

Consumer Guide



State Medical Board of Ohio
30 E. Broad St., 3rd Floor
Columbus, OH 43215-6127
(614) 466-3934

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INTRODUCTION

Sometimes, health care services can fall below a patient's expectations. As a health care consumer, you should know what you can do to ensure that you receive quality health care. This means knowing what to do when the care you receive is not of the quality you deserve.

Did you know that the State Medical Board of Ohio

- licenses physicians and limited branch practitioners; and
- regulates physicians and limited branch practitioners; and
- receives and investigates complaints regarding quality of care and competency issues?

This *Consumer's Guide to the State Medical Board of Ohio* is designed to answer questions you might have as a patient, as well as tell you what the Medical Board can do for you.

This booklet provides you with a step-by-step guide through the complaint process. It is hoped that this information will encourage you to contact the Medical Board when you have legitimate concerns about your physician or other health care providers.

Consumer complaints are an important and direct source of information about the competency of health care professionals and the quality of care they provide. Complaints also show Medical Board officials that consumers are watching the actions the Board takes on behalf of the public.

WHAT IS THE STATE MEDICAL BOARD? WHAT DOES IT DO?

The State Medical Board of Ohio (OSMB) is the state agency that administers Ohio's regulatory laws for allopathic physicians (M.D.s), osteopathic physicians (D.O.s), podiatric physicians (D.P.M.s), physician assistants (P.A.s), acupuncturists (R.A.C.s) and anesthesiologist assistants (A.A.s), as well as for practitioners of the limited branches of medicine such as massage therapists (L.M.T.s) and cosmetic therapists (C.T.s). The Medical Board also regulates mechanotherapists (D.M.s) who were licensed before 1992.

In addition to regulating allopathic, osteopathic, and podiatric physicians, and limited branch practitioners, the Medical Board is responsible for granting licensure to these professionals. Practitioners licensed by the Medical Board are called "licensees". Physician assistants are registered with the Board since they do not practice independently of a supervising physician. The OSMB reviews and approves supervisory plans for physician assistants working outside of a health care facility. The supervisory plans permit the physician assistant and their supervising physicians to practice under the terms of the plan.

The OSMB also handles general consumer complaints about its licensees and may directly discipline those who violate the public health and safety standards set by the legislature and the Board. The OSMB may refer a complaint to a more appropriate agency, if necessary.

The OSMB does not license chiropractors, dentists, nurses, psychologists, physical therapists, and a number of other health care providers. Complaints about these professionals should be directed to the regulatory agencies by which they are licensed.

WHO ARE THE MEMBERS OF THE MEDICAL BOARD?

The OSMB has twelve members: nine physicians and three members of the public. All of the Board members are appointed by the Governor to serve on the Board for five years. Board members may be reappointed. The Medical Board meets once a month. All OSMB meetings are open to the public unless otherwise noted. You can obtain a list of meeting dates from the Medical Board's website – med.ohio.gov – or by calling Public Inquiries at (614) 466-3934.

WHAT KINDS OF COMPLAINTS DOES THE MEDICAL BOARD HANDLE?

The Medical Board can discipline its licensees for violations of the Medical Practices Act. Grounds for discipline include:

- impairment of ability to practice due to drug or alcohol abuse, or due to physical or mental illness
- failing to meet minimal standards of care in treating patients
- prescribing drugs in an inappropriate manner or without legitimate reason
- inappropriate sexual conduct
- conviction of a misdemeanor in the course of practice or conviction of a felony
- falsifying information; fraud
- performing duties beyond the scope of a license
- failing to meet continuing medical education requirements

WHAT KINDS OF COMPLAINTS ARE NOT HANDLED BY THE MEDICAL BOARD?

The Medical Board cannot:

- help you sue a health care provider for money
- handle a fee dispute between you and your physician

- resolve disputes about insurance reimbursement or get money back that you feel is owed to you
- resolve questions about disability compensation
- discipline practitioners who are not licensed by the Medical Board (for example, a doctor licensed in another state, or a person licensed by another state agency, such as a nurse or a physical therapist)

The OSMB will answer any questions you may have about whether we can handle your complaint. If the OSMB cannot handle your complaint, you may be referred to another agency.

DO I NEED AN ATTORNEY TO HANDLE MY COMPLAINT?

You do not need an attorney to file your complaint with the OSMB or to follow through with it. The Medical Board can take action against a health care provider's privileges to practice, but it cannot help you sue a health care provider for money.

HOW DO I FILE A COMPLAINT?

You may file a complaint with the Medical Board by mail or by telephone.

To file a complaint by mail: Send a letter to the State Medical Board of Ohio, Public Inquiries Division, 30 East Broad Street, 3rd Floor, Columbus, Ohio, 43215-6127. You may use plain paper, but be sure to include the licensee's full name and details of your complaint. If possible, include the licensee's address. You should also include your name, address, and telephone number in case we need to contact you for further information.

If you prefer, a Board complaint form that lists all the information you need to supply is available for download [here](#).

To file a complaint by telephone: Call the Public Inquiries Department at (614) 466-3934, between 8:30 a.m. and 4:30 p.m. Monday through Friday. If a staff member is not available, please leave a message, and your call will be returned. A toll-free 800 number is available to those persons who wish to leave a message for a return call: (800) 554-7717.

Even if you phone in your complaint, you may also be asked to submit it in writing to ensure accuracy. Again, be sure to have the licensee's full name and details of your complaint available when you call.

WHAT IS THE COMPLAINT PROCESS?

To maintain confidentiality and assure that every complaint brought to the Board's attention is reviewed, each case is assigned a complaint number. Your complaint is initially reviewed by the Board's Secretary and Supervising Member to determine whether the Medical Board has the legal authority (jurisdiction) to act in your case.

The Board's jurisdiction is defined by state statutes (laws). The OSMB would not have jurisdiction, for example, if your complaint was about a physician's refusal to accept Medicare patients, or about overcharging you for services actually performed, because these actions are not prohibited by the state statutes the Board enforces.

Although all complaints are evaluated, many complaints do not result in disciplinary action. The Secretary and Supervising Member review each complaint to determine if there is sufficient evidence to show that a violation of the Board's statutes has occurred. If it is determined that there is not a sufficient basis for proceeding with formal disciplinary action, you will receive a letter telling you that your complaint has been closed.

If the Board has jurisdiction, the case may be assigned to one of the Board's investigators, who are located throughout the state. The Secretary and Supervising Member oversee investigations and serve as advisors on each case. In some instances, outside medical experts will also assist in reviewing a complaint.

Depending on the nature of the complaint, the Board's investigator may gather information from any of the following sources: you, the complainant; the patient, if other than the complainant; the licensee's co-workers; and other sources, such as police agencies or hospital and pharmacy records. The investigator may also contact the practitioner involved to discuss the complaint.

All information related to Board investigations is required by law to be kept confidential. If you choose to keep your name confidential, the Board will honor your request; however, withholding the complainant's identity may make a thorough investigation more difficult or impossible in some instances.

If the evidence is sufficient, the case will be assigned to an Enforcement Attorney, who will prepare the case for hearing and draft formal charges, called a citation letter. Each citation letter is reviewed by the Board's Secretary and Supervising Member and the Ohio Attorney General's office before being forwarded to the Members of the Board, who must decide whether or not the citation letter should be sent.

WHAT IS THE DISCIPLINARY PROCESS?

After the Members of the Board vote to issue formal charges, the citation letter will be sent to the licensee giving written notice of the charges and of the opportunity to request an administrative hearing. The hearing is held before an Attorney Hearing Examiner and is generally open to the public. The Attorney General's office represents the Board at the hearing. The licensee may be represented by an attorney or present his or her own case. In some cases, the licensee will send his or her arguments in writing instead of coming to the hearing. The hearing is similar to a civil trial: evidence and witnesses are presented, and questions and answers are given by both sides.

After the hearing, the Attorney Hearing Examiner files a summary of the case and a proposed decision with the OSMB. A copy of the Hearing Examiner's report is sent to the licensee, who has ten days to file written objections.

Before discussing the case at the Board meeting and rendering a final decision, the Board Members review a transcript of the hearing, the Hearing Examiner's report and recommendation, and any objections filed by the licensee. The Members of the Board can accept, reject, or modify the Hearing Examiner's recommendation. The Board's consideration of each case is open to the public.

HOW DO I FIND OUT ABOUT THE PROGRESS OF MY COMPLAINT?

Because Medical Board investigations are confidential by state statute, we are not able to notify complainants about the step-by-step progress of the actions being taken. However, you may find out the status of your complaint by calling the Public Inquiries staff at (614) 466-3934 between 8:30 a.m. and 4:30 p.m., Monday through Friday.

WHAT TYPE OF DISCIPLINARY ACTION MAY BE TAKEN BY THE BOARD?

The Medical Board may dismiss the case if it feels that no violation has occurred or if evidence is insufficient to support a finding of a violation. However, if the Board decides that there has been a violation, it may choose one of the following formal disciplinary actions:

- *reprimand* the license
- *suspend* the practitioner's license, or
- put the licensee on *probation* under a variety of terms
- *permanently revoke* the practitioner's license
- *limit* the practitioner's license (e.g., limit the type of procedures the licensee may perform)

In emergencies, the OSMB has the authority to temporarily suspend a practitioner's license pending a hearing. This is called a "*summary suspension*."

For cases involving application for licensure, the Board may choose to *permanently deny* the practitioner's application. If a licensee is found guilty in court of certain violent crimes, his or her license will be *automatically suspended*.

At any time after a complaint is filed, the licensee and the Board's Secretary and Supervising Member may negotiate a resolution, or "*consent agreement*." The full Medical Board must ratify all consent agreements.

A licensee may also *surrender* licensure if the Board is willing to accept it. If disciplinary action has already started, the Board will usually not accept a surrender unless the licensee agrees to a permanent revocation.

CAN A LICENSEE APPEAL THE MEDICAL BOARD'S DECISION?

If the Medical Board formally disciplines a licensee, the licensee may appeal the Board's decision to the Franklin County Court of Common Pleas. The licensee usually tries to keep the OSMB from enforcing its disciplinary measures during the appeal process by getting an order from the court called a "*stay order*." A stay prevents all or part of the disciplinary order from going into effect until a decision on the appeal is made.

HOW CAN I FIND OUT IF A DOCTOR HAS BEEN DISCIPLINED?

You may call the Medical Board's Public Inquiries staff at (614) 466-3934 from 8:30 a.m. to 4:30 p.m., Monday through Friday, or use the *Licensee Profile and Status link* on the Board's website <https://license.ohio.gov/lookup/default.asp?division=78> to find out about disciplinary actions that have been taken or initiated. The Medical Board also has a toll-free number, (800) 554-7717, where you can leave a message to receive a complaint form. You must leave your name and telephone number for a return call. Only information about formal disciplinary actions is available to the public from the OSMB. Information about complaints is not public information and is prohibited by state law from being released.

The OSMB also publishes a newsletter that includes a list of disciplinary actions that have recently been taken. You may view the newsletter on the Medical Board's website - med.ohio.gov – or you may write to the Public Inquiries Division, State Medical Board of Ohio, 30 East Broad Street, 3rd Floor, Columbus, Ohio 43215-6127 to obtain a copy of the newsletter.

Disciplinary actions are reported to entities including:

- State, local and national medical associations
- Federation of State Medical Boards; Federation of Podiatric Medical Boards
- National Practitioner Data Bank

Other states are informed of disciplinary actions through national data banks. The OSMB also uses data banks to get reports of formal disciplinary actions taken in other states against Ohio licensees.

CAN I GET A MONEY AWARD OR OTHER RELIEF IF THE MEDICAL BOARD DISCIPLINES A LICENSEE?

The Medical Board does not have the authority to award monetary damages. It also cannot:

- get money back that you believe is due you

- settle disputes between you and your physician
- compel corrective actions

These functions are primarily for the courts. Making a complaint to the OSMB is not the same thing as filing a lawsuit with a civil court.

CAN THE PHYSICIAN SUE ME FOR MAKING A COMPLAINT TO THE OSMB?

A physician cannot successfully sue you simply because you complain to the Medical Board, so long as the complaint is made in good faith.

Ohio law provides "...In the absence of bad faith, any person who reports such information or testifies before the Board in any adjudication hearing conducted under Chapter 119. of the Revised Code shall not be liable for civil damages as a result of his report or testimony."[(Ohio Revised Code Section [4731.22 \(F\)\(1\)](#)]

HELP YOURSELF BE A SMART HEALTHCARE CONSUMER

Each year, the Medical Board receives over 3800 complaints. Many times, the complaints turn out to be simple misunderstandings between the health care provider, the patient, or the patient's family that can be resolved without the intervention the Medical Board or other agency. You can help yourself be a smart healthcare consumer by considering the following suggestions:

- discussing your concerns with your health care provider
- asking about the practitioner's fees when scheduling an appointment
- understanding your insurance policy coverage
- checking with your insurance carrier to be sure that your physician is an approved provider for the insurance plan

WHAT OTHER AGENCIES HELP HEALTHCARE CONSUMERS?

Besides the Medical Board, there are several other agencies that assist health care consumers. A few of the agencies are included in this booklet. The agency you choose may depend on the nature of your complaint or inquiry.

Permedion

350 Worthington Rd. Suite H Westerville, OH 43082
(800) 473-0802

This is a private organization under contract with the federal government that reviews quality of care complaints from enrollees of Medicare, Medicaid and Aid to Dependent Children (ADC).

Ohio Department of Health (ODH)

246 North High St. P.O. Box 118 Columbus, OH 43215
(614) 466-3543

Divisions within the Ohio Department of Health handle complaints about nursing homes, hospitals, ambulatory surgical facilities and medical laboratories.

Ohio Hospital Association

155 East Broad St. 15th Fl. Columbus, OH 43215-3620
(614) 221-7614

This private association reviews complaints involving hospitals.

Ohio Department of Insurance (ODI)

50 West Town St. 3rd Floor, Suite 300
Columbus, OH 43215
(800) 686-1526

Divisions within this state agency handle complaints about insurance reimbursements.

Your Insurance Carrier

Most insurance companies have consumer divisions which are equipped to take complaints or resolve billing disputes.

American Board of Medical Specialties

1007 Church St., Suite 404 Evanston, IL 60201-5913
(866) 275-2267

Callers may find out if a physician is certified by a specialty board recognized by the American Board of Medical Specialties.

American Osteopathic Association (AOA)

142 E. Ontario St. Chicago, IL 60611
(800) 621-1773 or (312) 202-8000

Callers may find out if a physician is certified by a specialty board recognized by the American Osteopathic Association.

American Board of Podiatric Surgery

445 Fillmore St. San Francisco, CA 94117-3404
(415) 553-7800

Callers may find out if a physician is certified by a specialty board recognized by the American Board of Podiatric Surgery.

State Professional Associations

Ohio State Medical Association (OSMA)

3401 Mill Run Hilliard, OH 43026
(800) 766-6762 (614) 527-6762

Ohio Osteopathic Association (OOA)

53 W. Third Ave. P.O. Box 8130 Columbus, OH 43201
(614) 299-2107

Ohio Podiatric Medical Association (OPMA)

1960 Bethel Rd. Suite 140 Columbus, OH 43220
(614) 457-6269

These professional associations represent the interests of their members. They can provide you with the address of the **local medical society or podiatric medical society** located in your area, many of which investigate complaints and conduct peer review involving their members. They may also provide a physician referral service.

Ohio Association of Physician Assistants

579 High St. Worthington, OH 43085
(800-292-4997 or (614) 436-4457

Callers may find out if a licensee is certified by a specialty board recognized by the Ohio Association of Physician Assistants.

Ohio Chapter American Massage Therapy Association

1100 Brandywine Blvd. Zanesville, OH 43701
(800) 281-6548

Callers may find out if a licensee is certified by a specialty board recognized by the Ohio Chapter American Massage Therapy Association.

Cosmetic Therapy Association of Ohio

Francine Melvin
7706 Olentangy River Rd. Columbus, OH 43235
(614) 436-8888

Callers may find out if a licensee is certified by a specialty board recognized by the Cosmetic Therapy Association of Ohio.

National Certification Commission for Acupuncture & Oriental Medicine

76 South Laura St. Suite 1290
Jacksonville, FL 32202
(904) 598-1005

American Academy of Anesthesiologist Assistants

2209 Dickens Rd
Richmond, VA 23230-2005
(866) 328-5858 or (804) 565-6353

This booklet was adapted from the Center for Public Representation publication entitled *A Consumer's Guide to the Medical Examining Board in Wisconsin*, which was itself produced in cooperation with the American Association of Retired Persons.

Address information updated 9/08