

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

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

Members excused: Norman J. Gloekler, 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 fourteenth 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.

### **INTRODUCTION OF NEW AAG**

Ms. Charissa Payer was introduced as the Board's new Principal Assistant Attorney General.

### **REVIEW OF MINUTES**

MOTION 2015-070: Dr. Palkowski moved and Vice-President Dr. Schmidt seconded a motion to approve the minutes of the August 20, 2015 Board meeting. Motion passed unanimously.

### **RATIFICATION OF PRECEPTORSHIP APPLICATIONS**

MOTION 2015-071: Vice-President Dr. Schmidt moved and Mr. Brown seconded a motion to ratify the preceptorships approved for Kyle Smerglia with Dr. Gary Minorik; Chelsea Warnecke with Dr. Matthew Hamilton and Nicholas Luoma with Dr. Timothy French. Motion passed unanimously.

### **ACUPUNCTURE CERTIFICATES**

MOTION 2015-072: Mr. Brown moved and Dr. Palkowski seconded a motion to ratify the acupuncture certificates issued to Drs. Ashley Marchek and Thomas Lemire. Motion passed unanimously.

### **RATIFICATION OF CHIROPRACTIC LICENSES**

MOTION 2015-073: Vice-President Dr. Schmidt moved and Mr. Brown seconded a motion to ratify the following chiropractic licenses issued: Grant D. Sanders, Michael D. Dumond, Chrissy E. Burke, Kenneth D. Marsh, Brett C. Stefan, Jordan R. Bray, Kevin D. Jenkins, Matthew L. Coleman, Daniel W. Reed, Cody D. McClintock, Katherine S. Klein, Thomas G. Peters and Garth L. Schrock. Motion passed unanimously.

### **ACUPUNCTURE PROGRAM**

MOTION 2015-074: Dr. Palkowski moved and Vice-President Dr. Schmidt seconded a motion to ratify the approval of Logan University's 300 Hour Acupuncture Certification Program as an

approved course to prepare licensees for an acupuncture certificate. 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 informed the Board that the request for a formal opinion on dry needling was sent to the AG's office on September 10, 2015.

Director Caudill informed the Board of important upcoming dates including the NBCE Part IV Exams to be held November 13-15, 2015, FARB Annual Forum scheduled for January 29-31, 2016 in Clearwater, FL and the FCLB Annual Meeting scheduled for April 27-May 1, 2016 in Phoenix, AZ.

MOTION 2015-075: Dr. Palkowski moved and Vice-President Dr. Schmidt seconded a motion to accept the Director's Report as presented. Motion passed unanimously.

MOTION 2015-076: Vice-President Dr. Schmidt moved and Mr. Brown seconded a motion to approve the attendance of Director Caudill and Dr. Palkowski at the FARB Annual Forum to be held January 29-31, 2016 in Clearwater, FL. Motion passed unanimously.

### **LEGAL ACTIVITIES**

#### **NOTICE OF OPPORTUNITY FOR HEARING, CASE NO. 2016 CHR 012**

MOTION: 2015-077: Mr. Brown moved and Vice-President Dr. Schmidt seconded a motion to issue a Notice of Opportunity for Hearing to the doctor cited in Case No. 2016 CHR 012 as presented. A roll call vote was taken. Voting Aye: President Wilson, Vice-President Dr. Schmidt and Mr. Brown. Voting Nay: None. Abstaining: Dr. Palkowski. Motion passed.

### **PUBLIC RULES HEARING**

A Public Rules Hearing was held at 10:00 a.m. in the Board office, regarding the following rule to be adopted: 4734-8-09 Concussion management.

No testimony was offered at the hearing or received prior to the hearing. The hearing concluded at 10:06 a.m.

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

MOTION 2015-079: Mr. Brown moved and Vice-President Dr. Schmidt seconded a motion to final file proposed rule 4734-8-09 with JCARR with authority to Director Caudill to make any non-substantive changes that may be recommended by JCARR. Motion passed unanimously.

### **ADMINISTRATIVE RULES/REVIEW OF DOCUMENTS**

Director Caudill presented rules 4734-7-01 and 4734-7-02 with additional modifications made for clarification after the Board's last review.

Director Caudill presented draft FAQs regarding the proposed CE rules to be posted on the Board's website upon the effective date of the new rules.

MOTION 2015-080: Dr. Palkowski moved and Vice-President Dr. Schmidt seconded a motion to remove the requirement that in-state licensees physically attend 18 hours of CE from draft rule 4734-7-01. Motion passed unanimously.

MOTION 2015-081: Dr. Palkowski moved and Vice-President Dr. Schmidt seconded a motion to file rules 4734-7-01 and 7-02 with the proposed modifications with JCARR with authority to Director Caudill to make any non-substantive changes that may be recommended by JCARR. Motion passed unanimously.

**NEWSLETTER DRAFTS**

Director Caudill presented a draft licensee newsletter, a draft newsletter to the Board’s approved doctor of chiropractic degree programs and draft FAQs to clarify the concussion management rule that will become effective next month.

The Board reviewed the draft concussion management FAQs and determined that the rule needed the first paragraph of (B) removed and paragraph (B)(3)(a) amended to provide clearer guidance to licensees. Director Caudill will file the rule with JCARR accordingly.

**SCOPE OF PRACTICE**

Director Caudill discussed the draft article in the licensee newsletter regarding scope of practice and advised the Board she had conducted updated research on hyperbaric chambers, hyperbaric oxygen therapy, oxygen concentrators and laser cellulite reduction and found nothing that changes the Board’s determination that these things are not within the scope of chiropractic practice.

Director Caudill also reported to the Board the Medical Board and Dietetics Board’s requirements for operating weight loss clinics in Ohio. The laws and rules of these Boards preclude a chiropractic physician from approving general programs of instruction for weight control.

MOTION 2015-082: Mr. Brown moved and Vice-President 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 1:30 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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