

**REPORT OF THE  
VIRGINIA BOARD OF MEDICINE  
DEPARTMENT OF HEALTH PROFESSIONS**

**Annual Report on the Number of Competency  
Assessments Required for Practitioners Licensed  
by the Board of Medicine**

**TO THE GOVERNOR AND  
THE GENERAL ASSEMBLY OF VIRGINIA**



**COMMONWEALTH OF VIRGINIA  
RICHMOND  
2007**

## **Number of Practitioners Subject to a Competency Assessment Pursuant to Chapters 649 and 692 of the 2005 Acts of the Assembly**

### ***Background***

In the 2005 Session of the General Assembly, language was included in House Bill 2659 and Senate Bill 1173 requiring any practitioner licensed by the Board of Medicine to obtain a competency assessment if he or she has had three medical malpractice claims within the past 10 years. The Board is required to report annually to the General Assembly the number of competency assessments undertaken.

§ [54.1-2912.3](#). *Competency assessments of certain practitioners.*

*The Board shall 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. The assessment shall be accomplished in 12 months or less by a program acceptable to the Board. The licensee shall bear all costs of the assessment. The results of the assessment shall be reviewed by the Board and the Board shall determine a plan of corrective action or appropriate resolution pursuant to the assessment. The assessment, related documents and the processes shall be governed by the confidentiality provisions of § [54.1-2400.2](#) and shall not be admissible into evidence in any medical malpractice action involving the licensee. The Board shall report annually to the General Assembly the number of competency assessments undertaken.*

### ***Number of Competency Assessments***

From July 1, 2005, the effective date of Chapters 649 and 692 of the 2005 Acts of the Assembly, until July 1, 2007, there have been 22 doctors of medicine or osteopathic medicine identified as having three medical malpractice claims paid within a 10-year period, thus meeting the criteria for requiring a competency assessment. Of the 22 requiring assessment, 14 are practicing in Virginia, and eight hold a Virginia license but are practicing outside the Commonwealth. Eighteen of the 22 listed a surgical specialty (6 general surgeons, 5 in orthopedics, 3 in obstetrics/gynecology, 2 in neurosurgery, one in thoracic and one in ophthalmology); two were listed in internal medicine and two in radiology.

Ten of the 22 doctors have submitted assessments within the time frame of the law; seven of that number have been approved and no further action is warranted; three of the ten assessments are still being reviewed. Eleven of the 22 doctors have not yet submitted their assessments, but the time period of 12 months since notification has not lapsed. One doctor missed the deadline for submission of an assessment; his case was referred to the Enforcement Division of the Department of Health Professions for investigation and possible disciplinary action.