

**STATE MEDICAL BOARD OF OHIO - POSITION PAPER**

**PERMISSIBLE ACTIVITIES DURING LICENSE SUSPENSION**

Approved January 14, 1998

Section 4731.41 of the Revised Code provides that

No person shall practice medicine or surgery, or any of its branches without a certificate from the state medical board; no person shall advertise or announce himself as a practitioner of medicine or surgery, or any of its branches, without a certificate from the board; no person not being a licensee shall open or conduct an office or other place for such practice without a certificate from the board; no person shall conduct an office in the name of some person who has a certificate to practice medicine or surgery, or any of its branches; and no person shall practice medicine or surgery, or any of its branches, after a certificate has been revoked, or, if suspended, during the time of such suspension.

Sections 4731.43 and 4731.60 of the Revised Code contain similar prohibitions against practicing osteopathic medicine or podiatry, respectively, without a certificate from the Board.

Section 4731.34 of the Revised Code states that a person shall be regarded as practicing medicine, surgery, or podiatry if they use words or letters such as "Dr.," "Doctor," "Professor," "M.D.," "D.S.C.," "Pod.D.," "M.B.," or any other title in connection with their name that in any way represents them as engaged in the practice of medicine, surgery, or podiatry, in any of its branches. The Section further defines the practitioner of medicine as one who ". . . examines or diagnoses for compensation of any kind, or prescribes, advised, recommends, administers, or dispenses for compensation of any kind, direct or indirect, a drug or medicine, appliance, mold or cast, application, operation, or treatment, of whatever nature, for cure or relief of a wound, fracture or bodily injury, infirmity, or disease. . . ."

Consequently, any practitioner whose license has been suspended, whether pursuant to Board disciplinary action or by operation of law, may not engage in the practice of medicine as defined by Section 4731.34 of the Revised Code.

A suspended practitioner may, however, engage in activities unrelated to medical practice during the period of suspension, provided that the practitioner does not represent him or herself in any way that would suggest that he or she is currently licensed.

Further, the practitioner may engage in an activity peripherally related to the medical field, provided that the activity does not involve any of the elements of the practice of medicine as defined by Section 4731.34 of the Revised Code. Permissible activities would include teaching, research, and administration, provided that such activities are entirely non-clinical in nature and do not otherwise require that the practitioner hold a current license issued by the State Medical Board. Permissibility of chart review activities would, once again, turn upon whether or not those activities are tantamount to the practice of medicine as defined by Section 4731.34 of the

Revised Code. For example, if performed for research purposes only, chart review could be performed by a person whose license is suspended, but were that same review to be performed for purposes of rendering a clinical judgment or recommendation, it would be prohibited. In no event may the practitioner hold him or herself out or use designations that suggest that he or she holds a current license or in any way consult on or direct patient care.

*This policy or position statement is only a guideline and should not be interpreted as being all inclusive or exclusive. The Board will review possible violations of the Medical Practices Act and/or rules promulgated hereunder on a case by case basis.*

*Approved 1/14/98R*

*Revised 7/10/08 to include disclaimer*