

STATE MEDICAL BOARD OF OHIO - POLICY STATEMENT

LICENSURE OF CHEMICALLY IMPAIRED RESIDENT PHYSICIANS February 14, 2001

A physician licensed by the State Medical Board who suffers from impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice is in violation of Section 4731.22(B)(26), Ohio Revised Code, and subject to Board disciplinary action. Any Board licensee having knowledge of such a violation is required by Section 4731.224(B) to report that information to the Board. In 1987, however, the Ohio General Assembly carved out a one time “one bite” exception, whereby an impaired physician may escape Board intervention, and the physician’s colleagues may be excused from reporting the physician’s impairment, so long as the physician has completed treatment with a Board approved treatment provider and maintained uninterrupted sobriety, and violated no other provisions of the Ohio Medical Practice Act. In addition, the physician must adhere to all other statutory requirements. The One Bite Rule is codified in Sections 4731.22, 4731.224 and 4731.25, Ohio Revised Code, and Rules 4731-15-01, 4731-16-04, 4731-16-07, and 4731-16-13, Ohio Administrative Code.

The State Medical Board recognizes that resident physicians practicing under training certificates are entitled to the protection of the One Bite Rule to the same extent as are fully licensed physicians. Both fully licensed physicians and residents practicing under training certificates are excused from reporting their impairment when renewing their certificates so long as they continue to adhere to the requirements of the statutes and rules. Physicians seeking new Ohio licensure, however, have never been granted “one bite”, and are expected to report their status in applying for licensure. The Board will generally require some period of probation as a contingency to licensure if an applicant has been impaired and is unable to document at least five years of uninterrupted sobriety at the time of application.

Physicians practicing under training certificates frequently decide to apply for full Ohio licensure after a year or two of residency training. Although these physicians do receive new “full” licenses, the State Medical Board does not view them as new licensure applicants for purposes of the One Bite Rule. A physician who enters treatment for chemical dependency while in residency under a training certificate need not report his or her impairment when applying for full licensure so long as the physician continues to qualify for the one bite exception by completing treatment and complying with aftercare requirements. If the physician is required to respond in the affirmative to any of the other “Additional Information” questions on the application (e.g. the physician was placed on probation by his or her postgraduate training program) the Board will generally license the physician without restrictions or probationary terms if investigation reveals that the problem requiring the affirmative answer would not have occurred but for the physician’s impairment.

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 2/14/01

Revised 7/10/08 to include disclaimer