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SENATE JOINT RESOLUTION NO. 276

Offered January 14, 2009

Prefiled October 28, 2008

Directing the Joint Legislative Audit and Review Commission to conduct a follow-up review of the effectiveness of the Board of Medicine in regulating the practice of medicine. Report.

Patron—Puller

Referred to Committee on Rules

WHEREAS, the Board of Medicine has responsibility for ensuring the safe and competent delivery of health care services through the regulation of licensed doctors of medicine; and

WHEREAS, between July 1, 2006, and September 30, 2007, only 27 percent of Board of Medicine cases were completed within established case standard time frames, and cases took on average 391 days; and

WHEREAS, the 2000 Joint Legislative Audit and Review Commission (JLARC) report, *Final Report: Review of the Health Regulatory Boards*, found that the Board of Medicine took too long to resolve cases, did not adequately protect the public from substandard practice by doctors, and did not handle medical malpractice cases adequately; and

WHEREAS, the General Assembly enacted legislation to eliminate the gross negligence standard and define the negligent practice of medicine as a violation of law as recommended in the 2000 Joint Legislative Audit and Review Commission report, but also to give the Board of Medicine new authority to accept confidential consent agreements in lieu of disciplinary action for minor misconduct; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Joint Legislative Audit and Review Commission be directed to conduct a follow-up review of the effectiveness of the Board of Medicine in regulating the practice of medicine.

In conducting its study, the Joint Legislative Audit and Review Commission shall (i) review the Board of Medicine's implementation of recommendations pertaining to its disciplinary process in the 2000 Joint Legislative Audit and Review Commission report; (ii) examine disciplinary case processing times; (iii) review outcomes of disciplinary cases resolved at each stage of the disciplinary process and the basis for the case decisions; (iv) review the use of confidential consent agreements; and (v) make any needed recommendations to improve the regulation of the practice of medicine.

Technical assistance shall be provided to JLARC by the Boards of Health Professions and Medicine and the Department of Health Professions. The Board of Medicine and Department of Health Professions shall provide JLARC with full access to all Board of Medicine disciplinary proceedings, including executive sessions, and to all disciplinary records in the possession of the Board of Medicine or Department of Health Professions. All agencies of the Commonwealth shall provide assistance to JLARC for this study, upon request.

JLARC shall complete its meetings by November 30, 2009, and the Director shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2010 Regular Session of the General Assembly. The executive summary shall state whether JLARC intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

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