

Proposed Regulations

(Replacing emergency regulations in effect - June 19, 2002 to June 18, 2003)

PART VII. PRACTITIONER PROFILE SYSTEM.

18 VAC 85-20-280. Required information.

- A. In compliance with requirements of § 54.1-2910.1 of the Code of Virginia, a doctor of medicine or osteopathy or a doctor of podiatry licensed by the board shall provide, upon initial request or whenever there is a change in what has been entered on the profile, the following information within 30 days:
1. The address and telephone number of the primary practice setting and all secondary practice settings with the percentage of time spent at each location;
 2. Names of medical, osteopathic or podiatry schools and graduate medical or podiatric education programs attended with dates of graduation or completion of training;
 3. Names and dates of specialty board certification, if any, as approved by the American Board of Medical Specialties, the Bureau of Osteopathic Specialists of the American Osteopathic Association, or the Council on Podiatric Medical Education of the American Podiatric Medical Association;
 4. Number of years in active, clinical practice in the United States or Canada, following completion of medical or podiatric training and the number of years, if any, in active, clinical practice outside the United States or Canada;
 5. The specialty, if any, in which the physician or podiatrist practices;
 - ~~6. Names of insurance plans accepted or managed care plans in which the physician or podiatrist participates and whether he is accepting new patients under such plans;~~
 - ~~7~~ 6. Names of hospitals with which the physician or podiatrist is affiliated;
 - ~~8~~ 7. Appointments within the past ten years to medical or podiatry school faculties with the years of service and academic rank;
 - ~~9~~ 8. Publications, not to exceed ten in number, in peer-reviewed literature within the most recent five-year period;
 - ~~10~~ 9. Whether there is access to translating services for non-English speaking patients at the primary and secondary practice setting and which, if any, foreign languages are spoken in the practice; ~~and~~

~~10.~~ 10. Whether the physician or podiatrist participates in the Virginia Medicaid Program and whether he is accepting new Medicaid patients; and

11. A report on felony convictions including the date of the conviction, the nature of the conviction, the jurisdiction in which the conviction occurred, and the sentence imposed, if any.

12. Final orders of any regulatory board of another jurisdiction that result in the denial, probation, revocation, suspension, or restriction of any license or that results in the reprimand or censure of any license or the voluntary surrender of a license in a state other Virginia while under investigation, as well as any disciplinary action taken by a federal health institution or federal agency.

~~B. The physician or podiatrist may provide additional information on hours of continuing education earned, subspecialties obtained, honors or awards received.~~

~~C. Whenever there is a change in the information on record with the practitioner profile system, the practitioner shall provide current information in any of the categories in subsection A of this section within 30 days.~~

B. Adjudicated notices and final orders or decision documents, subject to § 54.1-2400.2 D of the Code of Virginia, shall be made available on the profile. Information shall be posted indicating the availability of unadjudicated notices and of orders that are subject to being vacated at the request of the practitioner.

C. For the sole purpose of expediting dissemination of information about a public health emergency, an email address or facsimile number, if available. Such addresses or numbers shall not be published on the profile and shall not be released or made available for any other purpose.

18 VAC 85-20-285. Voluntary information.

A. The doctor may provide names of insurance plans accepted or managed care plans in which he participates.

B. The doctor may provide additional information on hours of continuing education earned, subspecialties obtained, honors or awards received.

18 VAC 85-20-290. Reporting of malpractice paid claims.

~~A. All malpractice paid claims reported to the Board of Medicine within the ten years immediately preceding the report shall be used to calculate the level of significance as required by §54.1-2910.1 of the Code of Virginia. Each report of an award or settlement shall indicate:~~

- ~~1. The number of years the physician or podiatrist has been licensed in Virginia.~~
- ~~2. The specialty in which the physician or podiatrist practices.~~
- ~~3. The relative frequency of paid claims described in terms of the number of physicians or podiatrists in each specialty and the percentage who have had made malpractice payments within the ten year period.~~
- ~~4. The date of the paid claim.~~
- ~~5. The relative amount of the paid claim described as average, below average or above average, which shall be defined as follows:~~
 - ~~a. "Average" if the amount of the award is within one standard deviation above or below the mean for the amount of all reported claims for physicians or podiatrists who share the same specialty as the subject of the report;~~
 - ~~b. "Below average" if the amount of the award is below one standard deviation from the mean for the amount of all reported claims for physicians or podiatrists who share the same specialty as the subject of the report; and~~
 - ~~c. "Above average" if the amount of the award is above one standard deviation from the mean for the amount of all reported claims for physicians or podiatrists who share the same specialty as the subject of the report.~~

~~B. The board shall make available as part of the profile information regarding disciplinary notices and orders as provide in § 54.1-2400.2 D of the Code of Virginia.~~

A. In compliance with requirements of § 54.1-2910.1 of the Code of Virginia, a doctor of medicine, osteopathy, or podiatry, licensed by the board, shall report all malpractice paid claims in the most recent ten year period. Each report of a settlement or judgment shall indicate:

1. The year the claim was paid.
2. The specialty in which the doctor was practicing at the time the incident occurred that resulted in the paid claim.
3. The total amount of the paid claim in United States dollars.
4. The city, state, and country in which the paid claim occurred.

B. The board shall use the information provided to determine the relative frequency of paid claims described in terms of the number of doctors in each specialty and the percentage who have made malpractice payments within the most recent ten year period. The statistical

methodology used will include any specialty with more than 10 paid claims. For each specialty with more than 10 paid claims, the top 16% of the paid claims will be displayed as above average payments, the next 68% of the paid claims will be displayed as average payments, and the last 16% of the paid claims will be displayed as below average payments.

18 VAC 85-20-300. Non-compliance or falsification of profile.

- A. The failure to provide the information required by ~~subsection A of 18 VAC 85-20-280~~ and by 18 VAC 85-20-290 within 30 days of the request for information by the board or within 30 days of a change in the information on the profile may constitute unprofessional conduct and may subject the licensee to disciplinary action by the board.
- B. Intentionally providing false information to the board for the practitioner profile system shall constitute unprofessional conduct and shall subject the licensee to disciplinary action by the board.