

Improving Medical Licensing in New Mexico from a Patient Safety Perspective



Patient Safety Action Network

Patient Driven, Patient Led

<https://www.patientsafetyaction.org/>

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Importance of Medical Boards to the Public

- One of few places that public can get information about a doctor
- Given changes in health care (health plan network changes, new diagnoses, move to new area), many people are looking for new doctors
- If have concern about quality of care from doctor, the entity that can take action on your concern, yet....
 - Fewer than 3 in 10 Americans (27%) know how to find if a doctor has ever been disciplined.
 - Nearly 1 in 5 Americans (18%) have experienced an interaction with a doctor who they believe was acting unethically, unprofessionally or providing substandard care.
- Only one-third of those reported or filed a complaint (FSMB Survey 2018)

The New Mexico Medical Board is Not Acting Adequately to Protect the Public

Public Citizen Ranking of State Boards by Serious Actions per
1,000 Licensees:

New Mexico 2019-2021	29 th of the 50 States plus D.C.
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New Mexico 2021-2023	35 th of the 50 States plus D.C.
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New Mexico 2023-2025	45 th of the 50 States plus D.C.
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New Mexico Compared to the Highest Ranked State (Alaska), 2023-2025

New Mexico Rate of Serious Actions per 1,000 Licensees (2023- 2025):	0.41
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Alaska Rate of Serious Actions per 1,000 Licensees (2023-2025):	1.76
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New Mexico Mean Number of Serious Actions Taken (2023-2025):	5
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Number of Serious Actions Needed to Match Alaska's Rate:	22
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New Mexico Percent Increase Needed to Match Alaska Rate:	331.4%
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From 1991-2024 Only 194 Physicians Were Responsible for Half of All the Dollars Paid for Malpractice in New Mexico

The New Mexico Medical Board Took Any Action Against the License of only 41 of the 194

Licensure Actions Taken (*some physicians had more than one action*):

Revocation	0
Denial of Renewal	0
Voluntary Surrender	4
Suspension	2
Limitation or Restriction	4
Summary or Emergency Restriction	0
Voluntary Limitation or Restriction	0
Vol. Limitation Pending Investigation	1
Probation	9
Reprimand	2
Other Negative Action or Finding	1
Other Licensure Action	13
License Restored or Reinstated	7

What Can New Mexico Residents Know About Their Doctors? A Review of the NM Medical Board Website

- **Mission:** The New Mexico Board was established by the State Legislature “in the interest of the public health, safety and welfare to protect the public from the improper, unprofessional, incompetent and unlawful practice of medicine”
- **Licensee Lookup** – Physician data about doctors and other health professionals in New Mexico

What Can You Find Out About a NM Doctor?

Status of License (Active)

License Issue Date/Expiration Date

Medical School/Graduation Date (maybe)

Specialty (maybe)

Public Actions Taken by Board

- Link to Legal Documents

NM ranked in lowest quartile in rank ordering of PSAN
Review of Medical Board Websites (2022)

What Can You Find About a Doctor in Nevada?

- Specialty
- Education History/Postgraduate Training
- Summary of Board Actions (Plain English Description)
- Link to Legal Documents
- Current Employment Status/Conditions/Restrictions on License
- Malpractice:
 - Date of Act/Omission
 - Details (brief summary of case)
 - Settlement Amount (Exact amount if more than \$5,000)

What Can You Find in Other States?

- Board Actions from Other States
- Hospital Disciplinary Actions
- Federal Disciplinary Actions
- Convictions Unrelated to the Practice of Medicine
- Timeliness of information (indicate when last updated)
- Provide public with complete history of actions (don't age-out information)

Why The Public Should Know About Both Malpractice Settlements and Court Judgments

In the past 36 years, only 1.2% of malpractice payments in New Mexico were Court Judgments (41 of 3,485).

Over the past 5 years, only 0.7% of malpractice payments in New Mexico were Court Judgments (4 of 615).

If settlements excluded from physician profiles, the public would not be informed of 99% of malpractice payments - would be unable to find out if a physician had a history of malpractice payments.

Almost 94% of NM physicians have never had a malpractice payment.

Public knows how to discern difference in importance between one malpractice settlement and multiple settlements or court judgments.

Other Observations

NM Medical Board Website

- No real “consumer” section/focus
- No Annual report that includes information such as:
 - How many complaints?
 - From whom?
 - What happened to those complaints?
 - What types of actions were taken (by category)
- No focus on Sexual Misconduct complaints (treated same/differently?)
- Online Complaint process, but no real description of process of complaint resolution
 - Are/how are patients involved/informed in the process?

Make the NM Medical Board More Patient-Oriented

- Require postings in physician offices with information about the NM Medical Board and how to file a complaint.
- Increase the number of public members to make up a majority on the board; public interest orientation; exclude people with personal or financial interest in health care organizations or professions.
- Involve patients and families throughout the disciplinary process – allow victim impact statements; give equal weight to patient evidence; increase the voice and presence of the harmed patient; keep them informed at all points of case; transparency regarding the board decisions.
- Require all patients to be notified if their physician has been disciplined in cases that involve egregious violations such as sexual misconduct, patient death or gross negligence.

Tools to Improve NM Medical Board Accountability

- Create a duty for doctors to report to the Board if they are aware of a dangerous doctor (e.g., substance abuse, sexual misconduct, incompetence, harm to patients).
- When investigating a complaint, require the board to review prior complaints to determine if there is a pattern of behavior. [not optional].
- Continuous query of the NPDB – A national monitoring system for the Board; enroll each licensee; Board receives email notifications within 24 hours of a report received by the NPDB about a licensee; cost: \$2.50/year/licensee, add to annual licensing fees. All new licensees should also be queried at application.
- Secret Board actions/Letters of Concern – require informal actions to be public and posted on profile - patients have a right to know; require reporting to the NPDB; if used, limit to truly minor complaints and account for these in annual reports.
- Require periodic reviews of Medical Board to ensure accountability to the public - sunset reviews, operational audits, detailed annual reports.

Final Thoughts

Most doctors/health professionals practice with integrity and professionalism

- Small number create big harm/patient safety risk – affects credibility of entire profession
- Role of medical board to protect the public from these doctors and other health professionals

Transparency is key to building trust

Public members/Consumer advocates could be allies if build awareness and trust

Thank you!

Questions?

Medical Board Roundtable

Patient Safety Action Network

<https://www.patientsafetyaction.org/our-work/physician-oversight-and-accountability/>