



**NOTICE OF PUBLIC MEETING**

**March 22, 2012**

**10:00 a.m.**

**Radisson Hotel Ontario Airport**

**2200 East Holt Blvd.**

**Ontario, CA 91761**

**(909) 975-5000**

**AGENDA**

1. **OPEN SESSION – Call to Order & Establishment of a Quorum**  
Hugh Lubkin, D.C. Chair  
Jeffrey Steinhardt, D.C., Vice Chair  
Francesco Columbu, D.C., Secretary  
Richard Tyler, D.C.
2. **Chair's Report**
3. **Approval of Minutes**  
January 19, 2012 Board Meeting
4. **Public Comment**
5. **Executive Officer's Report**
  - A. Administration
  - B. Budget
  - C. Licensing
  - D. Enforcement
6. **Ratification of Approved License Applications**
7. **Ratification of Approved Continuing Education Providers**
8. **Ratification of Denied License Applications in Which the Applicants Did Not Request a Hearing**
9. **Recommendation to Waive Two Year Requirement to Restore a Cancelled License**
10. **Attorney General Billing**

11. **Inter-Jurisdictional Mobility**
12. **Strategic Planning**
13. **BCE Mission Statement**
14. **Direct/Indirect Supervision of Employees – California Code of Regulations 312**
15. **Legislative Update**
  - A. AB 1488 (Yee) – Healing Arts: Traditional Chinese Medicine Traumatologist Certification
  - B. SB 352 (Huff) – Chiropractors
  - C. SB 924 (Price, Waters, Steinberg) – Patient Direct Access to Physical Therapist and Provider Corporations
16. **Pending Regulations**
  - A. Patient Records
  - B. Use of Lasers
  - C. Omnibus Consumer Protection
17. **Proposed New Regulation**

Consumer Notice Regarding Chiropractic Licensure Requirements and BCE Contact Information
18. **Public Comment**
19. **Future Agenda Items**
20. **Hearings Re: Petition for Reinstatement of Revoked License**
  - A. Carlos Seals
  - B. Daniel Brady
21. **Closed Session**
  - A. Deliberation on Petitioner Hearings and Disciplinary Decisions Pursuant to California Government Code Section 11126(c)(3)
  - B. Pursuant to California Government Code Section 11126(e)
    - 1) Board of Chiropractic Examiners v. Carole M. Arbuckle  
Sacramento County Superior Court, Case No. 03AS00948
22. **OPEN SESSION: Announcements Regarding Closed Session**
23. **Adjournment**

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Meetings of the Board of Chiropractic Examiners are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. Public comments will be taken on agenda items at the time the specific item is raised. The Board 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).

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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.

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**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 ADMINISTRATIVE 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

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(Attachment B)

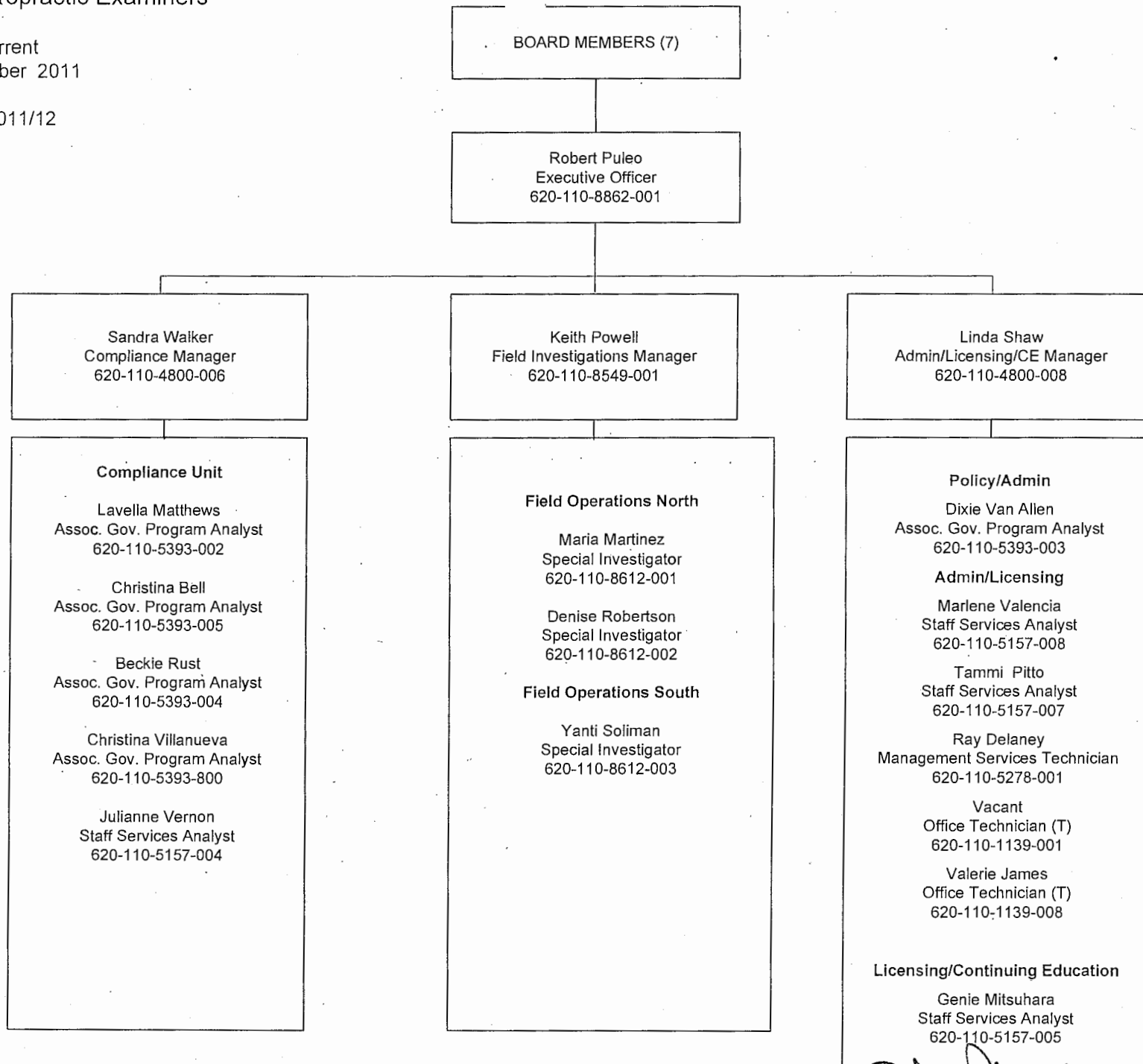
<u>CONTINUING EDUCATION PROVIDERS</u>	<u>DATE APPROVED</u>
1. <u>CMCS Management Inc.</u>	11/1/11
2. <u>Barton University</u>	11/1/11
3. <u>James W. Brantingham D.C.</u>	11/1/11
4. <u>Douglas M. Gillard, D.C.</u>	11/1/11
5. <u>Karl A. Giljum, D.C.</u>	11/1/11
6. <u>American Liberty University</u>	11/1/11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

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State Board of Chiropractic Examiners

Current  
September 2011

FY 2011/12



Executive Officer

**0152 - Board of Chiropractic Examiners  
Analysis of Fund Condition**

Prepared 1/11/12

(Dollars in Thousands)

**2012-13 Governor's Budget**

	Governor's Budget		
	CY 2011-12	BY 2012-13	BY+1 2013-14
<b>BEGINNING BALANCE</b>	\$ 2,568	\$ 1,417	\$ 1,285
Prior Year Adjustment	\$ -	\$ -	\$ -
Adjusted Beginning Balance	<u>\$ 2,568</u>	<u>\$ 1,417</u>	<u>\$ 1,285</u>
<b>REVENUES AND TRANSFERS</b>			
Revenues:			
125600 Other regulatory fees	\$ 128	\$ 128	\$ 128
125700 Other regulatory licenses and permits	\$ -	\$ -	\$ -
125800 Renewal fees	\$ 2,852	\$ 3,398	\$ 3,398
125900 Delinquent fees	\$ 50	\$ 48	\$ 48
141200 Sales of documents	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 20	\$ 13	\$ 10
150500 Interest Income From Interfund Loans	\$ -	\$ -	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ -	\$ -	\$ -
161400 Miscellaneous revenues	\$ 6	\$ 6	\$ 6
161900 Other Revenue - Cost Recoveries*	\$ 50	\$ 50	\$ 50
164600 Fines and Forfeitures	\$ 21	\$ 21	\$ 21
Totals, Revenues	<u>\$ 3,127</u>	<u>\$ 3,664</u>	<u>\$ 3,661</u>
Transfers to Other Funds	\$ -	\$ -	\$ -
Totals, Revenues and Transfers	<u>\$ 3,127</u>	<u>\$ 3,664</u>	<u>\$ 3,661</u>
Totals, Resources	<u>\$ 5,695</u>	<u>\$ 5,081</u>	<u>\$ 4,946</u>
<b>EXPENDITURES</b>			
Disbursements:			
0840 State Controller (State Operations)	\$ 3	\$ -	\$ -
8880 Financial Information System for CA (State Operations)	\$ 15	\$ -	\$ -
8500 Program Expenditures (State Operations)	\$ 4,217	\$ 3,688	\$ 3,762
BreEZe SPR Funding	\$ 43	\$ 79	\$ 117
Credit Card BCP (BreEZe)		\$ 29	\$ 58
Total Disbursements	<u>\$ 4,278</u>	<u>\$ 3,796</u>	<u>\$ 3,937</u>
<b>FUND BALANCE</b>			
Reserve for economic uncertainties	\$ 1,417	\$ 1,285	\$ 1,009
<b>Months in Reserve</b>	4.5	3.9	3.0

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED
- B. ASSUMES INTEREST RATE AT 1%.
- C. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR.

**BOARD OF CHIROPRACTIC EXAMINERS  
LICENSE STATISTICAL DATA**

**FY 2010/11 – FY 2011/12 COMPARISON**

LICENSE TYPE	TOTAL LICENSES 3/1/2011	TOTAL LICENSES 3/1/2012	NET VARIANCE
CHIROPRACTOR	13,856	13,561	-295
SATELLITES	3,635	3,941	+306
CORPORATIONS	1,314	1,302	-12
REFERRALS	31	31	0
TOTALS	18,836	18,835	-1

**APPLICATIONS RECEIVED AND PROCESSED  
JANUARY 1, 2012 – FEBRUARY 29, 2012**

APPLICATION TYPE	RECEIVED	APPROVED	DENIED	WITHDRAWN	PENDING
INITIAL	95	67	2	0	170
RECIPROCAL	2	1	0	0	14
RESTORATION	34	34	0	0	5
CORPORATION	19	17	0	0	22

## Compliance Unit Statistics

Fiscal Year	07/08	08/09	09/10	10/11	11/12*
<b><u>Complaints</u></b>					
Received	644	655	519	497	267
Pending	824	410	203	137	152
Closed with Insufficient Evidence	107	206	136	96	62
Closed with No Violation	78	223	129	135	57
Closed with Merit	321	275	158	140	85
Letter of Admonishment	n/a	n/a	5	4	1
Citations and Fines Issued (Total Fine Amount)	28	41(\$19,200)	78(\$25,700)	47(\$12,700)	14(\$20,400)
<b><u>Accusations</u></b>					
Filed	13	64	73	68	26
Pending	73	105	117	130	99
Revoked	8	10	18	17	6
Revocation Stayed: Probation	10	4	20	26	12
Revocation Stayed: Suspension and Probation	10	7	8	9	10
Suspension	0	0	0	0	0
Suspension Stayed: Probation	0	0	1	0	0
Suspension and Probation	0	2	0	0	0
Voluntary Surrender of License	2	2	7	9	6
Dismissed/Withdrawn	3	5	18	10	21
<b><u>Statement of Issues</u></b>					
Filed	7	3	3	4	1
Denied	0	1	0	0	1
Probationary License	7	4	7	3	3
Withdrawn at Applicant's Request	1	0	0	0	0
Granted	0	0	0	1	0
<b><u>Petition for Reconsideration</u></b>					
Filed	0	1	3	0	1
Granted	0	0	0	0	0
Denied	0	1	2	0	0
<b><u>Petition for Reinstatement of License</u></b>					
Filed	15	13	9	7	7
Granted	12	4	4	2	1
Denied	6	11	11	10	4
<b><u>Petition for Early Termination of Probation</u></b>					
Filed	6	6	6	4	13
Granted	1	6	1	2	18
Denied	1	2	2	4	13
<b><u>Petition for Modification of Probation</u></b>					
Filed	0	0	0	0	0
Granted	0	0	0	0	0
Denied	0	0	0	0	0
<b><u>Petition by Board to Revoke Probation</u></b>					
Filed	0	11	32	13	5
Revoked	0	3	7	2	7
<b><u>Probation Cases</u></b>					
Active	159	140	134	138	140

## **Violation Codes/Descriptions**

### **The Chiropractic Initiative Act of California (ACT):**

- 10 – Rules of Professional Conduct
- 15 – Noncompliance With and Violations of Act

### **California Code of Regulations (CCR):**

- 302(a) – Scope of Practice
- 303 – Filing of Addresses
- 304 – Discipline by Another State
- 308 – Display of License
- 311 – Advertisements
- 312 – Illegal Practice
- 316 – Responsibility for Conduct on Premises
- 317 – Unprofessional Conduct
- 318 – Chiropractic Patient Records/Accountable Billing
- 319 – Free or Discount Services
- 355 – Renewal and Restoration
- 360 – Continuing Education Audits
- 367.5 – Application, Review of Refusal to Approve (corporations)
- 367.7 – Name of Corporation

### **Business and Professions Code (BP):**

- 801 – Professional Reporting Requirements (malpractice settlements)
- 810 – Insurance Fraud
- 1051 – Apply for a Corporation with the Board
- 1054 – Name of Chiropractic Corporation

### **Health and Safety Code (HS):**

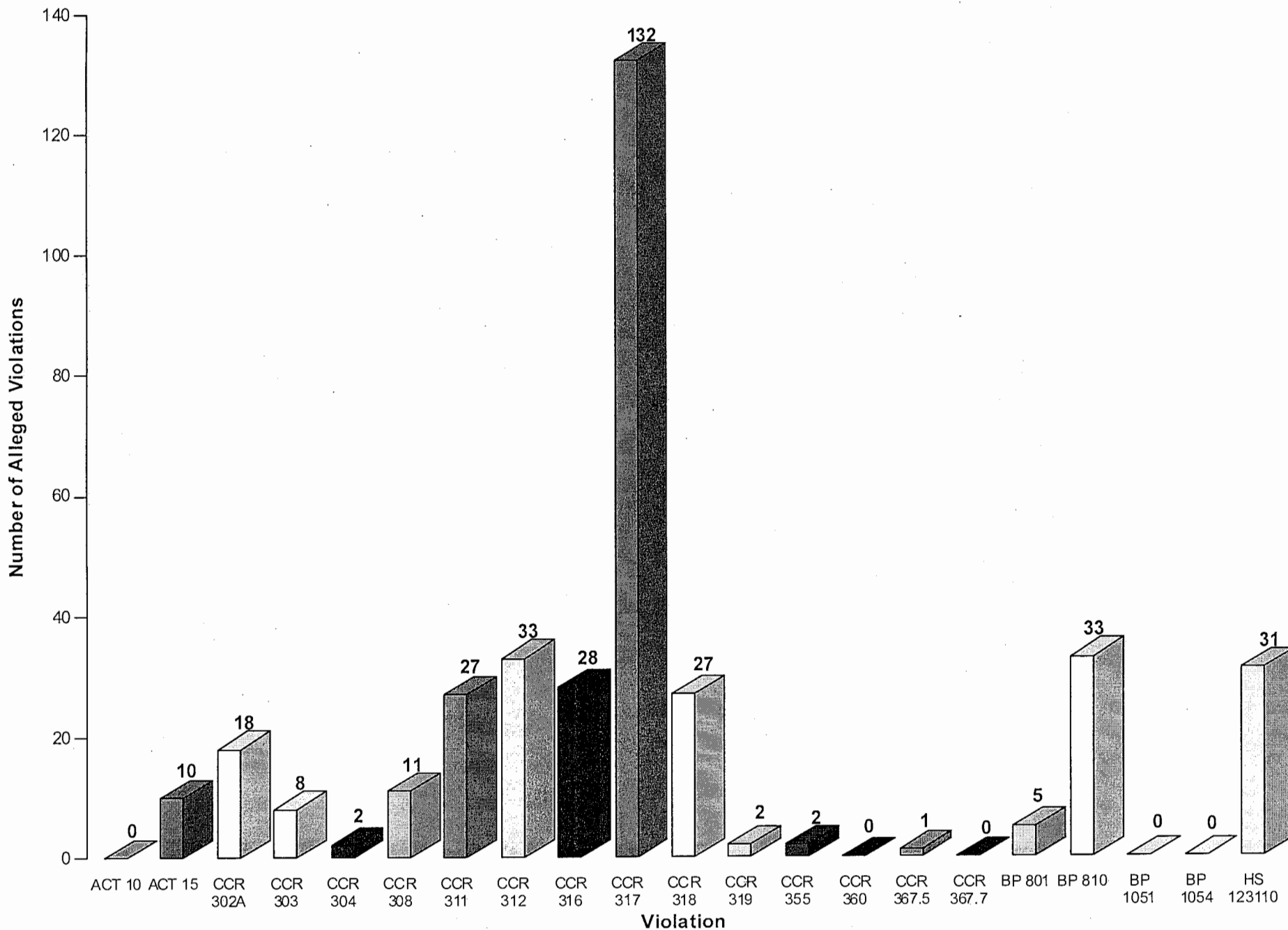
- 123110 – Patient Access to Health Records

**FISCAL YEAR 2012**

July 1, 2011 - February 29, 2012

Total Number of Complaints Opened - 267

Total Number of Violations - 370 (A complaint may contain multiple violations)



## Violation Codes/Descriptions

### California Code of Regulations (CCR) Section 317 – Unprofessional Conduct:

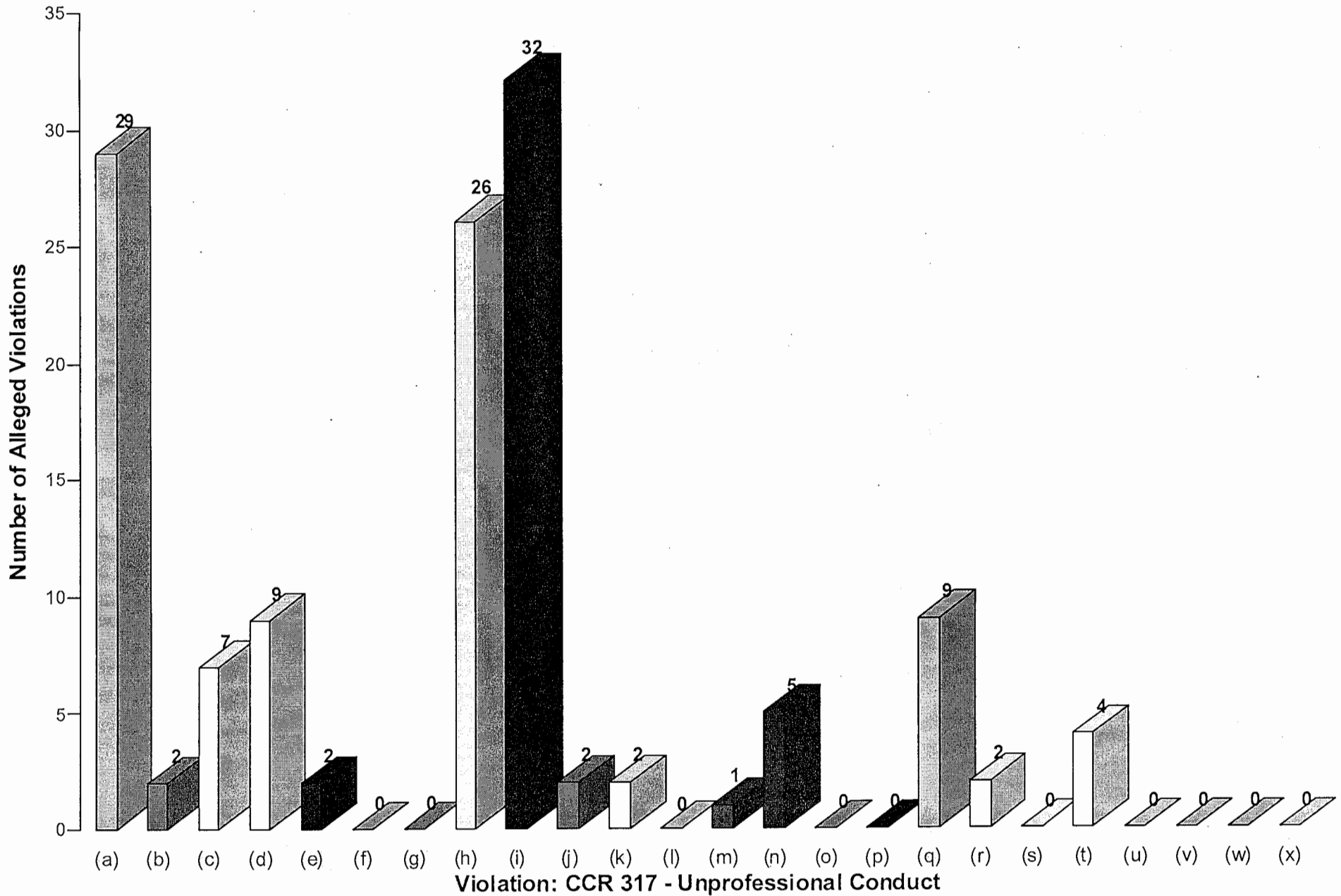
- (a) Gross Negligence
- (b) Repeated Negligent Acts
- (c) Incompetence
- (d) Excessive Treatment
- (e) Conduct Endangering Public
- (f) Administering to Oneself Drugs/Alcohol
- (g) Conviction of a Crime Related to Chiropractic Duties
- (h) Conviction of a Crime Involving Moral Turpitude/Physical Violence/etc.
- (i) Conviction of a Crime Involving Drugs or Alcohol
- (j) Dispensing Narcotics/Dangerous Drugs/etc.
- (k) Moral Turpitude/Corruption/etc
- (l) False Representation
- (m) Violation of the ACT/Regulations
- (n) False Statement Given in Connection with an Application for Licensure
- (o) Impersonating an Applicant
- (p) Illegal Advertising related to Violations of Section 17500 BP
- (q) Fraud/Misrepresentation
- (r) Unauthorized Disclosure of Patient Records
- (s) Employment/Use of Cappers or Steerers
- (t) Offer/Receive Compensation for Referral
- (u) Participate in an Illegal Referral Service
- (v) Waiving Deductible or Co-Pay
- (w) Fail to Refer Patient to Physician/Surgeon/etc.
- (x) Offer or Substitution of Spinal Manipulation for Vaccination



# FISCAL YEAR 2012

July 1, 2011 - February 29, 2012

Total Number of Complaints Opened Alleging Violation of CCR 317 - 132  
(A complaint may contain multiple violations)

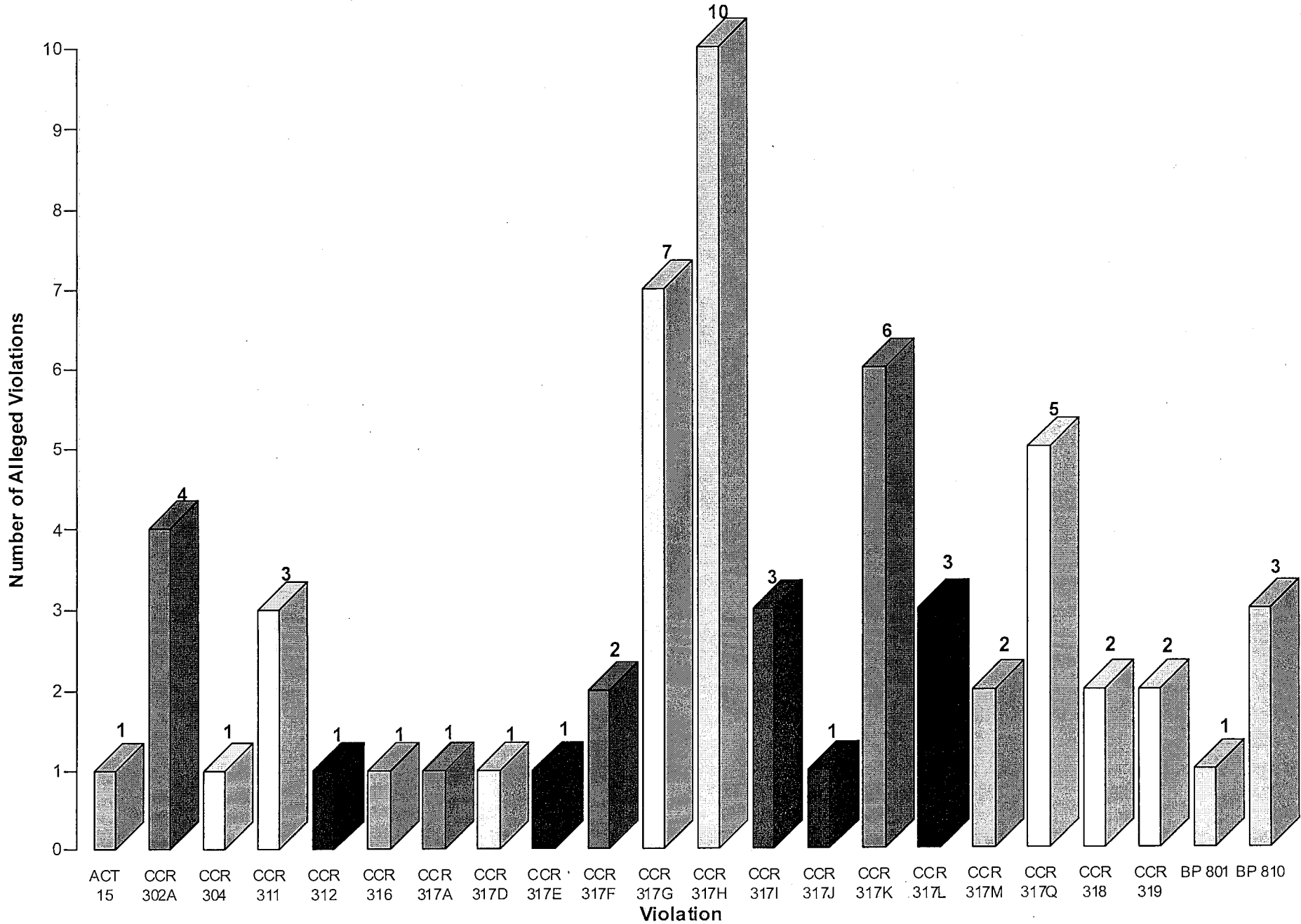


# FISCAL YEAR 2012

July 1, 2011 - February 29, 2012

Total Number of Accusations Filed - 26

Total Number of Violations - 61 (An accusation may contain multiple violations)



# MEMORANDUM



**Date:** March 13, 2012

**To:** Board Members

**From:** Robert Puleo  
Executive Officer

A handwritten signature in black ink, appearing to be "RP", written over the printed name of Robert Puleo.

**Subject:** Ratification of Formerly Approved Doctors of Chiropractic for Licensure

This is to request that the Board ratify the attached list of individuals as Doctors of Chiropractic at the March 22, 2012, public meeting.

Between January 1, 2012 and February 29, 2012, staff reviewed and confirmed that the applicants met all statutory and regulatory requirements.

If you have any questions or concerns, please contact me at your earliest opportunity.


Approval By Ratification of Formerly Approved License Applications  
January 1, 2012 – February 29, 2012

Name (First, Middle, Last)			Date Issued	DC#
James	Robert	Becroft	1/13/2012	32170
Elizabeth	Marie	Callaway	1/13/2012	32171
Amanda	Jo	Coddington	1/20/2012	32172
Jacinto	Miguel-Angel	Flores-Alvarez	1/20/2012	32173
Jachin	Lee	Black	1/20/2012	32174
Matthew	Daniel	Leary	1/20/2012	32175
Joowhye		Nam	1/25/2012	32176
Stefania		Pisanu	1/25/2012	32177
Jesse	John	Saenz	1/25/2012	32178
Jill	Christine	Schneider	1/25/2012	32179
Eunshik		Shin	1/25/2012	32180
Jeffrey	Robert	Reichert	1/25/2012	32181
Te Chun		Yu	1/25/2012	32182
Niccole	Marie	O'Dell	1/30/2012	32183
Peter	S	Peregrino	1/30/2012	32184
Brent	Allan	Stromgren	1/30/2012	32185
Alan	Hao	Wu	1/30/2012	32186
Ted	Douglas	Brown	1/31/2012	32187
Yer	Ton	Cha	1/31/2012	32188
Danielle	Marie	Fratellone	1/31/2012	32189
Nathan	Michael	Gershfeld	1/31/2012	32190
Thomas	Howard	Hibbard	1/31/2012	32191
Bryan	Wade	Ignacio	1/31/2012	32192
Karo		Isajan	1/31/2012	32193
Samuel	Oliver	Magnus	1/31/2012	32194
Christopher	James	Baker	2/10/2012	32195
Ryan	Daniel	Bias	2/10/2012	32196
Kimberly	Ann	Catherina	2/10/2012	32197
Nathen	Alan	Horst	2/10/2012	32198
Gregory	Timothy	Jones	2/10/2012	32199
Seunghun		Jung	2/10/2012	32200
Meiling		Liang	2/10/2012	32201
Ashley	Fava	Madden	2/10/2012	32202
Allison	Marie	Mankey	2/10/2012	32203
Graham	Vance	Mankey	2/10/2012	32204

Michael	Alan	Moyer	2/10/2012	32205
Darci	Honora	Robertson	2/13/2012	32206
Ka	Vee	Vang	2/13/2012	32207
Patrick	Jacob	Van Loon	2/13/2012	32208
Leslie		Vich	2/13/2012	32209
Kari	Anne	Andrew	2/16/2012	32210
Sean	Martin	Braithwaite	2/16/2012	32211
Joshua	David	Bruce	2/16/2012	32212
Gopal		Cabrera	2/16/2012	32213
Jennifer	Nicole	Cirillo	2/16/2012	32214
Joshua	Ryan	Ferrer	2/16/2012	32215
Jill	Susan	Goldberg	2/16/2012	32216
Allen	Chen-En	Kang	2/16/2012	32217
Christopher	Hori	Kelley	2/16/2012	32218
Leslie	Marie	Layton	2/16/2012	32219
Catherine	Hai	Le	2/16/2012	32220
Kevin	Lawrence	Mangum	2/16/2012	32221
Justin	Raymond	Marchegiani	2/16/2012	32222
Bradley	Allen	Metzler	2/16/2012	32223
Christina	Nicole	Mullen	2/16/2012	32224
Cassandra	Tricia	Shum	2/17/2012	32225
Francisco		Yepez	2/17/2012	32226
Fredrick	James	Dietzen	2/23/2012	32227
Meghan	Kelly	Dowling	2/23/2012	32228
		Harrison	2/23/2012	32229
Sang	Hoon	Lee	2/23/2012	32230
Lisa	Louise	Lynch	2/23/2012	32231
Michael	Asi	Mensah	2/23/2012	32232
Matthew	Alan	Redman	2/24/2012	32233
Marla	Joanne	Robertson-Tarpo	2/24/2012	32234
Andrew		Storms	2/24/2012	32235
Elsie	Grace	Yuen	2/24/2012	32236

# MEMORANDUM



**Date:** March 1, 2012  
**To:** BOARD MEMBERS  
**From:** Robert Puleo   
Executive Officer  
**Subject:** Ratification for New Continuing Education Providers

This is to request that the Board ratify the continuing education providers at the public meeting on March 22, 2012.


<u>CONTINUING EDUCATION PROVIDERS</u>	<u>DATE APPROVED</u>
<u>1. Lani Simpson, D.C.</u>	<u>3/1/2012</u>
<u>2. Eric McKillican</u>	<u>3/1/2012</u>
<u>3. Christopher John, D.C.</u>	<u>3/1/2012</u>
<u>4. Summit Professional Education</u>	<u>3/1/2012</u>
<u>5. Celebrating Life</u>	<u>3/1/2012</u>
<u>6. Richard Robertshaw, D.C.</u>	<u>3/1/2012</u>
<u>7. Mark S.Schillinger, D.C.</u>	<u>3/1/2012</u>
<u>8. Thomas Souza, D.C.</u>	<u>3/1/2012</u>
<u>9. MedBridge Education</u>	<u>3/1/2012</u>
<u>10.Perry J. Carpenter, D.C.</u>	<u>3/1/2012</u>
<u>11.Marie E. Cavanaugh, D.C.</u>	<u>3/1/2012</u>

# MEMORANDUM



**Date:** March 15, 2012

**To:** Board Members

**From:** Robert Puleo   
Executive Officer

**Subject:** Ratification of Formerly Denied License Applications

The Board of Chiropractic Examiners (Board) denies licensure to applicants who do not meet all statutory and regulatory requirements for a chiropractic license in California. An applicant has 60-days after the denial is issued to appeal the decision. If the applicant does not submit an appeal to the Board, the denial is upheld.

During January 1, 2012, and February 29, 2012, staff reviewed and confirmed that two (2) applicants did not meet all statutory and regulatory requirements for licensure. The applicants are still within the 60-day period to appeal our decision.

The attached is the name of an individual whose Restoration of License application was denied on December 8, 2011. He did not appeal the decision. This is to recommend that the Board ratify the denial at the March 22, 2012, public meeting.

If you have any questions or concerns, please contact me at your earliest opportunity.

Ratification of Formerly Denied License Applications  
Applicants Did Not Submit an Appeal

January 1, 2012 – February 29, 2012

**Name (First, Middle, Last)**  
Reason for Denial

**Date Denied**

---

**Peralta, Rolando**

**12/8/2011**

Criminal Convictions:

- Extortion - **Felony**
- Conspiracy to Commit Hostage Taking – **Felony**



# MEMORANDUM



**Date:** March 15, 2012

**To:** Board Members

**From:** Robert Puleo  
Executive Officer

RP

**Subject:** Recommendation to Waive Two Year Requirement on Restoration of a Cancelled License – Chiropractic Initiative Act, Section 10(c)

This is to recommend that the Board waive the two year restoration requirement of a cancelled license for the individuals named on the attached list at the March 22, 2012, public meeting.

Staff reviewed and confirmed that the applicants met all other regulatory requirements for restoration including sufficient continuing education hours.

If you have any questions or concerns, please contact me at your earliest opportunity.

Recommendation to Waive Two Year Requirement  
on Restoration of a Cancelled License

Name (Last, First MI)	License No.	Cancellation Date
Holland, Linda	15699	October 31, 2011



State of California  
Edmund G. Brown Jr., Governor

Attorney General Billing

Handout at 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)

## INTER-JURISDICTIONAL MOBILITY

### Chiropractic Initiative Act

#### **§ 9. Issuance of licenses to licensees of other states**

Notwithstanding any provision contained in any other section of this act, the board, upon receipt of the fee specified in Section 5, shall issue a license to any person licensed to practice chiropractic under the laws of another state, provided said state then had the same general requirements as required in this state at the time said license was issued, and provided that such other state in like manner grants reciprocal registration to chiropractic practitioners of this state.

The applicant shall also provide a certificate from the other state stating that he was licensed by that state, that he has not been convicted of unprofessional conduct, and that there is no charge of unprofessional conduct pending against him.

(Initiative Measure, Stats. 1923, p. xc, § 9. Amended by Stats. 1960, c. 14, p. 136, § 2, adopted Nov. 8, 1960. Amended by Stats. 1971, c. 1755, p. 3787, § 8.)

### Board of Chiropractic Examiners – California Code of Regulations

#### **§323. Reciprocity. Interpretation of Section 9 of the Act.**

The board makes the following interpretation of Section 9 of the Act which states candidates for licensure are considered to have fulfilled the requirement of reciprocity if they provide the documentation required by the board showing the following:

- (a) Graduation from a board approved chiropractic college, and completion of the minimum number of hours and subjects as were required by California law at the time the applicant's license was issued.
- (b) Equivalent successful examination in each of the subjects examined in California in the same year as the applicant was issued a license in the state from which he is applying.
- (c) They must hold a valid and up-to-date license from the state from which they are reciprocating.
- (d) The state from which they are licensed will reciprocate with California.
- (e) The board reserves the right to require any additional education or examination for reciprocity.
- (f) A nonrefundable application fee of \$25.00.
- (g) A fee, as set forth in Section 5 of the Act, if licensure is granted.
- (h) Five (5) years of chiropractic practice.

2 MAR -2 AM 11:14

2/27/2012

Board of Chiropractic Examiners  
2525 Natomas Park Dr, Ste 260  
Sacramento CA 95833-2931

Greetings,

My name is Dr. Bret Herrman, and I have been a practicing chiropractor in Missouri for 22 years. I have been traveling to the Los Angeles area for 5 years, and I would really like to get my California license to practice chiropractic. I have successfully owned a business for more than 20 years, and now I am looking to make a change in my life so that I can be near my family in the great state of California.

I have previously checked with Missouri about reciprocity with California, and apparently Missouri does not recognize California for some reason. Missouri has well-established colleges of chiropractic, and the requirements for licensure are extensive and rigorous. I know that other CA professional licensing boards, e.g., dental, will allow a long-licensed applicant from another state to take some required hours of CE and a LiveScan fingerprinting for CA licensure. Has the Board of Chiropractic recently considered this for established out-of-state chiropractors?

I know I will be an asset to the CA chiropractic community. I have a spotless record in MO as a chiropractor, a business owner, and a citizen. I have held leadership positions both in the Missouri State Chiropractic Association and in my community. I treat my patients well--with integrity--as I would want to be treated.

I respectfully request for you and the other members of the CA State Board of Chiropractic to look favorably upon my suggestion for allowing long-term practitioners like myself to be eligible for licensure by credentials in the very near future. I truly appreciate your time and consideration.

Yours in Health,

Bret E. Herrman, DC

## §312. Illegal Practice.

Unlicensed individuals are not permitted to diagnose, analyze, or perform a chiropractic adjustment. An "unlicensed individual" is defined as any person, including a student or graduate of a chiropractic institution, who does not hold a valid California chiropractic license. An exemption is hereby created for student doctors participating in board approved preceptorship programs.

The permitted activities of unlicensed individuals are as follows:

(a) Unlicensed individuals may take the history of a patient. However, this activity is separate from the consultation which at all times must be conducted by the licensed doctor.

(b) Unlicensed individuals may conduct standard neurological, orthopedic, physical and chiropractic examinations, except they may not perform such examinations which require diagnostic or analytic interpretations nor may they render a conclusion either verbally or in writing regarding the patient's physical condition. As an example, unlicensed individuals may not perform evaluations of heart or lung soundings. Such individuals shall be at all times under the immediate and direct supervision of a licensed Doctor of Chiropractic.

"Immediate and direct supervision" means the licensed Doctor of Chiropractic shall be at all times on the premises where the examinations are being conducted. The licensed Doctor of Chiropractic shall be responsible for the verification of the recorded findings and will be solely responsible for rendering a conclusion based on the findings.

(c) Unlicensed individuals may administer physical therapy treatments as an adjunct to chiropractic adjustment, provided the physical therapy treatment is conducted under the adequate supervision of a licensed Doctor of Chiropractic.

Adequate supervision shall include all of the following:

(1) The doctor shall be present in the same chiropractic facility with the unlicensed individual at least fifty percent of any work week or portion thereof the said individual is on duty unless this requirement has been waived by the board. The doctor shall be readily available to the said individual at all other times for advice, assistance and instruction.

(2) The doctor shall initially examine and prepare a written treatment program for a patient prior to the providing of physical therapy treatment by the unlicensed individual.

(3) The doctor shall provide periodic reevaluation of the treatment program and of the individual's performance in relation to the patient. "Periodic reevaluation" shall mean at least once every thirty days the patient is under active care.

(4) The doctor shall perform and record an evaluation of the patient and his or her response to treatment at the termination thereof.

(d) Unlicensed individuals may mark X-ray films administered by a Doctor of Chiropractic. "Marking X-rays" is defined as drawing and measuring between reference points and making angular and linear measurements. Unlicensed individuals are not permitted to make any diagnostic conclusions or chiropractic analytical listings, and the

licensed doctor is responsible for any pathological entities covered or obstructed by the markings.

(e) Unlicensed individuals may not administer X-rays unless they hold a valid X-ray technician certificate from the Department of Health Services, or participate under the direct supervision of a licensed Doctor of Chiropractic in a training program approved by that department and set forth in Section 25668.1 of the California Health and Safety Code. This prohibition, set forth in Section 30403 of Title 17 of the California Administrative Code includes the following activities:

- (1) Positioning of patient;
- (2) Setting up of X-ray machines;
- (3) Pushing a button;

(4) Developing of films. The Department of Health Services has determined that unlicensed individuals may develop X-ray film if that is their sole radiologic responsibility.

Unlicensed individuals who exceed the permitted scope of practice set forth in this regulation shall be in violation of Section 15 of the Chiropractic Act and shall be prohibited from applying for a California chiropractic license for such time as may be determined by the board. Student doctors participating in board approved preceptorship programs are not to be considered "unlicensed individuals" when working in said program.

## LEGISLATIVE UPDATE

### **SB 352 – (Huff) Chiropractors**

Amended in Senate January 11, 2012

- Would prohibit chiropractors from providing the treatment of hypersensitivity to foods, medications, environmental allergens, or venoms, including, but not limited to, the use of laser therapy for those purposes.
- Would prohibit chiropractors from advertising the services defined above, unless they hold another license that authorizes such services.
- Would defines a violation of these sections as a cause for discipline by the Board.

### **SB 924 (Price) – Physical Therapists: Direct Access to Service**

Amended in Senate January 26, 2012

- Would allow patients direct access to physical therapy treatment from licensed physical therapists for a limited period of time (30 business days or 12 visits, whichever occurs first). Subsequent visits would require specified authorization from a person holding a physician and surgeon's certificate issued by the Medical Board or the Osteopathic Medical Board.
- Would require physical therapists, prior to the initiation of treatment, to provide the patient with a specified notice concerning the limitations of direct treatment services.
- Would add licensed physical therapists and licensed occupational therapists to the list of healing arts practitioners who may be shareholders, officers, directors, or professional employees of medical and podiatry corporations.
- Would require, except as specified, that a medical corporation, podiatry corporation and physical therapy corporation provide patients with a specified disclosure notifying them that they may seek physical therapy treatment from any physical therapy provider.

### **SB 1488 (Yee) Healing arts: traditional Chinese Medicine traumatologist certification**

Introduced February 24, 2012

- Would establish the Traditional Chinese Medicine Traumatology Council, a non-profit organization, to provide certification and regulation of traumatologists.
- Would require specified treatment procedures to be performed under the supervision of an orthopedic surgeon and prohibit treatment that constitutes the practice of medicine or chiropractic, as defined.





## SB 352 (Huff) Chiropractors

AMENDED IN SENATE JANUARY 11, 2012

AMENDED IN SENATE JANUARY 4, 2012

**SENATE BILL**

**No. 352**

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**Introduced by Senator Huff**

February 15, 2011

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An act to add Sections 1006 and 1007 to the Business and Professions Code, relating to chiropractors.

LEGISLATIVE COUNSEL'S DIGEST

SB 352, as amended, Huff. Chiropractors.

Existing law, the Chiropractic Act, enacted by initiative act, provides for the licensure and regulation of chiropractors by the State Board of Chiropractic Examiners. Under the act, a license authorizes its holder to practice chiropractic as taught in chiropractic schools or colleges but does not authorize its holder to practice medicine, surgery, osteopathy, dentistry, or optometry.

Existing law prohibits a chiropractor, among other healing arts practitioners, from disseminating any form of public communications containing a false, fraudulent, misleading, or deceptive statement for the purpose of inducing the rendering of professional services, as specified.

This bill would specify that the practice of chiropractic does not include the treatment or diagnosis of hypersensitivity to foods, medications, environmental allergens, or venoms, and would prohibit a chiropractor from advertising that he or she provides or is able to provide those services, as specified. The bill would specify that a violation of these provisions constitutes a cause for discipline by the State Board of Chiropractic Examiners.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature hereby finds and declares the  
2 following:

3 (a) The law governing practitioners of chiropractic is an  
4 initiative statute known as the Chiropractic Act that was originally  
5 approved by the electorate on November 7, 1922.

6 (b) The scope of practice authorized by the Chiropractic Act  
7 does not extend beyond the scope of the term "chiropractic" as it  
8 was understood and defined in 1922. In addition, the Chiropractic  
9 Act prohibits a chiropractor from engaging in the practice of  
10 medicine.

11 (c) As it was understood in 1922, the term "chiropractic" did  
12 not include the treatment or diagnosis of hypersensitivity to foods,  
13 medications, environmental allergens, or venoms. Furthermore,  
14 those services constitute the practice of medicine. Therefore, the  
15 Chiropractic Act does not authorize licensees to provide those  
16 services.

17 SEC. 2. Section 1006 is added to the Business and Professions  
18 Code, to read:

19 1006. (a) The practice of chiropractic does not include the  
20 treatment or diagnosis of hypersensitivity to foods, medications,  
21 environmental allergens, or venoms, including, but not limited to,  
22 the use of laser therapy for those purposes.

23 (b) A violation of this section shall constitute a cause for  
24 discipline by the State Board of Chiropractic Examiners. For  
25 purposes of this subdivision, the board shall have the same powers  
26 of suspension, revocation, and discipline as authorized by the  
27 initiative measure referred to in Section 1000.

28 SEC. 3. Section 1007 is added to the Business and Professions  
29 Code, to read:

30 1007. (a) A person licensed by the State Board of Chiropractic  
31 Examiners under the Chiropractic Act shall not advertise that he  
32 or she provides or is able to provide the services described in  
33 Section 1006, unless that person holds another license under this  
34 division that authorizes the person to provide those services.

1 (b) For purposes of this section, "advertise" includes, but is not  
2 limited to, the issuance of any card, sign, or device to any person,  
3 or the causing, permitting, or allowing of any sign or marking on,  
4 or in, any building or structure, or in any newspaper or magazine  
5 or in any directory, or any printed matter whatsoever, with or  
6 without any limiting qualification. It also includes business  
7 solicitations communicated by radio or television broadcasting.

8 (c) A violation of this section shall constitute a cause for  
9 discipline by the State Board of Chiropractic Examiners. For  
10 purposes of this subdivision, the board shall have the same powers  
11 of suspension, revocation, and discipline as authorized by the  
12 initiative measure referred to in Section 1000.

13 SEC. 4. The provisions of this act are severable. If any  
14 provision of this act or its application is held invalid, that invalidity  
15 shall not affect other provisions or applications that can be given  
16 effect without the invalid provision or application.



## SB 924 (Price)-Physical Therapists: Direct Access to Service

T (916) 263-5355	Board of Chiropractic Examiners
F (916) 263-5369	2525 Natomas Park Drive, Suite 260
TT/TOD (800) 735-2929	Sacramento, California 95833-2931
Consumer Complaint Hotline	<a href="http://www.chiro.ca.gov">www.chiro.ca.gov</a>
(866) 543-1311	

AMENDED IN SENATE JANUARY 26, 2012

AMENDED IN SENATE MAY 24, 2011

AMENDED IN SENATE MAY 9, 2011

AMENDED IN SENATE MARCH 30, 2011

**SENATE BILL**

**No. 924**

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**Introduced by Senator *Senators Price, Walters, and Steinberg***  
**(~~Coauthors: Senators Emmerson, Runner, and Strickland~~)**  
(~~Coauthors: Assembly Members Bill Berryhill, Chesbro, Knight,~~  
~~Morrell, Norby, and Silva~~)

February 18, 2011

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An act to amend ~~Section 2660~~ *Sections 2406 and 2690* of, and to add ~~Section~~ *Sections 2406.5, 2620.1, and 2694.5* to, the Business and Professions Code, and to amend *Section 13401.5 of the Corporations Code*, relating to ~~physical therapists~~ *healing arts*.

LEGISLATIVE COUNSEL'S DIGEST

SB 924, as amended, ~~Walters~~ *Price*. Physical therapists: direct access to services. ~~services: professional corporations.~~

**Existing**

(1) Existing law, the Physical Therapy Practice Act, creates the Physical Therapy Board of California and makes it responsible for the licensure and regulation of physical therapists. The act defines the term "physical therapy" for its purposes and makes it a crime to violate any of its provisions. ~~The act authorizes the board to suspend, revoke, or impose probationary conditions on a license, certificate, or approval issued under the act for unprofessional conduct, as specified.~~

This bill would specify that patients may access physical therapy treatment directly, and would, in those circumstances, require a physical

therapist to refer his or her patient to another specified healing arts practitioner if the physical therapist has reason to believe the patient has a condition requiring treatment or services beyond that scope of practice, ~~to disclose to the patient any financial interest he or she has in treating the patient,~~ and, with the patient's written authorization, to notify the patient's physician and surgeon, if any, that the physical therapist is treating the patient. The bill would prohibit a physical therapist from treating a patient beyond ~~a 30-day period~~ *30 business days or 12 visits, whichever occurs first*, unless the ~~patient has obtained a diagnosis from a physician and surgeon~~ *physical therapist receives a specified authorization from a person with a physician and surgeon's certificate. The bill would require a physical therapist, prior to the initiation of treatment services, to provide a patient with a specified notice concerning the limitations on the direct treatment services. The bill would provide that failure to comply with these provisions constitutes unprofessional conduct subject to disciplinary action by the board.*

*(2) Existing law regulating professional corporations provides that certain healing arts practitioners may be shareholders, officers, directors, or professional employees of a medical corporation or a podiatric medical corporation, subject to certain limitations.*

*This bill would add licensed physical therapists and licensed occupational therapists to the list of healing arts practitioners who may be shareholders, officers, directors, or professional employees of those corporations. The bill would also provide that specified healing arts licensees may be shareholders, officers, directors, or professional employees of a physical therapy corporation. The bill would require, except as specified, that a medical corporation, podiatry corporation, and physical therapy corporation provide patients with a specified disclosure notifying them that they may seek physical therapy treatment services from any physical therapy provider. The bill would also make conforming changes to related provisions.*

Because the bill would specify additional requirements under the Physical Therapy Practice Act, the violation of which would be a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares that an  
2 individual's access to early intervention to physical therapy  
3 treatment may decrease the duration of a disability, reduce pain,  
4 and lead to a quicker recovery.

5 *SEC. 2. Section 2406 of the Business and Professions Code is*  
6 *amended to read:*

7 2406. A medical corporation or podiatry corporation is a  
8 corporation ~~which~~ *that* is authorized to render professional services,  
9 as defined in Sections 13401 and 13401.5 of the Corporations  
10 Code, so long as that corporation and its shareholders, officers,  
11 directors, and employees rendering professional services who are  
12 physicians *and surgeons*, psychologists, registered nurses,  
13 optometrists, podiatrists, *chiropractors, acupuncturists,*  
14 *naturopathic doctors, physical therapists, occupational therapists,*  
15 or, in the case of a medical corporation only, physician assistants,  
16 *marriage and family therapists, or clinical social workers,* are in  
17 compliance with the Moscone-Knox Professional Corporation Act,  
18 the provisions of this article, and all other statutes and regulations  
19 now or hereafter enacted or adopted pertaining to the corporation  
20 and the conduct of its affairs.

21 With respect to a medical corporation or podiatry corporation,  
22 the governmental agency referred to in the Moscone-Knox  
23 Professional Corporation Act is the ~~Division of Licensing~~ *board*.

24 *SEC. 3. Section 2406.5 is added to the Business and Professions*  
25 *Code, to read:*

26 2406.5. (a) *A medical corporation or podiatry corporation*  
27 *that is authorized to render professional services, as defined in*  
28 *Sections 13401 and 13401.5 of the Corporations Code, shall*  
29 *disclose to its patients, orally and in writing, when initiating any*  
30 *physical therapy treatment services, that the patient may seek*  
31 *physical therapy treatment services from a physical therapy*  
32 *provider of his or her choice who may not necessarily be employed*  
33 *by the medical or podiatry corporation.*

34 (b) *This disclosure requirement shall not apply to any medical*  
35 *corporation that contracts with a health care service plan with a*



1 *license issued pursuant to the Knox-Keene Health Care Service*  
2 *Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340)*  
3 *of Division 2 of the Health and Safety Code) if the licensed health*  
4 *care service plan is also exempt from federal taxation pursuant to*  
5 *Section 501(c)(3) of the Internal Revenue Code.*

6 ~~SEC. 2.~~

7 *SEC. 4.* Section 2620.1 is added to the Business and Professions  
8 Code, to read:

9 2620.1. (a) In addition to receiving wellness and evaluation  
10 services from a physical therapist, a person may initiate physical  
11 therapy treatment directly from a licensed physical therapist  
12 provided that the treatment is within the scope of practice of  
13 physical therapists, as defined in Section 2620, and that all the  
14 following conditions are met:

15 (1) If, at any time, the physical therapist has reason to believe  
16 that the patient has signs or symptoms of a condition that requires  
17 treatment beyond the scope of practice of a physical therapist, the  
18 physical therapist shall refer the patient to a person holding a  
19 physician and surgeon's certificate issued by the Medical Board  
20 of California or by the Osteopathic Medical Board of California  
21 or to a person licensed to practice dentistry, podiatric medicine,  
22 or chiropractic.

23 (2) ~~The physical therapist shall disclose to the patient any~~  
24 ~~financial interest he or she has in treating the patient and shall~~  
25 ~~comply with Article 6 (commencing with Section 650) of Chapter~~  
26 ~~1 of Division 2.~~

27 (3) With the patient's written authorization, the physical  
28 therapist shall notify the patient's physician and surgeon, if any,  
29 that the physical therapist is treating the patient.

30 (4) *With respect to a patient initiating physical therapy treatment*  
31 *services directly from a physical therapist, the physical therapist*  
32 *shall not continue treating that patient beyond 30 business days*  
33 *or 12 visits, whichever occurs first, without receiving, from a*  
34 *person holding a physician and surgeon's certificate from the*  
35 *Medical Board of California or the Osteopathic Medical Board*  
36 *of California, a dated signature on the physical therapist's plan*  
37 *of care indicating approval of the physical therapist's plan of care.*  
38 *Approval of the physical therapist's plan of care shall include an*  
39 *appropriate patient examination by the person holding a physician*  
40 *and surgeon's certificate from the Medical Board of California*

1 *or the Osteopathic Medical Board of California. For purposes of*  
2 *this paragraph, "business day" means any calendar day except*  
3 *Saturday, Sunday, or the following business holidays: New Year's*  
4 *Day, Washington's Birthday, Memorial Day, Independence Day,*  
5 *Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and*  
6 *Christmas Day.*

7 (b) The conditions in paragraphs (1), (2), ~~and (3), and (4)~~ of  
8 subdivision (a) do not apply to a physical therapist when providing  
9 evaluation or wellness physical therapy services to a patient as  
10 described in subdivision (a) of Section 2620 *or treatment provided*  
11 *upon referral or diagnosis by a physician and surgeon, podiatrist,*  
12 *dentist, chiropractor, or other appropriate health care provider*  
13 *acting within his or her scope of practice. Nothing in this*  
14 *subdivision shall be construed to alter the disclosure requirements*  
15 *of Section 2406.5.*

16 (c) Nothing in this section shall be construed to expand or  
17 modify the scope of practice for physical therapists set forth in  
18 Section 2620, including the prohibition on a physical therapist  
19 diagnosing a disease.

20 (d) Nothing in this section shall be construed to require a health  
21 care service plan, insurer, *workers' compensation insurance plan,*  
22 or any other person or entity, including, but not limited to, a state  
23 program or state employer, to provide coverage for direct access  
24 to treatment by a physical therapist.

25 ~~(e) A physical therapist shall not continue treating a patient~~  
26 ~~beyond a 30-day period, unless the patient has obtained a diagnosis~~  
27 ~~by a physician and surgeon.~~

28 (e) *When a person initiates physical therapy treatment services*  
29 *directly pursuant to this section, the physical therapist shall not*  
30 *perform physical therapy treatment services without first providing*  
31 *the following written notice, orally and in writing, on one page,*  
32 *in at least 14-point type, and obtaining a patient signature on the*  
33 *notice:*

34  
35 *Direct Physical Therapy Treatment Services*

36  
37 *You are receiving direct physical therapy treatment services*  
38 *from an individual who is not a physician and surgeon, but who*  
39 *is a physical therapist licensed by the Physical Therapy Board of*  
40 *California.*



1 ~~(f) Addiction to the excessive use of any habit-forming drug.~~

2 ~~(g) Gross negligence in his or her practice as a physical therapist~~  
3 ~~or physical therapist assistant.~~

4 ~~(h) Conviction of a violation of any of the provisions of this~~  
5 ~~chapter or of the Medical Practice Act, or violating, or attempting~~  
6 ~~to violate, directly or indirectly, or assisting in or abetting the~~  
7 ~~violating of, or conspiring to violate any provision or term of this~~  
8 ~~chapter or of the Medical Practice Act.~~

9 ~~(i) The aiding or abetting of any person to violate this chapter~~  
10 ~~or any regulations duly adopted under this chapter.~~

11 ~~(j) The aiding or abetting of any person to engage in the unlawful~~  
12 ~~practice of physical therapy.~~

13 ~~(k) The commission of any fraudulent, dishonest, or corrupt act~~  
14 ~~that is substantially related to the qualifications, functions, or duties~~  
15 ~~of a physical therapist or physical therapist assistant.~~

16 ~~(l) Except for good cause, the knowing failure to protect patients~~  
17 ~~by failing to follow infection control guidelines of the board,~~  
18 ~~thereby risking transmission of blood-borne infectious diseases~~  
19 ~~from licensee to patient, from patient to patient, and from patient~~  
20 ~~to licensee. In administering this subdivision, the board shall~~  
21 ~~consider referencing the standards, regulations, and guidelines of~~  
22 ~~the State Department of Public Health developed pursuant to~~  
23 ~~Section 1250.11 of the Health and Safety Code and the standards,~~  
24 ~~regulations, and guidelines pursuant to the California Occupational~~  
25 ~~Safety and Health Act of 1973 (Part 1 (commencing with Section~~  
26 ~~6300) of Division 5 of the Labor Code) for preventing the~~  
27 ~~transmission of HIV, hepatitis B, and other blood-borne pathogens~~  
28 ~~in health care settings. As necessary, the board shall consult with~~  
29 ~~the Medical Board of California, the California Board of Podiatric~~  
30 ~~Medicine, the Dental Board of California, the Board of Registered~~  
31 ~~Nursing, and the Board of Vocational Nursing and Psychiatric~~  
32 ~~Technicians of the State of California, to encourage appropriate~~  
33 ~~consistency in the implementation of this subdivision.~~

34 ~~The board shall seek to ensure that licensees are informed of the~~  
35 ~~responsibility of licensees and others to follow infection control~~  
36 ~~guidelines, and of the most recent scientifically recognized~~  
37 ~~safeguards for minimizing the risk of transmission of blood-borne~~  
38 ~~infectious diseases.~~

39 ~~(m) The commission of verbal abuse or sexual harassment.~~

40 ~~(n) Failure to comply with the provisions of Section 2620.1.~~

1     *SEC. 5. Section 2690 of the Business and Professions Code is*  
2     *amended to read:*

3     2690. A physical therapy corporation is a corporation that is  
4     authorized to render professional services, as defined in ~~Section~~  
5     *Sections 13401 and 13401.5* of the Corporations Code, so long as  
6     that corporation and its shareholders, officers, directors, and  
7     employees rendering professional services who are physical  
8     therapists, *physicians and surgeons, podiatrists, acupuncturists,*  
9     *naturopathic doctors, occupational therapists, speech-language*  
10    *pathologists, audiologists, registered nurses, psychologists, and*  
11    *physician assistants* are in compliance with the Moscone-Knox  
12    Professional Corporation Act, this article, and all other statutes  
13    and regulations now or hereafter enacted or adopted pertaining to  
14    the corporation and the conduct of its affairs.

15    With respect to a physical therapy corporation, the governmental  
16    agency referred to in the Moscone-Knox Professional Corporation  
17    Act is the ~~Physical Therapy Board of California~~ *board.*

18    *SEC. 6. Section 2694.5 is added to the Business and Professions*  
19    *Code, to read:*

20    2694.5. *A physical therapy corporation that is authorized to*  
21    *render professional services, as defined in Sections 13401 and*  
22    *13401.5 of the Corporations Code, shall disclose to its patients,*  
23    *orally and in writing, when initiating any physical therapy*  
24    *treatment services, that the patient may seek physical therapy*  
25    *treatment services from a physical therapy provider of his or her*  
26    *choice who may not necessarily be employed by the physical*  
27    *therapy corporation.*

28    *SEC. 7. Section 13401.5 of the Corporations Code is amended*  
29    *to read:*

30    13401.5. Notwithstanding subdivision (d) of Section 13401  
31    and any other provision of law, the following licensed persons  
32    may be shareholders, officers, directors, or professional employees  
33    of the professional corporations designated in this section so long  
34    as the sum of all shares owned by those licensed persons does not  
35    exceed 49 percent of the total number of shares of the professional  
36    corporation so designated herein, and so long as the number of  
37    those licensed persons owning shares in the professional  
38    corporation so designated herein does not exceed the number of  
39    persons licensed by the governmental agency regulating the  
40    designated professional corporation:

- 1 (a) Medical corporation.
- 2 (1) Licensed doctors of podiatric medicine.
- 3 (2) Licensed psychologists.
- 4 (3) Registered nurses.
- 5 (4) Licensed optometrists.
- 6 (5) Licensed marriage and family therapists.
- 7 (6) Licensed clinical social workers.
- 8 (7) Licensed physician assistants.
- 9 (8) Licensed chiropractors.
- 10 (9) Licensed acupuncturists.
- 11 (10) Naturopathic doctors.
- 12 (11) Licensed professional clinical counselors.
- 13 (12) *Licensed physical therapists.*
- 14 (13) *Licensed occupational therapists.*
- 15 (b) Podiatric medical corporation.
- 16 (1) Licensed physicians and surgeons.
- 17 (2) Licensed psychologists.
- 18 (3) Registered nurses.
- 19 (4) Licensed optometrists.
- 20 (5) Licensed chiropractors.
- 21 (6) Licensed acupuncturists.
- 22 (7) Naturopathic doctors.
- 23 (8) *Licensed physical therapists.*
- 24 (9) *Licensed occupational therapists.*
- 25 (c) Psychological corporation.
- 26 (1) Licensed physicians and surgeons.
- 27 (2) Licensed doctors of podiatric medicine.
- 28 (3) Registered nurses.
- 29 (4) Licensed optometrists.
- 30 (5) Licensed marriage and family therapists.
- 31 (6) Licensed clinical social workers.
- 32 (7) Licensed chiropractors.
- 33 (8) Licensed acupuncturists.
- 34 (9) Naturopathic doctors.
- 35 (10) Licensed professional clinical counselors.
- 36 (d) Speech-language pathology corporation.
- 37 (1) Licensed audiologists.
- 38 (e) Audiology corporation.
- 39 (1) Licensed speech-language pathologists.
- 40 (f) Nursing corporation.

- 1 (1) Licensed physicians and surgeons.
- 2 (2) Licensed doctors of podiatric medicine.
- 3 (3) Licensed psychologists.
- 4 (4) Licensed optometrists.
- 5 (5) Licensed marriage and family therapists.
- 6 (6) Licensed clinical social workers.
- 7 (7) Licensed physician assistants.
- 8 (8) Licensed chiropractors.
- 9 (9) Licensed acupuncturists.
- 10 (10) Naturopathic doctors.
- 11 (11) Licensed professional clinical counselors.
- 12 (g) Marriage and family therapist corporation.
- 13 (1) Licensed physicians and surgeons.
- 14 (2) Licensed psychologists.
- 15 (3) Licensed clinical social workers.
- 16 (4) Registered nurses.
- 17 (5) Licensed chiropractors.
- 18 (6) Licensed acupuncturists.
- 19 (7) Naturopathic doctors.
- 20 (8) Licensed professional clinical counselors.
- 21 (h) Licensed clinical social worker corporation.
- 22 (1) Licensed physicians and surgeons.
- 23 (2) Licensed psychologists.
- 24 (3) Licensed marriage and family therapists.
- 25 (4) Registered nurses.
- 26 (5) Licensed chiropractors.
- 27 (6) Licensed acupuncturists.
- 28 (7) Naturopathic doctors.
- 29 (8) Licensed professional clinical counselors.
- 30 (i) Physician assistants corporation.
- 31 (1) Licensed physicians and surgeons.
- 32 (2) Registered nurses.
- 33 (3) Licensed acupuncturists.
- 34 (4) Naturopathic doctors.
- 35 (j) Optometric corporation.
- 36 (1) Licensed physicians and surgeons.
- 37 (2) Licensed doctors of podiatric medicine.
- 38 (3) Licensed psychologists.
- 39 (4) Registered nurses.
- 40 (5) Licensed chiropractors.

- 1 (6) Licensed acupuncturists.
- 2 (7) Naturopathic doctors.
- 3 (k) Chiropractic corporation.
- 4 (1) Licensed physicians and surgeons.
- 5 (2) Licensed doctors of podiatric medicine.
- 6 (3) Licensed psychologists.
- 7 (4) Registered nurses.
- 8 (5) Licensed optometrists.
- 9 (6) Licensed marriage and family therapists.
- 10 (7) Licensed clinical social workers.
- 11 (8) Licensed acupuncturists.
- 12 (9) Naturopathic doctors.
- 13 (10) Licensed professional clinical counselors.
- 14 (l) Acupuncture corporation.
- 15 (1) Licensed physicians and surgeons.
- 16 (2) Licensed doctors of podiatric medicine.
- 17 (3) Licensed psychologists.
- 18 (4) Registered nurses.
- 19 (5) Licensed optometrists.
- 20 (6) Licensed marriage and family therapists.
- 21 (7) Licensed clinical social workers.
- 22 (8) Licensed physician assistants.
- 23 (9) Licensed chiropractors.
- 24 (10) Naturopathic doctors.
- 25 (11) Licensed professional clinical counselors.
- 26 (m) Naturopathic doctor corporation.
- 27 (1) Licensed physicians and surgeons.
- 28 (2) Licensed psychologists.
- 29 (3) Registered nurses.
- 30 (4) Licensed physician assistants.
- 31 (5) Licensed chiropractors.
- 32 (6) Licensed acupuncturists.
- 33 (7) Licensed physical therapists.
- 34 (8) Licensed doctors of podiatric medicine.
- 35 (9) Licensed marriage and family therapists.
- 36 (10) Licensed clinical social workers.
- 37 (11) Licensed optometrists.
- 38 (12) Licensed professional clinical counselors.
- 39 (n) Dental corporation.
- 40 (1) Licensed physicians and surgeons.



- 1 (2) Dental assistants.
- 2 (3) Registered dental assistants.
- 3 (4) Registered dental assistants in extended functions.
- 4 (5) Registered dental hygienists.
- 5 (6) Registered dental hygienists in extended functions.
- 6 (7) Registered dental hygienists in alternative practice.
- 7 (o) Professional clinical counselor corporation.
- 8 (1) Licensed physicians and surgeons.
- 9 (2) Licensed psychologists.
- 10 (3) Licensed clinical social workers.
- 11 (4) Licensed marriage and family therapists.
- 12 (5) Registered nurses.
- 13 (6) Licensed chiropractors.
- 14 (7) Licensed acupuncturists.
- 15 (8) Naturopathic doctors.
- 16 (p) *Physical therapy corporation.*
- 17 (1) *Licensed physicians and surgeons.*
- 18 (2) *Licensed doctors of podiatric medicine.*
- 19 (3) *Licensed acupuncturists.*
- 20 (4) *Naturopathic doctors.*
- 21 (5) *Licensed occupational therapists.*
- 22 (6) *Licensed speech-language pathologists.*
- 23 (7) *Licensed audiologists.*
- 24 (8) *Registered nurses.*
- 25 (9) *Licensed psychologists.*
- 26 (10) *Licensed physician assistants.*

27 ~~SEC. 4.~~

28 *SEC. 8.* No reimbursement is required by this act pursuant to  
 29 Section 6 of Article XIII B of the California Constitution because  
 30 the only costs that may be incurred by a local agency or school  
 31 district will be incurred because this act creates a new crime or  
 32 infraction, eliminates a crime or infraction, or changes the penalty  
 33 for a crime or infraction, within the meaning of Section 17556 of  
 34 the Government Code, or changes the definition of a crime within  
 35 the meaning of Section 6 of Article XIII B of the California  
 36 Constitution.

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## SB 1488(Yee) Healing arts: traditional Chinese Medicine traumatologist certification

**Introduced by Senator Yee**February 24, 2012

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An act to add and repeal Chapter 12.5 (commencing with Section 4979.1) of Division 2 of the Business and Professions Code, relating to healing arts.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1488, as introduced, Yee. Healing arts: traditional Chinese Medicine traumatologist certification.

Existing law, the Acupuncture Licensure Act, establishes the Acupuncture Board and makes it responsible for enforcing and administering the act, including licensing persons who meet specified licensure requirements. Under the act, licensees are titled "acupuncturists," and are authorized to perform designated activities pursuant to their license. The unlawful practice of acupuncture and any other violation of the act is a crime.

This bill would establish the Traditional Chinese Medicine Traumatology Council as a nonprofit organization to provide for the certification and regulation of the practice of traditional Chinese Medicine traumatologists, as defined. The bill would require the council to issue a certificate to practice as a traditional Chinese Medicine traumatologist to an applicant who meets certain training and clinical experience requirements and pays a specified fee. This bill would make the meetings and deliberations of the council subject to the open meeting requirements that apply to state bodies.

This bill would limit the timeframe for new applications to the period from January 1, 2013, to December 15, 2013. Thereafter, the council may only issue renewals of current certificates.

This bill would set forth procedures for the renewal of a certificate to perform traditional Chinese Medicine traumatology and would establish specified fees in that regard.

This bill would also require specified treatment procedures to be performed under the supervision of an orthopedic surgeon and prohibit treatment that constitutes the practice of medicine or chiropractic procedures, as defined.

This bill would also make it an unfair business practice to use the title of “certified traditional Chinese Medicine traumatologist” without meeting these certification requirements.

This bill would repeal these provisions on January 1, 2017, unless legislation is enacted before that date to remove or extend that deadline.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 12.5 (commencing with Section 4979.1)  
2 is added to Division 2 of the Business and Professions Code, to  
3 read:

4  
5 CHAPTER 12.5. TRADITIONAL CHINESE MEDICINE  
6 TRAUMATOLOGY

7  
8 4979.1. As used in this chapter:

9 (a) “Certified traditional Chinese Medicine traumatologist”  
10 means a person who has been certified by the Traditional Chinese  
11 Medicine Traumatology Council to perform traditional Chinese  
12 Medicine traumatology.

13 (b) “Traditional Chinese Medicine traumatology” includes a  
14 range of treatments to address both acute and chronic  
15 musculoskeletal conditions, as well as many nonmusculoskeletal  
16 conditions. Techniques include, but are not limited to, brushing,  
17 kneading, rolling, pressing, and rubbing the areas between each  
18 of the joints to open the body’s defensive chi and stimulate the  
19 energy movement in both meridians.

20 4979.2. The Traditional Chinese Medicine Traumatology  
21 Council shall be established as a nonprofit organization for the  
22 purpose of developing standards for, and certifying the practice  
23 of, traditional Chinese Medicine traumatology.

1 4979.3. (a) (1) The council shall consist of seven members,  
2 composed of three representatives from the clinical settings of  
3 traumatology, two representatives from the California Orthopaedic  
4 Association, and one representative each from the Medical Board  
5 of California and the California Medical Association.

6 (2) Representatives from the clinical settings of traumatology  
7 shall be selected by professional societies, associations, or other  
8 entities, whose memberships are comprised solely of practitioners  
9 of traditional Chinese Medicine traumatology.

10 (3) To qualify, a professional society, association, or entity shall  
11 have a dues-paying membership in California of at least 30  
12 individuals for the last three years and shall have bylaws that  
13 require its members to comply with a code of ethics.

14 (b) (1) Subject to subdivision (d), the council shall meet and  
15 confer to determine the certification standards, including the level  
16 of experience and training needed for an individual to qualify for  
17 traditional Chinese Medicine traumatology certification.

18 (2) The council shall develop the application form for  
19 certification.

20 (3) The meetings and deliberations of the council shall be subject  
21 to the provisions of the Bagley-Keene Open Meeting Act (Article  
22 9 (commencing with Section 11120) of Chapter 1 of Part 1 of  
23 Division 3 of Title 2 of the Government Code).

24 (c) The council shall issue a certificate for certified traditional  
25 Chinese Medicine traumatology to any person who makes an  
26 application and meets all of the following requirements, as  
27 determined by the council pursuant to subdivision (d):

28 (1) Is at least 18 years of age.

29 (2) Furnishes satisfactory evidence of training and clinical  
30 experience that meets the standards established by the council.

31 (3) Is not subject to denial pursuant to Division 1.5 (commencing  
32 with Section 475).

33 (d) The council shall evaluate whether an applicant meets the  
34 certification standards, including the level of experience and  
35 training to sufficiently qualify for the traumatology certification.

36 (e) An individual who is not qualified to receive a certificate  
37 under this section, or who fails to apply for certification under this  
38 section, shall not hold himself or herself out as a certified  
39 traditional Chinese Medicine traumatologist pursuant to this  
40 section.

1 4979.4. (a) A certified traditional Chinese Medicine  
2 traumatologist, when engaging in traditional Chinese Medicine  
3 traumatology manipulation techniques to realign the  
4 musculoskeletal and ligamentous relationships, shall be supervised  
5 by a physician and surgeon who has completed an orthopaedic  
6 residency program. The extent of the relationship between a  
7 traditional Chinese Medicine traumatologist and orthopedic surgeon  
8 regarding those manipulation techniques shall be determined by  
9 the council after the qualifications necessary for certification are  
10 defined and adopted by the council.

11 (b) A certified traditional Chinese Medicine traumatologist shall  
12 not practice medicine, as defined in Section 2052.

13 (c) A certified traditional Chinese Medicine traumatologist shall  
14 not practice within the scope of activities regulated by the State  
15 Board of Chiropractic Examiners.

16 4979.5. (a) An applicant for traditional Chinese Medicine  
17 traumatology certification shall, commencing January 1, 2013,  
18 until December 15, 2013, file an application for a certificate for  
19 traditional Chinese Medicine traumatology with the council.

20 (b) On and after December 16, 2013, the council shall not issue  
21 an initial certificate to any applicant.

22 (c) On and after December 16, 2013, the council may issue only  
23 a renewal of a certificate under this section.

24 (d) An individual who is not qualified to receive a certificate  
25 under this section, or who fails to apply for certification under this  
26 section by December 15, 2013, shall not hold himself or herself  
27 out as a certified traditional Chinese Medicine traumatologist.

28 4979.6. An applicant for certification as a traditional Chinese  
29 Medicine traumatologist shall pay an application fee in a reasonable  
30 amount, not to exceed two hundred dollars (\$200) for the regulatory  
31 cost to the council of processing the application, when submitting  
32 his or her application to the council.

33 4979.7. A certified traditional Chinese Medicine traumatologist  
34 shall renew his or her certificate every two years.

35 4979.8. An expired certificate may be renewed at any time  
36 within six months after its expiration. The holder of the certificate  
37 shall pay all accrued and unpaid renewal fees, plus a delinquency  
38 fee.

39 (a) The renewal fee shall be one hundred dollars (\$100).

40 (b) The delinquency fee shall be twenty-five dollars (\$25).

1 (c) The fee for a duplicate or replacement engraved wall  
2 certificate shall be fifteen dollars (\$15).

3 (d) The fee for a duplicate or replacement renewal receipt/pocket  
4 certificate shall be ten dollars (\$10).

5 4979.9. Moneys received under this section shall be utilized  
6 by the council to pay for the costs associated with administering  
7 this chapter.

8 4979.10. It is an unfair business practice for any person to hold  
9 himself or herself out as a certified traditional Chinese Medicine  
10 traumatologist or use the title of “certified traditional Chinese  
11 Medicine traumatologist” without meeting the requirements of  
12 this chapter.

13 4979.11. This chapter shall remain in effect only until January  
14 1, 2017, and as of that date is repealed, unless a later enacted  
15 statute, that is enacted before January 1, 2017, deletes or extends  
16 that date.

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**Board of Chiropractic Examiners  
Proposed Regulatory Language for the Use of Lasers  
California Code of Regulations, Title 16, Division 4, Article 1**

**§ 302.5. Use of Laser**

(a) A duly licensed chiropractor and any person under their direct or indirect supervision, as defined in section 312, shall:

(1) Not use any laser in the practice of chiropractic which has not been properly approved or cleared by the United States Food and Drug Administration (FDA).

(2) Not market or advertise the use of a laser or use a laser for purposes other than treatment consistent with section 302 and the product's FDA approval or clearance.

(3) Follow the manufacturer's specified guidelines for the safe use of laser.

(4) Comply with all state and federal laws governing the use of lasers in clinical settings.

(b) Nothing in this section shall be construed to authorize the use of a laser by a chiropractor outside of the chiropractic scope of practice. This includes, but is not limited to, laser ablation or surgical procedures, and laser treatment of allergies in cases where there is a known risk of anaphylactic reaction to the individual being treated.

(c) Any violation of this section may constitute unprofessional conduct and the licensee shall be subject to discipline by the Board.

NOTE: Authority cited: Sections 1000-4(b), 1000-4(e) and 1000-10(a), Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii).  
Reference: Sections 1000-4(b) and 1000-10(a), Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii).



TITLE 16. BOARD OF CHIROPRACTIC EXAMINERS  
Proposed Omnibus Consumer Protection Regulations

**§303. Filing of Addresses.**

(a) Each person holding a license to practice chiropractic in the State of California under any and all laws administered by the board shall file his proper and current place of practice address of his principal office and, where appropriate, each and every sub-office, with the board at its office in Sacramento and shall immediately notify the board at its said office of any and all changes of place of practice address, giving both his old and his new address within 30 days of change.

(b) Each licensee shall file a current and accurate e-mail address with the board at its office in Sacramento and shall notify the board at its said office of any and all changes of the e-mail address, giving both the old and new e-mail address within 30 days of change.

NOTE: Authority cited: Sections 1000-4(b) and 1000-4(e), Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii).

Reference: Section 1000-10(a), Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii) and Section 136 of the Business and Professions Code.

**§304. Discipline by Another State Jurisdiction.**

~~The revocation, suspension, or other discipline by another state of a license or certificate to practice chiropractic, or any other health care profession for which a license or certificate is required, shall constitute grounds for disciplinary action against a chiropractic licensee or grounds for the denial of chiropractic licensure of an applicant in this state.~~

(a) Any disciplinary action taken against a licensee by another licensing entity or authority of this state or of another state or an agency of the federal government or the United States Military or a foreign government constitutes unprofessional conduct.

(b) Disciplinary action is defined as any revocation, suspension, probation, or reprimand of a professional license.

NOTE: Authority cited: Sections 1000-4(b) and 1000-10(a), of the Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923, p. 1xxxviii).

Reference: Sections 1000-4(b) and 1000-10(a) of the (Chiropractic Initiative Act of California (Stats. 1923, p. 1xxxviii) and Sections 141 and 480 of the Business and Professions Code.

**§308. Display of License.**

(a) Each person holding a license shall display a current active license in a conspicuous place in the licensee's principal office or primary place of practice.

(b) Any licensed Doctor of Chiropractic with more than one place of practice shall obtain from the Board a Satellite Office Certificate for each additional place of practice. Said certificate must be renewed annually.

(c) A licensed Doctor of Chiropractic must display in a conspicuous place a current active Satellite Office Certificate at the office for which it was issued.

(d) Notwithstanding subdivisions (b) and (c), any licensed doctor of chiropractic who is practicing in a mobile setting, such as at a health fair, a sporting event, or a patient's home, shall not be required to obtain and display a satellite certificate. However, any licensee practicing in such a mobile setting must at all times carry a current and active pocket license and shall make their pocket license available for inspection to a representative of the Board or any member of the public upon request.

(e) No licensed Doctor of Chiropractic shall display any chiropractic license, certificate or registration, which is not currently active and valid.

NOTE: Authority cited: Section 1000-4(b), Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923, p. 1xxxviii) and Section 104 of the Business and Professions Code.

Reference: Sections 1000-5, 1000-7 and 1000-12, Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923, p. 1xxxviii) and Section 104 of the Business and Professions Code.

### **§317.2. Gag Clauses in Civil Agreements Prohibited.**

(a) A licensee shall not include or permit to be included any of the following provisions in an agreement to settle a civil dispute arising from his or her practice, whether the agreement is made before or after the filing of an action:

(1) A provision that prohibits another party to the dispute from contacting or cooperating with the board.

(2) A provision that prohibits another party to the dispute from filing a complaint with the board.

(3) A provision that requires another party to the dispute to attempt to withdraw a complaint he or she has filed with the board.

(b) A violation of this section constitutes unprofessional conduct and may subject the licensee to disciplinary action.

NOTE: Authority cited: Sections 1000-4(b), and 1000-10 (Chiropractic Initiative Act of California Stats. 1923, p. 1xxxviii) and Section 475 of the Business and Professions Code.

Reference: Section 1000-10, Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923, p. 1xxxviii) and Section 475 of the Business and Professions Code.

**§317.3. Licensee Reporting Requirements.**

(a) (1) A licensee shall report any of the following to the board:

(A) The bringing of an indictment or information charging a felony against the licensee.

(B) The conviction of the licensee, including any verdict of guilty, or plea of guilty or no contest, of any felony or misdemeanor.

(C) Any disciplinary action, as defined in section 304, taken by another licensing entity or authority of this state or of another state or an agency of the federal government.

(2) The report required by this subdivision shall be made in writing within 30 days of the date of the bringing of the indictment or the charging of a felony, the arrest, the conviction, or the disciplinary action.

(b) Failure to make a report required by this section shall constitute unprofessional conduct.

NOTE: Authority cited: Sections 1000-4(b) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923, p. 1xxxviii).

Reference: Section 1000-10, Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923, p. 1xxxviii).

**§321.1. Physical or Mental Examination of Applicants.**

(a) In addition to any other requirements for licensure, whenever it appears that an applicant for a license may be unable to perform as a chiropractor safely because the applicant's ability to perform may be impaired due to mental illness or physical illness affecting competency, the board may order the applicant to be examined by one or more physicians and surgeons, chiropractors, or psychologists designated by the board. The board shall pay the full cost of such examination.

(b) An applicant's failure to comply with an order issued under subdivision (a) shall render his or her application incomplete.

(c) The report of the evaluation shall be made available to the applicant.

(d) If after receiving the evaluation report the Board determines that the applicant is unable to safely practice, the Board may deny the application.

NOTE: Authority cited: Sections 1000-4(b) and 1000-4(e), Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923, p. 1xxxviii).  
Reference: Section 1000-4(b), Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923, p. 1xxxviii).

**§390.7. Sexual Contact With Patient.**

Except as otherwise provided, any proposed decision or decision issued in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, that contains any finding of fact that the licensee engaged in any act of sexual contact, as defined in subdivision (c) of Section 729 of the Business and Professions Code, shall contain an order of revocation. A proposed decision shall not contain a stay of the revocation.

NOTE: Authority cited: Sections 1000-4(b) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923, p. 1xxxviii).  
Reference: Sections 1000-4(b) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923, p. 1xxxviii).

**§390.8. Required Actions Against Registered Sex Offenders.**

(a) Except as otherwise provided, with regard to an individual who is required to register as a sex offender pursuant to Section 290 of the Penal Code, or the equivalent in another state or territory, under military law, under federal law, or by a foreign government, the board shall be subject to the following requirements:

(1) The board shall deny an application by the individual for licensure in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(2) If the individual is licensed under Chiropractic Initiative Act, the board shall promptly revoke the license of the individual in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. The board shall not stay the revocation nor place the license on probation.

(3) The board shall not reinstate or reissue the individual's license. The board shall not issue a stay of license denial nor place the license on probation.

(b) This section shall not apply to any of the following:

(1) An individual who has been relieved under Section 290.5 of the Penal Code of his or her duty to register as a sex offender, or whose duty to register has otherwise been formally terminated under California law or the law of the jurisdiction that requires his or her registration as a sex offender, provided, however, that nothing in this paragraph shall prohibit the Board from exercising its discretion to deny or discipline a license under any other provision of state law.

(2) An individual who is required to register as a sex offender pursuant to Section 290 of the Penal Code solely because of a misdemeanor conviction under Section 314 of the Penal Code. However, nothing in this paragraph shall prohibit the healing arts board from exercising its discretion to deny or discipline a license under any other provision of state law based upon the licensee's conviction under Section 314 of the Penal Code.

(3) Any administrative adjudication proceeding under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code that is fully adjudicated prior to [insert effective date]. A petition for reinstatement of a revoked or surrendered license shall be considered a new proceeding for purposes of this paragraph, and the prohibition against reinstating a license to an individual who is required to register as a sex offender shall be applicable.

NOTE: Authority cited: Sections 1000-4(b) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923, p. 1xxxviii).  
Reference: Sections 1000-4(b) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923, p. 1xxxviii).

**BOARD OF CHIROPRACTIC EXAMINERS**  
**Proposed Language - Notice to Consumers**  
**Title 16 of the California Code of Regulations, Division 4, Article 1, Section 308.1**

Adopt section 308.1 to read as follows:

**§308.1. Notice to Consumers.**

- (a) A licensee engaged in the practice of chiropractic shall provide notice to each patient of the fact that the licensee is licensed and regulated by the board. The notice shall include the following statement and information:

NOTICE TO CONSUMERS

Chiropractors are licensed and  
regulated by the  
Board of Chiropractic Examiners

(916) 263-5355

(800) 735-2929

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

- (b) The notice required by this section shall be provided by one of the following methods:
- (1) Prominently posting the notice in an area visible to patients on the premises where the licensee provides the licensed services, in which case the notice shall be in at least 48-point type in Arial font.
  - (2) Including the notice in a written statement, signed and dated by the patient or the patient's representative and retained in that patient's medical records, stating the patient understands the chiropractor is licensed and regulated by the board.
  - (3) Including the notice in a statement on letterhead or other document given to the patient or the patient's representative, where the notice is placed immediately above the signature line for the patient in at least 14-point type.
- (c) A violation of this section constitutes unprofessional conduct and may subject the licensee to disciplinary action.

NOTE: Authority cited: Section 1000-4(b) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923, p.1xxxviii)). Reference: Section 1000-4(b) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923, p.1xxxviii)).

# **NOTICE TO CONSUMERS**

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## Hearings Re: Petition for Reinstatement of Revoked License

A. Carlos Seals  
B. Daniel Brady

T (916) 263-5355  
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