

Rhode Island Board of Medical Licensure and Discipline 2021 Annual Report

JANUARY 2022



Introduction

The United States continues to find itself in a syndemic, where the interaction of the pandemic, overdose crisis, behavioral health crisis—all in the context of a nation struggling with addressing systemic racism—continues to deeply affect all aspects of everyone’s lives.

The pandemic continues to define many aspects of life in Rhode Island, including healthcare. As Rhode Island approaches the two-year mark of the pandemic, every aspect of healthcare has been affected. Although safe and effective vaccines have been in place for more than a year and have been widely available since April 25, 2021, the vaccine uptake has been less than needed to quell the pandemic. As the Board of Medical Licensure and Discipline (BMLD) continues to navigate its mission to protect the public and ensure high professional standards, it does so in the overwhelming shadow of the impact of the pandemic.

In spite of working under extraordinary conditions, the BMLD did not cancel any meetings in 2021. Staffing continues to be an issue as continued erosion of funding has challenged existing staff with increased workload and diminishing resources. This was explored in detail at the September 2021 meeting, and the BMLD unanimously recommended that Rhode Island General Law 5-37-10 be amended so that the Board could retain at least a small percentage of licensing revenue to fund Board operations. The staffing issues in 2021 were exacerbated by increased turnover in licensing as the position is a “temporary position” and has been so for the last seven years.

The efforts of licensing boards are often unnoticed (and perhaps more so during a pandemic); however, licensing physicians was more important than ever because hospitals, ambulatory care centers, and other physician services struggled to find qualified staff. 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.

The mission of the 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 2021	
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)
Emily Green, PhD	Public member
Leonard Green	Public member
David Kroessler, MD	Physician (Allopathic)
James Monti, MD	Physician (Allopathic, full-time faculty)
Vacant	Public member

The BMLD extends its thanks to outgoing Board members Nancy Kirsch and Patricia Delaney. The BMLD is pleased to welcome new member Emily Green PhD.

The BMLD meets the second Wednesday of each month at RIDOH) in Providence. The open session of each meeting begins at 8:15 a.m., and any member of the public can attend the open session.

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. The BMLD has no full time staff.

BMLD Staff	
James V. McDonald, MD, MPH	Chief Administrative Officer
Bruce Todesco, Esq.	Senior Legal Counsel
Jessica DeSanto	Board Manager
Linda Julian	Board Investigator
Shannon Sullivan	Licensing Officer
VACANT	Administrative Support

The Board thanks Lauren Dixon-Lasso for her 30 years of service to the Board as she departed for other opportunities at RIDOH, and to Morgan Goulet who left the Board in November 2021. The Board also extends its gratitude to Alexandra Bernard and Ryan Clark who served as licensing aides this year.

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. It is notable that in 2021, more physician licenses were issued (867) than in any prior year of the BMLD's 126-year history. This represents an increase of 302 licenses from 2020, confirming the significantly increased workload of a part-time licensing aide. Rhode Island now has more fully licensed physicians, 6,319 than it ever has. Much of this increase is attributable to the increase in telemedicine as physicians who are located in a different state must still be licensed to virtually see patients in Rhode Island.

Physician Licensing							
	2015	2016	2017	2018	2019	2020	2021
Physician licenses issued	377	478	430	476	474	565	867
Physician license applications withdrawn	0	3	3	5	1	1	0
Physician license applications denied	0	0	0	0	0	0	0
Average number of days to receive physician license	29.5	25	31	25	26	28	28
Percentage of licenses approved in less than three days after receipt of final documents	95	99	97	93	99	100	96
Emergency Licenses issued (no fee)	0	0	0	0	0	797	0

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	As of 12/31/2021
Allopathic physicians	4,836	4,616	5,024	4,710	5,149	4,946	5,778
Osteopathic physicians	335	316	365	340	418	437	511
Temporary Post Graduate license ⁴	N/A	N/A	N/A	16	13	13	15
Academic faculty, limited license ³	4	4	4	3	3	2	1
Volunteer license ²	2	15	15	16	17	14	14
Total Physicians with a Full License	5,177	4,951	5,408	5,085	5,600	5,412	6,319
Physicians (MD and DO) with a Controlled Substance Registration	4,303	3,324	4,238	3,934	4,242	3,982	4,410
Limited license (Training) ¹	781	808	843	829	881	888	900
Emergency Licenses	0	0	0	0	0	829	0

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-

Just Culture

The Board continues its framework of Just Culture, originally adopted in September 2019, embracing the RIDOH values of equity and justice.

Policy Statements

There were no new policy statements in 2021.

Rules and Regulations for Licensure and Discipline of Physicians

There were no changes to the *Rules and Regulationsⁱⁱ for the Licensure and Discipline of Physicians* 216-RICR-40-05-1 in 2021, although regulations have been submitted to the Office of Regulatory Reform for review and subsequent public comment.

Continuing Medical Education (CME) Activities

The BMLD, in conjunction with RIDOH, sponsored several CME events in 2021, most notably was the Pandemic Update for Provider (PUP) call that occurred weekly starting in April 2020 and transitioned to biweekly in June 2020. This CME was transitioned to Public Health Out Loud Grand Rounds in August 2021. This ongoing biweekly CME series provides critical updates about the pandemic and also features unique content about matters of cultural awareness. This CME program is accredited for 1 hour of Category 1 approved CME from Brown Alpert School of Medicine office of CME.

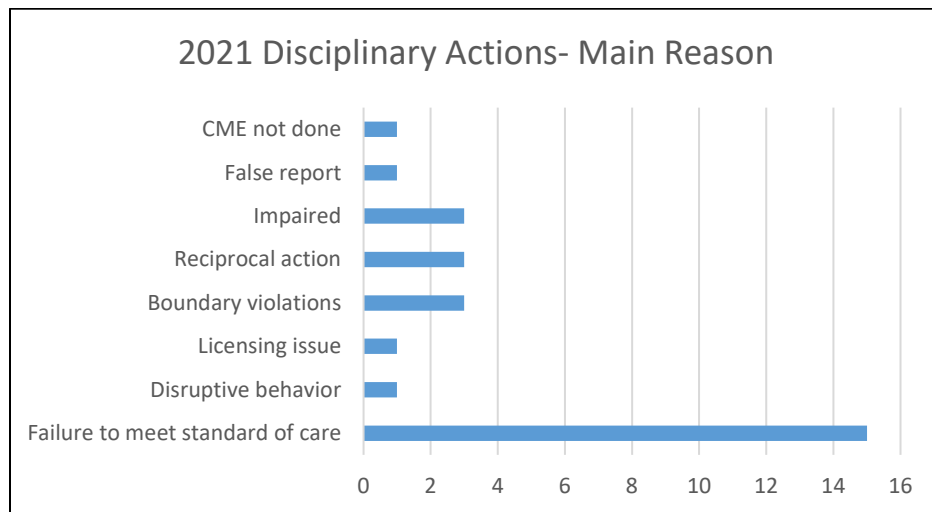
Additional CME was given at various venues regarding the pandemic and about the continuing overdose epidemic in Rhode Island. The BMLD and RIDOH continue to go to extraordinary lengths to educate physicians on the importance of understanding addiction and its treatment, appropriate treatment of pain, 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	2021
Complaints received	422	514	320	597	544	704	585
Complaints opened for investigation	200	168	122	256	243	163	169
Complaints adjudicated by full Board	211	200	137	169	171	157	125
Suspensions	1	0	3	7	5	0	5
Voluntary agreements not to practice medicine/surrender of license	4	7	1	3	4	7	6
License reinstatements/ activations with disciplinary actions	7	4	3	1	3	2	1
Reprimands and related sanctions	20	18	19	27	24	29	16
Revocations	0	1	0	0	0	0	0
Public adverse actions	32	30	26	38	36	38	28

The types of public disciplinary actions for 2021 are illustrated in this chart:



In 2021, the issue most frequently cited in physician disciplinary actions was failing to meet the minimum standard of care, reciprocal actions, and boundary violations.

Publications

There were five publications in peer-reviewed journals that were authored by BMLD staff and were relevant to the Board in 2021.

1. McDonald, James V., MD, Melo, Bianco, DO, Establishing a Framework of Just Culture for the Rhode Island Board of Medical Licensure and Discipline, *Journal of Medical Regulation*, January 2021
2. Samuels, E A, Wentz A, McCormick M, McDonald J V, Marshall B D L, Friedman C, Koziol J, Alexander-Scott N E. Rhode Island's Opioid Overdose Hospital Standards and Emergency Department Naloxone Distribution, Behavioral Counseling, and Referral to Treatment. *Ann Emerg Med*. 2021 Jul;78(1):68-79. doi: 10.1016/j.annemergmed.2021.02.004. Epub 2021 Apr 15. PMID: 33865617.
3. Tao, J, Aristotelidis, R, Zanowick-Marr, A *et al*. Evaluation of the Treatment Efficacy and Safety of Remdesivir for COVID-19: a Meta-analysis. *SN Compr. Clin. Med.* (2021). <https://doi.org/10.1007/s42399-021-01014-y>
4. Hallowell, Benjamin D, Weidele, Heidi R., Daly, Mackenzie, Chambers, Laura C., Scagos, Rachel P., Gargano, Lisa, McDonald, James. History of Methadone and Buprenorphine Opioid Agonist Therapy Among People Who Died of an Accidental Opioid-Involved Overdose: Rhode Island, January 1, 2018–June 30, 2020. *American Journal of Public Health* 0, e1_e4, <https://doi.org/10.2105/AJPH.2021.306395>
5. Lasher L, Hallowell BD, Chambers LC, et al. Using Timely Overdose Data to Address a Spike in Nonfatal Overdoses and Inform a Coordinated Community-Level Response in Rhode Island, 2019. *Public Health Reports*. 2021;136(1_suppl):24S-30S. doi:10.1177/003335492111012407

The breadth of the publications reflects the nature of the syndemic in Rhode Island, as scholarly work was published regarding the overdose epidemic, the COVID-19 pandemic, and the issues relating to Just Culture for the Board.

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 was authorized to issue fines for disciplinary actions, yet this is pending regulatory approval. 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	2021
License Fees (MD/DO)¹	\$542,209	\$5,417,610	\$581,935	\$ 5,566,053	\$1,016,333	\$5,913,411	\$1,294,945
CSR Fees²	\$70,600	\$796,550	\$77,770	\$790,400	\$76,000	\$803,630	\$84,000
License Verification Fees³	\$108,849	\$146,155	\$146,800	\$165,515	\$179,450	\$155,880	\$116,300
Administrative Fees from Disciplinary Actions⁴	\$33,829	\$17,900	\$23,055	\$37,938	\$29,744	\$75,637	\$35,293
Limited License Application Fees⁵	\$59,405	\$59,115	\$58,275	\$57,275	\$61,420	\$60,850	\$59,605
Limited License CSR Fees⁶	\$80,100	\$83,100	\$84,700	\$86,100	\$89,300	\$92,300	\$31,400
Physician Hospital Beds Licensing Fees⁷	\$180,800	\$136,840	\$197,860	\$186,662	\$150,856	\$191,949	\$147,695
Total Annual Fees	\$1,075,792	\$6,657,270	\$1,170,395	\$6,889,943	\$1,603,103	\$7,293,657	\$1,769,238

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

The weight of the syndemic falls heavy on all who live in Rhode Island and the United States. We are living in a critical time where the value of public health that is delivered in a just, objective manner is more important than ever, yet continues to face the perpetual challenges of staffing and resources to accomplish its mission. The BMLD, as part of RIDOH, endeavors to effectively protect the public in a dynamic healthcare environment.

The BMLD does anticipate updating rules or regulations in 2022 and will be seeking stakeholder and public input soon.

The BMLD looks forward to 2022, 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 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>