

Public Citizen Health Research Group Ranking of State Medical Board Disciplinary Actions in 1997

Based on the Federation of State Medical Boards' (FSMB) data released today on the number of disciplinary actions taken in 1997 against doctors, Public Citizen calculated the rate of serious disciplinary actions per 1,000 doctors in each state and compiled a national report ranking state boards by the extent to which they are taking serious disciplinary actions against doctors (See Table 1).

Our calculation of rates of serious disciplinary actions (revocations, surrenders, suspensions and probations) per 1,000 doctors by state is created by taking the number of such actions and dividing it by the American Medical Association data on non-federal M.D.'s as of December, 1997 then multiplying the result by 1,000 to get state disciplinary rates. Nationwide, there were 2,717 serious disciplinary actions in 1997 out of 706,672 nonfederal M.D.'s, which is a rate of 3.84 serious disciplinary actions per 1,000 physicians. This rate is slightly lower than the rate of 3.96 serious disciplinary actions per 1000 physicians in 1996. State rates ranged from 11.76 serious actions per 1000 doctors (Mississippi) to 1.60 per 1000 physicians (Minnesota), a 7.4-fold difference between the best and worst states.

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): Mississippi, Alaska, Wyoming, Iowa, Oklahoma, Colorado, Ohio, Kentucky, North Dakota and Rhode Island. Seven of these 10 states (all but Wyoming, Kentucky and Rhode Island) were also in the top 10 in 1996 and three, (Mississippi, Iowa, and Alaska) have been in the top 10 for seven straight years. Oklahoma (5th this year) and Colorado (6th this year) have been top 10 states for at least 5 of the last seven years. North Dakota (9th), has been a top 10 state for five of the last seven years. West Virginia, 12th this year, had been in the top 10 for five of the last seven years (1991-1995). (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 15 states with the highest disciplinary rates, as it also was in 1996. Other large states such as Michigan, New York and California (15th, 16th and 18th respectively in 1997) have shown improvement from 40th, 49th and 37th in 1991.

Worst States. Those with the lowest rate of serious disciplines. The bottom 10 states, those with the lowest serious disciplinary rates in 1997, were, starting with the lowest: Minnesota, New Mexico, Hawaii, Tennessee, Delaware, New Hampshire, Massachusetts, the District of Columbia, Nebraska, and New Jersey. Four of the bottom 10, New Hampshire, Massachusetts,

Tennessee and Minnesota were also in the bottom 10 in 1996. In 1997, the bottom 30 states all had rates of serious disciplinary action that were less than one-third (less than 3.92) of Mississippi's 11.76 serious actions per 1000 physicians, and the lowest (Minnesota) had a rate of less than one-seventh of that of the leader. States with large numbers of doctors such as Pennsylvania, Virginia, Massachusetts and Connecticut have been in the bottom half of all states for seven years in a row.

These data 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 likely that patients are being injured or killed more often in states with poor doctor disciplinary records than in states with consistent top 10 performances. It is not unreasonable to estimate that at least 1 percent of doctors in this country deserve some serious disciplinary action each year, a number comparable to Mississippi's rate of 11.76 actions per 1,000 doctors or 1.176 percent. In fact, each year one or more states achieves a rate of serious disciplinary actions of approximately 10 per 10,000 doctors. This would amount to 7,067 (1% of 706,672 non-federal doctors) serious actions a year, which cover only a small fraction of the 80,000 patient deaths thought to occur each year in American hospitals as a result of negligence, almost all of it involving physicians. The current overall national rate of serious disciplinary actions, 3.84 per 1,000 or 0.384% is far short of the rate of 1.176 percent in Mississippi. If rate of serious disciplinary actions had been 10 per 1,000 (1 percent), the national total would have been 7067 actions or 4350 more actions in 1997 than the 2,717 that actually occurred in 1997.

According to Health Research Group Director, Sidney Wolfe, MD, "Considering what is known about substandard doctoring, not even Mississippi's disciplinary rate seems adequate. Most states have a long way to go before they even begin to offer serious protection for citizens from doctors who are incompetent, who sexually abuse patients or who otherwise have serious problems that interfere with delivery of high-quality medical care in a compassionate way. Given that national projections from a Harvard University study estimate there are 80,000 deaths a year caused by negligence, mainly by physicians, the 2,717 serious disciplinary actions in 1997 is a dangerously small drop in the bucket of adequate consumer-protective doctor discipline. All states, even those with best records, need to strengthen the structure and functions of their licensing boards."

"Today's statement by the Federation that 'States cannot be ranked on the basis of their disciplinary activity' is preposterous for two reasons. First, as admitted by the Federation's Dr. James Winn, higher levels of disciplinary activity for some boards 'indicates that not only [board] autonomy, but appropriate levels of funding and staffing enhance a board's ability to protect the public from incompetent and errant physicians.' The other reason the statement is absurd is that the Federation itself, in a somewhat obscure way, actually does a ranking (the Composite Action Index)."

Table 1
Ranking of Serious Doctor Disciplinary Actions
By State Medical Licensing Boards - 1997

Rank 1997	State	Number of Serious Actions 1997	Total Number of Nonfederal Doctors 1996	Serious Actions Per 1000 Doctors
1	Mississippi	52	4421	11.76
2	Alaska	11	993	11.08
3	Wyoming	9	896	10.04
4	Iowa	44	5479	8.03
5	Oklahoma	43	5914	7.27
6	Colorado	57	9648	5.91
7/8	Ohio	156	27457	5.68
7/8	Kentucky	47	8270	5.68
9	North Dakota	8	1428	5.60
10	Rhode Island	18	3325	5.41
11	Montana	10	1913	5.23
12	West Virginia	21	4083	5.14
13	Arkansas	25	5048	4.95
14	South Dakota	7	1447	4.84
15	Michigan	108	22778	4.74
16	New York	317	71718	4.42
17	Missouri	56	12907	4.34
18	California	362	87593	4.13
19/20	Arizona	42	10464	4.01
19/20	Indiana	48	11976	4.01
21	Illinois	127	31994	3.97
22	Maine	12	3052	3.93
23/24	Georgia	61	15944	3.83
23/24	Alabama	34	8868	3.83
25/26	Vermont	7	1895	3.69
25/26	Utah	16	4331	3.69
27	Pennsylvania	131	36477	3.59
28/29	Washington	51	14319	3.56
28/29	Oregon	29	8154	3.56
30	Idaho	7	1996	3.51
31	Connecticut	42	12210	3.44

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By State Medical Licensing Boards - 1997

Rank		Number of	Total Number	Serious
1997	State	Serious Actions	of Nonfederal	Actions Per
		1997	Doctors 1996	1000 Doctors
32	Nevada	10	2942	3.40
33	North Carolina	60	17883	3.36
34/35	Louisiana	34	10839	3.14
34/35	Virginia	53	16870	3.14
36	Florida	124	39715	3.12
37	Texas	122	39556	3.08
38	Maryland	58	19456	2.98
39	Wisconsin	37	12504	2.96
40	South Carolina	23	8064	2.85
41	Kansas	16	5802	2.76
42	New Jersey	67	24409	2.74
43	Nebraska	10	3661	2.73
44	District of Columbia	10	3968	2.52
45	Massachusetts	63	25950	2.43
46	New Hampshire	7	2989	2.34
47	Delaware	4	1812	2.21
48	Tennessee	28	13489	2.08
49	Hawaii	6	3309	1.81
50	New Mexico	7	3980	1.76
51	Minnesota	20	12476	1.60
	Total	2717	706672	3.84

Table 2**Ranking of States 1991-1997: Serious Disciplinary Actions**

Rank 1997	Rank 1996	Rank 1995	Rank 1994	Rank 1993	Rank 1992	Rank 1991	State
1	1	1	9	9	6	6	Mississippi
2	6	8	2	8	7	1	Alaska
3	31	3	1	21	4	9	Wyoming
4	3	2	7	5	2	3	Iowa
5	7	12	5	2	1	2	Oklahoma
6	4	5	12	6	8	17	Colorado
7/8	8	9	24	22/23	19	23	Ohio
7/8	14	14	4	4	16	5	Kentucky
9	2	34	10	3	5	13	North Dakota
10	25	26	26	42	41	50/51	Rhode Island
11	13	18	3	14	10	19	Montana
12	11	7	6	1	3	8	West Virginia
13	15	23	28	26	18	29	Arkansas
14	42	33	11	13	32	50/51	South Dakota
15	28	21	34/35	35	40	40	Michigan
16	18	17	29	34	39	49	New York
17	30	37	13	12	13	12	Missouri
18	27	20	34/35	32	42	37	California
19/20	5	10	17	16	22	22	Arizona
19/20	33	28	16	7	14	15	Indiana
21	46	45	40	31	36	36	Illinois
22	17	32	33	41	44	46	Maine
23/24	19	4	8	10	9	4	Georgia
23/24	38	30	43/44	29	30	31	Alabama
25/26	10	6	39	17	15	10	Vermont
25/26	16	38	46	39	43	18	Utah
27	32	43	47	48	48	47	Pennsylvania
28/29	40	24	27	24	17	24	Washington
28/29	29	16	20	22/23	24	14	Oregon
30	21	36	30	37/38	23	34/35	Idaho
31	37	27	42	36	35	30	Connecticut
32	9	11	31	20	25	26	Nevada
33	48/49	35	36	40	34	42/43	North Carolina
34/35	44	13	18	11	12	7	Louisiana
34/35	50	41/42	32	30	37	32	Virginia
36	22	22	25	25	21	27	Florida

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Rank 1997	Rank 1996	Rank 1995	Rank 1994	Rank 1993	Rank 1992	Rank 1991	State
37	35	19	23	28	29	21	Texas
38	41	29	21	19	27	42/43	Maryland
39	34	47	41	27	26	34/35	Wisconsin
40	45	44	14	15	11	11	South Carolina
41	12	46	22	37/38	20	25	Kansas
42	20	25	19	18	28	20	New Jersey
43	24	41/42	15	50	38	39	Nebraska
44	36	50	51	51	45	45	Dist. of Columbia
45	43	40	37	45	46	48	Massachusetts
46	51	49	49	47	47	44	New Hampshire
47	26	48	48	43	51	16	Delaware
48	48/49	31	38	44	49	38	Tennessee
49	39	51	50	46	50	41	Hawaii
50	23	15	43/44	49	33	33	New Mexico
51	47	39	45	33	31	28	Minnesota