

Introduction to the State Medical Board of Ohio

Jerica Stewart – Communications Officer
January 20, 2023

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 95,000 licensees.

Allopathic Physicians 45,186	Anesthesiologist Assistants 356	Massage Therapists 11,428
Osteopathic Physicians 7,903	Physician Assistants 5,227	Dietitians 4,917
Podiatric Physicians 988	Radiologist Assistants 17	Acupuncturists 299
Training Certificates MD-DO-DPM 9,211	Genetic Counselors 594	Respiratory Care 9,204

June 30, 2022



Licensure



Confidential investigations



Disciplinary actions



Probationary monitoring



Education & Outreach

Medical Board Core Services

License applications and renewals are completed through [elicense.ohio.gov](#).



WELCOME TO

Professional Licensure
for the State of Ohio

[LOGIN / CREATE YOUR ACCOUNT](#)

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

Verify a License

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

<input type="text" value="First Name"/>	OR	<input type="text" value="License Number"/>
<input type="text" value="Last Name"/>		<input type="text" value="Board Name"/> --None--
<input type="button" value="SEARCH"/>		

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 license.

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



State Medical Board of
Ohio

Complaint Process



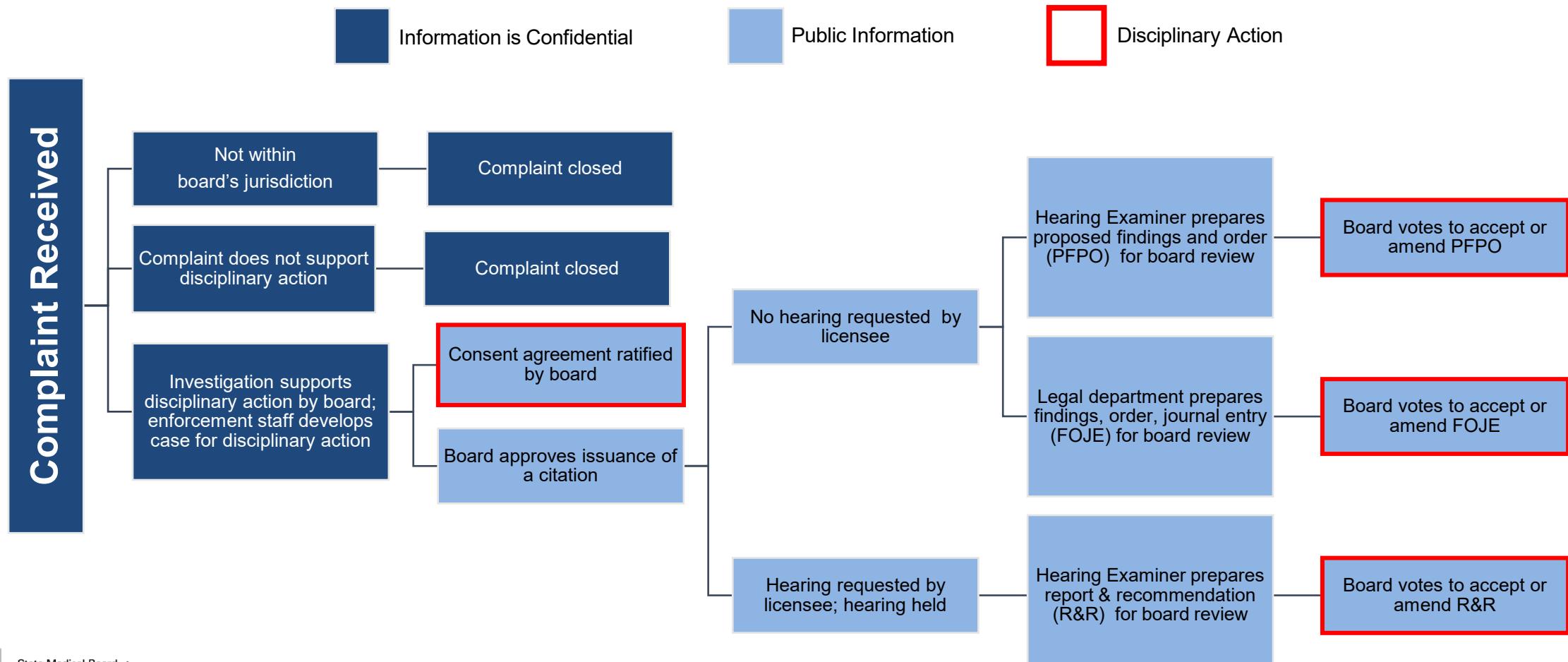
What is a complaint?

Any allegation of licensee misconduct received by the Medical Board

The board received 6,363 complaints in FY21

Complaints are confidential

Complaint, Investigation, Enforcement and Disciplinary Process



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.

 **LAWriter® Ohio Laws and Rules**
 Route: [Ohio Revised Code](#) • [Title 147: 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 for, 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)



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

AOA Code of Ethics (Screenshot 1):

The AOA's Code of Ethics provides guidance on medical ethics and professional responsibilities. Areas of focus include interacting with patients, engaging in professional relationships and conducting research.

AMA Code of Medical Ethics: Professional self-regulation (Screenshot 2):

Code of Medical Ethics: Professional self-regulation

APMA Code of Ethics (Screenshot 3):

American Podiatric Medical Association, Inc. Code of Ethics

PREAMBLE

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)

Examples of Violations



Sexual misconduct



Inappropriate
prescribing or
impairment



Criminal
actions/malpractice
events



Fraudulent
misrepresentation in
course of practice

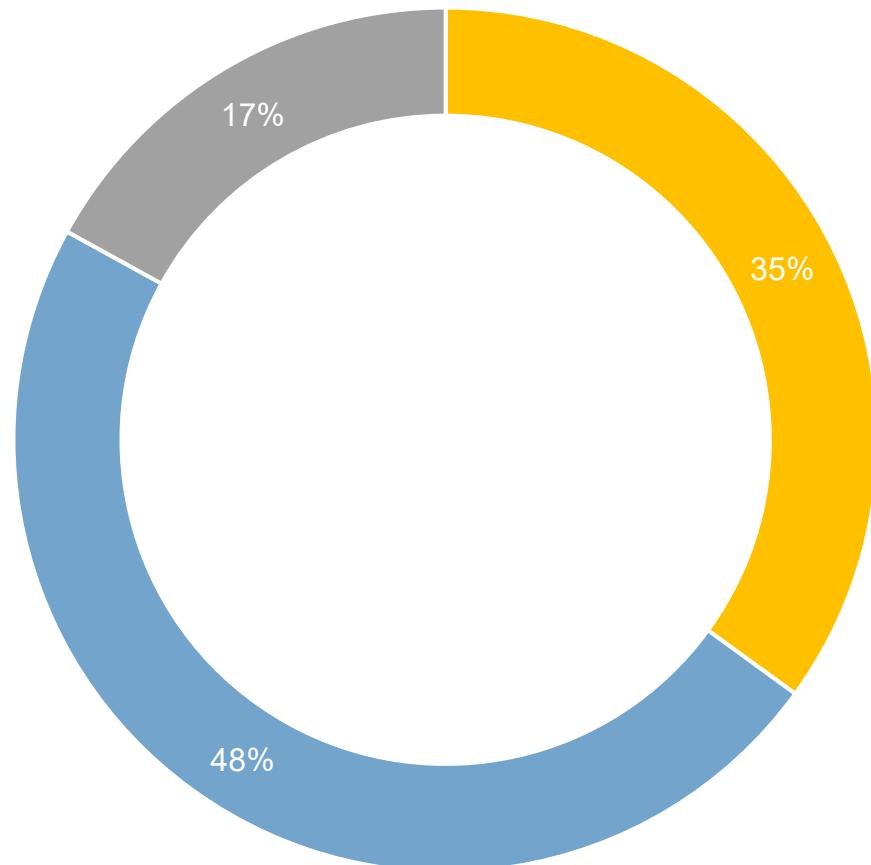


Patient privacy



Education & Training

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

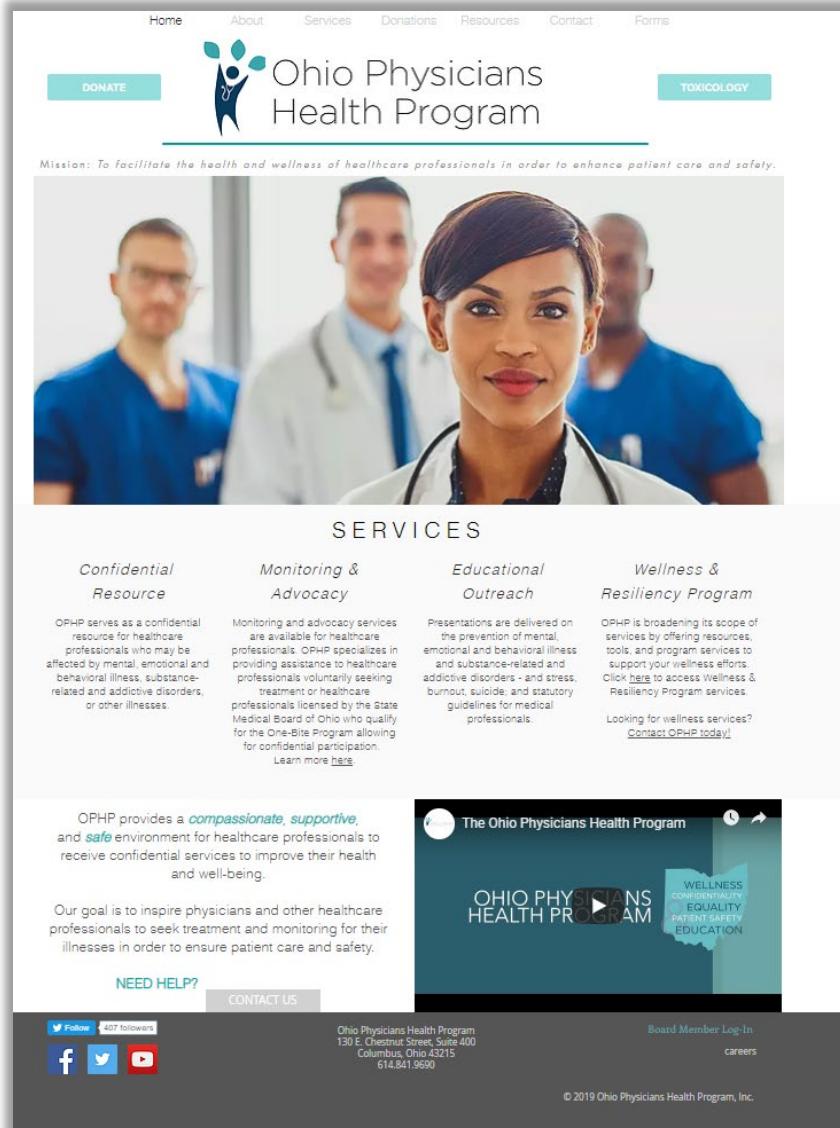
One-bite Program

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



The screenshot shows the homepage of the Ohio Physicians Health Program. At the top, there is a navigation bar with links for Home, About, Services, Donations, Resources, Contact, and Forms. Below the navigation is a "DONATE" button and the "TOXICOLOGY" section. The main header features the "Ohio Physicians Health Program" logo with a stylized figure icon. A mission statement follows: "Mission: To facilitate the health and wellness of healthcare professionals in order to enhance patient care and safety." Below the mission statement is a large, blurred photograph of three healthcare professionals (two men and one woman) in a clinical setting. The page is divided into sections: "SERVICES" (with "Confidential Resource", "Monitoring & Advocacy", "Educational Outreach", and "Wellness & Resiliency Program" sub-sections), "WEBSITE" (with a screenshot of the website), and "NEED HELP?" (with "CONTACT US" and social media links for Twitter, Facebook, and YouTube). The footer contains the address "130 E. Chestnut Street, Suite 400, Columbus, Ohio 43215" and the phone number "614.841.9690".

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



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

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

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

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



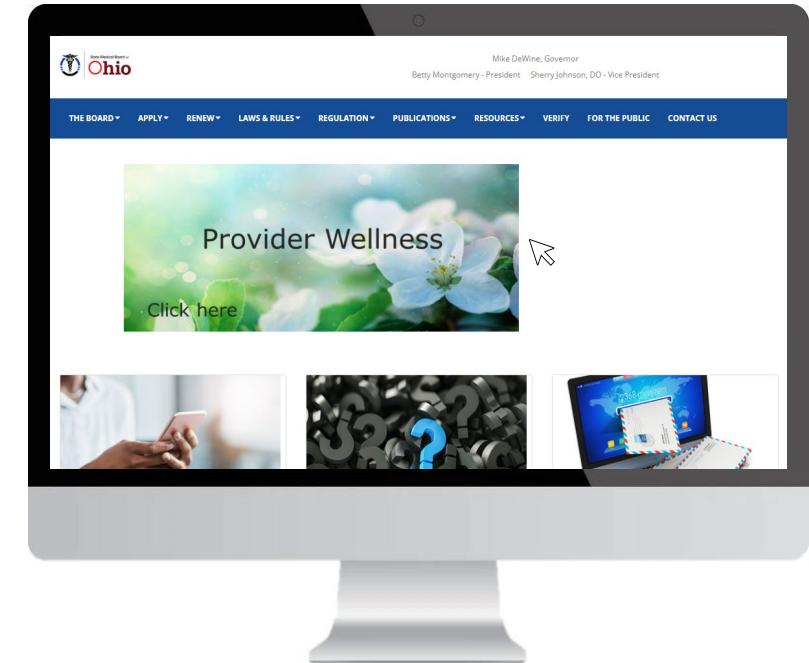
Resources

med.ohio.gov/resources

Provider Wellness

New Provider Wellness section on med.ohio.gov. Find resources that address:

- Mental health
- Addiction recovery
- Stress management



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.





Duty to Report

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 Meyer
Published: 5:55 PM
Updated: 7:00 PM

STOW, Ohio -- Geiger.

The action was taken against Geiger, 52, by the board after it learned he had engaged in sexual misconduct with his female patients during medical examinations.

MEDICAL BOARD RECORD—35.051474

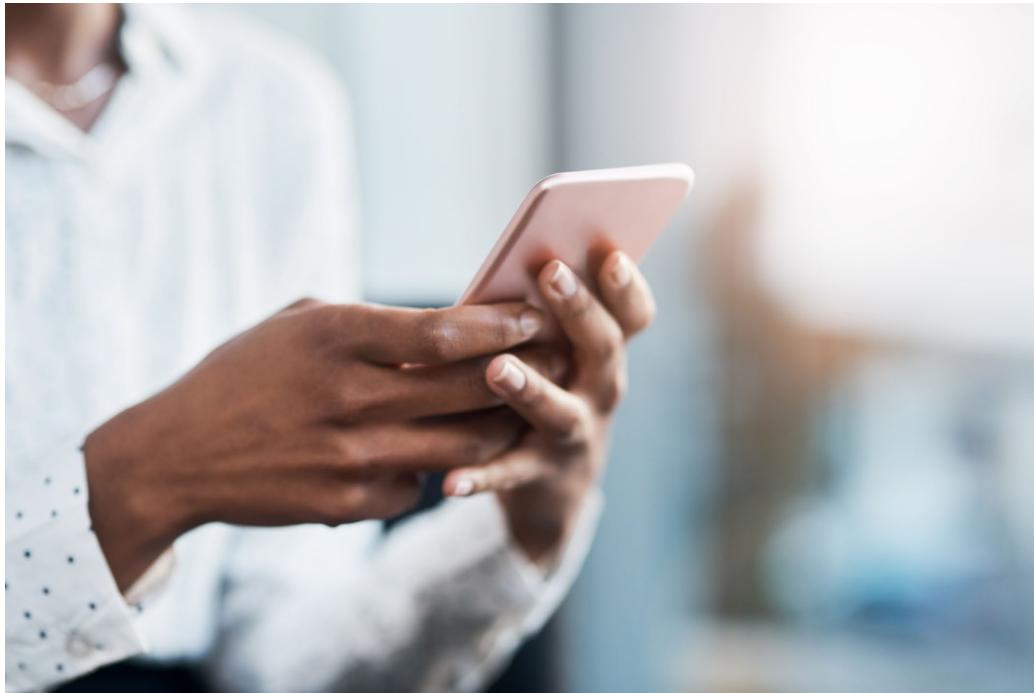
LICENSE STATUS/DISCIPLINARY ACTIONS—License Inactive; see [board actions](#) at the bottom of this blog post.

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

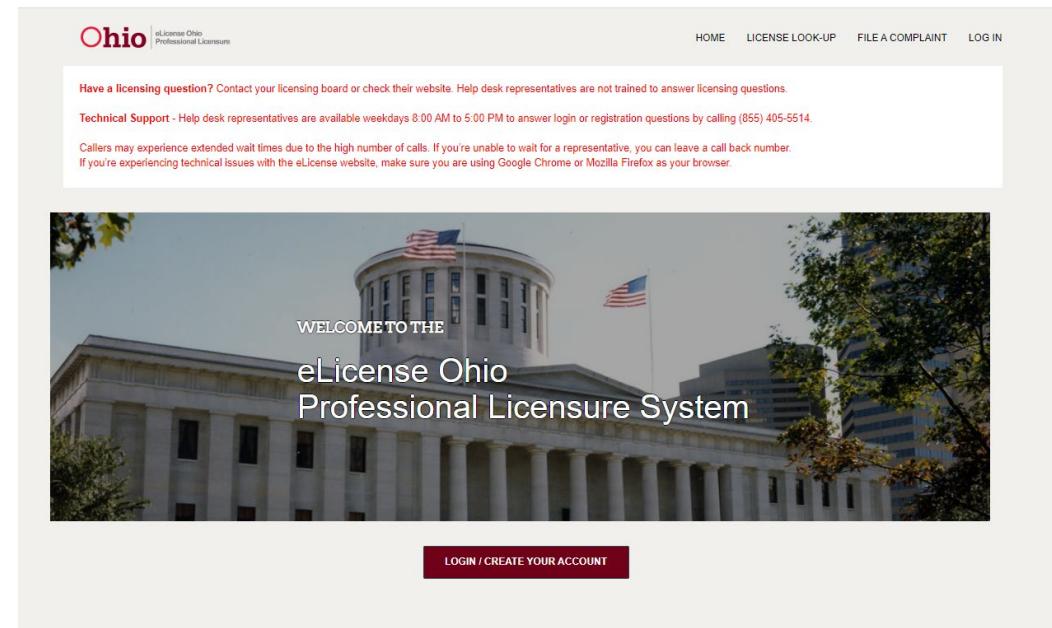
Rarely do doctors pay the ultimate professional price for keeping quiet about sex abuse. But this spring, the code of silence cost one physician his medical license.

Filing a Complaint

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



Online at med.ohio.gov



Ohio eLicense Ohio Professional Licensure

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 weekdays 8:00 AM to 5:00 PM to answer login or registration questions by calling (855) 405-5514.

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.

WELCOME TO THE
eLicense Ohio
Professional Licensure System

LOGIN / CREATE YOUR ACCOUNT

Jerica Stewart

Communications Officer

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