



State of California
Edmund G. Brown Jr., Governor

**BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES**
February 16, 2017
The Hilton Los Angeles Airport
5711 West Century Boulevard, La Jolla Ballroom
Los Angeles, CA 90045

Board Members Present

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

Staff Present

Robert Puleo, Executive Officer
Spencer Walker, Attorney III
Dixie Van Allen, Staff Services Manager I
Marcus McCarther, Associate Governmental Program Analyst
Valerie James, Management Services Technician

Call to Order

Dr. Dehn called the meeting to order at 9:41 a.m.

Roll Call

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

Pledge of Allegiance

Mr. Ruffino led the Pledge of Allegiance.

Chair's Report

Dr. Dehn acknowledged Dr. Azzolino for his efforts as the Board's previous Chair and congratulated Mr. Ruffino on being elected as the Board's new Vice Chair. She shared that the Board would continue working towards its goals, such as testifying before the Joint Sunset Review Committee on February 27th, promulgating nine pending regulations, completing the goals and objectives identified in the 2017-2019 Strategic Plan. Additionally, the Board will continue to work on active projects, such as working with stakeholders to establish minimum requirements for CE providers, updating

curriculum requirements and expanding the Board's outreach efforts. Lastly, Dr. Dehn announced new committee assignments and explained that they were restructured to achieve efficiencies by eliminating overlap of jurisdiction and duplicative responsibilities.

Approval of Minutes

October 14, 2016

MOTION: DR. AZZOLINO MOVED TO APPROVE THE OCTOBER 14, 2016 MINUTES.

SECOND: MR. RUFFINO SECONDED THE MOTION

Discussion:

Dr. Elginer referred to page seven and suggested that the process mapping be built into the Strategic Plan. She suggested to the Government Affairs committee that a future discussion item should be the start time for petitioner hearings.

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

January 12, 2017

MOTION: DR. ELGINER MOVED TO APPROVE THE JANUARY 12, 2017 MINUTES
SECOND: DR. MCCLAIN SECONDED THE MOTION

Discussion:

Dr. Dehn correct page 2 – Motion: change “Dhen to “Dehn”

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

Executive Officer's Report

Mr. Puleo announced that Andrea Mendes accepted the Staff Services Analyst position in the Compliance Unit. Additionally, the Board hired Joanne Mikami a retired annuitant to work on the regulations. Lastly, Star Jennings accepted the Office Technician position in the Administrative/Licensing Unit.

Mr. Puleo provided an update on the Board's fund condition and the loan repayment. He shared that he met with Department of Consumer Affairs (DCA) Budget Office to discuss the Board's declining fund condition. Mr. Puleo explained that the fund condition is declining due to the loan repayment to the Bureau of Automotive Repair (BAR) and does not have enough funds coming in to replenish the BCE's reserve.

Mr. Puleo informed the Board that there will be a need to increase fees to address the BCE's declining reserve fund.

Dr. Elginer requested clarification on the Board's loan repayment. She also had questions regarding pro rata and requested a meeting with DCA's budget office to discuss these matters.

Mr. Walker suggested that the Board invite DCA's Budget Office to attend the next Board meeting.

Dr. Dehn suggested that staff obtain a list from the Budget Office that details the pro rata services available.

Mr. Puleo summarized the Board's licensing statistics and stated that there were no significant changes in the licensee population.

Dr. Roza requested that staff gather additional information regarding chiropractic college enrollment trends.

Mr. Puleo summarized the Board's enforcement statistics and provided a brief overview of enforcement activity since the last Board Meeting.

Dr. Azzolino requested clarification on the increase in accusations filed.

Mr. Puleo responded that the increase is not due to anything specific other than complaints that have resulted in the more egregious violations escalating to an accusation. Finally, he noted that if he continues to see an increase in accusations filed, he would conduct additional research on this matter.

Mr. Puleo announced that he was awarded a scholarship by the National Board of Chiropractic Examiners (NBCE) and the Federation of Chiropractic Licensing Boards (FCLB) to attend FCLB's 91st Annual Educational Congress in May 2017.

Mr. Puleo referred to the Strategic Plan for the Board to review.

Dr. Elginer suggested that an adopted date be placed on the first page, an initiation date and estimated completion date columns be added to each goal, and a revision date be added to the document. She also suggested the Executive Officer and staff review the strategic plan action item completion dates to ensure the timeframes are realistic for completion.

Mr. Puleo commented that staff completes action items on an ongoing basis. He also shared that he has staff working with DCA SOLID to convene team building exercises for both staff and Board Members.

Dr. Jonathon Egan, Dean of the Los Angeles College of Chiropractic (LACC) requested clarification on the completion dates on page six goals 1.1.3 and 1.2.1, and questioned whether the completion dates should be Q4 2014 and Q1 2016.

Dr. Dehn responded that both the 1.1.3 and 1.2.1 have not been completed and those are goals that have been carried over from the previous Strategic Plan 2014-2017.

Dr. Elginer suggested adding an initiation date column. She also suggested that any items that have been carried over from the previous Strategic Plan should be noted on the current strategic plan.

Dr. Dehn suggested that each Board committee review the strategic plan goals and make a plan to address them. Lastly, she shared that she would work with Dr. Elginer to address goal 1.5.1.

Mr. Puleo stated that he would send an electronic version of the strategic plan that includes an assignments column to each Board Member.

Mr. Ruffino requested that the committee liaisons identify goals from the strategic plan and agendaize the goals on upcoming committee agendas.

Mr. Puleo announced that the Joint Legislative Sunset Review hearing is scheduled for February 27, 2017 and that the Board is waiting for the background paper from the legislature. He also shared that the legislative committee had questions regarding the BCE budget and licensing statistics, Additionally, Mr. Puleo explained that there could be specific questions the Board would need to respond to at the hearing.

Dr. McClain requested clarification on who will attend the Joint Legislative Sunset Hearing on February 27, 2017.

Mr. Puleo responded that the Board's Chair and the Executive Officer typically testify a hearing. However, he encouraged all board members to attend.

Ratification of Approved License Applications

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

SECOND: DR. AZZOLINO 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. LICHTMAN MOVED TO RATIFY THE APPROVED CONTINUING EDUCATION PROVIDERS.

SECOND: DR. AZZOLINO 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.

Discussion on Restructure and Assignments to BCE Committee's

Dr. Dehn announced a restructure to the Board's committee assignments as follows: Licensing and Continuing Education is composed of Dr. McClain, Chair, and Dr. Elginer with Brianna Lauziere as the staff liaison. The Enforcement Committee consists of Dr. Azzolino, Chair, and Dr. Roza with Andreia Mendes as the staff liaison. Lastly, the Government and Public Affairs Committee consist of Mr. Ruffino, Chair, and Dr. Lichtman with Marcus McCarther as the staff liaison.

Dr. Elginer asked for clarification in regards to what happens if the two committee members disagree and would like to bring the item to the board on behalf of the committee for discussion.

Mr. Ruffino shared that the Committees would not bring items as a recommendation on behalf of the committee.

Mr. Puleo added that the two-person committees would act in more of an informal capacity conducting research for the Board and then bringing items forward to the full Board for discussion and potential action.

Mr. Walker recommended that members who attend the Sunset Review Hearing not discuss matters with each other so that there is no violation of the Bagley Keene Act.

Mr. Puleo recommended that any questions regarding Committees should be directed to Dr. Dehn.

Update on Pending Regulations

Mr. McCarther referred to the "BCE List of Prioritized Proposed Regulatory Changes". He provided an update on three regulation packages. First, he discussed that late last year the DCA Director initiated a new process to obtain efficiencies and address quality

control issues during the initial review of regulation packages prior to sending them over to the Office of Administrative Law (OAL) for review.

Next, Mr. McCarther shared that the Application for Licensure (CCR Section 321 & Section 364), regulation was submitted to OAL prior to the new process and is not subject to the new review. The Director of DCA issued an extension letter and the package is currently under review at Agency. Further, he shared that the package would be sent to OAL within a month or two.

Additionally, Mr. McCarther discussed the Consumer Protection Enforcement Initiative (CPEI) (CCR Sections 303, 304, 306.3, 308.1, 312, 314, 317.2, 317.3, 321.1, 384.1, 390.7, 390.) package. He informed the Board that the package is subject to the new process and is currently under review at the Department. He stated that following this review, the package would be submitted to OAL initiating the 45-day comment period.

Mr. McCarther informed the Board that Ms. Mikami is currently developing the Uniform Standards for Substance Abusing Licensees and that he is working on the Disciplinary Guidelines package.

Mr. Walker shared that most other healing arts boards that are promulgating regulations on the Uniform Standards for Substance Abusing Licensees, are including them in the Disciplinary Guidelines as one package.

Dr. Dehn requested clarification on combining the Uniform Standards and the Disciplinary Guidelines packages.

Mr. Walker recommended that the Board combine the Uniform Standards for Substance Abusing Licensees and the Disciplinary Guidelines packages. He further explained the process regarding an OAL Judge and how the judge uses the Uniform Standards and Disciplinary Guidelines to make decisions.

Mr. McCarther shared that he will work with Mr. Puleo on the most efficient path to take with Uniform Standards for Substance Abusing Licensees and the Disciplinary Guidelines regulation packages.

Lastly, Mr. McCarther stated that staff is currently working on the Delegation of Authority to the Assistant Executive Officer (CCR Sections 306, 389, 390.4 & 390.5) regulation package.

Dr. Lichtman requested an update on the CPR regulation package and whether or not there is language currently written.

Mr. McCarther responded that the CPR package had not been started, but anticipates that the staff will begin working on this package in 2018.

Mr. Puleo responded that the CPR language was drafted. However, the background information has not been completed.

Dr. Elginer reminded the Board that strategic plan goal 4.1 is to “create a process for the Board Chair to establish a two person committee for regulation proposals”.

The Board referred back to Agenda item 9- Discussion on Restructure and Assignments to BCE Committee’s

Mr. Puleo suggested that the Board assign regulations to specific Committees.

Dr. Dehn assigned the Uniform Standards for Substance Abusing Licensees and the Disciplinary Guidelines regulations to the Enforcement Committee.

Mr. Puleo will make recommendations to Dr. Dehn as to what committees are assigned the various regulations. Lastly, he will inform each committee of the regulations they have been assigned to work on and the staff who is assigned the regulation package.

Move to agenda item 11- Public Comment for Items Not on the Agenda
None.

Future Agenda Items

Dr. Azzolino requested that staff invite someone from the Pastoral Medical Association to attend the next Board meeting.

Mr. Ruffino requested that staff ask the DCA budget office to attend the next Board meeting.

Moved to Agenda item 14- Closed Session

Moved to Agenda Item 13- Hearings Re: Petition for Reinstatement of Revoked License

Administrative Law Judge, Julie Cabos-Owen, presided over and Deputy Attorney General, Christine Lee, appeared on behalf of the people of the State of California on the following hearing:

- A. Mohmand El-Shimey
- B. Ryan Hallmark

Closed Session

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

- A. Deliberate on Disciplinary Decisions and Petitions Pursuant to California Governmental Code Section 11126(c)(3)
- B. Closed Session to receive advice from Legal Counsel Pursuant to California

Government Code Section 11126(e) regarding:
1) Hugh Lubkin, D.C. v. Board of Chiropractic Examiners
Workers' Compensation Case No. ADJ7361379

Open Session

The Board went back into Open Session.

Adjournment

Dr. Dehn adjourned the meeting at 3:15 p.m.

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(ATTACHMENT A)

**Approval By Ratification of Formerly Approved License Applications
October 1, 2016 – December 31, 2016**

Name (First, Middle, Last)			Date Issued	DC#
Bahareh		Alinaghi	10/6/2016	33721
John	Bowers	Haslett	10/6/2016	33722
Forester		Dean	10/12/2016	33723
David		Mashadian	10/12/2016	33724
Jennifer	Lee Rocco	Falk	10/14/2016	33725
Maira		Sabah	10/14/2016	33726
Adriana		Tobio Silvestre	10/14/2016	33727
John	Armstrong	Owens	10/14/2016	33728
Meera	Ashok	Gosalia	10/25/2016	33729
Ryan	Scott	Hulbert	10/25/2016	33730
Alysha	Badrudin	Jinnah	10/25/2016	33731
Harsimran	Singh	Khalsa	10/25/2016	33732
Diana	Marie	Matson	10/25/2016	33733
Elizabeth	Ann	Carpenter	10/26/2016	33734
Jaimie	Jolynn	Torromeo	10/26/2016	33735
Joseph	Angelo	Ercolini	10/28/2016	33736
Allyson	Wynne	Pierce	10/28/2016	33737
Alan	Richard	Riley	10/28/2016	33738
Ryan	Timothy	Rubin	10/28/2016	33739
Wesley	Michael	Cavanaugh	11/3/2016	33740
Christopher	James	Kasel	11/3/2016	33741
Katherine	Anne	Murray	11/3/2016	33742
Arthur	Albert	Tesdall	11/3/2016	33743
Nicholas	Edward	Hyde	11/4/2016	33744
Juan	Carlos	Marin	11/4/2016	33745
Jeffrey	Marc	Moscow	11/14/2016	33746
Robert	Alan	Rifkin	11/14/2016	33747
Grant	Johnston	Schoen	11/14/2016	33748
Kassandra	Lynn	Walkowiak	11/16/2016	33749
Darin	Ray	McFarland	11/17/2016	33750
Erin	Anne	Rosson	11/17/2016	33751
Michael	Andrew	Lord	11/18/2016	33752
Erik	Jon	Steine	11/18/2016	33753
Shannon	Hideki	Vargas	11/18/2016	33754

Amanda	Kate	Scheer	11/30/2016	33755
Phat	Thai	Tong	11/30/2016	33756
Donna	Bourgeois	Diaz	12/6/2016	33757
Jonathon	Todd	Egan	12/6/2016	33758
Jee	Won	Suh	12/6/2016	33759
Jeffrey	Thomas	Brass	12/9/2016	33760
Caitlin	Jay	Collins	12/9/2016	33761
Kimberlee	Susan	Doan	12/9/2016	33762
Kristen	Mae	Tenwolde	12/9/2016	33763
Laura	Ann	Davis	12/14/2016	33764
Brian	Scott	Mello	12/14/2016	33765
Bradley	James	Watson	12/14/2016	33766
Patrick	Scott	Edmondson	12/19/2016	33767
Christopher	John	Hanner	12/19/2016	33768
Austin	Louise	Abbruscato	12/23/2016	33769
Amber	Lynne	Latza	12/23/2016	33770
Sean	Steven	McKnee	12/23/2016	33771

(ATTACHMENT B)

Ratification for New Continuing Education Providers

CONTINUING EDUCATION PROVIDERS	DATE APPROVED
1. Barbara A Kempeny, DC	02/16/17
2. CCEDSEMINARS	02/16/17
3. Evidence for Exercise	02/16/17
4. HawkGrips	02/16/17
5. Jeremy Lerner, DC	02/16/17
6. Jody Citrigno-Danese DC	02/16/17
7. Joone Lee	02/16/17
8. National University of Natural Medicine	02/16/17
9. Radiant Health & Wellness	02/16/17
10. R William Vargo, DC	02/16/17
11. Sunnyvale Imaging Center	02/16/17
12. Sweat Institute for Atlas Orthogonal Chiropractic	02/16/17