

Board Members present: President Gregory P. Palkowski, D.C., Vice-President Norman J. Gloekler, D.C., Mickey E. Frame, D.C., Kelly J. Roush, D.C. and Jessica Voltolini.

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

Members excused: None.

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*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 thirty-first Board meeting to order at 9:05 a.m. at the Vern Riffe Center for Government and the Arts; 77 South High Street, 16th Floor, Columbus, Ohio.

### **REVIEW OF MINUTES**

**Vice-President Dr. Gloekler moved and Dr. Roush seconded a motion to approve the minutes of the June 21, 2018 Board meeting.** Motion passed unanimously.

### **RATIFICATION OF CHIROPRACTIC LICENSES**

**Dr. Frame moved and Ms. Voltolini seconded a motion to ratify approval of the chiropractic licenses issued Jeffrey Mahaney, Jamie Mahaney, Monisha Malik, Gary Cervone, Kyle Muir, Kaitlyn Hamilton, Brian Pajevic, Viktoria Krislaty and Dalton Doudna.** Motion passed unanimously.

### **RATIFICATION OF PRECEPTORSHIPS**

**Dr. Roush moved and Ms. Voltolini seconded a motion to ratify approval of the preceptorships for Sara Dennison with Dr. Michael Urban and Sandy Pham with Dr. Ajay Syam.** 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, Administrative Rules, Budget, Investigative Statistics and miscellaneous matters.

Director Caudill reported that mandated elder abuse reporting is effective September 29, 2018 and she will include a reminder to the profession in the upcoming Newsletter.

Director Caudill reported that the Medical Board referred their proposed light based medical procedures rule to the Common Sense Initiative office for anti-trust review. The comment period ends September 13, 2018. A copy of the referral and Director Caudill's draft comments will be reviewed under Old/New Business.

Director Caudill reported that the FCLB Fall District II meeting is scheduled for October 11-14, 2018 in Fort Walton Beach, FL and NBCE Part IV testing is scheduled for November 9-11, 2018. The Board needs to vote on attendance to send representatives to the meeting and testing.

Director Caudill reported that Board staff will have a table at the Ohio State Chiropractic Association Convention being held October 26-28, 2018 in Columbus.

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

### **LEGAL ACTIVITIES**

#### **NOTICE OF OPPORTUNITY FOR HEARING, CASE NO. 2019 CHR 011**

**Ms. Voltolini moved and Dr. Roush seconded a motion to accept the proposed Notice of Opportunity for Hearing as presented.** Voting Aye: Vice-President Dr. Gloekler, Dr. Frame, Dr. Roush and Ms. Voltolini. Voting Nay: None. Abstained: President Dr. Palkowski. Motion passed.

#### **CONSENT AGREEMENT, CASE NO. 2018 CHR 015**

**Dr. Frame moved and Ms. Voltolini seconded a motion to accept the proposed Consent Agreement as presented.** Voting Aye: Vice-President Dr. Gloekler, Dr. Frame, Dr. Roush and Ms. Voltolini. Voting Nay: None. Abstained: President Dr. Palkowski. Motion passed.

#### **MODIFICATION OF CONSENT AGREEMENT, CASE NO. 2015 CHR 052**

**Dr. Frame moved and Vice-President Dr. Gloekler seconded a motion to accept the proposed Modification of Consent Agreement as presented.** Voting Aye: Vice-President Dr. Gloekler, Dr. Frame, Dr. Roush and Ms. Voltolini. Voting Nay: None. Abstaining: President Dr. Palkowski. Motion passed.

### **ADMINISTRATIVE RULE REVIEW**

Director Caudill presented draft amendments to rules **4734-5-04** and **4734-5-06** proposing to update the reference to the CCE Standards from 2013 to 2018.

**Ms. Voltolini moved and Dr. Roush seconded a motion to file rules 4734-5-04 and 4734-5-06 with CSI and, provided a favorable CSI recommendation, proceed with filing the rules 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.

Director Caudill presented a comment received from Stephen Moje, D.C. requesting that the neurology diplomate offered by the International Board of Chiropractic Neurology be included as a recognized diplomate that may assess and/or grant a clearance to return to play to a youth sports participant in paragraph (B)(5) of rule 4734-8-09.

**Ms. Voltolini moved and Dr. Roush seconded a motion to amend rule 4734-8-09 (B)(5) and file it with CSI to include the neurology diplomate offered by the International Board of Chiropractic Neurology as a recognized diplomate that may assess and/or grant a clearance to return to play to a youth sports participant and, provided a favorable CSI recommendation, proceed with filing the rules 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.

**Dr. Roush moved and Dr. Frame seconded a motion file rules 4734-1-03, 4734-5-01, 4734-6-05, 4734-6-07, 4734-7-03, 4734-8-02, 4734-8-03, 4734-8-05, 4734-8-06, 4734-8-08, 4734-9-01, 4734-9-03, 4734-9-04, 4734-9-05, 4734-9-06, 4734-9-08, 4734-9-09, 4734-9-10, 4734-9-11, 4734-10-03**

**and 4734-10-05 with JCARR provided CSI recommends filing the rules, with authority to Director Caudill to make any non-substantive changes that may be recommended by CSI and/or JCARR.** Motion passed unanimously.

**OLD/NEW BUSINESS**

Director Caudill presented a of the referral to CSI regarding the Medical Board’s proposed amendment to their light based medical procedures rule. The Medical Board referred the rule to the Common Sense Initiative office for an antitrust review. The comment period is open through September 13, 2018.

Director Caudill presented draft comments for the Board to review including the basis for the request “deeming use of light based medical devices as solely the practice of medicine, osteopathy, and podiatry excludes present and potential competitors from using light based medical devices, limits the output of the service, and constrains the market for chiropractic physicians and other healthcare providers for which light based medical devices is within their respective scope of practice. As such, the Board asks that paragraph (A) be removed from current and/or proposed rule 4731-18-02.”

**Dr. Roush moved and Vice-President Dr. Gloekler seconded a motion to approve the comments regarding the Medical Board’s light based medical procedure rule as presented by Director Caudill be submitted to the Common Sense Initiative office.** Motion passed unanimously.

**Dr. Roush moved and Dr. Frame seconded a motion to approve the attendance of Vice-President Dr. Gloekler, Ms. Voltolini, Director Caudill and Ms. Moore to represent the Board at the FCLB District II meeting being held October 11-14, 2018 in Fort Walton Beach, FL.** Motion passed unanimously.

**Dr. Roush moved and Dr. Frame seconded a motion to approve President Dr. Palkowski’s participation in the NBCE Part IV Exams being held November 9-11, 2018 at various testing locations.** Motion passed unanimously.

**Dr. Roush moved and Dr. Frame 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 10:45 a.m.

Approved By Majority of Board:

Attested By Its Secretary:

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Gregory P. Palkowski, D.C.  
President

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Kelly A. Caudill  
Executive Director

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