

**Administrative Rules of
The Board of Osteopathic Physicians and Surgeons**
effective: May 15, 2015

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Part 1 General

- 1.1 **Purpose** The Board of Osteopathic Physicians and Surgeons, “the Board,” has been

created and given powers by Vermont law. The Board's purpose is to protect the public health, safety and welfare. The Board does this by setting standards for issuing licenses, licensing qualified applicants, and disciplining and regulating the practices of license holders.

1.2 Business Address The Board's address is c/o Vermont Secretary of State, Office of Professional Regulation, 89 Main Street, Fl. 3, Montpelier, VT 05620-3402.

1.3 Board Members and Officers The Board is composed of five members who are appointed by the Governor and serve staggered five-year terms as set forth in 3 V.S.A. § 129b. A list of Board members is available from the Board or by accessing the Board's Web site at <http://www.vtprofessionals.org/osteopaths>.

1.4 Regular, Special and Emergency Meetings The Board generally meets quarterly. The chair or two members may call a special or emergency meeting if it is necessary. A majority of Board members constitutes a quorum for all meetings. Formal action may be taken at a meeting if a majority of those present and voting are in favor of the action. Information on meeting times is available from the Office or online at <http://vtprofessionals.org/>.

1.5 Laws Governing the Board

(a) The Board is governed by 26 V.S.A. Chapter 33, which establishes the Board's responsibilities for setting standards, issuing licenses and regulating osteopathic physicians. In addition, the Board is obligated to comply with several other state laws such as the Administrative Procedure Act (3 V.S.A. §§ 801-847), the Law of Professional Regulation (3 V.S.A. §§ 121-132), the Right to Know Law (1 V.S.A. §§ 312-313), and the Access to Public Records Law (1 V.S.A. §§ 315-320). These laws set forth the rights of applicants, license holders, or members of the public.

(b) The complete text of these laws is available at most libraries and town clerk's offices. "Vermont Statutes Online" are also available on the Internet at <http://legislature.vermont.gov/statutes/>. The Board's statutes and rules may be accessed through the Board's website at <http://vtprofessionals.org/>.

1.6 Board Rules The Board is authorized to make these rules under Chapter 33 of Title 26. These rules were approved by the Vermont Legislative Committee on Administrative Rules before adoption and are presumed valid. These rules have the force of law. 3 V.S.A. § 845(a).

1.7 Definitions As used in these rules:

- (a) "ABMS" means the American Board of Medical Specialties.
- (b) "ACGME" means the Accreditation Council for Graduate Medical Education;
- (c) "AOA" means the American Osteopathic Association.

- (d) “Board” means the Board of Osteopathic Physicians and Surgeons created by 26 V.S.A. Chapter 33.
- (e) “COMLEX-USA” means the Comprehensive Osteopathic Medical Licensing Examination administered by the NBOME.
- (f) “COMVEX” means the Comprehensive Osteopathic Medical Variable purpose Examination administered by the NBOME.
- (g) “FCVS” means the Federation Credentials Verification Service administered by the Federation of State Medical Boards.
- (h) “FLEX” means the Federation Licensing Examination administered by the Federation of State Medical Boards.
- (i) “FSMB” means the Federation of State Medical Boards.
- (j) “Limited temporary permit” means a permit issued for the purpose of completing postgraduate training, which allows the holder to practice under the direct supervision and control of a licensed physician in a hospital program of postgraduate training, or in clinics affiliated with that hospital
- (k) “National Boards” means the examination given by the National Board of Medical Examiners or the examination given by the National Board of Osteopathic Medical Examiners.
- (l) “NBME” means the National Board of Medical Examiners.
- (m) “NBOME” means the National Board of Osteopathic Medical Examiners.
- (n) “Office” means the Office of Professional Regulation;
- (o) “RRC” means the Residency Review Committee of the ACGME.
- (p) “Specialty Board certification” means successfully completing the educational and examination requirements of a specialty board of the American Board of Medical Specialties or the AOA.
- (q) “SPEX” means the Special Purpose Examination administered by the Federation of State Medical Boards.
- (r) “USMLE” means the United States Medical Licensing Examination.
- (s) “V.S.A.” means Vermont Statutes Annotated.

Part 2 OSTEOPATHIC PHYSICIANS

2.1 General Requirements for Licensure

(a) To be eligible for a license to practice osteopathic medicine, the applicant must present evidence satisfactory to the Board that the applicant:

- (1) Is at least 18 years of age;
- (2) Is a graduate of an accredited school or college of osteopathic medicine;
- (3) Has satisfactorily completed one year's post-graduate training in a rotating internship program approved by the AOA or has satisfactorily completed three years of post-graduate training in an AOA or ACGME-approved residency program;
- (4) Has taken and passed the COMLEX-USA Level 3 or has taken and passed the National Boards (the former three-part NBOME examination series) or has taken and passed the USMLE-Step 3.

(b) The Board accepts credentials verification from the FCVS. An applicant may obtain information about the FCVS credentials verification procedure by contacting the FSMB directly at its Web site (<http://www.fsmb.org>).

2.2 Application for COMLEX-USA

(a) Applications for COMLEX-USA are available from the National Board of Osteopathic Medical Examiners, <http://www.nbome.org>. The address, telephone number, and fax number of the NBOME are available by accessing the Board's Web site.

(b) All three COMLEX-USA examinations (Levels 1, 2, and 3) must be completed in sequential order within seven years of the successful completion of Level 1/Part 1 ("Seven Year Rule").

2.3 Application for USMLE Examination To be eligible for licensure by the route of USMLE only, an applicant must successfully complete USMLE Steps 1, 2, and 3 as set forth by USMLE.

2.4 Licensure by Endorsement An applicant who holds an active license from another United States or Canadian jurisdiction may be licensed in Vermont without further examination if the other jurisdiction has substantially equivalent standards for licensure. The applicant must present a certificate of medical licensure from all jurisdictions in which he or she is licensed.

2.5 Application for Limited Temporary License

(a) A limited temporary license is issued for the purpose of completing postgraduate training, and allows the holder to practice under the direct supervision and control of a licensed osteopathic or allopathic physician in a hospital program of postgraduate training or in clinics affiliated with that

program.

(b) The applicant must be enrolled in an AOA, ACGME, or RRC-approved program of postgraduate training, or in a sub-specialty clinical fellowship program in a hospital that has an AOA, ACGME, or RRC-approved program in the parent specialty.

(c) Licenses are issued for one year or less and may be renewed on their expiration date. A maximum of four renewals will be allowed.

2.6 Applications Application for a limited temporary license must include:

(a) the required fee;

(b) verification that the applicant is at least 18 years of age;

(c) a certificate of medical education from an accredited osteopathic medical school or college,

(d) a supervising physician's statement, acknowledging statutory responsibility for the applicant's negligent or wrongful acts or omissions; and

(d) documentation of passage of COMLEX-USA Parts 1 and 2 or USMLE Parts 1 and 2.

2.7 Right to a Written Decision

(a) The Board will notify applicants in writing of all decisions to either grant or deny a license, renewal, or reinstatement. If a license, renewal, or reinstatement is denied, the Board will give the applicant specific reasons and will also inform the applicant of the right to appeal the Board's decision. This is called a "preliminary denial."

(b) The Board, or the Office on behalf of the Board, most often issues a preliminary denial of licensure, renewal or reinstatement when it appears from the application and accompanying documents that the applicant does not meet all of the requirements for licensure. When this occurs, the applicant is notified of the right to file an appeal which is heard as a formal hearing. At the hearing the burden of proof is on the applicant to show that the preliminary denial was in error. After that hearing the Board issues a final decision in writing. If the decision affirms the preliminary denial of a license, the decision informs the applicant of his or her appellate rights.

Part 3 Information for Licensed Osteopathic Physicians

3.1 Renewing a License

a) Licenses are issued for a two-year period on a schedule set by the Office of Professional Regulation and must be renewed by the expiration date on the license certificate.

(b) The Office sends licensees a renewal notice in advance of the expiration date. A licensee is

responsible for renewal whether a notice is received or not.

3.2 Reinstating a License after it Has Expired

- (a) A license not renewed by its expiration date expires.
- (b) To reinstate an expired license the applicant must:
 - (1) pay any license renewal fees;
 - (2) pay any applicable penalty; and
 - (3) meet renewal and reinstatement requirements in effect at the time.

3.3 Inactive status Licensees may change their license status to inactive as permitted by law.

3.4 Reinstatement of an Expired or Inactive License

- (a) The osteopathic physician must complete a reinstatement application in full and pay the application fee and provide license verification from each state where the physician holds an active license.
- (b) An applicant for reinstatement who has not practiced for five years or more shall successfully complete:
 - (1) either a post-licensure assessment program (which may include SPEX) designed to assess current competence required for general, undifferentiated medical practice; or
 - (2) COMVEX. COMVEX is an evaluation instrument for license reinstatement candidates who must demonstrate current osteopathic medical knowledge; or
 - (3) document current board certification in an osteopathic medicine specialty.

3.5 Change of Name or Address A licensee must notify the office within 30 days of any change of name or address.

3.6 Continuing Medical Education Requirements

- (a) With the first renewal application after two years of licensure, and with each subsequent renewal application, documentation of 30 hours of acceptable continuing education is required. Only continuing education taken within two years of the renewal date is counted. 26 V.S.A § 1836 sets the number of continuing education hours which must be osteopathic in nature.
- (b) “Continuing medical education” means the direct participation in a structured educational or supervisory program directly related to competency in medicine or protection of patients from harm, or both.
- (c) Continuing medical education hours are calculated in the following manner:
 - (1) one quarter college credit equals ten continuing medical education hours.
 - (2) one semester college credit equals fifteen continuing medical education hours.
- (d) Credit will be granted only for actual time spent as a learner. Breaks, business meetings, and

lunches are not to be counted toward continuing education credits.

(e) The Board requires continuing education which is approved by the AOA or a successor or equivalent organization approved by the Board.

3.7 Continuing Education Audits

(a) The Board will conduct continuing education audits of randomly selected licensees as well as licensees whose licenses are conditioned. The Board may also audit late renewing licensees and licensees who in any of the preceding 2 renewal cycles were initially found to have not met continuing education renewal requirements.

(b) When a licensee appears on the audit list, the Board will require documentation from the licensee showing a detailed account of the hours claimed. The Board will review the documentation and determine whether continuing education requirements have been satisfied.

(c) Under 3 V.S.A. § 129(k) the Board may give licensees 90 days to develop and complete a corrective plan to correct any deficiencies in the licensee's continuing education requirements.

(d) Failure to comply with a corrective plan may result in disciplinary action. 3 V.S.A. § 129a(a)(4).

PART 4 Discipline

4.1 Disciplinary Procedure The Board follows the Office procedure for processing, investigating, and prosecuting unprofessional conduct and unauthorized practice complaints. A copy of the complaint procedure may be obtained from the Office or online under "Disciplinary Procedures" at <http://vtprofessionals.org/>.

4.2 Grounds for Discipline

(a) Unprofessional conduct includes acts or omissions which violate section 129a of Title 3, violations of these rules, and violations of 26 V.S.A. § 1842. Whenever 3 V.S.A. § 129a conflicts or overlaps with the statutes specifically governing osteopathic medicine, or these rules, the provisions which provide greater safety to the public shall apply.

(b) Unprofessional conduct includes failure to practice competently. 3 V.S.A. § 129a(b). Failure to practice competently includes performing treatments or providing services which one is not qualified to perform or which are beyond the scope of one's education, training, capabilities, experience, or scope of practice.

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