

1 S.243

2 Introduced by Senator Ayer

3 Referred to Committee on

4 Date:

5 Subject: Professions; health; physicians; Board of Medical Practice

6 Statement of purpose of bill as introduced: This bill proposes to specify which  
7 professional disciplinary actions health care institutions must report to the  
8 Board of Medical Practice. It would also specify that anyone served with a  
9 subpoena from the Board of Medical Practice must comply, regardless of any  
10 provision of law that otherwise prohibits health care professionals from  
11 disclosing information about their patients.

12 An act relating to the Board of Medical Practice and reporting of  
13 professional disciplinary actions

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 26 V.S.A. § 1317 is amended to read:

16 § 1317. UNPROFESSIONAL CONDUCT TO BE REPORTED TO BOARD

17 (a) Any hospital, clinic, community mental health center, or other health  
18 care institution in which a licensee performs professional services shall report  
19 to the Board, along with supporting information and evidence, any disciplinary  
20 action taken by it or its staff that significantly limits the licensee's privilege to

1 ~~practice or leads to suspension or expulsion from the institution, a nonrenewal~~  
2 ~~of medical staff membership, or the restrictions of privileges at a hospital taken~~  
3 ~~in lieu of, or in settlement of, a pending disciplinary case related to~~  
4 ~~unprofessional conduct as defined in sections 1354 and 1398 of this title. The~~  
5 ~~Commissioner of Health shall forward any such information or evidence he or~~  
6 ~~she receives immediately to the Board.~~

7 (1)(A) As used in this section, “disciplinary action” includes all of the  
8 following:

- 9 (i) revocation of a right or privilege;  
10 (ii) suspension of a right or privilege;  
11 (iii) censure;  
12 (iv) written reprimand or admonition;  
13 (v) restriction of a right or privilege;  
14 (vi) nonrenewal of a right or privilege;  
15 (vii) fine;  
16 (viii) required education, counseling, or monitoring that results  
17 from a complaint, charges, or investigation that relates to the licensee’s fitness  
18 or competence to practice medicine;  
19 (ix) denial of a right or privilege;  
20 (x) resignation;  
21 (xi) leave of absence; and

1                   (xii) termination or nonrenewal of a contract.

2                   (B) “Disciplinary action” shall not include an action that results  
3                   solely in an oral reprimand or admonition or to a recommendation or referral  
4                   for services from the Vermont Practitioner Recovery Network established  
5                   pursuant to section 1401a of this title or for services from an employer  
6                   wellness program or similar program, if the recommendation or referral is not  
7                   made a mandatory condition of continued employment or continued grant of  
8                   practice privileges.

9                   (2)(A) Except as described in subdivision (1)(B) of this subsection (a)  
10                  and subdivision (B) of this subdivision (2), all disciplinary actions described in  
11                  subdivision (1)(A) of this subsection (a) shall be reported to the Board,  
12                  regardless of whether an action is formal or informal; imposed orally or in  
13                  writing; labeled as disciplinary; the result of a disciplinary process or  
14                  investigation; or agreed to by the licensee after he or she has been informed of  
15                  a complaint, investigation, or charges or of an event that is reasonably likely to  
16                  result in a complaint, investigation, or charges.

17                  (B) Notwithstanding subdivision (A) of this subdivision (2), a  
18                  limitation of rights or privileges, leave of absence, resignation, retirement,  
19                  nonrenewal, or education need not be reported if it is entirely voluntary and not  
20                  in anticipation of potential discipline.

