

NOTICE OF PUBLIC MEETING

**May 24, 2012
10:30 a.m.
State Capitol
First Floor, Senate Committee Room 113
Sacramento, CA 95814**

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**
March 22, 2012 Board Meeting
May 1, 2012 Teleconference Board Meeting
4. **Executive Officer's Report**
 - A. Administration
 - B. Budget
 - C. Licensing
 - D. Enforcement
5. **Ratification of Approved License Applications**
6. **Ratification of Approved Continuing Education Providers**
7. **Ratification of Denied License Applications in Which the Applicants Did Not Request a Hearing**
8. **Recommendation to Waive Two Year Requirement to Restore a Cancelled License**
9. **California Department of Public Health – Radiological Health Branch**
10. **Little Hoover Commission Hearing on the Governor's Proposed Reorganization Plan**
11. **Meeting with State and Consumer Services Agency and Department of Consumer Affairs**

12. **Continuing Education Committee Chair's Report**
13. **Continuing Education Audits**
14. **Approval of New Chiropractic College – National University of Health Science – Florida Campus**
15. **Informed Consent**
16. **Legislative Update**
 - A. SB 352 (Huff) – Chiropractors
 - B. SB 924 (Price) – Patient Direct Access to Physical Therapist and Provider Corporations
 - C. SB 1488 (Yee) – Healing Arts: Traditional Chinese Medicine Traumatologist Certification
17. **Proposed New Regulations**
 - A. Supervision of Unlicensed Assistant
 - B. Notice to Consumers
 - C. Inter-Jurisdictional Mobility
18. **Pending Regulations**
 - A. Use of Lasers
 - B. Omnibus Consumer Protection
19. **Public Comment**
20. **Future Agenda Items**
21. **Closed Session**
 - A. Deliberation on 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**

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.

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 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.



March 22, 2012 : Public Board Meeting Minutes

**BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES
March 22, 2012
Radisson Hotel Ontario Airport
2200 East Holt Blvd.
Ontario, CA 91761**

Board Members Present

Hugh Lubkin, D.C., Chair
Jeffrey Steinhardt, D.C., Vice Chair
Francesco Columbu, D.C., Secretary
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
Lavella Matthews, Associate Governmental Program Analyst
Ray Delaney, Management Services Technician
Valerie James, Office Technician

Call to Order

Dr. Lubkin called the meeting to order at 10:00 a.m.

Roll Call

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

Chair's Report

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

Approval of Minutes

January 19, 2012 Board Meeting

MOTION: DR. LUBKIN MOVED TO APPROVE THE MINUTES

SECOND: DR. STEINHARDT SECONDED THE MOTION

VOTE: 4-0

MOTION CARRIED

Public Comment

None

Executive Officer's Report

Mr. Puleo gave the Executive Officer's Report. The topics were Administration, Budget, Licensing, and Enforcement.

Ratification of Approved License Applications

MOTION: DR. STEINHARDT MOVED TO RATIFY THE APPROVED LICENSE APPLICATIONS

SECOND: DR. TYLER SECONDED THE MOTION

VOTE: 4-0

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. COLUMBU SECONDED THE MOTION

VOTE: 4-0

MOTION CARRIED

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

The Board had a discussion on the process of approving continuing education providers.

Dr. Charles Davis representing the International Chiropractic Association of California (ICAC) came forward and inquired on the number of continuing education courses audited by the Board.

The Board was unable to address that issue and will place it on the agenda at the next Board meeting.

Ratification of Denied License Applications in Which the Applicants Did Not Request a Hearing

MOTION: DR. STEINHARDT MOVED TO RATIFY THE DENIAL OF LICENSE APPLICATIONS IN WHICH THE APPLICANTS DID NOT REQUEST A HEARING

SECOND: DR. TYLER SECONDED THE MOTION

VOTE: 4-0

MOTION CARRIED

The Board ratified the attached list of denied license applications in which the applicants did not request a hearing incorporated herein (Attachment D).

Ratification to Waive Two Year Requirement to Restore a Cancelled License

MOTION: DR. STEINHARDT MOVED TO RATIFY THE RECOMMENDATION TO WAIVE THE TWO YEAR REQUIREMENT TO RESTORE A CANCELED LICENSE

SECOND: DR. COLUMBU SECONDED THE MOTION

VOTE: 4-0

MOTION CARRIED

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

Attorney General Billing

Mr. Puleo updated the Board on efforts to reduce attorney general expenditures and presented the Board with a detailed report of the average monthly Attorney General costs. This item will be placed on the agenda every quarter.

Inter-Jurisdictional Mobility

Dr. Lubkin opened the topic for discussion. Mr. Puleo had commented the Board was restricted when processing candidates for licensure through reciprocity due to the Initiative Act. Dr. Lubkin suggested that Mr. Puleo contact Donna Leland from FCLB to inquire on the different laws in other states and how California can work on reforming the process.

Strategic Planning & BCE Mission Statement

Dr. Lubkin stated the importance of updating the Board's strategic plan and mission statement. Since there is a lack of a full complement of Board members, this item will be placed on hold until new board members are appointed. In the meantime staff will look into options for hiring a facilitator/consultant to assist with the strategic planning process.

Direct/Indirect Supervision of Employees

After a lengthy discussion, the Board agreed that the language on section 312 should be revised. This item will be placed on the agenda of the next Board meeting.

Legislative Update

A. AB 1488 (Yee)

The Board discussed the circumstances of the bill. Dr. Lubkin sought for a motion to take a position on the bill.

**MOTION: DR. COLUMBU MOVED TO TAKE A WATCH POSITION ON AB 1488 (YEE)
SECOND: DR. TYLER SECONDED THE MOTION**

Public Comment

Dr. Davis spoke on behalf of ICAC's and suggested the Board take an opposed position on AB1488 (Yee)

**MOTION: DR. COLUMBU MOVED TO AMEND HIS MOTION BY TAKING AN OPPOSE POSITION ON AB 1488 (YEE)
SECOND: DR. TYLER SECONDED THE MOTION**

The Board had a lengthy discussion on the chosen position on AB 1488 (Yee)

**MOTION: DR. COLUMBU WITHDREW HIS MOTION
SECOND: DR. TYLER SECONDED THE WITHDRAWAL**

**MOTION: DR. STEINHARDT MOVED TO TAKE A WATCH POSITION ON AB 1488 (YEE)
SECOND: DR. TYLER SECONDED THE MOTION
VOTE: 4-0
MOTION CARRIED**

Mr. Puleo stated he would do additional research to determine whether the bill conflicts with the chiropractic scope of practice.

B. SB 352 (Huff)

Mr. Puleo discussed the overall process of legislative bills and how far along in the process SB 352 (Huff) was. Dr. Lubkin informed the Board that he and Mr. Puleo had a meeting with Senator Huff regarding the bill.

MOTION: DR. LUBKIN MOVED TO CHANGE THE BOARD POSITION ON SB 352 (HUFF) FROM OPPOSE POSITION TO WATCH

SECOND: DR. TYLER SECONDED THE MOTION

VOTE: 4-0

MOTION CARRIED

C. SB 924 (Price)

Mr. Puleo opened the topic for discussion. Mr. Puleo stated that the bill would potentially cause issues between the direct relationship between Chiropractors and Physical Therapists. The Board briefly discussed the proposed bill.

MOTION: DR. LUBKIN MOVED TO TAKE AN OPPOSE POSITION ON SB 924 (PRICE)

SECOND: DR. TYLER SECONDED THE MOTION

The Board had further discussion on the bill and shared some concerns.

Roger Calton from Calton Law Group, P.C. and Jehan Jayakumar from Carlson & Jayakumar came forward and provided comments. They suggested the Board take an opposed position or an opposed unless amended position.

Dr. Brad Sullivan representing California Chiropractic Association (CCA) came forward and provided comments on the bill.

Dr. Davis came forward and provided comments on the bill.

MOTION: DR. LUBKIN MOVED TO AMEND HIS MOTION BY TAKING AN OPPOSE UNLESS AMENDED POSITION ON SB 924 (PRICE)

SECOND: DR. TYLER SECONDED THE MOTION

VOTE: 4-0

MOTION CARRIED

Pending Regulations

A. Patient Records

Dixie Van Allen gave an update on the proposed regulation. The language was approved by OAL and would come into effect April 12, 2012.

B. Use of Lasers

The Board members had a discussion regarding the current proposed language. Dr. Lubkin suggested making changes to the language by removing "in cases where there is a known risk of anaphylactic reaction to the individual being treated." after the word "allergies" in subsection (4)(b).

MOTION: DR. STEINHARDT MOVED TO APPROVE THE CHANGES TO THE LANGUAGE BY REMOVING "IN CASES WHERE THERE IS KNOWN RISK OF ANAPHYLACTIC REACTION TO

**THE INDIVIDUAL BEING TREATED.” AFTER THE WORD “ALLERGIES” IN SUBSECTION (4)(B)
SECOND: DR. LUBKIN SECONDED THE MOTION**

Debra Snow came forward and commented on the changes to the language and expressed her support.

Jennifer Simoes on behalf of the Medical Board of California (MBC) came forward and commented on the proposed regulation.

Scott Clark from the California Medical Association (CMA) came forward and commented on the proposed regulation.

Dr. Davis came forward and commented on the changes to the language suggesting that it would create a restriction on the practice of Chiropractic.

Dr. Sullivan came forward and agreed with Dr. Davis' comments and stated that he does not agree with CMA's comment on the proposed regulation.

**VOTE: 4-0
MOTION CARRIED**

The Board will notice a 15 day comment period on the changes to the proposed language.

C. Omnibus Consumer Protection

The Board held a brief discussion over the proposed regulation and concerns with the language.

**MOTION: DR. LUBKIN MOVED TO WITHDRAW THE RULEMAKING PACKAGE AND TO DRAFT
NEW LANGUAGE TO SUMIT AT THE NEXT BOARD MEETING
SECOND: DR. STEINHARDT SECONDED THE MOTION**

**VOTE: 4-0
MOTION CARRIED**

Proposed New Regulation

Mr. Puleo presented the proposed language for providing a notice to consumers. The Board had a discussion over the proposed new regulation. Dr. Lubkin would like to further review the language.

Dr. Davis stated that he believed the regulation to be redundant and unnecessary.

Dr. Todd Knudsen of Southern California University of Health Sciences suggested to add "CA" before "Board of Chiropractic Examiners" for further clarification.

Debra Snow shared her support of the proposed regulation.

Future Agenda Items

None

Hearings Re: Petition for Reinstatement of Revoked License

Administrative Law Judge Daniel Juarez presided over and Supervising Deputy Attorney General Thomas Rinaldi appeared on behalf of the people of the State of California on the following hearing:

- A. Carlos Seals
- B. Daniel Brady

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 3:50 p.m.

DRAFT

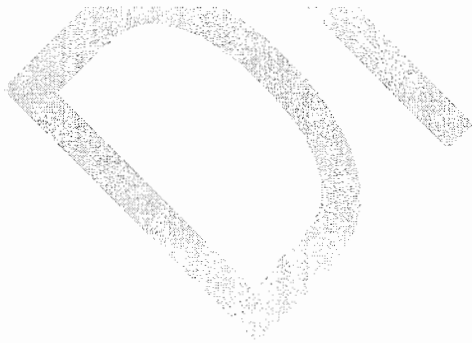
(ATTACHMENT A)
 Approval By Ratification of Formerly Approved License Applications
 January 1, 2012 – February 29, 2012

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		Yopez	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

(ATTACHMENT B)

<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>



(ATTACHMENT C)
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 Committ Hostage Taking – **Felony**

(ATTACHMENT D)
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

DRAFT



May 1, 2012 : Teleconference Board Meeting Minutes

**BOARD OF CHIROPRACTIC EXAMINERS
TELECONFERENCE SESSION MINUTES**

May 1, 2012

2525 Natomas Park Drive, Suite 260
Sacramento, CA 95833-2931

Board Members Present

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

Staff Present

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

Call to Order

Dr. Lubkin called the meeting to order at 10:00 a.m.

Roll Call

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

Public Comment

None

Proposed Regulations

A. Use of Lasers

Dr. Lubkin reported that the Board received two public comments during the 15-day comment period and no changes were made to the language.

MOTION: DR. TYLER MOVED TO ADOPT THE LANGUAGE AS AMENDED/RECOMMENDED AND TO SUBMIT TO OAL FOR APPROVAL

SECOND: DR. STEINHARDT SECONDED THE MOTION

VOTE: 4-0

MOTION CARRIED

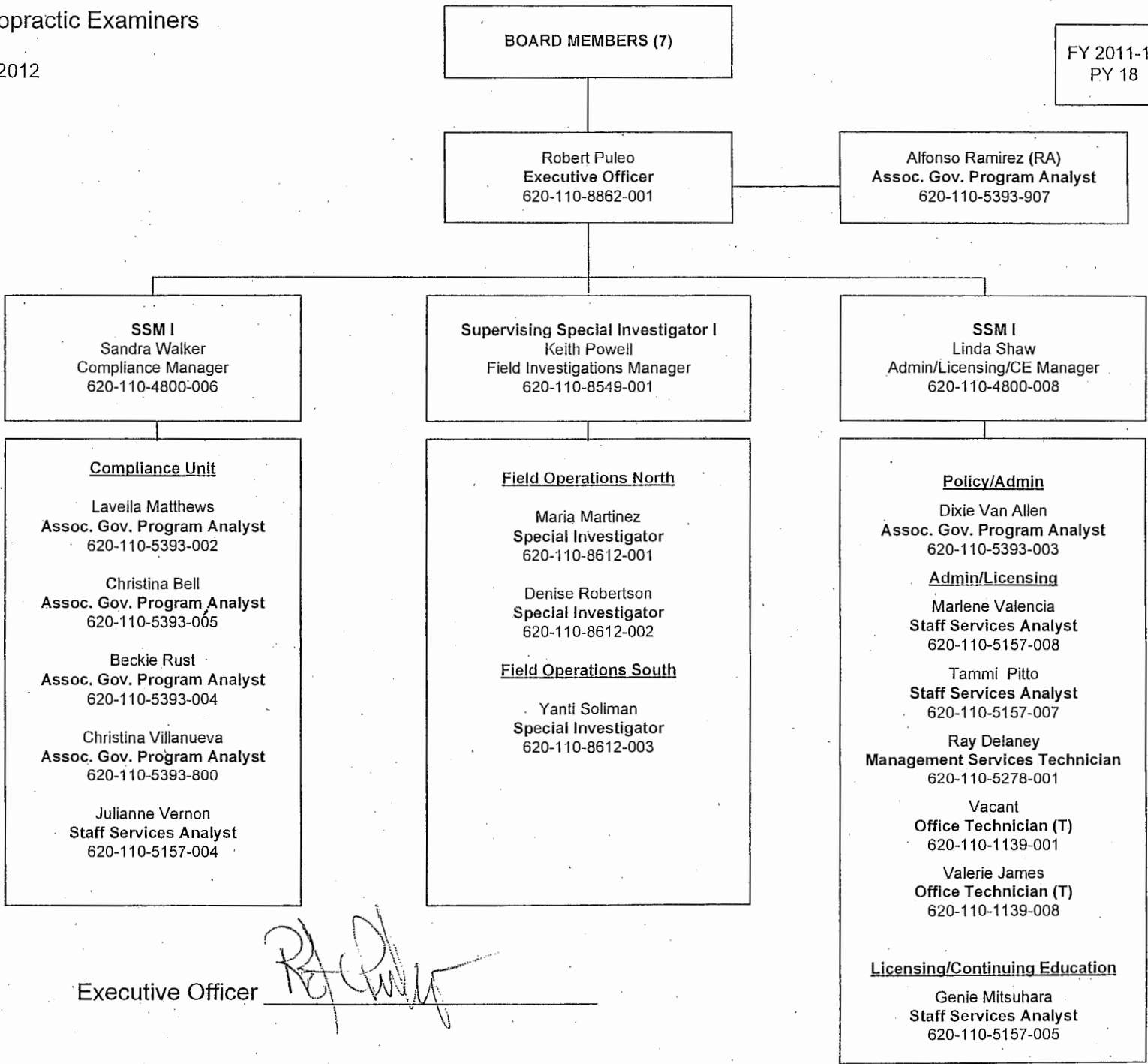
Adjournment

Dr. Lubkin adjourned the meeting at 10:07 a.m.

State Board of Chiropractic Examiners

May 2012

FY 2011-12
PY 18



Executive Officer

0152 - Board of Chiropractic Examiners Analysis of Fund Condition

Prepared 4/11/12

(Dollars in Thousands)

2012-13 Governor's Budget

	Actual 2010-11	CY 2011-12	Governor's Budget BY 2012-13
BEGINNING BALANCE	\$ 3,125	\$ 2,568	\$ 1,464
Prior Year Adjustment	\$ 11	\$ -	\$ -
Adjusted Beginning Balance	\$ 3,136	\$ 2,568	\$ 1,464
REVENUES AND TRANSFERS			
Revenues:			
125600 Other regulatory fees	\$ 120	\$ 128	\$ 128
125700 Other regulatory licenses and permits	\$ -	\$ -	\$ -
125800 Renewal fees	\$ 2,635	\$ 2,852	\$ 3,398
125900 Delinquent fees	\$ 43	\$ 50	\$ 48
141200 Sales of documents	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 14	\$ 20	\$ 14
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	\$ 2,889	\$ 3,127	\$ 3,665
Transfers to Other Funds	\$ -	\$ -	\$ -
Totals, Revenues and Transfers	\$ 2,889	\$ 3,127	\$ 3,665
Totals, Resources	\$ 6,025	\$ 5,695	\$ 5,129
EXPENDITURES			
Disbursements:			
0840 State Controller (State Operations)	\$ 2	\$ 3	\$ 3
8880 Financial Information System for CA (State Operations)	\$ 2	\$ 11	\$ 3
8500 Program Expenditures (State Operations)	\$ 3,453	\$ 3,617	\$ 3,688
SB 206, Chapter 125, Statues of 2011		\$ 600	\$ -
Total Disbursements	\$ 3,457	\$ 4,231	\$ 3,694
FUND BALANCE			
Reserve for economic uncertainties	\$ 2,568	\$ 1,464	\$ 1,435
Months in Reserve	7.3	4.8	4.4
NOTES:	2010-11	2011-12	2012-13
A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED			
B. ASSUMES INTEREST RATE AT 1%.			
C. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR.			
D. CY 2011-12 8500 PROGRAM EXPENDITURES IS LESS 600K FOR SB 206/CHAPTER 125 (2011)			
E. BREEZE FUNDING (INCLUDED IN APPROPRIATION)	\$ -	\$ 43	\$ 79
F. CREDIT CARD BCP (BREEZE)	\$ -	\$ -	\$ 29

**BOARD OF CHIROPRACTIC EXAMINERS
LICENSE STATISTICAL DATA**

FY 2010/11 – FY 2011/12 COMPARISON

LICENSE TYPE	TOTAL LICENSES 5/1/2011	TOTAL LICENSES 5/1/2012	NET VARIANCE
CHIROPRACTOR	13,830	13,518	-312
SATELLITES	3,695	3,908	+213
CORPORATIONS	1,317	1,309	-8
REFERRALS	31	30	-1
TOTALS	18,873	18,765	-8

**APPLICATIONS RECEIVED AND PROCESSED
MARCH 1, 2012 – APRIL 30, 2012**

APPLICATION TYPE	RECEIVED	APPROVED	DENIED	WITHDRAWN	PENDING
INITIAL	41	62	0	0	134
RECIPROCAL	3	3	0	0	12
RESTORATION	19	20	0	0	5
CORPORATION	13	15	0	0	17

Compliance Unit Statistics

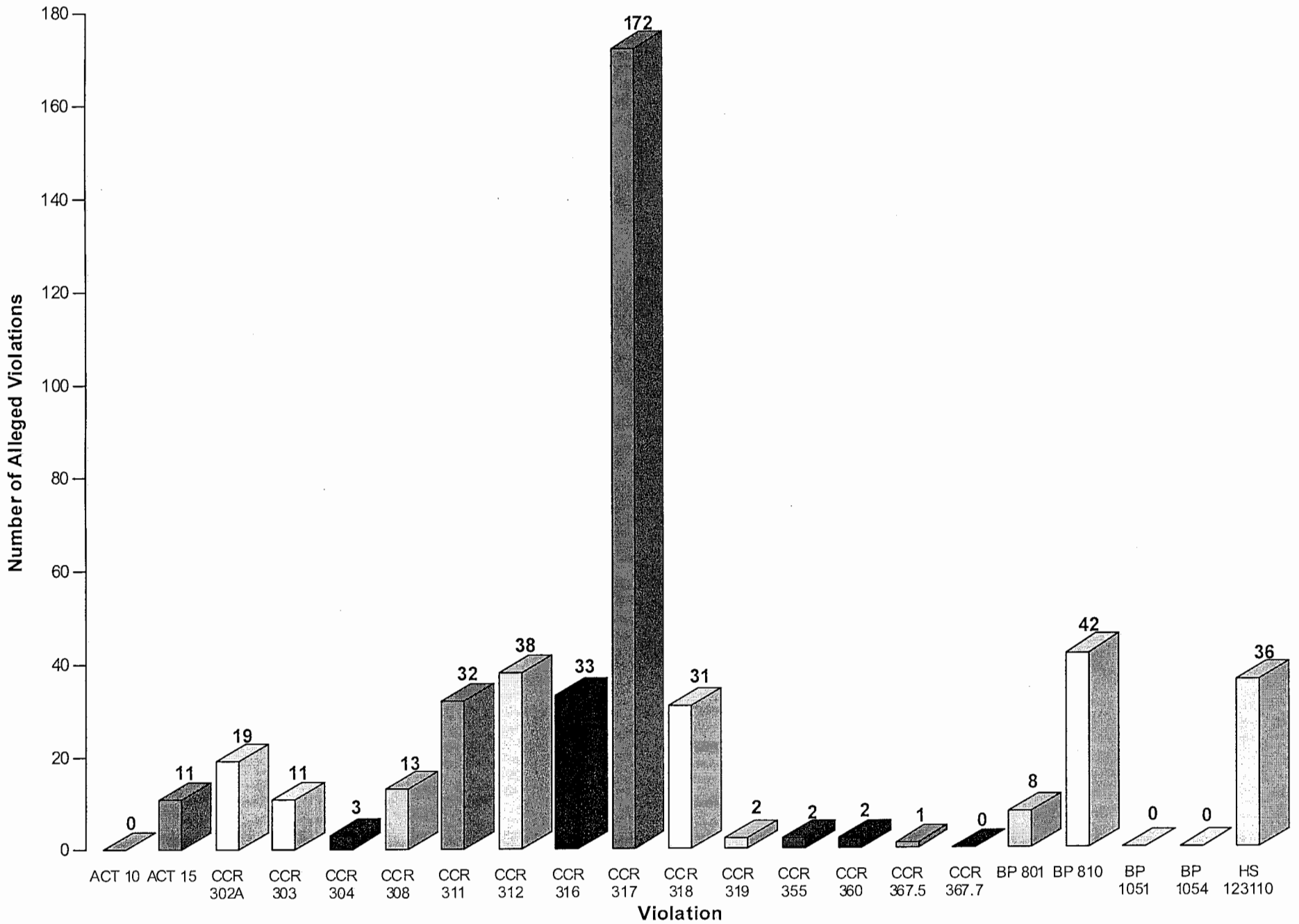
Fiscal Year	07/08	08/09	09/10	10/11	11/12*
<u>Complaints</u>					
Received	644	655	519	497	334
Pending	824	410	203	137	131
Closed with Insufficient Evidence	107	206	136	96	76
Closed with No Violation	78	223	129	135	77
Closed with Merit	321	275	158	140	100
Letter of Admonishment	n/a	n/a	5	4	1
Citations and Fines Issued (Total Fine Amount)	28	41(\$19,200)	78(\$25,700)	47(\$12,700)	15(\$23,900)
<u>Accusations</u>					
Filed	13	64	73	68	34
Pending	73	105	117	130	104
Revoked	8	10	18	17	12
Revocation Stayed: Probation	10	4	20	26	16
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	22
<u>Statement of Issues</u>					
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
<u>Petition for Reconsideration</u>					
Filed	0	1	3	0	2
Granted	0	0	0	0	0
Denied	0	1	2	0	0
<u>Petition for Reinstatement of License</u>					
Filed	15	13	9	7	7
Granted	12	4	4	2	1
Denied	6	11	11	10	5
<u>Petition for Early Termination of Probation</u>					
Filed	6	6	6	4	17
Granted	1	6	1	2	26
Denied	1	2	2	4	18
<u>Petition for Modification of Probation</u>					
Filed	0	0	0	0	0
Granted	0	0	0	0	0
Denied	0	0	0	0	0
<u>Petition by Board to Revoke Probation</u>					
Filed	0	11	32	13	5
Revoked	0	3	7	2	8
<u>Probation Cases</u>					
Active	159	140	134	138	143

FISCAL YEAR 2012

July 1, 2011 - April 30, 2012

Total Number of Complaints Opened - 334

Total Number of Violations - 482 (A complaint may contain multiple violations)



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

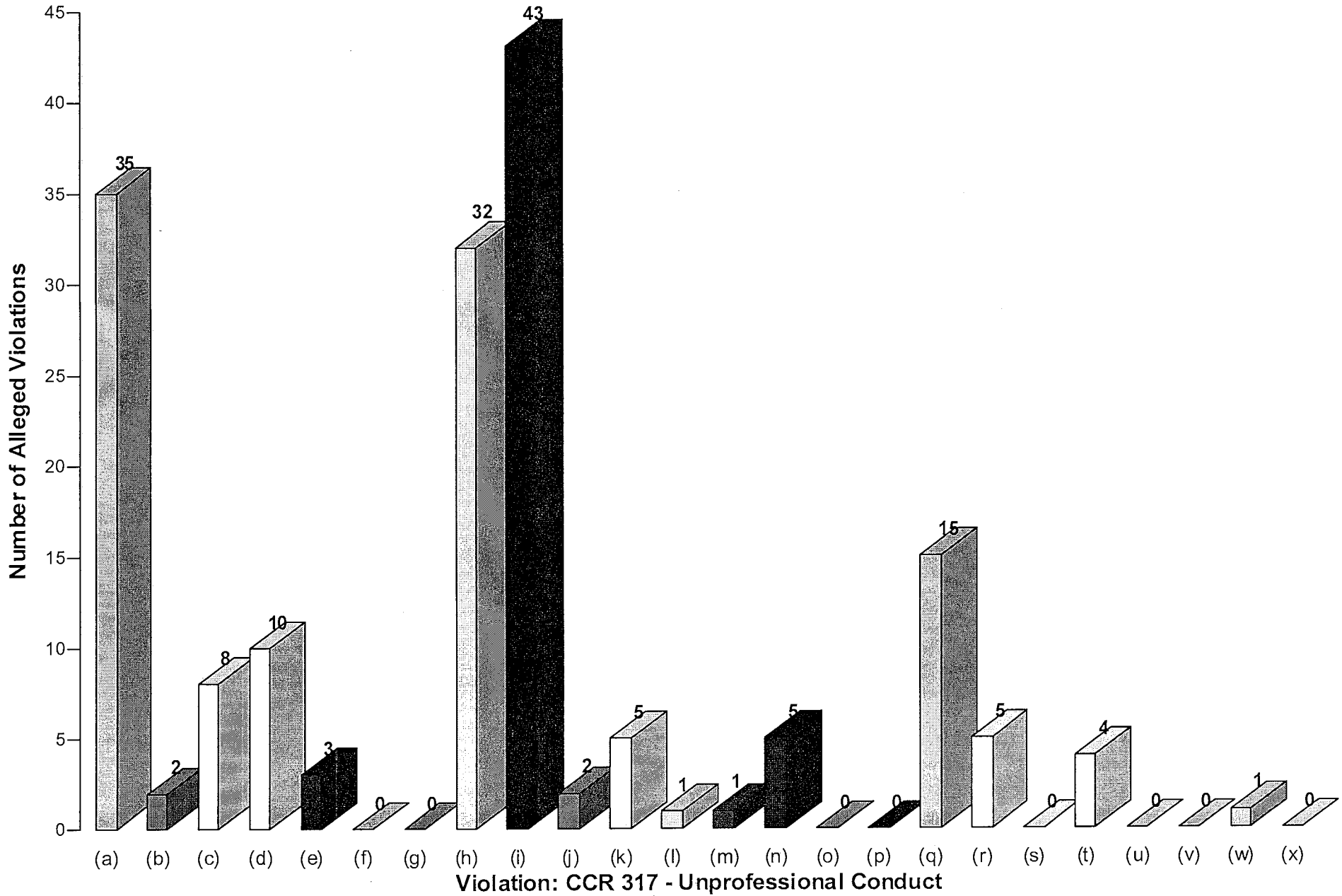
Health and Safety Code (HS):

- 123110 – Patient Access to Health Records

FISCAL YEAR 2012

July 1, 2011 - April 30, 2012

Total Number of Complaints Opened Alleging Violation of CCR 317 - 172
(A complaint may contain multiple violations)



Violation Codes/Descriptions

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

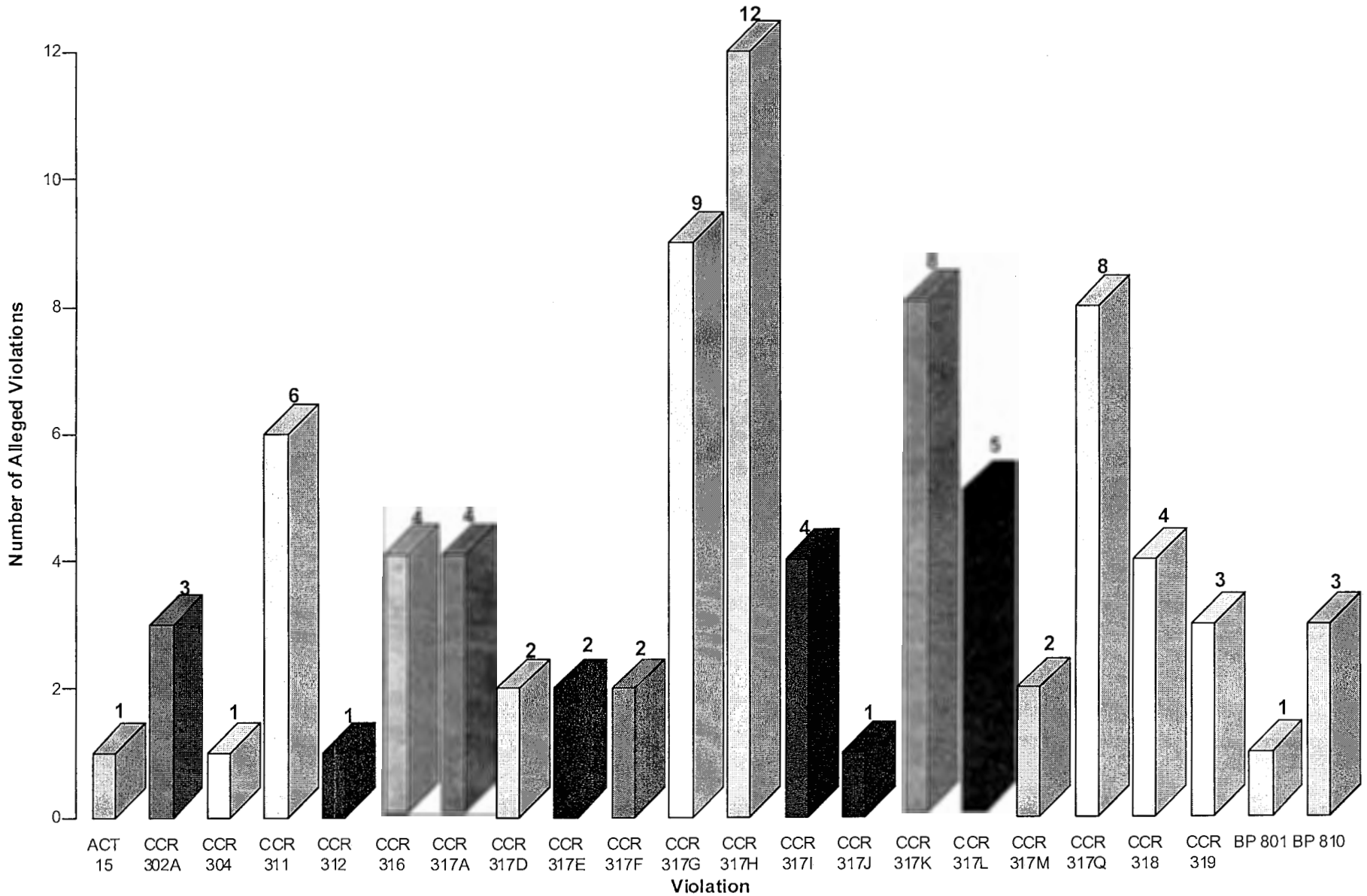
- (a) Gross Negligence
- (b) Repeated Negligent Acts
- (c) Incompetence
- (d) Excessive Treatment
- (e) Conduct Endangering Public
- (f) Administering to Oneself Drugs/Alcohol
- (g) Conviction of a Crime Related to Chiropractic Duties
- (h) Conviction of a Crime Involving Moral Turpitude/Physical Violence/etc.
- (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 - April 30, 2012

Total Number of Accusations Filed - 34

Total Number of Violations - 87 (An accusation may contain multiple violations)



MEMORANDUM



Date: May 15, 2012

To: **Board Members**

From: Robert Puleo
Executive Officer

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

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 May 24, 2012, public meeting.

Between March 1, 2012 and April 30, 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
 March 1, 2012 – April 30, 2012

Name (First, Middle, Last)			Date Issued	DC#
Anupam		Arman	3/2/2012	32237
Omer	Sahan	Boysan	3/2/2012	32238
Jenny	Lynn	Faber	3/2/2012	32239
MaryAnne	Marie	Harrington	3/2/2012	32240
Jung	Ho	Jang	3/2/2012	32241
Eric	Li	Kang	3/2/2012	32242
David	Adam	Kirsch	3/2/2012	32243
William	Edward	Perry	3/7/2012	32244
Navid		Nazemi	3/12/2012	32245
Young	Hee	Ro	3/12/2012	32246
Ivan	George	Semerdjiev	3/12/2012	32247
Anne	Ngoc Nhu	Nguyen	3/13/2012	32248
Jenna	Louise	Swanson	3/13/2012	32249
Carissa	Suzanne	Abe	3/14/2012	32250
David	Irvin	Dufour	3/14/2012	32251
Karen		Liu	3/14/2012	32252
Cristina		Diaz Martinez	3/14/2012	32253
Jessica	Nicole	Nardone	3/16/2012	32254
Heidi	Lynn	Walrath	3/16/2012	32255
Brandon	Lee	Todd	3/16/2012	32256
Nathan		Nguyen	3/22/2012	32257
Morvarid		Noorivaziri	3/26/2012	32258
Abraham	Christopher	Silva	3/26/2012	32259
Hungchiao	Lisa	Wu	3/26/2012	32260
Derrick	Jon	Schinderle	3/27/2012	32261
Tanya	Stephanie	Cobey	3/28/2012	32262
Pezhman		Ghatreh Samany	3/28/2012	32263
Russell	Anthony	Maramag	3/28/2012	32264
Sean	Gregory	Marcella	3/28/2012	32265
Tracy	Don	Ellis	3/30/2012	32266
Llaird	Lee	Likens	3/30/2012	32267
Noel	Melendrez	Romo	4/6/2012	32268
Naryan	Thomas	Sawyers	4/6/2012	32269
Haesung		Park	4/6/2012	32270
Shane	Michael	Young	4/6/2012	32271

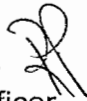
Christopher	Ray	Akin	4/11/2012	32272
Isaac	Immanuel	Borowiec	4/11/2012	32273
Zubin	Mehernosh	Dah	4/11/2012	32274
Liliann		Delgado	4/11/2012	32275
Stephanie	Alyece	Desmarais	4/11/2012	32276
Kristin	Ann	Hartjes	4/11/2012	32277
Collin	Hisao	Higo	4/11/2012	32278
Jordan	Matthew	Johnson	4/11/2012	32279
Salman		Khanaki	4/11/2012	32280
Lance	Michael	Mahoney	4/11/2012	32281
Dane	Royale	Moore	4/11/2012	32282
Malori	Marie	Tinsley	4/16/2012	32283
Michael	Chen	Wang	4/16/2012	32284
Gerard	Joseph	Bogin	4/17/2012	32285
Jessica	Sun	Kim	4/17/2012	32286
Eric	Scott	Westover	4/20/2012	32287
Shahram		Soleimani	4/20/2012	32288
James	Andrew	Stanley	4/20/2012	32289
Dale	Allen	Basescu	4/24/2012	32290
Keira	Elizabeth	Boswell	4/24/2012	32291
Gabriel	McCoy	Dawson	4/24/2012	32292
Melissa	Wing Lum	Ko	4/24/2012	32293
James	Raymond	Dudum	4/26/2012	32294
Michael	Gordon	Lane	4/26/2012	32295
Kyu	Yong-John	Lee	4/26/2012	32296
Loreto		Lo Bosco	4/26/2012	32297
Marjan		Makki	4/26/2012	32298

MEMORANDUM



Date: May 10, 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 May 24, 2012.


<u>CONTINUING EDUCATION PROVIDERS</u>	<u>DATE APPROVED</u>
<u>1. HAPPYki</u>	<u>5/1/2012</u>
<u>2. NET, Inc</u>	<u>5/1/2012</u>
<u>3. Derik S. Anderson</u>	<u>5/1/2012</u>
<u>4. International Foundation for Nutrition & Health</u>	<u>5/1/2012</u>
<u>5. Cash Practice, Inc.</u>	<u>5/1/2012</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.

Between March 1, 2012, and April 30, 2012, staff reviewed and confirmed that all applicants met all statutory and regulatory requirements for licensure. No denials of licensure were issued for this timeframe. However, two (2) applicants that were previously denied during the month of February have appealed the decision and staff is working with the Attorney General's office on the appeals.

At this time, ratification is not necessary.

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

MEMORANDUM



Date: May 17, 2012

To: Board Members

From: Robert Puleo *RP*
Executive Officer

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 individual named on the attached list at the May 24, 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
Johnson, Thomas	20642	March 31, 2012

California Board of Chiropractic Examiners New Chiropractic College Regulatory Assessment

Facility Name: National University of Health Sciences – Florida Campus

Facility Address: Administrative Office:
 University Partnership Center
 St. Petersburg College
 9200 113th Street N.
 Seminole, Florida 33772-2800

Campus:

Annex Building	Caruth Health Education Center
6698 68 th Ave., N	7200 66 th St., N.
Pinellas Park, FL 33781	Pinellas Park, FL 33781

Phone: 630-629-2000

E-mail: accreditation@nuhs.edu

Contact Person: Theodore Johnson, DC, MS
Title: Assistant Dean and Chief Administrative Officer of the Doctor of Chiropractic Program

Background Information: In June 2008, National University Health Sciences entered into partnership with the University Partnership Center of St. Petersburg Florida College to utilize their classroom space and support services to begin offering the Doctor of Chiropractic Degree Program in St. Petersburg, Florida in Fall 2009. In July 2011, the Doctor of Chiropractic Degree Program at National University of Health Sciences was awarded programmatic accreditation at both the Illinois campus and the Florida site by the Council on Chiropractic Education. At present, there are 22 full time faculty to serve a student body of 67 students (Spring 2012).

Supervision (CCR § 331.3)	Results
(a) Full-time president, dean, or other executive officer	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met
(b) Report annually, covering topics such as student enrollment, number and changes in faculty and administration, changes in the curriculum, courses given, and the projections for future policy.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met COMMENTS: Requirement Met; Need to Submit Annually
(c) A copy outline and a schedule of classes, showing the day and hour of presentation and the instructor shall be filed.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met COMMENTS: Requirement Met; Need to Submit Every Trimester
(d) Maintain a record of the teaching load of each member of the staff in terms of classes taught, supervision, student counseling, committee work, and other assigned activities.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met

<p>e) A permanent file of all class schedules, beginning with those as of the date of the school's approval shall be maintained and available for inspection and comparison with the courses described in the relative catalogs.</p>	<p><input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met</p>
<p>(f) Schedules must be kept up to date and posted on a bulletin board available for student inspection.</p>	<p><input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met</p>
<p>Financial Management (CCR § 331.4)</p>	
<p>Keep accurate financial records and file an annual financial report</p>	<p><input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met COMMENTS: Requirement Met; Need to Submit Annually</p>
<p>Records (CCR § 331.5.)</p>	
<p>Maintain a good system of records; a personal file must be maintained for each student; fireproof storage must be provided for the safekeeping of records.</p>	<p><input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met</p>
<p>Catalog (CCR § 331.6)</p>	
<p>School catalogs shall contain the following information: (a) A list of its trustees, president, dean and other administrative officers and members of the faculty with their respective qualifications; (b) Courses set forth by department, showing for each subject its content, value in term, semester hours, or credit hours; (c) Entrance requirements, conditions for academic standing and discipline, such as attendance, examinations, grades, promotion and graduation; (d) Matriculation, tuition, laboratory, graduation and special fees, and estimated costs of books, instruments, dormitory and board; and (e) Descriptions of the library, audio-visual facilities, laboratories and clinic facilities.</p>	<p><input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met COMMENTS: Requirement Met; Need to Submit Annually</p>
<p>Calendar (CCR § 331.7)</p>	
<p>Each school may elect to use the semester, <u>trimester</u> or four-quarter term system. A school calendar shall designate the beginning and ending dates of terms or semesters, the vacation periods and legal holidays observed, and the dates for semester and final examinations. The recitation or lecture period shall be not less than 50 minutes in length. The school may operate on a five or six-day week or any combination thereof, but the total number of hours of instruction shall be not less than 30 hours nor more than 35 hours per week. The total number of hours provided for each complete student's course, leading to the degree of Doctor of Chiropractic, shall be not less than 4,400 hours distributed over four academic years of nine months each.</p>	<p><input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met</p>

<p>Student Faculty Ratio (CCR § 331.9)</p> <p>(a) The full-time equivalent student-faculty ratio shall be at least one full-time professor to every fifteen (15) students enrolled in the school.</p> <p>(b) A full-time professor is one who devotes a minimum of 38 hours per week to his academic duties.</p> <p>(c) The maximum enrollment for any class in laboratory or clinical work shall be limited to the number which may, by Board standards, sufficiently be trained with the equipment and facilities available in such laboratory clinic.</p> <p>(d) All classes and laboratory sessions, including clinics, shall be conducted under the presence and supervision of a full-time professor.</p> <p>(e) There shall be one instructor for each twenty-five (25) students in the laboratory and/or clinic courses.</p>	<p><input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met</p>
<p>Faculty Organization (CCR § 331.10)</p> <p>(a) A faculty shall be organized by departments. Regularly scheduled meetings of the full faculty shall be had to provide a free exchange of ideas concerning:</p> <ol style="list-style-type: none"> (1) The content and scope of the curriculum; (2) The teaching methods and facilities; (3) Student discipline, welfare and awards; (4) Faculty discipline and welfare; (5) Committee reports and recommendations; (6) Recommendations for the promotion and graduation of students; (7) Administration and educational policies; and (8) Recommendations to the administrative officers and to the trustees. <p>(b) The dean shall appoint the following standing committees of which he shall be a member ex officio: admissions and credentials, curriculum, clinic, laboratories, library and examinations, grades and records.</p>	<p><input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met</p>
<p>Scholastic Regulations (CCR §331.11)</p> <ol style="list-style-type: none"> (a) Admission. (b) Date of Matriculation. (c) Qualifications of Students. (d) Professional Education. (e) Advanced Standing. (f) Attendance. (g) Promotion. (h) Requirements for Graduation. (i) Special (Graduate of An Approved Chiropractic School) or Unclassified Subject. (j) Degree 	<p><input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met</p>

<p>Curriculum (CCR § 331.12.2)</p> <p>(a) Course of Study. (b) Required Hours and Subjects (c) Subject Presentation (1) ANATOMY. (2) PHYSIOLOGY. (3) BIOCHEMISTRY AND NUTRITION. (4) PATHOLOGY AND BACTERIOLOGY. (5) PUBLIC HEALTH, HYGIENE, SANITATION AND EMERGENCY CARE. (6) DIAGNOSIS. (7) OBSTETRICS, GYNECOLOGY AND PEDIATRICS. (8) PRINCIPLES AND PRACTICE OF CHIROPRACTIC, DIETETICS, PHYSIOTHERAPY, AND OFFICE PROCEDURE. (9) PHYSIOTHERAPY. (10) OFFICE PROCEDURE. (d) Additional Hours and Subjects. (e) Clinics.</p>	<p><input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met</p>
<p>Physical Facilities (CCR §331.13)</p> <p>(a) General. (b) Administrative Offices. (c) Classrooms. (d) Laboratories. (f) Teaching Aids and Equipment. (g) Library. (h) Clinic. (i) Operation and Maintenance of the Physical Plant.</p>	<p><input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met</p>



April 10, 2012

Theodore L. Johnson, Jr., DC, MS
Assistant Dean for Chiropractic Medicine
National University of Health Sciences
200 East Roosevelt Road, #L-23
Lombard, Illinois 60148

Dear Dr. Johnson:

The Board of Chiropractic Examiners (Board) received your Application for New Chiropractic College Approval (Application) for the National University of Health Sciences – Florida campus on March 12, 2012.

The review of your Application has been completed. Your Application will be placed on the agenda of our May 24, 2012 Board meeting for consideration by the Board. I will provide the outcome in writing following the Board meeting.

If you have any questions or concerns, please feel free to contact me directly at (916) 263-5360 or Linda.Shaw@chiro.ca.gov.

Sincerely,

A handwritten signature in cursive script that reads "Linda Shaw".

Linda Shaw
Licensing/CE Manager

Board of Chiropractic Examiners

2525 Natomas Park Drive, Suite 260
 Sacramento, CA 95833
 Telephone (916) 263-5355 FAX (916) 263-5369
 CA Relay Service TT/TDD (800) 735-2929
 Consumer Complaint Hotline: (866) 543-1311
<http://www.chiro.ca.gov>



Certification of Licensure and State Endorsement

ALL BLANKS MUST BE COMPLETED. IF NOT APPLICABLE, ENTER N/A.

Name of Applicant: _____					
Address:	Number	Street	City	State	Zip Code

License Certification	
State, province or territory completing this endorsement _____	License number: _____
License issue date: _____	Expiration date: _____ License status: _____ <small>(active, inactive, cancelled, suspended, etc.)</small>
Has any disciplinary action ever been filed or taken, including but not limited to, informal or confidential discipline, consent orders, or letters of warning? <input type="checkbox"/> Yes <input type="checkbox"/> No	
IF YES, ATTACH AN EXPLANATION OR A CERTIFIED COPY OF THE DISCIPLINE TAKEN	

Examination Criteria	
How was the applicant granted licensure in your state? <input type="checkbox"/> Examination <small>(If by examination, please complete the results sections below)</small> <input type="checkbox"/> Reciprocity/Endorsement <small>from which state _____</small> <input type="checkbox"/> Other <small>(If selected, please attach an explanation)</small>	
Written examination results:	
SUBJECT	SCORE ATTAINED

Practical or clinical examination results: (Note: California's examination includes sections in x-ray, clinical competency, adjustive technique, and physiotherapy)

SUBJECT	SCORE ATTAINED
X-Ray	
Clinical Competency	
Adjustive Technique	
Physiotherapy	

BOARD CERTIFICATION

I hereby certify under penalty of perjury, that the foregoing information is true and correct. I further certify that the state, province, or territory of _____ agrees to grant reciprocal licensure to California chiropractic licensees possessing similar qualifications on a substantially equal endorsement basis.

(name of State)

Signature

Date

Print or type name

Title

()

Telephone number

AFFIX BOARD SEAL

BOARD CERTIFICATION

I hereby certify under penalty of perjury, that the foregoing information is true and correct. I further certify that the current laws of the state, province, or territory of _____
(Name of State)
permit us to grant reciprocal licensure to California chiropractic licensees if they meet our state, province, or territory's specific qualifications and requirements.

Signature

Date

Print or Type Name

Title

Telephone Number

AFFIX BOARD SEAL

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 with the board his or her proper and current place of physical practice address of his principal office and, where appropriate, each and every sub-office satellite 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. If a licensee does not have a practice address, the licensee may file with the board his or her proper and current residence address. The address provided pursuant to this paragraph shall be public information unless the licensee also submits an alternate address pursuant to paragraph (b).

(b) In addition to the address filed pursuant to paragraph (a), a licensee may designate an address of record that shall be public information, which may consist of a post office box number or other viable mailing address.

(c) Each licensee shall report to the board each and every change of address within 30 (thirty) days after each change giving both the old and new addresses. The change of address shall be submitted in writing and mailed or faxed to the board at its office in Sacramento.

(d) 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, 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, Business and Professions Code.

§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

California Board of Chiropractic Examiners

(916) 263-5355

(800) 735-2929

www.chiro.ca.gov

(b) The notice required by this section shall be prominently posted in the entry area or waiting area of the principal place of business and, where appropriate, each satellite office. The notice shall be visible to patients and shall be in at least 48-point type in Arial font.

(c) In cases where chiropractic services are provided in a mobile setting outside of the principal place of business or satellite office, the notice shall be included 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.

(d) 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)).

§ 312. Illegal Practice Supervision of Unlicensed Individuals.

~~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 duly licensed chiropractor 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 duly licensed chiropractor ~~Doctor of Chiropractic~~.

~~“Immediate and~~ Direct supervision” means the duly licensed chiropractor ~~Doctor of Chiropractic~~ shall be at all times ~~on the premises present in the same chiropractic facility~~ where the examinations are being conducted. The duly licensed chiropractor ~~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 indirect supervision of a duly licensed chiropractor ~~Doctor of Chiropractic~~.

Adequate Indirect 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 duly licensed chiropractor ~~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 duly licensed chiropractor ~~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 duly licensed chiropractor ~~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 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.

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.

NOTE: Authority cited: Section 1000-4(b), of the Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923, p. 1xxxviii)). Reference: Section 1000-15, of the Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923, p. 1xxxviii)) and Section 25668.1, California Health and Safety Code; Section 30403 of Title 17, California Administrative 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, Business and Professions Code. Reference: Section 1000-10, Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923, p. 1xxxviii)) and Section 475, 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)).

384.1 Petitions for Reinstatement, Reduction of Penalty, or Early Termination of Probation

(a) In petitioning for Reinstatement under Section 1000-10(c) Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii) or Reduction of Penalty which would include Early Termination of Probation under Government Code section 11522, the petitioner has the burden of demonstrating any rehabilitative or corrective measures he or she has taken since the revocation or disciplinary action and, that he or she has the necessary and current qualifications and skills to safely engage in the practice of chiropractic within the scope of current law, and accepted standards of practice.

(b) In reaching its determination the Board may consider various factors including the following:

(1) The original violation(s) for which action was taken against the petitioner's license including:

(A) The type, severity, number, and length of violations.

(B) Whether the violation involved intentional, negligent or other unprofessional conduct.

(C) Actual or potential harm to the public, patients, or others.

(D) The length of time since the violation(s) was committed.

(2) Prior disciplinary and criminal actions also taken against the petitioner by the Board, any State, local or Federal agency or court including:

(A) The petitioner's compliance with all terms of probation, parole, previous discipline or other lawfully imposed sanctions including any order of restitution.

(B) Whether the petitioner is currently on or has been terminated from probation or other lawfully imposed sanction.

(C) The petitioner's legal and regulatory history to and since the violation(s).

(3) The petitioner's attitude toward his or her commission of the original violation(s) and his or her attitude in regard to compliance with legal sanctions and rehabilitative efforts.

(4) The petitioner's documented rehabilitative efforts including:

(A) Efforts to maintain and/or upgrade professional skills and knowledge through continuing education or other methods.

(B) Efforts to establish safeguards to prevent repetition of the original violation(s) including changes or modifications in policies, structure, systems, or methods of behavior applicable to the petitioner's chiropractic practice.

(C) Service to community or charitable groups.

(D) Voluntary restitution to those affected by the original violation(s).

(E) Use of appropriate professional medical or psychotherapeutic treatment.

(F) Participation in appropriate self-help and/or rehabilitation groups.

(G) Use of appropriate peer review mechanisms.

(H) Participation in professional chiropractic organizations or associations.

(5) Assessment of the petitioner's rehabilitative and corrective efforts including:

(A) Whether the efforts relate to the original violation(s).

(B) The date rehabilitative efforts were initiated.

(C) The length, time, and expense associated with rehabilitative efforts or corrective actions.

(D) The assessment and recommendations of qualified professionals directly involved in the petitioner's rehabilitative efforts or acting at the request of the Board, including their description of the petitioner's progress and their prognosis of the petitioner's current ability to practice chiropractic.

(E) The petitioner's reputation for truth, professional ability and good character since the commission of the original violation(s).

(F) The nature and status of ongoing and continuing rehabilitation efforts.

(c) In addition, the Board may consider other appropriate and relevant matters not listed in the above guidelines.

(d) All statements to be introduced at hearing must be made in person or pursuant to Government Code Section 11514 (evidence by affidavit). All other statements not made in person or pursuant to Government Code Section 11514 must be under oath and will be considered only as administrative hearsay.

(e) A petition for reinstatement shall be submitted on an application form (Form # 09PRRL – Revised 05/2007) prescribed and provided by the board, and titled "Petition for Reinstatement of Revoked License," accompanied by such evidence, statements, or documents as are therein required, and filed with the board at its office in Sacramento, with the required nonrefundable application fee of two thousand dollars (\$2000.00).

(f) A petition for early termination of probation shall be submitted on an application form (Form # 09PTP – Revised 11/2003) prescribed and provided by the board, and titled "Petition for Early Termination of Probation," accompanied by such evidence, statements, or documents as are therein required, and filed with the board at its office in Sacramento, with the required nonrefundable application fee of two thousand dollars (\$2000.00).

(g) A petition for reduction of penalty shall be submitted on an application form (Form # 09PRP – Revised 11/2003) prescribed and provided by the board, and titled "Petition for Reduction of Penalty," accompanied by such evidence, statements, or documents as

are therein required, and filed with the board at its office in Sacramento, with the required nonrefundable application fee of two thousand dollars (\$2000.00).

(h) A petitioner pursuant to Section 1000-10(c) Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923, p. 1xxxviii)) whose license has been revoked or cancelled may not petition the board for reinstatement until two (2) years has elapsed since the effective date of the decision revoking the license or the date the license was cancelled.

(i) A petitioner pursuant to Section 1000-10(c) Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923, p. 1xxxviii)) who has had a petition for reinstatement denied may not file another petition until three (3) years has elapsed since the effective date of the most recent denial.

(j) A petitioner who is subject to section 1003 of the Business and Professions Code may not petition the board for reinstatement until ten (10) years has elapsed since the effective date of the decision revoking the license.

NOTE: Authority cited: Sections 1000-4(b) 1000-10(c) Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923, p. 1xxxviii)); Section 1003 Business and Professions Code; and Sections 11514 and 11522 Government Code. Reference: Sections 1000-4(b) and 1000-10(c) 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)).