

Rhode Island Board of Medical Licensure and Discipline 2020 Annual Report

JANUARY 2021



Introduction

SARS-CoV2 changed the world, the United States, Rhode Island and the Department of Health. The Board of Medical Licensure and Discipline was no exception to the broad impact of the pandemic, that began in November of 2019 in Wuhan, China. Rhode Island saw its first patient February 28th, 2020. It is fair to say, that the year 2020, will never be forgotten.

A state of emergency was declared in Rhode Island March 9th, 2020. Among many changes required in our state was the requirement that professional boards meet using electronically and telephonic means. The BMLD started meeting telephonically in April 2020 and quickly transitioned to ZOOM throughout the remainder of 2020.

In spite of working under extraordinary conditions, the BMLD did not cancel any meetings and continued to carry out its mission to protect the public during this critical time.

Licensing Boards serve an important and often unrecognized service as they quietly protect the public. Assurance of a competent workforce is one the 10 essential public health services recognized by the Centers for Disease Control and Prevention (CDC)ⁱ. Board members possess unique technical expertise and function within a Just Culture as they exercise this duty. Complex issues that surround complaint investigations, health policy, establishment of rules and regulations, and issuance of licenses are some examples of these important duties.

The mission of the Board of Medical Licensure and Discipline (BMLD) is to protect the public through enforcement of standards for medical licensure and ongoing clinical competence. The BMLD has six members who represent the public, and seven members who are physicians. BMLD members receive no compensation of any type for their hundreds of hours of service annually.

BMLD Members	
Nicole Alexander-Scott, MD, MPH	Director, Rhode Island Department of Health, Chair
Jennifer Barry, Esq.	Public member, plaintiff attorney
Sajeev Handa, MD	Physician (Allopathic)
Alexios Carayannopoulos, DO	Physician (Osteopathic)
Sandra Coletta	Public member
Crista Durand	Public member, hospital administrator
Catherine DeGood, DO	Physician (Osteopathic)
Sabina Holland, MD*	Physician (Allopathic)
Nancy Kirsch	Public member
Leonard Green	Public member
David Kroessler, MD	Physician (Allopathic)
James Monti, MD	Physician (Allopathic, full-time faculty)
Patricia Delaney	Public member

The BMLD extends its thanks to outgoing Board member Joseph Dowling M.D.

*The BMLD is pleased to welcome new member Sabina Holland M.D.

The BMLD meets the second Wednesday of each month at the Rhode Island Department of Health (RIDOH) in Providence, and the open session of each meeting begins at 8:30 a.m. Any member of the public can attend the open session. Beginning in March of 2020, the Board met via telephone and transitioned to ZOOM in April of 2020.

The BMLD is housed entirely within RIDOH and is staffed by RIDOH employees who divide their time to effectively ensure the BMLD has the resources it needs to function at the highest level. BMLD staff were also fully involved in the RIDOH COVID response, often working longer hours to ensure the mission of the BMLD was fully executed. It is noteworthy, that the BMLD has no full-time employees.

BMLD Staff	
James V. McDonald, MD, MPH	Chief Administrative Officer
Morgan Goulet, Esq.	Senior Legal Counsel
Lauren Dixon-Lasso	Board Manager
Linda Julian	Board Investigator
Alexandra Bernard	Licensing Officer
Jessica DeSanto	Administrative Support

Licensing

Licensing of physicians, by examination or by endorsement, represents one of the essential functions of the BMLD. Ensuring that physicians who are allowed to practice medicine in Rhode Island are competent, ethical, and professional is critical to the licensing process.

Physician Licensing						
	2015	2016	2017	2018	2019	2020
Physician licenses issued	377	478	430	476	474	565
Physician license applications withdrawn	0	3	3	5	1	1
Physician license applications denied	0	0	0	0	0	0
Average number of days to receive physician license	29.5	25	31	25	26	28
Percentage of licenses approved in less than three days after receipt of final documents	95	99	97	93	99	100
Emergency Licenses issued (no fee)						797

Physician Licenses, By Type						
	As of 12/31/2015	As of 12/31/2016	As of 12/31/2017	As of 12/31/2018	As of 12/31/2019	As of 12/31/2020
Allopathic physicians	4,836	4,616	5,024	4,710	5,149	4946
Osteopathic physicians	335	316	365	340	418	437
Temporary Post Graduate license ⁴	N/A	N/A	N/A	16	13	13
Academic faculty, limited license ³	4	4	4	3	3	2
Volunteer license ²	2	15	15	16	17	14
Total Physicians with a Full License	5,177	4,951	5,408	5,085	5,598	5386
Physicians (MD and DO) with a Controlled Substance Registration	4,303	3,324	4,238	3,934	4,242	3982
Limited license (Training) ¹	781	808	843	829	881	888
Emergency Licenses						829

¹ Limited License: a physician, in accordance with regulation 1.3.4; in an approved accredited graduate medical education program 216-RICR-40-05-1 <http://sos.ri.gov/documents/archives/regdocs/released/pdf/DOH/8700.pdf>

² Volunteer License: a physician, in accordance with regulation 1.4.5; retired; receives no financial compensation; practices at a 501(c)(3) and has proof of malpractice coverage 216-RICR-40-05-1 <http://sos.ri.gov/documents/archives/regdocs/released/pdf/DOH/8700.pdf>

³ Academic Faculty License: a physician, in accordance with regulation 1.4.6; physician of noteworthy and recognized professional attainment who is clearly an outstanding physician and who has been offered a full-time academic appointment by the dean of an accredited medical school in Rhode Island. 216-RICR-40-05-1 <http://sos.ri.gov/documents/archives/regdocs/released/pdf/DOH/8700.pdf>

⁴ Temporary Post Graduate License: a physician, in accordance with regulation 1.4.4; new in 2018. 216-RICR-40-05-1 <http://sos.ri.gov/documents/archives/regdocs/released/pdf/DOH/8700.pdf>

Just Culture

Health equity and justice extends to all areas of RIDOH, so codifying Just Culture was a natural extension of this leadership vision that was accomplished in 2019 and continued throughout

2020. In the open session of the September 2019 meeting, the Board adopted a framework of decision-making regarding complaints at various stages in the complaint process. The figure below illustrates how a complaint that originates with the Center for Healthcare Facilities Regulation would be reviewed, and ultimately, if it would be referred to the BMLD. This framework was based on input at several open meetings with the Board as well as previously published workⁱⁱ. The framework was illustrated in the 2019 annual report.

Policy Statements

The BMLD approves policy statements about important or emergent public health issues when it believes a knowledge gap exists in the physician population. Due to the pandemic, the BMLD, in March of 2020, issued a policy statement regarding **GUIDANCE REGARDING THE PRACTICE OF TELEMEDICINE BY PHYSICIANS NOT LICENSED IN RHODE ISLAND FOR PATIENTS LOCATED IN RHODE ISLAND** (<https://health.ri.gov/publications/policies/RIDOH-Policies-Telemedicine.BMLD.3.20.20.pdf>). Existing policy statements are available at <http://health.ri.gov/licenses/detail.php?id=200> The

Rules and Regulations for Licensure and Discipline of Physicians

There were no changes to the *Rules and Regulations*ⁱⁱⁱ for the Licensure and Discipline of Physicians 216-RICR-40-05-1 in 2020.

Continuing Medical Education (CME) Activities

The BMLD, in conjunction with RIDOH, sponsored several CME events in 2020, most notably was the Pandemic Update for Provider (PUP) call that occurred weekly starting in April of 2020 and transitioning to biweekly in June of 2020, featuring current information about the pandemic from SARS-CoV2 causing the disease COVID-19. These CME were graciously made possible by the Brown CME program at no cost and covered a wide variety of topics relevant to the pandemic. These CME events featured the state's top subject matter experts regarding the pandemic and kept the medical staff of Rhode Island up to date on the public health and patient management approaches regarding the pandemic.

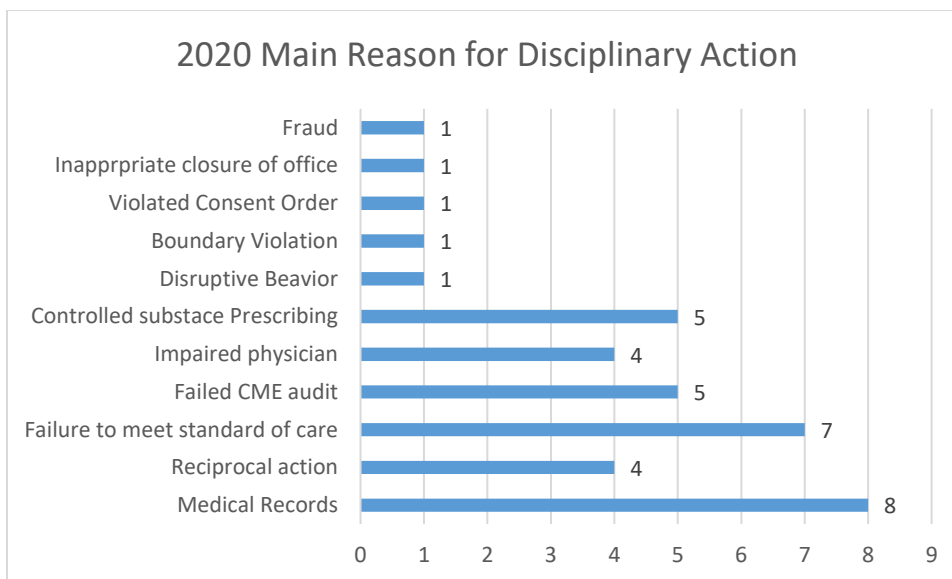
Additional CME was given at various professional societies regarding the pandemic as well as the continuing Overdose Epidemic in Rhode Island. The BMLD and RIDOH continue to go to extraordinary lengths to educate physicians on the importance of understanding addiction and its treatment, appropriate treatment of pain, and responsible prescribing of controlled substances.

Complaints and Disciplinary Actions

An essential role of the BMLD is to investigate and adjudicate complaints. Complaints come from a variety of sources, including patients, patient advocates, notices of litigation, licensed facilities, pharmacists, physicians, and other healthcare professionals. Each complaint is reviewed prior to being opened for complete investigation. The complaint process for physicians is detailed in a flow chart at <http://health.ri.gov/complaints/physician/>.

Summary of Annual Complaint Activity						
	2015	2016	2017	2018	2019	2020
Complaints received	422	514	320	597	544	704
Complaints opened for investigation	200	168	122	256	243	163
Complaints adjudicated by full Board	211	200	137	169	171	157
Suspensions	1	0	3	7	5	0
Voluntary agreements not to practice medicine/surrender of license	4	7	1	3	4	7
License reinstatements/ activations with disciplinary actions	7	4	3	1	3	2
Reprimands and related sanctions	20	18	19	27	24	29
Revocations	0	1	0	0	0	0
Public adverse actions	32	30	26	38	36	38

An illustration of the types of public disciplinary actions for 2020 are illustrated in the table below:



In 2020, the issue most frequently cited in physician disciplinary actions was medical record keeping, followed by failing to meet the minimum standard of care, controlled substance prescribing and failing a CME audit.

Publications

There were four publications in peer-reviewed journals that were authored by BMLD staff and were relevant to the Board in 2020.

1. McDonald, James V., M.D., M.P.H., Telehealth & E-Health in Rhode Island 2020 and Beyond, Rhode Island Medical Journal, 2020 February 1, Vol 103, Number 1, page 16-17
2. Meyer, Aiden, LeClair, Cheryl MSW, McDonald, James V. M.D., M.P.H., Prescription Opioid Prescribing in Western Europe and the United States, Rhode Island Medical Journal, 2020 March 1, Vol 103, Number 2, pages 45-48.
3. Barre, L, MD, MPH, Phengsavatdy A, B.S., Benson, M., McDonald, James V., M.D., M.P.H, Review of Rhode Island Physician Loss of Licensure Cases 2009-2019, Rhode Island Medical Journal, 2020 May 1 Vol 103, Number 4. Pages 46-49.
4. Barre, L. MD, MPH, McCormick, Megan, B.S., M.P.H., McDonald, James V., M.D., M.P.H., Initial Opioid Prescription and Number Needed to Harm, Rhode Island Medical Journal, 2020 December 1, 2020, Vol 103, 44-46.

February, Dr McDonald had an article published in the Rhode Island Medical Journal about the future of telehealth and E-Health.

In March of 2020, RIDOH Public Health Scholar Aiden Meyer, partnered with RIDOH staff Cheryl LeClair and Dr. James McDonald presented their findings regarding differences in prescribing between Western Europe and the United States.

In May of 2020, Dr. Luke Barre, RIDOH Public Health Scholar Margaret Benson; RIDOH staff Angela Phengsavatdy, and Dr. James McDonald; presented their findings on the Review of Disciplinary Actions in Rhode Island in the preceding decade.

In December of 2020, Dr Barre, with RIDOH staff Megan McCormick and Dr James McDonald published an article in the Rhode Island Medical Journal on the number needed to harm based on initial opioid prescription.

Revenue

Revenue generated from licensing and registration fees is sent to the General Treasurer of the State of Rhode Island General, and BMLD operations are funded by RIDOH. License fees account for the vast majority of revenue for the State as reflected in the table below. Physician licenses are renewed by June 30, of even years; therefore, revenue varies significantly between renewal cycles. Revenue is also generated by fees paid to renew Controlled Substance Registrations (CSR). There is a fee for verification of a Rhode Island physician license which is administered via veridoc.org, which sends real-time license verification to state medical boards as requested. RIDOH offers primary source verification at no charge, at http://209.222.157.144/RIDOH_Verification/Search.aspx?facility=N&SubmitComplaint=Y.

The BMLD is not authorized to issue fines for disciplinary actions and is one of only a few states in the country that lack this authority. The BMLD does have the authority to issue administrative fees which reflect the actual costs associated with investigating a complaint.

Annual Revenue from Physician-Related Fees						
	2015	2016	2017	2018	2019	2020*
License Fees (MD/DO)¹	\$542,209	\$5,417,610	\$581,935	\$ 5,566,053	\$1,016,333	\$5,913,411
CSR Fees²	\$70,600	\$796,550	\$77,770	\$790,400	\$76,000	\$803,630
License Verification Fees³	\$108,849	\$146,155	\$146,800	\$165,515	\$179,450	\$155,880
Administrative Fees from Disciplinary Actions⁴	\$33,829	\$17,900	\$23,055	\$37,938	\$29,744	\$75,636.54
Limited License Application Fees⁵	\$59,405	\$59,115	\$58,275	\$57,275	\$61,420	\$60,850
Limited License CSR Fees⁶	\$80,100	\$83,100	\$84,700	\$86,100	\$89,300	\$92,300
Physician Hospital Beds Licensing Fees⁷	\$180,800	\$136,840	\$197,860	\$186,662	\$150,856	\$191,949
Total Annual Fees	\$1,075,792	\$6,657,270	\$1,170,395	\$6,889,943	\$1,603,103	\$7,293,657

*2020 revenue encompasses available data as of December 12, 2020.

¹ Source: L2K – Revenue Reports – Physicians – Allopathic Physician [MD], Osteopathic Physician [DO].

² Source: L2K – Revenue Reports – Physicians – CSR Allopathic Physician [MD], CSR Osteopathic Physician [DO].

³ Source: RIFANS – Account Numbers 10.075.2201958.01.422000.00000 (2015-2016); 10.075.2136993.01.422000.00000 (2016-2020).

⁴ Source: BMLD Program Records.

⁵ Source: L2K – Revenue Reports – Physicians – Academic Faculty [Limited], Limited Physician, Medical Officer [Limited] (2015-2016 only), Intern [Limited] (2015 only), Fellow [Limited] (2016 only), Limited Physician-Alternate Jurisdiction (2017 only), Temp Post Grad Allopathic Physician (2019-2020).

⁶ Source: L2K – Revenue Reports – Physicians – CSR-Limited Physician, CSR-Academic Faculty [Limited], CSR Limited Physician-AJ (2017 only), CSRX-Temp Post Grad Allopathic Physician (2018-2020), CSRX-Temp Post Grad Osteopathic Physician (2018-2020).

⁷ Source: L2K – Revenue Reports – Physicians – Physician Hospital Beds.

Conclusion

It is hard to predict how history will remember the BMLD from its work in 2020. In many ways, the BMLD quietly did its public service in the background of the pandemic without public attention and protected the public during a challenging and unprecedented time.

The BMLD does anticipate updating rules or regulations in 2021 and will be seeking stakeholder and public input soon.

The BMLD looks forward to 2021, where another year of extraordinary service is expected.

ⁱ "CDC - Public Health System and the 10 Essential Public Health Services - OSTLTS." *Centers for Disease Control and Prevention*, Centers for Disease Control and Prevention, 26 June 2018,

<https://www.cdc.gov/publichealthgateway/publichealthservices/essentialhealthservices.html>.

ⁱⁱ Reason, James, and Alan Hobbs. *Managing Maintenance Error*. Ashgate, 2003

ⁱⁱⁱ Rules and Regulations for Licensure and Discipline of Physicians 216-RICR-40-05-1
<https://rules.sos.ri.gov/regulations/part/216-40-05-1>