



State Medical Board of

**Ohio**

# Working Cooperatively with Law Enforcement

A Medical Board Perspective

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

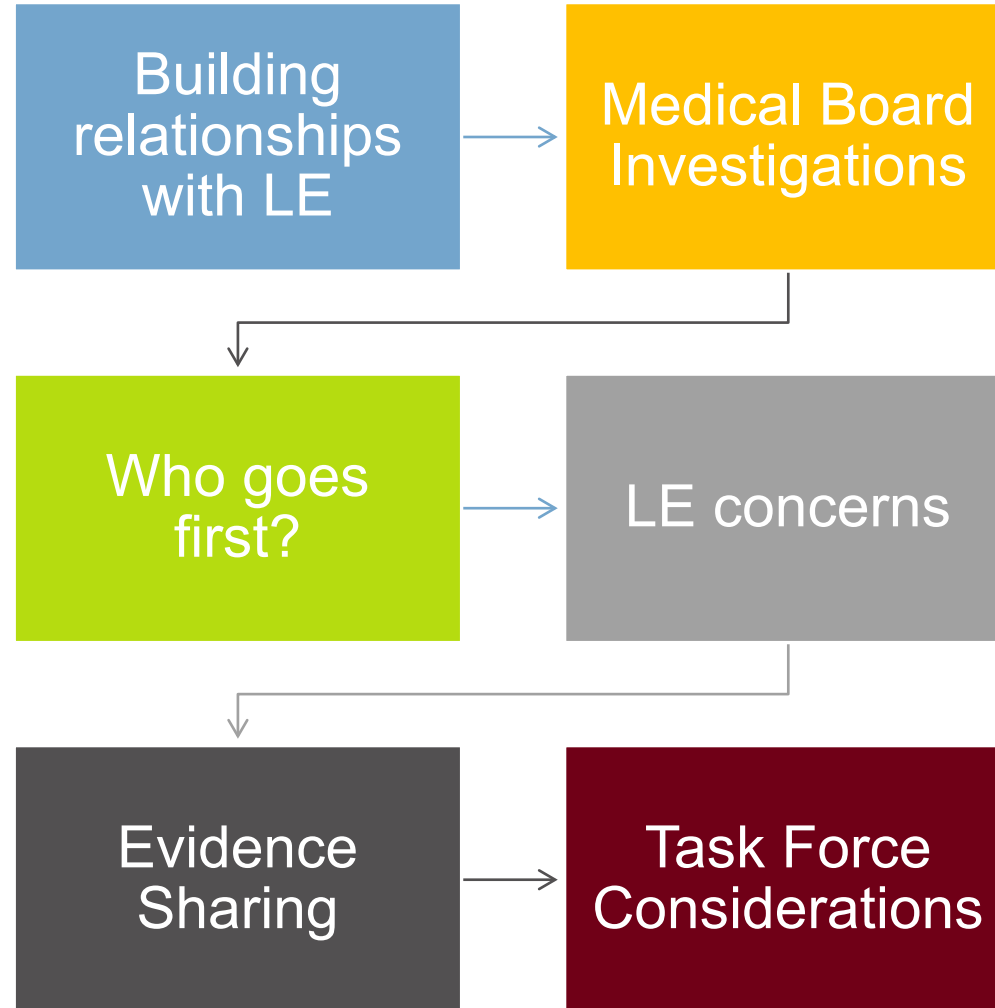
# Chris E. Forshey

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- 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



# Medical Board Investigations

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- 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](https://med.ohio.gov) and licensee profile on [elicense.ohio.gov](https://elicense.ohio.gov)



# What is a complaint?

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**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.

Allopathic Physicians 43,673	Anesthesiologist Assistants 328	Massage Therapists 11,245
Osteopathic Physicians 7,425	Physician Assistants 4,907	Dietitians 4,518
Podiatric Physicians 978	Radiologist Assistants 16	Acupuncturists 322
Training Certificates MD-DO-DPM 8,049	Genetic Counselors 527	Respiratory Care 8,536

June 30, 2021

## ***Statutes***

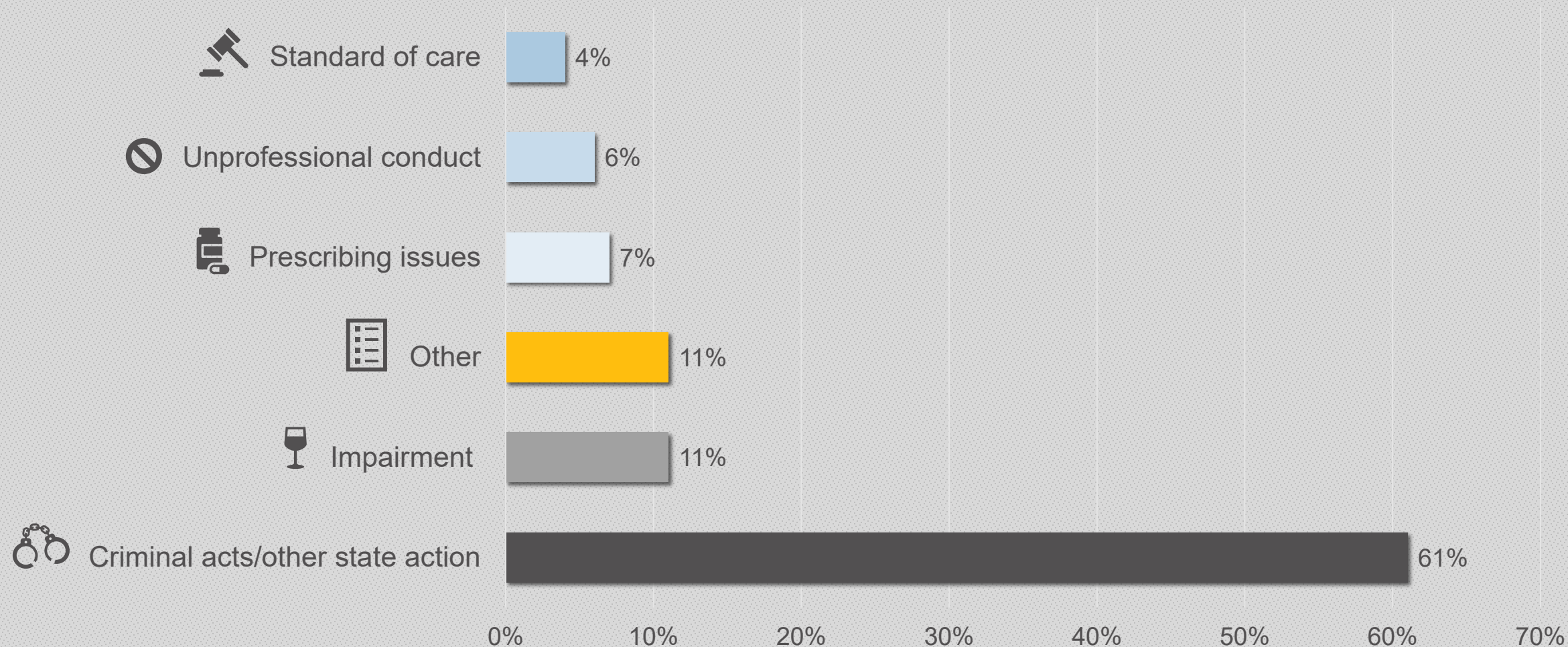
Laws enacted by Ohio legislature  
Ohio Revised Code (ORC)

## ***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





# 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

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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

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1. Are you a mandatory reporter?
2. If so, when do you report?
3. Burden of Proof: Preponderance vs. Beyond Reasonable Doubt
4. Evidence collection, what are your obligations?
5. Public records law vs. confidentiality statutes.
6. Miranda, Garrity, Duty to Cooperate



# Task Force Considerations

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



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