

Texas Medical Board considered too strict by doctors

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By BYRON HARRIS / WFAA-TV

Some say they're rogue cops. Others say they're lax law enforcers. The Texas Medical Board is at the center of a controversy over the way it regulates physicians in the state.

Dr. James Mahoney of Southlake represents one side of the issue. He's concerned about the way the Board regulates the 58,100 medical doctors in the state. "I'm in the target zone," Mahoney says, "so they're going to have to find something to convict me of."

His patient, Linda Hoffman, loved the medical care she got from Mahoney. But an anonymous complaint was filed with the Board, saying she was being treated outside the "standard of care" which should be practiced in Texas. Mahoney was called to Austin for an informal hearing, in which he was found to be practicing within the standard of care. But then the board said he wasn't keeping proper records. He appealed his case, and now says it has been mediated with satisfactory results.

But the whole process cost him several thousand dollars, and other doctors say they've lost their practices in what they call "kangaroo court" proceedings that don't allow due process.

Nationwide, regulators say the public wants medical boards to be stricter, not more lax, in regulating physicians. "State medical boards are not there to advocate for physicians, they are there to advocate for the public," says Dr. David Watt, of the Federation of State Medical Boards in Arlington. "State boards are not there to advocate for physicians."

The Texas board disciplines fewer than one per cent of the physicians in the state each year. The board can levy fines, order continuing medical education, temporarily revoke a doctors' licenses, or permanently ban them from practice.

A vocal group of doctors took their complaints about the process to the state legislature last fall, putting their case to the House appropriations committee, which holds the purse strings for the Board. One lawmaker, Debbie Riddle, (R-Tomball) told board members "You should be ashamed of yourselves." For its part, Board representatives at the hearing noted that they are required to take anonymous complaints by law, and that they are also restricted from talking about individual cases.

The issue has gotten to the point of a lawsuit. The American Association of Physicians and Surgeons is suing the Board, over the complaint process, conflicts of interest, violation of due process and breach of privacy. The AAPS, a politically conservative group of vocal doctors headquartered in Arizona, says the Texas Board is the worst in the country.

Public Citizen in Washington, in a new ranking of state boards, lists Texas as 32nd in the nation,

worse than New York and better than California. The rankings are determined by how many enforcement actions a state takes against doctors each year. The Texas Board says that's not a good way to rate an enforcement body, but the Board can't talk about many of the issues because of the AAPS lawsuit.

The legislature will have the final say, if it decides to say anything. It determines which, if any, rules will be changed, and how much money the "doctor police" get.