

Board Members present: President Ronald J. Farabaugh, D.C., Vice-President Gregory P. Palkowski, D.C., Norman J. Gloekler, D.C. and Brian S. Wilson, D.C.

Others present: Kelly A. Caudill, Executive Director; Leah V.B. O'Carroll, AAG; Elizabeth Moore, Executive Assistant; Rex Waldenmyer, Investigator and Kate Borloglou, Investigator.

Members excused: John P. Kennedy, Esq.

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. Farabaugh called the three hundred and ninety-eighth 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.

REVIEW OF MINUTES

MOTION 2013-062: Dr. Wilson moved and Vice-President Dr. Palkowski seconded a motion to approve the minutes of the December 13, 2012 Board meeting. Motion passed unanimously.

PRECEPTORSHIP APPLICATIONS

MOTION 2013-063: Vice-President Dr. Palkowski moved and Dr. Wilson seconded a motion to ratify the preceptorships approved for Brock S. Frear with Patrick Baker, D.C., Jack T. Wise III with John St. John, D.C. and Jordan G. Dusold with Steven Baer, D.C. Motion passed unanimously.

ACUPUNCTURE CERTIFICATES

MOTION 2013-064: Dr. Gloekler moved and Vice-President Dr. Palkowski seconded a motion to ratify the acupuncture certificates issued to Drs. Mary Jo Emmer-Lovell, Matthew T. Orem, David M. DiPaolo, Richard E. Sullivan and Ty N. Tracy. Motion passed unanimously.

RATIFICATION OF LICENSES

MOTION 2013-065: Dr. Wilson moved and Dr. Gloekler seconded a motion to ratify the following licenses issued as a result of the online Jurisprudence examination: Ryan D. Dick, Deana A. Lajiness, Justin Baker, Christopher M. Horey, Patrick T. O'Bryan, Malia R. Gunselman, Joseph E. Bellissimo, Jason B. Farmer, Jason A. Rueggeberg, Jessica L. Morgan, John H. Kaufman, Michael E. Decker, Cody G. Smith, Andrew L. Gardella, Andrew T. Morgan, Casie M. Smith, Alexander Tucker, Kiley B. Dill, Michael L. Buczynski, Jennifer K. Zane, Patrick H. Gorman, Callie L. Gant, Robert S. Graves and Ryan E. Furniss. Motion passed unanimously.

RATIFICATION OF APPROVAL OF CE SPONSOR

MOTION 2013-066: Dr. Gloekler moved and Dr. Wilson seconded a motion to ratify the approval of Summa Health Western Reserve Hospital as a Board-approved CE sponsor. Motion passed unanimously.

EXECUTIVE DIRECTOR'S REPORT

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

Director Caudill discussed SB 3 which proposes to require agencies to prepare a hearing summary regarding the positions, arguments, or contentions raised at rules hearings and proposes that punitive funds collected by state agencies be deposited into the general revenue fund unless the funds are expressly constitutionally or statutorily mandated by law.

Director Caudill provided the Board with the 2013 calendar of ethics training offered by the Ohio Ethics Commission and advised that all Board members need to attend a training session in accordance Executive Order 2011-03.

Director Caudill reported that effective March 22, 2013 new provisions in ORC Section 4734.14 allow travel to treat without a temporary license.

Director Caudill reported that the Common Sense Initiative Office made no recommendations on the rules package for rules 4734-1-03; 4734-5-01; 4734-6-05, 6-07; 4734-8-02, 8-03, 8-05, 8-06, 8-08; 4734-9-01, 9-04, 9-05, 9-06, 9-09; 4734-10-03 and 10-05 and the Board may proceed with filing the rules with JCARR.

Director Caudill discussed the state's new VOIP phone system, the implementation of the system and the purchasing of new phones.

Director Caudill advised that the Board is included in the first wave of Boards to be implemented in the new licensing system. It is anticipated to be in place by June of this year.

Director Caudill reported that the Governor's budget recommendations were released on February 4, 2013 and our full request was recommended. She further reported that she testified before the House Health and Human Services Subcommittee on February 20, 2013.

Director Caudill discussed the upcoming Federation of Chiropractic Licensing Board's (FCLB) Annual Meeting scheduled for May 1-5, 2013 in San Francisco, CA and the National Board of Chiropractic Examiners (NBCE) Annual Meeting being held May 3, 2013 during the FCLB conference. Director Caudill advised that the Board needs to vote on attendance and voting delegates for these meetings.

MOTION 2013-067: Dr. Gloekler moved and Dr. Wilson seconded a motion to approve the attendance of Vice-President Dr. Palkowski and Director Caudill at the FCLB Annual Meeting and to designate Dr. Palkowski as the voting delegate and Dr. Wilson as the alternative voting delegate for the FCLB and NBCE Annual Meetings being held May 1-5, 2013 in San Francisco, CA. Motion passed unanimously.

Director Caudill advised that two Board members have been invited to participate in the National Board of Chiropractic Examiners' Part IV Exam being held May 17-19, 2013. Board members interested in participating should contact Liz for registration information.

MOTION 2013-068: Vice-President Dr. Palkowski moved and Dr. Gloekler seconded a motion to accept the Director's Report as presented. Motion passed unanimously.

LEGAL ACTIVITIES

CONSENT AGREEMENT; CASE NO. 2011 CHR 048

MOTION 2013-069: Dr. Gloekler moved and Vice-President Dr. Palkowski seconded a motion to accept the proposed Consent Agreement for the doctor cited in Case No. 2011 CHR 048 as presented. Voting Aye: President Dr. Farabaugh, Vice-President Dr. Palkowski, Dr. Gloekler and Dr. Wilson. Voting Nay: None. Abstaining: None. Motion passed.

CONSENT AGREEMENT; CASE NO. 2013 CHR 022

MOTION 2013-070: Dr. Wilson moved and Dr. Gloekler seconded a motion to accept the proposed Consent Agreement for the doctor cited in Case No. 2013 CHR 022 as presented. Voting Aye: President Dr. Farabaugh, Vice-President Dr. Palkowski, Dr. Gloekler and Dr. Wilson. Voting Nay: None. Abstaining: None. Motion passed.

NOTICE OF OPPORTUNITY FOR HEARING; CASE NO. 2013 CHR 032

MOTION 2013-071: Vice-President Dr. Palkowski moved and Dr. Wilson seconded a motion to accept the proposed Notice of Opportunity for Hearing for the doctor cited in Case No. 2013 CHR 032 for allegedly violating Ohio Revised Code § 4734.14 and § 4734.31. Voting Aye: President Dr. Farabaugh, Vice-President Dr. Palkowski, Dr. Gloekler and Dr. Wilson. Voting Nay: None. Abstaining: None. Motion passed.

NOTICE OF OPPORTUNITY FOR HEARING; CASE NO. 2012 CHR 015

MOTION 2013-072: Dr. Wilson moved and Vice-President Dr. Palkowski seconded a motion to accept the proposed Notice of Opportunity for Hearing for the doctor cited in Case No. 2012 CHR 015 for allegedly violating Ohio Revised Code § 4734.14 (A)(5) and § 4734.31 (C)(7) and Ohio Administrative Code § 4734-9-10 (A)(2). Voting Aye: President Dr. Farabaugh, Vice-President Dr. Palkowski, Dr. Gloekler and Dr. Wilson. Voting Nay: None. Abstaining: None. Motion passed.

OHIO STATE CHIROPRACTIC ASSOCIATION (OSCA)

Bharon Hoag, Executive Director of the OSCA, gave an update on current activities.

PERTINENT CORRESPONDENCE

Director Caudill presented an email dated February 27, 2013 from Daniel Leonard, D.C. regarding dry needling and the requirement that Ohio chiropractic physicians must have an acupuncture certificate in order to perform the procedure.

The Board advised Director Caudill to write Dr. Leonard and advise him that the Board will research this issue further. President Dr. Farabaugh will research dry needling and report back to the Board.

ADMINISTRATIVE RULES

The Board reviewed and discussed a draft prepayment plan rule and the stakeholder input received from the OSCA regarding the draft. The Board amended the draft rule to incorporate suggested language offered by the OSCA. The rule will be assigned rule number 4734-9-11.

MOTION 2013-073: Dr. Wilson moved and Vice-President Dr. Palkowski approved filing draft rule 4734-9-11 and proceeding with the notification procedures of the Common Sense Initiative Office (CSIO). Motion passed unanimously.

NOTICE OF OPPORTUNITY FOR HEARING; CASE NO. 2013 CHR 025

MOTION 2013-074: Dr. Wilson moved and Vice-President Dr. Palkowski seconded a motion to accept the proposed Notice of Opportunity for Hearing for the doctor cited in Case No. 2013 CHR

025 for allegedly violating Ohio Revised Code § 4734.31 (C)(1). Voting Aye: President Dr. Farabaugh, Vice-President Dr. Palkowski, Dr. Gloekler and Dr. Wilson. Voting Nay: None. Abstaining: None. Motion passed.

ADMINISTRATIVE RULES AND FIVE YEAR RULE REVIEW

Director Caudill reported that administrative rule 4734-1-05 regarding parliamentary authority was filed with JCARR on January 11, 2013 and JCARR came back with a recommendation to remove the words “newly revised” in reference to Robert’s Rules of Order within the rule.

MOTION 2013-075: Dr. Wilson moved and Dr. Gloekler seconded a motion to remove the words “newly revised” contained in rule 4734-1-05 and to refile the rule with JCARR. Motion passed unanimously.

Director Caudill reported that the CSIO completed their review of the following rules and offered no recommendations and the rules may now be filed with JCARR: 4734-1-03; 4734-5-01; 4734-6-05; 4734-6-07; 4734-8-02; 4734-8-03; 4734-8-05; 4734-8-06; 4734-8-08; 4734-9-01; 4734-9-04; 4734-9-05; 4734-9-06; 4734-9-09; 4734-10-03; and 4734-10-05. Director Caudill brought to the Board’s attention the need to amend rule 4734-5-01 to incorporate the correct reference to the CCE Accreditation Standards per JCARR instructions and the need to amend rule 4734-10-5 to incorporate oriental medicine practitioner referral as enacted by HB 251 effective March 22, 2013. Both of these amendments were reviewed with the CSIO and were determined not to have an adverse impact on business. The Board also reviewed the final draft of rule 4734-1-04 which is up for five year rule review but not a CSIO reviewable rule.

The Board reviewed rules 4734-9-03, 9-08 and 9-10 up for five year rule review and recommended amending the rules. The rules have not been submitted for CSIO review.

MOTION 2013-076: Dr. Wilson moved and Vice-President Dr. Palkowski seconded a motion to file rules 4734-6-07; 4734-8-06; 4734-9-01, 9-04, 9-05 and 9-09 as no change with JCARR and file rule 4734-10-05 as an amended rule with JCARR to incorporate oriental medicine referral language. Motion passed unanimously.

MOTION 2013-077: Dr. Wilson moved and Dr. Gloekler seconded a motion to file rules 4734-1-03; 4734-6-05; 4734-8-02, 8-03, 8-05, 8-08; 4734-9-06 and 4734-10-03 as amended with JCARR; file rule 4734-5-01 with the word “U.S.” from the title and filing it with JCARR; file 4734-1-04 as amended with JCARR and proceed with the procedures of the CSIO rules 4734-9-03, 9-08 and 9-10. Motion passed unanimously.

MOTION 2013-078: Dr. Wilson moved and Dr. Gloekler seconded a motion to adjourn the meeting. Motion passed unanimously.

With no further business to be brought before the Board, President Dr. Farabaugh adjourned the meeting at 2:30 p.m.

Approved By Majority of Board:

Attested By Its Secretary:

Ronald J. Farabaugh, D.C.
President

Kelly A. Caudill
Executive Director