



State of California
Edmund G. Brown Jr., Governor

BOARD OF CHIROPRACTIC EXAMINERS PUBLIC SESSION MINUTES

April 29, 2014

Southern California University of Health Sciences
16200 Amber Valley Drive, Multipurpose Room #41
Whittier, CA 90604

Board Members Present

Sergio Azzolino D.C., Chair
Heather Dehn, D.C., Vice Chair
Julie Elginer, Dr. PH, Secretary
Dionne McClain, D.C.
John Roza, Jr., D.C.
Corey Lichtman, D.C.
Frank Ruffino

Staff Present

Robert Puleo, Executive Officer
Kristy Schieldge, Attorney III
Linda Shaw, Staff Services Manager
Sandra Walker, Staff Services Manager
Maria Martinez, Special Investigator
Dixie Van Allen, Associate Governmental Program Analyst
Valerie James, Management Services Technician

Call to Order

Dr. Azzolino called the meeting to order at 10:54 a.m.

Roll Call

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

Pledge of Allegiance

Mr. Ruffino led the Pledge of Allegiance.

Chair's Report

Dr. Azzolino acknowledged and thanked the students of Southern California University of Health Science for attending the Board meeting. He welcomed the new Board Members, Dr. Corey Lichtman, Dr. Dionne McClain and Dr. John Roza. Dr. Azzolino indicated that the Board adopted our 2014-2017 Strategic Plan and will be implementing our Strategic Goals. He reported on several goals for the Boards Committees. Dr. Azzolino stated that he and Mr. Puleo recently met with the Medical Board of California's President, Sharon Levine, MD and Executive Director, Kimberly Kirchmeyer to open lines of communications between the Boards.

Approval of Minutes

January 16, 2014 Board Meeting

Ms. Schieldge indicated that the minutes should state the adjournment at 8:45pm. She also recommended that the Board provide more detailed minutes. Mr. Puleo spoke on the rational of providing less detailed minutes since Board meetings are available for the public to view from the Board's website.

MOTION: MR. RUFFINO MOVED TO REFLECT THAT THE ADJOURNMENT OF THE PUBLIC PORTION OF THE MEETING WAS 5:30 PM ON THE SENATE FLOOR, THE BOARD RECONVIENED AT THE BOARD'S OFFICE AT 6:00 PM AND ADJOURNED AT 8:45 PM. THE MINUTES WILL REFLECT AN ADJORNMENT OF 8:45 PM

SECOND: DR. ELGINER SECONDED THE MOTION

Dr. Charles Davis representing the International Chiropractors Association of California (ICAC) came forward and agreed with providing more detailed minutes.

VOTE: 7-0

MOTION CARRIED

Dr. Azzolino requested that the Board Members and staff introduce themselves.

Executive Officer's Report

Mr. Puleo stated that he was very impressed with the attendance at the Board Meeting and encouraged the public to subscribe to our email notifications through our website. Mr. Puleo gave the Executive Officer's Report. The topics were Administration, Budget, Licensing, and Enforcement. Mr. Puleo gave a quick overview on the different type of complaints received, the various processes the Board takes to investigate complaints, how the Board closes complaints, and the steps taken towards progressive discipline.

Dr. Davis came forward and spoke on the licensing population. He also indicated that no licensee should speak to a Board Member relating to a complaint or discipline due to the fact they may have to recuse themselves if they have specific knowledge of the events.

Ratification of Approved License Applications

MOTION: MR. RUFFINO MOVED TO RATIFY THE APPROVED LICENSE APPLICATIONS

SECOND: DR. DEHN SECONDED THE MOTION

VOTE: 7-0

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. MCCLAIN SECONDED THE MOTION

VOTE: 7-0

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

Licensing, Continuing Education and Public Relations Committee Meetings Update

Dr. Dehn provided an update on the Licensing, Continuing Education and Public Relations Committee Meetings. She reported on the Committee's progress on auditing Continuing Education Providers' Continuing Education Courses, public outreach by creating newsletters and brochures, researching the possibility of licensing doctors who graduated from international colleges and creating a document identifying the top ten violations. Dr. Roza encouraged the students to look at the list of the most common offenses.

Dr. Mike Sackett, Dean of Los Angeles College of Chiropractic came forward and thanked the Board for having their meeting at the University. He also thanked the 67 interns who are in attendance. He then gave an overview of the degree programs the University offers.

Government Affairs Committee Meeting Update

Dr. Elginer thanked Dr. Dehn for her service and welcomed Dr. McClain to the Committee. Dr. Elginer spoke briefly on the modifications to the proposed Board Member Administrative Manual. The sections for modifications are: the process by which agenda items are brought before the Board; the process by which the Executive Officer's Evaluation takes place; adding discretion for the Board Chair to determine who can represent the Board when testifying at Budget hearings; specifying that the Vice Chair oversee the liaison assignments for the various entities listed in the Manual; and, lastly, adding four additional documents to the addendum.

Ms. Schieldge commented on the section titled Public Comment on page 11. She recommended adding the wording 'at the discretion of the Chair' and to place those words on the agenda. On page 12, section 2, subsection b, change 'Members' to 'Executive Officer' and remove the words 'and to report back to the Board.' Lastly, on page 26 under 'Ex Parte Communications,' under the third paragraph, add 'or a licensee or a respondent.'

MOTION: MR. RUFFINO MOVED TO AMEND THE SECTIONS AS DISCUSSED AND ACCEPT THE COMMITTEE AND BOARD ATTORNEY'S CHANGES TO THE BOARD MEMBER ADMINISTRATIVE MANUAL

SECOND: DR. DEHN SECONDED THE MOTION

VOTE: 7-0

MOTION CARRIED

Dr. Davis came forward and spoke on the original Board Member Administrative Manual's history and information and gave comment on the adopted changes.

Dr. Elginer reported on the proposed implementation plan and corresponding timelines for the Board's 2014-2017 Strategic Plan Goals. She also reported on a specific piece of legislation relating to Licensure and Renewal – Military. The Committee will table the adoption of this proposed regulation due to the applications being in a draft faze and will agendize it for the next Board meeting.

Dr. Elginer spoke on the legislative bill tracking process. She brought forward the following legislative bills for consideration:

AB 2165 (Patterson) – Professions and Vocations: Licenses
SB 218 (Yee) – California Traditional Chinese Medicine Traumatologist Certification
SB 981 (Huff) – Regulations: Review Process
Mr. Puleo provided a brief summary of each bill. Dr. Elginer would like to bring forward the Committee's recommendation to take an oppose position on the above three bills.

MOTION: DR. ELGINER MOVED TO TAKE AN OPPOSE POSTIONS ON AB 2165, SB 218 AND SB 981
SECOND: DR. DEHN SECONDED THE MOTION
VOTE: 7-0
MOTION CARRIED

Dr. Davis came forward and stated that he agrees with the Board on taking an oppose position on the three bills.

Dr. Elginer brought forward SB1256 (Mitchell) – Medical Services; Credit. Ms. Van Allen provided a status on this bill and Dr. Elginer provided a summary of the bill.

MOTION: MR. RUFFINO MOVED TO TAKE A SUPPORT POSTION ON SB 1256
SECOND: DR. DEHN SECONDED THE MOTION
VOTE: 7-0
MOTION CARRIED

Ms. Schieldge spoke on AB 2025 (Wilk) – Open Meetings. She expressed concerns regarding the impact this bill will have on the Board's ability to establish informal Committees to research specific issues. Mr. Puleo indicated that it should not be burdensome to the Board since all the Board's Committees have three members and the Board does not typically form smaller Committees.

MOTION: DR. AZZOLINO MOVED TO TAKE AN OPPOSE POSTIONS ON AB 2025
SECOND: DR. ELGINER SECONDED THE MOTION

Mr. Ruffino inquired where the bill currently is. Mr. Puleo indicated that it's currently pending in the Appropriations Committee.

MOTION: DR. AZZOLINO MOVED TO AMEND THE MOTION BY ADDING TO THE OPPOSITION POSTION DEFERRING SB 1256 TO STAFF FOR FURTHER RESEARCH FOR CLARIFICATION THEN SEND BACK TO COMMITTEE FOR CONSIDERATION
SECOND: MR. RUFFINO SECONDED THE MOTION

Dr. Davis came forward and stated his opinion regarding the disadvantages and advantages of this bill.

VOTE: 7-0
MOTION CARRIED

The Board moved to Agenda Item 12 – Discussion and Possible Action on the Physical Therapy Board Staff's Opinion on the Physical Therapist's Scope of Practice

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

Dr. Azzolino raised concerns about the qualifications and training of physical therapists performing chiropractic adjustments.

Mr. Puleo referred the Board to the handouts in the Board packet specifically the letter from the Physical Therapy Board. He indicated that the use of Grade-5 mobilization by physical therapists is a concern. Mr. Puleo also referred to the legal opinion from the Legislative Counsel which states a physical therapist is not authorized to perform manipulations.

Dr. Kenneth Winer representing the California Chiropractic Association (CCA) came forward and expressed CCA's concerns.

Mr. Puleo indicated that he spoke with the Physical Therapy Board's Executive Officer. The Executive Officer indicated that physical therapists are trained to perform Grade-5 mobilization and Occupational Analyses have determined that it is within their scope of practice.

Dr. Azzolino directed staff to post the legal opinion on our website and to share it with the Business and Professions Committee. Dr. Azzolino and Mr. Puleo will attempt to meet with the Physical Therapy's Board President and Executive Officer to discuss the Board's concerns.

The Board moved to Agenda Items 19 & 20 – Hearings Re: Petition for Early Termination of Probation and Hearings Re: Petition for Reinstatement of Revoked License

Hearings Re: Petition for Early Termination of Probation

Administrative Law Judge, David Rosenman, presided over and Deputy Attorney General Thomas Rinaldi appeared on behalf of the people of the State of California in the following hearings:

- A. Russell Maramag, D.C. – DC 32264
- B. Hector Oksenendler, D.C. – DC 12238

Hearings Re: Petition for Reinstatement of Revoked License

Administrative Law Judge, David B. Rosenman, presided over and Deputy Attorney General Thomas Rinaldi appeared on behalf of the people of the State of California on the following hearings:

- A. Antonio Valencia

Closed Session

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

Open Session

The Board went back into Open Session to resume Agenda Item 10 – Government Affairs Committee Meetings Update.

Government Affairs Committee Meeting Update

Ms. Schieldge spoke on SB 1159 (Lara) – Professions and Vocations: License Applicants: Federal Tax Identification Number. She discussed the issue of social security number verses illegal aliens and recommended the Board take an oppose or watch position. Dr. Elginer recommended continuing to take a watch position and Mr. Puleo and herself will speak with Julia Bishop of the Department of Consumer Affairs' Legislative and Regulatory Review Division.

Enforcement Committee Meetings Update

Dr. Azzolino provided an update on the Enforcement Committee Meetings. He reported that the Extracorporeal Shockwave Therapy (ECSW) proposed regulations will expire next month. Board staff was directed to research other states' policies on 'Failure to Refer' to determine if the Board's regulations need changing. The Committee had a discussion regarding the maintenance of patient records when a chiropractic office closes due to various situations. The Committee will be discussing whether the Board needs a statute of limitations for the filing of complaints.

Ms. Schieldge started to discuss the regulations to implement the Consumer Protection Enforcement Initiative (CPEI).

MOTION: DR. AZZOLINO MOVED TO TABLE CONSIDERATION OF AND POSSIBLE ACTION REGARDING PROPOSED REGULATIONS TO IMPLEMENT RECOMMENDATIONS TO STRENGTHEN ENFORCEMENT PROGRAMS PURSUANT TO CPEI FOR THE NEXT BOARD MEETING

SECOND: DR. ROZA SECONDED THE MOTION

VOTE: 7-0

MOTION CARRIED

The Board moved to item 13 – Discussion and Possible Action Regarding Chiropractors Performing Physical Examinations for High School Athletic Programs

Discussion and Possible Action Regarding Chiropractors Performing Physical Examinations for High School Athletic Programs

Ms. Schieldge spoke regarding her opinion on the letters provided by the California Interscholastic Federation, Schools Insurance Authority and the California Chiropractic Association. She indicated the challenges of the Board receiving an Attorney General's Opinion on this matter.

Mr. Puleo referred to the bill that passed allowing Chiropractors to perform examinations for truck drivers. Dr. Roza and Dr. Dehn expressed their concerns that Chiropractors are not allowed to perform physical examinations. Dr. McClain, Dr. Roza and Dr. Lichtman all expressed that the key is to refer a high school athlete if any concerns arise after an examination and not allow them to participate until they have been cleared.

MOTION: DR. AZZOLINO MOVED TO REFER THIS ITEM TO THE LICENSING, CONTINUING EDUCATION, PUBLIC RELATIONS COMMITTEE FOR FURTHER RESEARCH

SECOND: DR. ELGINER SECONDED THE MOTION

Dr. Sackett came forward and stated that the University does train interns in sports physicals and they would like to offer their support.

VOTE: 7-0

MOTION CARRIED

Discussion and Possible Action Regarding Board's Restoration Process for Non-Disciplinary License Renewal

Ms. Schieldge gave an overview on this item and stated that there is no authority for the Board to waive this requirement. She recommends staff to follow the process set forth by the Board in Section 371.

Discussion and Possible Action Regarding Options for Implementation of Uniform Standards for Substance Abusing Healing Arts Licensees (SB1441, Ridley-Thomas, Chapter 548, Statutes of 2008).

Ms. Schieldge gave an overview on this item and stated that she will work with staff to make revisions to the language. This item will be tabled for the next Board meeting.

Proposed Regulations

A. Sponsored Free Health Care Event

Ms. Van Allen reported that there was no public comments provided during the public comment period but there were some non-substantive changes required by the Department of Consumer that will be incorporated.

MOTION: DR. AZZOLINO MOVED TO TAKE ALL STEPS NECESARRY TO FINALIZE THE RULEMAKING PROCESS, AUTHORIZE THE EXECUTIVE OFFICER TO MAKE THE NON-SUBSTANTIVE CHANGES AND ADOPT THE REGULATIONS AS DISCUSSED

SECOND: DR. DEHN SECONDED THE MOTION

VOTE: 7-0

MOTION CARRIED

B. Licensure and Renewal – Military

This item will be tabled for the next Board Meeting

C. Extracorporeal Shock Wave (ECSW) Therapy

This item was previously discussed during the Enforcement Committee Meetings Update.

Public Comment for Items Not on the Agenda

No public came forward to provide comment.

Future Agenda Items

Mr. Puleo indicated that the next Board meeting will be July 17th and Dr. Elginer indicated that she may not be able to attend. Mr. Puelo will work with the Board Members and Board's Attorney to see if the Board Meeting date may change.

Adjournment

Dr. Azzolino adjourned the meeting at 6:50 p.m.

(ATTACHMENT A)
Approval by Ratification of Formerly Approved License Applications
January 1, 2014 - March 31, 2014

Name (First, Middle, Last)			Date Issued	DC#
Kaitlin	Elyse	Bowen	1/10/2014	32804
Ciara	K	Cappo	1/10/2014	32805
Cory	Robert	Ellerbroek	1/10/2014	32806
Seunghyo		Lee	1/10/2014	32807
Tuong	Manh	Mai	1/10/2014	32808
Karin		Nealon	1/10/2014	32809
April	Marie	Smith	1/10/2014	32810
Heidi	Leigh	Henson	1/15/2014	32811
Roderick	Jude	O'Reilly	1/21/2014	32812
Lila	Nicole	Baker	1/29/2014	32813
Anthony	Thanh	Dao	1/29/2014	32814
Tzu	Chiang	Fan	1/29/2014	32815
Marc	Lior	Glikin	1/29/2014	32816
Nichelle	Francavilla	Gurule	1/29/2014	32817
Gregory	Michael	Huron	1/29/2014	32818
Osondu	Kevin	Jasper-Duruzor	1/29/2014	32819
Jonathan	James	Nowland	1/29/2014	32820
Zachary	Aaron	Rushing	1/29/2014	32821
Athena		Su-Le	1/29/2014	32822
Brent	Adam	Caplan	2/7/2014	32823
Samantha	Nichole	Dean	2/7/2014	32824
Brian	Richard	Flannery	2/7/2014	32825
Jessica	Virginia	Franco	2/7/2014	32826
Tiffany	Nicole	Mass	2/7/2014	32827
James	Lee	Moltzen	2/7/2014	32828
Raghav	Scott	Noble	2/7/2014	32829
Brady	Christopher	Salcido	2/7/2014	32830
Matthew	Donald	Santos	2/7/2014	32831
Katherine	Hee	Chang	2/12/2014	32832
Michelle	Walker	Falvey	2/12/2014	32833
Michael	Zachary	Fauce	2/12/2014	32834
Sabrina	Saldana	Quinene	2/12/2014	32835
Ivan	Alexander	Sanchez	2/12/2014	32836
Nicholas	Gene	Vanderhyde	2/12/2014	32837
Olivia		Chu	2/14/2014	32838

Jonathan	Daryl	Dawson	2/14/2014	32839
Guy	Taylor	Gunter	2/14/2014	32840
John	Taylor	Holland	2/14/2014	32841
Jonathan	Michael	Torrijos	2/14/2014	32842
Vasiliki		Tsakiri	2/14/2014	32843
Andrea	Ming-Hwey	Wong	2/14/2014	32844
Audrey	Jade	Bertsch	2/19/2014	32845
Casey	Leigh	Eisenbach	2/19/2014	32846
Ryan	Lee	Hanstad	2/19/2014	32847
Dean	Scott	Jones	2/19/2014	32848
Deborah	Anne	Marin	2/19/2014	32849
Jennifer	Elizabeth Mix	Santos	2/19/2014	32850
Noah	Curtis	Swanson	2/19/2014	32851
Joseph	Mark	Blum	2/20/2014	32852
Jaqueline	Renee	Grant	2/20/2014	32853
Jay	Daniel	Libs	2/20/2014	32854
Andrew	Samuel	Lopez	2/20/2014	32855
Drew	Scott	McClure	2/20/2014	32856
Mohamed		Rasheed	2/20/2014	32857
Sandra	Jean	Saville	2/20/2014	32858
Naveen	Kumar	Sharma	2/20/2014	32859
Yojiro		Sudo	2/20/2014	32860
Shih-Ying		Tsai	2/20/2014	32861
Crispin	Robert	Woods	2/20/2014	32862
Nathan	Alan	Yeargin	2/20/2014	32863
Deborah	Lee	Benlien	2/26/2014	32864
Aaron	Jake	Bera	2/26/2014	32865
Ara		Cherik	2/26/2014	32866
Brian	Christopher	Eder	2/26/2014	32867
Jamie	Jiamei	He	2/26/2014	32868
Jessica	Elaine	Jaffe	2/26/2014	32869
Solomon	Daegun	Kim	2/26/2014	32870
Christopher	Linn	Nizer	2/26/2014	32871
Mahsa		Ostovarinia	2/26/2014	32872
Daniel	Scott	Shannon	2/26/2014	32873
Nicholas	Richard	Baker	2/28/2014	32874
Michael	Shane	Carter	2/28/2014	32875
Roger	Allen	Dexter	2/28/2014	32876
Nicholas	James	Divan	2/28/2014	32877
Jessica		Grichy	2/28/2014	32878
Ryan	David	Iskenderian	2/28/2014	32879
Jennifer	Marie	Lane	2/28/2014	32880

Julianne	Christine	Thake	2/28/2014	32881
Daniel	Goshu	Agegnehu	3/11/2014	32882
Ka Yu		Lee	3/11/2014	32883
Steven	Avi	Shoshany	3/11/2014	32884
Corey	Allen	Todhunter	3/11/2014	32885
Sidhartha		Jandial	3/13/2014	32886
James	William	McCluskey	3/13/2014	32887
Daniel	Eric	Mutter	3/13/2014	32888
Bradley	James	Bailey	3/14/2014	32889
Jacklyn	Dawn	Casab	3/14/2014	32890
Cole	Edward	Reschke	3/14/2014	32891
Marijan	Mario	Tolj	3/14/2014	32892
Jared	Mosiah	Young	3/14/2014	32893
Cristina	Teresa	Bradley	3/20/2014	32894
Carlos		Carrazana	3/20/2014	32895
Joshua	Barry	Jagoda	3/20/2014	32896
Taiga		Suzuki	3/20/2014	32897
Joshua	Jay	Ballenger	3/27/2014	32898
Taylor	James	Griffith	3/27/2014	32899
Hooman		Hamidi	3/27/2014	32900
Marcia-Marie		Hoyt	3/27/2014	32901
Amy	Deanne	Logan	3/27/2014	32902
Raena		Lu	3/27/2014	32903
Derrell	Edward	Pratt-Blackburn	3/27/2014	32904
Jennifer	Marie	Skinner	3/27/2014	32905
Elizabeth	Katharine	Collier	3/28/2014	32906
John	Joseph	Dwyer	3/28/2014	32907
Erin	Christine	Fisher	3/28/2014	32908
Brian		Manas	3/28/2014	32909
John	Thomas	McGoldrick	3/28/2014	32910
Steven	Ian	Rudnitzky	3/28/2014	32911
Natasha	Merika	Smith	3/28/2014	32912
Jan	Carlo	Zegarra	3/28/2014	32913

(ATTACHMENT B)

Ratification for New Continuing Education Providers

<u>CONTINUING EDUCATION PROVIDERS</u>	<u>DATE APPROVED</u>
1. <u>Bradley J Kenny, DC</u>	<u>04/29/14</u>
2. <u>CMCS Management, Inc</u>	<u>04/29/14</u>
3. <u>HealthPath Education</u>	<u>04/29/14</u>
4. <u>Panaxea International</u>	<u>04/29/14</u>
5. <u>Central Valley Pain Management</u>	<u>04/29/14</u>
6. <u>The Lotus Institute, Inc.</u>	<u>04/29/14</u>
7. <u>69 Dollar Chiro CE</u>	<u>04/29/14</u>
8. <u>Mark Romeo Algee</u>	<u>04/29/14</u>
9. <u>Nancy M Armstrong</u>	<u>04/29/14</u>
10. <u>SEROYAL</u>	<u>04/29/14</u>
11. <u>Chady F Wonson, DC</u>	<u>04/29/14</u>
12. <u>Healing Opportunities</u>	<u>04/29/14</u>
13. <u>Provider Compliance Solutions, Inc</u>	<u>04/29/14</u>
14. <u>OptumHealth Education</u>	<u>04/29/14</u>
15. <u>Postural Restoration Institute</u>	<u>04/29/14</u>
16. <u>Barton University</u>	<u>04/29/14</u>
17. <u>Lotus Institute of Integrative Medicine</u>	<u>04/29/14</u>
18. <u>Steven G. Becker, DC</u>	<u>04/29/14</u>