



**BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES**

July 25, 2019
The Bristol Hotel
1055 First Avenue, City Scene Room
San Diego, CA 92101

Board Members Present

Sergio Azzolino, D.C., Chair
Dionne McClain, D.C., Vice Chair
Frank Ruffino, Secretary
Corey Lichtman, D.C.
David Paris, D.C.

Staff Present

Robert Puleo, Executive Officer
Marcus McCarther, Assistant Executive Officer
Michael Kanotz, Senior Attorney
Dixie Van Allen, Staff Services Manager I
Kristin Walker, Staff Services Manager I
Valerie James, Staff Services Analyst
Andreia McMillen, Associate Government Program Analyst

Call to Order

Dr. Azzolino called the meeting to order at 9:03 a.m.

Roll Call

Mr. Ruffino called the roll. All members, except Dr. Dehn, were present. A quorum was established.

Pledge of Allegiance

Mr. Ruffino led the Pledge of Allegiance.

Hearing Re: Petition for Reinstatement of Revoked License

Administrative Law Judge, Debra Nye-Perkins, presided over and Deputy Attorney General, Tory Polin, appeared on behalf of the people of the State of California on the following hearings:

A. Phu Ba Nguyen Case No. AC 2004-405

Hearing Re: Petition for Early Termination of Probation

Administrative Law Judge, Debra Nye-Perkins, presided over and Deputy Attorney General, Tory Polin, appeared on behalf of the people of the State of California on the following hearings:

A. Mohamed El-Shimey Case No. AC 2016-1067

Closed Session

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

- A. Deliberate on Disciplinary Decisions and the above Petitions Pursuant to California Government Code Section 11126(c)(3)
- B. Receive Advice from Legal Counsel Pursuant to California Government Code Sections 11126(e) and 13963.1 Regarding Hugh Lubkin, D.C. v. Board of Chiropractic Examiners, Workers' Compensation Case No. ADJ7361379

Open Session

The Board went back into Open Session.

Chair's Report

Dr. Azzolino commended staff on all their hard work for the Board meeting. Dr. Azzolino and Mr. Puleo had recently met with members of the press who were conducting research on stem cell use in chiropractic offices. Dr. Azzolino wished to remind the profession that chiropractors are not able to administer injections in California.

Approval of May 21, 2019 Board Meeting Minutes

***MOTION: DR. LICHTMAN MOVED TO APPROVE THE MINUTES OF THE MAY 21, 2019 BOARD MEETING.
SECOND: DR. PARIS SECONDED THE MOTION.***

Discussion: There was none.

VOTE: 4-0, 1 - ABSENT(DR. AZZOLINO-AYE, MR. RUFFINO-AYE, DR. LICHTMAN-AYE, DR. PARIS-AYE, DR. MCCLAIN - ABSENT).
MOTION: CARRIED.

Ratification of Approval of License Applications

MOTION: DR. LICHTMAN MOVED TO RATIFY THE APPROVED LICENSE APPLICATIONS.
SECOND: DR. AZZOLINO SECONDED THE MOTION.

Discussion: There was none.

VOTE: 4-0, 1 - ABSTAINED (DR. AZZOLINO-AYE, DR. MCCLAIN – ABSTAIN, MR. RUFFINO-AYE, DR. LICHTMAN-AYE, DR. PARIS-AYE).
MOTION: CARRIED.

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

There was none.

Ratification of Approved Continuing Education Providers

MOTION: DR. LICHTMAN MOVED TO RATIFY THE APPROVED CONTINUING EDUCATION PROVIDERS.
SECOND: MR. RUFFINO SECONDED THE MOTION.

Discussion: There was none.

VOTE: 5-0, (DR. AZZOLINO-AYE, DR. MCCLAIN – AYE, MR. RUFFINO-AYE, DR. LICHTMAN-AYE, DR. PARIS-AYE).
MOTION: CARRIED.

Executive Officer's Report

A. Administration - Board staffing/organizational chart

Mr. Puleo announced that Tammi Pitto has accepted the Associate Government Program Analyst position in the Enforcement Unit. Additionally, there were a few staff position vacancies that would remain unfilled due to budget restrictions.

B. Budget - Fund Condition update

Mr. Puleo reviewed the Fund Condition Report. There had been some recent unanticipated expenses, as the Attorney General's Office had increased their fees. These factors could potentially lead the Board to increase their own fees.

C. Licensing - Statistical trends

Ms. Dixie Van Allen reported on the Licensing Trends Report, there had been a decrease in the total population for licensed chiropractors. The total number of cancelled licensees has surpassed the total amount of new licenses and restored licenses.

Mr. Puleo advised the Board that staff was monitoring the numbers closely, as this could greatly affect the Board's overall budget and efforts.

Dr. Azzolino asked if staff had communicated these findings to the Federation of Chiropractic Licensing Boards (FCLB).

Mr. Puleo agreed that staff had been in communication with FCLB and could share these fiscal statistics with them.

Dr. Azzolino hoped FCLB would also share similar information from other states, to determine if there was a national trend in decreasing licensee populations.

Public Comment: Dr. Jonathon Egan, Dean of Southern California University of Health Sciences, questioned if the Board knew how long the average licensee kept their license active prior to cancellation.

Ms. Van Allen responded that the Board did not. The statistics only reflected clear and active licenses, not inactive licenses.

Dr. Egan was also curious about statistics related to individuals who retire from the profession.

Ms. Van Allen shared that within the current regulations and database, there was not a listed retirement status and therefore the Board could not track those individuals.

Mr. Puleo stated that the Department of Consumer Affairs (DCA) could potentially assist in creating a report that would track the length of time an individual held a license before a license was cancelled.

Dr. McClain suggested that Board staff identify the items the Board felt was lacking from their current technology system, in order to ensure the new system had all the capabilities staff needed.

Mr. McCarther agreed and had been working closely with DCA's Office of Information Services (OIS) to identify all the needed functionality from the new technology system.

DCA had launched a new reporting system in the past year that Mr. McCarther would look into to determine if it could pull statistical data that could help with these questions.

Dr. Azzolino requested statistical information regarding licensees across healthcare specialties within California.

Public Comment: Dr. Christopher Green, chiropractor, shared that the FCLB website contains licensing statistical information from 2017 and 2018.

D. Enforcement - Statistical trends

Ms. Kristin Walker provided an update regarding statistical trends for the Enforcement Unit from fiscal year 2018/2019. Complaints received have increased, primarily due to failed Continuing Education (CE) audits. Additionally, Pending Complaints have increased, not solely as a result of CE audits, but with vacancies in the Enforcement Unit and training of new staff members.

Mr. Puleo wished to point out that the high volume of Pending Complaints was in part due to the influx in CE audits the Board was conducting. As a current priority of the Board, the numbers should surge and go down over time and is not reflective of a backlog in work from the unit.

Dr. Azzolino commended Ms. Walker and the Enforcement team on their hard work. He also inquired if the Board could assist in mitigating the number of failed CE audits.

Ms. Walker felt that heightened awareness by licensees was needed for them to meet all the CE requirements. There were very few licensees who blatantly refused to complete any CE courses, but rather, licensees were missing certain components of the requirements; mandatory subject areas or not completing the total number of hours.

Mr. McCarther shared that Ethics and Law was a frequently missed mandatory subject area and felt if more CE Providers offered Ethics and Law as a course, it would be more readily available to all licenses.

Dr. Azzolino wished to state for the record that Board Members were not a part of the selection process for CE audits and had no idea whom would be selected for an audit.

Public Comment: Dr. Egan stated that he thought CE tracking would be a future component to the Board's new technology system.

Mr. Puleo agreed that it was a future goal.

E. Technology update

Mr. McCarther provided an update on the Business Modernization Project, DCA would soon be accepting bids from vendors for the project. Most importantly the Board will

likely see deliverables in May 2020, including online complaint submission, online initial licensure application, and online license renewals. Mr. McCarther was also working with DCA on another project to allow for online renewal payments, forecasted to be available to the public in the next three months.

F. Travel Claim Process

Mr. Puleo reminded Board Members of the process to complete the Travel Claim Worksheet and the timeline for submitting forms to Board staff.

Review, Discussion and Possible Action on Naming of Chiropractic Practices

Mr. Kanotz provided a synopsis of the Moscone-Knox Professional Corporation Act and the naming conventions prescribed for sole chiropractic practitioners versus corporations.

Dr. Azzolino inquired as to the rationale in allowing sole practitioners more freedom in naming businesses, when corporations are more heavily regulated.

Mr. Kanotz could not determine a reason for this difference.

Dr. Azzolino inquired whether other healthcare boards require a sole practitioner to complete 'Doing Business As' (DBA) forms.

Mr. Kanotz was not aware.

Mr. Puleo agreed that there were currently no provisions in the Chiropractic Act that required a sole practitioner to clearly identify themselves as a chiropractor in their business names, they have much more freedom in naming conventions of their practices.

Mr. Ruffino inquired about the supplemental handout for the agenda item.

Mr. Kanotz will be emailing the Board Members some additional information.

Dr. Azzolino expressed interest in receiving additional information in business naming requirements from the other healthcare boards.

Public Comment: Dr. Ana Facchinato Campos, Director of Community Based Clinical Education at Southern California University of Health Sciences, asked if there were business naming requirements for inter-professional practices.

Mr. Kanotz responded that the Moscone-Knox Act did cover requirements as the inter-professional business would need to become incorporated and follow the naming conventions of a corporation.

Update, Discussion and Possible Action on June 28, 2019 Licensing & Continuing Education Committee Meeting

Dr. McClain provided an update regarding the June 28th Licensing & Continuing Education (CE) Committee Meeting. The Committee reviewed the CE meta-competencies as they related to the 14 subject areas previously discussed by the Committee. The Committee discussed potentially editing the mandatory hours requirements for Ethics and Law by incorporating sexual boundaries, professional boundaries and record keeping. Additionally, the Committee reviewed proposed draft language for CE Sections 360 – 366.

Dr. Azzolino shared his support in requiring all chiropractors and all healthcare professionals to participate in some sort of sexual harassment or sensitivity training. He would like to encourage DCA to facilitate an online training for all healthcare licensees.

Mr. McCarther stated that DCA's Solid Training and Development Unit had created similar content for other boards. Mr. McCarther's goal was to have an online CE course created for the Board to cover sexual harassment, professional boundaries, ethics and law.

Dr. Azzolino expressed that there had been some resistance amongst chiropractors in mandating this type of training but reiterated his interest in pursuing an effort educate the profession and protect the public.

Mr. McCarther agreed that some practitioners were concerned over the perception of mandating a course focused on sexual boundaries but combined with an ethics and law course licensees would be achieving their mandatory subject area and the Board would be fulfilling their objective to protect the public.

Dr. McClain inquired into the timeline for a course from Solid.

Mr. McCarther responded that September or October would be the soonest the department would be able to work with the Board on this project.

Mr. Ruffino added that Assembly Member Lorena Gonzalez passed a bill mandating sexual harassment training for all California employers, depending on the organization's size.

Mr. McCarther responded that staff would look into the bill.

Update, Discussion and Possible Action on Legislation

Ms. McMillen reviewed updates on the bills the Board had previously voted to support.

Additionally, she reviewed updates on the bills the Board had previously voted to oppose.

Dr. Azzolino addressed his fellow Board Members with his concerns regarding AB 888 (Low) Opioid Prescriptions: Information: Nonpharmacological treatments for pain. The purview of the bill allowed for the oversight of another regulatory Board's licensees which has led to his unease.

Dr. Paris inquired if the Medical Board had previously required any verbal or written informed consent for patients and if AB 888 would be the first time to require them to do so.

Ms. McMillen agreed and stated that had been a concern raised in the Senate Committee.

Public Comment: Dr. Green shared that the New Mexico Chiropractic Board was facing a similar discussion regarding informed consent.

Update, Discussion and Possible Action on Pending Rulemaking

Ms. McMillen shared that staff had submitted the Denial of Application, Revocation or Suspension of Licensure rulemaking packet to the Board's legal counsel for review. The Probation Status Disclosure packet was currently being reviewed by management and staff anticipated submitting it to legal in the near future.

Public Comment for Items Not on the Agenda

Public Comment: A member of the public suggested having Board approved CE Providers required to allocate a certain amount of their coursework hours to mandatory subject areas such as ethics and law.

Mr. Puleo stated that the suggestion could be proposed to the Licensing & CE Committee.

Future Agenda Items

There was none.

Adjournment

Dr. Azzolino adjourned the meeting at 2:32 p.m.

(ATTACHMENT A)

Approval by Ratification of Formerly Approved License Applications
between April 1, 2019 and June 30, 2019.

Name (First, Middle, Last)			Date Issued	DC#
Kerri	Ellen	Ward	4/3/2019	34517
Lucas	Ivan	Paredes	4/5/2019	34518
Dustin	Stephen	Marlow	4/5/2019	34519
Shea	Ashley	Stark	4/5/2019	34520
Darren		Siu	4/8/2019	34521
Ashley	Jordan	Murry	4/8/2019	34522
Ryan	James	Wasmund	4/11/2019	34523
Klinton	James	Kranski	4/17/2019	34524
Melinda	Noelle	Marqui	4/22/2019	34525
Jung	Hyun	Um	4/22/2019	34526
Stacy Summer	Cantero	Malimban	4/23/2019	34527
Amana		Wang	4/24/2019	34528
Corinne	Nicole	Alexander	4/25/2019	34529
Emily	Lorraine	Fry	4/25/2019	34530
Jacob	Lee	Maurer	4/30/2019	34531
Eunice	Hee	Nam	4/30/2019	34532
Brennen	Scott	Clement	5/8/2019	34533
Robert	Lee	Dubinick Jr.	5/8/2019	34534
Jacob	Nathan	Bartelt	5/8/2019	34535
Morgan	Anita	Cark	5/8/2019	34536
Danielle	Elizabeth	Diaz	5/8/2019	34537
Moses		Villarreal	5/9/2019	34538
Jamie	Katelyn	Pestana	5/9/2019	34539
Gianfranco		Calafiore	5/24/2019	34540
Surdeep	Singh	Dhaliwal	5/24/2019	34541
Kelsey	Elizabeth	Bjola	5/24/2019	34542
Jonathan	David	Adams	5/24/2019	34543
Tory	Nicole	Huey	5/24/2019	34544
Brian	David	Glynn	5/31/2019	34545
Rachael	Alicia	Knopf	5/31/2019	34546
Peter	Joseph	Quigley	5/31/2019	34547
Anthony	John	Schuller	5/31/2019	34548
Xavier	Antonio	Ortiz-Ramirez	5/31/2019	34549
CJ	Marie	Jarvis	5/31/2019	34550
Mike		Liu	5/31/2019	34551

Courtney	Lynn	Rokowski	5/31/2019	34552
Kristine	Malisa	Loharun	5/31/2019	34553
Rafael	Jesus	Zamora	5/31/2019	34554
David	Robert	Sedghi	5/31/2019	34555
Ariel	Morgan	Weishoff	5/31/2019	34556
Patrick	Kasey	Pierce	5/31/2019	34557
Larissa	Ann	Sternberger	5/31/2019	34558
Christina		Vo-Nguyen	6/5/2019	34559
Eric	Alexander	Pinto	6/5/2019	34560
Yoon	Chul	Choi	6/5/2019	34561
Jongrak		Jung	6/7/2019	34562
Tyler	George	Bigenho	6/7/2019	34563
Christopher	Michael	Pruter	6/7/2019	34564
Tomy		Ton	6/7/2019	34565
Raul	Gilbert	Ramirez	6/12/2019	34566
Hudson	Brian	Taylor	6/12/2019	34567
Bradley	Adam	Fitzgerald	6/12/2019	34568
Wyatt	Richard	Kissling	6/12/2019	34569
Alyssa	Mae	Sollenberger	6/12/2019	34570
Annie	Somi	Lee	6/12/2019	34571
Deanna	Margaret	Mendelsohn	6/14/2019	34572
Khodayar	Ashrafi	Khatiblou	6/14/2019	34573
Kathy	Pham	Huynh	6/14/2019	34574
Kelsie	Ann	Miller	6/18/2019	34575
Ashley	Nicole	Freidel	6/18/2019	34576
Mohammed	Alhadi	Jawad	6/19/2019	34577
Katarina	Paige	Rigali	6/19/2019	34578
Chieh-Hsin		Chen	6/19/2019	34579
Jamie	Marie	Smoak	6/19/2019	34580
Sun	Pil	Hwang	6/21/2019	34581
Chan	Young	Choi	6/21/2019	34582
Gene	Kou	Xiong	6/21/2019	34583
Robert	Baker	Hoffman	6/27/2019	34584
Mariya		Norkina	6/27/2019	34585
Shane	T	Kenning	6/27/2019	34586

(ATTACHMENT B)

Pending Ratification to Approve New Continuing Education Providers

<p>Provider Name: ParticipAid</p> <p>CE Oversight Contact Person: Lindsey Stevens</p> <p>Provider Status: Individual</p>	<p>Provider Name: Richard Robertshaw, D.C.</p> <p>CE Oversight Contact Person: Richard Robertshaw</p> <p>Provider Status: Individual</p>
<p>Provider Name: Atousa Mahdavi D.C.</p> <p>CE Oversight Contact Person: Mark Algee</p> <p>Provider Status: Individual</p>	<p>Provider Name: Carol J Phillips D.C.</p> <p>CE Oversight Contact Person: Carol Phillips</p> <p>Provider Status: Individual</p>
<p>Provider Name: Julie Waterman</p> <p>CE Oversight Contact Person: Mark Algee</p> <p>Provider Status: Individual</p>	<p>Provider Name: Lori Sunshine MT-BC</p> <p>CE Oversight Contact Person: Mark Algee</p> <p>Provider Status: Individual</p>
<p>Provider Name: Shannon Parisi D.C.</p> <p>CE Oversight Contact Person: Mark Algee</p> <p>Provider Status: Individual</p>	<p>Provider Name: Matthew Kurt Alexander</p> <p>CE Oversight Contact Person: Matt Alexander</p> <p>Provider Status: Corporation</p>
<p>Provider Name: Dr PGA Golf Seminars</p> <p>CE Oversight Contact Person: Dr. Raj Jackson, D.C., P.G.A</p> <p>Provider Status: Individual</p>	