

# Rhode Island Board of Examiners in Podiatry 2019 Annual Report

JANUARY 2020



## Introduction

Licensing Boards serve an important, and often unrecognized, service as they quietly protect the public. Assurance of a competent workforce is one the 10 essential public health services recognized by the CDC<sup>i</sup>. Board members possess unique technical expertise and function within a Just Culture as they exercise this duty. Complex issues that surround complaint investigations, health policy, establishment of rules and regulations, and issuing licenses are some examples of these important duties.

The mission of the Rhode Island Board of Examiners in Podiatry (Board) is to protect the public through enforcement of standards for medical licensure and ongoing clinical competence. The Board has five members—four of whom are podiatrists and one who is a public member. Board members receive no compensation of any type for their hours of service annually.

<b>Podiatry Board Members</b>	
William Naughton, DPM	Podiatrist- Chair
Richard Reuter, DPM	Podiatrist
Brian Pontarelli, DPM	Podiatrist
Nathalia Doobay, DPM	Podiatrist
Vacant	Public member

There were no changes in Board membership in 2020. There is a vacancy for a public member, and the statute requires the public member to be unassociated with the podiatry or medical field<sup>ii</sup>. Members are appointed for a three-year term.

The Board meets quarterly at the Rhode Island Department of Health in Providence. Any member of the public can attend the open session.

The Board is housed entirely within the Rhode Island Department of Health (RIDOH) and staffed by RIDOH employees who divide their time to effectively ensure the Board has the resources it needs to function at the highest level.

<b>Board Staff</b>	
James V. McDonald, MD, MPH	Medical Director
Morgan Goulet, Esq.	Senior Legal Counsel
Lauren Dixon-Lasso	Board Manager
Linda Julian	Board Investigator
Dorothy Ola	Licensing Officer

## Licensing

Licensing of podiatrists by examination or by endorsement represents one of the essential functions of the Board. Ensuring that podiatrists who are allowed to practice medicine in Rhode Island are competent, ethical, and professional is critical to the licensing process.

<b>Podiatrist Licensing</b>		
	<b>2018</b>	<b>2019</b>
Podiatry licenses issued	4	6
Podiatry license applications withdrawn	0	0
Podiatry license applications denied	0	0
Average number of days to receive podiatry license	40	71
Percentage of licenses approved in less than three days after receipt of final documents	100	100

<b>Podiatrist Licenses, By Type</b>	
	<b>As of 12/31/2019</b>
Podiatrists	111
Podiatrists Controlled Substance Registration	93
Limited licenses Podiatry	11

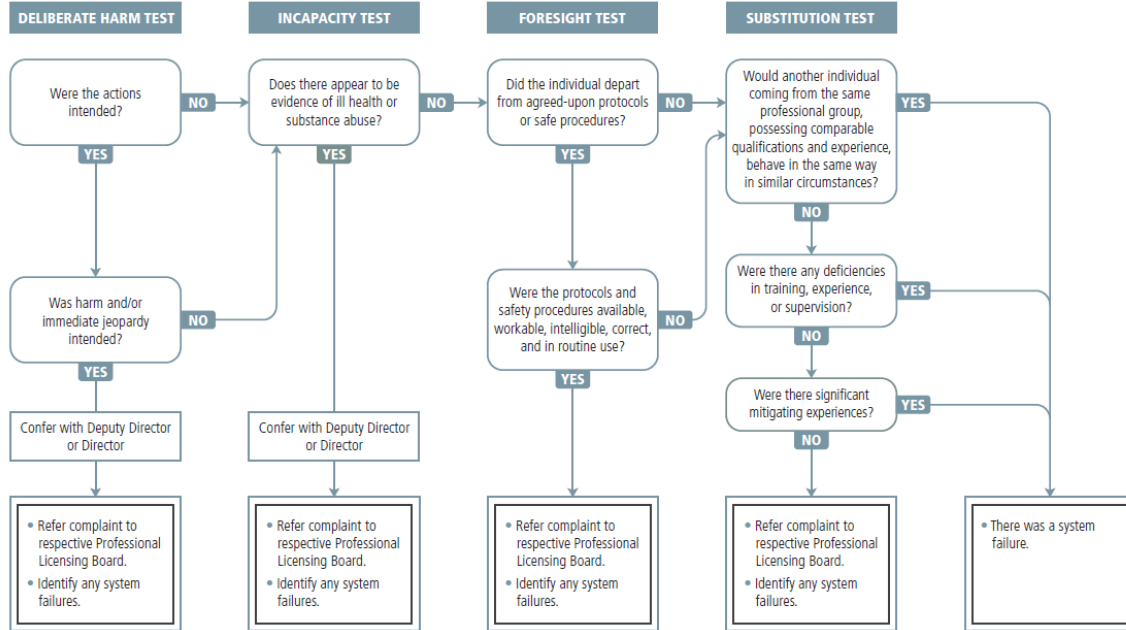
## Just Culture

Health equity and justice extends to all areas of RIDOH, so codifying Just Culture was a natural extension of this leadership priority that was accomplished in 2019.

The figures below illustrate how a complaint would be reviewed by The Center for Healthcare Facilities Regulation, and ultimately, if it would be referred to the Board of Examiners in Podiatry. This framework was based on input from the Board and previously published work<sup>iii</sup>.

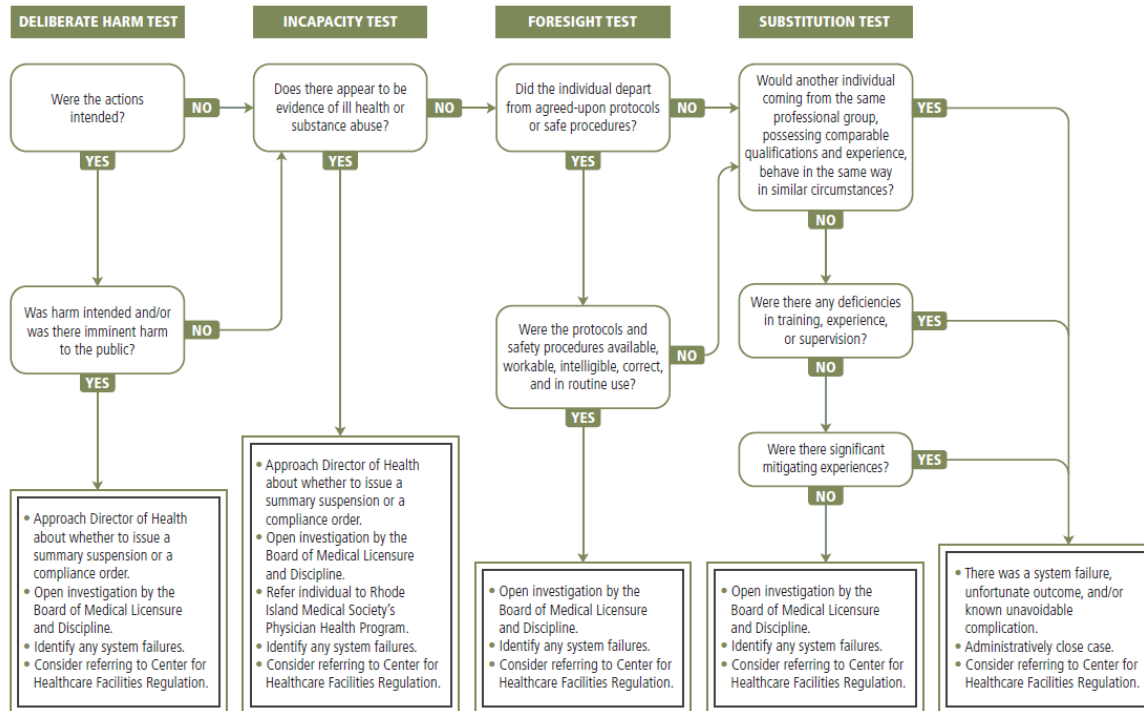


## Center for Healthcare Facilities Regulation: Determining If Complaint Is Referred to Professional Licensing Board





## Board of Medical Licensure and Discipline (BMLD) Team Review: Determining if BMLD Initiates an Investigation



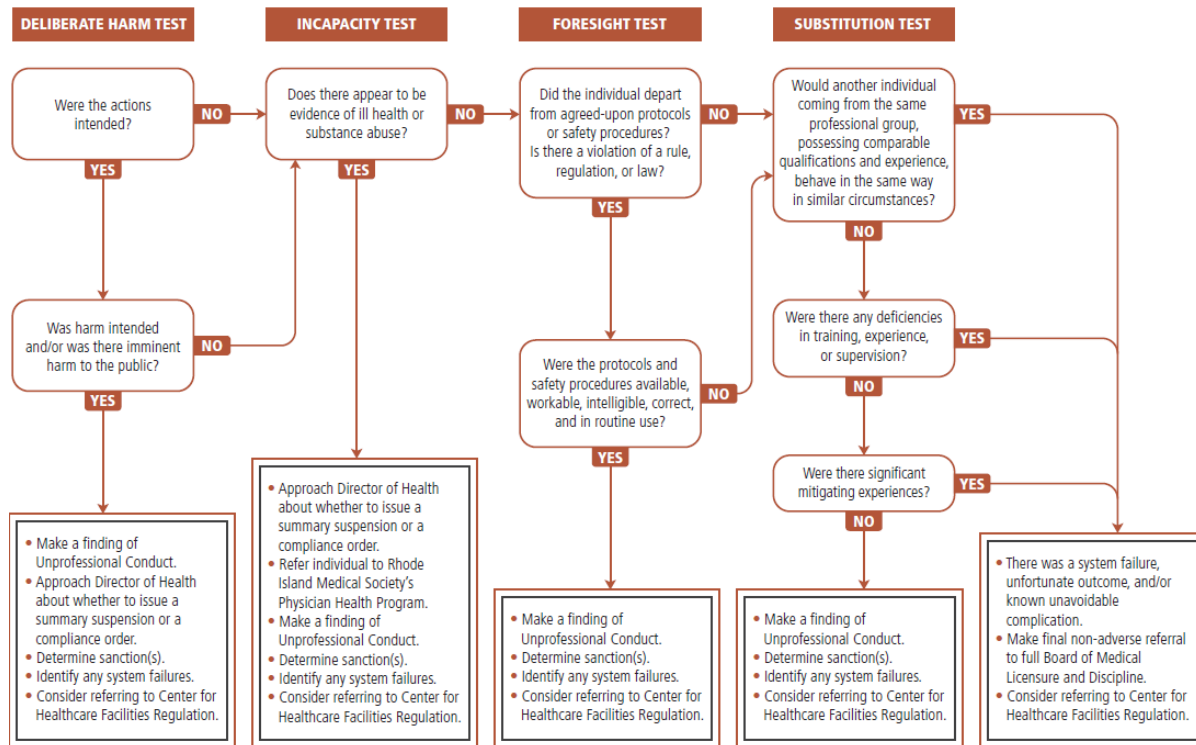
The Board utilizes the Deliberate Harm Test, Incapacity Test, Foresight Test, and Substitution Test to evaluate each new complaint, regardless of its origin. These tests are based on lessons learned from other industries that evaluate errors and mistakes in the context of safety and a Just Culture.<sup>iv</sup>

The Board investigates complaints and strives to achieve consistent and just outcomes for all parties involved. The Board needs to determine whether to hold a podiatrist accountable or whether the error/issue was more likely caused by a systems issue(s) beyond the control of the physician. Utilizing the Deliberate Harm Test, Incapacity Test, Foresight Test, and Substitution Test help the Board arrive at consistent decisions which protect the public yet also hold physicians accountable.

Often when a complaint is filed there is a desire on the part of the complainant to assign blame, so the framework the Board has adopted better helps determine if the physician is indeed blameworthy or if larger systems issue(s) are at the root of the issue, rendering the physician blameless.



## Determining an Outcome of an Investigation of the Board of Medical Licensure and Discipline



## Rules and Regulations for Licensure of Examiners in Podiatry

There were no changes to the *Rules and Regulations for Licensure of Examiners in Podiatry* in 2019.

## Complaints and Disciplinary Actions

An essential role of the Board is to investigate and adjudicate complaints. Complaints come from a variety of sources, including patients, patient advocates, notices of litigation, licensed facilities, pharmacists, physicians, and other healthcare professionals. Each complaint is reviewed prior to being opened for complete investigation. The complaint process for physicians is detailed in a flow chart at <http://health.ri.gov/complaints/physician/>.

<b>Summary of Annual Complaint Activity</b>		
	<b>2018</b>	<b>2019</b>
Complaints received	4	8
Complaints opened for investigation	2	1
Complaints adjudicated by full Board	2	1
Suspensions	0	0
Reprimands and related sanctions	1	1
Revocations	0	0
Public adverse actions	1	1

## Revenue

Revenue is sent to the Rhode Island General Treasury, and Board operation is funded by RIDOH. License fees account for the vast majority of revenue for the state, as reflected in the following table. Physician assistant licenses renew by June 30 of odd years; therefore, revenue varies significantly between renewal cycles. Revenue is also generated by fees paid to renew controlled substance registrations (CSRs). There is a fee for verification of a Rhode Island podiatry license; however, RIDOH does offer primary source verification at no charge, at [http://209.222.157.144/RIDOH\\_Verification/Search.aspx?facility=N&SubmitComplaint=Y](http://209.222.157.144/RIDOH_Verification/Search.aspx?facility=N&SubmitComplaint=Y). The Board is not authorized to issue fines for disciplinary actions and is one of the few states in the country that lacks this authority. The Board does have the authority to issue administrative fees which reflect the actual cost of investigating a complaint.

<b>Annual Revenue from Podiatry-Related Fees</b>					
	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019*</b>
<b>Podiatry License Fees<sup>1</sup></b>	\$1,675	\$26,330	\$1,880	\$29,085	\$3,275
<b>Podiatry Controlled Substance Registrations Fees<sup>2</sup></b>	\$1,500	\$18,600	\$2,200	\$19,050	\$2,000
<b>Total Annual Fees</b>	\$3,175	\$44,930	\$4,080	\$48,135	\$5,275

\* 2019 revenue received to date as of 12/31/2019.

<sup>1</sup> Source: L2K – Revenue Reports – Podiatrist and Limited Podiatric Registration.

<sup>2</sup> Source: L2K – Revenue Reports – CSR-Podiatrist and CSR-Limited Podiatric Registration.



## Conclusion

The Board made significant accomplishments in 2019, highlighted by codifying Just Culture and publishing its framework for decision making regarding compliant investigations. This reflects transparency, justice, and equity and align with the organizational values of RIDOH. In 2020, the Board will examine strategies to streamline the licensing application and its process as well as standards regarding infection control.

The Board is composed of highly respected, wise, and committed volunteers who give of themselves and their time to carry out its critical mission. The Board is vigilant and consistent in its mission to protect the public and does so in the spirit of equity and justice.

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<sup>i</sup> "CDC - Public Health System and the 10 Essential Public Health Services - OSTLTS." Centers for Disease Control and Prevention, Centers for Disease Control and Prevention, 26 June 2018, <https://www.cdc.gov/publichealthgateway/publichealthservices/essentialhealthservices.html>.

<sup>ii</sup> "TITLE 5 Businesses and Professions." 5-29-2, [webserver.rilin.state.ri.us/Statutes/TITLE5/5-29/5-29-2.HTM](http://webserver.rilin.state.ri.us/Statutes/TITLE5/5-29/5-29-2.HTM)

<sup>iii</sup> Reason, James, and Alan Hobbs. *Managing Maintenance Error*. Ashgate, 2003

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