



Compliance Guidelines for Probationary Violations

At the June 10, 2015 meeting, the State Medical Board of Ohio approved the following compliance guidelines with the intent to promote consistency in Board-imposed sanctions in routine non-compliance violations such as failing to timely check in with the drug testing program, missing required 12-Step/Board-approved recovery meetings, failing to submit quarterly declarations of compliance or other paperwork, or missing personal appearances.

The Board Members recognized that individual matters present unique sets of circumstances which merit individual consideration by the Secretary and Supervising Member and that the timelines referenced in the guidelines do not preclude the Board from taking action at any time.

PERSONAL APPEARANCES

Failure to appear for the scheduled office conference without prior approval of the Compliance Supervisor or Compliance Officer

Minimum: A complaint is filed and assigned to the Compliance Supervisor for review with the Secretary and Supervising Member. If the Secretary and Supervising Member deem the explanation satisfactory, the complaint may be closed.

Maximum: A complaint is filed and assigned to the Compliance Supervisor for review with the Secretary and Supervising Member. If the Secretary and Supervising Member deem the explanation is not satisfactory, the complaint may be forwarded to enforcement.

DRUG TESTING CHECK IN PROCEDURES

Failure to check in timely with the drug testing system

Minimum: If a probationer contacts Compliance staff on the day of the missed check-in and complies with any required testing during the same day, the complaint may be closed without action.

Maximum: If a probationer fails to contact Compliance staff on the day of the missed check-in, or fails to present to a collection site and provide a specimen the same day, the Compliance Supervisor will assess immediately and direct concerns to the Secretary and Supervising Member if appropriate. A complaint is filed at the end of the quarterly reporting period and assigned to the Compliance Supervisor. If the Secretary and Supervising Member deem the explanation satisfactory, the complaint may be closed.

Compliance Guideline Recommendations
Page 2

If the Secretary and Supervising Member deem the explanation to be unsatisfactory at the end of the quarterly reporting period, the licensee will be notified in writing that the tolling provision will be imposed. The tolling period will be calculated as follows:

Violation	Sanction
1 st quarter with a complaint	30 day toll for each violation
2 nd quarter with a complaint	60 day toll for each violation

After the 2nd quarter with a complaint related to noncompliance with a Board order, additional complaints will likely be filed and assigned to enforcement for consideration of additional Board action.

ATTENDANCE AT REHABILITATION MEETINGS

Failure to satisfactorily document attendance at required drug and alcohol rehabilitation meetings

Minimum: A complaint is filed at the end of the quarterly reporting period and assigned to Compliance Supervisor. If the Secretary and Supervising Member deem the explanation satisfactory, the complaint may be closed without action.

Maximum: A complaint is filed and assigned to the Compliance Supervisor for review with the Secretary and Supervising Member. If the Secretary and Supervising Member deem the explanation to be unsatisfactory at the end of the quarterly reporting period, the licensee will be notified in writing that the tolling provision will be imposed. The tolling period will be calculated as follows:

Violation	Sanction
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After the 2nd quarter with a complaint related to noncompliance with a Board order, additional complaints will likely be filed and assigned to enforcement for consideration of additional Board action.

The tolling of a probationary period is not a disciplinary action and will not be reported to the National Practitioner Data Bank. However, further instances of non-compliance will result additional tolling at a minimum, and at a maximum may result in new formal disciplinary proceedings.