



## **BOARD OF CHIROPRACTIC EXAMINERS PUBLIC SESSION MINUTES**

January 28, 2021  
Teleconference

### **Board Members Present**

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

### **Staff Present**

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

### **1. Call to Order**

Dr. Paris called the meeting to order at 9:01 a.m.

### **Roll Call**

Mr. Ruffino called the roll. Dr. Dehn was absent. All remaining members were present and a quorum was established.

### **2. Chair's Report**

Dr. Paris opened the meeting by recalling that the last time the Board met in person was at this time last year. He remarked on the flexibility of the Board and its staff during the everchanging landscape of the past year.

Dr. Paris noted a few of the Board's accomplishments of 2020 which included an emergency waiver request from the chiropractic colleges that the Board facilitated and submitted on their behalf and working with the Board's stakeholders to accomplish

unexpected goals while continuing the major ongoing projects regarding regulations, disciplinary orders, and guidelines.

Dr. Paris added that the Board is losing three Board members in the upcoming year; two in the next month as they end their one-year grace period in February. These two Board members are Dr. Azzolino and Dr. Dehn. He noted that Dr. Azzolino is present at this meeting and hoped to give him some time at the end of the meeting to address the Board and stakeholders. Dr. Paris thanked them both for their service and guidance.

Dr. Paris stated his hope for the new Board members to continue the Board's work with the ongoing projects and heavy workload. He noted that changes are coming and the Board must renew its strategic plan, continue its major projects, and handle waivers as they come.

Dr. Paris thanked the staff and Board for their trust, mentorship, flexibility, and hard work in the last year. He noted an increase in participation from stakeholders and thanked them for their feedback and comments to continue the Board's positive growth.

**Moved to Agenda Item 7 – Election of Board Officers for 2021. The Board will vote for the following Board Officer Positions: A. Chair; B. Vice Chair; and C. Secretary.**

**A. Chair:**

Mr. Kanotz called for any additional nominations for the officer position of Chair.

There were none.

Dr. Paris declined the nomination.

Dr. McClain was the sole nomination for the office of Chair.

Mr. Kanotz asked Dr. McClain if she wished to provide a statement of interest.

Dr. McClain thanked everyone for their encouragement and support. She is looking forward to continuing the work of the Board and that a change of titles doesn't mean that the Board will change course; the Board will continue to enforce the mission of the Board. She thanked Dr. Paris for all the hard work he's done during this tumultuous year.

Mr. Ruffino facilitated the roll call for voting for the office of Chair.

**VOTE: 4-0, 1 ABSTAIN, 1 ABSENT**

- **DR. ADAMS – DR. MCCLAIN**
- **DR. AZZOLINO – DR. MCCLAIN**

- **DR. MCCLAIN – ABSTAIN**
- **MR. RUFFINO – DR. MCCLAIN**
- **DR. PARIS – DR. MCCLAIN**
- **DR. DEHN – ABSENT**

**DR. MCCLAIN WAS ELECTED TO THE OFFICE OF BOARD CHAIR.**

**B. Vice Chair:**

Mr. Kanotz called for any additional nominations for the officer position of Vice Chair.

There were none.

Dr. McClain declined the nomination.

Dr. Paris was the sole nomination for the office of Vice Chair.

Mr. Kanotz asked Dr. Paris if he wished to provide a statement of interest.

Dr. Paris congratulated Dr. McClain and stated that her experience and leadership is needed. He is excited to get back to committee work and take on the large projects with the Board's new and existing members.

Mr. Ruffino facilitated the roll call for voting for the office of Vice Chair.

**VOTE: 4-0, 1 ABSTAIN, 1 ABSENT**

- **DR. ADAMS – DR. PARIS**
- **DR. AZZOLINO – DR. PARIS**
- **DR. MCCLAIN – DR. PARIS**
- **MR. RUFFINO – DR. PARIS**
- **DR. PARIS – ABSTAIN**
- **DR. DEHN – ABSENT**

**DR. PARIS WAS ELECTED TO THE OFFICE OF BOARD VICE CHAIR.**

**C. Secretary:**

Mr. Kanotz called for any additional nominations for the officer position of Secretary.

There were none.

Mr. Ruffino was the sole nomination for the office of Secretary.

Mr. Kanotz asked Mr. Ruffino if he wished to provide a statement of interest.

Mr. Ruffino stated that he will continue to serve as Secretary until such time that he is no longer needed.

**VOTE: 4-0, 1 ABSTAIN, 1 ABSENT**

- DR. ADAMS – MR. RUFFINO
- DR. AZZOLINO – MR. RUFFINO
- DR. MCCLAIN – MR. RUFFINO
- MR. RUFFINO – ABSTAIN
- DR. PARIS – MR. RUFFINO
- DR. DEHN – ABSENT

**MR. RUFFINO WAS ELECTED TO THE OFFICE OF SECRETARY.**

**Moved to Agenda Item 8 – Remarks from the Newly Elected Board Chair**

Dr. McClain thanked everyone for their vote of confidence and their continued efforts to work as a team and move forward with the agendas of the Board and its stakeholders.

**3. Approval of October 29, 2020 and December 11, 2020 Board Meeting Minutes**

Dr. McClain asked Mr. Kanotz if the minutes should be voted on separately.

Mr. Kanotz believed that would be prudent.

***MOTION: DR. AZZOLINO MOVED TO APPROVE THE MINUTES OF THE OCTOBER 29, 2020 BOARD MEETING.***

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

**Discussion:** Dr. Azzolino noted that there was discussion in the minutes of transferring the costs of enforcement to the individuals that are being investigated rather than burdening the law-abiding licensee. He asked Mr. Puleo if there have been any developments.

Mr. Puleo stated that the Board is in the process of soliciting bids for an independent fee analysis and that would be part of the analysis. The solicitation for bids was posted the week prior and the Department of Consumer Affairs (DCA) has been receiving inquiries from interested consultants.

Dr. McClain asked if there was a timeline for this process or if the Board would have a timeline by the next meeting.

Mr. Puleo stated that the fee analysis must be completed before the end of the fiscal year, which ends on June 30, 2021 and added that we can include discussion of the fee analysis at the July meeting.

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

***MOTION: CARRIED.***

Public Comment: None

***MOTION: DR. PARIS MOVED TO APPROVE THE MINUTES OF THE DECEMBER 11, 2020 BOARD MEETING.***

***SECOND: MR. RUFFINO SECONDED THE MOTION.***

**Discussion:** None.

***VOTE: The Board moved to the next item without voting on the December 11, 2020 minutes.***

Public Comment: None

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

***MOTION: DR. ADAMS MOVED TO RATIFY THE APPROVED LICENSE APPLICATIONS.***

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

**Discussion:** None

***VOTE: 5-0, (DR. MCCLAIN-AYE, DR. PARIS-AYE, MR. RUFFINO-AYE, DR. DEHN-ABSENT, DR. ADAMS-AYE, DR. AZZOLINO-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. PARIS MOVED TO RATIFY THE APPROVED CONTINUING EDUCATION PROVIDERS.***

***SECOND: MR. RUFFINO SECONDED THE MOTION.***

**Discussion:** None.

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

***MOTION: CARRIED.***

Public Comment: None

## **Moved to Agenda Item 9 – Executive Officer’s Report**

Mr. Puleo thanked the Board and staff for their hard work during a particularly challenging year. Before the onset of COVID-19, there were some big challenges the Board was facing that have been exacerbated. He hoped to return to some degree of normalcy soon so that the Board can address the budgetary concerns as the Board is working on a very thin margin and fees will likely need to be raised. While enforcement costs constitute a significant majority, they must look for a way to reduce and mitigate them without sacrificing consumer protection.

Mr. Puleo added that continuing education (CE) must also be addressed as it has been a big issue for the Board with an increasing workload for staff due to COVID-19. With the fee analysis, the Board will be assessing the workload and costs associated with CE to ensure the fees the Board is charging are appropriate and that they are being placed with the appropriate entities.

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

Mr. Puleo congratulated Ms. Walker who was recently appointed as Assistant Executive Officer, replacing Marcus McCarther. Ms. Walker has been with the Board for a little over a year and has been a tremendous asset. She stepped into the position without missing a beat while maintaining her old enforcement manger duties and being the point person for the IT Business Modernization (BizMod) Project.

Mr. Puleo stated the Board has three vacancies; the Enforcement Manager position, a Staff Services Analyst position in the Enforcement Unit, and a Management Services Technician position in the Licensing Unit who was support for the Executive Officer and Assistance Executive Officer. While the staff have managed to do without these positions to keep costs down, he hoped to be fully staffed in the near future.

## B. Budget - Fund Condition Update

Mr. Puleo stated that the new Fund Condition update reflects the recently released Governor's budget, but it hasn't changed much since the report at the last meeting which included a detailed presentation from DCA's Budget Office. He stated that the Board is still looking at a deficit in the coming fiscal years and he is doing everything possible to reduce costs in the interim until the Board can adjust the fees and start rebuilding the Board's funds.

Mr. Ruffino asked if the Board was planning on keeping the Board's vacancies open to reduce salary costs.

Mr. Puleo stated that they have been keeping the positions open to reduce costs. Management has stepped up and is doing tasks that would normally be delegated, but he doesn't intend to leave them open much longer as it is not sustainable. He added that the Board would benefit from having more staff as there are projects that have been put off or are taking longer than they should because the Board doesn't have the resources to complete them. Mr. Puleo stated his hope to have the Board fully staffed by the end of the year.

## C. Licensing - Statistical Trends

Ms. Van Allen told the Board that the licensing statistics remain fairly consistent though there has been a slight increase over the past few months in the number of chiropractic licenses which is promising.

Mr. Puleo added that the issue of a declining licensee population was brought up at the last Board meeting and has been an ongoing trend for the past few years. He hoped this increase is more than an oddity, but the Board will be further discussing how to address the decline through strategic planning.

## D. Enforcement - Statistical trends

Ms. Walker notified the Board that the statistics are fairly consistent with what the Board would expect and added that while the number of pending complaints has slightly decreased since October, it is still higher than what she'd like to see. She noted that the Board's policy analyst, Andreia McMillen, a former enforcement analyst, has continued to assist the enforcement unit to get those down. Ms. Walker added that with COVID-19 and teleworking, the unit has been stretched thin.

Ms. Walker noted that the number of accusations has jumped from 4 to 14, which is a bigger jump than you'd typically expect. She explained that this jump is due to the cases progressing through the process. Towards the end of the last fiscal year and the beginning of the current fiscal year, the Board referred cases over to the Attorney General's Office (AG) and they have completed their intake process and prepped those

initial pleadings for the Board.

Dr. McClain asked why the “Closed: No Violation” and “Closed: Letters of Admonishment” had increased so drastically in the fiscal year 2019/2020 and asked if the Board could expect this same trajectory in fiscal year 2020/2021.

Ms. Walker answered that the cause is primarily due to CE audits. A few years ago, the Board increased the number of audits performed. After the licensee’s audit is received, the licensing unit conducts the review. If it is found that there is a potential fail or if the licensee did not respond, it is moved to the enforcement unit and becomes a complaint opened internally. Often, when a licensee first responds, they missed sending in a CE certificate or they submitted certificates for the incorrect time period. If that is the case and the licensee can provide the correct certificates, then it results in a no violation because ultimately, the licensee passed the audit. Another item that is often closed with a no violation is regarding license renewals, if a licensee checks the wrong box indicating they have been disciplined by another agency or convicted of a crime, then a case is opened. Once asked about this, if the licensee says they checked the wrong box in error, it results in a no violation.

Ms. Walker does not expect this trend to continue in the current fiscal year as licensees don’t appear to be answering the questions incorrectly in the new online renewal system and the number of CE audits have decreased severely this year due to the waivers in place.

Ms. Walker added that Letters of Admonishments (LOAs) are primarily used as a tool for a first time CE violation. As the enforcement unit cleared out those CE complaints, they issued a high volume of LOAs. She stated that she does not expect that to happen this fiscal year.

Mr. Puleo added that the Board takes a progressive approach to enforcement; particularly with CE violations. If the licensee was only short a few hours or if they had all 24 hours but had failed to take one of the mandatory subject areas, and it wasn’t an egregious violation, the Board will often close it with an LOA rather than a citation/fine. However if there’s a subsequent violation, then the Board would progressively increase the penalty depending on the circumstances.

Mr. Puleo noted an increase in complaints regarding advertisements related to COVID-19 that are outside scope of practice, such as how to prevent or cure COVID-19. Occasionally during investigation it is found that there were no false or sensational statements made so it would be closed due to no violation.

Mr. Puleo reaffirmed that the Board takes a progressive approach to enforcement; if the licensee acknowledges the wrongdoing and takes action to change their advertisements, for example, then it is often addressed with a LOA as opposed to a citation. He added that every case is different and that there have been anomalies this year due to COVID-19.



Dr. McClain noted that when looking at the percentage of assessed fines versus the total collected fines, the percentage is quite down when compared to previous fiscal years. She asked if this was from challenges due to COVID-19 or if it is due to timing.

Ms. Walker answered that it is due to timing and many of the fines assessed became effective in the last month and that there is sometimes a delay in seeing payments reflected in reports due to the payment process. There are some instances where the licensee was unable to pay in full so a payment plan has been established.

Ms. Walker stated that she has no concerns regarding the Board's ability to collect citations and reminded them that there is the Franchise Tax Board's Intercept Program in place which is an additional tool that can be used if we're unable to collect. She reassured the Board that there is a bit of a lag time between the citation becoming effective, processing the payment, and logging it in the system to where we can show it's been collected. From the requests for payment plans, it probably won't be until the end of the fiscal year before it's collected fully.

Dr. Paris asked if Ms. Walker could go over the enforcement costs; he noted there is a fairly wide range.

Ms. Walker stated that the maximum amount for citations is \$5,000 and that they take into consideration a range of factors when determining if the violation should result in a citation or if it would be more appropriate to pursue formal discipline through an accusation. If they are certain that the licensee has mitigated the violation enough to where staff still need to assess a penalty but there is no need for a formal monitoring program, then they may make the decision to issue a citation. This depends on the severity of underlying factors.

Mr. Puleo noted that on a few occasions, the Board had filed an accusation but then through a stipulated settlement, the Board agreed to withdraw the accusation and instead issue a citation.

#### E. Information Technology (IT) Update

Mr. Puleo informed the Board that COVID-19 has increased the workload and added challenges, such as teleworking. He stated that, technologically speaking, the Board is not set up for the current age and virtual environment; the computers and laptops the Board possesses are quite a few years old and are not equipped with microphones or cameras. For meetings like this one, staff are using their personal equipment to participate. Mr. Puleo stated the importance of upgrading the Board's technology once able.

Ms. Walker stated that they are making progress in the BizMod system, which is now branded as Connect. The first release was in September 2020, which included the license application, license renewal, and address changes. The second release took

place on January 19, 2021 and the Connect system now allows licensees to apply for new satellite certifications, renew or cancel satellite certifications online, and enhanced the back-office functionality. The next update will occur in the spring and is set to release the ability for the public to file complaints online which will hopefully streamline the intake process. She stated that they are also working on adding CE course and provider applications and are making refinements to what has already been launched.

Public Comment: None

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

Dr. McClain updated the Board with information from the Licensing & CE Committee; the Committee revisited the discussion surrounding defining classroom courses and distance learning courses. She noted that 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 change to the CE environment helped inform the Committee's decision to allow interactive video conference courses to count as classroom course credit.

Dr. McClain noted that the Committee was presented with various examples of how other CE organizations and licensing Board's define classroom and distance learning courses, and 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 California regulations. Staff will adopt similar language for the proposed language changes for the Board's CE regulations.

Dr. McClain informed the Board that 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.

Dr. McClain added that the Board welcomes participation from stakeholders at meetings and though this meeting's participation was not as robust as usual, she urged the stakeholders to continuously be involved. She thanked Dr. Strutz and Ms. Benton for their valuable input during the meeting and encouraged more stakeholders, including students and licensees, to participate at the next committee meeting.

Ms. Boyer thanked the Committee for their quick decisions regarding the proposed regulations that will allow video conferences to be available as live classroom credit and noted that the Board would continue to work on language to ensure there are no ambiguities.

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

Dr. Schwartzbauer presented on behalf of the Federation of Chiropractic Licensing Boards (FCLB) regarding their Providers of Approved Continuing Education (PACE) program. Dr. Schwartzbauer discussed the mission of PACE and the FCLB; to protect the public and provide service to its member boards, such as California. Dr. Schwartzbauer explained that PACE centralizes the review process, maintains attendance records for streamlined audits, vets the CE providers, and holds CE providers accountable through their expert reviewers which has just welcomed Dr. McClain and Dr. Dehn onto the team.

Dr. Schwartzbauer discussed the 25 criteria developed by chiropractic licensing boards and chiropractic colleges and evaluated by educators and regulators, which CE providers must meet and comply with in order to be recognized by PACE. These 25 criteria are organized into eight categories: Mission & Goals, Administration & Organization, Budget & Resources, Faculty & Staff, Education Development, Delivery Methods, Facilities, and Evaluation.

Dr. Schwartzbauer stated that 40 chiropractic licensing boards accept some form of PACE, PACE recognizes 26 colleges/professional organizations, and there are 56 CE vendors who have met the standards for PACE recognition. He added that there is no fee for licensing boards or licensees to participate. The application fee for for-profit CE providers is \$500 and \$2,000 for annual recognition. While non-profit CE providers do not have these fees, all CE providers must pay a \$1-\$10 record-keeping fee per event to maintain attendance records in PACE's online record-keeping system. Dr. Schwartzbauer clarified that this fee is a \$1 per CE credit hour per DC but is capped at \$10. He provided an example of a two-day, 16-hour event that had one attendee. The fee to maintain this roster in the record-keeping system would be \$10.

Dr. Schwartzbauer further described the benefits of the program to licensing boards, CE providers, and licensees. He stated that the program is flexible and while some boards choose to delegate CE to PACE fully, there is a PACE pre-check which has both PACE and board oversight. For CE Providers there is flexibility as well; it can lessen the costs due to economy of scale, providers can utilize PACE to ensure administrative compliance, or they can choose to not use PACE and work directly with the Board. Dr. Schwartzbauer noted that it can be a great benefit to licensees because they have more options for fulfilling CE requirements, particularly if they need to earn CE for multiple jurisdictions, and they can keep track of transcripts all in one place.

Dr. Schwartzbauer continued that PACE's oversight of CE includes rigorous application procedures, random audits of courses through paper or by attending the course to ensure compliance, review of course evaluation forms, contact with licensees, and a network of educators, evaluators, and licensing boards to share experiences regarding CE providers.

Dr. Adams asked if PACE had data regarding complaints pre-PACE and post-PACE involvement.

Dr. Schwartzbauer stated that they did not have that data at this time, but that they would take it into consideration.

Dr. Adams asked what the average price for taking a CE course was.

Dr. Schwartzbauer answered that it depended on the CE vendor.

Dr. Adams asked for further elaboration.

Ms. Kelly Webb, a representative of PACE, explained that the price varies depending on the length, format, and method for teaching the course.

Mr. Puleo added that the Board does not monitor the cost of CE courses for attendees but asked Dr. Schwartzbauer and Ms. Webb for the cost to have a course approved by PACE and what the benefits are.

Ms. Webb stated that currently 32 licensing boards accept PACE fully, as long as the course meets their scope of practice, there's no additional fee or paperwork required and that CE providers who offer their courses nationally see a great deal of savings. She noted that for CE providers that only offer courses in California or on the West Coast, this may not be the most cost-effective option for them. She added that smaller providers could partner with a PACE recognized vendor so they aren't incurring the costs themselves.

Mr. Puleo asked how PACE is involved with those partnerships; for example, if the PACE recognized vendor needs to submit anything to PACE regarding the partnership.

Ms. Webb stated that every course offered with PACE needs to be registered with PACE so PACE can track and verify the course, but that there is no formal verification of partnerships.

Mr. Puleo asked Ms. Webb to confirm that PACE doesn't approve courses directly, only the provider is approved and they have standards they must meet in their courses.

Ms. Webb confirmed that the course is tracked and monitored, but stated there is no barrier approval.

Mr. Puleo asked if there is a database of courses offered by PACE approved providers on the PACE website.

Ms. Webb confirmed that there was and stated that it is very interactive, user-friendly, and that there are typically a thousand courses listed at a time.

Dr. McClain asked what PACE is monitoring courses for ongoing compliance.

Ms. Webb stated that PACE is ensuring adherence to the aforementioned 25 criteria the providers must meet, such as quality of content, qualifications of instructor, attendance monitoring – such as in the online webinar courses.

Dr. McClain asked if they require providers to have systems in place to ensure interaction during the webinars.

Ms. Webb confirmed that they do and that this is looked at during the application process and is tested during audits. She added that the FCLB Board is considering adding more strength to that part of their requirements and will be voting on it at the next meeting.

Dr. Azzolino asked if PACE is using or recommending any specific methodologies, like the Flip Classroom Method, to the CE providers.

Ms. Webb stated that while they will occasionally share resources with the CE providers, the providers are considered the experts on their classroom methods.

Dr. Adams asked if the aforementioned 56 CE providers approved by PACE means that there are only 56 instructors teaching the thousands of courses on PACE's website.

Ms. Webb clarified that there are 56 for-profit and 26 non-profit CE providers and added that many have multiple instructors teaching courses.

Dr. Paris asked about PACE's processes for ensuring quality CE content and courses that are best practice and evidence informed.

Ms. Webb stated that in order to upload course rosters, the CE provider must also upload the course evaluations and PACE reviews the evaluations for red flags. PACE also performs random audits by reviewing course materials and attending courses. The reviewers use a checklist to ensure all 25 criteria are met. She added that attendees of courses are notified that they can inform PACE of any concerns they have and that as part of the application process to become recognized by PACE, the provider must submit sample courses that demonstrate compliance.

Dr. Paris asked if each course is vetted when the course is uploaded to PACE or if PACE relies on the post-course quality assurance procedures to monitor courses.

Ms. Webb confirmed that there is no barrier review for course. Once the provider is approved through the application process, they can upload courses and compliance is monitored through the post-course reviews.

Dr. Paris asked if PACE vets the individual speakers for each vendor or if this is done by the CE provider and inquired if PACE had the numbers on how many speakers total there are.

Dr. Schwartzbauer stated that the provider vets the instructors and that they currently don't have that data.

Dr. Paris stated that he was concerned that there could be a licensee who has been disciplined teaching under another provider's approval.

Ms. Webb agreed that this was a concern and added that when the provider applies to be recognized by PACE, part of the process is determining if they have a system in place for vetting the instructors. She added that it will soon be required for the providers to verify the instructor's licensure and their standing with a board.

Dr. Adams asked to clarify that the for-profit application fee is \$500 per vendor and not per course.

Ms. Webb confirmed that Dr. Adam's statement was correct.

Dr. Adams asked if that was the annual fee to renew.

Dr. Schwartzbauer stated that it was \$500 for the application and \$2,000 annually to maintain recognition for the for-profit providers. He added that non-profit providers do not pay the application or annual recognition fees.

Dr. Adams asked Dr. Schwartzbauer to confirm that the vendors maintain their own fees for how much the course will cost to take.

Dr. Schwartzbauer stated that Dr. Adams was correct.

Mr. Puleo asked if it was a flat \$2,000 fee no matter how many courses the provider offered or how many attendees there were.

Dr. Schwartzbauer agreed but stated that there is a \$1-\$10 record-keeping fee for each event (\$1/credit hour/attendee capped at \$10).

Mr. Puleo asked if the providers must list their courses with PACE in order to be recognized for CE credit.

Ms. Webb confirmed that this was correct.

Dr. Azzolino inquired if PACE required a full adoption or if it could be used in a more limited capacity.

Dr. Schwartzbauer stated that 32 licensing boards accept PACE outright and 8 accept some form of PACE, through what they call PACE pre-check.

Dr. Azzolino asked if PACE could send the Board a list of those 8 states.

Dr. Schwartzbauer stated that he would send it to Mr. Puleo.

Mr. Puleo stated that the Board would likely decide to go the PACE pre-check route as the Board's regulations require licensees to take a certain number of hours in various subject areas.

Ms. Webb added that on some states' pre-check forms, there is a section to break down the course's subject areas so that could be possible to do for California as well.

Ms. Boyer advised the Board that this can be further discussed in the Licensing & CE Committee Meetings. She stated that she has pulled some states' pre-check forms so at the next meeting the committee can review the examples and discuss how it would fit into California's regulations.

Mr. Puleo asked if a course submitted via PACE pre-check was denied because it was not within the scope of practice in California, would the Board be able to notify PACE of this decision.

Ms. Webb stated that if California were to become a pre-check state, then PACE would direct licensees to the Board's website to see if the course has been approved.

Mr. Puleo asked if PACE had received feedback from the PACE approved providers regarding the unexpected benefits of the PACE pre-check.

Ms. Webb stated that a number of CE providers have expressed that the pre-check is more cost-effective due to saving money on postage.

Dr. Schwartzbauer thanked the Board for the opportunity to present this information and provided his email address in case they had any further questions.

Public Comment: None

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

Ms. McMillen stated that the "Denial of Application: Revocation or Suspension of Licensure" has been submitted to the Office of Administrative Law (OAL) for publication.

Ms. McMillen informed the Board that staff have been working with the Licensing & CE Committee regarding changes to CE regulations.

Ms. McMillen added that staff have made the necessary changes to “Delegation of Authority to the Assistant Executive Officer/Compliance with Citation and Order of Abatement” and the file will be submitted to the Business, Consumer Services & Housing Agency.

Public Comment: None

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

Dr. McClain thanked Dr. Dehn who unfortunately could not make her last meeting but stated that she was grateful for her service to the Board.

Dr. McClain thanked Dr. Azzolino for his eight years of hard work, dedication, and passion to the Board and profession. She appreciated his mentorship and guidance and stated that the Board will continue to raise the bar and strive to reach the goals he set.

Dr. Azzolino thanked Dr. McClain and said it was an honor and a pleasure to serve the people of California. He thanked the staff and the members of the Board, past and present, for their hard work. He hoped that he was able to share a fraction of what he learned, and that the profession would move forward in unity.

### **14. Future Agenda Items**

There were none.

### **15. Closed Session**

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

- 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**

The Board returned to Open Session.



**20. Adjournment**

Dr. McClain adjourned the meeting at 12:58 p.m.

**(ATTACHMENT A)**

Approval by Ratification of Formerly Approved License Applications  
between October 1, 2020 and December 31, 2020.

<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
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.**

(ATTACHMENT B)

Pending Ratification to Approve New Continuing Education 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>	