

Consumer Guide



State Medical Board of Ohio
30 E. Broad St., 3rd Floor
Columbus, OH 43215-6127
(614) 466-3934

This information is provided as a public service and no user may claim detrimental reliance thereon.

INTRODUCTION

Sometimes, health care services can fall below a patient's expectations. As a health care consumer, you should know what you can do to ensure that you receive quality health care. This means knowing what to do when the care you receive is not of the quality you deserve.

Did you know that the State Medical Board of Ohio

- licenses physicians and limited branch practitioners; and
- regulates physicians and limited branch practitioners; and
- receives and investigates complaints regarding quality of care and competency issues?

This *Consumer's Guide to the State Medical Board of Ohio* is designed to answer questions you might have as a patient, as well as tell you what the Medical Board can do for you.

This booklet provides you with a step-by-step guide through the complaint process. It is hoped that this information will encourage you to contact the Medical Board when you have legitimate concerns about your physician or other health care providers.

Consumer complaints are an important and direct source of information about the competency of health care professionals and the quality of care they provide. Complaints also show Medical Board officials that consumers are watching the actions the Board takes on behalf of the public.

WHAT IS THE STATE MEDICAL BOARD? WHAT DOES IT DO?

The State Medical Board of Ohio (OSMB) is the state agency that administers Ohio's regulatory laws for allopathic physicians (M.D.s), osteopathic physicians (D.O.s), podiatric physicians (D.P.M.s), physician assistants (P.A.s), acupuncturists (R.A.C.s) and anesthesiologist assistants (A.A.s), as well as for practitioners of the limited branches of medicine such as massage therapists (L.M.T.s) and cosmetic therapists (C.T.s). The Medical Board also regulates mechanotherapists (D.M.s) who were licensed before 1992.

In addition to regulating allopathic, osteopathic, and podiatric physicians, and limited branch practitioners, the Medical Board is responsible for granting licensure to these professionals. Practitioners licensed by the Medical Board are called "licensees". Physician assistants are registered with the Board since they do not practice independently of a supervising physician. The OSMB reviews and approves supervisory plans for physician assistants working outside of a health care facility. The supervisory plans permit the physician assistant and their supervising physicians to practice under the terms of the plan.

The OSMB also handles general consumer complaints about its licensees and may directly discipline those who violate the public health and safety standards set by the legislature and the Board. The OSMB may refer a complaint to a more appropriate agency, if necessary.

The OSMB does not license chiropractors, dentists, nurses, psychologists, physical therapists, and a number of other health care providers. Complaints about these professionals should be directed to the regulatory agencies by which they are licensed.

WHO ARE THE MEMBERS OF THE MEDICAL BOARD?

The OSMB has twelve members: nine physicians and three members of the public. All of the Board members are appointed by the Governor to serve on the Board for five years. Board members may be reappointed. The Medical Board meets once a month. All OSMB meetings are open to the public unless otherwise noted. You can obtain a list of meeting dates from the Medical Board's website – med.ohio.gov – or by calling Public Inquiries at (614) 466-3934.

WHAT KINDS OF COMPLAINTS DOES THE MEDICAL BOARD HANDLE?

The Medical Board can discipline its licensees for violations of the Medical Practices Act. Grounds for discipline include:

- impairment of ability to practice due to drug or alcohol abuse, or due to physical or mental illness
- failing to meet minimal standards of care in treating patients
- prescribing drugs in an inappropriate manner or without legitimate reason
- inappropriate sexual conduct
- conviction of a misdemeanor in the course of practice or conviction of a felony
- falsifying information; fraud
- performing duties beyond the scope of a license
- failing to meet continuing medical education requirements

WHAT KINDS OF COMPLAINTS ARE NOT HANDLED BY THE MEDICAL BOARD?

The Medical Board cannot:

- help you sue a health care provider for money
- handle a fee dispute between you and your physician

- resolve disputes about insurance reimbursement or get money back that you feel is owed to you
- resolve questions about disability compensation
- discipline practitioners who are not licensed by the Medical Board (for example, a doctor licensed in another state, or a person licensed by another state agency, such as a nurse or a physical therapist)

The OSMB will answer any questions you may have about whether we can handle your complaint. If the OSMB cannot handle your complaint, you may be referred to another agency.

DO I NEED AN ATTORNEY TO HANDLE MY COMPLAINT?

You do not need an attorney to file your complaint with the OSMB or to follow through with it. The Medical Board can take action against a health care provider's privileges to practice, but it cannot help you sue a health care provider for money.

HOW DO I FILE A COMPLAINT?

You may file a complaint with the Medical Board by mail or by telephone.

To file a complaint by mail: Send a letter to the State Medical Board of Ohio, Public Inquiries Division, 30 East Broad Street, 3rd Floor, Columbus, Ohio, 43215-6127. You may use plain paper, but be sure to include the licensee's full name and details of your complaint. If possible, include the licensee's address. You should also include your name, address, and telephone number in case we need to contact you for further information.

If you prefer, a Board complaint form that lists all the information you need to supply is available for download [here](#).

To file a complaint by telephone: Call the Public Inquiries Department at (614) 466-3934, between 8:30 a.m. and 4:30 p.m. Monday through Friday. If a staff member is not available, please leave a message, and your call will be returned. A toll-free 800 number is available to those persons who wish to leave a message for a return call: (800) 554-7717.

Even if you phone in your complaint, you may also be asked to submit it in writing to ensure accuracy. Again, be sure to have the licensee's full name and details of your complaint available when you call.

WHAT IS THE COMPLAINT PROCESS?

To maintain confidentiality and assure that every complaint brought to the Board's attention is reviewed, each case is assigned a complaint number. Your complaint is initially reviewed by the Board's Secretary and Supervising Member to determine whether the Medical Board has the legal authority (jurisdiction) to act in your case.

The Board's jurisdiction is defined by state statutes (laws). The OSMB would not have jurisdiction, for example, if your complaint was about a physician's refusal to accept Medicare patients, or about overcharging you for services actually performed, because these actions are not prohibited by the state statutes the Board enforces.

Although all complaints are evaluated, many complaints do not result in disciplinary action. The Secretary and Supervising Member review each complaint to determine if there is sufficient evidence to show that a violation of the Board's statutes has occurred. If it is determined that there is not a sufficient basis for proceeding with formal disciplinary action, you will receive a letter telling you that your complaint has been closed.

If the Board has jurisdiction, the case may be assigned to one of the Board's investigators, who are located throughout the state. The Secretary and Supervising Member oversee investigations and serve as advisors on each case. In some instances, outside medical experts will also assist in reviewing a complaint.

Depending on the nature of the complaint, the Board's investigator may gather information from any of the following sources: you, the complainant; the patient, if other than the complainant; the licensee's co-workers; and other sources, such as police agencies or hospital and pharmacy records. The investigator may also contact the practitioner involved to discuss the complaint.

All information related to Board investigations is required by law to be kept confidential. If you choose to keep your name confidential, the Board will honor your request; however, withholding the complainant's identity may make a thorough investigation more difficult or impossible in some instances.

If the evidence is sufficient, the case will be assigned to an Enforcement Attorney, who will prepare the case for hearing and draft formal charges, called a citation letter. Each citation letter is reviewed by the Board's Secretary and Supervising Member and the Ohio Attorney General's office before being forwarded to the Members of the Board, who must decide whether or not the citation letter should be sent.

WHAT IS THE DISCIPLINARY PROCESS?

After the Members of the Board vote to issue formal charges, the citation letter will be sent to the licensee giving written notice of the charges and of the opportunity to request an administrative hearing. The hearing is held before an Attorney Hearing Examiner and is generally open to the public. The Attorney General's office represents the Board at the hearing. The licensee may be represented by an attorney or present his or her own case. In some cases, the licensee will send his or her arguments in writing instead of coming to the hearing. The hearing is similar to a civil trial: evidence and witnesses are presented, and questions and answers are given by both sides.

