



Clinical Staff Executive Committee

MEDICAL CENTER POLICY NO. 0255

- A. SUBJECT: Mandatory Reporting of Healthcare Practitioners
- B. EFFECTIVE DATE: January 1, 2014 (R)
- C. POLICY:

Virginia laws¹ require hospitals and healthcare practitioners to report specific matters related to licensed or certified healthcare practitioners to the Virginia Department of Health Professions. Failure to make the mandatory reports is punishable by fines and licensing penalties. The individuals specified below and all healthcare practitioners providing treatment and care at the Medical Center and its clinics shall comply with the mandatory requirements for reporting to the Virginia Department of Health Professions.

D. PROCEDURE:

1. The attached charts summarize the reporting requirements contained in Virginia law. All individuals specified in this Policy and all licensed or certified healthcare practitioners providing care and treatment at the Medical Center shall be aware of these mandatory reporting requirements. The meaning of the term “unprofessional conduct,” used in the requirements below, is specified by Virginia laws that contain varying definitions for different professions². Any person who needs assistance in understanding the meaning of this term as applied to a specific circumstance may contact the Office of General Counsel at 924-2497.
2. For licensed or certified healthcare practitioners who are not GME Trainees and not members of the Clinical Staff, mandatory reports shall be coordinated by the Medical Center’s Chief Nursing Officer, Chief of Clinical Ancillary Services, or Chief of Ambulatory Care Services, as appropriate for the specific practitioner.
3. For all members of the Clinical Staff³, mandatory reports shall be coordinated by the President of the Clinical Staff or the Chief Medical Officer.
4. For GME Trainees, mandatory reports shall be coordinated by the Associate Dean for Graduate Medical Education.

¹ See, Virginia Code Sections 54.1-2400.6, 54.1-2400.7, and 54.1-2909.

² See, e.g. Virginia Code Sections 54.1-2915 and 85-20-25 et seq.,

³ “Clinical Staff” means those physicians, dentists, podiatrists, and Ph.D. Clinical Psychologists who have been granted clinical privileges.

(SUBJECT: Mandatory Reporting of Healthcare Practitioners)

5. The practitioner who is the subject of any such report shall be provided a copy of the report when it is submitted to the Department of Health Professions.

SIGNATURE:



Robert S. Gibson, M.D., President, Clinical Staff



R. Edward Howell, CEO, UVA Medical Center



DATE:

Medical Center Policy No. 0255 (R)
Approved October 2003
Revised June 2004, June 2007, September 2010, December 2013
Approved by Credentials Committee
Approved by Clinical Staff Executive Committee

ATTACHMENTS

(SUBJECT: Mandatory Reporting of Healthcare Practitioners)

REPORTING REQUIREMENTS
Virginia Code Section 54.1-2400.6

Who must report: Chief Executive Officer and Chief of Staff of every hospital or health care institution in the Commonwealth.

Penalty for Failure to Report: Civil penalty of up to \$25,000 assessed by Director of Department of Health Professions. Loss of Medicare/Medicaid certification and denial of issuance or renewal of license until penalty is paid.

Who Is Reported	What Is Reported/Time	To Whom/Content
<p>Any person licensed, certified or registered by a health regulatory board, and</p> <p><u>Board of Audiology/Speech</u> Audiologists Speech-language pathologists <u>Board of Dentistry</u> Dentists Oral and maxillofacial surgeons Dental hygienists <u>Board of Medicine</u> Doctors of medicine, including interns and residents Doctors of osteopathy Chiropractors Podiatrists Physician Assistants Polysomnographic technicians Radiologic-technicians Respiratory care providers Occupational therapists Licensed Acupuncturists Nurse practitioners Licensed athletic trainers Licensed midwives Behavior Analysts Assistant Behavior Analysts <u>Board of Nursing</u> Registered nurses Licensed practical nurses Nurse practitioners Certified registered nurse anesthetists Clinical nurse specialists Certified nurse aides Certified massage therapists <u>Board of Optometry</u> Optometrists <u>Board of Pharmacy</u> Pharmacists Registered pharmacy technician <u>Board of Physical Therapy</u> Physical therapists Physical therapy assistants <u>Board of Counseling</u> Marriage and family therapists Professional counselors Licensed substance abuse treatment practitioners Certified substance abuse counselors Certified substance abuse counseling assistant Certified rehabilitation providers <u>Board of Psychology</u> Clinical psychologists School psychologists Certified sex offender treatment providers <u>Board of Social Work</u> Clinical social workers Social workers</p>	<p>Any information indicating that practitioner is in need of treatment or has been admitted or committed, to any health care institution, for treatment of psychiatric illness or substance abuse which may render practitioner a danger to self, the public or patients. Time: 5 days from when CEO/Chief of Staff learns of admission. 30 days for all others.</p> <p>Any information indicating that there is a reasonable probability that practitioner has engaged in unethical, fraudulent or unprofessional conduct (as defined in applicable law). Time: 30 days from when CEO/Chief of Staff learns that reasonable probability exists.</p> <p>Any disciplinary proceeding begun by the institution as a result of conduct involving -intentional or negligent conduct that causes or is likely to cause injury to a patient or patients -professional ethics -professional incompetence -moral turpitude -substance abuse Time: 30 days of the date of written communication to the health professional notifying him of any disciplinary action</p> <p>Any disciplinary action taken during or at the conclusion of disciplinary proceedings or while under investigation, including but not limited to denial or termination of employment, denial or termination or privileges, restriction of privileges, as a result of conduct involving -intentional or negligent conduct that causes or is likely to cause injury to a patient or patients -professional ethics -professional incompetence -moral turpitude -substance abuse Time: 30 days from date of written communication to practitioner notifying him of disciplinary action.</p> <p>Voluntary resignation from clinical staff or voluntary restriction or expiration or privileges while practitioner is under investigation or disciplinary actions are pending for any reason related to - possible intentional or negligent conduct that causes or is likely to cause injury to patient(s) -incompetence -unprofessional conduct -moral turpitude -mental or physical impairment -substance abuse Time: 30 days</p>	<p>Report in writing to the Director, Virginia Department of Health Professions.</p> <p>Contains name and address of practitioner who is subject of report.</p> <p>Fully describes the circumstances surrounding the facts required to be reported.</p> <p>Report includes names and contact information of individuals with knowledge about the facts required to be reported.</p> <p>Includes names and contact information of individuals from whom health care institution sought information to substantiate facts required to be reported.</p> <p>All relevant medical records attached to report if patient care or practitioner's health status is at issue.</p> <p>Provide notice to Department of Health Professions that, if applicable, report has been sent to National Practitioner Data Bank.</p> <p>Reporting institution shall give practitioner who is subject of report the opportunity to review the report. Practitioner may submit a separate report.</p> <p>Institution is not required to submit any proceedings, minutes, records or reports that are privileged under Va. Code § 8.01-581.17, but that section does not bar required reporting and provision of medical records.</p> <p><u>Non-waiver:</u> Privilege attached to quality assurance, peer review, credentialing, etc. documents is not waived by this mandatory report.</p> <p><u>Exemptions:</u> Actual proceedings, minutes, records or reports that are privileged.</p> <p>Records protected by 42 USC 290dd and federal regulations (confidentiality of drug and alcohol abuse treatment records)</p>

(SUBJECT: Mandatory Reporting of Healthcare Practitioners)

REPORTING REQUIREMENTS
Virginia Code Section 54.1-2400.7

Who Must Report: Every practitioner licensed or certified by a health regulatory board in Virginia or who holds a multistate licensure privilege to practice nursing and who treats professionally any other practitioner licensed or certified by a health regulatory board in Virginia or who holds a multistate licensure privilege to practice nursing.

Who Is Reported	What Is Reported	To Whom
<p><u>Board of Audiology/Speech:</u> Audiologists Speech-language pathologists <u>Board of Dentistry:</u> Dentists Oral and maxillofacial surgeons Dental hygienists <u>Board of Medicine:</u> Doctors of medicine, including interns, residents Doctors of osteopathy Chiropractors Podiatrists Physician Assistants Polysomnographic technicians Radiological technicians Respiratory care providers Occupational therapists Licensed Acupuncturists Licensed Athletic trainers Licensed midwives Behavior Analysts Assistant Behavior Analysts <u>Board of Nursing:</u> Registered nurses Licensed practical nurses Nurse practitioners Certified registered nurse anesthetists Clinical nurse specialists Certified nurse aides Massage therapists <u>Board of Optometry:</u> Optometrists <u>Board of Pharmacy:</u> Pharmacists <u>Board of Physical Therapy:</u> Physical therapists Physical therapy assistants <u>Board of Counseling:</u> Marriage and family therapists Professional counselors Licensed substance abuse treatment practitioners Certified substance abuse counselors Certified substance abuse counseling assistants Certified rehabilitation providers <u>Board of Psychology:</u> Clinical psychologists School psychologists Certified sex offender treatment providers <u>Board of Social Work:</u> Clinical social workers Social workers</p>	<p>Whenever a practitioner is treated for mental disorders, chemical dependency or alcoholism UNLESS the attending practitioner has determined that there is a reasonable probability that the person being treated is competent to continue in practice or would not constitute a danger to himself or to the health and welfare of his patients or the public.</p> <p><u>Exemptions:</u> Records protected by 42 USC 290dd and implementing federal regulations (confidentiality of drug and alcohol abuse treatment records)</p>	<p>To the Director of the Department of Health Professions.</p>

(SUBJECT: Mandatory Reporting of Healthcare Practitioners)

REPORTING REQUIREMENTS
Virginia Code Section 54.1-2909

Who Must Report: (1) All practitioners licensed by the Virginia Board of Medicine; (2) All Virginia health care institutions; (3) Presidents of Professional Societies; (4) Malpractice insurance carriers of a person who is the subject of a judgment or settlement; (5) Health Maintenance Organizations.

Penalty for Failure to Report: Civil penalty of up to \$5,000 for individuals who are licensed practitioners and unlicensed individuals who fail to report as required by statute. Denial of license or renewal or license until penalty is paid.

Who Is Reported	What Is Reported/Time	To Whom/Content
<p>Any person licensed by the Virginia Board of Medicine.</p> <p>Doctors of medicine, including interns and residents</p> <p>Doctors of osteopathy</p> <p>Chiropractors</p> <p>Podiatrists</p> <p>Physician Assistants</p> <p>Polysomnographic technicians</p> <p>Radiological technicians</p> <p>Respiratory care providers</p> <p>Occupational therapists</p> <p>Licensed Acupuncturists</p> <p>Licensed Athletic Trainers</p> <p>Licensed midwives</p> <p>Nurse practitioners</p> <p>Behavior Analysts</p> <p>Assistant Behavior Analysts</p>	<p>Each of the following must be reported with 30 days:</p> <p>Any evidence that indicates a reasonable probability that a person licensed by the Board of Medicine:</p> <ul style="list-style-type: none"> - is or may be professionally incompetent, - - has engaged in intentional or negligent conduct that causes or is likely to cause injury to a patient or patients, - has engaged in unprofessional conduct - may be physically or mentally unable to engage safely in the practice of his profession. <p>Any settlement of a malpractice claim against a person licensed by the Virginia Board of Medicine.</p> <p>Any malpractice judgment against a person licensed by the Virginia Board of Medicine.</p> <p>Disciplinary action taken against a person licensed by the Virginia Board of Medicine in another state, a federal health institution or the voluntary surrender of a license in another state while under investigation.</p>	<p>Report to the Virginia Board of Medicine.</p> <p>Report in writing and shall contain the name and address of the person who is the subject of the report and shall describe the circumstances surrounding the facts required to be reported.</p> <p>Includes names and contact information of individuals from whom health care institution sought information to substantiate facts required to be reported.</p> <p>Privilege for quality assurance, peer review records, etc. is not waived by the required report.</p> <p>Reporting requirements satisfied if matters are reported to the National Practitioner Data Bank, but notice of such report must be provided to the Board of Medicine.</p>