



Ohio Administrative Code

Rule 4723-18-02 Process and criteria to use when identifying an individual's practice deficiency.

Effective: February 1, 2014

(A) The board shall investigate, according to section 4723.28 of the Revised Code, evidence that appears to show that a licensee or certificate holder has failed to practice in accordance with acceptable and prevailing standards of safe care as set forth in Chapter 4723-4 of the Administrative Code, Chapter 4723-8 of the Administrative Code, Chapter 4723-9 of the Administrative Code, or Chapter 4723-23 of the Administrative Code.

(B) The supervising member shall review the evidence obtained during the investigation to determine whether the individual's identified practice deficiency can be corrected through participation in the practice intervention and improvement program (PIIP) rather than through formal disciplinary action. Criteria to use when making this determination include, but are not limited to, the following:

(1) Whether the public will be adequately protected from unsafe practice if the individual enters PIIP;

(2) Whether the individual's practice deficiency resulted in harm or other untoward outcome for the patient;

(3) The likelihood that the identified practice deficiency at issue is a deficiency that can be corrected through remediation;

(4) The extent of the individual's cooperation with the board during the investigation;

(5) Whether the individual's identified practice deficiency represented an intentional or willful commission or omission by the individual;

(6) The frequency of the occurrence of the identified practice deficiency;



- (7) The adverse impact of the identified practice deficiency on others;
 - (8) Whether the identified practice deficiency affected a particularly vulnerable patient;
 - (9) Whether the individual is eligible for participation in PIIP as specified in rule 4723-18-03 of the Administrative Code; and
 - (10) Whether the individual has a mental or physical impairment that contributed to the practice deficiency.
- (C) When the supervising member has reason to believe, after an investigation and review of evidence, that the individual's identified practice deficiency can be successfully corrected through participation in PIIP, the board may abstain from taking disciplinary action provided the individual enters into an agreement with PIIP according to rule 4723-18-04 of the Administrative Code, complies with the terms and conditions of PIIP, and successfully completes PIIP.