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ings.

"It's the thought of our committee and many members of the Bar that have spoken with us that this is a practice that needs to

serve for two years instead of one.

— Questions or comments may be directed to the writer at fred.horlbeck@sc.lawyer-sweekly.com

State being too soft on medical discipline?

BY FRED HORLBECK

Senior Staff Writer

Does South Carolina's low rate of serious disciplinary actions against doctors mean that its medical lawyers are getting more business?

Not necessarily, say two medical lawyers who practice in South Carolina.

"When you look at various statistics, they may be slanted," said medical defense lawyer Gary Lovell of Charleston.

A recent report by Public Citizen, a Washington, D.C.-based non-profit consumer advocacy group, said the state has one of the nation's "worst" records in terms of the number of serious medical disciplinary actions it has conducted over the past three years.

The study defined serious medical disciplinary actions as probations, restrictions, and license revocations, surrenders or suspensions. It reported average rankings for the last three years based on data released by the Federation of State Medical Boards.

"Most states are not living up to their obligations to protect patients from doctors who are practicing medicine in a substandard manner," the report said.

South Carolina had the second-lowest ranking: 1.23 serious actions for every 1,000 physicians from 2006-2008, the study said. Minnesota ranked lowest with a .95 rate.

The state ranked as "best" was Alaska, with 6.54 serious actions for every 1,000 physicians.

But South Carolina's low ranking doesn't necessarily mean that doctors here are worse than doctors elsewhere.

Instead, Lovell said, the state may simply have fewer complaints about

physicians, possibly because residents, many of whom live in small towns and rural areas, go to the same doctors time after time.

States with populations concentrated in dense urban areas may see more complaints of serious malpractice because health care can be more impersonal in cities, with more patients receiving treatment from doctors they don't know, Lovell said.

"I think in a small state like South Carolina there's a lot less of that," said Lovell, who has practiced medical malpractice law since 1987.

When complaints do occur, they often may concern matters that aren't serious breaches of medical care, he said.

Attorney Joseph G. Wright of Anderson wasn't so sure.

"Why would South Carolina be any different?" he said.

Wright said South Carolinians aren't immune from seeking medical treatment from strangers. One example: Emergency rooms, where "the doctors they see are doctors that they've never seen before," he said.

In the Palmetto State, the S.C. Board of Medical Examiners licenses physicians, investigates complaints against them and dispenses discipline. A call seeking comment from the board was not returned prior to publication.

Public Citizen said the report was meant to focus on the performance of state medical boards and "does not purport to assess the overall quality of medical care in a state."

But the report urged action.

"Contact the six worst-performing state boards and demand that they do better," it said.