

Nick Koinoglou, D.C.

Case Number: 2003 CHR 022

Disciplinary Synopsis: Reprimand
Please see a copy of the discipline for complete details.

Date of Action: February 19, 2004



State of Ohio
Ohio State Chiropractic Board

Kelly A. Caudill, Executive Director

Board Members

Steven M. Bleser, D.C., FICC
President

Earl L. Wiley, D.C.
Vice President

Mark A. Korchok, D.C.

Anna Villarreal Jenkins, D.C., J.D.

Dennis L. Wojtanowski, B.A.
Public Member

BEFORE THE OHIO STATE CHIROPRACTIC BOARD

IN THE MATTER OF:

Nick G. Koinoglou, D.C.,
License No. 1798,

Respondent.

)
)
)
)
)
)

Case No. 2003 CHR 022

CONSENT AGREEMENT

Introduction

1. This Consent Agreement is entered into by and between NICK G. KOINOGLOU, D.C. (hereinafter "DR. KOINOGLOU"), and the STATE OF OHIO, STATE CHIROPRACTIC BOARD (hereinafter "BOARD"), a state agency responsible for enforcing Chapter 4734 of the Ohio Revised Code. DR. KOINOGLOU and the BOARD have agreed to enter into this Consent Agreement (hereinafter "Agreement"), which the parties have determined to be in their mutual best interests, and the best interest of the citizens of Ohio. In consideration of the foregoing and mutual promises hereinafter set forth, DR. KOINOGLOU and the BOARD hereby Consent and Agree to the following admissions, stipulations, terms, and conditions:

2. This Agreement shall be binding upon the BOARD and cannot bind any other federal, state, or local prosecuting, administrative, law enforcement, or regulatory agency.

3. DR. KOINOGLOU received his doctor of chiropractic degree from National College of Chiropractic on December 12, 1991. DR. KOINOGLOU was issued license number 1798 by the BOARD on February 26, 1992.

77 South High Street, 16th Floor • Columbus, OH 43215-6108

Phone: (614) 644-7032 • Fax: (614) 752-2539

Toll Free Consumer Hotline: (888) 772-1384

website: <http://www.state.oh.us/chr> • e-mail: chirobd@mail.peps.state.oh.us

4. On July 17, 2003, the BOARD issued a Notice of Opportunity for Hearing to DR. KOINOGLOU, alleging certain violations of Chapter 4734 of the Ohio Revised Code and advising him of his right to request a formal adjudicatory hearing in the matter, pursuant to Chapter 119 of the Ohio Revised Code. DR. KOINOGLOU requested a formal adjudication hearing via facsimile on August 18, 2003, pursuant to Chapter 119 of the Ohio Revised Code.

Advice of Rights and Acceptance of Terms

5. DR. KOINOGLOU is aware of his right to have a formal adjudicative hearing, and does hereby freely execute this Agreement and choose to take the actions described herein. DR. KOINOGLOU accepts and agrees to the terms and conditions of this agreement and enters into same knowingly, intelligently and voluntarily. DR. KOINOGLOU hereby waives his rights to a formal adjudication hearing under Chapter 119 of the Ohio Revised Code and all other substantive and procedural protections afforded by law, including but not limited to, the right to a hearing before the BOARD, the right to confront and cross-examine witnesses against him, the right to testify if he so chooses and to call witnesses on his behalf, the right to be represented by an attorney at every stage of the proceedings against him, and the right to attorney's fees under Chapter 119, Ohio Revised Code. DR. KOINOGLOU further acknowledges that he has had the opportunity to be represented by legal counsel throughout this matter to have the full consequences of this Agreement explained to him.

Admissions

6. Being advised of those rights, DR. KOINOGLOU ADMITS to Counts I, II, VI and VII of the Notice of Opportunity for Hearing issued to him on July 17, 2003. The BOARD hereby dismisses Counts III, IV and V of the Notice of Opportunity for Hearing. DR. KOINOGLOU'S conduct as outlined in Counts I, II, VI and VII of the Notice of Opportunity for Hearing constitutes a

violation of Ohio Revised Code § 4734.31 (C)(7) and (C)(20) and Ohio Administrative Code §4734-1-16 (G).

7. DR. KOINOGLOU'S conduct as described in Paragraph 6 constitutes an action or actions for which the BOARD may impose sanctions against a licensed chiropractor pursuant to R.C. §4734.31(C)(7), (20) and OAC §4734-1-16(G), which state in pertinent part: "The board may take the actions specified in division (B) of this section for any of the following reasons... (7) A violation or attempted violation of this chapter or the rules adopted under it governing the practice of chiropractic; ... (20) Failing to maintain proper, accurate, and legible records in the English language documenting each patient's care, including, as appropriate, records of the following: dates of treatment, services rendered, examinations, tests, x-ray reports, referrals, and the diagnosis or clinical impression and clinical treatment plan provided to the patient." "...the quality and quantity of examination and therapeutic procedures shall be within the norms and/or criteria established by the profession as a whole for such a condition. ... Unless otherwise required by law, written records must be retained seven years and x-rays must be retained four years."

Disciplinary Action

8. DR. KOINOGLOU AGREES to accept a FORMAL WRITTEN REPRIMAND for his conduct as described in paragraph six (6).

9. DR. KOINOGLOU AGREES to earn twelve (12) hours of instruction in documentation procedures in order to further his education in maintaining proper and accurate treatment records. Said instruction shall be completed within twelve (12) months from the date of approval of this agreement. Said instruction shall be pre-approved by the BOARD prior to DR. KOINOGLOU'S completing such instruction. To obtain approval, DR. KOINOGLOU shall submit information required by the BOARD pertaining to the instruction in writing at least thirty (30) days

prior to the date of such instruction. Said instruction shall not count towards DR. KOINOGLOU'S continuing education requirement for license renewal.

10. Failure to earn twelve hours of instruction in documentation procedures as set forth herein shall constitute a breach of this Consent Agreement and may subject DR. KOINOGLOU to further discipline for breach of an Order of the Board.

11. DR. KOINOGLOU shall employ the services of an x-ray company to test chemicals, processor times and temperatures and ensure that his x-ray equipment is properly calibrated. DR. KOINOGLOU shall report the name of the x-ray company that he employs and any change of this status to the BOARD. Said x-ray services shall be maintained for 12 months from the date of approval of this agreement.

12. DR. KOINOGLOU hereby consents to the BOARD or its agents entering onto the office, clinic or any premises where he may practice chiropractic or where the billing for his chiropractic services is carried on. The BOARD may review, inspect and copy any documents, records or other information, regardless of the media at any such location, with the cost of any copies to be borne by DR. KOINOGLOU. Said inspections may be accomplished during regular business hours and at all other reasonable times.

Waiver of Liability

13. DR. KOINOGLOU hereby releases the BOARD, its members, officers, agents, representatives, and employees jointly and severally, from any and all liability arising from the within matter.

Board's Obligation

14. The BOARD agrees to these terms and conditions in lieu of formal proceedings concerning the actions of DR. KOINOGLOU described in Paragraph 6.

Approval of Agreement by Board and Effective Date

15. By his signature on this agreement, DR. KOINOGLOU agrees that in the event that the BOARD, in its discretion, does not approve this agreement, this agreement is void and shall be of no evidentiary value. DR. KOINOGLOU further agrees that should the BOARD reject this agreement and if the case proceeds to hearing, he will assert no claim that the BOARD was prejudiced by its review and discussion of this agreement or of any information relating thereto. The terms and conditions of this agreement shall become effective immediately upon approval by the BOARD.

Modification

16. Upon consent of both parties, the terms and conditions of the agreement may be modified in writing.

Reporting of Action and Public Record

17. The BOARD may report this action and record of DR. KOINOGLOU'S social security number to appropriate data banks, government agencies, and other persons or entities that are legally required to request such information for tracking and monitoring purposes. DR. KOINOGLOU acknowledges that by signing this Agreement he knowingly and voluntarily waives any expectation of privacy or constitutional privacy interests that he may have in maintaining the confidentiality of his social security number as regards such entities. DR. KOINOGLOU understands and does not contest that the BOARD is required to collect and report his Social Security Number pursuant to 42 USC sec 1320s-7e(b), 5USC sec. 552a and 45 CFR pt. 61 for compliance with the US Department of Health and Human Services' Healthcare Integrity and Protection Data Bank (HIPDB).

18. It is AGREED and UNDERSTOOD by and between the parties that this Consent Agreement shall be considered a public record as that term is used in § 149.43 of the Ohio Revised Code.

No Additional Agreements

19. The BOARD and DR. KOINOGLU agree that this Agreement as set out above constitutes the entire Agreement between the BOARD and DR. KOINOGLU.

Respondent and Attorney Review

20. DR. KOINOGLU acknowledges that he has read this agreement, that he has had an opportunity to discuss it with an attorney, that he fully understands this agreement, and that he is voluntarily signing this agreement. DR. KOINOGLU agrees that he has had the opportunity to be represented satisfactorily by competent and effective legal counsel throughout this process by an attorney of his choosing.


APPROVED:

For the Respondent,

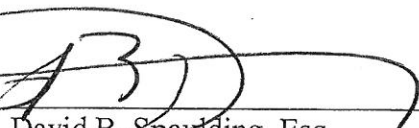
For the State of Ohio



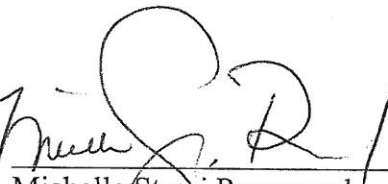
Nick G. Koinoglou, D.C. 1-23-04
Date



Steven M. Bleser, D.C., President 2/19/04
Ohio State Chiropractic Board Date



David B. Spaulding, Esq.
Attorney for Respondent 1-23-04
Date



Michelle Stassi Rosamond
Assistant Attorney General
Health & Human Services Section 2/19/04
Date



State of Ohio
Ohio State Chiropractic Board

Kelly A. Caudill, Executive Director

Board Members

Steven M. Bleser, D.C.
President

Robert B. Sheely, D.C.
Vice-President

Anna Villarreal Jenkins, D.C.

Earl L. Wiley, D.C.

Dennis L. Wojtanowski, B.A.
Public Member

BEFORE THE OHIO STATE CHIROPRACTIC BOARD

IN THE MATTER OF:)

Nick G. Koinoglou, D.C.,)
License No. 1798,)

Respondent.)

Case No. 2003 CHR 022

Issue Date: July 17, 2003

NOTICE OF OPPORTUNITY FOR HEARING

TO: Nick G. Koinoglou, D.C.
641 East State Street
Alliance, OH 44601

INTRODUCTION & JURISDICTION

In accordance with the provisions of Sections 119.06 and 119.07 of the Ohio Revised Code, you are hereby notified that you are entitled to a hearing before the State Chiropractic Board on the question of whether you, as a holder of a license to practice chiropractic, which was issued under the provisions of Chapter 4734 of the Ohio Revised Code, should be disciplined for your alleged violations of Ohio Revised Code § 4734.31 (C)(7), (20) and (30) and Ohio Administrative Code § 4734-1-16 (F)(1), (G), and (J)(3). Alleged violations of the Ohio Administrative Code, for the purposes of this action, are governed by rules adopted prior to May 2, 2003.

COUNT I

On or about November 15, 2001, you provided chiropractic treatment to Patient A. (See Confidential Patient Key, attached hereto as Exhibit A). During this office visit, you took AP and lateral x-ray films of Patient A to be used for diagnostic purposes, which were of poor diagnostic quality.

COUNT II

On or about November 16, 2001, you provided chiropractic treatment to Patient A. During this office visit, Patient A alleges that you again took AP and lateral x-ray films that you admitted, while reviewing them with the patient, were of poor diagnostic quality in that they were too light to use for diagnostic purposes.

77 South High Street, 16th Floor • Columbus, Ohio 43215-6108

Phone: (614) 644-7032 • Fax: (614) 752-2539

Toll Free Consumer Hotline: (888) 772-1384

website: www.state.oh.us/chr • email: chirobdta@mail.news.state.oh.us

The acts specified in Counts I and II above constitutes a violation of OAC 4734-1-16(G), which states, in pertinent part, "...the quality and quantity of examination and therapeutic procedures shall be within the norms and/or criteria established by the profession as a whole for such a condition.

COUNT III

Subsequent to Patient A's office visit on November 15, 2001, you billed Patient A's insurance provider, Aultcare, fifty-nine dollars (\$59.00) for Lumbar AP and Lateral x-ray films, which were of a poor diagnostic quality. Your retained x-rays did not contain the lateral view x-ray film for Patient A, which was purportedly taken on November 15, 2001

The acts specified in Count III above constitute a violation of OAC 4734-1-16(F)(1), which states, in pertinent part, "It shall be considered unprofessional or unethical conduct and grounds for discipline if any licensee: (1) Obtains a fee by fraud or deceit;."

The acts specified in Count III above further constitute an action or actions for which the board may impose sanctions against a holder of a license to practice chiropractic in this state pursuant to R.C. §4734.31(C)(30), which states, in pertinent part, "The board may take the actions specified in division (B) of this section for any of the following reasons...obtaining or attempting to obtain any fee or other advantage by fraud or misrepresentation."

COUNT IV

On or about November 15, 2001 you billed Patient A's insurance provider, Aultcare, for Manual Therapy, CPT Code 97140 in the amount of forty dollars (\$40.00). Patient A claims he did not receive Manual Therapy on November 15, 2001 or during any other office visit.

COUNT V

On or about November 16, 2001 you billed Patient A's insurance provider, Aultcare, for Manual Therapy, CPT Code 97140 in the amount of eighty dollars (\$80.00) for administering said therapy during each of two separate office visits made by Patient A on that date. Patient A claims he did not receive Manual Therapy during either visit on November 16, 2001 or during any other office visit.

The acts specified in Counts IV and V above constitute a violation of OAC 4734-1-16(J)(3), which states, in pertinent part, "A licensed chiropractic physician shall not ... report charges for services not rendered."

The acts specified in Counts IV and V above further constitute an action or actions for which the board may impose sanctions against a holder of a license

to practice chiropractic in this state pursuant to R.C. §4734.31(C)(30), which states, in pertinent part, "The board may take the actions specified in division (B) of this section for any of the following reasons...Obtaining or attempting to obtain any fee or other advantage by fraud or misrepresentation;"

COUNT VI

On or about October 25, 2002 an Ohio State Chiropractic Board Investigator obtained from your office copies of treatment records and x-rays films for Patient A. Your records and retained x-rays did not contain the AP and lateral x-ray films for Patient A, which were purportedly taken on November 16, 2001. Your records and retained x-rays did not contain the lateral x-ray film for Patient A, which was purportedly taken on November 15 and/or November 16, 2001.

The acts specified in Count VI constitute a violation of OAC 4734-1-16(G), which states, in pertinent part, "... Unless otherwise required by law, written records must be retained seven years and x-rays must be retained four years."

COUNT VII

The records of Patient A, maintained by your office, do not accurately document the examination, treatments and x-rays rendered to Patient A as billed to Aultcare.

The acts specified in Count VII constitute a violation of OAC 4734-1-16(G), which states, in pertinent part, "A chiropractic physician has the obligation to prepare a history, to perform a proper examination, arrive at a diagnosis and a report of findings. ..."

The acts specified in Count VII above constitutes an action or actions for which the board may impose sanctions against a holder of a license to practice chiropractic in this state pursuant to R.C. §4734.31(C)(20), which states, in pertinent part, "The board may take the actions specified in division (B) of this section for any of the following reasons... failing to maintain proper, accurate, and legible records in the English language documenting each patient's care, including, as appropriate, records of the following: dates of treatment, services rendered, examinations, tests, x-ray reports, referrals, and the diagnosis or clinical impression and clinical treatment plan provided to the patient."

AUTHORITY GOVERNING SANCTIONS

Ohio Revised Code § 4734.31 states in pertinent part: "(A) The state chiropractic board may take any of the actions specified in division (B) of this section against an individual who has applied for or holds a license to practice chiropractic in this state if any of the reasons specified in division (C) of this section for taking action against an individual are applicable. Except as provided in division (D) of this section, actions taken against an individual shall be taken in

accordance with Chapter 119 of the Revised Code. The board may specify that any action it takes is a permanent action. The board's authority to take action against an individual is not removed or limited by the individual's failure to renew a license.

(B) In its imposition of sanctions against an individual, the board may do any of the following: (1) Refuse to issue, renew, restore, or reinstate a license to practice chiropractic; (2) Reprimand or censure a license holder; (3) Place limits, restrictions, or probationary conditions on a license holder's practice; (4) Impose a civil fine of not more than five thousand dollars according to a schedule of fines specified in rules that the board shall adopt in accordance with Chapter 119. of the Revised Code; (5) Suspend a license for a limited time or indefinite period; (6) Revoke a license.

HEARING PROCEDURES

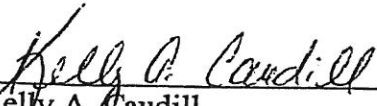
Under Section 119.07 of the Ohio Revised Code, you have a right to request a hearing on these allegations. If you request such a hearing, **the request must be received in the office of the Ohio State Chiropractic Board within thirty (30) days of the time of the mailing of this notice.**

If a request for hearing is not received in the office of the Ohio State Chiropractic Board within thirty (30) days of the time of the mailing of this notice, the Board, upon consideration of the charges cited, may in its discretion, discipline you without such a hearing. If you do not request a hearing within 30 days of the mailing of this notice of intent, the board, consistent with this notice, shall issue a final adjudication order.

You are hereby notified that you may appear at such hearing in person, or your attorney may represent you. You may present your position, arguments, or contentions in writing, and you may, at such hearing, present evidence and examine witnesses who may appear for or against you.

Section 119.07 of the Ohio Revised Code states, in part: "...Whenever a party requests a hearing in accordance with this Section and Section 119.06 of the Revised Code, the agency shall immediately set the date, time, and place for such hearing and forthwith notify the party thereof. The date set for such a hearing shall be within fifteen days, but not earlier than seven days, after the party has requested a hearing, unless otherwise agreed to by both the agency and the party."

BY ORDER OF THE OHIO STATE CHIROPRACTIC BOARD



Kelly A. Caudill
Executive Director

cc: All Members of the Ohio State Chiropractic Board
Michelle Stassi Rosamond, Esq., Assistant Attorney General

Certified Mail No. 7187 8512 0110 0000 0030
Return Receipt Requested