When Physicians Spread Unscientific Information About COVID-19

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In a poll of 2200 US adults conducted in December 2021 for the de Beaumont Foundation, a philanthropy that focuses on policy and public health, 78% said physicians who intentionally spread COVID-19 misinformation should be disciplined.

Professional medical societies and specialty boards agree, yet few physicians have been disciplined for espousing COVID-19 claims for which evidence is lacking.

For example, in October 2021, Howard Goldman, MD, of Delray Beach, Florida, filed a complaint with the Florida Department of Health’s Medical Quality Assurance Program about a physician he alleged “spread doubt about the safety and effectiveness of COVID-19 vaccines, promoted the use of unproven and possibly dangerous medications to treat COVID-19, [and] questioned the value of face masks in preventing the spread of the pandemic.”

The subject of Goldman’s complaint was internist Joseph Ladapo, MD, PhD, Florida’s Surgeon General and head of the Florida Department of Health.

However, the investigation manager for the Medical Quality Assurance Program’s Bureau of Enforcement notified Goldman in November that no action could be taken “because the healthcare provider has not violated any laws or rules regulating this profession.” Yet on December 17, 2021, Ladapo continued to publicly contradict CDC recommendations on vaccines, masks, and testing.

The Florida Department of Health media office did not respond to JAMA’s request for comment from Ladapo.

Researchers at the Center for Health Security at the Johns Hopkins Bloomberg School of Public Health recently estimated that 2 million to 12 million people in the US were unvaccinated against COVID-19 because of misinformation or disinformation.

COVID-19 misinformation and disinformation flood the public discourse; physicians are not the only source. But their words and actions “may well be the most egregious of all because they undermine the trust at the center of the patient-physician relationship, and because they are directly responsible for people’s health,” Pawleys Island, South Carolina, family medicine physician Gerald E. Harmon, MD, president of the American Medical Association (AMA), (which publishes JAMA), wrote recently. In November, the AMA House of Delegates adopted a new policy to counteract disinformation by health care professionals.

Few physicians have been disciplined so far, even though the Federation of State Medical Boards (FSMB), representing the state and territorial boards that license and discipline physicians, and, in some cases, other health care professionals, and the American Board of Medical Specialties (ABMS), consisting of the boards that determine whether physicians can be board-certified, have issued statements cautioning against spreading false COVID-19 claims.

In July 2021, the FSMB warned that spreading COVID-19 misinformation could put a physician’s license at risk. The organization said it was responding “to a dramatic increase in the dissemination of COVID-19 vaccine misinformation and disinformation by physicians and other health care professionals.”

The ABMS released a statement in September 2021. “The spread of misinformation and the misapplication of medical science by physicians and other medical professionals is especially harmful as it threatens the health and well being of our communities and at the same time undermines public trust in the profession and established best practices in care,” the ABMS said.

“No License for Disinformation”

In an annual survey of its 70 member boards conducted in fall 2021, the FSMB asked about complaints and disciplinary actions related to COVID-19. Of the 58 boards that responded, 67% said they had seen an uptick in complaints about licensure spreading false or misleading COVID-19 misinformation, according to results released in December 2021. But only 12 (21%) of the 58 boards said they’d taken disciplinary action against a physician for that reason.

Only state medical boards, not any other professional organizations and not the specialty boards that certify physicians, can grant, suspend, or revoke medical licenses, “the most important piece of paper a physician ever gets,” FSMB President and Chief Executive Officer Humayun Chaubhray, DO, said in an interview. State medical boards typically do not make public ongoing investigations.
“Misinformation and disinformation was not created by this pandemic,” Chaudhry said. “It’s always been around.” However, before the advent of social media, physicians espousing false information usually did so without attracting much attention, Chaudhry said.

The power of social media amplifies the message of the relatively few physicians making false claims, Rachel Moran, PhD, a postdoctoral scholar at the University of Washington’s Center for an Informed Public who studies the spread of misinformation and disinformation, said in an interview. This amplification “makes it seem like there is more of a split within the medical community,” she said, noting that “misinformation thrives in this uncertainty.”

Physicians who make false claims about COVID-19 vaccines and mitigation measures often couch them in technical language that sounds convincing to nonscientists, Moran said. “All you’re hearing is a lot of medical jargon that you don’t have the skills to debunk.” Complicating matters, she said, is that “your health decisions have become so intertwined with your political identity, which we haven’t seen before.”

Traditionally, state medical boards, which predate the internet and social media by decades, have focused on disciplining physicians whose actions caused harm to patients under their care, not to people the physicians have never met who follow them on social media, Chaudhry noted. Boards do not have the resources to scour the internet to find physicians who make false COVID-19 claims and instead depend on members of the public to file complaints about them, he said.

“Some state boards have said to us, ‘we need a little more guidance,’” Chaudhry acknowledged, adding that the FSMB’s Ethics and Professionalism Committee is developing a more comprehensive guidance that will be voted on for adoption by the organization’s House of Delegates in April.

Each case is different, and each board handles complaints differently, depending on the size of their staff and state laws. “We recognize that there are gray areas in medicine,” but even so, whatever physicians claim must be grounded in science, Chaudhry said.

The FSMB has not yet compiled 2021 data, but state medical boards disciplined fewer physicians overall in 2020, the pandemic’s first year, than in 2019. In 2020, among the more than 1 million licensed physicians in the US, state medical boards took disciplinary action against 7112 physicians, compared with 8166 in 2019, according to data supplied by the FSMB. The organization did not provide the reasons physicians were disciplined, including whether any of these actions involved the spread of unscientific information.

Nick Sawyer, MD, MBA, a Sacramento, California, emergency medicine physician, became so frustrated with what he viewed as state medical boards’ inaction over physicians spreading COVID-19 falsehoods that in September he created a nonprofit organization, No License for Disinformation, to get the word out.

“The state medical boards need to come out and support us,” he said in an interview. “As long as there are no real consequences, these people are going to continue what they’re doing.”

Strongly worded statements against false COVID-19 claims, such as those issued by the FSMB, are not enough, Sawyer said, noting that a widely publicized January 23, 2022, march against COVID-19 vaccine mandates in Washington, DC, included physicians among its sponsors and speakers. A livestream of the event showed attendees shoulder to shoulder in front of the Lincoln Memorial, vanishingly few wearing masks.

The Front Line of False Information
Simone Gold, MD, JD, is the founder of America’s Frontline Doctors, and she and her group vigorously oppose vaccination and mask mandates and instead promote ivermectin and hydroxychloroquine for prevention and early treatment of COVID-19. (The group’s information about hydroxychloroquine comes with a disclaimer that it is not medical advice.) Her organization’s website offers $90 telemedicine appointments with physicians who will prescribe the drugs and a pharmacy that will dispense them.

In late October 2021, the US House Select Subcommittee on the Coronavirus Crisis announced that it had launched an investigation into Gold’s group as well as SpeakWithAnMD.com, founded by conservative author Jerome Corsi, PhD, whose doctorate is in political science, for pushing COVID-19 misinformation and selling unproven treatments. In a letter to Gold, Subcommittee Chair James Clyburn, a South Carolina Democrat, wrote that her group was “reportedly among the top purveyors of questionable treatments nationwide and a prominent source of misinformation related to the coronavirus.”

But as of late January 2022, Gold, a Beverly Hills emergency physician, had a California medical license in good standing. “Simone Gold sends out verifiably false information,” Ashish Jha, MD, PhD, dean of the Brown University School of Public Health, said in an interview. “It is absolutely essential that the state medical board steps in.” A spokesperson for America’s Frontline Doctors did not respond to JAMA’s request for a comment from Gold.

“The Board is aware of the...allegations against Dr. Gold and media reports concerning the spread of COVID-19 disinformation and is looking into it,” Medical Board of California spokesperson Carlos Villatoro said via email in early January. “In general terms, publicly spreading false COVID-19 information may be considered unprofessional conduct and could be grounds for disciplinary action.”

Villatoro said the board requires a “relatively high burden of proof” that a violation of the state’s Medical Practice Act has occurred. “To date,” he said in January 2022, “the Board has not sanctioned a licensee for the spread of COVID-19 misinformation.”

Mary Talley Bowden, MD, is a Houston physician accused of promoting anti-science views about COVID-19. Bowden, a board-certified otolaryngologist, was suspended in November 2021 by Houston Methodist Hospital for “spreading dangerous misinformation” about COVID-19, including touting ivermectin. Bowden, who had not admitted any patients to the hospital, resigned shortly after.

Bowden accused hospitals of hiding what percentage of their COVID-19 patients have been vaccinated, and on January 18, 2022, she sued Houston Methodist in Harris County District Court to obtain that information as well as financial data. “I have no agenda. I have been transparent from the beginning,” Bowden told JAMA.

On January 10, 2022, she had tweeted to her more than 50 000 followers (by late January Bowden had more than 70 000 followers) that she “could think of no medically valid reason for anyone to get the vaccine now.” Two weeks later, that tweet had been retweeted more than 1500 times.
Challenges to Medical Boards’ Authority
According to Chaudhry, “Something has happened in this pandemic that has prompted members of the public and others to question what the state medical boards are doing. That’s new.” In states such as Florida, legislators are trying to take away their medical board’s authority to discipline physicians for spreading false COVID-19 information. Florida Senate Bill 1184, “Free Speech of Health Care Practitioners,” would prohibit “certain regulatory boards and the Department of Health from reprimanding, sanctioning, or revoking or threatening to revoke a license, certificate, or registration of a health care practitioner for specified use of his or her right of free speech without specified proof.”

In Tennessee, where legislators have introduced at least 7 bills to eliminate the medical board’s authority to discipline physicians for such behavior, at least 1 legislator has suggested he would like to eliminate the medical board, period.

In Tennessee, under pressure from John Ragan, a Republican state representative from Oak Ridge, the state medical board already removed the FSMB statement warning physicians that spreading COVID-19 misinformation or disinformation could put their license at risk.

In a December 13, 2021, column for the Oak Ridger newspaper, Ragan called the statement “an unlawful ultimatum” and noted that the Tennessee General Assembly has the power “to dissolve boards and agencies that are...not fulfilling their purpose under their creation legislation.” Ragan called it “unwise to censor or punish any doctor for exercising their independent medical judgment in the best interests of their patients,” and wrote that the Tennessee Code Annotated specifically restricts boards from using statements, as opposed to creating rules, for disciplinary requirements.

In a letter to the editor a few weeks after Ragan’s column was published, an Oak Ridge resident, citing Ragan’s views on vaccines and masks, suggested that the town’s nickname, “Science City,” was in jeopardy.

Devaluing Board Certification?
Houston physician and ivermectin proponent Bowden is board certified in otolaryngology and sleep medicine, according to the American Board of Otolaryngology-Head and Neck Surgery website.

Ladapo is board certified by the American Board of Internal Medicine (ABIM) but isn’t participating in maintenance of certification, which is required for all diplomates certified after 1990, as Ladapo was, according to the ABIM website. In an email, ABIM spokesperson Aaron Cohen said the board declined to answer questions for this story.

Gold is no longer certified by the American Board of Emergency Medicine (ABEM), but that is because she let it lapse, not because she espouses COVID-19 disinformation, ABEM President Marianne Gausche-Hill, MD, said in an interview.

“ABEM recognizes that there are numerous medical issues on which physicians will have legitimate differences of opinions—and that ABEM-certified physicians have every right to express their opinions on those issues,” the board said in an August 2021 statement. “However, making public statements that are directly contrary to prevailing medical evidence can constitute unprofessional conduct and may be subject to review by ABEM.”

As of mid-January 2022, the ABEM was investigating 15 board-certified emergency medicine physicians about whom it had received complaints related to spreading inaccurate COVID-19 information, said Gausche-Hill, medical director for the Los Angeles County Emergency Medical Services Agency. The ABEM has certified approximately 41,000 US physicians, which represents more than 90% of those practicing emergency medicine, she said.

“One of our diplomates said to me very plainly: I want to ensure that my certification really means something,” Gausche-Hill said. “The spreading of false information or unethical behavior really degrades the value of certification.”

The ABEM has not yet disciplined any of the 15 physicians it is investigating, she said, adding that “if an action is taken on someone’s license...then they cannot be a board-certified physician.”

Like the other specialty boards, the ABEM communicates with state medical boards almost daily, Gausche-Hill said. “We hear very quickly if there’s an action” taken by a state board against one of their board-certified physicians.

Freedom of Speech?
As Moran pointed out, the general public might not be able to discern misinformation and disinformation from evidence-based medicine.

Even though physicians can, they’re often reticent to complain about colleagues, New York University Grossman School of Medicine bioethicist Arthur Caplan, PhD, said in an interview. “They’re not going to rat out somebody in town that they golf with,” said Caplan, adding that he served on New York State’s medical board 30 years ago. Physicians do not realize that boards don’t make public the names of people who file complaints, he said.

As for the common argument that physicians who spread unscientific COVID-19 information are exercising their constitutional right to free speech, Caplan said professional speech is not the same thing.

For example, he said, if a physician told him he did not have a brain tumor, but he did, that would be malpractice, not free speech.

Conflict of Interest Disclosures: Dr Caplan has served as an expert witness for the Vermont Board of Medical Practice and for the State of Vermont.

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