

Board Members present: Mark A. Korchok, D.C., President; Richard J. Maynard, D.C., Vice-President; Ronald J. Farabaugh, D.C. and John P. Kennedy, Esq.

Others present: Kelly A. Caudill, Executive Director; Elizabeth N. Moore, Executive Assistant; Leah V.B. O'Carroll, AAG.

Members excused: Anna Villarreal, D.C., Esq.

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*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 9:30 a.m.**

President Dr. Korchok called the three hundred and eightieth Board meeting to order at 9:30 a.m. The meeting was held at the Ohio State Chiropractic Board Office; 77 South High Street, 16th Floor; Columbus, Ohio.

**RONALD J. FARABAUGH, D.C.**

**OATH OF OFFICE**

President Dr. Korchok administered the Oath of Office to newly appointed Board member Ronald J. Farabaugh, D.C.

**REVIEW OF MINUTES**

MOTION 2010-047: Mr. Kennedy moved and Vice-President Dr. Maynard seconded a motion to approve the minutes of the December 3, 2009 Board meeting. Motion passed unanimously.

**REVIEW OF APRIL 1, 2010 EXAM CANDIDATES**

MOTION 2010-048: Vice-President Dr. Maynard moved and Dr. Farabaugh seconded a motion to approve the applications of the following listed candidates for the April 1, 2010 licensure examination, provided that all files are complete and in good standing prior to licensure: Kyle Alexander, Adam Baker, Joshua Baumgartner, Sarah Dumas, Anna Denton, Rebecca Fabry, Joseph Hans, Neil Heuker, Allison Irwin, Thomas Lemire, Justin Manns, Eric Marsili, Mark Mendoza, Natalie Migoni, Ronald Morton, Christopher Mullane, Timothy Novicky, Anita Sian, Wayne Smith, Richard Takanen, Sara Wendel, Derrick Wilcox and Jennifer Wright. Motion passed unanimously.

**RATIFICATION OF JANUARY 21, 2010 LICENSES**

MOTION 2010-049: Vice-President Dr. Maynard moved and Dr. Farabaugh seconded a motion to ratify the following licenses issued as a result of the January 21, 2010 Jurisprudence examination: James Alberty, Eric Farragher, William Fischer, Robert Hillman, Brett Krupp, Bethany Lawson, Jeremy Quint, Emily Shurtz, Steven Townsend, Shelby Vojtech Terry Webb and Nicole Wilson. Motion passed unanimously.

**EXECUTIVE DIRECTOR'S REPORT 9:45 a.m.**

Director Caudill reviewed the Executive Director's report with the Board.

Director Caudill discussed the FCLB Annual Meeting to be held April 28-May 2, 2010 in Baltimore, MD and the need to choose voting delegates for the meeting and the NBCE annual meeting. Director Caudill suggested that only one Board member attend due to continuous travel restrictions. The Board determined that President Dr. Korchok would represent the Board at the FCLB Annual

Meeting. Dr. Villarreal will be asked to attend if Dr. Korchok is not able.

MOTION 2010-050: Mr. Kennedy moved and Vice-President Dr. Maynard seconded a motion to approve President Dr. Korchok's travel to the FCLB Annual Meeting and to designate Dr. Korchok as the voting delegate and Dr. Villarreal the alternate delegate for the FCLB and NBCE Annual Meetings being held April 28 – May 2, 2010 in Baltimore, MD. Motion passed unanimously.

Director Caudill discussed Holben v. State Medical Board regarding an Executive Director's authority to accept employee resignations.

Director Caudill reported that draft rules regarding Confidential Personal Information were sent to agencies for review and comment. Upon receipt of final recommended rules, Director Caudill will prepare draft proposed rules for the Board's review to consider filing with JCARR.

Director Caudill advised the Board that a contract has been signed with ProTeam for temporary help during the license renewal period.

Director Caudill reported that the State Auditor emailed the Board members a copy of the official audit report for the Board for fiscal years 2007-2009.

MOTION 2010-051: Vice-President Dr. Maynard moved and Dr. Farabaugh seconded a motion to accept the Director's Report as presented. Motion passed unanimously.

### **OHIO STATE CHIROPRACTIC ASSOCIATION 10:30 a.m.**

Dixie Russell, Managing Director of the Ohio State Chiropractic Association gave an update on current OSCA activities.

### **DELIBERATION**

#### **CASE NOS. 2010 CHR 012; 2010 CHR 030 & 2009 CHR 077**

MOTION 2010-052: Vice-President Dr. Maynard moved and Dr. Farabaugh seconded a motion to go into executive session for the purpose of deliberating on the two proposed Notices of Opportunity for Hearing and one proposed Consent Agreement. Voting Aye: President Dr. Korchok, Vice-President Dr. Maynard and Dr. Farabaugh. Voting Nay: None. Abstaining: Mr. Kennedy. Motion passed unanimously.

President Dr. Korchok called an executive session for the purpose of deliberating on the proposed Notices of Opportunity for Hearing and Consent Agreement. The meeting was called back to regular session at the conclusion of the discussion.

#### **CASE NO. 2010 CHR 012**

MOTION 2010-053: Vice-President Dr. Maynard moved and Dr. Farabaugh seconded a motion to issue a Notice of Proposed Refusal of Application for Licensure, Proposed Refusal to Sit for Jurisprudence Examination and Opportunity for Hearing to the doctor cited in Case No. 2010 CHR 012 pursuant to the provisions of ORC § 4734.20 (C) and § 4734.31 (C)(1), (C)(7) and (C)(35) and OAC § 4734-6-01 and § 4734-6-09. Voting Aye: President Dr. Korchok, Vice-President Dr. Maynard and Dr. Farabaugh. Voting Nay: None. Abstaining: Mr. Kennedy. Motion passed.

#### **CASE NO. 2010 CHR 030**

MOTION 2010-054: Dr. Farabaugh moved and Vice-President Dr. Maynard seconded a motion to issue a Notice of Opportunity for Hearing to the doctor cited in Case No. 2010 CHR 030 for allegedly violating ORC § 4734.31 (C)(1). Voting Aye: President Dr. Korchok, Vice-President Dr. Maynard and Dr. Farabaugh. Voting Nay: None. Abstaining: Mr. Kennedy. Motion passed.

**THOMAS E. ELIOPULOS, D.C., CASE NO. 2009 CHR 077**

MOTION 2010-055: Dr. Farabaugh moved and Vice-President Dr. Maynard seconded a motion to accept the proposed Consent Agreement for Thomas E. Eliopoulos, D.C. as presented. Voting Aye: President Dr. Korchok, Vice-President Dr. Maynard and Dr. Farabaugh. Voting Nay: None. Abstaining: Mr. Kennedy. Motion passed.

**EMPLOYEE RESIGNATIONS**

MOTION 2010-056: Dr. Farabaugh moved and Mr. Kennedy seconded a motion to delegate to the Executive Director, as the Board's Appointing Authority pursuant to ORC 4734.05(B), and the Executive Assistant in his or her absence, the authority to accept employee resignations on the Board's behalf effective February 11, 2010 until further notice. An employee resignation shall be made in writing, which may include email, instant messaging, text messaging, or other electronic means. Voting Aye: President Dr. Korchok, Vice-President Dr. Maynard, Dr. Farabaugh and Mr. Kennedy. Voting Nay: None. Abstaining: None. Motion passed unanimously.

**EXECUTIVE DIRECTOR AUTHORITY**

MOTION 2010-057: Vice-President Dr. Maynard moved and Mr. Kennedy seconded a motion that the Executive Director, as the Board's Appointing Authority pursuant to ORC 4734.05(B), issue chiropractic licenses and acupuncture certificates; issue temporary licenses; and approve continuing education waivers to individuals meeting the criteria for licensure, certification and continuing education waivers under ORC 4734 and OAC 4734. The issuing of such licenses, certificates and continuing education waivers is subject to the Board's retroactive approval at the next regularly scheduled Board meeting. Voting Aye: President Dr. Korchok, Vice-President Dr. Maynard, Dr. Farabaugh and Mr. Kennedy. Voting Nay: None. Abstaining: None. Motion passed unanimously.

**INVESTIGATIVE STATUS REPORT**

**LEGAL ACTIVITIES BY AAG 11:10 a.m.**

MOTION 2010-058: Vice-President Dr. Maynard moved and Dr. Farabaugh seconded a motion to go into executive session for the purpose of discussing and reviewing the Investigative Status Report and for the purpose of discussing pending and imminent litigation and to receive general legal advice from Leah V.B. O'Carroll, AAG. Voting Aye: President Dr. Korchok, Vice-President Dr. Maynard, Dr. Farabaugh and Mr. Kennedy. Voting Nay: None. Abstaining: None. Motion passed unanimously.

President Dr. Korchok called an executive session for the purpose of discussing and reviewing the Investigative Status Report and for the purpose of discussing pending and imminent litigation and to receive general legal advice from Leah V.B. O'Carroll, AAG. The meeting was called back to regular session at the conclusion of the discussion.

MOTION 2010-059: Vice-President Dr. Maynard moved and Dr. Farabaugh seconded a motion to accept the Investigative Status Report and the Legal Activities Report as presented. Motion passed unanimously.

**PERTINENT CORRESPONDENCE 11:25 a.m.**

Director Caudill presented the Third Quarterly Monitoring Report for Jeffrey Korn, D.C. as submitted by Affiliated Monitors.

Director Caudill presented a letter received February 5, 2010 from Adam Conley, D.C. inquiring if a “chiropractic technician” can perform NCV testing.

The Board instructed Director Caudill to write Dr. Conley advising him that it is the Board’s opinion that NCV testing may be performed by someone other than a licensed chiropractor so long as that person is properly trained to perform such procedure and the results are read and interpreted by the chiropractic physician.

Director Caudill presented a letter dated January 25, 2010 from New York Chiropractic College regarding online Ethics and Documentation coursework.

The Board instructed Director Caudill to request New York Chiropractic College to permit the Board to audit the courses in order to consider for Quality Intervention Program purposes.

Director Caudill presented a letter dated January 22, 2010 from Jay DeWitt, D.C. requesting approval to earn 12 hours of continuing education for his instruction of a board-approved seminar.

MOTION 2010-060: Vice-President Dr. Maynard moved and Mr. Kennedy seconded a motion to approve Dr. DeWitt’s request to earn 12 hours of continuing education for his instruction of a Board-approved seminar. Motion passed unanimously.

Director Caudill presented a letter dated January 19, 2010 from David C. Radford, D.C. regarding MUA education.

The Board instructed Director Caudill to write Dr. Radford advising him that the Board agrees that chiropractic physicians should obtain MUA training through quality post graduate education and education obtained solely via DVD to perform MUA is not adequate training.

Director Caudill presented a letter dated January 22, 2010 from Rachele L. Bardall, D.C. inquiring if it is within the scope of practice to use the Zerona Laser to reduce fat in cells.

The Board instructed Director Caudill to write Dr. Bardall and advise her that the Board has previously opined that lasers may be used as long as the device is used solely for therapeutic purposes. Utilizing a laser for weight loss does not fall within first aid, hygiene, nutritional procedures or rehabilitative procedures and therefore is not within the scope of practice of chiropractic.

Director Caudill presented an email dated January 14, 2010 from Randy Dunn, D.C. requesting consideration of an out of state acupuncture continuing education seminar taken out of state to satisfy his biennial acupuncture continuing education requirement since he cannot attend either of the two programs being offered in Ohio.

MOTION 2010-061: Vice-President Dr. Maynard moved and Mr. Kennedy seconded a motion to approve Dr. Dunn’s request to use out of state acupuncture continuing education for his 2010 acupuncture certificate renewal only. Motion passed unanimously.

Director Caudill presented a letter dated February 9, 2010 from Anthony C. Schumacher, D.C. requesting approval to use educational hours earned from Wright State University and the University of Dayton to satisfy his continuing education requirements for 2010.

MOTION 2010-062: Vice-President Dr. Maynard moved and Mr. Kennedy seconded a motion to approve Dr. Schumacher's educational hours earned from Wright State University and the University of Dayton to satisfy his continuing education requirements for 2010. Motion passed unanimously.

**ACUPUNCTURE CERTIFICATES**  
**PRECEPTORSHIP APPLICATIONS**

MOTION 2010-063: Vice-President Dr. Maynard moved and Dr. Farabaugh seconded a motion to ratify the following:

Acupuncture certificates issued to Drs. Nicholas Cambouris, Mark R. Newman, Terry W. Webb, Shannon Francis, Jeffrey D. Wiegand and Michael Cain.

Preceptorship approved for Kevin Francis with Joseph Darr, D.C. Motion passed unanimously.

**REVIEW OF LICENSE RENEWAL EDUCATIONAL SEMINAR REQUESTS FOR APPROVAL**

MOTION 2010-064: Mr. Kennedy moved and Dr. Farabaugh seconded a motion to approve the following in-state seminars for category 1 or 2 chiropractic license renewal:

Nutrition Response Testing by Darren Schmidt, D.C. for 13 hours on February 6-7, 2010 in Columbus. Sponsored by Texas Chiropractic College.

Evidence Based Assessment & Evaluation Protocols for Rehabilitation by Richard Carter, D.C. for 12 hours on February 11 in Maumee, March 18 in Cincinnati and March 20, 2010 in Columbus. Sponsored by Northwestern Health Sciences University.

Part 1: Restoring the Kinetic Chain: Lower Body Syndromes by Robin Hunter, D.C. for 12 hours on February 13-14, 2010 in Columbus. Sponsored by Logan College of Chiropractic.

Functional Analysis Technique by Fred Clary, D.C. for 12 hours on February 18, 2010 in Richfield. Sponsored by Northwestern Health Sciences University.

How Big is Your Subluxation? By Michael Kudlas, D.C. for 12 hours on February 20 in Maumee and March 13, 2010 in Wadsworth. Sponsored by Northwestern Health Sciences University.

Activator Methods by Drs. Dean, Weisel and Roediger for 12 hours on February 20-21, 2010 in Columbus. Sponsored by Palmer College of Chiropractic.

The Rules – Documentation and Medical Necessity by David Smith, D.C. for 12 hours on February 25, 2010 in Columbus. Sponsored by Dr. Dave Seminars, New York Chiropractic College and Sherman College of Chiropractic.

Structural Management: The Future of Sportsmedicine by Tim Maggs, D.C. for 12 hours on February 27-28, 2010 in Columbus. Sponsored by Logan College of Chiropractic.

Clinical Sciences Symposium by Drs. Dailey, Hunter, Fudala and Simon for 12 hours on March 4, 2010

in Columbus. Sponsored by the Ohio State Chiropractic Association.

ICA Symposium on Natural Fitness by multiple speakers on March 5-6, 2010 in Columbus. Sponsored by Life West and the ICA.

Advances in Integrated Pain Management by Joel Johnston, DC, Onassis Carneris, MD and Nathan Morris, MD for 12 hours on March 6, 2010 in Cincinnati. Sponsored by SWOCA.

Part 2: Restoring the Kinetic Chain: Upper Body Syndromes by Robin Hunter, D.C. for 12 hours on March 13-14, 2010 in Columbus. Sponsored by Logan College of Chiropractic.

Clinical Nutrition A to Z, with the Legendary Formulas by Dr. Michael Dobbins, D.C. for 12 hours on March 13-14, 2010 in Westerville. Sponsored by Texas Chiropractic College and Standard Process.

Common Athletic Injuries by Joseph Camilli, D.C. for 12 hours on March 20, 2010 in Columbus. Sponsored by Texas Chiropractic College.

The Dynamic Analysis, Treatment and Rehabilitation of Movement Related Dysfunction by Drs. Annunziata and Rogers for 12 hours on March 20, 2010 in Columbus. Sponsored by DC Seminars and University of Bridgeport College of Chiropractic.

1<sup>st</sup> Annual Orthopaedic Symposium by multiple speakers for 5.5 hours on March 20, 2010 in Chillicothe. Sponsored by Adena Health System. *Category I*

ART: Long Tract Nerve Entrapment Course by Dr. Sophie Brodeur for 8 hours on April 3, 2010 in Cincinnati. Sponsored by New York Chiropractic College and Active Release Technique.

Thompson Technique/Advanced Palpation by Drs. Thompson and Spano on April 10-11, 2010 in Columbus. Sponsored by CAO and Sherman College of Chiropractic.

The Essentials of Nutritional Therapy by Jay Robbins, D.C. for 12 hours on April 10-11, 2010 in Westerville. Sponsored by Texas Chiropractic College.

Nutritional Transport in Cellular Immune Response & Transcription: The New Human Genome by Tim O'Shea, D.C. for 12 hours on April 22, 2010 in Montrose. Sponsored by Texas Chiropractic College.

Got Documentation? By Gregg Friedman, D.C. for 12 hours on April 24-25 in Cleveland and May 1-2, 2010 in Cincinnati. Sponsored by New York Chiropractic College.

Common Patterns of Postural Abnormalities by Darwin Griffeth, D.C. for 12 hours on June 5-6, 2010 in Youngstown. Sponsored by Parker College of Chiropractic and Foot Levelers.

Koren Specific Technique by Tedd Koren, D.C. for 16 hours on July 24-25, 2010 in Columbus. Sponsored by Life University of Health Sciences.

Frequency Specific Seminars "Core" Seminar by Carolyn McMakin, D.C. for 24 hours on September 10-12, 2010 in Cincinnati. Sponsored by University of Bridgeport College of Chiropractic and Frequency Specific Seminars. Motion passed unanimously.

MOTION 2010-065: Mr. Kennedy moved and Dr. Farabaugh seconded a motion to approve the following in-state seminar for category 2 acupuncture certificate renewal:

Clinical Application of Acupuncture for Musculoskeletal Conditions for 6 hours on March 27, 2010 in Akron. Sponsored by the Tri-County Chiropractic Association. Motion passed unanimously.

**PUBLIC RULES HEARING 1:00 p.m.**

A Public Rules Hearing was held at 1:00 p.m. regarding the following rules: To be rescinded: 4734-6-03 Temporary licenses. To be rescinded and drafted as new: 4734-7-01 Chiropractic license renewal requirements; 4734-7-02 Standards for board-approved continuing education sponsors; continuing education held within the state of Ohio; 4734-7-03 Continuing education offered outside the state of Ohio and via supervised self instruction; 4734-7-04 Inactive chiropractic license; restoration of chiropractic license; 4734-7-05 Forfeiture of chiropractic license; restoration of chiropractic license; 4734-10-4 Acupuncture certificate renewal requirements and 4734-10-06 Inactive acupuncture certificate; restoration of acupuncture certificate.

Anderson Court Reporting Services made a stenographic record of the proceedings at the Board's expense.

**DELIBERATION 1:15 p.m.**

MOTION 2010-066: Vice-President Dr. Maynard moved and Dr. Farabaugh seconded a motion to go into executive session for the purpose of deliberating on the written testimony received for the Administrative Rules Hearing with President Dr. Korchok, Vice-President Dr. Maynard, Dr. Farabaugh and Mr. Kennedy present. Voting Aye: President Dr. Korchok, Vice-President Dr. Maynard, Dr. Farabaugh and Mr. Kennedy. Voting Nay: None. Abstaining: None. Motion passed unanimously.

President Dr. Korchok called an executive session for the purpose of deliberating on the testimony received for the Administrative Rules Hearing with only President Dr. Korchok, Vice-President Dr. Maynard, Dr. Farabaugh and Mr. Kennedy present. The meeting was called back to regular session at the conclusion of the deliberation.

MOTION 2010-067: Mr. Kennedy moved and Dr. Farabaugh seconded a motion to approve the final filing of the presented rules and rule rescissions with JCARR as originally filed. Motion passed unanimously.

**RESCHEDULING OF BOARD MEETING DATES**

The Board rescheduled the June 3, 2010 Board meeting to May 20, 2010 and added a tentative meeting for July 1, 2010 if one is needed prior to the meeting scheduled for August 5, 2010.

MOTION 2010-068: Vice-President Dr. Maynard moved and Mr. Kennedy seconded a motion to adjourn the meeting. Motion passed unanimously.

With no further business to be brought before the Board, President Dr. Korchok adjourned the meeting at 1:40 p.m.

Approved By Majority of Board:

Attested By Its Secretary:

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Mark A. Korchok, D.C.  
President

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Kelly A. Caudill  
Executive Director

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