

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

Others present: Kelly A. Caudill, Executive Director and Leah V.B. O'Carroll, AAG. State Representative Rick Perales was present from 9:30 a.m. to 10:30 p.m.

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 seventh Board meeting to order at 9:00 a.m. The meeting was held at the Ohio State Chiropractic Board Office; 77 South High Street, 19th Floor, Room 1918; Columbus, Ohio.

PUBLIC FORUM – 9:05 AM

President Dr. Palkowski invited the public to address the Board. Linda Joseph addressed the Board regarding her nephew, John N. Heary, D.C. Ms. Joseph read a letter to the Board from Dr. Heary.

REVIEW OF MINUTES

MOTION 2014-100: Dr. Wilson moved and Vice-President Dr. Gloekler seconded a motion to approve the minutes of the June 12, 2014 Board meeting. Motion passed unanimously.

PRECEPTORSHIP APPLICATIONS

MOTION 2014-101: Vice-President Dr. Gloekler moved and Dr. Schmidt seconded a motion to ratify the preceptorships approved for William Munoz, Jr., with Michael Izquierdo D.C. and Corey S. Chaffins with Paul Agee, D.C. Motion passed unanimously.

ACUPUNCTURE CERTIFICATES

MOTION 2014-102: Dr. Wilson moved and Mr. Brown seconded a motion to ratify the acupuncture certificates issued to Drs. Andrew J. Hospodar and Adam Solomon. Motion passed unanimously.

RATIFICATION OF LICENSES

MOTION 2014-103: Vice-President Dr. Gloekler moved and Mr. Brown seconded a motion to ratify the following licenses issued since June 12, 2014: Nicholas Donald Colosi, II, Krista Bader Sapp, Matthew Donald Spears, Nicholas Paul Bigrigg, Eric Glen Herrmann, Kristin Elizabeth Kemper, Megan Marie Herrmann, Alexandra Marie DiBenedetto, Dai-il Yu, Brittany Ann Morrow, Marissa Lauren Fields, Harry Joseph Dunn, Jr., Todd Charles Graves, Adam Russell Coates, Jean Karen Hoffman, Angela Giovanna Natoli, Nicholas Stephen Goin, Benjamin Aaron Brown Imagire, and Eric Lamont Mack, Jr. Motion passed unanimously.

RATIFICATION OF CE WAIVERS

Director Caudill presented CE waivers for ratification granting Dr. Randy Jacobs a waiver of the in-state CE requirement for the two weeks he will practice in Ohio during the 2014-2016 CE earning

period and granting Dr. Benjamin Herron a waiver to earn his required 24 hours of in-state CE outside the state of Ohio for the 2014-2016 CE reporting period.

MOTION 2014-104: Dr. Wilson moved and Dr. Schmidt seconded a motion to ratify the CE waivers granted for Drs. Randy Jacobs and Benjamin Herron to permit them to earn all of their required CE hours out of state. 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, Investigative Statistics and miscellaneous matters, including an announcement that the Board's website now has a link to a customer service satisfaction survey and a link to the survey is also contained in each employee email.

Director Caudill advised the Board members that the FCLB District II meeting is scheduled for October 16-19, 2014 in Fort Walton Beach, Florida and the next NBCE Part IV testing opportunity is scheduled for November 14-16, 2014.

MOTION 2014-105: Dr. Wilson moved and Mr. Brown seconded a motion that Vice President Dr. Gloekler attend the FCLB District II meeting scheduled for October 16-19, 2014 in Fort Walton Beach, Florida on behalf of the Board. Motion passed unanimously

MOTION 2014-106: Vice-President Dr. Gloekler moved and Dr. Schmidt seconded a motion to nominate Dr. Wilson to represent the Board at the NBCE Part IV test scheduled for November 14-16, 2014. Motion passed unanimously

MOTION 2014-107: Vice-President Dr. Gloekler moved and Dr. Wilson seconded a motion to accept the Director's Report as presented. Motion passed unanimously.

PERTINENT CORRESPONDENCE

Director Caudill presented a letter from Dr. Daniel Lollar in which he requests the Board to consider changing the CE requirements to allow out-of-state or in-state CE to be used for renewal purposes.

The Board discussed the matter and instructed Director Caudill to send out a request for comment from the Board's stakeholders.

Director Caudill presented a letter from Lance D. Himes, J.D., Interim Director of the Ohio Department of Health requesting the Board submit names for his consideration for appointment to a committee for the purpose of developing guidelines for the diagnosis, treatment and clearance of concussions and head injuries sustained by youth athletes and to develop the minimum education requirements necessary for providers to assess and clear those athletes to return to practice in accordance with HB 487.

MOTION 2014-108: Mr. Brown moved and Dr. Schmidt seconded a motion to submit Dr. Wilson's name to the ODH for appointment to the committee. Motion passed unanimously.

LEGAL ACTIVITIES

CONSENT AGREEMENT, CASE NO. 2014 CHR 068

MOTION 2014-109: Dr. Wilson moved and Vice-President Dr. Gloekler seconded a motion to approve the proposed Consent Agreement for the doctor cited in Case No. 2014 CHR 068 as presented. A roll call vote was taken. Voting Aye: Vice-President Dr. Gloekler, Dr. Wilson, Dr. Schmidt and Mr. Brown. Voting Nay: None. Abstaining: President Dr. Palkowski. Motion passed.

CONSENT AGREEMENT, CASE NO. 2014 CHR 069

MOTION 2014-110: Dr. Schmidt moved and Dr. Wilson seconded a motion to approve the proposed Consent Agreement for the doctor cited in Case No. 2014 CHR 069 as presented. A roll call vote was taken. Voting Aye: Vice-President Dr. Gloekler, Dr. Wilson, Dr. Schmidt and Mr. Brown. Voting Nay: None. Abstaining: President Dr. Palkowski. Motion passed.

CONSENT AGREEMENT, CASE NOS. 2014 CHR 028 and 2014 CHR 049

MOTION 2014-111: Dr. Wilson moved and Mr. Brown seconded a motion to approve the proposed Consent Agreement for the doctor cited in Case Nos. 2014 CHR 028 and 2014 CHR 049 as presented. A roll call vote was taken. Voting Aye: Vice-President Dr. Gloekler, Dr. Wilson, Dr. Schmidt and Mr. Brown. Voting Nay: None. Abstaining: President Dr. Palkowski. Motion passed.

CONSENT AGREEMENT, CASE NO. 2014 CHR 072

MOTION 2014-112: Dr. Schmidt moved and Dr. Wilson seconded a motion to approve the proposed Consent Agreement for the doctor cited in Case Nos. 2014 CHR 072 as presented. A roll call vote was taken. Voting Aye: President Dr. Palkowski, Dr. Wilson, Dr. Schmidt and Mr. Brown. Voting Nay: None. Abstaining: Vice-President Dr. Gloekler. Motion passed.

NOTICE OF OPPORTUNITY FOR HEARING, CASE NO. 2014 CHR 063

MOTION: 2014-113: Dr. Wilson moved and Dr. Schmidt seconded a motion to issue a Notice of Opportunity for Hearing to the doctor cited in Case No. 2014 CHR 063 as presented. A roll call vote was taken. Voting Aye: President Dr. Palkowski, Dr. Wilson, Dr. Schmidt and Mr. Brown. Voting Nay: None. Abstaining: Vice-President Dr. Gloekler. Motion passed.

BREAK 10:30 AM to 11:00 AM

BOARD ADDRESS – 11:00 AM

In accordance with OAC § 4734-4-13, Henry Appel, AAG, Steven A. Sindell, Esq. and Christopher C. Sonich, D.C. addressed the Board regarding the matter of Christopher C. Sonich, D.C.

ADJOURN – 11:20 AM

MOTION 2014-114: Vice-President Dr. Gloekler moved and Dr. Schmidt seconded a motion to adjourn for the purpose of engaging as a quasi-judicial body for deliberations regarding the matters of Christopher C. Sonich, D.C. and John N. Heary, D.C. Dr. Wilson did not participate in the deliberations. The Board meeting was called back to order at the conclusion of the deliberations at 1:30 p.m.

ADJUDICATIONS

CHRISTOPHER C. SONICH, D.C., CASE NO. 2013 CHR 025

Prior to consideration of the matter of Christopher C. Sonich, D.C., President Dr. Palkowski, Vice-President Dr. Gloekler, Dr. Schmidt and Mr. Brown verified that they reviewed the following materials: Hearing Transcript, State's Exhibits, Respondent's Exhibits, State's Closing Arguments,

Respondent's Closing Arguments, State's Reply to Closing Arguments and Report and Recommendation dated June 27, 2014.

Action: MOTION 2014-115: Mr. Brown moved and Dr. Schmidt seconded a motion to issue the following Adjudication Order to Christopher C. Sonich, D.C.:

The Board accepts the Findings of Fact and Conclusions of Law in the Hearing Examiner's June 27, 2014 Report and Recommendation and modified the recommendation in the Hearing Examiner's Report and Recommendation and ORDERS the following:

Dr. Sonich's license to practice chiropractic in the state of Ohio shall be SUSPENDED for a term of five (5) years effective October 1, 2014. Four (4) years and six (6) months of the Suspension shall be STAYED subject to the recommendations and conditions set forth by the Hearing Officer delineated below. Dr. Sonich shall not practice chiropractic in the state of Ohio from October 1, 2014 to March 31, 2015 and shall comply with the provisions of OAC 4734-9-10. Further, before March 31, 2015, Dr. Sonich shall successfully pass the Ethics and Boundaries Examination offered by Ethics and Boundaries Assessment Services. The rationale for the modification of the Hearing Officer's recommendation is based upon the severity of Dr. Sonich's verbal threats and his conduct in the telephone calls made to the victims in the conduct outlined in Counts One and Two of the Board's Notice of Opportunity for Hearing.

Four (4) years and six (6) months of the Suspension shall be STAYED subject to the conditions as follows:

1. Formal monitoring by a treating psychiatrist, psychologist or other therapist who reports to the Board on a quarterly basis.
2. Abstinence from gambling and alcohol consumption.
3. Random drug and alcohol testing
4. Documented attendance at four GA/AA meetings each week. Quarterly reporting of attendance to the Board.
5. Board-approved supervision of practice management, including all areas of record-keeping and associated billing practices. Quarterly reporting to the Board.
6. Successful completion of court-ordered probation.
7. Obey all federal, state and local laws, and all laws and rules governing the practice of chiropractic in Ohio.
8. Sign all releases required by providers necessary to facilitate reporting to the Board.
9. All expenses to be assumed by Dr. Sonich.

FAILURE TO COMPLY

The Stay of Dr. Sonich's suspension shall be lifted if it appears to the Board that Dr. Sonich has violated or breached any of the conditions of this Order. The Board shall notify Dr. Sonich via certified mail of the specific nature of the charges. Upon receipt of the Notice Dr. Sonich may request a hearing regarding the charges.

A roll call vote was called. Voting Aye: President Dr. Palkowski, Vice-President Dr. Gloekler, Dr. Schmidt and Mr. Brown. Voting Nay: None. Abstaining: Dr. Wilson. Motion passed.

JOHN N. HEARY, D.C., CASE NO. 2007 CHR 062

Prior to consideration of the matter of John N. Heary, D.C., President Dr. Palkowski, Vice-President

Dr. Gloekler, Dr. Schmidt and Mr. Brown verified that they reviewed the following materials: Hearing Transcript, State’s Exhibits and Report and Recommendation dated June 28, 2014.

Action: MOTION 2014-116: Vice-President Dr. Gloekler moved and Mr. Brown seconded a motion to issue the following Adjudication Order to John N. Heary, D.C.:

The Board accepts the Findings of Fact and Conclusions of Law in the Hearing Examiner’s June 28, 2014 Report and Recommendation and Orders that Dr. John N. Heary’s license to practice chiropractic in the State of Ohio shall be PERMANENTLY REVOKED. A roll call vote was taken. Voting Aye: President Dr. Palkowski, Vice-President Dr. Gloekler, Dr. Schmidt and Mr. Brown. Voting Nay: None. Abstaining: Dr. Wilson. Motion passed.

EXECUTIVE SESSION

MOTION 2014-117: Dr. Schmidt moved and Mr. Brown seconded a motion to go into executive session to discuss pending and imminent litigation with legal counsel. A roll call vote was taken. Motion passed unanimously. The meeting was called back to regular session at 2:25 p.m.

OLD/NEW BUSINESS/MISCELLANEOUS

None.

MOTION 2014-118: Mr. Brown 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. 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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