

**Board of Chiropractic Examiners**

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**BOARD OF CHIROPRACTIC EXAMINERS  
PUBLIC SESSION MINUTES  
July 29, 2010  
State Capitol  
Fourth Floor, Assembly Room 444  
Sacramento, CA 95814**

**Board Members Present**

Frederick Lerner, D.C., Chair  
Hugh Lubkin, D.C., Vice Chair  
Francesco Columbu, D.C., Secretary  
Jeffrey Steinhardt, D.C.  
Richard Tyler, D.C.

**Staff Present**

Robert Puleo, Interim Executive Officer  
LaVonne Powell, Senior Staff Counsel  
Linda Shaw, Staff Services Manager  
Sandra Walker, Staff Services Manager  
Dixie Van Allen, Associate Governmental Program Analyst  
Lavella Matthews, Associate Governmental Program Analyst  
Christina Villanueva, Associate Governmental Program Analyst  
Valerie James, Office Technician

**Call to Order**

Dr. Lerner called the meeting to order at 10:01 a.m.

**Roll Call**

Dr. Columbu called the roll. All members were present except Hugh Lubkin, D.C., who arrived shortly after roll call.

**Chair's Report**

Dr. Lerner gave the Chair's Report.

**Approval of Minutes**

May 13, 2010 Board Meeting

**MOTION: DR. STEINHARDT MOVED TO APPROVE THE MINUTES**

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

**VOTE: 4-0**

**MOTION CARRIED**

**Discussion**

Dr. Steinhardt provided a correction on page 2, under public comment; "spinal decompressing" should be corrected to read "spinal decompression".

### **Public Comment**

None

### **Board Member training on the Bagley-Keene Open Meetings Act and other relevant laws**

Ms. Powell stated there is nothing new to be brought up.

### **Interim Executive Officer's Report**

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

**MOTION: DR. LERNER MOVED TO OMIT THE BOARD'S LOGO ON THE NEW PARCHMENTS**

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

**VOTE: 5-0**

**MOTION CARRIED**

### **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**

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

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

**VOTE: 5-0**

**MOTION CARRIED**

The Board ratified the attached list of approved continuing education providers incorporated herein (Attachment B).

### **Discussion**

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**

None

### **Enforcement Case Tracking**

Mr. Puleo introduced guest speaker, Paul Riches, Enforcement Chief from the Department of Consumer Affairs. Mr. Riches discussed the "Breeze Project" which is the department's pending tracking system for enforcement.

### **Public Relations Committee Meeting Update**

Dr. Lerner provided an update from the last meeting.

There was discussion on having Office of Technology Services (OTS) at the next Public Relations Committee meeting to discuss changes/updates to the Board's website.

### **Legislation/Regulation Committee Meeting Update**

Dr. Lerner provided an update from the last meeting.

Staff will develop regulatory language to present at the next meeting to clarify Section 308; the display of license and the purposes of different types of licenses such as pocket license and satellite certificates.

The Board members discussed informed consent regarding potential risk of care. Dr. Lerner proposed that we start initiating regulatory language to require licensees to provide written informed consent to their patients.

**MOTION: DR. LUBKIN MOVED TO BEGIN TO PREPARE LANGUAGE TO DEVELOP INFORMED CONSENT CONCEPTS**

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

**VOTE: 5-0**

**MOTION CARRIED**

### **Public Comment**

Dr. Charles Davis provided public comment that health and safety codes state the risk needs to be significant to require informed consent and feels it would be over regulating at this point.

### **Enforcement Committee Meeting Update**

Dr. Lubkin provided an update from the last meeting.

### **Legislative Update**

#### **A. AB1996 (Hill)**

Mr. Puleo provided an update stating the language is now pending votes from senate and assembly before it can move on to the Governor, there are no anticipated problems.

#### **B. Any other legislation of Interest to the Board**

Mr. Puleo stated there is no other significant pending legislation at this time.

### **Proposed Regulations**

A. Continuing Education

Dr. Lerner provided an update and stated the Board looks forward to hearing new information; however, they will not be rehashing old discussion.

**MOTION: DR. LERNER MOVED TO APPROVE STAFF SUGGESTIONS TO MODIFY THE CE LANGUAGE**

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

**VOTE: 5-0**

**MOTION CARRIED**

**Public Comment**

Dr. Charles Davis complemented the Board and suggested an addition to page 4, Section 16.

Dr. Lerner, Ms. Powell, Dr. Lubkin, and Mr. Puleo discussed Dr. Davis' suggestion.

Carl Brakensiek commented on the drafting of page 1 and page 4 of the language.

Ms. Powell suggested amending page 1 and removing "board approved" from Section 361.

Bill Howe commended the Board and staff on their work and provided several recommended changes.

Board members, Ms. Powell and Mr. Puleo discussed and considered the recommended changes.

Kendra Holloway provided comment to clarify course hours.

Deborah Mattos asked for clarification on page 10 under 364, regarding 8 credit hours.

Dr. Lerner provided clarification.

Dr. McAllister asked for clarification on the expectation of what licensees need to provide under the new regulations because distance learning may provide a different way of documenting courses.

**MOTION: DR. LERNER MOVED AMEND 361(f) TO INDICATE THE NON-MANDATORY COURSES ARE NOT RESTRICTED TO THE SUBJECT AREAS 1-16 IN THIS SECTION**

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

**VOTE: 5-0**

**MOTION CARRIED**

B. Fingerprint Submissions

Ms. Powell stated the most significant recommendation is that we need to include an effective date.

**MOTION: DR. LERNER MOVED TO START SIX MONTHS FROM THE EFFECTIVE DATE OF THE REGULATION**

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

**VOTE: 5-0**

**MOTION CARRIED**

**Discussion**

None

**Public Comment**

None

**MOTION: DR. LERNER MOVED ACCEPT ALL OF STAFF'S RECOMMENDATIONS**

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

**VOTE: 5-0**

**MOTION CARRIED**

**Discussion**

None

**Public Comment**

None

**Hearing re Petition Pursuant to the Administrative Procedure Act re Section 704 of the Business and Profession Code and the Board's Continuing Education (CE) Regulations re Number CE hours Required to Activate and Inactive License**

Ms. Powell provided an update stating the hearing was noticed for 9:30 this morning; however nobody appeared to testify on the issue. The Board has granted this petition, in part, by amending the CE regulations. However, the Board is not able to grant immediate relief to the petitioner. The existing requirement will remain in effect until the proposed amendments are adopted by the Office of Administrative Law.

**MOTION: DR. LUBKIN MOVED TO FORMALLY GRANT THE PETITION BY WAY OF ONLY REQUIRING CE FOR ONE RENEWAL CYCLE ONCE THE AMENDED CE REGULATIONS ARE FINALIZED AND ARE IN EFFECT**

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

**VOTE: 5-0**

**MOTION CARRIED**

**Public Comment**

Debra Snow commented on the Enforcement Committee Meeting regarding consumer oversight.

**Future Agenda Items**

None

**Hearings re: Petition for Early Termination of Probation**

Administrative Law Judge Deidre Johnson presided over and Deputy Attorney General Tom Rinaldi and Deputy Attorney General Jeff Phillips appeared on behalf of the people of the State of California on the following hearing.

- Anthony Loc Bao Nguyen

**Hearings re: Petition for Reinstatement of Revoked License**

Administrative Law Judge Deidre Johnson presided over and Deputy Attorney General Tom Rinaldi and Deputy Attorney General Jeff Phillips appeared on behalf of the people of the State of California on the following hearings.

- Carlos Seals
- Leon Weathersby

**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 5:16 p.m.

**Attachment A**

**Approval By Ratification of Formerly Approved License Applications  
May 1, 2010 – June 30, 2010**

<b>Name (First, Middle, Last)</b>			<b>Date Issued</b>	<b>DC#</b>
Hedie		Adamous	5/5/2010	31646
Judith	Deborah	Bidgood	5/5/2010	31647
Pamela	Ann	Brown	5/5/2010	31648
Garretson	VanBuren	Fritts	5/5/2010	31649
William	Todd	McDougall	5/5/2010	31650
Bradley	Gene	Mouroux	5/5/2010	31651
Lance	Havens	Cohen	5/11/2010	31652
Sravanthi		Dakoji	5/11/2010	31653
Jorge	Alfredo	Guevara	5/11/2010	31654
Nicole	Christine	Hoover	5/11/2010	31655
Rachelle	Marie	Mulford	5/11/2010	31656
Won	Woo	Park	5/11/2010	31657
Sheena		Sohl	5/11/2010	31658
Jimmy	H	Yu	5/11/2010	31659
Holli	Ethel	Banes	5/18/2010	31660
Stephen	Kyle	Banes	5/18/2010	31661
Christopher	David	Bolduc	5/18/2010	31662
Ryan	Hyojin	Choi	5/18/2010	31663
Derek	Steven	Anderson	5/25/2010	31664
Valerie	Ann	Barsom	5/25/2010	31665
Kenneth	Chien-Yu	Chen	5/25/2010	31666
Katherine	Elizabeth	Drake	5/25/2010	31667
Jannet	Karina	Gonzalez	5/25/2010	31668
Jennifer		Huang	5/25/2010	31669
Kyle	Matthew	Knox	5/25/2010	31670
Christopher	Don	Sanchez	5/27/2010	31671
Matthew	Todd	Scott	5/27/2010	31672
Cheuk-Fung		Siu	5/27/2010	31673
Arin		Broosan	5/28/2010	31674

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Michael		Grigoriou	5/28/2010	31675
Angela	Maricela	Johnson	5/28/2010	31676
Darren	Scott	Sheldon	6/3/2010	31677
Timothy	Alan	Smith	6/3/2010	31678
Christopher	Michael	Tosh	6/3/2010	31679
Micah	Ryan	White	6/3/2010	31680
Yoon-Kyung	Judy	Woo	6/3/2010	31681
Sean	Patrick	O'Grady	6/9/2010	31682
Lisa	Marie	Prian	6/9/2010	31683
Jaromy	Justin	Bell	6/14/2010	31684
Jon	Aaron	Christensen	6/14/2010	31685
Joseph	Bassig	Ibe	6/14/2010	31686
Sina		Khaneki	6/14/2010	31687
Michiteru		Koike	6/14/2010	31688
Michael	Thomas	Marks	6/14/2010	31689
Deepak	Mohan	Moosad	6/14/2010	31690
Craig	Emory Ryan	Donovan	6/16/2010	31691
Aaron	Thomas	Gleeson	6/16/2010	31692
Jordan	Mathew	Gray	6/16/2010	31693
Harold	George	Heeder Jr.	6/16/2010	31694
Stanton	Michael	Hom	6/16/2010	31695
Michael	Thomas	Rogerson	HOLD	31696
Martin	Luke	Sanford	6/16/2010	31697
Donnatila	Dayao	Sapiandante	6/17/2010	31698
Jin	Wan	Pak	6/17/2010	31699
Shingo		Sasaki	6/17/2010	31700
Alina	Tatiana	Bistrain Braga	6/24/2010	31701
Lacey	Nicole	Collins	6/24/2010	31702
Kevin	John	Cressey	6/24/2010	31703
Christopher	Andrew	Herrera	6/24/2010	31704
Bharat		Jain	6/24/2010	31705
James	Myong	Kim	6/24/2010	31706
Victor	Bin Shiu	Lee	6/24/2010	31707
Brittany	Wemmer	Patton	6/25/2010	31708
Bernardo		Perez III	6/25/2010	31709
Satomi		Sunaga	6/25/2010	31710
Darlene	Tran	Van	6/25/2010	31711
Yuko		Yamashita	6/25/2010	31712
Michael	Lee	Getting	7/8/2010	31713
Annette		Baghdasarian	6/29/2010	31714
Monica	Brooke	Egan	6/29/2010	31715
Derek	Alan	Hacke	6/29/2010	31716
Ian	Matthew	Hoffman	6/29/2010	31717



Daniel	Hermann	Kempff	6/29/2010	31718
Chie		Kigawa	6/29/2010	31719
Lindsay	Alice	McCarthy	6/29/2010	31720
Anita	Gail	Morgenstern	6/29/2010	31721

**Attachment B**

Ratification of Formerly Approved Continuing Education Providers

**Name (First, Middle, Last)**

**Date Approved**

- 
- **Jose L. Serrano, D.C.** **05/25/2010**
  - **William Ruch, D.C.** **6/09/2010**