



## **NOTICE OF TELECONFERENCE BOARD MEETING**

January 28, 2021  
9:00 a.m. to 4 p.m.  
or until completion of business

Notice of Teleconference Meeting Held Under Executive Order N-29-20 (3/17/20)

FOR PUBLIC COMMENT, PLEASE LOG ON TO THIS WEBSITE:

<https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=ecb9ec0927ee3ae4314438d4c82202e6c>

***The preferred audio connection is via mobile phone.*** The phone number and access code will be provided as part of your connection to the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier, such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment. Public comments will be limited to 2 minutes per person unless, in the discretion of the Board or circumstances require a shorter period. Members of the public will not be permitted to "yield" their allotted time to other members of the public to make comments.

**Important Notices to the Public:** The Board of Chiropractic Examiners will hold this meeting via WebEx – access information is provided above. General instructions for using WebEx are attached to the agenda. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting the Board at (916) 263-5355, or e-mailing [chiro.info@dca.ca.gov](mailto:chiro.info@dca.ca.gov), or sending a written request to the Board of Chiropractic Examiners, 901 P Street, Suite 142A, Sacramento, CA 95814. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

### **AGENDA**

- 1. Open Session – Call to Order & Establishment of a Quorum**  
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.
- 2. Chair's Report**  
Update on the Chair's Activities and Board's accomplishments and/or goals
- 3. Approval of October 29, 2020 and December 11, 2020 Board Meeting Minutes**
- 4. Ratification of Approval of License Applications**
- 5. Ratification of Denied License Applications in Which the Applicants Did Not Request a Hearing**

**6. Ratification of Approved Continuing Education Providers**

**7. Election of Board Officers for 2021. The Board will vote for the following:**

- A. Chair
- B. Vice Chair
- C. Secretary

**8. Remarks from the Newly Elected Board Chair**

**9. Executive Officer’s Report**

- A. Administration - Board staffing/organizational chart
- B. Budget - Fund condition update
- C. Licensing - Statistical trends
- D. Enforcement - Statistical trends
- E. Information Technology (IT) Update

-----**15 Minute Break**-----

**10. Update, Review, Discussion and Possible Action on Licensing & Continuing Education Committee November 6, 2020, Meeting Agenda**

The Board may act on any item on the attached Licensing & Continuing Education Committee meeting agenda.

**11. Presentation and Discussion on Presentation from Dr. Jon Schwartzbauer, Executive Director of the Federation of Chiropractic Licensing Boards – Providers of Approved Continuing Education**

-----**1 Hour Lunch Break**-----

**12. Update, Discussion and Possible Action on Pending Rulemaking:**

- A. Denial of Application: Revocation or Suspension of Licensure
- B. Revisions to Curriculum Requirements and Approval of Programs (16 CCR Sections 330 through 331.16)
- C. Continuing Education Requirements (CE Provider and Course Approval)/Mandatory Cardiopulmonary Resuscitation (CPR) Certification for All Licensees
- D. Delegation of Authority to the Assistant Executive Officer/Compliance with Citation and Order of Abatement
- E. Consumer Protection Enforcement Initiative (CPEI)
- F. Revisions to BCE Disciplinary Guidelines & Uniform Standards for Substance Abusing Licensees
- G. Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice on Death/Incapacity of Licensee
- H. Amend or Repeal 16 CCR Section 354: Successful Examination (Obsolete)

provision)

**13. Public Comment for Items Not on the Agenda**

*Note: The Board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125,11125.7(a).] Public comment is encouraged; however, if time constraints mandate, comments may be limited at the discretion of the Chair.*

**14. Future Agenda Items**

*Note: The Board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Section 11125.]*

-----**15 Minute Break**-----

**15. Closed Session**

The Board will meet in Closed Session to:

- A. Deliberate on Disciplinary Decisions Pursuant to California Government Code Section 11126(c)(3)
- B. Receive Advice from Legal Counsel Pursuant to California Government Code Sections 11126(e) and 139361.1 Regarding Hugh Lubkin, D.C. v. Board of Chiropractic Examiners, Workers’ Compensation Case No. ADJ7361379

**16. Reconvene Open Session**

**17. Adjournment**

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# HOW TO – Join – DCA WebEx Event

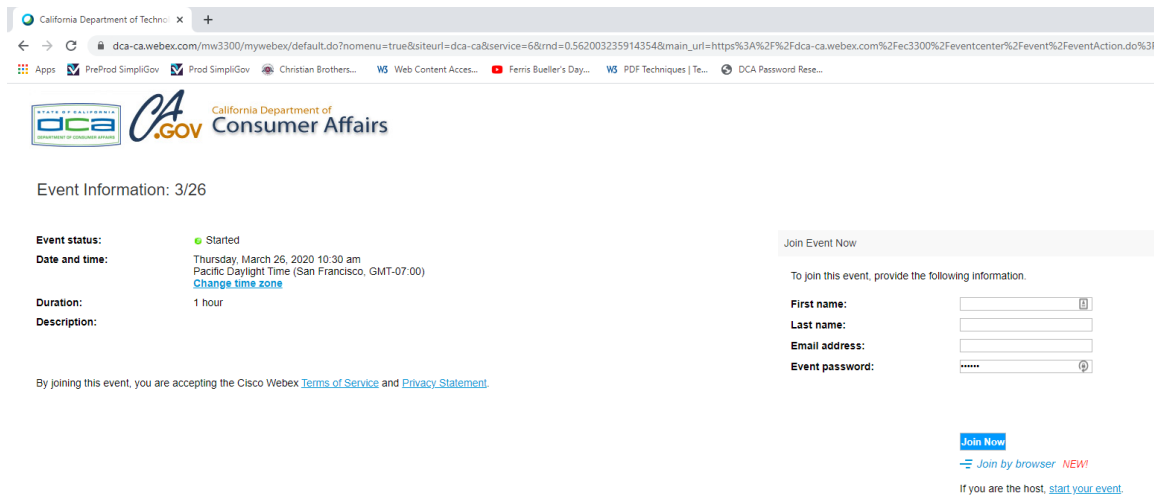
The following contains instructions to join a WebEx event hosted by the Department of Consumer Affairs (DCA).

NOTE: The preferred audio connection to our event is via telephone conference and not the microphone and speakers on your computer. Further guidance relevant to the audio connection will be outlined below.

1. Navigate to the WebEx event link provided by the DCA entity (an example link is provided below for reference) via an internet browser.

Meeting link: <https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=ecb9ec0927ee3ae4314438d4c82202e6c>

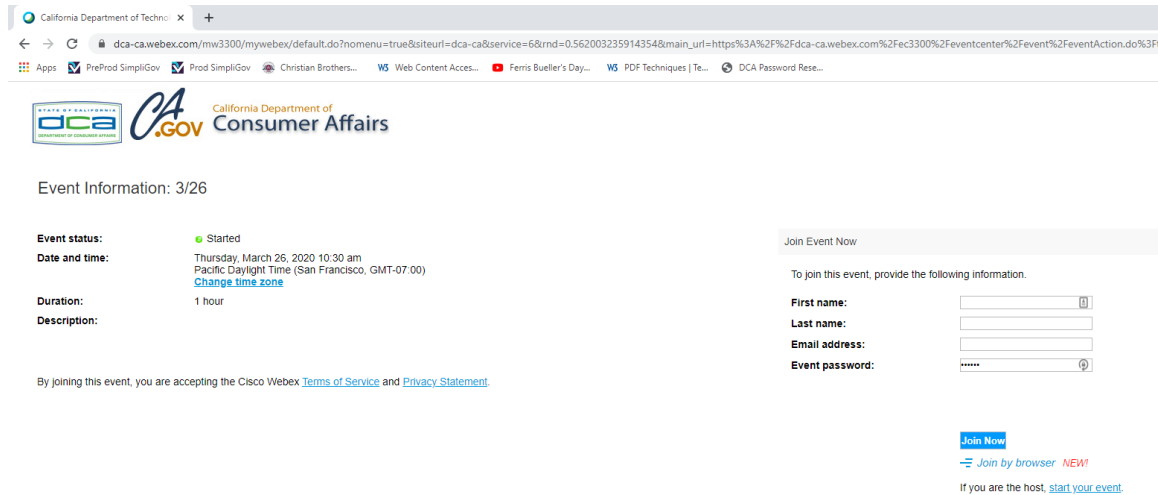
**Event number: 146 924 9744**  
**Event password: BCE012820**  
**Audio conference: +1-415-655-0002 (Access code: 146 924 9744)**



2. The details of the event are presented on the left of the screen and the required information for you to complete is on the right.

NOTE: If there is a potential that you will participate in this event during a Public Comment period, you must identify yourself in a manner that the event Host can then identify your line and unmute it so the event participants can hear your public comment. The 'First name', 'Last name' and 'Email address' fields do not need to reflect your identity. The department will use the name or moniker you provide here to identify your communication line should you participate during public comment.

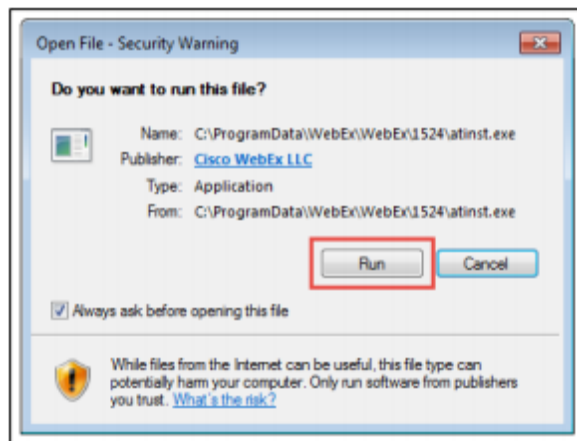
# HOW TO – Join – DCA WebEx Event



3. Click the 'Join Now' button.

**NOTE:** The event password will be entered automatically. If you alter the password by accident, close the browser and click the event link provided again.

4. If you do not have the WebEx applet installed for your browser, a new window may open, so make sure your pop-up blocker is disabled. You may see a window asking you to open or run new software. Click 'Run'.



Depending on your computer's settings, you may be blocked from running the necessary software. If this is the case, click 'Cancel' and return to the browser tab that looks like the window below. You can bypass the above process.

## HOW TO – Join – DCA WebEx Event

### Starting Webex...



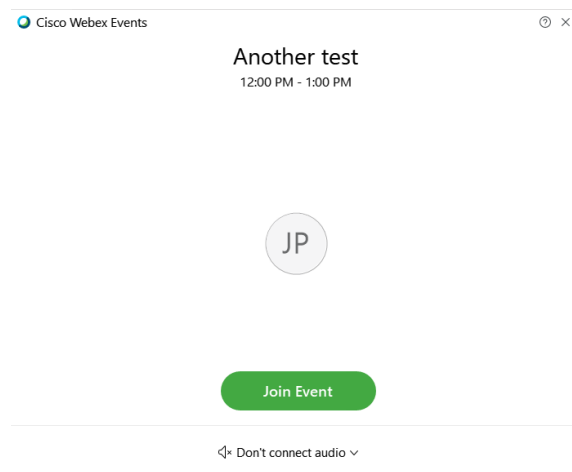
Still having trouble? [Run a temporary application](#) to join this meeting immediately.

- 5. To bypass step 4, click 'Run a temporary application'.
- 6. A dialog box will appear at the bottom of the page, click 'Run'.



The temporary software will run, and the meeting window will open.

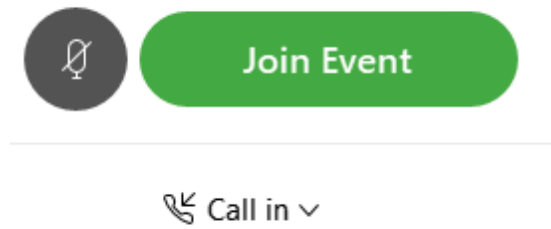
- 7. Click the audio menu below the green 'Join Event' button.



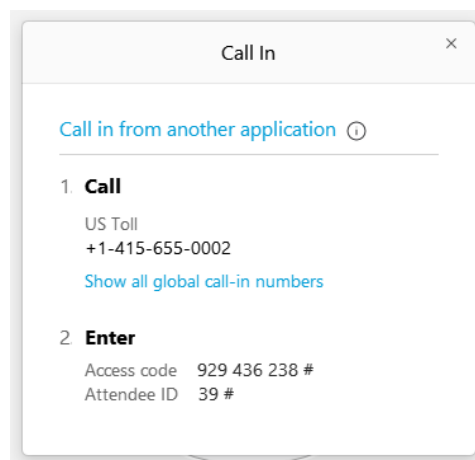
- 8. When the audio menu appears click 'Call in'.

## HOW TO – Join – DCA WebEx Event

9. Click 'Join Event'. The audio conference call in information will be available after you join the Event.



10. Call into the audio conference with the details provided.

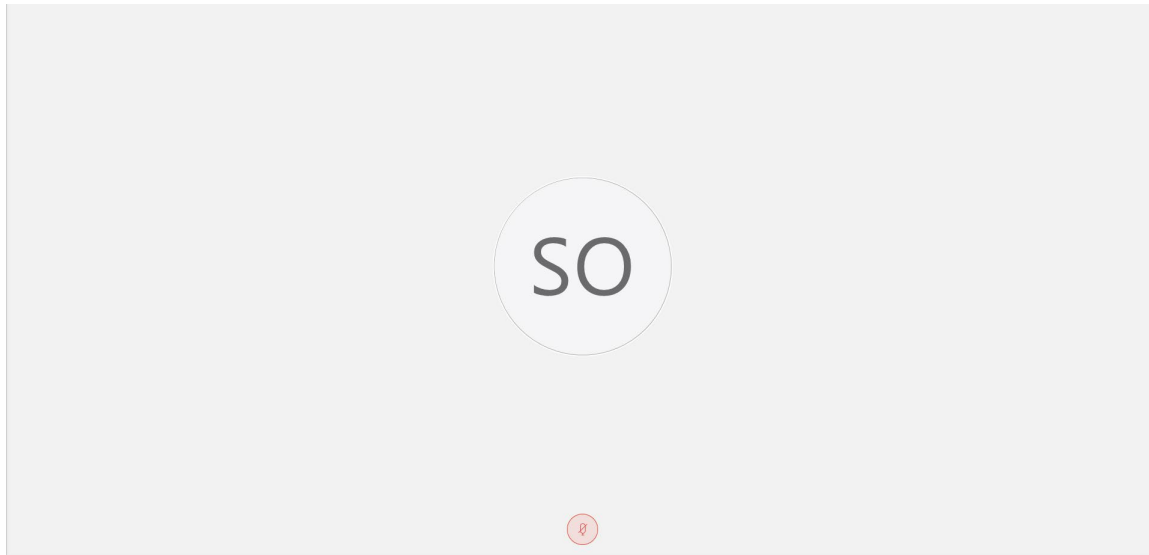


**NOTE:** The audio conference is the preferred method. Using your computer's microphone and speakers is not recommended.

## HOW TO – Join – DCA WebEx Event

Once you successfully call into the audio conference with the information provided, your screen will look like the screen below and you have joined the event.

Congratulations!



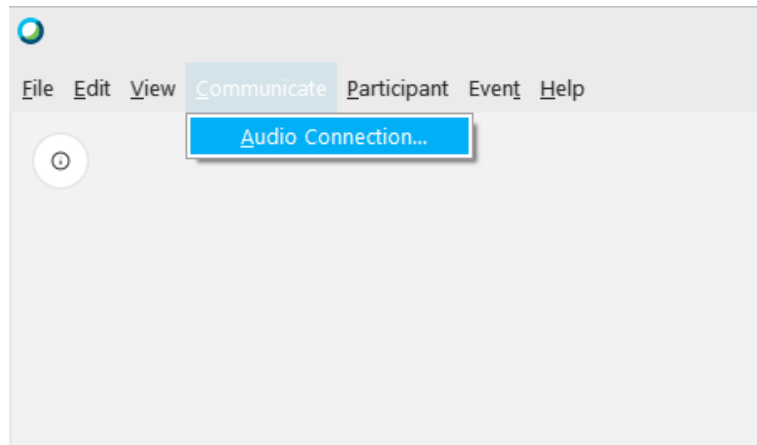
**NOTE:** Your audio line is muted and can only be unmuted by the event host.

If you join the meeting using your computer's microphone and audio, or you didn't connect audio at all, you can still set that up while you are in the meeting.

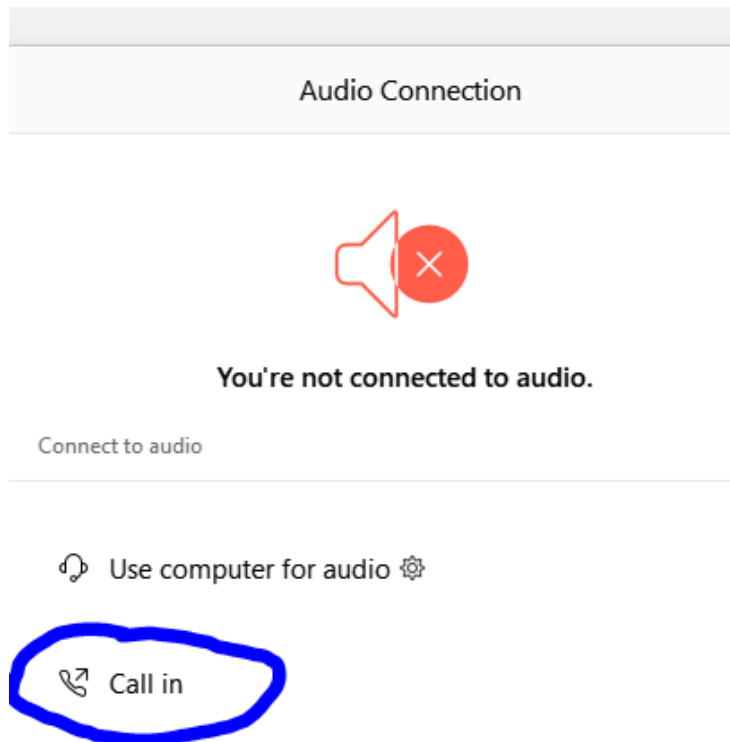
Select 'Communicate' and 'Audio Connection' from top left of your screen.



## HOW TO – Join – DCA WebEx Event



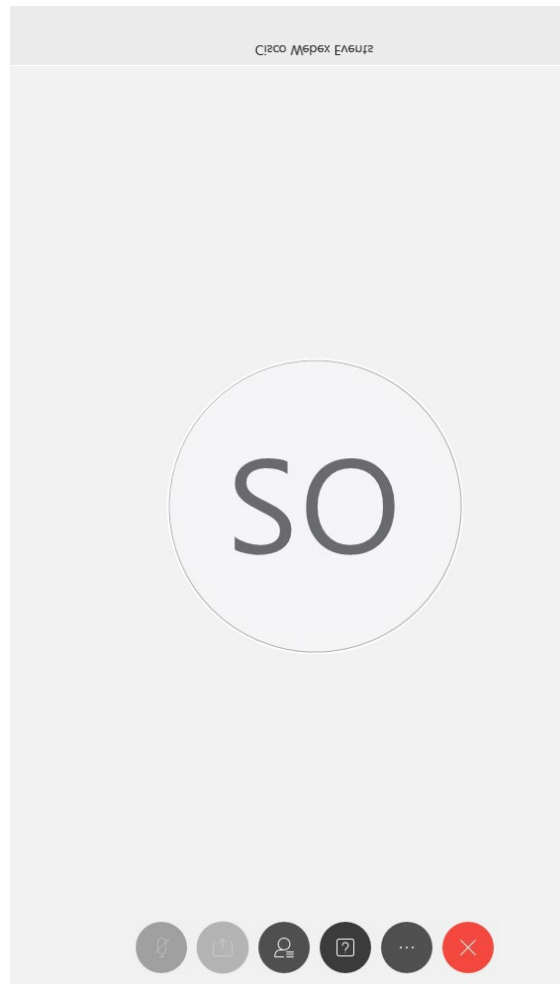
The 'Call In' information can be displayed by selecting 'Call in' then 'View'



You will then be presented the dial in information for you to call in from any phone.

## HOW TO – Join – DCA WebEx Event Participating During a Public Comment Period

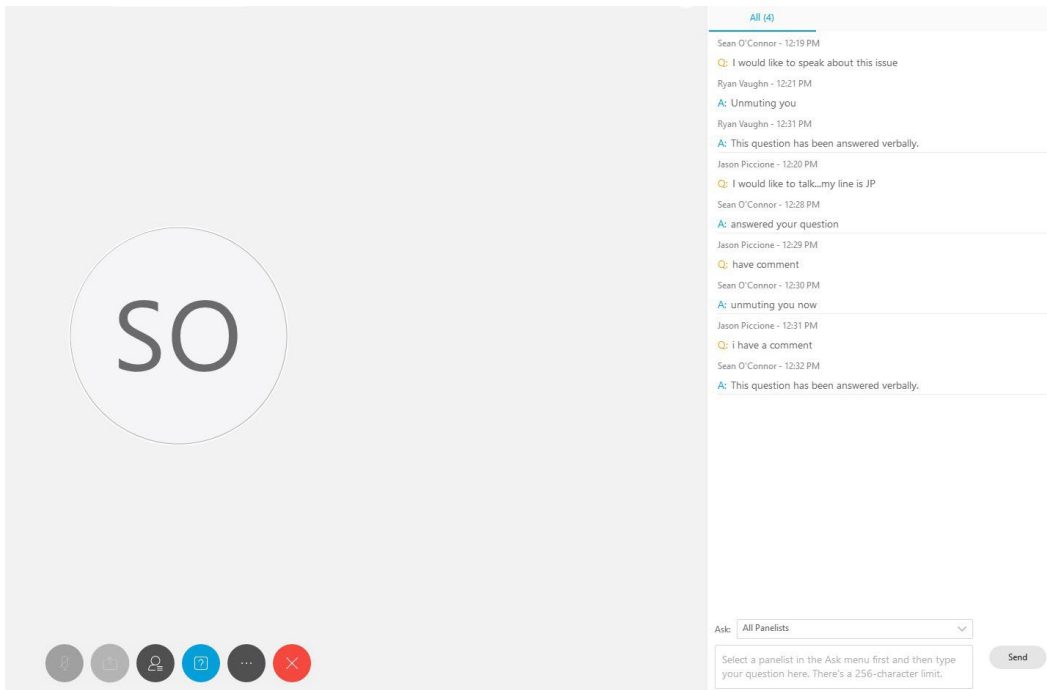
At certain times during the event, the facilitator may call for public comment. If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.



This will bring up the 'Q and A' chat box.

**NOTE:** The 'Q and A' button will only be available when the event host opens it during a public comment period.

## HOW TO – Join – DCA WebEx Event



To request time to speak during a public comment period, make sure the 'Ask' menu is set to 'All panelists' and type 'I would like to make a public comment'.

Attendee lines will be unmuted in the order the requests were received, and you will be allowed to present public comment.

**NOTE:** Your line will be muted at the end of the allotted public comment duration. You will be notified when you have 10 seconds remaining.



**NOTICE OF TELECONFERENCE LICENSING &  
CONTINUING EDUCATION COMMITTEE MEETING**

November 6, 2020  
12 p.m. to 2 p.m.  
or until completion of business

Notice of Teleconference Meeting Held Under Executive Order N-29-20 (3/17/20)

FOR PUBLIC COMMENT, PLEASE LOG ON TO THIS WEBSITE

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**AGENDA**

- 1. Call to Order & Establishment of a Quorum**
- 2. Approval of September 18, 2020, Meeting Minutes**
- 3. Discussion on Definitions to Classroom Courses and Distance Learning Courses**
- 4. Review, Discussion and Possible Action to Section 364 (e): Medical Waiver**
- 5. Public Comment for Items Not on the Agenda**

*Note: The Committee may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a).] Public comment is encouraged; however, if time constraints mandate, comments may be limited at the discretion of the Chair.*

**6. Future Agenda Items**

*Note: The Committee may not discuss or take action on any matter raised during this future agenda Items section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125.]*

**7. Adjournment**

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## Approval of Minutes

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### **Purpose of the item**

The Board will review and approve the Board Meeting minutes of the previous Board Meetings.

### **Action(s) requested**

The Board will be asked to make a motion to approve the October 29, 2020 and December 11, 2020 Board Meeting minutes.

### **Background**

N/A

### **Recommendation(s)**

N/A

### **Next Step**

N/A

### **Attachment(s)**

- Meeting minutes from the October 29, 2020 Board Meeting.
- Meeting minutes from the December 11, 2020 Board Meeting.

**BOARD OF CHIROPRACTIC EXAMINERS  
PUBLIC SESSION MINUTES**

October 29, 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  
Marcus McCarther, Assistant Executive Officer  
Helen Geoffroy, Senior Attorney  
Clay Jackson, Attorney  
Dixie Van Allen, Licensing and Continuing Education Manager  
Kristin Walker, Enforcement Manager  
Tammi Pitto, Enforcement Analyst  
Natalie Boyer, Licensing Analyst  
Amanda Campbell, Licensing Analyst

**1. Call to Order**

Dr. Paris called the meeting to order at 9:09 a.m.

**Roll Call**

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

**2. Chair's Report**

Dr. Paris congratulated and welcomed the newly appointed Board Member, Dr. Laurence Adams, D.C.

Dr. Paris thanked the Governor's Office and the Department of Consumer Affairs (DCA) for the newest waiver released on September 23, 2020, DCA-20-63, which allows licensees to complete all 24 hours of continuing education (CE) requirements online and addressed the concerns of licensees.

Dr. Paris stated that the Board has been continuing to engage with the community and meet with stakeholders, including colleges and associations, and the Board has continued to participate with the National Board of Chiropractic Examiners (NBCE) testing and has maintained an active role in the Federation of Chiropractic Licensing Boards (FCLB). He added that his ongoing goal is to continue to make the Board available to stakeholders and increase engagement with the community. Dr. Paris has been researching opportunities to meet this goal, but noted the Board is seeing the results of this engagement through the increase in participation at Board Meetings.

Dr. Paris urged licensees to follow the guidelines set by the Center for Disease Control (CDC) and California Department of Public Health (CDPH)

Dr. Paris congratulated Marcus McCarther, Assistant Executive Officer of the Board of Chiropractic Examiners, on his appointment to Chief Deputy Commissioner of the Real Estate Department by the Governor's Office.

Mr. McCarther thanked the Board and Mr. Puleo for the opportunity to work with this valuable profession and stated that he enjoyed his time with Board.

Dr. Paris thanked Dr. Azzolino and Dr. Dehn for their dedication to the Board and their achievements during their respective terms which end on February 10, 2021.

Dr. Azzolino stated that it has been an honor to serve the Board. He has been proud of their spectacular team and hopes the Board will continue to unify and elevate the profession.

Dr. Dehn enjoyed the challenges from serving on the Board and learned a tremendous amount from seeing the profession from the different prospective of patient protection. Dr. Dehn stated that she will be in the audience during future Board Meetings where she is much more comfortable.

Public Comment: None

### **3. Approval of July 16, 2020 Board Meeting Minutes**

***MOTION: DR. DEHN MOVED TO APPROVE THE MINUTES OF THE JULY 16, 2020 BOARD MEETING.***

***SECOND: DR. AZZOLINO SECONDED THE MOTION.***

**Discussion:** Dr. McClain noted a correction to be made on page three of the minutes. She stated that in the motion under Ratification of Approved Continuing Education Providers, it should state "Dr. Dehn" as opposed to "Mr. Dehn".

***MOTION: DR. AZZOLINO MOVED TO APPROVE THE MINUTES OF THE JULY 16, 2020 BOARD MEETING WITH THE PROPOSED EDITS.***



**SECOND: DR. DEHN SECONDED THE MOTION.**

**VOTE: 5-0, (DR. PARIS-AYE, DR. MCCLAIN-AYE, MR. RUFFINO-AYE, DR. DEHN-AYE, DR. AZZOLINO-AYE, DR. ADAMS-ABSTAIN).**  
**MOTION: CARRIED.**

Public Comment: None

#### **4. Ratification of Approval of License Applications**

**MOTION: DR. DEHN MOVED TO RATIFY THE APPROVED LICENSE APPLICATIONS.**  
**SECOND: DR. MCCLAIN SECONDED THE MOTION.**

Discussion: None

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

Public Comment: None

#### **5. Ratification of Denied License Applications in Which the Applicants Did Not Request a Hearing**

There were none.

Discussion: None

Public Comment: None

#### **6. Ratification of Approved Continuing Education Providers**

**MOTION: DR. AZZOLINO MOVED TO RATIFY THE APPROVED CONTINUING EDUCATION PROVIDERS.**  
**SECOND: DR. DEHN SECONDED THE MOTION.**

Discussion: None.

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

Public Comment: None

**7. Nomination of Board Officers for 2021. The Board will Initiate Nomination Procedures for Board Officer Positions: Chair, Vice Chair, and Secretary.**

Mr. Puleo called the roll for nominees for each position.

Nominees for Chair:

- Dr. Adams – No nomination.
- Dr. Azzolino – No nomination.
- Dr. Dehn – Dr. Paris.
- Dr. McClain – Self-nominated.
- Mr. Ruffino – No nomination.
- Dr. Paris – No nomination.

**Dr. Paris and Dr. McClain both accepted the nomination.**

Nominees for Vice Chair:

- Dr. Adams – No nomination.
- Dr. Azzolino – Dr. Paris.
- Dr. Dehn – No nomination.
- Dr. McClain – No nomination.
- Mr. Ruffino – No nomination.
- Dr. Paris – Dr. McClain.

**Dr. Paris and Dr. McClain both accepted the nomination.**

Nominees for Secretary:

- Dr. Adams – No nomination.
- Dr. Azzolino – Mr. Ruffino.
- Dr. Dehn – No nomination.
- Dr. McClain – No nomination.
- Mr. Ruffino – No nomination.
- Dr. Paris – Mr. Ruffino.

**Mr. Ruffino accepted the nomination.**

The Board discussed whether a motion to close the nominations was necessary.

Mr. McCarther stated that previously the Board had agreed on the nomination and election process and that nominations should remain open until the election.

Ms. Geoffroy stated that a motion could be made to close the agenda item pending additional nominations.

**MOTION: MR. RUFFINO MOVED TO CLOSE THIS AGENDA ITEM PENDING ADDITIONAL NOMINATIONS.**

**SECOND: DR. AZZOLINO SECONDED THE MOTION.**

**Discussion:** None.

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

**MOTION: CARRIED.**

Public Comment: None

## **8. Executive Officer's Report**

### **A. Administration - Board staffing/organizational chart**

Mr. Puleo stated the Board has three vacancies, not including the position of Assistant Executive Officer. Mr. Puleo thanked Mr. McCarther for his time with the Board and congratulated him on his appointment and stated that Mr. McCarther's last day would be October 30, 2020.

Mr. Puleo stated that there are currently two vacancies in the Enforcement Unit; one is a new Seasonal Clerk position and the other a Staff Services Analyst position. He added that there is one vacancy in the Licensing Unit for the Management Services Technician position.

Mr. Puleo included that a Seasonal Clerk position has been added to each unit to assist Board staff due to the increased stress on resources from the pandemic and the unforeseen challenges working remotely has brought. He added that he hopes to fill the remaining vacant positions early in 2021 to further aid Board staff.

### **B. Budget - Fund Condition Update**

Robert DelosReyes, DCA's Budget Officer, spoke before the Board regarding the Board's current Fund Condition. Mr. DelosReyes updated the Board on the current Analysis of Fund Condition. He stated that in fiscal year 2021-22, there's a structural fund imbalance and that the Board is expected to collect one million dollars less than what it is planned to spend in each following fiscal year, but noted that this is based on a few assumptions. He noted that this report includes the final figures on revenue and expenditures for the 2019-20 fiscal year. Mr. DelosReyes notified the Board that DCA has transitioned into a new statewide accounting system and that although there have

been challenges, it has allowed DCA to send each Board monthly fiscal reports and has made the closing out of fiscal years more efficient.

Mr. DelosReyes specified that the revenue estimates have been provided by the Board and is an estimate for what will be collected. He added that this analysis includes the loan repayment to the Bureau of Automotive Repair (BAR), beginning this fiscal year, in the amount of \$250,000 annually until loan obligation has been fulfilled. He reminded the Board that this was necessary to help pay a large settlement in the fiscal year of 2013-14 or 2014-15 and that an estimated 1.4 million dollars is unpaid.

Mr. DelosReyes explained that the expenditures on this report is a conservative estimate of what the Board will spend in the next few fiscal years and that it includes the current schedule of costs for the new IT systems (otherwise known as the “BizMod project”) as well as any anticipated reductions in spending, such as the reduction in staff salaries of approximately 9% and a reduction in benefits.

Mr. DelosReyes clarified that the fee increase that went into effect on January 1, 2019 did not take several unforeseen factors into consideration. The fee study behind the fee increase did not account for the BizMod project because the numbers weren’t available at the time, nor did it account for the raised rates of the Attorney General’s Office and the Department of Justice.

Mr. DelosReyes stated that with these assumptions, in the fiscal year of 2021-22, there is a shortfall of roughly \$20,000. While this is manageable for avoiding a potential insolvency, the main concern is that in fiscal year 2022-23 this shortfall becomes unmanageable.

Mr. DelosReyes declared that action needs to be taken by the next fiscal year; that the Board will need to reduce expenditures to close the one-million-dollar gap identified or the Board will need to increase fees.

Dr. McClain asked if there was a plan to do another fee increase study.

Mr. Puleo stated that Board staff are preparing to solicit bids from independent consultants and a new fee study will be conducted in early 2021.

Dr. Azzolino asked how the Board’s fees compared to other Boards such as the Medical Board and Osteopathic Medical Board.

Mr. Puleo stated that though he doesn’t know specifics, he stated that the Board is comparable to other healthcare boards within California. The main difference would be that our Board has an annual fee while others are biennial. Also, the per-licensee expenditures are greater for small programs, such as ours, due to economies of scale.

Mr. McCarther added that the biennial renewal fee for the Medical Board of California is \$820.

Mr. Puleo stated that this amounts to \$410 each year, which is significantly more than the Board's current fee.

Dr. Azzolino asked for metrics on the cost per licensee to see how much it is to run the Board and how other Boards are doing in regard to their budget. He stated that a fee increase is inevitable, but the Board needs to be prepared to show those figures to justify the increase to the public.

Mr. Puleo agreed and stated that a fee increase will not be taken lightly. He added that the Board is frugal and has been dealing with staff vacancies and outdated IT equipment to try to keep costs down as much as possible. He says that the Board has continuously looked for and implemented methods to reduce expenditures but there's only so much that can be done while keeping licensure and enforcement running. The independent fee study will take everything into account and will evaluate the length of time it takes for staff to complete a task and how much it costs. He added that this information would be available to the public.

Dr. Azzolino asked if the independent fee study could reveal a need to increase enforcement case costs as opposed to licensing fees because the average law-abiding licensee shouldn't have to carry these costs.

Mr. Puleo stated that for the most part, in the more egregious cases that go to an Administrative Hearing where an accusation is filed, the biggest cost is the Attorney General's fees and those are usually recoverable when the case is settled, or the Board is awarded cost-recovery by the Administrative Law Judge (ALJ). However, it is at the ALJ's discretion to reduce the cost. For example, if the fees are \$15,000, the ALJ can cut them in half and the Board doesn't have control over some of these aspects. The Board can recover some costs through fines, but will never fully recover the costs of enforcement, as is the case for every board. Licensees do have to subsidize the cost of enforcement.

Dr. Azzolino asked if staff resources, such as time, are ever recovered.

Mr. Puleo stated that the Board cannot recover the costs of office staff. However, we can recover investigative costs, including time our field investigators spend working on a case.

Dr. McClain agreed with Dr. Azzolino and asked if there was a way of looking at the average cost of enforcement compared to that of the Medical Board and Osteopathic Board. Dr. McClain asked if the Board could increase revenue from enforcement cases since the Board only recovers those costs for those who are being disciplined if the licensee wants to be reinstated or remain licensed. She asked if there was a way to change how this works and assess penalties for those who have outstanding balances.

Mr. Puleo stated that the Board has asked these questions of the Department of Justice

in the past and was told that it is very challenging legally. The Board would be challenged and would likely not be successful. The law limits a program's ability to recover enforcement costs, which is probably intentional, so the enforcement and disciplinary processes are not used to increase revenue.

Mr. Puleo added that the enforcement costs for the California Medical Board are astronomical and estimated that the cost is in the tens of millions. He stated that their cases are very complex and highly contested, and they are precluded by law from recovering those costs. He stated that each Board will have different costs, but that enforcement is very expensive across all Boards and will take up most of the budget. He added that the Board is very diligent about recovering costs when applicable and has set up payment plans for those suffering economic hardships. All tools at the Board's disposal are being used and the Board has a good success rate for recovering what is owed.

Dr. McClain asked if the Board is precluded in any way from increasing the Board's fine and citation amounts.

Mr. Puleo stated that the law limits the Board to \$5,000 as the maximum for fines and the Board imposes fines based on the specifics of each individual case. For a first-time offender or minor offense, the fine will be lower than that of a repeat offender or more egregious offense. He stated that the higher the fine, the more likely it is to be contested, which would result in more unrecoverable costs for the Board.

Dr. McClain asked if it was possible to increase the fees for each of these levels slightly, so as not to trigger an appeal, but would still increase revenue streams to aid the Board. Dr. McClain added that perhaps the licensees should be reminded that it is the general licensee population as a whole that incurs the cost of enforcement and that perhaps this should be brought up during the Ethics portion of Continuing Education (CE).

Mr. Puleo agreed that it is the law-abiding ethical licensees who end up subsidizing the ones who commit violations so the licensee population in general should keep this in mind and put pressure on those who do not follow the law. He hypothesized that if the cost of enforcement went way down, or if there was no enforcement required because everyone followed the law, then the cost of licensure would decrease significantly. He stated that every licensee of every profession should keep this in mind when another licensee violates the law; it not only makes the profession look bad, but also costs the profession money.

Mr. Puleo also stated that the Board cannot incrementally raise fines for the aforementioned levels of citations because the fine must be proportionate to the violation, and is a case by case basis with many variables, which is why there is no set guideline for how much a citation should be for each violation. He added that if there was such a guideline, it would need to be in the Board's regulations.

Dr. Azzolino asked when the last time the Board had sat down with the legislature or

Governor and discussed this issue to take some of the burden from the law-abiding licensee.

Mr. Puleo stated that he would check in with other Board's to see if they have attempted anything, but that he couldn't think of anything the Board could do because the licensee is entitled to due process; in order to provide a licensee with a fair investigation and a fair hearing, it is time-consuming and costly. The way the law is written, likely for the Department of Justice as well, it costs more to do an investigation than what will be recovered. Mr. Puleo stated he will reach out to the other Boards and the Department to see if there is anything that can be done. He added that the Board has a diminishing licensee population, which will be discussed in a later agenda item, but that ultimately means that the cost for each licensee will be higher. He noted that there are multiple challenges the Board is facing.

Dr. McClain asked Mr. Puleo if the Board members could see a sample of a few offenses and the fines received for those offenses so they could have an idea for where fines could justifiably be increased or to have an understanding.

Mr. Puleo stated that the big costs are not the citations, it's the accusations and the major violations that involve investigations and having the Department of Justice prepare an accusation, which will often go to a hearing. This is where the costs get very high and these are the cases where the Board will never fully recover the costs. He added that the Board can recover the investigative cost and the Attorney General cost, and as mentioned prior, these can be reduced. However, these are not arbitrary and are based on the actual cost of investigating and litigating the case. The citations and fines are more of a deterrent and a reminder that licensees cannot violate the law, but citations alone will not recuperate the cost of enforcement. He stated that no Board can recover the cost of an administrative hearing, which can be highly expensive. The only costs that can be recovered are the attorney and investigation expenses. Mr. Puleo stated he would be happy to provide the data Dr. McClain is requesting.

Mr. Puleo thanked Mr. DelosReyes for his time and the detail he provided the Board. He then introduced Mr. Sean O'Connor, Chief of Project Delivery and Administrative Services within the Office of Information Services (OIS) who is performing the role of Project Director for the Business Modernization (BizMod) effort for DCA.

Moved to Agenda Item 8E. OIS - Update

Mr. O'Connor stated that his goal is to provide a project update status, what they have accomplished to date, and what they have planned for the future. Mr. O'Connor stated that this project began in late January of 2020 and the software that is aiding in this integration and modernization is from a company called inLumon which has implemented their software in other government entities throughout the United States. Mr. O'Connor stated that this program has been internally branded as "Connect" as it allows the Boards and Bureaus to connect more efficiently and effectively with their licensees and provide expanded online services. Mr. O'Connor stated that the Board is



one of four programs first included in this Business Modernization implementation effort and they share program costs based on each program's complexity and size.

Mr. O'Connor stated that the project just concluded a major development effort which took about seven months to complete and included participation from many of the Board's staff with assistance from IT support. The first major software release was on September 16, 2020. With this release, the scope of online functionality for the Board now includes chiropractic initial license applications, address changes, and the ability to see what stage an application is at during review. The functionality also allows the licensee to receive text message and email updates regarding the status of their application and to be notified if there were any required components missing. Previously, applicants would be sent these notifications via the mail.

Mr. O'Connor added that despite the soft release, with no big social media push, there have been 45 applications started online for the Board; eight of which have been submitted to staff for review. Mr. O'Connor stated that the team worked hard to include chiropractic license renewal applications with the September launch, however due to the release of a new continuing education waiver regarding the COVID-19 pandemic, this release was put on hold so that the new system could be updated. He claimed that the new online license renewal portal would be up in a few days. Mr. O'Connor mentioned that the temporary online renewal system that had been in place received nearly 6,000 chiropractic licenses, 1,200 satellite licenses, and just over 300 corporation licenses renewed online since its launch which is nearly two million dollars transacted online. Mr. O'Connor stated that one of the benefits to renewing online is that it is more efficient as there is rarely a need for staff intervention, and they can be processed quickly as the license is typically renewed within 24 hours of submittal.

Mr. O'Connor identified that the next phase of software implementation is scheduled for early January and would include adding the initial and renewal applications for satellite offices as well as corporation renewals. They are also working on enhancing some of the minor aspects of the system and addressing any bugs or issues that have come up since the launch. Mr. O'Connor stated that for a project of this size, the number of bugs identified is relatively low.

Mr. O'Connor addressed the cost of the program and stated that to date, the cost of the program is trending towards coming in under budget. He stated that the project is about halfway through the planned project period but that they have only expended about 34% of their allowed budget, which is at about 13.3 million dollars split across the four programs. He stated that the caveat is that this number includes redirected staff costs that the program would have incurred regardless.

The net cost for the Board was originally at about 1.4 million dollars over the 18-month period. Mr. O'Connor says that to date, 355,000 dollars is the amount spent by the Board. Mr. O'Connor stated that they achieved savings through negotiations on contracts to keep the costs down.



Mr. O'Connor acknowledged the hard work done by the Department and Board staff to accomplish this project. He stated that the strategy for this project has been to collaborate and communicate effectively on a daily basis with the Board staff setting the priorities for what the project should focus on. Mr. O'Connor thanked Mr. Puleo, Mr. McCarther, and Ms. Walker for their commitment to the project and their dedication.

Mr. Puleo asked if it would be possible to incorporate a process wherein information is sent digitally to Board members regarding disciplinary orders, Administrative Law Judge decisions, and stipulated settlements and where the Board members could cast their votes digitally with the Board Chair signing it electronically.

Mr. O'Connor answered that he doesn't see a reason why this feature couldn't be added from a technological perspective. He added that they would work with Board staff to determine timing on whether this feature would be added during the planned 18-month project period or afterward during the planned maintenance and operations enhancement period. Mr. O'Connor added that this would be beneficial to the other programs participating in this project.

Mr. McCarther stated his belief that this functionality was included in the initial scope for the project.

Mr. O'Connor stated that there should be no issue with this feature.

Dr. Paris thanked Mr. DelosReyes and Mr. O'Connor for their thorough updates and asked to open public comment in case there were any questions for Mr. DelosReyes and Mr. O'Connor so that the Board could move forward with the Licensing and Enforcement Statistical Trends of the EO Report afterward.

Public Comment: None.

#### C. Licensing - Statistical Trends

Mr. Puleo stated that there have been no major changes to the licensing trends since the last Board Meeting and asked if the Board members had any questions for Ms. Van Allen. Mr. Puleo confirmed that there were no questions and moved forwards with the enforcement trends.

#### D. Enforcement - Statistical trends

Mr. Puleo reaffirmed that there had been no major changes to enforcement trends since the last meeting but asked if Ms. Walker had any significant updates to highlight.

Ms. Walker notified the Board that the statistics are comparable to what the Board has been seeing all year and the analysis done of the 2019-20 fiscal year in July. The noticeable changes are to the number of complaints received which are trending lower primarily due to the pandemic and a number of waivers which have been issued

regarding continuing education which has resulted in less failed CE audits.

Ms. Walker stated that the Board is on track to have a total of 500 complaints by the end of the year. She added that the number of pending complaints has been trending upwards for the past five years and stated that she would like to look into this matter more thoroughly, but hypothesized that it could be because staff are teleworking due to the COVID-19 pandemic, vacancies in the enforcement unit, and the unit has a significantly higher workload than historically seen. Ms. Walker stated that she and Mr. Puleo have been regularly meeting with staff and providing guidance to the analysts on what to prioritize. Andreia McMillen, the Board's Policy Analyst, is assisting the enforcement unit because she has prior enforcement experience, and they are in the process of hiring a seasonal clerk to help with the clerical duties to free up the analysts' time so they can focus on their cases.

Ms. Walker identified that the Board hasn't been receiving any proposed decisions for the Board regarding disciplinary cases because there are currently no hearings and no incentives for the defendant to negotiate a settlement due to delays from the COVID-19 pandemic but expects that there will be an increase in closures going to the Board members for mail votes.

Public Comment: None

## **9. Update, Review, Discussion and Possible Action on Long-Term Healing Arts Programs Licensing Trends**

Ms. Boyer gathered information from the Healing Arts Board's annual reports to DCA. She confirmed that the Chiropractic licensee population has been decreasing while the other Boards have an increasing licensee population over the last three to four years.

Dr. Paris stated his concern that every other healthcare population has been growing while chiropractic has been trending in the opposite direction. Dr. Paris added that in a time where current issues with pain and healthcare, there is a need for increased access to conservative care. Dr. Paris asked for comments or thoughts from the Board on the establishment of a focus group or Ad hoc committee that includes stakeholders, such as the colleges, to further research this issue and provide solutions.

Dr. Azzolino thanked the staff for putting this together and asked if once or twice a year a similar document could be presented for trends throughout the country. He added that he believed the reason that the population is decreasing while others are increasing is because other professions' scope of practice have increased while chiropractic's is very limited. Dr. Azzolino agrees that a focus group could be beneficial but affirms that there are polarizing opinions on what should be done. He added that in prior discussions with Dr. Craig Little of the Council on Chiropractic Education (CCE), the limitations of the

Chiropractic Initiative Act will make it difficult for schools in California to be in compliance with CCE initiatives.

Dr. McClain stated her agreement with Dr. Azzolino in regard to the licensing trends.

Dr. Dehn mentioned that the issue of reimbursement needs to be discussed as well.

Dr. Paris asked Mr. Puleo and Ms. Geoffroy if it was necessary to make a motion to form an Ad hoc committee or focus group.

Mr. Puleo commented that it may be best to have an internal discussion regarding what type of committee would be best prior to the Board making a formal motion.

Ms. Geoffroy concurred with Mr. Puleo.

Dr. Azzolino agreed that further discussion would be needed to determine what the desired outcome would be and asked Dr. Paris for his thoughts.

Dr. Paris agreed with the Board members and stated that it would be a detriment to the people to not have access to the conservative care that chiropractic provides. He stated his goal is to hear from the Board's stakeholders and to make sure that the Board has a well-rounded view of the issues and to see if there are any actions that the Board can undertake to rectify the situation.

Mr. Puleo agreed that stakeholder participation is critical because the Board plays a part in this and there are things the Board can and is willing to do, such as changes that will help facilitate the resolution of this matter, but it is something that the profession as a whole needs to initiate. As a regulatory program, the Board is limited in how much it can affect. All the Board can do is eliminate provisions in the Board's regulations or Initiative Act that may be impeding licensure or the profession. He added that there are myriad issues beyond the Board's control, such as in other jurisdictions like the Federal government or from the profession itself. Mr. Puleo agreed it needs to be a partnership and is not something the Board can or should resolve on its own.

Dr. Paris agreed but affirmed that the Board should initiate discussions.

Dr. McClain asked if the Board should internally look at what the Board's part should be before reaching out and discussing anything further with stakeholders and to evaluate where the Board can and should attempt to make an effect.

Dr. Paris stated this his goal is to have a well-rounded view when making these determinations.

Dr. Azzolino agreed but questioned what the Board could do as this isn't an issue that a regulatory program can accomplish and stated it is more appropriate for the chiropractic associations and chiropractic colleges to address this issue.

Dr. Paris added that by having this conversation today, the Board has generated ideas for possible solutions. Dr. Paris reaffirmed that his concern is that a full view is needed from the stakeholders.

Dr. Azzolino stated that this is an ongoing issue and that around six years ago, they had a meeting with the leaders of chiropractic colleges and associations to discuss solutions, but nothing came of it.

Dr. McClain agreed and stated the Board needs to discuss what the Board's role could and should be, and if the Board cannot act then they should individually make suggestions to the entities that can.

Mr. Puleo commented that there is not much the Board can do but that he's willing to do whatever the Board is capable of to improve how the Board regulates the profession and to be an asset to the profession; however, he asserted the Board's mandate is consumer protection and currently the Board is operating with a small staff and very limited resources to the point where the Board is struggling to keep up with the current workload. He added that the Board does not have the resources to research and hire consultants. Mr. Puleo identified the considerable effort and staff resources that have been used to research this issue and bring stakeholders together already. The Board is interested and engaged in this issue and willing to participate in finding a solution, but if the profession isn't addressing this and looking into solutions to move the profession forward, there is little the Board can do.

Mr. Puleo concluded that any barriers to licensure the Board has in place are minimal and if this profession was a viable option for people to enter a profession, they would. He stated that he is very mindful of the fact that everything the Board does affects the profession. He added that this is a national trend and while he believes the Board should be supportive, there are limitations and it cannot be the Board who solves this problem.

Dr. Azzolino thanked Mr. Puleo for his input and agreed that the reality is that if others are willing to make a change, the Board will be supportive in every way possible, but the Board cannot do it, the profession and stakeholders need to put in the effort to make a change.

Dr. Paris stated that he understands Mr. Puleo and Dr. Azzolino's points of view but would like the Board to initiate the conversation so that other entities may make progress.

Mr. Puleo stated that he would research options for committees but advised that the Board needed to be firm about what role it can provide and encouraged stakeholders to contribute to the discussion.

Public Comment: Dawn Benton, Executive Director of the California Chiropractic Association (CCA), stated that the Association would be happy to contribute to the conversation in whatever way possible.

### **Moved to Agenda Item 11 - Update, Discussion and Possible Action on Enforcement Committee Meeting Agenda**

Ms. Walker stated the Board met on October 16, 2020 and discussed an update on the Board's expert witness program. Staff have compiled sample reports from experts to create a template for consistency and as a baseline to evaluate writing samples as the Board moves into the recruitment process in 2021.

Ms. Walker stated that the committee had a discussion regarding the top ten enforcement violations and compiled a list of the most common violations that resulted in either a citation or disciplinary action taken by the Board. Staff is going to use this data to develop separate outreach materials for the public, such as a guide for what to expect during a chiropractic visit, and advise licensees on common issues that they can avoid so they don't come into contact with the enforcement unit. The Committee received an update on the Enforcement Program's statistical data and requested more detailed information regarding the source of the complaints received and examples of the complaints categorized as "unprofessional conduct." Staff is developing reports that contain this data and will present them to the Enforcement Committee for discussion at the next meeting.

Ms. Walker notified the Board that the Board's citation system has been established through CCR, title 16, sections 390-390.6. However, the system does not contain the following required provisions: If a hearing is not requested, payment of any fine shall not constitute an admission of the violation charged. (BPC section 125.9(b)(4)); Failure of a licensee to pay a fine within 30 days of the date of assessment, unless the citation is being appealed, may result in disciplinary action being taken by the board. Where a citation is not contested and a fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the license. A license shall not be renewed without payment of the renewal fee and fine. (BPC section 125.9(b)(5)).

Ms. Walker noted the staff proposed amendments to CCR, title 16, sections 390.4 and 390.5 in order to add these required provisions to the Board's citation system. Additionally, staff proposed an amendment to CCR, title 16, section 390.4 to change the deadline for requesting an informal conference from 14 days after service of the citation to 30 days of the date of issuance of the citation, for consistency with the deadline for requesting a formal administrative hearing.

***MOTION: DR. AZZOLINO MOVED TO APPROVE THE REGULATORY LANGUAGE AS PROPOSED TO AMEND CCR, TITLE 16, SECTIONS 390.4 AND 390.5, AND DELEGATE AUTHORITY TO THE EXECUTIVE OFFICER TO MAKE NON-SUBSTANTIVE CHANGES AND COMMENCE THE RULEMAKING PROCESS.***

**SECOND: DR. MCCLAIN SECONDED THE MOTION.**

**Discussion:** None.

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

**MOTION: CARRIED.**

Public Comment: None

### **10. Update, Review, Discussion and Possible Action on Licensing & Continuing Education Committee Meeting Agenda**

Dr. McClain presented the results of the Committee meeting to the Board and stated that the Licensing & CE Committee discussed changes to the mandatory CE hours and competency areas. The Committee held a discussion regarding reducing the number of hours required under Competency 7 – Chiropractic Adjustment/Manipulation. Ultimately the Committee decided to maintain the four required hours, unless further supporting material was presented to the Committee to substantiate the reduction in hours. The Committee also discussed content changes in Competency 5 – Professional Ethics and Jurisprudence. Dr. McClain told the Board that the Committee is striving to reduce disciplinary actions by utilizing CE courses to educate licensees about the top enforcement violations seen by the Board.

Dr. McClain added that the Committee began the discussions surrounding defining classroom courses versus distance learning courses, but noted that while the Committee made progress in this area, there are still in-depth discussions that need to occur to properly define these distance learning modalities for the CE regulations. Finally, the Committee reviewed and discussed the proposed language and policy changes to California Code of Regulations (CCR) Sections 364-366. The Committee Members agreed that adding a stipulation authorizing the Board to make necessary changes to CE requirements during national and local states of emergencies was prudent, considering the present challenges created by the COVID-19 outbreak.

Dr. McClain commended the amount of participation and engagement this meeting had from the stakeholders and urged stakeholders to continue participating in future meetings.

Ms. Boyer noted that the next Committee meeting will be held on November 6, 2020 and urged robust participation at this meeting as well.

Public Comment: None.



## 12. Update, Review, and Possible Action on Revisions to AB 2138 Regulatory Language

Mr. Jackson presented a brief overview of the history of AB 2138 regulations to the Board and explained why further revisions would be necessary. In January 2019, DCA Legal prepared a basic template of the required amendments for all boards and bureaus to use. Board staff made modifications to this template to meet the unique needs of the Board. After submitting the first of the regulation packages for the Veterinary Medical Board (VMB) in November 2019, the Office of Administrative Law (OAL) advised that several textual changes would need to occur.

Mr. Jackson stated that the Board's rulemaking package would also need to be amended to avoid the numerous resubmissions and revisions the other boards have undertaken and has provided a draft of the regulatory language for the Board to review with the changes highlighted. Mr. Jackson added that the new language largely provides additional clarity over the previous iterations.

**MOTION: DR. MCCLAIN MOVED TO APPROVE THE PROPOSED REGULATORY TEXT FOR TITLE 16, CCR SECTIONS 316.5, 326, AND 327, 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 A RULEMAKING PROCESS, MAKE ANY NON-SUBSTANTIVE TECHNICAL OR GRAMMATICAL CHANGES TO THE PACKAGE, AND SET THE MATTER FOR HEARING IF NECESSARY. SECOND: DR. DEHN SECONDED THE MOTION.**

**Discussion:** None.

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

Public Comment: Brian Ota, a chiropractic licensee and a physical medicine program director for a company that employs physical therapists and chiropractors in various locations throughout the San Francisco Bay Area, suggested an amendment to CCR Section 308 regarding satellite licensing. He stated that in recent months due to the COVID-19 pandemic, it became necessary to have their chiropractors practice in multiple locations within a short amount of time. He cited the processing time for satellite applications for the Board is three to four weeks while they only had one week to accomplish their goal.

Dr. Ota thanked Mr. Puleo and the Board staff for their assistance and guidance in accomplishing this task, however noted that projects could be delayed and patients affected if the processing time is not shortened. He urged the Board to consider

amendments that would quicken this process in order to assist chiropractors in growing their practices and collaborating in multidisciplinary practices. He suggested an umbrella satellite license for the main employer which would allow employees to work at any of the sites listed on this license for the length of the satellite license.

Dr. McClain attended a Federation of Chiropractic Licensing Board (FCLB) meeting on behalf of the Board on October 7-8, 2020. Dr. McClain provided an update to the Board on the reports given by the National Board of Chiropractic Examiners (NBCE). The NBCE reported that as of August, they were caught up with those needing to take the NBCE Part IV examinations which had been delayed due to the COVID-19 pandemic.

Dr. McClain expressed NBCE's desire to have state board members administrating their tests at various locations and added that she, Dr. Paris, and Dr. Dehn would be participating in the next round of examinations. Dr. McClain stated the NBCE spoke at length about management excellence and suggested boards do a regulatory assessment but reported that it is necessary to have ongoing metrics regarding analyzing complaints and processing time. NBCE also suggested the boards work on telehealth and the expansion of medical services as related to the healthcare model to provide flexibility due to the everchanging nature from the COVID-19 pandemic. Dr. McClain stated the next NBCE meeting would take place in April 2021.

### **13. Update, Discussion and Possible Action on Pending Rulemaking**

Ms. McMillen reported that the following rulemaking files have been reviewed by the Business, Consumer Services & Housing Agency and the rulemaking file has been returned to the Board for further revisions:

- Denial of Application, Revocation or Suspension of Licensure

Ms. McMillen stated staff have been working on the following draft rulemaking files:

- Disciplinary Guidelines & Uniform Standards for Substance Abusing Licensees
- Continuing Education Requirements

Ms. McMillen reported that Board staff have been advised by legal counsel that the Board is not required to move forward with the following rulemaking file because statutory language for this regulation is self-executing:

- Probation Status Disclosure

Ms. McMillen reported that the following rulemaking files have been submitted to DCA to commence the Initial Phase of DCA's Regulatory Review Process:

- Consumer Protection Enforcement Initiative

Ms. McMillen stated that legal review has been completed and revisions to language have been suggested so the Board will need to review and approve language at a future Board meeting. Upon approval, the package will be submitted to DCA's Executive Office.



- Delegation of Authority to the Assistant Executive Officer

Mr. Jackson reported that there is no longer authority for the Board to allow out-of-state licensees to hold Sponsored Free Health Care Events in California. Mr. Jackson advised the Board that staff could file a Section 100 to have this section repealed but recommended the Board leave it in the regulations in case it is reauthorized by legislation and the Governor.

Public Comment: None

#### **14. Review, Discussion and Possible Action to Schedule End-of-Year Board Meeting**

Mr. Puleo advised the Board that due to the pandemic the Board has been unable to hold petition hearings at prior Board meetings. He added that Board staff have begun to review petitions and will notify those eligible for a hearing and noted that a CE provider requested a formal hearing before the Board which must be overseen by an Administrative Law Judge.

The Board discussed their calendars for the month of December 2020 and decided to hold a Board Meeting on December 11, 2020.

Public Comment: None.

#### **15. Review, Discussion and Possible Action Regarding the Proposed 2021 Board Meeting Schedule**

The Board directed staff to schedule the 2021 Board Meetings via email or Doodle Poll.

Public Comment: None.

#### **16. Public Comment for Items Not on the Agenda**

There were none.

#### **17. Future Agenda Items**

There were none.

#### **18. Closed Session**

The Board went into Closed Session for deliberation and determinations regarding:

- A. Receive Advice from Legal Counsel Pursuant to California Government Code Sections 11126(e) and 139361.1 Regarding Hugh Lubkin, D.C. v. Board of Chiropractic Examiners Workers' Compensation Case No. ADJ7361379

## **19. Open Session**

The Board returned to Open Session.

## **20. Adjournment**

Dr. Paris adjourned the meeting at 3:40 p.m.

DRAFT

**(ATTACHMENT A)**

Approval by Ratification of Formerly Approved License Applications  
between July 1, 2020 and September 30, 2020.

<b>Name (First, Middle, Last)</b>		<b>Date Issued</b>	<b>DC#</b>	
Lisa		Ly	7/2/2020	34861
Stephanie	Ann	Morales	7/2/2020	34862
Benji	Preciado	Rocha	7/2/2020	34863
William	Eric	De Board	7/2/2020	34864
Kelly	John	Chapman	7/3/2020	34865
Manuel	Alejandro	Soto-Garcia	7/3/2020	34866
Sarah	Luisa	Schweter	7/3/2020	34867
Alexa	Taylor	Milus	7/3/2020	34868
Ace		Fletcher	7/3/2020	34869
Brook	Marylea	Foster	7/3/2020	34870
Samantha	Ellen	Morones	7/3/2020	34871
Alexander	Robert	Morrow	7/3/2020	34872
Erica	Michelle	Bass	7/8/2020	34873
Joel	Adams	Stryker	7/8/2020	34874
Jessica	Ingram	Stief	7/8/2020	34875
Ian	Thomas	Barwick	7/8/2020	34876
Wincelas	Scott	Weems	7/8/2020	34877
McKay		Holland	7/15/2020	34878
Jack	Paul	Mitchell	7/15/2020	34879
Abigail	Estrin	Petkov	7/15/2020	34880
Thomas	Zachary	Thomas	7/15/2020	34881
Kyle	Robert	Young	7/15/2020	34882
Fleming	Lee	Saballa	7/16/2020	34883
Richard	Ledosquet	Ford	7/16/2020	34884
Matthew	Anthony	O'Brien	7/16/2020	34885
Evan	Allender	Peake	7/16/2020	34886
Michael		To	7/16/2020	34887
Diego	Andres	Bignone	7/16/2020	34888
Dahren	Aman	Doss	7/16/2020	34889
Jamor		Townsend	7/22/2020	34890
Alexa	Rae	Garcia	7/22/2020	34891
Jennifer		Habchi	7/22/2020	34892
Travis	Scott	Rodman	7/30/2020	34893
Kamelia	Irena	Habina	7/30/2020	34894
Eddy	Bounpon	Mydouangchanh	7/30/2020	34895
Paris	Marie	De Grasse	8/5/2020	34896

Daniel	Webster	Veiga	8/5/2020	<b>34897</b>
Katarina	Skier	Payne	8/5/2020	<b>34898</b>
Toshina	Christine	Crockett-Espinoza	8/5/2020	<b>34899</b>
Camille	Brianne	Masica	8/6/2020	<b>34900</b>
Henry	Antonio	Rivera Olivas	8/6/2020	<b>34901</b>
Andrew	Jonathan	Adam	8/6/2020	<b>34902</b>
Tsu	Yao	Lam	8/6/2020	<b>34903</b>
George		Janji	8/11/2020	<b>34904</b>
Alex	Michael	Dumas	8/11/2020	<b>34905</b>
Nathan	Daniel	Clark	8/11/2020	<b>34906</b>
Vennes	Gem	Su	8/11/2020	<b>34907</b>
Abbie	Janet	Spencer	8/12/2020	<b>34908</b>
Keith	Eugene	Pyne	8/12/2020	<b>34909</b>
Matthew	Emmanuel	Viramontes	8/12/2020	<b>34910</b>
Matthew	E	Kelly	8/26/2020	<b>34911</b>
Mary	Jeanette	Ames Brown	8/26/2020	<b>34912</b>
Nicholas	Ryan	Randolph	8/26/2020	<b>34913</b>
Allen	Frank Sonier	Stevens	8/26/2020	<b>34914</b>
Brittany	Reann	Rojo	9/3/2020	<b>34915</b>
William	Joseph	Seidl	9/3/2020	<b>34916</b>
Monique	Marie	Pangilinan	9/3/2020	<b>34917</b>
Vivian	Zhiwin	Kan	9/3/2020	<b>34918</b>
Erin	Rebecca	McClive	9/3/2020	<b>34919</b>
Taylor	Jerae	Garcia	9/3/2020	<b>34920</b>
Linet		Sarkisyan	9/17/2020	<b>34921</b>
Brian		Lee	9/17/2020	<b>34922</b>
Dean	Holden	Rushing	9/17/2020	<b>34923</b>
Raymond	J	Martinez	9/17/2020	<b>34924</b>
Caitlin	Susana	Montcrieffe	9/17/2020	<b>34925</b>
Antonia	Juliette	Forsyth	9/23/2020	<b>34926</b>
Natalie	Alexandra	Noack	9/23/2020	<b>34927</b>
Andre	Nicoles Salcedo	Bugawan	9/23/2020	<b>34928</b>
Marco Antonio	G	Gudino	9/23/2020	<b>34929</b>
Niccolo		Caspani	9/23/2020	<b>34930</b>
Anthony Gil	Lawrence	Galapon-Olivas	9/23/2020	<b>34931</b>
Jordan	Clifton	Hines	9/23/2020	<b>34932</b>
Alexander	S	Choi	9/23/2020	<b>34933</b>

(ATTACHMENT B)

Pending Ratification to Approve New Continuing Education Providers

<p><b>Provider Name:</b> Jonathan David Diaz, DC</p> <p><b>CE Oversight Contact Person:</b> Jonathan David Diaz, DC</p> <p><b>Provider Status:</b> Individual</p>	<p><b>Provider Name:</b> Lewis N. Meltz, DC, DABCO</p> <p><b>CE Oversight Contact Person:</b> Lewis N. Meltz, DC, DABCO</p> <p><b>Provider Status:</b> Individual</p>
<p><b>Provider Name:</b> Nicholas Loloee, DC</p> <p><b>CE Oversight Contact Person:</b> Nicholas Loloee, DC</p> <p><b>Provider Status:</b> Corporation</p>	<p><b>Provider Name:</b> WebExercises</p> <p><b>CE Oversight Contact Person:</b> Anja Dean</p> <p><b>Provider Status:</b> Corporation</p>

DRAFT

**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.

DRAFT

**Agenda Item 4  
January 28, 2021**

**Ratification of Approved License Applications**

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**Purpose of the item**

The Board will review and ratify the attached list of approved license applications.

**Action(s) requested**

A motion is needed to ratify the attached list of approved license applications.

**Background**

Between October 1, 2020 and December 31, 2020, staff reviewed and confirmed that the applicants met all statutory and regulatory requirements.

**Recommendation(s)**

Staff requests the Board approve the list of approved license applications.

**Next Step**

N/A

**Attachment(s)**

- List of formerly approved license applications issued between October 1, 2020 and December 31, 2020.

BCE Ratification of Approved License Applications

January 28, 2021

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<b>Name (First, Middle, Last)</b>			<b>Date Issued</b>	<b>DC#</b>
Nicholas	James	Shannon	10/1/2020	34935
Emad		Ghobrial	10/1/2020	34936
Victoria	Gray	Schwartz-Edmisten	10/1/2020	34937
Juliet	Austin	Murray	10/1/2020	34938
Mary	Thongphian	Wiggins	10/1/2020	34939
Ryan	Scott	Nichols	10/1/2020	34940
Matthew	Ryan	Upchurch	10/1/2020	34941
Jennifer	Martinez	Labit	10/1/2020	34942
Alejandro		Castaneda	10/8/2020	34943
Fernando	A	Titus	10/8/2020	34944
Karley	King	McCloskey	10/8/2020	34945
Hugo	Bruno	Jay	10/14/2020	34946
Jessica	Javonne	Lewis	10/14/2020	34947
Justin	Barry	Toulouse	10/14/2020	34948
Bari	Anne	Hartley	10/14/2020	34949
Tino	Orlando	Abon	10/14/2020	34950
Alexander	Edward	Lee	10/14/2020	34951
Cody	Joseph	Miller	10/14/2020	34952
Ethan	Gabriel	Stine	10/21/2020	34953
Danielle	N	Jacobson	10/21/2020	34954
Kimberly	Kristin	Ma	10/21/2020	34955
Daniel	William	Rae	10/21/2020	34956
Umar	Ahmed	Ellahie	10/21/2020	34957
Gregory		Lew	10/21/2020	34958
Sean	Michael	Flannery	10/21/2020	34959
Anyon	Tor	Harrington	10/21/2020	34960
Maxwell	Arthur	Moore	10/21/2020	34961
Mandy	H	Wong	10/21/2020	34962
Titus	Young	Wolverton	10/21/2020	34963
Antony	Georges	Rizkallah	10/21/2020	34964
Travis	Steven	Comeau	10/29/2020	34965
Sullivan		Truong	10/29/2020	34966
J	Joseph	Friedman	10/29/2020	34967
Claudia	Gabriela	Wong	10/29/2020	34968
Alex	Michael	Naquin	10/29/2020	34969
Hessom		Minaei	10/29/2020	34970
Cory	Ryan	Sellers	10/29/2020	34971
Corey	Brandon	Buchalter	11/12/2020	34972

BCE Ratification of Approved License Applications

January 28, 2021

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Brook	Pineo	Sheehan	11/12/2020	34973
Wren	Ariel	Felton	11/12/2020	34974
Jamahl	Jelani-Charles	Gow	11/12/2020	34975
Zachary	Alan	Chow	11/12/2020	34976
Bryan	Cory	Kappe	11/19/2020	34977
Rebecca	Ruth	Sanders	11/19/2020	34978
Kristy	Daliva	Carranza	11/19/2020	34979
Adam	Eugene	Martinez	11/19/2020	34980
James	Jangwon	Lee	11/19/2020	34981
Sajan	Partike	Singh	11/19/2020	34982
Samin		Rahimi	11/19/2020	34983
Tommy		Siu	11/19/2020	34984
Colleen	Elizabeth	O'Hara	11/19/2020	34985
Katrina		Ordonez	11/19/2020	34986
Siavash		Nikkhou	11/19/2020	34987
Dyllon	Patrick	Mawn	12/3/2020	34988
Homer	Ezequiel	Firestone	12/3/2020	34989
Orlando		Soler	12/3/2020	34990
Sarah	Elizabeth	Rutherford	12/29/2020	34991
Monica		Keefe	11/23/2020	36000
Zachary		Walker	11/23/2020	36001
Alexander	Charles	Long	11/23/2020	36002
Amanda	Devyanie	Maharaj	12/14/2020	36003
Hunter	Saxxon	Cosgrove	12/14/2020	36005
Catherine		Breton	12/14/2020	36004
Wayne	Weicheng	Hue	12/16/2020	36008
Seraphina	Dolores	Freund	12/14/2020	36006
Truc	Kiwithy	Tran	12/14/2020	36007
Angenique	Gloriann	Jackson	12/23/2020	36010
Hoa	Thi	Cao	12/23/2020	36009
Danielle	Elizabeth	Lamirande	12/23/2020	36011
Ikjot		Gill	12/31/2020	36014
Nicholas	Alan	Borovsky	12/31/2020	36013
Surya	Singh	Bhatti	12/31/2020	36012

**\*DC's starting with 36000 are online applicants that have been issued a license through our new online portal.**



**Agenda Item 5**  
**January 28, 2021**

**Ratification of Denied License Applications**

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**Purpose of the item**

The Board will review and ratify denied license applications in which an applicant did not appeal the Board's decision.

**Action(s) requested**

No action requested at this time.

**Background**

The Board of Chiropractic Examiners denies licensure to applicants who do not meet all statutory and regulatory requirements for a chiropractic license in California. Following a denial of licensure, an applicant has 60-days to appeal the Board's decision. If the applicant does not submit an appeal to the Board, the denial is upheld.

**Recommendation(s)**

During the period of October 1, 2020 and December 31, 2020, staff has reviewed and confirmed that applicants met all statutory and regulatory requirements for licensure. There were no denials or appeals during this time period.

At this time, no ratification is necessary.

**Next Step**

N/A

**Attachment(s)**

N/A



**Agenda Item 6  
January 28, 2021**

**Ratification to Approve Continuing Education Providers**

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**Purpose of the item**

The Board will be asked to review and ratify the new continuing education (CE) providers.

**Action(s) requested**

The Board will be asked to ratify the following new CE providers:

<p><b>Provider Name:</b> Alan Bonebrake, DC</p> <p><b>CE Oversight Contact Person:</b> Alan Bonebrake, DC</p> <p><b>Provider Status:</b> Individual</p>	<p><b>Provider Name:</b> Ariel Thorpe, DC</p> <p><b>CE Oversight Contact Person:</b> Ariel Thorpe, DC</p> <p><b>Provider Status:</b> Individual</p>
<p><b>Provider Name:</b> David Mark Radin, DC</p> <p><b>CE Oversight Contact Person:</b> David Radin, DC</p> <p><b>Provider Status:</b> Individual</p>	<p><b>Provider Name:</b> DC-PowerHours</p> <p><b>CE Oversight Contact Person:</b> Terry W. Griggs, DC</p> <p><b>Provider Status:</b> Individual</p>
<p><b>Provider Name:</b> Jeffrey Cronk, DC JD – Spinal Kinetics, LLC</p> <p><b>CE Oversight Contact Person:</b> Jennifer Miller, DC</p> <p><b>Provider Status:</b> Corporation</p>	<p><b>Provider Name:</b> Mori West Seminars</p> <p><b>CE Oversight Contact Person:</b> Roger West, DC</p> <p><b>Provider Status:</b> Individual</p>
<p><b>Provider Name:</b> Wellness Care Group, Inc.</p> <p><b>CE Oversight Contact Person:</b> David Wells, DC LAc</p> <p><b>Provider Status:</b> Corporation</p>	

**Background**

N/A

**Recommendation(s)**

Staff requests the Board approve the new CE provider applicants.

**Next Step**

N/A

**Attachment(s)**

- To maintain compliance with AB 434 (Baker) State Web accessibility: standard and reports, we are no longer able to provide scanned documents on our website. Copies of the CE provider applications can be requested via a Public Records Request, please email [chiro.info@dca.ca.gov](mailto:chiro.info@dca.ca.gov) for a copy of the CE provider applications.



**Agenda Item 7  
January 28, 2021**

**2021 Election of Board Officers**

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**Purpose of the item**

The Board will vote on the Board Officer positions of Chair, Vice Chair, and Secretary.

**Action(s) requested**

N/A

**Background**

At the October 29, 2020 Board meeting, Board Members were nominated for consideration to serve as Board Officers in the positions of Chair, Vice Chair and Secretary.

Current Slate of Nominations:

**Chair:** Dr. David Paris and Dr. Dionne McClain

**Vice Chair:** Dr. David Paris and Dr. Dionne McClain

**Secretary:** Mr. Frank Ruffino

**Recommendation(s)**

N/A

**Next Step**

N/A

**Attachment(s)**

- Procedures for Election of Board Officer Positions
- Roll Call for Election of Officers



# Public Board Meeting

## Procedures for Electing Board Officers as Voted on by the Full Board

January 28, 2021

### Election:

- Legal counsel will preside over the Election of Board Officers
- For those not currently nominated, Board Members will be asked if they would like to be considered for a Board Officer position.
- Prior to electing a Board Officer, nominees will have the opportunity to provide their Statements of Interest for the Board Officer positions.
- Voting will take place one position at a time, allowing individuals nominated for multiple positions to have their intentions known.
- Elections will occur by officer position; starting with the Chair, Vice Chair and then Secretary.
- Voting will be held in roll call order with the Chair voting last.

# Public Board Meeting

## Roll Call for the Election of Officers

January 28, 2021

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



State of California  
Gavin Newsom, Governor

**Agenda Item 9**  
**January 28, 2021**

## **Executive Officer's Report**

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### **Purpose of the item**

The Executive Officer will provide the Board Members with an update on statistics related to Board Administration, Budget, Licensing, Enforcement and IT. Board Members will have the opportunity to ask questions as necessary.

### **Action(s) requested**

No action requested at this time.

### **Background**

#### A. Administration

- The Executive Officer, Robert Puleo, will discuss staffing, including current vacancies, new hires, and pending recruitment efforts. He will also provide an overview of operational changes implemented in response to current state of emergency.

#### B. Budget

- The Executive Officer, Robert Puleo, will provide an overview of the Board's current fiscal-year fund condition and projections for the next fiscal year.

#### C. Licensing

- The Licensing Manager, Dixie Van Allen, will provide an overview of the attached licensing program data.

#### D. Enforcement

- The Assistant Executive Officer, Kristin Walker, will provide an overview of the attached Enforcement program data.

#### E. IT Update

- The Assistant Executive Officer, Kristin Walker, will provide an update on the Board's various information technology projects.

**Recommendation(s)**

N/A

**Next Step**

N/A

**Attachment(s)**

- Organizational Chart/Staff Functions
- Updated Fund Condition
- Licensing Statistics
- Enforcement Statistics



**FY 2020-21**  
Authorized Positions: 19

[Empty box]

**Exempt**  
Robert Puleo  
**Executive Officer**  
620-110-8862-001

**SSMII**  
Kristin Walker  
**Assistant Executive Officer**  
620-110-4801-001

**Licensing/Admin**  
Vacant  
**Management Services Technician**  
620-110-5278-001

**SSMI**  
Vacant  
**Enforcement Manager**  
620-110-4800-006

**SSMI**  
Dixie Van Allen  
**Admin/ Licensing/ CE Manager**  
620-110-4800-008

**Enforcement**

**Field Operations**

**Licensing/Administrative**

**Enforcement**

Tammi Pitto  
**Assoc. Gov. Program Analyst**  
620-110-5393-002

Christina Bell  
**Assoc. Gov. Program Analyst**  
620-110-5393-005

Valerie James  
**Staff Services Analyst**  
620-110-5157-009

Marlene Valencia  
**Assoc. Gov. Program Analyst**  
620-110-5393-800

Vacant  
**Staff Services Analyst**  
620-110-5157-004

Kelly Siguenza  
**Seasonal Clerk**  
620-110-1120-907

**Field Operations North**

Maria Martinez  
**Special Investigator**  
620-110-8612-001

Denise Robertson  
**Special Investigator**  
620-110-8612-002

**Field Operations South**

Yanti Soliman  
**Special Investigator**  
620-110-8612-003

**Policy/Admin**

Andreia McMillen  
**Assoc. Gov. Program Analyst**  
620-110-5393-003

**Admin/Licensing**

Brianna Lauziere  
**Staff Services Analyst**  
620-110-5157-008

Estralita Jennings  
**Office Technician (T)**  
620-110-1139-010

Alyssa Vasquez  
**Office Technician (T)**  
620-110-1139-009

**Licensing/Continuing Education**

Natalie Boyer  
**Assoc. Gov. Program Analyst**  
620-110-5393-801

Amanda Campbell  
**Staff Services Analyst**  
620-110-5157-005

Emily Lopez  
**Seasonal Clerk**  
620-110-1120-907

Executive Officer \_\_\_\_\_

Personnel Office \_\_\_\_\_

# 0152 - Board of Chiropractic Examiners

## Analysis of Fund Condition

Prepared 12.24.2020

(Dollars in Thousands)

### 2021-22 Governor's Budget

	ACTUAL 2018-19	PY 2019-20	CY 2020-21	Governor's Budget	
				BY 2021-22	BY +1 2022-23
<b>BEGINNING BALANCE</b>	\$ 1,285	\$ 2,151	\$ 2,364	\$ 1,395	\$ 848
Prior Year Adjustment	\$ 876	\$ -65	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 2,161	\$ 2,086	\$ 2,364	\$ 1,395	\$ 848
<b>REVENUES AND TRANSFERS</b>					
Revenues:					
4121200 Delinquent fees	\$ 37	\$ 39	\$ 47	\$ 35	\$ 35
4127400 Renewal fees	\$ 3,556	\$ 4,086	\$ 3,893	\$ 3,859	\$ 3,859
4129200 Other regulatory fees	\$ 57	\$ 132	\$ 67	\$ 69	\$ 69
4129400 Other regulatory licenses and permits	\$ 260	\$ 361	\$ 378	\$ 385	\$ 385
4163000 Income from surplus money investments	\$ 51	\$ 38	\$ 7	\$ 7	\$ 2
4171400 Escheat of unclaimed checks and warrants	\$ -	\$ 1	\$ -	\$ -	\$ -
4172500 Miscellaneous revenues	\$ 1	\$ 2	\$ 1	\$ 1	\$ 1
4173500 Settlements and Judgments - Other	\$ -	\$ -	\$ 3	\$ -	\$ -
Totals, Revenues	\$ 3,962	\$ 4,659	\$ 4,396	\$ 4,356	\$ 4,351
Totals, Revenues and Transfers	\$ 3,962	\$ 4,659	\$ 4,396	\$ 4,356	\$ 4,351
Totals, Resources	\$ 6,123	\$ 6,745	\$ 6,760	\$ 5,751	\$ 5,199
<b>EXPENDITURES</b>					
Disbursements:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 3,669	\$ 4,038	\$ 5,046	\$ 4,521	\$ 4,657
8880 Financial Information System for California (State Operations)	\$ -	\$ -1	\$ -	\$ -	\$ -
9892 Supplemental Pension Payment (State Operations)	\$ 41	\$ 85	\$ 85	\$ 85	\$ 85
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 262	\$ 259	\$ 234	\$ 297	\$ 297
Total Disbursements	\$ 3,972	\$ 4,381	\$ 5,365	\$ 4,903	\$ 5,039
<b>FUND BALANCE</b>					
Reserve for economic uncertainties	\$ 2,151	\$ 2,364	\$ 1,395	\$ 848	\$ 160
<b>Months in Reserve</b>	5.9	5.3	3.4	\$ 2.0	0.4

#### NOTES:

- ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.
- ASSUMES APPROPRIATION GROWTH OF 3% PER YEAR BEGINNING IN BY+1.
- ASSUMES INTEREST RATE AT 1.5%.
- ASSUMES NO PAYMENT TO THE VIRF LOAN
- OUTSTANDING VIRF LOAN BALANCE OF \$1,448,000.

**BOARD OF CHIROPRACTIC EXAMINERS  
LICENSING TRENDS  
FY 2020-21**

**Total Population of Clear Chiropractic Licenses**

Month	Total Licenses
July	12,775
August	12,742
September	12,715
October	12,598
November	12,604
December	12,621

**New Satellite Office Certificates Issued**

Month	Received	Issued
July	110	35
August	103	37
September	108	161
October	110	133
November	59	27
December	108	150

**Number of Restored Cancelled Licenses**

Month	Received	Issued
July	1	2
August	1	0
September	1	1
October	2	2
November	3	4
December	2	3

**Licensing Population as of December 31, 2020**

License Type	Clear Licenses
Chiropractors	12,621
Satellite Offices	4,091
Corporation Registrations	1,346

**Corporation Registrations Issued**

Month	Received	Issued
July	4	6
August	9	5
September	11	8
October	8	8
November	7	6
December	6	6

**New Chiropractic Licenses Issued**

Month	Received	Issued
July	12	34
August	37	19
September	37	14
October	21	38
November	52	19
December	69	6

**Applications Received and Processed – July 1, 2020 through Sept. 30, 2020**

Application Type	Received	Issued	Denied	Pending
Initial Chiropractic	86	67	0	118
Reciprocal	1	0	0	1
Restorations (Cancelled & Forfeiture)	30	23	0	20
Corporation	24	19	0	11

**BOARD OF CHIROPRACTIC EXAMINERS  
ENFORCEMENT STATISTICS**

**COMPLAINTS**

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Complaints Received	490	479	641	783	255
Pending Complaints	183	235	613	591	623
Closed: No Violation	75	75	38	115	14
Closed: Insufficient Evidence	79	72	63	76	43
Closed with Merit	184	214	56	65	11
Closed: Letter of Admonishment	4	17	62	279	1

**CITATIONS**

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Citations Issued	26	25	27	110	13
Total Fines Assessed	\$36,900	\$24,650	\$25,200	\$71,850	\$24,000
Total Fines Collected	\$24,750	\$29,646	\$29,104	\$64,820	\$16,310

**ACCUSATIONS**

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Accusations Filed	35	34	21	15	14
Pending Cases	65	55	38	51	59

**DISCIPLINARY CASES CLOSED**

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
License Revoked	10	9	13	5	3
Revocation Stayed: Probation	11	15	14	2	3
Rev. Stayed: Susp. / Probation	5	1	0	1	1
Voluntary Surrender of License	14	9	15	5	3
Dismissed/Withdrawn	6	0	2	0	1

**STATEMENTS OF ISSUES**

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
SOI Filed	1	2	1	0	1
Withdrawn	0	0	1	0	0
Denied	0	0	0	0	0
Granted	0	0	0	0	0
Probationary License Issued	0	0	1	0	0



**PETITIONS FOR RECONSIDERATION**

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Filed	0	0	1	3	1
Granted	0	0	0	0	1
Denied	0	0	1	3	0

**PETITIONS FOR REINSTATEMENT OF LICENSE**

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Filed	6	6	3	8	0
Granted	0	0	0	2	0
Denied	3	3	8	5	0

**PETITIONS FOR EARLY TERMINATION OF PROBATION**

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Filed	3	2	1	1	0
Granted	0	0	0	0	0
Denied	2	5	1	2	0

**PETITIONS FOR MODIFICATION OF PROBATION**

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Filed	0	1	0	2	0
Granted	0	1	0	2	0
Denied	0	0	0	0	0

**PETITIONS BY BOARD TO REVOKE PROBATION**

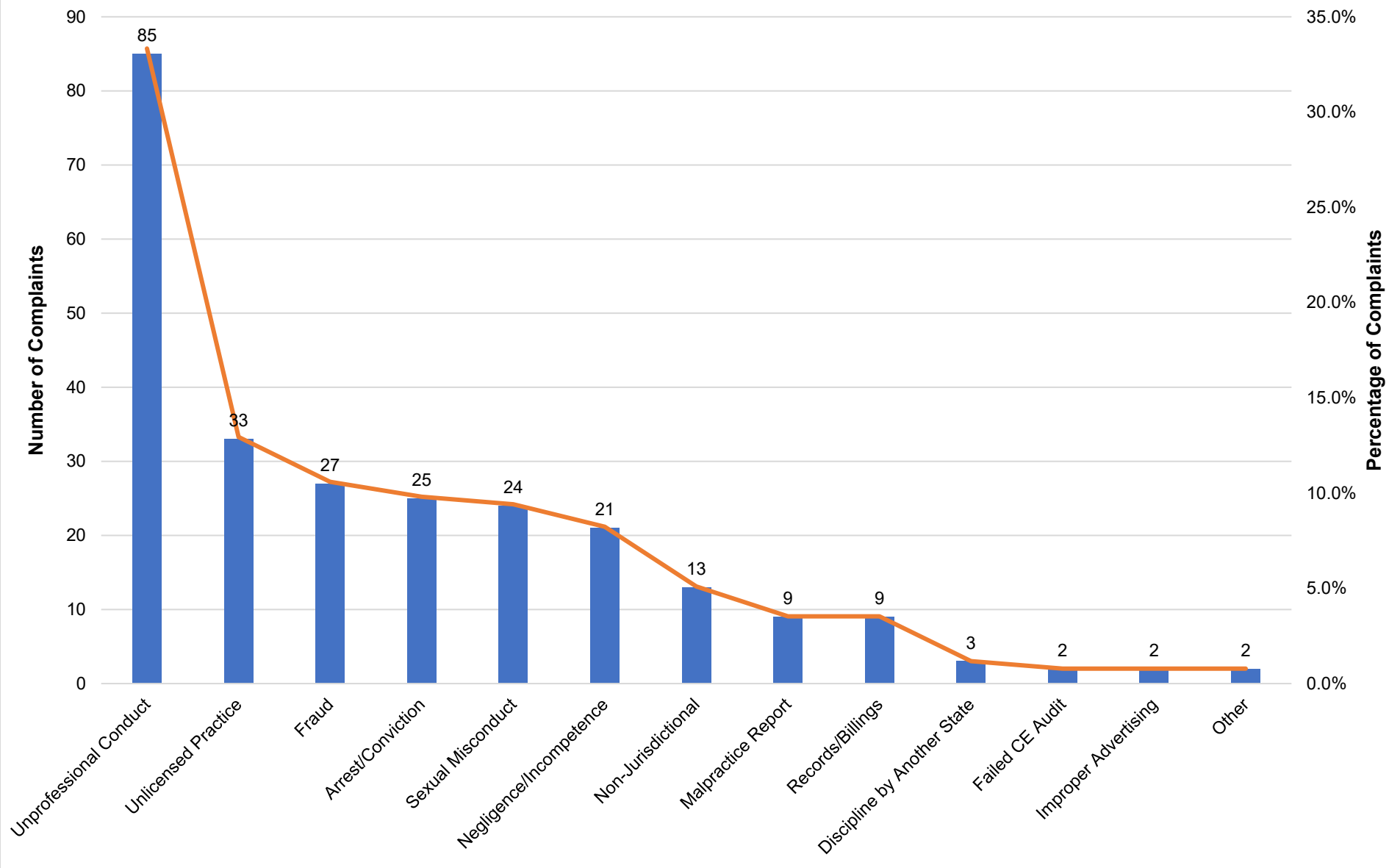
Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Filed	5	6	7	2	1
License Revoked	10	9	4	2	1

**PROBATION CASES**

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Active Probationers	92	90	80	67	64

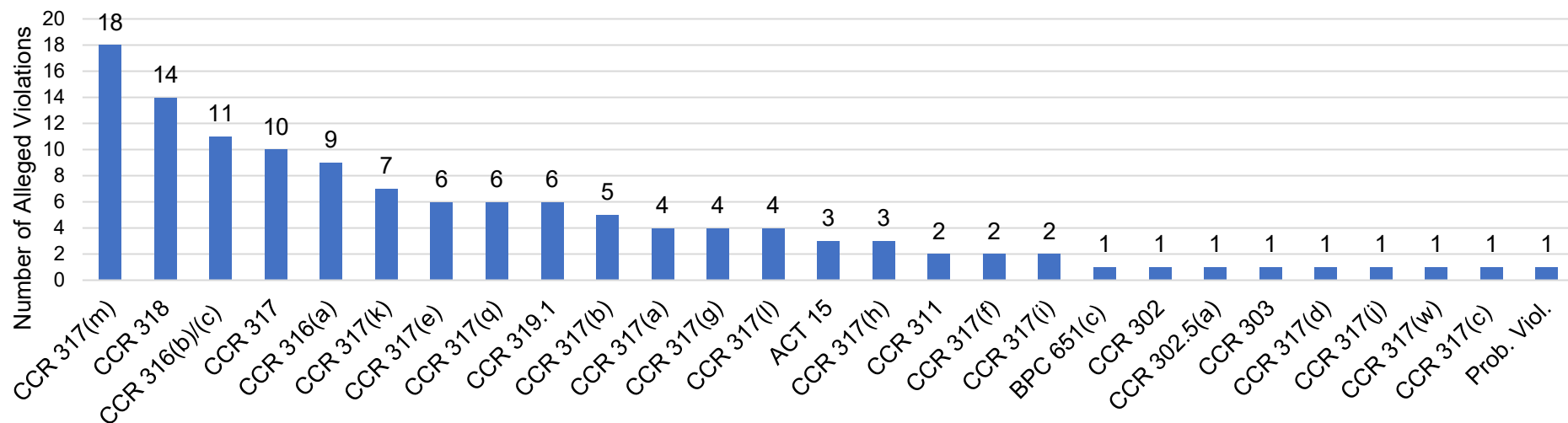
### Complaints Received July 1, 2020 - January 13, 2021

(Total Number Received: 255)



## Accusations Filed July 1, 2020 - January 13, 2021

Number of Accusations Filed: 14  
Total Alleged Violations: 125



### Violation Codes/Descriptions

ACT 15 – Noncompliance with and Violations of Act  
 BPC 651 – Price Advertising and Discounts  
 CCR 302 – Scope of Practice  
 CCR 302.5(a) – Use of Unapproved Lasers  
 CCR 303 – Filing of Addresses  
 CCR 311 – Advertisements  
 CCR 316(a) – Responsibility for Conduct on Premises  
 CCR 316(b)/(c) – Sexual Misconduct  
 CCR 317 – Unprofessional Conduct  
 CCR 317(a) – Gross Negligence  
 CCR 317(b) – Repeated Negligent Acts  
 CCR 317(c) – Incompetence  
 CCR 317(d) – Excessive Treatment  
 CCR 317(e) – Endangering the Health, Welfare, or Safety of Public  
 CCR 317(f) – Dangerous Use of Drugs or Alcoholic Beverages  
 CCR 317(g) – Conviction of Substantially Related Crime

CCR 317(h) – Conviction Involving Moral Turpitude, Dishonesty, Etc.  
 CCR 317(i) – Conviction of More Than One Misdemeanor or a Felony Involving Drugs or Alcoholic Beverages  
 CCR 317(j) – Violation of Any Provisions of Law Regulating Dispensing or Administration of Narcotics, Dangerous Drugs, or Controlled Substances  
 CCR 317(k) – Act of Moral Turpitude, Dishonesty, or Corruption  
 CCR 317(l) – False Representation  
 CCR 317(m) – Violation of Act or Board Regulations  
 CCR 317(q) – Participation in Fraud or Misrepresentation  
 CCR 317(w) – Failure to Refer Patient to Health Care Provider  
 CCR 318 – Chiropractic Patient Records/Accountable Billing  
 CCR 319.1 – Informed Consent  
 Prob. Viol. – Failure to Comply with Board’s Probation Program

## OCTOBER 2020 ENFORCEMENT ACTIONS

### ACCUSATIONS FILED

Name and City	License No.	Date Filed	Alleged Violation(s)
<b>Barr, Walter Kenton</b> Ukiah, CA	DC 27198	10/12/2020	<ul style="list-style-type: none"> <li>• CCR 317(g) – Unprofessional Conduct: Substantially Related Conviction</li> <li>• CCR 317(e) – Unprofessional Conduct: Conduct Likely to Endanger the Health, Welfare, or Safety of the Public</li> <li>• CCR 317(f) – Unprofessional Conduct: Dangerous Use of Alcohol</li> <li>• CCR 317(i) – Unprofessional Conduct: More Than One Alcohol-Related Conviction</li> </ul>
<b>Tutino, Andrew</b> Lemon Grove, CA	DC 20427	10/12/2020	<ul style="list-style-type: none"> <li>• CCR 317(a) – Unprofessional Conduct: Gross Negligence</li> <li>• CCR 317(b) – Unprofessional Conduct: Repeated Negligence</li> <li>• CCR 317(c) – Unprofessional Conduct: Incompetence</li> <li>• CCR 317(d) – Unprofessional Conduct: Excessive Treatment</li> <li>• CCR 317(e) – Unprofessional Conduct: Endangered Health, Welfare, and Safety of Public</li> <li>• CCR 317(k) – Unprofessional Conduct: Dishonesty</li> <li>• CCR 317(l) – Unprofessional Conduct: False Representation</li> <li>• CCR 317(q) – Unprofessional Conduct: Fraud/Misrepresentation</li> </ul>
<b>Fiorentino, Christopher John</b> Anaheim, CA	DC 28481	10/29/2020	<ul style="list-style-type: none"> <li>• CCR 317(g) – Unprofessional Conduct: Conviction of Crimes Substantially-Related to the Practice</li> <li>• CCR 317(f) – Unprofessional Conduct: Dangerous Use of Drugs</li> <li>• CCR 317(h) and (k) – Unprofessional Conduct: Convictions and Acts Involving Moral Turpitude</li> <li>• CCR 317(e) – Unprofessional Conduct: Public Endangerment</li> <li>• CCR 317(i) – Unprofessional Conduct: Multiple Convictions Involving Use, Consumption, or Self-Administration of Any Dangerous Drug</li> </ul>

## FINAL CITATIONS

Name and City	License No.	Fine Amount	Date Final	Violation(s)
Lowenberg, Peter Hunt Oakland, CA	DC 22397	\$1,000	10/10/2020	<ul style="list-style-type: none"><li>• CCR 361(b) – 24-Hour CE Requirement</li><li>• CCR 361(e) – Mandatory CE Categories</li><li>• CCR 371(c) – Renewal CE Requirement</li></ul>

## DISCIPLINARY ACTIONS

*No Data to Report*

## PETITIONS FOR REINSTATEMENT OF LICENSE

*No Data to Report*

## PETITIONS FOR EARLY TERMINATION OR MODIFICATION OF PROBATION

*No Data to Report*

## STATEMENT OF ISSUES

*No Data to Report*



## NOVEMBER 2020 ENFORCEMENT ACTIONS

### ACCUSATIONS FILED

Name and City	License No.	Date Filed	Alleged Violation(s)
<b>Krimmel, Wayne Aaron</b> San Diego, CA	DC 24735	11/3/2020	<ul style="list-style-type: none"> <li>• CCR 317(g) – Unprofessional Conduct: Substantially Related Conviction</li> <li>• CCR 317(e) – Unprofessional Conduct: Conduct Which Has Endangered or is Likely to Endanger the Health, Welfare, or Safety of the Public</li> <li>• CCR 317(h) – Unprofessional Conduct: Conviction of a Misdemeanor Crime Involving Physical Violence</li> </ul>
<b>Linzey, Kevin Barkley</b> Walnut Creek, CA	DC 31857	11/6/2020	<ul style="list-style-type: none"> <li>• CCR 303 and 317(m) – Failure to Notify Board of Address</li> <li>• CCR 317 – Unprofessional Conduct</li> <li>• CCR 316 and 317 – Sexual Abuse of Patient</li> <li>• CCR 317(m) and 318(a) – Inadequate Record Keeping</li> <li>• CCR 319.1(a) – Lack of Informed Consent</li> <li>• CCR 317(m) and 318(a) and (b) – Failure to Maintain and Provide Patient Records</li> </ul>
<b>Roberts Dancy, Cheri</b> San Leandro, CA	DC 27359	11/10/2020	<ul style="list-style-type: none"> <li>• CCR 317 – Unprofessional Conduct</li> <li>• CCR 317(a), (b), and (c) – Unprofessional Conduct: Gross Negligence, Repeated Acts of Negligence, and Incompetence</li> <li>• CCR 317(m) and 318(a) – Unprofessional Conduct: Inadequate Record Keeping</li> <li>• CCR 319.1 – Lack of Informed Consent</li> <li>• CCR 318(b) – Improper Billing</li> </ul>

## ACCUSATIONS FILED (Continued)

Name and City	License No.	Date Filed	Alleged Violation(s)
<b>Greathouse, Wayne Martin</b> San Clemente, CA	DC 22352	11/16/2020	<ul style="list-style-type: none"> <li>• CCR 311 and 316 – False and Misleading Advertising</li> <li>• CCR 316 and 317(a) – Unprofessional Conduct: Gross Negligence</li> <li>• CCR 316 and 317(b) – Unprofessional Conduct: Repeated Acts of Negligence</li> <li>• CCR 316 and 317(e) – Unprofessional Conduct: Conduct That Has Endangered or is Likely to Endanger the Health, Welfare, or Safety of the Public</li> <li>• CCR 316 and 317(k) – Unprofessional Conduct: Dishonest Acts</li> <li>• CCR 316 and 317(l) – Unprofessional Conduct: False Representation of Facts</li> <li>• CCR 316 and 317(q) – Unprofessional Conduct: Act of Fraud or Misrepresentation</li> <li>• CCR 316, 317(m), and 318(a) – Violating Board Regulation Regarding Patient Medical Records</li> <li>• CCR 316, 317(m), and 318(b) – Violating Board Regulation Regarding Patient Billings</li> </ul>

## DISCIPLINARY ACTIONS

Name and City	License No.	Action	Effective Date	Violation(s)
<b>Tchobanian, Garabed Sako</b> Los Angeles, CA	DC 25187	Revocation Stayed, 4 Years' Probation	11/28/2020	<ul style="list-style-type: none"> <li>• CCR 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime</li> <li>• BPC 810 – Insurance Fraud</li> <li>• CCR 317(h) – Unprofessional Conduct: Conviction of a Crime Involving Moral Turpitude, Dishonesty, or Corruption</li> <li>• CCR 317(k) – Unprofessional Conduct: Commission of Acts Involving Moral Turpitude and Dishonesty</li> <li>• CCR 317(l) – Unprofessional Conduct: Knowingly Making a False Statement of Fact</li> <li>• CCR 317(m) – Unprofessional Conduct: Violating the Provisions of the Chiropractic Initiative Act</li> </ul>

## FINAL CITATIONS

Name and City	License No.	Fine Amount	Date Final	Violation(s)
<b>Davis, Daniel Kent</b> Fontana, CA	DC 21664	\$500	11/13/2020	<ul style="list-style-type: none"> <li>• CCR 361(b) – 24-Hour CE Requirement</li> <li>• CCR 361(e) – Mandatory CE Categories</li> <li>• CCR 371(c) – Renewal CE Requirement</li> </ul>
<b>Hyer, Paul Stuart</b> Bonners Ferry, ID	DC 24797	\$2,500	11/15/2020	<ul style="list-style-type: none"> <li>• CCR 317(m) – Unprofessional Conduct: Violation of Board Regulations</li> <li>• CCR 318(a) – Failure to Make Chiropractic Patient Records Available to Board</li> </ul>
<b>Armstrong, Robert Layzell, III</b> Modesto, CA	DC 29871	\$2,500	11/19/2020	<ul style="list-style-type: none"> <li>• CCR 317(k) – Unprofessional Conduct: Commission of Act of Dishonesty</li> <li>• CCR 317(l) – Unprofessional Conduct: False Representation</li> <li>• CCR 317(m) – Unprofessional Conduct: Violation of Board Regulations</li> <li>• CCR 318(a)(2), (3), and (7) – Chiropractic Patient Records: Required Content</li> <li>• CCR 319.1 – Informed Consent</li> </ul>
<b>Digrado, Michael James</b> Newport Beach, CA	DC 28885	\$2,000	11/26/2020	<ul style="list-style-type: none"> <li>• CCR 311 – False Advertising</li> <li>• CCR 317(a) – Unprofessional Conduct: Gross Negligence</li> <li>• CCR 317(e) – Unprofessional Conduct: Endangering the Health, Welfare, or Safety of the Public</li> <li>• CCR 317(m) – Unprofessional Conduct: Violation of Board Regulations</li> <li>• CCR 318(a)(7) – Chiropractic Patient Records: Required Content</li> <li>• CCR 319.1 – Informed Consent</li> </ul>



## FINAL CITATIONS (Continued)

Name and City	License No.	Fine Amount	Date Final	Violation(s)
Karimi, Shahriar Los Altos Hills, CA	DC 15970	\$5,000	11/28/2020	<ul style="list-style-type: none"><li>• CCR 317(g) and (h) – Unprofessional Conduct: Conviction of a Crime Substantially Related to the Qualifications, Functions, or Duties of a Chiropractor and/or Involving Moral Turpitude, Dishonesty, or Corruption</li><li>• CCR 317(k), (l), and (q) – Unprofessional Conduct: Committed Acts Involving Moral Turpitude, Dishonesty, or Corruption, and/or Knowingly Made or Signed Any Certificate Relating to the Practice of Chiropractic which Falsely Represented the Existence or Nonexistence of a State of Facts, and/or Participated in Acts of Fraud or Misrepresentation</li></ul>

## PETITIONS FOR REINSTATEMENT OF LICENSE

*No Data to Report*

## PETITIONS FOR EARLY TERMINATION OR MODIFICATION OF PROBATION

*No Data to Report*

## STATEMENT OF ISSUES

*No Data to Report*



## DECEMBER 2020 ENFORCEMENT ACTIONS

### ACCUSATIONS FILED

Name and City	License No.	Date Filed	Alleged Violation(s)
<b>Lieberman, Barry</b> Beverly Hills, CA	DC 19190	12/7/2020	<ul style="list-style-type: none"> <li>• CCR 317(q) – Unprofessional Conduct: Act(s) of Misrepresentation</li> <li>• CCR 317(l) – Unprofessional Conduct: False Representation</li> <li>• CCR 317(b) – Unprofessional Conduct: Repeated Negligent Acts</li> <li>• CCR 319.1 – Failure to Obtain Informed Consent</li> </ul>
<b>Tarr, Michael Henry</b> Bend, OR	DC 26154	12/22/2020	<ul style="list-style-type: none"> <li>• CCR 317 – Unprofessional Conduct</li> <li>• CCR 317(a) – Unprofessional Conduct: Gross Negligence</li> <li>• CCR 317(w) – Unprofessional Conduct: Failure to Refer for Treatment</li> <li>• CCR 318(a)(7) and 319.1 – Lack of Informed Consent</li> </ul>
<b>Beall, John Spencer</b> Alameda, CA	DC 31508	12/23/2020	<ul style="list-style-type: none"> <li>• CCR 317 – Unprofessional Conduct</li> <li>• CCR 316(b) and 317(m) – Sexual Acts on Chiropractic Premises</li> <li>• CCR 316(c) and 317(m) – Sexual Relations with Patients and Employees</li> <li>• CCR 317(m) and 318(a) – Failure to Keep Adequate Records</li> <li>• CCR 318(b) – Improper Billing</li> <li>• CCR 317(k), (l), and (q) – Fraudulent Acts</li> <li>• CCR 317(d) – Excessive Treatment</li> </ul>

## DISCIPLINARY ACTIONS

Name and City	License No.	Action	Effective Date	Violation(s)
<b>Danesh, Bahar Gharib</b> Reseda, CA	DC 28361	Revocation Stayed, 6 Years' Probation with License Suspension	12/20/2020	<ul style="list-style-type: none"> <li>• CCR 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime</li> <li>• BPC 810 – Insurance Fraud</li> <li>• CCR 317(h) – Unprofessional Conduct: Conviction of a Felony Involving Moral Turpitude, Dishonesty, or Corruption</li> <li>• CCR 317(k) – Unprofessional Conduct: Commission of Acts of Moral Turpitude and Dishonesty</li> <li>• CCR 317(l) – Unprofessional Conduct: Knowingly Making False Statements</li> <li>• CCR 317(q) – Unprofessional Conduct: Participation in Acts of Fraud or Misrepresentation</li> </ul>
<b>Ji, Joonghwa</b> Los Angeles, CA	DC 30529	Revocation Stayed, 5 Years' Probation	12/20/2020	<ul style="list-style-type: none"> <li>• CCR 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime</li> <li>• BPC 810 – Insurance Fraud</li> <li>• CCR 317(h) – Unprofessional Conduct: Conviction of a Misdemeanor Crime Involving Moral Turpitude, Dishonesty, or Corruption</li> <li>• CCR 317(k) – Unprofessional Conduct: Commission of Acts Involving Moral Turpitude and Dishonesty</li> <li>• CCR 317(l) – Unprofessional Conduct: Knowingly Making False Statement of Fact</li> <li>• CCR 317(q) – Unprofessional Conduct: Participation in Acts of Fraud and/or Misrepresentation</li> </ul>
<b>Bernard, Richard Joseph</b> Tarzana, CA	DC 12603	Stipulated Surrender of License	12/23/2020	N/A – Voluntary surrender of license while on probation for Case No. 2012-922

Name and City	License No.	Action	Effective Date	Violation(s)
<b>Booth, Vincent Steven</b> Bakersfield, CA	DC 14320	Stipulated Surrender of License	12/23/2020	<ul style="list-style-type: none"> <li>• CCR 317(a) – Unprofessional Conduct: Gross Negligence</li> <li>• CCR 317(b) – Unprofessional Conduct: Repeated Acts of Negligence</li> <li>• BPC 810 – Insurance Fraud</li> <li>• CCR 317(k) – Unprofessional Conduct: Commission of Acts Involving Moral Turpitude and Dishonesty</li> <li>• CCR 317(c) – Unprofessional Conduct: Incompetence</li> <li>• CCR 317(e) – Unprofessional Conduct: Conduct That Has Endangered the Health, Welfare, or Safety of the Public</li> <li>• CCR 317(q) – Unprofessional Conduct: Fraud or Misrepresentation</li> <li>• CCR 318(b) – Accountable Billings</li> <li>• CCR 317(l) – Unprofessional Conduct: False Documentation</li> <li>• CCR 317(d) – Unprofessional Conduct: Excessive Treatment or Diagnostic Procedures</li> <li>• CCR 317(c) – Unprofessional Conduct: Incompetence</li> <li>• Failure to comply with the terms and conditions of probation</li> </ul>
<b>Kausler, Keith</b> Tustin, CA	DC 11950	Stipulated Surrender of License	12/23/2020	<ul style="list-style-type: none"> <li>• Failure to comply with the terms and conditions of probation</li> </ul>

## FINAL CITATIONS

Name and City	License No.	Fine Amount	Date Final	Violation(s)
<b>Lalena, Dianne</b> Thousand Oaks, CA	DC 27109	\$2,000	12/12/2020	<ul style="list-style-type: none"> <li>• CCR 311 – False Advertising</li> <li>• CCR 317(m) – Unprofessional Conduct: Violation of Act and Board Regulations</li> </ul>

**PETITIONS FOR REINSTATEMENT OF LICENSE**

*No Data to Report*

**PETITIONS FOR EARLY TERMINATION OR MODIFICATION OF PROBATION**

*No Data to Report*

**STATEMENT OF ISSUES**

*No Data to Report*

**Agenda Item 10  
January 28, 2021**

**Update, Discussion and Possible Action on Licensing & Continuing Education  
Committee Meeting Agenda**

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**Purpose of the item**

The Board will receive an update from the November 6<sup>th</sup>, 2020 Licensing & Continuing Education (CE) Committee Meeting.

**Action(s) requested**

No action required.

**Background**

The Licensing & CE Committee revisited the discussion surrounding defining classroom courses and distance learning courses. Many factors had changed since the Committee last discussed the definition possibilities for these two education modalities. The Department of Consumer Affairs (DCA) issued a waiver in September 2020 that allowed chiropractor licensees to take an additional 12 hours of distance learning credit, so long as the courses were offered in an interactive video platform. This recent change to the CE environment helped inform the Committee's decision to allow interactive video conference courses to count as classroom course credit.

The Committee was presented with various examples of how other CE organizations and licensing Board's define classroom and distance learning courses, the Committee felt that the example provided from the Ohio State Chiropractic Board was most in line with what the Committee wished to see in the California regulations. Staff will adopt similar language for the proposed language changes for the Board's CE regulations.

The Committee also discussed potentially changing the requirements for licensees seeking a medical exemption from completing in-person CE requirements for a license renewal period. With the Committee adopting the recommendation to allow interactive video conference courses as classroom credit, the Committee felt that the need for medical exemptions from in-person CE courses would be greatly reduced. The Committee continued to support the need to include a provision to the regulations to allow the Board the authority to make necessary changes to CE requirements in the face of any state or federal declarations of emergency.

The Committee took public comment from Dr. Marcus Strutz, chiropractor and CE provider with Back to Chiropractic CE Seminars, and from Ms. Dawn Benton, Executive Director of the California Chiropractic Association.

**Recommendation(s)**

N/A

**Next Step**

N/A

**Attachment(s)**

- Licensing & Continuing Education Committee Meeting Agenda – November 6, 2020



**NOTICE OF TELECONFERENCE LICENSING &  
CONTINUING EDUCATION COMMITTEE MEETING**

November 6, 2020  
12 p.m. to 2 p.m.  
or until completion of business

Notice of Teleconference Meeting Held Under Executive Order N-29-20 (3/17/20)

FOR PUBLIC COMMENT, PLEASE LOG ON TO THIS WEBSITE

<https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=e5fb18447c3361477dca6b43a5ec9b4dd>

**The preferred audio connection is via mobile phone.** The phone number and access code will be provided as part of your connection to the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier, such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment. Public comments will be limited to 2 minutes per person unless, in the discretion of the Board, circumstances require a shorter period. Members of the public will not be permitted to "yield" their allotted time to other members of the public to make comments.

**Important Notices to the Public:** The Board of Chiropractic Examiners will hold this meeting via WebEx – access information is provided above. General instructions for using WebEx are attached to the agenda. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting the Board at (916) 263-5355 or e-mail [chiro.info@dca.ca.gov](mailto:chiro.info@dca.ca.gov) or send a written request to the Board of Chiropractic Examiners, 901 P Street, Suite 142A, Sacramento, CA 95814. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

**AGENDA**

- 1. Call to Order & Establishment of a Quorum**
- 2. Approval of September 18, 2020, Meeting Minutes**
- 3. Discussion on Definitions to Classroom Courses and Distance Learning Courses**
- 4. Review, Discussion and Possible Action to Section 364 (e): Medical Waiver**
- 5. Public Comment for Items Not on the Agenda**



*Note: The Committee may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a).] Public comment is encouraged; however, if time constraints mandate, comments may be limited at the discretion of the Chair.*

**6. Future Agenda Items**

*Note: The Committee may not discuss or take action on any matter raised during this future agenda Items section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125.]*

**7. Adjournment**

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In accordance with Executive Order N-29-20, no physical location is available for observation and public comment, so please plan to attend the meeting telephonically. Meetings of the Board of Chiropractic Examiners are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. Public comments will be taken on agenda items at the time the specific item is raised. The Board may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board’s Web Site at [www.chiro.ca.gov](http://www.chiro.ca.gov).

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**Agenda Item 11  
January 28, 2021**

**Presentation and Discussion on Presentation from Dr. Jon Schwartzbauer,  
Executive Director of the Federation of Chiropractic Licensing Boards – Providers  
of Approved Continuing Education**

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**Purpose of the item**

Informative presentation from Dr. Jon Schwartzbauer, Executive Director of Federation of Chiropractic Licensing Boards (FCLB) - Providers of Approved Continuing Education (PACE).

**Action(s) requested**

N/A

**Background**

The Licensing & Continuing Education (CE) Committee has been making progress on revisions to the current CE regulations. Staff have invited Dr. Schawrtzbauer to present on the merits of PACE as another potential avenue to achieving and regulating quality CE courses.

**Recommendation(s)**

N/A

**Next Step**

N/A

**Attachment(s)**

- “PACE at a Glance” handout
- To maintain compliance with AB 434 (Baker) State Web accessibility: standard and reports, we are no longer able to provide scanned documents on our website. A copy of the “PACE at a Glance” handout may be requested via a Public Records Request, please email [chiro.info@dca.ca.gov](mailto:chiro.info@dca.ca.gov).

**Agenda Item 12  
January 28, 2021**

**Update, Discussion and Possible Action on Pending Rulemaking**

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**Purpose of the item**

The Board will receive a status update on pending regulatory proposals.

**Action(s) requested**

No action requested at this time.

**Background**

The Board currently has multiple regulatory proposals in various stages of completion.

Staff are actively working on changes to the Continuing Education, Curriculum and the Delegation of Authority regulations.

**Recommendation(s)**

Staff does not have any recommendations at this time.

**Next Step**

N/A

**Attachment(s)**

1. BCE Regulation Tracking sheet
2. BCE Regulation Summary sheet
3. DCA Regulation Review Process sheet

## Regulation Tracking Sheet

	<b>Group A – Legislatively Mandated</b>	<b>DCA &amp; BCE Review Process</b>	<b>Status</b>
1	Denial of Application, Revocation or Suspension of Licensure (CCR Sections 316.5, 321, 326 and 327)	<b>Step 11 Initial Phase</b>	Rulemaking file submitted to Business, Consumer Services & Housing Agency for final review.
2	Consumer Protection Enforcement Initiative	<b>Step 7 Initial Phase</b>	Rulemaking file submitted to DCA to commence the initial review process.
3	Revisions to BCE Disciplinary Guidelines & Uniform Standards for Substance Abusing Licensees	<b>Step 2 Initial Phase</b>	Rulemaking file under development at the Board.
	<b>Group B</b>		<b>Status</b>
1	Revisions to Curriculum requirements and approval of programs (CCR Article 4, Sections 330 – 331.16)	<b>Step 2 Initial Phase</b>	Rulemaking file under development at the Board. Language approved on 7.16.20.
2	Continuing Education Requirements (CE Provider and Course Approval) / Mandatory Cardiopulmonary Resuscitation (CPR) Certification for all licensees	<b>Step 2 Initial Phase</b>	Rulemaking file under development at the Board. Committee is currently working through policy issues regarding this regulatory proposal.
3	Delegation of Authority to the Assistant Executive Officer / Compliance with Citation and Order of Abatement	<b>Step 7 Initial Phase</b>	DCA Leg Affairs completed initial review. New language approved on 12.11.20.
	<b>Group C</b>		<b>Status</b>
1	Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice or Death/Incapacity of Licensee	<b>Step 2 Initial Phase</b>	Approved rulemaking process 4.16.15
2	Amend or Repeal CCR Section 354 - Successful Examination (Obsolete provision)		Not commenced

## Regulation Summary Sheet

<b>Proposed Regulation</b>	<b>Proposed Change(s)</b>
Denial of Application, Revocation or Suspension of Licensure (CCR Sections 316.5, 321, 326 and 327)	Effective July 1, 2020, the BCE's application for licensure, as well as other existing regulations, will be amended to comply with new legislation, AB 2138 (Chiu, Licensing Boards: Denial of Application: Revocation or Suspension of Licensure: Criminal Conviction - Stats. 2018, Ch. 995), which will limit the Board's discretion in using prior criminal history (convictions or underlying acts) as grounds for licensing determinations and establish new prohibitions relating to the denial, suspension, and revocation of licensure. Additionally, the BCE will need to develop denial criteria, review and possibly amend existing rehabilitation criteria.
Consumer Protection Enforcement Initiative	The proposed changes would add or amend 12 sections within the California Code of Regulations that would establish stricter reporting and disclosure requirements by licensees and applicants and increase the BCE's enforcement authority and access to critical information for use in investigations.
Revisions to BCE Disciplinary Guidelines & Uniform Standards for Substance Abusing Licensees	The BCE's Disciplinary Guidelines are being revised to streamline the enforcement process and provide greater protection to consumers. Additionally, the BCE will need to review and possibly amend the SB 1441 Uniform Standards for Substance Abusing Licensees. Ultimately, the Uniform Standards will be incorporated by reference into the Board's Disciplinary Guidelines.
Revisions to Curriculum requirements and approval of programs (CCR Article, Sections 330 - 331.16)	Language presented to full Board for review and vote on 7.16.20.
CE Requirements (CE Provider and Course Approval)	TBD
Delegation of Authority to the Assistant Executive Officer	The proposed regulation would delegate to the Board's Assistant Executive Officer the authority to approve settlement agreements for revocation, surrender, and interim suspension of a license, or allow the Executive Officer to delegate this function to another designee.
Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice or Death/Incapacity Licensee (Amendment to CCR Sections 312.2 and 318)	TBD
Amend or Repeal CCR Section 354 Successful Examination (Obsolete provision)	TBD

**Department of Consumer Affairs - Regulation Review Process**  
**INITIAL PHASE**

<b>Step</b>	<b>Responsible Person/Entity</b>	<b>Required Action</b>
1	<b>BCE Staff &amp; DCA Legal Counsel</b>	Work together on proposed regulation text that is subject to EO's initial approval
2	<b>BCE Board Members</b>	Vote on proposed text and direct staff to begin regulation process.
3	<b>DCA Legal Counsel</b>	Reviews regulation documents and returns to BCE Staff with approval or suggested changes. Legal Affairs notifies the DCA Regulations Coordinator of the status.
4	<b>BCE Staff</b>	Compile four complete hard copy sets of the regulation package and submit to DCA Regulations Coordinator.
5	<b>DCA Regulations Coordinator</b>	Begins DCA initial review process
6	<b>DCA Legal Affairs Division, Legislative Affairs Division, and Budget Office</b>	Review regulation documents.
7	<b>DCA Legal Affairs Division</b>	Chief Counsel Reviews regulation documents
8	<b>DCA Legislative Affairs Division</b>	Deputy Director reviews regulation documents
9	<b>DCA Executive Office</b>	Director reviews regulation documents.
10	<b>Business, Consumer Services, &amp; Housing Agency</b>	Agency Secretary reviews regulation documents.
11	<b>DCA Regulations Coordinator</b>	Logs return of proposed regulation documents from Agency and notifies BCE of approval or concerns & suggested changes
12	<b>BCE Staff</b>	Submits Rulemaking File to the Office of Administrative Law for Notice/PUBLICATION. (If any changes to language last approved by the Board are needed, a vote by the Board may be necessary). 45-Day Public Comment Period begins on date of PUBLICATION.
13	<b>BCE Staff</b>	Receives written comments submitted during the 45-Day Public Comment Period; schedules Public Hearing if requested.

**Department of Consumer Affairs - Regulation Review Process  
FINAL PHASE**

Step	Responsible Person/Entity	Required Action
1	<b>BCE Staff &amp; Board Members</b>	Staff review and summarize comments received during 45-day public comment period/hearing. Board Members discuss comments at a public Board Meeting and determine whether to 1) amend the language and issue 15-day public comment period <b>or</b> 2) adopt the proposed text.
2	<b>BCE Staff</b>	Upon adoption of language, staff completes final rulemaking binder and delivers to DCA Legal.
3	<b>DCA Legal Affairs Division</b>	Rulemaking binder is logged and forwarded to BCE's Assigned Legal Counsel
4	<b>DCA Regulations Coordinator</b>	Facilitates review by DCA's Budget Office and the Department of Finance
5	<b>DCA Legal Affairs Division</b>	Binder reviewed by Assistant Chief Legal Counsel
6	<b>DCA Legislative Affairs Division</b>	Binder reviewed by Deputy Director
7	<b>DCA Executive Office</b>	Binder reviewed by Director
8	<b>Business, Consumer Services, &amp; Housing Agency</b>	Binder reviewed by Agency Secretary
9	<b>DCA Regulations Coordinator</b>	Completes closing paperwork and returns binder to BCE with final approval
10	<b>BCE Staff</b>	Submits final rulemaking file to the Office of Administrative Law for review.
11	<b>Office of Administrative Law</b>	Reviews rulemaking file for: 1) Necessity; 2) Authority; 3) Clarity; 4) Consistency; 5) Reference; and, 6) Nonduplication.
12	<b>BCE</b>	<b>If approved:</b> Rulemaking is complete; language takes effect on next effective date or date requested. <b>If disapproved:</b> Board Members decide whether to amend and resubmit or withdraw the regulatory package.