



BOARD OF CHIROPRACTIC EXAMINERS PUBLIC SESSION MINUTES

July 30, 2015
State Capitol
First Floor, Senate Committee Room 113
Sacramento, CA 95814

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
Spencer Walker, Attorney III
Linda Shaw, Assistant Executive Officer
Sandra Walker, Staff Services Manager I
Dixie Van Allen, Staff Services Manager I
Valerie James, Management Services Technician
Nikkia Capizzano, Office Technician

Call to Order

Dr. Azzolino called the meeting to order at 9:07 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 welcomed Dr. Elginer's, Dr. McClain's and Mr. Ruffino's children and thanked them for attending the meeting. He congratulated Ms. Shaw on her promotion as Assistant Executive Officer. He also highlighted some of the significant projects that each Committee is working on.

Approval of Minutes

Dr. Elginer requested amendments to the minutes as follows:

- Page 1- Roll Call- The April 16, 2015, Minutes should state, "Mr. Ruffino"
- Page 1- Roll Call-The June 22, 2015, Minutes should state, "Dr. Elginer"

MOTION: MR. RUFFINO MOVED TO APPROVE THE APRIL 16, 2015 AND JUNE 22, 2015 MINUTES AS AMENDED.

SECOND: DR. MCCLAIN SECONDED THE MOTION

VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE DR. BOZA-AYE MR. BUEEINO-AYE)

DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-AYE)

MOTION: CARRIED

Executive Officer's Report

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

Mr. Puleo referred to the Board's outreach pamphlets, one pamphlet provided information about the Board of Chiropractic Examiners and the other providing information about chiropractic and what to expect when being treated by a chiropractor. He also advised the Board Members of the mandatory training required in 2015, which consists of Board Member Orientation, Ethics, Sexual Harassment and Defensive Driving. He provided some highlights on The Health Care Executive Officer Council specific to online participation for public meetings. Lastly, he announced that Ms. Shaw has been appointed as Assistant Executive Officer and Ms. Van Allen has been appointed as the Licensing Unit Manager, which has left the Policy Analyst position vacant.

Mr. Puleo provided an update of the Board's fund condition and advised that there haven't been any significant changes since the last meeting. He introduced Cynthia Dines, Budget Manager and Marisa Ochoa, Budget Analyst, from DCA's Budget Office. Ms. Dines provided an overview of the Board's budget and a brief explanation of the Budget Change Proposal process.

Mr. Puleo summarized the Board's licensing statistics and stated there haven't been any significant changes since the last meeting. He also reported on the Enforcement statistics and provided a brief overview of enforcement activity since the last Board Meeting. There was a discussion surrounding the Continuing Education audit process. Dr. Roza requested that an insert be placed with renewals advising licensees about compliance with Continuing Education requirements.

Ratification of Approved License Applications

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

SECOND: DR. DEHN SECONDED THE MOTION

VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN-AYE,

DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-AYE)

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: MR. RUFFINO SECONDED THE MOTION

VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN-AYE,

DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-AYE)

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

There were no denied license applications.

BCE Licensing, Continuing Education and Public Relations Committee Meeting Update Dr. Dehn reported that the Licensing, Continuing Education (CE) and Public Relations Committee is currently working on Continuing Education Regulations as well as Lapel Pins. She gave the history of the revisions to the current CE Regulations. She also provided information on the Providers of Approved Continuing Education (PACE) program, which pre-qualifies CE providers. Dr. Elginer agreed with PACE philosophy. Lastly, Dr. Dehn brought the proposed language for Sections 371 forward for discussion.

MOTION: DR. DEHN MOVED, ON BEHALF OF THE COMMITTEE, TO APPROVE THE PROPOSED LANGUAGE FOR TITLE 16, CALIFORNIA CODE OF REGULATIONS, SECTIONS 371 & 371.1 CARDIOPULMONARY RESUSCITATION/BASIC LIFE SUPPORT TRAINING WITH THE FOLLOWING AMENDMENTS TO SUBDIVISIONS (C), (E1), (F) AND (G1), OF SECTION 371:

- DELETE- <u>CPR/BASIC LIFE SUPPORT CERTIFICATION REQUIREMENTS</u>, IN <u>SECTION</u> 371.1
- ADD- THE REQUIREMENTS OF SECTION 371.1.

VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN -AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-AYE) MOTION: CARRIED

MOTION: DR. AZZOLINO MOVED TO DIRECT STAFF TO TAKE ALL NECESSARY STEPS TO INITIATE THE FORMAL RULEMAKING PROCESS WITH THE PROPOSED TEXT FOR SECTIONS 371 & 371.1 AND AUTHORIZE THE EXECUTIVE OFFICER TO MAKE ANY NON-SUBSTANTIVE CHANGES TO THE RULEMAKING PACKAGE AND DIRECT STAFF TO INITIATE A 45-DAY COMMENT PERIOD.

SECONDED: DR. DEHN SECONDED THE MOTION

VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN -AYE,

DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-AYE)

MOTION: CARRIED

Following the Licensing, Continuing Education (CE) and Public Relations Committee update, Dr. Dehn reported on her participation at the National Board of Chiropractic Examiners (NBCE) Practical Examination Test Committee and gave an overview of the NBCE exam process.

BCE Government Affairs Committee Meeting Update

Dr. Elginer provided a brief overview of the Committee's progress on action items in the Strategic plan. Dr. Elginer requested suggestions on how to fulfill Goal 4.2.5 of the Strategic Plan. Dr. Dehn suggested a summary of staff duties with the Board's organization chart. Dr. Elginer referred to a handout in the Board packets titled "Communications Assessment," which would meet Goal 7.2, to establish open lines of communication with government stakeholders to ensure the Board is well informed about information relevant to the chiropractic profession. Lastly, Dr. Elginer provided status updates and recommended positions on various Legislative bills. There were discussions surrounding Legislative Bills AB 12 (Cooley) – State Govt.: Administrative Regulations: Review, AB 333 (Melendez) - Healing Arts: Continuing Education, AB 410 (Obernolte) – Documents submitted to Legislative Committees, AB 179 (Bonilla) - Healing Arts: Continuing Education. Dr. Elginer volunteered to provide the Board social media training. The Board Members agreed that the Board would benefit from this training and would like to have it at the next Board meeting at the Southern California University of Health Sciences 2016.

MOTION: DR. ELGINER MOVED, ON BEHALF OF THE COMMITTEE, TO TAKE A POSTION OF "OPPOSE" ON AB 85- (WILK) - OPEN MEETINGS VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN -AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-AYE) MOTION: CARRIED

MOTION: DR. ELGINER MOVED, ON BEHALF OF THE COMMITTEE, TO TAKE A "NEUTRAL" POSTION ON THE FOLLOWING:
AB 12 (COOLEY) - STATE GOVT.: ADMINSTRATIVE REGULATIONS: REVIEW
AB 333 (MELENDEZ)-HEALING ARTS: CONTINUING EDUCATION
AB 410 (OBERNOLTE) - DOCUMENTS SUBMITTED TO LEGISLATIVE COMMMITTEES
AB 179 (BONILLA) - HEALING ARTS: CONTINUING EDUCATION

Dr. Dehn inquired about the reasons for the neutral recommendation on AB 333. Mr. Puleo stated that while we support the intent of this bill, it only offers licensees a small incentive to take the CPR Courses. Furthermore it's not directly related to the BCE's proposed CPR regulation, the Board wants to adopt. Mr. Walker advised the Board that they could make a new motion if they want to support AB 333 (Melendez) Healing Arts.

MOTION: DR. ROZA MOVED TO TAKE A "SUPPORT" POSITION ON AB 333 (MELENDEZ)-HEALING ARTS; CONTINUING EDUCATION INSTEAD OF A "NEUTRAL" POSITION SECONDED: DR. ELGINER SECONDED THE MOTION VOTE: 7-0 (DR. AZZOLINO- AYE, DR. DEHN- AYE, DR. ELGINER- AYE, DR. LICHTMAN - AYE, DR. MCCLAIN- AYE, DR. ROZA- AYE, MR. RUFFINO- AYE) MOTION: CARRIED

MOTION: DR. ELGINER MOVED ON BEHALF OF THE COMMITTEE TO TAKE A "NEUTRAL" POSTION ON THE FOLLOWING:

AB 12 (COOLEY) - STATE GOVT.: ADMINSTRATIVE REGULATIONS: REVIEW
AB 410 (OBERNOLTE) - DOCUMENTS SUBMITTED TO LEGISLATIVE COMMMITTEES
AB 179 (BONILLA) - HEALING ARTS: CONTINUING EDUCATION

VOTE: 7-0 (DR. AZZOLINO- AYE, DR. DEHN- AYE, DR. ELGINER- AYE, DR. LICHTMAN -

AYE, DR. MCCLAIN- AYE, DR. ROZA- AYE, MR. RUFFINO- AYE)

MOTION: CARRIED

BCE Enforcement Committee Meeting Update

Dr. Azzolino reported on the SB1441 Uniform Standards Related to Substance Abusing Licensees, The Committee decided to remove the Uniform Standards from the Disciplinary Guidelines proposed language until further notice from DCA's Legal Office. Dr. Elginer asked for clarification on the Language. Specifically to page 8 under Category 1 section 304, to which states "Discipline by another Jurisdiction". Mr. Puleo stated that Section 304 is not being amended, and the Board should keep this language consistent with the existing law, which currently states, "Discipline by another state". Dr. Azzolino reported that the Committee discussed the need for amendments to Government Code Section 11522, which would allow the Board to defer Petitioner hearings for licensee's that have been revoked or suspended to an Administrative Law Judge. The Committee felt strongly about retaining their ability to hold Petition Hearings before the Board. Lastly, the Committee discussed question number 3 on the Petition Application the committee has been advised that concerns regarding this question have been addressed.

MOTION: DR. AZZOLINO MOVED, ON BEHALF OF THE COMMITTEE, TO APPROVE THE PROPOSED REVISIONS TO THE DISCIPLINARY GUIDELINES.

DISCUSSION: Dr. Elginer inquired about whether the language under page 8 of the CCR Section 304 should say "State or Jurisdiction". Mr. Puleo advised that this should say "State" for consistency with the current Regulatory Language.

VOTE: 7-0 (DR. AZZOLINO-AYÉ, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN -AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-AYE)

MOTION: CARRIED

MOTION: DR. AZZOLINO MOVED TO APPROVE THE PROPOSED REVISED LANGUAGE FOR TITLE 16, CALIFORNIA CODE OF REGULATIONS SECTION 384, AND TO DIRECT STAFF TO TAKE ALL NECESSARY STEPS TO INITIATE THE FORMAL RULEMAKING PROCESS WITH THE PROPOSED TEXT FOR SECTION 384 AND AUTHORIZE THE EXECUTIVE OFFICER TO MAKE ANY NON-SUBSTANTIVE CHANGES TO THE RULEMAKING PACKAGE AND DIRECT STAFF TO INITIATE A 45-DAY COMMENT PERIOD

SECONDED: MR. RUFFINO SECONDED THE MOTION

VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN -AYE,

DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-AYE)

MOTION: CARRIED

The Board moved to Agenda Item 15- Hearings Re: Reinstatement of Revoked License Administrative Law Judge, Ann Sarli, presided over and Deputy Attorney General David Brice appeared on behalf of the people of the State of California in the following hearings:

- A. Daniel Martello
- B. Keith Ohanesian

The Board moved to Agenda Item 16-Hearings Re: Petition for Early Termination of Probation and/or Reduction of Penalty

Administrative Law Judge, Ann Sarli, presided over and Deputy Attorney General David Brice appeared on behalf of the people of the State of California in the following hearing:

A. James Driscoll, D.C. – DC 19102

BCE Curriculum Focus Group

Dr. Dehn gave a brief update on the activates of the Curriculum Focus Group. Dr. Elginer added that the schools have been actively participating.

Discussion and Possible Action Regarding BCE Recognition of Chiropractic Specialty Boards

Dr. Azzolino tabled this item.

Discussion and Possible Action Regarding Specialty Advertising by BCE Licensees Dr. Azzolino tabled this item.

Public Comment for Items Not on the Agenda

None

Future Agenda Items

Dr. McClain requested staff to post information about the Bagley Keene Act on the Board's website and Social Media.

Following public comment, Mr. Puleo introduced Michelle Stout from the Department of Consumer Affairs Board Relations Office. Ms. Stout commented that she relayed social media concerns to Christine Lally.

Closed Session

Following oral testimonies, the Board went into Closed Session for deliberation and determinations regarding petitioners.

Closed Session to receive advice from Legal Counsel Pursuant to California Government Code Section 11126(e) regarding:

- 1) Jonathan Widenbaum, D.C. v. California Department of Consumer Affairs/Board of Chiropractic Examiners, Cal.Ct.App. (1st app. Dist.), Case No. A142454
- 2) Hugh Lubkin, D.C. v. Board of Chiropractic Examiners
- 3) Workers' Compensation Case No. ADJ7361379

Open Session

The Board went back into Open Session and moved to agenda item 13.

The Board moved to Agenda Item 13-Updates on Proposed Regulations and Proposed Regulatory Changes

Mr. Walker reported that the Business Consumer Services and Housing Agency and the Department of Consumer Affairs require the Boards and Bureaus to move forward with the Regulations for Uniform Standards for Substance Abusing Licensees. Ms. Van Allen commented that CPR, Application for Licensure and Uniform Standards are top priority Rulemaking packages. She also stated that Sponsored Free Health Care Events package is complete. The Board prioritized pending Rulemaking packages into the following groups:

	Group A			
1	Application for Licensure (CCR Section 321)			
2	Consumer Protection Enforcement Initiative			
3	Uniform Standards for Substance Abusing Licensees			
	Group B			
1	Revisions to BCE Disciplinary Guidelines			
2	Mandatory Cardiopulmonary Resuscitation (CPR) Certification for all licensees			
3	Comprehensive Revisions/Updates to CCR Article 4 (Sections 330 – 331.16) – Approved Schools & Qualifications of Applicants (Curriculum Requirements) Continuing Education Requirements (CE Provider and Course Approval			
	Group C			
1	Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice or Death/Incapacity of Licensee			
2	Continuing Education Requirements(CE Provider and Course Approval)			
3	Amend or Repeal CCR Section 354 - Successful Examination (Obsolete provision)			

Adjournment

Dr. Azzolino adjourned the meeting at 3.48 p.m.

(ATTACHMENT A)

Approval by Ratification of Formerly Approved License Applications April 1, 2015 – June 30, 2015

Name (First,	Middle, Last)		Date Issued	DC#
Parker	Clive	Dominique	4/9/2015	33251
Joseph	Quincy	Fair	4/9/2015	33252
Deanna	Frances	Hartsough	4/9/2015	33253
Lisa	Michell	Ortiz	4/9/2015	33254
Danny	Louis	Rives	4/9/2015	33255
Dana	Marie	Robinson	4/9/2015	33256
Patrick	Lester	Sau	4/9/2015	33257
Erick	Carl	Swenson	4/9/2015	33258
Chris	Allen	Hengesteg	4/13/2015	33259
Trevor	Ka'eo	Minton	4/13/2015	33260
Cynthia	Denise	Smith	4/13/2015	33261
Sirlina	Charise	Cook	4/13/2015	33262
Anna	Christine	Nusslock	4/13/2015	33263
John	Tecumseh-Wallace	Ball	4/16/2015	33264
Derek	Kenneth	Ko	4/16/2015	33265
John	Edward	Wolfgang	4/16/2015	33266
Margaret	Noel	Zepfel	4/16/2015	33267
Krystal	Marie	Drwencke	4/23/2015	33268
Derek	James	Libby	4/23/2015	33269
Torrey	Lynn	Schroeder	4/23/2015	33270
Abby	Marie	Sirovica	4/23/2015	33271
Seth	Matthew	Towner	4/23/2015	33272
Noah	Stephen	Djuric	4/29/2015	33273
Theresa	Marie	Fleege	4/29/2015	33274
Melissa	Marie	Hoar	4/29/2015	33275
Sungho		Jang	4/29/2015	33276
Meagan	Aylene	Kitt	4/29/2015	33277
Nasim		Nemat-Gorgai	ni 4/29/2015	33278
Alan	Rillorta	Floresca	5/4/2015	33279
Bria	Lauren	lacini	5/4/2015	33280
Andy		Chiang	5/5/2015	33281
Timothy	David	Lanier	5/5/2015	33282
Su Joung		Youk	5/5/2015	33283

Joshua	Natan	Caya	5/6/2015	33284
Monica	Liliana	Grove	5/6/2015	33285
Andrew	Edmund	Magsumbol	5/6/2015	33286
Joseph	Richard	Martinez, Jr.	5/7/2015	33287
Jennifer	Lynn	McCleary	5/7/2015	33288
Sarah	Marie	Alfon	5/8/2015	33289
Josephine	Inez	Morales	5/8/2015	33290
Rebecca	Jane	Fidler	5/19/2015	33291
Steven	Wayne	Fleek	5/19/2015	33292
David	Kun Ju	Chen	5/29/2015	33293
Jordan	Bernard	Cohen	5/29/2015	33294
Haron	Hashmat	Kazem	5/29/2015	33295
Maria	Anjoline	Lopez	5/29/2015	33296
Andrea	Kimberly	Cavalla	6/3/2015	33297
Shane	Anthony	Edwards	6/3/2015	33298
Hanmo		Gu	6/3/2015	33299
Ahmad	Naweed	Kazem	6/3/2015	33300
Manasseh	Chibuzor	Nwaigwe, Jr.	6/3/2015	33301
Sydne	Michelle	Pomin	6/3/2015	33302
Kristina	Herrera	Portillo	6/3/2015	33303
Jonathan	Rickie	Price	6/3/2015	33304
Jaime	Sebastian	Tojos	6/3/2015	33305
Juan	Carrasco	Torres	6/3/2015	33306
Gilbert	Mathew	Ziebell IV	6/3/2015	33307
Souren		Alexanian	6/11/2015	33308
Jesse	Ellis	Call	6/11/2015	33309
Patrick	James	Cucarola	6/11/2015	33310
Aimee	Rose	Duarte	6/11/2015	33311
Charles	Richard	Fagenholz	6/11/2015	33312
Monica		Felix	6/11/2015	33313
Nicholas	Popplein	Hall	6/11/2015	33314
Melisa		Keo	6/11/2015	33315
Rupeshbhai	Arvindbhai	Patel	6/11/2015	33316
Anne	Marjorie	Yeakel	6/11/2015	33317
Karl	Joseph	Baune	6/12/2015	33318
Christopher	John	Boman	6/12/2015	33319
Joshua	David	Paredes	6/12/2015	33320
Ashlyn	Elizabeth	Lanes	6/15/2015	33321
Amber	Jean	Truelove	6/15/2015	33322
Cordie	Lee	Williams	6/15/2015	33323
Zayneb		El-Shibib	6/23/2015	33324
Fereshteh		Saeeda	6/23/2015	33325

Geoffrey	Ronald	Hargett	6/25/2015	33326
Alexsandra		Kaykov	6/25/2015	33327
John	Knox	Maltby II	6/25/2015	33328
Douglas	Thomas	Morris	6/25/2015	33329
Jordan	Curtis	Wishmyer	6/25/2015	33330
Roni		Yani	6/25/2015	33331
Ren-Tsz		Yeh	6/25/2015	33332
Ronnie	Jon	Boesch	6/26/2015	33333
Sarah	Ashlee	Ferguson	6/26/2015	33334
Gary	Thomas	Wilson	6/26/2015	33335
Yi-Chen		Chen	6/30/2015	33336
Kristyn	Lynn	Silver	6/30/2015	33337

(ATTACHMENT B)

Ratification for New Continuing Education Providers

DATE APPROVED
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