

Press Release of Board Disciplines

POLICY: It is the policy of the Board of Licensure in Medicine to issue a press release within 48 hours to provide public knowledge of all disciplinary actions taken by the Board.

No press release shall be issued if the discipline is based solely upon substance misuse issues with mandated participation in the Medical Professionals Health Program, so long as the discipline did not arise from a citizen complaint, and no other aggravating factors exist, such as patient harm or risk of patient harm.

In addition, a press release may be withheld, by a majority vote of the Board, when a licensee voluntarily surrenders his/her license while under investigation if:

1. the investigation was not initiated by a citizen complaint; and
2. the Board determines there was no patient harm or risk of patient harm.

Any questions regarding press releases must be brought to the Board, by the licensee, at the time the consent agreement or decision and order is signed.

EFFECTIVE DATE: December 10, 2002

REAFFIRMED: September 11, 2012

REVISION DATES: July 12, 2005; August 21, 2008; November 9, 2010; September 12, 2017

HISTORY: 1 MRSA § 401, 402(3) require Board actions to be public unless confidential by statute, privilege or the rules of evidence. 24 MRSA §2510(2) states that all orders or other actions of the board related to disciplinary matters shall not be confidential. The records of its disciplinary actions are available to the public. Since December 1999, the Board has issued press releases of disciplinary actions. The press releases have been a successful mechanism to inform the public and health care organizations of Board disciplinary actions.

July 12, 2005: The Board discussed the policy of issuing a press release when a discipline involves a substance abuse or mental health issue. Gordon Smith, Esq. Executive Vice President of the Maine Medical Association addressed the Board regarding this issue. The position of the MMA is that the Board should not issue press releases in cases of substance abuse or mental health issues. Mr. Smith requested that if the Board is not willing to change its policy that at least they review on a case by case basis any discipline that involves substance abuse or a mental health issue before a press release is issued. Dr. Simmons also addressed the Board regarding this issue. He felt that press releases should not be issued in cases that involve substance abuse and mental health issues. Dr. Simmons noted that no public protection is gained by issuing these press releases and that it serves only to shame the licensee.

The Board voted to continue with the Board's current policy.

Added on August 21, 2008: an explanation of the reasons for issuing press releases: 1. In cases of substance abuse, the licensee has either failed to take responsibility for their illness or failed to

obtain appropriate treatment to ensure the public safety; 2. Licensees have acted in an unprofessional or incompetent manner; 3. Attorneys who are paid to know the Board's rules and policies and licensees who obtain their ability to practice medicine from this Board are not aware that information is available on the web site so the general public cannot be expected to have a greater level of knowledge; 4. Press releases are released to support issues relating to public trust and perception.

October 12, 2010: The Board discussed the policy. The Maine Medical Association and the Maine Professionals Health Program addressed their concerns with the current policy and asked that the Board either stop issuing press releases, review each case individually, or issue press releases with only the action and no information. The Board also reviewed a memo from the Consumer Assistant supporting the current policy. After discussion the Board voted to have staff re-write the policy giving the Board the option to withhold a press release when a licensee voluntarily surrenders under certain circumstances.

September 12, 2017: On August 8, 2017 the Board reviewed the policy after receiving a letter from the Maine Psychological Association asking the Board to reconsider its policy of sending out press releases on licensees with substance abuse and mental health problems. Following discussion, the Board voted to have staff amend the policy to exempt disciplines that include participation in the Medical Professionals Health Program and have no other aggravating factors. The amendments were approved at the September 12, 2017 meeting.