Objectives

- Identify the Medical Board’s mission and core services.
- Know about the resources available for substance abuse and physical or mental health issues.
- Understand the duty to report to the Medical Board and new CME requirement.
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
125th Anniversary

This February, the Medical Board celebrated 125 years of public service!
The Board

The Medical Board is the state agency charged with regulating the practice of medicine and other selected 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 and livestreams the meetings on its YouTube channel.
## License Types

The Medical Board regulates more than 92,000 licensees.

<table>
<thead>
<tr>
<th>Allopathic Physicians</th>
<th>Anesthesiologist Assistants</th>
<th>Massage Therapists</th>
</tr>
</thead>
<tbody>
<tr>
<td>44,217</td>
<td>338</td>
<td>11,367</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Osteopathic Physicians</strong></th>
<th>Physician Assistants</th>
<th>Dietitians</th>
</tr>
</thead>
<tbody>
<tr>
<td>7,552</td>
<td>5,189</td>
<td>4,662</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Podiatric Physicians</th>
<th>Radiologist Assistants</th>
<th>Acupuncturists</th>
</tr>
</thead>
<tbody>
<tr>
<td>985</td>
<td>16</td>
<td>328</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Training Certificates MD-DO-DPM</th>
<th>Genetic Counselors</th>
<th>Respiratory Care</th>
</tr>
</thead>
<tbody>
<tr>
<td>7,825</td>
<td>562</td>
<td>8,723</td>
</tr>
</tbody>
</table>

November 1, 2021
Medical Board Core Services

- Licensure
- Confidential investigations
- Disciplinary actions
- Probationary monitoring
- Education & Outreach
Licensure
Maintaining a License

Renewal
- Required every 2 years
- CME should be completed at time of renewal

Reinstatement
- Expired < 2 years
- Reinstatement fee incurred

Restoration
- Expired > 2 years
- Restoration fee incurred
- Background check required
- Board may require additional training or examination
# Renewal Schedule

*Licenses issued before 10/17/19*

<table>
<thead>
<tr>
<th>First initial of licensee’s last name</th>
<th>Licensure expiration date</th>
<th>CME cycle</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-B</td>
<td>July 1 – odd years</td>
<td>7/1/2023</td>
</tr>
<tr>
<td>C-D</td>
<td>April 1 – odd years</td>
<td>4/1/2023</td>
</tr>
<tr>
<td>E-F-G</td>
<td>January 1- odd years</td>
<td>1/1/2023</td>
</tr>
<tr>
<td>H-I-J-K</td>
<td>October 1 even years</td>
<td>10/1/2022</td>
</tr>
<tr>
<td>L-M</td>
<td>July 1 – even years</td>
<td>7/1/2022</td>
</tr>
<tr>
<td>N-O-P-Q-R</td>
<td>April 1 – even years</td>
<td>4/1/2022</td>
</tr>
<tr>
<td>S</td>
<td><strong>January 1 – even years</strong></td>
<td><strong>1/1/2022</strong></td>
</tr>
<tr>
<td>T-U-V-W-X-Y-Z</td>
<td>October 1 – odd years</td>
<td>10/1/2023</td>
</tr>
</tbody>
</table>
Renewal Schedule

As a reminder, the renewal date for licenses issued after 10/17/19 is based on the date of issuance.

For example: A license issued on November 20, 2020 will expire on November 20, 2022.
Interstate Medical Licensure Compact

Senate Bill 6 authorized the Medical Board to enter the Interstate Medical Licensure Compact:

- Senate Bill 6 gives the SMBO until September 29, 2022 to implement the system to begin processing and issuing licenses through this path.

- The board will continue to provide updates as the implementation unfolds.
Complaint Process
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
Complaint, Investigation, Enforcement and Disciplinary Process

- **Complaint Received**
  - Not within board’s jurisdiction
  - Complaint does not support disciplinary action
  - Investigation supports disciplinary action by board; enforcement staff develops case for disciplinary action

- **Information is Confidential**
  - Complaint closed
  - Consent agreement ratified by board
  - Board approves issuance of a citation

- **Public Information**
  - No hearing requested by licensee
  - Hearing requested by licensee; hearing held

- **Disciplinary Action**
  - Hearing Examiner prepares proposed findings and order (PFPO) for board review
  - Legal department prepares findings, order, journal entry (FOJE) for board review
  - Hearing Examiner prepares report & recommendation (R&R) for board review

- **Board votes to accept or amend**
  - PFPO
  - FOJE
  - R&R
Disciplinary Actions

Ohio statute identifies 51 grounds for board disciplinary action.

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

ORC 4731.22 (B)
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
Complaint Outcomes FY 2021

- **No action warranted – 35%**
  2,738 complaints closed as the issue involved professions not regulated by the board or no further review needed

- **Investigated then closed – 48%**
  3,073 complaints were closed after investigation as information obtained about allegation did not support board action

- **Board action – 17%**
  1,425 complaints resulted in disciplinary action by the board
Impairment

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

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
Confidential Monitoring Program

*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
Prescribing
Red flags

**Look** for signs of drug seeking behavior
- Appearing impaired or overly sedated during office visit
- Traveling with others to office; requesting specific prescriptions
- Travelling abnormally long distances to the physician’s office

**Listen** for signs of drug seeking behavior
- Reports of lost prescriptions; requests for early refills
- Comments about sharing medications with family or friends
- Recurring visits to ER’s, urgent care centers, or walk-in clinics to get meds

**Check** for signs of drug seeking behavior
- Drug screen results inconsistent with drugs on treatment plan
- History of chemical abuse or dependency; illegal drug use
- Suffering an overdose
- Receiving abused drugs from multiple prescribers
Problem Prescribing

- 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
## Prescribing Tips

- Learn to say “NO!” - It’s important
- Complete and maintain accurate medical records
- Never pre-sign or post-date a prescription
- Never allow staff to sign your name to a prescription
- Never prescribe a controlled substance to yourself, your spouse or a member of your immediate family
- Never prescribe a controlled substance to a non-patient colleague, co-worker or acquaintance
- Be a part of a health care team
- Stay current
- Obey all federal and state laws applicable to office stocks of drugs
- Obey the Medical Board rules (med.ohio.gov – laws rules tab/Chapter 4731)
- Stick to your specialty
Professionalism
Participation in social media is, for many, a personal activity **BUT** can often extend into the professional domain.

The Medical Board of Ohio has the authority to discipline for unprofessional behavior relating to the inappropriate use of social media and electronic communication ranging from a letter of concern to the revocation of a license.
Sexual Misconduct
Sexual Misconduct

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”
This Includes...

Making comments that are not clinically relevant about or to the patient, including but not limited to, making sexual comments about a patient's body or underclothing, making sexualized or sexually demeaning comments to a patient, criticizing the patient's sexual orientation, or making comments about potential sexual performance.

Soliciting a date or romantic relationship with a patient.

Kissing in a romantic or sexual manner.

Offering to provide health care services, such as drugs, in exchange for sexual favors.

And Any Other Behavior that is Defined in OAC 4731-26.
Duty to Report
Duty to Report

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.
Duty to Report

All licensed physicians are required to complete one hour of continuing medical education on the topic of a licensee’s duty to report misconduct each renewal period (OAC 4731-10-02).

The board’s video and additional resources are available at med.ohio.gov/Duty-to-Report.
State Medical Board of Ohio's Confidential Complaint Hotline

1-833-333-SMBO (7626)
Telemedicine Update

The board has extended the suspension of enforcement for in-person regulation through March 31, 2022.

The board approved FAQs to provide guidance on telemedicine in Ohio and the Medical Board’s resumption of enforcement of its laws and rules requiring in-person visits in certain situations. Available on med.ohio.gov.
Telemedicine Use

Ask the three following questions:

(1) Am I licensed as a physician or physician assistant in Ohio?

(2) Can I meet the standard of care for providing telemedicine in this particular situation?

(3) If the telemedicine patient visit will involve or is likely to involve prescribing, am I able to comply with the Medical Board’s prescribing laws and rules?
Resources
Resources

med.ohio.gov/resources
COVID-19 Response

- Webpage
- Email updates
- Wellness resources and telemedicine regulation

Available at med.ohio.gov