

OHIO STATE CHIROPRACTIC BOARD
ANNUAL REPORT



Fiscal Year 2007
July 1, 2006 - June 30, 2007

Introduction

The Ohio State Chiropractic Board is a state government agency that was established by the legislature in 1975 to regulate the practice of chiropractic and to protect the health, safety and welfare of the public. The Board is responsible for examining and licensing chiropractic physicians and enforcing the provisions of Chapter 4734 of the Ohio Revised Code (ORC) and the Administrative Code (OAC) adopted by the Board.

The Board is entirely self-sustaining through revenue generated from fees collected for license applications, license renewals, fines, and miscellaneous services.

The Ohio Attorney General is the statutory legal counsel to the Board. An Assistant Attorney General from the Health and Human Services Section represents the Board in administrative hearings and court proceedings.

Mission Statement

As servants of the public, our purpose is to protect the public health, safety and welfare...

Our 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 for licensure and by fairly and consistently enforcing those standards through examination of new doctors, annual license renewal, clinic inspections, and timely investigation and disciplinary action when indicated.



Board Staff

The Board employs six full time employees to carry out its duties and responsibilities. The regular working hours of the Board are Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding state holidays.

Kelly A. Caudill, Executive Director

Ms. Caudill serves as the chief enforcement officer for the Board, enforcing the laws and rules governing the practice of chiropractic in Ohio. Ms. Caudill also directs and manages all activities and programs of the Board office, carries out the Board Members' directives, and oversees all legal and legislative activities.

Elizabeth N. Moore, Administrative Assistant

Liz functions as the Board's office manager and is responsible for the administration of clerical support, personnel, training, telecommunications, fiscal, travel, payroll and employee benefits. Liz also serves as liaison to the Board members for their administrative support needs.

Laurie A. Allison, Licensing Coordinator

Laurie handles initial licensing, examinations, annual license renewal and continuing education. She acts as the front desk receptionist and provides support to the Board and staff.

M. Kate Borloglou, Paralegal

Kate joined the staff in November of 2007 and is responsible for gathering preliminary case information and researching data to support the legal and enforcement staff, processing public records requests, conducting basic investigations and monitoring doctors subject to discipline and Quality Intervention participants.

Thomas J. Hollis, Investigator

Rex J. Waldenmyer, Investigator

Rex and T.J. conduct investigations relative to complaints involving the practice of chiropractic. These investigations may be highly specialized, complex and long-term. Investigations of persons rendering chiropractic services are conducted to determine the facts in each case, ascertain the exact basis of the complaint, and confirm allegations for administrative, civil, and criminal actions.

Chiropractic Board Members & Terms of Office

The Board is comprised of four chiropractic physicians and one public member. The Governor, with the advice and consent of the Senate, appoints the members to four-year terms. Members are eligible to be re-appointed once. Board members are compensated hourly for actual time devoted to the Board's affairs, and are reimbursed for expenses incurred in the performance of their official duties.

Earl L. Wiley, D.C., President ☞ Cincinnati, Ohio

Appointed: 11/16/2001
Reappointed: 11/02/2005
Term Expires: 11/02/2009

Anna Villarreal, D.C., Esq., Vice-President ☞ Chillicothe, Ohio

Appointed: 01/08/2003
Reappointed: 12/08/2006
Term Expires: 11/02/2010

Richard J. Maynard, D.C. ☞ Lancaster, Ohio*

Appointed: 12/08/2006
Term Expires: 11/02/2010

Mark A. Korchok, D.C. ☞ Cincinnati, Ohio

Appointed: 01/08/2004
Term Expires: 11/02/2007

Larry Price ☞ Columbus, Ohio

Appointed: 11/02/2005
Term Expires: 11/02/2009

Board Meetings

During Fiscal year 2007, the Board conducted 10 meetings at the Board office on the following dates: August 3, September 28, October 26, and December 7, 2006; January 25, February 22, March 8, March 22, April 24 and June 14, 2007.

All meetings of the Board are open to the public. Upon request, any person may obtain advance notification of the time, place and purpose of all meetings of the Board. The Board's meeting dates are posted on its website.

*Dr. Maynard was appointed to replace Dr. Steven M. Bleser whose term expired 11/2/2006.

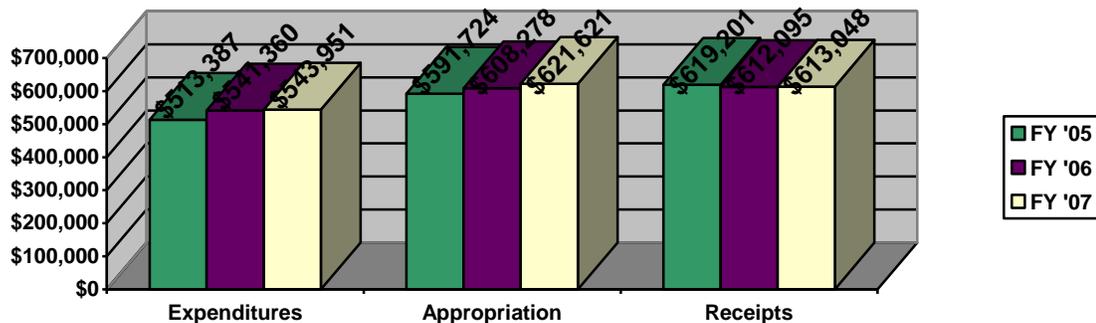
Educational Meetings & Conferences

- ◇ September 14-16, 2006 – Director Caudill represented the Board at the Council on Licensure, Enforcement and Regulation’s Annual Conference in Alexandria, Virginia.
- ◇ October 20-22, 2006 – Drs. Wiley, Bleser, Villarreal and Mr. Price attended the Federation of Chiropractic Licensing Boards District II Meeting in Cincinnati, Ohio.
- ◇ February 2-4, 2007 – Drs. Villarreal, Maynard, Korchok and Mr. Price represented the Board at the Federation of Association of Regulatory Boards 31st Annual Forum in San Antonio, Texas.
- ◇ May 2-6, 2007 – Drs. Villarreal, Maynard, Korchok and Mr. Price attended the Federation of Chiropractic Licensing Boards 81st Annual Congress in St. Louis, Missouri.
- ◇ November 9-11, 2007 – Drs. Bleser and Korchok participated in the National Board of Chiropractic Examiners’ Part IV testing in Atlanta, Georgia.

Budgetary Matters

As required by ORC 4734.54, all receipts of the board are deposited in the Occupational and Professional Licensing Fund (4K9). The Board is entirely self-supporting, in that the aggregate of all fees collected each year exceeds the Board's biennial legislative appropriation and operating expenditures.

Fiscal Summary



Statement of Revenue

	<u>FY 2005</u>	<u>FY 2006</u>	<u>FY 2007</u>
Renewal Fees	\$552,750	\$562,250	\$561,000
Application Fees	\$33,975	\$24,300	\$23,100
Penalty Fees	\$13,650	\$13,050	\$11,400
Licensee Rosters	\$4,933	\$5,890	\$6,080
License Certifications	\$2,120	\$2,180	\$1,880
Duplicate License	\$270	\$135	\$270
Civil Fines	\$11,154	\$4,000	\$9,250
Miscellaneous	\$349	\$290	\$68
TOTAL	\$619,201	\$612,095	\$613,048

Administrative Rules

During FY 2007 the Board proposed the rescission, adoption or amendment of the following administrative rules which were electronically filed on January 19, 2007 with the Joint Committee on Agency Rule Review, the Legislative Service Commission and the Secretary of State's Office. The proposed rules were placed on the Register of Ohio website and public notice was mailed to all active licensees. A public hearing was held on February 22, 2007 at the Vern Riffe Center for Government and the Arts. The rules are scheduled to be final filed in August of 2008.

Proposed Rule Rescissions

4734-7-02	Application and Requirements for Approval of Continuing Education Programs
4734-8-03	Quality Intervention Program
4734-8-04	Record Keeping
4734-9-02	Advertising and Solicitation
4734-9-08	Professional Conduct

Proposed Rule Adoptions

4734-7-02	Application and Requirements for Approval of Continuing Education Programs
4734-8-02	Unlicensed Supportive Personnel
4734-8-03	Quality Intervention Program
4734-8-04	Documentation and Record Keeping
4734-9-02	Advertising and Solicitation
4734-9-08	Professional Ethics

Proposed Rule Amendments

4734-1-02	Public Notice of Meetings
4734-1-09	Organizational Memberships
4734-1-15	Scope of Practice (<i>withdrawn</i>)
4734-5-01	Board-Approved Chiropractic Educational Institutions and Program
4734-6-03	Temporary Licenses
4734-6-04	Preceptorships
4734-6-08	Pre-Chiropractic Educational Requirements
4734-7-03	Continuing Education
4734-8-05	Examination and Prescription Protocols
4734-9-03	Signage and Display of License
4734-9-07	Billing Practices

Examination Activity

The Board requires all applicants for licensure to successfully take and pass a Jurisprudence examination. The Board holds four exams per year. This is a one-day examination that is proctored by the Board staff. During the Jurisprudence Examination Orientation each of the Board members give a brief speech to the licensees prior to the examination. Once the examinations are graded, the Board members present each passing applicant with their exam score and license number. The Board also administers an oath to the applicants as a group.

<i>Examination Date</i>	<i>Applications Denied</i>	<i>Licenses Issued</i>	<i>Exam Failures</i>
August 3, 2006	0	17	0
December 7, 2006	0	30	0
February 22, 2007	1	22	0
June 14, 2007	0	21	0
Totals:	1	90	0

Applications Denied

Bonnie K. Keene, D.C.

Licensure Applicant

Case No. 2007 CHR 04

Date of Action: January 25, 2007

Violated Codes and/or Rules: Ohio Revised Code § 4734.20 (B)(4)(b)

Dr. Keene does not hold a license to practice chiropractic in another state or country where the requirements for receipt of the license, on the date the license was issued, are considered by the Board to be substantially equivalent to those of ORC Chapter 4734.

The Board denied Dr. Keene's Application for Licensure to Practice Chiropractic in the State of Ohio filed with the Board on December 12, 2006 since she had not taken and passed the Physiotherapy examination offered by the National Board of Chiropractic Examiners.

License Activity

License activity as of June 30, 2007

<i>Chiropractic Licenses</i>	<i>Temporary Licenses</i>	<i>Voluntary Public Service Licenses</i>	<i>Approved Preceptorships</i>
2,274	1	0	15

<i>Inactive</i>	<i>Retired</i>	<i>Forfeited</i>	<i>Deceased</i>
55	4	21	6

Continuing Education Programs

The Board reviewed **91** proposed continuing education programs for license renewal credit during FY 2007. Of these requests for approval, **88** continuing education programs were approved and **3** were denied.

Enforcement Statistics

The Executive Director serves as the Chief Enforcement Officer and enforces the laws and rules governing the practice of chiropractic. All complaints are reviewed to determine preliminary disposition: closure, referral to another agency, full field investigation, or hold open pending further information. Random compliance inspections are conducted by Board Investigators to ensure compliance with the Board's laws and rules. The Board regularly works with law enforcement agencies

statewide to investigate and prosecute misconduct by chiropractic physicians and the unlicensed practice of chiropractic.

Investigations

Investigations opened in FY 2007: 64
FY 2007 investigations completed during FY 2007: 27
FY 2006 investigations completed during FY 2007: 15
FY 2005 investigations completed during FY 2007: 19
FY 2004 investigations completed during FY 2007: 16
FY 2003 investigations completed during FY 2007: 5

Number of Investigations by Category in Fiscal Year 2007

Aiding Unlicensed Practice:	1	Licensure Denial:	3
Billing Irregularities/Fraud:	18	Scope of Practice:	1
Child Support Default:	1	Sexual Misconduct:	6
Settlement Agreement Violation:	1	Solicitation/Telemarketing:	11
Criminal Convictions:	10	Treatment Issues:	5
Criminal Indictment:	1	Unlicensed Practice:	2
Documentation:	4		

Miscellaneous Actions

Compliance Inspections / Site Visits: 241
Investigative Subpoenas Issued: 47

Formal Actions

Formal Charges (Citations):	17	Warning Letters:	18
Consent Agreements:	10	Goldman Hearings Held:	3
Adjudication Orders:	5	Disciplinary Hearings Held:	2
Voluntary Surrenders:	1	Mental & Physical Exams Ordered:	1
Letters of Admonition:	1	Chemical Dependency Monitoring Agreement:	1

Notice of Opportunity for Hearings Issue During FY 2007

The following information is current as of June 30, 2006. Specific details of disciplinary action are listed in the formal discipline section. The present status of a case may be obtained by contacting the Board office.

Paul E. Waisbrot, D.C.

License No. 2425

Case No. 2006 CHR 027

Notice of Opportunity for Hearing issued October 3, 2006 for allegedly violating Ohio Revised Code § 4734.31 (C)(7), (C)(13), and (C)(32) and Ohio Administrative Code § 4734-9-02 (B).

Dr. Waisbrot entered into a Consent Agreement with the Board on January 25, 2007.

Kory L. Moore, D.C.

License No. 2866

Case No. 2006 CHR 031

Notice of Proposed Refusal of License Reinstatement and Notice of Opportunity for Hearing issued on October 4, 2006 for allegedly violating Ohio Revised Code § 4734.14 (A)(1) and (A)(2) and § 4734.31 (C)(2), (C)(9), (C)(11), (C)(13), and (C)(20) and Ohio Administrative Code § 4734-8-04 (A) and § 4734-9-07 (A) and (C)(4).

Dr. Moore entered into a Consent Agreement with the Board on April 24, 2007.

David J. Malie, D.C.

License No. 3272

Case No. 2006 CHR 032

Notice of Opportunity for Hearing issued October 4, 2006 for allegedly violating Ohio Revised Code Section 4734.14 (A)(1) and (A)(2) and § 4734.31 (C)(2), (C)(20) and (C)(30) and Ohio Administrative Code Section 4734-8-04 (A) and § 4734-9-07 (C)(4).

This case was closed on October 31, 2006 upon notification of Dr. Malie's death.

Anthony M. Abbruzzese, D.C.

License No. 2949

Case No. 2004 CHR 070

Notice of Opportunity for Hearing issued on October 3, 2006 for allegedly violating Ohio Revised Code § 4734.31 (C)(1).

Dr. Abbruzzese entered into a Consent Agreement with the Board on January 25, 2007.

William J. Brady, D.C.

License No. 915

Case No. 2007 CHR 016

Notice of Proposed Refusal of Application for Licensure and Opportunity for Hearing issued on October 27, 2006 for allegedly violating Ohio Revised Code § 4734.20 (C) and § 4734.31 (C)(1) and (C)(7) and Ohio Administrative Code § 4734-6-01 (O).

Dr. Brady requested a hearing which was held on January 25, 2007. The Board issued its Adjudication Order on February 22, 2007.

Gregg N. Battersby, D.C.

License No. 914

Case No. 2007 CHR 020

Notice of Opportunity for Hearing issued on December 8, 2006 for allegedly violating Ohio Revised Code § 4734.31 (C)(3).

Dr. Battersby did not request a hearing. A Goldman Hearing was held on February 22, 2007. The Board issued its Adjudication Order on March 21, 2007.

Gregg N. Battersby, D.C.

License No. 914

Case No. 2007 CHR 020

Notice of Opportunity for Hearing issued on June 18, 2007 for allegedly violating Ohio Revised Code Section 4734.14 (A)(5) and 4734.31 (C)(7).

Dr. Battersby requested a hearing. Hearing not scheduled as of June 30, 2007.

Jeffrey A. Korn, D.C.

License No. 2992

Case No. 2007 CHR 010

Notice of Opportunity for Hearing issued on December 8, 2006 for allegedly violating Ohio Revised Code § 4734.31 (C)(2).

Dr. Korn's case is pending settlement.

Joel B. Witt, D.C.

License No. 1295

Case No. 2007 CHR 017

Notice of Proposed Refusal of License Reinstatement and Notice of Opportunity for Hearing issued on December 8, 2006 for allegedly violating Ohio Revised Code § 4734.25, and § 4734.31 (C)(7) and (C)(17) and Ohio Administrative Code § 4734-7-05.

Dr. Witt did not request a hearing. A Goldman Hearing was held on February 22, 2007. The Board issued its Adjudication Order on March 21, 2007.

Eric H. Innes, D.C.

License No. 668

Case No. 2007 CHR 013

Notice of Opportunity for Hearing issued on January 26, 2007 for allegedly violating Ohio Revised Code § 4734.31 (C)(1).

Dr. Innes did not request a hearing. The Board issued its Adjudication Order on March 29, 2007.

Rahul H.R. Singh, D.C.

License No. 2804

Case No. 2007 CHR 028

Notice of Opportunity for Hearing issued on January 26, 2007 for allegedly violating Ohio Revised Code § 4734.31 (C)(3).

Dr. Singh entered into a Consent Agreement with the Board on June 14, 2007.

John P. Kruse, D.C.

License No. 2614

Case No. 2007 CHR 031

Notice of Opportunity for Hearing issued on January 26, 2007 for allegedly violating Ohio Revised Code § 4734.31 (C)(5).

Dr. Kruse requested a hearing. The hearing on this matter has not been scheduled as of June 30, 2007.

Charles E. Stocker, D.C.

License No. 2336

Case No. 2000 CHR 067

Notice of Opportunity for Hearing issued on January 26, 2007 for allegedly violating Ohio Revised Code § 4734.31 (C)(7), (13), (14), (15), (18) & (20) and Ohio Administrative Code § 4734-8-04 (A), § 4734-8-05 (B) & (C), and § 4734-9-06 (C) and (G).

Dr. Stocker requested a hearing. The hearing on this matter has not been scheduled as of June 30, 2007.

Henry J. Bell, D.C.

License No. 2225

Case No. 2007 CHR 033

Notice of Opportunity for Hearing issued on January 26, 2007 for allegedly violating Ohio Revised Code § [REDACTED]

Dr. Bell requested a hearing. The hearing on this matter has not been scheduled as of June 30, 2007.

Jay M. Plotkin, D.C.

License No. 2907

Case No. 2006 CHR 036

Notice of Opportunity for Hearing issued on April 25, 2007 for allegedly violating Ohio Revised Code § 4734.31 (C)(1) and (C)(17).

Dr. Plotkin requested a hearing to be held when his is physically able to attend. The hearing on this matter has not been scheduled as of June 30, 2007.

Formal Disciplinary Actions Taken During FY 2007

James C. Burda, D.C.

License No. 1725

Case No. 2005 CHR 051

Date of Action: September 28, 2006

Violated Codes and/or Rules: Ohio Revised Code § 4734.31 (C)(17) & (25)

Dr. Burda made up the term “Bahlaqem” to describe a form of treatment that he developed in which he claimed to treat individuals anytime, anywhere, who were not in his presence and without physical contact.

The Board determined that “Bahlaqem” is not an acceptable form of treatment according to acceptable and prevailing standards of chiropractic care and constitutes practicing beyond the scope of practice of chiropractic. The Board also determined that Dr. Burda was also unable to practice according to acceptable and prevailing standards of care due to mental illness.

Dr. Burda signed a Voluntary Permanent Surrender of License to Practice Chiropractic in the State of Ohio, thereby permanently revoking his license.

Kerim S. Zouvalekov, D.C.

License No. 2676

Case No. 2006 CHR 006

Date of Action: January 25, 2007

Violated Codes and/or Rules: Ohio Revised Code § 4734.15 (A)(2)

Dr. Zouvalekov practiced beyond the scope of practice of chiropractic as established under Ohio Revised Code Chapter 4734 by performing acupuncture in the state of Ohio.

Dr. Zouvalekov entered into a Consent Agreement with the Board wherein he received a 30 Day Stayed Suspension and a \$250 civil fine with additional probationary stipulations.

Darren L. Smith, D.C.

License No. 3781

Case No. 2007 CHR 001

Date of Action: January 25, 2007

Violated Codes and/or Rules: Ohio Revised Code § 4734.31 (A)(1)

From on or about August 1, 2006 to October 6, 2006, Dr. Smith practiced chiropractic in the state of Ohio without a current, valid license from the Ohio State Chiropractic Board.

Dr. Smith entered into a Consent Agreement with the Board wherein he received a 60 day Suspension with 30 days Stayed, 2 years Probation, a \$1000 civil fine and additional probationary stipulations.

Paul E. Waisbrot, D.C.

License No. 2425

Case No. 2006 CHR 027

Date of Action: January 25, 2007

Violated Codes and/or Rules: Ohio Revised Code § 4734.31 (C)(7), (13) & (32), Ohio Administrative Code § 4734-9-02 (B)

On or about December 14, 2005 Dr. Waisbrot made a false, fraudulent or deceitful statement to the Board on the filing of his 2006 Ohio Chiropractic License renewal Application.

On or about December 15, 2005, Dr. Waisbrot created the internet website domain name "calldoctorpaul.com." On this website he advertised an office location which at no time had he provided or administered health services or was employed, owned, operated, managed or had any ownership or fiduciary interest in.

Dr. Waisbrot entered into a Consent Agreement with the Board wherein he received a 30 day Suspension with 23 days Stayed, 2 years Probation, a \$2000 civil fine and additional probationary stipulations.

Kendall R. Gearhart, D.C.

License No. 2240

Case No. 2007 CHR 032

Date of Action: January 25, 2007

Violated Codes and/or Rules: Ohio Revised Code § 4734.31 (C)(11)

From on or about August 1, 2006 to October 6, 2006 Dr. Gearhart aided and abetted Darren L. Smith, D.C. in the unlicensed practice of chiropractic in the state of Ohio.

Dr. Gearhart entered into a Consent Agreement with the Board wherein he received a 60 day Suspension with 53 days Stayed, 12 hours of CE in Ethics & Documentation and a \$1000 civil fine. Following successful completion of active suspension, Dr. Gearhart's license will be placed on Probation for a period of 1 year with additional probationary stipulations.

Anthony Abbruzzese, D.C.

License No. 2949

Case No. 2004 CHR 070

Date of Action: January 25, 2007

Violated Codes and/or Rules: Ohio Revised Code § 4734.31 (C)(1)

On or about January 19, 2006 in the United States District Court, Southern District of Ohio, Dr. Abbruzzese pled guilty to one felony count of Healthcare False Statements, in violation of Title 18 United States Code Section 1035.

Dr. Abbruzzese entered into a Consent Agreement with the Board wherein he received a 6 month Suspension with 4 months Stayed and a \$2000 civil fine. Following successful completion of active suspension, Dr. Abbruzzese's license will be placed on Probation for 2 years during which he must utilize a Board-approved Compliance Program. Additional probationary stipulations also apply.

Jonathon K. Bafford, D.C.

License No. 2951

Case No. 2007 CHR 029

Date of Action: January 25, 2007

Violated Codes and/or Rules: Ohio Revised Code § 4734.31 (C)(13) and previous law § 4734.10 (A)(3)

Dr. Bafford failed to disclose on his Application for License to Practice Chiropractic in the State of Ohio filed with the Board on January 7, 2000 that on or about May 24, 1999 in the Twenty-Second Judicial Circuit Court, St. Louis, Missouri, Case No. 989-0003117, he pled guilty to Assault of the Third Degree, in violation of MRS § 565.070, a second degree misdemeanor. Furthermore, Dr. Bafford failed to disclose said conviction on his 2001, 2002, 2003, 2004, 2005, and 2006 Ohio Chiropractic License Renewal Applications.

The Board Reprimanded Dr. Bafford.

Daniel S. Dankovich, D.C.

Former License No. 1553

Case No. 2007 CHR 044

Date of Action: February 13, 2007

Violated Codes and/or Rules: Ohio Revised Code § 4734.311

On or about January 31, 2007, the Mahoning County Child Support Enforcement Agency (CSEA), pursuant to O.R.C. § 3123.47, 3123.58, and 3123.52, notified the Board that Dr. Dankovich was in default of a child support order.

Dr. Dankovich's license number 1553 was suspended until notice from the Mahoning County Child Support Enforcement Agency was received that Dr. Dankovich was no longer in default of his child support, pursuant to the provisions set forth in O.R.C. § 3123.45. Following this notification, Dr. Dankovich's license number 1553 was reinstated on February 13, 2007.

William J. Brady, D.C.

Former License No. 915

Case No. 2007 CHR 016

Date of Action: February 22, 2007

Violated Codes and/or Rules: Ohio Revised Code § 4734.20 (C), Ohio Administrative Code § 4734-6-01 (O)

The Board refused Dr. Brady's application for licensure filed with the Board on September 14, 2006 due to the fact that on or about July 31, 1997, in the Court of Common Pleas, Fairfield County, Ohio, Case Number 97-CR-42, Dr. Brady was convicted of one count of Possession of Marijuana, a violation of Ohio Revised Code § 2925.11(A), a felony of the third degree and one

count of Funding of Marihuana Trafficking, a violation of Ohio Revised Code § 2925.05, a felony of the third degree.

The Board denied Dr. Brady's application for licensure on the basis that he does not possess the proficiency or competency or the character and fitness to practice chiropractic in the state of Ohio.

Thomas J. Bolera, D.C.

License No. 3199

Case No. 2007 CHR 030

Date of Action: February 22, 2007

Violated Codes and/or Rules: Ohio Revised Code § 4734.31 (C)(1)

On or about March 4, 2005 in the United States District Court, Southern District of New York, Dr. Bolera plead guilty to one felony count of Conspiracy to Commit Securities Fraud and Commercial Bribery in violation of Title 18 United States Code Section 371. Dr. Bolera failed to clearly disclose the details of his conviction on his application for reinstatement filed with the Board on July 31, 2006.

Dr. Bolera entered into a Consent Agreement with the Board wherein he received a 6 month Stayed Suspension, 1 year Probation, a \$1000 civil fine and additional probationary stipulations.

Randall J. Fick, D.C.

License No. 1182

Case No. 2004 CHR 049

Date of Action: February 22, 2007

Violated Codes and/or Rules: Ohio Revised Code § 4734.14 (A)(1), § 4734.31 (C)(7) and § 4734.25

On certain dates from on or about January 1, 2004 to February 22, 2004 Dr. Fick practiced chiropractic in the state of Ohio without a current, valid license from the Ohio State Chiropractic Board. Dr. Fick failed to attend a Board approved license renewal seminar as required for 2004 renewal.

Dr. Fick entered into a Consent Agreement with the Board wherein he received a 2 week Suspension, 18 months Probation, a \$1000 civil fine and additional probationary stipulations.

Richard K. Owen, D.C.

License No. 2554

Case No. 2006 CHR 035

Date of Action: February 22, 2007

Violated Codes and/or Rules: Ohio Revised Code § 4734.31 (C)(1)

The Board refused Dr. Owen's application for reinstatement of his chiropractic license filed with the Board on April 5, 2006 due to the fact that on or about December 15, 2000, in the Court of Common Pleas, Medina County, Ohio, Case Numbers 00-CR-0062 (Patient A) and 00-CR-0214 (Patient B), Dr. Owen was found guilty of two counts of Gross Sexual Imposition, felonies of the fourth degree. Dr. Owen also engaged in inappropriate sexual contact with a third patient (Patient C).

The Board denied Dr. Owen's application for reinstatement on the basis that he does not possess the proficiency or competency, character and fitness to practice chiropractic in the state of Ohio.

Joel D. Witt, D.C.

License No. 1295

Case No. 2007 CHR 017

Date of Action: March 21, 2007

Violated Codes and/or Rules: Ohio Revised Code § 4734.31 (C)(7) & (17)

The Board denied Dr. Witt's application for reinstatement of his chiropractic license filed with the Board on September 15, 2006 due to the fact that Dr. Witt does not possess the proficiency or competency to practice chiropractic in the state of Ohio. Dr. Witt is unable to practice chiropractic in the state of Ohio according to acceptable and prevailing standards of care due to mental illness, specifically, Schizoaffective Disorder-Bipolar type. Additionally, Dr. Witt did not earn 24 hours of continuing education within the 12 months preceding the date of the filing of his Application for Reinstatement of Licensure to Practice Chiropractic in the state of Ohio.

Gregg N. Battersby, D.C.

License No. 914

Case No. 2007 CHR 020

Date of Action: March 21, 2007

Violated Codes and/or Rules: Ohio Revised Code § 4734.31 (C)(3)

On or about October 16, 2006 in the Mentor Municipal Court, Lake County Ohio, Dr. Battersby plead no contest to and was found guilty of Public Indecency, in violation of Ohio Revised Code Section 2907.09 (A)(1), a misdemeanor of the fourth degree.

The Board issued an Adjudication Order to Dr. Battersby wherein he received a 10 day Suspension and was order to submit to a Psychological Assessment and Evaluation.

Eric H. Innes, D.C.

License No. 668

Case No. 2007 CHR 013

Date of Action: March 29, 2007

Violated Codes and/or Rules: Ohio Revised Code § 4734.31 (C)(1)

Dr. Innes was convicted of three felony counts of Attempt to Evade and Defeat Tax Due and Owing by Him to the United States of America, in violation of Title 26, United States Code Section 7201.

The Board issued an Adjudication Order to Dr. Innes wherein he received a 3 year Suspension.

Kory L. Moore, D.C.

License No. 2866

Case No. 2006 CHR 031

Date of Action: April 24, 2007

Violated Codes and/or Rules: Ohio Revised Code § 4734.31 (C)(9) & (20) and Ohio Administrative Code § 4734-8-04 (A) and § 4734-9-07 (A) & (C)(4)

Dr. Moore engaged in an ongoing professional relationship with a person that violated certain provisions of the Board's laws and rules; failed to maintain proper, accurate and legible treatments records; advertised or claimed to be a chiropractor without a current license; and billed for services not documented in a patient's file.

Dr. Moore entered into a Consent Agreement with the Board wherein he received a 12 month Suspension with 4 months Stayed, 2 years Probation, 12 hours of CE in Documentation, a \$1000 civil fine and additional probationary stipulations.

Rahul H.R. Singh, D.C.

License No. 2804

Case No. 2007 CHR 028

Date of Action: June 14, 2007

Violated Codes and/or Rules: Ohio Revised Code § 4734.31 (C)(3)

On or about August 22, 2006 in the Zanesville Municipal Court, Zanesville, Ohio, Case No. 05 CRB 1328, Dr. Singh pled guilty to one count of Attempted, a misdemeanor of the first degree in violation of Zanesville City Ordinance No. 501.09; one count of Drug Paraphernalia, a misdemeanor of the second degree in violation of Zanesville City Ordinance No. 514.01; and one count of Drug Abuse, a misdemeanor of the third degree in violation of Zanesville City Ordinance No. 513.03. Additionally, Dr. Singh was also found guilty of one count of Drug Paraphernalia, a misdemeanor of the second degree in violation of Zanesville City Ordinance No. 514.01, Case No. 05 CRB 1329.

Dr. Singh entered into a Consent Agreement with the Board wherein he received a 6 month Stayed Suspension and 5 years Probation with additional probationary stipulations.

Quality Intervention Program

During fiscal year 2006 the Board implemented its Quality Improvement Program (QIP), in accordance with Ohio Revised Code Section 4734.42.

The QIP is a *confidential* alternative to formal disciplinary proceedings. The mission of the QIP is to effectively address licensees with quality of care and communication issues that may have developed due to poor practice patterns or failure to keep up with current standards of practice. The QIP is under the umbrella of the Board's investigatory process and for this reason participation in the QIP is confidential and not subject to discovery in any civil proceeding.

If QIP intervention is successful, the licensee will benefit by improving his or her practice patterns, thus providing valuable chiropractic care to his or her patients; the patients and community will benefit by having a better practitioner available to address their needs; the Board will have protected the public without having an adverse impact on the availability of chiropractic care.

During FY 2007 seven licensees were invited to participate in the QIP, of whom five accepted the invitation. Each licensee was invited due to poor documentation and recordkeeping, with one licensee also invited for boundary issues. All five chiropractic physicians successfully completed the QIP.

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