

Ohio State Chiropractic Board
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ANNUAL REPORT

FY 2020

July 1, 2019 – June 30, 2020

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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 20 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 5 meetings on the following dates: September 24, October 31, December 5, 2019 and February 20 and June 19, 2020. 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 2020 the Board consisted of the following members:

Mickey E. Frame, D.C., President

Sylvania, OH

Appointed: 11/2017

Term Expires: 11/2021

Rebecca J. Ault, D.C., Vice-President¹

Kent, OH

Appointed: 11/2018

Term Expires: 11/2022

Johnathan Haggerty, D.C.

Hicksville, OH

Appointed: 12/2018

Term Expires: 11/2022

Kelly J. Roush, D.C., Vice-President

Jackson, OH

Appointed: 11/2017

Term Expires: 11/2019

Jessica Voltolini, Esq.

Columbus, OH

Appointed: 5/2018

Term Expires: 11/2021

¹ Dr. Ault was elected Vice-President 2/20/2020.

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

FCLB District II Meeting, September 26-28, 2020 in Ft. Walton Beach, FL – cancelled due to COVID-19

FCLB Annual Conference, April 22-26, 2020 in Denver, CO – cancelled due to COVID-19

National Board of Chiropractic Examiners Part IV Exam participation* – postponed due to COVID-19

*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 | \$1,064,149 |
| Rosters & Records | \$0 |
| Fines & Penalties | \$7,016 |
| TOTAL | \$1,071,165² |

| EXPENDITURES | |
|---|------------------|
| DESCRIPTION | EXPENSE |
| 500 & 510 Account (e.g.: payroll, hearing examiner, experts, court reporters, membership dues) | \$442,712 |
| 520 Account (e.g.: state maintenance fees, rent, supplies, travel, credit card processing, printing) | \$109,421 |
| 530 Account (e.g.: computers, equipment) | \$0 |
| TOTAL | \$552,133 |

| APPROPRIATION | |
|---------------|---------------|
| FISCAL YEAR | APPROPRIATION |
| 2020 | \$605,251 |

² Revenues were reduced due to the provisions of HB 197 which extended the license renewal deadline for chiropractic and acupuncture licenses to December 1, 2020. These funds will be collected in FY 2021.

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 2020:

Amended

4734-6-01 Application for licensure
4734-6-02 Licensure by endorsement
4734-6-04 Preceptorships
4734-8-01 Dismissing a patient from a chiropractic practice
4734-8-07 Notice of leaving, selling or retiring from practice
4734-11-01 Military considerations

Rules Rescinded & Drafted as New

4734-3-01 Confidential personal information

To Be Refiled

4734-9-02 Advertising and solicitation

Rules to be Rescinded

4734-3-01 Personal information systems definitions
4734-3-02 Procedures for accessing confidential personal information
4734-3-03 Valid reasons for accessing confidential personal information
4734-3-04 Confidentiality laws
4734-3-05 Restricting and logging access to confidential personal information in computerized personal information systems

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

| TYPE OF LICENSE | ISSUED | TOTAL ACTIVE |
|--------------------------|---------------|---------------------|
| Chiropractic | 84 | 2627 |
| Acupuncture Certificates | 4 | 173 |
| Preceptorship | 35 | |

LICENSE REINSTATEMENT/RESTORATION ACTIVITY

| TYPE OF APPLICATION | REINSTATED | DENIED/REFUSED |
|--|-------------------|-----------------------|
| Chiropractic Reinstatement/Restoration | 15 | 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: 83

Investigations completed: 80 – (includes disposition of complaints received prior to FY 2020)

NUMBER OF INVESTIGATIONS BY CATEGORY

| | | | |
|---------------------------|----|---------------------------------------|----|
| Advertising: | 8 | Records: | 6 |
| Billing: | 9 | Treatment: | 17 |
| Sexual Misconduct: | 8 | Unlicensed Practice: | 4 |
| Solicitation: | 4 | Other: | 5 |
| Chemical Dependency: | 0 | Other Board Action: | 1 |
| Scope: | 1 | Application for Licensure Disclosure: | 3 |
| Failed CE Audit: | 12 | Criminal Conviction: | 2 |
| Violation of Board Order: | 1 | Reinstatement/Renewal Disclosure: | 2 |

FORMAL ACTIONS

| | | | |
|-----------------------------|----|-------------------------------|----|
| Formal Charges (Citations): | 7 | Letters of Admonition Issued: | 6* |
| Consent Agreements: | 16 | | |
| Hearings Held: | 3 | | |
| Orders/Adjudication Orders: | 3 | | |

*Letters of Admonition are not discipline.