

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

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

Members excused: None.

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 twenty-third Board meeting was called to order at 9:00 a.m. The meeting was held at the Vern Riffe Center for Government and the Arts; 77 South High Street, 16th Floor, Columbus, Ohio.

REVIEW OF MINUTES

Mr. Brown moved and Dr. Palkowski seconded a motion to approve the minutes of the February 9, 2017 Board meeting. Motion passed unanimously.

RATIFICATION OF CHIROPRACTIC LICENSES

Vice-President Dr. Gloekler moved and Mr. Brown seconded a motion to ratify the following chiropractic licenses issued to Theodore S. Neroda, Sara N. Perry, Anthony C. Nogosek, Ashley L. Mohr, Austin L. Trueblood, Martha D. Schenk, Chad A. White, Jeremy R. Gonsowski, Michael A. Golkiewicz, Jeffrey M. Finley, Jessica L. Finley, Lucas B. Cosens, Sr., Brian D. Clark, Brien M. Hartings, Brian A. Ballitch, Kreg D. Huffer, Scott M. Roberts and Amanda C. Braden. Motion passed unanimously.

RATIFICATION OF ACUPUNCTURE CERTIFICATES

Mr. Brown moved and Dr. Palkowski seconded a motion to approve the acupuncture certificate issued to Dr. Nigel C. Brayer. Motion passed unanimously.

RATIFICATION OF PRECEPTORSHIP APPLICATIONS

Dr. Palkowski moved and Vice-President Dr. Gloekler seconded a motion to ratify the preceptorships approved for Vincent Monheim with Andrew Ragon, D.C.; Margaret Adams with Alisha Booher, D.C.; Dylan Hunter with Scott Goodhart, D.C.; Tiana Branch with Doug Darr, D.C.; Bryce Kreicher with Maziar Nejad, D.C.; Maria Dorski with Gregg Winnestaffer, D.C.; Daniel Continenza with Matthew Mancuso, D.C.; Cory Lamar with Natalie Migoni, D.C.; Jenna Mosher with Jennifer Rafey, D.C.; Brady Johnson with Jon Schwanz, D.C. and Joseph Moon with Bi T. Nguyen, D.C. Motion passed unanimously.

ACUPUNCTURE PROGRAM

Dr. Palkowski moved and Vice-President Dr. Gloekler seconded a motion to ratify the approval of National University of Health Sciences 300 hour Acupuncture Program as an approved course to prepare licensees to apply 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 reported that HB 131 was introduced to modify the laws governing the practice of physical therapy to add diagnosis and diagnostic tests to the scope of practice.

Director Caudill reported no updates to HB 7 which was introduced to grant qualified civil immunity to certain medical providers who provide emergency medical services as a result of a disaster among multiple other issues in regard to medical claims. Chiropractors are only included in a portion of the bill.

Director Caudill reported that she testified before the House of Representatives on the Board's budget request and will next testify before the Senate next.

Director Caudill reported that Kendra Lindsey is transferring to the Supreme Court and her last day with the Board is April 21, 2017. The position was posted and interviews will be conducted once HR has reviewed the applications for qualifications.

Director Caudill reported that the FCLB Annual Meeting is coming up on May 3-7, 2017 in Orlando, Florida and the Board needs to vote on FCLB election nominees and proposed bylaws changes.

Director Caudill reported that training and testing for Elicense 3.0 will begin May 11 for 6 days through May 30, 2017. The go live date is June 19, 2017.

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

Vice-President Dr. Gloekler moved and Mr. Brown seconded a motion to vote for Dr. Marty Freihaut as nominee for the FCLB District II Director at the FCLB Annual Meeting. Motion passed unanimously.

Mr. Brown moved and Vice-President Dr. Gloekler seconded a motion to vote yes on the proposed FCLB bylaws amendments at the FCLB Annual Meeting. Motion passed unanimously.

LEGAL ACTIVITIES**CONSENT AGREEMENT, CASE NO. 2017 CHR 036**

Mr. Brown moved and Vice-President Dr. Gloekler seconded a motion to accept the proposed Consent Agreement in Case Nos. 2017 CHR 036 as presented. Voting Aye: President Dr. Schmidt, Vice-President Dr. Gloekler and Mr. Brown. Voting Nay: None. Abstaining: Dr. Palkowski. Motion passed.

NOTICE OF OPPORTUNITY FOR HEARING, CASE NO. 2017 CHR 017

Mr. Brown moved and Vice-President Dr. Gloekler seconded a motion to issue a Notice of Opportunity for Hearing in Case No. 2017 CHR 017 as presented. Voting Aye: President Dr.

Schmidt, Vice-President Dr. Gloekler and Mr. Brown. Voting Nay: None. Abstaining: Dr. Palkowski. Motion passed.

NOTICE OF OPPORTUNITY FOR HEARING, CASE NO. 2017 CHR 039

Mr. Brown moved and Dr. Palkowski seconded a motion to issue a Notice of Opportunity for Hearing in Case No. 2017 CHR 039 as presented. Voting Aye: President Dr. Schmidt, Dr. Palkowski and Mr. Brown. Voting Nay: None. Abstaining: Vice-President Dr. Gloekler. Motion passed.

NOTICE OF OPPORTUNITY FOR HEARING, CASE NO. 2017 CHR 040

Mr. Brown moved and Vice-President Dr. Gloekler seconded a motion to issue a Notice of Opportunity for Hearing in Case No. 2017 CHR 040 as presented. Voting Aye: President Dr. Schmidt, Vice-President Dr. Gloekler and Mr. Brown. Voting Nay: None. Abstaining: Dr. Palkowski. Motion passed.

NOTICE OF OPPORTUNITY FOR HEARING, CASE NO. 2017 CHR 042

Mr. Brown moved and Dr. Palkowski seconded a motion to issue a Notice of Opportunity for Hearing in Case No. 2017 CHR 042 as presented. Voting Aye: President Dr. Schmidt, Dr. Palkowski and Mr. Brown. Voting Nay: None. Abstaining: Vice-President Dr. Gloekler. Motion passed.

ADMINISTRATIVE RULE REVIEW

Director Caudill advised the following rules that are up for five year rule review were sent out for early stakeholder review to licensees, chiropractic colleges and those on the early stakeholder notification list on February 16, 2017: 4734-1-02, 1-09, 2-01, 2-02, 2-03, 4-01, 4-02, 4-03, 4-04, 4-05, 4-06, 4-07, 4-08, 4-09, 4-10, 4-11, 4-12, 4-13, 4-14, 4734-6-06, 4734-6-09 4734-7-04, 7-05, 10-01 and 10-02. The notification also advised of recent legislation contained in HB 290 (31st General Assembly) that requires the Board to adopt a rule regarding continuing education credit for providing healthcare to indigent and uninsured persons as a volunteer. Director Caudill presented a draft rule to address this legislation for Board review.

The Board reviewed the one comment received in response to the early stakeholder request for input from Dr. Gregory Dunlap. Dr. Dunlap suggested the Board increase the passing score of the Jurisprudence examination to 80% and suggested clarification of what “neglect of financial duties” means in determining good moral character for applicants for licensure.

Upon review of the rules and Dr. Dunlap’s comments, Mr. Brown moved and Dr. Palkowski seconded a motion to propose the following:

No change to rules: 4734-4-02, 4-03, 4-04, 4-05, 4-06, 4-07, 4-08, 4-09, 4-10, 4-11, 4-12, 4-13, 4-14, 6-09 and 10-01.

Rescind rules 4734-2-01, 2-02, 2-03 and draft new rules to provide reference to the applicable statutes in regard to rule making, rule reviewing and public meetings and rescind rule 4734-4-01 since the rule states what is already in statute.

Propose a new rule 4734-1-01 that provides reference to the applicable statutes pertaining to the processes of rule-making and rule reviewing and a new rule 4734-1-02 to provide reference to the applicable public meetings statute.

Amend rule 4734-1-09 to clarify and simplify language and remove unnecessary language that is already included in statute; 4734-6-06 to remove unnecessary language that is already permitted in statute; 4734-7-04 and 7-05 to remove unnecessary language that is already permitted in statute; and 4734-10-02 to clarify the procedure for applying for acupuncture course of study approval and to more closely align the rule with the statute.

Propose a new rule 4734-7-03 to outline the provisions and procedures for earning continuing education credit for providing healthcare to indigent and uninsured persons as a volunteer as required by HB 290 (31st GA).

Motion passed unanimously.

Director Caudill advised she will prepare a Business Impact Analysis Form for the rules that have an adverse impact on business and send an email to licensees, chiropractic colleges and those on the stakeholder notification list advising of the Board’s intentions with the rules. The BIA will include the following rules that have an adverse impact on business: 4734-6-06; 4734-7-04; 4734-7-05; 4734-10-01; 4734-10-02 and proposed rule 4734-7-03. The remaining rules do not require CSI review but will be filed with JCARR simultaneously: 4734-1-02, 1-09, 4734-2-01, 2-02, 2-03, 4734-4-01, 4-02, 4-03, 4-04, 4-05, 4-06, 4-07, 4-08, 4-09, 4-10, 4-11, 4-12, 4-13, 4-14 and 4734-6-09.

Dr. Palkowski moved and Mr. Brown seconded a motion to adjourn the meeting. Motion passed unanimously.

With no further business to be brought before the Board, President Dr. Schmidt adjourned the meeting at 11:00 a.m.

Approved By Majority of Board:

Attested By Its Secretary:

Otto J. Schmidt, D.C.
President

Kelly A. Caudill
Executive Director

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