



NEWSLETTER

June 2010

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

website: www.chirobd.ohio.gov ♦ e-mail: OSCB.ChiroBD@chr.state.oh.us



THINKING OF TOSSING THIS AWAY?

Many times the Board encounters licensees who claim they are not aware of certain laws or rules of the Board. Upon further questioning, a surprising number of licensees report that they don't read the materials the Board mails them. The Board operates on a strict budget with very limited resources and will only mail documents containing information YOU NEED TO KNOW.

EXPERTS NEEDED!!

The Board is seeking chiropractic physicians to qualify as Expert Witnesses to review files, prepare written reports and provide testimony for disciplinary matters. Experts must possess specialized knowledge, skill, experience, training or education and preferably hold current diplomate status.

If you're interested, please submit a vitae and copies of your credentials to the Board office.



CONTINUING EDUCATION

The time period to earn CE for your next license renewal is from April 1, 2010 to March 31, 2012. No CE earned prior to April 1, 2010 will be accepted towards your 2012 license renewal. Specific information regarding CE requirements is posted on the back of your license renewal postcard and on the Board's website at www.chirobd.ohio.gov.

PROOF OF LICENSE RENEWAL

Each chiropractic physician who renewed his or her license was mailed a yellow post card reflecting current licensure through March 31, 2012. Please note that the Board does not require you to post these cards in your office.



MEMBERS OF THE BOARD

- Mark A. Korchok, D.C., President
- Richard J. Maynard, D.C., Vice-President
- Anna Villarreal, D.C., Esq.
- Ronald J. Farabaugh, D.C.
- John P. Kennedy, Esq. Public Member

In This Issue

Advertising.....	2
Unlicensed Personnel.....	2
Massage Therapy.....	2
All About Scope of Practice.....	3
FY 2010 Disciplinary Actions.....	4
Staff Members Taking X-Rays?.....	4

ADVERTISING

The Board's rules require that all advertising and solicitation clearly reveal that it is on behalf of a chiropractic physician. *Simply placing the initials D.C. after your name does not clearly reveal that the advertisement or solicitation is on behalf of a chiropractic physician and constitutes a rule violation.*

ALL ADVERTISEMENTS AND SOLICITATIONS MUST INCLUDE ONE OF THE FOLLOWING TERMS: Chiropractic, chiropractor, chiropractic physician or doctor of chiropractic along with the first and last name of a designated chiropractic physician who has reviewed and approved the content of the advertisement or solicitation.

FREE REPORT!

Many licensees purchase and utilize marketing materials such as "Free Reports" from various advertising resources. Oftentimes, these materials are not tailored to meet the Board's advertising and solicitation rule. All free reports, advertisements offering free reports, and recorded messages obtained by calling a toll free number must comply with the Board's advertising and solicitation rule.

FDA Approved?

The Board has come across advertising for devices characterized as "FDA approved" when the device is merely *cleared* by the FDA.

Use of the term "FDA Approved" in reference to the FDA 510 (k) medical device clearance process is misbranding and misleading advertising. In accordance with the FDA, "Any representation that creates an impression of official approval of a device because of complying with the premarket notification regulations is misleading and constitutes misbranding." (CFR Title 21 Sec. 807.97) For more information, please visit the FDA's website at www.fda.gov.

Chiropractic Assistants (Unlicensed Personnel)



There is growing concern that third party payors may only pay for therapies performed by certified or licensed personnel. While the Board does not require formal training for unlicensed personnel, you could face denial of payment for therapies performed at your direction if your unlicensed staff has no formal training or certification.

The Ohio State Chiropractic Association offers chiropractic assistant certification through DOnline. Chiropractic assistants completing the course will be certified by a CCE approved chiropractic college. For more information contact the OSCA at www.oscachiro.org or 1-800-837-6721



MASSAGE CPT Code 97124

Unlicensed personnel should not be performing massage billed as CPT Code 97124. To bill for a massage utilizing CPT Code 97124, either a licensed chiropractic physician or a licensed massage therapist should perform the massage.

New



Graduates

New graduates who have not yet obtained their chiropractic license are not permitted to practice chiropractic or advertise in such a manner that implies licensure.

Visit us on the Web!
www.chirobd.ohio.gov

ALL ABOUT SCOPE OF PRACTICE

The Board has opined that the following is NOT within the scope of chiropractic practice in Ohio. Performing these procedures could subject you to disciplinary action as well as possible criminal prosecution:

Hyperbaric Chambers
Hyperbaric Oxygen Therapy
Oxygen Concentrators
Ear Stapling
Cosmetic procedures such as laser cellulite reduction and hair removal

Scope of practice determinations are made based upon research of current law and a review of what is taught in the chiropractic college curriculum.



EDUCATION TRAINING AND EXPERIENCE

Once the Board determines that a procedure, test, treatment, etc. is within the scope for Ohio chiropractic physicians, the licensee's concern should be whether he or she has the proper education, training and experience to provide or perform the procedure, test, treatment, etc.

Some chiropractic programs (particularly many years ago) may not address everything within Ohio's scope of practice and of course there are always new developments in healthcare. This leaves it up to each licensee to seek out the education, training and experience necessary to perform those things that were not covered in their chiropractic curriculum.

Licensees should seek out educational opportunities from *legitimate educational providers* to make up for any lack of education in a particular area.

COLLABORATION

Consultation and/or collaboration with another healthcare practitioner may be necessary to ensure appropriate patient management. Failure to properly refer and consult with another healthcare practitioner, when necessary, may be a violation of the Board's laws and rules and could subject you to disciplinary action.



Are You Practicing Acupuncture?

If so, you must possess a certificate from the Board* in order to practice acupuncture in Ohio. (It is also a violation of the Board's advertising and solicitation rule to advertise acupuncture without a certificate from the Board.) In order to obtain an acupuncture certificate, you need the following:

- A current, valid Ohio chiropractic license.
- 300 hours of Board-approved acupuncture training.
- Pass the NBCE Acupuncture examination with a score of 375 or greater.
- Completed application and \$100 fee. (Forms may be downloaded from the Board's website.)

Practicing acupuncture without a certificate from the Board is a 5th degree felony!

*Those licensees who possess an acupuncture license from the State Medical Board are exempt from obtaining a certificate from the Chiropractic Board.

NBCE Acupuncture Exam Coming to Columbus!

The NBCE will offer an Acupuncture exam in Columbus on September 10, 2010. The filing deadline is July 6, 2010. You are encouraged to take advantage of this opportunity - the NBCE does not typically offer the acupuncture examination in Ohio. For more information, please visit the NBCE's website at www.nbce.org.

Staff Members Taking X-Rays?

The Ohio Department of Health requires any individual who performs radiologic procedures on humans to hold a valid Ohio radiologic license.

(Licensed chiropractic physicians are exempt.)



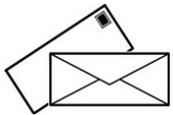
Unlicensed individuals are even prohibited by law from positioning patients and setting the technique factors.

For more information, please contact the Dept. of Health at:

Telephone: (614) 752-4319

Fax: (614) 466-0381

E-mail: BRadiation@odh.ohio.gov



HAVE YOU MOVED?

Any change of home or office address must be filed in writing with the Board office within thirty days of the change. This includes additional practice locations.

Address changes must be filed in writing and may be submitted via mail, email or facsimile.

FY 2010 Disciplinary Actions

Below is a synopsis of the Board's disciplinary actions for fiscal year 2010.

Conduct: Doctor in default of child support order.

Discipline: Indefinite Suspension.

Conduct: Doctor found guilty of 2nd degree misdemeanor Voyeurism committed in the course of practice. **Discipline:** Revocation for no less than 5 years with conditions for restoration.

Conduct: Doctor practiced chiropractic after April 1, 2010 without renewing license. **Discipline:** \$2500 civil fine and 18 hours of CE.

Conduct: Doctor convicted of 5th degree felony Workers' Compensation Fraud and 1st degree misdemeanor Intimidation of a Crime Victim or Witness. **Discipline:** 6 month suspension for BWC Fraud conviction; 3 year suspension for Intimidation conviction (suspensions to run concurrently); reinstatement stipulations; 2 years probation with terms.

Conduct: Doctor convicted of 1st degree misdemeanor Workers' Compensation Fraud and failure to report the conviction on the license renewal application at the proper time. **Discipline:** 45 day suspension; 1 year probation; \$500 fine and 12 CE hours.

Conduct: Doctor practiced chiropractic after April 1, 2010 without renewing license and failed to earn 12 hours of category 1 or 2 CE. **Discipline:** 15 day active suspension; 2 years probation; \$1000 civil fine and 12 hours of CE.

Conduct: Doctor entered into a sexual relationship with a patient that constituted sexual misconduct. **Discipline:** 30 day stayed suspension; \$500 fine; 12 CE hours.

Conduct: Doctor convicted of 3rd degree felony Conspiracy to Commit Insurance Fraud. **Discipline:** Permanent Revocation.

Conduct: Licensure applicant disclosed convictions of Possession of Cocaine, Marijuana, Hydrocodone and Temazepam and entered into a Private Consent Order with the Georgia Board for said convictions. **Discipline:** 5 years probation with stipulations to be effectuated upon active practice in Ohio.

QUESTIONS? CONTACT US AT:

oscb.chirobd@chr.state.oh.us