



State Medical
Board of Ohio

Introduction to the State Medical Board of Ohio

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May 3, 2024

Objectives

- Identify the Medical Board's mission and core services.
- Understand the responsibilities of Medical Board licensure.
- Review the details of real board cases.
- Learn about the 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.



Medical Board Members



State Medical
Board of Ohio



Jonathan Feibel, MD
President



Yeshwant Reddy, MD
Vice President



Kim Rothermel, MD
Secretary



Harish Kakarala, MD
Supervising Member



Amol Soin, MD, MBA



Betty Montgomery, JD



Michael Gonidakis, JD



Sherry Johnson, DO



Mark Bechtel, MD



John F. Boyle, DPM



Jennifer D. Brumby, JD



Elaine M. Lewis, MD

License Types

The Medical Board regulates more than 98,000 licensees.

Allopathic Physicians 45,904	Anesthesiologist Assistants 377	Massage Therapists 11,334
Osteopathic Physicians 8,228	Physician Assistants 5,771	Dietitians 4,916
Podiatric Physicians 992	Radiologist Assistants 20	Acupuncturists 315
Training Certificates MD-DO-DPM 9,549	Genetic Counselors 650	Respiratory Care 9,117

June 30, 2023



State Medical
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Licensure



Confidential investigations



Disciplinary actions



Probationary monitoring



Education & Outreach

Medical Board Core Services

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 board's licensure designee 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
- Hospital or facilities for which the training certificate is issued

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

Cannot practice independently – no “moonlighting” with training certificate



Eligibility for Medical License

1

Graduate from an
approved
medical school

2

Complete a
minimum of one
year of post-
graduate medical
education

3

Pass all three
levels of the
COMLEX-USA

Have a licensing question? Contact your licensing board or check their website. Help desk representatives are not trained to answer licensing questions.

Technical Support - Help desk representatives are available to answer login or registration questions by calling (855) 405-5514 weekdays from 8:00 am to 5:00 pm EST.

Callers may experience extended wait times due to the high number of calls. If you're unable to wait for a representative, you can leave a call back number.

If you're experiencing technical issues with the eLicense website, make sure you are using Google Chrome or Mozilla Firefox as your browser on a desktop or laptop device.



WELCOME TO THE

eLicense Ohio Professional Licensure System

License applications and renewals are
completed through elicense.ohio.gov.





State Medical
Board of Ohio

Reciprocity

Effective December 29, 2023, applicants of the Medical Board may be eligible for Ohio licensure if:

1. Applicant holds a substantially similar out-of-state (OOS) occupational license, or holds a government certification in the same profession or occupation from a state that does not issue an occupational license for at least one year immediately preceding the date of application. Applicant must be in good standing in all jurisdictions the license is held;

2. Applicant has held a private certification for at least two years preceding the application date in a state that does not issue an OOS license or government certification for the respective profession or occupation. Applicant must be in good standing with the organization that issued the certification

3. Applicant has been actively engaged in the profession or occupation in a state that does not issue an OOS license or government certification for the respective profession or occupation, or in the uniformed services.

Reciprocity

Reciprocity is available for all license types except for training certificates, limited permits and special certificates. The application fee is the same as each corresponding license type in the traditional licensure route.

Applicants will not be eligible for reciprocity if their license or certification has been surrendered or revoked due to negligence or intentional misconduct related to the profession or occupation.

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.



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Criminal Offenses

If you have ever been arrested, charged, or convicted of a misdemeanor or a felony you must disclose the incident(s) on the application, regardless of whether the criminal records were subsequently sealed or expunged.

If you are in doubt as to how to respond to the application questions, full and honest disclosure is recommended.

Failure to provide truthful responses to the questions on the application may result in disciplinary action up to, and including, permanent denial of your application.

Application Status Codes

Submitted	Application and payment received
Pending	Application under review
Incomplete	Application is missing information
In review	Board staff have additional questions
Active	License to practice – may have sub status of probation
Inactive	Cannot practice in Ohio - may have sub status - expired

Maintaining a License

Renewal

- Required every 2 years
- 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



State Medical
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Complaint Process



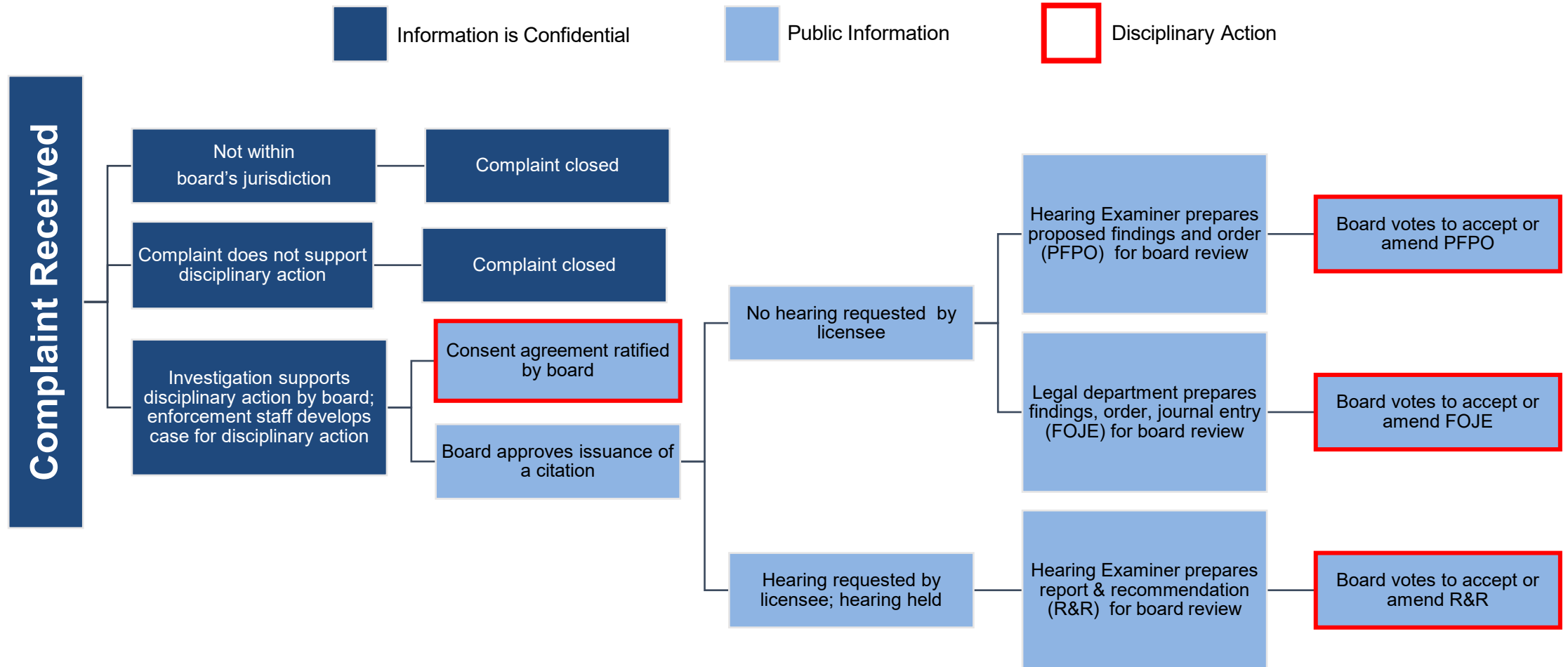
What is a complaint?

Any allegation of licensee misconduct received by the Medical Board.

The board received 6,320 complaints in FY 23.

Complaints are confidential.

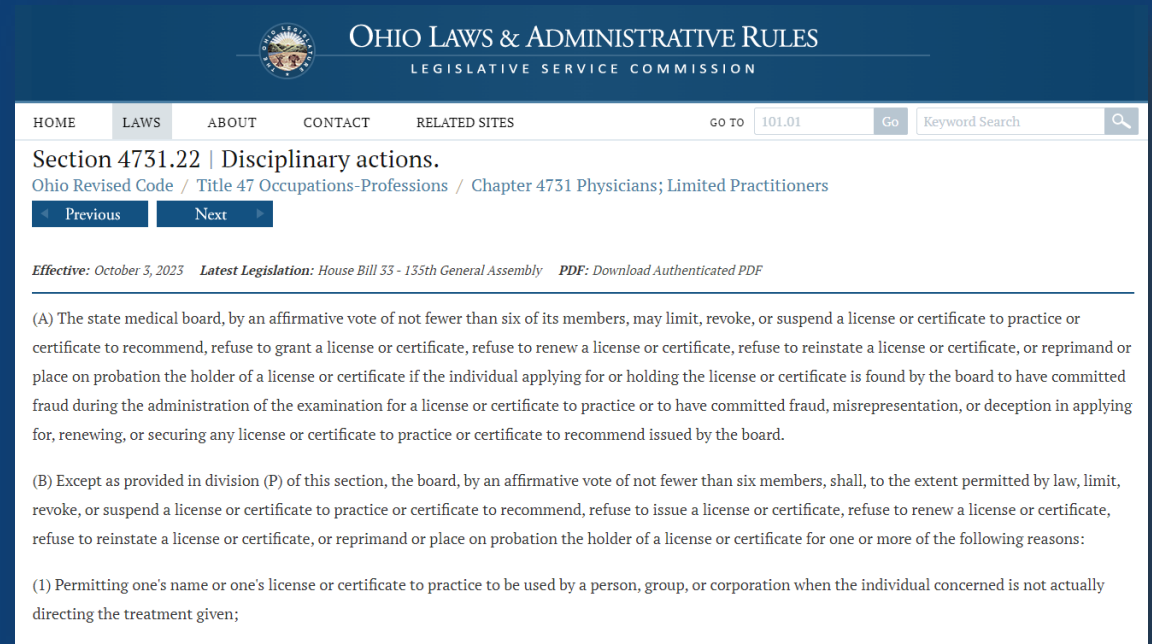
Complaint, Investigation, Enforcement and Disciplinary Process



Disciplinary Actions

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

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



OHIO LAWS & ADMINISTRATIVE RULES
LEGISLATIVE SERVICE COMMISSION

HOME LAWS ABOUT CONTACT RELATED SITES GO TO 101.01 Go Keyword Search

Section 4731.22 | Disciplinary actions.
Ohio Revised Code / Title 47 Occupations-Professions / Chapter 4731 Physicians; Limited Practitioners

Previous Next

Effective: October 3, 2023 *Latest Legislation:* House Bill 33 - 135th General Assembly *PDF:* Download Authenticated PDF

(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) Except as provided in division (P) of this section, 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;

ORC 4731.22 (B)



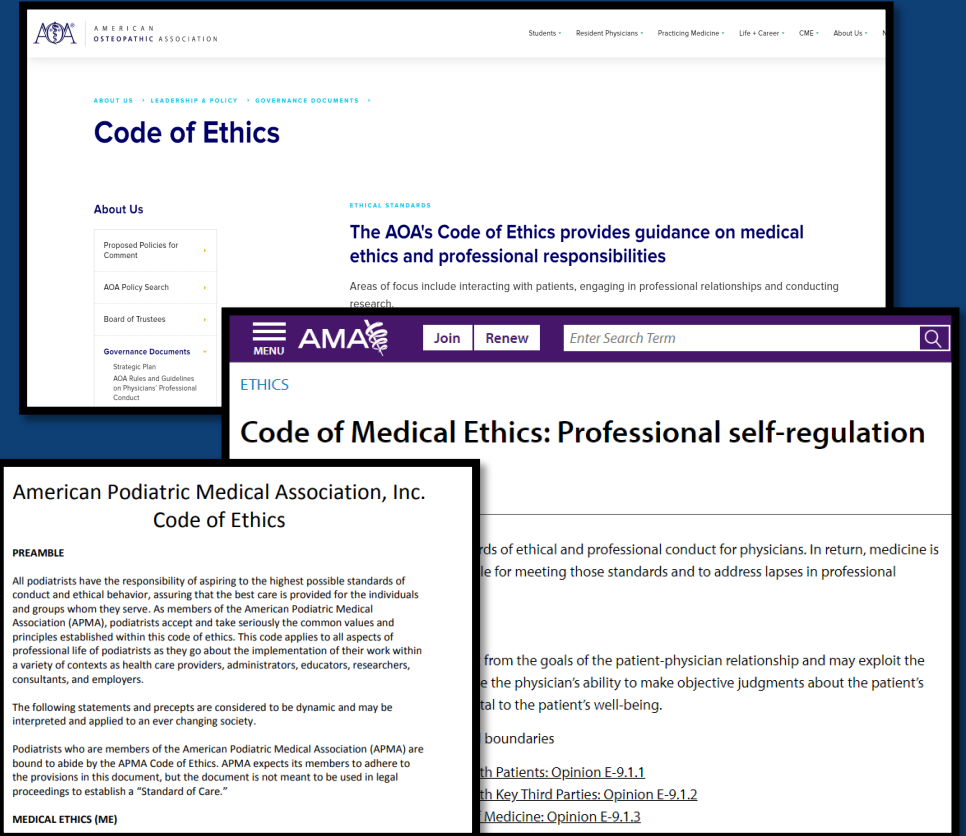
Professional behavior is a core competency expected of all physicians.



Grounds for Disciplinary Action

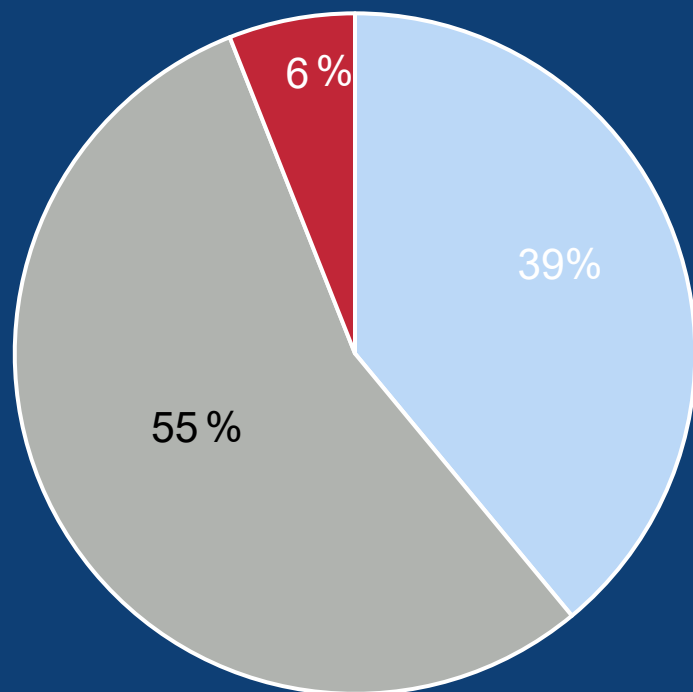
... violation of any provision of
a code of ethics of the
American Medical Association,
American Osteopathic
Association, American Podiatric
Medical Association ...

Section 4731.22 (B)(18) ORC



The image displays three overlapping screenshots of medical association websites. The top screenshot is the American Osteopathic Association (AOA) 'Code of Ethics' page, which states: 'The AOA's Code of Ethics provides guidance on medical ethics and professional responsibilities'. The middle screenshot is the American Medical Association (AMA) 'Code of Medical Ethics: Professional self-regulation' page. The bottom screenshot is the American Podiatric Medical Association (APMA) 'Code of Ethics' page, featuring a 'PREAMBLE' section that reads: '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)'. The bottom screenshot also includes links to 'Ethics Patients: Opinion E-9.1.1', 'Ethics Key Third Parties: Opinion E-9.1.2', and 'Ethics Medicine: Opinion E-9.1.3'.

FY23 Disciplinary Actions



- **No action warranted**
2,433 (39%) complaints closed as the issue involved a profession not regulated by the board or no further review.
- **Investigated, then closed**
3,497 (55%) complaints were closed as information obtained about the allegation did not support board action. Although there was no formal discipline, licensee could have received a caution letter, met with board Secretary and Supervising Member or been referred to further education.
- **Board action**
388 (6%) complaints resulted in disciplinary action by the board.

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.

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.

Examples of Common Violations



Sexual misconduct



Inappropriate
prescribing or
impairment



Criminal actions/
other board actions



Fraudulent
misrepresentation in
course of practice



Patient privacy



Education & training

Case B: Minimal Standards

Dr. B completed a 1 year internship in general surgery, then began a surgery residency for 6 months before deciding he did not want to continue in that specialty. He instead completed a four-year residency in radiology and a 1 year fellowship in vascular interventional radiology.

He was board certified in radiology in 2002 and held certificate of qualifications in interventional radiology.

After approximately 11 years, he left his hospital affiliation and opened an aesthetic medicine practice.

He took a 2-day course in the Smart Lipo machine and received hands-on training.

He took a 3 or 4 day weekend to learn how to do breast augmentation (lectures, presentations, hands on training).

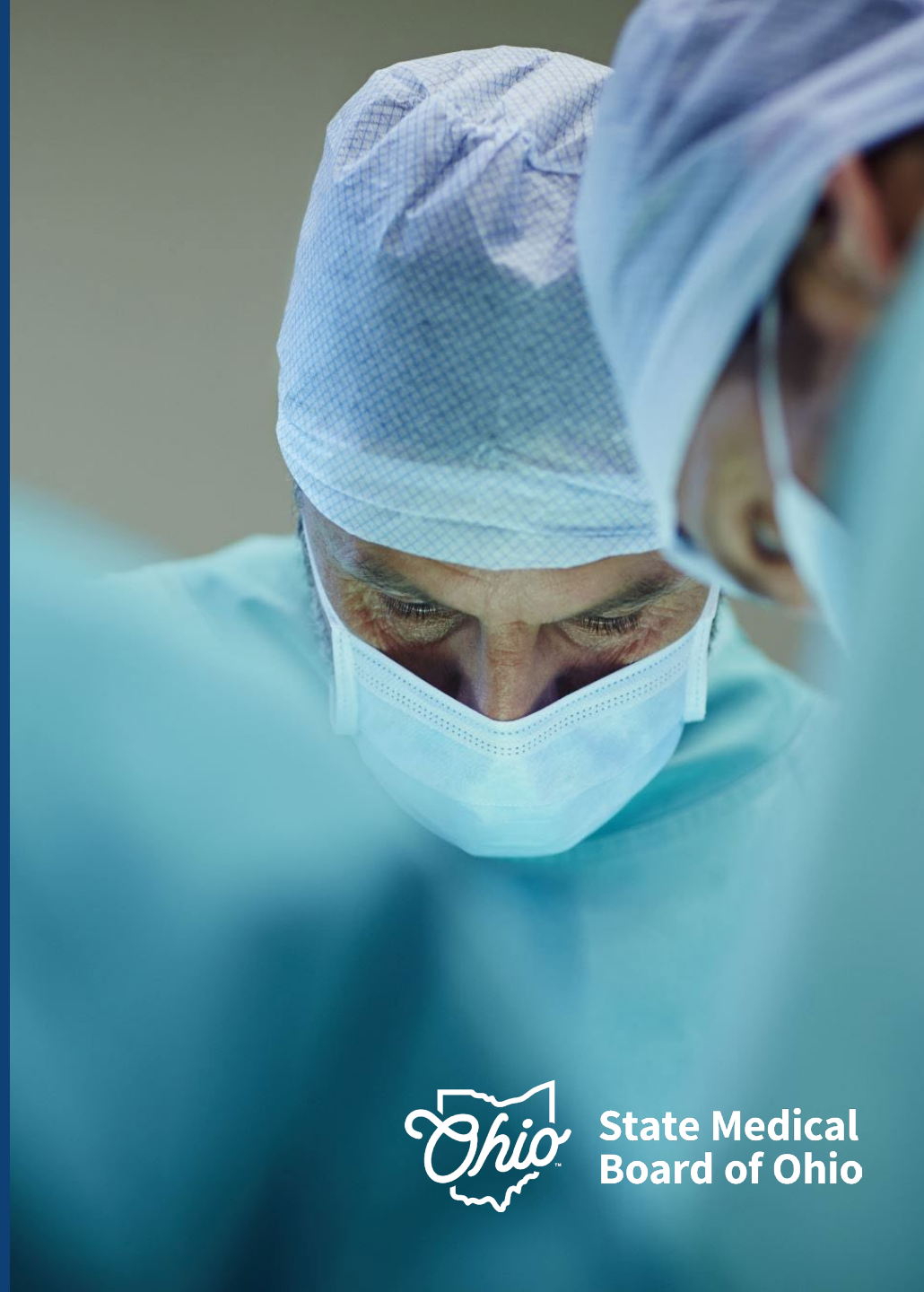
He began offering awake tummy tuck procedures and hormone replacement therapy and sometimes prescribed Adipex.

The board cited him with respect to the treatment of 9 specified patients based on

- Inappropriate and/or inadequate management of patients' conditions, and/or inappropriate and/or inadequate monitoring of patients' medications.
- A failure to provide appropriate care and/or treatment to patients
- Inappropriate prescribing; and/or
- Inadequate and/or incomplete documentation

And for the 6 surgical patients whose treatment fell below the minimum standard.

Board action: Permanent Revocation and \$3,500 Fine



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Case C: Criminal Conviction

After medical school, Dr. C completed residencies in Pediatrics and Pediatric Gastroenterology.

Dr. C held active medical licenses in Arizona, California, Michigan, Missouri, Texas, and Virginia. He previously held licenses in Kansas, Louisiana, Oklahoma, and South Carolina.

Around April 30, 2022, Dr. C applied for a physician license in Ohio.

The board found a complaint was issued to Dr. C in Scottsdale, Arizona, around April 7, 2022 charging him with one count of Domestic Violence (DV)-Assault, and one count of Domestic Violence (DV) Disorderly Conduct, misdemeanors. The charges arose from an incident involving an argument he had with a family member. The family member claimed he assaulted her, causing her to have visible injury. On July 19, Dr. C pled guilty to Disorderly Conduct-Disruptive Behavior or Fighting DV in the Scottsdale City Court, Scottsdale, Arizona.

No hearing requested.

Board action: Permanent denial of application



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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 A: Impairment

Dr. A completed four-year residency in diagnostic radiology and one-year fellowship in neuroradiology. He was board certified in diagnostic radiology.

After a hospitalization in 2006 where he was given both IV and oral narcotics, he experienced acute withdrawal.

In years to follow he began writing prescriptions for Vicodin in the name of his girlfriend (now wife) and was sharing pills with another physician and the physician's brother.

Around December 2018, he pled guilty to one count of unlawful dispensing and distributing a Schedule II Controlled Substance and one count of Health Care Fraud. After release from prison, he participated in the Transitional Drug and Alcohol Program. And entered into a five-year agreement with the physician health program in Pennsylvania

Board action:

West Virginia Board of Medicine revoked license.

Pennsylvania State Board of Medicine revoked license.

State Medical Board of Ohio revoked license.

State Medical Board reinstated license in 2022 and entered him into a consent agreement.



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Impairment/PHP

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.

Resident example: <https://youtu.be/XKNUlfoTNWQ>

Board action: Medical license granted license subject to probationary terms, conditions and limitations for at least 3 years and six months.



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Impairment Modernization

Rules

- Chapter 4731-15 Reporting Requirements
- Chapter 4731-16 Impaired Practitioners
- Chapter 4731-28 Mental or Physical Impairment

New Application Questions

- Applicable to initial applications and renewals
- Questions will revolve around the applicant's condition (physical and mental conditions, including substance use disorder)

Impairment Modernization

Confidential Monitoring Program

The Confidential Monitoring Program provides a path for Medical Board licensees to confidentially receive treatment and support in a non-disciplinary program. The newly expanded Confidential Monitoring Program (formerly the One-bite Program) is now available to all licensees and applicants of the State Medical Board of Ohio who may have issues impacting their health and well-being. This includes:

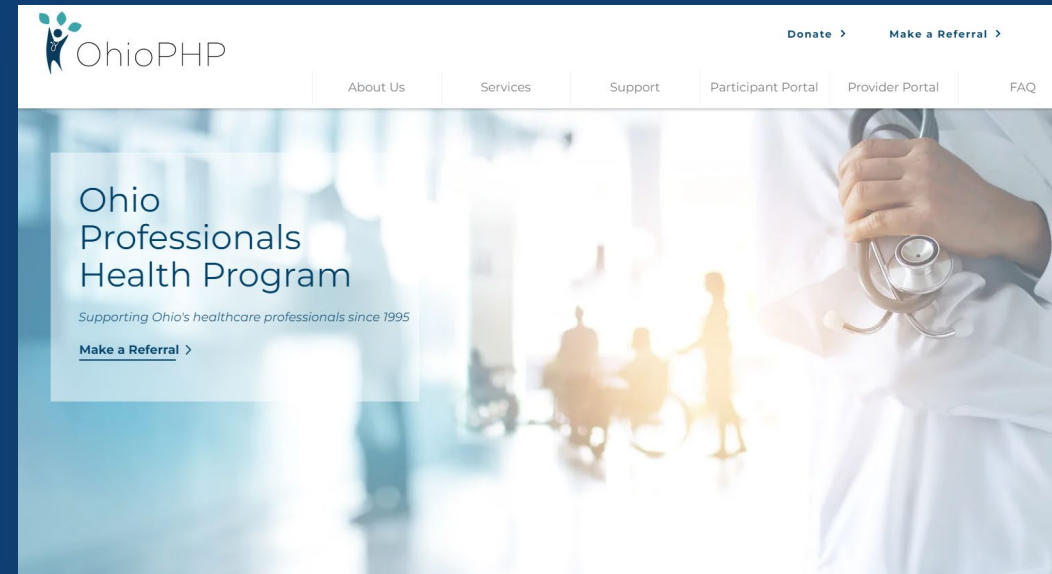
- Substance use disorders
- Mental health disorders (new)
- Physical conditions (new)
- Other potentially impairing illnesses (new)

Ohio Professionals Health Program

Ohio Professionals Health Program (OhioPHP) is a contracted monitoring organization.

Contact OhioPHP: (614) 841-9690
or info@ohiophp.org

Website: www.ohiophp.org



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
- Failing to properly drape

And Any Other Behavior that is Defined in OAC 4731-26

Case E: Sexual Misconduct

Dr. E completed residency in general neurology and his master's thesis in neuroimmunology. He also participated in a Ph.D., postdoctoral research fellowship and obtained additional post-graduate training in clinical neurology. He was board certified in neurology.

Around April 26, 2019, he performed a breast exam a patient, who had been referred to him for a neurological exam. Dr. E neglected to employ disrobing or draping practices respecting the patient's privacy, to provide a chaperone, to appropriately explain the reason for the breast exam to the patient, and to properly document the reason and the result of the breast exam in the patient record. However, Dr. E asserted that the breast examination and the questions he posed to the patient were clinically appropriate.

Patient 1 asserted that the way Dr. E touched her breasts was different than any other breast examination she had received in the past by other physicians, and that she perceived his conduct as being sexual in nature. She also said that he asked her questions about her sexual function in a crude manner.

Board action: Permanent revocation and \$6,000 fine



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Best Practices

- 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

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Sexual Misconduct

Sexual Misconduct

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Handling of Sexual Misconduct Complaints

The State Medical Board of Ohio's Handling of Sexual Misconduct
Complaints

[Learn More](#)



Stakeholders



Patients & General Public



Licensees



www.ohiopmp.gov

- OARRS contains Rx history report for all controlled substances (schedule II-V)
- Statutes and rules define when OARRS report required

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
- 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 D: Sexual Misconduct/Prescribing

Dr. D completed 4 year residency in general obstetrics/gynecology, then 1 year fellowship in minimally invasive gynecological surgery. Board certified in obstetrics and gynecology.

On or about April 7, 2017, Dr. D prescribed oxycodone to Patient 1 without conducting an examination or documenting the prescription, and Dr. D shared and/or split the medication with Patient 1. Further, Dr. D engaged in sexual contact with Patient 1 in or around May or June 2017 and in late 2017 or early 2018, and he had not terminated the doctor-patient relationship prior to engaging in the sexual contact.

On or about February 27, 2018, Dr. D performed a medical procedure on Patient 2 and prescribed the patient Percocet. Dr. D asked Patient 2 for some of the medication if the patient was not going to use all of it and was given approximately 3-5 Percocet pills.

On or about March 16, 2018, Dr. D performed a medical procedure on Patient 3, and, during the procedure, Patient 3 was medicated and using a dating app on her phone. Dr. D made suggestions to Patient 3 on how she should respond to statements made by the man on the dating app and also suggested that Patient 3 ask the man to send her a picture of his penis.

Board action: Indefinite suspension for at least two years, \$18,000.00 fine, subject to conditions for reinstatement, probation for at least three years, permanent limitation requiring the presence of a third-party chaperone while examining female patients and prohibition from prescribing Schedule II controlled substances.



State Medical
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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 |



Other State's Prescription Databases

If you practice primarily in an Ohio county that borders another state, you must also obtain information from that neighboring state.

In OARRS, when making a request for a patient prescription history, you have the option to search other states as well.



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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 F: Duty to Report

After medical school, Dr. F completed an internship in general medicine and an internship in general surgery. He then completed a three-year residency in anesthesiology, followed by a fellowship in pediatric anesthesiology.

Dr. F was hired by the owner of a large pain management practice. He got along very well with the physician owner and noted that the owner was loved by his patients.

From 2010 through 2013, Dr. F failed to report to the Board complaints from patients and members of his staff that his medical partner had engaged in sexual misconduct and felonious acts with patients including holding female patients' hands on his thigh under his lead apron during procedures and inserting his thumb into the rectum of female patients during caudal procedures.

Board action: Permanent revocation and \$6,000 fine



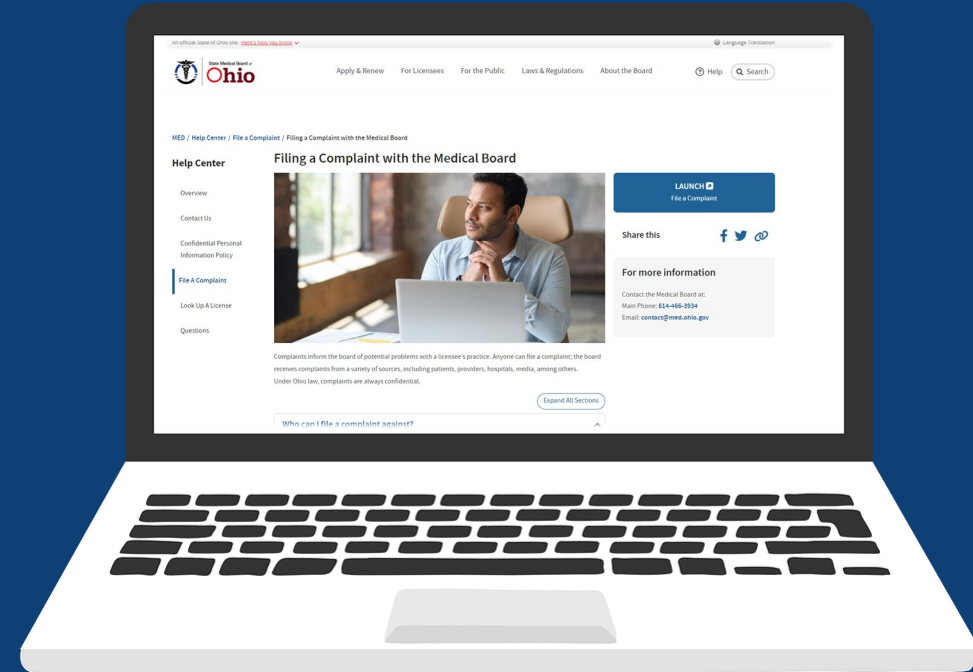
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Filing a Complaint

Online at med.ohio.gov

Confidential Complaint Hotline
1-833-333-SMBO (7626)

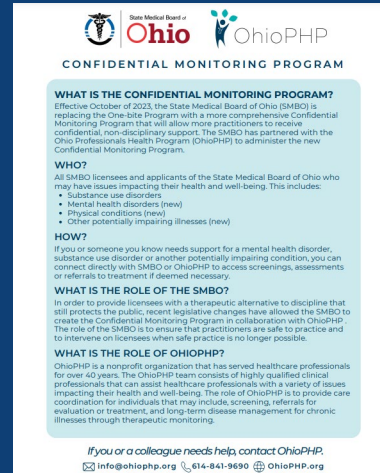
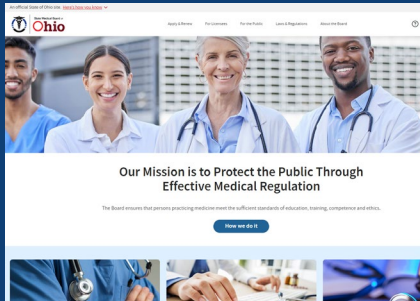


988 Suicide & Crisis Lifeline

988 offers 24/7 access to trained crisis counselors who can help healthcare providers experiencing mental health-related distress.

Website: 988lifeline.org





med.ohio.gov/for-the-public/resources/resources

Resources

Med Board Pulse

A podcast from the State Medical Board of Ohio



LISTEN, LEARN & SHARE



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Questions?

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