



Recidivism: Can anything be done?

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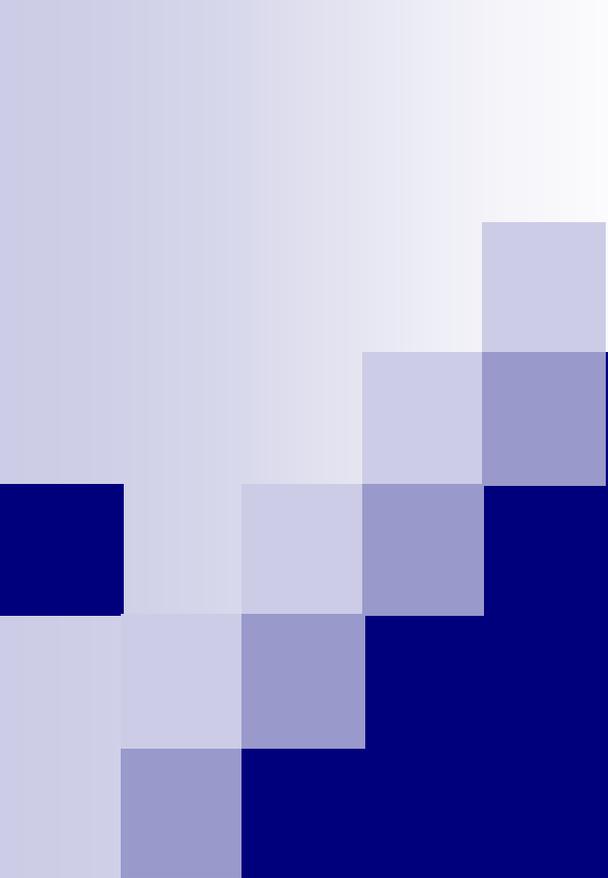
*Hey, did you know
that doctors who
get in trouble*

*in one state often run to
another state in an effort to
keep practicing? Or that they
keep doing the same thing over
and over in their home state?*

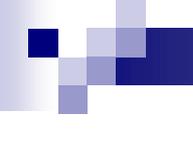


Sometimes it can feel like a losing battle...

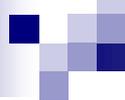




Interstate



That said, most all states have either the express authority to take action when another state does or the implied action to do so (unprofessional conduct, etc.). The challenge is getting the information, and doing so timely.



What are the available resources?

- FSMB database reporting
- NPDB wrap-back
- Fellow state agencies
 - Fellow boards
 - Federal civil enforcement agencies
 - Criminal enforcement agencies

Future considerations-Compact?

Action by State of Principal License – Effect on License(s) Granted Under Compact:

State of Principal License Action	Major Action	Minor Action
Initial Action	Other license(s) immediately placed on identical status w/o additional action by other member board	Member board(s) may: (1) Deem factual findings to be <i>res judicata</i> and impose same or lesser sanction(s); OR
Reinstatement	Other license(s) remains on encumbered status pending action by other member board	(2) Pursue separate disciplinary action under its respective medical or osteopathic practice act

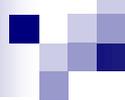
Provided the by FSMB

Future (con't)

Action by Member State – Effect on Licenses Issued in Other Member States:

Member State Action	Major Action	Minor Action
Initial Action	Other licenses immediately suspended for 90 days automatically and without additional action necessary by other member board; however, the other board may lift or otherwise change the suspension prior to the completion of 90 days	Other member licensing board(s) may: (1) Deem factual findings to be <i>res judicata</i> and impose same or lesser sanction(s); OR (2) Take separate action under its respective medical or osteopathic practice act
Reinstatement	Other license(s) remains on encumbered status pending action by other member board	

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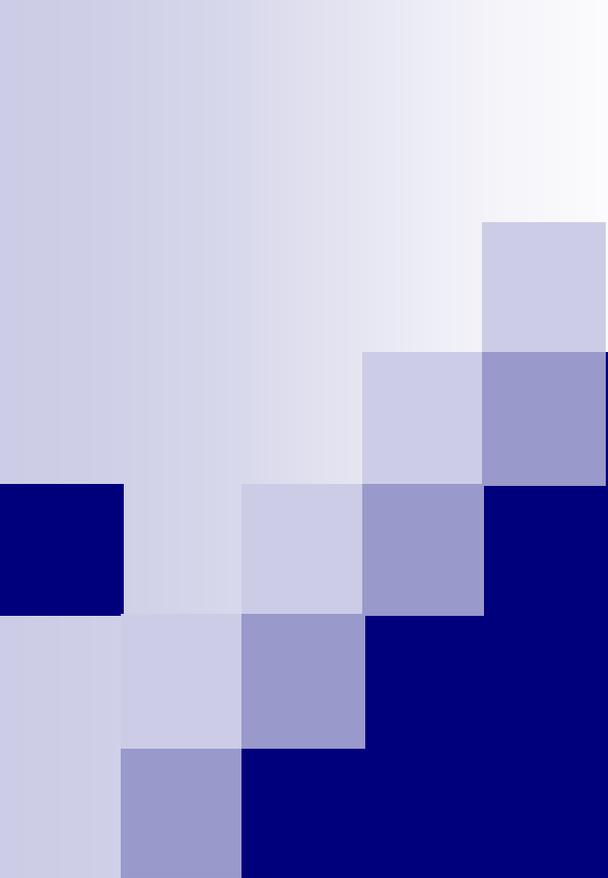
Future (con't)

- Commission to establish database of all physicians who apply or are licensed through Compact
- Member Boards will report complaint/disciplinary information to the Commission
- Increased permissive sharing of complaints and other investigatory information

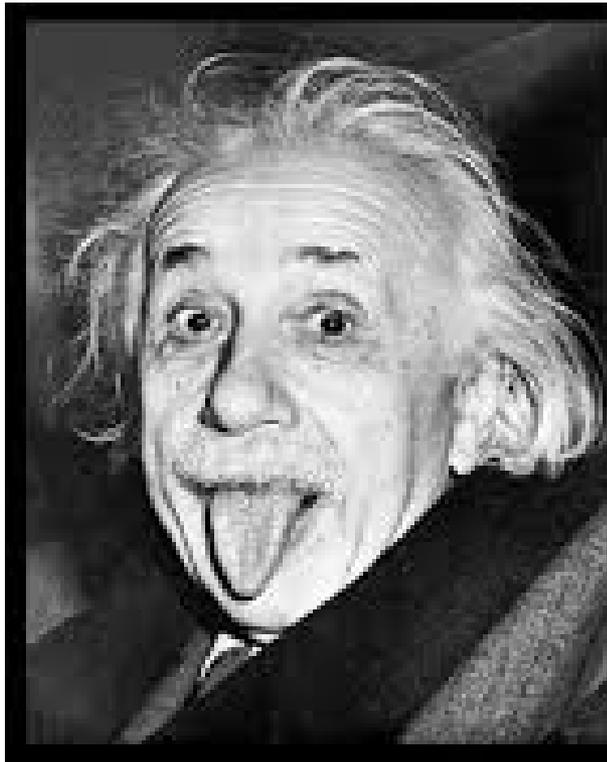


Future (con't)

- Member Boards may participate with other member boards in joint investigations of physicians licensed by the member boards
- Boards may share information and other materials
- Subpoenas issued by member states enforceable in other member states



Intrastate



*"The definition
of insanity
is to do the same
thing over and
over again
and expect a
different result"*

Education is important

- Does your board know
 - DEA certificate procedures?
 - Criminal prosecution challenges?



Guidelines are important, too.

Set standards as a board for:

- “Pill Mills”
- Nontherapeutic prescribing
- Violating board orders



Process considerations

- Consider continuing to monitor the PMP
- Check with local enforcement efforts
- Try cold calls & visits

