

Board Members present: President Mickey E. Frame, D.C., Vice-President Kelly 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. J.T. Wakley, Senior Assistant AAG was present from 10:00 a.m. to 10:50 a.m.

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. Frame called the four hundred and thirty-seventh 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. Ault moved and Vice-President Dr. Roush seconded a motion to approve the minutes of the June 6, 2019 Board meeting. Motion passed unanimously.

Dr. Ault moved and Vice-President Dr. Roush seconded a motion to approve the minutes of the June 25, 2019 telephone conference call regarding Case No. 2019 CHR 088. 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

RATIFICATION OF ACUPUNCTURE CERTIFICATE

Dr. Haggerty moved and Dr. Ault seconded a motion to ratify approval of the acupuncture certificates issued to Drs. Michael Gustafson and Charles Elchert. Motion passed unanimously.

RATIFICATION OF PRECEPTORSHIPS

Vice-President Dr. Roush moved and Ms. Voltolini seconded a motion to ratify approval of the preceptorships for Josh Wright with Dr. John St. John; Dustin Peper with Dr. Jon Schwanz; Harry Dermanelian Jr. with Dr. Harry Dermanelian Sr.; Clayton Staib with Dr. Bernard Bubanic; Kyle Depinet with Dr. Thresa Young; Troy Cross with Dr. Cale Snedden; Jacie Vandermeulen with Dr. Krystal Huber; Francois Montbrun with Dr. Scott Wade; Brandon Brock with Dr. Brent Owens and Mitchell Bonnstetter with Dr. Kevin Sarich. 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. 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 10:10 a.m.

The Executive Director's Report was tabled.

CHRISTOPHER D. BRAGG, D.C., CASE NO. 2019 CHR 088

APPEARANCES

Dr. Bragg and AAG LaTawnda Moore were each present to address the Board members before their consideration in the matter of Christopher D. Bragg, D.C., Case No. 2019 CHR 088.

President Dr. Frame permitted Dr. Bragg and Ms. Moore 10 minutes each to address the Board.

Dr. Bragg discussed his past medical problems and his current state of health and stated due to these problems, he was unable to drink or take medicine. Dr. Bragg expressed that he tried to complete the 72 hour in-patient evaluation as the Board ordered, but was released early. Dr. Bragg described in great length that the facility was a place for heroin addicts and that he was harassed at the facility and was concerned for his safety.

Ms. Moore reviewed the allegations contained in the Board's Notice with the Board and stated that Dr. Bragg's failure to complete the evaluation ordered by the Board is an admission of impairment. Ms. Moore pointed out that Dr. Adler's letter to the Board stated Dr. Bragg appeared to be in withdrawal at the time he left the facility. Ms. Moore stated Dr. Bragg did not appear at his hearing before the Board. Dr. Bragg called the day before the hearing to confirm his attendance and did not mention he was sick. Dr. Bragg called the Board office the day of the hearing and said he had the flu. The Hearing Officer determined the hearing would be reopened if Dr. Bragg produced a doctor's note stating he had the flu. No such doctor's note was produced.

Ms. Moore requested that the Board amend the Hearing Officer's recommendation to correlate with the reinstatement requirements outlined in ORC Section 4734.39. Ms. Moore asked that the Board require Dr. Bragg to complete a chemical dependency evaluation by a treatment provider pre-approved by the Board, successfully complete any required treatment recommended, show evidence of continuous full compliance with any course of treatment recommended, require two written reports indicating that Dr. Bragg's ability to practice has been assessed by providers pre-approved by the Board that he has been found capable of practicing according to acceptable and prevailing standards of care, and that Dr. Bragg enter into a written consent agreement after completion of these terms for a minimum term of three years but for not more than five years and that the terms of the consent agreement include, but not be limited to, a daily call-in or log-in process for random drug and/or alcohol testing, attendance at a minimum of three 12 step meetings per week, at least one counseling session per month and any other terms recommended by Dr. Bragg's approved treatment provider. Ms. Moore also requested that the terms of Probation also require that Dr. Bragg serve Probation while actively residing and practicing in Ohio and that upon any release from Probation, Dr. Bragg must submit annual written progress reports made under penalty of perjury stating whether he has maintained sobriety for two years.

Dr. Bragg addressed the Board briefly after Ms. Moore and described that he had not been drunk at his office but rather had taken Nyquil instead of Dayquil and that he had requested the police officer to do a urinalysis on him and that an incident involving his wife occurred when he had taken Ambien. Dr. Bragg went on to state he was in court yesterday for practicing without a license and has to get his cheek swabbed twice a week.

DELIBERATION

Prior to going into Executive Session to consider the matter of Christopher D. Bragg, D.C., President Dr. Frame confirmed that each Board member had reviewed the Hearing Officer's Report and Recommendation, Hearing Transcript, State's Exhibits, and Respondent's Objections to the Report and Recommendation.

Vice-President Dr. Roush moved and Dr. Haggerty 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 Christopher D. Bragg, D.C., Case No. 2019 CHR 088. Voting Aye: President Dr. Frame, Vice-President Dr. Roush, Dr. Ault, Dr. Haggerty and Ms. Voltolini. Voting Nay: None. Abstaining: None. Motion passed unanimously.

President Dr. Frame, Vice-President Dr. Roush, and Dr. Ault participated in the deliberation. J.T. Wakley, Senior Assistant AAG was also present for the deliberation. Dr. Haggerty and Ms. Voltolini did not participate and were not present in the room for the deliberation.

President Dr. Frame called the meeting back to regular session at the conclusion of the deliberation at 10:42 a.m.

Vice-President Dr. Roush moved and Dr. Ault seconded a motion to accept the Findings of Fact and Conclusions of Law in the Hearing Examiner's August 19, 2019 Report and Recommendation. The Board modified the recommendation in the Hearing Examiner's Report and Recommendation. It is hereby ORDERED that:

The license of **CHRISTOPHER D. BRAGG, D.C.** to practice chiropractic in the state of Ohio shall be **SUSPENDED INDEFINITELY.**

Before being eligible to apply for reinstatement, **DR. BRAGG** shall demonstrate to the Board the ability to resume practice in compliance with acceptable and prevailing standards of care in the practice of chiropractic. The demonstration shall include:

- (1) Completion of a chemical dependency evaluation by a treatment provider pre-approved by the Board;
- (2) Evidence of successfully completing any required inpatient treatment recommended by the pre-approved treatment provider;
- (3) Evidence of continuing full compliance with any course of treatment recommended by the pre-approved treatment provider;
- (4) Two written reports indicating that **DR. BRAGG'S** ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by

individuals or providers approved by the Board for making the assessment and shall describe the basis for their determination.

- (5) **DR. BRAGG** has entered into a written consent agreement after completion of terms 1-4 which outlines terms of Probation for a minimum term of three (3) years but not more than a term of five (5) years. The terms of the consent agreement shall include, but not be limited to, a daily call-in or log-in process for random drug and/or alcohol testing, attendance at a minimum of three (3) 12 step meetings per week, at least one (1) counseling session per month and any other terms recommended by **DR. BRAGG'S** approved treatment provider. The terms of Probation shall also require that **DR. BRAGG** serve his Probation while actively residing and practicing in Ohio. Upon any release from Probation, **DR. BRAGG** must submit, for at least two (2) years, annual written progress reports made under penalty of perjury stating whether he has maintained sobriety.

The rationale for the modification of the Hearing Officer's recommendation is based upon the requirements of ORC Section 4734.39 that requires an individual to enter into a Consent Agreement with the Board as a term of reinstatement of a license.

This Order is effective immediately.

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

EXECUTIVE DIRECTOR'S REPORT (continued)

2016 CHR 023: Michael T. Wilson, D.C.: Adjudication Order issued February 15, 2018. Dr. Wilson appealed to the Franklin County Court of Common Pleas. On August 30, 2018 the Court affirmed the Board's Order. Dr. Wilson appealed the decision to the Tenth District Court of Appeals. On August 13, 2019 the 10th District Affirmed the Board's Order. Dr. Wilson did not appeal the decision. He will serve his suspension September 12 to November 11, 2019.

Director Caudill presented a copy of 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.

Kim went on disability leave 8/22/19. No return date at this time. Investigations will be conducted by a contractor beginning in October until her return.

Director Caudill reported that an audit of CE earned between 4/1/16 to 3/31/18 will be sent out to approximately 20% of our licensees on October 1.

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

Vice-President Dr. Roush moved and Dr. Ault seconded a motion to approve the attendance of Director Caudill and Ms. Moore at the FCLB District II Conference scheduled for September 26-29, 2019 in Fort Walton Beach, FL. Motion passed unanimously.

Dr. Haggerty moved and Vice-President Dr. Roush seconded a motion to approve President Dr. Frame's participation in the NBCE Part IV Testing scheduled for November 15-17, 2019. Motion passed unanimously.

KEISER UNIVERSITY

The Board reviewed and discussed Keiser University's request for Board approval of their Doctor of Chiropractic degree program.

Dr. Haggerty moved and Ms. Voltolini seconded a motion to approve Keiser University's request for Board approval of their Doctor of Chiropractic degree program. Voting Aye: President Dr. Frame, Vice-President Dr. Roush, Dr. Haggerty and Ms. Voltolini. Voting Nay: None. Abstaining: Dr. Ault. Motion passed.

NORTHWESTERN HEALTH SCIENCES ACUPUNCTURE PROGRAM

The Board reviewed and discussed Northwestern Health Science University's request for Board approval of their 300 hour acupuncture program.

Ms. Voltolini moved and Dr. Haggerty seconded a motion to approve Northwestern Health Science University's request for Board approval of their 300 acupuncture program. Motion passed unanimously.

ADMINISTRATIVE RULE REVIEW

Director Caudill presented a draft copy of Board rule 4734-9-02 Advertising and solicitation, with proposed amendments that are required as a result of the passage of Amended Sub. House Bill 166 Stakeholder comments were also reviewed.

Dr. Haggerty moved and Dr. Ault seconded a motion that upon receiving a favorable recommendation from CSI, Board rule 4734-9-02 be filed with JCARR with authority to Director Caudill to make any non-substantive changes that may be recommended by JCARR. Motion passed unanimously.

LEGAL ACTIVITIES

CONSENT AGREEMENT, CASE NO. 2020 CHR 005

Ms. Voltolini 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.

The Board reviewed redacted copies of the following Agreements for the purposes of anonymity during voting.

AGREEMENT, ERIC VONGUNTEN, D.C.

Vice-President Dr. Roush moved and Dr. Haggerty seconded a motion to accept the proposed 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.

AGREEMENT, MATTHEW BRYSON, D.C.

Dr. Haggerty moved and Vice-President Dr. Roush seconded a motion to accept the proposed 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.

AGREEMENT, JOSEPH MORLEY, D.C.

Ms. Voltolini moved and Vice-President Dr. Roush seconded a motion to accept the proposed 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 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 11:45 a.m.

Approved By Majority of Board:

Attested By Its Secretary:

Mickey E. Frame, D.C.
President

Kelly A. Caudill
Executive Director

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