



BOARD OF CHIROPRACTIC EXAMINERS PUBLIC SESSION MINUTES

December 11, 2020
Teleconference

Board Members Present

David Paris, D.C., Chair
Dionne McClain, D.C., Vice Chair
Frank Ruffino, Secretary
Laurence Adams, D.C.
Sergio Azzolino, D.C.
Heather Dehn, D.C.

Staff Present

Robert Puleo, Executive Officer
Michael Kanotz, Senior Attorney
Clay Jackson, Attorney
Dixie Van Allen, Licensing and Continuing Education Manager I
Kristin Walker, Enforcement Manager I
Tammi Pitto, Enforcement Analyst
Natalie Boyer, Licensing Analyst
Amanda Campbell, Licensing Analyst

1. Call to Order

Dr. Paris called the meeting to order at 9:16 a.m.

Roll Call

Mr. Ruffino called the roll. All members were present and a quorum was established.

2. Update, Review, Discussion and Possible Action on Proposed Regulation for Delegation of Authority to the Assistant Executive Officer

Ms. Walker notified the Board that at a prior meeting the Board approved language regarding the delegation of authority to the Assistant Executive Officer to perform specific enforcement actions and office operations in the absence of the Executive Officer. Following recent consultation with DCA regulatory counsel, staff made revisions to the regulation text to ensure the Assistant Executive Officer is also able to perform

specific enforcement and administrative functions at the direction of the Executive Officer. Because the revisions to the package are significant, it was requested that the Board vote to adopt the revised language.

MOTION: DR. DEHN MOVED TO APPROVE THE PROPOSED REGULATORY TEXT FOR TITLE 16, CCR SECTIONS 306, 389, 390, 390.3, 390.4, AND 390.5, AND DIRECT STAFF TO SUBMIT THE TEXT TO THE DIRECTOR OF CONSUMER AFFAIRS AND THE BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY FOR REVIEW, AND, IF NO ADVERSE COMMENTS ARE RECEIVED, AUTHORIZE THE EXECUTIVE OFFICER TO TAKE ALL STEPS NECESSARY TO AMEND THE PRECEDING RULEMAKING PACKAGE, INITIATE THE RULEMAKING PROCESS, MAKE ANY NON-SUBSTANTIVE TECHNICAL OR GRAMMATICAL CHANGES TO THE PACKAGE, AND SET THE MATTER FOR HEARING IF NECESSARY. SECOND: DR. MCCLAIN SECONDED THE MOTION.

Discussion: None

**VOTE: 6-0, (DR. PARIS-AYE, DR. MCCLAIN-AYE, MR. RUFFINO-AYE, DR. ADAMS-AYE, DR. AZZOLINO-AYE, DR. DEHN-AYE).
MOTION: CARRIED.**

Public Comment: None.

3. Hearing Re: Petition for Reinstatement of Revoked License

The attorney of Nosrat N. Ghodousi requested a continuance, which was granted by the Board. His hearing will be rescheduled.

Administrative Law Judge, Ed Washington, presided over and Deputy Attorney General, Joshua Eisenberg appeared on behalf of the people of the State of California on the following hearing:

A. Robert J. Farrell Case No. AC 2018-1172

4. Hearing Re: Petition for Early Termination of Probation

Administrative Law Judge, Ed Washington, presided over and Deputy Attorney General, Joshua Eisenberg appeared on behalf of the people of the State of California on the following hearing:

A. Douglas Wayne Smith Case No. AC 2017-1104

5. Hearing Re: Appeal of Denial of Continuing Education Course

Administrative Law Judge, Ed Washington, presided over and Deputy Attorney General, Joshua Eisenberg appeared on behalf of the people of the State of California on the following hearing:

- A. ChiroCECredits.com; Brian Cromblehome

Moved to Agenda Item 8. Public Comment for Items Not on the Agenda

Public Comment: Dr. Marcus Strutz, a chiropractor and continuing education provider, updated the Board on the progress of using Zoom for teaching CE and stated that the students have been enjoying learning through this method. He commented that they have made great progress in teaching Adjustive Techniques through interactive video conferences. Dr. Strutz urged the Board to hasten the rulemaking process to allow CE to be taught through this manner as an option for the mandatory classroom hours.

Public Comment: Dr. Victor Tong, a chiropractor and continuing education provider, echoed Dr. Strutz's comments and added that he would like to see the interactive video conferences replace the mandatory classroom hours during the COVID-19 pandemic and afterward to utilize this new technology. He advised that the Board should issue a mandate to prevent individuals from abusing this technology. He suggested it be required for attendees to keep their cameras turned on and for the licensees to be focused solely on CE with minimal breaks or multi-tasking efforts.

Moved to Agenda Item 9. Future Agenda Items

There were none.

6. Closed Session

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 Paula J. Strauss, D.C. v. California Board of Chiropractic Examiners, Sacramento County Superior Court, Case No. 34-2020-80003406 and Hugh Lubkin, D.C. v. Board of Chiropractic Examiners, Workers' Compensation Case No. ADJ7361379

7. Open Session

The Board returned to Open Session.

10. Adjournment

Dr. Paris adjourned the meeting at 4:00 p.m.