

**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
2010**

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, eighteen (18) physicians were identified as being subject to a three-paid claims competency assessment pursuant to § 54.1-2912.3. One of those physicians was not subject to an assessment since his license expired. Ten physicians submitted reports to the Board in a timely fashion; none of the ten required action beyond obtaining the assessment. In the last twelve months, seven physicians failed to submit the required report within the statutory deadline. Four of the seven are practicing out-of-state.

Physicians who fail to complete the competency assessments as required by law are reported to the Enforcement Division of the Department of Health Professions for investigation and possible disciplinary action.