Introduction to the State Medical Board of Ohio

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State Medical Board of Ohio
February 11, 2022
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 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 Type</th>
<th>Count</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Allopathic Physicians</td>
<td>44,353</td>
<td>Anesthesiologist Assistants</td>
<td>329</td>
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<tr>
<td>Osteopathic Physicians</td>
<td>7,605</td>
<td>Physician Assistants</td>
<td>5,036</td>
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<td>Podiatric Physicians</td>
<td>983</td>
<td>Radiologist Assistants</td>
<td>15</td>
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<tr>
<td>Training Certificates MD-DO-DPM</td>
<td>7,825</td>
<td>Genetic Counselors</td>
<td>535</td>
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<tr>
<td>Massage Therapists</td>
<td>11,366</td>
<td>Dietitians</td>
<td>4,766</td>
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<tr>
<td>Acupuncturists</td>
<td>287</td>
<td>Respiratory Care</td>
<td>8,895</td>
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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.
License applications and renewals are completed through elicese.ohio.gov.
Background Check

You must complete your background check **before** you submit your application.

- Background checks should be completed as soon as possible
- The board will retain the results for up to one year
- Results must be sent directly from the vendor to the Medical Board

Instructions available at med.ohio.gov.
Maintaining a License

Renewal
- Required every 2 years
- Licensed before 10/17/19 - based on last name
- Licensed after 10/17/19 - based on date of issuance

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

Physicians are required to complete 50 Hours of Category 1 CME every renewal cycle.

- Must attest to completion of hours

Renewal is completed through elicense.

Physicians may be selected at random for auditing of CME hours.
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
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.
Disciplinary Actions

Ohio statute identifies 51 grounds for board disciplinary action.

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

- **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
One-bite Program

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

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

Website: ophp.org
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
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
Examples of Violations

- Sexual misconduct
- Inappropriate prescribing or impairment
- Criminal actions/malpractice events
- Fraudulent misrepresentation in course of practice
- Patient privacy
- Education & Training
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 for signs of drug seeking behavior

**Look**
- 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**
- 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**
- 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
Case: Behavior

Dr. showed anger and intimidating behavior to medical staff at hospital

He claimed he vented his frustrations upon medical staff because he believed the hospital and its staff did not share his passion for excellence in patient care and customer service

**Hospital response:** suspended clinical privileges

**Board action:** Probationary terms, conditions and limitations to practice
Problem Prescribing

- Inappropriately prescribing drugs to patients
- Selling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes
- Standard of Care - departing from, or the failing to conform to, minimal standards of care of similar practitioners under the same or similar circumstances
Problem Prescribing

- Self & family prescribing of controlled substances
- Drug Conviction - a violation of any federal or state law regulating the possession, distribution, or use of any drug
- Rules Violation - violating Board rule(s)
- OARRS (Ohio Automated Rx Reporting System) violations
Case: Rx Issues

ER doctor wrote prescriptions for a friend who was a surgeon without examination and based on surgeon’s account of history of cervical disc disease, insomnia and anxiety disorder.

The surgeon wrote 2 prescriptions for the ER doctor for her back pain, who shared the medicine with the surgeon.

**Board action:** License suspension for at least 9 months and required to complete prescribing, ethics, and medical records courses while suspended. Three-year probation.
Case: Family Prescribing

Doctor acted as the primary physician for an older family member for approximately 10 years and never kept a patient record. He regularly prescribed tramadol and lorazepam to the family member (non-emergency situations). Described his treatment and prescribing as “love over law.” Doctor also admitted to occasionally taking the family member’s tramadol and lorazepam for self-use.

Board action: Permanently revoked the doctor’s license and fined him $18,000.
## 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
Professional behavior is a core competency expected of all physicians.
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.
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.
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

- 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

- Pay attention to verbal and non-verbal indications of discomfort from the patient
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.

Board action: License suspended for approximately 3 months, 2-year probation and physician patient boundaries course.
COVID-19 Response

- Email updates/website posts
- Wellness resources
- Telemedicine regulation
- Available at med.ohio.gov
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.
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
Ohio Physicians Health Program (OPHP)

OPHP offers confidential resources for mental health, emotional and behavioral illness, wellness coaching services and more.

To view available provider wellness resources, visit ophp.org.

Additional Resource

Crisis Text Line:
- Text 4HOPE to 741 741
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Communications Officer
State Medical Board
30 E. Broad St. 3rd Floor
Columbus, OH 43215
contact@med.ohio.gov
614-466-3934