

Public Citizen

NEWS RELEASE

STATE MEDICAL BOARDS

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STATE MEDICAL BOARDS FAIL TO PROTECT PUBLIC, STUDY WARNS

State-by-state survey of doctor discipline reveals
under-reporting, over-protecting of questionable MDs

WASHINGTON, D.C. -- Despite an increase in the number of serious disciplinary actions taken against doctors in 1991, state medical boards continue to provide too little discipline of incompetent, negligent, substance- and patient-abusing medical practitioners, a study by Public Citizen concludes.

At most only about one-half of 1 percent of the nation's 584,900 medical doctors face any state sanctions each year, according to Comparing State Medical Boards, a report released today by Public Citizen's Health Research Group. The 3,034 total disciplinary actions taken by state medical boards in 1991 are a "pittance" compared to the 150,000-300,000 Americans who are injured or killed each year in hospitals alone as a result of medical negligence, the study concludes.

Among the ten top-rated states in the report -- Alaska, Oklahoma, Iowa, Georgia, Kentucky, Mississippi, Louisiana, West Virginia, Wyoming and Vermont -- only 476 "serious" disciplinary actions (license revocation, suspension, probation) were taken in 1991 against a cumulative total of 47,425 medical doctors, a rate of 10.03 per 1,000 MDs.

With nearly three times as many doctors as the top ten, the

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ten lowest-rated states took only a tenth as many serious actions. Only 178 serious actions were taken in 1991 against the 136,046 medical doctors -- 1.14 per 1,000 -- in Maryland, North Carolina, New Hampshire, the District of Columbia, Maine, Pennsylvania, Massachusetts, New York, South Dakota and Rhode Island.

South Dakota and Rhode Island took no serious actions against state physicians in 1991.

A total of 2,013 serious actions were taken by state medical boards in 1991, an increase from the 1,437 actions taken in 1990. However, much of that increase may be explained by a change in the way actions are classified by the Federation of State Medical Boards. In addition to counting the number of revocations, suspensions, and probations taken as in previous years, the Federation now includes as "serious" actions the voluntary surrender of a license, loss of privileges and license limitations or restrictions.

However, of the 6,097 cases for which the report's authors were able to determine the basis for a disciplinary action, only 693, or 11 percent, were for negligence or substandard care. A total of 637 (10 percent) were for drug or alcohol abuse, 625 were for criminal convictions, and 143 cases (2 percent) were for sexual abuse or misconduct.

"People who live in states with better boards are protected from the kinds of doctors who are injuring or killing people in states with the worst boards," said Dr. Sidney M. Wolfe, director of Public Citizen's Health Research Group. "These numbers mean that the government agencies chartered to protect us from unfit practitioners have themselves fallen down on the job."

The report also asks why state medical boards are unable to discipline doctors at the same rate as malpractice insurance carriers. A 1989 Tufts University Study found that the combined rate of sanctions by physician-owned insurance companies was 13.6

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per 1,000 physicians. If this rate were applied to all physicians in the U.S., the 1991 average rate of serious disciplinary actions by state medical boards would be nearly 4 times higher than reported.

The report includes a number of recommendations to improve the country's system for ensuring medical quality, including:

- * Increasing funding and staffing for state medical boards;
- * Requiring, through Congressional action, routine data-sharing between state boards, Medicare Peer Review Organizations, State Medicaid Agencies and the Drug Enforcement Agency;
- * Opening the National Practitioner Data Bank, in operation since 1990, to the public;
- * Requiring state boards to make their disciplinary actions and offenses public promptly and widely.

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Copies of Comparing State Medical Boards, including chapters on all 50 states and the District of Columbia, may be obtained for \$50.00 from Public Citizen, 2000 P. St., N.W., Suite 700, Washington, D.C. 20036. There are also copies available of the summary section and individual states for \$20.00 at the same address.

Public Citizen, founded in 1971, is a nonprofit consumer advocacy group with over 14,000 members.

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STATE RANKING IN SERIOUS DOCTOR DISCIPLINARY ACTIONS
1986-1991
(BEST STATE=1)

state	1986	1987	1988	1989	1990	1991
AK	19	2	15	7	4	1
AL	40	44	28	28	43	31
AR	31	48	26	15	22	29
AZ	31	45	49	33	35	22
CA	30	42	44	34	38	37
CO	10	18	7	8	7	17
CT	46	50	37	50	51	30
DC	25	27	34	37	45	45
DE	34	13	48	32	29	16
FL	20	14	14	19	26/27	27
GA	1	8	1	2	5	4
HI	11	5	9	29	48	41
IA	3	7	2	6	2	3
ID	14	30	39	42	17	34/35
IL	17	25	11	14	16	36
IN	2	21	17	10	10	15
KS	33	51	24	41	39	25
KY	3	9	13	13	6	5
LA	35	26	25	11	18	7
MA	28	20	27	39	49	48
MD	48	36	36	47	42	42/43
ME	22	43	32	45	32/34	46
MI	47	33	29	36	24	40
MN	13	24	12	12	15	28
MO	8	11	3	1	1	12
MS	26	4	6	3	13	6
MT	36	49	51	22	22	19
NC	27	32	31	23	32/34	42/43

STATE	1986	1987	1988	1989	1990	1991
ND	29	19	18	49	40	13
NE	38	40	40	16	50	39
NH	50	34	42	51	47	44
NJ	23	23	16	26	21	20
NM	37	39	19	20	32/34	33
NV	24	9	5	30	41	26
NY	16	15	35	31	37	49
OH	21	35	22	18	11	23
OK	7	10	4	4	3	2
OR	6	17	30	25	14	14
PA	45	46	38	38	46	47
RI	41	37	50	21	36	50/51
SC	15	21	20	9	8/9	11
SD	44	6	10	35	19	50/1
TN	43	47	33	17	44	38
TX	39	38	45	48	28	21
UT	5	16	21	27	12	18
VA	12	27	23	43	25	32
VT	49	31	43	44	23	10
WA	42	29	46	46	26/27	24
WI	18	12	47	40	31	34/35 2
WV	4	1	8	5	8/9	8
WY	51	41	41	24	20	9