

## 2003 Press Releases

**January 25, 2003**

### **27 Texas Physicians Have Been Removed from Practice for Standard of Care Issues**

Contrary to reports that continue to appear in the Texas media, the Texas State Board of Medical Examiners has revoked, obtained surrenders or indefinitely suspended the licenses of at least 27 physicians in the past five years for actions directly relating to patient care problems. The agency has analyzed disciplinary data from Fiscal Years 1998, 1999, 2000, 2001, 2002 and the first three months of fiscal year 2003, which began September 1, 2002. Of the 27, 11 physicians' licenses were revoked or permanently surrendered and 16 physicians are under indefinite suspension while the board pursues permanent resolution of the cases.

Because TMB does not have a category of "medical error," the standard is that these cases must involve direct patient care in which the board determined that the physician's knowledge, judgment, professionalism and/or skill were lacking. The following criteria were used to identify the actions:

- the licenses were revoked, surrendered or indefinitely suspended, and the physician is currently out of practice;
- the allegations were for violations of the Medical Practice act directly related to patient care, such as misdiagnosing or improperly treating or failure to practice medicine in an acceptable manner; and the board orders provide sufficient findings and conclusions to verify that the action was a result of standard of care issues.

There are other actions related to patient care not included in this conservative definition, including actions like Internet prescribing, drug and alcohol abuse, and nontherapeutic prescribing along with sexual misconduct.

While being consistently underfunded and understaffed, the board has dramatically increased its regulatory actions, especially in the past year. Complaints to the board against Texas doctors have nearly doubled since 1996, as have the numbers of Board investigations and disciplinary actions. In the past year, TMB has taken 241 disciplinary actions, compared to 131 in the 12-month period of fiscal year 1997. Furthermore, there were 42 revocations/surrenders last year, compared to 17 in fiscal year 1997. The Board issued administrative penalties (fines) totaling \$356,380 in 2002, compared to \$84,550 in FY-1997.

This board is committed to using its regulatory authority to protect the public, and uses a variety means to do so, including careful scrutiny of licensure applicants and swift and appropriate disciplinary actions when necessary. We have set a goal to reduce the average number of days for an investigation from 283 to 125 and have implemented a new system to meet that goal. We are asking the legislature to give us additional regulatory authority, such as

temporary suspension or restriction when the physician poses a risk to the public; authority over violators of state or federal laws; discipline for criminal actions in cases of deferred adjudication; use of peer review actions; rule changes regarding stays and injunctions; and additional use of information related to medical malpractice lawsuits.

Information on physician disciplinary actions, including access to board orders, is available through the board's web site at <http://www.tsbme.state.tx.us/agency/professionalinfo.htm>

For more information, call Jill Wiggins, Public Information Director, at

(512) 305-7018 or write to:

Texas State Board of Medical Examiners  
MC 251  
P.O. Box 2018  
Austin, TX 78768-2018

To receive press releases by e-mail: [jill.wiggins@tmb.state.tx.us](mailto:jill.wiggins@tmb.state.tx.us)