

Report: no substantive practice restrictions when many doctors are fired

Written by Australian Business

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A recent USA Today expose reveals huge gaps between private sanctions against doctors and those given by state boards of medical licensure. The report finds that some doctors who have been fired from (or lost privileges at) respected medical facilities have no official record of such negative consequences on their medical licenses.

This indicates that many physicians - even some whose patients have died or been seriously injured as a direct result of their medical negligence - have never faced disciplinary action by their state medical licensing board. In fact, few of those physicians were given restrictions on the types of treatments they could perform, were suspended from practice, were prohibited from dispensing controlled substances, or had their licenses to practice medicine revoked.

Why aren't doctors being punished?

State licensing authorities who were interviewed for the story said that their powers are severely limited by red tape, procedural restrictions, and a process that is weighted so much in favor of a physician that he or she can easily draw out a disciplinary action for months or even years by asking for multiple hearings or other administrative resources. The physician will be allowed to practice medicine until the investigation is completed into their alleged malpractice (be it from surgical errors, birth injuries, failure to diagnose strokes or something else), because licensing boards cannot strip someone of their medical license without due process.

The boards know that some doctors are taking advantage of the system to profit even when they should no longer be practicing, but argue that the process has remained largely unchanged in spite of their concerns. They put much of the impetus on legislatures, contending that laws must be revised to give them the power to decisively act to stop negligent physicians from practicing.

Medical facilities contributing to the problem

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Clinics, hospitals and other medical facilities, even ones that know of a doctor's negligence or recklessness and no longer want him practicing there, are well aware that certain disciplinary actions - like being fired or having privileges revoked - will result in the facility having to file a report with the state medical licensing board. Oftentimes they will find ways to mete out discipline in a manner that will not put them in the position of reporting to the licensing board.

If a hospital wants to fire a doctor whose negligence has resulted in malpractice claims against it (for anything from failing to communicate important patient information to others on the care team, to operating on the wrong body part), the hospital's board of directors might first offer the doctor the option of resigning, taking a sabbatical or retiring early instead. There are several reasons why a medical facility would negotiate terms like this instead of just firing the physician, including:-Not wanting to deal with the paperwork and hassle of preparing and submitting a report to the state licensing board;-Wanting to give the doctor a chance to improve his or her skills at another facility under the tutelage of different staff;-Doing the doctor a favor by not causing a "black mark" on his license.

Regardless of the motive, this behind-the-scenes negotiation adds to the problem of there being little accountability for doctors whose negligence or malpractice caused injury or death of a patient. Indeed, the only way to hold doctors and hospitals responsible for their mistakes is to file a claim of medical negligence in a court of law.

Have you or a loved one suffered harm at the hands of a negligent physician? If so, seek the advice of an experienced medical malpractice attorney, and learn more about legal avenues to hold the at-fault physician or medical facility responsible.