

Board Members present: President Gregory P. Palkowski, D.C., Vice-President Norman J. Gloekler, D.C., Mickey E. Frame, D.C. and Jessica Voltolini.

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

Members excused: Kelly J. Roush, D.C.

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 thirtieth Board meeting to order at 9:04 a.m. at the Vern Riffe Center for Government and the Arts; 77 South High Street, 16th Floor, Columbus, Ohio.

OATH OF OFFICE

President Dr. Palkowski introduced and welcomed newly appointed Board member Ms. Jessica Voltolini and administered the Oath of Office.

REVIEW OF MINUTES

Dr. Frame moved and Vice-President Dr. Gloekler seconded a motion to approve the minutes of the April 5, 2018 Board meeting. Motion passed unanimously.

RATIFICATION OF CHIROPRACTIC LICENSES

Vice-President Dr. Gloekler moved and Dr. Frame seconded a motion to ratify approval of the chiropractic licenses issued to Garrett Hayman, Tiffany Hoback, Lilli Benck, Jaclyn Hurley, Rocky Justice, Suzanne Pikula, Tyrel Detweiler, John Barnosky, Kayci Cleveland, Dalton Wood, Jeffrey Mechtenberg, Amanda Kellerman, Jon Bloomberg, Jason Van Skyhock and Emily Rehm. Motion passed unanimously.

RATIFICATION OF ACUPUNCTURE CERTIFICATES

Ms. Voltolini moved and Vice-President Dr. Gloekler seconded a motion to ratify approval of the acupuncture certificates issued to Drs. Andrew Kender III; Ryan Cooke; Justin Vinson; Patrick Brennan; Derek Black and Mitchell Howard. Motion passed unanimously.

RATIFICATION OF PRECEPTORSHIPS

Dr. Frame moved and Vice-President Dr. Gloekler seconded a motion to ratify approval of the preceptorships for Allison Gouker with Dr. Jon Schwanz; Thomas Keough IV with Dr. Jon Schwanz and Caleb Miller with Dr. Mathias Pamer. 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, Administrative Rules, Investigative Statistics and miscellaneous matters.

Director Caudill and President Dr. Palkowski gave a brief report of activities from the FCLB Annual Conference held in Dallas, TX on May 2-6, 2018.

Director Caudill reported that per the Pharmacy Board, Ohio law does not make a distinction between CBD oil derived from hemp and CBD derived from marijuana and thus it is defined as a Schedule I substance and not within the scope of chiropractic in the state of Ohio.

President Dr. Palkowski discussed the rollout of the Ohio Bureau of Workers' Compensation Health and Behavioral Assessment Intervention. The Board determined that the assessment is within the scope of chiropractic however additional research must be done to determine if the second component, forms and etc. are within the scope as well.

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

LEGAL ACTIVITIES

Ms. Voltolini moved and Vice-President Dr. Gloekler seconded a motion go into Executive Session to discuss pending and imminent litigation with legal counsel. Motion adopted by roll call vote: Voting Aye: President Dr. Palkowski, Vice-President Dr. Gloekler, Dr. Frame and Ms. Voltolini. Voting Nay: None. Abstaining: None. Motion passed unanimously.

The Board reported out of Executive Session at 11:19 a.m. and the meeting was called back to regular session at the conclusion of the discussion.

CONSENT AGREEMENT, CASE NO. 2018 CHR 061

Ms. Voltolini moved and Dr. Frame seconded a motion to accept the proposed Consent Agreement as presented. Voting Aye: Vice-President Dr. Gloekler, Dr. Frame and Ms. Voltolini. Voting Nay: None. Abstained: President Dr. Palkowski. Motion passed.

NOTICE OF OPPORTUNITY FOR HEARING, CASE NO. 2018 CHR 015

Dr. Frame moved and Ms. Voltolini seconded a motion to accept the proposed Notice of Opportunity for Hearing as presented. Voting Aye: Vice-President Dr. Gloekler, Dr. Frame and Ms. Voltolini. Voting Nay: None. Abstained: President Dr. Palkowski. Motion passed.

NOTICE OF OPPORTUNITY FOR HEARING, CASE NO. 2018 CHR 025

Dr. Frame moved and Ms. Voltolini seconded a motion to accept the proposed Notice of Opportunity for Hearing as presented. Voting Aye: Vice-President Dr. Gloekler, Dr. Frame and Ms. Voltolini. Voting Nay: None. Abstaining: President Dr. Palkowski. Motion passed.

NOTICE OF OPPORTUNITY FOR HEARING, CASE NO. 2018 CHR 032

Ms. Voltolini moved and Dr. Frame seconded a motion to accept the proposed Notice of Opportunity for Hearing as presented. Voting Aye: Vice-President Dr. Gloekler, Dr. Frame and Ms. Voltolini. Voting Nay: None. Abstaining: President Dr. Palkowski. Motion passed.

ADJOURN – 12:00 P.M.

Vice-President Dr. Gloekler moved and Dr. Frame seconded a motion to adjourn the meeting for the purpose of engaging as a quasi-judicial body for deliberation regarding the matter of Seth Gray, D.C. Dr. Palkowski did not participate in the deliberations. The Board meeting was called back to order at the conclusion of the deliberations at 12:25 p.m.

SETH GRAY, D.C.; CASE NO. 2018 CHR 062

On or about April 6, 2018 the Board issued a Notice of Opportunity for Hearing to Seth S. Gray,

D.C. Service of the Notice was perfected to Dr. Gray and he did not request a hearing in accordance with ORC Section 119.07.

Prior to consideration of the matter, Vice-President Dr. Gloekler, Dr. Frame and Ms. Voltolini reviewed and considered the charges against Dr. Gray in the April 6, 2018 Notice of Opportunity for Hearing as well as Dr. Gray's prior disciplinary action and State's Exhibits A-G.

Ms. Voltolini moved and Vice-President Dr. Gloekler seconded a motion to issue the following Order to Seth S. Gray, D.C.:

Dr. Gray's license to practice chiropractic in the state of Ohio shall be **SUSPENDED** for a term of ninety days (90). Sixty (60) days of the Suspension shall be **STAYED**. Dr. Gray shall pay a civil fine in the amount of \$1,000. \$500 of the fine shall be **STAYED**.

This Order shall become effective thirty days upon the date of mailing indicated on the Certificate of Service entered upon the Journal of the Board for the 21st day of June 2018.

Voting Aye: Vice-President Dr. Gloekler, Dr. Frame and Ms. Voltolini. Voting Nay: None. Abstaining: President Dr. Palkowski. Motion passed.

Ms. Voltolini was excused from the meeting at 12:45 p.m.

ADMINISTRATIVE RULE REVIEW

The following rules are up for five-year rule review in 2018:

- 4734-1-03** Payment of fees
- 4734-5-01** Board approved chiropractic educational institutions and programs
- 4734-6-05** License for voluntary public service
- 4734-6-07** Addresses of licensees
- 4734-8-02** Unlicensed supportive personnel
- 4734-8-03** Quality intervention program
- 4734-8-05** Examination and prescription protocols
- 4734-8-06** Board consideration of sanctions
- 4734-8-08** Universal precautions
- 4734-9-01** Fine schedules
- 4734-9-03** Signage and display of license
- 4734-9-04** Ownership of chiropractic practice
- 4734-9-05** Confidentiality
- 4734-9-06** Sexual misconduct
- 4734-9-08** Professional ethics
- 4734-9-09** Fee splitting prohibited
- 4734-9-10** Conduct following action against a license
- 4734-9-11** Prepayment plans
- 4734-10-03** Application for acupuncture certificate
- 4734-10-05** Acupuncture referral

The Board is also proposing amendment to rules:

- 4734-7-03** Continuing education credit for providing health care to indigent and uninsured persons as a volunteer and **4734-8-09** Concussion management.

Director Caudill provided a packet of the rules with additional comments and suggested changes requested by the Board at the April 19, 2018 Board meeting. The Board instructed Director Caudill to make the following minor revisions to the rules:

4734-8-02: add Instruction and supervision of therapeutic exercises; Instruction and supervision of therapeutic procedures and activities; Instruction and supervision of neuromuscular reeducation; Low level laser therapy up to and including class IV lasers.

4734-8-06: remove prior disciplinary offenses wording in (b)

4734-9-08: (3) add maintain professional boundaries when interacting with patients via the internet, electronic messaging, text messaging, or any other type of social networking; (12) remove practicing chiropractic from the first sentence of the paragraph and add in a misleading manner; add duly recognized organization to the last line of the paragraph.

4734-10-05: rescind

Vice-President Dr. Gloekler moved and Dr. Palkowski seconded a motion to proceed with the procedures of the Common Sense Initiative Office. Motion passed unanimously.

Dr. Frame 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. Palkowski adjourned the meeting at 2:25 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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