

**Public Citizen's Health Research Group Ranking of
State Medical Boards' Serious Disciplinary Actions in
1998**

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Based on the Federation of State Medical Boards (FSMB) data on the number of disciplinary actions taken in 1998 against doctors, Public Citizen 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 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/restrictions) 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 2,731 serious disciplinary actions in 1998 out of 726,648 nonfederal M.D's, which is a rate of 3.76 serious disciplinary actions per 1,000 physicians. This rate is slightly lower than the rate of 3.84 serious disciplinary actions per 1,000 physicians in 1997. As can be seen in Figure 1, the number of serious actions has more or less plateaued for the past five years despite the fact that the number of non-federal physicians has increased substantially. Thus, the rate of serious disciplinary actions per 1,000 physicians has fallen from 4.3 per 1,000 in 1994 to 3.76 in 1998 (see figure 2), a statistically significant decrease of 12.6%.

State rates ranged from 15.4 serious actions per 1,000 doctors (Alaska) to 0.85 per 1,000 physicians (Tennessee), an 18-fold difference between the best and worst states. If all the boards did as good a job as the top five boards, the lowest rate for #5, West Virginia, being 7.68 serious disciplinary actions per thousand physicians or .768%, this would amount to 5,580 (.768% of 726,648 non-federal doctors) serious actions a year, twice as many (2849 more actions) as the 2,731 that actually occurred in 1998.

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): Alaska (15.4/1,000 physicians), Oklahoma (9.23), Mississippi (8.92), Arkansas (8.32), West Virginia (7.68), Vermont (7.12), Wyoming (6.51), New Mexico (6.14), Maine (6.13), and Ohio (5.96). Five of these 10 states (Alaska, Oklahoma, Mississippi, Wyoming, and Ohio) were also in the top 10 in 1997 and two, (Mississippi and Alaska) have been in the top 10 for eight straight years. Oklahoma, 2nd this year, has been in the top 10 states for seven of the last eight years. West Virginia, 5th this year and Wyoming, 7th this year, have been in the top 10 for six of the last eight years and Vermont, 6th this year and Ohio, 10th this year, have been in the top ten for four of the last eight 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, as it also was in 1996 and 1997. Other large states such as Michigan, New York and California (13th, 16th and 27th respectively in 1998) 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 1998, were, starting with the lowest: Tennessee (0.85 per 1,000 physicians), Delaware (1.07), Florida (1.32), Missouri (2.06), Massachusetts (2.07), Wisconsin (2.24), Pennsylvania (2.29), Kansas (2.36), North Carolina (2.54), Minnesota (2.56), and Illinois (2.62). Massachusetts, Tennessee and Minnesota were also in the bottom 10 in 1996 and 1997. In 1998, the bottom 24 states all had rates of serious disciplinary action that were one-half or less than the rate of all of the top five states. States with large numbers of doctors such as Pennsylvania, Virginia, Massachusetts and Connecticut have been in the bottom half of all states for eight 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.

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).**

Table 1
Ranking of Serious Doctor Disciplinary Actions
By State Medical Licensing Boards - 1998

Rank 1998	State	Number of Serious Actions 1998	Total Number of Nonfederal Doctors 1997	Serious Actions Per 1,000 Doctors
1	Alaska	16	1039	15.40
2	Oklahoma	56	6064	9.23
3	Mississippi	42	4707	8.92
4	Arkansas	43	5169	8.32
5	West Virginia	32	4168	7.68
6	Vermont	14	1966	7.12
7	Wyoming	6	921	6.51
8	New Mexico	25	4074	6.14
9	Maine	19	3102	6.13
10	Ohio	168	28204	5.96
11	North Dakota	9	1530	5.88
12	Georgia	93	16652	5.58
13	Michigan	128	23396	5.47
14	Kentucky	45	8714	5.16
15	Louisiana	55	11181	4.92
16	New York	357	73062	4.89
17	Alabama	44	9124	4.82
18	Colorado	49	10239	4.79
19	South Dakota	7	1468	4.77
20	Utah	21	4518	4.65
21	Indiana	56	12407	4.51
22	South Carolina	37	8417	4.40
23	Iowa	24	5556	4.32
24	Rhode Island	15	3481	4.31
25	Idaho	9	2092	4.30
26	Nevada	13	3186	4.08
27	California	361	89153	4.05
28/29	Nebraska	15	3902	3.84
28/29	Texas	158	41174	3.84

30 New Hampshire 11 3096 3.55

Table 1
Ranking of Serious Doctor Disciplinary Actions
By State Medical Licensing Boards - 1998

Rank 1998	State	Number of Serious Actions 1998	Total Number of Nonfederal Doctors 1997	Serious Actions Per 1000 Doctors
31	Oregon	28	8333	3.36
32	Connecticut	41	12393	3.31
33	District of Columbia	13	3980	3.27
34	Montana	6	1939	3.09
35	New Jersey	75	25110	2.99
36/37	Washington	44	14759	2.98
36/37	Maryland	60	20154	2.98
38	Arizona	32	10771	2.97
39	Hawaii	10	3399	2.94
40	Virginia	50	17407	2.87
41	Illinois	86	32849	2.62
42	Minnesota	33	12878	2.56
43	North Carolina	47	18499	2.54
44	Kansas	14	5938	2.36
45	Pennsylvania	85	37078	2.29
46	Wisconsin	29	12919	2.24
47	Massachusetts	55	26546	2.07
48	Missouri	27	13104	2.06
49	Florida	54	40898	1.32
50	Delaware	2	1875	1.07
51	Tennessee	12	14057	0.85
	Total	2731	726648	3.76

Table 2

Ranking of States 1991-1998: Serious Disciplinary Actions

Rank 1998	Rank 1997	Rank 1996	Rank 1995	Rank 1994	Rank 1993	Rank 1992	Rank 1991 State
1	2	6	8	2	8	7	6 Alaska
2	5	7	12	5	2	1	2 Oklahoma
3	1	1	1	9	9	6	6 Mississippi
4	13	15	23	28	26	18	29 Arkansas
5	12	11	7	6	1	3	8 W. Virginia
6	25/26	10	6	39	17	15	10 Vermont
7	3	31	3	1	21	4	9 Wyoming
8	50	23	15	43/44	49	33	33 New Mexico
9	22	17	32	33	41	44	46 Maine
10	7/8	8	9	24	22/23	19	23 Ohio
11	9	2	34	10	3	5	13 N. Dakota
12	23/24	19	4	8	10	9	4 Georgia
13	15	28	21	34/35	35	40	40 Michigan
14	7/8	14	14	4	4	16	5 Kentucky
15	34/35	44	13	18	11	12	7 Louisiana
16	16	18	17	29	34	39	49 New York
17	23/24	38	30	43/44	29	30	31 Alabama
18	6	4	5	12	6	8	17 Colorado
19	14	42	33	11	13	32	50/51 S. Dakota
20	25/26	16	38	46	39	43	18 Utah
21	19/20	33	28	16	7	14	15 Indiana
22	40	45	44	14	15	11	11 S. Carolina
23	4	3	2	7	5	2	3 Iowa
24	10	25	26	26	42	41	50/51 Rh. Island
25	30	21	36	30	37/38	23	34/35 Idaho
26	32	9	11	31	20	25	26 Nevada
27	18	27	20	34/35	32	42	37 California
28/29	43	24	41/42	15	50	38	39 Nebraska
28/29	37	35	19	23	28	29	21 Texas
30	46	51	49	49	47	47	44 New Hamp.
31	28/29	29	16	20	22/23	24	14 Oregon
32	31	37	27	42	36	35	30 Connecticut
33	44	36	50	51	51	45	45 D. Columb.
34	11	13	18	3	14	10	19 Montana
35	42	20	25	19	18	28	20 New Jersey
36/37	38	41	29	21	19	27	42/43 Maryland

Table 2
Ranking of States 1991-1998: Serious Disciplinary Actions

Rank 1998	Rank 1997	Rank 1996	Rank 1995	Rank 1994	Rank 1993	Rank 1992	Rank 1991 State
36/37	28/29	40	24	27	24	17	24 Washington
38	19/20	5	10	17	16	22	22 Arizona
39	49	39	51	50	46	50	41 Hawaii
40	34/35	50	41/42	32	30	37	32 Virginia
41	21	46	45	40	31	36	36 Illinois
42	51	47	39	45	33	31	28 Minnesota
43	33	48/49	35	36	40	34	42/43 N. Carolina
44	41	12	46	22	37/38	20	25 Kansas
45	27	32	43	47	48	48	47 Pennsylvanl
46	39	34	47	41	27	26	34/35 Wisconsin
47	45	43	40	37	45	46	48 Massachus.
48	17	30	37	13	12	13	12 Missouri
49	36	22	22	25	25	21	27 Florida
50	47	26	48	48	43	51	16 Delaware
51	48	48/49	31	38	44	49	38 Tennessee