



NEWSLETTER

January 2010

77 S. High St., 16th Floor, Columbus, OH 43215

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

NEW PROPOSED CONTINUING EDUCATION REQUIREMENTS!

Included in this Newsletter is important information pertaining to new proposed continuing education requirements for CE you must earn AFTER April 1, 2010. These proposed changes do not affect the hours you are required to report to renew your license by April 1, 2010.

NEED PROOF THAT YOUR LICENSE IS ACTIVE THROUGH MARCH 31, 2010?

New audit cards were mailed to each actively licensed chiropractic physician and acupuncture certificate holder the week of December 7, 2009. This green postcard serves as your proof of renewal and indicates that your license now expires on March 31, 2010.

If you did not receive this card and need proof of your license expiration, please contact the Board office for a duplicate at OSCB.ChiroBD@chr.state.oh.us.



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Chiropractic and Acupuncture Renewal Applications will be mailed by February 1, 2010.

All applications and fees must be returned postmarked on or before April 1, 2010. Instructions for filing will be included with the application. You are only required to report 24 hours of CE for this renewal. The new proposed CE requirements outlined in this Newsletter do not apply to your upcoming renewal.



WATCH YOUR MAIL

If you receive any document from the Board, it is important to thoroughly review the information contained in the communication.

- Renewal applications will be mailed out by February 1, 2010.
- You will receive future communication from the Board about CE requirements once they are finalized.

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Public Rules Hearing

A public hearing will be held on February 11, 2010 at 1:00 p.m. in the Vern Riffe Center for Government and the Arts, 77 South High Street; 19th Floor, Room 1960, Columbus, Ohio for the purpose of adopting new administrative rules and amending and rescinding certain existing administrative rules. The hearing will be recorded at the expense of the Board.

Any person affected by the proposed rules may:

- Appear and be heard in person, by the person's attorney, or both at the hearing;
- Present their positions, arguments, or contentions, orally or in writing;
- Offer and examine witnesses;
- Present evidence tending to show that the proposed rules, amendments, or rescissions, if adopted or effectuated, would be unreasonable or unlawful.

The Board will also permit persons affected by the new proposed rules or any proposed rule amendment or rescission to present their positions, arguments, or contentions in writing. Written testimony must be received by February 11, 2010 by 12:30 p.m. to be included in the hearing record. You are not required to appear at the hearing if you choose to present your position, arguments or contentions in writing.

Upon closure of the hearing record, the Board will thoroughly review and consider all testimony. The Board may make changes to a rule based on testimony received. If the Board refiles a rule, a second public hearing notice is not required unless the change in the rule makes the rule inconsistent with the public hearing notice provided with the original rule filing.

Prior to the effective date of a new rule or amendment or rescission, the Board will make a reasonable effort to inform those affected by the rule or amendment. The method of notification will include posting the full text of the rules as adopted or amended on the Board's web site and may include sending notification to all current licensees via regular mail. Any person or his or her attorney who provided evidence, oral testimony, and/or a written statement which was made part of the record of

the public hearing will also receive notification by regular mail.

Listed below is a general statement of the subject matter of all rules to be adopted, amended and rescinded. The changes are proposed to implement new chiropractic CE requirements; new procedures to inactivate and reactivate inactive and forfeited licenses and certificates; establish new procedures for in-state and out-of-state chiropractic and acupuncture CE and to eliminate temporary licenses for artistic and sporting events.

For detailed information on all changes, the full text of each rule is posted on the Board's website at www.chirobd.ohio.gov. Click on the link "Proposed Rule Changes." You may also contact the Board office for a full copy of the proposed new rules and rules amendments and rescissions.

Rules to be Rescinded

4734-6-03 Temporary Licenses

Proposed to be Rescinded and Adopted as New

- 4734-7-01 Chiropractic License Renewal Requirements
- 4734-7-02 Standards for Board-Approved Continuing Education Sponsors; Continuing Education Held Within the State of Ohio
- 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
- 4734-7-05 Forfeiture of Chiropractic License; Restoration of Chiropractic License
- 4734-10-4 Acupuncture Certificate Renewal Requirements
- 4734-10-06 Inactive Acupuncture Certificate; Restoration of Acupuncture Certificate

Highlights of Proposed CE Changes:

These proposed changes do not affect the hours you are required to report to renew your license by April 1, 2010.

4734-7-01: Chiropractic License Renewal Requirements

There will no longer be 3 categories of CE credit.

Each licensee will be required to earn 36 hours of CE per biennium, of which 1.5 hours must be on the topic of ethics and/or professionalism. (Bienniums begin on April 1 of even numbered years, ie., 4/1/10; 4/1/12; 4/1/14, etc.)

CE shall be earned in consideration of your home and practice location as follows:

If you reside and practice in the state of Ohio:

- 24 hours of CE must be earned in the state of Ohio;
- The remaining 12 hours of CE may be earned in the state of Ohio, outside the state of Ohio, or via supervised self instruction.
- The required 1.5 hours of CE on the topic of ethics and/or professionalism may be earned in the state of Ohio, outside the state of Ohio, or via supervised self instruction.

If you reside and practice outside of the state of Ohio, you may earn all required 36 hours of CE credit, including the 1.5 hours on the topic of ethics and/or professionalism, within the state of Ohio, outside the state of Ohio, or via supervised self instruction.

Continuing Education Sponsored in Ohio

All CE credit earned in the state of Ohio shall be sponsored by an "Ohio Board-Approved CE Sponsor" and comply with the requirements outlined in administrative rule *4734-7-02. All Board-approved chiropractic colleges are "Ohio Board-Approved CE Sponsors." Non-profit associations, academic health institutions and hospitals may apply to become an "Ohio board-approved CE sponsor." The Board will post a list of all Board-approved CE sponsors and programs registered for CE credit on its website. If a program is not posted on the Board's website, it will not be accepted for license renewal credit.

Out of State CE

CE credit earned outside the state of Ohio must be sponsored by board-approved chiropractic educational institution, non-profit association, accredited academic health institution or hospital and comply with the requirements outlined in administrative rule *4734-7-03.

Supervised Self Instruction

Supervised Self Instruction is defined as audio/video or internet programs that offer *participant feedback and interaction with instructors and a mechanism for assessing participant mastery of the subject matter of the program* and must be sponsored by a board-approved chiropractic educational institution, non-profit association, accredited academic health institution or hospital and comply with the requirements outlined in administrative rule 4734-7-03.

*You may view these rules by visiting the Board's website at www.chirobd.ohio.gov. Click on the link "Proposed Rule Changes."

The Board will no longer accept reading journals and publications for CE credit.

These proposed changes will not go into effect until AFTER you renew your license in 2010!



WE WANT TO HEAR FROM YOU

If you wish to comment on the Board's proposed CE changes, you may provide written or oral testimony for the public rules hearing. Please refer to page 2 for instructions on providing public comment/testimony. The Board members do consider the input and testimony they receive regarding proposed rules changes and have many times modified their proposed changes based on input and testimony received.

You are strongly encouraged to visit our website to review all of the Board's proposed rules changes in their entirety. If you need clarification regarding the proposed changes, please contact the Board office at OSCB.Chirobd@chr.state.oh.us.



HAVE YOU MOVED?

Each time rules are changed, we are contacted by licensees who tell us they were unaware of any proposed rules changes and did not have the opportunity to voice their opinion.

Any change of address must be filed in writing with the Board office within thirty days. Failing to keep your address current with the Board is not only a disciplinary violation, but can also result in failure to receive important notifications pertaining to changes in Board laws and rules.

FY 2009 Disciplinary Actions

Conduct: Doctor 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. The quantity of examinations and therapeutic procedures rendered to the patient for the conditions diagnosed were conducted more often than necessary and the doctor attempted to obtain a fee by fraud or misrepresentation by billing for CPT codes that he did not document meeting the components of and reported charges that were not rendered and failed to comply with a subpoena issued by the Board. **Discipline:** 12 month suspension with 6 months stayed.

Conduct: Doctor pled no contest to and was found guilty of Aggravated Menacing, a misdemeanor of the first degree committed in the course of practice. **Discipline:** 6 month stayed suspension and 12 hours of anger management CE.

Conduct: Doctor forged documents to a bank in the name of another doctor with purpose to defraud and/or knowing he was committing fraud and used, obtained or possessed personal identifying information pertaining to that doctor with purpose to hold himself out as and represent the doctor's personal identifying information was his own. Doctor also failed to maintain proper, accurate, and legible records documenting the care he provided to certain patients. **Discipline:** 30 day suspension with 20 days stayed, 15 months of probation under compliance monitoring and other probationary stipulations.

Conduct: Doctor pled guilty to one felony count of Conspiracy to Commit Health Care Fraud and one felony count of Conspiracy to Commit Money Laundering. **Discipline:** Permanent Revocation.

Conduct: Doctor 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. Doctor 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. **Discipline:** Reprimand.

Conduct: Doctor pled no contest to and was found guilty of Menacing by Stalking. **Discipline:** 30 day stayed suspension, 15 months probation, psychological evaluation and additional probationary stipulations.

Conduct: Doctor violated his Consent Agreement by failing to record all telephone solicitations. **Discipline:** 15 day suspension and other probationary stipulations.

Conduct: Doctor pled guilty, pursuant to an *Alford* plea, to Complicity to Commit Obstructing Justice. **Discipline:** 4 month suspension with 2 months stayed, 1 year probation, \$2500 fine, 12 hours of CE and additional probationary stipulations.

Conduct: Doctor practiced without a current license and failed to inform the Board of his home and business address changes. **Discipline:** 30 day suspension with 15 days stayed, \$1000 fine with \$500 stayed and additional probationary stipulations.

Conduct: Doctor placed a misleading advertisement in the Yellow Pages listing a chiropractic physician in his practice who did not possess a valid, current license at the time of publication. **Discipline:** Reprimand and \$1500 fine.

Conduct: Doctor engaged in a sexual relationship with a patient and failed to maintain proper records of the patient's treatment. Doctor further made false, fraudulent, or deceitful statements by denying the sexual relationship with the patient and 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 the doctor. This conduct occurred while the doctor was on probation with the Board for a previous disciplinary action, constituting a violation of his probation. **Discipline:** Permanent Revocation.

Conduct: Doctor failed to comply with a subpoena issued by the Board and failed to maintain the confidentiality of patient. **Discipline:** 30 day suspension with 15 days stayed, \$1500 fine and additional probationary stipulations.