

Board Members present: Jeffrey O. Brown, Esq., Norman J. Gloekler, D.C., Gregory P. Palkowski, D.C., Otto J. Schmidt, D.C. and Brian S. Wilson, D.C.

Others present: Kelly A. Caudill, Executive Director; Elizabeth Moore, Executive Assistant and Matt Lampke, AAG.

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

The four hundred and eleventh Board meeting was called 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.

PUBLIC FORUM – 9:00 AM

No public in attendance.

Drs. Gloekler and Palkowski's terms on the Board expired January 2, 2015. They were both reappointed to the Board effective April 1, 2015.

ELECTION OF BOARD PRESIDENT

Mr. Brown nominated Dr. Wilson for President. Dr. Palkowski nominated himself for President.

MOTION 2015-019: Dr. Palkowski moved and Mr. Brown seconded a motion to close the nominations for Board President. Motion passed unanimously.

MOTION 2015-020: Dr. Palkowski called for a vote for Dr. Wilson as Board President. Voting Aye: Dr. Wilson, Dr. Schmidt and Mr. Brown. Voting Nay: Dr. Palkowski and Dr. Gloekler. Abstaining: None. Motion passed.

Dr. Wilson called for nominations for Vice-President. Dr. Schmidt nominated Dr. Gloekler.

MOTION 2015-021: Dr. Palkowski moved and Mr. Brown seconded a motion to close the nominations for Board Vice-President. Motion passed unanimously.

MOTION 2015-022: President Dr. Wilson called for a vote for Dr. Gloekler as Board Vice-President. Voting Aye: Dr. Palkowski, Dr. Gloekler, President Dr. Wilson, Dr. Schmidt and Mr. Brown. Voting Nay: None. Abstaining: None. Motion passed unanimously.

REVIEW OF MINUTES

MOTION 2015-023: Mr. Brown moved and Dr. Schmidt seconded a motion to approve the minutes of the February 12, 2015 Board meeting. Voting Aye: President Dr. Wilson, Dr. Schmidt and Mr. Brown. Voting Nay: None. Abstaining: Dr. Palkowski and Vice-President Dr. Gloekler. Motion passed.

RATIFICATION OF PRECEPTORSHIP APPLICATIONS

MOTION 2015-024: Dr. Palkowski moved and Dr. Schmidt seconded a motion to ratify the preceptorships approved for Anton L. Keller with Dr. Glen Keller and Devin J. Whisler with Dr. Nicholas Husser. Motion passed unanimously.

RATIFICATION OF CHIROPRACTIC LICENSES

MOTION 2015-025: Dr. Schmidt moved and Dr. Palkowski seconded a motion to ratify the following chiropractic licenses issued: Matthew W. Byus, Jesse D. Keogh, Bryon M. Arena (temporary license), Jeffrey D. Guindon, Erik Nabi, Desiree D. Williams, Catherine E. Hutton-Wightman, Douglass E. Andrews, Alicia K. Little and Taylor N. Weight. 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, Budgetary Matters, Personnel, Administrative Rules, Investigative Statistics and miscellaneous matters.

President Dr. Wilson gave a report on the recent activities of the Concussion Committee on which he served as a representative on behalf of the Board. A copy of the Guidelines developed by the Committee was provided to the Board members.

Director Caudill reported that two individuals have been selected for the two vacant investigator positions and that background checks are currently being completed. Contingent upon satisfactory results of the background checks, the individuals are anticipated to begin employment with the Board on May 4, 2015.

Director Caudill reported that she gave House budget testimony on February 18, 2015 and the Board's full funding request has been recommended. Senate testimony has not been scheduled.

Director Caudill reminded the Board members that they are required to take training on Ohio's ethics laws each year in accordance with Executive Order 2011-03 and requested that each member provide his certificate of completion to Liz upon completion of the training.

Director Caudill informed the Board of important upcoming FCLB/NBCE dates including the FCLB Annual Meeting being held May 6-10, 2015 and the NBCE Annual Business Meeting being held May 8, 2015 in New Orleans, LA; FCLB District II Meeting being held October 8-11, 2015 in Fort Walton Beach, FL; NBCE Part IV Exams being held May 15-17 and November 13-15, 2015 and NBCE Part IV Test Committee meeting being held June 12-13, 2015.

Director Caudill informed the Board that their Financial Disclosure Statement filing fees have been paid by the Board and all filings are due April 15, 2015.

Director Caudill reported that new staff work rules were implemented January 1, 2015.

MOTION 2015-026: Dr. Palkowski moved and Dr. Schmidt seconded a motion to accept the Director's Report as presented. Motion passed unanimously.

PERTINENT CORRESPONDENCE

Director Caudill presented an email from Bharon Hoag, Executive Director of the Ohio State Chiropractic Association, requesting desired language or changes to ORC Chapter 4734 from the Board for an anticipated recodification of the scope of practice. A copy of an article published by the Texas Chiropractic Association regarding Minnesota's recent chiropractic scope recodification was also provided by the OSCA.

The Board discussed the OSCA's request and agreed the current scope of practice is satisfactory and instructed Director Caudill to respond to Mr. Hoag and decline to offer any language at this time.

LEGAL ACTIVITIES

Matt Lampke, AAG reported to the Board about a current case in regard to *North Carolina State Board of Dental Examiners v. Fair Trade Commission*.

NOTICE OF OPPORTUNITY FOR HEARING, CASE NO. 2015 CHR 031

MOTION 2015-027: Dr. Palkowski moved and Mr. Brown seconded a motion to issue a Notice of Opportunity for Hearing to the doctor cited in Case No. 2015 CHR 031 as presented. A roll call vote was taken. Voting Aye: Dr. Palkowski, Dr. Schmidt, Vice-President Dr. Gloekler and Mr. Brown. Voting Nay: None. Abstaining: President Dr. Wilson. Motion passed.

NOTICE OF PROPOSED REFUSAL OF LICENSE REINSTATEMENT AND NOTICE OF OPPORTUNITY FOR HEARING, CASE NO. 2015 CHR 040

MOTION 2015-028: Dr. Schmidt moved and Dr. Palkowski seconded a motion to issue a Notice of Proposed Refusal of License Reinstatement and Notice of Opportunity for Hearing to the doctor cited in Case No. 2015 CHR 040 as presented. A roll call vote was taken. Voting Aye: Dr. Palkowski, Dr. Schmidt, Vice-President Dr. Gloekler and Mr. Brown. Voting Nay: None. Abstaining: President Dr. Wilson. Motion passed.

MODIFICATION OF CONSENT AGREEMENT, CASE NO. 2014 CHR 072

MOTION 2015-029: Dr. Schmidt moved and Dr. Palkowski seconded a motion to approve the proposed Modification of Consent Agreement for the doctor cited in Case No. 2014 CHR 072 as presented. A roll call vote was taken. Voting Aye: President Dr. Wilson, Dr. Palkowski, Dr. Schmidt and Mr. Brown. Voting Nay: None. Abstaining: Vice-President Dr. Gloekler. Motion passed.

DELIBERATION**TARIQ A. ARIF, D.C., CASE NO. 2014 CHR 048**

On or about December 4, 2014 the Board issued a Notice of Opportunity for Hearing to Tariq A. Arif, D.C. Service of the Notice was perfected to Dr. Arif on or about January 26, 2015. Dr. Arif did not request a hearing in accordance with ORC Section 119.07.

Prior to consideration of the matter of Dr. Tariq A. Arif, President Dr. Wilson, Vice-President Dr. Gloekler, Dr. Schmidt and Mr. Brown verified that they reviewed and considered the charges against Dr. Arif in the December 4, 2014 Notice of Opportunity for Hearing and State's Exhibits 1-5 supporting the charges.

Action MOTION 2015-030: Mr. Brown moved and Vice-President Dr. Gloekler seconded a motion

to issue the following Order to Tariq A. Arif, D.C.:

Dr. Arif's license to practice chiropractic in the state of Ohio shall be Suspended for three (3) months effective immediately. Upon completion of his active suspension and return to active practice, Dr. Arif's license shall be placed on Probation for not less than thirteen (13) months.

Dr. Arif shall submit proof of earning twelve (12) hours of continuing education on the topic of Ethics within ninety (90) days. The CE shall be pre-approved by the Board or its Designate.

Dr. Arif shall provide a copy of his June 12, 2014 Consent Agreement and a copy of this Order to the Pennsylvania State Board of Chiropractic Examiners by certified mail, return receipt requested, and shall provide the Board with proof of notification within thirty (30) days.

Dr. Arif shall comply with all applicable requirements of OAC Section 4734-9-10 regarding conduct following action against a licensee and shall file an affidavit specifying how he has complied with the requirements of the rule within thirty (30) days.

Dr. Arif shall obey all federal, state and local laws, and all laws and rules governing the practice of chiropractic in Ohio.

Terms of Probation

Dr. Arif shall serve his thirteen (13) month probationary period while actively residing and practicing within the state of Ohio. In the event Dr. Arif moves out of state or ceases to practice in Ohio, he shall notify the Board of these events in writing at least fifteen (15) days prior to the event. The terms and conditions of the Probation may be stayed by the Board until Dr. Arif returns to practice chiropractic in Ohio. Dr. Arif shall notify the Board in writing that he is returning to the practice of chiropractic at least fifteen (15) days prior to returning to practice in any capacity. The notice shall provide the date he will return to practice and the location(s) of practice.

Dr. Arif shall obey all federal, state, and local laws, and all laws and rules governing the practice of chiropractic in the state of Ohio.

If Dr. Arif is arrested, charged, or convicted of any violation of law other than that which gave rise to this action, he shall report said arrest, charge or conviction to the Board within ten (10) days from the date of arrest, charge or conviction. The Board may issue a Notice of Opportunity for Hearing for cause under ORC Chapters 4734 and 119 based upon any such new information it received. In the event Dr. Arif fails to provide the notification to the Board within the required time, the Board reserves the right to proceed on a similar basis.

Dr. Arif shall comply with all terms and conditions of his Court ordered community control arising out of his conviction Case No. 13CR-06-3314, including payment of court costs, investigative fees and restitution.

Dr. Arif shall notify the Board of any changes in his employment and residence addresses and telephone numbers within fifteen (15) days of any such change.

Dr. Arif shall appear before the full Board or its designated representative for interviews, as requested or directed by the Board, during which time he may be required to answer questions under oath.

Dr. Arif shall not knowingly associate professionally with any other doctor of chiropractic or other health care provider who has been disciplined by the Board or any regulatory authority, or with any convicted felon, unless granted written permission to do so by the Board in advance of any such professional association.

Dr. Arif shall provide a copy of this Agreement to any healthcare or chiropractic organization that contracts with or employs him to provide chiropractic services, via its director or equivalent, prior to this being employed or contracting with said organization, including but not limited to, managed care organizations and/or hospitals where he holds privileges.

Dr. Arif shall consent to the Board or its agents entering onto the office, clinic or any premises where he may practice chiropractic or where the billing for his chiropractic services occurs in order to conduct an inspection of his patient and billing records to assure compliance with this Agreement. These inspections may be accomplished during regular business hours and at all other reasonable times.

Dr. Arif shall cooperate in good faith in any investigation, inquiry, proceeding, or hearing conducted by the Board. Good faith cooperation is defined as Dr. Arif being forthcoming with information and providing truthful information or testimony in any such investigation, inquiry, proceeding, or hearing.

Dr. Arif shall submit with his application for license renewal certificates of attendance, transcripts, or other proof of evident of completion for all CE programs he earns for license renewal purposes.

This Order shall become effective immediately and is hereby entered upon the Journal of the Board for the 9th day of April 2015. Voting Aye: President Dr. Wilson, Vice-President Dr. Gloekler, Dr. Schmidt and Mr. Brown. Voting Nay: None. Abstaining: Dr. Palkowski. Motion passed.

ADMINISTRATIVE RULES – FIVE YEAR RULE REVIEW

Board Rule 4734-1-15: The Board previously approved filing rule 4734-1-15 for Rescission and it was filed with JCARR accordingly on March 4, 2015. Due to the numerous written comments received from the profession against the proposed rescission, the rule was withdrawn on March 27, 2015 in order for the Board to consider the matter further.

The Board reviewed and discussed the comments received from the profession and determined a majority of individuals providing comment wish for the language in paragraph (B) of rule 4734-7-15 to remain.

MOTION 2015-031: Mr. Brown moved and Dr. Schmidt seconded a motion to amend Board Rule 4734-1-15 by rescinding paragraphs (A) and (C) and to proceed with the procedures of the Common Sense Initiative Office and, provided CSI recommends filing the rule as amended, file the rule with JCARR with authority to Director Caudill to make any non-substantive changes that may be recommended by CSI and/or JCARR. Motion passed unanimously.

ADMINISTRATIVE RULE REVIEW

Director Caudill presented rules 4734-7-01; 4734-7-02; 4734-7-03; 4734-7-04 and 4734-10-06 (rules 4734-7-05 and 4734-10-04 are proposed for rescission) with proposed draft amendments the Board instructed her to make at the February 12, 2015 Board meeting. The Board instructed

Director Caudill to make further amendments to the rules and present drafts at the June 11, 2015 meeting.

OLD/NEW BUSINESS/MISCELLANEOUS

Dr. Schmidt inquired if the Board had received any complaints regarding a program titled “Chiropractic Care for Infants and Children” sponsored by the OSCA. Director Caudill reported that she had received complaints regarding the program and allegations that it was a program designed to attract pediatric patients and not about diagnosing, treating, caring, etc. for pediatric patients. In response to the complaints, Director Caudill requested additional information from the OSCA regarding the content of the program. The Board reviewed the information provided and determined that the program is not of academic and ethical quality to enhance the professional knowledge, skills and ability of Ohio chiropractic licensees.

MOTION 2015-032: Dr. Palkowski moved and Mr. Brown seconded a motion to withdraw approval of the continuing education program titled “Chiropractic Care for Infants and Children” sponsored by the OSCA. Motion passed unanimously.

The Board instructed Director Caudill to advise the OSCA that approval of the program is withdrawn and request that registrants of future scheduled programs be advised of the withdrawal. Further, if the OSCA wishes to seek re-approval of the program, the Board requests a specific hour by hour outline along with details of how the program complies with Board Rule 4734-7-02 (F). Should the Board grant re-approval of the program, it will be subject to probation for the duration it is held in the state of Ohio and per paragraph (O) of rule 4734-7-02, a representative of the Board may audit any session of the program to verify the content and to ensure compliance with the Board’s rules at no charge to the Board or Board representative.

MOTION 2015-033: Mr. Brown moved and Dr. Schmidt seconded a motion to adjourn the meeting. Motion passed unanimously.

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

Approved By Majority of Board:

Attested By Its Secretary:

Brian S. Wilson, D.C.
President

Kelly A. Caudill
Executive Director

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