

**BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES
January 19, 2012
State Capitol
First Floor, Senate Committee Room 113
Sacramento, CA 95814**

Board Members Present

Hugh Lubkin, D.C., Chair
Jeffrey Steinhardt, D.C., Vice Chair
Francesco Columbu, D.C., Secretary
Frederick Lerner, D.C.
Richard Tyler, D.C.

Staff Present

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

Call to Order

Dr. Lerner called the meeting to order at 9:00 a.m.

Roll Call

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

Chair's Report

Dr. Lerner reported on recent activities relating to Board matters.

Election of Officers for 2012

A. Chair

MOTION: DR. LERNER MOVED TO NOMINATE DR. LUBKIN AS CHAIR

SECOND: DR. TYLER SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

B. Vice-Chair

MOTION: DR. TYLER MOVED TO NOMINATE DR. STEINHARDT AS VICE-CHAIR
SECOND: DR. LERNER SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

C. Secretary

MOTION: DR. TYLER MOVED TO NOMINATE DR. COLUMBU AS SECRETARY
SECOND: DR. LERNER SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

Approval of Minutes

November 17, 2011 Board Meeting

MOTION: DR. STEINHARDT MOVED TO APPROVE THE MINUTES
SECOND: DR. TYLER SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

January 5, 2012 Board Meeting

MOTION: DR. STEINHARDT MOVED TO APPROVE THE MINUTES
SECOND: DR. LUBKIN SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

Public Comment

None

Dr. Lubkin presented Dr. Lerner with a commemorative plaque and sculpture to acknowledge his achievements as a Board Member and Board Chair.

Executive Officer's Report

Mr. Puleo gave the Executive Officer's Report. The topics were Administration, Budget, Licensing, and Enforcement. Mr. Puleo also reported on the new enhancement to the Board's web site.

Ratification of Approved License Applications

MOTION: DR. STEINHARDT MOVED TO RATIFY THE APPROVED LICENSE APPLICATIONS
SECOND: DR. TYLER SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

The Board ratified the attached list of approved license applications incorporated herein (Attachment A).

Ratification of Approved Continuing Education Providers

MOTION: DR. STEINHARDT MOVED TO RATIFY THE APPROVED CONTINUING EDUCATION PROVIDERS

SECOND: DR. LERNER SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

The Board ratified the attached list of approved continuing education providers incorporated herein (Attachment B).

Ratification of Denied License Applications in Which the Applicants Did Not Request a Hearing
None

Ratification to Waive Two Year Requirement to Restore a Cancelled License
None

Attorney General Billing

Mr. Puleo indicated that the Attorney General's billings are down and have been consistent through the past months. The Board will keep monitoring the expenditures.

Chiropractic Business/Franchise Models

Dr. Steinhardt discussed the growing development of Chiropractic Business/Franchises in the profession and expressed his concern with overall patient care. Dr. Lubkin shared his concerns regarding this matter. Mr. Puleo indicated that the Board must depend on consumers to file complaints if someone received treatment not up to standard.

Discussion and Possible Action on Informed Consent

Dr. Tyler expressed his concerns with the word "material" and its lack of clarity. He felt that it needed a more definitive approach. Dr. Lerner and Dr. Steinhardt disagreed and believed that the regulation should be left alone.

Dr. Charles Davis from International Chiropractic Association of California came forward and stated that he supports leaving the regulation as is.

Legislative Update

A. SB 352 (Huff) – Chiropractors

Dr. Lerner spoke on the bill and a meeting with Senator Huff. Mr. Puleo attended and spoke in regards to the Senate Appropriations hearing. The bill was placed on suspense file. If the committee decides to take it off suspense, it could be voted on today.

Proposed Regulations

A. Use of Laser

The Board discussed the status of the proposed regulation. Mr. Puleo announced the proposed regulation was submitted to the Office of Administrative Law on Tuesday which commences the comment period. A public regulatory hearing will take place on March 13th in Sacramento. The Board discussed a recommendation submitted by the Medical Board of California.

B. Patient Records

Mr. Puleo reported the Board had completed the 45 day comment period with only one comment submitted. The comment was rejected as it was not related to the proposed amendments to Section 318 as described in the Initial Statement of Reasons. Mr. Puleo announced that the proposed language is ready to be submitted to the Office of Administrative Law pending the Board's approval.

MOTION: DR. LERNER MOVED TO ADOPT THE PROPOSED LANGUAGE AS IS AND SUBMIT TO THE OFFICE OF ADMINITRATIVE LAW

SECOND: DR. TYLER SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

C. Omnibus Consumer Protection

The Board briefly reviewed the proposed regulation. Dr. Lubkin and Dr. Steinhardt agreed to have an Enforcement Committee meeting in February/March to review and refine the language.

Dr. Charles Davis came forward and agreed to bring it back to the Committee to get the language right rather than rush.

Ms. Debbie Snow came forward and spoke on Business and Professions Code Section 729 which is clear on misconduct resulting in revocation.

Public Comment

None

Future Agenda Items

None

Hearings Re: Petition for Reinstatement of Revoked License

Administrative Law Judge Dian Vorters presided over and Supervising Deputy Attorney General Arthur Taggart appeared on behalf of the people of the State of California on the following hearing:

A. Robert Nathanson

Closed Session

Following oral testimonies, the Board went into closed session for deliberation and determinations of petitioners and other matters.

Adjournment

Dr. Lubkin adjourned the meeting at 1:12p.m.

(Attachment A)

**Approval By Ratification of Formerly Approved License Applications
November 1, 2011 – December 31, 2011**

Name (First, Middle, Last)			Date Issued	DC#
Sadie	Jayne	Sanders	11/4/2011	32132
Kimberly	Nicole	Rumack	11/9/2011	32133
Murray	Allan	Russell	11/9/2011	32134
Matthew	Kurt	Alexander	11/10/2011	32135
Kangning	Karis	Chua	11/10/2011	32136
Steven	Michael	Hewitt	11/10/2011	32137
Kristine	Aimee	Lukens	11/10/2011	32138
Jonathan	Patrick	McHale	11/10/2011	32139
Jason	William Robert	Moore	11/10/2011	32140
Jason	Stephen	Crowley	11/17/2011	32141
Danielle	Nicole	Harris-Sartin	11/17/2011	32142
Tashia	Simone	Hilliard	11/17/2011	32143
Anjannette	Marie	Price	11/18/2011	32144
Job	Jehad	Asad	11/30/2011	32145
Nicole	Anne	Bailey	11/30/2011	32146
Ariana	Alexandra	Brosco	11/30/2011	32147
Alfred	Salomon	Garcia	11/30/2011	32148
Miro		Bandalo	12/9/2011	32149
Dawn	Kristen	Bortoluzzi	12/9/2011	32150
Christina	Kay	Coxon	12/9/2011	32151
Miki		Hayashi	12/9/2011	32152
Yangdong		Kim	12/9/2011	32153
Heather	Dalila	Maxwell	12/9/2011	32154
Adam	Jay	Ponchick	12/9/2011	32155
Sheena	Marie	Yurczak	12/9/2011	32156
Christopher	Arthur	Angelopoulos	12/20/2011	32157
R'Kione	W'Selas	Britton II	12/20/2011	32158
Eric	Douglas	Dixon	12/20/2011	32159
Jenny	Ji-Yun	Kim	12/20/2011	32160
Ryan	Neil	Lawlor	12/20/2011	32161
Anthony	Angel	Mendoza	12/20/2011	32162
Apolinar		Miranda	12/20/2011	32163
Joon	Hye	Kong	12/22/2011	32164

Gerald	Pasadilla	Palmes	12/22/2011	32165
Joseph	Nicholas	Snyder	12/22/2011	32166
Jonathan	Joseph	Sweeney	12/22/2011	32167
Daniel	D	Yen	12/22/2011	32168
Ashlee	Ariane	Yerrick	12/29/2011	32169

(Attachment B)

<u>CONTINUING EDUCATION PROVIDERS</u>	<u>DATE APPROVED</u>
1. <u>CMCS Management Inc.</u>	11/1/11
2. <u>Barton University</u>	11/1/11
3. <u>James W. Brantingham D.C.</u>	11/1/11
4. <u>Douglas M. Gillard, D.C.</u>	11/1/11
5. <u>Karl A. Giljum, D.C.</u>	11/1/11
6. <u>American Liberty University</u>	11/1/11
7. <u>Total Thermal Imaging Inc.</u>	11/1/11
8. <u>Zhen Sheng Fu</u>	11/1/11