

**BOARD OF MEDICAL LICENSURE AND DISCIPLINE
FULL BOARD
MINUTES OF MEETING**

11 MAY 2005

Open Session

Board Members in Attendance:

Thomas Breslin, MD

Charles Cronin, DO

Margaret Coughlin

Robert Dinwoodie, DO

Joseph DiPietro, Esq.

Richard P. Iacobucci, MD

Noubar Kessimian MD

Henry Litchman, MD

Shelagh McGowan

Robert Parrillo, Esq.

Board Members Absent:

David R. Gifford, MD, MPH (Chair)

Staff Members in Attendance:

Robert S. Crausman, MD, Chief Administrative Officer

Linda Julian, Investigator

Mary Salerno, Administrative Officer

Staff Members Absent:

Bruce W. McIntyre, Esq., Deputy Chief Legal Counsel

Guests:

Herb Constantine, MD, Facilities and Regulations

Ray Rusin, Facilities and Regulations

1. A quorum was established at 8:40 AM.

2. On a motion by Mr. DiPietro seconded by Mrs. Coughlin it was voted to approve the minutes of the Open Session of the April 13th 2005 meeting.

3. Chief Administrative Officer's Report

Dr. Crausman reviewed the Public Citizen Publication: "Ranking of the Rate of State Medical Boards' Serious Disciplinary Actions: 2002-2004 (HRG Publication # 1737)."

Dr. Herb Constantine and Ray Rusin from the Dept. of Health Facilities and Regulations Division then addressed the Board with an update on Nursing Home Regulations proceedings. Dr. Constantine revisited the issue of the distinction between the attending physician and the Medical Director. Mr. Rusin introduced himself as the person working towards licensing and certification for all health care facilities, "...right down to the bricks and mortar." Mr. Rusin provided

the Board with a handout that included the report for substandard citations for March and April. There were no new substandard citations in April and many of the facilities previously cited had come back into compliance. The strict requirements for compliance with federal regulations were discussed and the danger of having federal funding removed if a facility is cited for substandard practices and does not work towards complete compliance. A facility would not be able to continue without federal funding. Harris Manner-Chopmist was cited for substandard care for residents with pressure ulcers. Four of the residents were moved out of the facility and it is being monitored continuously. An initial \$5000 fine was imposed by the government with a \$400/day fine thereafter until the facility is in compliance. Although facilities have been cited for substandard practices many of these citations do not qualify as having the potential for harm and the facilities have the opportunity to correct the citations and request a revisit.

The question was posed as to how much information regarding substandard citations is shared with the patients and their families. Mr. Rusin conducts meetings with patients and their families to keep them apprized of any imminent changes in the facilities in order to give them options. It is better to inform patients and their families of substandard citations before there is a media jeopardy or possible loss of federal funding.

Mrs. Coughlin brought up the issue of the legality of restraints. Mr.

Rusin stated that it was not illegal to use restraints but a strict protocol for justification had to be followed.

Dr. Crausman then gave a brief overview of the Federation of State Medical Board 2004 Summary of Board Activities and continued with the New Board Member Orientation that began prior to the start of the meeting. He discussed the essentials of what the Board is, does, and it's responsibilities. The Board is an agency of state government established by law to protect the public, assure high practice and professional standards and govern the over 4000-member physician community. The Statute, Chapter 5-37 of the RI General Laws describes the Board's composition. Under the Board's umbrella lie physician licensing, discipline, complaint investigation, physician education and public information.

Complaints may or may not be investigated depending on the finding of the Chief Administrator. Within the Board there are two committees that investigate complaints. The result of investigations of complaints falls into two categories, no unprofessional conduct (NUPC) or unprofessional conduct (UPC). A complaint against a physician that is found to be NUPC can have two results, a letter simply stating NUPC or a letter stating NUPC with a letter of concern (LOC) describing issues that the Board is concerned about that will be monitored in the future. Both of these are not formal sanctions and are not made known to the public unless physicians applying for a license or a position elsewhere are specifically asked if there have

ever been any “investigations” carried out against them. In that case it is up to physicians to supply agencies with details regarding investigations. In addition to the LOC the physician may be required to attend remedial courses or the PREP program or be referred to the Physician’s Health Committee. The Board works closely with the Physician’s Health Committee (PHC) to assure that physicians are obtaining all possible assistance with issues they may be dealing with.

If an investigated complaint is found to be UPC by the committee and the physician contests the finding then there is an automatic hearing conducted in a courtroom setting resulting in possible reprimand, restriction, fine, suspension or revocation of license. If a complaint is found to be UPC and the physician does not contest the finding the physician may enter into a legal agreement, either a Consent Order or Diversion Contract, where the physician agrees to meet certain requirements and remain under the supervision of the Board as long as deemed necessary. The physician may or may not lose their license.

The Board also oversees the Conrad State 30 or J1 Visa waiver program. This program provides qualified foreign trained physicians with temporary waivers to remain in the country and practice medicine.

4. There was no old business to discuss.

5. There was no new business to discuss.

6. At 9:30 AM the Board adjourned into Executive Session.

7. At 10:45 AM the Board reconvened into Open Session and on a motion by Mr. Parrillo seconded by Dr. Cronin it was voted to accept the minutes of the May 5th, 2005 Licensing Committee meeting. Dr. Cronin was then appointed to the Licensing Committee.

8. Adjournment at 11:00 AM.