

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

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

Members excused: Ms. Voltolini was excused at 9:00 a.m.

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-fifth Board meeting to order at 8:00 a.m. via Microsoft Teams.

RULES REVIEW

Director Caudill proposed the following universal changes to the rules reviewed at this meeting: amend his/her/he/she to they/them; chiropractic physician to licensee; remove reference to payments made to treasurer, state of Ohio.

FIVE YEAR RULE REVIEW

Director Caudill presented proposed amendments for the Board members to review and discuss:

4734-7-01 Renewal requirements – propose removing language regarding hearings on denial since this is already required in the statute; other minor changes to clean up the rule.

Director Caudill discussed the possibility of a necessary renewal fee increase in the rule to address the requirements enacted in Sub. HB 151 creating the Chiropractic Loan Repayment Program that requires \$25 of each renewal fee be deposited into the Program. She reported that the process to reduce the size of the Board office as a cost savings measure is being explored and asked that the rule be put on hold while this matter is researched

The Board members agreed with the proposed amendments and applauded the cost savings efforts being explored to minimize any increase in renewal fees which have not increased since 1997.

4734-7-02 Standards and requirements for continuing education – modify online CE requirements; add animal chiropractic and risk management as an approved CE topic; replace ethics and professionalism with boundaries and/or trauma informed care as a Board mandated topic.

The Board discussed adding more topics to the list of mandated CE as well as increasing the number of topics. Director Caudill was asked to draft up changes to mandated CE to require one hour on each of the following topics: human trafficking awareness; ethics/professionalism; Board laws and rules; and, Boundaries/Trauma Informed Care. Director Caudill will draft these recommendations and the rule will be revisited once a determination about the renewal fees is made.

4734-10-06 Inactive acupuncture certificate; restoration of acupuncture certificate – remove language regarding hearings on denial on restoration since it is already required in the statute and make minor clean up revisions.

The Board did not recommend any additional amendments to the rule and will revisit it for filing once the remaining five year rule review rules are revisited and finalized.

SUB HB 151 RULES

Sub. HB 151 was signed by Governor DeWine and effectuated November 22, 2020. The bill created the Chiropractic Loan Repayment Program; amended the law pertaining to solicitation of motor vehicle accident and crime victims, and enacted the practice of animal chiropractic by chiropractors, requiring the Board to draft and/or amend rules to enact the provisions of the bill.

4734-9-02 Advertising and solicitation – due to the extensive changes required to align the current rule with the new law, the current rule must be rescinded and drafted as new. Director Caudill presented a new draft rule for Board review. The Board reviewed the rule and determined that it addresses the new requirements of Sub. HB 151 as well as maintains existing requirements the Board wishes to retain.

Dr. Haggerty moved and Dr. Rich seconded a motion to approve proposed draft 4734-9-02 as presented and to proceed with the procedures of the Common Sense Initiative Office. Motion passed unanimously.

4734-12-01 Animal chiropractic – the proposed new rule enacts the requirement that animal chiropractors be registered with the Board and that the Board maintain and make public a list of registered animal chiropractors.

Vice-President Dr. Ault moved and Dr. Rich seconded a motion to approve proposed draft 4734-12-01 as presented and to proceed with the procedures of the Common Sense Initiative Office. Motion passed unanimously.

PROPOSED RULES AMENDMENTS

Director Caudill presented proposed amendments to the following rules for the Board's consideration:

4734-9-06 Sexual misconduct – remove the terms male and female in “pelvic area, genitals, rectum, male prostate or female breast” and make universal reference in the rule to “pelvic area, genitals, rectum, prostate or breast;” add a provision requiring that explaining the necessity to perform a procedure that involves contact with the pelvic area, genitals, prostate or breast be done prior to performing the procedure; replace “inappropriate” sexual comments with “making comments that are not clinically relevant;” include animal chiropractic as a service prohibited in exchange for prohibited conduct outlined in the rule.

Vice-President Dr. Ault moved and Dr. Rich seconded a motion to approve the proposed amendments to 4734-9-06 as presented and to proceed with the procedures of the Common Sense Initiative Office. Motion passed unanimously.

4734-9-10 Conduct following action against a license – include animal chiropractic; require notification of closed office to patients for suspensions or revocations of greater than 30 days

instead of any length of time; specify that additional training or testing may include specified CE hours; NBCE SPEC exam, or EBAS testing.

Dr. Rich moved and Dr. Haggerty seconded a motion to approve the proposed amendments to 4734-9-10 as presented and to proceed with the procedures of the Common Sense Initiative Office. Motion passed unanimously.

PROPOSED DRAFT MILITARY PROVISIONS RULE

Director Caudill reported that the proposed amendments to the Military Provisions Rule as a result of legislative changes enacted last year was submitted for CSI review last March. In November, CSI submitted their recommendation that the Board address specific issues in the law before proceeding with filing the rule with JCARR. Director Caudill revised the rule to include the changes CSI recommended for the Board to review.

4734-11-01 Military considerations – more clearly identify if the license being issued is a temporary or regular license throughout the rule; clarify the fee language in the rule; clearly identify the licensure requirements applicable to applicants with an out of state license; and more clearly define how the Board will track and prioritize applications.

Ms. Voltolini moved and Dr. Haggerty seconded a motion to approve the proposed amendments to 4734-11-01 as presented and to proceed with filing 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.

Ms. Voltolini was excused from the meeting at 9:00 a.m.

ELECTIONS

Sub. HB 151 modified the date of the Board's elections to the first meeting held in each odd numbered year. President Dr. Frame called for nominations for President.

Vice-President Dr. Ault nominated Dr. Frame. With no other nominations, President Dr. Frame closed the nominations.

Vice-President Dr. Ault moved and Dr. Haggerty seconded a motion to elect Dr. Frame as President. Voting Aye: President Dr. Frame, Vice-President Dr. Ault, Dr. Haggerty and Dr. Rich. Voting Nay: None. Abstaining: None. Motion passed unanimously.

Dr. Frame designated Dr. Ault as Vice-President.

OLD/NEW BUSINESS/MISCELLANEOUS

Director Caudill requested that the June Board meeting be changed due to a scheduling conflict.

The meeting was rescheduled to June 10, 2021.

Vice-President Dr. Ault moved and Dr. Rich 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 9:15 a.m.

Approved By Majority of Board:

Attested By Its Secretary:

Mickey E. Frame, D.C.
President

Kelly A. Caudill
Executive Director

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