



Legislation Text

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**File #:** Res 1369-2012, **Version:** \*

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Res. No. 1369

Resolution calling upon the New York State Department of Health's Office of Professional Medical Conduct to strengthen enforcement and take action against doctors that engage in misconduct.

By Council Members Crowley, Gentile, James, Koo, Rose, Williams, Wills, Rodriguez and Halloran

Whereas, There are more than 90,000 physicians, physician assistants and specialist assistants in New York State; and

Whereas, The State Department of Health's (DOH) Office of Professional Medical Conduct (OPMC) investigates complaints about physicians and other medical professionals; and

Whereas, OPMC also monitors medical practitioners who are subject to orders of the State Board for Professional Medical Conduct (Board); and

Whereas, Medical misconduct includes a wide array of behavior, including but not limited to practicing fraudulently, practicing with gross incompetence or gross negligence, practicing while impaired by drugs, alcohol or disability, being convicted of a crime, filing a false report, denying services because of a patient's race, creed, color or ethnicity, performing unauthorized services, harassing, abusing or intimidating a patient, and abandoning or neglecting a patient in need of immediate care; and

Whereas, However, OPMC notes that certain complaints are out of its purview, including complaints regarding fees (unless they represent fraud) and complaints of uncaring behavior such as a practitioner's negative attitude, rude behavior or other poor communication skills; and

Whereas, DOH's website contains information for consumers, including a listing of all physicians, physician assistants and specialist assistants who have been disciplined for their conduct since 1990, practitioners who were subjected to non-disciplinary Board orders, or practitioners who are facing pending

charges of misconduct that will be adjudicated by the Board; and

Whereas, Additionally, consumers can search for Board action against a physician, file a complaint or contact OPMC directly; and

Whereas, Despite the mission of OPMC, some have voiced concern regarding the impact that OPMC has had in policing the profession; and

Whereas, In 2007, a Public Citizen report indicated that four percent of physicians in New York State accounted for nearly half of all dollars paid for malpractice incidents since 1991; and

Whereas, Further, this same report found that of these physicians, only 10.8 percent received licensure actions; and

Whereas, Not taking action against this small number of negligent doctors threatens patient safety, as well as consumers' confidence in New York's health care delivery system; and

Whereas, In its 2010 annual report, the Board reported that OPMC received 8,501 complaints and referred 322 licensees for charges; and

Whereas, Of these referrals for charges, 63 practitioners surrendered their licenses, 22 were revoked, 87 were suspended, and 94 were censured and reprimanded; and

Whereas, The Federation of State Medical Boards (Federation) found that in 2010, New York imposed more actions resulting in loss of license than any state in the nation; and

Whereas, Additionally, the Federation also indicated that New York imposed the second highest number of serious actions, restriction or loss of license, in the nation; and

Whereas, However, Public Citizen found that from 2008 to 2010, New York ranked 24<sup>th</sup> in the nation in the number of serious disciplinary action taken per 1,000 physicians; and

Whereas, In addition, despite considering certain medical malpractice criteria when identifying investigations, of the 360 cases selected based on this criteria, only 9 percent received Board action or administrative warnings; and

Whereas, Disciplining practitioners who commit malpractice and are found to commit misconduct could improve patient safety and lessen health care costs; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Department of Health's Office of Professional Medical Conduct to strengthen enforcement and take action against doctors that engage in misconduct.

LS # 3336  
JM  
3/16/12