

Board Members present: President Gregory P. Palkowski, D.C., Vice-President Norman J. Gloekler, D.C., Brian S. Wilson, D.C. and Jeffrey O. Brown. Otto J. Schmidt, D.C. arrived at 1:10 p.m.

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

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. Palkowski called the four hundred and fifth Board meeting to order at 9:00 a.m. The meeting was held at the Ohio State Chiropractic Board Office; 77 South High Street, 16th Floor; Columbus, Ohio.

OATH OF OFFICE

President Dr. Palkowski administered the Oath of Office to newly appointed Board public member Jeffrey O. Brown.

REVIEW OF MINUTES

MOTION 2014-074: Vice-President Dr. Gloekler moved and Dr. Wilson seconded a motion to approve the minutes of the February 13, 2014 Board meeting. Voting Aye: President Dr. Palkowski, Vice-President Dr. Gloekler and Dr. Wilson. Voting Nay: None. Abstaining: Mr. Brown. Motion passed.

PRECEPTORSHIP APPLICATIONS

MOTION 2014-075: Vice-President Dr. Gloekler moved and Dr. Wilson seconded a motion to ratify the preceptorships approved for Alexandra DiBenedetto with Laura Skaates, D.C.; Rachel Steiner with Karen Lehman, D.C.; Zachary Brown with Harold Schubert, D.C.; Thaddeus Skrzynecki with Bryan Royer, D.C. and Brent Hesselschwardt with William Lorenz, D.C. Motion passed unanimously.

ACUPUNCTURE CERTIFICATES

MOTION 2014-076: Dr. Wilson moved and Vice-President Dr. Gloekler seconded a motion to ratify the acupuncture certificate issued to Dr. Timothy Frey. Motion passed unanimously.

RATIFICATION OF LICENSES

MOTION 2014-077: Dr. Wilson moved and Vice-President Dr. Gloekler seconded a motion to ratify the following licenses issued since February 13, 2014: Erica Gaitley, Benjamin Herron Ashley Marchek, Stephen Milano, Ryan Anderson, Mathew Ortman, James McNally, Morgan Graham and Shawn Hoffrogge. Motion passed unanimously.

RATIFICATION OF CE WAIVER

MOTION 2014-078: Dr. Wilson moved and Vice-President Dr. Gloekler seconded a motion to ratify the approval of CE waivers granted to the following licensees for 2014 license renewal: Drs. Jayson Levine, Peter Fagerland, Michael Longo, Charles Smuts, Jr., Scott Schade, Glenn Bogazot,

Gary Thompson, Terry Thomas, Mark Duckwall, Douglas Weekley, Jr., Richard Palermo, Joseph Spaulding, Scott Haggerty and James Powell. Motion passed unanimously.

PUBLIC RULES HEARING

A Public Rules Hearing was held at 9:30 a.m. on the 19th Floor, Room 1920, regarding the following rules: Rule To Be Adopted 4734-8-01 Dismissing a patient from a chiropractic practice. Proposed Rule Amendments 4734-5-02 Board relationship with council on chiropractic education; 4734-5-04 Initial approval of doctor of chiropractic degree programs; 4734-5-06 Revocation of approval of a doctor of chiropractic degree program; 4734-6-01 Application for licensure; 4734-6-02 Licensure by endorsement; 4734-6-04 Preceptorships; 4734-6-08 Pre-chiropractic educational requirements; 4734-8-04 Documentation and record keeping; 4734-9-02 Advertising and solicitation and 4734-9-07 Billing practices. Rules To Be Rescinded 4734-5-03 Site visitation procedures and 4734-8-07 Terminating the doctor-patient relationship. Rules To Be Drafted As New 4734-5-03 Site Visitation procedures and 4734-8-07 Notice of leaving, selling or retiring from practice. Deposition Specialists made a stenographic record of the proceedings at the Board's expense.

Prior to the hearing, testimony was offered in writing from Dr. David Ryan regarding rule 4734-8-01 and via telephone from Attorney Keith Karr on behalf of his clients regarding rule 4734-9-02. Testimony was offered at the hearing from Kelly O'Reilly of Governmental Policy Group on behalf of the Chiropractic Strategies Group regarding rule 4734-9-02 and 4734-9-07.

Upon conclusion of the hearing, the Board deliberated in public session on the rules and the testimony received.

MOTION 2014-079: Dr. Wilson moved and Vice-President Dr. Gloekler seconded a motion to approve the final filing of rule 4734-9-02 with JCARR with the removal of the words "forging, replacing, spoofing" in section (O)(13) of the rule and approved the final filing of the following rules with JCARR as presented with authority to Director Caudill to make any non-substantive changes that may be recommended by JCARR: Rule To Be Adopted 4734-8-01 Dismissing a patient from a chiropractic practice. Proposed Rule Amendments 4734-5-02 Board relationship with council on chiropractic education; 4734-5-04 Initial approval of doctor of chiropractic degree programs; 4734-5-06 Revocation of approval of a doctor of chiropractic degree program; 4734-6-01 Application for licensure; 4734-6-02 Licensure by endorsement; 4734-6-04 Preceptorships; 4734-6-08 Pre-chiropractic educational requirements; 4734-8-04 Documentation and record keeping and 4734-9-07 Billing practices. Rules To Be Rescinded 4734-5-03 Site visitation procedures and 4734-8-07 Terminating the doctor-patient relationship. Rules To Be Drafted As New 4734-5-03 Site Visitation procedures and 4734-8-07 Notice of leaving, selling or retiring from practice. Motion passed unanimously.

MOTION 2014-080: Dr. Wilson moved and Mr. Brown seconded a motion to approve amending Board rule 4734-5-01 Board-approved doctor of chiropractic degree programs, to change the reference from the January 2007 Standards for Doctor of Chiropractic Degree Programs and Requirements for Institutional Status to the January 2013 CCE Accreditation Standards: Principles, Processes & Requirements for Accreditation and approved filing the rule with JCARR if CSI recommends the rule. Motion passed unanimously.

MOTION 2014-081: Vice-President Dr. Gloekler moved and Mr. Brown seconded a motion to approve filing the following proposed new rule with JCARR with authority to Director Caudill to

make any non-substantive changes that may be recommended by JCARR: 4734-11-01 Military considerations. Motion passed unanimously.

EXECUTIVE DIRECTOR'S REPORT

Director Caudill reviewed the Executive Director's report with the Board which includes the Board Docket, Legislative Matters, Budgetary Matters, Investigative Statistics and the following miscellaneous matters:

Director Caudill reminded the Board of Governor Kasich's Executive Order 2011-03K requiring all employees of the Board to earn annual ethics training. The Board members elected to attend annual ethics training on June 12, 2014.

Director Caudill reminded the Board that Ethics Commission Annual Financial Disclosure Statements are due May 15, 2014.

Director Caudill advised that the Physical Therapy Board requests 20 minutes on the Board's June agenda to discuss physical therapy and unlicensed personnel with the Board.

The Board instructed Director Caudill to place the Physical Therapy Board on the June agenda.

Director Caudill advised that one Board member has been invited to participate in the National Board of Chiropractic Examiners' Part IV Test Committee being held June 6-7, 2014 in Greeley, CO. Board members interested in participating should contact Liz for registration information prior to April 26, 2014.

Director Caudill advised that in accordance with Board rule 4734-1-09, a majority decision must be made regarding matters to be voted upon at the FCLB and/or NBCE meetings being held May 1-4, 2014 in Myrtle Beach, SC. One bylaws amendment is slated to be voted upon at the FCLB meeting.

MOTION 2014-082: Dr. Wilson moved and Mr. Brown seconded a motion to approve voting in favor of the FLCB bylaws amendment being brought before the voting delegates at the FCLB meeting being held May 1-4, 2014 in Myrtle Beach, SC. Motion passed unanimously.

MOTION 2014-083: Dr. Wilson moved and Mr. Brown seconded a motion to accept the Director's Report as presented. Motion passed unanimously.

PERTINENT CORRESPONDENCE

Director Caudill presented a letter and packet of information from Deborah L. Hitt dated April 4, 2014 requesting the Board consider overseeing the registration/licensure of Reflexologists in the state of Ohio.

The Board thoroughly discussed Ms. Hitt's request and advised Director Caudill to advise Ms. Hitt the Board respectfully declines her request to oversee the registration/licensure of Reflexologists in the state of Ohio.

Director Caudill presented an email from Dr. Bruce Abelson of Radiology Professionals, Inc. (RPI) inquiring if RPI is allowed to receive teleradiographic images without a license in Ohio and if there are any special rules or regulations RPI would need to know about before acquiring images from

referring doctors. This discussion was tabled from the February 13, 2014 Board meeting in order to research the topic of telepractice. Director Caudill shared the additional information she obtained regarding telepractice with the Board members.

The Board advised Director Caudill to write Dr. Abelson of Radiology Professionals, Inc. (RPI) advising him that no special rules, regulations or a license to practice chiropractic in the state of Ohio is required to receive teleradiographic images from referring doctors.

LEGAL ACTIVITIES 1:10 P.M.

CONSENT AGREEMENT, CASE NO. 2011 CHR 014

MOTION 2014-084: Vice-President Dr. Gloekler moved and Dr. Schmidt seconded a motion to issue the proposed Consent Agreement to the doctor cited in Case No. 2011 CHR 014 as presented. Voting Aye: President Dr. Palkowski, Vice-President Dr. Gloekler, Dr. Schmidt and Mr. Brown. Voting Nay: None. Abstaining: Dr. Wilson. Motion passed.

CONSENT AGREEMENT, CASE NO. 2011 CHR 070

MOTION 2014-085: Dr. Wilson moved and Dr. Schmidt seconded a motion to issue the proposed Consent Agreement to the doctor cited in Case No. 2011 CHR 070 as presented. Voting Aye: Vice-President Dr. Gloekler, Dr. Schmidt, Dr. Wilson and Mr. Brown. Voting Nay: None. Abstaining: President Dr. Palkowski. Motion passed.

CONSENT AGREEMENT, CASE NO. 2014 CHR 017

MOTION 2014-086: Vice-President Dr. Gloekler moved and Dr. Schmidt seconded a motion to issue the proposed Consent Agreement to the doctor cited in Case No. 2014 CHR 017 as presented. Voting Aye: President Dr. Palkowski, Vice-President Dr. Gloekler, Dr. Schmidt and Mr. Brown. Voting Nay: None. Abstaining: Dr. Wilson. Motion passed.

NOTICE OF SUMMARY SUSPENSION AND OPPORTUNITY FOR HEARING; CASE NUMBER 2014 CHR 007

Director Caudill presented an Affidavit and redacted exhibits to the Board in regard to Case No. 2014 CHR 007.

Pursuant to Ohio Revised Code (ORC) Section 4734.37 and upon the evidence presented, the Board determined that based upon a review of the Affidavit and redacted exhibits that there is clear and convincing evidence that the doctor in Case Number 2014 CHR 007 has violated ORC Section 4734.31 (C)(17). The Board further determined that there is clear and convincing evidence that continued practice of chiropractic by the doctor cited in Case Number 2014 CHR 007 presents a danger of immediate and serious harm to the public.

MOTION 2014-087: Dr. Wilson moved and Vice-President Dr. Gloekler seconded a motion to summarily suspend the doctor cited in Case No. 2014 CHR 007. Voting Aye: President Dr. Palkowski, Dr. Schmidt and Mr. Brown. Voting Nay: None. Abstaining: Vice-President Dr. Gloekler and Dr. Wilson. Motion passed.

MOTION 2014-088: Mr. Brown moved and Dr. Schmidt seconded a motion to issue a Notice of Summary Suspension and Opportunity for Hearing to the doctor cited in Case No. 2014 CHR 007.

Voting Aye: President Dr. Palkowski, Dr. Schmidt and Mr. Brown. Voting Nay: None. Abstaining: Vice-President Dr. Gloekler and Dr. Wilson. Motion passed.

NOTICE OF OPPORTUNITY FOR HEARING, CASE NO. 2014 CHR 048

MOTION 2014-089: Dr. Schmidt moved and Mr. Brown seconded a motion to issue the proposed Notice of Opportunity for Hearing for the doctor cited in Case No. 2014 CHR 048. Voting Aye: President Dr. Palkowski, Dr. Wilson, Dr. Schmidt and Mr. Brown. Voting Nay: None. Abstaining: Vice-President Dr. Gloekler. Motion passed.

MOTION 2014-090: Dr. Wilson moved and Vice-President Dr. Gloekler seconded a motion to adjourn the meeting. Motion passed unanimously.

With no further business to be brought before the Board, President Dr. Palkowski adjourned the meeting at 2:30 p.m.

Approved By Majority of Board:

Attested By Its Secretary:

Gregory P. Palkowski, D.C.
President

Kelly A. Caudill
Executive Director

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