

**Q. What may I do during the suspension period of my Board Order/Consent Agreement?**

A. The Board Order/Consent Agreement suspended your license to practice medicine and surgery (including osteopathic medicine and surgery, podiatric medicine and surgery, or any of the other branches or limited branches of medicine) in the State of Ohio for a minimum or specific period of time. While your license is suspended, you may not hold yourself out as a licensed practitioner and you may not receive payment for the performance of any service that would require holding a license. The Board has adopted a position paper on this subject which is available on our website at [www.med.ohio.gov](http://www.med.ohio.gov); click on "Policies and Positions" under the heading "Policies, Rules and Statutes." If you have found an employment opportunity and would like to know if it would be considered practicing without a license, feel free to contact Danielle Bickers, Compliance Officer, (614-644-9085) for assistance.

**Q. Will I be notified when documentation required by the Board Order/Consent Agreement is due?**

A. Unless you are late in submitting documentation, we will not contact you. It is suggested that you set up a calendar, or tickler file, to remind you when you need to send in reports to the Board. Plan on sending that paperwork around the end of the month prior to when it is due in the Board's office. You should have received a list of due dates for all of your reports, as well as documents needed for compliance, when you were sent the copy of the signed consent agreement; however, additional copies are also available on the website listed above.

- Q. I am a chemically impaired practitioner. Am I permitted to consume any alcohol or medication during the period of my probation?
- A. You may not take any medications that may be mood-altering unless a practitioner who has full knowledge of your chemical dependency history has prescribed them to you. It is your responsibility to inform any practitioner with whom you seek treatment, of your dependency history. Most over-the-counter medications are prohibited, as they contain mood-altering compounds, including cold medications and cough suppressants. You may take aspirin, Tylenol or ibuprofen. If you are prescribed a controlled substance, or other prescription drugs, inform your supervising physician and the Board, or provide copies of the prescriptions, to avoid any concerns over the results of your drug and alcohol screens. You shall abstain completely from the personal use of alcohol. You shall also abstain from the consumption of poppy seeds or any other food or liquid that may produce false results in a toxicology screen.

- Q. Where do I get consent forms for the release of reports, summaries, and records, for any treatment related to the Consent Agreement.
- A. The releases are not provided by the Board, but rather by each provider. You must sign release forms with your treating physicians or treatment programs so that the Board may monitor your progress and speak freely with your treating physicians. Be aware that some of the releases expire. So make sure there is always a current release on file. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Consent Agreement.

**Q. What is a Declaration of Compliance, and is there a form?**

A. The Declaration of Compliance is just that - a declaration that you have complied with the terms of the Board Order/Consent Agreement during the previous quarter. Failure to submit the required Declaration is a violation of the Consent Agreement and is grounds for further discipline. Submitting a Declaration that is false is also grounds for further discipline and may result in criminal prosecution. If you are not in compliance with a term of the Agreement, you must indicate the reason on the form in the area above your signature, or attach a signed statement. Copies of the Declaration, and any other document needed for compliance, are available on the website listed above.

**Q. Before whom do I make my personal appearances?**

A. Your first appearance is typically scheduled before the full Board. Unless there are issues concerning your compliance, subsequent conferences will be before the Secretary or Supervising Member and members of staff until the completion of your probation.

**Q. Am I notified when I am scheduled to appear?**

A. You should receive notification from the Board when your appearances are scheduled; however, it is your responsibility to know when your appearances will occur. If you do not receive a scheduling letter from the Board by the first of the month in which you are to make your appearance, please contact Danielle Bickers, Compliance Officer, (614-644-9085) immediately.

**Q. What should I do if circumstances prevent me from appearing as scheduled?**

**A. If you have an emergency that prevents you from making your personal appearance, contact Danielle Bickers, Compliance Officer, (614-644-9085) immediately by telephone and follow up in writing. The Board may undertake certain steps to verify the reason that you were not able to attend. For example, if you are too ill to appear for an office conference, be prepared to provide a physician's excuse.**

If your appearance is rescheduled for whatever reason, another appearance date will be scheduled for the following month. Subsequent appearances will not be bumped forward. You will be brought back in as was originally planned in the Agreement. Failure to attend a scheduled personal appearance without proper notice is a violation of the Consent Agreement, and may result in further discipline.

- Q. How do I go about finding a supervising physician and what are our individual responsibilities to the Board?
- A. You might choose the Ohio Physicians Health Program (OPHP) to serve as your supervising physician. The Board has a Memorandum of Understanding with OPHP that whomever they choose as your "monitor" will be an appropriate person; therefore, you will not need to seek separate Board approval, but you will be required to notify the Board of your choice. If, however, you are not being supervised by OPHP, you will need to submit for Board approval the name of a physician who will be willing to supervise your drug and alcohol screens and submit reports to the Board on a quarterly basis. You will also need to submit a copy of that physician's curriculum vitae so that the Board can assess his/her suitability to serve in that capacity.

The supervising physician will make quarterly reports to the Board certifying that the urine screens have been conducted according to the terms of the Consent Agreement. The supervising physician will also forward a copy of the actual laboratory report to the Board. Those reports are due the same months as referenced above.

It is your responsibility to assure that the supervising physician is fulfilling these responsibilities. If you become aware that the supervising physician is not fulfilling the requirements under the Consent Agreement, or is unable to serve in that capacity, you must notify the Board immediately and make arrangements for another supervising physician.

Q. What are my responsibilities concerning drug and alcohol screening?

A. If you are required to submit to drug and alcohol urine screens as part of your probation, the screens must be conducted on a random basis. This means that you may be contacted at any time of day, on any day of the week, to submit a specimen. The screens need to be witnessed. If that is not happening, contact Danielle Bickers, Compliance Officer, (614-644-9085) immediately. [To view the Board's discussion paper on Biological Fluid Testing to assist you in your submission to urine screenings, click here.](#)

If you do not receive a call to submit a specimen as required by the Board Order/Consent Agreement, contact the supervising physician and the Board immediately. It is your responsibility to ensure that the screen is done.

In the event that you should relapse, you must notify the Board immediately.

The Board retains the right to require you to submit a blood or urine specimen at any time and at your expense. Your refusal to submit a blood or urine specimen upon the Board's request shall result in a minimum of one-year actual license suspension.

Q. My primary drug of choice is alcohol. Is there any other type of screening acceptable to the Board?

A. In addition to the random urine screens, you may be required to submit to random saliva screenings for alcohol. The specific type of testing devices and the ranges must be acceptable to the Secretary of the Board.

The saliva specimens are obtained on a random basis, and the collection will need to be witnessed by a reliable person. The supervising physician, as nominated and approved to collect the urine specimens, will report the results to the Board on a quarterly basis.

In the event of a positive screening result, you shall immediately submit to a blood screening for alcohol.

- Q. What is the process for obtaining Board approval of an assessing/treating/monitoring psychiatrist/physician?
- A. You will need to submit the name and curriculum vitae of a psychiatrist/physician of your choice, within thirty days of the effective date of the Board Order/Consent Agreement. Those materials are received in the Board offices, they will be presented to the Board for approval on the next available agenda. The psychiatrist/physician will forward quarterly reports to the Board stating whether you have complied with your psychiatric/medical treatment plan, whether any changes have been made to that plan, your current mental status and progress made in treatment, and the results of any laboratory studies.

It remains your responsibility to ensure that the quarterly reports are forwarded to the Board at the same time as your quarterly Declarations. Those reports are due the same months as referenced above.

- Q. My Board Order/Consent agreement requires me to participate in an alcohol and drug rehabilitation program. If I want to attend a meeting that may not be nationally recognized, may I? Does it matter how I accrue the required number of meetings? How do I document my attendance?
- A. Probationers required to undertake and maintain participation in an alcohol and drug rehabilitation program, generally choose programs such as A.A., N.A., C.A., or Caduceus. If you would like to substitute another program, you must seek the Board's approval prior to your attendance. Aftercare meetings do not count as one of the required meetings. "Averaging" is also not permitted. For example, if you're required to attend three meetings a week, you cannot attend four meetings one week but only two the next.

You must submit a record of your attendance at the same time that you submit your quarterly Declaration. We encourage you to use the log form with which you were provided when first contacted by Danielle Bickers, Compliance Officer, (614-644-9085). The log must be actually signed by the secretary or chair of the meeting. The original log must be submitted at the same time you submit your quarterly Declaration.

- Q. How soon may I begin doing the things necessary for reinstatement of my license, if my license has been suspended?
- A. You do not need to wait until the term of suspension is completed before you start the process of reinstatement. In fact, it is suggested that you contact the Board approximately three to four months prior to your eligibility for reinstatement. Keep in mind; however, that any reports generated following an assessment must be based on an assessment performed not more than three months prior to your reinstatement.

When you are ready to apply for reinstatement, you will need to submit a letter to Barbara A. Jacobs, Public Services Administrator. You will receive a written response from Ms. Jacobs outlining the steps you will need to take in order to reinstate your license. Ms. Jacobs can be contacted directly at (614) 387-0794.

In order to expedite the reinstatement process, please provide a copy of the two-year aftercare contract that you had entered into with the Board-approved treatment provider.

**Q. I've completed all the terms of my Step I consent agreement. What happens next?**

**A. When you meet all of the terms required for reinstatement, an Enforcement Coordinator will contact you to negotiate the terms of your Step II Consent Agreement. Please be aware that any terms established by the Step II Consent Agreement will remain in place for a minimum of one year. So make sure that those requirements are things that you can work with for at least a year.**

**Q. Who do I need to notify about my Board action?**

- A. The Board Order/Consent Agreement requires that you provide a copy of the actual Board Order/Consent Agreement to all employers, hospitals where you have privileges, and entities with which you are under contract to provide healthcare services within thirty days of the effective date of the Agreement. This requirement includes insurance companies, such as HMOs, etc.

You are further required to send a copy to all states in which you currently hold a license or certificate. This notice must be sent by certified mail and a copy of the return receipt needs to be returned to Danielle Bickers, Compliance Officer, (614-644-9085). Remember to put your last name on the green card for identification purposes.

Q. Can I go on vacation or leave the state during my probation?

A. If you make travel plans that will necessitate a request to waive certain portions of the Consent Agreement, such as drug and alcohol rehabilitation meetings or urine screens while you are gone, you must request in writing that the specific provision be waived and receive approval before ceasing any of the requirements under the Agreement. Failure to provide sufficient time to consider your request may result in a denial.

If you plan on living or practicing outside of Ohio, you would need to request approval from the Board to continue with the terms of the Order, and you will need to establish monitoring while outside of the state. For example, you may need to find a new *supervising physician or monitoring physician* for Board approval. If you do not get approval from the Board, the Order essentially gets put on hold. You may find that if you return to Ohio several years later, your license would still be in a probationary status. If you plan on leaving Ohio, contact Danielle Bickers, Compliance Officer, (614-644-9085) for assistance in fulfilling this requirement.

If you move and change your address, you must send written notification to the Board within thirty days of the date of your move. This is to ensure that all notices are sent to the correct address and that you will receive any further communications from the Board in a timely fashion.

Q. **Who has access to the information contained in my Board Order/Consent Agreement?**

A. The Board Order/Consent Agreement is a matter of public record and may be reported to appropriate organizations, data banks and governmental bodies. A summary of the action and a copy of the actual Consent Agreement are also available on the Board's website.

- Q. My Board Order/Consent Agreement includes a requirement that I “Obey all federal, state, and local laws, and all laws governing the practice of medicine.” What happens if I get a parking ticket?
- A. Generally speaking, a parking violation won’t necessarily result in further Board action; however, other traffic citations, or any other violation of law that may not normally bring you to the attention of the Board, may be grounds for possible discipline while under the Order/Agreement. Rules governing the practice of medicine in the State of Ohio are available on the above referenced website.

Q. After my license is reinstated, must I continue with my Aftercare/Physician Health Program?

A. You shall maintain continued compliance with the terms of the aftercare contract entered into with your treatment provider and with the advocacy contract entered into with the Ohio Physicians Effectiveness Program. If you choose to work with another physician's health program, you would need to submit a written request to the Board, for their approval.

- Q. My Board Order/Consent Agreement requires that I get Board approval of a practice plan before I can initiate practice. How do I go about this?
- A. You provide a copy of a detailed practice plan to Danielle Bickers, Compliance Officer, (614-644-9085), who will, in turn, present the plan to the Board at the earliest possible meeting. Approval from the Board must be received for any medical practice or employment related to the health care fields. The Board will consider things like the adequacy of supervision and the feasibility of restricted access to controlled substances.

You will need to obtain the Board's prior approval for any alteration of the practice plan.

**Q. How do I proceed if my Board Order/Consent Agreement requires me to have a monitoring physician?**

**A. Before engaging in any medical practice, you must submit the name and curriculum vitae of a monitoring physician who practices in the same locale and is engaged in the same or similar practice specialty. That information will be presented to the Secretary and Supervising Member for approval. You are not to begin actively treating patients until the monitoring physician is approved.**

The monitoring physician must be willing to review your patient charts and report to the Board on a quarterly basis. The Board will determine the frequency and number of charts to be reviewed on the next available agenda; so in making your request, be specific about the types of practice you and your monitor have and how many patients you may see so the Board can approve a reasonable amount of charts to be reviewed.

The monitoring physician's reports will be due the same months as referenced before and can be submitted on his/her letterhead. The report should reference the review of patient charts, to include whether the history/examinations were appropriate; whether impressions are cohesive; and whether the selected treatment appears reasonable.

The report is also to include his/her observation of your adherence to the terms of the Order, and evaluation of your recovery and job performance.

It is your responsibility to assure that the monitoring physician is fulfilling these responsibilities. If you become aware that the monitoring physician is not fulfilling the requirements under the Order, or is unable to serve in that capacity, you must notify the Board immediately and make arrangements for another monitoring physician.

**Q. What are the requirements for maintenance of a log of controlled substances**

A. The controlled substances log must be submitted to the Board thirty days prior to the other required documentation. On the log, you must legibly document all controlled substances you have prescribed. You shall not administer, personally furnish, or possess any controlled substances, without prior Board approval. If you have not prescribed any controlled substances in the last quarter, simply indicate that on your declaration of compliance.

**Q. What happens if I fail to comply with my probationary terms?**

A. If the Board notifies you in writing that you have failed to comply with any term of the Board Order, the probationary clock stops running until you have brought yourself back into compliance. Further, after giving you notice and opportunity to be heard, the Board may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of your certificate.

**Q. What do I do if I want a change in my probationary terms?**

A. You will be under the terms of this Board Order/Consent Agreement for a minimum of one year. After one year, however, there are various terms that may be modified by the Board. For example, at some point you would be eligible to request that the frequency of appearances be reduced from three months to six months.

When you near the end of the first year of probation, staff will discuss the possibility of any term revisions.