



June 3, 2020

Chairman McColley, Ranking Minority Member Antonio and members of the Senate Transportation, Commerce and Workforce Committee, my name is Stephanie Loucka and I am the Executive Director of the State Medical Board of Ohio (the “board”).

Thank you for the opportunity to testify on the occupational license review being conducted by this committee. As you may know, in September of 2019, my predecessor provided the board’s testimony before the House State and Local Government Committee for occupational license review. For consistency, and because we do not have final numbers for Fiscal Year 20, we have provided an only slightly updated version of the questionnaire presented to the House.

Today, I will share with you an overview of the board’s operational structure, our licensing structure, and our enforcement process and activities. I will end with highlights of a few areas of current focus for the board.

Operational Structure of the State Medical Board of Ohio

The board is composed of twelve members, including nine physicians (seven MDs, one DO, and one DPM) and three non-physician public members. The members are appointed by the Governor and serve five-year staggered terms. The Board and its subcommittees meet monthly and the agendas and meeting minutes are posted on the State Medical Board web site.

The board’s subcommittees include licensure, policy, compliance, finance, sexual misconduct, and medical marijuana. The board also has the following committees and councils set in statute: the Physician Assistant Policy Committee, the Dietetics Advisory Council, and the Respiratory Care Advisory Council. These committees/councils consist of appointed members from the respected professions. They discuss current professional trends and topics and formulate policy recommendations for the board. The board reviews the recommendations from the groups at the board’s monthly meetings.

The board’s mission is to protect and enhance the health and safety of the public through effective medical regulation, licensure and discipline.

As such, the board’s goals aim to:

- Ensure persons practicing medicine meet sufficient standards of education, training, competence, and ethics
 - Define and advocate for standards of safe medical practice
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- Prohibit persons from practicing medicine whose violations are so egregious as to forfeit the privilege
- Provide information about the licensees of the board, the board’s functions and operations, and the laws governing the practice of medicine
- Achieve and maintain the highest possible levels of organizational efficacy.

To help achieve its mission and goals, the board staff consists of approximately 80 individuals in the following sections: Licensure, Complaints, Investigations, Standards Review, Enforcement, Compliance, Administrative Hearings and Operations.

Board operations are funded exclusively through licensing and other authorized fees. The board receives no funding from the state’s general revenue sources and the board’s spending authority is authorized by the legislature through the biennial budget process. In FY19 the board received \$10,113,151 in revenue and began July 1, 2019 with a FY20 budget allotment of \$10,862,471.

State Medical Board of Ohio Licensing Structure

The board licenses and regulates thirteen different professions accounting for over 88,000 medical professionals. This is a growth in volume of over 32% in the past 5 years, and over 47% in the past decade. The professions licensed and regulated by the board include: allopathic physicians (MD), osteopathic physicians (DO), podiatric physicians (DPM), massage therapists (LMT), cosmetic therapists (CT), physician assistants, dietitians, anesthesiologist assistants, respiratory care professionals, acupuncture and oriental medicine, radiologist assistants and genetic counselors.

Board License types:

License Type	Total Active Licenses as of				
	6/30/19	6/30/18	6/30/17	6/30/16	6/30/15
Allopathic Physician – MD	42,007	42,265	41,533	40,665	40,222
Osteopathic Physician – DO	6,826	6,676	6,430	6,164	5,931
Podiatric Physician – DPM	981	956	977	969	984
Training Certificate – MD	5,812	4,589	3,989	3,594	4,341
Training Certificate – DO	2,046	1,409	1,162	1,071	1,147
Training Certificate – DPM	186	148	93	96	125
Telemedicine Licenses (MD-DO)	163	167	157	134	168
Acupuncturist – LAc	247	226	243	242	234
Anesthesiologist Assistant – AA	278	249	262	241	205
Cosmetic Therapist – CT	176	169	177	183	177
Dietitian – LD	4,353	4,275	NA	NA	NA
Limited Permit Dietitian – LD	11	23	NA	NA	NA
Genetic Counselor	377	288	265	221	171
Massage Therapist – MT	11,638	12,090	11,947	11,560	12,350
Mechanotherapy – DM	9	11	14	15	18
Naprapath – NAP	1	1	1	1	1
Oriental Medicine Practitioner– LOM	59	47	41	32	24
Physician Assistant – PA	4,149	3,706	3,506	2,720	2,962
Radiologist Assistant – RA	18	16	15	14	12
Respiratory Care Professional – RCP	8,391	8,633	NA	NA	NA
L1 Limited Permit – Respiratory Care	307	375	NA	NA	NA
L2 Limited Permit – Respiratory Care	4	8	NA	NA	NA
Total	88,039	86,327	70,638	67,922	69,072

The board continually works to find opportunities for qualified professionals to receive licensure in the State of Ohio. For example, through collaborative efforts and the passing of SB7, the board issued its first temporary Massage Therapy license on May 27, 2020 to an active duty military spouse.

All license applications and renewals are done through the State of Ohio's E-License software system. Recent changes in Ohio Revised Code and software adaptations permit a more streamlined approach to licensure, allowing for most applications and renewals submitted with complete information to be issued within a week. This allows the board to have one of the fastest licensure times for initial applications in the nation. Currently, the board's physician licensure fees remain at the lower end of the national scale with a licensure fee of \$305.00, where the national average is \$500.00; some states reach as high as \$1,000.00. The allied practitioners licensed by the board also remain in the lower end of the national average of the fee scale. The board has worked diligently to cut unnecessary and burdensome costs for its licensees to keep Ohio an affordable and viable option for medical practitioners.

State Medical Board of Ohio's Enforcement Process

In FY19, the board received 6,485 complaints against licensees. The board investigates all complaints within its jurisdiction. Investigations conducted by the board are confidential per ORC 4731.22(F). Investigations can be anything from a desk review to visiting our licensees in the field, to working with local, state or federal agents on major operations. The board's field investigators and supervisors are based throughout the state.

The board also has a section of enforcement attorneys. The enforcement attorneys prepare actionable complaints for potential board discipline. They do depositions, prepare interrogatories, and create and conduct settlement offers for licensees. They also prepare citations to take to the board for formal action. After the board issues a citation, if the licensee requests a hearing, the matter proceeds to the board's hearing unit. The hearing unit then creates a report and recommendation for discipline for the board to consider.

As part of both the investigation and enforcement activities, the board often contracts with expert witnesses. The expert witnesses provide the board with the information relative to the appropriate standard of care for the licensee. If the standard of care is violated, the board may pursue formal discipline. The board may also pursue discipline for impairment issues, over-prescribing, criminal misconduct, or actions taken by other boards or agencies.

The board took a total of 135 formal disciplinary actions in FY19 ranging from Revocation to No Formal Action.

Disciplinary Action	MD	DO	DPM	PA	MT	RCP	Physician Training Certificate	FY19 Total
Revocation	30	2	1	2	4			39
Indefinite Suspension	20	4		1	3	3		31
Definite Suspension	3		1		1			5
Probation	16	5	2	1		1	1	26
Reprimand	3							3
Surrender/Retirement	7	2			1	3		13
License Denial/Withdrawal	3				1	1		5
Summary Suspension	4	2		1				7
Immediate Suspension	1	3						4
No Further Action	1	1						2
Total	88	19	4	5	10	8	1	135

State Medical Board of Ohio Areas of Focus for FY20 and FY21

Education

The board works diligently to educate licensees and Ohioans about safe and effective health care. The board regularly prepares and distributes issues of the Medical Board eNews to licensees. This electronic newsletter keeps licensees abreast of policy and rules updates that impact their practice. In addition to the monthly eNews, the board also sends communications educating physicians with an active Certificate to Recommend (CTR) Medical Marijuana about the Ohio Medical Marijuana Control Program. In the continued fight against the nation’s opioid epidemic, the State Medical Board of Ohio launched several educational campaigns. The board created and disseminated an educational video and hand out to help prescribers comply with regulations on prescriptions for chronic and subacute pain.

Treatment for Impairment

The board is not only dedicated to ensuring the safe and ethical standards of education, training, and competence of its licensees, it also provides a means for the confidential treatment of impaired licensees through collaboration with the Ohio Physicians Health Program. Licensees who meet the criteria for the board’s one-bite program must complete an in-patient treatment (during which they cannot practice) and five years of after-care treatment. The program provides for adequate regulation and public safeguards, while offering the proper incentives and means for an impaired licensee to seek treatment and recovery so that they may continue to safely treat patients. We look forward to continued improvements with the operation of our program with the partnership of the Ohio Physicians Health Program.

The board will also continue to develop and improve its relatively new non-disciplinary track program for physicians impaired due to mental or physical health reasons.

Pandemic activities

During the current pandemic, the board has coordinated with our fellow healthcare boards and other state agencies to ensure our licensees have accurate, timely information. The board is actively working to guide our licensees through a transition to telemedicine, extended licensure renewal dates, and issued orders to relax continuing education enforcement until the state emergency orders are lifted. The Board and staff have provided consistent guidance and assistance where needed to all its licensees to assist with negotiating these uncharted waters.

Sexual misconduct

Over the past fiscal year, the board has spent a great deal of time on the board processes relative to sexual misconduct complaints, as well as a review of historical sexual misconduct complaints (complaints from the past 25 years). While the focus on sexual misconduct in the medical community is certainly a national effort, the board has a heightened focus due to the board's handling of the complaint against Richard Strauss. As part of this heightened focus, the board is also creating an educational campaign on a licensee's 'duty to report' misconduct of a fellow licensee.

Conclusion

The board will continue its work with the medical community, licensees, associations, employers, and the state legislature, to ensure the safe standards and practice of medicine. We will do so with a focus on efficiency and with regulations that make sense without being overly restrictive.

Mr. Chairman, committee members, again, I appreciate your time and interest in the occupational licenses issued by the State Medical Board of Ohio, and I am happy to answer any questions you may have.