

OHIO STATE CHIROPRACTIC BOARD



ANNUAL REPORT

Fiscal Year 2009
July 1, 2008 - June 30, 2009

❧ 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 and 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 Chapter 4734 of the Ohio Revised Code and the Administrative Code adopted by the Board.

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.

❧ 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.



∞ Board Staff

The Board employs six full time employees to carry out its duties and responsibilities. The regular working hours of the Board are Monday through Friday, 8:00 a.m. to 5:00 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 directs and manages 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 serves as liaison to the Board members for their administrative support needs and acts for the Director by relieving her of a variety of difficult administrative duties. Liz functions as the Board's office manager and is responsible for auxiliary functions such as personnel, public information, fleet management, fiscal, travel, payroll, records retention and inventory. Liz also manages the administrative rule making process and is responsible for editing and updating the Board's website, applications, newsletters, publications, annual reports and forms.

Laurie A. Allison, Licensing Coordinator

Laurie handles initial licensing, examinations, annual license renewal and continuing education. Laurie acts as the front desk receptionist and provides support to the Board and staff.

M. Kate Borloglou, Paralegal

Kate is responsible for gathering preliminary case information and researching data to support the legal and enforcement staff, processing public records requests, conducting basic investigations and monitoring doctors subject to discipline and Quality Intervention participants. Kate is also responsible for reporting the Board's disciplinary actions to the appropriate databanks.

Thomas J. Hollis, Investigator¹

Rex J. Waldenmyer, Investigator

Rex and T.J. 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.

¹ Mr. Hollis resigned from the Board in January 2009.
OSCB FY '09 Annual Report

⌘ Chiropractic Board Members & Terms of Office

The Board is comprised of 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.

Anna Villarreal, D.C., Esq., President ♦ Chillicothe, Ohio

Appointed: 01/08/2003
Reappointed: 12/08/2006
Term Expires: 11/02/2010

Mark A. Korchok, D.C., Vice-President ♦ Cincinnati, Ohio

Appointed: 01/08/2004
Reappointed: 02/20/2008
Term Expires: 11/02/2011

Richard J. Maynard, D.C. ♦ Lancaster, Ohio

Appointed: 12/08/2006
Term Expires: 11/02/2010

Don T. Shaffer, D.C. ♦ Brookville, Ohio

Appointed: 05/13/2008
Term Expires: 11/02/2009

John P. Kennedy, Esq. ♦ Columbus, Ohio

Appointed: 10/18/2007
Term Expires: 11/02/2009

⌘ Board Meetings

During Fiscal year 2009, the Board conducted 6 meetings at the Board office on the following dates: August 21, October 30, December 11, 2008 and February 26, April 23 and June 11, 2009.

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. The Board's meeting dates are posted on its website.

œ Educational Meetings & Conferences

- ◆ September 25-28, 2008 – Dr. Villarreal attended the Federation of Chiropractic Licensing Boards District II Meeting in Minneapolis, Minnesota.
- ◆ October 27-29, 2008 – Director Caudill attended the Citizen’s Advocacy Center’s 2008 Annual Meeting in Asheville, North Carolina.
- ◆ January 23-25, 2009 – Dr. Villarreal and Dr. Korchok attended 33rd Annual Federation of Associations of Regulatory Boards’ 33rd Annual Forum in Tampa, Florida.
- ◆ May 6-10, 2009 – Dr. Korchok attended the FCLB’s 83rd Annual Education Congress in Hollywood, California.
- ◆ June 12-13, 2009 – Dr. Villarreal participated in the National Board of Chiropractic Examiners’ Part IV testing in Atlanta, Georgia.

œ Board Memberships

The Board is an active member of the following organizations:

Federation of Chiropractic Licensing Boards

The Federation of Chiropractic Licensing Boards is a non-profit organization established in 1926 as the professional association for governmental regulatory boards responsible for chiropractic licensure. Membership is comprised of chiropractic licensing boards from the United States and Territories, Canada, Australia and Mexico.

As a member of the FCLB the Board receives free online reporting to the Chiropractic Information Network/Board Action Databank (CIN-BAD) an on-line computer database that tracks the disciplinary actions taken against chiropractic physicians in all jurisdictions, PowerPoll surveys regarding interpretative scope of practice issues, and educational conference communication.

American Chiropractic Association (ACA)

The American Chiropractic Association promotes the highest standards of ethics and patient care, contributing to the health and well-being of millions of chiropractic patients. The ACA serves as a resource for scope, coding and various others practice related topics.

Federations of Associations of Regulatory Boards (FARB)

The Federation of Associations of Regulatory Boards is a non-profit organization established in 1974 to promote excellence in the regulation of professions to protect the public. Member associations are of regulatory boards across disciplines, jurisdictions, and professions. FARB’s annual training events contribute to the continual development of excellence in regulation for the purpose of public protection.

Council on Licensure, Enforcement and Regulation (CLEAR)

The Council on Licensure, Enforcement and Regulation promotes regulatory excellence through conferences, educational programs, networking opportunities, publications, and research services for those involved with, or affected by, professional and occupational regulation. CLEAR’s membership has included representatives of all governmental sectors, the private sector, and

many others with an interest in this field. CLEAR serves and supports the international regulatory community and its vital contribution to public protection.

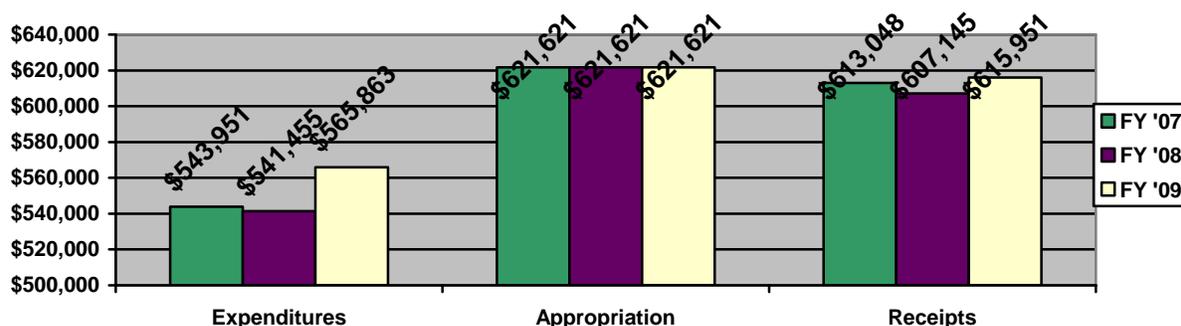
Citizen Advocacy Center (CAC)

The Citizen Advocacy Center serves the public interest by enhancing the effectiveness and accountability of health professional oversight bodies. As a resource for health professional boards, CAC offers training, research and networking opportunities for public members and for the health care regulatory, credentialing, and governing boards on which they serve.

☞ Budgetary Matters

As required by ORC 4734.54, all receipts of the Board are deposited in the Occupational and Professional Licensing Fund (4K9). The aggregate of all fees collected in FY 2008 exceeded the Board’s biennial operating expenditures.

☞ Fiscal Summary



☞ Statement of Revenue

	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2009</u>
Renewal/Reinstatement Fees	\$561,000	\$560,750	\$566,000
Refunds	N/A	N/A	\$-905
Application Fees	\$23,100	\$28,275	\$28,825
Penalty Fees	\$11,400	\$9,750	\$7,800
Licensee Rosters/Misc Records	\$6,080	\$6,175	\$5,294
License Certifications	\$1,880	\$1,580	\$1,220
Duplicate License	\$270	\$450	\$405
Civil Fines	\$9,250	\$0	\$7,150
Miscellaneous	\$68	\$165	\$161.85
TOTAL	\$613,048	\$607,145	\$615,950.85

⌘ Administrative Rules

During FY 2009 the following rules were rescinded, adopted or amended by the Board. All rules are filed electronically with the Joint Committee on Agency Rule Review, the Legislative Service Commission and the Secretary of State's Office pursuant to section 103.0511 of the Ohio Revised Code. Public hearings regarding rule changes are held in accordance with Ohio Revised Code Section 119.

Rule Adoptions

- 4734-6-08 Pre-chiropractic educational requirements.
- 4734-10-06 Application and requirements for approval of acupuncture continuing education programs.
- 4734-9-02 Advertising and solicitation.

Rule Amendments

- 4734-6-01 Application for licensure.
- 4734-6-02 Licensure by endorsement.
- 4734-6-04 Preceptorships.
- 4734-8-04 Documentation and record keeping.
- 4734-8-07 Terminating the doctor-patient relationship.
- 4734-9-07 Billing practices.

Rule Rescissions

- 4734-5-05 Renewing approval of chiropractic educational institution or programs.

⌘ Five Year Rule Review

In accordance with ORC § 119.032, the Board reviews each of its rules every five years to determine whether to continue without change, amend, or rescind a rule. Prior to the scheduled review date of a rule, the Board reviews the rule to determine whether the rule should be continued without amendment, be amended or be rescinded, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted.

During FY 2009 the Board reviewed the following rules and filed them with no changes:

- 4734-5-02 Board relationship with the council on chiropractic education.
- 4734-5-03 Site visitation procedures.
- 4734-5-04 Initial approval of chiropractic educational institutions or programs.
- 4734-5-06 Revocation of approval of chiropractic educational institutions or programs.

⌘ Examination Activity

The Board requires all applicants for licensure to successfully take and pass a Jurisprudence examination. The Board holds four exams per year. This is a one-day examination that is proctored by the Board staff. During the Jurisprudence Examination Orientation each of the Board members give a brief speech to the licensees. Once the examinations are graded, the Board members present each passing applicant with their exam score and license number. The Board also administers an oath to the applicants as a group.

Examination Date	Applications Denied	Licenses Issued	Exam Failures
August 21, 2008	0	19	0
October 30, 2008	0	17	0
February 26, 2009	0	38	0
June 11, 2009	0	15	0
Totals:	0	89	0

☞ License Activity

License activity as of June 30, 2009

Chiropractic Licenses	Temporary Licenses	Voluntary Public Service Licenses	Preceptorships	Acupuncture Certificates
2,319	10	0	13	53

Inactive	Retired	Forfeited	Deceased
49	9	15	4

Proposed Application Denials

David P. Norris, D.C.

Licensure Applicant

Case No. 2008 CHR 041

Date of Action: April 18, 2008

Codes and/or Rules at Issue: Ohio Revised Code § 4734.20, §4734.31 (C)(1), (C)(3) & (C)(7) and Ohio Administrative Code § 4734-6-01 (O) and § 4734-6-09

On August 21, 2008 a hearing on this matter was held before the Board. Dr. Norris provided persuasive evidence to demonstrate his moral character and fitness to receive a license to practice chiropractic in the state of Ohio.

The Board approved Dr. Norris' application for a license to practice chiropractic in the state of Ohio. Prior to issuance of a license, Dr. Norris must take and successfully pass the Jurisprudence examination.

☞ Continuing Education Programs

The Board reviewed **104** proposed continuing education programs for license renewal credit during FY 2009. Of these requests for approval, **104** continuing education programs were approved and **0** were denied.

☞ Enforcement Statistics

The Executive Director serves as the Chief Enforcement Officer 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 2009: 74
FY 2009 investigations completed during FY 2009: 32
FY 2008 investigations completed during FY 2009: 25
FY 2007 investigations completed during FY 2009: 13
FY 2006 investigations completed during FY 2009: 3
FY 2005 investigations completed during FY 2009: 1

Number of Investigations by Category in Fiscal Year 2009

Advertising:	5	Miscellaneous:	9
Aiding & Abetting:	3	Scope:	2
Conviction:	5	Sexual Misconduct:	3
Ethics:	1	Telemarketing:	9
Impairment:	1	Treatment:	9
License Denial:	1	Unlicensed Practice:	7

Miscellaneous Actions

Violation Letters Issued: 35
Compliance Inspections / Site Visits: 92
Investigative Subpoenas Issued: 82

Formal Actions

Formal Charges (Citations):	19	License Revocations:	3
Consent Agreements:	8	Mental & Physical Exams Ordered:	1
Disciplinary Hearings Held:	2	Warning Letters:	1
Goldman Hearings Held:	3	Voluntary Surrenders:	0
Letters of Admonition:	1		

Notice of Opportunity for Hearings Issue During FY 2009

The following information is current as of June 30, 2009. Specific details of disciplinary action are listed in the formal discipline section. The present status of a case may be obtained by contacting the Board office.

Jay D. Smith D.C.

License No. 2779

Case No. 2008 CHR 061

Notice of Opportunity for Hearing issued August 22, 2008 for allegedly violating Ohio Revised Code § 4734.31 (C)(1).

Bret J. Bird, D.C.

License No. 3916

Case No. 2009 CHR 010

Notice of Opportunity for Hearing issued August 22, 2008 for allegedly violating Ohio Revised Code § 4734.14 (A)(2), § 4734.31 (C)(7) & (C)(32).

Scott W. Palmer, D.C.

License No. 3305

Case No. 2007 CHR 036

Notice of Opportunity for Hearing issued August 22, 2008 for allegedly violating Ohio Revised Code § 4734.14 (A)(5), § 4734.31 (C)(7).

Ross C. Lubrani, D.C.

License No. 3399

Case No. 2008 CHR 031

Notice of Opportunity for Hearing issued August 22, 2008 for allegedly violating Ohio Revised Code § 4734.31 (C)(8) & (C)(13). The Board dismissed the Notice of Opportunity for Hearing and issued Dr. Lubrani a letter of Admonition.

Frank C. Dachtler, D.C.

License No. 2717

Case No. 2008 CHR 036

Notice of Opportunity for Hearing issued August 22, 2008 for allegedly violating Ohio Revised Code § 4734.31 (C)(7) and Ohio Administrative Code § 4734-9-02.

Paul M. Neumann, D.C.

License No. 1093

Case No. 2009 CHR 009

Notice of Opportunity for Hearing issued August 22, 2008 for allegedly violating Ohio Revised Code § 4734.31 (C)(1).

Brent J. Detelich, D.C.

License No. 2032

Case No. 2009 CHR 008

Notice of Opportunity for Hearing issued October 3, 2008 for allegedly violating Ohio Revised Code § 4734.31 (C)(1).

James W. Starek, D.C.

License No. 2746

Case No. 2009 CHR 004

Notice of Opportunity for Hearing issued October 31, 2008 for allegedly violating Ohio Revised Code § 4734.31 (C)(5).

Seth S. Gray, D.C.

License No. 3431

Case No. 2009 CHR 023

Notice of Opportunity for Hearing issued October 31, 2008 for allegedly violating Ohio Revised Code § 4734.31 (C)(7) and Ohio Administrative Code § 4734-6-07 and 4734-7-03.

Michael L. Shore, D.C.

License No. 1487

Case No. 2007 CHR 014

Notice of Opportunity for Hearing issued February 27, 2009 for allegedly violating Ohio Revised Code § 4734.31 (C)(1).

Kevin M. Gulla, D.C.

License No. 2107

Case No. 2009 CHR 023

Notice of Opportunity for Hearing issued February 27, 2009 for allegedly violating Ohio Revised Code § 4734.31 (C)(5) and (C)(13).

Bryce D. Arndt, D.C.

License No. 3871

Case No. 2009 CHR 045

Notice of Opportunity for Hearing issued February 27, 2009 for allegedly violating Ohio Revised Code § 4734.31 (C)(7) and Ohio Administrative Code § 4734-9-08.

Christopher L. Gehrisch, D.C.

License No. 3091

Case No. 2009 CHR 039

Notice of Opportunity for Hearing issued February 27, 2009 for allegedly violating Ohio Revised Code § 4734.31 (C)(7) and Ohio Administrative Code § 4734-9-08.

Curtis J. Hoyt, D.C.

License No. 3577

Case No. 2008 CHR 026

Notice of Opportunity for Hearing issued February 27, 2009 for allegedly violating Ohio Revised Code § 4734.31 (C)(7) & (C)(32) and Ohio Administrative Code § 4734-9-02.

Merrill T. Slaven, D.C.

License No. 3672

Case No. 2008 CHR 040

Notice of Opportunity for Hearing issued February 27, 2009 for allegedly violating Ohio Revised Code § 4734.31 (C)(7), (C)(20) & (C)(30) and Ohio Administrative Code § 4734-8-04, 4734-8-05 & 4734-9-07.

Robert Dhaliwal, D.C.

License No. 2096

Case No. 2008 CHR 059

Notice of Opportunity for Hearing issued February 27, 2009 for allegedly violating Ohio Revised Code § 4734.31 (C)(7), (C)(19), (C)(20), (C)(23), (C)(30) & (C)(33) and Ohio Administrative Code § 4734-8-04, 4734-8-05, 4734-9-07 & 4734-9-08.

Robert Dhaliwal, D.C.

License No. 2096

Case No. 2009 CHR 064

Notice of Proposed Refusal of Application for Acupuncture Certificate and Opportunity for Hearing issued April 24, 2009 pursuant to the provisions of Ohio Revised Code § 4734.282 and Ohio Administrative Code § 4734-10-03.

David J. Scott, D.C.

License No. 456

Case No. 2005 CHR 094 & Case No. 2009 CHR 038

Notice of Opportunity for Hearing issued May 20, 2009 for allegedly violating Ohio Revised Code § 4734.31 (C)(7), (C)(19), (C)(20), (C)(23), (C)(30) & (C)(33) and Ohio Administrative Code § 4734-1-16, 4734-8-04, 4734-8-05, 4734-9-07 and 4734-9-08.

Thomas A. Kavounas, D.C.

License No. 2545

Case No. 2009 CHR 058

Notice of Opportunity for Hearing issued June 12, 2009 for allegedly violating Ohio Revised Code § 4734.31 (C)(1) & (C)(5).

Formal Disciplinary Actions Taken During FY 2009

James G. Cuckovich, D.C.

License No. 1500

Case No. 2007 CHR 012

Date of Action: September 25, 2008

Violated Codes and/or Rules: Ohio Revised Code § 4734.31 (C)(7), (C)(8), (C)(20) & (C)(30) and Ohio Administrative Code § 4734-8-04 (A), 4734-8-05 (A) & (B) and 4734-9-07 (B), (C)(3) & (C)(4).

Dr. Cuckovich failed to conduct an appropriate evaluation of a patient prior to initiating treatment and failed to document that he conducted a proper evaluation of the patient to sufficiently make the diagnosis that he made for the patient's injuries. The quantity of examinations and therapeutic procedures Dr. Cuckovich rendered to the patient for the conditions he diagnosed were conducted more often than necessary.

Dr. Cuckovich attempted to obtain a fee by fraud or misrepresentation by billing the insurance company for CPT codes that he did not document meeting the components of. Dr. Cuckovich also reported charges to the insurance company that were not rendered and failed to comply with a subpoena issued by the Board.

Dr. Cuckovich received a 12 month suspension with 6 months stayed.

John Preston Kruse, D.C.

License No. 2614

Case No. 2007 CHR 031

Date of Action: September 26, 2008

Violated Codes and/or Rules: Ohio Revised Code § 4734.31 (C)(5).

On or about December 5, 2006 in the Dayton Municipal Court, Case Number 06 CRB 15500, Dr. Kruse pled no contest to and was found guilty of Aggravated Menacing, a misdemeanor of the first degree. Said misdemeanor was committed in the course of practice.

Dr. Kruse received a 6 month stayed suspension and 12 hours of anger management continuing education.

Jeffrey A. Korn, D.C.

License No. 2492

Case No. 2007 CHR 010

Date of Action: October 30, 2008

Case No. 2007 CHR 043

Violated Codes and/or Rules: Ohio Revised Code § 4734.31 (C)(2) & (C)(20) and Ohio Administrative Code § 4734-8-04 (A).

In regard to Case No. 2007 CHR 010, Dr. Korn admitted that on or about November 8, 2005, he forged documents to Direct Merchants Bank in the name of Daniel J. Stambaugh with purpose to defraud and/or knowing he was committing fraud. This act constituted a violation of Ohio Revised Code Section 2913.31 (A)(1) and (A)(3), a felony of the fifth degree. Dr. Korn further admitted that between August 1, to November 19, 2005, he used, obtained or possessed personal identifying information pertaining to Daniel J. Stambaugh without his express consent with purpose to hold himself out as Dr. Stambaugh and represent that Dr. Stambaugh's personal identifying information was his own. This act constituted a violation of Ohio Revised Code Section 2913.49 (B)(1) and (B)(2), a felony of the fifth degree.

In regard to Case No. 2007 CHR 043, Dr. Korn admitted that he failed to maintain proper, accurate, and legible records documenting the care he provided to certain patients.

Dr. Korn entered into a Consent Agreement with the Board wherein he received a 30 day suspension with 20 days stayed, 15 months probation under compliance monitoring and additional probationary stipulations.

Paul M. Neumann, D.C.

License No. 1093

Case No. 2009 CHR 009

Date of Action: November 4, 2008

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

On or about March 3, 2008 in the United States District Court, Northern District of Ohio, Dr. Neuman pled guilty to one felony count of Conspiracy to Commit Health Care Fraud in violation of Title 18 United States Code Section 371 and to one felony count of Conspiracy to Commit Money Laundering in violation of Title 18 United States Code Section 1956(h).

Dr. Neumann's license to practice chiropractic in the state of Ohio was permanently revoked.

Seth S. Gray, D.C.

License No. 3431

Case No. 2009 CHR 023

Date of Action: December 11, 2008

Violated Codes and/or Rules: Ohio Administrative Code § 4734-6-07 (A) and 4734-7-03 (B).

Dr. Gray failed to advise the Board that he was no longer practicing at his reported practice location and had relocated to another practice location within thirty days of each change. Dr. Gray also failed to submit documentation of the required continuing education hours he attested to on his 2008 License Renewal Application within thirty days from the date of the Board's notification.

Dr. Gray received a reprimand from the Board.

Thomas J. Przybysz, D.C.

License No. 2383

Case No. 2008 CHR 052

Date of Action: February 26, 2009

Violated Codes and/or Rules: Ohio Revised Code § 4734.31 (C)(3).

On or about March 13, 2007 in the Rocky River Municipal Court, Cuyahoga County, Ohio, Dr. Przybysz pled no contest to and was found guilty of Menacing by Stalking in violation of Ohio Revised Code Section 2903.211.

Dr. Przybysz entered into a Consent Agreement with the Board wherein he received a 30 day stayed suspension, 15 months probation, psychological evaluation and additional probationary stipulations.

Scott W. Palmer, D.C.

License No. 3305

Case No. 2007 CHR 036

Date of Action: February 26, 2009

Violated Codes and/or Rules: Ohio Revised Code § 4734.31 (C)(7).

Dr. Palmer admitted to violating the Consent Agreement he entered into with the Board on April 17, 2008 by failing to record all telephone solicitations made on his behalf and/or Palmer Therapy and Chiropractic.

Dr. Palmer received a 15 day suspension and other probationary stipulations.

Jay D. Smith, D.C.

License No. 2779

Case No. 2008 CHR 061

Date of Action: February 26, 2009

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

On or about April 17, 2008 in the Franklin County Court of Common Pleas, Columbus, Ohio, Dr. Smith pled guilty, pursuant to an *Alford* plea, to Complicity to Commit Obstructing Justice, a felony of the fifth degree in violation of Section 2921.32 as it relates to R.C. 2923.03.

Dr. Smith entered into a Consent Agreement with the Board wherein he received a 4 month suspension with 2 months stayed, 1 year probation, \$2500 fine, 12 hours of continuing education and additional probationary stipulations.

Charles E. Stocker, D.C.

License No. 2336

Case No. 2000 CHR 067

Date of Action: February 27, 2009

Violated Codes and/or Rules: Ohio Revised Code § 4734.31 (C)(7), (C)(13), (C)(14), (C)(15), (C)(18) & (C)(20) and Ohio Administrative Code § 4734-8-04 (A), 4734-8-05 (B) & (C) and 4734-9-06 (C) & (G).

From on or about December 2004 to December 2005, Dr. Stocker engaged in a sexual relationship with a patient.

Dr. Stocker failed to maintain proper records of the patient's treatment.

When questioned by Board representatives about his relationship with the patient, Dr. Stocker made false, fraudulent, or deceitful statements by denying a sexual relationship with the patient.

Immediately after Dr. Stocker's meeting with representatives of the Board, he attempted to corrupt the outcome of the Board's proceedings through bribery or any other improper means and willfully obstructed or hindered the Board in the discharge of its duties by knowingly coercing and causing the patient to reproduce a statement prepared by him which denied any sexual relationship between her and Dr. Stocker.

All of this conduct occurred while Dr. Stocker was on probation with the Board for a previous disciplinary action, constituting a violation of his probation.

Dr. Stocker's license to practice chiropractic in the state of Ohio was permanently revoked.

Titus Wolverton, D.C.

License No. 3851

Case No. 2009 CHR 067

Date of Action: June 11, 2009

Violated Codes and/or Rules: Ohio Revised Code § 4734.14 (A)(1) and 4734.31 (C)(7) and Ohio Administrative Code § 4734-6-07 (A).

Dr. Wolverton practiced chiropractic in the state of Ohio without a current, valid license from the Board. Dr. Wolverton also failed to inform the Board of his home and business address changes.

Dr. Wolverton entered into a Consent Agreement with the Board wherein he received a 30 day suspension with 15 days stayed, a \$1000 fine with \$500 stayed and additional probationary stipulations.

Beth Moon Rich, D.C.

License No. 1153

Case No. 2008 CHR 008

Date of Action: June 11, 2009

Violated Codes and/or Rules: Ohio Revised Code § 4734.31 (C)(7), (C)(8), (C)(13) & (C)(23) and Ohio Administrative Code § 4734-8-04 (B) and 4734-9-05.

Dr. Moon Rich failed to comply with a subpoena issued by the Board on July 19, 2007 and failed to maintain the confidentiality of patient information by leaving four boxes of records that contained confidential patient information on the front porch of her residence.

Dr. Moon Rich entered into a Consent Agreement with the Board wherein she received a 30 day suspension with 15 days stayed, \$1500 fine and additional probationary stipulations.

James Kendel, D.C.

License No. 943

Case No. 2009 CHR 069

Date of Action: June 11, 2009

Violated Codes and/or Rules: Ohio Revised Code § 4734.34 (C)(7), (C)(32)

Dr. Kendel placed a misleading advertisement in the Medina Yellow Pages listing a chiropractic physician in his practice who did not possess a valid, current license at the time of publication.

Dr. Kendel entered into a Consent Agreement with the Board wherein he received a reprimand and a \$1500 fine.

∞ Quality Intervention Program

The QIP is a *confidential* alternative to formal disciplinary proceedings. The mission of the QIP is to effectively address licensees with quality of care and communication issues that may have developed due to poor practice patterns or failure to keep up with current standards of practice. The QIP is under the umbrella of the Board's investigatory process and for this reason participation in the QIP is confidential and not subject to discovery in any civil proceeding.

If QIP intervention is successful, the licensee will benefit by improving his or her practice patterns, thus providing valuable chiropractic care to his or her patients; the patients and community will benefit by having a better practitioner available to address their needs; the Board will have protected the public without having an adverse impact on the availability of chiropractic care.

During FY 2009 one licensee was invited to participate in the QIP due to... This chiropractic physician is currently working to complete the QIP. In addition, two licensees who were invited to participate in the QIP in FY 2009 successfully completed their programs in FY 2009.

77 South High Street, 16th Floor
Columbus, Ohio 43215

Phone: (614) 644-7032 • Fax (614) 752-2539
Toll Free Complaint Hotline: (888) 772-1384
Website • www.chirobd.ohio.gov
Email • OSCB.ChiroBd@chr.state.oh.us

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