

Ohio State Chiropractic Board
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ANNUAL REPORT

FY 2013

July 1, 2012 - June 30, 2013

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ABOUT THE BOARD

About the Board

MISSION OF THE BOARD

As servants of the public, our purpose is to protect 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.

HISTORY OF THE BOARD

The State Board of Chiropractic Examiners was created by the legislature with the enactment of Amended Senate Bill 75 passed on July 15, 1975 and effective on November 3, 1975. This legislation enacted Sections 4734.01 to 4734.19 of the Ohio Revised Code and established a five member Chiropractic Examining Board. Prior to 1975, the Medical Board regulated chiropractors as limited medical practitioners.

On January 8, 2001, the Patient Protection and Professional Standards Act of 2000, was signed by Governor Taft and enacted into law on April 10, 2001. This new law was the first comprehensive revision of the Chiropractic Practice Act since 1975. This law modernized the Board's practice act and revised the name of the Board from Ohio State Board of Chiropractic Examiners to Ohio State Chiropractic Board.

DUTIES OF THE BOARD

The Board fulfills numerous duties to make certain that the citizens of the state of Ohio are afforded care from competent and qualified chiropractic physicians. Those duties include licensing chiropractic physicians, licensing chiropractic physicians to perform acupuncture, biennial chiropractic and acupuncture license renewal, approving continuing education, issuing temporary licenses, investigating complaints, compliance initiatives and discipline and monitoring. The Board also performs numerous other activities and services such as developing and maintaining a jurisprudence exam, license verification, clarifying and interpreting the laws and rules, administrative rules filings and development, filling public records requests, legislative activities, and administrative functions such as fiscal, human resources, payroll processing, records retention, inventory management and website management.

BOARD STAFF, MEMBERS & MEETINGS

Board Staff, Members & Meetings

The Board currently employs six full time employees to carry out its duties and responsibilities.

Kelly Caudill, Executive Director

Liz Moore, Executive Assistant

Mari Walker, Certification/Licensure Examiner

Kendra Hudson, Paralegal

M. Kate Borloglou, Investigator

Rex Waldenmyer, Enforcement Investigator

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. During Fiscal Year 2013 the Board consisted of the following members:

Ronald J. Farabaugh, D.C., President

Westerville, OH

Appointed: 12/30/2009

Term Expires: 11/01/2013

Norman J. Gloekler, D.C.

Ashtabula, OH

Appointed: 11/17/2010

Term Expires: 11/01/2014

John P. Kennedy, Esq., Public Member

Columbus, OH

Appointed: 10/18/2007

Re-appointed: 12/31/2009

Term Expires: 11/01/2013

Gregory P. Palkowski, D.C., Vice-President

Beavercreek, OH

Appointed: 11/26/2010

Term Expires: 11/01/2014

Brian S. Wilson, D.C.

Wintersville, OH

Appointed: 7/19/2012

Term Expires: 11/01/2015

Board Meetings

The Board conducted 7 meetings during Fiscal Year 2013 on the following dates: July 12, August 9, October 11 and December 13, 2012, February 28, April 11 and June 6, 2013. All meetings of the Board are open to the public. All scheduled meetings are posted on the Board's website. Upon request, any person may obtain advance notification of the time, place and purpose of all meetings of the Board.

MEMBERSHIPS, MEETINGS & CONFERENCES

Memberships, Meetings & Conferences

Federation of Chiropractic Licensing Boards (FCLB)

The Board is an active member of the Federation of Chiropractic Licensing Boards, 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, Mexico, United Kingdom and New Zealand.

As a member of the FCLB the Board receives free online searches and 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.

EDUCATIONAL MEETINGS & CONFERENCES

November 9-11, 2012: Dr. Gloekler Participated in the NBCE Part IV Test Committee in Greeley, CO.

February 2013: Dr. Gloekler Participated in the NBCE Part III Test Committee in Greeley, CO.

May 1, 2013: Director Caudill attended the Association of Chiropractic Board Administrators meeting in San Francisco, CA.

May 1-5, 2013: Vice-President Dr. Palkowski and Director Caudill attended the FCLB Annual Conference in San Francisco, CA.

May 17-19, 2013: Dr. Gloekler participated in the NBCE Part IV Exam in Chesterfield, MO and Dr. Wilson participated in the NBCE Part IV Exam in Dallas, TX.

NOTE: Participation in the NBCE Part IV Exam and Test Committees is at no cost to the Board. The NBCE invites two board members to participate in these activities and pays for all related travel expenses.

BUDGETARY MATTERS

Budgetary Matters

The Board is self-supported primarily through revenue generated from application and renewal fees. The Board does not receive any funds from the State's General Revenue Fund. As required by ORC 4734.54, all receipts of the Board are deposited into the Occupational and Professional Licensing Fund (4K9). This is a joint fund in which the revenue from various other licensing boards is deposited.

FISCAL SUMMARY

The following table illustrates the Board's revenues and expenditures for FY 2013.

REVENUES	
DESCRIPTION	REVENUE
Licenses & Renewal Fees	\$34,915
Rosters & Records	\$0
Fines & Penalties	\$7,900
TOTAL	\$42,815

EXPENDITURES	
DESCRIPTION	EXPENSE
500 & 510 Account (e.g.: payroll, hearing examiner, experts, court reporters, membership dues)	\$454,161.13
520 Account (e.g.: state maintenance fees, rent, supplies, travel, credit card processing, printing)	\$89,862.10
530 Account (e.g.: computers, equipment)	\$0
TOTAL	\$544,023.23

APPROPRIATIONS	
FISCAL YEAR	APPROPRIATION
2011	\$541,455
2012	\$584,925
2013	\$584,925

ADMINISTRATIVE RULES

Administrative Rules

The Board formulates rules to govern its actions and adopts rules governing the practice of chiropractic in accordance with ORC § 4734.10. Rules adopted under Chapter 4734 must be according to the procedures of ORC § 119. 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 ORC § 103.0511. Public hearings regarding rule changes are held in accordance with ORC § 119.

In addition to the above process, if a rule is determined to have an adverse impact on business, the rule must also be filed with the Common Sense Initiative (CSI) Office and the Board must follow the processes required by the CSI office.

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.

The rules below were reviewed during FY 2013 and the following actions were taken:

No Change¹

- 4734-1-02 Public Notice of Meetings
- 4734-1-07 Committees and Advisory Groups
- 4734-1-08 Investigative Procedures
- 4734-1-09 Organizational Memberships
- 4734-2-01 Public Notice of Rules
- 4734-2-03 Rules Hearings
- 4734-4-01 Hearings; Disciplinary Procedures
- 4734-4-02 Representatives; Appearances; Communications; Applicability
- 4734-4-03 Continuances
- 4734-4-04 Out-of-State Attorneys
- 4734-4-05 Authority and Duties of Hearing Officer
- 4734-4-06 Broadcasting and Photographing Administrative Hearings
- 4734-4-07 Depositions in Lieu of Testimony at Hearing and Transcripts of Prior Testimony for Submission at Hearing
- 4734-4-09 Evidence; Judicial Notice of Board Records; Stipulations; Certified Copy of Conviction Deemed Conclusive
- 4734-4-10 Limited Discovery Procedures
- 4734-4-11 Motions
- 4734-4-12 Pre-Hearing Conferences; Status Conferences

¹ An asterisk denotes that the rule was reviewed by the CSI Office prior to filing.

ADMINISTRATIVE RULES

- 4734-4-13 Post Hearing Procedures; Reports and Recommendations; Newly discovered Evidence; Addressing the Board
- 4734-4-14 Requesting Adjudication Hearing; Timing of Hearing; Notification of Hearing; Requirements For Filing; Calculation of Time; Transcripts
- 4734-6-07* Addresses of Licensees
- 4734-6-09 Character and Fitness Standards
- 4734-8-06* Board Consideration of Sanctions
- 4734-9-01* Fine Schedules
- 4734-9-04* Ownership of Chiropractic Practices
- 4734-9-05* Confidentiality
- 4734-9-09* Fee Splitting Prohibited
- 4734-10-01 Maintaining a Certificate to Practice Acupuncture
- 4734-10-02 Acupuncture Course of Study Approval

Amended²

- 4734-2-02 Five Year Rule Review
- 4734-4-08 Witnesses; Subpoenas; Witness Fees
- 4734-6-06 Jurisprudence Examination
- 4734-7-01* 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
- 4734-1-03* Payment of Fees
- 4734-1-04* Agents of the Board
- 4734-1-05* Parliamentary Authority
- 4734-5-01* Board Approved Chiropractic Educational Institutions and Programs
- 4734-6-05* License for Voluntary Public Service
- 4734-8-02* Unlicensed Supportive Personnel
- 4734-8-03* Quality Intervention Program
- 4734-8-05* Examination and Prescription Protocols
- 4734-8-08* Universal Precautions
- 4734-9-06* Sexual Misconduct
- 4734-10-03* Application for Acupuncture Certificate
- 4734-10-05* Acupuncture Referral

Rescinded

- 4734-6-10* Review of Applicants

² An asterisk denotes that the rule was reviewed by the CSI Office prior to filing.

CONTINUING EDUCATION

Continuing Education

Chiropractic licenses and acupuncture certificates must be renewed by April 1 of every even numbered year. The CE requirement for a chiropractic license is 36 hours per biennium and 12 hours per biennium for acupuncture certificates. It is the responsibility of the Board to review and approve CE sponsors and programs held within the state of Ohio. All programs registered and approved are posted on the Board's website.

In accordance with OAC § 4734-7-02, a program offered within the state of Ohio for CE 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 approved during FY 2013: Metro Health System of Cleveland, Summa Health Western Reserve Hospital and Central Ohio Chiropractic Association.

BOARD-APPROVED CE SPONSORS

Central Ohio Chiropractic Association	Adena Health Systems
Cleveland Clinic Educational Foundation	Life University
Chiropractic Association of Ohio	Life Chiropractic College West
Metro Health System of Cleveland	Logan College of Chiropractic
Miami Valley Chiropractic Society	Southern California University of Health Sciences
Motion Palpation Institute	Summa Health Western Reserve Hospital
New Albany Surgical Hospital Foundation	National University of Health Sciences
North Central Academy of Chiropractic	New York Chiropractic College
Northeast Ohio Academy of Chiropractic	Northwestern Health Sciences University
Northwest Ohio Chiropractic Association	Palmer College of Chiropractic
Ohio State Chiropractic Association	Parker University
Ohio Public Health Partnership	Sherman College of Chiropractic
The Metro Health System	Texas Chiropractic College
Canadian Memorial Chiropractic College	University of Bridgeport
Cleveland Chiropractic College	University of Western States
D'Youville College	
International Chiropractic Pediatric Assoc.	

EXAMINATION & LICENSE ACTIVITY

Examination & License Activity

The Board requires all applicants for licensure to successfully take and pass an online Jurisprudence examination. Applicants are permitted to take the exam once they have met all of the Board's filing requirements and their application is approved.

LICENSE ACTIVITY AS OF JUNE 30, 2013

TYPE OF LICENSE	ISSUED DURING FY 13	TOTAL ACTIVE
Chiropractic	96	2482
Acupuncture Certificates	16	142
Preceptorship	17	17

ADDITIONAL CHIROPRACTIC LICENSE DATA: Inactive 2; Forfeited 0; Retired 2; Deceased 2

ENFORCEMENT STATISTICS & DISCIPLINE

Enforcement Statistics & Discipline

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, investigation, or hold open pending further information. Voluntary 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 misconduct by chiropractic physicians and prosecute the unlicensed practice of chiropractic.

INVESTIGATIONS

Investigations opened: 73

Investigations completed: 80

FY 2013 investigations completed during FY 2013: 21

FY 2012 investigations completed during FY 2013: 31

FY 2011 investigations completed during FY 2013: 9

FY 2010 investigations completed during FY 2013: 10

FY 2009 investigations completed during FY 2013: 2

FY 2008 investigations completed during FY 2013: 5

FY 2007 investigations completed during FY 2013: 2

NUMBER OF INVESTIGATIONS BY CATEGORY IN FY 2013

Advertising:	3	Miscellaneous:	5
Billing:	28	Records:	4
Conviction/Criminal:	8	Sexual Misconduct:	5
Solicitation:	8	Treatment:	9
License Denial:	1	Unlicensed Practice:	2

MISCELLANEOUS ACTIONS

Minor Violation Letters Issued:	34	Cease & Desist Letters Issued:	4
Compliance Inspections/Site Visits:	47	Warning Letters Issued:	19
Investigative Subpoenas Issued:	61	Consent Agreement Modifications:	3
Notice of Opportunity for Hearing Dismissals:	7		

ENFORCEMENT STATISTICS & DISCIPLINE

FORMAL ACTIONS

Adjudication Orders:	3	Letters of Admonition:	0
Consent Agreements:	7	License Revocations:	3
Disciplinary Hearings Held:	0	Mental & Physical Exams:	0
Formal Charges (Citations):	6	Order of Suspension:	1

QUALITY INTERVENTION PROGRAM

The QIP is a confidential alternative to formal disciplinary proceedings. The program is a voluntary program designed to address practice and communication complaints which do not appear to warrant intervention by formal disciplinary action, but may indicate that the licensee involved has developed poor practice patterns or has failed to keep up with current standards of chiropractic and/or acupuncture practice.

- During FY 2013 there was one licensee invited to participate in the QIP. This licensee had not completed their participation as of the end of the fiscal year.



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