Working Cooperatively with Law Enforcement

A Medical Board Perspective
Chris E. Forshey, Investigations Supervisor, State Medical Board of Ohio
Chris E. Forshey

- Investigations Supervisor, State Medical Board of Ohio
- Retired Chief of Police
- 32 LE Experience, 9 years State Medical Board
- Northwestern University Graduate, Police Staff and Command
- Former SWAT, Detective Bureau and Aviation Unit Commander
Course Objectives

- Building relationships with LE
- Medical Board Investigations
- Who goes first?
- LE concerns
- Evidence Sharing
- Task Force Considerations
Medical Board Investigations

- Ohio law makes complaints received by the Medical Board and board investigations confidential.

- The board may only share investigative information with law enforcement agencies, other licensing boards, or other governmental agencies that are prosecuting, adjudicating or investigating alleged violations of statutes or rules.

- Board disciplinary actions are public record – posted on med.ohio.gov and licensee profile on elicense.ohio.gov.
What is a complaint?

Any allegation of licensee misconduct received by the Medical Board

The board received 6,363 complaints in FY21

Complaints are confidential
# License Types

The Medical Board regulates more than 90,000 licensees.

<table>
<thead>
<tr>
<th>License Type</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allopathic Physicians</td>
<td>43,673</td>
</tr>
<tr>
<td>Anesthesiologist Assistants</td>
<td>328</td>
</tr>
<tr>
<td>Massage Therapists</td>
<td>11,245</td>
</tr>
<tr>
<td>Osteopathic Physicians</td>
<td>7,425</td>
</tr>
<tr>
<td>Physician Assistants</td>
<td>4,907</td>
</tr>
<tr>
<td>Dietitians</td>
<td>4,518</td>
</tr>
<tr>
<td>Podiatric Physicians</td>
<td>978</td>
</tr>
<tr>
<td>Radiologist Assistants</td>
<td>16</td>
</tr>
<tr>
<td>Acupuncturists</td>
<td>322</td>
</tr>
<tr>
<td>Training Certificates MD-DO-DPM</td>
<td>8,049</td>
</tr>
<tr>
<td>Genetic Counselors</td>
<td>527</td>
</tr>
<tr>
<td>Respiratory Care</td>
<td>8,536</td>
</tr>
</tbody>
</table>

June 30, 2021
**Statutes**
Laws enacted by Ohio legislature
Ohio Revised Code (ORC)

**Rules**
Regulations developed and enacted by Medical Board
Ohio Administrative Code (OAC)
Rules clarify & amplify provisions in the Ohio Revised Code
FY20 Basis for Disciplinary Actions

- **Criminal acts/other state action**: 61%
- **Impairment**: 11%
- **Other**: 11%
- **Prescribing issues**: 7%
- **Unprofessional conduct**: 6%
- **Standard of care**: 4%
Developing Law Enforcement Relationships

- Most LE agencies are not aware of our mission or objectives
- Remember that most LE agencies across the US are staffed with 50 or less
- Investigators must reach out to agencies within their jurisdiction. Educate LE to our mission.
- Encourage LE to report incidents when contact has been made with a licensee.
- Our timeline is not their problem.
- Remember their staffing issues impact their ability to spend extended periods of time on our investigations.
- Federal, State, Local LE. Which one is the right fit?
Who goes first? Criminal vs. Administrative

Investigations where there is a criminal and administrative nexus, 99.9% of the time criminal gets top priority.

However, good relationships foster joint investigations that often result in simultaneous actions being taken by both agencies.
Law Enforcement Considerations

1. Are you a mandatory reporter?
2. If so, when do you report?
4. Evidence collection, what are your obligations?
5. Public records law vs. confidentiality statutes.
6. Miranda, Garrity, Duty to Cooperate
Task Force Considerations

- Federal, State and Local task forces
- Active or consulting roles
- Benefits of participation