



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

October 15, 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 updated project plan for implementing the Working Group's suggested changes to SMBO processes and procedures. Of note this month, we have marked our legislative work as 100% complete.

At yesterday's board meeting, the SMBO Sexual Misconduct committee reviewed the latest draft of legislative proposals. These most recent drafts added professional license types to be covered by the statutory changes. After receiving external stakeholder feedback from prosecutors, staff also suggested changes to the sexual contact statutes, increasing the severity of the crime and penalty for contact occurring in certain healthcare relationships. Staff also proposed a new concept that would require licensees to notify patients if they are on probation for certain violations. After a robust discussion, staff is going to review the final package to include all board feedback. We will provide our final proposed package to you in the coming weeks, with an accompanying explanatory memo, for you to share with the Working Group. We will also reach out to some of the specific Working Group members for final input, as they have provided invaluable assistance through the drafting process. Finally, we will work with stakeholders, including our state's healthcare boards, before taking to the legislature. We will share our stakeholder and legislative plan in the coming weeks.

Yesterday's committee meeting also included an update on the historical case review. The presentation shared with the committee is attached for your review. We have completed 100% of the external review. Of note, external reviewers recommended 80% of the 1250 licensees need no further action. The reviewers acknowledged that half of the complaints recommended for reopen will be difficult to reopen. We continue our internal review on all licensees. We anticipate completing the investigation stage by the end of the calendar year. For those needing enforcement, that activity will likely continue into 2021.

We still have two unfinished categories from the Working Group's initial recommendations. Our work on the Duty to Report continuing education was slowed down a bit by the pandemic. Filming for that video has resumed and the rule is in the JCARR process; we anticipate completion by the end of the year. The video will be provided to the Working Group upon completion. We also need to wrap up the recommendation relative to auditing our internal processes. As you know, we engaged with the Federation of State Medical Boards to provide a robust audit of our complaint process. We are working through those recommendations. Next, we will engage with the Office of Budget and Management to conduct an internal audit of the handling of our sexual misconduct complaints. We anticipate that engagement in the third quarter of FY21. The internal audit will focus on our newly revised sexual misconduct protocol.

As we near the finish line on the recommendations, we remain grateful for all the work and attention provided by the Working Group. You have made us better and our state safer. As important, you have given us the spirit to continue past the recommendations and push to become a national leader in the way licensing boards handle sexual misconduct by their licensees. We look forward to providing you a presentation in December to detail our completed work of the recommendations. In the meantime, we do not anticipate providing any further monthly updates, as the board's Sexual Misconduct committee is sunseting. Rest assured, the SMBO

staff will continue to provide updates on, and the board will continue to have discussions on, matters relative to sexual misconduct (e.g., updated policies or protocols, further legislative work, staffing, transparency, and training) throughout board meetings and committees in the future.

We appreciate the continued partnership of the Working Group and welcome your continued feedback. We look forward to our presentation and report in December.

Respectfully,

A handwritten signature in black ink, appearing to read 'MS', is positioned above the typed name.

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