

Rhode Island Board of Medical Licensure and Discipline 2023 Annual Report

FEBRUARY 2024



Introduction

The changes in healthcare delivery that have resulted from the COVID-19 pandemic continue to impact the physician workforce in Rhode Island. The expansion of the use of technology in clinical care, the increase in workplace violence, and chronic staffing shortages in multiple health care professions and ancillary staff have added to the complexity and stress of physician practice. While the emergency phase of the pandemic has passed, the lack of seasonality of the virus resulting in continuing waves of infection with new subvariants continues to impact physician's offices, urgent care centers, and emergency departments. Staffing shortages and the need to continually train new staff contribute to delays in care and physician frustration. Rhode Island continues to struggle to attract and retain primary care physicians, many of whom prefer to practice in neighboring states where reimbursement rates are considerably higher. The rapid increase in the use of telemedicine – often from providers located outside of the state – has changed the manner in which healthcare is delivered. The Board of Medical Licensure and Discipline continues to navigate its mission to protect the public and ensure high professional standards in a rapidly changing medical field.

The Rhode Island Department of Health (RIDOH) was fortunate to recruit Dr. Staci Fischer as Chief Administrative Officer of the Board of Medical Licensure and Discipline (BMLD) in August 2023, providing more consistency in licensing and disciplinary processes, after an 18-month vacancy of the position after the departure of Dr. James McDonald. The BMLD's Board Manager, Chief Investigator, Licensing Officer and Legal Counsel comprise the remainder of the BMLD staff. Dr. Fischer has additional roles within RIDOH, notably serving as one of three full-time Medical Directors, responsible for physician oversight of the Division of Healthcare Quality and Safety, which investigates complaints against health care facilities and performs routine facility surveys as the state agent for the Centers for Medicare & Medicaid Services (CMS). With the significant increase in license applications and complaints, as well as the need to implement new initiatives (e.g., the Interstate Medical Licensing Compact) without additional funding, the BMLD continues to need additional resources including staffing.

The mission of the Board of Medical Licensure and Discipline (BMLD) is to protect the public through enforcement of standards for medical licensure and ongoing clinical competence. The BMLD has six members who represent the public, and seven members who are physicians. BMLD members receive no compensation of any type for their hundreds of hours of service annually. With the end of the federal COVID-19 public health emergency in May 2023 and consistent with the state Open Meetings Act, BMLD members are required to attend Board and Committee meetings in person. Guests appearing before the Board have been allowed to appear remotely via Microsoft Teams, particularly during times of high respiratory virus infection in the state.

BMLD Members 2023	
Bruce Todesco (Center Chief, Professional Boards and Licensing)	Designee of the Director, Rhode Island Department of Health (RIDOH), Chair
Jennifer Barry, Esq.	Public member, Plaintiff Attorney
Sajeev Handa, MD (Infectious Disease and Internal Medicine, Hospitalist)	Vice Chair, Physician (Allopathic)
Alexios Carayannopoulos, DO, MPH (Interventional Spine and Pain Medicine, Physical Medicine and Rehabilitation)	Physician (Osteopathic)
Sandra Coletta, MBA (Former Hospital Administrator)	Public member
Crista Durand, MBA (Hospital Administrator)	Public member, Hospital Administrator
Catherine DeGood, DO (Family Medicine, Addiction Medicine)	Physician (Osteopathic)
Sabina Holland, MD (Pediatric Infectious Diseases)	Physician (Allopathic)
Emily Green, PhD, MA (Adult Learning and Development; Assistant Dean for Faculty Development, Warren Alpert Medical School of Brown University)	Public member
Leonard Green, MHA (Former RIDOH Chief of Staff and Deputy Director)	Public member
David Kroessler, MD (Psychiatry)	Physician (Allopathic)
James Monti, MD (Emergency Medicine)	Physician (Allopathic, full-time faculty)
Pending	Public member

The BMLD meets the second Wednesday of each month at the Rhode Island Department of Health (RIDOH) in Providence, Room 401, and the open session of each meeting begins at 8:15 a.m. Any member of the public can attend the open session.

The BMLD is staffed by RIDOH employees who divide their time to effectively ensure the BMLD has the resources it needs to function at the highest level. The BMLD has continued to work with outside legal counsel in 2023 due to the RIDOH staffing shortage.

BMLD Staff		% FTE dedicated to BMLD
Staci Fischer, MD	Chief Administrative Officer	50%
Raymond Marcaccio, Esq.	Legal Counsel	
Jessica DeSanto	Board Manager	85%
Steven Sullivan	Board Investigator	50%
Tara Charland	Licensing Officer	60%
Vacant	Administrative Support	

The BMLD has gained Dr. Staci Fischer as the new Chief Administrative Officer in August 2023. With Dr. Fischer's knowledge and fast learning, she has brought tremendous value to the Board. The Board extends its gratitude to Sajeev Handa, MD and Jennifer Barry, Esq., who volunteered their additional time to review every physician license application during the gap period between Chief Administrative Officers.

Licensing

Licensing of physicians, by examination or by endorsement, represents one of the essential functions of the BMLD. Ensuring that physicians who are allowed to practice medicine in Rhode Island are competent, ethical, and professional is critical to the licensing process. The number of license applications continues to increase. The state now has 7,013 fully licensed physicians. Much of this increase is attributable to the increase in telemedicine as more physicians have obtained a license in Rhode Island yet are located in a different state due to the pandemic. Data in the licensing system suggest that approximately 1/3 of active physician licenses are for physicians practicing via telemedicine from outside of the state.

Physician Licensing									
	2015	2016	2017	2018	2019	2020	2021	2022	2023
Physician licenses issued	377	478	430	476	474	565	867	848	742
Physician license applications withdrawn	0	3	3	5	1	1	0	1	8
Physician license applications denied	0	0	0	0	0	0	0	0	0
Average number of days to receive physician license	29.5	25	31	25	26	28	28	41	20
Percentage of licenses approved in less than three days after receipt of final documents	95	99	97	93	99	100	96	98	100

Physician Licenses, By Type									
	As of 12/31/15	As of 12/31/16	As of 12/31/17	As of 12/31/18	As of 12/31/19	As of 12/31/20	As of 12/31/21	As of 12/31/22	As of 12/31/23
Allopathic physicians	4,836	4,616	5,024	4,710	5,149	4,946	5,778	5,701	6,397
Osteopathic physicians	335	316	365	340	418	437	511	520	616
Total Physicians with a Full License	5,177	4,951	5,408	5,085	5,598	5,386	6,289	6,221	7,013
Physicians (MD and DO) with a Controlled Substance Registration	4,303	3,324	4,238	3,934	4,242	3,982	4,410	4,193	4,544
Limited license (Training, Residents) ¹	781	808	843	829	881	888	900	920	933
Volunteer license ²	2	15	15	16	17	14	14	15	15
Academic faculty, limited license ³	4	4	4	3	3	2	1	0	0
Temporary Post Graduate license ⁴	N/A	N/A	N/A	16	13	13	15	8	47
Emergency Licenses (COVID-19 pandemic)						829	0	0	0

¹ Limited License: a physician, in accordance with regulation 1.3.4; in an approved accredited graduate medical education program 216-RICR-40-05-1 <http://sos.ri.gov/documents/archives/regdocs/released/pdf/DOH/8700.pdf>

² Volunteer License: a physician, in accordance with regulation 1.4.5; retired; receives no financial compensation; practices at a 501(c)(3) and has proof of malpractice coverage 216-RICR-40-05-1 <http://sos.ri.gov/documents/archives/regdocs/released/pdf/DOH/8700.pdf>

³ Academic Faculty License: a physician, in accordance with regulation 1.4.6; physician of noteworthy and recognized professional attainment who is a graduate of a foreign medical school and has been offered a full-time academic appointment by the dean of an accredited medical school in Rhode Island. Except to the extent authorized by this section, the registrant shall not engage in the practice of medicine or receive compensation for his or her limited-registration work, unless he or she is issued a license to practice medicine in accordance with the provisions of § 5-37-2.. 216-RICR-40-05-1 <http://sos.ri.gov/documents/archives/regdocs/released/pdf/DOH/8700.pdf>

⁴ Temporary Post Graduate License: a physician, in accordance with regulation 1.4.4; new in 2018. 216-RICR-40-05-1 <http://sos.ri.gov/documents/archives/regdocs/released/pdf/DOH/8700.pdf>. As of 2024, these licenses will no longer be issued.

Complaints and Disciplinary Actions

An essential role of the BMLD is to investigate and adjudicate complaints against physicians. Complaints come from a variety of sources, including patients, patient family members, patient advocates, notices of formal disciplinary action taken in another state, notices of malpractice claims and settlements, licensed facilities, pharmacists, physicians, and other healthcare professionals. Common complaints are delays in obtaining requested medical records and delays in prescriptions being transmitted to pharmacies. Complaints also include notices of the filing and settlement of malpractice claims, hospital medical staff disciplinary actions, as well as reports of medical errors, procedural complications and inappropriate conduct.

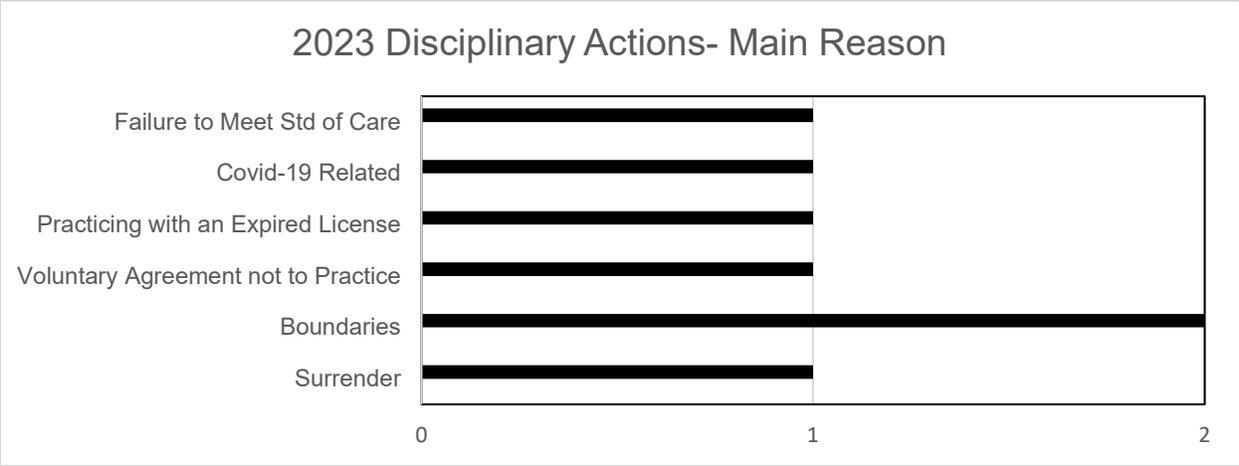
Each complaint is reviewed by a multidisciplinary team that determines whether the complaint is opened for complete investigation; medical record and prescription request delays are usually referred back to the physician for immediate attention.

If the team decides to open an investigation, the physician has 30 days to respond to the complaint and provide relevant medical records and proof of completion of continuing medical educational requirements for licensure. An Investigating Committee of the BMLD then reviews the complaint and response in detail. The Committee may vote to subpoena additional medical records, obtain an expert review for the case, and/or have the physician appear before the committee for questioning. The complaint process for physicians is detailed in a flow chart at <http://health.ri.gov/complaints/physician/>.

After review of all records and, in most cases, questioning of the physician in an appearance before the Committee, the Committee makes a recommendation for any action to be taken to the full BMLD. The BMLD reviews the complaint, response, records, and recommendation of the Committee and makes a final determination on the action to be taken.

Summary of Annual Complaint Activity									
	2015	2016	2017	2018	2019	2020	2021	2022	2023
Complaints received	422	514	320	597	544	704	585	450	394
Complaints opened for investigation	200	168	122	256	243	163	169	136	106
Complaints adjudicated by full Board	211	200	137	169	171	157	125	114	74
Advisory letters specifying opportunities for improvement	-	-	-	-	-	-	-	-	9
Suspensions	1	0	3	7	5	0	5	1	0
Voluntary agreements not to practice medicine/surrender of license	4	7	1	3	4	7	6	1	1
License reinstatements/ activations with disciplinary actions	7	4	3	1	3	2	1	1	0
Reprimands and related sanctions	20	18	19	27	24	29	16	6	6
Revocations	0	1	0	0	0	0	0	0	0
Public adverse actions	32	30	26	38	36	38	28	9	7

The types of public disciplinary actions for 2023 are illustrated in the figure below:



In 2023, the issue most frequently cited in physician disciplinary actions was a boundary violation. The lack of funds to pay outside experts to review cases and ensure due process has resulted in significant delays in adjudication of cases (often for many months). As an example, 38 opened complaints filed in 2023 are pending adjudication as of February 20, 2024.

Just Culture

The Board continues its framework of Just Culture originally adopted in September of 2019 embracing the RIDOH values of equity and justice in the process of investigating complaints filed against physicians.

Additional Board Activities

The Board routinely reviews in detail all proposed Collaborative Practice Agreements between pharmacists and physicians referred to the BMLD by the RIDOH Board of Pharmacy, to ensure that the agreements comply with current medical guidelines and ensure that there is adequate physician oversight of the initiation, modification, and discontinuation of medications by pharmacists.

Several Board members serve on committees of the Federation of State Medical Boards (FSMB), which represents all state medical boards in the U.S. and promotes regulatory best practices. Those members provide regular updates to the BMLD on activities and initiatives in other states for consideration by the BMLD.

The Rhode Island Medical Society (RIMS) is an important partner in the work of the BMLD, as the sponsor of the Physician's Health Program (PHP) which evaluates and provides support to physicians with behavioral health and/or substance use issues and provides advocacy for all Rhode Island physicians. Each BMLD meeting agenda includes a report from RIMS to ensure that Board members and RIDOH are aware of their activities.

The Chief Administrative Officer provides regular updates to the BMLD on RIDOH initiatives, pending regulatory changes, actions taken by other state legislatures or medical boards that might prompt similar actions in Rhode Island, and peer-reviewed medical publications on predictors of physician disciplinary actions. She also solicits input from Board members on issues being discussed within RIDOH where broader physician and public input may help guide decision making.

Publications

BMLD staff authored two publications relevant to their work in 2023.

1. Barre, L, MD, MPH, Phengsavatdy A, B.S., MPH, McDonald, James V., MD, MPH, Review of Complaints to the Rhode Island Board of Medical Licensure and Discipline 2018–2020, Rhode Island Medical Journal, 2023 September 1 Vol 106, Number 8. Pages 31-35. Access: [2023-09-31-contribution-barre.pdf \(rimed.org\)](#).
2. Fischer, SA. Introduction to the Medical Education Issue: Showcasing Innovations and Initiatives in Undergraduate, Graduate Medical Education. Guest Editor, Rhode Island Medical Journal, 2023 October 1 Vol 106, Number 9. Access: [2023-10.pdf \(rimed.org\)](#)

Revenue

Revenue generated from physician licensing fees is sent to the General Treasurer of the State of Rhode Island and BMLD operations are funded by RIDOH. License fees account for the vast majority of revenue for the State as reflected in the table below. Physician licenses are renewed by June 30, of even numbered years; therefore, revenue varies significantly between renewal cycles. Revenue is also generated by fees paid to renew Controlled Substance Registrations (CSR). There is a fee for verification of a Rhode Island physician license which is administered via veridoc.org, which sends real-time license verification to state medical boards as requested. RIDOH offers primary source verification at no charge, at http://209.222.157.144/RIDOH_Verification/Search.aspx?facility=N&SubmitComplaint=Y.

	2016	2017	2018	2019	2020	2021	2022	2023
License Fees (MD/DO)	\$5,417,610	\$581,935	\$ 5,566,053	\$1,016,333	\$5,913,411	\$1,294,945	\$6,800,035	\$1,579,756
CSR Fees	\$796,550	\$77,770	\$790,400	\$76,000	\$803,630	\$84,000	\$84,440	\$82,800
License Verification Fees	\$146,155	\$146,800	\$165,515	\$179,450	\$155,880	\$116,300	\$5,900	\$7,250
Administrative Fees from Disciplinary Actions	\$17,900	\$23,055	\$37,938	\$29,744	\$75,636.54	\$35,293	\$16,095.00	\$3,837
Limited License Application Fees	\$59,115	\$58,275	\$57,275	\$61,420	\$60,850	\$59,605	\$62,400	\$64,545
Limited License CSR Fees	\$83,100	\$84,700	\$86,100	\$89,300	\$92,300	\$31,400	\$95,300	\$93,850
Physician Hospital Beds Licensing Fees	\$136,840	\$197,860	\$186,662	\$150,856	\$191,949	\$147,695	\$180,504	\$179,850
Total Annual Fees	\$6,657,270	\$1,170,395	\$6,889,943	\$1,603,103	\$7,293,657	\$1,501,493	\$7,244,674	\$1,288,872

*provisional

Conclusion

The BMLD was established in 1986, and 2023 reflects the close of its 37th year of protecting the public and ensuring the highest standards of the medical profession. The BMLD is composed of highly respected and committed volunteers who give of themselves and their time to carry out its mission. The BMLD is vigilant and consistent in its mission to protect the public and does so in the spirit of equity and justice for all.