

**Frank Dachtler, D.C.**

Case Number: 2000 CHR 052

Disciplinary Synopsis: 10 day Suspension – Stayed  
6 Month Probation  
March 23, 2001 – September 23, 2001  
Please see a copy of the discipline for complete details.

Date of Action: March 23, 2001



State of Ohio

# Ohio State Chiropractic Board

Kelly A. Valentine, Executive Director  
BEFORE THE OHIO STATE CHIROPRACTIC BOARD

Board Members  
Rick A. McMichael, D.C.  
President  
Steven M. Bleser, D.C.  
Blanche A. Casey  
Public Member

IN THE MATTER OF:

Frank Carl Dachtler, D.C.,  
License No. 2717,

Respondent.

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)

Case No. 2000 CHR 052  
Rick A. McMichael, D.C.,  
Board President  
Consent Agreement

James P. Powell, D.C.  
Robert B. Sheely, D.C.

## CONSENT AGREEMENT

### Introduction

1.) This Consent Agreement is entered into by and between FRANK CARL DACHTLER, D.C. (hereinafter "Dr. DACHTLER"), and the STATE OF OHIO, STATE CHIROPRACTIC BOARD (hereinafter "BOARD"), a state agency responsible for enforcing Chapter 4734 of the Ohio Revised Code. Dr. DACHTLER and the BOARD have agreed to enter into this Consent Agreement (hereinafter "Agreement") which the parties have determined to be in their mutual best interests, and the best interest of the people of Ohio. In consideration of the foregoing and mutual promises hereinafter set forth, Dr. DACHTLER and the BOARD hereby Consent and Agree to the following admissions, stipulations, terms, and conditions.

2.) This Agreement shall be binding upon the BOARD and cannot bind any other federal, state, or local prosecuting, administrative, law enforcement, or regulatory agency.

3.) Dr. DACHTLER received his doctor of chiropractic (D.C.) degree from Cleveland Chiropractic College on August 21, 1998. Dr. DACHTLER was issued license number 2717 by the BOARD on August 25, 1998.

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4.) On December 8, 2000, the BOARD issued a Notice of Opportunity for Hearing to Dr. DACHTLER, alleging certain violations of Chapter 4734 of the Ohio Revised Code and advising him of his right to request a formal adjudicatory hearing in the matter, pursuant to Chapter 119 of the Ohio Revised Code. Dr. DACHTLER requested a formal adjudication hearing on December 21, 2000, through his attorney, Robert P. Sherman, pursuant to Chapter 119 of the Ohio Revised Code.

**Advice of Rights and Acceptance of Terms**

5.) Dr. DACHTLER accepts and agrees to the terms and conditions of this Agreement and enters into same knowingly, intelligently and voluntarily, recognizing that he is waiving his rights relative to a formal adjudication hearing under Chapter 119 of the Ohio Revised Code and all other substantive and procedural protections afforded by law. Such rights include, but are not limited to: the right to a hearing before the BOARD, the right to confront and cross-examine witnesses against him, the right to testify if he so chooses and to call witnesses on his behalf, the right to be represented by an attorney at every stage of the proceedings against him, and his right to attorneys fees under Chapter 119, Ohio Revised Code. Being advised of those rights, Dr. DACHTLER ADMITS the allegations contained in Counts I, II, III and IV of the Notice of Opportunity for Hearing issued to him on December 8, 2000. The Board DISMISSES with prejudice Count V. Said Notice of Opportunity for Hearing is attached hereto and is incorporated into this Agreement as Exhibit A.

**Disciplinary Action**

6.) Dr. DACHTLER AGREES that his license to practice chiropractic in the state of Ohio shall be SUSPENDED for a term of ten (10) days, for his conduct described in Counts I, II, III and IV of the Notice of Opportunity for Hearing listed above in paragraph 5. Said suspension shall be STAYED by the BOARD, in return for Dr. DACHTLER's compliance with this agreement. If, following notice and an evidentiary hearing, Dr. DACHTLER is found by the BOARD to have

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violated any of the terms of this agreement, the BOARD may suspend the chiropractic license of Dr. DACHTLER for any period of time up to ten (10) days based solely upon a violation of this agreement. In addition, if Dr. DACHTLER's conduct in violating this agreement is also a violation of Ohio Revised Code Chapter 4734 or Ohio Administrative Code Section 4734, the BOARD may impose any additional penalty as provided by law.

7.) Dr. DACHTLER's license to practice chiropractic in Ohio shall be placed upon PROBATION for a term of six (6) months.

8.) While on probation, Dr. DACHTLER shall obey all federal, state, and local laws, and all laws and rules governing the practice of chiropractic in the state of Ohio. If Dr. DACHTLER is arrested, charged or convicted of any violation of the law, other than minor misdemeanor traffic violations, he shall report said arrest, charge or conviction to the BOARD within thirty (30) days from the date of arrest, charge or conviction.

9.) While on probation, Dr. DACHTLER hereby consents to the BOARD entering onto the office, clinic or any premises where he may practice chiropractic or the billing for his chiropractic services is carried on. Said inspections may be accomplished during regular business hours and at all other reasonable times.

#### **Waiver of Liability**

10.) Dr. DACHTLER hereby releases the members of the BOARD, its officers, agents, representatives, and employees jointly and severally, from any and all liability arising from within this matter.

#### **Board's Obligation**

11.) The BOARD agrees to these terms and conditions in lieu of formal proceedings on the allegations contained in the Notice of Opportunity for Hearing dated December 8, 2000.

**Approval of Agreement by Board and Effective Date**

12.) By his signature on this Agreement, Dr. DACHTLER agrees that in the event that the BOARD, in its discretion, does not approve this Agreement, this Agreement is void and shall be of no evidentiary value and the Agreement shall not be relied upon or introduced in any disciplinary hearing or appeal by either party. Dr. DACHTLER agrees that should the BOARD reject this Agreement and if the case proceeds to hearing, he will assert no claim that the BOARD was prejudiced by its review and discussion of this Agreement or of any information relating thereto. The terms and conditions of this Agreement shall become effective immediately upon approval by the BOARD.

**Modification**

13.) Upon consent of both parties, the terms and conditions of the Agreement may be modified in writing.

**Reporting of Action and Public Record**

14.) The BOARD may report this action to appropriate data banks, government agencies, and other persons or entities. In accordance with 42 U.S.C. § 1320a-7e(b), 5 U.S. § 552a, 45 C.F.R. pt 61, and ORC § 2301.373(E) the BOARD may disclose the disciplinary action contained in this Agreement to the Federal Department of Health and Human Service's Healthcare Integrity and Protection Data Bank and/or the Local County Child Support Enforcement Agency. It is AGREED and UNDERSTOOD by and between the parties that this Consent Agreement is a public record as that term is used in § 149.43 of the Ohio Revised Code.

**No Additional Agreements**

15.) It is hereby agreed by and between both parties that this Agreement hereby settles all issues contained in the Notice of Opportunity for Hearing dated December 8, 2000 issued to FRANK CARL DACHTLER, D.C. The BOARD and Dr. DACHTLER agree that this Agreement as set out above constitutes the entire Agreement between the BOARD and Dr. DACHTLER.

**Respondent and Attorney Review**

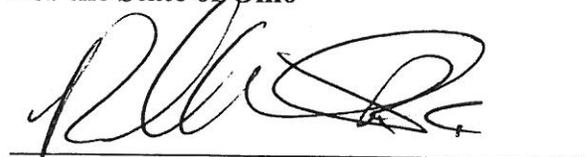
16.) Dr. DACHTLER acknowledges that he has read this Agreement, that he has had an opportunity to discuss it with his attorney, that he fully understands this Agreement, and that he is voluntarily signing this Agreement. Dr. DACHTLER agrees that he has been represented satisfactorily by competent and effective legal counsel throughout this process by an attorney of his choosing. Furthermore, the attorney for Dr. DACHTLER acknowledges that he has discussed this Agreement with Dr. DACHTLER, and that he has fully explained the Agreement to Dr. DACHTLER.

The remainder of this page has been left blank intentionally.

For the Respondent,

For the State of Ohio

  
Frank Carl Dachtler, D.C.

  
Rick A. McMichael, D.C., President  
Ohio State Chiropractic Board

3/16/01  
Date

3/23/01  
Date

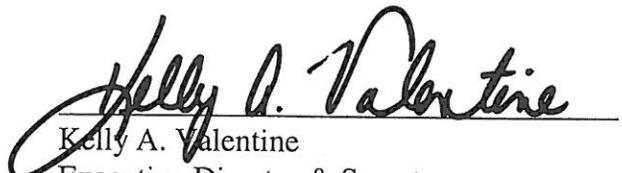
  
Robert P. Sherman, Esq.  
Counsel for Respondent

  
David V. Patton, Esq.  
Assistant Ohio Attorney General  
Health & Human Services Section

3/20/01  
Date

4-4-01  
Date

ATTEST:

  
Kelly A. Valentine  
Executive Director & Secretary  
Ohio State Chiropractic Board

3/23/01  
Date

Attachment:

Exhibit A: Notice of Opportunity for Hearing issued 12/8/2000



State of Ohio

# Ohio State Chiropractic Board

Kelly A. Valentine, Executive Director  
BEFORE THE OHIO STATE CHIROPRACTIC BOARD

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Robert B. Sheely, D.C.

IN THE MATTER OF: )

Frank C. Dachtler, D.C., )  
License No. 2717 )

Respondent. )

Case No. 2000 CHR 052

Issue Date: December 8, 2000

## NOTICE OF OPPORTUNITY FOR HEARING

TO: Frank C. Dachtler, D.C.  
690 Broadway Avenue  
Bedford, OH 44146

## INTRODUCTION & JURISDICTION

In accordance with the provisions of Sections 119.06 and 119.07 of the Ohio Revised Code, you are hereby notified that you are entitled to a hearing by the State Chiropractic Board on the question of whether or not your doctor of chiropractic license, which was issued under the provisions of Chapter 4734 of the Ohio Revised Code, should be revoked or suspended for your alleged violations of § 4734.10 (A)(2), (A)(5) and (A)(8) of the Revised Code and Ohio Administrative Code § 4734-1-16 (B), (E)(1), (F)(3), to wit:

### COUNT I

On or about October 12, 1999 you ran an advertisement in *The Plain Dealer* in which you offered a free report promoting your chiropractic practice to car accident victims via a toll free number. In this advertisement you failed to list your first and last name in conjunction with the word(s) chiropractic, chiropractor, chiropractic physician or the initials D.C. {Violation of ORC § 4734.10 (A)(2), (5), (8) and OAC § 4734-1-16 (B), (E)(1), (F)(3)}

### COUNT II

On or about December 24, 1999, you ran an advertisement in *Ohio Labor Citizen* in which you offered a free report promoting your chiropractic practice to car accident victims via a toll free number. In this advertisement you failed to list your first and last name in conjunction with the word(s) chiropractic, chiropractor, chiropractic physician or the initials D.C. {Violation of ORC § 4734.10 (A)(2), (5), (8) and OAC § 4734-1-16 (B), (E)(1), (F)(3)}

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### COUNT III

Upon calling the toll free number indicated in your advertisements for the free report, the recorded message indicated that the caller has reached the "Cuyahoga County Victims Rights Society." In this recorded message you failed to disclose your first and last name in conjunction with the word(s) chiropractic, chiropractor, chiropractic physician or the initials D.C. {Violation of ORC § 4734.10 (A)(2), (5), (8) and OAC § 4734-1-16 (B), (E)(1), (F)(3)}

### COUNT IV

The name of the society "Cuyahoga County Victims Rights Society" can reasonably be construed as misleading to the public. This society purportedly exists to help in directing the victims of automobile accidents to the proper facility for evaluation of injuries, when in fact your chiropractic clinic is the only facility that victims of automobile accidents are referred to. This society is operated from your clinic and has no members other than you and Sam A. Galati, D.C. {Violation of ORC § 4734.10 (A)(2), (5), (8) and OAC § 4734-1-16 (B), (E)(1), (F)(3)}

### COUNT V

The free report you advertised in the *The Plain Dealer* and the *Ohio Labor Citizen States* "My name is Dr. Frank Dachtler, Dr. Sam Galati and myself have been treating Auto Accident patients for years now," when in fact, at the time this report was advertised you had only been licensed to practice chiropractic for 14 months. {Violation of ORC § 4734.10 (A)(2), (5), (8) and OAC § 4734-1-16 (E)(1), (F)(3)}

Ohio Revised Code § 4734.10 states in pertinent part: "(A) The chiropractic examining board may refuse, revoke, or suspend for a limited period, the license of an applicant for licensure to practice chiropractic or of a licensed chiropractor for any of the following causes: (2) Any violation of this chapter; ... (5) Violation of any rule adopted by the board to govern the practice of chiropractic that is consistent with section 4734.091 [4734.09.1] of the Revised Code; ... (8) Being guilty of false, fraudulent, or misleading advertising ... or having professional connection with any individual, firm, or corporation that advertises contrary to division (A)(8) of this section;"

Ohio Administrative Code § 4734-1-16 states in pertinent part: "... (B) All licensees practicing chiropractic in Ohio shall use the word(s) "chiropractic," "chiropractor," "chiropractic physician" or the initials "D.C." in conjunction with their first and last name on all signs, letterheads, business cards, advertising and/or similar items of identification. ... (E) In the conduct of practice, no person holding a license to practice chiropractic shall engage in advertising or soliciting for patronage that which is not in the public interest. Advertising or soliciting not in the public interest shall include advertising that: (1) Is false, fraudulent, deceptive or misleading; ... (F) It shall be considered unprofessional or unethical conduct and grounds for discipline if any licensee: ... (3) Engages in advertising or soliciting which on its face or as applied can reasonably be construed as deceiving the public; ..."

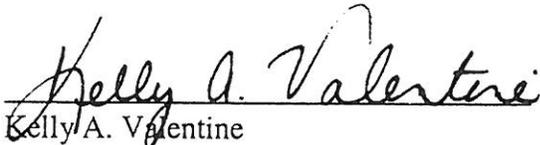
### HEARING PROCEDURES

Under Section 119.07 of the Ohio Revised Code, you have a right to request a hearing on these allegations. If you request such a hearing, *you must do so within thirty days of the date of this notice*. If you do not request such a hearing within thirty days of the date of this notice, the State Chiropractic Board, in your absence and upon consideration of the matter, may revoke or suspend your license as a doctor of chiropractic, without such a hearing.

You are hereby notified that you may appear at such hearing in person, or you may be represented by your attorney or other representative. You may present your position, arguments, or contentions in writing, and you may, at such hearing, present evidence and examine witnesses who may appear for or against you.

Section 119.07 of the Ohio Revised Code states, in part: "...Whenever a party requests a hearing in accordance with this Section and Section 119.06 of the Revised Code, the agency shall immediately set the date, time, and place for such hearing and forthwith notify the party thereof. The date set for such hearing shall be within fifteen days, but not earlier than seven days, after the party has requested a hearing unless otherwise agreed to by both the agency and the party."

**BY ORDER OF THE OHIO STATE CHIROPRACTIC BOARD**

  
Kelly A. Valentine  
Executive Director



cc: All Members of the Ohio State Chiropractic Board  
David V. Patton, Esq., Assistant Attorney General

Certified Mail No. 7187 8512 0110 0000 0061  
Return Receipt Requested