



The Governor's Working Group on Richard Strauss
C/O: Director Thomas J. Stickrath, J.D.
Ohio Department of Public Safety
1970 W Broad St.
Columbus, OH 43223

February 14, 2020

Director Stickrath and Members of the Governor's Working Group on Richard Strauss:

On behalf of the State Medical Board of Ohio (SMBO) members and staff, I have attached the Board's updated project plan for implementing the Working Group's suggested changes to SMBO processes and procedures. Progress continues for all identified areas for improvement or implementation. Of the 181 tasks and subtasks in our project plan, we are on time or ahead of schedule with 180 tasks. The historical case review continues to be the outlier on meeting originally estimated timelines.

At the February 12, 2020 SMBO Board meeting, Board President, Dr. Michael Schottenstein, informed the sexual misconduct committee that the historical case review will not be completed by June, 2020, as previously anticipated. As noted last month, the scanning and file creation for the historical review is ahead of schedule and near completion. Over 500,000 pages were scanned from the paper files and then those files were combined with the hundreds of thousands of pages from the electronic files (the page count from the electronic, newer files is unknown). Now that files are in process with reviewers, we understand that each file is more complex than originally understood and the reviews are taking longer than originally projected. SMBO staff meets daily on the progress of reviews and it is the highest priority project for the SMBO; but we also know that these reviews must be done with the highest quality. Quality review work is happening daily.

The SMBO has approximately 20 external reviewers participating in the historical case review project. Training needs and time commitments have varied greatly for the reviewers. Quality assurance is being conducted by SMBO legal staff on the external reviews. In the event the external review process does not produce a faster turn-around of cases over the next few weeks, SMBO will reach out to fellow agencies who have qualified staff for possible assistance. A better deadline estimate will be provided in the coming months as more reviewers pass the quality assurance step.

At the February Board meeting, the sexual misconduct committee also reviewed a draft of a new law enforcement notification protocol. This process step was noted by the Working Group, as well as our own internal staff, as a potentially inconsistent practice at the SMBO. Going forward, all those touching a complaint from inception to investigation through enforcement have the protocol to follow in notifying law enforcement of concerns. The protocol is clear that law enforcement is to be notified for anything criminal. The protocol also spells out the benefit and sometimes need to consult with law enforcement on cases of sexual misconduct that may not rise to a criminal threshold. These more discretionary consultations are those where law enforcement may benefit from the information or where the SMBO may want more context about the licensee from law enforcement. SMBO staff continues to document existing law enforcement relationships; where relationships are lacking, SMBO staff will work to develop those relationships.

The communications plan regarding education for a licensee's duty to report was shared with the sexual misconduct committee at the Board meeting. Video work is underway for the creation of a one-hour mandatory continuing education course for all licensees. The continuing education course will be required for every license renewal cycle, updated with new content each cycle by SMBO staff. Additionally, a piece of information regarding the duty to report is being added to all SMBO educational activities, regardless of topic.

The SMBO will work with our various licensee associations to produce current, relevant live presentations, as well.

Emphasis on staff engagement and collaboration continues at the SMBO. Regular meetings have been set up with the Executive Director and the field investigators. Additionally, the investigators have meetings scheduled with various board members. An annual strategic training plan will be implemented in July, 2020. The annual plan will include, among a variety of other things, updated information on best practices in investigating and enforcing sexual misconduct, trauma informed investigatory practices, and exercises to improve collaboration and communication at all levels of the Board. Additionally, a standard onboarding training plan will be implemented for all new investigators and enforcement attorneys.

Finally, the SMBO selected a vendor to conduct the audit of the Board's complaint handling process. The Federation of State Medical Boards (FSMB) was selected to conduct the work and will begin doing so over the next few weeks. FSMB will do a review of all practices, protocols, procedures, laws and regulations relative to the SMBO's handling of complaints. The audit team, consisting of highly qualified individuals from both FSMB and other state medical boards, will also come to the SMBO offices to interview staff members. In the review of the complaint process, a focus will be given to the handling of sexual misconduct complaints. Following the audit's recommendation of best practices, SMBO staff will work with the Board on an implementation plan. The Office of Budget and Management will follow with an internal audit in fiscal year 2021.

An open invitation stands for all Working Group members wishing to attend our monthly sexual misconduct subcommittee meetings. Our next meeting is March 11, 2020 at 8:00 a.m. on the 3rd floor in the Rhodes Tower, 30 East Broad Street, 43215.

We remain grateful for the partnership of the Working Group as we continue our critical mission to ensure the health and safety of the patients of Ohio.

Respectfully,

A handwritten signature in black ink, appearing to read 'MS', is written over a horizontal line.

Michael Schottenstein, M.D.
President, State Medical Board of Ohio