

State medical boards slow to punish negligent doctors

Written by Australian Business

September 28, 2013 **/24-7PressRelease/** -- According to an article recently published in USA Today, state medical boards are slow to take action against physicians who commit malpractice. The article found that many of the nation's medical boards have failed to revoke the licenses of many of the physicians who have been fired by private medical facilities, barred from hospitals or have been found liable in lawsuits because of [medical malpractice](#).

What this means is that many physicians who have harmed or possibly killed their patients because of their negligence often can continue to practice medicine, since the state medical boards allow their licenses to remain intact. In fact, the article found that in many of the cases, the state medical board did not even place minimal restrictions on their ability to prescribe medicine or treat patients.

In one tragic example cited by the article, a physician who had been fined and sanctioned by the state medical board for mismanaging medications over the course of a decade was allowed to keep practicing medicine. As a result, one of the physician's patients died from a [prescription error](#). It took four years of investigations by the state medical board before his license to practice medicine was finally revoked.

For the article, USA Today reviewed data from the National Practitioner Data Bank. Any time a physician faces malpractice allegations or other actions, the incident must be recorded in the bank by law. The data indicated that between 2001 and 2011, about 6,000 doctors were privately restricted from their clinical duties. However, just over 3,000 of these doctors--more than half--never faced fines or license restrictions from their state's medical board.

In addition to this horrifying statistic, the data indicated that even doctors who commit egregious malpractice often could continue practicing medicine. The data shows that 250 of physicians who were labeled as an immediate threat to patients' health and safety did not face license restrictions by their state medical boards. Additionally, the data indicated that just 800 physicians were responsible for 10 percent of the medical malpractice claims between 2001 and 2011, however only 20 percent of these physicians faced any sort of licensure action.

Why are the boards slow to respond?

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In theory, it is the responsibility of state medical boards to monitor the National Practitioner Data Bank and respond to any adverse action against physicians. So why aren't more physicians disciplined or suspended by the medical board of their state?

According to the article, the disciplinary process against a physician is heavily weighted in favor of the physician. The disciplinary procedure in most states allows physicians facing sanctions to request multiple hearings, which can drag out the process for years. In addition, in most states physicians facing discipline can keep their licenses until the board's investigation of the allegations is completed, since the boards do not have the power to deprive the physician of their livelihood without due process.

According to many medical board members interviewed in the article, the problem could be solved by the state legislatures if laws were passed empowering the board to strip physicians of their licenses early in the disciplinary process.

Consult an attorney

It is clear that unless laws are changed, medical boards will continue to do a poor job of protecting patients against physicians who have proven themselves incompetent. It is therefore important for patients to protect themselves by doing their due diligence when choosing a physician.

If you or a loved one have been injured as a result of a physician's mistakes, contact an experienced medical malpractice attorney to learn more about your right to hold the physician accountable for his or her negligence.

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