

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, Esq.

Others present: Kelly Caudill, Executive Director and Elizabeth Moore, Executive Assistant.

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. Frame called the four hundred and forty-ninth Board meeting to order at 9:00 a.m. The meeting was held at the Vern Riffe Center for Government and the Arts; 77 South High Street, 16th Floor, Columbus, Ohio.

### **REVIEW OF MINUTES**

**Dr. Rich moved and Dr. Haggerty seconded a motion to approve the minutes of the August 21, 2021 Board meeting.** Motion passed unanimously.

### **RATIFICATION OF CHIROPRACTIC LICENSES**

**Dr. Haggerty moved and Dr. Rich seconded a motion to ratify approval of the chiropractic licenses issued to William May, Logan Chavez, Jennifer Dufala, Brennan Porter, Angel Ares, Johnny Elmurr, Jr., Sara Donnelly, Ariana Stolar, Rachel Caldwell and Jacob Steigner.** Motion passed unanimously.

### **RATIFICATION OF AUPUNCTURE CERTIFICATIONS**

**Dr. Haggerty moved and Dr. Rich seconded a motion to ratify approval of the acupuncture certificates issued to Drs. Robert Reed, Jared Mainous and Tyler Kemp.** Motion passed unanimously.

### **RATIFICATION OF PRECEPTORSHIPS**

**Vice-President Dr. Ault moved and Dr. Haggerty seconded a motion to ratify approval of the preceptorships for Richard Selby with Dr. Charles Lee, Jr.; Patrick Kovacs with Dr. Tyler Kelly; Nicholas Manzanares with Dr. Nicholas Curry; Luke Apple with Dr. Zachary Martin; Jacob Helms with Dr. Ryan Weaver; William Emch with Dr. Jeffrey Koepfler and Alexandra Bishop with Dr. David Engel.** 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, Investigative Statistics and miscellaneous matters, specifically:

Director Caudill reported that the Advertising and Solicitation rule (4734-9-02) is still on To Be Refiled status due to testimony received regarding the Allied Health Chiropractic v. State of Ohio lawsuit.

Director Caudill reported the Board needs to rereview the proposed renewal fee increase proposed for OAC Section 4734-7-01.

Director Caudill reported that she will be providing Sunset Review testimony before the State and Local Government Committee on October 6, 2021.

Director Caudill reported that she, Dr. Rich and Liz attended the FCLB District II meeting in Fort Walton Beach, FL held September 24-25, 2021 and gave a short report on the topics discussed.

Director Caudill reported that the NBCE Part IV Examination will be held November 12-14, 2021 and anyone interested should contact Liz.

Director Caudill reported that a telework/hybrid work plan was submitted and is awaiting review.

Director Caudill reported that the Governor has appointed Drs. Bryan D. Royer of Toledo, Anna Villarreal of Chillicothe and Nathan Sikora of North Canton to the Chiropractic Loan Repayment Advisory Board.

Director Caudill reported that the Auditor of State has completed their audit of the Board for the years ending June 30, 2020-2021 with no findings.

**Dr. Haggerty moved and Dr. Rich seconded a motion to accept the Director's Report as presented.** Motion passed unanimously.

### **2022 BOARD MEETING DATES**

The Board set the following Board meeting dates for 2022: February 3, April 7 and June 7. Additional meeting dates for 2022 will be set at a later date.

### **LEGAL ACTIVITIES**

#### **CONSENT AGREEMENT, CASE NO. 2022 CHR 013**

**Ms. Voltolini moved and Dr. Rich seconded a motion to approve the proposed Consent Agreement as presented.** Voting Aye: Vice-President Dr. Ault, Dr. Haggerty, Dr. Rich and Ms. Voltolini. Voting Nay: None. Abstained: President Dr. Frame. Motion passed.

#### **CONSENT AGREEMENT, CASE NO. 2021 CHR 026**

**Dr. Haggerty moved and Ms. Voltolini seconded a motion to approve the proposed Consent Agreement as presented.** Voting Aye: President Dr. Frame, Dr. Haggerty, Dr. Rich and Ms. Voltolini. Voting Nay: None. Abstained: Vice-President Dr. Ault. Motion passed.

#### **NOTICE OF OPPORTUNITY FOR HEARING, CASE NO. 2021 CHR 037**

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

**ADMINISTRATIVE RULES REVIEW**

Director Caudill reported that at the August 21, 2021 Board meeting, the Board reviewed final stakeholder comment and voted to proceed filing the following proposed rules with JCARR upon recommendation from CSI: 4734-7-01; 4734-7-02 and 4734-10-06.

Director Caudill reported that to date, a recommendation from CSI has not been received. Director Caudill presented a proposed version of rule 4734-7-01 with the proposed fee increase removed. The Board discussed removing the proposed fee increase and agreed to remove

**Dr. Rich moved and Dr. Haggerty seconded a motion to file rule 4734-7-01 Renewal requirements as presented. Provided a favorable CSI recommendation, Director Caudill is to proceed with filing the rules with JCARR with authority to make any non-substantive changes that may be recommended by CSI and/or JCARR. Motion passed unanimously.**

**EXECUTIVE SESSION**

**Ms. Voltolini moved and Vice-President Dr. Ault seconded a motion to go into Executive Session to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official. Voting Aye: President Dr. Frame, Vice-President Dr. Ault, Dr. Haggerty, Dr. Rich and Ms. Voltolini. Voting Nay: None. Abstained: None. Motion passed unanimously.**

President Dr. Frame called an Executive Session to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official with all Board members and Director Caudill present. The meeting was called back to regular session at the conclusion of the discussion.

**Ms. Voltolini moved and Dr. Rich seconded a motion that in the absence of the Executive Director, the Program Administrator 2 shall serve as the Board's Appointing Authority to issue chiropractic licenses and acupuncture certificates; issue temporary licenses; and approve continuing education waivers to individuals meeting the criteria for licensure, certification and continuing education waivers under ORC 4734. The issuing of such licenses, certificates and continuing education waivers is subject to the Board's retroactive approval at the next regularly scheduled Board meeting. Voting Aye: President Dr. Frame, Vice-President Dr. Ault, Dr. Haggerty, Dr. Rich and Ms. Voltolini. Voting Nay: None. Abstained: None. Motion passed unanimously.**

**Ms. Voltolini moved and Vice-President Dr. Ault seconded a motion that the Board determines it necessary to appoint an Interim Executive Director temporarily beginning the first day of the vacancy, November 1, 2021, until the permanent position is filled. The Board designates Elizabeth Moore, who is the current Program Administrator 2, to assume the duties of the Executive Director in a temporary work level (TWL). Pursuant to ORC 124.181 (J), the employee's pay shall be established at a rate that is approximately four per cent (4%) above the employee's current base rate for the period the employee occupies the position. Voting Aye: President Dr. Frame, Vice-President Dr. Ault, Dr. Haggerty, Dr. Rich and Ms. Voltolini. Voting Nay: None. Abstained: None. Motion passed unanimously.**

**Vice-President Dr. Ault moved and Dr. Haggerty 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 11:10 a.m.

Approved By Majority of Board:

Attested By Its Secretary:

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Mickey E. Frame, D.C.  
President

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Kelly A. Caudill  
Executive Director

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