

COMMONWEALTH OF MASSACHUSETTS

BOARD OF REGISTRATION IN MEDICINE

PROFILES BULLETIN 1

(Adopted May 21, 1997)

DISPUTES OF PHYSICIAN PROFILE INFORMATION

In November, 1996, the Board began releasing to the public information regarding physicians in the form of Physician Profiles. The profile contains certain classes of information specifically required by law to be reported, including data regarding malpractice payments, some criminal convictions, board discipline and certain hospital disciplinary actions, taken within the past ten years. The statute also provides that “[t]he board shall provide individual licensees with a copy of their profiles prior to release to the public. A licensee shall be provided a reasonable time to correct **factual inaccuracies** that appear in such profile.” (emphasis added)

The Board has approved the following procedure with regard to the resolution of disputes concerning malpractice payments, hospital discipline, Board discipline and criminal conviction information:

1. If a physician complains that information is inaccurate, staff reviews the paper file and contacts the reporter, if necessary. Once a decision about its availability is made, the physician is informed of the resolution (either the information is removed or changed, or the information is confirmed by the reporter and remains).
2. If a physician continues to dispute the accuracy of the information, s/he may request a review of staff’s decision by the Data Repository Committee (DRC). The request for DRC review must be in writing, and describe the basis for the continuing dispute. Documents supporting the physician’s position, if cited, must accompany the request.
3. DRC will review any written dispute filed by a physician. However, the dispute process is not an avenue to protest a decision by an insurer to settle a claim or to appeal the underlying reasons for a hospital’s action. Neither the merits of a medical malpractice claim, nor the appropriateness of or basis for a disciplinary action, will be investigated by the Committee.

4. DRC's review is informal (no hearing will be held), and the decision is final.
5. During the pendency of DRC's review, the physician's profile will be "locked," and unavailable to the public. Once DRC has made its decision, the physician will be informed of the outcome in writing. At the same time, the profile will become publicly available.