



COMMONWEALTH of VIRGINIA

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MEMORANDUM

TO: Members of the House of Delegates

THROUGH: The Honorable Bruce F. Jamerson
Clerk of the House of Delegates

FROM: William L. Harp, M.D. *WLH*
Executive Director
Virginia Board of Medicine

DATE: June 30, 2006

SUBJECT: Report to the General Assembly on Competency Assessments

Chapter 649 (HB2659) and Chapter 692 (SB1173) of the 2005 Acts of the Assembly amended the Medical Practice Act (Chapter 29 of Title 54.1) to require "*an assessment of the competency of any person licensed under this chapter on whose behalf three medical malpractice claims are paid in a 10-year period.*" It further requires that: "*The Board shall report annually to the General Assembly the number of competency assessments undertaken.*"

To accomplish the competency assessments, the Board of Medicine approved that subject licensees could use one of several nationally-recognized centers, such as the Federation of State Medical Boards' Post-Licensure Assessment System, the Center for Personalized Education for Physicians in Denver, and the programs at Albany Medical College and the University of Florida. Additionally, the Board indicated that evaluations done by medical school faculty, particularly utilizing the four medical schools in Virginia, would be acceptable if properly structured. The Board delegated to the Executive Director the responsibility to review and the authority to approve all proposed evaluations. Licensees are informed that such approval is required prior to undertaking the evaluation. Upon receipt of the completed evaluation report, the Board will review the data and develop appropriate recommendations.

The information on the number of competency assessments for the annual report required pursuant to § 54.1-2912.3 is as follows:

A total of five practitioners of medicine and surgery (MDs) have been identified from the Department of Health Professions two data bases as meeting the criteria in § 54.1-2912.3. A sixth MD was identified as being subject to this law, but the license of the physician was suspended by the Board in 2005.

All five have been affirmatively notified of their responsibility to comply, and all have shown a willingness/eagerness to do so and have contacted the Executive Director to discuss the matter and clarify issues. To date, none have actually undergone the evaluation, but a 12-month time period is allowed.

This report is being provided to the Courts Committees, since those committees heard the bills in 2005, and to the members of both bodies through the respective clerks. If we can provide additional information or answer any questions, please do not hesitate to call me at (804) 662-9463.

cc: Robert A. Nebiker