



# NEWSLETTER

December 2020

## Members of the Board

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## New Law!

Governor DeWine signed [Sub. HB 151](#) on November 22, 2020. Effective immediately, the bill:

- ✓ Amends the current motor vehicle accident and crime victim solicitation law
- ✓ Establishes a Chiropractic Loan Repayment Program
- ✓ Legalizes animal chiropractic

Due to this new law, the Board will consider promulgating a rule regarding animal chiropractic and amend the [Advertising and Solicitation Rule](#). (The Board is still considering the budgetary impact of the loan repayment program and must conduct further review.)

You may provide early stakeholder comment for the Board to consider for animal chiropractic and amendments to the [advertising and solicitation rule](#). If you wish to provide input for the Board to consider, please email your comments by January 4, 2021 to: [liz.moore@chr.state.oh.us](mailto:liz.moore@chr.state.oh.us)

## Highlights of the New Law:

### Solicitation ↗

A witness *that was a party to a motor vehicle accident* may be contacted beginning 24 hours after the time of the accident. (No contact may be made with any victim of a crime, or any witness to a motor vehicle accident who was not a party to the accident or crime until 30 days after the date of the accident or crime.)

**No in person contact may be made at any time.**

### Solicitation – continued

Beginning 24 hours after the time of the accident, contact may be initiated for the purpose of obtaining professional employment as follows:

- ✓ Once via phone in any 48 hour period
- ✓ Once through electronic mail
- ✓ Once through a text message
- ✓ Once in writing via the US Postal Service

The provisions do not pertain when all three factors apply:

1. solicitations to any party to a motor vehicle accident if the party being solicited was a previous purchaser of services
2. the solicitation is made under the same name that was previously used to sell services to the party
3. the person who will be providing the services has practiced chiropractic under the same business name as used in the solicitation for the past 3 years.

### Chiropractic Loan Repayment Program ↗

Requires the Board to deposit \$25 of each renewal fee collected to the chiropractic loan repayment fund. (The Board has no authority over the program or distribution of funds. Please refer to the new [law](#) for detailed information about the program.)

### Animal Chiropractic ↗

Defines “animal chiropractic practitioner” and “animal chiropractic”

Permits a chiropractor to practice animal chiropractic as an animal chiropractic practitioner without supervision of a licensed veterinarian if they hold a current, valid certification from any of the following:

- ❖ The American Veterinary Chiropractic Association ([AVCA](#))
- ❖ The International Veterinary Chiropractic Association ([IVCA](#))
- ❖ The College of Animal Chiropractors ([CoAC](#))

Animal chiropractic practitioners must register with the Board and advise of their current certification. (To be added to the Board's animal chiropractic registry, please [email](#) the Board with the name of the certification entity you earned your certificate from and the effective and expiration dates of your certificate.)

Animal chiropractic may only be performed on the types of animals on which the chiropractor has received training.

Animal chiropractic practitioners must require completion of an "Application for Care Form." The form must contain at least the following:

- ❖ A statement that the chiropractor is not a licensed veterinarian and cannot maintain primary responsibility for the animal's care.
- ❖ A statement that animal chiropractic is not intended to replace traditional veterinary care and is considered an alternative therapy to be used concurrently and in conjunction with traditional veterinary care by a licensed veterinarian.
- ❖ A question as to whether the animal has been seen by a licensed veterinarian within the past twelve months.
- ❖ A question as to whether a licensed veterinarian has provided a diagnosis of the medical condition of the animal for which animal chiropractic is sought, and if so, a request to specify the diagnosis.
- ❖ A statement authorizing the chiropractor to provide animal chiropractic to the animal.

Animal chiropractic practitioners must maintain a medical record, including the Application for Care Form, for each animal evaluated or treated for at least three years and must provide their medical record to the animal's veterinarian upon request in a timely fashion.

The new law also specifies that the Board may take disciplinary action against licensees that violate ORC Section 4734.31 in regard to animal chiropractic.

**A chiropractor who is not an animal chiropractic practitioner may practice animal chiropractic only under the direct supervision of a licensed veterinarian in accordance with ORC Section [4741.19 \(F\)](#).**

## SEXUAL MISCONDUCT

The Board continues to experience an increase in sexual misconduct complaints. The Board strongly encourages each licensee, and their staff, to read the publication titled [Professional Boundaries Defining Limits of Personal Responsibility](#) published by NCMIC to reduce boundary risks in everyday practice.

**Remember - you have a duty to report sexual misconduct violations, as well as any other violation of the Board's laws and rules. If you believe a violation of the Board's laws and rules has occurred, you are required to report the information upon which your belief is based. Failure to bring possible violations of the laws and rules to the Board's attention may subject you to discipline for failure to report.**

It is also a violation to engage in an ongoing professional relationship with a person or entity that violates any Board law or rule, unless you make a good faith effort to have the person or entity become compliant.

Complaints may be filed via [eLicense](#) by clicking on "File a Complaint" in the upper right hand corner. All complaints are confidential.



### GIFT CARDS ARE PROHIBITED!

Offering or giving cash, gift cards, gift certificates, or other types of cash equivalents to patients or potential patients as a referral fee, or as an inducement to enter into or to continue care, is prohibited by Board Rule [4734-9-07](#).



## CE AUDITS

The Board will be conducting CE audits next year. If you are selected for audit, you will receive an email from the [eLicense](#) system. Proof of the CE you earned to renew your license **must be uploaded to your [eLicense](#) profile.**

## CONTINUING EDUCATION

The current earning period is April 1, 2020 to March 31, 2022. Remember, only 2 hours of Board-mandated CE may be claimed to renew your license. Hours earned over and above the required 2 hours cannot be applied toward your renewal requirements. To learn more about CE requirements, please visit the Board's [website](#) and click on the Continuing Education tab.

### Supervision of CAs (Unlicensed Personnel)

The Board's Unlicensed Personnel Rule ([4734-8-02](#)) requires a chiropractor to be on the premises when services are provided by a CA or other unlicensed individual. You are not permitted to issue standing orders or be available by telephone or otherwise delegate or direct services to be performed when you are not on the premises.

You are also responsible for ensuring all personnel are competent and properly qualified by education, training, and/or experience to perform their assigned duties.

Interested in formal CA training and certification for your staff? Click [here](#) for information on Certified Chiropractic Clinical Assistant training offered by the [Federation of Chiropractic Licensing Boards](#).

### KEEP YOUR CONTACT INFORMATION UP TO DATE

It is your responsibility to maintain current contact information with the Board. Current contact information is defined as an email address, residence address and telephone number, and address and telephone number for all locations where activities related to the practice of chiropractic and/or acupuncture are conducted.

Any changes to contact information must be updated with the Board within 30 days of the change. (Post office box addresses are prohibited without disclosing the actual physical address of the residence or location where activities related to the practice of chiropractic and/or acupuncture are conducted.) To update your contact information, log into your [eLicense](#) profile using your email address and password and click Change Address on the Options button.

## BOARD DISCIPLINARY ACTIONS SINCE JANUARY 1, 2019

*Please note these are brief synopses of the cases and do not represent all findings or disciplinary details.*

**2020 CHR 067:** Doctor failed to submit documentation of compliance with CE requirements when audited and failed to earn the required CE hours. **Discipline:** Indefinite suspension of no less than 2 years; mental and physical evaluation prior to any restoration of license; earn required 36 hours of CE; 2 year probation upon any reinstatement. May not renew license while on probation without first submitting CE certificates.

**2020 CHR 066, 2020 CHR 068, 2020 CHR 070, 2020 CHR 073** Doctor in each case failed to submit documentation of compliance with CE requirements when audited and/or failed to earn the required 36 hours of CE for license renewal. **Discipline:** \$1,000 fine and earn 36 hours of CE.

**2020 CHR 063:** Doctor engaged in a consensual sexual relationship with a patient. **Discipline:** 7 day suspension; pass EBAS boundary violations, professional standards, and unprofessional conduct essay exams; earn 12 hours professional boundaries CE; procure NCMIC Professional Boundaries publication and attest to reading.

**2020 CHR 046:** Doctor employed unlicensed personnel not properly trained and failed to be on-site when the unlicensed personnel performed professional responsibilities. **Discipline:** 4 day suspension; 1 year probation; \$2,500 fine; 24 hours of chiropractic assistant training.

**2020 CHR 043:** Doctor operated a chiropractic office with an unlicensed chiropractor and aided and abetted that chiropractor in misleading advertising that the unlicensed individual was a licensed chiropractor. Doctor also committed numerous patient records documentation violations. **Discipline:** Indefinite suspension of not less than 6 months; upon any reinstatement, 15 month probation with compliance monitoring plan.

**2020 CHR 033:** Doctor failed to maintain proper, accurate and legible records documenting care and failed to record a treatment plan for one patient. **Discipline:** 1 year probation with compliance monitoring; 12 documentation CE hours.

## **Disciplinary Actions - continued**

**2020 CHR 027:** Doctor's documentation for one patient lacked a proper history, examination, and treatment plan. **Discipline:** Reprimand; 12 CE hours on documentation and coding.

**2020 CHR 025:** EMS was performed by unlicensed personnel on one patient that was not delegated by the doctor. The doctor also failed to maintain proper and accurate records documenting the patient's care and failed to physically maintain the patient's records. **Discipline:** 2 year probation with compliance monitoring.

**2020 CHR 019:** Doctor engaged in sexual misconduct with a patient and smoked marijuana from a vape pen approximately 10 times. **Discipline:** 14 day suspension; 1 year probation; enroll in the Ohio Physicians Effectiveness Program; pass the EBAS ethics and boundaries essay examination.

**2020 CHR 007:** Doctor's license was disciplined by the Oregon Chiropractic Board for taking x-rays without a license. **Discipline:** Reprimand; pass EBAS Fraud, Professional Standards, and Unprofessional Conduct essay exams.

**2019 CHR 093:** Doctor treated a mother and her minor daughter and failed to maintain the integrity of the profession by making inappropriate comments to the mother while treating her daughter and made inappropriate comments to the daughter about her mother during treatment. **Discipline:** Reprimand; 6 CE hours on professional boundaries; procure NCMIC Professional Boundaries publication and attest to reading.

**2019 CHR 091:** Doctor made inappropriate comments to a patient that constituted sexual misconduct.

**Discipline:** 3 day suspension; 1 year of probation; earn 6 hours of professional boundaries CE; procure NCMIC Professional Boundaries publication and attest to reading.

**2019 CHR 088:** Doctor was summarily suspended for failure to submit to an examination for suspected impairment as Ordered by the Board. Licensee must submit to a chemical dependency evaluation and completion of recommendation/treatment plan and submit two written reports indicating he is capable to

practice. Upon any reinstatement, 3-5 years of probation requiring daily call in for random drug/alcohol testing; attend three 12 step meetings per week and 1 counseling session per month. Upon release from probation, must submit annual written progress reports for 2 years.

**2019 CHR 083:** Doctor failed to maintain the integrity of the profession by making inappropriate comments and gestures to a patient during treatment. **Discipline:** Reprimand; earn 6 CE hours on Professional boundaries; procure NCMIC Professional Boundaries publication and attest to reading.

**2019 CHR 052:** Doctor took x-rays of poor diagnostic quality and exercised poor professional judgment with a patient. **Discipline:** 3 day suspension; pass all EBAS essay exams; earn 6 CE hours on professionalism.

**2019 CHR 044:** Doctor committed telephone solicitation misconduct. **Discipline:** 15 day suspension; 6 month probation; \$2,000 fine.

**2019 CHR 033:** Doctor failed to disclose a DUI conviction as required on his 2018 renewal application and failed to update his home address change within 30 days of the change. **Discipline:** Reprimand; \$500 fine.

**2019 CHR 012:** Doctor committed telephone solicitation misconduct, billed for services not rendered, and failed to maintain proper, accurate and legible records documenting a patient's care. **Discipline:** 30 day suspension; earn 30 hours of CE; 15 month probation with compliance monitoring.

**2019 CHR 004:** Doctor committed telephone solicitation misconduct. **Discipline:** 1 year probation; \$2,000 fine.

**2018 CHR 053:** Doctor convicted of Endangering Children. **Discipline:** Revocation.

**2018 CHR 032:** Doctor committed telephone solicitation misconduct. **Discipline:** 30 day suspension; \$3,000 fine.

### **Curious about what an EBAS essay exam is?**

Click [here](#) to learn more about the examinations offered by Ethics and Boundaries Assessment Services, LLC.