



Rhode Island Department of Health

Policy Area: Regulatory Investigations	Subject: Posting and Duration of BMLD Adverse Actions
Title of Policy: Public notification of BMLD actions	Number:
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1. Rationale or background to policy:

The Department of Health, houses many professional boards including the Board of Medical Licensure & Discipline (Board). The mission of the Board is “*To protect the public through enforcement of standards for medical licensure and ongoing clinical competence*”.

Complaints come to the Board from a variety of sources and are investigated and eventually adjudicated. In the cases where there is an adverse action, the final adverse action becomes a public document. The purpose of this policy and procedure is to delineate what will be posted on the appropriate Department of Health web page and duration of posting.

2. Policy Statement:

Adverse final actions shall be posted on the appropriate Rhode Island Department of Health web page. Examples of final adverse actions include; consent orders, voluntary surrenders, voluntary agreements, license denials, uncontested compliance and immediate compliance orders, uncontested suspensions, administrative hearing decisions and relevant court decisions. Adverse actions will be posted for at least 10 years on the appropriate Department of Health web page, unless the physician is deceased and then will be posted for only 3 years. Physicians who have not had a disciplinary action in the preceding consecutive 10 years, may have their actions removed from the web site, at RIDOH discretion. RIDOH will maintain actions on the RIDOH web site of physicians longer than 10 years (and add back historical actions) when a new action is posted, the rationale for this is so the public can have the entire view of a physician’s disciplinary history. All disciplinary actions are available via an APRA request with no time limit.

3. Procedures:

Final adverse actions shall be posted to the appropriate Rhode Island Department of Health web page as soon as possible depending on the nature of the adverse action. Consent orders, voluntary surrenders, voluntary agreements, and administrative decisions shall be posted after ratification by the Board. Administrative hearing decisions may be posted after signed by the Director acknowledging the hearing panel decision (Administrative decisions that are not adverse to the physician generally are not to be posted on the RIDOH web site).

Adverse actions that are uncontested such as; license denials, compliance orders, immediate compliance orders and suspensions shall be posted 10 days after delivery and service to the respondent or their representative.

Contested actions will be posted after resolution if the action remains an adverse action.

Adverse Actions are public documents and will be available for the public via APRA. Adverse Actions shall be posted for at least 10 years on the appropriate Department of Health web page, unless the physician is deceased and then will be posted for only 3 years.

Each calendar year, in April, the appropriate Rhode Island Department of Health web page shall be reviewed and adverse actions > 10 years old may be removed and migrated to the appropriate Rhode Island Department of Health intranet page for staff access and to facilitate public records requests. Physicians who have actions greater than 10 years ago, who have a recent action (in the most recent 10 years), shall not have their actions removed from the RIDOH web site, and historical actions shall be added back to the web site. This shall be done so the public can have the entire disciplinary history of a physician.