



State Medical Board of
Ohio

Introduction to the State Medical Board of Ohio

Jerica Stewart, Communications Officer

June 28, 2022

Agenda

- Medical Board operations
- Applying for a license
- Overview of the complaint and disciplinary process
- Examples of disciplinary actions from past board cases
- Resources and programs

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



Betty Montgomery, JD
President



Sherry Johnson, DO
Vice President



Kim Rothermel, MD
Secretary



Bruce Saferin, DPM
Supervising Member



Amol Soin, MD, MBA



Robert Giacalone, RPh, JD



Michael Gonidakis, JD



Michael Schottenstein, MD



Jonathan Feibel, MD



Harish Kakarala, MD



Yeshwant Reddy, MD



Mark Bechtel, MD



License Types

The Medical Board regulates more than 94,000 licensees.

Allopathic Physicians 44,780	Anesthesiologist Assistants 334	Massage Therapists 11,346
Osteopathic Physicians 7,796	Physician Assistants 5,140	Dietitians 4,865
Podiatric Physicians 981	Radiologist Assistants 16	Acupuncturists 294
Training Certificates MD-DO-DPM 9,251	Genetic Counselors 564	Respiratory Care 9,065

May 20, 2022



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 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:

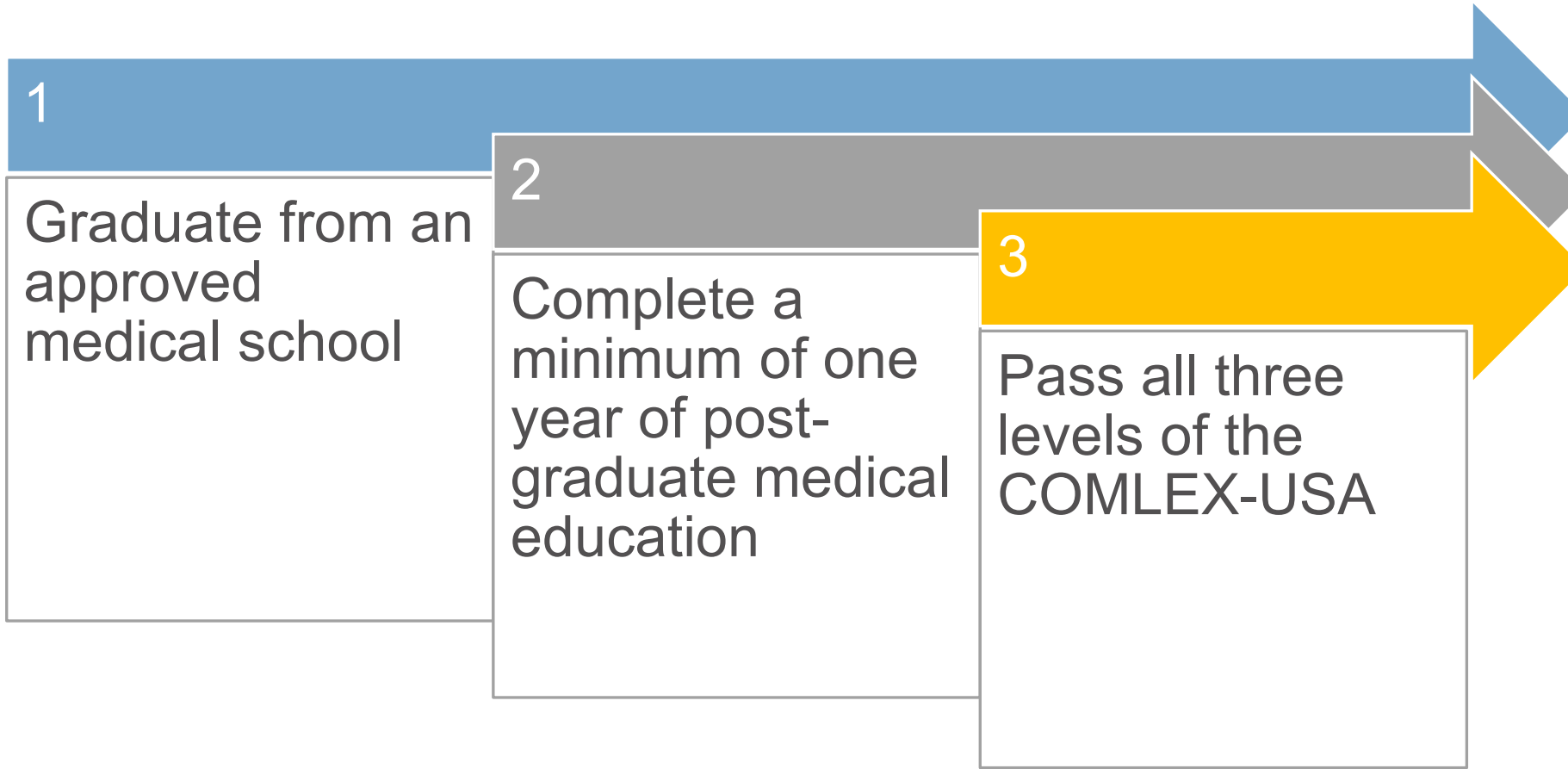
- Activities prescribed by or incidental to the training program
- Hospital or facilities for which the training certificate is issued

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 DO Medical License



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

WELCOME TO

Professional Licensure for the State of Ohio

[LOGIN / CREATE YOUR ACCOUNT](#)

Verify a License

To verify a license, select Individual or Business, enter search criteria and click Search to see the results.

[INDIVIDUAL](#) [BUSINESS](#)

OR

Board Name

[SEARCH](#)



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

eLicense.**Ohio**.gov

Pending	License has not been submitted
Submitted	Application and payment received
In review	Board staff have begun review - may have additional questions
Active	License to practice – may have sub status of probation
Inactive	Cannot practice in Ohio - may have sub status - expired



State Medical Board of

Ohio

Complaint Process



What is a complaint?

Any allegation of licensee misconduct received by the Medical Board

Complaints are confidential

Common Types of Complaints

Patient care and prescribing issues

Actions by other medical boards/agencies

Impairment of ability to practice safely

Criminal acts/convictions

Licensure & renewal issues

Sexual misconduct – ethical violations

Office practice management concerns



Disciplinary Actions

Ohio statute identifies grounds for board disciplinary action.

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

LAWriter® Ohio Laws and Rules

Route: [Ohio Revised Code](#) » [Title 47](#) » [OCCUPATIONS - PROFESSIONS](#) » [Chapter 4731: PHYSICIANS: LIMITED PRACTITIONERS](#)

4731.22 Disciplinary actions.

(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) 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;
- (2) Failure to maintain minimal standards applicable to the selection or administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease;
- (3) Except as provided in section [4731.97](#) of the Revised Code, selling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug;
- (4) Willfully betraying a professional confidence.

For purposes of this division, "willfully betraying a professional confidence" does not include providing any information, documents, or reports under sections [307.621](#) to [307.629](#) of the Revised Code to a child fatality review board; does not include providing any information, documents, or reports to the director of health pursuant to guidelines established under section [3701.70](#) of the Revised Code; does not include written notice to a mental health professional under section [4731.62](#) of the Revised Code; and does not include the making of a report of an employee's use of a drug of abuse, or a report of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section [2305.33](#) of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by section [2305.33](#) or [4731.62](#) of the Revised Code upon a physician who makes a report in accordance with section [2305.33](#) or notifies a mental health professional in accordance with section [4731.62](#) of the Revised Code. As used in this division, "employee," "employer," and "physician" have the same meanings as in section [2305.33](#) of the Revised Code.

(5) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any license or certificate to practice issued by the board.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

- (6) A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;
- (7) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;
- (8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;
- (9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;
- (10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;
- (11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;
- (12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;
- (13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;

ORC 4731.22 (B)

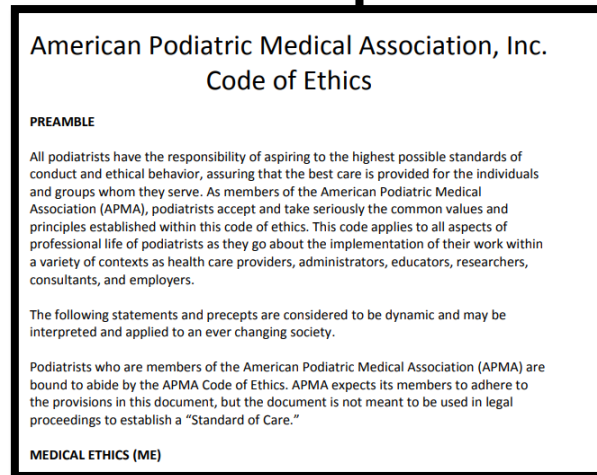
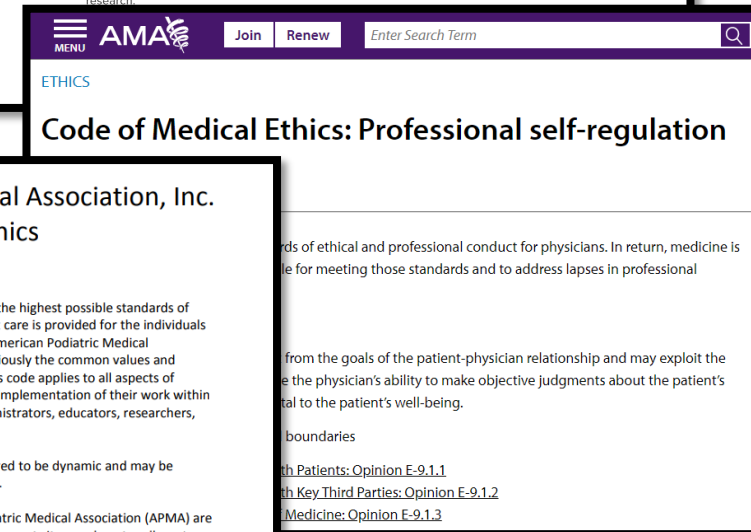
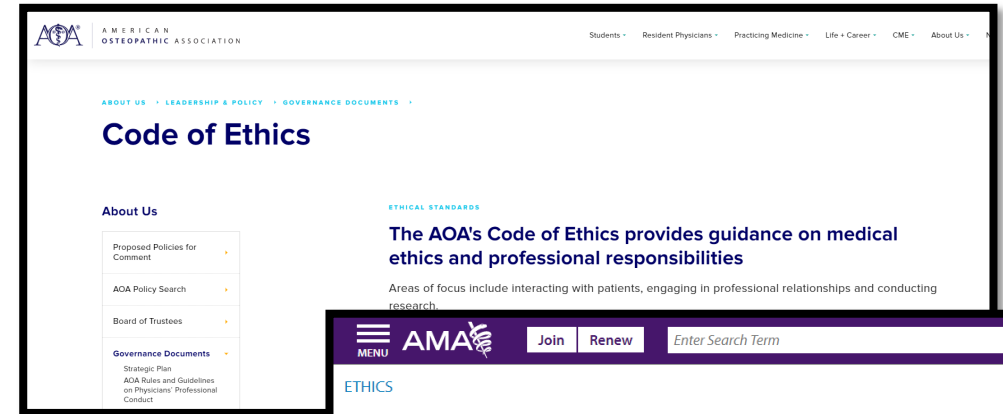


Professional behavior is a core competency expected of all physicians.

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



ards of ethical and professional conduct for physicians. In return, medicine is
le for meeting those standards and to address lapses in professional

from the goals of the patient-physician relationship and may exploit the
e the physician's ability to make objective judgments about the patient's
tal to the patient's well-being.

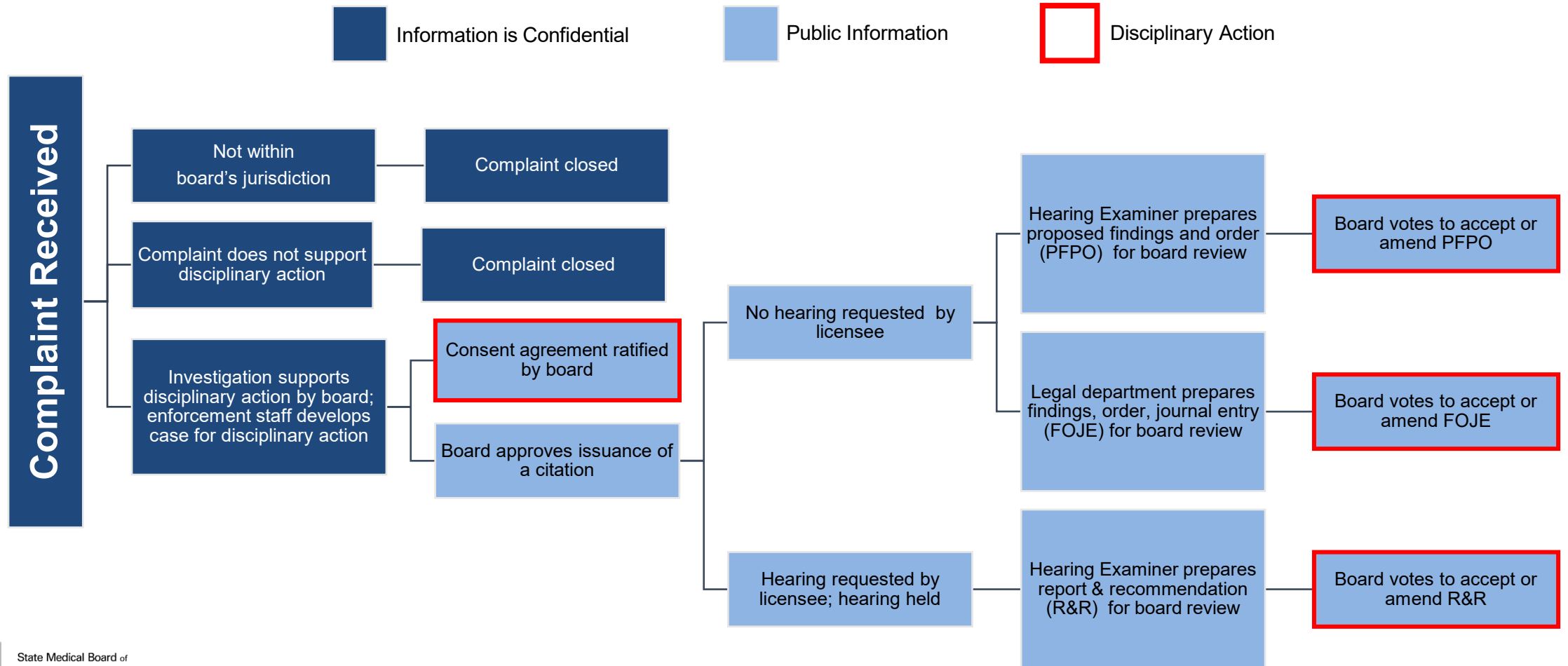
boundaries

th Patients: [Opinion E-9.1.1](#)

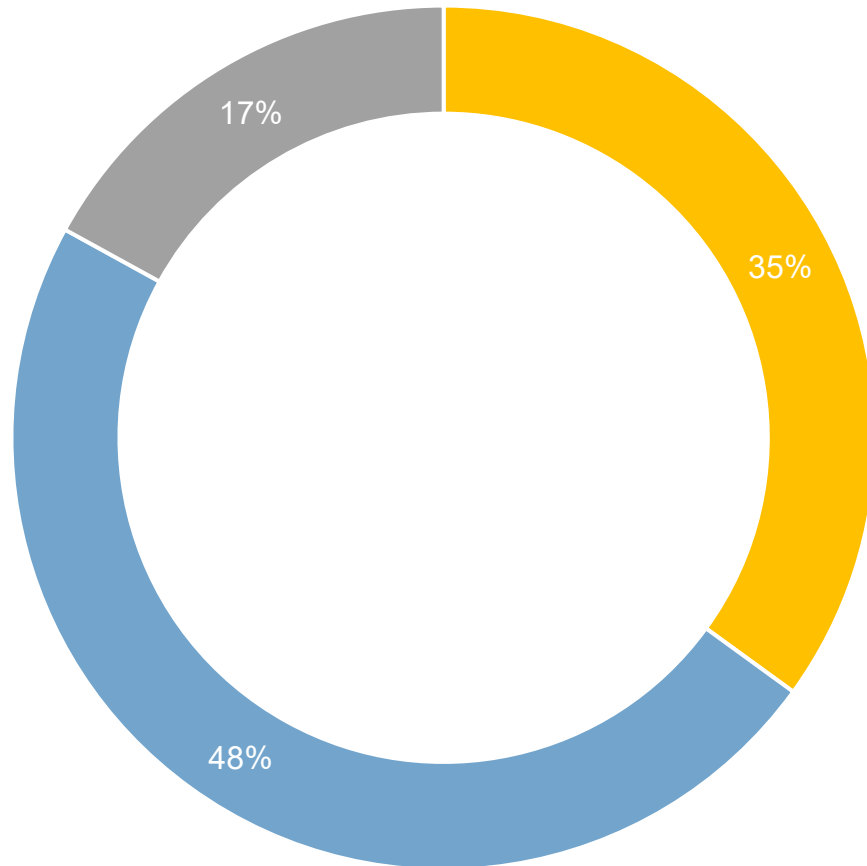
th Key Third Parties: [Opinion E-9.1.2](#)

Medicine: [Opinion E-9.1.3](#)

Complaint, Investigation, Enforcement and Disciplinary Process



Disciplinary Actions FY21



- **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

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](https://www.med.ohio.gov) and licensee profile on [elicense.ohio.gov](https://www.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.

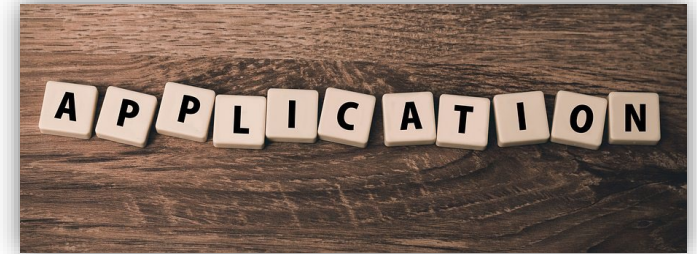
The Medical Board of Ohio has the authority to discipline for unprofessional behavior relating to the inappropriate use of social media and electronic communication ranging from a letter of concern to the revocation of a license.



Case: Application

Applicant failed to give the Board and his Ohio training program complete and accurate information regarding his termination from a residency program in another state, and the denial of his licensure application by a medical board in another state.

Board action: Permanent revocation of training certificate



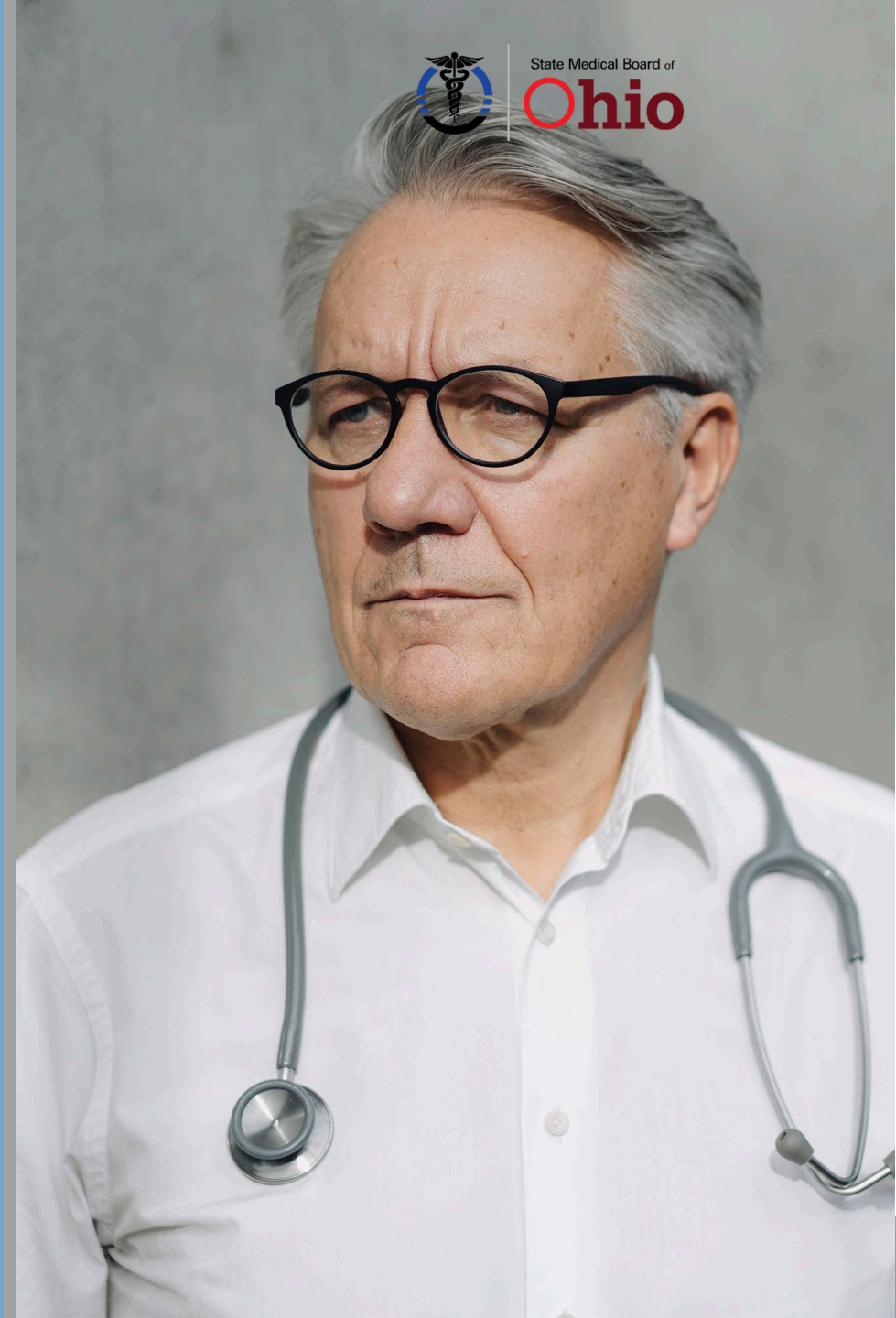
Case: Aggressive Behavior

Doctor licensed in Texas and Ohio 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





State Medical Board of
Ohio

Case: Cellphone in the OR

Doctor used cell phone to photograph a sedated male patient prior to a surgical procedure.

Board actions:

PA issued a 60-day suspension and probation

OH ordered a reprimand/probation for one year and professional ethics class





State Medical Board of
Ohio

Prescribing

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



www.ohiopmp.gov

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.



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

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



Chart #7 - OARRS Queries, by Year

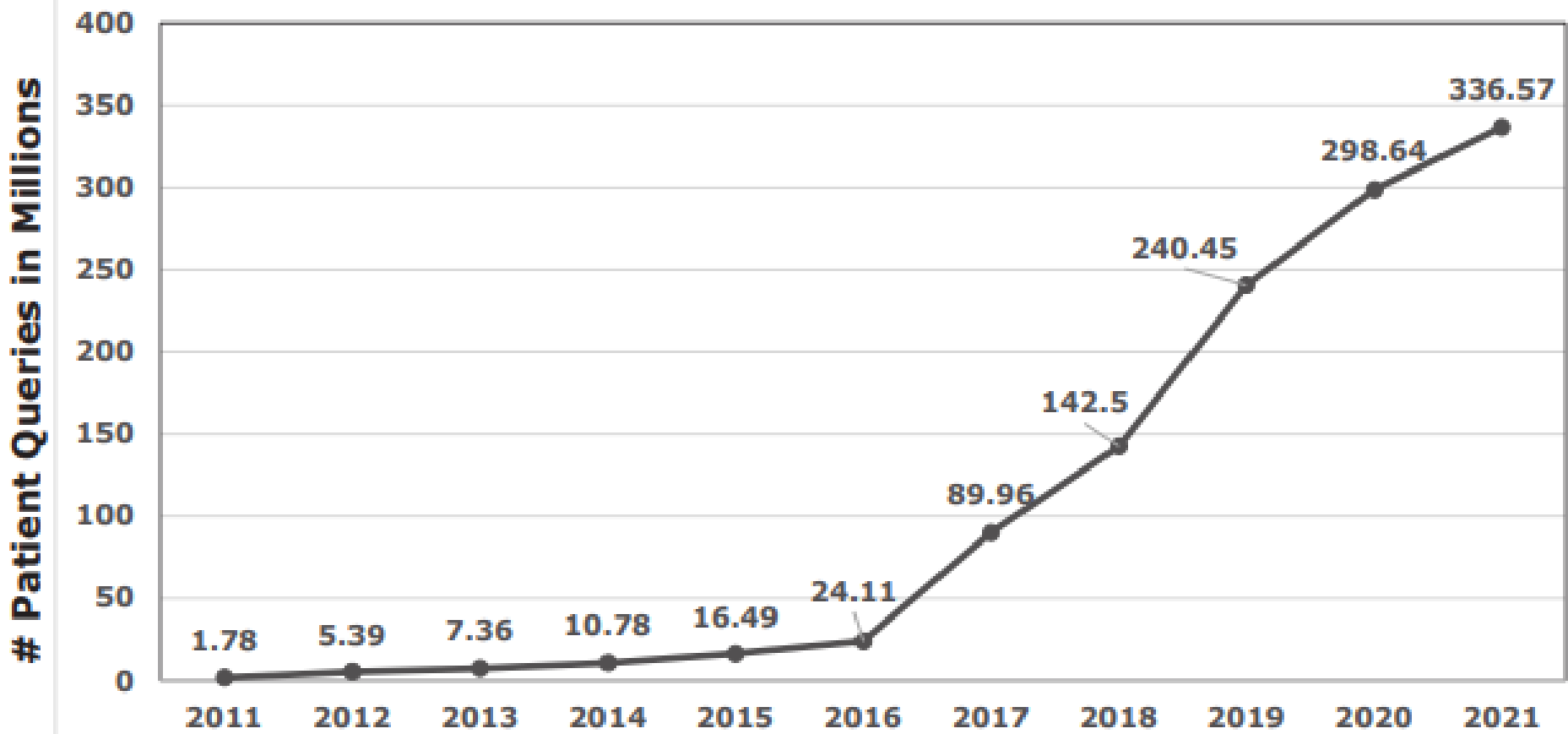
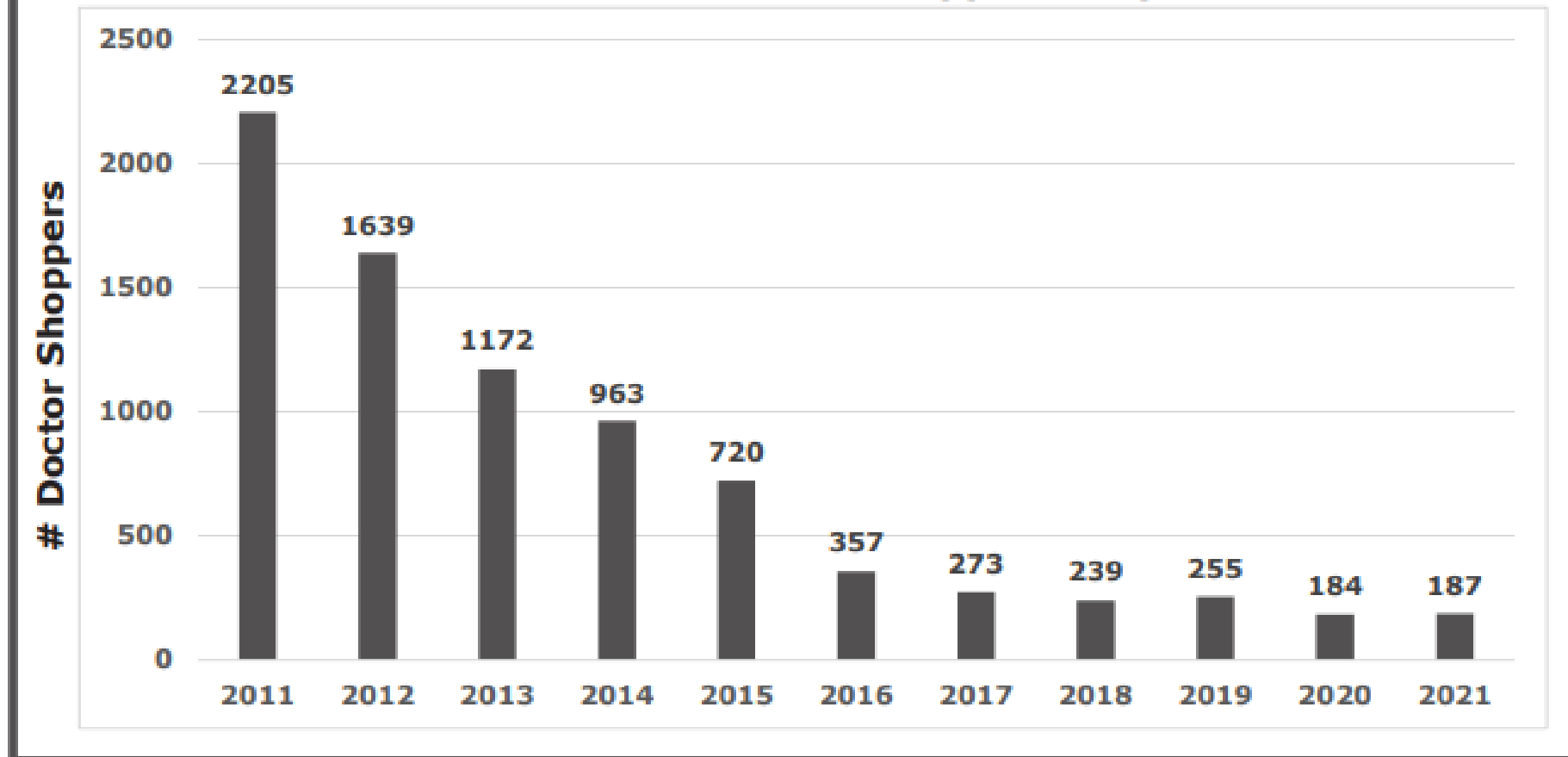


Chart #8 - Total Doctor Shoppers*, by Year



**In this chart, a doctor shopper is defined as an individual receiving a prescription for a controlled substance from five or more prescribers in one calendar month.*



Case: Supervising Physician

Attending physician directed at least one resident physician under his supervision in a training program to write prescriptions for Percocet or Vicodin in the name of the doctor's family member who had not been personally examined by the prescribing physician

Board action: Permanent revocation





Case: Family Prescribing

Physician 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





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

Code of Ethics

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: Prescribing & Sexual Misconduct

- 1) Doctor prescribed oxycodone to patient without exam or documentation, shared the medication, and had sexual contact
- 2) Doctor performed procedure then prescribed Percocet to patient and asked for unused medication
- 3) During a procedure, the doctor suggested the patient should ask for a sexually explicit picture on a dating app

Board action: At least a 2-year suspension, permanent limitation/restrictions to practice medicine including use of a chaperone and restriction to prescribe, write orders for, give verbal orders for, administer, or personally furnish any Schedule II controlled substance, \$18,000 fine, completion of courses, 3-year probationary period



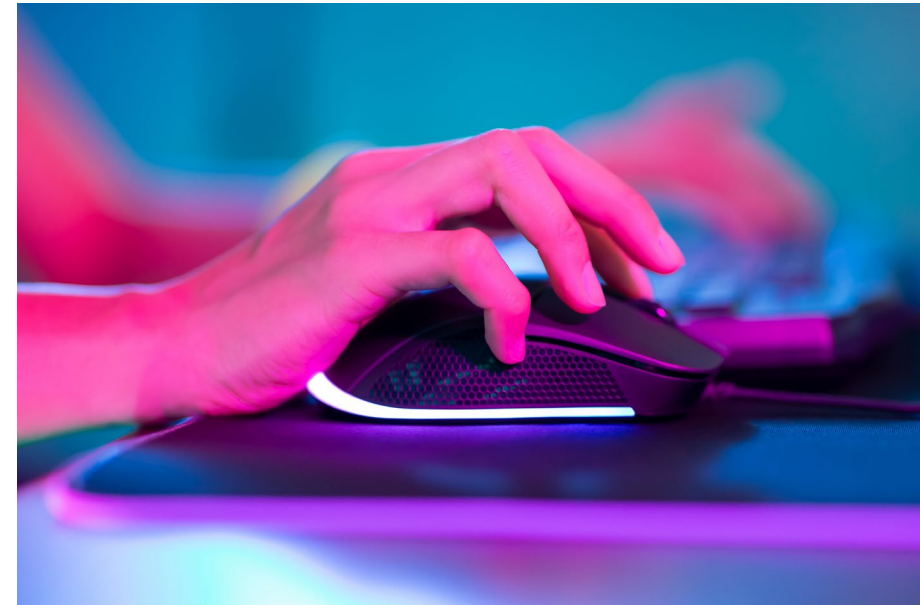
State Medical Board of
Ohio



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





Impairment

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.



Placeholder for video

3 min, resident describes substance abuse and probationary monitoring

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

Home About Services Donations Resources Contact Forms

DONATE TOXICOLOGY

Ohio Physicians Health Program

Mission: To facilitate the health and wellness of healthcare professionals in order to enhance patient care and safety.



SERVICES

<h3>Confidential Resource</h3> <p>OPHP serves as a confidential resource for healthcare professionals who may be affected by mental, emotional and behavioral illness, substance-related and addictive disorders, or other illnesses.</p>	<h3>Monitoring & Advocacy</h3> <p>Monitoring and advocacy services are available for healthcare professionals. OPHP specializes in providing assistance to healthcare professionals voluntarily seeking treatment or healthcare professionals licensed by the State Medical Board of Ohio who qualify for the One-Site Program allowing for confidential participation. Learn more here.</p>	<h3>Educational Outreach</h3> <p>Presentations are delivered on the prevention of mental, emotional and behavioral illness and substance-related and addictive disorders - and stress, burnout, suicide, and statutory guidelines for medical professionals.</p>	<h3>Wellness & Resiliency Program</h3> <p>OPHP is broadening its scope of services by offering resources, tools, and program services to support your wellness efforts. Click here to access Wellness & Resiliency Program services. Looking for wellness services? Contact OPHP today!</p>
---	--	--	--

OPHP provides a *compassionate, supportive,* and *safe* environment for healthcare professionals to receive confidential services to improve their health and well-being.

Our goal is to inspire physicians and other healthcare professionals to seek treatment and monitoring for their illnesses in order to ensure patient care and safety.

NEED HELP? CONTACT US

Follow 407 followers

Facebook Twitter YouTube

Ohio Physicians Health Program
130 E. Chestnut Street, Suite 400
Columbus, Ohio 43215
614.841.9690

Board Member Log-In
careers

© 2019 Ohio Physicians Health Program, Inc.

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

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

INVESTIGATIONS

Medical Board revokes license of second doctor at controversial pain clinic

The Ohio Medical Board voted to permanently revoke the medical license of Dr. Robert Geiger.

Author: Tom Meye
Published: 5:55 PM
Updated: 7:00 PM

MEDICAL BOARD RECORD—35.051474

LICENSE STATUS/DISCIPLINARY ACTIONS—*License Inactive; see [board actions](#) at the bottom of this blog post.*

STOW, Ohio --
Geiger.

Ohio doctor doesn't report pal's sexual abuse, loses license

The action was
former partner

Rarely do doctors pay the ultimate professional price for keeping quiet about sex abuse. But this spring, the code of silence cost one physician his medical license.

The board said
misconduct w

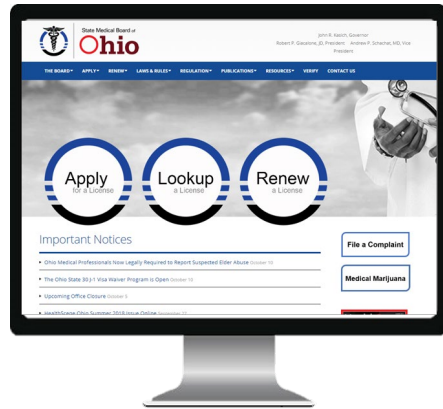
In March, Ohio revoked the license of **Dr. Robert S. Geiger** for failing to report complaints that his colleague [James Bressi](#) was sexually abusing female patients at their pain clinic.

"We don't see this kind of thing," said Dr. Anita Steinbergh, who has served on the state medical board for 23 years. "This is a very different case."

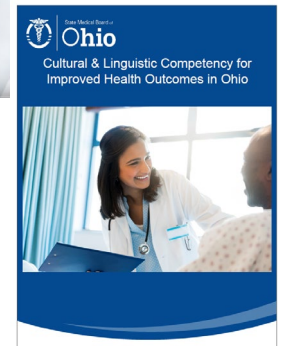
Among the evidence against Geiger was a rare trove of first-hand testimony from both patients and employees — as well as letters, written by Geiger himself, scolding Bressi. They laid out Geiger's apparent motive: concern not for patients, but for his friend and medical practice.

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





Social Media & Digital Communication Guidelines



Resources

med.ohio.gov/resources

Questions?





State Medical Board of

Ohio

Jerica Stewart

Communications Officer

State Medical Board

30 E .Broad St. 3rd Floor

Columbus, OH 43215

contact@med.ohio.gov

614-466-3934