

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

Others present: Kelly A. Caudill, Executive Director; Leah V.B. O'Carroll, AAG; Elizabeth Moore, Executive Assistant; Rex Waldenmyer, Investigator; Kendra Hudson, Paralegal and Bharon Hoag, 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. Farabaugh called the three hundred and ninety-seventh Board meeting to order at 9:05 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 2013-050: Dr. Wilson moved and Vice-President Dr. Palkowski seconded a motion to approve the minutes of the October 11, 2012 Board meeting. Motion passed unanimously.

PRECEPTORSHIP APPLICATIONS

MOTION 2013-051: Dr. Wilson moved and Mr. Kennedy seconded a motion to ratify the preceptorships approved for Elizabeth Klosterman with Dana Winchester, D.C. and Paul Bowen with Mark King, D.C. Motion passed unanimously.

ACUPUNCTURE CERTIFICATES

MOTION 2013-052: Dr. Gloekler moved and Dr. Wilson seconded a motion to ratify the acupuncture certificate issued to Dr. Ronald Moore. Motion passed unanimously.

RATIFICATION OF LICENSES

MOTION 2013-053: 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: Dianne E. Starkey, Sara M. Jerman, Jason E. Feltz, Jordan S. Merrill, James J. Morgenstern, Kassandra M. Schultz, Noah C. Erickson, Paul J. Infield, David D. Adamets, Jarek A. Esarco, Tyler G. Infield, Amber L. Aiken, Quentin A. Stapp, Matthew J. Houchin, Benjamin C. Kraft, Jasmine P. Craner, Lee A. Thomas, Michael A. Heitholt and Erik D. Hensel. Motion passed unanimously.

CE APPROVAL

Director Caudill presented a CE Registration form and course outline for a 13 hour program entitled, "Enhancing Patient Care and Professional Integration Through Strategic Planning" scheduled to be held on April 5-6, 2013 in Columbus by Life University. The course outline included several topics that do not appear to be acceptable for continuing education in accordance with Board Rule 4734-7-02 (D).

The Board approved the program with the exception of the sessions titled, "The Vitalistic Financial

Philosophy,” “The Prosperity Equation” and “Money Tips.” The Board requested further information on the content of the sessions scheduled for 1:00 p.m. to 4:00 p.m. on April 6, 2013 before making a final determination on the total number of hours approved for continuing education.

EXECUTIVE DIRECTOR’S REPORT

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

Director Caudill gave a status update on HB 259 regarding complementary and alternative health services and HB 251 regarding Oriental medicine.

Director Caudill discussed new legislation introduced since the last Board meeting including SB 384 which proposes to establish a Joint Committee on Government Efficiency and HB 607 which proposes to require certain health care professionals to wear identification when providing direct patient care.

Director Caudill reported that HB 453 passed by the House and includes changes to ORC 119 that would permit agencies to send Notices and Summary Suspensions via a delivery system with traceable delivery or by personal delivery instead of registered mail, return receipt requested. It was anticipated that an amendment to address Human Trafficking for Title 47 agencies would also be included in this bill however the amendment is to be introduced in the Senate.

Director Caudill reported that HB 143 passed on December 4, 2012 and requires health care providers who are not licensed physicians return concussed athletes to play in consultation with a physician; pursuant to the referral of a physician; in collaboration with a physician or under the supervision of a physician.

Director Caudill reported that SB 141 passed on December 4, 2012 and permits out of state medical and osteopathic doctors, chiropractic physicians and physical therapists to travel with athletic teams to treat their athletes and individuals who accompany the athletes without obtaining an Ohio license.

Director Caudill reported that she and Bharon Hoag, Executive Director of the Ohio State Chiropractic Association, met with the Director of the Respiratory Care Board, Chris Logsdon, on November 27, 2012 to discuss his letter to the Board dated October 10, 2012 in which he requests the Board’s cooperation to educate chiropractic physicians regarding the Home Medical Equipment law.

Director Caudill gave an update on the Human Trafficking Act of 2012 and the legislative amendment in HB 453 that was to include specific human trafficking provisions for Boards and Commissions however, the bill was not passed out of the Senate.

Director Caudill reported that a new paralegal, Kendra Hudson, began her employment with the Board on November 5, 2012 and introduced her to the Board.

Director Caudill discussed the inquiry received at the last Board meeting regarding performing musculoskeletal ultrasound (MDU) and reported that a survey was sent to all chiropractic colleges and while some colleges may teach basic MDU principles, the only program that provides sufficient training, performing and interpreting is Logan Chiropractic College’s radiology residency program.

The Board advised Director Caudill to respond to the inquiry stating that performing musculoskeletal ultrasound is within the scope of practice however the licensee must have the proper training and education.

Director Caudill reported that the Department of Administrative Services awarded a contract to Iron Data for implementation of their Versa Product Suite to replace the current ELicense system.

MOTION 2013-054: Dr. Wilson moved and Vice-President Dr. Palkowski seconded a motion to accept the Director's Report as presented. Motion passed unanimously.

OHIO STATE CHIROPRACTIC ASSOCIATION

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

LEGAL ACTIVITIES

CONSENT AGREEMENT; CASE NO. 2011 CHR 038

MOTION 2013-055: Vice-President Dr. Palkowski moved and Dr. Wilson seconded a motion to accept the proposed Consent Agreement for the doctor cited in Case No. 2011 CHR 038 as presented. Voting Aye: Vice-President Dr. Palkowski, Dr. Gloekler, Dr. Wilson and Mr. Kennedy. Voting Nay: None. Abstaining: President Dr. Farabaugh. Motion passed.

CONSENT AGREEMENT; CASE NO. 2013 CHR 015

MOTION 2013-056: Dr. Wilson moved and Vice-President Dr. Palkowski seconded a motion to accept the proposed Consent Agreement for the doctor cited in Case No. 2013 CHR 015 as presented. Voting Aye: President Dr. Farabaugh, Vice-President Dr. Palkowski, Dr. Wilson and Mr. Kennedy. Voting Nay: None. Abstaining: Dr. Gloekler. Motion passed.

NOTICE OF OPPORTUNITY FOR HEARING; CASE NO. 2013 CHR 006

MOTION 2013-057: Dr. Gloekler moved and Vice-President Dr. Palkowski seconded a motion to accept the proposed Notice of Opportunity for Hearing for the doctor cited in Case No. 2013 CHR 006 for allegedly violating Ohio Revised Code § 4734.31 (C)(1). Voting Aye: Vice-President Dr. Palkowski, Dr. Gloekler and Dr. Wilson. Voting Nay: None. Abstaining: President Dr. Farabaugh and Mr. Kennedy. Motion passed.

CONSENT AGREEMENT; CASE NO. 2011 CHR 040

MOTION 2013-058: Dr. Wilson moved and Dr. Gloekler seconded a motion to accept the proposed Consent Agreement for the doctor cited in Case No. 2011 CHR 040 as presented. Voting Aye: President Dr. Farabaugh, Dr. Gloekler, Dr. Wilson and Mr. Kennedy. Voting Nay: None. Abstaining: Vice-President Dr. Palkowski. Motion passed.

ADMINISTRATIVE RULES/FIVE YEAR RULE REVIEW

The Board discussed administrative rules 4734-7-01, 7-02 and 7-03 which were placed on To Be Refiled (TBR) status based on testimony received at the public rules hearing on October 11, 2012. Based on testimony received at the hearing, the word "clinical" will be removed from use in conjunction with the word nutrition in the continuing education definition paragraph of administrative rules 4734-7-01, 7-02 and 7-03.

MOTION 2013-059: Mr. Kennedy moved and Dr. Wilson seconded a motion to remove the word clinical from use in conjunction with the word nutrition in the continuing education definition paragraph of administrative rules 4734-7-01, 7-02 and 7-03 and to refile the rules with said changes. Voting Aye: President Dr. Farabaugh, Vice-President Dr. Palkowski, Dr. Gloekler, Dr. Wilson and Mr. Kennedy. Voting Nay: None. Abstaining: None. Motion passed unanimously.

The Board reviewed and discussed the following CSI reviewable rules up for Five Year Rule Review: 4734-1-03; 4734-5-01; 4734-6-05 & 6-07, 4734-8-02, 8-03, 8-05, 8-06 & 8-08; 4734-9-01, 9-03, 9-04, 9-05, 9-06, 9-08, 9-09 & 9-10; 4734-10-03 & 10-05. Administrative rules 4734-5-02, 5-03, 5-04 & 5-06 are not scheduled for five year rule review, but were included in conjunction with the review of Board Rule 4734-5-01.

As directed at the October meeting, Director Caudill reported that based on her research regarding incorporating approval of doctor of chiropractic degree programs outside of the United States into the Board's existing rules, she recommends amending existing rule 4734-5-01 (and 4734-5-02, 5-03, 5-04, 5-05 & 5-06 at the appropriate time) to clearly apply to United States programs and draft new rules to address doctor of chiropractic degree programs outside of the United States. The Board unanimously agreed with Director Caudill's recommendation.

The Board reviewed and discussed the following non-CSI reviewable rules up for Five Year Rule Review: 4734-1-04, 1-05, 1-07 & 1-08.

The Board recommended changes to be made to the following rules and will review the final drafts at the February 7, 2013 Board meeting: (Five Year Rule Review Rules; CSI Reviewable) 4734-9-03, 9-08 & 9-10 (Five Year Rule Review Rules; Non-CSI Reviewable) 4734-1-04; (Administrative Rules) 4734-5-02, 5-03, 5-04 & 5-06.

MOTION 2012-060: Mr. Kennedy moved and Dr. Gloekler seconded a motion to approve the following rules actions:

Filing the following Non-CSI Reviewable rules up for Five Year Rule Review as no change with JCARR: 4734-1-05, 1-07 & 1-08;

File as no change the following CSI reviewable rules up for Five Year Rule Review and proceeding with the procedures of the Common Sense Initiative Office: 4734-6-07; 4734-8-06; 4734-9-01, 9-04, 9-05 & 9-09 and 4734-10-05;

Making the recommended changes to the following CSI reviewable rules up for Five Year Rule Review and proceeding with the procedures of the Common Sense Initiative Office: 4734-1-03; 4734-5-01; 4734-6-05; 4734-8-02, 8-03, 8-05 & 8-08; 4734-9-06 and 4734-10-03. Motion passed unanimously.

The Board tabled their discussion on the new draft rules regarding pre-pay plans until the February 7, 2013 Board meeting.

MOTION 2013-061: Dr. Wilson moved and Vice-President Dr. Palkowski 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 12:45 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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