



## Legal Ramifications to Consider When Choosing a NFPA 1582 Provider

Recently we were contacted by a fire department facing a unique dilemma. While undergoing their yearly testing, the company providing their NFPA 1582 physicals notified the department that they would be unable to complete their physicals. Why? The department was told that the Medical Board of North Carolina had ordered the company to cease doing business in the state. What a headache for the fire department that was mid-way through their physicals.

This article was written to educate you as to what questions to ask, how to perform due diligence, and protect your department from the enormous liability and consequences of dealing with a company that may not be qualified to practice medicine in your state. As you look to renew your existing contract, or are putting together an RFP to look for a NFPA 1582 medical provider here are eight simple questions to ask that will help reduce liability and risk to your department.

### 1. Is the company doctor owned?

In many States, including North Carolina, New York, and California, it is a requirement that a company providing medical services be owned and controlled by a doctor. Ask the company to produce evidence that they are owned and controlled by a doctor that is also licensed in your state.

**How to check:** Call your state medical board and see what their rules are regarding medical companies and physician ownership. You can then look up the owner of the company on the State Medical Board website. Are they a doctor? If not, they may be in violation of corporate practice of medicine laws.

### 2. Is the company registered as a professional corporation?

If state law says a company must be owned by a doctor, then it usually has to be registered as a professional corporation. While not all states require a professional organization, all of them do have a medical standard that every company that practices in that state needs to comply with.

**How to check:** Go to your secretary of state website and see if the company is registered as a professional corporation and see who owns the company. You can then go to the state medical board website and look up that person to ensure they are a licensed physician in good standing.

### 3. Do the doctor, nurse practitioner or physician assistant have a license to practice medicine in your state?

Regardless of who does your physical exams, lab interpretation and individual consultation, that medical provider must be licensed to practice medicine in your state. If it is a nurse practitioner or physician assistant,



then the doctor overseeing them must also be licensed in your state. They should be listed under the doctor as an “Active Supervisee” and the doctor should be listed as their “Active Supervisor” on the state medical board website.

**How to check:** Ask the company providing your exams who will be the on-site medical provider performing the physical examinations and request a copy of their state license. If it is a physician assistant or nurse practitioner, ask for a copy of their license, as well as the license of their supervising physician. You can go to your state medical board’s website and look up the doctor or mid-level provider to see if there is a supervisor relationship in place.

#### **4. Is the company registered to do business in the state?**

In order to comply with State laws companies must register with the Secretary of State in each state they do business. It is expensive and time consuming to register in every state, but that is required in order to stay within the law. Ask the company to produce evidence that they are properly registered with your state.

**How to check:** Look up the company on the Secretary of State website to see if they are registered in your state.

#### **5. Make sure the company you hire has medical malpractice.**

If the company you are using for your physicals is not physician owned, they may not have medical malpractice insurance. This places a tremendous risk on your department if there is a medical error, missed diagnosis or a graver situation. This should specifically be medical malpractice, not general liability insurance, which may not cover medical liability. There is a difference.

**How to check:** Ask the company performing your exams for a copy of their medical and general malpractice insurance to keep on file. Make sure it covers firefighter exams

#### **6. Are your labs and studies being ordered by a doctor licensed in your state?**

It is illegal for a doctor not licensed in your state to order bloodwork, labs and studies. This is the unlicensed practice of medicine. Ask the company to produce a copy of the medical license of the doctor who is ordering your labs and studies.

**How to check:** Go to the Medical Board website and search the name of the doctor listed on your bloodwork and lab sheet.



## 7. Are your x-rays and ultrasound studies being interpreted by a physician?

Interpretation of x-ray and ultrasound studies on-site by technicians is not ethical or legal. The standard of medical care is that all studies be read by a qualified individual like a radiologist, who has gone to a 4 year college, 4 years of medical school, and a minimum of 5 years of residency. If you are not getting a written report from a radiologist your x-rays and ultrasounds are likely not being properly interpreted.

**How to check:** Make sure every firefighter gets a signed x-ray or ultrasound report that has been reviewed, interpreted and signed off by a radiologist.

## 8. Are your x-rays and ultrasound studies being interpreted by a doctor licensed in your state?

In most states it is illegal for x-rays or ultrasounds generated in your state to be interpreted by a doctor that is not licensed in your state. Ask to see a copy of the medical license of the doctor that is interpreting your studies.

**How to check:** Visit the State Medical Board website and search the doctor's name on your radiology report to ensure they are properly licensed in your state.

Answer these 8 questions and you can be assured that the company you hire is legitimately practicing medicine. Failure to do so exposes your department to unnecessary legal risk.

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*SiteMed is the largest physician owned company providing NFPA 1582 health and wellness exams in the United States. Dr. Fernandez and Dr. Walker have been providing NFPA Health and Wellness Exams for over 15 years. They have personally performed over 50,000 1582 firefighter, HAZMAT, Police, EMS and fire brigade exams, and have over 30 years combined experience with NFPA 1582 and OSHA standards. They have lectured on the local, state and national level on NFPA 1582 Health and Wellness, and are involved in helping to create new medical guidelines for firefighter health and safety. They welcome all comments and questions at [lwalker@sitemed.net](mailto:lwalker@sitemed.net) and [gfernandez@sitemed.net](mailto:gfernandez@sitemed.net).*