

Board Members present: President Gregory P. Palkowski, D.C., Vice-President Norman J. Gloekler, D.C., Otto J. Schmidt, D.C. and Brian S. Wilson, D.C.

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

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

President Dr. Palkowski called the four hundred and fourth Board meeting to order at 9:00 a.m. The meeting was held at the Ohio State Chiropractic Board Office; 77 South High Street, 16th Floor; Columbus, Ohio.

OATH OF OFFICE

President Dr. Palkowski administered the Oath of Office to newly appointed Board member Otto J. Schmidt, D.C.

REVIEW OF MINUTES

MOTION 2014-060: Vice-President Dr. Gloekler moved and Dr. Wilson seconded a motion to approve the minutes of the December 5, 2013 Board meeting. Voting Aye: President Dr. Palkowski, Vice-President Dr. Gloekler and Dr. Wilson. Voting Nay: None. Abstaining: Dr. Schmidt. Motion passed.

RATIFICATION OF LICENSES

MOTION 2014-061: Dr. Wilson moved and Vice-President Dr. Gloekler seconded a motion to ratify the following licenses issued since December 5, 2013: Travis R. Taylor, Ryan F. Arnold, Tyler J. Lomnicki, Sunni L. Olding, Kathryn E. Keene, Brent A. Spille, Martha A. Moegling, Garrett M. Knuckles, Zachary R. Kager, Jessica A. Lockhart and Anna L. Vogel. Motion passed unanimously.

ACUPUNCTURE CERTIFICATES

MOTION 2014-062: Dr. Wilson moved and Vice-President Dr. Gloekler seconded a motion to ratify the acupuncture certificate issued to Dr. Dayna Bolera. Motion passed unanimously.

PRECEPTORSHIP APPLICATIONS

MOTION 2014-063: Dr. Wilson moved and Vice-President Dr. Gloekler seconded a motion to ratify the preceptorships approved for Brent Spille with Matthew Hakes, D.C. and Kristin Kemper with Paul Reed, D.C. Motion passed unanimously.

RATIFICATION OF CE WAIVER

MOTION 2014-064: Dr. Wilson moved and Vice-President Dr. Gloekler seconded a motion to ratify the approval of the following CE waiver for 2014 license renewal:

Paul F. Fulk, Sr., D.C. 18 hours of CE waived for the 2012-2014 license renewal period.

EXECUTIVE DIRECTOR'S REPORT

Director Caudill reviewed the Executive Director's report with the Board which includes the Board Docket, Legislative Matters, Budgetary Matters, Investigative Statistics and the following miscellaneous matters:

Director Caudill reported it has come to her attention that Fetterman Events held four CE programs in 2013 that were not co-sponsored by a Board-approved CE sponsor as registered by Fetterman. Director Caudill reported that the CE registration process has been revised to require all CE sponsors to directly register programs to prevent future instances of this nature. The Board will accept the CE earned for license renewal for those licensees that attended any of the four programs.

Director Caudill reported that a draft rule regarding military considerations is being presented today for review in response to recently enacted HB 98 and to comply with applicable sections of ORC 5903 regarding military personnel and their spouses and veterans. Director Caudill also reviewed the action steps the Board must comply with that are contained in the report titled "Valuing Ohio Veterans" recently published by the Governor's Office of Workforce Transformation (OWT). Director Caudill reported the status of compliance with the seven action steps contained in the OWT Report.

Director Caudill reminded the Board of Governor Kasich's Executive Order 2011-03K requiring all employees of the Board to earn annual ethics training and provided all Board members with a list of upcoming training dates. She also advised the Governor's Office desires financial disclosure filers to attend the training in-person, but a webinar would be acceptable if personal attendance is not possible. The Board discussed attending training on June 12 prior to beginning the Board meeting scheduled for that day and will make a final determination at the April Board meeting.

Director Caudill reminded the Board that Ethics Commission Annual Financial Disclosure Statements are due April 15, 2014.

Director Caudill advised that the FCLB/NBCE Annual Meetings to be held May 1-4, 2014 in Myrtle Beach, SC and the Board must vote on attendance at this meeting and designate delegate and alternate delegates for FCLB and NBCE voting.

MOTION 2014-065: Dr. Wilson moved and Vice-President Dr. Gloekler seconded a motion to approve President Dr. Palkowski as the voting delegate for the FCLB and NBCE Annual Meetings to be held on May 1-4, 2014 in Myrtle Beach, SC. Motion passed unanimously.

MOTION 2014-066: Vice-President Dr. Gloekler moved and Dr. Schmidt seconded a motion to approved Dr. Wilson as the alternate voting delegate for the FCLB and NBCE Annual Meetings to be held on May 1-4, 2014 in Myrtle Beach, SC. Motion passed unanimously.

MOTION 2014-067: Dr. Wilson moved and Dr. Schmidt seconded a motion to approve Director Caudill's attendance at the ACBA Meeting on April 30, 2014 in Myrtle Beach, SC and the attendance of President Dr. Palkowski and Director Caudill at the FCLB and NBCE Annual Meetings on May 1-4, 2014 in Myrtle Beach, SC, and approved the attendance of Dr. Wilson as an alternate if President Dr. Palkowski or Director Caudill is unable to attend. Motion passed unanimously.

Director Caudill advised that two Board members have been invited to participate in the National Board of Chiropractic Examiners' Part IV Exam being held May 16-18, 2014. Board members interested in participating should contact Liz for registration information.

Director Caudill advised that a new Board Member Orientation Handbook has been emailed to each Board member.

Director Caudill reported that she and Liz completed an initial review of the new licensing system scheduled to go live in fall of 2014.

MOTION 2014-068: Dr. Wilson moved and Vice-President Dr. Gloekler seconded a motion to accept the Director's Report as presented. Motion passed unanimously.

LEGAL ACTIVITIES

NOTICE OF OPPORTUNITY FOR HEARING, CASE NO. 2013 CHR 039

MOTION 2014-069: Dr. Wilson moved and Dr. Schmidt seconded a motion to issue the proposed Notice of Opportunity for Hearing for the doctor cited in Case No. 2013 CHR 039. Voting Aye: President Dr. Palkowski, Dr. Wilson and Dr. Schmidt. Voting Nay: None. Abstaining: Vice-President Dr. Gloekler. Motion passed.

NOTICE OF OPPORTUNITY FOR HEARING, CASE NO. 2014 CHR 049

MOTION 2014-070: Dr. Wilson moved and Vice-President Dr. Gloekler seconded a motion to issue the proposed Notice of Opportunity for Hearing for the doctor cited in Case No. 2014 CHR 049 as presented. Voting Aye: Vice-President Dr. Gloekler, Dr. Schmidt and Dr. Wilson. Voting Nay: None. Abstaining: President Dr. Palkowski. Motion passed.

OHIO STATE CHIROPRACTIC ASSOCIATION

Bharon Hoag, Executive Director of the OSCA, gave an update on current activities.

LEAH V.B. O'CARROLL, AAG

AAG O'Carroll advised the Board that a new travel rule, OAC 102-3-08, has been adopted by the Ohio Ethics Commission and reviewed the highlights of the rule.

PERTINENT CORRESPONDENCE

Director Caudill presented an email from Dr. Bruce Abelson of Radiology Professionals, Inc. (RPI) inquiring if RPI is allowed to receive teleradiographic images without a license in Ohio and if there are any special rules or regulations RPI would need to know about before acquiring images from referring doctors.

The Board tabled their response to Dr. Abelson until further research is conducted on telepractice.

ADMINISTRATIVE RULE REVIEW

The Board reviewed the following CSI reviewable rules scheduled for five year rule review in April 2014 and stakeholder comments received: 4734-5-02 Board relationship with the CCE; 4734-5-03 Site visitation procedures; 4734-5-04 Initial approval of chiropractic educational institutions or programs; 4734-5-06 Revocation of approval of chiropractic educational institutions or programs; 4734-6-01 Application for licensure; 4734-6-02 Licensure by endorsement; 4734-6-04 Preceptorships; 4734-6-08 Pre-chiropractic educational requirements; 4734-8-04 Documentation

and record keeping ; 4734-8-07 Terminating the doctor patient relationship; 4734-9-02 Advertising and solicitation and 4734-9-07 Billing practices. The Board also reviewed new rule 4734-8-01 Dismissing a patient for a chiropractic practice.

The Board advised Director Caudill to make the following changes to the following rules:

4734-5-06 (A): delete the word “credible”

4734-6-01(C): change “school, college or university” to “institution or program.”

4734-6-04 (D): in paragraph (1) change the word “preceptor” to “licensee” in all places used in this paragraph.

4734-6-04 (D)(1)(a) revise to state no malpractice payment reports and no disciplinary action in any jurisdiction within the seven years preceding the date of application.

MOTION 2014-071: Vice-President Dr. Gloekler moved and Dr. Wilson seconded a motion to approve the filing of the following rules with the requested changes with JCARR with authority to Director Caudill to make any non-substantive changes that may be recommended by JCARR: 4734-5-02 board relationship with the CCE; 4734-5-03 site visitation procedures; 4734-5-04 initial approval of chiropractic educational institutions or programs; 4734-5-06 revocation of approval of chiropractic educational institutions or programs; 4734-6-01 application for licensure; 4734-6-02 licensure by endorsement; 4734-6-04 preceptorships; 4734-6-08 pre-chiropractic educational requirements; 4734-8-04 documentation and record keeping ; 4734-8-07 terminating the doctor patient relationship; 4734-9-02 advertising and solicitation; 4734-9-07 billing practices and 4734-8-01 dismissing a patient for a chiropractic practice. Motion passed unanimously.

Director Caudill presented a draft military considerations rule for the Board’s review. The rule contains provisions the Board is required to enact in accordance with HB 98 and certain provisions contained in ORC 5903.

MOTION 2014-072: Vice-President Dr. Gloekler moved and Dr. Wilson seconded a motion to approve the military considerations rule as proposed and proceeding with the procedures of the Common Sense Initiative Office and, provided no substantive comments are received from stakeholders, filing the rule with JCARR with authority to Director Caudill to make any non-substantive changes that may be recommended by JCARR. Motion passed unanimously.

If substantive stakeholder comment is received on the military considerations rule, Director Caudill will present those comments to the Board at their April 10, 2014 Board meeting.

OLD/NEW BUSINESS

President Dr. Palkowski inquired if the Board members would like to attend Ethics Training at the in-person training scheduled for June 12, 2014 in Columbus, which is also a Board meeting day. Director Caudill stated the agenda could be planned around the training. This will be discussed more at the April Board meeting and a decision finalized at that time.

MOTION 2014-073: Dr. Wilson moved and Dr. Schmidt seconded a motion to adjourn the meeting. Motion passed unanimously.

With no further business to be brought before the Board, President Dr. Palkowski adjourned the meeting at 2:45 p.m.

Approved By Majority of Board:

Attested By Its Secretary:

Gregory P. Palkowski, D.C.
President

Kelly A. Caudill
Executive Director

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