

Board Members present: Mark A. Korchok, D.C., President; Richard J. Maynard, D.C., Vice-President; Anna Villarreal, D.C., Esq., 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: 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 9:10 a.m.

President Dr. Korchok called the three hundred and eighty-second Board meeting to order at 9:10 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 2010-089: Vice-President Dr. Maynard moved and Dr. Farabaugh seconded a motion to approve the minutes of the April 8, 2010 Board meeting. Motion passed unanimously.

RATIFICATION OF MAY 13, 2010 LICENSES

MOTION 2010-090: Vice-President Dr. Maynard moved and Dr. Farabaugh seconded a motion to ratify the following licenses issued as a result of the May 13, 2010 Jurisprudence examination: Zachary Allison, William Baxter, Thomas Bea, Andria D'Amato, Jason Domenick, Lana Johnson, Spencer Johnson, Keith Liston, Heather Mammen, Michael Martini and Joshua Murphy. Motion passed unanimously.

One candidate, Michael Grego, failed the Jurisprudence examination with a score of 72%.

**ACUPUNCTURE CERTIFICATES
PRECEPTORSHIP APPLICATIONS**

MOTION 2010-091: Mr. Kennedy moved and Dr. Farabaugh seconded a motion to ratify the acupuncture certificate issued to Dr. Silvia Blaha and the preceptorships approved for Daniel Justice with Michael Weaver, D.C., Zachary McCallister with Jeffrey Dexter, D.C. and Keith Ripplloh with Philip Rafey, D.C. Motion passed unanimously.

EXECUTIVE DIRECTOR'S REPORT 9:20 a.m.

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

Director Caudill shared pertinent information obtained at the ACBA Annual Meeting that she attended on April 28, 2010 and information obtained at the FCLB Annual Meeting held on April 28-30, 2010 attended by Director Caudill, President Dr. Korchok and Dr. Villarreal.

Director Caudill presented a letter received April 16, 2010 from the Auditor's Office advising that she will be contacted next spring regarding the Board's next biennial audit and that the charges for the audit would be directly billed to the Board on a monthly basis.

Director Caudill presented a memo dated April 26, 2010 from the Ohio Attorney General's Office

regarding data sharing with the Department of Taxation.

MOTION 2010-092: Dr. Villarreal moved and Dr. Farabaugh seconded a motion to accept the Director's Report as presented. Motion passed unanimously.

OHIO STATE CHIROPRACTIC ASSOCIATION 10:10 a.m.

Hugo R. Trux, IV, the newly appointed Executive Director of the Ohio State Chiropractic Association, introduced himself to the Board members and gave an update on current OSCA activities.

THOMAS J. LONERGAN, D.C., CASE NO. 2010 CHR 072

MOTION 2010-093: Dr. Villarreal moved and Dr. Farabaugh seconded a motion to accept the Consent Agreement for Thomas J. Lonergan, D.C. as presented. Voting Aye: President Dr. Korchok, Vice-President Dr. Maynard and Dr. Villarreal. Voting Nay: None. Abstaining: Mr. Kennedy. Motion passed.

BRANDON D. BUPP, D.C., CASE NO. 2010 CHR 077

MOTION 2010-094: Vice-President Dr. Maynard moved and Dr. Farabaugh seconded a motion to accept the Consent Agreement for Brandon D. Bupp, D.C. as presented. Voting Aye: President Dr. Korchok, Vice-President Dr. Maynard and Dr. Villarreal. Voting Nay: None. Abstaining: Mr. Kennedy. Motion passed.

CASE NO. 2010 CHR 074

MOTION 2010-095: Vice-President Dr. Maynard moved and Dr. Farabaugh seconded a motion to issue a Notice of Opportunity for Hearing to the doctor cited in Case No. 2010 CHR 074 for allegedly violating ORC § 4734.31 (C)(35). Voting Aye: President Dr. Korchok, Vice-President Dr. Maynard, Dr. Farabaugh and Mr. Kennedy. Voting Nay: None. Abstaining: Dr. Villarreal. Motion passed.

LEGAL ACTIVITIES BY AAG 10:40 a.m.

MOTION 2010-096: Vice-President Dr. Maynard moved and Dr. Farabaugh seconded a motion to go into executive session 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. Villarreal, 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 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 2010-097: Vice-President Dr. Maynard moved and Dr. Farabaugh seconded a motion to accept the Legal Activities Report as presented. Motion passed unanimously.

PERTINENT CORRESPONDENCE

Director Caudill presented a letter and program information from Cleveland Chiropractic College requesting Board approval of their preceptorship program.

MOTION 2010-098: Vice-President Dr. Maynard moved and Dr. Farabaugh seconded a motion to approve Cleveland Chiropractic College's preceptorship program. Motion passed unanimously.

Director Caudill presented an email dated April 14, 2010 from Jeremy Coffey requesting approval of his preceptorship application even though he is not technically in his last semester, trimester or quarter of education as the Board's rule requires.

The Board instructed Director Caudill to write Mr. Coffey advising him that in consideration of his assurance that he has completed all of the requirements at Life University needed to begin the final stage of the clinical program, his application to participate in the preceptorship program is approved.

Director Caudill presented an email dated April 22, 2010 from Dick Neal, R.Ph. inquiring if it is within the scope of practice to inject vitamins and nutritional supplements.

The Board instructed Director Caudill to write Mr. Neal and advise that in order for the Board to fully address his question they need him to provide more information regarding the compounding, products, and injection therapy that he is inquiring about.

Director Caudill presented an email received on May 18, 2010 from Douglas Byers, D.C. inquiring if the use of a pharyngometer is within the scope of chiropractic practice in Ohio.

The Board instructed Director Caudill to write Dr. Byers advising him that in order to more thoroughly review this matter they would like more information regarding the training, delegation and treatment of patients using this device.

MYOFASCIAL TRIGGER POINT DRY NEEDLING

Dr. Farabaugh gave a verbal report regarding his research into myofascial trigger point dry needling. His research included a Myofascial Trigger Point/Tender Point Dry Needling course outline provided by Dr. David Fishkin.

The Board concluded that based upon the information submitted by Dr. Fishkin, Dr. Farabaugh's report and our scope definition of acupuncture, the myofascial trigger point dry needling technique falls within the acupuncture definition and is therefore not within the scope of chiropractic. The Board expressed interest in exploring a scope change for this technique at some point in the future.

The Board instructed Director Caudill to write Dr. Fishkin stating that although the Board is impressed with the information and course outline that he provided, myofascial trigger point dry needling does not fall within the scope of chiropractic and can only be performed by licensees who are certified by the Board to perform acupuncture.

CHRISTOPHER J. TOMSHACK, D.C.; CASE NO. 2008 CHR 051

MOTION 2010-099: Dr. Villarreal moved and Dr. Farabaugh seconded a motion to rescind the Notice of Opportunity for Hearing issued to Christopher J. Tomshack, D.C. on April 22, 2008. Voting Aye: President Dr. Korchok, Dr. Villarreal and Dr. Farabaugh. Voting Nay: None. Abstaining: Vice-President Dr. Maynard and Mr. Kennedy. Motion passed.

CASE NO. 2008 CHR 051

MOTION 2010-100: Dr. Farabaugh moved and Dr. Villarreal seconded a motion to issue a Notice of Opportunity for Hearing to the doctor cited in Case No. 2008 CHR 051 for allegedly violating ORC § 4734.31 (C)(7), (C)(31), (C)(32) and (C)(33) and OAC § 4734-9-02 & 4734-9-08. Voting Aye: President Dr. Korchok, Dr. Villarreal and Dr. Farabaugh. Voting Nay: None. Abstaining: Vice-President Dr. Maynard and Mr. Kennedy. Motion passed.

INVESTIGATIVE STATUS REPORT

MOTION 2010-101: Dr. Villarreal moved and Vice-President Dr. Maynard seconded a motion to go into executive session for the purpose of reviewing the Investigative Status Report. Voting Aye: President Dr. Korchok, Vice-President Dr. Maynard, Dr. Villarreal, Dr. Farabaugh and Mr. Kennedy. Voting Nay: None. Abstaining: None. Motion passed unanimously.

President Dr. Korchok called an executive session for the purpose of reviewing the Investigative Status Report. The meeting was called back to regular session at the conclusion of the discussion.

MOTION 2010-102: Vice-President Dr. Maynard moved and Dr. Farabaugh seconded a motion to accept the Investigative Status Report as presented. Motion passed unanimously.

OLD/NEW BUSINESS

The Board unanimously agreed to reschedule the July Board meeting tentatively scheduled for July 1 to July 15 and reschedule the October 7 meeting to October 14, 2010.

MOTION 2010-103: Dr. Villarreal moved and Dr. Farabaugh 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 12:30 p.m.

Approved By Majority of Board:

Attested By Its Secretary:

Mark A. Korchok, D.C.
President

Kelly A. Caudill
Executive Director

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