



Fact Sheet Series for the 135th General Assembly

Senate Bill 109:

Regards sex offenses, State Medical Board regulated persons

Sponsors: Senator Bob D. Hackett

Background:

The State Medical Board of Ohio enforces standards of care for safe medical practice and regulates approximately 100,000 medical professionals throughout the state.

On May 20, 2019, Governor Mike DeWine issued Executive Order 2019-16D, establishing the Governor's Working Group on Reviewing of the Medical Board's Handling of the Investigation Involving Richard Strauss. Between May 29, 2019 through July 24, 2019 the Working Group met and made a series of recommendations to help the Board improve its handling of sexual misconduct complaints. As a result, Senate Bill 109 encompasses a series of proposed legislative changes.

If passed, this legislation would:

- Adds licensed medical professionals acting in the course of medical treatment to the list of types of offenders, such as teachers, coaches and mental health professionals, already contained in the sexual battery statute. It also adds sexual contact in the sexual battery statute to capture inappropriate sexual touching.
- Updates the offense of rape to include when an offender knows that the victim is impaired due to drugs administered in the course of treatment
- Increase reporting requirements for health care entities and all Medical Board licensees for sexual misconduct and/or criminal conduct by a Medical Board licensee
- Require doctors on probation for sexual misconduct to notify their patients in writing
- Allow the State Medical Board of Ohio to act more quickly when a physician is accused of sexual misconduct and would require prosecuting attorneys to notify the board if a doctor is convicted or pleads guilty to a specific felony or misdemeanor in court
- Permit the Board to provide status updates to complainants

Considerations for this legislation:

A [Columbus Dispatch investigation](#) of the State Medical Board of Ohio and its handling of sexual misconduct allegations against physicians throughout 42 years found that at least 256 Ohio doctors have faced disciplinary action for sexual misconduct. Of those doctors, 199 sexually abused or harassed 449 patients.

The cases highlighted by the Dispatch report are a fraction of the actual cases of Ohioans who have experienced sexual abuse by a physician or other medical provider. The reports we have access to clearly demonstrate a systematic acceptance of sexually abusive medical providers in Ohio. Barriers to reporting and holding offenders accountable in our medical systems allow abusers to continue to abuse with impunity.