

Board Members present: Mark A. Korchok, D.C., President; Vice-President Richard J. Maynard, D.C, Anna Villarreal, D.C., Esq., Ronald J. Farabaugh, D.C. 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: None.

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 9:10 a.m.

President Dr. Korchok called the three hundred and eighty-fourth Board meeting to order at 9:10 a.m. The meeting was held at the Ohio State Chiropractic Board Office; 77 South High Street, 16th Floor; Columbus, Ohio.

REVIEW OF MINUTES

MOTION 2011-015: Vice-President Dr. Maynard moved and Mr. Kennedy seconded a motion to approve the minutes of the July 15, 2010 Board meeting. Motion passed unanimously.

ACUPUNCTURE CERTIFICATES

MOTION 2011-016: Vice-President Dr. Maynard moved and Dr. Farabaugh seconded a motion to ratify the acupuncture certificates issued to Drs. Danielle Duong and James J. Graneto. Motion passed unanimously.

RATIFICATION OF CE SPONSORSHIP APPROVAL

MOTION 2011-017: Vice-President Dr. Maynard moved and Dr. Farabaugh ratified the approval of the Northwest Ohio Chiropractic Association as a Board-approved CE Sponsor. Motion passed unanimously.

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

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

Director Caudill discussed attendance at the FCLB's District II Meeting being held October 14-17, 2010 in Fort Walton Beach, FL and the need to keep travel costs to a minimum.

MOTION 2011-018: Vice-President Dr. Maynard moved and Dr. Farabaugh seconded a motion to approve the attendance of Director Caudill and Dr. Villarreal at the FCLB District II Meeting. Motion passed unanimously.

MOTION 2011-019: Mr. Kennedy moved and Vice-President Dr. Maynard seconded a motion to accept the Director's Report as presented. Motion passed unanimously.

LEGAL ACTIVITIES BY AAG

AAG Leah V.B. O'Carroll gave a brief legal activities report.

CASE NO. 2010 CHR 038

MOTION 2011-020: Dr. Villarreal moved and Dr. Farabaugh seconded a motion to issue a Notice of Opportunity for Hearing to the doctor cited in Case No. 2010 CHR 038 for allegedly violating ORC § 4734.31 (C)(1). Voting Aye: President Dr. Korchok, Dr. Maynard, Dr. Villarreal and Dr. Farabaugh. Voting Nay: None. Abstaining: Mr. Kennedy. Motion passed.

CASE NO. 2010 CHR 062

MOTION 2011-021: Dr. Villarreal moved and Dr. Farabaugh seconded a motion to issue a Notice of Opportunity for Hearing to the doctor cited in Case No. 2010 CHR 062 for allegedly violating ORC § 4734.31 (C)(1). Voting Aye: President Dr. Korchok, Dr. Maynard, Dr. Villarreal and Dr. Farabaugh. Voting Nay: None. Abstaining: Mr. Kennedy. Motion passed.

INVESTIGATIVE STATUS REPORT

MOTION 2011-022: Vice-President Dr. Maynard moved and Dr. Villarreal seconded a motion to go into executive session for the purpose of reviewing the Investigative Status Report. Voting Aye: President Dr. Korchok, Vice-President Dr. Maynard, Dr. Villarreal, Dr. Farabaugh and Mr. Kennedy. Voting Nay: None. Abstaining: None. Motion passed unanimously.

President Dr. Korchok called an executive session for the purpose of reviewing the Investigative Status Report. The meeting was called back to regular session at the conclusion of the discussion.

MOTION 2011-023: Dr. Villarreal moved and Vice-President Dr. Maynard seconded a motion to accept the Investigative Status Report as presented. Motion passed unanimously.

REVIEW OF SEPTEMBER 30, 2010 EXAM CANDIDATES

MOTION 2011-024: Vice-President Dr. Maynard moved and Dr. Farabaugh seconded a motion to approve the applications of the following listed candidates for the September 30, 2010 licensure examination, provided that all files are complete and in good standing prior to licensure: Ronald Adams, Delilah Anderson, Amanda Baum, Gary Dickens, Cray Emmer-Lovell, Derek Gibbons, Justin Herceg, Katherine Hulbert, Crista Kent, Andrew Kender III, Matthew Kola, Gregory McDonnell, Stephen Moje, Scott Schreiber, Chris Steidinger, Levi Tolle, Stephen Wallace, Gary Yang, David Yates and Elsie Yuen. Motion passed unanimously.

ADMINISTRATIVE RULES

Director Caudill presented the Board with a copy of administrative rule 4734-9-02, Advertising and Solicitation, and discussed possibly amending the rule to require recording of telemarketing calls.

The Board discussed the matter and advised Director Caudill to conduct further research and provide a draft for the Board to review.

DELIBERATION

SAM A. GALATI, D.C.; CASE NO. 2010 CHR 032

MOTION 2011-025: Dr. Farabaugh moved and Mr. Kennedy seconded a motion to go into executive session for the purpose of deliberation on the Report and Recommendation of Hearing Officer Paul Stehura regarding Sam A. Galati, D.C. with President Dr. Korchok, Vice-President Dr. Maynard, Dr. Farabaugh and Mr. Kennedy present. Voting Aye: President Dr. Korchok, Vice-President Dr. Maynard, Dr. Farabaugh 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.

Prior to voting, President Dr. Korchok, Vice-President Dr. Maynard, Dr. Farabaugh and Mr. Kennedy verified that they reviewed the following materials prior to consideration of this matter: Hearing

Transcript, Exhibits and Report of Hearing Examiner.

MOTION 2011-026: Mr. Kennedy moved and Dr. Villarreal seconded a motion to issue the following Adjudication Order to Sam A. Galati, D.C.:

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

Dr. Galati's license to practice chiropractic in the State of Ohio is hereby suspended for ninety (90) days of which thirty (30) days of the suspension shall be Stayed. Said suspension shall become effective thirty (30) days from the date of this Order. Further, the Board clarified the continuing education requirement in number 2 of the Recommendation. Upon completion of his sixty (60) day license suspension, Dr. Galati shall apply for reinstatement of his license by filing an Application for Reinstatement of Chiropractic License and submit evidence of earning not less than 25.5 hours of Board-approved continuing education of which 1.5 hours shall be on the topic of Ethics and/or Professionalism. Upon reinstatement of Dr. Galati's license to practice chiropractic in the State of Ohio, Dr. Galati's license shall be subject to two (2) years of probation during which time he shall be subject to the following probationary terms, conditions and limitations: Dr. Galati shall comply with all federal, state, and local laws and all laws pertaining to the practice of chiropractic in Ohio and shall appear before the Board or its designee as requested by the Board.

Upon the approval and confirmation by vote of the Board, this Order is hereby entered on the Journal of the Ohio State Chiropractic Board for August 5, 2010.

OHIO STATE CHIROPRACTIC ASSOCIATION 11:15 a.m.

Hugo R. Trux, IV, Executive Director of the Ohio State Chiropractic Association, gave an update on current OSCA activities.

MOTION 2011-027: Dr. Villarreal moved and Dr. Farabaugh 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 12:05 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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