

# **OHIO STATE CHIROPRACTIC BOARD**



## **ANNUAL REPORT**

*Fiscal Year 2011  
July 1, 2010 - June 30, 2011*

## ❧ Introduction ❧

The Ohio State Chiropractic Board is a state government agency established by the legislature in 1975 to regulate the practice of chiropractic and to protect the health, safety and welfare of the public. The Board is responsible for examining and licensing chiropractic physicians and enforcing the provisions of Chapter 4734 of the Ohio Revised Code and the Administrative Code adopted by the Board.

The Ohio Attorney General is the statutory legal counsel to the Board. An Assistant Attorney General from the Health and Human Services Section represents the Board in administrative hearings and court proceedings.



## ❧ Mission Statement ❧

As servants of the public, our purpose is to protect the 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.

## **œ Board Staff**

The Board currently employs five full time employees to carry out its duties and responsibilities.

### **Kelly A. Caudill, Executive Director**

Ms. Caudill serves as the chief enforcement officer for the Board, enforcing the laws and rules governing the practice of chiropractic in Ohio. Ms. Caudill also directs and manages all activities and programs of the Board office, carries out the Board Members' directives, and oversees all legal and legislative activities.

### **Elizabeth N. Moore, Administrative Assistant**

Liz serves as liaison to the Board members for their administrative support needs. Liz functions as the Board's office manager and is responsible for personnel, public information, fleet management, fiscal, travel, payroll, records retention and inventory. Liz also manages the administrative rule making process and is responsible for editing and updating the Board's website, applications, newsletters, publications, annual reports and forms.

### **Licensing Coordinator (vacant due to budget cut)<sup>1</sup>**

The Licensing Coordinator handles initial licensing, examinations, license renewal and continuing education.

### **M. Kate Borloglou, Paralegal**

Kate is responsible for gathering preliminary case information and researching data to support the legal and enforcement staff, processing public records requests, conducting basic investigations and monitoring doctors subject to discipline and Quality Intervention participation. Kate is also responsible for reporting the Board's disciplinary actions to the appropriate databanks.

### **Mark A. Brooks, Investigator**

### **Rex J. Waldenmyer, Investigator**

Rex and Mark conduct investigations relative to complaints involving the practice of chiropractic. These investigations may be highly specialized, complex and long-term. Investigations of persons rendering chiropractic services are conducted to determine the facts in each case, ascertain the exact basis of the complaint, and confirm allegations for administrative, civil, and criminal actions.

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<sup>1</sup> This position was filled in FY 2012.  
OSCB FY 2011 Annual Report

## ☞ Chiropractic Board Members & Terms of Office

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.

**Mark A. Korchok, D.C., President ♦ Cincinnati, Ohio**

Appointed: 01/08/2004

Reappointed: 02/20/2008

Term Expires: 11/02/2011

**Richard J. Maynard, D.C., Vice-President ♦ Lancaster, Ohio**

Appointed: 12/08/2006

Term Expires: 11/02/2010

**Ronald J. Farabaugh, D.C., Vice-President<sup>2</sup> ♦ Westerville, Ohio**

Appointed: 12/30/2009

Term Expires: 11/01/2013

**Anna Villarreal, D.C., Esq. ♦  
Chillicothe, Ohio**

Appointed: 01/08/2003

Reappointed: 12/08/2006

Term Expires: 11/02/2010

**John P. Kennedy, Esq. ♦  
Columbus, Ohio**

Appointed: 10/18/2007

Reappointed: 12/31/2009

Term Expires: 11/01/2013

**Norman J. Gloekler, D.C.<sup>3</sup> ♦  
Ashtabula, Ohio**

Appointed: 11/17/2010

Term Expires: 11/01/2014

**Gregory P. Palkowski, D.C.<sup>4</sup> ♦  
Beavercreek, Ohio**

Appointed: 11/26/2010

Term Expires: 11/01/2014

## ☞ Board Meetings

The Board conducted 6 meetings on the following dates: July 15, August 5, October 7, December 9, 2010 and February 3 and June 9, 2011.

All meetings of the Board are 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's meeting dates are posted on its website.

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<sup>2</sup> Dr. Farabaugh was appointed as Vice-President on December 9, 2010 when Dr. Maynard's term ended.

<sup>3</sup> Dr. Gloekler was appointed to replace Dr. Maynard whose term expired.

<sup>4</sup> Dr. Palkowski was appointed to replace Dr. Villarreal whose term expired.

## ∞ Educational Meetings & Conferences

- ◇ October 14-17, 2010 – Dr. Villarreal attended the FCLB District II meeting in Fort Walton Beach, FL.
- ◇ November 12-14, 2010 – Dr. Villarreal participated in the National Board of Chiropractic Examiners' Part IV testing in Atlanta, Georgia. Participation in NBCE testing activities is at no cost to the Board.
- ◇ May 4-8, 2011 – Drs. Korchok and Palkowski attended the FCLB Annual Education Conference in Marco Island, Florida.

## ∞ Board Memberships

The Board is an active member of the following organizations:

### **Federation of Chiropractic Licensing Boards**

The Federation of Chiropractic Licensing Boards is 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 and Mexico.

As a member of the FCLB the Board receives free online 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 regarding interpretative scope of practice issues, and educational conference communication.

### **American Chiropractic Association (ACA)**

The American Chiropractic Association promotes the highest standards of ethics and patient care, contributing to the health and well-being of millions of chiropractic patients. The ACA serves as a resource for scope, coding and various others practice related topics.

### **Federation of Associations of Regulatory Boards (FARB)**

The Federation of Associations of Regulatory Boards is a non-profit organization established in 1974 to promote excellence in the regulation of professions to protect the public. Member associations are of regulatory boards across disciplines, jurisdictions, and professions. FARB's annual training events contribute to the continual development of excellence in regulation for the purpose of public protection.

### **Council on Licensure, Enforcement and Regulation (CLEAR)**

The Council on Licensure, Enforcement and Regulation promotes regulatory excellence through conferences, educational programs, networking opportunities, publications, and research services for those involved with, or affected by, professional and occupational regulation. CLEAR's membership has included representatives of all governmental sectors, the private sector, and many others with an interest in this field. CLEAR serves and supports the international regulatory community and its vital contribution to public protection.

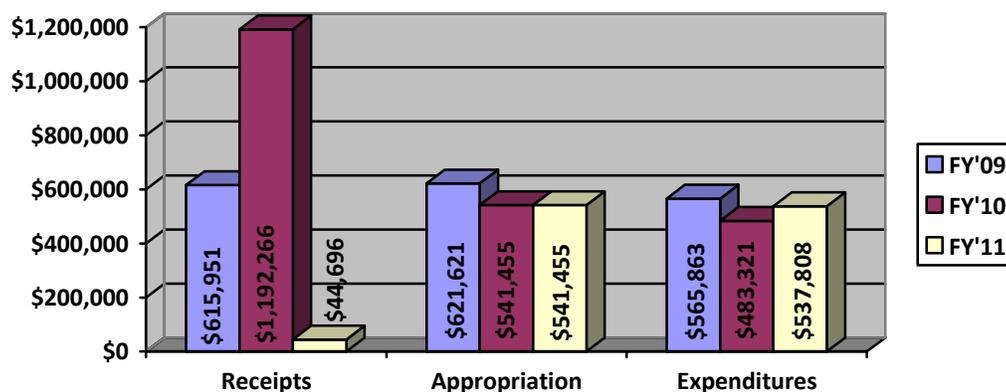
## Citizen Advocacy Center (CAC)

The Citizen Advocacy Center serves the public interest by enhancing the effectiveness and accountability of health professional oversight bodies. As a resource for health professional boards, CAC offers training, research and networking opportunities for public members and for the health care regulatory, credentialing, and governing boards on which they serve.

## ⌘ Budgetary Matters

As required by ORC 4734.54, all receipts of the Board are deposited in the Occupational and Professional Licensing Fund (4K9).

## ⌘ Fiscal Summary



The Board renews chiropractic licenses and acupuncture certificates biennially. Fiscal Year 2011 was a non-renewal year therefore revenue is down.

## ⌘ Statement of Revenue

	<u>FY 2009</u>	<u>FY 2010</u>	<u>FY 2011</u>
Renewal/Reinstatement Fees	\$566,000	\$1,144,100	\$6,250
Refunds	\$-905	\$-250	\$-150
Application Fees	\$28,825	\$29,600	\$30,550
Penalty Fees	\$7,800	\$11,250	\$600
Licensee Rosters/Misc. Records	\$5,294	\$1,001	\$95
License Certifications	\$1,220	\$1,660	\$1,340
Duplicate License	\$405	\$405	\$315
Civil Fines	\$7,150	\$4,500	\$5,500
Miscellaneous	\$161.85	\$0	\$195.71
<b>TOTAL</b>	<b>\$615,950.85</b>	<b>\$1,192,266</b>	<b>\$44,695.71</b>

## **⌘ Administrative Rules**

The following rules were rescinded, adopted or amended by the Board. 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 section 103.0511 of the Ohio Revised Code. Public hearings regarding rule changes are held in accordance with Ohio Revised Code Section 119.

### **Rule Adoptions**

- 4734-3-01 Personal information systems definitions
- 4734-3-02 Procedures for accessing confidential personal information
- 4734-3-03 Valid reasons for accessing confidential personal information
- 4734-3-04 Confidentiality laws
- 4734-3-05 Restricting and logging access to confidential personal information in computerized personal information systems

### **Rule Amendments**

- 4734-6-01 Application for licensure
- 4734-7-05 Forfeiture of chiropractic license; restoration of chiropractic license

### **Rule Rescissions**

- 4734-3-01 Board records and documents; personal information system
- 4734-3-02 Public records

## **⌘ 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 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.

### **No Change**

- 4734-1-15 Scope of practice

## **⌘ Continuing Education**

In accordance with ORC § 4734-7-02, any program offered within the state of Ohio for continuing education credit must be sponsored by a Board-Approved CE Sponsor. All Board-approved chiropractic colleges are automatically deemed Board-approved CE Sponsors. The following CE Sponsors were approved during FY 2011:

- ❖ Northwest Ohio Chiropractic Association
- ❖ Cleveland Clinic Educational Foundation
- ❖ Ohio Public Health Partnership
- ❖ Miami Valley Chiropractic Society

All CE programs registered with the Board are posted on the Board's website.

## ⌘ Examination Activity

The Board requires all applicants for licensure to successfully take and pass a Jurisprudence examination. The Board holds up to five exams per year.\* This is a one-day examination that is proctored by the Board staff. Board members are present on the day of the exam to give a brief speech, present each passing applicant with their exam score and license number, as well as administer the Chiropractic Oath.

<i>Examination Date</i>	<i>Applications Denied</i>	<i>Licenses Issued</i>	<i>Exam Failures</i>
July 15, 2010	0	18	0
September 30, 2010	0	19	0
November 4, 2010	0	13	0
January 13, 2011	0	26	1
May 19, 2011	0	35	0
<b>Totals:</b>	<b>0</b>	<b>111</b>	<b>1</b>

\*Effective 1/1/2012 the Jurisprudence exam will be offered online.

## ⌘ License Activity

<i>Chiropractic Licenses</i>	<i>Acupuncture Certificates</i>	<i>Preceptorships</i>
Issued During FY 11 = 111	Issued During FY 11 = 19	Issued During FY 11 = 15
Total Active = 2,427	Total Active = 113	

<i>Inactive</i>	<i>Retired</i>	<i>Forfeited</i>	<i>Deceased</i>
5	3	0	0

## ⌘ Enforcement Statistics

The Executive Director serves as the Chief Enforcement Officer and enforces the laws and rules governing the practice of chiropractic. All complaints are reviewed to determine preliminary disposition: closure, referral to another agency, full field investigation, or hold open pending further information. Random compliance inspections are conducted by Board Investigators to ensure compliance with the Board's laws and rules. The Board regularly works with law enforcement agencies statewide to investigate and prosecute misconduct by chiropractic physicians and the unlicensed practice of chiropractic.

## **Investigations**

Investigations opened: 90

Investigations completed: 77

FY 2011 investigations completed during FY 2011: 25

FY 2010 investigations completed during FY 2011: 27

FY 2009 investigations completed during FY 2011: 19

FY 2008 investigations completed during FY 2011: 6

## **Number of Investigations by Category in Fiscal Year 2011**

Advertising:	6	Professional Misconduct:	1
Aiding & Abetting:	1	Sexual Misconduct:	8
Billing:	16	Telemarketing:	23
Conviction/Criminal:	4	Treatment:	15
License Denial:	4	Unlicensed Practice:	2
Miscellaneous:	10		

## **Miscellaneous Actions**

Minor Violation Letters Issued: 51

Compliance Inspections / Site Visits: 53

Investigative Subpoenas Issued: 87

## **Formal Actions**

Formal Charges:	8	Letters of Admonition:	1
Consent Agreements:	14	License Revocations:	1
Disciplinary Hearings Held:	1	Warning Letters:	4

## **Notice of Opportunity for Hearings Issued**

The following information is current as of June 30, 2011. Specific details of disciplinary action are listed in the formal discipline section. The present status of a case may be obtained by contacting the Board office.

**Mark A. Michael, D.C.** (formally known as Mark A. Schrader, D.C.)

**License No. 2205**

**Case No. 2004 CHR 046**

Notice of Opportunity for Hearing issued July 16, 2010 for allegedly violating Ohio Revised Code § 4734.31 (C)(1).

**John F. Gruza, D.C.**

**License No. 1908**

**Case No. 2010 CHR 070**

Notice of Opportunity for Hearing issued July 16, 2010 for allegedly violating Ohio Revised Code § 4734.31 (C)(1).

**John P. Musser, D.C.**

**License No. 3138**

**Case No. 2010 CHR 024**

Notice of Opportunity for Hearing issued July 16, 2010 for allegedly violating Ohio Revised Code § 4734.31 (C)(1).

**Richard C. Mulcahy, D.C.**

**License No. 1922**

**Case No. 2010 CHR 038**

Notice of Opportunity for Hearing issued August 8, 2010 for allegedly violating Ohio Revised Code § 4734.31 (C)(1).

The Notice of Opportunity for Hearing issued to Dr. Mulcahy on August 6, 2010 was amended by the Board and re-issued on June 10, 2011.

**J. Andrew Berthinee, D.C.**

**License No. 2888**

**Case No. 2010 CHR 062**

Notice of Opportunity for Hearing issued August 6, 2010 for allegedly violating Ohio Revised Code § 4734.31 (C)(1).

**Charles W. Theisler, D.C.**

**Applicant for Licensure**

**Case No. 2011 CHR 001**

Notice of Opportunity for Hearing issued October 8, 2010 pursuant to the provisions of Ohio Revised Code § 4734.20 (C) and § 4734.31 (C)(7), (C)(13) & (C)(34) and Ohio Administrative Code § 4734-6-01 and § 4734-6-09.

**Mark Stephen Mills, D.C.**

**License No. 1920**

**Case No. 2011 CHR 079**

Notice of Opportunity for Hearing issued June 10, 2010 for allegedly violating Ohio Revised Code § 4734.14 (A)(6), § 4734.25, § 4734.31 (C)(7) & (C)(13) and Ohio Administrative Code § 4734-7-01 (B) and § 4734-7-03 (B).

### **Notice of Opportunity for Hearing Dismissals Issued**

**Bret J. Bird, D.C.**

**License No. 3916**

**Case No. 2009 CHR 010**

The Notice of Opportunity for Hearing issued to Dr. Bird on April, 22, 2008 was dismissed by the Board with prejudice on December 9, 2010.

**Christopher L. Gehrisch, D.C.**

**License No. 3091**

**Case No. 2009 CHR 039**

The Notice of Opportunity for Hearing issued to Dr. Gehrisch on February 27, 2009 was dismissed by the Board with prejudice on June 10, 2010.

**Bryce D. Arndt, D.C.**

**License No. 3871**

**Case No. 2009 CHR 045**

The Notice of Opportunity for Hearing issued to Dr. Arndt on February 27, 2009 was dismissed by the Board with prejudice on June 10, 2010.

### **Formal Disciplinary Actions**

**John N. Heary, D.C.**

**License No. 2970**

**Case No. 2010 CHR 059**

Date of Action: July 15, 2010

In a Consent Agreement with the Board, Dr. Heary admitted to 11 counts of advertising and solicitation violations.

Disciplinary Action: 90 Day Suspension – 60 Days Stayed, 18 Month Probation, \$1500 Civil Fine and other probationary stipulations as outlined in the Consent Agreement with the Board.

**Sam A. Galati, D.C.**

**License No. 2721**

**Case No. 2010 CHR 032**

Date of Action: August 5, 2010

Dr. Galati published three advertisements that failed to clearly reveal that they were on behalf of a chiropractic physician and one advertisement failed to use the term chiropractic, chiropractor, doctor of chiropractic, or chiropractic physician. Dr. Galati also failed to submit documentation of completion of the continuing education hours he attested to on his 2009 License Renewal Application.

Disciplinary Action: 90 Day Suspension – 30 Days Stayed, 25.5 CE hours (of which 1.5 must be on the topic of Ethics and/or Professionalism), 2 Year Probation upon Reinstatement with reinstatement and probationary stipulations as outlined in the Board's Order.

**Mark A. Michael, D.C. (formally known as Mark A. Schrader, D.C.)**

**License No. 2205**

**Case No. 2004 CHR 046**

Date of Action: December 9, 2010

On or about April 30, 2010 Dr. Schrader pled guilty to and was convicted of Health Care Fraud, in violation of Title 18 U.S.C. § 1347, in the U.S. District Court for the Northern District of Ohio, Eastern Division, Case No. 5:09CR542-01.

Disciplinary Action: 2 Year Suspension - Retroactively effective April 30, 2010, 18 Month Probation upon any restoration of license with restoration and probationary stipulations as outlined in the Consent Agreement with the Board.

**Darrin M. Taylor, D.C.**

**License No. 3039**

**Case No. 2011CHR 017**

Date of Action: December 9, 2010

Dr. Taylor placed a misleading advertisement in the 2009-2010 Hancock County Yellowbook by advertising employee, Michelle Simons, D.C. could provide acupuncture services when Dr. Simons does not possess a certificate to practice acupuncture in Ohio.

Disciplinary Action: \$1500 fine

**Gregory K. Knoderer, D.C.**

**License No. 376**

**Case No. 1997 CHR 060**

Date of Action: December 9, 2010

Dr. Knoderer satisfied all reinstatement requirements outlined in his June 19, 2003 Consent Agreement with the Board and entered into a new Consent Agreement with the Board on December 9, 2010 agreeing to probationary terms and conditions for two years wherein he agreed to only provide chiropractic services to clients at the Hahn-Hufford Center in Piqua, Ohio.

**Debra A. Parker, D.C.**

**License No. 3946**

**Case No. 2010 CHR 035**

Date of Action: December 9, 2010

In a Consent Agreement with the Board, Dr. Parker admits that her Iowa chiropractic license was Indefinitely Suspended effective May 19, 2010 for noncompliance with the Iowa Department of Revenue and Centralized Collection Unit for failure to file and pay taxes for the calendar year ending 2009.

Disciplinary Action: Indefinite Suspension - Stayed, 15 Month Probation, Withdrawal certificate from Iowa Department of Revenue and Centralized Collection Unit indicating all tax obligations for the calendar year ending 2009 have been filed and paid and other probationary stipulations as outlined in the Consent Agreement with the Board.

**John F. Gruza, D.C.**

**License No. 1908**

**Case No. 2010 CHR 070**

Date of Action: February 3, 2011

On or about January 20, 2010, Dr. Gruza pled guilty to and was convicted of Theft, in violation of ORC Section 2913.02, a felony of the fifth degree in the Court of Common Pleas, Franklin County, Ohio, Case NO. 09CR-7496.

Disciplinary Action: 2 Year Suspension, may seek reinstatement after serving 1 year of suspension, \$5000 Fine - \$2500 Stayed, other reinstatement and probationary stipulations as outlined in the Consent Agreement with the Board.

Probation to run concurrently with 5 years of Community Control imposed by the Franklin County Court of Common Pleas on January 20, 2010. Probationary period shall terminate upon termination of Community Control, only after serving 12 months of probation with the Board.

**Eric R. Barker, D.C.**

**License No. 2925**

**Case No. 2009 CHR 065**

Date of Action: June 9, 2011

On or about September 8, 2009, in the United States District Court, Southern District of Ohio at Dayton, Case No. 3:09CR011, Dr. Barker pled guilty to and was convicted of one felony count of Attempt to Possess with Intent to Distribute 2 Kilograms of Cocaine, a Schedule II Controlled Substance.

Disciplinary Action: Revocation for not less than 4 Years - retroactive to September 1, 2010 and additional conditions for restoration of license as outlined in the Consent Agreement with the Board.

**Dennis M. Mulcahy, D.C.**

**License No. 1585**

**Case No. 2010 CHR 030**

Date of Action: June 9, 2011

On or about December 9, 2009, in the Court of Common Pleas, Franklin County, Ohio, Case No. CR 09CR-11-7065, Dr. Mulcahy pled guilty to and was convicted of Workers' Compensation Fraud, a felony of the fourth degree.

Disciplinary Action: 60 Day Suspension – 30 Days Stayed, 1 Year Probation with additional probationary stipulations as outlined in the Consent Agreement with the Board.

**Keith P. Farrell, D.C.**

**License No. 3569**

**Case No. 2010 CHR 065**

Date of Action: June 9, 2011

Dr. Farrell commenced into a sexual relationship of a consensual nature and engaged in discussions of an intimate sexual nature with a patient and failed to maintain a proper record of documentation of his care and failed to properly and accurately document all services performed for the patient. Dr. Farrell admitted that similar documentation issues would exist should a review of additional patient records be conducted.

Disciplinary Action: 30 Day Suspension – Stayed, 18 Month Probation, Compliance Program, \$2500 Fine, NBCE Ethics and Boundaries Examination, 12 CE hours in ethics and boundaries and other probationary stipulations as outlined in the Consent Agreement with the Board.

**Robert A. Coppola, Jr., D.C.**

**License No. 3535**

**Case No. 2010 CHR 074**

Date of Action: June 9, 2011

In a Consent Agreement with the Board, Dr. Coppola admitted that he entered into an Agreed Order on or about April 7, 2009 with the Kentucky Board of Chiropractic Examiners admitting to advertising free or discounted services without including adequate notice and further admitted that he entered into an Agreed Order on or about July 23, 2009 with the Kentucky Board of Chiropractic Examiners admitting to incorrectly billing insurance carriers in the amount of \$17,611.51 in violation of ORC § 4734.31 (C)(35).

Disciplinary Action: 2 Year Probation, \$1000 Fine and other probationary stipulations as outlined in the Consent Agreement with the Board.

**Lewis E. Bennett, D.C.**

**License No. 1215**

**Case No. 2011 CHR 013**

Date of Action: June 9, 2011

Dr. Bennett failed to maintain proper record of his documentation of care of Patient A and performed or negligently performed an act recognized by the Board as a general duty or the exercise of due care in the practice of chiropractic in that he failed to adhere to proper examination procedures and failed to meet radiological safety standards by failing to properly shield Patient A, and he failed to maintain proper record of his documentation of care of Patient B and performed or negligently performed an act recognized by the Board as a general duty or the exercise of due care in the practice of chiropractic in that he failed to adhere to proper examination procedures and inappropriately placed EMS pads to treat Patient B.

Disciplinary Action: 6 Month Suspension – Stayed, 2 Year Probation, NBCE Ethics and Boundaries Examination, 12 CE hours in documentation and coding and other probationary stipulations as outlined in the Consent Agreement with the Board.

**April D. Dunnington, D.C.**

**License No. 2844**

**Case No. 2011 CHR 049**

Date of Action: June 9, 2011

Dr. Dunnington made a false, fraudulent or deceitful statement on her 2010 Chiropractic License Renewal Application filed with the Board on March 25, 2010 and failed to earn the required 12 hours of category 1/2 continuing education credit required to renew her license on or before April 1, 2010.

Disciplinary Action: \$2500 Fine - \$1500 Stayed

**Jeffrey P. Zaika, D.C.**

**License No. 1870**

**Case No. 2011 CHR 052**

Date of Action: June 9, 2011

In a Consent Agreement with the Board, Dr. Zaika admitted that he engaged in a sexual relationship of a consensual nature with a patient.

Disciplinary Action: 30 Day Suspension – Stayed, \$2500 Fine, NBCE Ethics and Boundaries Examination, 6 CE hours in ethics and boundaries, 6 CE hours in proper documentation and recordkeeping, 18 month probation as outlined in the Consent Agreement with the Board.

**Vincent E. Perlmutter, D.C.**

**License No. 4193**

**Case No. 2011 CHR 063**

Date of Action: June 9, 2011

Dr. Perlmutter entered into an Agreed Order on or about May 11, 2007 with the Kentucky Board of Chiropractic Examiners admitting to advertising free or discounted services without including a right of recession as required by administrative regulations of the Kentucky Board and further admitted that he entered into an Agreed Order on or about June 24, 2009 with the Kentucky Board of Chiropractic Examiners wherein he admitted to incorrectly billing insurance carriers in the amount of \$17,611.51 in violation of ORC § 4734.31 (C)(35).

Disciplinary Action: 2 Year Probation, \$1,000 Fine, 12 CE hours in Board-approved Ethics and/or Professionalism must be submitted upon applying for 2012 renewal and other probationary terms as outlined in the Consent Agreement with the Board.

**77 South High Street, 16<sup>th</sup> Floor  
Columbus, Ohio 43215**

**Phone: (614) 644-7032 • Fax (614) 752-2539**

**Toll Free Complaint Hotline: (888) 772-1384**

**Website • [www.chirobd.ohio.gov](http://www.chirobd.ohio.gov)**

**Email • [OSCB.ChiroBd@chr.state.oh.us](mailto:OSCB.ChiroBd@chr.state.oh.us)**