

## **Bad Doctors - Who is Minding the Store?**

*By [Catherine Bertram](#) - July 31, 2010*

An updated annual ranking of state medical boards by the consumer advocacy group [Public Citizen](#) reveals widespread discrepancies in both the numbers of disciplinary actions taken against physicians' licenses, and the rates of those disciplinary actions from state to state. Though the specific numbers have changed again, a pronounced trend of significant discrepancies between individual states has held constant for years. Unless geography influences a physician's competence, these state-by-state discrepancies point to a dangerously inadequate national system of physician oversight -- one that could conceivably allow dangerous, incompetent physicians to continue to practice medicine by moving from state to state.

The data raises questions about patient safety -- particularly the safety of patients who reside in states with the lowest records of physician discipline. The same physician would likely be barred from practice in many states with effective systems of physician oversight and accountability, yet that same physician is allowed to continue to practice in some states due to lack of proper oversight.

The data also suggests that many states continue to failure their obligations to protect patients from incompetent or reckless doctors -- doctors who have a pattern of failing to practice safe and responsible medicine -- endangering the lives and health of those who trust them to provide life-saving, quality care.

According to the survey results, the total number of serious disciplinary actions against physicians dropped 17% from 2004, resulting in 553 fewer serious actions overall in 2007 than in 2004. Given the increasing number of U.S. physicians since 2004, the rate of serious actions actually

fell 22%, from 3.72 serious disciplinary actions per 1,000 physicians to 2.92.

South Carolina was the worst state, but out of the 10 lowest-ranking states, 4 have been at the bottom for each of the past five years: **Maryland**, Minnesota, South Carolina and Wisconsin.

Ten states have accomplished at least a 10-place improvement in ranking between the 2001-2003 ranking and the 2005- 2007 ranking: Arkansas, Delaware, Hawaii, Illinois, Maine, Nebraska, Rhode Island, Tennessee, Vermont and the **District of Columbia (DC improved from 42nd to 22nd)**.

Annual rankings are based on data gleaned from the [Federation of State Medical Boards](#) (FSMB), specifically regarding the number of disciplinary actions taken against doctors in 2007. Public Citizen calculated the rate of serious disciplinary actions (revocations, surrenders, suspensions and probation/restrictions) per 1,000 doctors in each state.

Previously on the [DC Metro Area Medical Malpractice Law Blog](#), we have posted articles related to:

- [Research indicating that many physicians never report their medical errors](#)
- [Evidence that most student physician mistakes are attributable to a lack of teamwork, insufficient skill, or poor judgment](#)
- [Criticism of the FDA over a proposed relaxation of drug prescription rules](#)

*About the author:*

[Catherine Bertram](#) is board certified in civil trials and was recently nominated as a 2010 Super Lawyer for Washington, D.C. Ms. Bertram has 20 years of trial [experience](#) and is unique in that she was formerly the Director of Risk Management for Georgetown University Hospital. Ms. Bertram is a member of the bar for the U.S. Supreme Court. She is a partner with the firm and lectures regularly to lawyers and health care providers, nationally and locally, regarding patient safety, medical negligence and other related issues. She has also recently published a chapter in a surgical textbook. She can be reached by email at [cbertram@reganfirm.com](mailto:cbertram@reganfirm.com) or by phone 202-822-1875 in her office in Washington, D.C.