American Board of Family Medicine
Review of Disciplinary Actions

Professionalism, Licensure,
and Personal Conduct
• Professionalism

A physician’s professionalism shall be called into question and reviewed by the American Board of Family Medicine at such time as the physician is subject to an adverse action by a Governing Body resulting in licensure denial, the voluntary or involuntary surrender of a license or practice privileges, suspension, withdrawal, revocation, rescission, cancellation, or the imposition of limitations or other requirements, as defined by the ABFM, against the physician’s medical practice privileges.
Guidelines for Professionalism, Licensure and Personal Conduct

• Professionalism (cont.)
Demonstration of unethical, unprofessional, dishonest or immoral behavior, failure to provide accurate and complete responses on applications or forms submitted to the American Board of Family Medicine or Governing Bodies, misrepresentation of Diplomate status, medical licensure status, or Board Eligible status or fraud, cheating on or attempting to subvert an ABFM examination, incompetence, discompetence (performance falling somewhere between competence and incompetence), or impairment, may be sufficient cause for the ABFM to rescind Diplomate status, deny eligibility for an examination, invalidate the results of an examination, or other action as judged appropriate by the ABFM.
• Professionalism (cont.)

All physicians are subject to this policy, including commissioned medical officers of the armed forces of the United States and medical officers of the United States Public Health Service or the Department of Veterans Affairs of the United States in the discharge of their official duties.
• Licensure

To obtain and maintain certification, a physician must hold a medical license which is currently valid, full and not subject to practice privilege limitations in all jurisdictions in the United States, its territories, or Canada, in which the physician holds a license, subject to specific exceptions . . .
Any license (including but not limited to, and for purposes of example only: training, charity, military, practicing, inactive, etc.) shall be deemed "subject to practice privilege limitations" for purposes of this Policy if, as a result of an adverse action by a Governing Body the physician:

- shall have had his/her medical license denied, withdrawn, revoked; or not renewed by a Governing Body;
- shall surrender, either voluntarily or involuntarily, the physician’s license or certain practice privileges as a result of or during the pendency of an adverse action, or under threat of an adverse action;
- shall have had his/her license suspended for a specified or unspecified period of time;
• **Licensure** (cont.)

  • shall have been made subject to practice privilege limitations, regardless of whether or not such practice privilege limitations are imposed by order of the Governing Body, are a condition to the issuance of the license, or are the result of a voluntary or involuntary agreement between the physician and the Governing Body, such practice privilege limitations to be determined by the Credentials Committee of the American Board of Family Medicine as those which affect, restrict, alter, or constrain at any time or in any location, the practice of medicine or the right of a physician to treat a presenting patient, including, but not limited to, medical practice limitations that:
Guidelines for Professionalism, Licensure and Personal Conduct

• **Licensure** (cont.)
  - preclude the right of a physician to self-treatment or treatment of family members; or
  - limits the right of a physician in the prescription of medications; or
  - requires the direct supervision of a physician during the examination or treatment of one or more patients; or
  - requires the presence of a chaperone during the examination or treatment of one or more patients, or
  - either limits or restricts the right of a physician to treat or examine patients to a specific location, or restricts or limits the right of a physician to treat or examine patients to any location; or
  - limits the hours or periods during which the physician is permitted to engage in the examination or treatment of patients (such as a limited work week); or
  - restricts the geographical location(s) within the jurisdictional boundaries of the Governing Body in which a physician is permitted to engage in the examination or treatment of patients, other than the physician’s home or principal place of residence; or
  - requires that the physician’s medical practice be limited to the practice of medicine only in a group setting; or
  - restricts the medical practice site or type of practice of a physician, other than a general limitation limiting the physician to the scope of practice permitted for Family Physicians.
• **Licensure** (cont.)

A practice limitation imposed against a physician by a Governing Body shall not be deemed to be in violation of this Policy if the limitation is applicable to all other physicians practicing under medical licenses governed by the applicable Governing Body.
A physician's license shall **not** be deemed "subject to practice privilege limitations" for purposes of this policy if the physician:

- Shall have received letters of concern or reprimand not resulting in one of the stipulations which are enumerated in Section II. A. 1-4 of these Guidelines, even if such letters are made part of the physician's record;
- Shall have voluntarily entered into a rehabilitation or remediation program for impairment, dependency, or practice improvement with the approval of a Governing Body not resulting in one of the stipulations which are enumerated in Section II. A. 1-4 or as a requirement of issuance or maintenance of a license, or a requirement from the Governing Body to obtain the Governing Body's permission to reenter medical practice;
- Shall have been placed on probation without any specific practice privilege limitations, sanction, condition, requirement, or restriction on practice as described in Section II. A. 4 above;
- Shall hold a valid and full license not subject to practice privilege limitations to practice medicine in the jurisdiction in which he/she currently practices, and, for all other licenses held, shall have received no practice privilege limitations as described in Section II. A. 1-4 above, nor received a letter of reprimand, nor been censured or placed on probation, for the 6 years prior to applying for certification or recertification.
• Personal Conduct

Physicians must recognize responsibility to patients first and foremost, and be responsible for maintaining respect for the law.

• Conviction of a misdemeanor or a felony, related or not related to the practice of medicine, resulting in incarceration or probation in lieu of incarceration, or the entry of a guilty, nolo contendere plea or an Alford plea, or deferred adjudication without expungement, may be judged as sufficient cause to rescind Diplomate status, deny eligibility for an examination, invalidate the results of an examination, or other action as judged appropriate by the ABFM.
• Personal Conduct (cont.)

In order to properly and timely process actions the ABFM routinely requests information from the physician. The physician shall be required to submit to the ABFM the information, documentation or material (“Required Data”) requested by the ABFM. The Required Data shall be the information and material necessary and appropriate for the disposition of any action under consideration by the ABFM. ABFM shall submit the request to the physician, in writing, utilizing any commercially acceptable form of transmission, including electronic communication (where available), or facsimile, or US Mail, or a commercial carrier. The request shall state in detail the Required Data and the due date by which the Required Data are to be provided to the ABFM. All responses and submissions of Required Data must be timely, complete and accurate. If the physician fails to provide complete and accurate responses within 60 calendar days following the date of the ABFM request, the ABFM may proceed with the action under consideration, including, but not limited to an adverse action resulting in the suspension or revocation of Diplomate status or the determination that the physician is ineligible for Family Medicine Certification Requirements.
Guidelines for Professionalism, Licensure and Personal Conduct

• Family Medicine Certification

To participate in Family Medicine Certification a physician must fulfill all of the requirements stipulated for participation in the four components designed to assess important physician characteristics.

• A physician’s participation in Family Medicine Certification may be terminated if, as a result of action or threatened action by a Governing Body, a physician’s license is revoked, surrendered prior to, during, or following an inquiry or investigation, or permanently subject to practice privilege limitations.

• A physician’s participation in Family Medicine Certification may be terminated if the ABFM determines that there is evidence of one or more demonstrations of unprofessional behavior or actions as enumerated in Section I. A, B and C of these Guidelines.

• A physician’s participation in Family Medicine Certification may be terminated if the ABFM determines that there is evidence of unlawful activity as enumerated in Section III. A of these Guidelines.
Removal of Certification and Eligibility

Do we already know of action?

Yes
End of Process

No
Search for Details

Find out about disciplinary action

Yes
End of Process

No

Add case to CRM
Copy all documentation to Physician Records file

Violation of Guidelines II.A.?

Yes
Attachment A Guidelines for Professionalism, Licensure, and Personal Conduct

No

Current Diplomate?

Yes
Licensure Action Process

No
End of Process

Did action occur prior to implementation of Guidelines?

Yes
Rescind eligibility, make notes in system (Query) and CRM

No
End of Process

Violation of Guidelines I.A.-C. or III.A.

Yes
Professionalism and Personal Conduct Action Process

No
Make notes in system (Query) and CRM

Attachment A Guidelines for Professionalism, Licensure, and Personal Conduct

End of Process
Restoration of Certification and Eligibility

Assumption – Physician in system as a violation

Find out about change in disciplinary action

- DANS
- Self Reports
- State Board Websites
- Other

Do we already know of action?

- Yes → End of Process
- No → Search for Details

Remains in violation

- Make notes in system (Query) and CRM

Did original action occur prior to implementation of Guidelines?

- No → Violation of Guidelines I.A.-C. or III.A.
- Yes → End of Process

Action Clears License Violation

- No → Make notes in system (Query) and CRM
- Yes → End of Process

Time left on current certificate

- No → Restore eligibility, make notes in system (Query) and CRM
- Yes → End of Process

Restore Diplomate status, make notes in system (Query) and CRM

End of Process

Add case to CRM
Copy all documentation to Physician Records file
Communication of Certification Status

Notification of Disciplinary Action

- Is Disciplinary Order available on state board website?
  - Yes: Review for any additional documentation needs
  - No: Request copy of Order from state board and/or physician

- Review for any additional documentation needs
  - Yes: Request copy of document from physician
  - No: Review for any violations of Guidelines

- Are there additional needed documents (i.e. Aftercare Contract)?
  - Yes: Request copy of document from physician
  - No: Review for any violations of Guidelines

- Violation?
  - Yes: Make notes in system (Query) and CRM
  - No: End of Process

- Does physician appeal?
  - Yes: Take action, make notes in system (Query), and CRM
  - No: End of Process

- Send certified letter to rescind Diplomate status and wait appeal period
  - Send general postal mailing or email accepting appeal and notification of next CC meeting
  - Receive documentation that violation is cleared
  - Send certified letter to restore Diplomate status
  - Take action, make notes in system (Query), and CRM
  - End of Process

- Take action, make notes in system (Query), and CRM
  - End of Process

- Send general postal mailing regarding appeal decision
  - End of Process
2013-2016 Cases Reviewed and Action/No Action Taken

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<th>2015</th>
<th>2016</th>
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Total cases reviewed in 2013 = 758
Total cases reviewed in 2014 = 659
Total cases reviewed in 2015 = 781
Cases reviewed by 9/13/2016 = 913
Credentials Committee

Initial Notice and Right to Review

- Notice of Adverse Action
- Initial Request for Review of Action

Status During Reviews

Actions of the Committee

- Presentation of Material
- Decisions and Notice of Committee
  - Decisions favorable to affected party
  - Decisions unfavorable to affected party