

Board Members present: President Mickey E. Frame, D.C., Vice-President Rebecca J. Ault, D.C., Johnathan R. Haggerty, D.C., Mark E. Rich, D.C. and Jessica Voltolini, Esq.

Others present: Elizabeth Moore, Executive Director; Kendra Lindsey, Paralegal; Kim Stein, Investigator; James T. Wakley, Principal AAG and Henry G. Appel, Principal AAG. Brandy Spaulding, OSCA Executive Director was present from 9:00 a.m. to 9:15 a.m.

Members excused: None.

The Board's mission is...

to proactively protect the health and welfare of Ohio's citizens and to regulate the chiropractic profession with vision by setting high standards through examination of new doctors, annual license renewal, clinic inspections and timely investigation and disciplinary action when indicated.

CALL TO ORDER

President Dr. Frame called the four hundred and fifty-first Board meeting to order at 9:00 a.m. The meeting was held at the Vern Riffe Center for Government and the Arts; 77 South High Street, 31st Floor, Board Room, Columbus, Ohio.

ACUPUNCTURE PROGRAM REVIEW

Dr. Brandy Spaulding, Executive Director of the Ohio State Chiropractic Association briefly addressed the Board about the 300-hour acupuncture course that the OSCA submitted for Board approval.

Ms. Voltolini moved and Vice-President Dr. Ault seconded a motion to approve the 300-hour acupuncture program submitted by the OSCA. Motion passes unanimously.

REVIEW OF MINUTES

Dr. Haggerty moved and Dr. Rich seconded a motion to approve the minutes of the December 9, 2021 Board meeting. Motion passed unanimously.

RATIFICATION OF CHIROPRACTIC LICENSES

Dr. Haggerty moved and Vice-President Dr. Ault seconded a motion to ratify approval of the chiropractic licenses issued to Emily Powers, Leah Van Blarcom, Shanelle Solgos, Lydia Trabold, Faith Swartzendruber, Drew Kline, Timothy Smart, David Claggett, Ondrea Bisson, Angela Manzanares, Robert Kasperski, David Fenderson, Richard Selby, Nicholas Manzanares, Melody Zurawski, Jordan Bach, Landon DeMoss, Angela Henderson and Kassidy Kasperski. Motion passed unanimously.

RATIFICATION OF PRECEPTORSHIPS

Dr. Rich moved and Dr. Haggerty seconded a motion to ratify approval of the preceptorships for Brianna Rankins with Drs. Jenny Pamer and Douglas Darr, II; Douglas Day with Dr. David Zipko; Jacek Czerwinski with Dr. Shawn Brohl; Abby Mace with Dr. Matthew Hamilton; Brian Trautman with Dr. Richard Yost; Andrew Whitney with Dr. Mary Teague; Vincenzo Angelilli with Dr. Lisa Provenza-Tabak; Jessica Berelsman with Dr. Katherine Bruce; Sara Durr with Dr. Michael Weaver; and Jeff Miller with Drs. Chad Ryan Adams, Andrew Bang, Drew Schwartz and Thomas Torzok. Motion passed unanimously.

EXECUTIVE DIRECTOR'S REPORT

Director Moore reviewed the Executive Director's report with the Board which included the Board Docket, Legislative Matters, Administrative Rules, Investigative Statistics and miscellaneous matters, specifically:

Director Moore reported that HB 122, which establishes and modifies requirements regarding telehealth, passed in the Senate 12/8/21 and was signed by the Governor 12/22/21.

Director Moore reported that HB 51 was passed to provide that a public body may meet by means of teleconference or video conference until the end of the fiscal year. The bill was signed by the Governor 2/17/22 with an emergency clause making it effective immediately.

Director Moore reported that a public rules hearing is scheduled for March 1, 2022 on Board rules 4734-7-01, 4734-7-02 and 4734-10-06.

Director Moore reported the NBCE Part IV Exam will be held on May 14-15 and November 12-13, 2022 and the NBCE Part IV Test Committee will be held on June 10-11, 2022. Dr. Rich expressed interest and will contact Director Moore with a final decision on his attendance.

Director Moore reported that the FCLB Annual Conference/NBCE Annual Meeting will be held May 4-8, 2022 in Denver, CO. The Board will need to vote on attendance and voting delegates.

Director Moore reported that the office reconfiguration began January 24, 2022 and is expected to be complete March 11, 2022.

Director Moore reported that the minor change to the Board's telework policy is approved and will be implemented once the office reconfiguration is complete.

Director Moore reported that email notification for the 2022 license renewal was sent out to all active licensees on January 31, 2022.

Director Moore reported that Annual Financial Disclosure Statements are due by May 16, 2022.

Ms. Voltolini moved, and Dr. Rich seconded a motion to accept the Director's Report as presented. Motion passed unanimously.

FCLB ANNUAL CONFERENCE/NBCE ANNUAL MEETING

Dr. Haggerty moved and Dr. Rich seconded a motion to approve the attendance of President Dr. Frame, Ms. Voltolini and Director Moore at the FCLB Annual Conference/NBCE Annual Meeting, May 4-8, 2022 in Denver, CO. Motion passed unanimously.

Dr. Haggerty moved and Dr. Rich seconded a motion to designate President Dr. Frame as the voting delegate and Ms. Voltolini as the alternate voting delegate at the FCLB Annual Conference/NBCE Annual Meeting, May 4-8, 2022 in Denver, CO. Motion passed unanimously.

EXECUTIVE DIRECTOR AUTHORITY

Dr. Rich moved and Dr. Haggerty seconded a motion that the Executive Director, as the Board's Appointing Authority pursuant to ORC 4734.05 (B), issue chiropractic licenses and acupuncture certificates; issue temporary licenses; and approve continuing education waivers

to individuals meeting the criteria for licensure, certification and continuing education waivers under ORC 4734. The issuing of such licenses, certificates and continuing education waivers is subject to the Board's retroactive approval at the next regularly scheduled Board meeting. Motion passed unanimously.

2022 BOARD MEETING DATES

The Board set the remaining Board meeting dates for the 2022 calendar year as August 25, October 6, and December 8, 2022.

PERTINENT CORRESPONDENCE

Director Moore presented an email from David C. Radford, DC, MS, dated January 26, 2022, regarding vitamin B-12 injections and specifically recognizing and addressing vitamin B12 deficiency.

The Board stated Dr. Radford asked these same questions in the past and he was advised that administering vitamin B-12 injections are not within the scope of chiropractic practice. The Board instructed Director Moore to work with President Dr. Frame and Henry Appel, Principal AAG to draft a response to Dr. Radford to address his concerns and advise that administering vitamin B12 injections are still not within the scope of chiropractic practice.

ADMINISTRATIVE RULE REVIEW

Director Moore presented a draft copy of 4734-8-10 regarding telehealth and advised that the draft would be sent out for early stakeholder comment. Any comments received will be reported back to the Board.

LEGAL ACTIVITIES

VOLUNTARY PERMANENT SURRENDER OF LICENSE TO PRACTICE CHIROPRACTIC IN THE STATE OF OHIO CASE NO. 2021 CHR 037

Ms. Voltolini moved, and Dr. Rich seconded a motion to approve the Voluntary Permanent Surrender of License to Practice Chiropractic in the State of Ohio as presented. Voting Aye: President Dr. Frame, Vice-President Dr. Ault, Dr. Rich and Ms. Voltolini. Voting Nay: None. Abstained: Dr. Haggerty. Motion passed.

NOTICE OF AUTOMATIC SUSPENSION & OPPORTUNITY FOR HEARING CASE NO. 2020 CHR 016

Ms. Voltolini moved, and Vice-President Dr. Ault seconded a motion to approve the proposed Notice of Automatic Suspension & opportunity for Hearing as presented. Voting Aye: President Dr. Frame, Vice-President Dr. Ault, Dr. Rich and Ms. Voltolini. Voting Nay: None. Abstained: Dr. Haggerty. Motion passed

PETER J. MANZ, D.C., CASE NO. 2020 CHR 078

ANTHONY J. GATELARO, D.C., CASE NO. 2021 CHR 013

JASON FELTZ, D.C., CASE NO. 2021 CHR 015

APPEARANCES

Dr. Manz, his attorney Jennifer Myers, Esq., and Principal Assistant Attorney General Henry Appel were each present to address the Board members before their consideration in the matter of Peter J.

Manz, D.C., Case No. 2020 CHR 078. President Dr. Frame permitted Dr. Manz and Ms. Myers a total of 10 minutes to address the Board and Mr. Appel 10 minutes to address the Board.

Thomas Prislipsky, Esq., attorney for Anthony J. Gatelaro, D.C., and Principal Assistant Attorney General Henry Appel were each present to address the Board members before their consideration in the matter of Anthony J. Gatelaro, D.C., Case No. 2021 CHR 013. President Dr. Frame permitted Mr. Prislipsky and Mr. Appel each ten minutes to address the Board.

Dr. Feltz, his attorney Kenton H. Steele, Esq., and Principal Assistant Attorney General Henry Appel were each present to address the Board members before their consideration in the matter of Jason Feltz, D.C., Case No. 2021 CHR 015. President Dr. Frame permitted Dr. Feltz and Mr. Steele a total of 10 minutes to address the Board and Mr. Appel 10 minutes to address the Board.

Prior to consideration of the matters of Peter J. Manz, D.C., Anthony J. Gatelaro, D.C. and Jason Feltz, D.C., President Dr. Frame confirmed that each Board member had reviewed the following:

In the matter of Jason Feltz, D.C., Case No. 2021 CHR 015: Deposition of Patient A transcript, August 25-27, 2021 Hearing Transcripts, Confidential Hearing Proceedings for August 25 and 27, 2022, State's Exhibits, Respondent's Exhibits, State's written closing argument, Respondent's closing argument, State's response to Respondent's closing, Hearing Officer's Report and Recommendation dated December 27, 2021 and Respondent's Objections to Report and Recommendation.

In the matter of Anthony J. Gatelaro, D.C., Case No. 2021 CHR 013: January 5, 2022 Hearing Transcripts, State's Exhibits and witness list, Respondent's Witness list, Hearing Officer's Report and Recommendation dated February 2, 2022 and Respondent's Objections to Report and Recommendation.

In the matter of Peter J. Manz, D.C., Case No. 2020 CHR 078: December 10, 2021 Hearing Transcript, Confidential Excerpt of Hearing, State's Exhibits and witness list, Respondent's Exhibit list, Respondent's Supplemental Exhibit list, Respondent's Supplemental Witness List, State's closing Argument, Respondent's Closing Argument, State's reply to Respondent's Closing Argument, Hearing Officer's Report and Recommendation dated January 28, 2022 and Respondent's Objections to Report and Recommendation.

ADJOURN

Ms. Voltolini moved and Dr. Haggerty seconded a motion to adjourn the meeting for the purpose of engaging as a quasi-judicial body for deliberation regarding the matters of Peter J. Manz, D.C., Anthony J. Gatelaro, D.C. and Jason Feltz, D.C. Voting Aye: President Dr. Frame, Dr. Haggerty, Dr. Rich and Ms. Voltolini. Voting Nay: None. As Board Designate in the matter, Vice-President Dr. Ault abstained from voting and deliberating on the matter. Motion passed.

President Dr. Frame, Dr. Haggerty, Dr. Rich and Ms. Voltolini deliberated on this matter. James T. Wakely, Principal AAG was also present for the deliberation. The meeting was called back to order at the conclusion of the deliberations.

PETER J. MANZ, D.C., CASE NO. 2020 CHR 078

Ms. Voltolini moved and President Dr. Frame seconded a motion to adopt the Findings of Fact and Conclusions of Law in the Hearing Examiner's January 28, 2022 Report and

Recommendation. The Board modified the recommendation in the Hearing Examiner's Report and Recommendation. It is hereby ORDERED that:

The license of **PETER J. MANZ, D.C.** to practice chiropractic in the state of Ohio shall be **SUSPENDED INDEFINITELY** for a term of one (1) year.

This ORDER shall become effective April 1, 2022 and is hereby entered upon the Journal of the Board for the 24th day of February 2022.

Voting Aye: President Dr. Frame, Dr. Haggerty, Dr. Rich and Ms. Voltolini. Voting Nay: None. Abstained: Vice-President Dr. Ault. Motion passed.

ANTHONY J. GATELARO, D.C., CASE NO. 2021 CHR 013

Ms. Voltolini moved and Dr. Rich seconded a motion to adopt the Findings of Fact and Conclusions of Law in the Hearing Examiner's February 2, 2022 Report and Recommendation. The Board modified the recommendation in the Hearing Examiner's Report and Recommendation. It is hereby ORDERED that:

DR. GATELARO'S license to practice chiropractic in the state of Ohio shall be **REPRIMANDED**. **DR. GATELARO** is further Ordered to complete four (4) hours of continuing education on the topic of sexual boundaries in the practice of chiropractic.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 24th day of February 2022.

Voting Aye: President Dr. Frame, Dr. Haggerty, Dr. Rich and Ms. Voltolini. Voting Nay: None. Abstained: Vice-President Dr. Ault. Motion passed.

JASON FELTZ, D.C., CASE NO. 2021 CHR 015

Ms. Voltolini moved and Dr. Haggerty seconded a motion to adopt the Findings of Fact and Conclusions of Law in the Hearing Examiner's December 27, 2021 Report and Recommendation. The Board modifies the recommendation in the Hearing Examiner's Report and Recommendation. It is hereby ORDERED that:

The license of **JASON FELTZ, D.C.** to practice chiropractic on the state of Ohio shall be **SUSPENDED INDEFINITELY** for a term of not less than 1 (one) year. Six months of the Suspension shall be Stayed pending **DR. FELTZ'S** completion of twelve (12) hours of continuing education on the topic of sexual boundaries in the practice of chiropractic. **DR. FELTZ** shall pay a civil fine in the amount of \$3,000. It is further Ordered that **DR. FELTZ** is restricted from performing the Psoas and Illiacus manual release technique in the course of his practice.

This ORDER shall become effective April 1, 2022 and is hereby entered upon the Journal of the Board for the 24th day of February 2022.

Voting Aye: President Dr. Frame, Dr. Haggerty, Dr. Rich and Ms. Voltolini. Voting Nay: None. Abstained: Vice-President Dr. Ault. Motion passed.

Vice-President Ms. Voltolini moved and Dr. Rich seconded a motion to adjourn the meeting.
Motion passed unanimously.

With no further business to be brought before the Board, President Dr. Frame adjourned the meeting at 1:05 p.m.

Approved By Majority of Board:

Attested By Its Secretary:

Mickey E. Frame, D.C.
President

Elizabeth N. Moore
Executive Director

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