

Board Members present: President Mickey E. Frame, D.C., Vice-President Kelly J. Roush, D.C., Rebecca J. Ault, D.C., Johnathan Haggerty, 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. Frame called the four hundred and thirty-eighth Board meeting to order at 9:10 a.m. at the Vern Riffe Center for Government and the Arts; 77 South High Street, 16th Floor, Columbus, Ohio.

### **REVIEW OF MINUTES**

**Dr. Haggerty moved and Ms. Voltolini seconded a motion to approve the minutes of the September 24, 2019 Board meeting.** Motion passed unanimously.

### **RATIFICATION OF CHIROPRACTIC LICENSES**

**Vice-President Dr. Roush moved and Dr. Haggerty seconded a motion to ratify approval of the chiropractic licenses issued to Lauren Griswold, Matthew Flick, Caitlin Atkinson, Katelyne Allen, Alexa Gruhot, Eino Ketola and Hailey Eckstein.** Motion passed unanimously.

### **RATIFICATION OF PRECEPTORSHIPS**

**Dr. Haggerty moved and Vice-President Dr. Roush seconded a motion to ratify approval of the preceptorships for Kyle Johnston with Dr. Matthew Hamilton; Chad Gillis with Dr. John Gillis and Kara Berger with Dr. Sara Prosak.** 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.

**Ms. Voltolini moved and Dr. Haggerty seconded a motion to go into Executive Session for the purpose of discussing pending and imminent litigation at 9:15 a.m.** Voting Aye: President Dr. Frame, Vice-President Dr. Roush, Dr. Ault, Dr. Haggerty and Ms. Voltolini. Voting Nay: None. Abstained: None. Motion passed unanimously.

The meeting was called back to regular session at the conclusion of the discussion at 9:25 a.m.

Director Caudill discussed the Governor's Report of the Working Group regarding the State Medical Board's handling and investigation of Dr. Richard Strauss. Governor DeWine requested health care licensing Boards to submit a report to the working group detailing how each board oversees investigations, works with law enforcement, incorporates survivor-centered investigative

techniques, and balances transparency and confidentiality. The report is due November 15, 2019. A copy of the questions the Board is required to answer were also presented to the Board.

Director Caudill reported that Investigator Stein's tentative return date is 12/16/19. Investigations are currently being conducted by contractor David Bailey.

Director Caudill reported that an audit of CE earned between 4/1/16 to 3/31/18 is currently being conducted on approximately 200 licensees.

Director Caudill discussed HB 151 and the CE components of the bill and presented the Board with PACE (Providers of Approved Continuing Education) documents for review. The Board requested that Director Caudill meet with the OSCA to discuss concerns that the bill would enact CE approval provisions that are already being accomplished by PACE and that the OSCA could simply consider becoming a PACE Approved Provider. The Board also expressed concerns with the loan repayment program in light of the fact that chiropractic physicians do not have full access to Medicaid.

Director Caudill presented the Board with an article published by the Veterinary Medical Board in their recent Fall Newsletter stating that chiropractors can only practice on animals under the direct supervision of a licensed veterinarian, defined as within audible or visual range, or both. The Board instructed Director Caudill to meet with the Ohio Veterinary Medical Association to discuss this matter further since direct supervision essentially prohibits animal chiropractic. Dr. Ault and Ms. Voltolini will also attend.

Director Caudill presented the Board with an outline of a Learn Spinal Manipulation CE course being advertised to Physical Therapists, Occupational Therapists and Athletic Trainers and an excerpt of the 2020 CAATE (Commission on Accreditation of Athletic Training Education) Professional Standards for athletic training that indicates joint mobilization and manipulation are included in the list of care plan interventions. The Board instructed Director Caudill to consult with the OT, PT, AT Board to determine if manipulation is within the scope of athletic training and report back at the December Board meeting.

Director Caudill presented the Board with information regarding the new graduate level degree requirement for dietetics.

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

## **LEGAL ACTIVITIES**

### **NOTICE OF PROPOSED REFUSAL OF APPLICATION FOR LICENSURE AND OPPORTUNITY FOR HEARING, CASE NO. 2020 CHR 024**

**Vice-President Dr. Roush moved and Dr. Haggerty seconded a motion to accept the proposed Notice of Proposed Refusal of Application For Licensure and Opportunity For Hearing as presented.** Voting Aye: Vice-President Dr. Roush, Dr. Ault, Dr. Haggerty and Ms. Voltolini. Voting Nay: None. Abstained: President Dr. Frame. Motion passed.

### **CONSENT AGREEMENT, CASE NO. 2019 CHR 083**

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

**CONSENT AGREEMENT, CASE NO. 2020 CHR 023**

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

Vice-President Dr. Roush was excused from the meeting at 11:40 a.m.

**PETER D. ALBIS, D.C., CASE NO. 2019 CHR 087****DELIBERATION**

Prior to consideration of the matter of Peter D. Albis, D.C., President Dr. Frame confirmed that he, Dr. Ault, Dr. Haggerty and Ms. Voltolini had reviewed the Hearing Officer's Report and Recommendation, Hearing Transcript, State's Exhibits, and Respondent's Exhibits.

**Ms. Voltolini moved and Dr. Ault seconded a motion to go into executive session for the purpose of deliberation on the Report and Recommendation and supporting documentation in the matter of Peter D. Albis, D.C., Case No. 2019 CHR 087.** Voting Aye: President Dr. Frame, Dr. Ault, Dr. Haggerty and Ms. Voltolini. Voting Nay: None. Abstaining: None. Motion passed unanimously.

President Dr. Frame, Dr. Ault, Dr. Haggerty and Ms. Voltolini went into executive session at 11:42 a.m. for the purpose of deliberation.

President Dr. Frame called the meeting back to regular session at the conclusion of the deliberation at 11:53 a.m.

**Ms. Voltolini moved and Dr. Haggerty seconded a motion to accept the Findings of Fact and Conclusions of Law in the Hearing Examiner's October 15, 2019 Report and Recommendation. It is hereby ORDERED that:**

The Application of **PETER D. ALBIS, D.C.** for a License to Practice Chiropractic in the State of Ohio is hereby REFUSED.

This **ORDER** shall become effective immediately.

Voting Aye: President Dr. Frame, Dr. Ault, Dr. Haggerty and Ms. Voltolini. Voting Nay: None. Abstaining: None. Motion passed unanimously.

**2020 BOARD MEETING DATES**

The Board set February 20, 2020 for the first Board meeting of 2020 and tabled setting the remaining meeting dates until the December 5, 2019 meeting.

**President Dr. Frame moved and Dr. Ault 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 12:15 p.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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