

Board Members present: President Gregory P. Palkowski, D.C., Vice-President Norman J. Gloekler, D.C., Brian S. Wilson, D.C., Otto J. Schmidt, D.C.
Not present: Jeffrey O. Brown.

Others present: Kelly A. Caudill, Executive Director; Rex Waldenmyer, Investigator; Leah V.B. O'Carroll, AAG.

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. Palkowski called the four hundred and ninth Board meeting to order at 9:00 a.m. The meeting was held at the Ohio State Chiropractic Board Office; 77 South High Street, 16th Floor, Columbus, Ohio.

PUBLIC FORUM – 9:00 AM

President Dr. Palkowski invited the public to address the Board. No public in attendance.

REVIEW OF MINUTES

MOTION 2014-132: Dr. Wilson moved and Dr. Schmidt seconded a motion to approve the minutes of the October 9, 2014 Board meeting. Motion passed unanimously.

PRECEPTORSHIP APPLICATIONS

MOTION 2014-133: Dr. Wilson moved and Vice-President Dr. Gloekler seconded a motion to ratify the preceptorship approved for Angela M. Scopel with Dr. Steven King. Motion passed unanimously.

RATIFICATION OF ACUPUNCTURE CERTIFICATES

MOTION 2014-134: Vice-President Dr. Gloekler moved and Mr. Brown seconded a motion to ratify the acupuncture certificate issued on November 20, 2014 to Dr. Julie A. Gatelaro. Motion passed unanimously.

RATIFICATION OF CHIROPRACTIC LICENSES

MOTION 2014-135: Dr. Wilson moved and Dr. Schmidt seconded a motion to ratify the following licenses issued since October 9, 2014: David Michael Milliron; Jean-Yves Martin Hurtibuse; Charles Heselschwardt; Lamar Danielle Hunter; Steven Michael Rubosky, Pooja Patal; Matthew Thomas Kelly; Tanner Dean Dickerson; Matthew Ryan Sharples; Zachary David Mullin; Elisa Lynn Nassoly; Zachary Joseph Brown and Sean Michael Neary. 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, Budgetary Matters, Investigative Statistics and miscellaneous matters.

MOTION 2014-122: Vice-President Dr. Gloekler moved and Dr. Wilson seconded a motion to accept the Director's Report as presented. Motion passed unanimously.

PERTINENT CORRESPONDENCE

Director Caudill presented a letter from William J. Rademacher, D.C., FCLB District II Director, in which he requests the Board to sponsor a resolution affirming chiropractic to be a drug-free, non-surgical profession to the Resolutions and Bylaws Committee of the FCLB during the Annual Congress scheduled for May 6-10, 2015.

The Board members tabled their review and discussion of Dr. Rademacher's correspondence until the December 4, 2014 Board meeting.

LEGAL ACTIVITIES**VOLUNTARY PERMANENT SURRENDER OF LICENSE, CASE NO. 2015 CHR 013**

MOTION 2014-123: Dr. Wilson moved and Dr. Schmidt seconded a motion to approve the Voluntary Permanent Surrender of License to Practice in the State of Ohio for the doctor cited in Case No. 2015 CHR 013 as presented. A roll call vote was taken. Voting Aye: Vice-President Dr. Gloekler, Dr. Wilson and Dr. Schmidt. Voting Nay: None. Abstaining: President Dr. Palkowski. Motion passed.

CONSENT AGREEMENT, CASE NO. 2010 CHR 036

MOTION 2014-124: Vice-President Dr. Gloekler moved and Dr. Wilson seconded a motion to approve the proposed Modification of Consent Agreement for the doctor cited in Case No. 2010 CHR 036 as presented. A roll call vote was taken. Voting Aye: Vice-President Dr. Gloekler, Dr. Wilson and Dr. Schmidt. Voting Nay: None. Abstaining: President Dr. Palkowski. Motion passed.

CONSENT AGREEMENT, CASE NO. 2014 CHR 046

MOTION 2014-125: Dr. Schmidt moved and Vice-President Dr. Gloekler seconded a motion to approve the proposed Consent Agreement for the doctor cited in Case No. 2014 CHR 046 as presented. A roll call vote was taken. Voting Aye: Vice-President Dr. Gloekler, Dr. Schmidt and President Dr. Palkowski. Voting Nay: None. Abstaining: Dr. Wilson. Motion passed.

NOTICE OF OPPORTUNITY FOR HEARING, CASE NO. 2014 CHR 071

MOTION: 2014-126: Vice-President Dr. Gloekler moved and Dr. Schmidt seconded a motion to issue a Notice of Opportunity for Hearing to the doctor cited in Case No. 2014 CHR 071 as presented. A roll call vote was taken. Voting Aye: President Dr. Palkowski, Dr. Schmidt and President Dr. Gloekler. Voting Nay: None. Abstaining: Dr. Wilson. Motion passed.

ADJOURN – 10:40 AM

MOTION 2014-127: Vice-President Dr. Gloekler moved and Dr. Schmidt seconded a motion to adjourn for the purpose of engaging as a quasi-judicial body for deliberations regarding the matters of Mark C. Hollstrom, D.C. and Michael W. Mulcahy, D.C. Vice-President Dr. Gloekler did not participate in the deliberation of Dr. Hollstrom and Dr. Wilson did not participate in the deliberation of Dr. Mulcahy. The Board meeting was called back to order at the conclusion of the deliberations at 10:55 a.m.

ADJUDICATIONS**MARK COLUMBUS HOLLSTROM, D.C., CASE NO. 2014 CHR 063**

Notice was given to Mark C. Hollstrom, D.C. on or about August 21, 2014 that the Ohio State Chiropractic Board intended to refuse his application for licensure in the state of Ohio and that he

was entitled to a hearing on the matter if such hearing was requested within thirty days of the mailing of the Notice. The Notice was issued to Dr. Holstrom in accordance with Section 119.07 of the Ohio Revised Code. Service of the August 21, 2014 Notice was perfected by certified mail. Dr. Holstrom did not submit a request for hearing.

Prior to consideration of the matter of Dr. Mark C. Hollstrom, President Dr. Palkowski, Dr. Wilson and Dr. Schmidt verified that they reviewed and considered the charges against Dr. Hollstrom in the August 21, 2014 Notice of Opportunity for Hearing and State's Exhibits 1-6 supporting the charges.

Action MOTION 2014-128: Dr. Wilson moved and Dr. Schmidt seconded a motion to issue the following Order to Mark C. Hollstrom, D.C.:

Dr. Mark C. Hollstrom's Application for License to Practice Chiropractic in the State of Ohio is hereby PERMANENTLY REFUSED.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 9th of October 2014. A roll call vote was called. Voting Aye: President Dr. Palkowski, Dr. Schmidt and Dr. Wilson. Voting Nay: None. Abstaining: Vice-President Dr. Gloekler. Motion passed.

MICHAEL W. MULCAHY, D.C., CASE NO. 2014 CHR 007

An Order of Summary Suspension, Notice of Summary Suspension and Opportunity for Hearing was issued to Michael W. Mulcahy, D.C. on or about April 10, 2014. The Notice advised Dr. Mulcahy that the Ohio State Chiropractic Board intended to consider disciplinary action against his license to practice chiropractic in the state of Ohio and that he was entitled to a hearing on the matter if such hearing was requested within thirty days of the mailing of the Notice. The Notice was issued to Dr. Mulcahy in accordance with Section 119.07 of the Ohio Revised Code. Service of the April 10, 2014 Notice was perfected by hand delivery on August 4, 2014. Dr. Mulcahy did not submit a request for hearing.

Prior to consideration of the matter of Michael W. Mulcahy, D.C., President Dr. Palkowski, Vice-President Dr. Gloekler and Dr. Schmidt verified that they reviewed and considered the charges against Dr. Mulcahy in the April 10, 2014 Notice of Summary Suspension and Opportunity for Hearing and State's Exhibits 1-15 supporting the charges.

Action MOTION 2014-129: Vice-President Dr. Gloekler moved and Dr. Schmidt seconded a motion to issue the following Order to Michael W. Mulcahy, D.C.:

Dr. Michael W. Mulcahy's license to practice chiropractic in the State of Ohio shall be PERMANENTLY REVOKED.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 9th of October 2014. A roll call vote was called. Voting Aye: President Dr. Palkowski, Vice-President Dr. Gloekler and Dr. Schmidt. Voting Nay: None. Abstaining: Dr. Wilson. Motion passed.

EXECUTIVE SESSION

MOTION 2014-130: Dr. Wilson moved and Dr. Schmidt seconded a motion to go into executive session to discuss pending and imminent litigation with legal counsel. A roll call vote was taken.

Voting Aye: President Dr. Palkowski, Vice-President Dr. Gloekler, Dr. Wilson and Dr. Schmidt.
Voting Nay: None. Motion passed unanimously. The meeting was called back to regular session at the conclusion of the discussion.

ADMINISTRATIVE RULES DISCUSSION

Director Caudill discussed the results of the 484 responses received from the Board’s recent CE survey. Based upon the results of the survey, the Board advised Director Caudill to send out an early stakeholder notification to the profession advising that the Board will consider amending its CE rules, particularly to consider: removing the in-state CE requirement; maintaining the 36 hour requirement; keeping the ethics and professionalism requirement and with an option to earn the hours at no cost; expanding the types of acceptable CE sponsors/providers; permit acupuncture licensees to earn their CE within their required chiropractic hours which will reduce the required hours from 48 to 36 biennially; and no longer require CE providers to register in-state seminars with the Board.

Director Caudill advised the Board that early stakeholder notification will also go out for rules 4734-1-15; 4734-03-01, -02, -03, -04 and -05 since these rules are up for five year rule review in 2015.

OLD/NEW BUSINESS/MISCELLANEOUS

Future Board Meeting Dates: February 12; April 9; June 11; August 20; October 8; and December 3, 2015.

MOTION 2014-131: Dr. Wilson moved and Dr. Schmidt seconded a motion to adjourn the meeting. Motion passed unanimously.

With no further business to be brought before the Board, President Dr. Palkowski adjourned the meeting at 1:00 p.m.

Approved By Majority of Board:

Attested By Its Secretary:

Gregory P. Palkowski, D.C.
President

Kelly A. Caudill
Executive Director

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