

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

Others present: Kelly A. Caudill, Executive Director; Elizabeth N. Moore, Executive Assistant; Leah V.B. O'Carroll, AAG; Rex Waldenmyer, Investigator; Kelly S. Duffner, D.C.

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-fourth Board meeting to order at 9:15 a.m. The meeting was held at the Ohio State Chiropractic Board Office; 77 South High Street, 16th Floor; Columbus, Ohio.

AGENDA

One change was made to the agenda. Bharon Hoag, Executive Director of the Ohio State Chiropractic Association will speak between 11:00 a.m. and 12:00 p.m. instead of 10:00 a.m. as reflected on the agenda.

REVIEW OF MINUTES

MOTION 2013-001: Dr. Gloekler moved and Vice-President Dr. Palkowski seconded a motion to approve the minutes of the April 12, 2012 Board meeting. Motion passed unanimously.

PRECEPTORSHIP APPLICATIONS

MOTION 2013-002: Mr. Kennedy moved and Vice-President Dr. Palkowski seconded a motion to ratify the preceptorships approved for Paul J. Infield with Anthony Wyrwas, D.C.; Jason E. Feltz with Richard Thompson, D.C.; Patrick T. O'Bryan with Derek Black, D.C.; Dianne E. Nguyen with Matthew Hamilton, D.C. and Adam D. Greer with Thad Schrickel, D.C. Motion passed unanimously.

ACUPUNCTURE CERTIFICATES

MOTION 2013-003: Dr. Gloekler moved and Mr. Kennedy seconded a motion to ratify the acupuncture certificates issued to Drs. Jason Domenick, Levi Tolle, Clint Williamson and Darin Lukich. Motion passed unanimously.

RATIFICATION OF LICENSES

MOTION 2013-004: 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: Phillip Butch, Jon Schwanz, Christopher Mabry, Keith Zrinyi, Joshua Steinke, David Auxier, Christopher Cato, Samantha Shriner, Brandon Shriner, Ian Rainey, Kristina Reis, Angela Sedgwick, John Riddel, David Miles, Eric Cawley, Sarah Cain, Beau Hightower, Clinton Garda, Karen Barclay Kristen Van De Carr, Kelly Duffner, Anthony Biondillo, Bi Than Nguyen, James McKay, Abby Perone, Baron Nickleberry and Ronald Shaffer. Motion passed unanimously.

RATIFICATION OF QIP PANEL MEMBER AGREEMENTS

MOTION 2013-005: Vice-President Dr. Palkowski moved and Mr. Kennedy seconded a motion to approve the Quality Intervention Program panel member agreements with Drs. Mickey Frame and Mark Korchok. Motion passed unanimously.

RATIFICATION OF CE WAIVERS/EXTENSIONS

MOTION 2013-006: Mr. Kennedy moved and Vice-President Dr. Palkowski seconded a motion to ratify the approval of CE extensions and waivers granted to the following licensees for 2012 license renewal: Extensions - Drs. Brandy Spaulding, Eileen Sipple, Jerry Sipple, Jack Hendricks and David Pack. Waivers – Drs. Jon Meyer, David Starkey, Sr., David DiPaolo, Daniel Schneider and Joseph Spaulding. Motion passed unanimously.

EXECUTIVE DIRECTOR'S REPORT

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

Director Caudill advised the Board that she attended a meeting on April 25, 2012 between Rep. Schuring and the OSCA regarding the exclusion of chiropractic physicians from practicing oriental medicine in House Bill 251. Rep. Schuring advised he will sponsor a separate bill to incorporate oriental medicine into our acupuncture statutes.

Director Caudill advised the Board that House Bill 143 regarding concussion management was amended and passed on June 12, 2012 to permit health care providers whose state Boards deem it within their scope to evaluate and return concussed athletes to play. The bill only affects non Ohio High School Athletic Association (OHSAA) schools. OHSAA still prohibits anyone other than an MD, DO or AT from diagnosing and returning concussed athletes to play.

Director Caudill discussed House Bill 259 regarding complementary or alternative health services with the Board and the fact that it proposes to permit an individual who is a licensed health care professional but does not hold the individual's self out as a licensed health care professional, to provide a wide list of complementary or alternative health services. Director Caudill will continue to monitor this bill.

Director Caudill advised the Board that the following list of rules are up for Five Year Rule Review. The Board members were asked to review all of the rules and provide feedback as to whether the rules should be filed with no changes or if amendments need to be made. The Board members will report back at the August 9, 2012 Board meeting with any suggested changes. The rules to be reviewed are as follows: 4734-1-02 & 09; 4734-5-01; 4734-8-02, 03, 05 & 08; 4734-2-01, 02 & 03; 4734-4-01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13 & 14; 4734-6-05, 06, 07, 09 & 10; 4734-9-03, 06, 08, 10; 4734-10-01, 02, 03 & 05.

Director Caudill discussed pertinent agenda topics from her trip to the Chiropractic Board Administrators Committee meeting on May 2, 2012 and the Federation of Chiropractic Licensing Boards' Annual Meeting on May 3-5, 2012.

MOTION 2013-007: Mr. Kennedy moved and Vice-President Dr. Palkowski seconded a motion to accept the Director's Report as presented. Motion passed unanimously.

ADMINISTRATIVE RULES DISCUSSION

Director Caudill presented a comment received regarding the definition of electronic learning in

Board Rule 4734-7-01 and the Board instructed Director Caudill to make a further revision to the rule.

MOTION 2013-008: Vice-President Dr. Palkowski moved and Dr. Gloekler seconded a motion to approve filing the following rules with JCARR as amended: 4734-7-01 Chiropractic license renewal requirements; 4734-7-02 Standards for board-approved continuing education sponsors; continuing education held within the state of Ohio; 4734-7-03 Continuing education offered outside the state of Ohio and via supervised self instruction; 4734-7-04 Inactive chiropractic license; restoration of chiropractic license; 4734-7-05 Forfeiture of chiropractic license; restoration of chiropractic license and 4734-10-04 Acupuncture certificate renewal requirements. Motion passed unanimously.

LEGAL ACTIVITIES

Leah V.B. O'Carroll, AAG made the Board aware of the Supreme Court ruling on State v. Niesen-Pennycuff, Slip Opinion #2012-OH-2730 and Attorney General Opinion 2012-022 regarding the Greene County Child Services Board.

MODIFICATION OF CONSENT AGREEMENT ; CASE NO. 2006 CHR 036

MOTION 2013-009: Mr. Kennedy moved and Dr. Gloekler seconded a motion to accept the proposed Modification of Consent Agreement for the doctor cited in Case No. 2006 CHR 036 as presented. Voting Aye: Vice-President Dr. Palkowski, Dr. Gloekler and Mr. Kennedy. Voting Nay: None. Abstaining: Dr. Farabaugh. Motion passed.

CONSENT AGREEMENT; CASE NO. 2010 CHR 038

MOTION 2013-010: Vice-President Dr. Palkowski moved and Dr. Gloekler seconded a motion to accept the proposed Consent Agreement for the doctor cited in Case No. 2010 CHR 038 as presented. Voting Aye: President Dr. Farabaugh, Vice-President Dr. Palkowski and Dr. Gloekler. Voting Nay: None. Abstaining: Mr. Kennedy. Motion passed.

MODIFICATION OF CONSENT AGREEMENT; CASE NO. 2011 CHR 008

MOTION 2013-011: Dr. Gloekler moved and Vice-President Dr. Palkowski seconded a motion to accept the proposed Modification of Consent Agreement for the doctor cited in Case No. 2011 CHR 008 as presented. Voting Aye: President Dr. Farabaugh, Vice-President Dr. Palkowski and Dr. Gloekler. Voting Nay: None. Abstaining: Mr. Kennedy. Motion passed.

CONSENT AGREEMENT; CASE NO. 2012 CHR 049

MOTION 2013-012: Mr. Kennedy moved and Dr. Gloekler seconded a motion to accept the proposed Consent Agreement for the doctor cited in Case No. 2012 CHR 049 as presented. Voting Aye: Vice-President Dr. Palkowski, Dr. Gloekler and Mr. Kennedy. Voting Nay: None. Abstaining: President Dr. Farabaugh. Motion passed.

NOTICE OF PROPOSED REFUSAL OF APPLICATION FOR LICENSURE AND OPPORTUNITY FOR HEARING; CASE NO. 2012 CHR 050

MOTION 2013-013: Vice-President Dr. Palkowski moved and Dr. Gloekler seconded a motion to accept the proposed Notice of Proposed Refusal of Application for Licensure and Opportunity for Hearing for the doctor cited in Case No. 2012 CHR 050 as presented. Voting Aye: President Dr. Farabaugh, Vice-President Dr. Palkowski and Dr. Gloekler. Voting Nay: None. Abstaining: Mr. Kennedy. Motion passed.

DELIBERATION**DEBRA PARKER, D.C., CASE NO. 2011 CHR 035**

The Board deliberated in open session to consider the Notice of Opportunity for Hearing and supporting evidence on Case No. 2011 CHR 035.

Notice was given to DEBRA PARKER, D.C. on or about April 13, 2012 that the Ohio State Chiropractic Board intended to consider disciplinary action against her license to practice chiropractic in the state of Ohio and that she was entitled to a hearing on the matter if such hearing was requested within thirty (30) days of the mailing of the Notice. Said Notice was sent and received via certified mail, return receipt requested, to the address of record of DR. PARKER in accordance with Section 119.07 of the Ohio Revised Code. DR. PARKER did not submit a request for hearing within the thirty (30) day timeframe.

The Board considered the charges against DR. PARKER in the April 13, 2012 Notice of Automatic Suspension and Opportunity for Hearing and State's Exhibits 1-13 supporting the charges.

MOTION 2013-014: Vice-President Dr. Palkowski moved and Dr. Gloekler seconded a motion to issue the following Order to Debra Parker, D.C.:

The Board finds that DR. PARKER committed acts in violation of the Chiropractic Practice Act, Ohio Revised Code Chapter 4734, as stated in the Notice of Automatic Suspension and Opportunity for Hearing and pursuant to ORC Section 4734.31 hereby ORDERS the following:

DR. DEBRA PARKER'S license to practice chiropractic in the State of Ohio shall be INDEFINITELY SUSPENDED.

Prior to July 12, 2017, the Board shall consider DR. PARKER'S application for restoration to practice chiropractic in Ohio if the following terms and conditions have been met:

DR. PARKER shall obey all federal, state and local laws and all statutes and rules governing the practice of chiropractic in Ohio. Upon seeking restoration of her license to practice chiropractic in the state of Ohio, DR. PARKER shall provide proof of her compliance with all federal, state and local laws and all statutes and rules governing the practice of chiropractic in Ohio.

DR. PARKER shall submit evidence to the Board of a withdrawal certificate from the Iowa Department of Revenue and Centralized Collection Unit indicting that DR. PARKER has satisfactorily filed and paid any and all tax obligations for the calendar year ending 2009.

DR. PARKER shall file a complete Application for Reinstatement of License. Said application shall be accompanied by a reinstatement fee in effect at the time of reinstatement made payable to the Treasurer, State of Ohio and proof of earning eighteen (18) hours of continuing education during each year of Suspension, of which at least one (1) hour per year shall be on the topic of ethics and/or professionalism. Said continuing education hours shall be sponsored by a Board-approved chiropractic educational institution, non-profit chiropractic association, accredited academic health institution or hospital and consist of one or more of the following topics: Clinical diagnosis and examination procedures; diagnostic imaging; neurology; nutrition; public health, hygiene, sanitation; manipulation and adjusting procedures; physiological therapeutics; orthopedics; emergency procedures; principles and

practice; philosophy; laboratory procedures; anatomy; physiology; rehabilitative procedures/exercise; ethics/boundaries; staff development and training; documentation; risk management; ethics/professionalism or laws and rules of the Board.

The decision to restore DR. PARKER'S license shall rest within the sole and sound discretion of the Board. The Board's decision shall be based upon DR. PARKER'S compliance with the terms and conditions of this ORDER and in accordance with section 4734.34 of the Revised Code. The Board may require a hearing pursuant to Chapter 119 of the Ohio Revised Code to consider the factors enumerated in Section 4734.20 of the Revised Code.

APPLICATION FOR RESTORATION OF LICENSE AFTER FIVE (5) YEARS

After five (5) years, the Board shall consider DR. PARKER'S application for restoration to practice chiropractic in Ohio if the following terms and conditions have been met:

DR. PARKER shall obey all federal, state and local laws and all statutes and rules governing the practice of chiropractic in Ohio. Upon seeking restoration of her license to practice chiropractic in the state of Ohio, DR. PARKER shall provide proof of her compliance with all federal, state and local laws and all statutes and rules governing the practice of chiropractic in Ohio.

DR. PARKER shall submit evidence to the Board of a withdrawal certificate from the Iowa Department of Revenue and Centralized Collection Unit indicting that DR. PARKER has satisfactorily filed and paid any and all tax obligations for the calendar year ending 2009.

DR. PARKER shall file a complete Application for Reinstatement of License. Said application shall be accompanied by a reinstatement fee in effect at the time of reinstatement made payable to the Treasurer, State of Ohio and proof of earning eighteen (18) hours of continuing education during each year of Suspension, of which at least one (1) hour per year shall be on the topic of ethics and/or professionalism. Said continuing education hours shall be sponsored by a Board-approved chiropractic educational institution, non-profit chiropractic association, accredited academic health institution or hospital and consist of one or more of the following topics: Clinical diagnosis and examination procedures; diagnostic imaging; neurology; nutrition; public health, hygiene, sanitation; manipulation and adjusting procedures; physiological therapeutics; orthopedics; emergency procedures; principles and practice; philosophy; laboratory procedures; anatomy; physiology; rehabilitative procedures/exercise; ethics/boundaries; staff development and training; documentation; risk management; ethics/professionalism or laws and rules of the Board.

DR. PARKER shall submit proof of successfully passing, with a score of 375 or greater, the Special Purposes Examination for Chiropractic (SPEC) offered by the National Board of Chiropractic Examiners (NBCE) taken within the six months preceding her application for reinstatement. DR. PARKER shall cause the NBCE to directly furnish the Board with a transcript of her SPEC scores.

Should the Board approve DR. PARKER'S application for reinstatement of her chiropractic license, DR. PARKER shall take and pass, with a score of 75% or greater, the Board's Jurisprudence Examination prior to full reinstatement of her license.

The decision to restore DR. PARKER'S license shall rest within the sole and sound discretion of the Board. The Board's decision shall be based upon DR. PARKER'S compliance with the terms and conditions of this ORDER and in accordance with section 4734.34 of the Revised Code. The Board may require a hearing pursuant to Chapter 119 of the Ohio Revised Code to consider the factors enumerated in Section 4734.20 of the Revised Code.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 12th of July 2012. Voting Aye: President Dr. Farabaugh, Vice-President Dr. Palkowski and Dr. Gloekler. Voting Nay: None. Abstaining: Mr. Kennedy. Motion passed.

PERTINENT CORRESPONDENCE

Director Caudill presented a letter dated April 26, 2012 from David T. Ryan, D.C. regarding the Ohio chiropractic scope of practice.

The Board advised Director Caudill to write Dr. Ryan stating that they appreciate his input regarding scope and certainly agree that the chiropractic scope of practice is antiquated but amending the scope requires legislation; and if the Board attempts to make legislative changes his concerns will be considered.

Director Caudill presented an Announcement dated May 31, 2012 from the Council on Chiropractic Education regarding their re-recognition criteria and the International Chiropractor's Association's attempt to oppose the Assistant Secretary of Higher Education's decision regarding CCE's re-recognition criteria.

OHIO STATE CHIROPRACTIC ASSOCIATION

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

OLD/NEW BUSINESS/MISCELLANEOUS

Director Caudill presented an email that she received from the New Zealand College of Chiropractic requesting information on how their graduates can be accepted for licensure in the state of Ohio. Director Caudill discussed her response and advised that the New Zealand College of Chiropractic is fully accredited by the New Zealand Government and the Council of Chiropractic Education Australasia (CCEA) which is a member of the Councils of Chiropractic Education International (CCEI). Director Caudill further advised that Board Rule 4734-5-04 only addresses chiropractic colleges accredited by the Council on Chiropractic Education (CCE) and this rule would need to be amended if the Board would like to accept CCEI accredited chiropractic colleges.

The Board determined that more research needs to be done on the CCEI. Drs. Gloekler and Palkowski along with Director Caudill will research the issue and report back at the August 9, 2012 Board meeting with a recommendation on amending Board Rule 4734-5-04 to accept CCEI accredited chiropractic colleges.

DELIBERATION

BORIS KAMKHA, D.C., CASE NO. 2012 CHR 045

MOTION 2013-015: Vice-President Dr. Palkowski moved and Dr. Gloekler seconded a motion to go into executive session for the purpose of deliberating on Notice of Opportunity for Hearing and the supporting evidence on Case No. 2012 CHR 045. Motion adopted by roll call vote. Voting Aye:

President Dr. Farabaugh, Vice-President Dr. Palkowski and Dr. Gloekler. Voting Nay: None. Abstaining: Mr. Kennedy. Motion passed.

The Board reported out of Executive Session at 1:35 p.m. on Thursday, July 12, 2012 and the meeting was called back to regular session at the conclusion of the discussion.

MOTION 2013-016: Dr. Gloekler moved and Vice-President Dr. Palkowski seconded a motion to issue the following Order to Boris Kamkha, D.C.:

Notice was given to BORIS KAMKHA, D.C. on or about April 13, 2012 that the Ohio State Chiropractic Board intended to consider disciplinary action against his license to practice chiropractic in the state of Ohio and that he was entitled to a hearing on the matter if such hearing was requested within thirty (30) days of the mailing of the Notice. Said Notice was sent and received via certified mail, return receipt requested, to the address of record of DR. KAMKHA in accordance with Section 119.07 of the Ohio Revised Code. DR. KAMKHA did not submit a request for hearing within the thirty (30) day timeframe.

The Board considered the charges against DR. KAMKHA in the April 13, 2012 Notice of Opportunity for Hearing and State's Exhibits 1-7 supporting the charges at its meeting on July 12, 2012. The Board finds that DR. KAMKHA committed acts in violation of the Chiropractic Practice Act, Ohio Revised Code Chapter 4734, as stated in the Notice of Opportunity for Hearing and pursuant to ORC Section 4734.31 hereby ORDERS the following:

DR. BORIS KAMKHA'S license to practice chiropractic in the State of Ohio shall be PERMANENTLY REVOKED.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 12th of July 2012.

Voting Aye: President Dr. Farabaugh, Vice-President Dr. Palkowski and Dr. Gloekler. Voting Nay: None. Abstaining: Mr. Kennedy. Motion passed.

Mr. Kennedy departed the meeting at 1:30 p.m.

MOTION 2013-017: Dr. Gloekler 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 1:50 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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