



State of California
Edmund G. Brown Jr., Governor

BOARD OF CHIROPRACTIC EXAMINERS PUBLIC SESSION MINUTES

January 16, 2014

State Capitol

First Floor, Senate Committee Room 113

Sacramento, CA 95814

Board Members Present

Francesco Columbu, D.C., Chair
Sergio Azzolino, D.C., Vice Chair
Julie Elginer, Dr. PH, Secretary
Heather Dehn, D.C.
Hugh Lubkin, D.C.
Frank Ruffino

Staff Present

Robert Puleo, Executive Officer
Kristy Shellans, Attorney III
Linda Shaw, Staff Services Manager
Sandra Walker, Staff Services Manager
Dixie Van Allen, Associate Governmental Program Analyst
Christina Bell, Associate Governmental Program Analyst
Marlene Valencia, Associate Governmental Program Analyst
Valerie James, Office Technician
Nikkia Capizzano, Office Technician

Call to Order

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

Roll Call

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

Chair's Report

Dr. Columbu provided a brief overview of the Board of Chiropractic Examiners mission.

Election of Officers for 2014

A. Chair

MOTION: MR. RUFFINO MOVED TO NOMINATE DR. AZZOLINO AS CHAIR

SECOND: DR. LUBKIN SECONDED THE MOTION

VOTE FOR DR. AZZOLINO'S NOMINATION AS CHAIR: 5-0-1

MOTION CARRIED

B. Vice-Chair

MOTION: DR. AZZOLINO MOVED TO NOMINATE DR. DEHN AS VICE-CHAIR
SECOND: DR. COLUMBU SECONDED THE MOTION
VOTE FOR DR. DEHN'S NOMINATION AS VICE-CHAIR: 6-0
MOTION CARRIED

C. Secretary

MOTION: DR. AZZOLINO MOVED TO NOMINATE DR. ELGINER AS SECRETARY
SECONDED: DR. DEHN SECONDED THE MOTION

Dr. Elginer spoke on the need for a public member as Secretary and suggests herself or Mr. Ruffino. Mr. Ruffino spoke on his support for Dr. Elginer as Secretary.

VOTE FOR DR. ELGINER'S NOMINATION AS SECRETARY: 5-0-1
MOTION CARRIED

Approval of Minutes

October 29, 2013 Board Meeting

MOTION: MR. RUFFINO MOVED TO APPROVE THE MINUTES
SECOND: DR. ELGINER SECONDED THE MOTION

Dr. Lubkin spoke on the need for a correction on page 5 Section C: Extracorporeal Shock Wave (ECSW) Therapy. The vote should read 5 – 1

MR. RUFFINO MOVED TO AMEND THE MOTION BY MAKING THE CHANGES TO THE OCTOBER 29, 2013 MINUTES
DR. ELGINER SECONDED THE MOTION
VOTE: 6-0
MOTION CARRIED

Executive Officer's Report

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

For the Licensing, Dr. Elginer requested a 3 or 5 year trends of the net variances of licenses to be presented at the next Board meeting.

For the Enforcement, Dr. Elginer expressed concerns with the number of complaints received seem to have elevated from last fiscal year. Ms. Walker, Board's Compliance Manager, came forward to provide input on workload and the statistical data. Dr. Charles Davis representing the International Chiropractic Association of California (ICAC) came forward to speak on chiropractors not familiar with the Board's rules and regulations.

Cynthia Dines and Jennifer Jacinto from the Department of Consumer Affairs' Budget Office came forward to review, summarize and answer questions on the Board's budget.

Ratification of Approved License Applications

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

SECOND: MR. RUFFINO SECONDED THE MOTION

VOTE: 6-0

MOTION CARRIED

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

Ratification of Approved Continuing Education Providers

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

SECOND: DR. LUBKIN SECONDED THE MOTION

VOTE: 6-0

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 Canceled License

Ms. Shellans, Board's Attorney III, spoke that this agenda item conflicts with the Initiative Act §10(c). She would like to table this item until she can research it more.

MOTION: MR. RUFFINO MOVED TO TABLE THIS AGENDA ITEM UNTIL FURTHER RESEARCH

Dr. Elginer had concern that the individuals listed will not have the ability to practice until a decision is made and expressed concern. She requested a teleconference Board meeting be held to approve the individuals for licensure once a decision is made.

MR. RUFFINO MOVED TO AMEND THE MOTION BY REQUESTING A TELECONFERENCE BOARD MEETING TO APPROVE THE INDIVIDUALS FOR LICENSURE ONCE A DECISION IS MADE

SECOND: DR. ELGINER SECONDED THE MOTION

Dr. Kendra Holloway, DC representing Life Chiropractic College West came forward and spoke on the Initiative Act §10 (c).

VOTE: 6-0

MOTION CARRIED

Licensing, Continuing Education and Public Relations Committee Meetings Update

Dr. Dehn reported on the Licensing, Continuing Education and Public Relations Committee Meeting held on January 9, 2014.

Government Affairs Committee Meeting Update

Dr. Elginer reported on the year-end activities of the Government Affairs Committee. She summarized the November 2013 meet and greets with Administration and Legislative Staff. She spoke on the action planning portion of the Board's 2014 – 2017 Strategic Plan. Dixie Van Allen, Board's Policy Analyst, came forward and updated the Board of AB 258 (Chavez).

Discussion and Possible Action on the Physical Therapy Board Staff's Opinion on the Physical Therapist's Scope of Practice

MOTION: DR. DEHN MOVED TO SEND THIS ITEM TO THE ENFORCEMENT COMMITTEE MEETING

SECOND: DR. ELGINER SECONDED THE MOTION

Dr. Lubkin indicated that it's not a legal opinion.

Dr. Davis came forward and agreed with Dr. Lubkin.

Dr. Kassie Donoghue representing the California Chiropractic Association (CCA) came forward and explained that she will attend the Enforcement Committee meeting and give the background of the origin of the information.

VOTE: 6-0

MOTION CARRIED

Review and Possible Action to Initiate a Rulemaking to Adopt the Board's Uniform Standards Related to Substance Abuse & Changes to Disciplinary Guidelines (Title 16 CCR, Division 4, Section 384)

Ms. Shellans has concerns with the drafted language. She recommends tabling to the next Board meeting since she has three options to define substance abusing licensees.

MOTION: DR. LUBKIN MOVED TO SEND THIS ITEM TO THE ENFORCEMENT COMMITTEE AND ONCE COMPLETED SEND TO A FULL BOARD MEETING

SECOND: DR. ELGINER SECONDED THE MOTION

Dr. Dehn requested further clarification.

VOTE: 6-0

MOTION CARRIED

Discussion and Possible Action Regarding Possible Changes to the Informed Consent Regulations (Title 16 CCR, Division 4, Section 319.1)

MOTION: DR. COLUMBU MOVED TO REFER THIS ITEM TO THE ENFORCEMENT COMMITTEE
SECOND: MR. RUFFINO SECONDED THE MOTION

The Board had a lengthy discussion on this item. Dr. Davis came forward and provided comments.

VOTE: 5-1

MOTION CARRIED

Proposed Regulations

A. Omnibus Consumer Protection

Mr. Puleo provided a history of the Omnibus Consumer Protection regulations. Ms. Shellans is concerned with the rulemaking package expiring.

**MOTION: DR. DEHN MOVED TO TAKE OFF HOLD STATUS FOR DISCUSSION
SECOND: DR. LUBKIN SECONDED THE MOTION**

Dr. Dehn spoke regarding the language on page 9, Sections 390.7 and 390.8.

Dr. Donoghue, Dr. Davis and Christine Lally, Deputy Director for Board and Bureau Relations at the Department of Consumer Affairs, came forward to provide comments.

The Board had a lengthy discussion.

**DR. DEHN MOVED TO AMEND THE MOTION TO ALLOW THE CURRENT RULEMAKING
PACKAGE TO EXPIRE AND SEND BACK TO ENFORCEMENT COMMITTEE**

SECOND: DR. LUBKIN SECONDED THE MOTION

VOTE: 6-0

MOTION CARRIED

B. Sponsored Free Health Care Events

Ms. Van Allen provided the Board with an update on the rulemaking package.

C. Extracorporeal Shock Wave (ECSW) Therapy

The Board held a lengthy discussion. The proposed regulation is tabled to the Enforcement Committee.

Public Comment for Items Not on the Agenda

No public came forward to provide comment.

Future Agenda Items

Dr. Elginer requested to address the leadership and composition of the Committees.

Dr. Lubkin requests background/past history, opinions and laws given to Board Members; additionally active training to bring the new Board Members up to speed. He also would like to request training to the Subject Matter Experts that review enforcement cases. Lastly, he would like to request the agenda to Board meetings be sent to the other Board Members for input.

Hearings Re: Petition for Early Termination of Probation

Administrative Law Judge, Hannah Hirsch Rose, presided over and Deputy Attorney General Karen Denvir appeared on behalf of the people of the State of California in the following hearings:

- A. Robin Hult, D.C. – DC 28678
- B. John Richardson, D.C. – DC 16030
- C. Edward Roberts, D.C. – DC 29091

Closed Session

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

Adjournment

Dr. Azzolino adjourned the meeting at 8:45 p.m.

(ATTACHMENT A)
Approval By Ratification of Formerly Approved License Applications
October 1, 2013 – December 31, 2013

Name (First, Middle, Last)			Date Issued	DC#
Gonzzo		Watson	10/3/2013	32744
Craig	Steven	Hartstein	10/3/2013	32745
Ernest	Dae En	Kim	10/3/2013	32746
Adam	Paul	Bordes	10/10/2013	32747
Dustin	Dean	Kalynchuk	10/10/2013	32748
Courtney	Jill	Meltvedt	10/10/2013	32749
Kody	Garret	Semrow	10/23/2013	32750
Brian	Michael	Pazera	10/24/2013	32751
John	David	Chapman	10/31/2013	32752
Joseph	Christopher	Coppolino	10/31/2013	32753
Yuliya		Gruppina	10/31/2013	32754
Daniel	James	Henrie	10/31/2013	32755
Cecelie		Moses Hymes	10/31/2013	32756
Natalie	Ann	Packer	10/31/2013	32757
Jacob	Ryan	Van Wickle	10/31/2013	32758
Eric	Andrew	Bender	11/6/2013	32759
Louis	Walterio	Camarillo	11/6/2013	32760
Adam	Paul	Harcourt	11/6/2013	32761
Gregory	William	King	11/6/2013	32762
Randi	Lynn	Ruela	11/12/2013	32763
Allene	Deanna	Rummage	11/12/2013	32764
Paul	Anthony	Tripp	11/12/2013	32765
Samuel	Booth	Wagg	11/12/2013	32766
Melissa	Anne	Crago	11/13/2013	32767
Kelly	Ann	Cullen	11/13/2013	32768
Robert	D	Curtis	11/13/2013	32769
Ainsley	Laurel	Duncan	11/13/2013	32770
Kimberly	Carol	Johnson	11/13/2013	32771
Brett	Allen	Jones	11/13/2013	32772
Kyler	Cutler	Mahoney	11/13/2013	32773
Lauren	Rachael	Ragazzo	11/21/2013	32774
Maia	Suzanne	Veague	11/21/2013	32775
Joshua	Aaron	Bray	11/22/2013	32776
Larry	Michael	Bubela	11/22/2013	32777

Johanna	Fay	Gan	11/22/2013	32778
Stephen	Bradley	Hill	11/22/2013	32779
Aaron	Michael	Lowe	11/22/2013	32780
Aaron	William	Lyon	11/22/2013	32781
Jeffrey	Allen	Payne	11/27/2013	32782
Michael		Shahbazian	11/27/2013	32783
David	Robert	Yates	11/24/2013	32784
Jesus		Cazares Perez	12/6/2013	32785
Brendan	John	Gray	12/6/2013	32786
Si	Dung	Le	12/6/2013	32787
Raheel	Ashraf	Mann	12/6/2013	32788
Ida		Molayem	12/6/2013	32789
Sarah	Michelle	Mongold	12/6/2013	32790
Ali		Pajouhesh	12/12/2013	32791
Vanessa	Teresa	Rodriguez	12/12/2013	32792
Brian	Hau-Sheng	Chen	12/13/2013	32793
Gabriella	Ovson	Cole	12/13/2013	32794
Travis	Michael	Dunlap	12/13/2013	32795
Troy	Gus	Garabedian	12/13/2013	32796
William	Richard	Holdsworth	12/13/2013	32797
Janice	Bretan	Jones	12/13/2013	32798
Katherine	Moroz Smith	Krivan	12/13/2013	32799
Alesandra	Nadia	Ilchena	12/18/2013	32800
Allan	M	Radman	12/20/2013	32801
Barry	Dean	Efflandt	12/24/2013	32802
Glen	Eric	Johanson	12/24/2013	32803

(ATTACHMENT B)

Ratification for New Continuing Education Providers

<u>CONTINUING EDUCATION PROVIDERS</u>	<u>DATE APPROVED</u>
1. <u>Ronald Brenner, DC</u>	<u>01/16/14</u>
2. <u>Leonard J Faye</u>	<u>01/16/14</u>
3. <u>Tom Grant Jr., DC</u>	<u>01/16/14</u>
4. <u>John Pecora, DC</u>	<u>01/16/14</u>
5. <u>Center for Advanced Energy Medicine</u>	<u>01/16/14</u>
6. <u>INFORMED</u>	<u>01/16/14</u>
7. <u>Robert J Fenell, DC</u>	<u>01/16/14</u>
8. <u>Gregg Friedman, DC</u>	<u>01/16/14</u>
9. <u>Glenn Maginness</u>	<u>01/16/14</u>
10. <u>Daljinder Singh, DC & Natalie Bausch</u>	<u>01/16/14</u>

(ATTACHMENT C)
Recommendation to Waive Two Year Requirement
on Restoration of a Cancelled License

Name (Last, First MI)	License No.	Cancellation Date
Pak, Sungmin	19938	08/30/2012
Young, Arlan	13720	10/31/2013