

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.

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-sixth Board meeting to order at 9:10 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 2013-040: Dr. Wilson moved and Dr. Gloekler seconded a motion to approve the minutes of the August 9, 2012 Board meeting. Motion passed unanimously.

### **PRECEPTORSHIP APPLICATIONS**

MOTION 2013-041: Vice-President Dr. Palkowski moved and Dr. Wilson seconded a motion to ratify the preceptorships approved for Jasmine P. Craner with Liana Goetz, D.C.; Andrew L. Gardella with Scott Sesny, D.C. and Cody G. Smith with Rex Huffer, D.C. Motion passed unanimously.

### **ACUPUNCTURE CERTIFICATES**

MOTION 2013-042: Dr. Gloekler moved and Mr. Kennedy seconded a motion to ratify the acupuncture certificate issued to Dr. Christopher Stankus. Motion passed unanimously.

### **RATIFICATION OF LICENSES**

MOTION 2013-043: Dr. Wilson moved and Vice-President Dr. Palkowski seconded a motion to ratify the following licenses issued as a result of the online Jurisprudence examination: Erich S. Zielinski, Abby M. Crouse, Gregory A. Dunlap, Kevin C. Poole, Frank P. Andosca, Ashlee L. Nieburh, Nabeel M. Bourawi, Stephen M. Lash, Gerald A. Orlando, Jonty D. McCoy, Stephen W. Esdinsky, Dana E. Brindisi, Courtney K. Webb, Joseph E. King, Todd F. Gillfillan, Jessica M. Wheeler, Jeremiah D. Schreiber, Jarred G. Pertuset and David L. Lowenstein. Motion passed unanimously.

### **RATIFICATION OF CE WAIVER**

MOTION 2013-044: Vice-President Dr. Palkowski moved and Dr. Gloekler seconded a motion to ratify the CE waiver granted to David M. Sullivan, D.C. waiving .5 hours of the required 36 hours of continuing education necessary to renew his license for 2012 for good cause shown. Motion passed unanimously.

**EXECUTIVE DIRECTOR'S REPORT**

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

Director Caudill discussed House Bill 259 regarding complementary and alternative health services and advised that a meeting was held on August 24, 2012 for Boards and associations affected by the bill. Talking points and a fact sheet were developed and are being used for meetings scheduled with legislative leadership. Director Caudill did not attend the meeting. Bharon Hoag, Executive Director of the OSCA did attend the meeting.

Director Caudill discussed Governor Kasich's Executive Order forming the Ohio Human Trafficking Task Force and highlighted the Task Force recommendations that affect the Board. Director Caudill recommended that the Board wait until legislation is drafted and/or passed before drafting rules to incorporate the Task Force recommendations pertinent to the Board.

Director Caudill advised that on October 10, 2012 she received a letter from the Respiratory Care Board which regulates the practice of respiratory care and Home Medical Equipment. Mr. Logsdon requests the Board's assistance in educating chiropractic physicians that selling or renting TENS units requires an HME license or certificate of registration. The Board requested Director Caudill to further study this issue and meet with Mr. Logsdon if necessary.

Director Caudill advised that a licensee has requested interpretation of Board Rule 4734-6-04 (F)(1) regarding direct on-premises supervision of a preceptorship intern. The Board clarified that direct supervision is the chiropractic physician serving as the preceptor on the office premises.

Director Caudill advised that an inquiry has been made regarding performing musculoskeletal ultrasound. She advised that a survey has been sent to all Board-approved chiropractic colleges and the majority to date do not teach performing or interpreting musculoskeletal ultrasound. Director Caudill will respond to the inquiry once all colleges have replied.

MOTION 2013-045: Dr. Gloekler moved and Dr. Wilson seconded a motion to accept the Director's Report as presented. Motion passed unanimously.

**LEGAL ACTIVITIES**

Leah V.B. O'Carroll, AAG gave a brief legal actives report.

**NOTICE OF OPPORTUNITY FOR HEARING; CASE NO. 2013 CHR 011**

MOTION 2013-046: Vice-President Dr. Palkowski moved and Dr. Gloekler seconded a motion to approve the proposed Notice of Opportunity for Hearing for the doctor cited in Case No. 2013 CHR 011 for allegedly violating Ohio Revised Code § 4734.31 (C)(5). Voting Aye: President Dr. Farabaugh, Vice-President Dr. Palkowski, Dr. Gloekler and Dr. Wilson. Voting Nay: None. Abstaining: Mr. Kennedy. Motion passed.

**ADMINISTRATIVE RULES/FIVE YEAR RULE REVIEW**

The Board reviewed and discussed all stakeholder feedback received regarding the following CSI reviewable rules sent to stakeholders on August 10, 2012: 4734-5-01; 4734-6-05 & 07; 4734-8-02, 03, 05 & 08; 4734-9-03, 06, 08 & 10; 4734-10-03 & 05. Administrative rules 4734-5-02; 4734-5-03; 4734-5-04; and 4734-5-06 are not scheduled for five year rule review, but were included in conjunction with the review of Board Rule 4734-5-01.

The Board received comment from the Council on Chiropractic Education regarding updating CCE terminology to language in rules 4734-5-01 and -02 and a recommendation for rules 4734-5-03, -04 and -05 that the visitation, approval and revocation procedures are duplicative to the CCEs role and suggest rescission of the language. The Board also received comment from the Council on Chiropractic Education International suggesting that the list of courses in rule 4734-5-01 is antiquated and that the CCE does not use the terms full accreditation and candidate status as used in rule 4734-5-02; a recommendation for rules 4734-5-03, -04 and -05 that the visitation, approval and revocation procedures are duplicative to the CCEs role and suggest rescission of the language; and suggested that the Board accept graduates from any program accredited by CCEI member agencies. The Board also received comment from the New Zealand College of Chiropractic requesting that the Board address foreign chiropractic colleges in its rules in order to allow foreign chiropractic educated students to become licensed in Ohio.

The Board advised Director Caudill to research the incorporation of the CCE and CCEI comments into the Board's rules. The Board also advised Director Caudill to incorporate biennial renewal wording changes to a rule 4734-6-05.

The Board tabled the administrative rules discussion in order to begin the Public Rules Hearing.

### **PUBLIC RULES HEARING**

A Public Rules Hearing was held at 11:30 a.m. regarding the following rules: To be rescinded: 4734-6-10 Review of applicants. To be amended: 4734-2-02 Five year rule review; 4734-4-08 Witnesses; subpoenas; witness fees; 4734-6-06 Jurisprudence examination; 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.

Anderson Court Reporting Services made a stenographic record of the proceedings at the Board's expense.

### **OHIO STATE CHIROPRACTIC ASSOCIATION**

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

### **ADMINISTRATIVE RULES/FIVE YEAR RULE REVIEW - resumed**

The Board reviewed and discussed all testimony received at the Administrative Hearing and resumed their discussion regarding the CSI reviewable rules up for Five Year Rule Review

MOTION 2012-047: Vice-President Dr. Palkowski moved and Mr. Kennedy seconded a motion to approve the final filing of the following rules with JCARR: To be rescinded - 4734-6-10 Review of applicants. To be amended - 4734-2-02 Five year rule review; 4734-4-08 Witnesses; subpoenas; witness fees; 4734-6-06 Jurisprudence examination; 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.

MOTION 2012-48: Vice President Dr. Palkowski moved and Mr. Kennedy seconded a motion to

place the following rules on To Be Refiled status with JCARR due to the testimony offered during the rules hearing: 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 and 4734-7-03 Continuing education offered outside the state of Ohio and via supervised self-instruction. Motion passed unanimously.

The Board recommended changes to be made to the following CSI reviewable rules up for Five Year Rule Review and will review the final drafts at the December 13, 2012 Board meeting: 4734-6-07, 4734-8-02, 4734-8-03, 4734-8-05, 4734-8-08, 4734-9-03, 4734-9-06, 4734-9-08, 4734-9-10, 4734-10-03 and 4734-10-05.

### **2013 BOARD MEETING DATES**

The Board set the following Board meeting dates for 2013: February 7, April 11, June 13, August 22, October 10 and December 5, 2013.

### **ETHICS TRAINING**

Board members and staff watched the Ohio Ethics Commission DVD entitled *The Ethics Law in Public Service 2010* to satisfy the ethics training required by Governor Kasich's Executive Order 2011-03K. The following individuals were in attendance: President Dr. Farabaugh, Vice-President Dr. Palkowski, Dr. Gloekler, Dr. Wilson, Mr. Kennedy, Leah V.B. O'Carroll, AAG, Director Caudill and Elizabeth Moore, Executive Assistant.

MOTION 2013-049: Vice-President Dr. Palkowski moved and Dr. Wilson 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 2:15 p.m.

Approved By Majority of Board:

Attested By Its Secretary:

\_\_\_\_\_  
Ronald J. Farabaugh, D.C.  
President

\_\_\_\_\_  
Kelly A. Caudill  
Executive Director

enm