

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

Others present: Kelly A. Caudill, Executive Director; Elizabeth Moore, Executive Assistant; Kendra Lindsey, Paralegal; Kim Stein, Investigator; LaTawnda Moore, AAG; and Brandy Spaulding, D.C., OSCA Executive Director.

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. Frame called the four hundred and forty-second Board meeting to order at 1:45 p.m. via Microsoft Teams.

OATH OF OFFICE

President Dr. Frame introduced and welcomed newly appointed Board member Dr. Mark Rich and administered the Oath of Office.

REVIEW OF MINUTES

Vice-President Dr. Ault moved and Dr. Haggerty seconded a motion to approve the minutes of the June 19, 2020 Board meeting. Motion passed unanimously.

RATIFICATION OF CHIROPRACTIC LICENSES

Dr. Haggerty moved and Vice-President Dr. Ault seconded a motion to ratify approval of the chiropractic licenses issued to Adam Black, Shoshana Loerch, Ashley Cooper, Josh Spieles, Timothy Brinkman, Kevin Naples, Mounir Semia, Justin Collins and Alexandria Calderone. Motion passed unanimously.

RATIFICATION OF ACUPUNCTURE CERTIFICATE

Dr. Haggerty moved and Ms. Voltolini seconded a motion to ratify approval of the acupuncture certificate issued to Dr. David Vincent. Motion passed unanimously.

RATIFICATION OF PRECEPTORSHIPS

Ms. Voltolini moved and Dr. Rich seconded a motion to ratify approval of the preceptorships for Emily Butler with Dr. Adam Mack; Chelsea York with Dr. Patrick Baker; Bryan Hoggatt with Dr. Joseph Fields; Emmaline Miller with Dr. Kara Davidson; Mark Boynton with Dr. Carl Eyman; Allen Limes with Dr. Wayne Koskinen; Alexis Williams with Dr. Alexander Bue; Skyler Zawko with Dr. Patrick Starkey; Patrick Feldkamp with Dr. Peter Feldkamp and Dr. James Darrach; Erene Mihalas with Dr. Linzie Crute and David Davis with Dr. Bernard Bubanic. Motion passed unanimously.

EXECUTIVE DIRECTOR'S REPORT

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

matters, specifically:

Sunset Review: SB 255 from the 132nd GA requires the Legislative Service Commission (LSC) to issue a report of 33% of the occupational licensing boards each biennium beginning in 2019 and on a six-year rolling basis after 2024. Director Caudill reported that the Board is up for review and the LSC report is due September 30. She provided the Board with a copy of the Sunset Review questions along with stats from all US Chiropractic Boards and pertinent rules that they may wish to review to ensure that the least restrictive regulations are being applied. Director Caudill will send the Board the final version of the completed questions prior to submitting.

Director Caudill reported that the 2022/2023 Operating Budget Request is due by September 15, 2020. Director Caudill stated that operating funds may run short and the Board may want to consider a fee increase of \$50 for license renewal and \$50 for the licensure application fee. It has been 25 years since the Board has raised fees.

All staff has been teleworking since March 16, 2020. Director Caudill reported that teleworking continues to run smoothly with no processing issues. A return to work date of January 4, 2021 is anticipated.

All agencies are under a hiring freeze, step increases, and longevity pay is frozen as is pay raises for Exempt personnel. Exempt personnel will also have 80 hours of cost savings days in FY 2021.

Important upcoming dates including the Virtual FCLB District II Meeting scheduled for October 7-8, 2020 and the NBCE Part IV Exam scheduled for November 13-15, 2020.

Director Caudill reported that a rules hearing was held August 17, 2020 for the CPI rules rescissions and adoption of a new rule. No witnesses testified or participated in the hearing. JCARR has jurisdiction until September 14, 2020.

Director Caudill presented Board rule 4734-8-09 Concussion Management, with proposed amendments requested by the Ohio State Chiropractic Association specifically defining “interscholastic extracurricular activity” and making “youth athlete” more clearly. There has been an incident where a high school will not accept a chiropractor’s clearance. OSHAA’s website does not publish (or promote) the most current concussion statutes and rules that include chiropractors. The OSCA believes with these proposed amendments, they will be in a better position to work with the OHSAA.

Director Caudill discussed Board Rule 4734-9-10, Conduct Following Action Against a License. She recommended adding clarifying language in paragraph (C) of the rule to require licensees subject to 30 or more days of suspension to notify in writing all patients who have been under the chiropractor's care within the preceding six months of his or her inability to provide chiropractic and/or acupuncture services.

Dr. Haggerty moved and Vice-President Dr. Ault seconded a motion to approve the proposed amendments as presented for 4734-8-09 Concussion management and 4734-9-10 Conduct following action against a license. Motion passed unanimously.

Director Caudill presented a proposal from CE Broker requesting the Board consider CE Broker as a resource for monitoring and auditing continuing education.

The Board instructed Director Caudill to advise CE Broker there is no interest in the service at this time.

Dr. Haggerty moved and Vice-President Dr. Ault seconded a motion to accept the Director's Report as presented. Motion passed unanimously.

LEGAL ACTIVITIES

Prior to consideration of the matter of Sean Nikolas Wunderle, D.C., Case No. 2020 CHR 043, Vice-President Dr. Ault, Dr. Haggerty, Dr. Rich and Ms. Voltolini reviewed and considered the charges against Dr. Wunderle in the October 30, 2020 Notice of Opportunity for Hearing and the evidence supporting the charges.

ADJOURN

Dr. Haggerty moved and Dr. Rich seconded a motion to adjourn the meeting for the purpose of engaging as a quasi-judicial body for deliberation regarding the matter of Sean Nikolas Wunderle, D.C. President Dr. Frame did not participate in the deliberation. The Board meeting was called back to order at the conclusion of the deliberations at 4:15 p.m.

SEAN NIKOLAS WUNDERLE, D.C.; CASE NO. 2020 CHR 043

On or about June 19, 2020 the Board issued a Notice of Opportunity for Hearing to Sean Nikolas Wunderle, D.C. Service of the Notice was perfected to **DR. WUNDERLE**. **DR. WUNDERLE** did not request a hearing in accordance with Ohio Revised Code Section 119.07.

On or about July 29, 2020, the Board sent **DR. WUNDERLE** correspondence that the Board would consider the matter on August 28, 2020 and a final Order would be mailed to him after the hearing.

The Board members considered the charges against **DR. WUNDERLE** in the June 19, 2020 Notice of Opportunity for Hearing and evidence supporting the charges. The Board finds by a preponderance of the evidence that **DR. WUNDERLE** is guilty of Counts 1 through 17 as outlined in the Board's Notice of Opportunity for Hearing. Accordingly, the Board may discipline **DR. WUNDERLE** in accordance with ORC Section 4734.31 (A), (B)(3), (B)(5) and (D)(2).

Vice President Dr. Ault moved and Ms. Voltolini seconded a motion to issue the following Order to Sean Nikolas Wunderle, D.C.:

DR. WUNDERLE'S license to practice chiropractic in the state of Ohio shall be **SUSPENDED** indefinitely, but for not less than one hundred eighty (180) days. Prior to any reinstatement of **DR. WUNDERLE'S** license, he shall submit a proposed Compliance Monitoring Plan and proposed Compliance Monitor for any chiropractic facility in which he practices, owns, operates, manages, or otherwise has an ownership or fiduciary interest, for Board approval. Upon approval of a Compliance Monitoring Plan and Compliance Monitor, the Board shall reinstate **DR. WUNDERLE'S** chiropractic license. **DR. WUNDERLE'S** license shall be subject to fifteen (15) months of Probation.

This **ORDER** shall become effective immediately and is hereby entered upon the Journal of the Board for the 28th day of August 2020.

Voting Aye: Vice-President Dr. Ault, Dr. Haggerty, Dr. Rich and Ms. Voltolini. Voting Nay:

None. Abstaining: President Dr. Frame. Motion passed.

EXECUTIVE SESSION

Ms. Voltolini moved and Vice-President Dr. Ault seconded a motion to go into executive session for the purpose of discussing pending or imminent court action with AAG Lawtanda Moore. Voting Aye: President Dr. Frame, Vice-President Dr. Ault, Dr. Haggerty, Dr. Rich and Ms. Voltolini. Voting Nay: None. Abstaining: None. Motion passed unanimously.

President Dr. Frame called an executive session for the purpose of discussing pending or imminent court action. The meeting was called back to regular discussion at the conclusion of the discussion at 4:40 p.m.

LEGAL ACTIVITIES

CONSENT AGREEMENT, CASE NO. 2020 CHR 046

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

CONSENT AGREEMENT, CASE NO. 2020 CHR 068

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

NOTICE OF PROPOSED REFUSAL OF APPLICATION FOR LICENSURE AND OPPORTUNITY FOR HEARING, CASE NO. 2020 CHR 080

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

NOTICE OF PROPOSED REFUSAL OF APPLICATION FOR LICENSE RESTORATION AND OPPORTUNITY FOR HEARING, CASE NO. 2021 CHR 006

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

Dr. Rich 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 5:00 p.m.

Approved By Majority of Board:

Attested By Its Secretary:

Mickey E. Frame, D.C.
President

Kelly A. Caudill
Executive Director