An Introduction to the State Medical Board of Ohio

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January 21, 2022
Objectives

- Identify the Medical Board’s mission and core services.
- Understand the responsibilities of Medical Board licensure.
- Learn about board’s available resources.
- Understand the duty to report to the Medical Board.
Mission Statement

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

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>License Types</th>
<th>Quantity</th>
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</thead>
<tbody>
<tr>
<td>Allopathic Physicians</td>
<td>44,126</td>
<td>Anesthesiologist Assistants</td>
<td>343</td>
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<tr>
<td>Osteopathic Physicians</td>
<td>7,556</td>
<td>Physician Assistants</td>
<td>5,250</td>
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<tr>
<td>Podiatric Physicians</td>
<td>981</td>
<td>Radiologist Assistants</td>
<td>16</td>
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<tr>
<td>Training Certificates MD-DO-DPM</td>
<td>7,718</td>
<td>Genetic Counselors</td>
<td>574</td>
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<tr>
<td></td>
<td></td>
<td>Massage Therapists</td>
<td>11,264</td>
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<td></td>
<td></td>
<td>Dietitians</td>
<td>4,736</td>
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<td></td>
<td></td>
<td>Acupuncturists</td>
<td>327</td>
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<tr>
<td></td>
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<td>Respiratory Care</td>
<td>8,794</td>
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January 12, 2021
A County View
As of October 1, 2021 – 871 Ohio licenses

101 – 200: 1 county
51 – 100: 2 counties
21 – 50: 8 counties
11 – 20: 5 counties
1 – 10: 54 counties
None: 18 counties
Licensure

All professionals regulated by the Medical Board must have a license issued by the board before they can practice in Ohio.

Licensure staff reviews the applications to be sure that the applicant qualifies for a license. The Deputy Director of Licensure has authority to approve applications.
Training Certificates

Required of residents and fellows in Ohio training programs unless they have a full license – valid 3 years

May be renewed once – valid for 3 more years – online renewal only
Training Certificate Limitations

Practice is limited to:
- Activities prescribed by or incidental to the training program
- Facilities for which the training certificate is issued

Practice under supervision of the podiatrists responsible for supervision as part of the training program

Cannot practice independently – no “moonlighting” with training certificate
Eligibility for DPM Medical License

1. Graduate from an approved college of podiatric medicine and surgery
2. Complete a minimum of one year of post-graduate training in a podiatric internship
3. Pass all three levels of the NBPME
License applications and renewals are completed through elicese.ohio.gov.
Case: Out-of-state Action

Applied for Ohio license after two years without clinical practice and the knowledge that the State of Illinois indefinitely suspended his license based on findings the doctor provided a certificate of insurance for professional malpractice coverage to a surgery center when he knew that the certificate was false.
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**Board action:** Permanent license denial
Complaint Process
What is a complaint?

Any allegation of licensee misconduct received by the Medical Board

Complaints are confidential
Complaint, Investigation, Enforcement and Disciplinary Process

**Complaint Received**
- Not within board’s jurisdiction
  - Complaint closed
- Complaint does not support disciplinary action
  - Complaint closed
- Investigation supports disciplinary action by board; enforcement staff develops case for disciplinary action
  - Consent agreement ratified by board
    - Board approves issuance of a citation
  - Hearing requested by licensee; hearing held
  - Hearing Examiner prepares report & recommendation (R&R) for board review
- No hearing requested by licensee
  - Hearing Examiner prepares proposed findings and order (PFPO) for board review
  - Legal department prepares findings, order, journal entry (FOJE) for board review

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

Ohio statute identifies 51 grounds for board disciplinary action.

Board action examples: dismissal, reprimand, suspension, probation, permanent revocation, etc.
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
Prescribing
- OARRS contains Rx history report for all controlled substances (schedule II-V)
- Statutes and rules define when OARRS report required

www.ohiopmp.gov
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
Case: Prescribing

Podiatrist wrote prescription for a controlled substance in the name of a family member but intended the medication for her own use and took it. She prescribed a controlled substance in the name of a second family member but intended it for another. She also prescribed controlled substances to a family member 2 or 3 times with no patient record. Then failed to cooperate in investigation.
Case: Prescribing

The podiatrist wrote prescription for a controlled substance in the name of a family member but intended the medication for her own use and took it. She prescribed a controlled substance in the name of a second family member but intended it for another. She also prescribed controlled substances to a family member 2 or 3 times with no patient record. Then failed to cooperate in investigation.

Board action: Immediate suspension due to guilty plea to felony; Signed a consent agreement: license suspended for a 1-year period, when reinstated at least a 3-year probation.
Professionalism

Core values and beliefs guiding the daily work of podiatrists
Professionalism

The podiatrist should, at all times, act in a professional manner before patients, colleagues, and the general public. This conduct should extend not just to the podiatrist’s professional life but should encompass his/her public and private lives as well.

- American Podiatric Medical Association, Code of Ethics ME5.0
Social Media & Digital Communications

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.
Case: Social Media

Resident made anti-Semitic comments on social media and was terminated from her residency. She failed to disclose why she left her residency to her new program. She then deleted the comments and claimed she was being framed.
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Board action: Permanent Revocation
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.
Case: Social Media

Doctor had a sexually explicit Facebook messaging and text messaging relationship with a patient, though it never developed into a physical relationship.
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Board action: License suspended for approximately 3 months, 2-year probation and physician patient boundaries course
Resources

med.ohio.gov/resources
Cultural Competency

The Medical Board has created resources to provide guidance for interactions with people from varying cultures and backgrounds.

med.ohio.gov/resources/cultural-competency
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
Case: Impairment

Resident admitted on his licensure application that he had undergone inpatient treatment for alcohol dependence, he was in compliance with monitoring requirements with the Pennsylvania Physician’s Health Program and that he had been found capable of practicing medicine.

https://youtu.be/XKNUlfoTNWQ
Case: Impairment

Resident admitted on his licensure application that he had undergone inpatient treatment for alcohol dependence, he was in compliance with monitoring requirements with the Pennsylvania Physician’s Health Program and that he had been found capable of practicing medicine.

**Board action:** Medical license granted license subject to probationary terms, conditions and limitations for at least 3 years and six months.
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
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.
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**Board action:** Permanent revocation
State Medical Board of Ohio's Confidential Complaint Hotline

1-833-333-SMBO (7626)
Why is this important?
What happens now MATTERS
Questions?
State Medical Board
30 E. Broad St. 3rd Floor
Columbus, OH 43215
contact@med.ohio.gov
614-466-3934

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