Center for Healthcare Facilities Regulation: Determining If Complaint Is Referred to Professional Licensing Board

**DELIBERATE HARM TEST**
Were the actions intended?
- **NO**
  - Was harm and/or immediate jeopardy intended?
    - **YES**
      - Confer with Deputy Director or Director
      - • Refer complaint to respective Professional Licensing Board.
      - • Identify any system failures.
    - **NO**

- **YES**
  - Confer with Deputy Director or Director
  - • Refer complaint to respective Professional Licensing Board.
  - • Identify any system failures.

**INCAPACITY TEST**
Does there appear to be evidence of ill health or substance abuse?
- **YES**
  - Confer with Deputy Director or Director
  - • Refer complaint to respective Professional Licensing Board.
  - • Identify any system failures.
- **NO**

**FORESIGHT TEST**
Did the individual depart from agreed-upon protocols or safe procedures?
- **YES**
  - Confer with Deputy Director or Director
  - • Refer complaint to respective Professional Licensing Board.
  - • Identify any system failures.
- **NO**

**SUBSTITUTION TEST**
Would another individual coming from the same professional group, possessing comparable qualifications and experience, behave in the same way in similar circumstances?
- **YES**
  - Confer with Deputy Director or Director
  - • Refer complaint to respective Professional Licensing Board.
  - • Identify any system failures.
- **NO**

Were there any deficiencies in training, experience, or supervision?
- **YES**
  - Confer with Deputy Director or Director
  - • Refer complaint to respective Professional Licensing Board.
  - • Identify any system failures.
- **NO**

Were there significant mitigating experiences?
- **YES**
  - Confer with Deputy Director or Director
  - • Refer complaint to respective Professional Licensing Board.
  - • Identify any system failures.
- **NO**

There was a system failure.
Board of Medical Licensure and Discipline (BMLD) Team Review: Determining if BMLD Initiates an Investigation

**DELIBERATE HARM TEST**
- Were the actions intended? NO
  - Was harm intended and/or was there imminent harm to the public?
    - YES
      - Approach Director of Health about whether to issue a summary suspension or a compliance order.
      - Open investigation by the Board of Medical Licensure and Discipline.
      - Identify any system failures.
      - Consider referring to Center for Healthcare Facilities Regulation.
    - NO

**INCAPACITY TEST**
- Does there appear to be evidence of ill health or substance abuse? NO
  - Does the individual depart from agreed-upon protocols or safe procedures? NO
    - YES
      - Were the protocols and safety procedures available, workable, intelligible, correct, and in routine use?
        - YES
          - Open investigation by the Board of Medical Licensure and Discipline.
          - Refer individual to Rhode Island Medical Society’s Physician Health Program.
          - Identify any system failures.
          - Consider referring to Center for Healthcare Facilities Regulation.
        - NO
          - Were there significant mitigating experiences?
            - YES
              - Open investigation by the Board of Medical Licensure and Discipline.
              - Identify any system failures.
              - Consider referring to Center for Healthcare Facilities Regulation.
            - NO
              - Were there any deficiencies in training, experience, or supervision?
                - YES
                  - Open investigation by the Board of Medical Licensure and Discipline.
                  - Identify any system failures.
                  - Consider referring to Center for Healthcare Facilities Regulation.
                - NO
                  - There was a system failure, unfortunate outcome, and/or known unavoidable complication.
                    - Administratively close case.
                    - Consider referring to Center for Healthcare Facilities Regulation.

**FORESIGHT TEST**
- Did the individual depart from agreed-upon protocols or safe procedures? NO
  - Were the protocols and safety procedures available, workable, intelligible, correct, and in routine use?
    - YES
      - Open investigation by the Board of Medical Licensure and Discipline.
      - Identify any system failures.
      - Consider referring to Center for Healthcare Facilities Regulation.
    - NO
      - Were there any deficiencies in training, experience, or supervision?
        - YES
          - Open investigation by the Board of Medical Licensure and Discipline.
          - Identify any system failures.
          - Consider referring to Center for Healthcare Facilities Regulation.
        - NO
          - There was a system failure, unfortunate outcome, and/or known unavoidable complication.
            - Administratively close case.
            - Consider referring to Center for Healthcare Facilities Regulation.

**SUBSTITUTION TEST**
- Would another individual coming from the same professional group, possessing comparable qualifications and experience, behave in the same way in similar circumstances? NO
  - Were there any deficiencies in training, experience, or supervision?
    - YES
      - Open investigation by the Board of Medical Licensure and Discipline.
      - Identify any system failures.
      - Consider referring to Center for Healthcare Facilities Regulation.
    - NO
      - There was a system failure, unfortunate outcome, and/or known unavoidable complication.
        - Administratively close case.
        - Consider referring to Center for Healthcare Facilities Regulation.
Determining an Outcome of an Investigation of the Board of Medical Licensure and Discipline

**DELIBERATE HARM TEST**
- Were the actions intended?
  - NO
  - YES
- Was harm intended and/or was there imminent harm to the public?
  - NO
  - YES

**INCAPACITY TEST**
- Does there appear to be evidence of ill health or substance abuse?
  - NO
  - YES

**FORESIGHT TEST**
- Did the individual depart from agreed-upon protocols or safety procedures? Is there a violation of a rule, regulation, or law?
  - NO
  - YES
- Were the protocols and safety procedures available, workable, intelligible, correct, and in routine use?
  - NO
  - YES

**SUBSTITUTION TEST**
- Would another individual coming from the same professional group, possessing comparable qualifications and experience, behave in the same way in similar circumstances?
  - NO
  - YES
- Were there any deficiencies in training, experience, or supervision?
  - NO
  - YES
- Were there significant mitigating experiences?
  - NO
  - YES

- Make a finding of Unprofessional Conduct.
- Approach Director of Health about whether to issue a summary suspension or a compliance order.
- Refer individual to Rhode Island Medical Society’s Physician Health Program.
- Make a finding of Unprofessional Conduct.
- Determine sanction(s).
- Identify any system failures.
- Consider referring to Center for Healthcare Facilities Regulation.

- Make a finding of Unprofessional Conduct.
- Determine sanction(s).
- Identify any system failures.
- Consider referring to Center for Healthcare Facilities Regulation.

- Make a finding of Unprofessional Conduct.
- Determine sanction(s).
- Identify any system failures.
- Consider referring to Center for Healthcare Facilities Regulation.

- There was a system failure, unfortunate outcome, and/or known unavoidable complication.
- Make final non-adverse referral to full Board of Medical Licensure and Discipline.
- Consider referring to Center for Healthcare Facilities Regulation.