

4715-40-02

Process and criteria to use when identifying an individual's practice deficiency.

- (A) The board shall investigate, in accordance with division (D) of section 4715.03 of the Revised Code, evidence that appears to show that a licensee has failed to practice in accordance with acceptable standards of safe practice as set forth in Chapter 4715. of the Revised Code.
- (B) The board shall review the evidence obtained during its initial investigation to determine whether the licensee's identified practice deficiency can be corrected through participation in the quality intervention program (QUIP) 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 licensee enters QUIP;
 - (2) Whether the licensee'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 education and/or remediation;
 - (4) The extent of the licensee's cooperation with the board during the investigation;
 - (5) Whether the licensee's identified practice deficiency represented an intentional or willful commission or omission by the licensee;
 - (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 licensee is eligible for participation in QUIP in accordance with rule 4715-40-03 of the Administrative Code; and
 - (10) Whether the licensee has a mental or physical impairment that contributed to the practice deficiency.
- (C) When the board has reason to believe, after an initial investigation and review of the

evidence, that the licensee's identified practice deficiency can be successfully corrected through participation in QUIP, the board may toll disciplinary action provided the licensee enters into an agreement with QUIP in accordance with rule 4715-40-04 of the Administrative Code.