

OHIO STATE CHIROPRACTIC BOARD



ANNUAL REPORT

Fiscal Year 2010
July 1, 2009 - June 30, 2010

❧ Introduction ❧

The Ohio State Chiropractic Board is a state government agency 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 and the Administrative Code adopted by the Board.

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, biennial license renewal, clinic inspections, and timely investigation and disciplinary action when indicated.



∞ Board Staff

The Board currently employs five 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 5:00 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 serves as liaison to the Board members for their administrative support needs. Liz functions as the Board's office manager and is responsible for auxiliary functions such as personnel, public information, fleet management, fiscal, travel, payroll, records retention and inventory. Liz also manages the administrative rule making process and is responsible for editing and updating the Board's website, applications, newsletters, publications, annual reports and forms.

Licensing Coordinator (vacant due to budget cut)

The Licensing Coordinator handles initial licensing, examinations, license renewal and continuing education.

M. Kate Borloglou, Paralegal

Kate 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 participation. Kate is also responsible for reporting the Board's disciplinary actions to the appropriate databanks.

Mark A. Brooks, Investigator

Rex J. Waldenmyer, Investigator

Rex and Mark 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 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 their travel expenses.

Mark A. Korchok, D.C., President ♦ Cincinnati, Ohio

Appointed: 01/08/2004

Reappointed: 02/20/2008

Term Expires: 11/02/2011

Richard J. Maynard, D.C., Vice-President ♦ Lancaster, Ohio

Appointed: 12/08/2006

Term Expires: 11/02/2010

Anna Villarreal, D.C., Esq. ♦ Chillicothe, Ohio

Appointed: 01/08/2003

Reappointed: 12/08/2006

Term Expires: 11/02/2010

Ronald J. Farabaugh, D.C. ♦ Westerville, Ohio

Appointed: 12/30/2009

Term Expires: 11/01/2013

John P. Kennedy, Esq. ♦ Columbus, Ohio

Appointed: 10/18/2007

Reappointed: 12/31/2009

Term Expires: 11/01/2013

∞ Board Meetings

During Fiscal year 2010, the Board conducted 6 meetings at the Board office on the following dates: August 27, October 22, December 3, 2009 and February 11, April 8 and May 20, 2010.

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.

∞ Educational Meetings & Conferences

- ◇ May 14-16, 2010 – Dr. Villarreal participated in the National Board of Chiropractic Examiners' Part IV testing in Atlanta, Georgia. Participation in NBCE testing activities is at no cost to the Board.
- ◇ April 28, 2010 – Director Caudill attended the Association of Chiropractic Board Administrators 2010 Annual Educational Program & Business Luncheon. Director Caudill attended this meeting as the recipient of a financial grant offered by the ACBA.
- ◇ April 28 – May 2, 2010 – Drs. Korchok, Villarreal & Director Caudill attended the FCLB's 84th Annual Education Congress in Baltimore, MD. Director Caudill's registration fee for this event was included in the ACBA financial grant.

∞ Board Memberships

The Board is an active member of the following organizations:

Federation of Chiropractic Licensing Boards

The Federation of Chiropractic Licensing Boards is a non-profit organization established in 1926 as the professional association for governmental regulatory boards responsible for chiropractic licensure. Membership is comprised of chiropractic licensing boards from the United States and Territories, Canada, Australia and Mexico.

As a member of the FCLB the Board receives free online reporting to the Chiropractic Information Network/Board Action Databank (CIN-BAD) an on-line computer database that tracks the disciplinary actions taken against chiropractic physicians in all jurisdictions, PowerPoll surveys regarding interpretative scope of practice issues, and educational conference communication.

American Chiropractic Association (ACA)

The American Chiropractic Association promotes the highest standards of ethics and patient care, contributing to the health and well-being of millions of chiropractic patients. The ACA serves as a resource for scope, coding and various others practice related topics.

Federation of Associations of Regulatory Boards (FARB)

The Federation of Associations of Regulatory Boards is a non-profit organization established in 1974 to promote excellence in the regulation of professions to protect the public. Member associations are of regulatory boards across disciplines, jurisdictions, and professions. FARB's annual training events contribute to the continual development of excellence in regulation for the purpose of public protection.

Council on Licensure, Enforcement and Regulation (CLEAR)

The Council on Licensure, Enforcement and Regulation promotes regulatory excellence through conferences, educational programs, networking opportunities, publications, and research services for those involved with, or affected by, professional and occupational regulation. CLEAR's membership has included representatives of all governmental

sectors, the private sector, and many others with an interest in this field. CLEAR serves and supports the international regulatory community and its vital contribution to public protection.

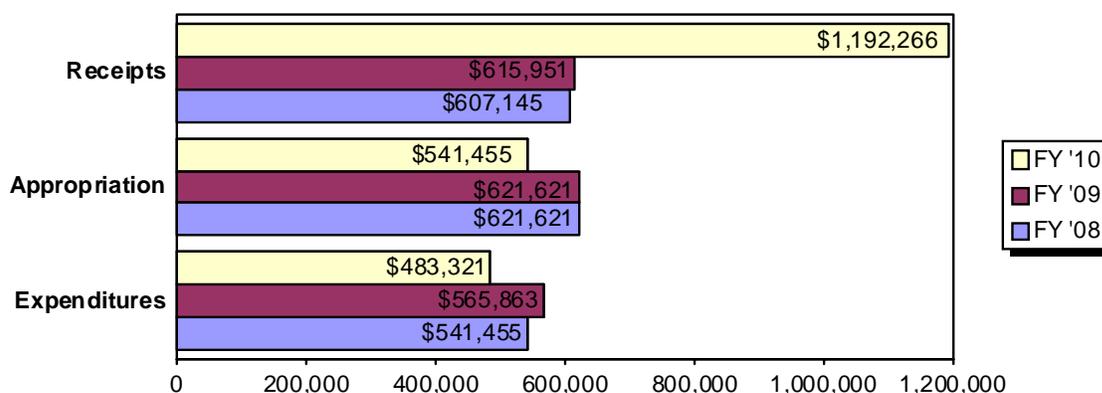
Citizen Advocacy Center (CAC)

The Citizen Advocacy Center serves the public interest by enhancing the effectiveness and accountability of health professional oversight bodies. As a resource for health professional boards, CAC offers training, research and networking opportunities for public members and for the health care regulatory, credentialing, and governing boards on which they serve.

œ Budgetary Matters

As required by ORC 4734.54, all receipts of the Board are deposited in the Occupational and Professional Licensing Fund (4K9). The aggregate of all fees collected in FY 2010 exceeded the Board’s biennial operating expenditures.

œ Fiscal Summary



The increase in the Board’s FY’10 Receipts is due to the implementation of biennial license renewal. Instead of renewing for one year at \$250, licensees renewed for two years at \$500.

œ Statement of Revenue

	<u>FY 2008</u>	<u>FY 2009</u>	<u>FY 2010</u>
Renewal/Reinstatement Fees	\$560,750	\$566,000	\$1,144,100
Refunds	N/A	\$-905	\$-250
Application Fees	\$28,275	\$28,825	\$29,600
Penalty Fees	\$9,750	\$7,800	\$11,250
Licensee Rosters/Misc Records	\$6,175	\$5,294	\$1,001
License Certifications	\$1,580	\$1,220	\$1,660
Duplicate License	\$450	\$405	\$405
Civil Fines	\$0	\$7,150	\$4,500
Miscellaneous	\$165	\$161.85	\$0
TOTAL	\$607,145	\$615,950.85	\$1,192,266

⌘ Administrative Rules

During FY 2010 the following rules were rescinded, adopted or amended by the Board. All rules are filed electronically with the Joint Committee on Agency Rule Review, the Legislative Service Commission and the Secretary of State's Office pursuant to section 103.0511 of the Ohio Revised Code. Public hearings regarding rule changes are held in accordance with Ohio Revised Code Section 119.

Rule Adoptions

- 4734-7-01 Chiropractic license renewal requirements
- 4734-7-02 Standards for board-approved continuing education sponsors; continuing education held within the state of Ohio
- 4734-7-03 Continuing education offered outside the state of Ohio and via supervised self instruction
- 4734-7-04 Inactive chiropractic license; restoration of chiropractic license
- 4734-7-05 Forfeiture of chiropractic license; restoration of chiropractic license
- 4734-10-04 Acupuncture certificate renewal requirements
- 4734-10-06 Inactive acupuncture certificate; restoration of acupuncture certificate

Rule Amendments

- 4734-10-04 Acupuncture certificate renewal requirements
- 4734-7-01 Chiropractic license renewal requirements
- 4734-7-03 Continuing education

Rule Rescissions

- 4734-6-03 Temporary licenses
- 4734-7-01 Chiropractic license renewal requirements
- 4734-7-02 Application and requirements for approval of continuing education programs
- 4734-7-03 Continuing education
- 4734-7-04 Inactive license; restoration of license
- 4734-7-05 Forfeiture of license; restoration
- 4734-10-04 Acupuncture certificate renewal requirements
- 4734-10-06 Application and requirements for approval of acupuncture continuing education programs

⌘ Five Year Rule Review

In accordance with ORC § 119.032, the Board reviews each of its rules every five years to determine whether to continue without change, amend, or rescind a rule. Prior to the scheduled review date of a rule, the Board reviews the rule to determine whether the rule should be continued without amendment, be amended or be rescinded, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted.

During FY 2010 there were no rules scheduled for five year rule review.

☞ Continuing Education

In accordance with ORC § 4734-7-02, any program offered within the state of Ohio for continuing education credit must be sponsored by a Board-Approved CE Sponsor. All Board-approved chiropractic colleges are automatically deemed Board-approved CE Sponsors. The following CE Sponsors were Board-approved during FY 2010:

- ◆ Chiropractic Association of Ohio
- ◆ North Central Academy of Chiropractic
- ◆ NE Ohio Academy of Chiropractic
- ◆ Motion Palpation Institute
- ◆ Ohio State Chiropractic Association

All CE programs registered with the Board are posted on the Board's website.

☞ Examination Activity

The Board requires all applicants for licensure to successfully take and pass a Jurisprudence examination. The Board holds up to five exams per year. This is a one-day examination that is proctored by the Board staff. Board members are present on the day of the exam to give a brief speech, present each passing applicant with their exam score and license number, as well as administer the Chiropractic Oath.

<i>Examination Date</i>	<i>Applications Denied</i>	<i>Licenses Issued</i>	<i>Exam Failures</i>
August 27, 2009	2	20	0
October 22, 2009	0	10	0
January 21, 2010	0	14	0
April 1, 2010	0	21	0
May 13, 2010	0	11	1
Totals:	2	76	1

☞ License Activity

<i>Chiropractic Licenses</i>	<i>Acupuncture Certificates</i>
Issued During FY' 10 = 76	Issued During FY' 10 = 53
Total Active = 2,271	Total Active = 94

<i>Temporary Licenses</i>	<i>Voluntary Public Service Licenses</i>	<i>Preceptorships</i>
3	0	15

<i>Inactive</i>	<i>Retired</i>	<i>Forfeited</i>	<i>Deceased</i>
62	8	35	4

Proposed Licensure Application Denials

Joseph A. Hans, D.C.

Case No. 2008 CHR 057

Date of Action: October 22, 2009

Codes and/or Rules at Issue: Ohio Revised Code § 4734.20, §4734.31 (C)(3), (C)(7) & (C)(35) and Ohio Administrative Code § 4734-6-01 (O) and § 4734-6-09.

A Notice of Proposed Refusal of Application for Licensure, Proposed Refusal to Sit for Jurisprudence Examination and Opportunity for Hearing was issued to Dr. Hans on April 18, 2008. A hearing on this matter was held on October 22, 2009.

The Board issued an Adjudication Order on November 23, 2009 approving Dr. Hans' application for a license to practice chiropractic in the state of Ohio. Prior to issuance of a license, Dr. Hans must take and successfully pass the Jurisprudence examination.

Steven J. Rosenbluth, D.C.

Case No. 2010 CHR 015

Date of Action: October 23, 2009

Codes and/or Rules at Issue: Ohio Revised Code § 4734.20 (C), § 4734.31(C)(7) and Ohio Administrative Code § 4734-6-01 and § 4734-6-09.

On April 8, 2010 a hearing on this matter was held before the Board. Dr. Rosenbluth provided persuasive evidence that he possesses the competency and proficiency to receive a license to practice chiropractic in the state of Ohio.

The Board issued an Adjudication Order on April 14, 2010 approving Dr. Rosenbluth's application for a license to practice chiropractic in the state of Ohio. Prior to final approval, Dr. Rosenbluth must submit proof of earning 24 hours of continuing education as defined by the Board and must take and successfully pass the Jurisprudence examination.

Michael P. Grego, D.C.

Case No. 2010 CHR 012

Date of Action: February 16, 2010

Codes and/or Rules at Issue: Ohio Revised Code § 4734.20 (C), § 4734.31(C)(1), (C)(7) & (C)(35) and Ohio Administrative Code § 4734-6-01 and § 4734-6-09.

On April 8, 2010, Dr. Grego entered into a Consent Agreement with the Board wherein the Board agreed to permit Dr. Grego to sit for the next regularly scheduled Jurisprudence examination. Dr. Grego agreed that upon the date of any issuance of a license to practice chiropractic in the state of Ohio, he would be subject to probation for a term of five years. To date, Dr. Grego has not been licensed by the Board.

œ 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 2010: 91
Investigations completed in FY 2010: 55
FY 2010 investigations completed during FY 2010: 25
FY 2009 investigations completed during FY 2010: 20
FY 2008 investigations completed during FY 2010: 5
FY 2007 investigations completed during FY 2010: 3
FY 2006 investigations completed during FY 2010: 2

Number of Investigations by Category in Fiscal Year 2010

Advertising:	6	Miscellaneous:	9
Billing:	19	Sexual Misconduct:	6
Conviction/Criminal:	7	Telemarketing:	12
Impairment:	2	Treatment:	13
License Denial:	2	Unlicensed Practice:	9
Scope:	2	Aiding & Abetting:	1
Child Support:	1	Records:	2

Miscellaneous Actions

Violation Letters Issued: 53
Compliance Inspections / Site Visits: 19
Investigative Subpoenas Issued: 67

Formal Actions

Formal Charges:	9	License Revocations:	2
Consent Agreements:	6	Mental & Physical Exams Ordered:	0
Disciplinary Hearings Held:	2	Warning Letters:	8
Goldman Hearings Held:	1	Voluntary Surrenders:	1
Letters of Admonition:	1	Order of Suspension:	1

Notice of Opportunity for Hearings Issue During FY 2010

The following information is current as of June 30, 2010. 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.

Daniel R. Schlueb D.C.

License No. 287

Case No. 2010 CHR 004

Notice of Opportunity for Hearing issued August 28, 2009 for allegedly violating Ohio Revised Code § 4734.31 (C)(1).

Eric R. Barker, D.C.

License No. 2925

Case No. 2009 CHR 065

Notice of Opportunity for Hearing issued October 23, 2009 for allegedly violating Ohio Revised Code § 4734.31 (C)(1).

Dennis M. Mulcahy, D.C.

License No. 1585

Case No. 2010 CHR 030

Notice of Opportunity for Hearing issued February 12, 2010 for allegedly violating Ohio Revised Code § 4734.31 (C)(1).

Sam A. Galati, D.C.

License No. 2721

Case No. 2010 CHR 032

Notice of Opportunity for Hearing issued April 13, 2010 for allegedly violating Ohio Revised Code § 4734.31 (C)(7) and Ohio Administrative Code § 4734-7-03 and § 4734-9-02.

John N. Heary, D.C.

License No. 2970

Case No. 2010 CHR 059

Notice of Opportunity for Hearing issued April 13, 2010 for allegedly violating Ohio Revised Code § 4734.31 (C)(7), (C)(32) & (C)(33) and Ohio Administrative Code § 4734-9-02 and § 4734-9-08.

Robert A. Coppola, Jr., D.C.

License No. 3535

Case No. 2010 CHR 074

Notice of Opportunity for Hearing issued May 21, 2010 for allegedly violating Ohio Revised Code § 4734.31 (C)(35).

Christopher J. Tomshack, D.C.

License No. 2074

Case No. 2008 CHR 051

Notice of Opportunity for Hearing issued June 9, 2010 for allegedly violating Ohio Revised Code § 4734.31 (C)(7), (C)(31), (C)(32) & (C)(33) and Ohio Administrative Code § 4734-9-02 and § 4734-9-08.

A Notice of Opportunity for Hearing issued to Dr. Tomshack on April 22, 2008 was rescinded by the Board on May 20, 2010.

Formal Disciplinary Actions Taken During FY 2010

Kevin M. Gulla, D.C.

License No. 2107

Case No. 2009 CHR 032

Date of Action: August 27, 2009

On or about April 20, 2007, Dr. Gulla pled guilty to Worker's Compensation Fraud, in violation of Ohio Revised Code § 2913.48, a first degree misdemeanor, in the Franklin County Municipal Court, Case No. 2007 CR B 007617. Dr. Gulla also made a false, fraudulent, or deceitful statement to the Board by failing to disclose said conviction on his 2008 License Renewal Application.

Dr. Gulla entered into a Consent Agreement with the Board wherein he received a 3 month suspension with 45 days stayed, 1 year of probation with stipulations, \$500 civil fine and 12 hours of continuing education.

James W. Starek, D.C.

License No. 2746

Case No. 2009 CHR 004

Date of Action: October 22, 2009

On or about September 26, 2008 in the Berea Municipal Court, Berea, Ohio, Case Number 08CRB01490, Dr. Starek pled no contest to and was found guilty of Voyeurism, a misdemeanor of the second degree in violation of ORC § 2921.31. Said conviction was committed in the course of practice.

Dr. Starek entered into a Consent Agreement with the Board wherein his license was revoked for no less than 5 years retroactively effective to November 26, 2008. He must obtain an evaluation by the Program for Professionals and comply with additional conditions for license restoration.

Thomas E. Eliopulos, D.C.

License No. 1629

Case No. 2009 CHR 077

Date of Action: February 12, 2010

Dr. Eliopulos entered into a sexual relationship with a patient that constituted sexual misconduct.

Dr. Eliopulos entered into a Consent Agreement with the Board wherein he received a stayed 30 day suspension, 12 hours of continuing education and a \$500 civil fine.

Donald L. Toops, D.C.

License No. 951

Case No. 2010 CHR 055

Date of Action: February 25, 2010

On or about February 24, 2010, the Wood County Child Enforcement Agency, pursuant to Revised Code 3123.47, 3123.58 and 3123.62, notified the Board that Dr. Toops was in default of a child support order.

Dr. Toops' license to practice chiropractic in the state of Ohio was suspended indefinitely.

Daniel R. Schlueb, D.C.

License No. 287

Case No. 2010 CHR 004

Date of Action: April 8, 2010

On or about April 21, 2009, Dr. Schlueb pled guilty to Conspiracy to Commit Insurance Fraud, in violation of Florida Statute § 817.234(1)(A)(11)(12), a third degree felony, in the Circuit Court of the Ninth Judicial Circuit in and for Orange County, Florida, Case No. 48-08-CF 11714-O.

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

Thomas A. Kavounas, D.C.

License No. 2545

Case No. 2009 CHR 058

Date of Action: April 8, 2010

On or about March 18, 2009 in the Court of Common Pleas, Cuyahoga County, Ohio Dr. Kavounas pled guilty to Worker's Compensation Fraud in violation of ORC § 2913.48, a felony of the fifth degree, Case No. CR-09-522095-A and pled guilty to Intimidation of Crime Victim or Witness, in violation of ORC § 2921.04 (A), a misdemeanor of the first degree, Case No. CR-08-518988-A.

The Board issued Dr. Kavounas an Adjudication Order wherein he received a 6 month suspension for his BWC Fraud conviction, a 3 year suspension for his Intimidation conviction, 2 years probation following the reinstatement of his license and additional reinstatement and probationary stipulations.

Thomas J. Lonergan, D.C.

License No. 3354

Case No. 2010 CHR 072

Date of Action: May 20, 2010

From on or about April 1, 2010 to May 3, 2010, Dr. Lonergan practiced chiropractic in the state of Ohio without a current, valid license and failed to earn a minimum of 12 hours of category 1 or 2 continuing education required to renew his license on or before April 1, 2010.

Dr. Lonergan entered into a Consent Agreement with the Board wherein he received a 30 day suspension with 15 days stayed, 2 years probation, \$1000 civil fine and 48 hours of continuing education.

Brandon D. Bupp, D.C.

License No. 3594

Case No. 2010 CHR 077

Date of Action: May 20, 2010

From on or about April 1, 2010 to May 10, 2010, Dr. Bupp practiced chiropractic in the state of Ohio without a current, valid license.

Dr. Bupp entered into a Consent Agreement with the Board wherein he received a \$2500 civil fine and 18 hours of continuing education.

**77 South High Street, 16th Floor
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