

1 **VERMONT MEDICAL SOCIETY RESOLUTION**

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3 **Investigation Standards for the Vermont Board of Medical Practice**

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5 *Adopted October 19, 2013*

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7 Whereas, Vermont Medical Society members have expressed concern that investigators from the Board
8 of Medical Practice sometimes arrive unannounced at practices and request copies of patients' records
9 without a release or court order; and

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11 Whereas these unscheduled interviews and records requests can be disruptive, time-consuming,
12 stressful and costly for physician practices, and

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14 Whereas, in the recently completed Vermont Medical Society 2013 Survey, 83.7% of respondents agreed
15 that the Medical Practice Board should develop clear standards for conducting investigations, (0.7%
16 disagreed and 4.4% found the question non applicable); and

17 Whereas, the Rules of the Vermont Board of Medical Practice authorize individuals to make complaints
18 of unprofessional conduct against licensees by filing a written complaint with the Board; and

19 Whereas, the Rules of the Vermont Board of Medical Practice authorize the Board to open an
20 investigation on its own initiative "to evaluate instances of possible unprofessional conduct that come to
21 its attention;" and

22 Whereas, the Rules of the Vermont Board of Medical Practice, include specific requirements for a
23 complaint filed by an individual; and

24 Whereas, the complaint standards require that:

- 25 1. A complaint must be signed, and
26 2. A medical records form must be included with the complaint form; and

27 Whereas, there are no comparable standards that apply to complaints opened by the Board on its own
28 initiative; and

29 Whereas, the standards for notice to the licensee in the rules of the Board require that the Board provide
30 the licensee:

- 31 1. A copy of the complaint,
32 2. A copy of a signed release of medical records,
33 3. A copy of the grounds for unprofessional conduct,
34 4. A letter informing the licensee that a complaint has been filed and will be investigated by a
35 Board committee working with the Attorney General's Office, and
36 5. Notice that the licensee should respond to the complaint within 10 days of the date of the letter;
37 and

38 Whereas, there are no comparable requirements for notice to licensees when complaints are opened by
39 the Board on its own initiative;

1 Whereas, the law requires certain information to be included in physicians' publicly available license
2 profiles, now therefore be it

3 **Resolved, that VMS will encourage the VBMP and Department of Health to establish by rule**
4 **procedures for investigations, that provide meaningful notice of unprofessional conduct charges**
5 **to licensees and a meaningful opportunity to respond to complaints; and be it further**

6 **Resolved, that the VMS will encourage the VBMP to establish by rule clear and transparent**
7 **standards for use and disclosure of patients' medical records, requested in the course of an**
8 **investigation of a licensee, and be it further**

9 **Resolved, that the VMS work to amend the physician license profile law to require the Vermont**
10 **Board of Medical Practice and the Department of Health to remove any charges, findings or**
11 **orders if the licensing authority or a court has dismissed the charges, and be it further**

12 **Resolved, that the VMS request that the VBMP and the Department of Health, in coordination**
13 **with the Department of Public Safety, establish by rule standards for conducting investigations**
14 **of alleged unprofessional conduct.**