

From: [REDACTED]
To: [Ah Po, Amanda@DCA](mailto:Ah.Po.Amanda@DCA); [DCA, ChiroInfo@DCA](mailto:DCA.ChiroInfo@DCA)
Subject: RE: Public comment submission for the Full Board member teleconference 10.26-10.27.2022 confirmation
Date: Sunday, October 23, 2022 2:16:05 PM

WARNING: This message was sent from outside the CA Gov network. Do not open attachments unless you know the sender: [REDACTED]

For whom this concerns, please add this to the written public comment submission for the Full Board member teleconference 10.27.2022:

I anticipate the discussion regarding the rules and regulations edit for §331.12.2.(e)(2) might encounter inquiry with it. Here is another question that might serve the effort. I have proceeded with my own response. However, please pardon me for my credence since I am only an intern practicing chiropractic as a student at Life West's health center.

3. If an actual point allocation is the obligation of the Board of Chiropractic Examiners, and not the obligation of subsequent executives, such as the executives at the chiropractic college level, then what would the point allocation be for the partial patient treatment (visit)?

Response:

If the Diagnostic Procedures and the patient evaluation performed on a patient find that no subluxation is indicated, thereby cancelling any subsequent chiropractic adjustive technique applied onto the patient, then the patient encounter is counted as a partial patient treatment (visit) and the student should receive a third of 1 point (1/3 point) toward the 250 patient treatment (visit) point minimum requirement portion needed for graduation.

Many thanks for your consideration and farewell,
Falkyn Luouxmont

From: [REDACTED]
Sent: Monday, October 17, 2022 2:21 PM
To: [Ah Po, Amanda@DCA](mailto:Ah.Po.Amanda@DCA); [DCA, ChiroInfo@DCA](mailto:DCA.ChiroInfo@DCA)
Subject: RE: Public comment submission for the Full Board member teleconference 10.26-10.27.2022 confirmation

For whom this concerns, please add this to the written public comment submission for the Full Board member teleconference 10.27.2022:

1. S. Ray Bennett, Vice President for Accreditation & Operations of CCE, has indicated that the CCE need not be involved with the efforts made on the §331.12.2.(e)(2) BCE Rules and Regulations addendum request. Therefore, communications with the CCE about this item may cease, and the licensing committee can proceed without CCE.

Many thanks for your consideration and farewell,
Falkyn Luouxmont
[REDACTED]

From: [REDACTED]
Sent: Monday, October 17, 2022 11:09 AM
To: [Ah Po, Amanda@DCA](mailto:Ah_Po_Amanda@DCA); [DCA, ChiroInfo@DCA](mailto:DCA_ChiroInfo@DCA)
Subject: RE: Public comment submission for the Full Board member teleconference 10.26-10.27.2022 confirmation

For whom this concerns, please add this to the written public comment submission for the Full Board member teleconference 10.27.2022:

1. S. Ray Bennett, Vice President for Accreditation & Operations, will liaison for the Council on Chiropractic Education (CCE) about efforts made on the §331.12.2.(e)(2) BCE Rules and Regulations addendum request.
2. On 10.19.2022, a representative from Western Association of Schools and Colleges (WASC-WSCUC) will meet at Life Chiropractic College West to also receive intel made about efforts made on the §331.12.2.(e)(2) BCE Rules and Regulations addendum request.

About today 10.17.2022, no additional comment has been received for discussion to prepare for the next Licensing Committee teleconference where the minutes regarding this matter will be submitted.

Many thanks for your consideration and farewell,
Falkyn Luouxmont
[REDACTED]

From: [REDACTED]
Sent: Sunday, October 9, 2022 3:31 PM
To: [Ah Po, Amanda@DCA](mailto:Ah_Po_Amanda@DCA); [DCA, ChiroInfo@DCA](mailto:DCA_ChiroInfo@DCA)
Subject: RE: Public comment submission for the Full Board member teleconference 10.26-10.27.2022 confirmation

Hi,

For whom this concerns, please add this to the written public comment submission for the Full Board member teleconference 10.26-10.27.2022.

I anticipate the discussion regarding the rules and regulations edit for **§331.12.2.(e)(2)** might encounter inquiry with it. Here are a couple of questions that might be asked. I have proceeded with my own responses. However, please pardon me for my credence since I am only an intern practicing chiropractic as a student at Life West's health center.

1. How much partial credit should be rewarded for this instance?

Response: The establishment for these details should be handled after the passage of the policy change is made. The point of the edit is to allow recognition of what is deemed as clinical experience and what is not deemed as clinical experience. Because there is a wide variety of modalities that exist under the chiropractic umbrella, separate cases should be created for the actual point allocation - which might be better suited at the college executive level for that determination.

2. What is the definition of subluxation?

- It is ultimately a pragmatic claim that includes objective measures and subjective observation to account for the complex nature of the human health system. It must however include the approval of necessary authorities to check on the validity of those statements.

- An example is, but not limited to, a student intern practicing within the NUCCA protocol, to reach the conclusion that no subluxation is found for a particular patient encounter visit:

a. It must include consent from the patient to be analyzed by x-ray (for a pattern listing), the Anatomometer (sensitive to 1/8th inches and ¾ rotational degrees), and a supine leg-check (for length inequalities),

b. It must be the confirmation finding of the intern,

c. It must be the confirmation finding of the doctor facilitating the intern,

d. It must adhere to the protocol of the NUCCA organization that the doctor is certified with,

e. It must be the same NUCCA protocol that is in accordance and earned approval with the National Institute of Health for the diagnostic procedures that NUCCA uses.

For the public comment on 10.26-10.27.2022, I will also report to The Board whether or not the Licensing Committee has made any other preparatory efforts prior to delivering the official words for the minutes to be submitted at the 12.9.2022 Licensing Committee teleconference meeting.

Many thanks for your consideration and farewell,
Falkyn Luouxmout

From: [REDACTED]

Sent: Friday, October 7, 2022 3:32 PM

To: [Ah Po, Amanda@DCA](mailto:Ah.Po.Amanda@DCA)

Subject: RE: Public comment submission for the Full Board member teleconference 10.26-10.27.2022 confirmation

Hi Amanda,

This is great news. Any preparations by the Licensing Committee staff prior to 12/09/2022 should make for productive discussion for the allocated minutes at the meeting. For instance, could the proposed language be submitted to the Board or should there be edits made to the proposal? Here is that proposal for reference:

§331.12.2.(e)(2) Addendum proposal:

“If the Diagnostic Procedures and evaluation performed on a patient find that no

subluxation is indicated, thereby cancelling any subsequent chiropractic adjustive technique applied onto the patient, then the patient encounter is counted as a partial patient treatment (visit) and the student should receive partial credit toward the 250 patient treatment (visit) minimum requirement portion needed for graduation.”

Since there will be a review of the minutes from 10.7.2022’s teleconference at the 10.27 teleconference and an opportunity to submit another public comment for items not on the agenda, perhaps it is possible for me to report to the Board then whether or not this proposed addendum’s language needs further edits or it is ready for the Board’s official review for it – in which case, the Licensing Committee Meeting on 12.9.2022 can be utilized to further process the order. Any additional note added from The Board at the 10.27 teleconference should expedite 12.09.2022’s discussion.

I will check with you on 10.17.2022 as planned just in case there are any chime ins from staff about this item. I will plan to submit another public comment for the allocated minutes at the 10.27 teleconference – I will either report to The Board that the proposal draft language was accepted as is for The Board to review or the proposal draft language was not yet accepted for The Board to review.

Farewell,
Falkyn

From: [Ah Po, Amanda@DCA](mailto:Ah.Po, Amanda@DCA)

Sent: Friday, October 7, 2022 2:34 PM

To: [REDACTED]

Subject: RE: Public comment submission for the Full Board member teleconference 10.26-10.27.2022 confirmation

Hi Falkyn,

The Board has heard your public comments.

As you know, a board member requested the Licensing Committee discuss the topic you raised during your public comment at a future Licensing Committee meeting. The topic has been tentatively placed on the schedule for the next Licensing Committee Meeting on 12/09/2022.

The Board cannot discuss issues unless they are an item on the agenda at a public meeting. Therefore I recommend you look to the [Board Meetings page](#) for meeting dates and agendas. Please plan on attending the Licensing Committee meetings to keep apprised of the Board's action/decision(s) regarding your public comment.

Sincerely,

Amanda (Campbell) Ah Po

Enforcement Analyst
[Board of Chiropractic Examiners](#)



1625 N. Market Blvd., Suite N-327
Sacramento, CA 95834
Office: (916) 263-5355
Fax: (916) 327-0039
Amanda.AhPo@dca.ca.gov
(she/her)

This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: [REDACTED]
Sent: Friday, October 7, 2022 10:49 AM
To: Ah Po, Amanda@DCA <Amanda.AhPo@dca.ca.gov>
Subject: Public comment submission for the Full Board member teleconference 10.26-10.27.2022 confirmation

WARNING: This message was sent from outside the CA Gov network. Do not open attachments unless you know the sender: [REDACTED]

Hi Amanda,

It has come to my attention that public comments might be accepted for submission for the full board teleconference on 10.26-10.27. I inquire only because I noticed that it was an option made available for the previous teleconference on 8.19.2022's agenda: To review minutes from the 8.4.2022 teleconference and To submit public comments for items not on the agenda.

If this is correct, then I will also plan to be present for 10.26-10.27's teleconference or simply only the day that allocates space for the submission and review of previous minutes, which seems like it will be 10.27.2022.

I would inquire about any efforts made from a review of minutes from 10.7.2022's teleconference minutes today and I would submit another public comment on the edit request for 10.26-10.27's minutes.

That would schedule us for these rendezvouses:

10.7.2022

10.17.2022

10.26 or 10.27.2022

12.9.2022

Would you please confirm and advise me as necessary for this point?

Many thanks and farewell,

Falkyn

From: [REDACTED]
To: DCA_ChiroInfo@DCA
Subject: Written comments for Board consideration
Date: Friday, October 21, 2022 3:04:27 PM

WARNING: This message was sent from outside the CA Gov network. Do not open attachments unless you know the sender: [REDACTED]

To the Board of Chiropractic Examiners,

I am submitting my public comments/future agenda items to be looked into in order to increase your opportunity to fulfil your stated mission.

I'd like to reiterate and for you to keep in mind the mission statement on your website when you read my email in its entirety: The mission of the Board of Chiropractic Examiners is to protect the health, welfare, and safety of the public through licensure, education, and enforcement in chiropractic care.

I was one of 3 female complainants, and one of four women to testify, of a former chiropractor whose license was revoked December 2021.

I am requesting responses to my comments and questions listed below, and would appreciate a timely response.

I look forward to answering any questions you may have for me and would be willing to speak with anyone from your agency.

I believe the board needs to have more transparency, accountability, oversight, and policy/regulatory change.

I am requesting my personal email and my full name be kept confidential (redacted) in terms of public records. I am okay with the initials ML being released.

Revocation questions and comments:

1) SUMMARY QUESTION: What happens if a licensee continues to work as a chiropractor after they lose their license? Are they able to work at all in the health field - under what circumstances?

My comments about this question:

From what I have interpreted in board policies and regulations, it seems there is no differentiation between an unlicensed individual vs someone losing their license for being a risk to the public.

For example, in my scenario, the Administrative Law Judge said in her Decision and

Order: "Protection of the public requires that Respondent's license be revoked." And, ... "it would pose a risk of harm to the public to allow Respondent to continue to practice as a chiropractor even with restrictions."

I would like to know why someone like this still gets to work with patients? According to what I've read, they can do physical therapy, etc with patients. How is this protecting patients if in an unlicensed capacity they can still do harm?

2) SUMMARY QUESTION: What is your oversight process when someone's license gets revoked to ensure they do not continue practicing? Do you have a meeting or "check out process" with them after to go over what they can and cannot do according to your regulations? Also, once policy and regulatory changes are updated, how will a revoked licensee be informed if it affects their work if they are continuing to work with patients in a clinical setting?

My comments about this question:

I was told by an enforcement analyst that you do not have a "check out process" for revocation, but you do for probations. Why not have something similar for revocation?

Sexual misconduct questions and comments:

3) SUMMARY QUESTION: What is the board's policy on the use of chaperones?

My comments about this question:

Even though someone isn't found guilty yet of sexual misconduct, but the board knows of sexual misconduct accusations, in order to prevent the licensee from doing further harm to more patients during their investigation, why not mandate that the licensee must have a chaperone in the patient room? For example, if a male licensee is being investigated, have a female chaperone in with a female patient.

In my scenario, the board had already been investigating and knew of this licensee's sexual misconduct, even before I even started going to this former chiropractor. Had the board required them to have a chaperone, I may have been spared from what happened to me.

How can you further protect patients and consumers from future instances where this happens?

4) SUMMARY QUESTION: Do you mandate harassment/sexual harassment/sexual misconduct training? If so, how often and of what type?

My comments about this question:

Sexual misconduct these days seems to be rampant in all industries, especially in the health field. I believe based upon what I have been through, that all chiropractors, no matter when they graduated or how long they've been in practice, should be required to have this type of training every few years.

Sharing of information with other governmental and consumer agencies:

5) SUMMARY QUESTION:

a) Is the board required by law or regulation to share information that arises in the investigation about a licensee with any other governmental or consumer protection agencies? Under what circumstance?

b) And, if the board discovers during their investigation potential wrongdoing or misconduct involving a licensee with another governmental or consumer protection agency, such as the Medical Board or the Department of Insurance, what are the rules or regulations of your board in sharing information with other boards or agencies?

Board policy questions:

6) SUMMARY QUESTION: What is the board policy on making information about licensee's disciplinary actions available to the public? Are there policies that ensure information is available within a certain time frame after action is taken? According to your rules and regulations, what information is shared? How is that enforced?

My comments about this question:

Why is the board inconsistent with which licensees public disciplinary documents they upload to profiles and when? Your present enforcement manager, Mr. Walker, told me they do not post public documents, which I now know is incorrect information.

The only reason this former licensee's public documents (the decision and order from 2021) have been uploaded is because my assembly person's office contacted the DCA, and they told her: "The lack of documents related to Mr. *****'s administrative disciplinary case with the Board of Chiropractic Examiners was an oversight by Board staff. They are now working to fix the issue and upload the files onto the Board's website."

Then a week later, two of this person's accusation public documents were uploaded, these were from 2020.

I have informed the DOJ as well as my assembly person's office, and they are looking into this.

Why should I as a consumer have had to go through my assembly person's office for this information to be made available to the public? Why wasn't it done in a timely manner?

7) SUMMARY QUESTION: Are there policies that guide how long an investigation should take?

My comments about this question:

Why do your investigations and enforcement actions take so long? Is it a matter of not enough staff? Does this board need more funding?

8) SUMMARY QUESTION: What is the role of the public in your meetings? What are the policies for their participation? How can the public be more involved in your processes?

My comments about this question:

I see that public comments during the board meeting are not scheduled for a specific time. It seems this discourages members of the public from speaking at these public hearings if they have to be expected to be at the meeting from 9am-5pm in order for their voice to be heard. Consumers have work, how can they be expected to be watching and paying attention to the meeting all day? Seems like there should be an (approximate) scheduled time that the board says okay we are now going to pause and take public comments.

Thank you for reading and reviewing all of my concerns. My goal is patient and consumer protection and I believe things can be improved in order to achieve that goal, and to get closer to fulfilling your mission statement.

Best,

██████████

(Again, please keep my full name private for any public publishing, you may use ML instead)