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Federation of  
**STATE  
MEDICAL  
BOARDS**



## What is a State Medical Board?

Answers to your questions

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Answers to your questions about  
the role of State Medical Boards  
in health care

## What is a State Medical Board?

**THE PRIMARY RESPONSIBILITY AND OBLIGATION OF STATE MEDICAL AND OSTEOPATHIC BOARDS IS TO PROTECT CONSUMERS OF HEALTH CARE BY ENSURING THAT ALL PHYSICIANS IN YOUR STATE ARE PROPERLY LICENSED AND COMPLY WITH VARIOUS LAWS AND REGULATIONS PERTAINING TO THE PRACTICE OF MEDICINE.**

In some states, other health care professionals are also licensed and regulated by boards, in addition to physicians.

The practice of medicine is not an inherent right of an individual, but a privilege granted by the people of a state acting through their elected representatives. To protect the public from the unprofessional, improper and incompetent practice of medicine, states provide laws and regulations that outline the practice of medicine and the responsibility of the board to regulate that practice. This guidance is outlined in a state statute, usually called a Medical Practice Act.

### How are state medical boards structured?

Board membership is composed of volunteers who are charged with upholding the Medical Practice Act of their state. A state medical or osteopathic board is usually composed of physician and non-physician members who are, in most instances, appointed by the governor. In recent years, non-physician board members — often referred to as “public members” — have become much more common on state boards. Some boards are independent, exercising all licensing and disciplinary powers, while others are part of a larger umbrella agency, such as the Department of Health, exercising varied levels of responsibilities or functioning in an advisory capacity. Funding for medical board activities comes from physician licensing and registration fees, as well as fines imposed as part of a disciplinary action. Most boards employ an administrative staff that includes the executive officer, attorneys and investigators, with some legal services provided by the office of the state’s attorney general.

### How do state medical boards license physicians?

Ensuring the quality of medical care and protecting the safety of the public begins with the licensing process.

**THROUGH LICENSING, THE STATE ENSURES THAT ALL PRACTICING PHYSICIANS HAVE APPROPRIATE EDUCATION AND TRAINING, AND THAT THEY ABIDE BY RECOGNIZED STANDARDS OF PROFESSIONAL CONDUCT WHILE SERVING THEIR PATIENTS.**

Applicants must submit proof of prior education and training and provide details about their work history. Also, candidates for licensure must complete a rigorous examination designed to assess their ability to apply knowledge, concepts and principles that are important in health and disease management and that constitute the basis of safe and effective patient care.

Applicants must reveal information regarding past medical history that may affect their ability to practice (including alcohol and substance abuse), arrests and convictions. After physicians are licensed in a given state, they must register periodically to continue their active status. During this re-registration process, physicians are required to demonstrate that they have maintained acceptable standards of ethics and medical practice and have not engaged in improper conduct. In most states, physicians must also show that they have participated in a program of continuing medical education.

# Protect.



# Uphold.



## After licensing, how do state medical boards regulate physicians?

**THE ONGOING DUTY OF THE BOARD GOES BEYOND THE LICENSING AND RE-REGISTRATION OF PHYSICIANS. BOARDS ALSO HAVE THE RESPONSIBILITY OF DETERMINING WHEN A PHYSICIAN'S PROFESSIONAL CONDUCT OR ABILITY TO PRACTICE MEDICINE WARRANTS MODIFICATION, SUSPENSION OR REVOCATION OF A LICENSE TO PRACTICE MEDICINE.**

Board members devote much time and attention to overseeing the practice of physicians by reviewing complaints from patients, malpractice data, information from hospitals and other health care institutions, and reports from government agencies. When a board receives a complaint about a physician and there is reason to believe that the physician has violated the law, the board has the power to investigate, hold hearings, and impose some form of discipline, such as fines, public reprimands, and suspension or revocation of a license. Regulators often place restrictions on a physician's license to protect the public while a physician receives special training or rehabilitation aimed at an existing issue.

## What is considered unprofessional conduct?

The Medical Practice Act defines unprofessional conduct in each state. Although laws vary from jurisdiction to jurisdiction, some examples of unprofessional conduct include the following:

- Physician abuse of a patient
- Inadequate record keeping
- Failing to meet the standard of care
- Prescribing drugs in excess or without legitimate reason
- Failing to meet continuing medical education requirements
- Dishonesty
- Conviction of a felony
- Delegating the practice to an unlicensed individual

Minor fee disagreements and poor customer service are not considered unprofessional conduct.

## What rights do physicians have when they are being investigated?

**WHATEVER THE COMPLAINT, PHYSICIANS ARE AFFORDED THE RIGHT OF DUE PROCESS AS THE BOARD INVESTIGATES AN ALLEGATION OF PROFESSIONAL MISCONDUCT.**

Due process asserts that an individual is innocent until proven guilty. This principle applies to formal hearings and judicial procedures that the medical board conducts. Boards must adhere to established rules and principles to ensure that a physician is not treated unfairly, arbitrarily or unreasonably. In instances of severely egregious behavior, boards have authority to summarily suspend a physician's license until an administrative law hearing can be scheduled.



## What is the difference between a board action and malpractice?

The differences between a board action and a malpractice suit are significant.

Board actions are those taken against physicians after a formal process of complaint, investigation and hearing. While a sanction taken by a medical board against a physician indicates that a violation of the Medical Practice Act has occurred, malpractice claims are not always accurate measures of a physician's competence or a violation of the law. This is because anyone can file a malpractice suit without showing evidence of damage, and often malpractice insurance carriers opt to settle out of court rather than incur the expense of a court appearance. The physician's guilt or innocence may or may not be factors in the decision. Medical boards may review malpractice reports and detect patterns of inappropriate actions in order to identify practitioners who may pose a danger to the public.

## How do state medical boards share information about disciplined physicians?

Disciplinary sanctions imposed by a board are reported to the Federation of State Medical Boards of the

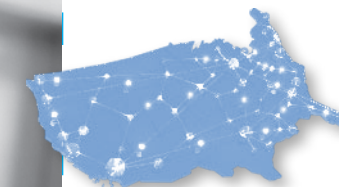


United States (FSMB), state and local medical and osteopathic societies, the American Medical Association, the American Osteopathic Association, the National Practitioner Data Bank and appropriate government agencies. The Federation of State Medical Boards, which was founded in 1912, operates a national Board Action Data Bank that houses records of disciplinary actions dating back to the 1960s. This information is available to all state medical boards and appropriate credentialing agencies. The FSMB also offers a Disciplinary Alert Service that provides updates of disciplinary actions against physicians to all state medical boards in which the disciplined physician is licensed within 24 hours of the FSMB receiving notification of the action.

## What can consumers do to ensure they get quality medical care?

**FIRST AND FOREMOST, BE AN EDUCATED CONSUMER.**

Consumers of health care can access information that may be useful in selecting a physician from their state medical board. The board can assist by disclosing if a physician is currently licensed, if disciplinary action has ever been imposed, or if disciplinary charges are pending. The public can inquire if the board has other public information in a physician's record (including criminal convictions and malpractice judgments). Consumers who believe that the quality of medical care they receive is substandard or that a physician has engaged in unprofessional conduct should contact their state medical board. A directory of the nation's 70 medical and osteopathic boards is available at [www.fsmb.org](http://www.fsmb.org). For more information contact the FSMB:



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