



S.B. 39

124th General Assembly
(As Introduced)

Sens. Hagan, Furney

BILL SUMMARY

- Requires the State Medical Board to create individual physician profiles and make them available to the public.

CONTENT AND OPERATION

Creation of physician profiles

The bill requires the State Medical Board to develop and maintain a profile of each physician certified by the Board to practice medicine or osteopathic medicine. The Board must provide a copy of a physician's profile without charge to anyone who requests it. Each profile must be printed out and, on request, mailed to the person requesting it. If funding allows and the Board considers it appropriate, the profiles may also be distributed through the internet or an on-line computer service. Each profile must include specified information about the physician's education, practice, and any disciplinary actions taken against the physician.

Information on practice and qualifications

The profile must give the names of all medical schools the physician attended and include dates of graduation. Any graduate medical education and specialty board certifications must also be listed. The profile must give the number of years the physician has been practicing medicine; the names of hospitals where the physician has privileges to practice; the physician's primary practice location; any translation services available at the physician's primary location; and statements of whether the physician participates in the Medicaid program and whether the physician is accepting new patients.

Disciplinary actions listed in the profile

The bill requires that the profile list descriptions of the following that occurred within the preceding ten years:

(1) Any final disciplinary actions taken by the Board or a professional licensing board of another state;

(2) Revocation or involuntary restriction of privileges to practice in a hospital for reasons related to competence or character that were taken by the hospital's governing board or an official of the hospital after procedural due process was afforded;

(3) Resignation from or nonrenewal of medical staff membership or the restriction of privileges to practice at a hospital taken in lieu of or in settlement of a pending disciplinary case related to competence or character;

(4) Any felonies or misdemeanors determined by the Board to be serious misdemeanors of which the physician was convicted or to which the physician pleaded guilty or no contest.

The profile must also include a listing of all medical malpractice court judgments, arbitration awards, and insurance settlements during the preceding ten years in which a payment was awarded to a complaining party. The Board must develop a system of at least three categories to classify the significance of paid medical malpractice claims. Information concerning paid medical malpractice claims must be put into context by comparing an individual physician's medical malpractice judgment awards and settlement to the experience of other physicians within the same specialty. Information concerning settlements must be accompanied by the following statement: "Settlement of a claim may occur for a variety of reasons that do not necessarily reflect negatively on the professional competence or conduct of the physician. A payment in settlement of a medical malpractice action or claim should not be construed as creating a presumption that medical malpractice occurred."

Optional information

In addition to the information required by the bill, a physician profile may include information about the physician's professional or community service activities and awards; publications in peer-reviewed medical literature in the preceding ten years; appointments to medical faculties; and indication as to whether the physician has had responsibility for graduate medical education in the preceding ten years. A physician may elect to have the profile omit any of this

information. The Board must inform a physician that the physician may choose not to provide any of the information that may be omitted.

Correction of factual inaccuracies

Prior to releasing a physician's profile to the public, the Board must provide the physician with a copy of the profile and allow a reasonable amount of time for the physician to correct any factual inaccuracies in the profile.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-13-01	p. 130

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