Annual Report on
Pro Bono Licensing of Physicians

In Accordance with Act 61 of 2011, Sec 11
An Act Relating to Health Professionals Regulated by
The Board of Medical Practice

Submitted to:  The House Health Care Committee
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Commissioner
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Vermont Board of Medical Practice
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Report to
The Vermont Legislature
1. The Board of Medical Practice was tasked with reporting to the House Health Care Committee any changes made to the process for licensing physicians who limit their practice to pro bono services. (Act 61 of 2011, Sec. 11.). The report is due by January 15, 2012.

2. Under existing law, the pro bono practice of medicine has been encouraged by eliminating the fee for licensure for any physician who limits his or her practice to uncompensated services at a facility that offers care for free or reduced rates. [26 V.S.A. § 1395(c)]. That section also gives the Board authority to create special licensing procedures. To date, the Board has offered special assistance to applicants, but had not previously modified the application process (except for excusing applicants from the interview requirement, as provided under 26 V.S.A. § 1395). Over the past several years, representatives of one free clinic have been asking the Legislature to modify the law to allow physicians licensed in New Hampshire and credentialed at certain local hospitals to be licensed in Vermont without undergoing the usual licensing process. The Board has been opposed to that, taking the position that there should not be a lower standard for licensure of physicians who serve the needy. All applicants are required to fill out an application that asks for information about qualifications and professional history. Most all of the information is required by statute. The information requested on the application pertains to identifying the applicant and verification that they are professionally and morally qualified to practice medicine. Applicants must also arrange for schools, residency programs, examination authorities, and other licensing states to provide direct, documentary verification of the required information.

3. The Board has communicated with representatives of the clinic that has expressed concern about difficulty getting New Hampshire physicians to apply for pro bono licensure. It was determined that the primary complaint was that it is burdensome to obtain direct verification about examinations and schooling long in a physician’s past. In response to that concern, the Board has prepared a draft rule that would allow a physician who applies for a pro bono license, and who has a “clean” record, to arrange for certified copies to be sent from another state’s licensing board, rather than requiring direct verification. The draft rule also relaxes the requirement for references. A copy of the draft rule is attached.

4. At the November meeting of the Board, the draft rule was approved. It has been shared with the Director of the pro bono clinic. The response was not enthusiastic. The concern expressed by the Director was that applicants would still have to fill out the application. The claim is that the Board’s application for licensure as a physician is too burdensome. As noted above, basic information required on the application is necessary to assure that all physicians are professionally and morally qualified regardless of whether they are providing their services pro bono. Information about the details of the application process is provided in the next paragraph.
5. Those who express concern about the process note that the full printed packet is 37 pages long. In reality, that is not indicative of the effort that is needed to complete the application. Of the 37 pages of the application (which, as of December 2011 is outdated, as the Board has moved to online application), over half of the pages are instructions, forms that are passed on to others (e.g. medical school verification), a table of specialty codes, or portions that are optional (e.g., listing one’s publications and teaching appointments so that they appear with the Physician Profile). Many parts apply only to certain applicants, such as those who attended a foreign medical school, or whose training is considered “Fifth Pathway.” Page count is especially deceiving, as most of the pages that must be completed by the applicant include no more than a few questions, and many of those will require no more than checking a “no” block. If the proposed special process for pro bono applicants is approved, the application process for them will be easy. It would amount to no more than providing the basic identifying information, “resumé” information such as schooling and employment history, a couple of references, and arranging for New Hampshire to forward to the Vermont Board of Medical Practice certified copies of certain documents. Every applicant has to sign a certification about Vermont taxes and child support obligations; that is required for all occupational licensees. The proposed special pro bono process should take no more than an hour for a doctor who doesn’t have a complicated history (convictions, discipline, breaks in practice, etc.). All of the information requested is that which is necessary for proper identification or that is required to be collected by law.

6. The Board believes that the proposed rule strikes the correct balance between the need to assure licensed physicians are qualified to practice and treat patients in Vermont and the desire to make that process as simple as possible for physicians willing to provide their services pro bono. It is anticipated that the formal rulemaking process to adopt the new procedure will begin in the spring and the rule should be effective by the end of this year.