

Ohio State Chiropractic Board  
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# ANNUAL REPORT

FY 2019

*July 1, 2018 – June 30, 2019*

# TABLE OF CONTENTS

## Contents

About the Board_____	1
Board Members & Meetings_____	2
Memberships, Meetings & Conferences _____	3
Budgetary Matters _____	4
Administrative Rules _____	5
Examination & License Activity_____	6
Enforcement Statistics & Discipline _____	7

# ABOUT THE BOARD

## About the Board

### **MISSION OF THE BOARD**

The Board's purpose is to protect public health, safety and welfare. Our 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 for licensure and by fairly and consistently enforcing those standards through examination of new doctors, biennial license renewal, clinic inspections, and timely investigation and disciplinary action when indicated.

### **HISTORY OF THE BOARD**

Prior to 1975 the State Medical Board of Ohio regulated chiropractors as limited medical practitioners. The State Board of Chiropractic Examiners was created by the legislature with the enactment of Amended Senate Bill 75 effective on November 3, 1975. This legislation enacted Sections 4734.01 to 4734.19 of the Ohio Revised Code and established a five-member Chiropractic Examining Board.

With the enactment of Sub. House Bill 506, the Board's law was updated, and the Board was renamed the Ohio State Chiropractic Board on April 10, 2001.

On August 22, 2007, Sub. Senate Bill 33 became law to authorize the Board to issue certificates to practice acupuncture to qualified chiropractic physicians.

### **DUTIES OF THE BOARD**

The Board fulfills numerous duties to make certain that the citizens of the state of Ohio are afforded care from competent and qualified chiropractic physicians. Those duties include licensing chiropractic physicians, issuing acupuncture certificates, biennial chiropractic and acupuncture license renewal, issuing temporary licenses, investigating complaints, compliance initiatives and discipline and monitoring. The Board also performs numerous other activities and services such as developing and maintaining a jurisprudence exam, license verification, clarifying and interpreting its laws and rules, administrative rules filings and development, filling public records requests, legislative activities, and administrative functions such as fiscal, human resources, payroll processing, records retention, inventory management and website management.

# BOARD STAFF

## Board Staff

The Board employed 4 full time employees during FY 19 to carry out its duties and responsibilities.

**Kelly Caudill, Executive Director**

**Liz Moore, Executive Assistant**

**Kendra Lindsey, Paralegal/Licensing Coordinator**

**Kim Stein, Enforcement Investigator**

## Board Meetings

The Board conducted 6 meetings on the following dates: August 23, October 25, December 6, 2018 and February 14, April 25 and June 6, 2019. All scheduled meetings of the Board are posted on the Board's website and open to the public. Upon request, any person may obtain advance notification of the time, place and purpose of all meetings of the Board.

The Board is comprised of four chiropractic physicians and one public member. The Governor, with the advice and consent of the Senate, appoints members to four-year terms. Members are eligible to be re-appointed once. Board members are compensated hourly for actual time devoted to the Board's affairs and are reimbursed for their travel expenses. During Fiscal Year 2019 the Board consisted of the following members:

**Gregory P. Palkowski, D.C., President**

Beavercreek, OH

Appointed: 11/2010

Re-Appointed: 4/2015

Term Expires: 11/2018

**Rebecca J. Ault, D.C.**

Kent, OH

Appointed: 11/2018

Term Expires: 11/2022

**Mickey E. Frame, D.C., President<sup>1</sup>**

Sylvania, OH

Appointed: 11/2017

Term Expires: 11/2021

**Johnathan Haggerty, D.C.**

Hicksville, OH

Appointed: 12/2018

Term Expires: 11/2022

**Norman J. Gloekler, D.C., Vice-President**

Ashtabula, OH

Appointed: 11/2010

Re-Appointed: 4/2015

Term Expires: 11/2018

**Jessica Voltolini, Esq.**

Columbus, OH

Appointed: 5/2018

Term Expires: 11/2021

**Kelly J. Roush, D.C., Vice-President<sup>2</sup>**

Jackson, OH

Appointed: 11/2017

Term Expires: 11/2019

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<sup>1</sup> Dr. Frame was elected Board President 10/25/2018.

<sup>2</sup> Dr. Roush was elected Board Vice-President 10/25/2018.

# MEMBERSHIPS, MEETINGS & CONFERENCES

## Memberships, Meetings & Conferences

### **Federation of Chiropractic Licensing Boards (FCLB)**

The Board is an active member of the Federation of Chiropractic Licensing Boards, a non-profit organization established in 1926 as the professional association for governmental regulatory boards responsible for chiropractic licensure. Membership is comprised of chiropractic licensing boards from the United States and Territories, Canada, Australia, Mexico, and other countries.

As a member of the FCLB the Board receives free online searches and reporting to the Chiropractic Information Network/Board Action Databank (CIN-BAD) an on-line computer database that tracks the disciplinary actions taken against chiropractic physicians in all jurisdictions, PowerPoll surveys of other Boards, and educational conference communication.

### **EDUCATIONAL MEETINGS & CONFERENCES**

November 9-11, 2018: Dr. Palkowski served as a test site examiner for the National Board of Chiropractic Examiners Part IV Exam\*.

November 30-December 1, 2018: Director Caudill and Ms. Moore attended the Federation of Chiropractic Licensing Boards District II Meeting in Fort Walton Beach, FL.

May 1-5, 2019: Dr. Frame, Director Caudill and Ms. Moore attended the Federation of Chiropractic Licensing Boards Annual Conference in Mission Bay, CA.

May 17-19, 2019: Dr. Ault served as a test site examiner for the National Board of Chiropractic Examiners Part IV Exam\*.

\*Participation in the NBCE Part IV Exam is at no cost to the Board.

# BUDGETARY MATTERS

## Budgetary Matters

The Board is self-supported primarily through revenue generated from application and renewal fees. The Board does not receive any funds from the State's General Revenue Fund. As required by ORC 4734.54, all receipts of the Board are deposited into the Occupational and Professional Licensing Fund (4K9). This is a joint fund in which the revenue from various other licensing boards is deposited.

### FISCAL SUMMARY

The following table illustrates the Board's revenues and expenditures.

REVENUES	
DESCRIPTION	REVENUE
Licenses & Renewal Fees	\$34,375
Rosters & Records	\$0
Fines & Penalties	\$8,750
<b>TOTAL</b>	<b>\$43,125</b>

  

EXPENDITURES	
DESCRIPTION	EXPENSE
500 & 510 Account (e.g.: payroll, hearing examiner, experts, court reporters, membership dues)	\$446,741
520 Account (e.g.: state maintenance fees, rent, supplies, travel, credit card processing, printing)	\$103,351
530 Account (e.g.: computers, equipment)	\$0
<b>TOTAL</b>	<b>\$550,092</b>

  

APPROPRIATION	
FISCAL YEAR	APPROPRIATION
2019	\$653,620*

\*Included funding for an investigator position the Board inactivated.

# ADMINISTRATIVE RULES

## Administrative Rules

The Board formulates and adopts rules to govern its actions regulating the practice of chiropractic. All rules are filed electronically with the Joint Committee on Agency Rule Review, the Legislative Service Commission and the Secretary of State's Office. Public hearings regarding rule changes are held in accordance with ORC § 119.

In addition to the above process, if a rule is determined to have an adverse impact on business, the rule must also be filed with the Common Sense Initiative (CSI) Office.

### **FIVE YEAR RULE REVIEW**

In accordance with ORC § 119.032, the Board reviews each of its rules every five years to determine whether to continue without change, amend, or rescind a rule. Prior to the scheduled review date of a rule, the Board reviews the rule to determine whether the rule should be reviewed by CSI and continued without amendment, be amended or be rescinded, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted. The following actions were taken in FY 2019:

#### **Amended**

4734-5-01 Board approved chiropractic educational institutions and programs  
4734-6-01 Application for licensure  
4734-6-02 Licensure by endorsement  
4734-6-04 Preceptorships  
4734-7-03 Continuing education credit for providing health care to indigent and uninsured persons as a volunteer  
4734-8-01 Dismissing a patient from a chiropractic practice  
4734-8-02 Unlicensed supportive personnel  
4734-8-03 Quality intervention program  
4734-8-05 Examination and prescription protocols  
4734-8-06 Board consideration of sanctions  
4734-8-07 Notice of leaving, selling or retiring from practice

4734-8-08 Universal precautions  
4734-11-01 Military considerations

#### **Rules Rescinded & Drafted as New**

4734-6-05 License for voluntary public service  
4734-6-07 Addresses of licensees  
4734-9-01 Fine schedules  
4734-9-08 Professional ethics  
4734-9-10 Conduct following action against a license  
4734-10-03 Application for acupuncture certificate

#### **Rules to be Rescinded**

4734-1-03 Payment of fees  
4734-10-05 Application for acupuncture certificate

# EXAMINATION & LICENSE ACTIVITY

## Examination & License Activity

The Board requires all applicants for licensure to successfully take and pass an online Jurisprudence examination. Applicants are permitted to take the exam once they have met all the Board's filing requirements and their application is approved.

### LICENSE ACTIVITY

<b>TYPE OF LICENSE</b>	<b>ISSUED</b>	<b>TOTAL ACTIVE</b>
Chiropractic	74	2576
Acupuncture Certificates	7	172
Preceptorship	32	

### LICENSE REINSTATEMENT/RESTORATION ACTIVITY

<b>TYPE OF APPLICATION</b>	<b>REINSTATED</b>	<b>DENIED/REFUSED</b>
Chiropractic Reinstatement/Restoration	22	2

# ENFORCEMENT STATISTICS & DISCIPLINE

## Enforcement Statistics & Discipline

The Executive Director serves as the Chief Enforcement Officer for the Board and is responsible for enforcing the laws and rules governing the practice of chiropractic. All complaints are reviewed to determine preliminary disposition: closure, referral to another agency, investigation, or hold open pending further information.

### INVESTIGATIONS

Investigations opened: 92

Investigations completed: 86 – (includes disposition of complaints received prior to FY 2019)

### NUMBER OF INVESTIGATIONS BY CATEGORY

Advertising:	22	Records:	2
Billing:	7	Treatment:	20
Sexual Misconduct:	14	Unlicensed Practice:	2
Solicitation:	10	Other:	7
Chemical Dependency:	3		
Scope:	3		
License Refusal/Denial:	2		

### FORMAL ACTIONS

Formal Charges (Citations):	5	Letters of Admonition Issued: 1*
Consent Agreements:	9	
Hearings Held:	2	
Orders/Adjudication Orders:	2	
Voluntary Permanent Surrender:	1	

\*Letters of Admonition are not discipline.