

Board Members present: President Ronald J. Farabaugh, D.C., Vice-President Gregory P. Palkowski, D.C., Norman J. Gloekler, D.C. and John P. Kennedy, Esq.

Others present: Kelly A. Caudill, Executive Director; Elizabeth N. Moore, Executive Assistant; Leah V.B. O'Carroll, AAG and Heather Reece, AG Office Intern.

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. Farabaugh called the three hundred and ninety-third 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.

REVIEW OF MINUTES

MOTION 2012-048: Dr. Gloekler moved and Vice-President Dr. Palkowski seconded a motion to approve the minutes of the February 9, 2012 Board meeting. Motion passed unanimously.

PRECEPTORSHIP APPLICATIONS

MOTION 2012-049: Dr. Gloekler moved and Mr. Kennedy seconded a motion to ratify the preceptorships approved for James J. Morgenstern with Craig Banks, D.C. and Todd F. Gillfillan with David Berring, D.C. Motion passed unanimously.

ACUPUNCTURE CERTIFICATES

MOTION 2012-050: Mr. Kennedy moved and Vice-President Dr. Palkowski seconded a motion to ratify the acupuncture certificates issued to Drs. Monica Keifer, Christopher Wilcoxon, Agnes Zelinka, Jason Peisley and Paul Silcox. Motion passed unanimously.

RATIFICATION OF LICENSES

MOTION 2012-051: Vice-President Dr. Palkowski moved and Dr. Gloekler seconded a motion to ratify the following licenses issued as a result of the online Jurisprudence examination: Charles Laughlin, Dana Bednar, Emily Hughes, Leanne Smith, Krystal Huber, Alan Barnes, Patrick Starkey, Drew Schwartz, David Castro, Jennifer Hickey and Douglas Maxeiner. Motion passed unanimously.

RATIFICATION OF CE WAIVERS/EXTENSIONS

MOTION 2012-052: Mr. Kennedy moved and Vice-President Dr. Palkowski seconded a motion to ratify the approval of CE extensions and waivers granted to the following licensees for 2012 license renewal: Extensions - Drs. Noble Allman, Richard Briggs, David Cord, Gary Goldstein, Mark McAdoo, Steven Morrison, Lorene Morrison, B. Todd Stuke, Rick Tangerman, and Damien Sickles. Waivers – Drs. James Alberty, Delilah Anderson, Dayna Bolera, Richard Carter, Christopher Devens, David Ellis, Benjamin Glass, John Hurley, Bethaney Lawson, Scott McClure, Craig Miladin, Dennis McCown, Ronald Moore, Michael Mulcahy, Patrick Mulcahy, Lowell Myers II, Gregory Ng Dung, Luigi Pagano, Francisco Rivera, Dominic Russo, Samuel Salas, Scott Schade,

Mark Stubbendieck, Matthew Sutton, Richard Thomas, Anuradha Vazirani, Clint Williamson, M. Todd Wilson and Mark Zader. Motion passed unanimously.

EXECUTIVE DIRECTOR'S REPORT

Director Caudill reviewed the Executive Director's report with the Board.

Director Caudill advised the Board that she met with Bharon Hoag, Executive Director of the Ohio State Chiropractic Association and their lobbyists on March 7, 2012 to discuss how to best incorporate chiropractic physicians into House Bill 251 regarding oriental medicine.

Director Caudill advised the Board that she reviewed draft language provided by the Ohio State Chiropractic Association that proposes to include all health care providers whose scope permits concussion management into House Bill 143 regarding concussion management.

Director Caudill advised the Board that Drs. Mickey Frame and Mark Korchok accepted invitations to be Quality Intervention Program panel members for the Board.

Director Caudill advised the Board that an email was sent to all licensees with an email on file advising of the Board's proposed changes to its continuing education rules. Feedback on the rules is due April 23, 2012.

MOTION 2012-053: Mr. Kennedy moved and Vice-President Dr. Palkowski seconded a motion to accept the Director's Report as presented. Motion passed unanimously.

ADMINISTRATIVE RULES DISCUSSION

Director Caudill reviewed all comments received to date with the Board in regard to the proposed amendments to the following administrative rules: 4734-7-01 Chiropractic license renewal requirements; 4734-7-02 Standards for board-approved continuing education sponsors; continuing education held within the state of Ohio; 4734-7-03 Continuing education offered outside the state of Ohio and via supervised self instruction; 4734-7-04 Inactive chiropractic license; restoration of chiropractic license; 4734-7-05 Forfeiture of chiropractic license; restoration of chiropractic license and 4734-10-04 Acupuncture certificate renewal requirements.

The Board discussed the comments received and instructed Director Caudill to make further revisions to the rules. Once the proposed amendments are complete, Director Caudill is to proceed with the policies and procedures of the Common Sense Initiative Office.

OHIO STATE CHIROPRACTIC ASSOCIATION

Bharon Hoag, Executive Director of the Ohio State Chiropractic Association, gave an update on current OSCA activities.

EXECUTIVE SESSION

MOTION 2012-054: Vice-President Dr. Palkowski moved and Dr. Gloekler seconded a motion to go into executive session to discuss pending and imminent litigation with legal counsel. Motion adopted by roll call vote. Voting Aye: President Dr. Farabaugh, Vice-President Dr. Palkowski, Dr. Gloekler and Mr. Kennedy. Voting Nay: None. Abstaining: None. Motion passed unanimously.

The Board reported out of Executive Session at 10:50 a.m. on Thursday, April 12, 2012 and the meeting was called back to regular session at the conclusion of the discussion.

CASE NO. 2006 CHR 036

MOTION 2012-055: Dr. Gloekler moved and Vice-President Dr. Palkowski seconded a motion to accept the proposed Consent Agreement for the doctor cited in Case No. 2006 CHR 036 as presented. Voting Aye: Vice-President Dr. Palkowski, Dr. Gloekler and Mr. Kennedy. Voting Nay: None. Abstaining: Dr. Farabaugh. Motion passed.

CASE NO. 2011 CHR 013

MOTION 2012-056: Vice-President Dr. Palkowski moved and Dr. Gloekler seconded a motion to accept the proposed Consent Agreement Modification for the doctor cited in Case No. 2011 CHR 013 as presented. Voting Aye: Vice-President Dr. Palkowski, Dr. Gloekler and Mr. Kennedy. Voting Nay: None. Abstaining: President Dr. Farabaugh. Motion passed.

DISMISSAL, CASE NOS. 2005 CHR 094 & 2009 CHR 038

MOTION 2012-057: Vice-President Dr. Palkowski moved and Dr. Gloekler seconded a motion to dismiss the Notice of Opportunity for Hearing dated May 20, 2009 issued to the doctor cited in Case Nos. 2005 CHR 094 and 2009 CHR 038 with prejudice. Voting Aye: President Dr. Farabaugh, Vice-President Dr. Palkowski, Dr. Gloekler and Mr. Kennedy. Voting Nay: None. Abstaining: None. Motion passed unanimously.

NOTICE OF OPPORTUNITY FOR HEARING, CASE NO. 2012 CHR 045

MOTION 2012-058: Vice-President Dr. Palkowski moved and Dr. Gloekler seconded a motion to approve the Notice of Opportunity for Hearing to the doctor cited in Case No. 2012 CHR 045 for allegedly violating ORC § 4734.31 (C)(1). Voting Aye: President Dr. Farabaugh, Vice-President Dr. Palkowski and Dr. Gloekler. Voting Nay: None. Abstaining: Mr. Kennedy. Motion passed.

NOTICE OF AUTOMATIC SUSPENSION AND OPPORTUNITY FOR HEARING , CASE NO. 2011 CHR 035

MOTION 2012-059: Dr. Gloekler moved and Vice-President Dr. Palkowski seconded a motion to approve the Notice of Automatic Suspension and Opportunity for Hearing to the doctor cited in Case No. 2011 CHR 035 for allegedly violating ORC § 4734.14 (A)(5) and § 4734.31 (C)(35). Voting Aye: President Dr. Farabaugh, Vice-President Dr. Palkowski, Dr. Gloekler and Mr. Kennedy. Voting Nay: None. Abstaining: None. Motion passed unanimously.

Mr. Kennedy departed the meeting at 11:00 a.m.

PERTINENT CORRESPONDENCE

Director Caudill presented a letter dated March 27, 2012 from Gary Domanick, D.C. requesting permission to carry over 6 hours of continuing education earned on March 15, 2012 to the 2012-2014 renewal cycle.

The Board advised Director Caudill to write Dr. Domanick stating that the Board understands his situation however the Board must uphold the law which states that CE hours shall not be carried over from one renewal period to the next.

OLD/NEW BUSINESS/MISCELLANEOUS

Director Caudill discussed the Federation of Chiropractic Licensing Board's Annual Meeting being held May 2-6, 2012 in San Antonio, TX and the National Board of Chiropractic Examiners' Annual Meeting being held May 4, 2012 at the same location. Director Caudill advised that the Board needs to vote by a majority decision on issues that are slated to be voted upon at said meetings.

MOTION 2012-060: Dr. Gloekler moved and President Dr. Farabaugh seconded a motion to approve Vice-President Dr. Palkowski, as the voting delegate, to cast affirmative votes for the FCLB Proposed Bylaws Amendment and the NBCE Proposed Bylaws Amendment at the upcoming FCLB Annual Meeting and NBCE Annual Meeting held in San Antonio, Texas on May 2-6, 2012. Motion passed unanimously.

Leah V.B. O’Carroll, AAG made the Board aware of the Miami-Jacobs Career College v. The Ohio Board of Nursing case out of the Court of Appeals Tenth Appellate District.

MOTION 2012-061: Vice-President Dr. Palkowski moved and Dr. Gloekler 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 12:00 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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