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Public Citizen Releases Annual Ranking of State Medical Boards

Rates of Disciplining Doctors Improve Slightly Over Last Year; Minnesota Is Overall Worst While Alaska Is Best

WASHINGTON, D.C. – Public Citizen’s annual ranking of state medical boards shows that most states, including one of the largest, are not living up to their obligations to protect patients from doctors who are practicing substandard medicine, according to the report released today.

Although the rate at which states took serious disciplinary actions against doctors rose slightly in 2009, it was still 18 percent lower than the peak rate of five years ago. Had the national rate of doctor discipline remained at the peak rate, there would have been 653 additional serious disciplinary actions in 2009 against U.S. physicians compared to the number actually taken.

Minnesota was the worst state when it came to disciplining doctors and, along with Maryland, South Carolina and Wisconsin, has consistently been among the worst 10 states for each of the last seven rankings. For the first time since Public Citizen began issuing its state medical board rankings, Massachusetts has fallen into the bottom 10.

Only one of the nation’s 15 most populous states, Ohio, is represented among those 10 states with the highest disciplinary rates. For the second year in a row, one of the largest states in the country, Florida, is among the 10 states with the lowest rates of serious disciplinary actions.

“There is considerable evidence that most boards are under-disciplining physicians,” said Dr. Sidney Wolfe, director of Public Citizen’s Health Research Group. “Most states are not living up to their obligations to protect patients from doctors who are practicing medicine in a substandard manner.

The medical boards in those top states are doing a better job protecting patients from those doctors not practicing good medicine.

“Serious attention must be given to improving how state medical boards hold physicians accountable. Action must then be taken, legislatively and through pressure on the medical boards themselves, to increase the amount of discipline and, thus, the amount of patient protection. Without adequate legislative oversight, many medical boards will continue to perform poorly. The sharp decrease in disciplinary actions in Massachusetts is a case in point.”

The weighted average rate of disciplinary action in the top five states was 5.45 serious disciplinary actions per 1,000 physicians, whereas the weighted average rate in the bottom five states was 1.5 actions. Doctors are therefore more than 3.6 times as likely to be seriously disciplined by medical boards in the top five states as in the bottom five.

If all states disciplined doctors at the average rate for the top five states, there would have been 5,311 serious disciplinary actions per year in the past three years — 2,368 more actions per year than there actually were.

The annual rankings are based on data from the Federation of State Medical Boards, specifically on the number of serious disciplinary actions taken against doctors in 2007-2009. Public Citizen calculated the rate of serious disciplinary actions (revocations, surrenders, suspensions and probation/restrictions) per 1,000 doctors in each state for each of these three years, then averaged the rates over the past three years to establish the state's rank.

When it came to disciplining physicians, the worst states, in order, are Minnesota, South Carolina, Wisconsin, New Hampshire, Connecticut, Massachusetts, Mississippi, Florida, Maryland and Vermont. The states whose rank has declined the most since 2001-2003, when Public Citizen started such analysis, are Mississippi (20 to 45), Alabama (13 to 37), Massachusetts (23 to 46), New Hampshire (25 to 48), Vermont (19 to 42) and Georgia (15 to 36).

Although California barely escaped from being one of the worst 10 states in 2007-2009 (it was the 11th worst), its rate of discipline has also fallen considerably since the 2001-2003 period, when it was ranked 22nd.

The best states when it comes to doctor discipline, in order, are Alaska, North Dakota, Kentucky, Ohio, Arizona, Oklahoma, Colorado, Louisiana, New Mexico and Hawaii. The five states whose rank has improved the most since 2001-2003 are Hawaii (51 to 10), North Carolina (41 to 12), Washington, D.C. (42 to 16), Illinois (35 to 15) and Maine (34 to 14). The progress in these states is commendable because the medical boards have figured out ways — often with legislatively mandated increases in funding and staffing — to improve the protection for patients from doctors who need to be disciplined but, in the past, were disciplined much less rigorously.

Boards are likely to do a better job disciplining physicians if most, if not all, of the following conditions exist:

- They receive adequate funding (all money from license fees going to fund board activities instead of going into the state treasury for general purposes);
- They have adequate staffing;
- They engage in proactive investigations, rather than only reacting to complaints;
- They use all available/reliable data from other sources such as Medicare and Medicaid sanctions, hospital sanctions and malpractice payouts;
- They have excellent leadership;
- They have independence from state medical societies;
- They are independent from other parts of the state government; and
- A reasonable legal framework exists for disciplining doctors (the “preponderance of the evidence” rather than “beyond reasonable doubt” or “clear and convincing evidence” as the legal standard for discipline).

To read the full report, visit <http://www.citizen.org/hrg1905>.

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