

■ 2005

- Competency Evaluation for Practitioners with 3 Paid Claims in a 10 year period

Case Resolution Times

	2001	2002	2003	2004	2005 (to 8/31)
All cases	374	312	333	207	265
Cases with a proceeding or an order	595	403	536	395	409
CCA	n/a	n/a	241	126	303