



# CASE OF THE QUARTER: DR. JONES V. MEDICAL BOARD

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*The “Case of the Quarter” column is a sample case study that highlights best practices in actual scenarios encountered through [PRMS’ extensive experience in litigation and claims management](#). Specific names and references have been altered to protect clients’ interests. This discussion is for informational and education purposes only and should not be relied upon as legal advice.*

## **FACTS:**

Dr. Jones received notice that her state’s Medical Board was investigating a complaint filed against her. The complaint alleged that she was not competent to practice medicine. The complaint cited examples of Dr. Jones frequently writing orders on the wrong patient; having moments during conversations when she blanks out; and forgetting to return calls to patient and other providers. The Board requested a written response from Dr. Jones and copies of her medical records for the past two years. Dr. Jones knows that she has moments of forgetfulness, but feels certain that she can still safely practice medicine. She prepares her response and sends it to the Board along with copies of her medical records. The Board has a psychiatrist review the case and then asked Dr. Jones to come in for an interview. Dr. Jones does not appear for the interview and does not respond to any further correspondence from the Board. The Board revokes Dr. Jones’ license. Dr. Jones reports the matter to her insurance carrier.

## **ALLEGATION:**

The allegation is that Dr. Jones is not competent to safely practice medicine.

## **DEFENSE:**

While a defense might have been developed or alternatives to revocation negotiated, Dr. Jones’ failure to respond to the Board and to timely report the matter to her insurance carrier eliminated exploration of these possibilities.

## **OUTCOME:**

Once Dr. Jones’ license was revoked, she had to abruptly close her practice and her professional liability insurance was cancelled since she was no longer licensed to practice. Since she reported the Board’s investigation prior to cancellation of her policy, her insurance carrier appointed an attorney to represent her in appealing the Board’s decision. However, the Board did not change its determination.

## **TAKEAWAY:**

Report any Board investigation to your insurance carrier immediately so that coverage can be determined and an attorney, well-versed in dealing with the Board, can defend you. Further, if you have any concerns about your competency to continue safely practicing medicine, consider what steps you may need to take to protect your patients and yourself.

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