



2017 Legislative Session

SB 68 - Online Posting of Discipline, Licensing, and Credentialing for MDs and DOs

SB68 would amend both the Medical and the Osteopathic Medicine Acts and require publicly accessible and searchable website portals related to medical and osteopathic licensees. In addition to basic demographic information, the bill requires posting of some concerning information including: 1) all former names (maiden, aliases, previous marital), 2) a recent photograph, 3) criminal history, 4) any formal disciplinary action with a link to each action taken by the board, a health facility, or agency of the government, and 5) amount of any payment made pursuant to a claim of malpractice.

Currently on the Medical Board (MB) publicly accessible and searchable website, one can view a physician's name, location, specialty, medical school and graduation date, license number, type, status, start and expiration dates, and view any public actions the board has taken on the doctor. All of this information is easily available to patients who might want to research a physician.

What is not available on the MB website are those aspects identified in this bill which are either private, the purview of the regulatory board, or items able to be used in a subjective and prejudicial manner for/against the doctor. The New Mexico Medical Board investigates all DUI charges, patterns of medical liability settlement/judgments, hospital disciplinary actions, patient complaints, and is quite aggressive in investigating and enforcing compliance. All health licensing boards should be held to the same standard of investigation and enforcement as the Medical Board. The board's responsibility is to protect the patient, ensuring a high standard of care in that profession.

If SB 68 were to be enacted, a patient could read that a hospital took a disciplinary action against a physician but they would not have any facts of the issue, whether or not the charges were overturned or unjustified, or see any of the physician's rebuttals. Physicians who may be unsupportive of a new hospital policy may be found to be a disruptive physician or those late in charting could be found to be negligent. Often such actions are retaliatory and punitive toward the physicians and not reflective of clinical skill.

Medicine is a complex fusion of science and art performed many times on an ailing and fragile body. Medical litigation happens in most practices and cases are subject to complex variables and often have un-expected outcomes. Physicians with high risk patients or who are in high-risk specialties are apt to be named as defendants in a higher ratio than those with less risky specialties and less complex patients. Most settlements are subject to strict confidentiality of monetary payment.

Of added concern with SB 68, having a photograph of the MD or DO on this proposed website allows pre-judgments of a physician based on sex, race, attractiveness, and age.

NMMS asks that SB 68 is opposed on grounds that value added of additional fields that are rife with subjective and prejudicial interpretation with no impact on quality of care or safety. SB 68 will not assist a patient in choosing a qualified physician. The site will include misleading and incomplete information on a physician's history unrelated to clinical skills. Information that is relevant for patient research is already available on medical and osteopathic doctors.

For more information please contact:

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