

# Newsline



Federation of State Medical Boards of the United States, Inc.

March/April 2011

## FSMB Telemedicine Symposium Opens National Dialogue

In March, approximately 100 thought leaders from the public and private sectors participated in the FSMB's one-day symposium titled "Balancing Access, Safety and Quality in a New Era of Telemedicine." Held in Washington, D.C., the symposium was designed to foster meaningful dialogue on the gaps in knowledge, policy and structural resources that must be addressed to facilitate the adoption and expansion of telemedicine in a way that ensures patient safety and medical quality. This dialogue was intended to mark a first step towards a more integrated and coordinated environment for telemedicine.

"While telemedicine is centered on technology and new ways of delivering care, it is still the practice of medicine," said FSMB Chair Freda Bush, M.D., FACOG. "The FSMB and the state medical and osteopathic boards are committed to ensuring the professional, ethical and scientific underpinnings of medicine as telemedicine grows."

### A wide-ranging discussion of gaps that must be addressed

Invited participants – including stakeholders from nearly 20 state medical and osteopathic boards, policymakers, elected officials, academics, providers, consumers and payers – discussed

issues in three broad categories: Licensure and Regulation; Providers, Patients and Payers; and Technology. A sampling of the many topics discussed included:

- Common definitions are needed for traditional concepts, such as the physician-patient relationship, that take into account the delivery of health care over a distance.
- Process protocols must be developed for telemedicine.
- Reimbursement and payment standards must be defined and standardized.
- State boards must address license portability and maintain a focus on standards, not technology.
- Medical schools must infuse technology into



Sachin Jain, M.D., Acting Deputy Director of Policy and Programs for the Center for Medicare and Medicaid Innovation, was one of the keynote speakers at the FSMB's Telemedicine Symposium.

curricula to the point that one day a Smartphone might be considered the physician's black bag.

- Privacy and security concerns must be addressed.
- Given its potential to facilitate access to care in rural areas and for an aging population, decrease unnecessary deviation in standards of care, improve disease management and facilitate continuing medical education, the practice of telemedicine is vitally important and should be encouraged.

In addition, keynote speaker Rep.

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## FSMB 2011 Award Recipients Announced

The FSMB announced five recipients of its 2011 awards for outstanding service in the field of medical regulation. The awards will be presented at the FSMB Annual Meeting in April in Seattle. Congratulations to the following individuals:

### Distinguished Service Award

**Janet D. Carson, J.D.**, is being recognized for a 30-year career of outstanding leadership and service to the FSMB and to the field of medical licensure. Ms. Carson served as legal counsel for the United States Medical



Licensing Examination (USMLE) program from its establishment in 1991 until her retirement in 2010. In this capacity, she worked tirelessly in the defense of the interests of state medical and osteopathic boards to protect the public and promote quality health care in the United States. Her deep knowledge and service to the USMLE helped strengthen this key assessment tool that is used to license the vast majority of U.S. physicians.

Ms. Carson also served as General Counsel for the National Board of Medical Examiners (NBME) from 1981 to 2004. She held positions with the NBME as Director of the Office of Legal Affairs and Examination Security, and Corporate Secretary. She largely authored the report from the Task Force on Pathways to Medical Licensure, which became the blueprint for policies adopted by the FSMB and NBME to create the USMLE program.

### John H. Clark, M.D. Leadership Award

**Thomas R. Pickard, D.O.**, a member of the Oklahoma State Board of Osteopathic Medical Examiners, is being honored for his leadership in the field of medical licensure and discipline and commitment to advancing the public good.

Dr. Pickard served as Associate Professor of Family Medicine at the Oklahoma State University College of Osteopathic Medicine and was a member of

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**Kevin Bohnenblust, J.D., executive director of the Wyoming Board of Medicine, provides comments during the symposium.**

Erik Paulsen (R-MN-3), Co-chair of the Medical Technology Caucus in the U.S. House of Representatives, shared his views on the interconnected components of telemedicine – quality, access and cost. Rep.

Paulsen expressed his belief that “we must work hard to defend telemedicine.”

As the convenor and facilitator of the symposium, the FSMB plans to formally disseminate highlights of the discussion on telemedicine to leaders in health care as well as to the public later this year. The goal is to ensure the symposium discussion helps inform future decisions by key stakeholders.

### FSMB and telemedicine

The FSMB has been a leader in developing policies to help expedite the expansion and adoption of telemedicine services while maintaining the authority and level of public protection afforded to state medical and osteopathic medical boards. FSMB’s House of Delegates adopted a policy on telemedicine in 1996, and updated its definition of tele-

medicine at its 2010 meeting.

FSMB has also been a policy leader in a number of areas closely related to, and impacting, telemedicine. In 2009, for example, FSMB received a three-year

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**– Freda M. Bush, M.D., FACOG,  
FSMB Chair**

grant from the U.S. Health Resources and Services Administration (HRSA) to continue work on license portability initiatives that began in 2006. Nineteen state medical boards have agreed to participate in the grant along with the FSMB, Administrators in Medicine (AIM) and The Four Corners Telehealth Consortium.

This is the second HRSA grant awarded to the FSMB to support work by state boards to enhance state licensing processes and facilitate the ability of physicians to obtain and maintain licenses in multiple states – key factors in telemedicine’s future.

For more information on the symposium or to learn more about FSMB efforts related to telemedicine, please contact Lisa Robin, Senior Vice President of Advocacy and Member Services, at [lrobin@fsmb.org](mailto:lrobin@fsmb.org) or (202) 530-4872. 📞



the professional staff at the Tulsa Regional Medical Center. He has served on the Oklahoma Board of Osteopathic Medical Examiners since 1992, holding the position of

President from 1996 to 1998 and Secretary-Treasurer from 1994 to 1996.

Dr. Pickard has served the FSMB in numerous roles. He served as a member of the Bylaws Committee from 1999 to 2002, chairing the committee from 2001 to 2002. Dr. Pickard was also a member of the Special Committee on Licensure Examinations from 1998 to 2000 and a member of the Nominating Committee in 2004. He served as a delegate to the FSMB’s House of Delegates in 1997, 1998 and 2004.

### **John H. Clark, M.D. Leadership Award**

**Samuel Selinger, M.D.,** Immediate Past Chair on the Executive Committee for the Washington State Medical Quality Assurance Commission, is being honored for his leadership in the field of medical licensure and discipline and commitment to advancing the public good.



Dr. Selinger was appointed to the Medical Quality Assurance Commission in 2002 and has served as Commission Chair, Policy Committee Chair and on numerous task groups. During his tenure as Chair, Dr. Selinger worked to establish the commission’s Strategic Plan and Performance Measures for 2009 to 2013.

He also served as Chair of the Washington Prescription Drug Assistance Foundation, appointed by the governor of Washington for two three-year board terms. This foundation is helping people across the state obtain needed medicines from pharmaceutical programs and co-pay foundations.

Currently, Dr. Selinger serves as an advisor to the Spokane County Medical Society Project Access – an innovative

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## Medical Regulatory Bills Abound in 2011 Legislative Season

With more than 40 state legislatures in session this spring, the FSMB's Government Affairs and Policy Department is currently tracking more than 500 bills pertinent to state medical and osteopathic boards. Since January 2011, more than 100,000 bills had been introduced in state legislatures, with more than 18,000 of those bills adopted or enacted.

A sampling of bills introduced this year of particular interest to state medical and osteopathic boards include:

### Advertising (CA SB 399)

This bill makes it "unlawful for any person licensed under this division or under any initiative act referred to in this division to disseminate or cause to be disseminated any form of public communication containing a false, fraudulent, misleading, or deceptive statement, claim, or image for the purpose of or likely to induce, directly or indirectly, the rendering of professional services or furnishing of products in connection with the professional practice or business for which he or she is licensed."

### Controlled Substances (FL SB 818)

This bill authorizes certain health care practitioners to complete a continuing education course relating to the prescription drug monitoring program. Creates a felony of the third degree for any person to register or attempt to register a pain-management clinic through misrepresentation or fraud; revises the list of entities that are not required to register as a pain-management clinic.

### Expert Medical Testimony (NY AB 5465)

This bill creates the health care courts pilot program, and creates a new element of professional misconduct for providing expert witness testimony that is without reasonable medical foundation.

### Information Sharing Among State Agencies (MD HB 600)

This bill adds to the list of entities to which the Health Services Cost Review Commission may disclose physician information; alters the list of entities that may be medical review committees charged by law to evaluate matters relat-


ing to health care providers; requires the Maryland Board of Physicians to disclose information contained in a record to the Secretary of Health and Mental Hygiene and specified agencies for a specified purpose; specifies that provisions of the Act do not alter the authority of the Secretary.

### Peer Review (CA AB 655)

This bill would "require a peer review body to respond to the request of another peer review body and produce a summary of specified information concerning a licensee under review, as specified. The bill would provide that the information produced pursuant to this provision is not subject to discovery, as specified, and may be used only for peer review purposes. The bill would require the requesting peer review body, upon request, to sign a specified sharing agreement with the responding peer review body, and to indemnify the

responding peer review body for certain claims relating to the improper release or disclosure of information."

### Physician Profiles (IL HB 105)

The Patient Right to Know Act provides for the Department of Financial and Professional Regulation to make available to the public a profile of each licensed physician and chiropractor on an Internet website or in writing if requested by an individual. Requires on the profiles the full name of the physician, any criminal convictions for felonies and Class A misdemeanors, any Department disciplinary action within the most recent five years, name of medical schools attended and date of attendance and graduation, specialty board certification, the number of years in practice and locations, the name of hospital where physician has privileges, and other requirements. 

## State-level Legislative Resources for Medical Boards

As the national advocate and representative for state medical and osteopathic boards, the FSMB has often contributed testimony to Congress and state legislatures on a variety of medical regulatory issues. The FSMB's Government Relations and Policy Department can assist state medical and osteopathic boards by helping support and shape their legislative agendas. Services provided by the FSMB include:

- Assisting boards in promoting quality patient care, safety and general welfare of the public
- Drafting written and verbal testimony
- Providing letters of support or opposition to specific legislation
- Preparing policy and legal analysis
- Developing model policies, draft language and other tools to promote policy enhancement and/or creation
- Disseminating best practices on

current issues related to medical regulation

- Identifying legislative trends
- Researching relevant statutes and policies

For more information, visit the FSMB's website at [www.fsmb.org](http://www.fsmb.org) or contact Jenny Spradlin, Government Affairs and Policy Analyst, at [jspradlin@fsmb.org](mailto:jspradlin@fsmb.org) or (817) 868-5106.

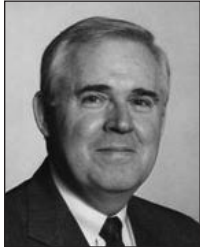
### FSMB Grassroots Advocacy Network

The FSMB Grassroots Advocacy Network provides periodic legislative and regulatory health care updates from Washington, D.C., and across the nation. The Advocacy Network helps connect you to individuals and resources as you represent the voice of the regulatory community. We welcome new members!

For more information, please contact Jonathan Jagoda at [jjagoda@fsmb.org](mailto:jjagoda@fsmb.org) or (202) 530-4526.



project he founded in Spokane to offer health care to area residents without health insurance. Dr. Selinger worked to obtain participation from more than 850 physicians, two hospital systems, labs, and treatment facilities and the support of the county and seven cities for basic medicines.



### **Lifetime Achievement Award**

**J. Lee Dockery, M.D.**, is being honored for extraordinary service and commitment to the field of medical licensure and discipline. Dr. Dockery currently is Professor Emeritus at the University of Florida where he served in several academic appointments. He was also Executive Vice President for the American Board of Medical Specialties from 1991 to 1998. He is a past member of the Florida Board of Medicine, and was a member of the FSMB Examination Board.

Dr. Dockery is Immediate Past Chair of the National Committee on Foreign Medical Education and Accreditation, an

appointment by the U.S. Secretary of Education. He has served as a member of the Liaison Committee on Medical Education, which accredits all U.S. and Canadian allopathic medical schools, and as a member of the USMLE Composite Committee. Dr. Dockery is a past Trustee of the Educational Commission for Foreign Medical Graduates, and he served as Director of the National Residency Matching Program. He also is past Chairman of the Ad Hoc Task Force to Study Resident Working Hours and Supervision as a member of the Accreditation Council on Graduate Medical Education, and past Chairman of the Council on Medical Education for the American Medical Association.

### **Ray L. Casterline Award for Excellence in Writing**



**Ty Alper** is being honored for his outstanding article entitled, "The Role of State Medical Boards in Regulating Physician Participation in Executions," published

in the *Journal of Medical Regulation* (Vol. 95, No. 3). Mr. Alper is Associate Director of the Death Penalty Clinic at the University of California, Berkeley, School of Law. 📄

## **FSMB Implements QR Code Technology**

The FSMB implemented the use of Quick Response (QR) code technology to provide easier access to FSMB



information for users of Smartphones and other handheld communication devices. QR codes will begin appearing

in various FSMB publications to assist readers in obtaining additional information. For example, please scan the code above to learn more about the FSMB and its products and services.

Free QR code reader applications are available in the application stores of iPhone, Blackberry and Android products. For more information, contact David Hooper, Senior Director of Marketing, at (817) 868-4070 or [dhooper@fsmb.org](mailto:dhooper@fsmb.org).

Please send your questions, comments and article ideas to: Drew Carlson, **FSMB Newslines**, 400 Fuller Wisser Rd., Suite 300, Euless, TX, 76039, [dcarlson@fsmb.org](mailto:dcarlson@fsmb.org), (817) 868-4043. Visit the FSMB's website at [www.fsmb.org](http://www.fsmb.org).



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