

Board Members present: President Otto J. Schmidt, D.C., Vice-President Norman J. Gloekler, D.C., Gregory P. Palkowski, D.C. and Jeffrey O. Brown, Esq.

Others present: Kelly A. Caudill, Executive Director; Elizabeth Moore, Executive Assistant and Charissa Payer, Principal AAG.

Members excused: None.

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*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**

The four hundred and twenty-fifth Board meeting was called to order at 9:00 a.m. The meeting was held at the Vern Riffe Center for Government and the Arts; 77 South High Street, 16th Floor, Columbus, Ohio.

### **CORRECTIONS/ADDITIONS TO THE AGENDA**

Director Caudill added the review of a Notice of Opportunity for Hearing for Case No. 2018 CHR 001 to the agenda.

### **REVIEW OF MINUTES**

**Mr. Brown moved and Vice-President Dr. Gloekler seconded a motion to approve the minutes of the June 8, 2017 Board meeting.** Motion passed unanimously.

### **RATIFICATION OF CHIROPRACTIC LICENSES**

**Mr. Brown moved and Dr. Palkowski seconded a motion to ratify the following chiropractic licenses issued to Matthew Kapraun, Kayla Feltz, Steven Rawson, G. Ruvarac, Daniel Continenza, Bridgette Pauze, Dean Puthoff, Kalli Ross, Joseph Little, Dylan Howe, William Leach, Nicole Olechowicz, Amanda Hansen, Brent Heitmeyer, Elias Druckman, Louai Al-Samkari, Zachary Thomas, Scharlene Gaudet, Richard Bieszki and Joshua Flowers.** Motion passed unanimously.

### **RATIFICATION OF ACUPUNCTURE CERTIFICATES**

**Vice-President Dr. Gloekler moved and Mr. Brown seconded a motion to approve the acupuncture certificates issued to Drs. Brandy Spaulding and Brittany Harper.** Motion passed unanimously.

### **RATIFICATION OF PRECEPTORSHIP APPLICATIONS**

**Mr. Brown moved and Vice-President Dr. Gloekler seconded a motion to ratify the preceptorships approved for Samantha Davies with Jason Schone, D.C.; Taylor Ferguson with Tyler Kelly, D.C., Kate Cline with Michele Charlton, D.C., Nicole Lefton with Bradley Walker, D.C. and Kayci Cleveland with Herbert Schraw, D.C.** Motion passed unanimously.

### **EXECUTIVE DIRECTOR'S REPORT**

Director Caudill reviewed the Executive Director's report with the Board which included the Board Docket, Legislative Matters, Budgetary Matters, Administrative Rules, Investigative Statistics and miscellaneous matters.

Director Caudill reported that the FCLB District II Meeting is scheduled for October 5-8, 2017. The Board needs to vote on attendance.

**Vice-President Dr. Gloekler moved and Mr. Brown seconded a motion to approve the attendance of Vice-President Dr. Gloekler, Dr. Palkowski, Director Caudill and Ms. Moore at the FCLB District II Meeting. Motion passed unanimously.**

Director Caudill reported that the go live date for Elicense was June 19, 2017 and the transition has gone fairly well.

**Dr. Palkowski moved and Vice-President Dr. Gloekler seconded a motion to accept the Director's Report as presented. Motion passed unanimously.**

## **LEGAL ACTIVITIES**

### **CONSENT AGREEMENT, CASE NO. 2017 CHR 017**

**Mr. Brown moved and Vice-President Dr. Gloekler seconded a motion to accept the proposed Consent Agreement in Case No. 2017 CHR 017 as presented. Voting Aye: President Dr. Schmidt, Vice-President Dr. Gloekler and Mr. Brown. Voting Nay: None. Abstaining: Dr. Palkowski. Motion passed.**

### **MARNIE L. MURPHY, D.C., CASE NO. 2017 CHR 042**

On or about April 20, 2017 the Board issued a Notice of Opportunity for Hearing to Marnie L. Murphy, D.C. Service of the Notice was perfected to **DR. MURPHY** and she did not request a hearing in accordance with ORC Section 119.07. AAG Charissa Payer presented the Board with Director Caudill's Affidavit and State's Exhibits in regard to this matter.

### **ADJOURN – 9:30 am**

**Dr. Palkowski moved and Mr. Brown seconded a motion to adjourn for the purposes of engaging as a quasi-judicial body for deliberation regarding the matter of Marnie L. Murphy, D.C. Vice-President Dr. Gloekler did not participate in the deliberation. The Board meeting was called back to order at the conclusion of the deliberation at 10:15 a.m.**

**Mr. Brown moved and Dr. Palkowski seconded a motion to issue the following Order to Marnie L. Murphy, D.C.:**

The Board considered the charges against Dr. Murphy in the April 20, 2017 Notice and evidence supporting the charges as well as Dr. Murphy's prior disciplinary action.

The Board finds that Dr. Murphy: 1.) failed to submit documentation of compliance with the required CE hours within thirty days from the date of the Board's notification; 2.) made a false, fraudulent, or deceitful statement to the Board on her 2016 License Renewal Application by attesting she earned 36 hours of CE that included 1.5 hours of ethics and/or professionalism CE hours; and, 3.) failed to earn 1.5 hours of ethics and/or professionalism CE between April 1, 2014 and March 31, 2016, in violation of ORC Section 4734.31 (C)(7) and (C)(13) and Ohio Administrative Code (OAC) Section 4734-7-01 (A)(5) and (D)(2) (Effective April 1, 2016) and OAC Section 4734-7-01 (C), (E)(1), (O) and (P) (Effective March 14, 2013 to March 31, 2016) and hereby ORDERS the following pursuant to ORC Section 4734.31 (A), (B)(3), (B)(4) and (D)(2):

Within ninety (90) days from the date of mailing of this ORDER, Dr. Murphy shall pay a CIVIL FINE in accordance with ORC Section 4734.31 (B)(4) and OAC Section 4734-9-01 (D)(2) in the amount of \$1,000 made payable to the Treasurer of Ohio. Further, Dr. Murphy shall submit evidence to the Board of earning 1.5 hours of CE on the topic of ethics and/or professionalism. The 1.5 hours of CE shall not count towards Dr. Murphy's 2018 CE requirements.

This Order shall become effective immediately and is hereby entered upon the Journal of the Board for the 3<sup>rd</sup> day of August 2017.

Voting Aye: President Dr. Schmidt, Dr. Palkowski, and Mr. Brown. Voting Nay: None. Abstaining: Vice-President Dr. Gloekler. Motion passed.

### **NOTICE OF OPPORTUNITY FOR HEARING, CASE NO. 2018 CHR 001**

**Mr. Brown moved and Vice-President Dr. Gloekler seconded a motion to issue a Notice of Opportunity for Hearing to the doctor cited in Case No. 2018 CHR 001 as presented.** Voting Aye: President Dr. Schmidt, Vice-President Dr. Gloekler and Mr. Brown. Voting Nay: None. Abstaining: Dr. Palkowski. Motion passed.

### **PUBLIC RULES HEARING**

The Board held a Public Rules Hearing at 10:29 a.m. on the 16<sup>th</sup> Floor in the Board office regarding the following rules:

#### Rules to be 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

#### New Rules:

- 4734-1-01 Rule Making 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

#### Amended Rules:

- 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

No testimony was offered at the hearing or received prior to the hearing. The hearing concluded at 10:37 a.m.

Upon conclusion of the hearing, the Board deliberated in public session on the rules.

**Mr. Brown moved and Dr. Palkowski seconded a motion to final file the following rules with JCARR with authority to Director Caudill to make any non-substantive changes that may be**

**recommended by JCARR: Rules to be 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 and 4734-4-01 Hearings; disciplinary procedures. New rules 4734-1-01 Rule making and review of existing rules and 4734-1-02 Public meetings; 4734-7-03 Continuing education credit for providing health care to indigent and uninsured persons as a volunteer. Amended rules 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 and 4734-10-02 Acupuncture course of study approval. Motion passed unanimously.**

**NOTICE OF OPPORTUNITY FOR HEARING, CASE NO. 2018 CHR 001 - RESCIND**

**Mr. Brown moved and Vice-President Dr. Gloekler seconded a motion to rescind the motion to issue a Notice of Opportunity for Hearing to the doctor cited in Case No. 2017 CHR 017 as presented.** Voting Aye: President Dr. Schmidt, Vice-President Dr. Gloekler and Mr. Brown. Voting Nay: None. Abstaining: Dr. Palkowski. Motion passed.

**Mr. Brown moved and Vice-President Dr. Gloekler seconded a motion to adjourn the meeting.** Motion passed unanimously.

With no further business to be brought before the Board, President Dr. Schmidt adjourned the meeting at 11:00 a.m.

Approved By Majority of Board:

Attested By Its Secretary:

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Otto J. Schmidt, D.C.  
President

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Kelly A. Caudill  
Executive Director

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