

**NOTICE OF PUBLIC MEETING**  
**ENFORCEMENT COMMITTEE**

March 17, 2011

9:00 a.m.

Hilton LAX

5711 West Century Blvd.

Los Angeles, CA 90045

(310) 410-4000

**AGENDA**

1. **CALL TO ORDER**
2. **Approval of Minutes**  
December 2, 2010
3. **Scope of Chiropractic Care, Limitations, and Exclusive Treatment**  
California Code of Regulations 302
4. **Chiropractic Patient Records**  
California Code of Regulations 318
5. **Enforcement Oversight – Auditing of Enforcement Program**
6. **PUBLIC COMMENT**
7. **FUTURE AGENDA ITEMS**
8. **ADJOURNMENT**

**ENFORCEMENT COMMITTEE**

Hugh Lubkin, D.C., Chair

Francesco Columbu, D.C.

Frederick Lerner, D.C.

***The Board of Chiropractic Examiners' paramount responsibility is to protect California consumers from the fraudulent, negligent, or incompetent practice of chiropractic care.***

A quorum of the Board may be present at the Committee meeting. However, Board members who are not on the committee may observe, but may not participate or vote. Public comments will be taken on agenda items at the time the specific item is raised. The Committee may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at [www.chiro.ca.gov](http://www.chiro.ca.gov).

The meeting facilities are accessible to individuals with physical disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Marlene Valencia at (916) 263-5355 ext. 5363 or e-mail [marlene.valencia@chiro.ca.gov](mailto:marlene.valencia@chiro.ca.gov) or send a written request to the Board of Chiropractic Examiners, 2525 Natomas Park Drive, Suite 260, Sacramento, CA 95833. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

T (916) 263-5355

F (916) 263-5369

TT/TOD (800) 735-2929

Consumer Complaint Hotline

(866) 543-1311

Board of Chiropractic Examiners

2525 Natomas Park Drive, Suite 260

Sacramento, California 95833-2931

[www.chiro.ca.gov](http://www.chiro.ca.gov)

**BOARD OF CHIROPRACTIC EXAMINERS  
MEETING MINUTES  
Enforcement Committee  
December 2, 2010  
Holiday Inn LAX  
9901 La Cienega Blvd.  
Los Angeles, CA 90045**

**Committee Members Present**

Hugh Lubkin, D.C., Chair  
Francesco Columbu, D.C.  
Frederick Lerner, D.C.

**Staff Present**

Robert Puleo, Executive Officer  
Spencer Walker, Senior Staff Counsel  
Linda Shaw, Staff Services Manager  
Sandra Walker, Staff Services Manager  
Dixie Van Allen, Associate Governmental Program Analyst  
Ray Delaney, Management Services Technician  
Valerie James, Office Technician

**Call to Order**

Dr. Lubkin called the meeting to order at 9:02 a.m.

**Roll Call**

Dr. Columbu called the roll. All committee members were present.

**Approval of July 8, 2010 Minutes**

**MOTION: DR. LERNER MOVED TO APPROVE THE MINUTES.**

**SECOND: DR. COLUMBU SECONDED THE MOTION.**

**VOTE: 3-0**

**MOTION CARRIED.**

**Advertising Enforcement Issues**

California Code of Regulations 311, Business and Professions Code 17500, Business and Professions Code 651

The committee would like to merge the Business and Professions Code Sections 17500 and 651 into the California Code of Regulations 311.

Bill Howe from the California Chiropractic Association (CCA) came forward and asked if a dually licensed individual can hold themselves out in advertising as such. The Board affirmed that if the individual is licensed as such that they can advertise dually.

### **Scope of Chiropractic Care, Limitations, and Exclusive Treatment** California Code of Regulations 302

The committee discussed the need to define section 302(a) (2). There is a poor understanding and the committee asked Mr. Walker to research this regulation and report back. The 1991 settlement agreement will be reviewed also. Mr. Walker will work with Mr. Puleo and bring modified language to the committee.

Bill Howe came forward and spoke briefly on the 1991 settlement agreement.

### **Chiropractic Patient Records** California Code of Regulations 318

There was a lengthy discussion on HIPPA and other privacy laws that need to be adhered to relating to proper disposal and retention of patient records. Dr. Lerner believes the new Federal law for electronic records will supersede any other laws. The Board needs to educate the profession with proper retention. Dr. Lerner suggested amending section 318 to read "in accordance to all State and Federal laws." Mr. Puleo spoke in regards patient records when a chiropractor that retires or passes away. Mr. Walker will work with Mr. Puleo and bring modified language to the committee.

Dr. Davis spoke in relation to his interpretation of section 312(2) which provides information with regards to patient records if a chiropractor dies.

Bill Howe came forward and gave his support to educating chiropractors on patient records.

### **Updating Existing Regulations**

No items to report.

### **Enforcement Oversight – Auditing of Enforcement Program**

After a lengthy discussion, the committee would like Mr. Puleo to present the committee with at least three sources to audit the Board's enforcement program. The Department of Consumer Affairs would be one source and to seek two private sources.

**Public Comment**

Debbie Snow came forward and spoke in regards to the efforts of the Board on their Enforcement Program.

**Future Agenda Items**

No future agenda items.

**Adjournment**

Dr. Lubkin adjourned the meeting at 9:57 a.m.

DRAFT



### **3. Scope of Chiropractic Care, Limitations, and Exclusive**

California Code of Regulations 302

**Information may be given at Board Meeting**

T (916) 263-5355  
F (916) 263-5369  
TT/TOD (800) 735-2929  
Consumer Complaint Hotline  
(866) 543-1311

Board of Chiropractic Examiners  
2525 Natomas Park Drive, Suite 260  
Sacramento, California 95833-2931  
[www.chiro.ca.gov](http://www.chiro.ca.gov)



## **4. Chiropractic Patient Records**

California Code of Regulations 318

**Information may be given at Board Meeting**

T (916) 263-5355  
F (916) 263-5369  
TT/TOD (800) 735-2929  
Consumer Complaint Hotline  
(866) 543-1311

Board of Chiropractic Examiners  
2525 Natomas Park Drive, Suite 260  
Sacramento, California 95833-2931  
[www.chiro.ca.gov](http://www.chiro.ca.gov)