

Board Members present: Mark A. Korchok, D.C., President; Richard J. Maynard, D.C., Vice-President; Anna Villarreal, D.C., Esq. and John P. Kennedy, Esq.

Others present: Kelly A. Caudill, Executive Director; Elizabeth N. Moore, Executive Assistant; Leah V.B. O'Carroll, AAG.

Members excused: Ronald J. Farabaugh, D.C.

The Board's 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 through examination of new doctors, annual license renewal, clinic inspections and timely investigation and disciplinary action when indicated.

CALL TO ORDER 9:00 a.m.

President Dr. Korchok called the three hundred and eighty-first Board meeting to order at 9:30 a.m. The meeting was held at the Ohio State Chiropractic Board Office; 77 South High Street, 16th Floor; Columbus, Ohio.

Review of an additional proposed Notice of Opportunity for Hearing, Case No. 2010 CHR 032, was added to the agenda.

REVIEW OF MINUTES

MOTION 2010-069: Vice-President Dr. Maynard moved and Mr. Kennedy seconded a motion to approve the minutes of the February 11, 2010 Board meeting. Motion passed unanimously.

REVIEW OF MAY 13, 2010 EXAM CANDIDATES

MOTION 2010-070: Mr. Kennedy moved and Dr. Villarreal seconded a motion to approve the applications of the following listed candidates for the May 13, 2010 licensure examination, provided that all files are complete and in good standing prior to licensure: Zachary C. Allison, William N. Baxter, Thomas A. Bea, Andria M. D'Amato, Jason K. Domenick, Joy M. Dunwoodie, Nathanael T. Frey, Amy S. Hager, Lana R. Johnson, Spencer D. Johnson, Keith A. Liston, Chad D. Loveless, Heather P. Mammen, Michael A. Martini, Joshua R. Murphy and Lisa M. Patt. Motion passed unanimously.

RATIFICATION OF APRIL 1, 2010 LICENSES

MOTION 2010-071: Dr. Villarreal moved and Vice-President Dr. Maynard seconded a motion to ratify the following licenses issued as a result of the April 1, 2010 Jurisprudence examination: Kyle Alexander, Adam Baker, Joshua Baumgartner, Sarah Dumas, Rebecca Fabry, Joseph Hans, Neil Heuker, Allison Irwin, Thomas Lemire, Justin Manns, Eric Marsili, Mark Mendoza, Natalie Migoni, Ronald Morton, Christopher Mullane, Timothy Novicky, Anita Sian, Sara Wendel, Derrick Wilcox and Jennifer Wright. Motion passed unanimously.

ACUPUNCTURE CERTIFICATES

MOTION 2010-072: Dr. Villarreal moved and Vice-President Dr. Maynard seconded a motion to ratify the following acupuncture certificates issued to Drs. Michael Gentry, Robin Hunter, Kenneth Osborn, Emily Shurtz, Mickey Frame, Patrick Weadick and Lora Wolph. Motion passed unanimously.

EXECUTIVE DIRECTOR'S REPORT 9:15 a.m.

Director Caudill reviewed the Executive Director's report with the Board.

Director Caudill requested that the Board grant her the authority to approve requests that are received from doctors who instruct CE programs to receive CE credit for their instruction; requests for those needing an extension, waiver or reduction of CE hours and grant CE credit for those doctors who participate in educational programs that the Board directs. Director Caudill advised that these requests would also be reviewed by a Board Designate.

MOTION 2010-073: Mr. Kennedy moved and Vice-President Dr. Maynard seconded a motion that the Executive Director, as the Board's Appointing Authority pursuant to ORC 4734.05 (B), be given the authority to approve requests that are received from doctors who instruct CE programs to receive CE credit for their instruction; requests for those needing an extension, waiver or reduction of CE hours; and grant CE credit for those doctors who participate in educational programs that the Board directs. The granting of such continuing education, extensions, waivers or reductions are subject to the Board's retroactive approval at the next regularly scheduled Board meeting. Voting Aye: President Dr. Korchok, Vice-President Dr. Maynard, Dr. Villarreal and Mr. Kennedy. Voting Nay: None. Abstaining: None. Motion passed unanimously.

Director Caudill informed the Board that she was chosen as the recipient of a scholarship offered by the Association of Chiropractic Board Administrators (ACBA) for an all expenses paid trip to Baltimore, MD to attend their annual meeting on April 28, 2010. This meeting is held on the Wednesday prior to the FCLB's Annual Meeting. The FCLB waives the registration fee for ACBA scholarship recipients who wish to attend their annual meeting. Director Caudill requested the Board's approval to attend the FCLB Annual Meeting and estimated expenses for 1-2 hotel nights, meals and incidentals. Dr. Villarreal also requested approval for the Board to pay her registration fee to attend the FCLB Annual Meeting. Dr. Villarreal will not seek reimbursement from the Board for any travel related expenses.

MOTION 2010-074: Mr. Kennedy moved and Vice-President Dr. Maynard seconded a motion to approve paying for Dr. Villarreal's FCLB Annual Meeting registration fee and 1-2 hotel nights, meals and incidentals for Director Caudill's attendance at the FCLB Annual Meeting being held April 28 – May 2, 2010 in Baltimore, MD. Motion passed unanimously.

Director Caudill advised that the Occupational Therapy, Physical Therapy and Athletic Trainer's Board is seeking a temporary license exemption in their law for physical therapists who are traveling into Ohio with visiting sports teams and/or cultural organizations. The sponsor has asked if any other Boards would like this exemption.

MOTION 2010-075: Vice-President Dr. Maynard moved and Dr. Villarreal seconded a motion to seek a temporary license exemption for chiropractic physicians who are traveling into Ohio with visiting sports teams and/or cultural organizations. Motion passed unanimously.

MOTION 2010-076: Dr. Villarreal moved and Vice-President Dr. Maynard seconded a motion to accept the Director's Report as presented. Motion passed unanimously.

RATIFICATION OF CE SPONSORSHIP APPROVAL

MOTION 2010-077: Dr. Villarreal moved and Mr. Kennedy ratified the approval of the following CE Sponsors: Chiropractic Association of Ohio, Motion Palpation Institute, North Central Academy of Chiropractic, Northeast Ohio Foundation for Chiropractic Education and Ohio State Chiropractic Association. Motion passed unanimously.

DANIEL R. SCHLUEB, D.C., CASE NO. 2010 CHR 004

MOTION 2010-078: Dr. Villarreal moved and Vice-President Dr. Maynard seconded a motion to accept the Voluntary Permanent Surrender of License to Practice Chiropractic in the State of Ohio permanently revoking Daniel R. Schlueb, D.C., license number 287, from chiropractic practice. Voting Aye: President Dr. Korchok, Vice-President Dr. Maynard and Dr. Villarreal. Voting Nay: None. Abstaining: Mr. Kennedy. Motion passed.

CASE NO. 2010 CHR 059

MOTION 2010-079: Vice-President Dr. Maynard moved and Dr. Villarreal seconded a motion to issue a Notice of Opportunity for Hearing to the doctor cited in Case No. 2010 CHR 059 for allegedly violating ORC § 4734.31 (C)(7),(C)(32) & (C)(33) and OAC § 4734-9-02 & 4734-9-08. Voting Aye: President Dr. Korchok, Vice-President Dr. Maynard and Dr. Villarreal. Voting Nay: None. Abstaining: Mr. Kennedy. Motion passed.

CASE NO. 2010 CHR 032

MOTION 2010-080: Mr. Kennedy moved and Vice-President Dr. Maynard seconded a motion to issue a Notice of Opportunity for Hearing to the doctor cited in Case No. 2010 CHR 032 for allegedly violating ORC § 4734.31 (C)(7) and OAC § 4734-7-03 & 4734-9-02. Voting Aye: President Dr. Korchok, Vice-President Dr. Maynard and Mr. Kennedy. Voting Nay: None. Abstaining: Dr. Villarreal. Motion passed.

MICHAEL P. GREGO, D.C., CASE NO. 2010 CHR 012

MOTION 2010-081: Vice-President Dr. Maynard moved and Dr. Villarreal seconded a motion to accept the Consent Agreement for Michael P. Grego, D.C. as presented. Voting Aye: President Dr. Korchok, Vice-President Dr. Maynard and Dr. Villarreal. Voting Nay: None. Abstaining: Mr. Kennedy. Motion passed.

OHIO STATE CHIROPRACTIC ASSOCIATION 10:05 a.m.

Dixie Russell, Managing Director of the Ohio State Chiropractic Association gave an update on current OSCA activities. Ms. Russell also discussed a proposed Ethics/Professionalism course that the OSCA is interested in sponsoring.

The Board advised Ms. Russell that the content of the proposed ethics/professionalism course outline appears to fall within the category of documentation and therefore would not be acceptable to fulfill the ethics/professionalism continuing education requirement.

The Board requested that Ms. Russell express to the Executive Committee the Board's concerns with HB 442 regarding alternative and complementary health care and the seriousness of what this legislation will do.

INVESTIGATIVE STATUS REPORT

LEGAL ACTIVITIES BY AAG 10:35 a.m.

MOTION 2010-082: Vice-President Dr. Maynard moved and Dr. Villarreal seconded a motion to go into executive session for the purpose of discussing and reviewing the Investigative Status Report and for the purpose of discussing pending and imminent litigation and to receive general legal advice from Leah V.B. O'Carroll, AAG. Voting Aye: President Dr. Korchok, Vice-President Dr. Maynard, Dr. Villarreal and Mr. Kennedy. Voting Nay: None. Abstaining: None. Motion passed unanimously.

President Dr. Korchok called an executive session for the purpose of discussing and reviewing the Investigative Status Report and for the purpose of discussing pending and imminent litigation and to

receive general legal advice from Leah V.B. O'Carroll, AAG. The meeting was called back to regular session at the conclusion of the discussion.

MOTION 2010-083: Vice-President Dr. Maynard moved and Dr. Villarreal seconded a motion to accept the Investigative Status Report and the Legal Activities Report as presented. Motion passed unanimously.

ADJUDICATION HEARING 11:00 a.m.

STEVEN ROSENBLUTH, D.C., CASE NO. 2010 CHR 015

President Dr. Korchok called to order an adjudication hearing for Steven Rosenbluth, D.C. concerning the Notice of Proposed Refusal of Application for Licensure and Opportunity for Hearing issued to him on October 23, 2009. The hearing was held before the following members of the Ohio State Chiropractic Board: President Mark A. Korchok, D.C., Vice-President Richard J. Maynard, D.C. and John P. Kennedy, Esq. President Dr. Korchok presided over the hearing. Anna Villarreal, D.C., Esq. abstained from participating in the hearing. The Board was represented by Leah V.B. O'Carroll, Esq., Assistant Attorney General. Dr. Rosenbluth was represented pro se. Anderson Court Reporting Services made a stenographic record of the proceedings at the Board's expense.

PERTINENT CORRESPONDENCE 11:45 a.m.

Director Caudill presented an email dated March 3, 2010 from Dr. David Fishkin in which he requests the Board to verify that Myofascial Trigger Point/Tender Point Dry Needling falls within the scope of chiropractic in Ohio.

The Board advised Director Caudill to write Dr. Fishkin and advise him that it is the Board's determination that Myofascial Trigger Point/Tender Point Dry Needling falls under the acupuncture scope of practice at this time. The Board invited Dr. Fishkin to submit further evidence, particularly from a Board-approved chiropractic college, that the procedure is not considered the practice of acupuncture.

DELIBERATION

STEVEN J. ROSENBLUTH, D.C.; CASE NO. 2010 CHR 015

MOTION 2010-084: Mr. Kennedy moved and Vice-President Dr. Maynard seconded a motion to go into executive session for the purpose of deliberation on the matter of Steven J. Rosenbluth, D.C. with President Dr. Korchok, Vice-President Dr. Maynard and Mr. Kennedy present. Voting Aye: President Dr. Korchok, Vice-President Dr. Maynard and Mr. Kennedy. Voting Nay: None. Abstaining: Dr. Villarreal. Motion passed. The meeting was called back to regular session at the conclusion of the deliberation.

MOTION 2010-085: Vice-President Dr. Maynard moved and Mr. Kennedy seconded a motion to issue the following Adjudication Order to Steven J. Rosenbluth, D.C.:

The Board hereby finds as Findings of Fact the following:

State's exhibits as presented. Respondent did not present exhibits.

On or about July 29, 2009 Dr. Rosenbluth filed with the Board an Application for License to Practice Chiropractic in the State of Ohio.

On or about November 4, 2009 the Board issued a Notice of Proposed Refusal of Application for Licensure and Opportunity for Hearing to Dr. Rosenbluth proposing refusal of his application for licensure as a doctor of chiropractic pursuant to the provisions of Ohio Revised Code § 4734.20, § 4734.31 (C)(7) and Ohio Administrative Code § 4734-6-01 (O) and § 4734-6-09. This document was sent via certified mail reflecting service on November 12, 2009.

After receiving the Notice of Proposed Refusal of Application for Licensure and Opportunity for Hearing, Dr. Rosenbluth filed a request for an adjudication hearing with the Board November 6, 2009.

On November 10, 2009 the Board issued a Hearing Scheduling Notice setting Dr. Rosenbluth's adjudication hearing for February 11, 2010. This document was mailed to Dr. Rosenbluth via certified mail reflecting service on November 14, 2009.

On February 10, 2010 Dr. Rosenbluth requested a continuance of the hearing scheduled for February 11, 2010.

On February 22, 2010 the Board issued a Hearing Scheduling Notice granting Dr. Rosenbluth's request for continuance and rescheduled his hearing to April 8, 2010.

Dr. Rosenbluth was issued Minnesota chiropractic license number 1370 on May 1, 1976 and on December 31, 1985 the license expired.

Dr. Rosenbluth was issued New York chiropractic license number 011656 on January 20, 2009 and the license is current and in good standing.

Dr. Rosenbluth was issued Connecticut chiropractic license number 000492 on December 14, 1984 and on November 30, 1996 the license expired.

Dr. Rosenbluth did not actively practice chiropractic in any jurisdiction from 1984 to 1996.

Dr. Rosenbluth taught school in the state of New York from 1997 to June 2009.

In August 2009 Dr. Rosenbluth resumed active chiropractic practice in New York.

The Board finds the following Conclusions of Law:

Based upon the above-listed Findings of Fact, which are based upon all of the evidence presented, contentions raised and arguments by the respondent and the Board, the Ohio State Chiropractic Board concludes as follows:

Based upon the evidence shown, the Board concludes that Dr. Rosenbluth does possess the competency and proficiency to practice chiropractic in the state of Ohio and ORDERED the following:

Upon submission of proof of earning 24 hours of continuing education (hereinafter "CE"), the Board shall approve the application of Steven J. Rosenbluth, D.C. for a license to practice chiropractic in the state of Ohio. Said 24 hours of CE shall meet the following criteria:

All 24 hours of CE must be earned through a Board-approved chiropractic college by attending a CE course or program in person.

All 24 hours of CE must be pre-approved by the Board. Any submission for CE approval shall include a course outline or syllabus.

All 24 hours of CE must be earned in one or more of the following topics: Clinical diagnosis and examination procedures; diagnostic imaging; neurology; nutrition; public health, hygiene, sanitation; manipulation and adjusting procedures; physiological therapeutics; orthopedics; emergency procedures; principles and practice; laboratory procedures; anatomy; physiology; rehabilitative procedures/exercise.

The 24 hours of CE earned shall not count towards Dr. Rosenbluth's biennial continuing education requirement for license renewal should he become licensed in Ohio.

Upon submission of successful completion of 24 hours of CE, Dr. Rosenbluth shall be permitted to take the Jurisprudence examination.

Voting Aye: President Dr. Korchok, Vice-President Dr. Maynard and Mr. Kennedy. Voting Nay: None. Abstaining: Dr. Villarreal. Motion passed.

DELIBERATION

THOMAS A. KAVOUNAS, D.C.; CASE NO. 2009 CHR 058

MOTION 2010-086: Mr. Kennedy moved and Dr. Villarreal seconded a motion to go into executive session for the purpose of deliberation on the Report and Recommendation of Hearing Officer Paul Stehura regarding Thomas A. Kavounas, D.C. with President Dr. Korchok, Dr. Villarreal and Mr. Kennedy present. Voting Aye: President Dr. Korchok, Dr. Villarreal and Mr. Kennedy. Voting Nay: None. Abstaining: Vice-President Dr. Maynard. Motion passed. The meeting was called back to regular session at the conclusion of the deliberation.

Prior to voting on this matter, President Dr. Korchok, Dr. Villarreal and Mr. Kennedy verified that they reviewed the following materials prior to consideration of this matter: Hearing Transcript, State's Exhibits, Report and Recommendation, and Respondent's Objections.

MOTION 2010-087: Mr. Kennedy moved and Dr. Villarreal seconded a motion to issue the following Adjudication Order to Thomas A. Kavounas, D.C.:

The Board hereby accepts all of the Findings of Fact, Conclusions of Law, and modified the recommendation in the Hearing Examiner's Report and Recommendation and ORDERED the following:

Count 1 – Worker's Compensation Fraud

THOMAS A. KAVOUNAS' license to practice chiropractic in Ohio is hereby Suspended for not less than six (6) months, with conditions for reinstatement set forth below, and that following reinstatement, DR. KAVOUNAS shall be subject to probationary terms, conditions and limitations for a minimum period of two (2) years as set forth below.

Count 2 – Intimidation of Crime Victim or Witness

THOMAS A. KAVOUNAS' license to practice chiropractic in Ohio is hereby Suspended for not less than three (3) years, with conditions for reinstatement set forth below, and that following reinstatement, DR. KAVOUNAS shall be subject to probationary terms, conditions and limitations for a minimum period of two (2) years as set forth below.

The Suspensions imposed for Count 1 and Count 2 shall run concurrently. The rationale for the

modification is based upon the action in Count 2 involving multiple incidents, multiple victims, and the premeditation in obtaining the addresses of the agents.

Upon completion of the Suspension imposed by the Board, DR. KAVOUNAS shall be subject to the following requirements for reinstatement and following reinstatement, DR. KAVOUNAS shall be subject to probationary terms, conditions and limitations:

REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT

No earlier than six (6) months prior to seeking reinstatement, DR. KAVOUNAS shall complete an evaluation by a Board approved psychologist or psychiatrist. Said approval shall be sought prior to submitting to the evaluation and may be granted by the Executive Director, in consultation with the Board Designate assigned to this case.

DR. KAVOUNAS shall provide the Board-approved psychologist or psychiatrist with copies of any and all counseling records, including any other medical professional to whom he may have been referred, including any evaluations and/or treatment recommendations and a copy of this Order prior to submitting to his evaluation.

A report from the evaluating psychologist or psychiatrist shall be submitted to the Board within thirty (30) days of the evaluation and shall include diagnoses and conclusions; any recommendations for care, counseling, and/or treatment for the condition(s) diagnosed, and any recommendations for monitoring or supervision of DR. KAVOUNAS. The report shall also describe the basis for the evaluator's determinations.

DR. KAVOUNAS shall abide by all recommendations made by the evaluating psychologist or psychiatrist, which may include therapy, counseling, medication, treatment, monitoring, advocacy and re-evaluation for the duration of his Probation.

DR. KAVOUNAS shall cause the Board approved psychologist or psychiatrist to provide copies of his records pertaining to therapy, counseling, medication, treatment, monitoring, advocacy and re-evaluation for the duration of his Probation.

DR. KAVOUNAS shall be responsible for payment of all costs associated with this Order. The Board shall bear no responsibility or liability for any such costs.

Prior to seeking reinstatement by the Board, DR. KAVOUNAS shall, in addition to the requirements set forth in 4734.34 ORC, file a complete Application for Reinstatement of License. Said application shall be accompanied by the applicable reinstatement fee in effect at the time of reinstatement made payable to the Treasurer, State of Ohio and proof of earning the requisite number of continuing education hours in effect at the time of reinstatement. Said continuing education hours must meet the requirements for license renewal at the time of application.

DR. KAVOUNAS shall submit to a BCI and FBI criminal records check no earlier than six months prior to application for reinstatement. The results of the check must be received in the Board office prior to any reinstatement of DR. KAVOUNAS' license.

DR. KAVOUNAS shall obey all federal, state and local laws, and all laws and rules governing the practice of chiropractic in Ohio. If DR. KAVOUNAS is arrested, charged, or convicted of any violation

of law other than those which gave rise to this action, he shall report said arrest, charge or conviction to the Board within ten (10) days from the date of arrest, charge or conviction. The Board may issue a Notice of Opportunity for Hearing for cause under Ohio Revised Code Chapters 4734 and 119 of the Revised Code based upon any such new information it receives. In the event DR. KAVOUNAS fails to provide said notification to the Board within the required time, the Board reserves the right to proceed on a similar basis.

DR. KAVOUNAS shall appear in person for interviews before the full Board or its designated representative as requested by the Board.

DR. KAVOUNAS shall inform the Board within ten (10) business days, in writing, of any change in address and/or telephone number.

PROBATIONARY TERMS, CONDITIONS AND LIMITATIONS

Following reinstatement, DR. KAVOUNAS shall be subject to the following probationary terms, conditions, and limitations for a minimum period of two (2) years.

DR. KAVOUNAS shall obey all federal, state and local laws, and all laws and rules governing the practice of chiropractic in Ohio. If DR. KAVOUNAS is arrested, charged, or convicted of any violation of law other than those which gave rise to this action, he shall report said arrest, charge or conviction to the Board within ten (10) days from the date of arrest, charge or conviction. The Board may issue a Notice of Opportunity for Hearing for cause under Ohio Revised Code Chapters 4734 and 119 of the Revised Code based upon any such new information it receives. In the event DR. KAVOUNAS fails to provide said notification to the Board within the required time, the Board reserves the right to proceed on a similar basis.

DR. KAVOUNAS shall appear in person for interviews before the full Board or its designated representative as requested by the Board.

DR. KAVOUNAS shall inform the Board within ten (10) business days, in writing, of any change in address and/or telephone number.

EMPLOYMENT CONDITIONS

DR. KAVOUNAS shall allow the Board or its agents entering onto the office, clinic or any premises where he may practice chiropractic or where the billing for his chiropractic services occurs in order to conduct an inspection of his patient and billing records to assure compliance with this Agreement. Said inspections may be accomplished during regular business hours and at all other reasonable times.

DR. KAVOUNAS shall not associate professionally with any other doctor of chiropractic or other health care provider who has been disciplined by the Board or any regulatory authority, or with any convicted felon, unless granted written permission to do so by the Board in advance of any such professional association.

DR. KAVOUNAS shall provide a copy of this Order to any healthcare or chiropractic organization that contracts with or employs him to provide chiropractic services, via its director or equivalent, prior to his being employed or contracting with said organization, including but not limited to, managed care organizations and/or hospitals where he holds privileges.

DURATION

The Board may only alter the probationary period imposed by this Order if the Board determines that DR. KAVOUNAS has complied with all aspects of this Order based upon an interview with DR. KAVOUNAS and review of the reports as required herein. Any period which DR. KAVOUNAS does not work in as a chiropractic physician in Ohio shall not count toward fulfilling the probationary period imposed by this Order.

FAILURE TO COMPLY

Upon reinstatement and during the two (2) year probationary period, DR. KAVOUNAS' license to practice chiropractic in Ohio will be automatically suspended if it appears to the Board that DR. KAVOUNAS has violated or breached any term or condition of this Order. Following the automatic suspension, the Board shall notify DR. KAVOUNAS via certified mail of the specific nature of the charges and automatic suspension of his license. Upon receipt of the notice, DR. KAVOUNAS may request a hearing regarding the charges.

This Order shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 8th of April 2010.

Voting Aye: President Dr. Korchok, Dr. Villarreal and Mr. Kennedy. Voting Nay: None. Abstaining: Vice-President Dr. Maynard. Motion passed.

MOTION 2010-088: Dr. Villarreal moved and Mr. Kennedy seconded a motion to adjourn the meeting. Motion passed unanimously.

With no further business to be brought before the Board, President Dr. Korchok adjourned the meeting at 1:30 p.m.

Approved By Majority of Board:

Attested By Its Secretary:

Mark A. Korchok, D.C.
President

Kelly A. Caudill
Executive Director

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