

Board Members present: President Brian S. Wilson, D.C., Vice-President Norman J. Gloekler, D.C., Jeffrey O. Brown, Esq. and Otto J. Schmidt, D.C.

Others present: Kelly A. Caudill, Executive Director; Elizabeth Moore, Executive Assistant; Matt Lampke, AAG; Kim Stein, Investigator and Jeff Barker, Investigator.

Members excused: Gregory P. Palkowski, D.C.

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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 thirteenth Board meeting was called 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.

### **PUBLIC FORUM – 9:00 AM**

No public in attendance.

### **REVIEW OF MINUTES**

MOTION 2015-053: Mr. Brown moved and Vice-President Dr. Gloekler seconded a motion to approve the minutes of the June 25, 2015 Board meeting. Motion passed unanimously.

### **RATIFICATION OF PRECEPTORSHIP APPLICATIONS**

MOTION 2015-054: Mr. Brown moved and Dr. Schmidt seconded a motion to ratify the preceptorships approved for Nathan Siebenaller with Dr. Luke Reineck; Zachary Martin with Dr. Michael Cafaro; Brittany Harper with Dr. Joshua Horn; Chad Teague with Dr. Robert Jeffries; Nicholas Murtland with Dr. Steven Uhl and Abbey Palmer with Dr. Debbie Hamilton. Motion passed unanimously.

### **RATIFICATION OF CHIROPRACTIC LICENSES**

MOTION 2015-055: Mr. Brown moved and Dr. Schmidt seconded a motion to ratify the following chiropractic licenses issued: Nicholas H. Weikum, Aaron E. Haley, Tyler S. Chiplinski, Justin W. Florek, Alexander J. Ribble, Samantha M. Wisbon, Eric M. Thibault, Heather N. Brown, Billy C. Lunsford, Matthew L. Harbour, Brett D. Brodbeck, David J. Hummel, Todd A. McDougle, Rebecca J. Eberle and Robert J. Bruyn Jr. Motion passed unanimously.

### **MILITARY CONSIDERATIONS**

MOTION 2015-056: Mr. Brown moved and Dr. Schmidt seconded a motion to extend the chiropractic license held by Dr. Joshua D. Barousse by one year in accordance with the Board's military considerations rule (4734-11-01). 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, Personnel, Administrative Rules, Investigative Statistics and miscellaneous matters.

Director Caudill reported that Senate Bill 194 was introduced July 8, 2015 to permit complimentary or alternative health services to be provided by licensed and non-licensed individuals. Director Caudill advised she will monitor this bill and keep the Board updated on any developments.

Director Caudill reported that House Bill 276 was introduced June 24, 2015 to permit licensed chiropractic physicians to engage in certain activities involving nutrition-related items and therapies, nonprescription drugs, and medical goods and devices. Director Caudill advised she will monitor this bill and keep the Board updated on any developments.

Director Caudill reported that House Bill 157 was introduced April 15, 2015 and would require every medical, dental, optometric and chiropractic provider to obtain liability insurance and creates a Health Care Professional Standards Board to discipline medical, dental, optometric and chiropractic providers who are required to obtain liability insurance under the bill relating to malpractice. The bill was referred to the Insurance Committee. Director Caudill advised she will monitor this bill and keep the Board updated on any developments.

Director Caudill informed the Board that the FY 2014-2015 Audit is complete and no instances of non-compliance or internal control weaknesses were identified. Director Caudill stated that all Board members should have received the report from the State Auditor's Office.

Director Caudill informed the Board of important upcoming FCLB/NBCE dates including the FCLB District II Meeting being held October 8-11, 2015 in Fort Walton Beach, FL and NBCE Part IV Exams being held November 13-15, 2015.

MOTION 2015-057: Vice-President Dr. Gloekler moved and Dr. Schmidt seconded a motion to approve the attendance of Director Caudill and Dr. Palkowski at the FCLB District II Meeting being held October 8-11, 2015 in Fort Walton Beach, FL. Motion passed unanimously.

MOTION 2015-058: Dr. Schmidt moved and Vice-President Dr. Gloekler seconded a motion to approved President Dr. Wilson's participation in the NBCE Part IV Exams being held November 13-15, 2015. Motion passed unanimously.

Director Caudill informed the Board that the new ELicense System is moving along with the pilot boards as scheduled. Director Caudill advised that she viewed the system briefly and it looks very nice, however the Board will not be onboarded to the system in time to implement online renewal for 2016.

MOTION 2015-059: Dr. Schmidt moved and Vice-President Dr. Gloekler seconded a motion to accept the Director's Report as presented. Motion passed unanimously.

### **PUBLIC RULES HEARING**

A Public Rules Hearing was held at 10:00 a.m. in the Board office, regarding the following rule to be rescinded and drafted as new: 4734-1-15 Scope of practice. Anderson Reporting Services made a stenographic record of the proceedings at the Board's expense.

Prior to the hearing, testimony was offered in writing from the Ohio Academy of Nutrition and Dietetics, Drs. Alan Palgut, R. David Miklos, Keith Ungar, Stephen Stone, Jennifer Gilliam, Craig Banks, Ming Je Huang, Christopher Devens, Thaddeus Bosman, Sam Lewis, Tracy Price, William Blueter, Andrew Kender III, Cynthia Ratkowski, Mickey Frame, Brent Ungar, Robin Swaim, Tom

Baur, Garry Smith, Kevin King, Jay Anderson, David Valentine, Michael Darr, Janet Barry, Aliann Young, Carmen Centanni, Tom Lemire, Robert Harris, Jeremy Przybysz, Patrick Daney, Ryan Duncan, Bruce Morris, Matthew Ward, Andre Montgomery, Jeffrey Dunnigan, Robert Blair, Eric Macanga and Richard Buck. In-person testimony was offered at the hearing from Dr. Keith Ungar and Dr. George Berki on behalf of the NOAC. Nicholas Strata, COO of the Ohio State Chiropractic Association was present for the hearing but did not provide testimony.

Upon conclusion of the hearing, the Board deliberated in public session on the rule and the testimony received.

MOTION 2015-060: Mr. Brown moved and Vice-President Dr. Gloekler seconded a motion to maintain paragraph (A) of rule 4734-1-15 and revise 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.

### **CE REVIEW**

The Board reviewed the continuing education program outlines submitted by the Ohio State Chiropractic Association for the 2015 Annual Convention. Mr. Strata was invited to stay for the discussion but declined.

MOTION 2015-061: Mr. Brown moved and Vice-President Dr. Gloekler seconded a motion to deny approval of the seminar entitled “Changing the Status Quo” for 1.5 hours on October 10, 2015 by Dr. Kreg Huffer and Bharon Hoag. Motion passed unanimously.

MOTION 2015-062: Vice-President Dr. Gloekler moved and Dr. Schmidt seconded a motion to approve the following seminars for October 10-11, 2015: “The Man I Was Meant to Be” for 2 hours by Dr. Tim Novelli and Shilo Harris; “Making Your Purpose the Source of Your Practice” for 4.5 hours by Dr. Miles Bodzin; “Positioning DCs as the Posture Specialist with Step-by-Step Strong Posture Rehab Protocols” for 4.5 hours by Dr. Steven Weiniger; “Chiropractic Nutrition: Core Principals for Every Patient” for 4.5 hours by Dr. Jay Robbins; “The Reality Check: A Quest to Understand Chiropractic from the Inside Out” for 2 hours by Dr. Heidi Haavik; “Making Your Purpose the Source of Your Practice” for 2 hours by Dr. Miles Bodzin; “Overview of Autism Spectrum Disorder and Associated Medical Conditions” for 2 hours by Dr. Janet Lintala; “Chiropractic Nutrition: Core Principals for Every Patient” for 2 hours by Dr. Jay Robbins and “An Introduction to Post Surgical Spine Rehab” for 2 hours by Drs. Jerry Simon and Anthony Gross. Motion passed unanimously.

### **PERTINENT CORRESPONDENCE**

Director Caudill presented an email from Darren Snodgrass, D.C. requesting a change in the laws and regulations that require chiropractic physicians to obtain an acupuncture certificate in order to perform dry needling.

MOTION 2015-063: Vice-President Dr. Gloekler moved and Mr. Brown seconded a motion to seek a formal Attorney General Opinion regarding dry needling to determine if it is considered the practice of acupuncture.

The Board instructed Director Caudill to write Dr. Snodgrass and inform him that the Board will seek a formal Attorney General Opinion regarding dry needling to determine if it is considered the practice of acupuncture.

**ADMINISTRATIVE RULE REVIEW**

Director Caudill presented a table of stakeholder comments received on the package of rules sent out on July 6, 2015. The package included the following rules: 4734-6-04; 4734-7-01, 02, 03, 04 and 05; 4734-8-09; 4734-10-04 and 06.

Director Caudill presented rules 4734-7-01 and 4734-7-02 with a modification based on the recommendation of CSI. The modification will allow licensees who author research papers published in recognized chiropractic or medical journals to claim up to 18 hours of chiropractic CE and/or 6 hours of acupuncture CE toward their renewal requirement.

Director Caudill advised the Board that proposed rule 4734-8-09 is not consistent with the Ohio Department of Health's Concussion Committee guidelines and presented an amended draft with chiropractic physician removed from paragraph (B)(4).

MOTION 2015-064: Dr. Schmidt moved and Mr. Brown seconded a motion to file rule 4734-7-01 with the proposed modification as recommended by CSI with JCARR with authority to Director Caudill to make any non-substantive changes that may be recommended by JCARR. Motion passed unanimously.

MOTION 2015-065: Mr. Brown moved and Vice-President Dr. Gloekler seconded a motion to file rule 4734-7-02 with the proposed modification as recommended by CSI with JCARR with authority to Director Caudill to make any non-substantive changes that may be recommended by JCARR. Motion passed unanimously.

MOTION 2015-066: Vice-President Dr. Gloekler moved and Dr. Schmidt seconded a motion to file rule 4734-8-09 with the proposed modification with JCARR with authority to Director Caudill to make any non-substantive changes that may be recommended by JCARR. Motion passed unanimously.

The Board discussed if the continuing education rules should be effectuated before April 1, 2016 or effective April 1, 2016.

MOTION 2015-067: Mr. Brown moved and Dr. Schmidt seconded a motion to effectuate the new CE rules April 1, 2016. Motion passed unanimously.

**ELECTION OF BOARD PRESIDENT**

MOTION 2015-068: Dr. Schmidt moved and Mr. Brown seconded a motion to elect Dr. Wilson as President of the Board. Voting Aye: President Dr. Wilson, Vice-President Dr. Gloekler, Dr. Schmidt and Mr. Brown. Voting Nay: None. Abstaining: None. Motion passed unanimously.

President Dr. Wilson designated Dr. Schmidt as Vice-President of the Board.

MOTION 2015-069: Mr. Brown 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. Wilson adjourned the meeting at 1:00 p.m.

Approved By Majority of Board:

Attested By Its Secretary:

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Brian S. Wilson, D.C.  
President

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Kelly A. Caudill  
Executive Director

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