

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

Statement as to the Awarding of Unbid Contracts

Executive Order 2007-01S, issued by Governor Ted Strickland, requires, in pertinent part, as follows:

Whenever any Cabinet agency or State of Ohio board or commission awards any contract without a competitive bid for the products or services provided by that contract, the reason the contract was awarded without bids must be stated in writing by the agency, board or commission in a document that is available to the public.

Executive Order 2007 – 01S, paragraph 3(b)

DAS Directive 06-21 recommends obtaining and documenting at least three verbal quotes for all purchases over \$500. However, as a regulatory board charged with protecting the public, the State Medical Board of Ohio [Medical Board] periodically requires the services of individuals that can not be effectively obtained through the competitive bidding process. The types of personal services contracts that are awarded without competitive bidding are as follows:

1. **Medical experts:** The opinions of health care professionals are sometimes needed to review allegations and evidence obtained during the investigation of complaints, and, if required, to testify as to the expert's opinion at an informal or formal disciplinary proceeding. The expert is selected based upon expertise and knowledge of the specific area of medicine in question, professional standards, and scientific literature. In addition, for expert testimony involving the proposed summary suspension of an individual's license due to impairment, there is insufficient time in which to complete the statutory requirements for bid contracts, given that the administrative hearing must by statute be held no more than fifteen days after the individual requests a hearing on the allegations.

All contracts for expert services are limited to a reasonable number of hours estimated to be required to complete a review of evidentiary materials and render an opinion. Experts retained by the Medical Board receive \$100 an hour for review of documents and \$150 an hour for testimony at a disciplinary hearing.

2. **Members of the Quality Intervention Program:** Section 4731.22(O), Ohio Revised Code, requires the Medical Board to develop and implement a quality intervention program designed to improve through remedial education the clinical and communication skills of individuals licensed to practice medicine and surgery, osteopathic medicine and surgery, and podiatric medicine and surgery. The section requires that the Medical Board select a quality intervention program panel of case reviewers. The Medical Board selects quality intervention program panel members based upon expertise and knowledge of a specific area of medicine, professional standards, and scientific literature.

The Medical Board enters into personal service contracts with the quality intervention program panel members in order to reimburse their mileage, pursuant to Rule 126-1-02, Ohio Administrative Code, and compensate them at the per diem rate of \$100 per day.

3. **Members of Massage Therapy and Cosmetic Therapy advisory committees:** The Massage Therapy Advisory Committee and the Cosmetic Therapy Advisory Committee advise the Medical Board on policy decisions affecting the specific licensing areas. The Medical Board appoints advisory committee members from those licensees who have applied for appointment in response to notice that the Medical Board is seeking to fill a vacancy on the advisory committee. The appointment is based upon the applicant's knowledge of specific practice areas and professional standards. The Medical Board enters into personal service contracts with the advisory committee members in order to reimburse their mileage pursuant to Rule 126-1-02, Ohio Administrative Code. No other compensation is paid.
4. **Massage therapy examination advisors:** The Medical Board contracts with licensed massage therapists and testing experts to create a valid licensure examination for massage therapy applicants. The advisors are appointed based upon expertise, knowledge of specific practice areas, and professional standards. Advisors receive \$25 per hour for examination services.
5. **Examination proctors:** The Medical Board contracts with individuals to proctor massage therapy licensing examinations. The individuals receive \$35 a day, plus mileage as outlined in Rule 126-1-02, Ohio Administrative Code.
6. **Contract hearing examiners:** The Medical Board may contract on a per-case basis with up to eight individuals who are licensed to practice law in Ohio to serve as temporary hearing examiners. The pay range is from \$60 to \$125 per hour, depending on experience and qualifications of the contractor and the difficulty/complexity of the specific project involved.

Copies of personal service contracts may be obtained by contacting the State Medical Board of Ohio at:

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

Approved: June 1, 2007

Amended: June 14, 2007

Amended: February 26, 2008