Partners in Professionalism: TMB and GME

Amy Swanholm
Assistant General Counsel
Monique Johnston
Manager of Licensure
Mission Statement

“Our mission is to protect and enhance the public’s health, safety and welfare by establishing and maintaining standards of excellence used in regulating the practice of medicine and ensuring quality health care for the citizens of Texas through licensure, discipline and education.”
Texas Medical Board Composition

- 12 Physician members (9 M.D. and 3 D.O.)
- 7 Public members (non-physicians)
- Appointed by the Governor for 6 year term

Board members
Sherif Zaafran, M.D.- President
George Willeford III, M.D. -Vice President
Paulette Southard – Secretary

Julie Attebury
LuAnne Morgan
Frank S. Denton
Michael Cokinos
Carlos L. Gallardo
Jeff Luna, M.D.
John R. Guerra, D.O.
Scott Holliday, D.O.

Margaret McNeese, M.D.
Michael Arambula, M.D.
Kandace Farmer, D.O.
Jay Naidu, M.D.
Karl W. Swann, M.D.
Stanley S. Wang, M.D., J.D.
Timothy Webb, J.D.
Surendra Varma, M.D.
# Licensee Demographics

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<tr>
<td>(including PITs)</td>
<td>62,869</td>
<td>65,247</td>
<td>67,515</td>
<td>69,133</td>
<td>72,948</td>
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<td>Physician Assistants</td>
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Okay, What’s New?
Military Fee Waiver

- Send in spreadsheet
- Have resident complete waiver request form [http://www.tmb.state.tx.us/page/licensing-military-fee-exemption](http://www.tmb.state.tx.us/page/licensing-military-fee-exemption)
- Board will send approval letter notifying the applicant they can apply online
International Medical School Students & Clinical Clerkships in Texas

- As of 9/1/13 clerkships performed in Texas by an international medical school graduate cannot count towards their medical education

- Must be enrolled as a Visiting Medical Student

- Board Certification still rectifies clerkship issues

Sec. 61.306. ISSUANCE OF CERTIFICATE.
(a) The board may issue a certificate of authority to grant a degree or degrees and to enroll students for courses which may be applicable toward a degree if it finds that the applicant meets the standards established by the board for certification.
(b) A certificate of authority to grant a degree or degrees is valid for a period of two years from the date of issuance.
(c) The board may not issue a certificate of authority for a private postsecondary institution to grant a professional degree or to represent that credits earned in this state are applicable toward a degree if the institution is chartered in a foreign country or has its principal office or primary educational program in a foreign country. In this subsection, "professional degree" includes a Doctor of Medicine (M.D.), Doctor of Osteopathy (D.O.), Doctor of Dental Surgery (D.D.S.), Doctor of Veterinary Medicine (D.V.M.), Juris Doctor (J.D.), and Bachelor of Laws (LL.B.).
Number of applications in 2012

Current number of applications
Senate Bill 202

- Transferred 4 License Types from the Department of State Health Services (DSHS) to the TMB
  - Medical Radiologic Technicians
  - Respiratory Care Practitioners
  - Medical Physicists
  - Perfusionists
HOW TO GET A PIT PERMIT?

- Program submits spreadsheet
- We provide ID number
- Apply online ($200 fee)
- Extensions
- Transfers
How Long Will it Take?

I’m waiting!
That Depends

- Court records, arrest/offense/incident reports, or citations/tickets
- Treating physician’s statement
- Training files, records of action
Ineligible if:

- Disciplinary action in any state
- Investigation pending in any state
- Prosecution pending in court re: offense involving practice of medicine or crime of moral turpitude
Examples of moral turpitude

- fraud, dishonesty, or deceit
- burglary
- robbery
- sexual offense
- theft
- child molesting
- substance diversion or substance abuse
What happens when there are eligibility issues?

- Weekly staff file reviews
- Referred cases - Executive Director, Medical Director reviews
- Licensure Committee
- Falsification
Meredith Grey had a bad breakup last semester. (That jerk!) She didn’t shower on weekends, drank quite a bit of tequila, and repeatedly listened to Cee-Lo’s “Forget” You. She barely squeaked a pass on the semester. She and her boyfriend Derek got back together though, and now she hums love songs in the shower again.

Does She Have To Tell Us?
David Who’s Great Aunt Frieda passed away one month after a cancer diagnosis. He took some time off to help his mom, and then found he just wasn’t up to finishing the semester. Taking a break was the right thing to do as he came back in great shape and is graduating with honors.

Does he have to tell us?
John “Genius” Watson was convinced by his friend to spray paint a happy face on the library wall. He was caught. Whoops! His friend got away. John paid a fine and did some community service. Afterwards the judge told him it was dismissed and wouldn’t appear on his record.

Does he have to tell us?
DIFFERENT TYPES OF REPORTING

The Same...

...but Different
- **During Training** – Program Director & PIT Holder Reporting

- **Application Questions** – PIT Holder

- **TMB Evaluation (Form L)** – Program Director
PROGRAM DIRECTOR REPORTING DURING TRAINING

- Did not begin the program as scheduled
- Will be absent for more than 21 days
- Arrests
- Poses a threat to public welfare - 151.002(a)(2)
- Final action that affects status/privileges for more than 30 days
- Suspensions
- Termination, Withdrawal, or Resignation
PIT HOLDER REPORTING DURING TRAINING

- Investigation/Disciplinary action by another licensing entity
- Arrest, Fine (over $250), Charge/Conviction, Indictment, Imprisonment, Probation, Deferred Adjudication
- Diagnosis/Treatment of physical, mental or emotional condition which could impair practice
REPORTING SCENARIOS
Recently Dr. House, PGY3, was granted Family and Medical Leave for a 22 day inpatient treatment for substance abuse.

Does his program director have a duty to report this to the TMB?
Outcomes

Yes

Under 171.6(b)(2) if a physician has been or will be absent from the program for more than 21 consecutive days (excluding vacation, military, or family leave not related to the participant's medical condition) and the reason(s) why:
Dr. Grey, PGY2, was arrested for unpaid traffic tickets.

Does her program director have a duty to report this to the TMB?
Outcomes

Yes

Under 171.6(b)(3) (3) if a physician has been arrested after the permit holder begins training in the program:
Dr. Howser, PGY1, had inadequate attendance at 4 rotations. When confronted about this, he lied. He did not admit guilt until he was presented with evidence. Termination was considered but ultimately he was put on probation for 6 months, required to repeat the rotations, and ordered to get 10 hours of Ethics CME.

Does his program director have a duty to report this to the TMB?
Outcomes

Not unless status or privileges were affected.

171.6(b)(5) if the program has taken final action that adversely affects the physician's status or privileges in a program for a period longer than 30 days;
Dr. Lahiri, PGY4, is a fully licensed physician. She had some problems and her program suspended her moonlighting privileges.

Does her program director have a duty to report this to the TMB?
Outcomes

Yes, if more than 30 days

171.6(b)(5) if the program has taken final action that adversely affects the physician's status or privileges in a program for a period longer than 30 days;
UME/GME
STAKEHOLDERS
WORKGROUP
OUTREACH
ENFORCEMENT PROCESS
Complaints Received FY ‘02 – ‘16

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02 03 04 05 06 07 08 09 10 11 12 13 14 15 16
Filed Complaints by Source

*TMB category includes registrations responses, CME audits, medical malpractice reviews, newspaper items, and board discovered violations.
Basis of TMB Filed Complaints

- Quality of Care: 43%
- Unprofessional Conduct: 23%
- Crime & Laws: 16%
- All Others: 13%
- Impairment: 6%
Prescribing to Friends & Family

Rule 190.8(1)(M) inappropriate prescription of dangerous drugs or controlled substances to oneself, family members, or others in which there is a close personal relationship that would include the following:

(i) prescribing or administering dangerous drugs or controlled substances without taking an adequate history, performing a proper physical examination, and creating and maintaining adequate records; and

(ii) prescribing controlled substances in the absence of immediate need. "Immediate need" shall be considered no more than 72 hours.
Patient Privacy Protections: HIPPA, TMB Rules, Etc.
Dr. Howser, PGY1, used his phone to film another doctor inserting a chest tube into a patient. He posts the film on YouTube for other first year residents to see how to properly do the procedure.

Like or Dislike?
Dr. Horrible tweeted his frustration with an unnamed patient by stating that he had a bad day due to a fat, lazy patient who couldn’t bother to monitor her own blood sugar levels and ended up in the ER.

Like or Dislike?
Dr. Sheppard is a big-hearted man. He friends everyone on Facebook who adds him. He only posts about medical conditions and is happy to give friendly medical advice to any commenters.

Like or Dislike?
ASK ALL THE THINGS!