



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

January 25, 2022  
Teleconference

### **Board Members Present**

Dionne McClain, D.C., Chair  
David Paris, D.C., Vice Chair  
Laurence Adams, D.C.  
Janette N.V. Cruz  
Pamela Daniels, D.C.  
Rafael Sweet

### **Staff Present**

Kristin Walker, Acting Executive Officer  
Connie Bouvia, Enforcement Manager  
Dixie Van Allen, Licensing & Administration Manager  
Amanda Campbell, Enforcement Analyst  
Andreia McMillen, Policy Analyst  
Tammi Pitto, Enforcement Analyst  
Jason Hurtado, Board Counsel, Attorney III, Department of Consumer Affairs (DCA)  
Heather Hoganson, Regulatory Counsel, Attorney III, DCA

### **1. Open Session – Call to Order / Roll Call / Establishment of a Quorum**

Dr. McClain called the meeting to order at 9:13 a.m. Dr. Paris called the roll. All members were present and a quorum was established.

### **2. Hearing Regarding Petition for Reinstatement of Surrendered License**

Administrative Law Judge Sean Gavin presided over and Deputy Attorney General Summer Haro appeared on behalf of the people of the State of California on the following hearing:

- Daniel Hanania Dahan Case No. AC 2014-997

### **3. Hearing Regarding Petitions for Early Termination of Probation**

Administrative Law Judge Sean Gavin presided over and Deputy Attorney General Summer Haro appeared on behalf of the people of the State of California on the following hearings:

- A. Mark Steven Kimes, D.C. Case No. AC 2019-1233
- B. Michael John Foli, D.C. Case No. AC 2018-1206

#### **4. Closed Session**

The Board met in Closed Session to:

- Deliberate and Vote on Disciplinary Matters, including the Above Petitions for Reinstatement of Surrendered License and Early Termination of Probation, Pursuant to Government Code Section 11126, subd. (c)(3)

#### **5. Reconvene to Open Session**

The Board went back into Open Session.

#### **6. Update from the Department of Consumer Affairs (DCA) – DCA Board and Bureau Relations**

Carrie Holmes, Deputy Director of DCA Board and Bureau Relations, updated the Board on DCA's COVID-19 safety measures, notified the Board that Governor Newsom signed an executive order that enabled public agencies to continue to meet remotely through March 31, 2022, and reminded new Board members to complete the Board Member Orientation training.

Public Comment: None.

#### **7. Board Chair's Report**

Dr. McClain congratulated Kristin Walker on her appointment to Acting Executive Officer after the retirement of Robert Puleo on December 31, 2021. Dr. McClain informed stakeholders that the Board is continuously working to improve the functionality of the new online system called Connect and future developments include continuing education. Dr. McClain remarked that the Board is working to improve the quality of the subject matter experts and continuing education requirements.

#### **8. Acting Executive Officer's Report – Update on:**

##### **A. Administration, Continuing Education, Enforcement, and Licensing Programs**

Ms. Walker notified the Board that there are currently six vacant staff positions: the Executive Officer; the Enforcement Manager; a Special Investigator; an Associate Governmental Program Analyst; and two Office Technicians. She added that staff is actively recruiting for the Enforcement Manager and Office Technician positions.

Ms. Walker informed the Board that staff is working with DCA's SOLID Strategic Planning Solutions to begin the preliminary work on the Board's next strategic plan.

Ms. Walker noted that the Board received 352 continuing education (CE) course applications in December 2021 and had a total of 387 pending at the end of the year. Ms. Walker stated the Enforcement Program continues to focus on investigating and closing complaints and had 424 pending complaints which is consistent with staff's average workload. Ms. Walker acknowledged that the licensing population has continued to steadily decline by about 20 to 40 licenses each month this fiscal year.

## **B. Board's Budget and Fund Condition**

Ms. Walker informed the Board that there have not been any major changes since the last Board meeting on December 16, 2021. The Board's budget remains imbalanced and the Board will have under three months in reserve at the end of this fiscal year. Without any changes, insolvency will likely occur in fiscal year 2023/24. Staff met with DCA's Budget Office on January 14, 2022 and is continuing to work closely with them on this situation.

Dr. McClain asked when the Board can implement recommendations from the fee analysis study discussed at the December 16, 2022 meeting. Ms. Walker stated the Board is currently undergoing the Sunset Review process and the budget will be one of the issues brought before the Legislature for review. She added that she is working with DCA's Budget Office to determine all possible solutions, whether it be a fee increase or strategies to further cut costs to eliminate the imbalance.

## **C. Business Modernization Project and Implementation of Connect System**

Ms. Walker stated staff is continuing to work with DCA's Office of Information Services and the vendor on system refinements and implementing the next project phase which will involve continuing education functionality.

## **D. Status of Board's Pending Rulemaking Packages**

Ms. McMillen affirmed the main goal for this year is to progress through high priority rulemaking packages and complete them as quickly as possible.

Public Comment: None.

## **9. Discussion and Possible Action by the Board to Weigh Available Options in Response to the January 11, 2022 Waiver Issued by the Director of the Department of Consumer Affairs [DCA Waiver DCA-22-209 Order Extending DCA-20-63, Order Waiving Restrictions on Internet-Based Continuing Education Training for Chiropractors and Naturopathic Doctors](#)**

**MOTION: DR. PARIS MOVED TO REFER THIS DISCUSSION TO THE LICENSING & CONTINUING EDUCATION COMMITTEE.**

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

**Discussion:** Dr. Adams raised the concern that moving the discussion to the Licensing & Continuing Education Committee would delay needed action as the waiver is set to expire on March 31, 2022. Dr. Adams agreed the Licensing & CE Committee should do the comprehensive continuing education (CE) regulation package but believed the Board should direct staff to do a single item regulatory package to define distance learning as asynchronous and self-paced, as previously discussed by the Licensing & Continuing Education Committee.

Dr. McClain disagreed the Licensing & CE Committee decided to define distance learning as asynchronous and self-paced.

Dr. Paris added the Licensing & CE Committee would be meeting soon on February 9, 2022 and that discussing this issue at the Committee meeting would allow for a full discussion before a change to CE is made and that the recommendation from the Committee would go before the full Board.

Public Comment: Steven Eggleston, a chiropractic licensee, stated that the CE for his attorney's license can all be taken online and that it should be the same for chiropractic licenses.

Public Comment: Marcus Strutz, a licensee and CE provider, asserted he is a proponent of interactive video conferences and he has concerns about offering courses in person again due to the COVID-19 pandemic as the waiver is set to expire on March 31, 2022.

Public Comment: Mark Robertson suggested the Board review the Texas board's regulations as they recently made changes to their regulations in a similar manner.

Public Comment: Cliff Tao, a licensee and CE provider, agreed with the prior sentiments regarding interactive video conferences and urged the Board to move quickly.

Public Comment: Victor Tong, a licensee and CE provider, stated that whenever there is a change to CE regulations due to a waiver, it causes him to lose money due to the changes in his advertising.

Dr. McClain believed the Board needs to be careful when comparing non-healing arts boards to healing arts boards such as the Board of Chiropractic Examiners, which require hands-on training. She affirmed that public protection is the Board's first and foremost priority and that the Board needs to ensure there is quality control with CE.

Dr. Paris expressed that the Governor's Office has been very responsive and if the COVID-19 pandemic continued to make it unsafe to meet in person, there could be an

additional extension to the waiver. He added that there are currently CE providers who are offering courses in person while following safety protocols.

Dr. Paris asked Ms. Walker to read aloud the written public comments the Board received prior to the meeting. Ms. Walker stated that the Board received four written public comments. The first two are from Marcus Strutz, a licensee and CE provider. The first was in support of making Zoom an option for the required in person CE hours and provided the Board with language to review. The second comment was a list of why Zoom should be a permanent option for in person CE. The third comment expressed concerns with allowing CE to be completed online, specifically the ability to cheat and/or have someone take the course in their place. The fourth comment believed all CE could be completed online except for courses that teach adjustive technique or chiropractic manipulations.

**AMENDED MOTION: DR. ADAMS MOVED TO HAVE THE BOARD DEFINE DISTANCE LEARNING AS ASYNCHRONOUS, SELF-PACED LEARNING AND DIRECT STAFF TO DRAFT REGULATORY LANGUAGE TO PRESENT TO THE BOARD.**

**SECOND: DR. DANIELS SECONDED THE AMENDED MOTION.**

**Discussion:** Dr. Daniels stated that the California medical and registered nursing boards allow CE to be completed online and that even without the ongoing COVID-19 pandemic, the world has technologically advanced since the CE regulations were written.

Discussion ensued.

**VOTE ON AMENDED MOTION: 2-4, (DR. MCCLAIN-NAY; DR. PARIS-NAY; DR. ADAMS-AYE; MS. CRUZ-NAY; DR. DANIELS-AYE; MR. SWEET-NAY).**

**AMENDED MOTION: FAILED.**

**Discussion:** None

Public Comment: None

**VOTE ON MOTION: 6-0, (DR. MCCLAIN-AYE; DR. PARIS- AYE; DR. ADAMS-AYE; MS. CRUZ-AYE; DR. DANIELS-AYE; DR. ADAMS-AYE).**

**MOTION: CARRIED.**

## **10. Election of Board Officers for 2022**

### **A. Chair**

Mr. Hurtado called for any additional nominations for the officer position of Chair. There were none.

Dr. McClain withdrew her name for consideration, leaving Dr. Paris as the sole nomination for the office of Chair.

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

### **B. Vice Chair**

Mr. Hurtado called for any additional nominations for the officer position of Vice Chair. There were none.

Dr. Paris withdrew his name for consideration, leaving Dr. Adams as the sole nomination for the office of Vice Chair.

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

### **C. Secretary**

Mr. Hurtado called for any additional nominations for the officer position of Secretary. There were none.

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

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

## **11. Remarks from the Newly Elected Board Chair**

Dr. Paris thanked his fellow Board members for their confidence in him.

## **12. Review and Approval of December 16, 2021 Meeting Minutes**

**MOTION: DR. ADAMS MOVED TO APPROVE THE MINUTES OF THE DECEMBER 16, 2021 BOARD MEETING.**

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

**Discussion:** None.

Public Comment: None.

**VOTE: 6-0, (DR. PARIS-AYE, DR. ADAMS-AYE, MR. SWEET-AYE; MS. CRUZ-AYE; DR. DANIELS-AYE; DR. MCCLAIN-AYE).**

**MOTION: CARRIED.**

### **13. Ratification of Approved License Applications**

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

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

**Discussion:** None

Public Comment: None

**VOTE: 6-0, (DR. PARIS-AYE, DR. ADAMS-AYE, MR. SWEET-AYE; MS. CRUZ-AYE; DR. DANIELS-AYE; DR. MCCLAIN-AYE).**

**MOTION: CARRIED.**

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

**MOTION: DR. MCCLAIN MOVED TO RATIFY THE APPROVED CONTINUING EDUCATION PROVIDERS.**

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

**Discussion:** None

Public Comment: None

**VOTE: 6-0, (DR. PARIS-AYE, DR. ADAMS-AYE, MR. SWEET-AYE; MS. CRUZ-AYE; DR. DANIELS-AYE; DR. MCCLAIN-AYE).**

**MOTION: CARRIED.**

### **15. Review, Discussion, and Possible Action on the Board's 2022 Meeting Calendar and the Scheduling of a Strategic Planning Session**

Ms. Walker explained the Board adopted its 2017-2019 Strategic Plan in October 2016 and that it typically completes a new strategic plan every three years. Due to multiple

Board member vacancies and the ongoing COVID-19 pandemic, the Board had to postpone development of its next strategic plan. Staff are asking the Board to identify an additional meeting date to conduct a full-day strategic plan development session with SOLID facilitators. Staff recommended making August 19, 2022 a two-day meeting or scheduling an additional meeting in June or July 2022.

The Board weighed options and discussion ensued.

**MOTION: DR. PARIS MOVED TO PLAN THE STRATEGIC PLANNING SESSION FOR AUGUST 18, 2022 AND CONDUCT BOARD BUSINESS ON AUGUST 19, 2022.**

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

**Discussion:** None.

Public Comment: None.

**VOTE: 6-0, (DR. PARIS-AYE, DR. ADAMS-AYE, MR. SWEET-AYE; MS. CRUZ-AYE; DR. DANIELS-AYE; DR. MCCLAIN-AYE).**

**MOTION: CARRIED.**

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

Dr. Adams asked if the April 22, 2022 Board meeting would be held in person. Ms. Walker stated that it could be held in person and that if it were held remotely, it would be subject to the traditional notice requirements of the Bagley-Keene Open Meeting Act.

Public Comment: None.

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

There were none.

#### **18. Adjournment**

Dr. Paris adjourned the meeting at 4:19 p.m.



**(Attachment A)**

**List of Approved Applications for Initial Doctor of Chiropractic Licenses  
 Issued from November 20, 2021 to December 31, 2021**

<b>First Name</b>	<b>Middle Name</b>	<b>Last Name</b>	<b>License No.*</b>	<b>Date Issued</b>
Kimberly		Delen-Briones	<b>DC 35105</b>	12/21/2021
Navjot	Kaur	Randhawa	<b>DC 35106</b>	12/21/2021
Jessica	Mee-Lynn	Bentley	<b>DC 35107</b>	12/21/2021
John	David	Stowe	<b>DC 36198</b>	12/14/2021
Cale		Fahringer	<b>DC 36199</b>	12/14/2021
Ashley	Claire	Davies	<b>DC 36200</b>	12/14/2021
Matthew		Heisig	<b>DC 36201</b>	12/14/2021
Diana	Cristina	Ramos Infante De McCune	<b>DC 36202</b>	12/14/2021
Austin	Lee	Applegate	<b>DC 36203</b>	12/14/2021
Gholamreza		Shahba	<b>DC 36204</b>	12/14/2021
Mario		Huerta Roman	<b>DC 36205</b>	12/14/2021
James		Punghorst	<b>DC 36206</b>	12/14/2021
AJ	Chia-Yuen	Zavala	<b>DC 36207</b>	12/14/2021
Ashley		Landof	<b>DC 36208</b>	12/14/2021
Nicholas	Conrad	Recupero	<b>DC 36209</b>	12/14/2021
Nicole		Chambers	<b>DC 36210</b>	12/14/2021

**\*License numbers beginning with DC 36198 were issued through the Board's new Connect system.**

**(Attachment B)**

Pending Ratification to Approve New Continuing Education Providers

<p><b>Provider Name:</b> Paolo Tresoldi</p> <p><b>CE Oversight Contact Person:</b> Paolo Tresoldi</p> <p><b>Provider Status:</b> Individual</p>	<p><b>Provider Name:</b> The Vitalist's Academy of Biomagnetic Adjustment</p> <p><b>CE Oversight Contact Person:</b> Jena Lowe</p> <p><b>Provider Status:</b> Corporation</p>
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