

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

Others present: Kelly Caudill, Executive Director; Elizabeth Moore, Executive Assistant; Kendra Lindsey, Paralegal; Kim Stein, Investigator; and LaTawnda N. Moore, Associate AAG.

Members excused: Mark E. Rich, D.C.

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 forty-seventh Board meeting to order at 8:07 a.m. via Microsoft Teams.

REVIEW OF MINUTES

Vice-President Dr. Ault moved and Dr. Haggerty seconded a motion to approve the minutes of the February 19, 2021 Board meeting. Motion passed unanimously.

RATIFICATION OF CHIROPRACTIC LICENSES

Vice-President Dr. Ault moved and Dr. Haggerty seconded a motion to ratify approval of the chiropractic licenses issued to Christina Schmidt, Ashley Wunderle, Allen Limes, Emmaline Miller, Gage Hurler, Blake Butler, Ronald Critz, Skyler Snoeberger, Nicholas Phillips II, Claire Paxton, Nicole Johnson, Jordan Rio, Amber Wireman, Kajal Patel, Eric Conner, Sabrina Weaver, Marcus Hummel, Kevin Bierly, Brian Faust, Braden Sims, Travis Owens, Stevie Iorio, Jared Morgan, Abigail Hill and Trenton McCort. Motion passed unanimously.

RATIFICATION OF PRECEPTORSHIPS

Dr. Haggerty moved and Vice-President Dr. Ault seconded a motion to ratify approval of the preceptorships for Shanelle Solgos with Dr. Ryan Haely; Lindsey Brizendine with Dr. Pooja Patel; Ian West with Dr. Robert Jeffries; Richard Selby with Dr. David Heuser; Ariana Stolar with Dr. Sarah Prosak; Johnny Elmurr, Jr. with Dr. Daniel Leonard; Timothy Smart with Dr. Dennis Schone; Brennan Porter with Dr. Sam Lewis; Ana Alfonzo with Dr. Maximillian Zart; Evan Crichton with Dr. Jason Schone and Lydia Solden with Dr. Lucas Reinhart. Motion passed unanimously.

EXECUTIVE DIRECTOR'S REPORT

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

Associate AAG Moore updated the Board on the complaint for Declaratory and Injunctive Relief filed August 30, 2019 in the US District Court, Northern District, against the Attorney General, the General Assembly and the Board regarding the telemarketing ban enacted in Am. Sub. HB 166.

Director Caudill reported that HB 203/SB 131 was introduced and would require licensing boards to issue a license to individuals holding licensure in another state under certain circumstances. Director Caudill is monitoring the bill.

Director Caudill reported that Board rule 4734-11-01 was final filed on April 19, 2021 and will be effective April 30, 2021.

Director Caudill reported that CSI recommended to proceed with filing Board rules 4734-9-02; 4734-9-06; 4734-9-10 and 4734-12-01. The Public Rules Hearing for these rules is scheduled for May 13, 2021 via Microsoft Teams.

Director Caudill reported that Board rules 4734-7-01; 4734-7-02 and 4734-10-06 were sent out for stakeholder comment and no comments were received. The Board will need to finalize proposed amendments to file with CSI.

Director Caudill reported that the Closing Report of the Governor's Working Group to investigate the Medical Board's Richard Strauss investigation was released on March 10, 2021. A copy was emailed to each Board member.

Director Caudill provided a copy of proposed revisions to the CCE Accreditation Standards for the Board to review and make comments if necessary. The Board did not have any comments to provide.

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

FCLB CONFERENCE VOTING

The Board reviewed the issues slated to be voted on at the virtual FCLB Annual Meeting scheduled for May 1, 2021. The Board agreed to vote as follows: Dr. Keita Vanterpool for Vice-President; Dr. Robert Daschner for Treasurer; Dr. Brian McIntyre for District II Director; Dr. Ridge Pidde for District II Alternate; Dr. Joe Siragusa for Administrative Fellow Director and Dr. Margaret Freihaut for Nominating Committee. The Board also agreed to support resolutions 1-21, 2-21 and 3-21.

LEGAL ACTIVITIES

CONSENT AGREEMENT, CASE NO. 2020 CHR 012

Vice-President Dr. Ault moved and Ms. Voltolini seconded a motion to approve the proposed Consent Agreement as presented. Voting Aye: Vice-President Dr. Ault, Dr. Haggerty and Ms. Voltolini. Voting Nay: None. Abstained: President Dr. Frame. Motion passed.

NOTICE OF OPPORTUNITY FOR HEARING, CASE NO. 2021 CHR 026

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

NOTICE OF OPPORTUNITY FOR HEARING, CASE NO. 2021 CHR 046

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

ADMINISTRATIVE RULES REVIEW

Director Caudill reported that the following rules were sent out for stakeholder comment on March 30, 2021: 4734-7-01; 4734-7-02 and 4734-10-06. No comments were received for the Board to review.

Ms. Voltolini moved and Dr. Haggerty seconded a motion to file rules 4734-7-01 Renewal requirements; 4734-7-02 Standards and requirements for continuing education and 4734-10-06 Inactive acupuncture certificate; restoration of acupuncture certificate with proposed amendments as presented. Provided a favorable CSI recommendation, Director Caudill is to proceed with filing the rules with JCARR with authority to make any non-substantive changes that may be recommended by CSI and/or JCARR. Motion passed unanimously.

PERTINENT CORRESPONDENCE

Director Caudill presented an email dated February 25, 2021 from Dr. David Radford in which he inquires which laws and rules preclude a competently trained chiropractor from giving a medically necessary subcutaneous vitamin B12 injection.

The Board instructed Director Caudill to advise Dr. Radford that it does not interpret the term “administer” to include inject or injection intramuscularly or subcutaneously.

ZACHARY C. ALLISON, D.C.; CASE NO. 2021 CHR 030

On or about February 19, 2021, the Board issued a Notice of Opportunity for Hearing to Zachary C. Allison, D.C. Service of the Notice was perfected upon Dr. Allison via certified mail on February 24, 2021. Dr. Allison did not make a timely request for hearing in accordance with Ohio Revised Code Section 119.07.

The Board considered the charges against Dr. Allison in the February 19, 2021 Notice and evidence supporting the charges.

EXECUTIVE SESSION

Vice-President Dr. Ault moved and Dr. Haggerty seconded a motion to go into executive session for the purpose of deliberating on the matter of Zachary C. Allison, D.C., Voting Aye: Vice-President Dr. Ault, Dr. Haggerty and Ms. Voltolini. Voting Nay: None. Abstaining: President Dr. Frame. Motion passed.

President Dr. Frame called an executive session for the purpose of deliberating on the matter of Dr. Zachary C. Allison. Kelly Caudill, Executive Director was also present for the deliberations. President Dr. Frame did not participate in the deliberations. The meeting was called back to regular session at 9:45 a.m.

Vice-President Dr. Ault moved and Dr. Haggerty seconded a motion to issue the following Order to Dr. Allison:

The Board finds, by a preponderance of the evidence, that **DR. ALLISON** is guilty of Count 1 as outlined in the Board’s Notice. Accordingly, the Board may discipline **DR. ALLISON**, in accordance with ORC Section 4734.31 (C)(7). Pursuant to Ohio Administrative Code 4734-4-09, the Board may take administrative notice of its own records. **DR. ALLISON** has a prior disciplinary record with the Board in Case No. 2020 CHR 073.

The Board hereby ORDERS that:

The license of **ZACHARY C. ALLISON, D.C.** to practice chiropractic in the state of Ohio shall be **SUSPENDED** for a period of seven (7) days.

This **ORDER** shall become effective thirty (30) days upon the date of the mailing indicated on the Certificate of Service and is hereby entered upon the Journal of the Board for the 22nd day of April 2021.

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

Dr. Haggerty moved and Vice-President Dr. Ault 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 9:55 a.m.

Approved By Majority of Board:

Attested By Its Secretary:

Mickey E. Frame, D.C.
President

Kelly A. Caudill
Executive Director

enm