

TO BE RESCINDED

4731-19-07

Confidential monitoring program.

- (A) A licensee who the board's secretary and supervising member have confirmed is infected with HIV or HBV and who performs invasive procedures and who is not participating in the evaluation and monitoring program run by ODH or by an institutional review panel approved by ODH shall participate in the confidential monitoring program. Upon identification of the infected licensee, the secretary will notify the board's compliance officer, who will be responsible for verifying the licensee's identity, license number, license status and specialties.
- (B) The compliance officer will contact the licensee being monitored to:
- (1) Provide copies of the board's rules in Chapter 4731-17 and 4731-19 of the Administrative Code and request the licensee's written agreement to comply with all requirements of those chapters;
 - (2) Request the licensee to identify in writing his or her treating physician, and to notify the board of any change of treating physician;
 - (3) Request the licensee to identify in writing the licensee's evaluation and monitoring panel, which shall be an institutional based review panel approved by ODH or an ODH review panel;
 - (4) Notify the licensee of the board's monitoring schedule, and request the licensee to contact the licensee's treating physician and evaluation and monitoring panel to authorize release of information to the board as requested; and
 - (5) Explain that confidentiality will be maintained so long as the licensee participates in the program and is not subject to board disciplinary action of a nature requiring disclosure of program information.
- (C) Three months after the board's initial notification, and every June and December thereafter, the compliance officer shall monitor compliance by contacting the licensee, the licensee's designated treating physician and the licensee's evaluation and monitoring panel. The method of monitoring will be determined by the board's secretary on a case-by-case basis in order to assure confidentiality.
- (1) The compliance officer shall request a written report from the licensee verifying the licensee's compliance with the requirements of Chapters 4731-17 and 4731-19 of the Administrative Code, updating the licensee's professional activities, and identifying any malpractice cases filed or decided against the licensee, any privilege actions or peer review organization actions taken

against the licensee, and any other problems the licensee has experienced. The licensee shall timely submit the report, providing the information requested.

- (2) The compliance officer shall request a written report from the licensee's designated treating physician concerning the licensee's health status, mental health status and the course of treatment being undertaken, including a list of the medications the licensee is on. The treating physician shall timely submit the report, providing all information requested.
 - (3) The compliance officer shall request a written report from the licensee's designated evaluation and monitoring panel concerning the licensee's professional performance, including the licensee's current ability to practice according to minimum standards of care and the licensee's compliance with all practice restrictions and monitoring requirements imposed by the panel and by the board.
- (D) The board's secretary and supervising member will review all reports received to determine if any action is appropriate. If the secretary and supervising member determine that current monitoring and restrictions are inadequate to assure public protection, they may implement additional monitoring requirements or practice restrictions.
- (E) The board's compliance officer shall maintain all records related to the confidential monitoring program in a locked, secure location. In order to ensure confidentiality of reporting, all reports, correspondence and memoranda shall use identification codes rather than names. The identification codes shall be provided by the board. Access to the key which identifies licensees to whom identification codes are assigned will be strictly limited to the board's secretary, supervising member, compliance officer, and other board staff as directed by the secretary and supervising member for action on a particular case.

Effective: 11/30/2016

Five Year Review (FYR) Dates: 08/16/2016

CERTIFIED ELECTRONICALLY

Certification

11/09/2016

Date

Promulgated Under: 119.03
Statutory Authority: 4731.05
Rule Amplifies: 4731.051, 4731.22, 4731.224
Prior Effective Dates: 7/31/96, 9/22/97, 2/29/04