



State Medical Board of
Ohio

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The Governor's Working Group on Richard Strauss
C/O: Director Thomas J. Stickrath, J.D.
Ohio Department of Public Safety
1970 W Broad St.
Columbus, OH 43223

January 9, 2020

Director Stickrath and Members of the Governor's Working Group on Richard Strauss:

On behalf of the State Medical Board of Ohio (SMBO) members and staff, I have attached the Board's updated project plan for implementing the Working Group's suggested changes to SMBO processes and procedures. You will note the consolidated view of the presented project plan. As we continue our work, the specific tasks under each recommendation continue to change. Accordingly, including a running list of tasks is rather unwieldy in the excel sheet, as previously presented. The attached reflects a percentage of progress for the working group's recommendations. The specific tasks for each of the recommendations, as they are added, modified or completed, are kept in our project tracking software. We are happy to provide a very granular view of the tasks, if preferred. To date, approximately 50 percent of the hundreds of tasks identified to support the working group's recommendations have been completed. While the tasks, obviously, are not of equal weight, we feel as if significant progress has been made since the last update provided to you on December 2, 2019.

The recommendation of the historical case review is the single biggest 'lift' for the SMBO. This historical case review has three major components. The first component is locating and scanning the thousands of files necessary to conduct the review. About 60 percent of the paper files have been scanned by the contracted company; we are ahead of schedule and under budget for this part of the project. Second, SMBO staff must create new electronic case files for all cases that occurred after the paper era (i.e., things that aren't scanned). SMBO staff is about 60 percent complete with compiling these records; again, ahead of schedule. Finally, the third component of the project is conducting the historical review. We are pleased to report that review is under way with 11 reviewers under contract and a few more in the process of being contracted. Now begins the heavy lift of keeping those cases moving through the review process and staying on track to have the review completed by the end of the fiscal year. We will keep a close eye on the progress of this very important review, adding whatever resources are necessary to keep it on track.

Substantial progress should be noted regarding the Medical Board Investigator Manual. SMBO staff including leadership, investigator supervisors and investigators from across the state collaborated to revise the manual. The board supported these collaborative efforts with a vote authorizing staff to treat the Investigator Manual as a living document, making edits and updates as necessary without future board votes. Specifically, the most recent manual changes allow the investigators more discretion in conducting investigations, and account for investigators utilizing victim advocates and investigators working with local law enforcement, where appropriate. As we continue the focus on the latter two items, certain of the positive impact they will have on the SMBO's investigations, we will continue to update our manual to reflect best practices for best outcomes.

I am also pleased to provide an update on the utilization of victim advocates. The board currently has multiple victim advocates on contract. Working collaboratively, staff has scoped out how and when to incorporate victim advocates into the day to day work of the SMBO. As this work begins, we are still uncertain whether we are best served by using contractors throughout the state or if this is a role best filled by permanent staff. Due to the training and experience that some of our investigators have as victim advocates, we have decided to pilot both options. Certain teams of investigators and enforcement attorneys will use contractor victim advocates, while the remaining teams will use an internal staff resource (an individual trained as a victim advocate). We

are excited to continue to monitor this pilot to see how our work continues to improve with the use of the victim advocates.

The Working Group had a group of legislative recommendations for the SMBO staff. At our board meeting on Wednesday, January 8, 2020, SMBO staff presented a memo to the board's Sexual Misconduct committee outlining those proposed changes for discussion purposes. Based on feedback from the Sexual Misconduct committee members, SMBO staff will continue to develop a legislative strategy for those items recommended by the Working Group. We will keep you informed as that strategy evolves.

Finally, with respect to the education of SMBO staff, all training recommended by the Working Group has been completed by relevant staff and Board Members. SMBO staff plans to present the ongoing training plan for all SMBO staff and board members at the February SMBO meeting. The ongoing training plan will ensure that new staff receives all relevant training identified by the Working group. It will also ensure that our staff stays abreast of current best practices in investigations and enforcement. Finally, the ongoing training plan will account for necessary organizational culture support and betterment.

An open invitation stands for all Working Group members wishing to attend our monthly sexual misconduct subcommittee meetings. Our next meeting is February 12, 2020 at 7:30 a.m. on the 3rd floor in the Rhodes Tower, 30 East Broad Street, 43215.

We remain grateful for the partnership of the Working Group as we continue our critical mission to ensure the health and safety of the patients of Ohio.

Respectfully,

A handwritten signature in black ink, appearing to read 'MS', is positioned above the typed name of Michael Schottenstein.

Michael Schottenstein, M.D.
President, State Medical Board of Ohio