

Board Members present: President Ronald J. Farabaugh, D.C., Vice-President Gregory P. Palkowski, D.C., Norman J. Gloekler, D.C. and Brian S. Wilson, D.C.

Others present: Kelly A. Caudill, Executive Director; Leah V.B. O'Carroll, AAG; Elizabeth Moore, Executive Assistant and Rex Waldenmyer, Investigator.

Members excused: John P. Kennedy, Esq.

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. Farabaugh called the three hundred and ninety-ninth Board meeting to order at 9:10 a.m. The meeting was held at the Ohio State Chiropractic Board Office; 77 South High Street, 16th Floor; Columbus, Ohio.

Dr. Farabaugh requested discussion regarding monthly membership chiropractic clinics to be added to the agenda under Old/New Business.

REVIEW OF MINUTES

MOTION 2013-079: Dr. Wilson moved and Dr. Gloekler seconded a motion to approve the minutes of the February 28, 2013 Board meeting. Motion passed unanimously.

PRECEPTORSHIP APPLICATIONS

MOTION 2013-080: Vice-President Dr. Palkowski moved and Dr. Wilson seconded a motion to ratify the preceptorships approved for Earl House with Barbara Howell, D.C. and Andrew Brady with Paul Bizjak, D.C. Motion passed unanimously.

ACUPUNCTURE CERTIFICATES

MOTION 2013-081: Dr. Gloekler moved and Dr. Wilson seconded a motion to ratify the acupuncture certificates issued to Drs. Bobbi Jo Taylor and Samuel Salas. Motion passed unanimously.

RATIFICATION OF LICENSES

MOTION 2013-082: Dr. Wilson moved and Vice-President Dr. Palkowski seconded a motion to ratify the following licenses issued as a result of the online Jurisprudence examination: Allison M. Bonham, Curtis P. Riffle, Daniel E. Edmonds, Kyle E. Schneider, Garrett K. Gallentine, Matthew S. Aggarwal, Christopher P. Erickson and Elizabeth A. Klosterman. Motion passed unanimously.

EXECUTIVE DIRECTOR'S REPORT

Director Caudill reported that the budget bill, Sub. HB 59, was released on April 8, 2013 and the Board's funding remains as requested. An amendment to the bill would permit chiropractic physicians to return concussed athletes to play.

Director Caudill provided the Board with the 2013 calendar of ethics training offered by the Ohio Ethics Commission and advised that all Board members need to attend a training session in accordance Executive Order 2011-03.

Director Caudill reminded the Board that Financial Disclosure Statements are due May 15, 2013 and may mailed or completed online.

Director Caudill advised that she and Dr. Palkowski will be attending the FCLB Annual Meeting May 1-5 in San Francisco, CA and that Drs. Wilson and Gloekler will be participating in the NBCE Part IV Exams on May 17-19.

MOTION 2013-083: Dr. Gloekler moved and Vice-President Dr. Palkowski seconded a motion to accept the Director's Report as presented. Motion passed unanimously.

PERTINENT CORRESPONDENCE

Director Caudill presented a letter received on April 9, 2013 from Dr. Pieter M. Kachelhoffer, Vice-President of Academic Affairs at New Zealand College of Chiropractic requesting approval of the college.

The Board advised Director Caudill to write Dr. Kachelhoffer and advise him of the Board's rule regarding initial approval of chiropractic educational institutions and request that he review the CCE self-study requirements and submit evidence of how New Zealand College of Chiropractic complies with the requirements.

LEGAL ACTIVITIES

NOTICE OF OPPORTUNITY FOR HEARING; CASE NO. 2013 CHR 006

MOTION 2013-084: Dr. Wilson moved and Dr. Gloekler seconded a motion to accept the proposed Notice of Opportunity for Hearing for the doctor cited in Case No. 2013 CHR 006 for allegedly violating Ohio Revised Code § 4734.31 (C)(1). Voting Aye: President Dr. Farabaugh, Vice-President Dr. Palkowski, Dr. Gloekler and Dr. Wilson. Voting Nay: None. Abstaining: None. Motion passed.

SECOND MODIFICATION OF CONSENT AGREEMENT; CASE NO. 2006 CHR 036

MOTION 2013-085: Vice-President Dr. Palkowski moved and Dr. Wilson seconded a motion to accept the proposed Second Modification of Consent Agreement for the doctor cited in Case No. 2006 CHR 036 as presented. Voting Aye: President Dr. Farabaugh, Vice-President Dr. Palkowski, Dr. Gloekler and Dr. Wilson. Voting Nay: None. Abstaining: None. Motion passed.

DELIBERATION

MICHAEL L. SHORE, D.C., CASE NO. 2013 CHR011

MOTION 2013-086: Vice-President Dr. Palkowski moved and Dr. Gloekler seconded a motion to go into executive session for the purpose of deliberating on the Notice of Opportunity for Hearing and supporting documentation regarding Michael L. Shore, D.C. Dr. Shore did not request a hearing. Voting Aye: President Dr. Farabaugh, Vice-President Dr. Palkowski, Dr. Gloekler and Dr. Wilson. Voting Nay: None. Abstaining: None. Motion passed unanimously. President Dr. Farabaugh, Vice-President Dr. Palkowski, Dr. Gloekler and Dr. Wilson present. The meeting was called back to regular session at the conclusion of the deliberation.

MOTION 2013-086: Dr. Wilson moved and Vice-President Dr. Palkowski seconded a motion to issue the following Order to Michael L. Shore, D.C.:

Notice was given to Michael Lee Shore, D.C. (**DR. SHORE**) on or about October 12, 2012 that the

Ohio State Chiropractic Board intended to consider disciplinary action against his license to practice chiropractic in the state of Ohio and that he was entitled to a hearing on the matter if such hearing was requested within thirty (30) days of the mailing of the Notice. Said Notice was sent and received via certified mail, return receipt requested, to the address of record of **DR. SHORE** in accordance with Section 119.07 of the Ohio Revised Code. **DR. SHORE** did not submit a request for hearing within the thirty (30) day timeframe.

The Board considered the charges against **DR. SHORE** in the October 12, 2012 Notice of Opportunity for Hearing and evidence supporting the charges at its meeting on April 11, 2013. The Board finds that **DR. SHORE** committed acts in violation of the Chiropractic Practice Act, Ohio Revised Code Chapter 4734, as stated in the Notice of Opportunity for Hearing and hereby **ORDERS** the following:

DR. SHORE shall pay a civil fine in accordance with Section 4731.31 (B)(4) of the Ohio Revised Code Section and Section 4734-9-01 (D)(1) of the Ohio Administrative Code in the amount of \$2,500 made payable to the Ohio Treasurer of State on or before June 30, 2013.

DR. SHORE shall earn twenty-four (24) hours of continuing education (CE) on the topics of documentation, coding and guidelines on or before June 30, 2013. Said continuing education must be pre-approved by the Board or its Designate. The twenty-four (24) hours of CE shall not count towards any biennial CE requirement for license renewal. **DR. SHORE** shall cause the CE provider(s) to submit proof of attendance to the Board office upon completion of the CE program(s).

This **ORDER** shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 11th of April 2013.

Voting Aye: President Farabaugh, Vice-President Dr. Palkowski, Dr. Gloekler and Dr. Wilson.
Voting Nay: None. Abstaining: None. Motion passed unanimously.

ADMINISTRATIVE RULES/FIVE YEAR RULE REVIEW

The Board reviewed and discussed the stakeholder feedback received regarding the following CSI reviewable rules sent to stakeholders on March 19, 2013: 4734-9-03, 9-08, 9-10 and 9-11.

MOTION 2013-087: Vice-President Dr. Palkowski moved and Dr. Wilson seconded a motion to approve the final filing of the following rules with JCARR with authority to make any non-substantive changes that may be recommended by JCARR and provided that a favorable recommendation is received from the Common Sense Initiative Office: Five year rule review: 4734-9-03 Signage and display of license; 4734-9-08 Professional ethics and 4734-9-10 Conduct following action against a license. New rule: 4734-9-11 Prepayment plans. Motion passed unanimously.

CONSENT AGREEMENT; CASE NO. 2013 CHR 032

MOTION 2013-088: Dr. Wilson moved and Dr. Gloekler seconded a motion to accept the proposed Consent Agreement for the doctor cited in Case No. 2013 CHR 032 as presented. Voting Aye: President Dr. Farabaugh, Vice-President Dr. Palkowski, Dr. Gloekler and Dr. Wilson. Voting Nay: None. Abstaining: None. Motion passed unanimously.

OLD/NEW BUSINESS/MISCELLANEOUS

DRY NEEDLING – The Board instructed Director Caudill to survey all Board-approved chiropractic colleges to determine if instruction is provided on dry needling in their core curriculum, as an elective or in post graduate education.

MONTHLY MEMBERSHIP CHIROPRACTIC CLINICS – The Board discussed the concept of monthly membership fee chiropractic clinics and how it relates to the Board’s billing practices rule. The Board instructed Director Caudill to research how other states are dealing with this issue.

PUBLIC RULES HEARING

A Public Rules Hearing was held at 1:00 p.m. regarding the following rules: To be rescinded: 4734-8-08 Universal precautions. To be adopted: 4734-8-08 Universal precautions. To be amended: 4734-1-03 Payment of fees; 4734-1-04 Agents of the board; 4734-1-05 Parliamentary authority; 4734-5-01 Board approved chiropractic educational institutions and programs; 4734-6-05 License for voluntary public service; 4734-8-02 Unlicensed supportive personnel; 4734-8-03 Quality intervention program; 4734-8-05 Examination and prescription protocols; 4734-9-06 Sexual misconduct; 4734-10-03 Application for acupuncture certificate and 4734-10-05 Acupuncture referral.

Anderson Court Reporting Services made a stenographic record of the proceedings at the Board’s expense.

The Board did not receive any testimony prior to or at the Administrative Hearing.

MOTION 2013-089: Dr. Wilson moved and Dr. Gloekler seconded a motion to approve the final filing of the following rules with JCARR with authority to make any non-substantive changes that may be recommended by JCARR: To be rescinded: 4734-8-08 Universal precautions. To be adopted: 4734-8-08 Universal precautions. To be amended: 4734-1-03 Payment of fees; 4734-1-04 Agents of the board; 4734-1-05 Parliamentary authority; 4734-5-01 Board approved chiropractic educational institutions and programs; 4734-6-05 License for voluntary public service; 4734-8-02 Unlicensed supportive personnel; 4734-8-03 Quality intervention program; 4734-8-05 Examination and prescription protocols; 4734-9-06 Sexual misconduct; 4734-10-03 Application for acupuncture certificate and 4734-10-05 Acupuncture referral. Motion passed unanimously.

MOTION 2013-090: Vice-President Dr. Palkowski moved and Dr. Wilson seconded a motion to adjourn the meeting. Motion passed unanimously.

With no further business to be brought before the Board, President Dr. Farabaugh adjourned the meeting at 1:40 p.m.

Approved By Majority of Board:

Attested By Its Secretary:

Ronald J. Farabaugh, D.C.
President

Kelly A. Caudill
Executive Director

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