

Public Citizen's Health Research Group
Ranking of State Medical Boards'
Serious Disciplinary Actions in 2001

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Based on data we obtained today from the Federation of State Medical Boards (FSMB) on the number of disciplinary actions taken in 2001 against doctors, Public Citizen's Health Research Group has calculated the rate of serious disciplinary actions (revocations, surrenders, suspensions and probation/restrictions) per 1,000 doctors in each state and compiled a national report ranking state boards by the rate of serious disciplinary actions per 1000 doctors in the year 2001 (See Table 1).

Our calculation of rates of serious disciplinary actions (revocations, surrenders, suspensions and probations/restrictions) per 1,000 doctors by state is created by taking the number of such actions (columns A and B from the FSMB data) and dividing it by the American Medical Association data on nonfederal M.Ds as of December 2000 (adding to this the number of osteopathic physicians if the board is a combined M.D./D.O. board) then multiplying the result by 1,000 to get state disciplinary rates per 1,000 physicians.

Nationally, there were 2,708 serious disciplinary actions taken by state medical boards in 2001, down slightly from the 2,746 serious actions taken in 2000. Since there were also more physicians practicing in 2000, the rate per 1,000 physicians decreased from 3.49 in 2000 to 3.36 in 2001.

State rates ranged from 10.52 serious actions per 1,000 doctors (Arizona) to 0.73 actions per 1,000 physicians (District of Columbia), a 14.4-fold difference between the best and worst states. **If all the boards did as good a job as the lowest of the top five boards, the lowest rate for #5, Kentucky being 6.32 serious disciplinary actions per 1,000 physicians or 0.632 percent, this would amount to a total of 5,089 (0.632**

percent of 805,372 non-federal doctors) serious actions a year. This is 2,381 more serious actions than the 2,708 that actually occurred in 2001.

Worst States (those with the lowest rate of serious disciplines).

As can be seen in table 1, the bottom 15 states, those with the lowest serious disciplinary rates in 2001, were, starting with the lowest: the District of Columbia (0.73 per 1,000 physicians), Hawaii (.80), Delaware (.90), South Dakota (1.20) South Carolina (1.35), Wisconsin (1.69), Illinois (1.70), Minnesota (1.76), Maryland (1.78), Rhode Island (1.79), Indiana (1.94), Connecticut (1.95), Maine and Wyoming (both 1.98), and Washington (2.17). Of the 15 states with the worst serious disciplinary records, seven - Maryland, Hawaii, Delaware, South Dakota, Illinois, Minnesota, and Washington were also in the bottom 15 states in 2000 and 1999 (see table 2). In 2001, the bottom 27 states all had rates of serious disciplinary action that were one-half or less than the rate of all of the top five states.

These data again raise serious questions about the extent to which patients in many states with poorer records of serious doctor discipline are being protected from physicians who might well be barred from practice in states with boards that are doing a better job of disciplining physicians. It is extremely likely that patients are being injured or killed more often in states with poor doctor disciplinary records than in states with consistent top performances.

Best States (those with the highest rates of serious disciplines).

Table 1 lists each state's ranking and rate in descending order. The top 10 states, or those with the highest rate of serious disciplinary actions per 1,000 physicians are (in order): Arizona (10.52 per 1,000 physicians), Oklahoma (8.66), Alaska (8.57), Iowa (6.49), Kentucky (6.32), North Dakota (6.25), Idaho (6.22), Ohio (6.07), Utah (5.54), and Georgia (5.00). Five of these 10 states (Oklahoma, Alaska, Kentucky, North Dakota and Ohio) were also in the top 10 in 2000 and 1999 and one state, Alaska, has been in the top 10 for more than ten straight years. Oklahoma, 2nd this year, has been in the top 10 states for nine of the last ten years. North Dakota, 6th this year has been in the top 10 states for eight of the last ten years. Iowa and Ohio, 4th and 8th respectively this year have been in the top 10 for seven of the last ten years and Kentucky and Georgia, 5th and 10th this year have been in the top 10 for six of the last ten years (See Table 2).

It is clear that state-by-state performance is spotty. Only one of the nation's 15 largest states, Ohio, is represented among those 10 states with the highest disciplinary rates. Other large states such as, New York, California and Michigan (14th, 25th and 29th respectively in 2001) have gone down from their previous rankings of 10th, 19th and 14th in 2000. But other large states such as Massachusetts, Texas, and Illinois, have fairly consistently been in the bottom half of the state for at least the past four or five years, although Massachusetts improved from 45th in 2000 to 27th/28th in 2001.

What Makes a Difference?

Boards are likely to be able to do a better job in disciplining physicians if most if not all of the following conditions are true:

- Adequate funding (all money from license fees going to fund board activities instead of going into the state treasury for general purposes)
- Adequate staffing
- Proactive investigations rather than only following complaints
- The use of all available/reliable data from other sources such as Medicare and Medicaid sanctions, hospital sanctions
- Excellent leadership
- Independence from state medical societies and other parts of the state government
- A reasonable statutory framework for disciplining doctors (preponderance of the evidence rather than beyond reasonable doubt or clear and convincing evidence).

Given the importance of medical boards in protecting patients in a state from doctors who are not practicing medicine in the best manner and are thus endangering the lives and health of residents of those states, most states are not living up to this obligation. Serious attention must be given to finding out which of the above variables are deficient in each state and taking action, legislatively and through pressure on the medical boards, to increase the amount of discipline and, thus, the amount of patient protection.

**Table 1: Ranking of Serious Doctor Disciplinary Actions
By State Medical Licensing Boards--2001**

Rank 2001	State	Number of Serious Actions 2001	Total Number of Physicians 2000	Serious Actions Per 1000 Doctors
1	Arizona	124	11,791	10.52
2	Oklahoma	55	6,353	8.66
3	Alaska	11	1,283	8.57
4	Iowa	44	6,784	6.49
5	Kentucky	60	9,500	6.32
6	North Dakota	10	1,599	6.25
7	Idaho	15	2,412	6.22
8	Ohio	201	33,138	6.07
9	Utah	28	5,056	5.54
10	Georgia	95	18,995	5.00
11	West Virginia	21	4,296	4.89
12	Alabama	47	9,954	4.72
13	Mississippi	25	5,346	4.68
14	New York	349	80,134	4.36
15	Oregon	40	9,473	4.22
16	Arkansas	24	5,738	4.18
17	Colorado	50	12,029	4.16
18	Nevada	16	3,893	4.11
19	Montana	9	2,205	4.08
20	Kansas	27	6,847	3.94
21	New Hampshire	13	3,480	3.74
22	Virginia	70	19,673	3.56
23	New Jersey	105	29,757	3.53
24	Louisiana	42	12,068	3.48
25	California	290	95,038	3.05
26	Florida	136	44,747	3.04
27/28	Missouri	47	15,572	3.02
27/28	Massachusetts	87	28,851	3.02
29	Michigan	68	24,901	2.73
30/31/32	New Mexico	11	4,327	2.54
30/31/32	Texas	122	47,994	2.54
30/31/32	North Carolina	53	20,851	2.54
33	Tennessee	35	14,954	2.34
34	Nebraska	10	4,290	2.33
35	Vermont	5	2,280	2.19
36	Pennsylvania	85	39,052	2.18
37	Washington	35	16,154	2.17
38/39	Maine	7	3,528	1.98
38/39	Wyoming	2	1,011	1.98
40	Connecticut	26	13,312	1.95
41	Indiana	27	13,929	1.94
42	Rhode Island	7	3,919	1.79
43	Maryland	39	21,883	1.78
44	Minnesota	25	14,218	1.76
45	Illinois	63	37,138	1.70
46	Wisconsin	24	14,241	1.69
47	South Carolina	13	9,607	1.35
48	South Dakota	2	1,672	1.20
49	Delaware	2	2,219	0.90
50	Hawaii	3	3,746	0.80
	District of Columbia	3	4,134	0.73
	United States	2,708	805,372	3.36

Table 2: Ranking for Last 10 Years

Rank 2001	Rank 2000	Rank 1999	Rank 1998	Rank 1997	Rank 1996	Rank 1995	Rank 1994	Rank 1993	Rank 1992	State
1	7	21	38	19/20	5	10	17	16	22	Arizona
2	5	5	2	5	7	12	5	2	1	Oklahoma
3	2	1	1	2	6	8	2	8	7	Alaska
4	11	11	23	4	3	2	7	5	2	Iowa
5	3	6	14	7/8	14	14	4	4	16	Kentucky
6	1	2	11	9	2	34	10	3	5	North Dakota
7	50	4	25	30	21	36	30	37/38	23	Idaho
8	8	7	10	7/8	8	9	24	22/23	19	Ohio
9	6	33	20	25/26	16	38	46	39	43	Utah
10	9	15	12	23/24	19	4	8	10	9	Georgia
11	36	17	5	12	11	7	6	1	3	West Virginia
12	12	13	17	23/24	38	30	43/44	29	30	Alabama
13	13	8	3	1	1	1	9	9	6	Mississippi
14	10	14	16	16	18	17	29	34	39	New York
15	17	30	31	28/29	29	16	20	22/23	24	Oregon
16	15	12	4	13	15	23	28	26	18	Arkansas
17	31	10	18	6	4	5	12	6	8	Colorado
18	21	25	26	32	9	11	31	20	25	Nevada
19	42	32	34	11	13	18	3	14	10	Montana
20	37	45	44	41	12	46	22	37/38	20	Kansas
21	23	18	30	46	51	49	49	47	47	New Hampshire
22	18	22	40	34/35	50	41/42	32	30	37	Virginia
23	26	28	35	42	20	25	19	18	28	New Jersey
24	20	23	15	34/35	44	13	18	11	12	Louisiana
25	19	20	27	18	27	20	34/35	32	42	California
26	34	38	49	36	22	22	25	25	21	Florida
27/28	45	39	47	45	43	40	37	45	46	Massachusetts
27/28	25	31	48	17	30	37	13	12	13	Missouri
29	14	19	13	15	28	21	34/35	35	40	Michigan
30/31/32	41	27	8	50	23	15	43/44	49	33	New Mexico
30/31/32	32	26	43	33	48/49	35	36	40	34	North Carolina
30/31/32	38	34	28/29	37	35	19	23	28	29	Texas
33	35	49	51	48	48/49	31	38	44	49	Tennessee
34	39	50	28/29	43	24	41/42	15	50	38	Nebraska
35	16	9	6	25/26	10	6	39	17	15	Vermont
36	29	36	45	27	32	43	47	48	48	Pennsylvania
37	43	37	36/37	28/29	40	24	27	24	17	Washington
38/39	22	24	9	22	17	32	33	41	44	Maine
38/39	4	3	7	3	31	3	1	21	4	Wyoming
40	28	46	32	31	37	27	42	36	35	Connecticut
41	24	16	21	19/20	33	28	16	7	14	Indiana
42	33	35	24	10	25	26	26	42	41	Rhode Island
43	40	40	36/37	38	41	29	21	19	27	Maryland
44	46	48	42	51	47	39	45	33	31	Minnesota
45	44	43	41	21	46	45	40	31	36	Illinois
46	30	42	46	39	34	47	41	27	26	Wisconsin
47	27	29	22	40	45	44	14	15	11	South Carolina
48	49	44	19	14	42	33	11	13	32	South Dakota
49	47	51	50	47	26	48	48	43	51	Delaware
50	48	47	39	49	39	51	50	46	50	Hawaii
51		41	33	44	36	50	51	51	45	District of Columbia

