

**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  
2009**

## **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 Chapter 29 of Title 54.1 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. In 2007, § 54.1-2912.3 was amended to require a competency assessment only if a licensee had three *medical malpractice judgments or medical malpractice settlements of more than \$10,000* paid within the most recent 10-year period. The statute specifies:

§ [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 judgments or medical malpractice settlements of more than \$10,000 are paid within the most recent 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*

In the last twelve months, twelve physicians were identified as being subject to a three-paid claims competency assessment pursuant to 54.1-2912.3. Eight physicians submitted reports to the Board in a timely fashion; none of the eight required action beyond obtaining the assessment. In the last twelve months, one physician failed to submit the required report. His license to practice in Virginia has lapsed. Should he wish to renew his license, the three paid claims assessment will be required of him at that time.

Three outstanding reports are due this month, October 2009. Additionally, eight physicians have been identified as being subject to an assessment and will be sent notices regarding their statutory obligation by the end of this month.