

Board of Chiropractic Examiners

2525 Natomas Park Drive, Suite 260
Sacramento, California 95833-2931
Telephone (916) 263-5355 FAX (916) 263-5369
CA Relay Service TT/TDD (800) 735-2929
Consumer Complaint Hotline (866) 543-1311
www.chiro.ca.gov

**BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES****September 24, 2009****Radisson LAX****6225 W. Century Blvd.
Los Angeles, CA 90045****Board Members Present**

Frederick Lerner, D.C., Chair
Hugh Lubkin, D.C., Vice Chair
Francesco Columbu, D.C., Secretary
Martin Mariscal, Public Member
Richard Tyler, D.C.

Staff Present

Robert Puleo, Interim Executive Officer
LaVonne Powell, Senior Staff Counsel
Linda Shaw, Staff Services Manager
April Alameda, Associate Governmental Program Analyst
Lavella Matthews, Associate Governmental Program Analyst
Valerie James, Office Technician

Call to Order

Dr. Lerner called the meeting to order at 9:05 a.m.

Roll Call

Dr. Columbu called the roll. All members were present except Dr. Steinhardt.

Chair's Report

Dr. Lerner gave the Chair's Report.

Approval of Minutes

September 10, 2009 Board Meeting

**MOTION: DR. TYLER MOVED TO APPROVE THE SEPTEMBER 10, 2009 MINUTES AS
AMMENDED**

SECOND: MR. MARISCAL SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

Discussion

Dr. Lubkin suggested an amendment to provide clarification.

Public Comment

None

Interim Executive Officer's Report

Dr. Lerner suggested Ms. Shaw provide the Interim Executive Officer's Report.

Ms. Shaw gave the Interim Executive Officer's Report. The topics were Administration, Budget, Licensing, and Enforcement.

Dr. Lerner, Dr. Lubkin, Dr. Tyler, Mr. Mariscal, Ms. Shaw, and Ms. Powell had discussion on the licensing statistics for satellite offices in relation to QME.

Ms. Shaw and Dr. Lerner discussed enforcement statistics.

Ratification of Approved License Applications

MOTION: DR. LUBKIN MOVED TO RATIFY THE APPROVED LICENSE APPLICATIONS

SECOND: DR. TYLER SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

The Board ratified the attached list of approved license applications incorporated herein (Attachment A).

Discussion

None

Ratification of Approved Continuing Education Providers

None

Ratification of Denied License Applications in Which the Applicants Did Not Request a Hearing

None

Recommendation to Waive Two Year Requirement to Restore a Cancelled License

MOTION: DR. LUBKIN MOVED TO RATIFY THE RECOMMENDATION TO WAIVE TWO YEAR REQUIREMENT TO RESTORE A CANCELLED LICENSE

SECOND: DR. TYLER SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

The Board ratified the attached list of applications in which the applicants request to waive the two year requirement to restore a cancelled license incorporated herein (Attachment B).

Discussion

None

Report from the Enforcement Committee

Dr. Lubkin provided an update from the Enforcement Committee. The topics were moving Section 314 into the regulatory phase and staff reporting information to the Board.

Report from the Public Relations Committee

Mr. Mariscal provided an update from the Public Relations Committee. The topics were Board Newsletter, Web Casting Enhancements, Proposed Adoption of Board Seal and Selection of Board Logo, and Consumer Education Brochure.

MOTION: MR. MARISCAL MOVED TO AUTHORIZE EXPEDENTURES FOR STAFF TO PURCHASE THE RECOMMENDED LIST OF EQUIPEMENT TO ENHANCE WEB CASTING
SECOND: DR. LUBKIN SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

Discussion

Dr. Lubkin, Dr. Lerner and Mr. Mariscal provided clarification on the purpose of recommended equipment.

Public Comment

Dr. Davis provided public comment in favor of the recommended equipment.

Dr. Lerner provided and withdrew a motion to adopt example #2 as the Board Logo. There was discussion on making a change to this logo.

Mr. Mariscal and Dr. Lerner discussed developing a Consumer Education Brochure.

Legislative Update

A. SB 294 (Negrete-McLeod)

Dr. Lerner and Ms. Powell discussed SB 294. This is a 2 year bill. Dr. Lerner and Mr. Puleo will meet with B & P staff to discuss conflicts.

B. SB 1494 (Eng)

Dr. Lerner and Ms. Powell discussed SB 1494.

C. Other legislative bills of interest to the Board

None

Update on SB 1441 Committee

Ms. Powell provided an update from the SB 1441 Committee. The next committee meeting is September 30, 2009.

Proposed Regulations

A. Manipulation Under Anesthesia

Dr. Lerner provided an update on the third 15 day comment period and requested legal response to the comments.

Ms. Powell suggested having a board meeting on October 23, 2009 to discuss regulations and staff will commit to giving suggested responses one week prior to the meeting.

MOTION: DR. LERNER MOVED TO HOLD A BOARD MEETING ON OCTOBER 23, 2009 FOR THE PURPOSE OF GOING THROUGH WRITTEN COMMENTS FOR MUA AND CE WITH LEGAL RESPONSES AND DECIDING HOW TO MOVE FORWARD WITH THE REGULATIONS

SECOND: DR. LUBKIN SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

Discussion

Dr. Lubkin suggested a morning meeting.

Public Comment

None

B. Continuing Education

Dr. Lerner provided an update on the second 15 day comment period. The responses to comments have been tabled to the October 23, 2009 Board Meeting.

C. Recognition of Chiropractic Specialties

Dr. Lerner provided an update on this regulation.

Dr. Lerner, Ms. Powell, Dr. Lubkin, Dr. Tyler, Mr. Mariscal, and Dr. Columbu discussed the written comments and suggested responses from staff.

Dr. Charles Davis provided clarification on ICA's certification standards.

Kristine Shultz provided clarification on CCA's recommendation to include the Academy of Chiropractic Neurology.

Dr. McAllister asked for clarification on the response to comment number 9.

Dr. Lerner and Ms. Powell provided clarification.

MOTION: DR. LUBKIN MOVED TO CHANGE THE REGULATORY LANGUAGE TO INCLUDE THE DIVISION OF WORKERS COMPENSATION TITLE 8 AND CALIFORNIA CODE OF REGULATIONS SECTION 12, ELIMINATE THE INTERNATIONAL ACADEMY OF CHIROPRACTIC NEUROLOGY, AND ACCEPT ALL RESPONSES TO COMMENTS PROVIDED FROM LEGAL COUNCIL AND STAFF AS DISCUSSED

SECOND: DR. TYLER SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

Discussion

Ms. Powell provided clarification that we need to notice further underlying data regarding the requirements of ICA and ACA in order to be recognized as a specialty board.

D. California Code of Regulations Section 314

Dr. Lerner provided an update on this regulation.

Legal Representation for Board

Dr. Lerner, Ms. Powell, Dr. Columbu, and Mr. Mariscal discussed exploring options for litigation other than the Office of the Attorney General for the purpose of cost savings and increased efficiency.

MOTION: DR. LERNER MOVED TO EXPLORE UTILIZING IN HOUSE COUNCIL FOR ADMINISTRATIVE CASES AND BEGIN WORKING A PROPSAL FOR PERMISSION TO THE OFFICE OF THE ATTORNEY GENERAL

SECOND: DR. LUBKIN SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

Discussion

Dr. Columbu and Dr. Lerner further discussed the proposal for permission to the Office of the Attorney General.

Search for Executive Officer

Dr. Lerner provided an update and discussed the process of recruiting an Executive Officer.

Public Comment

Dr. Becker provided public comment regarding satellite offices and QME stating there is a QME database on the DWC website.

Debra Snow provided comments regarding Continuing Education indicating she is currently working on a comparison of continuing education requirements and mandatory categories of all the health care boards.

Dr. Tyler commented on mandatory continuing education requirements.

Future Agenda Items

Dr. Lubkin would like to bring someone from the Department of Managed Care to the November Board Meeting to discuss proper rules and regulations to be in compliance with their statutes.

Dr. Lerner would like to discuss reciprocity and exceptions to licensure for traveling doctors for purposes such as sports.

Mr. Mariscal discussed providing examples of proper advertising.

Closed Session

Dr. Lerner provided an update from closed session announcing the October 23, 2009 meeting has been changed to October 22, 2009.

Hearings re: Petition for Reinstatement of Revoked License

Administrative Law Humberto Flores presided over and Deputy Attorney General Tom Rinaldi appeared on behalf of the people of the State of California on the following hearings.

- Anthony Wassif
- David Cuong Manh Nguyen
- Mehrdad Ahrablou

Closed Session

Following oral testimonies, the Board went into closed session for deliberation and determinations of Petitioners.

Adjournment

Dr. Lerner adjourned the public meeting at 5:05 p.m.

Attachment A

**Approval By Ratification of Formerly Approved License Applications
July 1, 2009 – August 31, 2009**

Name (First, Middle, Last)			Date Issued	DC#
Nichole	Alexandra	Borell	7/3/2009	31298
Christopher	Ryan	Hohn	7/3/2009	31299
Michael	Scott	Smith	7/10/2009	31300
Jimmy		Wang	7/10/2009	31301
Jesse	Ronald	Alexander	7/14/2009	31302
Joseph	Thomas	Diebold	7/14/2009	31303
Lindsay	Wood	Gardner	7/14/2009	31304
David	Frederick	Jennings	7/14/2009	31305
Daniel	James	Lord	7/14/2009	31306
Ronald	Charles	Maugeri	7/14/2009	31307
Jay	Paul	Kunard	7/16/2009	31308
Derek	Lane	Boudreaux	7/23/2009	31309
Brandon	Wade	Cohen	7/23/2009	31310
Shawn	Stuart	DeCloedt	7/23/2009	31311
Christopher	Lee	Henthorne	7/23/2009	31312
Andrea	Lynn	Jordheim	7/23/2009	31313
Justin	David	Jespersion	8/3/2009	31314
Ralphael	Alan	Mattei	8/3/2009	31315
Cathy	Wai-Fong Wong	Ng	8/6/2009	31316
Thy	Khanh	Nguyen	8/6/2009	31317
Rachel	Santulan	Olaes	8/6/2009	31318
MaryAnn		Papi	8/6/2009	31319
Randy		Ramirez	8/6/2009	31320
Jason	Maxwayne	Reynolds	8/6/2009	31321
Antonio	Dominic	Rodriguez	8/6/2009	31322
Matthew	Daniel	Schaer	8/6/2009	31323
Jamie	Leanne	Wiegel	8/6/2009	31324
Dustin	James	Williams	8/6/2009	31325
Victor	Manuel	Rodriguez	8/6/2009	31326
Michael	Scott	Wasilisin	8/6/2009	31327
Cherngder		Yu	8/6/2009	31328
Matthew	John	Griffith	8/12/2009	31329
Deon	Lee	Jenkins	8/12/2009	31330
Yuko		Kehoe	8/12/2009	31331
Ray		Anvari	8/12/2009	31332

Micah	Stephen	Hamilton	8/12/2009	31333
Marcelitte	Theresa	Faila	8/12/2009	31334
Ya Chun		Chung	8/12/2009	31335
Bradley	Robert	Falke	8/12/2009	31336
Stacey	Lee	Merlo	8/12/2009	31337
Amir		Mahmud	8/12/2009	31338
Alex	Bernard	Chen	8/12/2009	31339
Kevin	Hsu-Kai	Huang	8/12/2009	31340
Aaron	J	Garcia	8/12/2009	31341
Krystal	Lynn	Allen	8/12/2009	31342
Melissa	Gale	Allen	8/12/2009	31343
Heidi	Lee	Zappone	8/12/2009	31344
Landon	Nathaniel	Amonette	8/12/2009	31345
Norman	Allan	Crandell	8/12/2009	31346
Rooza		Goharchin	8/12/2009	31347
Phillip	Andre	Lozano	8/12/2009	31348
Angela		Chen	8/12/2009	31349
Jordan	Abraham	Blaustein	8/12/2009	31350
Daniel	Thomas	Garcia	8/12/2009	31351
Tina	Ann	Beck	8/12/2009	31352
David	Elie	Carry	8/12/2009	31353
Hayley	Autumn	Hewitt-Pfeil	8/12/2009	31354
Enrique	Junior	Cazares	8/12/2009	31355
Johanna	Mae	Lelke	8/12/2009	31356
Shailly		Prasad	8/19/2009	31357
Eva	Enid	Sepulveda	8/19/2009	31358
Mani		Shokoufandeh	8/19/2009	31359
Jesika	Rhoda	Menasaka	8/19/2009	31360
Margaret	Alison	Capers	8/19/2009	31361
Anhtuan		Le	8/19/2009	31362
Hyungkeon		Jung	8/19/2009	31363
Jennifer	Rose	O'Brien	8/24/2009	31364
Reginald	Rae	Robertson	8/24/2009	31365
Roland	Robert	Rodriguez	8/24/2009	31366
Chau	Ngoc	Tran	8/24/2009	31367
Roni	Yoshiko	Matsumoto	8/25/2009	31368
Nathaniel	Richtel	Elkins	8/25/2009	31369
Meng-Hsuan		Lin	8/25/2009	31370
Matthew	Burton	Harris	8/25/2009	31371
Arlet		Agazaryan	8/25/2009	31372
Ryan	Tyson	Green	8/25/2009	31373
Jeannette	Ellen	Carter	8/25/2009	31374
Ka Bo	Janis	Luk	8/25/2009	31375

Marjan		Khorrani	8/25/2009	31376
Brian	Haochiun	Leung	8/25/2009	31377
Lindsay	Alice	Orth	8/27/2009	31378
Behrooz		Rafii	8/27/2009	31379
Luis	Andres	Saldana	8/27/2009	31380
Brenda	I	Taylor	8/27/2009	31381
Anthony	Christian	Usera	8/31/2009	31382
Randall	Robert	Gates	8/31/2009	31383
Molly	Elizabeth	Malleis	8/31/2009	31384
Arthur		Azcona	8/31/2009	31385
Alexandra	Nicole	DeBenedetto	8/31/2009	31386
Jin	Yong	Kim	8/31/2009	31387
Elias	Aceves	Murillo	8/31/2009	31388

Attachment B

Recommendation to Waive Two Year Requirement
on Restoration of a Cancelled License

Name (Last, First MI)	License No.	Cancellation Date
Kim, Peter	29785	4/30/2009