

Ohio State Chiropractic Board
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ANNUAL REPORT

FY 2017

July 1, 2016 – June 30, 2017

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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, 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 employed 4 full time employees during FY 17 to carry out its duties and responsibilities.

Kelly Caudill, Executive Director

Liz Moore, Executive Assistant

Kendra Hudson, Paralegal/Licensing Coordinator (*resigned 4/21/17*)

Kim Stein, Enforcement Investigator

Board Meetings

The Board conducted 6 meetings during Fiscal Year 2017 on the following dates: August 4, October 6, December 1, 2016 and February 9, April 20 and June 8, 2017. 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.

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 2017 the Board consisted of the following members:

Otto J. Schmidt, D.C., President¹

Parma, OH

Appointed: 1/2014

Term Expires: 11/2017

Norman J. Gloekler, D.C., Vice-President²

Ashtabula, OH

Appointed: 11/2010

Re-Appointed: 4/2015

Term Expires: 11/2018

Gregory P. Palkowski, D.C.

Beavercreek, OH

Appointed: 11/2010

Re-Appointed: 4/2015

Term Expires: 11/2018

Chiropractic Physician Member

VACANT

Jeffrey O. Brown, Esq. – Public Member

Steubenville, OH

Appointed: 4/2015

Term Expires: 11/2017

¹ Dr. Schmidt was elected Board President 2/11/2016.

² Dr. Gloekler was re-elected Board Vice-President 2/11/2016.

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, and other countries.

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 of other Boards, and educational conference communication.

EDUCATIONAL MEETINGS & CONFERENCES

October 13-16, 2016: Director Caudill and Ms. Moore attended the Federation of Chiropractic Licensing Boards District II Meeting in Fort Walton Beach, FL.

May 3-7, 2017: Drs. Gloekler and Palkowski, Director Caudill and Ms. Moore attended the Federation of Chiropractic Licensing Boards Annual Conference in Orlando, FL.

May 19-21, 2017: Drs. Gloekler and Palkowski served as test site examiners for the National Board of Chiropractic Examiners Part IV Exam*.

*Participation in the NBCE Part IV Exam is at no cost to the Board.

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 2017.

REVENUES	
DESCRIPTION	REVENUE
Licenses & Renewal Fees	\$33,7601
Rosters & Records	\$0
Fines & Penalties	\$2,150
TOTAL	\$35,910

EXPENDITURES	
DESCRIPTION	EXPENSE
500 & 510 Account (e.g.: payroll, hearing examiner, experts, court reporters, membership dues)	\$398,303 ³
520 Account (e.g.: state maintenance fees, rent, supplies, travel, credit card processing, printing)	\$102,628
530 Account (e.g.: computers, equipment)	\$0
TOTAL	\$500,932

APPROPRIATIONS	
FISCAL YEAR	APPROPRIATION
2015	\$630,775
2016	\$648,734
2017	\$663,521

³ Payroll was significantly lower due to staff vacancies.

ADMINISTRATIVE RULES

Administrative Rules

The Board formulates and adopts rules to govern its actions regulating 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 2017 and the following actions were taken:

No Change

- | | |
|------------|---|
| 4734-4-02 | Representatives; appearances; communications; applicability. |
| 4734-4-03 | Continuances. |
| 4734-4-04 | Out-of-state attorneys. |
| 4734-4-05 | Authority and duties of hearing officers. |
| 4734-4-06 | Broadcasting and photographing administrative hearings. |
| 4734-4-07 | Depositions in lieu of testimony at hearing and transcripts of prior testimony for submission at hearing. |
| 4734-4-08 | Witnesses; subpoenas; witness fees. |
| 4734-4-09 | Evidence; judicial notice of board records; stipulations; certified copy of conviction deemed conclusive. |
| 4734-4-10 | Limited discovery procedures. |
| 4734-4-11 | Motions. |
| 4734-4-12 | Pre-hearing conferences; status conferences. |
| 4734-4-13 | Post hearing procedures; reports and recommendations; newly discovered evidence; addressing the board. |
| 4734-4-14 | Requesting adjudication hearing; timing of hearing; notification of hearing; requirements for filing; calculation of time; transcripts. |
| 4734-6-09 | Character and fitness standards. |
| 4734-10-01 | Maintaining a certificate to practice acupuncture. |

ADMINISTRATIVE RULES

Amended

- 4734-1-09 Organizational memberships.
- 4734-6-06 Jurisprudence examination.
- 4734-7-04 Restoration of inactive chiropractic license.
- 4734-7-05 Reinstatement of forfeited chiropractic license.
- 4734-10-02 Acupuncture course of study approval.

New

- 4734-1-01 Rulemaking and review of existing rules.
- 4734-1-02 Public notice of meetings.
- 4734-7-03 Continuing education credit for providing health care to indigent and uninsured persons as a volunteer.

Rescinded

- 4734-1-02 Public notice of meetings.
- 4734-2-01 Public notice of rules.
- 4734-2-02 Five year rule review.
- 4734-2-03 Rules hearings.
- 4734-4-01 Hearings; disciplinary procedures.

NOTE: The above listed rules were reviewed and filed in FY 2017 but the JCARR jurisdiction ending dates and final filing dates are in FY 2018.

Chiropractic licenses and acupuncture certificates must be renewed by April 1 of every even numbered year. The 2016 biennial renewal requirement for a chiropractic license was 36 hours with an additional 12 hours required to renew an acupuncture certificate.

Effective April 1, 2016 the Board enacted new CE rules removing the requirement that in-state CE providers be Board-approved. In addition, the new rules removed the in-state CE earning requirement, put no limit on out of state or online CE hours, and allows chiropractors who simultaneously hold an acupuncture certificate to earn 36 hours of CE to renew both licenses. Of the 36 hours of CE required for renewal, 2 hours are mandated on the topics of ethics/professionalism/human trafficking awareness and/or laws and rules of the Board.

During FY 2017 the Board provided links on its website to two hours of free Board mandated CE on the topics of Human Trafficking and Laws and Rules of the Board.

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, 2016

TYPE OF LICENSE	ISSUED DURING FY 17	TOTAL ACTIVE
Chiropractic	91	2512
Acupuncture Certificates	8	156
Preceptorship	32	32
Temporary License	0	0

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.

INVESTIGATIONS

Investigations opened: 58

Investigations completed: 63 – (includes disposition of complaints received prior to FY 2017)

NUMBER OF INVESTIGATIONS BY CATEGORY IN FY 2017

Advertising:	2	Miscellaneous:	6
Billing:	13	Ethics:	1
Conviction/Criminal:	3	Sexual Misconduct:	6
Solicitation:	7	Treatment:	8
License Denial:	1	Unlicensed Practice:	2
Scope:	4	Violation of Consent:	1
Standard of Care:	3	Reinstatement Denial:	1

FORMAL ACTIONS

Formal Charges (Citations):	9
Consent Agreements:	7
Disciplinary Hearings Held:	3
Adjudication Orders:	2
Voluntary Permanent Surrender:	1
Warning Letters Issued:	7