



State Medical Board of  
**Ohio**

# Medical Ethics, Boundaries and Professionalism

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STATE MEDICAL BOARD OF OHIO

FEBRUARY 27, 2020



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# About the Medical Board

*To protect and enhance the health and safety of the public through effective medical regulation.*

## ***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



# The Board

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The Medical Board is the state agency charged with regulating the practice of medicine and selected other health professions.

12 members appointed by the governor to 5-year terms:

- 9 doctors: 7 MDs, 1 DO, and 1 DPM
- 3 consumer members

The board meets the second Wednesday of each month in the Rhodes Tower.



# License Types

The Medical Board regulates more than 88,000 licensees.

Allopathic Physicians 42,007	Anesthesiologist Assistants 278	Massage Therapists 11,638
Osteopathic Physicians 6,826	Physician Assistants 4,149	Cosmetic Therapists 176
Podiatric Physicians 981	Radiologist Assistants 18	Acupuncturists 247
Training Certificates MD-DO-DPM 8,004	Genetic Counselors 377	Oriental Medicine Practitioners 59
	Dietitians 4,353	Respiratory Care 8,391

*Data from FY19 annual report*



Licensure



Confidential investigations



Disciplinary actions

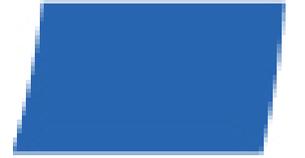
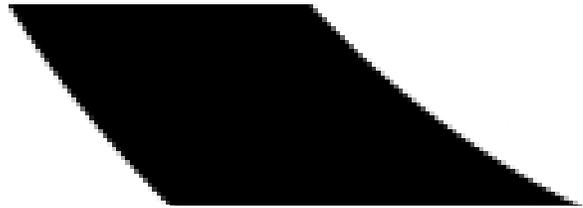


Probationary monitoring



Education & Outreach

# Medical Board Core Services



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# Complaint Process



# Disciplinary Actions

Ohio statute identifies **51** grounds for board disciplinary action.

**Board action examples:**  
dismissal, reprimand,  
suspension, probation,  
permanent revocation, etc.

**LAWriter**® Ohio Laws and Rules

Route: [Ohio Revised Code](#) » [Title 47](#) » [OCCUPATIONS - PROFESSIONS](#) » [Chapter 4731: PHYSICIANS: LIMITED PRACTITIONERS](#)

### 4731.22 Disciplinary actions.

(A) The state medical board, by an affirmative vote of not fewer than six of its members, may limit, revoke, or suspend a license or certificate to practice or certificate to recommend, refuse to grant a license or certificate, refuse to renew a license or certificate, refuse to reinstate a license or certificate, or reprimand or place on probation the holder of a license or certificate if the individual applying for or holding the license or certificate is found by the board to have committed fraud during the administration of the examination for a license or certificate to practice or to have committed fraud, misrepresentation, or deception in applying for, renewing, or securing any license or certificate to practice or certificate to recommend issued by the board.

(B) The board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend a license or certificate to practice or certificate to recommend, refuse to issue a license or certificate, refuse to renew a license or certificate, refuse to reinstate a license or certificate, or reprimand or place on probation the holder of a license or certificate for one or more of the following reasons:

- (1) Permitting one's name or one's license or certificate to practice to be used by a person, group, or corporation when the individual concerned is not actually directing the treatment given;
- (2) Failure to maintain minimal standards applicable to the selection or administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease;
- (3) Except as provided in section [4731.97](#) of the Revised Code, selling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug;
- (4) Willfully betraying a professional confidence.

For purposes of this division, "willfully betraying a professional confidence" does not include providing any information, documents, or reports under sections [307.621](#) to [307.629](#) of the Revised Code to a child fatality review board; does not include providing any information, documents, or reports to the director of health pursuant to guidelines established under section [3701.70](#) of the Revised Code; does not include written notice to a mental health professional under section [4731.62](#) of the Revised Code; and does not include the making of a report of an employee's use of a drug of abuse, or a report of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section [2305.33](#) of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by section [2305.33](#) or [4731.62](#) of the Revised Code upon a physician who makes a report in accordance with section [2305.33](#) or notifies a mental health professional in accordance with section [4731.62](#) of the Revised Code. As used in this division, "employee," "employer," and "physician" have the same meanings as in section [2305.33](#) of the Revised Code.

(5) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any license or certificate to practice issued by the board.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

- (6) A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;
- (7) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;
- (8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;
- (9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;
- (10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;
- (11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;
- (12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;
- (13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;

ORC 4731.22 (B)



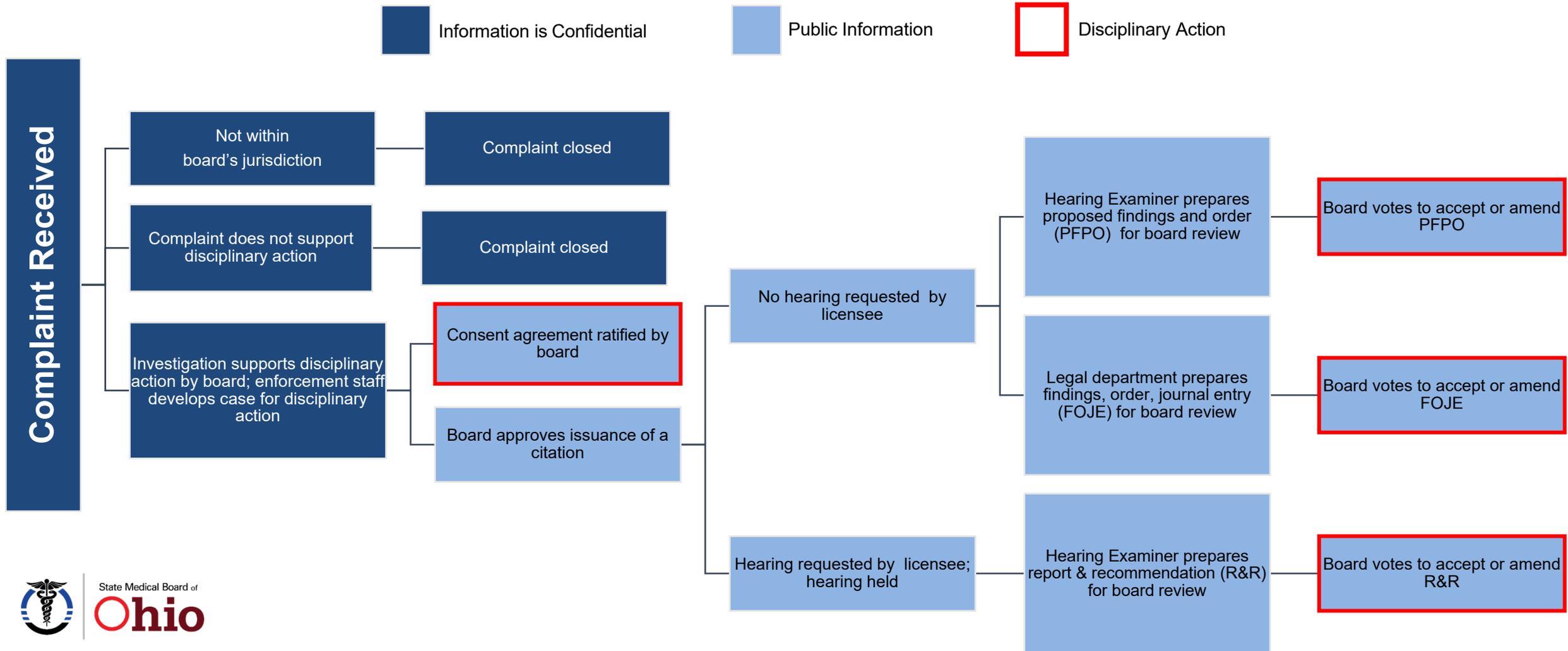
# What is a complaint?

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**Any** allegation of licensee misconduct received by the Medical Board

Complaints are **confidential**

# Complaint, Investigation, Enforcement and Disciplinary Process

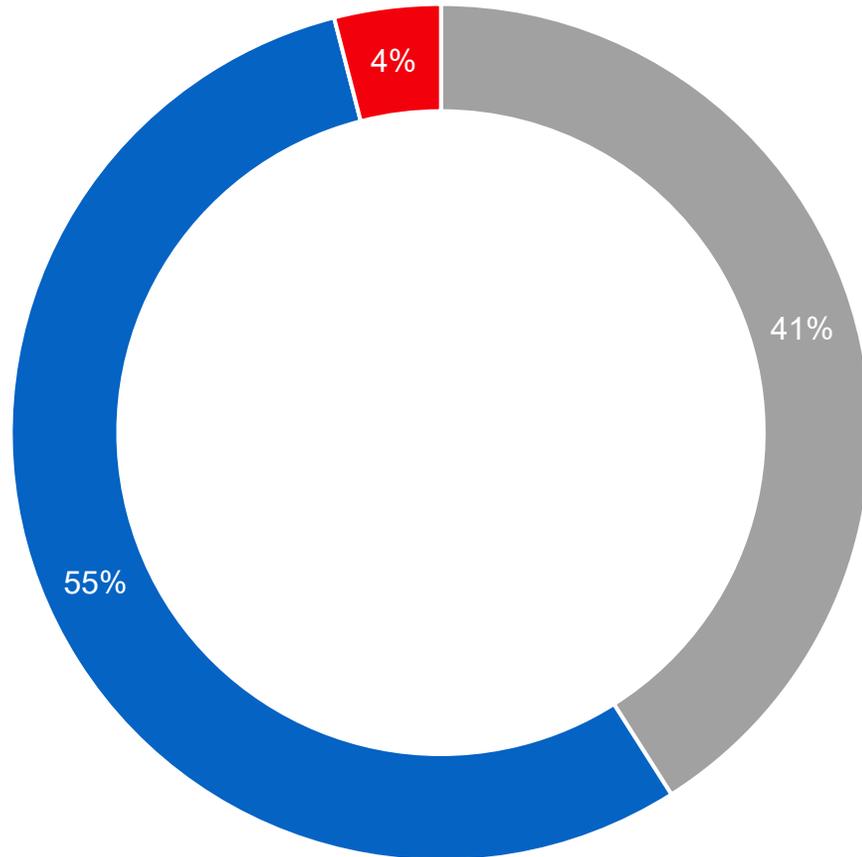


# Medical Board Investigations

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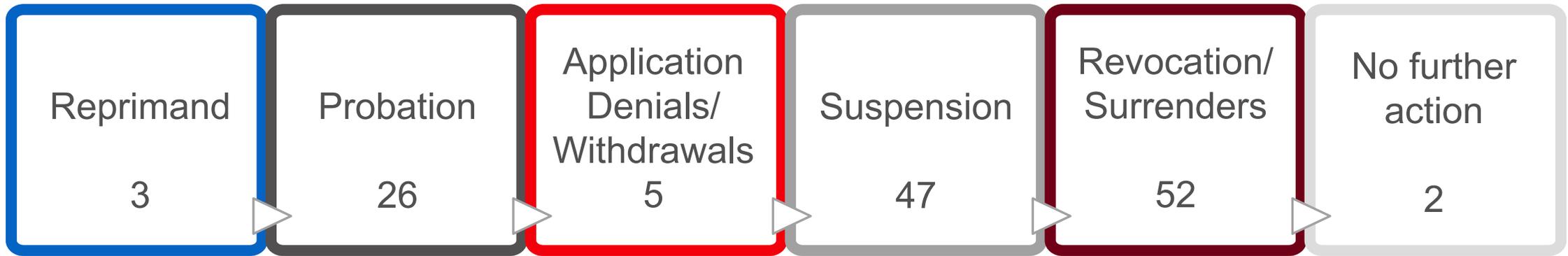
- Ohio law makes complaints received by the Medical Board and board investigations confidential
- The board may only share investigative information with law enforcement agencies, other licensing boards, or other governmental agencies that are prosecuting, adjudicating or investigating alleged violations of statutes or rules
- Board disciplinary actions are public record – posted on [med.ohio.gov](https://www.med.ohio.gov) and licensee profile on [elicense.ohio.gov](https://www.elicense.ohio.gov)

# Complaint Outcomes FY 2019



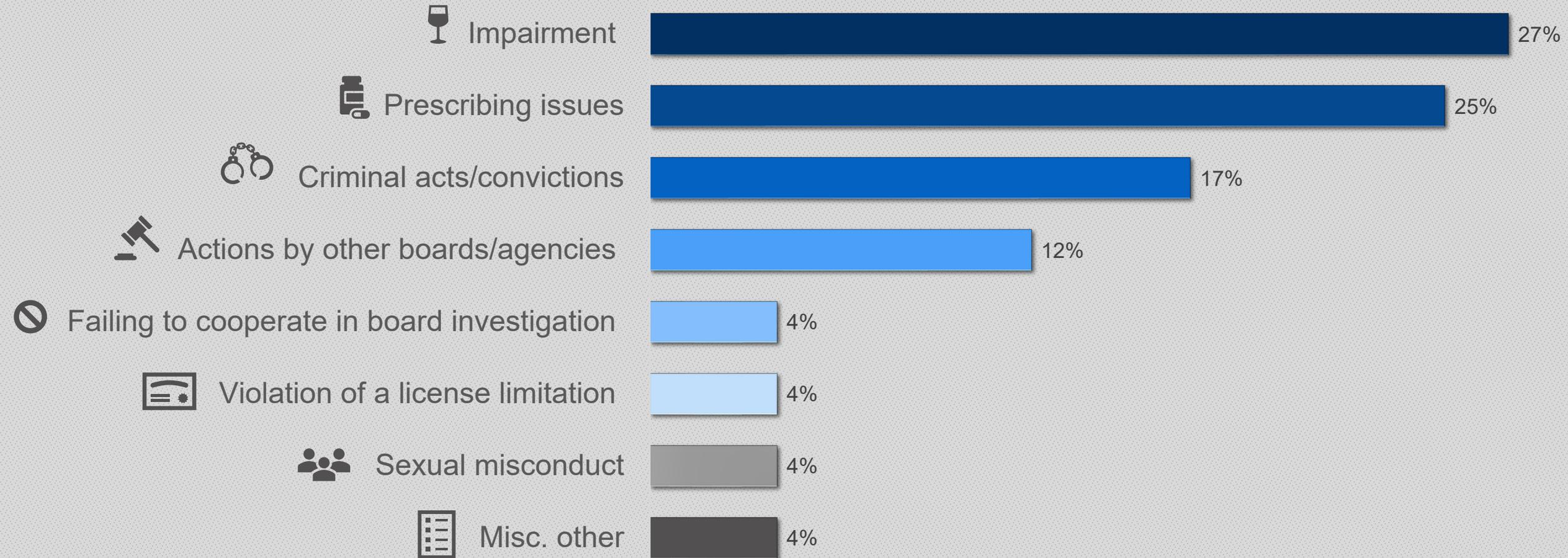
- **No action warranted**  
2,298 complaints closed as the issue involved professions not regulated by the board or no further review needed
- **Investigated then closed**  
3,064 complaints were closed after investigation as information obtained about allegation did not support board action
- **Board action**  
250 complaints resulted in disciplinary action by the board

# Disciplinary Actions – FY19



135 Disciplinary Actions in FY19

# FY19 Basis for Disciplinary Actions





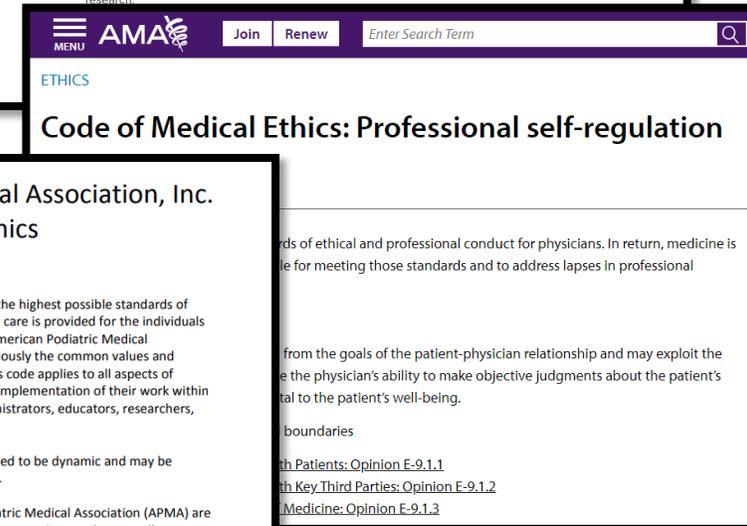
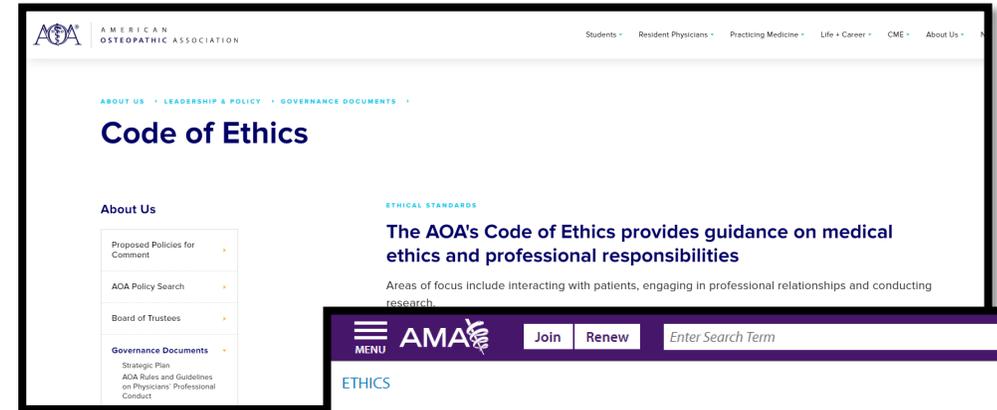
Professional behavior is a core competency expected of all physicians.



# Grounds for Disciplinary Action

... violation of any provision of a code of ethics of the American Medical Association, American Osteopathic Association, American Podiatric Medical Association . . .

Section 4731-22 (B)(18) ORC



## American Podiatric Medical Association, Inc. Code of Ethics

### PREAMBLE

All podiatrists have the responsibility of aspiring to the highest possible standards of conduct and ethical behavior, assuring that the best care is provided for the individuals and groups whom they serve. As members of the American Podiatric Medical Association (APMA), podiatrists accept and take seriously the common values and principles established within this code of ethics. This code applies to all aspects of professional life of podiatrists as they go about the implementation of their work within a variety of contexts as health care providers, administrators, educators, researchers, consultants, and employers.

The following statements and precepts are considered to be dynamic and may be interpreted and applied to an ever changing society.

Podiatrists who are members of the American Podiatric Medical Association (APMA) are bound to abide by the APMA Code of Ethics. APMA expects its members to adhere to the provisions in this document, but the document is not meant to be used in legal proceedings to establish a "Standard of Care."

### MEDICAL ETHICS (ME)

ards of ethical and professional conduct for physicians. In return, medicine is  
le for meeting those standards and to address lapses in professional

from the goals of the patient-physician relationship and may exploit the  
e the physician's ability to make objective judgments about the patient's  
tal to the patient's well-being.

boundaries

th Patients: [Opinion E-9.1.1](#)

th Key Third Parties: [Opinion E-9.1.2](#)

[Medicine: Opinion E-9.1.3](#)

# Types of Ethics Violations

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Sexual misconduct



Prescribing controlled substances to self or family



Criminal actions



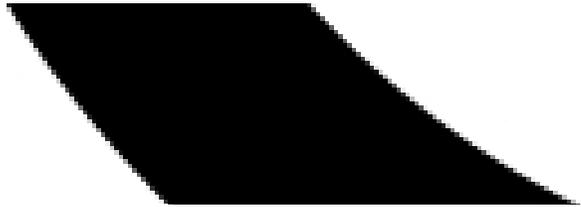
Fraudulent misrepresentation in course of practice



Patient privacy



Education & Training



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# Sexual Misconduct

# Sexual Misconduct

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OAC 4731-26-01 definition:

“conduct that exploits the licensee-patient relationship in a sexual way, whether **verbal or physical**, and may include the **expression of thoughts, feelings, or gestures** that are sexual or that reasonably may be construed by a patient as sexual. Sexual misconduct includes sexual impropriety, sexual contact, or sexual interaction”

# Code of Ethics

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Sexual or romantic interactions between physicians and third parties may...

- detract from the goals of the patient-physician relationship
- exploit the trust and vulnerability of the third party
- compromise the physician's ability to make objective judgments about the patient's health care, and
- ultimately be detrimental to the patient's well-being

# Good Practices for Patient Exams

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- If the patient must disrobe, give them enough time to change and use proper draping practices
- Always knock before entering an exam room
- Ask the patient if they would like another person to be present in the room for a sensitive exam or procedure
- Always ensure consent is given before giving an exam, consult or procedure and at each additional step
- Pay attention to verbal and non-verbal indications of discomfort from the patient

# Case: Social Media

Doctor had an inappropriate relationship with a patient via sexually explicit Facebook messaging and text messaging

**Board action:** License suspended for at least 60 days. 2-year probation and physician patient boundaries course





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Prescribing

# Problem Prescribing

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- Inappropriately prescribing drugs to patients
- Selling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes
- Self & family prescribing of controlled substances
- OARRS (Ohio Automated Rx Reporting System) violations

# Case: Family Prescribing

Doctor prescribed Vicodin and Ambien to two patients who were family members in non-emergency situations

Didn't document the prescriptions or any examination, evaluation or treatment in any patient record

**Board action:** Reprimand, 12-month probation and controlled substance prescribing course and medical record keeping



# Case: Medical Records

Doctor accessed patient records  
without legitimate medical reason

**Board action:** Consent Agreement -  
Reprimand and probation





# Impairment

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Inability to practice according to acceptable standards of care because of habitual or excessive use or abuse of drugs, alcohol or other substances that impair ability to practice

# One-bite Program

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One-bite Program is a confidential program for the treatment of impaired licensees of the Medical Board - established in section 4731.251 of the Revised Code

It makes recovery a non-disciplinary program for initial incidents and self-reported impairment by licensees

To participate, licensees must meet all three requirements:

1. Diagnosed with substance use disorder and impaired in inability to practice
2. First time participant in the program
3. No prior disciplinary action for substance use disorder or impairment by any licensing board in Ohio



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DONATE TOXICOLOGY

# Ohio Physicians Health Program

Mission: To facilitate the health and wellness of healthcare professionals in order to enhance patient care and safety.



## SERVICES

<h3>Confidential Resource</h3> <p>OPHP serves as a confidential resource for healthcare professionals who may be affected by mental, emotional and behavioral illness, substance-related and addictive disorders, or other illnesses.</p>	<h3>Monitoring &amp; Advocacy</h3> <p>Monitoring and advocacy services are available for healthcare professionals. OPHP specializes in providing assistance to healthcare professionals voluntarily seeking treatment or healthcare professionals licensed by the State Medical Board of Ohio who qualify for the One-Site Program allowing for confidential participation. <a href="#">Learn more here.</a></p>	<h3>Educational Outreach</h3> <p>Presentations are delivered on the prevention of mental, emotional and behavioral illness and substance-related and addictive disorders - and stress, burnout, suicide, and statutory guidelines for medical professionals.</p>	<h3>Wellness &amp; Resiliency Program</h3> <p>OPHP is broadening its scope of services by offering resources, tools, and program services to support your wellness efforts. <a href="#">Click here</a> to access Wellness &amp; Resiliency Program services.  <a href="#">Looking for wellness services? Contact OPHP today!</a></p>
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OPHP provides a *compassionate, supportive,* and *safe* environment for healthcare professionals to receive confidential services to improve their health and well-being.

Our goal is to inspire physicians and other healthcare professionals to seek treatment and monitoring for their illnesses in order to ensure patient care and safety.

NEED HELP? CONTACT US

Follow 407 followers

Ohio Physicians Health Program  
130 E. Chestnut Street, Suite 400  
Columbus, Ohio 43215  
614.841.9690

Board Member Log-In  
careers

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# One-bite Program

Ohio Physicians Health Program (OPHP) is the contracted monitoring organization.

Contact OPHP: (614) 841-9690  
or [info@ophp.org](mailto:info@ophp.org)

Website: [ophp.org](http://ophp.org)

# Confidential Monitoring Program

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*Mental or physical condition impacting ability to practice*

Board Secretary & Supervising Member oversee agency investigation and enforcement processes

Secretary & Supervising Member may determine that an individual being investigated concerning a mental or physical illness, is appropriate for ongoing investigative observation and monitoring by the board rather than formal public disciplinary action

Licensee signs a confidential participation agreement with the board



# Duty to Report

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# Duty to Report

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Licensees have a personal duty to report to the State Medical Board of Ohio when they believe an individual licensed by the Board has violated the Board's laws or rules including **sexual misconduct, impairment, practice below the minimal standards of care, and improper prescribing of controlled substances.**

Reports of misconduct to supervisors, law enforcement or health care system management do **NOT** fulfill the duty to report to the Board; failure to report could result in formal disciplinary action.



# Case: Duty to Report

Doctor knew for almost 3 years that his partner and co-owner of their pain management practice was accused of engaging in sexual misconduct with female patients during medical exams.

He failed to report his partner's inappropriate sexual conduct to the Medical Board.

**Board action:** Permanent revocation

## INVESTIGATIONS

### Medical Board revokes license of second doctor at controversial pain clinic

The Ohio Medical Board voted to permanently revoke the medical license of Dr. Robert Geiger.

**MEDICAL BOARD RECORD—35.051474**

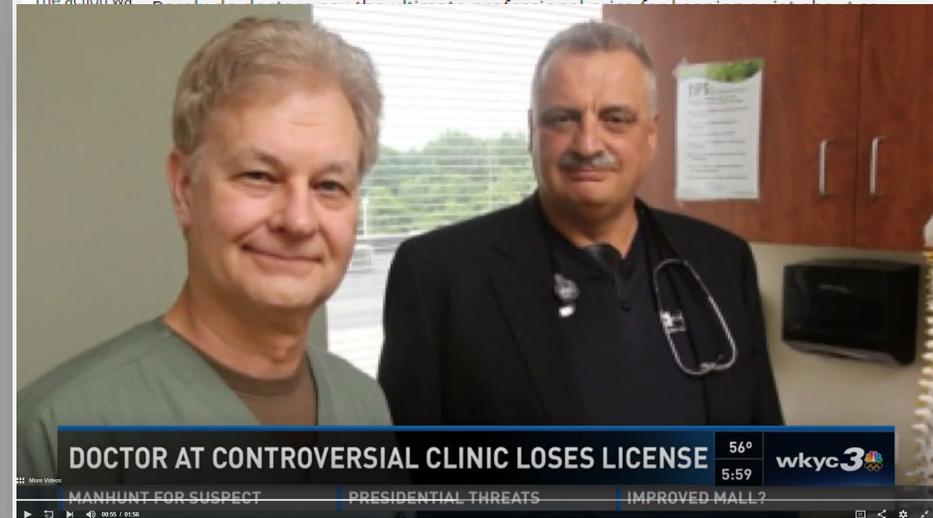
Author: Tom Meye  
Published: 5:55 PM  
Updated: 7:00 PM

**LICENSE STATUS/DISCIPLINARY ACTIONS—***License Inactive; see [board actions](#) at the bottom of this blog post.*

STOW, Ohio --  
Geiger.

### Ohio doctor doesn't report pal's sexual abuse, loses license

The action wa...





# State Medical Board of Ohio's Confidential Complaint Hotline

1-833-333-SMBO (7626)

# med.ohio.gov

## Medical Board's website



@ohiomedboard

Ohio.gov | State Agencies | Online Services | Search...

State Medical Board of Ohio  
Mike DeWine, Governor  
Andrew P. Schacht, MD, President | Michael Schottenstein, MD, Vice President

THE BOARD | APPLY | RENEW | LAWS & RULES | REGULATION | PUBLICATIONS | RESOURCES | VERIFY | CONTACT US

Apply for a License | Lookup a License | Renew a License

### Important Notices

- State Medical Board of Ohio Suspends License January 25
- Newly Adopted Rules for Limited Practice and One-time Program January 23
- Holiday Office Closure 1/21/19 January 15
- Cosmetic Therapy Exam Set for March 25 January 11
- Statement from the State Medical Board of Ohio About Social Media Posts January 2

Read More >>

File a Complaint | Medical Marijuana

Medical Marijuana Program | Change Name - Update Address | Expedited Physician License

Letter of Good Standing | Treatment & Compliance | File a Complaint

Take Charge Ohio | Ohio Prescription Drug Monitoring Program | Start Talking! | OARs OHIO AUTOMATED RX REPORTING SYSTEM

CONTACT THE BOARD  
Via Email or Phone  
State Medical Board of Ohio  
30 East Broad Street, 3rd Floor  
Columbus, OH 43215  
Directions  
Security FAQs for Visitors

STAFF USE ONLY  
Board Member Login

# Jerica Stewart

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State Medical Board of Ohio



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