



New York fails to discipline or sanction the state's worst doctors, enabling them to continue to prey upon innocent New Yorkers.

- Each year approximately 7,000 New Yorkers die as a result of preventable medical error in hospitals, and hundreds of thousands are injured.¹
- The crisis of death and injury is caused, in large part, by a small minority of New York's 80,000 licensed doctors. Just 4 percent of New York's doctors are responsible for 49.6 percent of medical malpractice payouts.² Only 10.8% of these doctors experienced disciplinary action affecting their license to practice.³ Allowing the small number of bad doctors to continue practicing without sanction neither improves patient safety nor reduces instances of medical malpractice.

Long Island doctor fiasco showcases need for better monitoring of bad doctors.

- From 2000 to 2005, Dr. Harvey Finkelstein of Long Island, NY risked exposing over 600 of his patients to HIV and Hepatitis B and C by reusing syringes. Although the New York State Department of Health knew about his dangerous conduct since 2004, it did not notify 628 of his patients until November 2007. Adding insult to injury, the Office of Professional Medical Conduct (OPMC) refused to suspend or revoke Dr. Finkelstein's license.

New York Comptroller identifies problems within the Health Department's Office of Professional Medical Conduct.

- The Finkelstein case is emblematic of a large problem that exists with the lack of proper oversight of reckless doctors and the non-existence of adequate disciplinary measures. New York State Comptroller Thomas P. DiNapoli issued a report in August of 2007 regarding the effectiveness of OPMC in receiving, investigating and tracking complaints of suspected misconduct by doctors. The report revealed that, OPMC does **NOT** do enough to discipline some of the state's worst doctors.⁴

New York lags behind in patient safety.

- An October 2007 report by Health Grades Inc., a company that measures health care safety, found that nearly half of New York's hospitals ranked among the lowest percentile nationally in patient safety.⁵
- According to New York's Patient Occurrence Reporting and Tracking System (NYPORTS), a state system that tracks "unintended adverse or undesirable developments in an individual patient's condition occurring in a hospital," there are a large number of deaths that occur in NY hospitals due to adverse incidents.⁶ An average of 555.3 deaths per year were reported in New York between 1999 and 2005. This figure rose to 676 in 2005.⁷

NOTES

¹ Harvard Medical Practice Study, “Patients, Doctors and Lawyers: Medical Injury, Malpractice Litigation, and Patient Compensation in New York” (1990).

² Public Citizen Study, “A Self-Inflicted Crisis: New York’s Medical Malpractice Insurance Troubles Caused by Flawed State Rate Setting and Raid on Rainy Day Fund” (November 2007).

³ Ibid, pg. 4

⁴ Office of the NY State Comptroller Report, “Department of Health: Office of Professional Medical Conduct Complaints and Investigations Process” (August 9, 2007).

⁵ Health Grades Inc., “The Tenth Annual Health Grades Hospital Quality in America Study” (October 2007)

⁶ Columbia University Medical Center, NYPORTS adverse event reporting guide.

www.cumc.columbia.edu/dept/medicine/residency/nyports.htm.

⁷ State of New York Department of Health-New York Patient Occurrence Reporting and Tracking System Report 2002-2004, State of New York Department of Health, and Center for Medicare and Medicaid Services.