

Ohio State Chiropractic Board  
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# ANNUAL REPORT

FY 2015

*July 1, 2014 – June 30, 2015*

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# ABOUT THE BOARD

## About the Board

### **MISSION OF THE BOARD**

The Board's purpose is to protect 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, biennial license renewal, clinic inspections, and timely investigation and disciplinary action when indicated.

### **HISTORY OF THE BOARD**

Prior to 1975 the State Medical Board of Ohio regulated chiropractors as limited medical practitioners. The State Board of Chiropractic Examiners was created by the legislature with the enactment of Amended Senate Bill 75 effective on November 3, 1975. This legislation enacted Sections 4734.01 to 4734.19 of the Ohio Revised Code and established a five member Chiropractic Examining Board.

The Board's law was updated and modernized and the Board was renamed the Ohio State Chiropractic Board on April 10, 2001 with the enactment of Sub. House Bill 506.

On August 22, 2007, Sub. Senate Bill 33 became law to authorize the Board to issue certificates to practice acupuncture to qualified chiropractic physicians.

### **DUTIES OF THE BOARD**

The Board fulfills numerous duties to make certain that the citizens of the state of Ohio are afforded care from competent and qualified chiropractic physicians. Those duties include licensing chiropractic physicians, issuing acupuncture certificates, biennial chiropractic and acupuncture license renewal, approving continuing education, issuing temporary licenses, investigating complaints, compliance initiatives and discipline and monitoring. The Board also performs numerous other activities and services such as developing and maintaining a jurisprudence exam, license verification, clarifying and interpreting its laws and rules, administrative rules filings and development, filling public records requests, legislative activities, and administrative functions such as fiscal, human resources, payroll processing, records retention, inventory management and website management.

# BOARD STAFF

## Board Staff

The Board currently employs 5 full time employees to carry out its duties and responsibilities.

**Kelly Caudill, Executive Director**

**Liz Moore, Executive Assistant**

**Kendra Hudson, Paralegal/Licensing Coordinator**

**Jeff Barker, Enforcement Investigator**

**Kim Stein, Enforcement Investigator**

The following changes in Board staff occurred during Fiscal Year 2015: Mari Walker, Certification/Licensure Examiner resigned on 4/30/2015; M. Kate Borloglou, Investigator resigned on 2/2/2015 and Rex Waldenmyer, Enforcement Investigator retired on 3/20/2015.

**Brian S. Wilson, D.C., President**

Wintersville, OH

Appointed: 7/2012

Term Expires: 11/2015

**Norman J. Gloekler, D.C., Vice-President**

Ashtabula, OH

Appointed: 11/2010

Re-Appointed: 4/2015

Term Expires: 11/2018

**Gregory P. Palkowski, D.C.<sup>1</sup>**

Beavercreek, OH

Appointed: 11/2010

Re-Appointed: 4/2015

**Otto J. Schmidt, D.C.**

Parma, OH

Appointed: 1/2014

Term Expires: 11/2017

**Jeffrey O. Brown, Esq. – Public Member**

Steubenville, OH

Appointed: 4/2015

Term Expires: 11/2017

The Board is comprised of four chiropractic physicians and one public member. The Governor, with the advice and consent of the Senate, appoints 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 their travel expenses. During Fiscal Year 2015 the Board consisted of the following members:

## Board Meetings

The Board conducted 6 meetings during Fiscal Year 2015 on the following dates: August 21, October 9, December 4, 2014 and February 12, April 9 and June 25, 2015. All scheduled meetings of the Board are posted on the Board's website and open to the public. Upon request, any person may obtain advance notification of the time, place and purpose of all meetings of the Board.

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<sup>1</sup> Dr. Palkowski served as President of the Board until April 9, 2015.

# MEMBERSHIPS, MEETINGS & CONFERENCES

## Memberships, Meetings & Conferences

### **Federation of Chiropractic Licensing Boards (FCLB)**

The Board is an active member of the Federation of Chiropractic Licensing Boards, 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, Mexico, United Kingdom and New Zealand.

As a member of the FCLB the Board receives free online searches and 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.

### **EDUCATIONAL MEETINGS & CONFERENCES**

October 16-19, 2014: Dr. Gloekler attended the FCLB District II Meeting in Fort Walton Beach, FL.

November 14-16, 2014: Dr. Wilson participated in the NBCE Part IV Test.

January 22-25, 2015: Director Caudill attended the FARB Forum in Tucson, AZ.

May 6-10, 2015: Dr. Palkowski attended the FCLB Annual Conference in New Orleans, LA.

May 6, 2015: Director Caudill attended the CBAC Annual Educational Program in New Orleans, LA.

**NOTE:** Participation in the NBCE Part IV Exam is at no cost to the Board. The NBCE invites two board members to participate in these activities and pays for all related travel expenses.

# BUDGETARY MATTERS

## Budgetary Matters

The Board is self-supported primarily through revenue generated from application and renewal fees. The Board does not receive any funds from the State's General Revenue Fund. As required by ORC 4734.54, all receipts of the Board are deposited into the Occupational and Professional Licensing Fund (4K9). This is a joint fund in which the revenue from various other licensing boards is deposited.

### FISCAL SUMMARY

The following table illustrates the Board's revenues and expenditures for FY 2015.

REVENUES	
DESCRIPTION	REVENUE
Licenses & Renewal Fees	\$32,835
Rosters & Records	\$106
Fines & Penalties	\$10,203
<b>TOTAL</b>	<b>\$43,144</b>

  

EXPENDITURES	
DESCRIPTION	EXPENSE
500 & 510 Account (e.g.: payroll, hearing examiner, experts, court reporters, membership dues)	\$434,679
520 Account (e.g.: state maintenance fees, rent, supplies, travel, credit card processing, printing)	\$94,577
530 Account (e.g.: computers, equipment)	\$6,330
<b>TOTAL</b>	<b>\$535,586</b>

  

APPROPRIATIONS	
FISCAL YEAR	APPROPRIATION
2013	\$584,925
2014	\$617,829
2015	\$630,775

# ADMINISTRATIVE RULES

## Administrative Rules

The Board formulates and adopts rules to govern its actions governing the practice of chiropractic. Rules adopted under Chapter 4734 must be according to the procedures of ORC § 119. 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 ORC § 103.0511. Public hearings regarding rule changes are held in accordance with ORC § 119.

In addition to the above process, if a rule is determined to have an adverse impact on business, the rule must also be filed with the Common Sense Initiative (CSI) Office.

### 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 reviewed by CSI and 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.

The rules below were reviewed during FY 2015 and the following actions were taken:

#### **No Change**

4734-3-05 Restricting and Logging Access to Confidential Personal Information in computerized personal information systems

#### **Amended**<sup>2</sup>

4734-3-01 Personal Information Systems Defined  
4734-3-02 Procedures for Accessing Confidential Personal Information  
4734-3-03 Valid Reasons for Accessing Confidential Personal Information  
4734-3-04 Confidentiality Laws  
4734-5-01\* Board Approved Doctor of Chiropractic Degree Programs  
4734-6-04\* Preceptorships  
4734-7-03\* Continuing Education Offered Outside the State of Ohio and Via Supervised Self Instruction  
4734-7-04\* Inactive Chiropractic License; Restoration of Chiropractic License

#### **New**

4734-11-01\* Military Considerations

#### **Rescinded**

4734-1-15\* Scope of Practice  
Board rule 4734-1-15 was withdrawn on March 27, 2015 in order for the Board to further consider the rule.

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<sup>2</sup> An asterisk denotes that the rule was reviewed by the CSI Office prior to filing.

# CONTINUING EDUCATION

## Continuing Education

Chiropractic licenses and acupuncture certificates must be renewed by April 1 of every even numbered year. The CE requirement for a chiropractic license is 36 hours per biennium and 12 hours per biennium for acupuncture certificates.

In accordance with OAC § 4734-7-02, a program offered within the state of Ohio for CE credit must be sponsored by a Board-approved CE Sponsor. (All Board-approved chiropractic colleges are automatically deemed Board-approved CE Sponsors.) It is the responsibility of the Board to review and approve CE sponsors and programs held within the state of Ohio. All programs are posted on the Board's website.

There were no new CE Sponsors approved during FY 2015.

### **BOARD-APPROVED CE SPONSORS**

Central Ohio Chiropractic Association	Adena Health Systems
Cleveland Clinic Educational Foundation	Life University
Chiropractic Association of Ohio	Life Chiropractic College West
Metro Health System of Cleveland	Logan University
Miami Valley Chiropractic Society	Southern California University of Health Sciences
Motion Palpation Institute	Summa Health Western Reserve Hospital
New Albany Surgical Hospital Foundation	National University of Health Sciences
North Central Academy of Chiropractic	New York Chiropractic College
Northeast Ohio Academy of Chiropractic	Northwestern Health Sciences University
Northwest Ohio Chiropractic Association	Palmer College of Chiropractic
Ohio State Chiropractic Association	Parker University
Ohio Public Health Partnership	Sherman College of Chiropractic
The Metro Health System	Texas Chiropractic College
Canadian Memorial Chiropractic College	Univ. of Bridgeport, College of Chiropractic
Cleveland Chiropractic College	Univ. of Western States, College of Chiropractic
D'Youville College	
International Chiropractic Pediatric Assoc.	

# EXAMINATION & LICENSE ACTIVITY

## Examination & License Activity

The Board requires all applicants for licensure to successfully take and pass an online Jurisprudence examination. Applicants are permitted to take the exam once they have met all of the Board's filing requirements and their application is approved.

### LICENSE ACTIVITY AS OF JUNE 30, 2015

TYPE OF LICENSE	ISSUED DURING FY 15	TOTAL ACTIVE
Chiropractic	84	2478
Acupuncture Certificates	3	146
Preceptorship	16	16
Temporary License (1 Military)	2	2

**ADDITIONAL CHIROPRACTIC LICENSE DATA:** Inactive 4; Forfeited 0; Retired 2; Deceased 2

# ENFORCEMENT STATISTICS & DISCIPLINE

## Enforcement Statistics & Discipline

The Executive Director serves as the Chief Enforcement Officer for the Board and is responsible for enforcing the laws and rules governing the practice of chiropractic. All complaints are reviewed to determine preliminary disposition: closure, referral to another agency, investigation, or hold open pending further information. The Board regularly works with law enforcement agencies statewide to investigate misconduct by chiropractic physicians and prosecute the unlicensed practice of chiropractic.

### INVESTIGATIONS

Investigations opened: 61

Investigations completed: 73 – (includes disposition of complaints received prior to FY 2015)

### NUMBER OF INVESTIGATIONS BY CATEGORY IN FY 2015

Advertising:	5	Miscellaneous:	6
Billing:	11	Records:	2
Conviction/Criminal:	7	Sexual Misconduct:	5
Solicitation:	6	Treatment:	9
License Denial:	0	Unlicensed Practice:	1
Scope:	3	Child Support:	1
Standard of Care:	2	Violation of Consent:	2
Reinstatement Denial:	1		

### MISCELLANEOUS ACTIONS

Minor Violation Letters Issued:	23	Consent Agreement Modifications:	5
Compliance Inspections/Site Visits:	63	Warning Letters Issued:	10

### FORMAL ACTIONS

Adjudication Orders:	3	License Revocations:	2
Consent Agreements:	12	Formal Charges (Citations):	5
Disciplinary Hearings Held:	3	Mental & Physical Exams:	0
Orders:	4	Voluntary Surrenders:	1

# ENFORCEMENT STATISTICS & DISCIPLINE

## QUALITY INTERVENTION PROGRAM

The QIP is a confidential alternative to formal disciplinary proceedings. The program is a voluntary program designed to address practice and communication complaints which do not appear to warrant intervention by formal disciplinary action, but may indicate that the licensee involved has developed poor practice patterns or has failed to keep up with current standards of chiropractic and/or acupuncture practice.

During FY 2015 no licensees were invited to participate in the QIP.



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