

# OHIO STATE CHIROPRACTIC BOARD



## ANNUAL REPORT FISCAL YEAR 2005

**JULY 1, 2004 TO JUNE 30, 2005**

**77 South High Street, 16<sup>th</sup> Floor  
Columbus, Ohio 43215**

**Phone: (614) 644-7032 • Fax (614) 752-2539  
Toll Free Complaint Hotline: (888) 772-1384**

**[chirobd@mail.peps.state.oh.us](mailto:chirobd@mail.peps.state.oh.us)**

**[www.chirobd.ohio.gov](http://www.chirobd.ohio.gov)**

## Mission Statement

As servants of the public, our purpose is to protect the 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, annual license renewal, clinic inspections, and timely investigation and disciplinary action when indicated.

## Introduction

The Ohio State Chiropractic Board is a state government agency that was established by the legislature in 1975 to regulate the practice of chiropractic to protect the health, safety and welfare of the public. The Board is responsible for examining and licensing chiropractic physicians and enforcing the provisions of Ohio Revised Code Chapter 4734 and the Ohio Administrative Code adopted by the Board.

The Board is entirely self-sustaining through revenue generated from fees collected for license applications, license renewals, fines, and miscellaneous services. Board members are compensated hourly for time devoted to the Board's affairs, and are reimbursed for expenses incurred in the execution of their official duties. The Board reimburses certain state agencies for services rendered.

The Ohio Attorney General is the statutory legal counsel to the Board. An Assistant Attorney General from the Health and Human Services Section represents the Board in administrative hearings and court proceedings.



## **Board Staff**

The Board employs seven full time employees to carry out its responsibilities. The regular working hours of the Board are Monday through Friday, 8:00 a.m. to 4:30 p.m. excluding state holidays.

### **Kelly A. Caudill, Executive Director**

Ms. Caudill serves as the chief enforcement officer for the Board, enforcing the laws and rules governing the practice of chiropractic in Ohio. Ms. Caudill also oversees all activities and programs of the board office, carries out the Board Members' directives, and oversees all legal and legislative activities.

### **Elizabeth N. Moore, Administrative Assistant**

Liz functions as the Board's office manager and is responsible for the administration of clerical support, personnel, training, telecommunications, fiscal, travel, payroll and employee benefits issues. Liz also serves as liaison to the Board members for their administrative support needs. Liz also maintains the Board's website.

### **Laurie A. Allison, Licensing Coordinator**

Laurie handles initial licensing applications, Board examinations and annual license renewal. Laurie also coordinates continuing education seminar requests, maintains the continuing education roster and assists with updating the Board's website.

### **Connie J. Stansberry, Customer Service Assistant**

Connie acts as the front desk receptionist, answers the telephone and directs phone calls to the appropriate staff member. Connie responds to written, telephone, email, in-person or other means of communication to provide routine information to the public. Connie also performs general clerical tasks to assist the investigative staff.

### **Thomas J. Hollis, Investigator**

### **Lawrence E. Phillips, Investigator<sup>1</sup>**

### **Rex J. Waldenmyer, Investigator**

Rex, T.J. and Larry conduct investigations relative to complaints involving the practice of chiropractic. These investigations may be highly specialized, complex and long-term. Investigations of persons rendering chiropractic services are conducted to determine the facts in each case, ascertain the exact basis of the complaint, and confirm allegations for administrative, civil, and criminal actions.

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<sup>1</sup> Mr. Phillips retired effective March 4, 2005.

## Chiropractic Board Members & Terms of Office

The Board is composed of five members, four chiropractic physicians and one public member. The Governor, with the advice and consent of the Senate, appoints the 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 expenses incurred in the performance of their official duties. The Board elects a president and vice-president in odd-numbered years to serve a two-year term.

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<b>Steven M. Bleser, D.C., President</b>	◆	<b>Cincinnati, Ohio</b>
Appointed: 01/17/1995		
Reappointed: 11/03/1998		
Reappointed: 11/03/2002		
Term Expires: 11/02/2006		
<b>Earl L. Wiley, D.C., Vice-President</b>	◆	<b>Cincinnati, Ohio</b>
Appointed: 11/16/2001		
Term Expires: 11/02/2005		
<b>Anna Villarreal Jenkins, D.C., Esq.</b>	◆	<b>Chillicothe, Ohio</b>
Appointed: 01/08/2003		
Term Expires: 11/02/2006		
<b>Dennis L. Wojtanowski, B.A.</b>	◆	<b>Columbus, Ohio</b>
Appointed: 11/16/2001		
Term Expires: 11/02/2005		
<b>Mark A. Korchok, D.C.</b>	◆	<b>Cincinnati, Ohio</b>
Appointed: 01/08/2004		
Term Expires: 11/02/2007		

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## Board Meetings

Board meetings are typically held monthly with an annual meeting held in September. During Fiscal year 2005, the Board conducted 9 meetings at the Board office on the following dates: August 26, 2004; September 30, 2004; November 18, 2004; December 9, 2004; January 27, 2005; February 17, 2005; March 31, 2005; April 21, 2005 and June 2, 2005.

All meetings of the Board are open to the public. Upon request, any person may obtain advance notification of the time, place and purpose of all meetings of the Board.

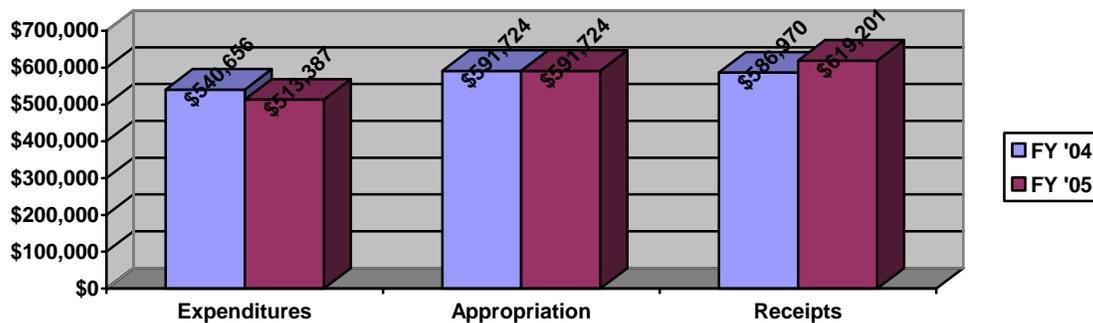
## Public Records Requests

In accordance with the Open Records Act, ORC § 149.43, the Board and its staff promptly review and respond to all requests for public records. During FY 2005 the Board staff processed **106** licensure certifications requested by licensees and **52** requests for licensee rosters. There were **117** public record requests for information relating to a specific chiropractic physician. These requests can be time consuming to prepare as each request must have a legal review and the corresponding documents purged of confidential information.

## Budgetary Matters

As required by ORC 4734.54, all receipts of the board are deposited in the Occupational and Professional Licensing Fund (4K9). The Board is entirely self-supporting, in that the aggregate of all fees collected each year exceeds the Board's biennial legislative appropriation and operating expenditures.

## Fiscal Summary



## Statement of Revenue

	<u>FY 2003</u>	<u>FY 2004</u>	<u>FY 2005</u>
Renewal Fees	\$532,750	\$534,750	\$552,750
Application Fees	\$35,425	\$25,875	\$33,975
Penalty Fees	\$8,700	\$12,450	\$13,650
Licensee Rosters	\$4,955	\$4,275	\$4,933
License Certifications	\$1,440	\$1,740	\$2,120
Duplicate License	\$270	\$225	\$270
Civil Fines	N/A	\$7,096	\$11,154
Miscellaneous	\$117	\$559	\$349
<b>TOTAL</b>	<b>\$583,657</b>	<b>\$586,970</b>	<b>\$619,201</b>

## Educational Meetings & Conferences

- October 22-24, 2004: Drs. Bleser and Wiley attended the Federation of Chiropractic Licensing Board's District II Meeting in Indianapolis, IN.
- November 12-14, 2004: Drs. Bleser and Villarreal participated in the National Board of Chiropractic Examiners' Part IV Practical Examination in Atlanta, GA.
- May 4-8, 2005: Drs. Bleser, Wiley, Korchok and Villarreal attended the Federation of Chiropractic Licensing Board's 79<sup>th</sup> Annual Educational Conference in Montreal, Quebec, Canada.
- February 4-6, 2005: Dr. Korchok, Mr. Wojtanowski and Ms. Caudill attending the Federation of Associations of Regulatory Boards 29<sup>th</sup> Annual forum in Scottsdale, AZ.

## Examination Activity

The Board requires all applicants for licensure to successfully complete a jurisprudence examination. The Board holds four exams per year which are administered by the Board staff. This is a one-day examination that is proctored by the Board staff. Effective September 30, 2004 the Board members implemented a new Jurisprudence Examination Orientation wherein each of the Board members give a brief speech to the licensees prior to the examination.

<b>Examination Date</b>	<b>Applications Denied</b>	<b>Licenses Issued</b>	<b>Exam Failures</b>
August 26, 2004	1	28	0
November 18, 2004	0	31	0
February 17, 2005	0	31	0
June 2, 2005	0	32	0
<b>Totals:</b>	<b>1</b>	<b>122</b>	<b>0</b>

## License Activity

License Activity as of June 30, 2005			
Chiropractic Licenses	Temporary Licenses	Voluntary Public Service Licenses	Preceptorship Licenses
2,265	8	0	15

License Status Changes during FY 2005			
Inactive	Retired	Forfeited	Deceased
38	6	15	1

## Continuing Education Programs

The Board reviewed 122 proposed continuing education programs for license renewal credit during FY 2002. Of these requests for approval, 121 continuing education programs were approved and 1 was denied.

## Enforcement Statistics

The Executive Director serves as the Chief Enforcement Office and enforces the laws and rules governing the practice of chiropractic. All complaints are reviewed to determine preliminary disposition: closure, referral to another agency, full field investigation, or hold open pending further information. Random compliance inspections are conducted by Board Investigators to ensure compliance with the Board's laws and rules. The Board regularly works with law enforcement agencies statewide to investigate and prosecute misconduct by chiropractic physicians and the unlicensed practice of chiropractic.

### Investigations

Investigations opened in FY 2005: 81  
 FY 2005 investigations completed during FY 2005: 38  
 FY 2004 investigations completed during FY 2005: 33  
 FY 2003 investigations completed during FY 2005: 6  
 FY 2002 investigations completed during FY 2005: 3  
 FY 2001 investigations completed during FY 2005: 2

### Number of Investigations by Category in Fiscal Year 2005

Advertising:	20	Record Keeping:	0
Billing Irregularities/Fraud:	15	Sexual Misconduct:	2
Child Support Default	0	Solicitation/Telemarketing:	10
Criminal Charges:	1	Treatment Issues:	13
Impairment:	0	Unlicensed Practice:	8
Miscellaneous Board Rules:	10	Aiding Unlicensed Practice:	0
Practicing Outside Scope:	0	Continuing Education Violation:	2

### **Miscellaneous Actions**

Compliance Inspections / Site Visits:	162
Investigative Subpoenas Issued:	27

### **Formal Actions**

Formal Charges (Citations):	5	Goldman Hearings Held:	1
Settlement Agreements:	4	Disciplinary Hearings Held:	0
Adjudication Orders:	2	Mental & Physical Exams:	1
Voluntary Surrenders:	2	Chemical Dependency Monitoring Agreements:	2
Letters of Admonition:	2		

### **Notice of Opportunity for Hearings Issued During FY 2005**

**Brett J. Blitzstein, D.C.**

**License No. 3358**

**Case No. 2005 CHR 005**

Notice of Opportunity for Hearing issued on September 28, 2004 for allegedly violating Ohio Revised Code § 4734.14 (A)(6), § 4734.25, § 4734.31 (C)(7) and (C)(13) and Ohio Administrative Code § 4734-7-03 (A) for allegedly employing fraud or deception in renewing his Ohio chiropractic license by making false, fraudulent and deceitful statements regarding his continuing education.

**Jason Joseph Sefa, D.C.**

**Licensure Applicant**

**Case No. 2004 CHR 096**

Notice of Proposed Refusal of Application for Licensure, Proposed Refusal to Sit for Jurisprudence Examination and Opportunity for Hearing issued on September 3, 2004 in accordance with Ohio Revised Code § 4734.20, § 4734.31 (C)(3) and (C)(7) and Ohio Administrative Code § 4734-6-01 (O) and § 4734-6-09 for specific actions that demonstrate that Dr. Sefa does not possess the character and fitness to practice chiropractic and would be grounds for disciplinary action in the state of Ohio.

**Rick Tangerman, D.C.**

**License No. 3558**

**Case No. 2005 CHR 014**

Notice of Opportunity for Hearing issued on October 1, 2004 for allegedly violating Ohio Revised Code § 4734.14 (A)(6), § 4734.31 (C)(1), (C)(7) and (C)(13) for allegedly engaging in fraud and/or deception in procuring admission to practice by withholding from the Board information concerning his criminal convictions.

Dr. Tangerman's disciplinary hearing is scheduled for November 17, 2005.

**Lance C. Heath, D.C.**  
**License No. 1794**

**Case No. 2005 CHR 022**

Notice of Opportunity for Hearing issued on December 10, 2004 for allegedly violating Ohio Revised Code § 4734.31 (C)(7), (C)(32) and Ohio Administrative Code § 4734-9-02 (B) for allegedly authorizing a yellow page advertisement to be printed that included the name of an individual that had not yet received a license to practice chiropractic in the state of Ohio.

Joint Motion to Rescind Notice of Opportunity for Hearing issued April 21, 2005. The Board alternatively issued a Letter of Admonition to Dr. Heath.

**Ronald E. Hoover, D.C.**  
**License No. 2406**

**Case No. 2001 CHR 069**

Notice of Opportunity for Hearing issued on March 21, 2005 for allegedly violating Ohio Revised Code § 4734.31 (C)(1) for pleading guilty to one felony count of Health Care Fraud, in violation of Title 18, United States Code Section 1347.

Dr. Hoover's disciplinary hearing is scheduled for November 17, 2005.

### **Formal Disciplinary Actions Taken During FY 2005**

**Darrin A. Pordash, D.C.**  
**License No. 2908**

**Case No. 2003 CHR 036**

Date of Action: August 26, 2004

Violated Codes and/or Rules: Ohio Revised Code § 4734.31 (C)(1)

On or about February 20, 2004, in the Court of Common Pleas, Lorain County, Ohio, Dr. Pordash was convicted of three counts of rape, felonies of the first degree in violation of Ohio Revised Code § 2907.02 (A)(2) and three counts of sexual battery, felonies of the third degree in violation of Ohio Revised Code § 2907.03 (A)(1).

In accordance with Ohio Revised Code § 4734.36, the Board automatically suspended Dr. Pordash's license effective February 20, 2004.

On August 26, 2004 the Board accepted Dr. Pordash's Voluntary Permanent Surrender of his license to practice chiropractic in the state of Ohio, thereby permanently revoking Dr. Pordash from the practice of chiropractic in the state of Ohio.

**David E. Schroder, D.C.**  
**License No. 393**

**Case No. 2004 CHR 007**

Date of Action: August 26, 2004

Violated Codes and/or Rules: Ohio Revised Code § 4734.31 (C)(1)

On or about March 31, 2004, in the United States District Court, Southern District of Ohio, Dr. Schroder pled guilty to one felony count of Mail Fraud, in violation of Title 18, United States Code Section 1341 and 2.

Dr. Schroder entered into a Consent Agreement with the Board wherein he received a 90 day suspension, 60 days stayed with 30 days active and 2 years probation. Prior to being placed on 2 years probation, Dr. Schroder had to submit to a mental evaluation to assess whether his behavior involved in his felony conviction posed a threat or potential threat of harm to his patients. Dr. Schroder also agreed to pay a fine in the amount of \$1000 and various other stipulations and conditions as outlined in the agreement.

**Paul F. Fulk, Sr., D.C.**

**License No. 724**

**Case No. 2000 CHR 135**

Date of Action: September 20, 2004

Violated Codes and/or Rules: Ohio Revised Code § 4734.31 (C)(1)

On or about March 8, 2002, in the United States District Court, Southern District of Ohio, Dr. Fulk pled guilty to one felony count of Conspiracy to Corruptly Influence, Obstruct, & Impede a pending agency proceeding, i.e. an inspection by the U.S. Food & Drug Administration, in violation of Title 18, United States Code Section 371.

The Board issued an Adjudication Order to Dr. Fulk suspending his license to practice chiropractic for 2 years, one year of the suspension was stayed and one year of the suspension was made retroactive to the one year of confinement Dr. Fulk served in the federal penitentiary for his criminal conviction. Dr. Fulk was also fined \$5000, placed on 5 years probation and required to practice under an approved compliance program for the duration of his probation.

**Thomas E. Bowers, D.C.**

**License No. 1263**

**Case No. 2003 CHR 070**

Date of Action: September 30, 2004

Violated Codes and/or Rules: Ohio Revised Code § 4734.31 (C)(16) and (17)

On or about May 10, 2004, Dr. Bowers presented himself for a mental and physical examination at Glenbeigh Health Sources, in Rock Creek, Ohio as Ordered by the Board. Based upon this examination, Dr. Bowers' assessment affirmed a chemical dependency, for which Dr. Bowers has already undergone inpatient treatment and is abiding by the terms of his aftercare agreement. Dr. Bowers admitted that he habitually used drugs or intoxicants to the extent that he may have been rendered unfit for the practice of chiropractic prior to the time of entering into a Consent Agreement with the Board.

As a result of his diagnosis and admission, Dr. Bowers entered into a Consent Agreement on September 30, 2004 with the Board in which he received a Written Reprimand and his license to practice chiropractic was placed on two years Probation. Additional terms and conditions are outlined in the agreement.

**Brandon L. Hanes, D.C.**

**License No. 3435**

**Case No. 2004 CHR 011**

Date of Action: December 9, 2004

Violated Codes and/or Rules: Ohio Revised Code § 4734.14 (A)(2), § 4734.21 (C)(7) and (32)

From on or about July 20, 2003 to August 21, 2003 Dr. Hanes ran advertisements in a variety of Chillicothe area newspapers and publications introducing and announcing himself as a new chiropractor to the community when he did not obtain his Ohio chiropractic license until August 21, 2003.

Dr. Hanes entered into a Consent Agreement with the Board wherein he agreed to a five day suspension and a civil fine in the amount of \$1000.

**Robert A. Fantasia, D.C.**

**License No. 1181**

**Case No. 2005 CHR 033**

Date of Action: December 9, 2004

Violated Codes and/or Rules: Ohio Revised Code § 4734.31 (C)(1)

On or about November 18, 2004, Dr. Fantasia was convicted of Workers' Compensation Fraud in violation of Ohio Revised Code § 2913.48, a felony of the fifth degree and Medicaid Fraud in violation of Ohio Revised Code § 2913.40, a felony of the fifth degree in the Court of Common Pleas, Franklin County, Ohio.

On December 9, 2004 the Board accepted Dr. Fantasia's Voluntary Permanent Surrender of his license to practice chiropractic in the state of Ohio thereby Permanently Revoking him from the practice of chiropractic in the state of Ohio.

**Brett J. Blitzstein, D.C.**

**License No. 3358**

**Case No. 2005 CHR 005**

Date of Action: March 31, 2005

Violated Codes and/or Rules: Ohio Revised Code § 4734.14 (A)(6), § 4734.25, § 4734.31 (C)(7) and (C)(13) and Ohio Administrative Code § 4734-7-03 (A)

Dr. Blitzstein made a false, fraudulent and deceitful statement to the Board on his 2004 Ohio Chiropractic License Renewal Application by attesting on the application that he had achieved 24 hours of continuing education but later admitted that he did not attend the programs that he attested to.

Dr. Blitzstein entered into a Consent Agreement with the Board wherein he was placed on one year of probation, fined \$1,000 and ordered to earn 24 hours of continuing education by May 2, 2005.

**Jason Joseph Sefa, D.C.**

**Licensure Applicant**

**Case No. 2004 CHR 096**

Date of Action: December 15, 2004

Violated Codes and/or Rules: Ohio Revised Code § 4734.20, §4734.31 (C)(3) and (C)(7) and Ohio Administrative Code § 4734-6-01 and §4734-6-09

The Board issued Dr. Sefa an Adjudication Order refusing his application to practice chiropractic in the state of Ohio and refusing to allow him to sit for the Jurisprudence Examination.

## **Board Approved Chiropractic Colleges**

### **Canadian Memorial Chiropractic College**

www.cmcc.ca  
1900 Bayview Avenue  
Toronto, ONT M4G 3E6 Canada  
(416) 482-2340 or 800-463-2923

### **Cleveland Chiropractic College-West**

www.clevelandchiropractic.edu  
590 North Vermont Avenue  
Los Angeles, CA 90004  
(323) 660-6166 or 800-466-2252

### **Life Chiropractic College West**

www.lifewest.edu  
25001 Industrial Boulevard  
Hayward, CA 94545  
(510) 780-4500 or 800-788-4476

### **Southern California University of Health Sciences**

www.scuhs.edu  
16200 East Amber Dr., POB 1166  
Whittier, CA 90609-116  
(562) 902-3309 or 800-221-5222

### **New York Chiropractic College**

www.nycc.edu  
2360 St. Rt. 89, POB 800  
Seneca Falls, NY 13148-0800  
(315) 568-3000

### **Palmer College of Chiropractic**

www.palmer.edu  
1000 Brady Street  
Davenport, IA 52803  
(319) 884-5000 or 800-722-2586

### **Parker College of Chiropractic**

www.parkercc.edu  
2500 Walnut Hill Lane  
Dallas, TX 75229-5668  
(214) 902-3470 or 800-438-6932

### **Cleveland Chiropractic College**

www.clevelandchiropractic.edu  
6401 Rockhill Road  
Kansas City, MO 64131  
(816) 501-0100 or 800-467-2252

### **Life University**

www.life.edu  
1269 Barclay Circle  
Marietta, GA 30060  
(770) 426-2884 or 800-543-3202

### **Logan College of Chiropractic**

www.logan.edu  
1851 Schoettler Rd., POB 1065  
Chesterfield, MO 63006-1065  
(636) 227-2100 or 800-826-6285

### **National University of Health Sciences**

www.nuhs.edu  
200 East Roosevelt Road  
Lombard, IL 60148-4583  
(630) 629-2000 or 800-826-6285

### **Northwestern Health Sciences University**

www.nwhealth.edu  
2501 West 84<sup>th</sup> Street  
Bloomington, MN 55431-1599  
(612) 888-4777 or 800-888-4777

### **Palmer College of Chiropractic-West**

www.palmer.edu  
90 East Tasman Drive  
St. Jose, CA 95134  
(408) 944-6000 or 800-442-4476

### **Sherman College of Straight Chiropractic**

www.sherman.edu  
2020 Springfield Rd., POB 1452  
Spartanburg, SC 29316  
(864) 578-8770 or 800-849-8771

### **Texas Chiropractic College**

www.txchiro.edu  
5912 Spencer Highway  
Pasadena, TX 77505-1699  
(281) 487-1170 or 800-468-6839

### **Western States Chiropractic College**

www.wschiro.edu  
2900 NE 132<sup>nd</sup> Avenue  
Portland, OR 97320  
(503) 256-3180 or 800-641-5641

### **University of Bridgeport College of Chiropractic**

www.bridgeport.edu  
126 Park Avenue  
Bridgeport, CT 06601  
(203) 576-4348 or 800-392-3582