

Oregon Medical Board: To protect patients and maintain public trust, the medical board should further its efforts to address the risk of inequitable disciplinary decisions

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Audit Objective and Scope

- **Objective:** How does the Oregon Medical Board ensure its disciplinary decisions are consistent and equitable for cases with similar circumstances and violations?
- **Scope:** Complaint cases closed with a letter of concern, corrective action agreement, or disciplinary order from January 1, 2017, to December 31, 2021.

DEI and Wellness Initiatives

OMB has taken steps to promote and address diversity, equity, and inclusion and licensee wellness

- The board developed a detailed DEI strategic plan in 2023 which includes steps to add discrimination as a form of unprofessional conduct and to collect complainant demographic information at the close of an investigation to use in conducting internal equity analyses.
- OMB has developed a Cultural Competency Philosophy Statement that details expectations of licensees in delivering culturally competent care to patients
- In 2017, OMB issued “Cultural Competency: A Practical Guide for Medical Professionals,” and received an award for this publication.
- Driven by trends in provider burnout, suicide, and impairment, the board has also partnered with various healthcare organizations to provide free resources and counseling for providers facing professional and personal challenges.

Audit Results



OMB does not use a disciplinary guide or matrix for most complaints investigated by the board.



The board does not conduct routine, systematic monitoring and analysis of its disciplinary decisions on investigated cases.



Both the use of disciplinary guidelines and routine analysis of board decisions can reduce the risk of inconsistent and inequitable board actions.

Audit Results

OMB has many formal policies and procedures for how it investigates complaints

- Medical complaint cases can be complex, often including specific circumstances that can make it challenging to compare cases to others.
- OMB's investigation process includes many formal policies and procedures, including policies on how complaints are received, how investigations should be conducted, and how case summaries should be compiled.
- All investigation reports go through multiple reviews before going to the board, and all decisions on whether a violation occurred and what disciplinary measures should be taken are made by board members.
- Although we did not test all these procedures, they appear to provide a useful starting point for promoting consistent and equitable decisions.

Audit Results

OMB does not use disciplinary guidelines for most types of complaints

- OMB uses disciplinary guidelines for two specific types of complaints. All other complaints are decided by the board without use of a disciplinary guide or tool.
- Many other state medical boards, including Washington, California, Maryland, North Carolina, Virginia, and others, as well as other types of regulatory agencies, utilize disciplinary guidelines or matrices.
- Instead, OMB uses an informal process of staff memory recall on prior similar cases and/or keyword searches in their data system. In the past, OMB has also hired a legal extern to review and analyze a sample of case outcomes, but this was last done in 2013.
- Use of guidelines and/or matrices can help assure the public and licensees that regulatory boards are making disciplinary decisions that are consistent and equitable, reducing the risk of discrimination, bias, and unfair treatment of licensees.

Audit Results

OMB does not routinely monitor or analyze data to assure consistent and equitable investigative board decisions

- Most complaint cases consist of multiple different types of complaints.
- In the data provided to the audit team, there were over 600 combinations of complaint types, making it difficult for auditors to analyze the data in a useful way.
- Because of how the data is captured, OMB is not able to use its data to conduct routine, systematic analyses of complaint decisions for equity and consistency using the current system.
- OMB is transitioning to a new IT system in 2024 and has indicated a willingness to make changes to that system based on the audit's findings and recommendations.

Recommendations

To help ensure investigated cases result in consistent and equitable board decisions, OMB should:

1. Implement sanctioning guidelines and/or a sanction matrix to help reduce the risk of inconsistent and inequitable case decisions;
2. Add the ability to categorize cases by primary or most serious complaint type, or another effective categorization system, to its forthcoming new data system;
3. Use complaint data to conduct regular, systematic reviews of past cases to help monitor for and ensure equity and consistency;
4. Develop and implement written policies and procedures for analyzing board disciplinary decisions for equity and consistency.

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