

How do healthcare certification, accreditation, and licensing differ?

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Doctors, nurses, and all healthcare professionals need to understand the professional requirements that must be met in order to practice their profession and treat their patients. Medical practices should employ staff members who understand these requirements for the doctors who work in their state and type of medical practice.

In this article, we focus primarily on the licenses and certifications for physicians. In our next article, we will focus on the other healthcare professions including nurses and EMTs.

What is the purpose of licensure?

A medical license is the way for other medical practitioners and patients to understand that a healthcare professional has the necessary prerequisite knowledge to perform the duties of their profession. The licensing requirements differ from state to state because each state has its own medical view of what skill set and experience a practitioner should have.

Medical licensing for physicians

According to the American Medical Association, doctors are licensed on a state-by-state basis. The requirements for each state differ. California's license requirements are different than New York, Texas, and Iowa. Generally, applicants for a physician's license must pass a licensing examination – either the United States Medical Licensing Examination (USMLE) or the Comprehensive Osteopathic Medical Licensing Examination of the United States (COMLEX-USA).

Some states limit the number of times and the time window for passing the exam. Both types of examinations consist of three parts – with the third part being completed during residency training.

During a medical student's residency, the resident is *"licensed through a training certificate which is a form 'issued to physicians who are in accredited residency programs that permits them to practice under supervision until fully licensed.'"* Some residents may seek to become licensed so they can *"moonlight"* perform medical duties during the resident's residency. *"Some graduate medical education (GME) institutions may require a physician to be licensed at a certain point in their training."*

In California, the medical licenses of physicians and surgeons are governed by the Medical Board of California.

"The Board licenses and regulates Physicians and Surgeons, Postgraduate Training Licenses, and Licensed Midwives. In addition, the Board registers Polysomnographic Trainees, Technicians, and Technologists; Research Psychoanalysts and Student Research Psychoanalysts; and issues Special Faculty Permits and Special Program permits."

“A licensed physician may diagnose, prescribe, and administer treatment to individuals suffering from injury or disease. Physicians are authorized to administer and prescribe medication, use devices to sever or penetrate tissues, and to use all methods in the treatment of diseases, injuries, deformities, and other physical and mental conditions.”

Osteopathic physicians and surgeons are licensed and regulated by the Osteopathic Medical Board of California.

Medical licenses aren't confined to doctors. The following medical professionals must obtain a medical license:

- Nurses
- Emergency medical technicians (EMTs)
- Paramedics
- Physical therapists
- Occupational therapists
- Radiologists
- Many other healthcare professions

Physician license limitations

All medical licenses may have conditions in order to maintain the license including continuing education requirements and being free from certain types of medical misconduct or ethical violations. For example, a medical license may be affected if a doctor is found to be in violation of certain laws such as the federal False Claims Act, the Anti-Kickback Statute, Stark Law, or corporate practice of medicine laws. Our healthcare lawyers advise medical practices and doctors about their legal requirements, what actions can jeopardize their license or certification, and how to respond if the healthcare provider receives an official notice that their license or certification is at risk.

Our healthcare lawyers also advise medical practices about how managed service organizations (MSOs) can review which licenses and certifications are current. We'll explain the role of both the MSO and the physicians in the practice in helping a medical practice meet its licensing and certification requirements.

Generally, a license only permits a doctor or other medical licensee to practice in one state – unless the doctor/healthcare provider has other licenses in other states. Some medical professionals (such as psychology) may permit licensees to practice in other states.

Why the False Claims Act Affects Your Medical Practice

Violations of the AKS and Stark Law are usually violations of the False Claims Act. Penalties can include treble damages and exclusion from Medicaid and Medicare Payments

The New Stark and AKS Laws

Physicians and medical practices should review their MSO and referral arrangements to help comply with the new Stark Law and AKS changes.

The First Steps to Understanding Stark Law

In today's video, we will be introducing you to Stark Law.

Medical certifications for healthcare providers

A medical certification is generally used for physicians who want to show that the physician has the qualifications to practice in specific specialties or subspecialties. **Unlike medical licensure which is mandatory, obtaining a medical board certification is voluntary.**

A medical license shows that the physician has passed the “minimum competency requirements to diagnose and treat patients” but the licensure is not specific to any specialty.

“Board certification, however, demonstrates a physician’s ‘exceptional expertise in a particular specialty and/or subspecialty of medical practice,’ according to the American Board of Medical Specialties.”

The initial requirement for obtaining board certification is that the physician has their medical license and has completed an accredited residency program. Applicants and medical practices should be aware of the cost of obtaining their license and the cost of any board certifications. An experienced healthcare lawyer can help physicians and practices determine who pays for the cost of obtaining any board certifications.

Another difference between a medical license and a board certification is that the medical license examination is usually a written test while the board certification is an oral examination.

Certifications can affect a non-healthcare provider in other ways than confirming their unique qualifications in a specific area of medicine. In some states, certification can mean the right to practice without having a supervisor approve everything the healthcare provider does.

While many healthcare certifications fulfill requirements, others highlight excellence in a specific field or skill. For example, a nurse can obtain certification in Pediatric Advanced Life Support, demonstrating the ability to resuscitate children in critical situations.

What is a health science certification?

According to ICEV, accreditation generally refers to an association, institution, or an entire company – as opposed to an individual professional. Usually, accreditation refers to “safety, efficiency, and validity.”

“High-risk workplaces like distribution centers or manufacturers can get safety accreditations from OSHA. Non-profits can earn accreditation from third-party organizations that set ethical, financial, and representational standards.”

According to Southern Careers:

The primary goal of accreditation is to gauge a healthcare facility’s ability to live up to predetermined industry standards set by veritable bodies within their field. This inspires confidence and trust in a facility with the patients the facility serves. Accreditation gives healthcare providers the ability to do the following:

- Show their commitment to quality
- Separate themselves from their competition
- Encourage continuous improvement

Accreditation helps patients feel that patients are receiving competent care and gives employees confidence that they are working for a respected organization or facility.

The differences between licensure and accreditation are that:

- Licensing is awarded by a government body such as the federal government or a state government while accreditation is awarded by non-governmental entities.
- Licenses apply to individuals such as physicians, registered nurses (RN), nursing assistants, medical technicians, or another individual healthcare professionals. Accreditation applies to facilities including *“hospitals, nursing homes, urgent care centers, or any other kind of healthcare facility that provides care.”*

Generally, each state has its own licensing, certification, and accreditation requirements. These requirements generally include having the appropriate degrees, passing approved courses, having sufficient experience, and/or passing state examinations. A medical license is necessary to practice your medical profession.

A certificate may be a prerequisite to obtaining a license or evidence that a medical practitioner meets specific specialization requirements for their type of medical practice.

Doctors, health organizations, and other medical practitioners should contact Cohen Healthcare Law Group, PC to review their legal and healthcare compliance requirements. Our experienced healthcare lawyers advise medical practices and medical practitioners about licensure, certification, accreditation, and other compliance laws and regulations issues.

Contact our healthcare law and FDA attorneys for legal advice relevant to your healthcare venture.