BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

NOTICE OF PUBLIC MEETING

March 22, 2012
10:00 a.m.
Radisson Hotel Ontario Airport
2200 East Holt Blvd.
Ontario, CA 91761
(909) 975-5000

AGENDA

1. **OPEN SESSION** – Call to Order & Establishment of a Quorum
   Hugh Lubkin, D.C. Chair
   Jeffrey Steinhardt, D.C., Vice Chair
   Francesco Columbu, D.C., Secretary
   Richard Tyler, D.C.

2. **Chair's Report**

3. **Approval of Minutes**
   January 19, 2012 Board Meeting

4. **Public Comment**

5. **Executive Officer's Report**
   A. Administration
   B. Budget
   C. Licensing
   D. Enforcement

6. **Ratification of Approved License Applications**

7. **Ratification of Approved Continuing Education Providers**

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

9. **Recommendation to Waive Two Year Requirement to Restore a Cancelled License**

10. **Attorney General Billing**

T (916) 263-5355
F (916) 263-5369
TT/TDD (800) 735-2929
Consumer Complaint Hotline
(866) 543-1311

Board of Chiropractic Examiners
2525 Natomas Park Drive, Suite 260
Sacramento, California 95833-2931
www.chiro.ca.gov

11. Inter-Jurisdictional Mobility

12. Strategic Planning

13. BCE Mission Statement

14. Direct/Indirect Supervision of Employees – California Code of Regulations 312

15. Legislative Update

A. AB 1488 (Yee) – Healing Arts: Traditional Chinese Medicine Traumatologist Certification
B. SB 352 (Huff) – Chiropractors
C. SB 924 (Price, Waters, Steinberg) – Patient Direct Access to Physical Therapist and Provider Corporations

16. Pending Regulations

A. Patient Records
B. Use of Lasers
C. Omnibus Consumer Protection

17. Proposed New Regulation

Consumer Notice Regarding Chiropractic Licensure Requirements and BCE Contact Information

18. Public Comment

19. Future Agenda Items

20. Hearings Re: Petition for Reinstatement of Revoked License

A. Carlos Seals
B. Daniel Brady

21. Closed Session

A. Deliberation on Petitioner Hearings and Disciplinary Decisions Pursuant to California Government Code Section 11126(c)(3)
B. Pursuant to California Government Code Section 11126(e)
   1) Board of Chiropractic Examiners v. Carole M. Arbuckle Sacramento County Superior Court, Case No. 03AS00948

22. OPEN SESSION: Announcements Regarding Closed Session

23. Adjournment

Meetings of the Board of Chiropractic Examiners are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. Public comments will be taken on agenda items at the time the specific item is raised. The Board may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at www.chiro.ca.gov.

The meeting facilities are accessible to individuals with physical disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Marlene Valencia at (916) 263-5355 ext. 5363 or e-mail marlene.valencia@chiro.ca.gov or send a written request to the Board of Chiropractic Examiners, 2525 Natomas Park Drive, Suite 260, Sacramento, CA 95833. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES
January 19, 2012
State Capitol
First Floor, Senate Committee Room 113
Sacramento, CA 95814

DRAFT

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

Staff Present
Robert Puleo, Executive Officer
Spencer Walker, Staff Counsel
Linda Shaw, Staff Services Manager
Sandra Walker, Staff Services Manager
Dixie Van Allen, Associate Governmental Program Analyst
Beckie Rust, Associate Governmental Program Analyst
Ray Delaney, Management Services Technician
Valerie James, Office Technician

Call to Order
Dr. Lerner called the meeting to order at 9:00 a.m.

Roll Call
Dr. Columbu called the roll. All members were present.

Chair's Report
Dr. Lerner reported on recent activities relating to Board matters.

Election of Officers for 2012
A. Chair

MOTION: DR. LERNER MOVED TO NOMINATE DR. LUBKIN AS CHAIR
SECOND: DR. TYLER SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

B. Vice-Chair

MOTION: DR. TYLER MOVED TO NOMINATE DR. STEINHARDT AS VICE-CHAIR
SECOND: DR. LERNER SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

C. Secretary

MOTION: DR. TYLER MOVED TO NOMINATE DR. COLUMBU AS SECRETARY
SECOND: DR. LERNER SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

Approval of Minutes
November 17, 2011 Board Meeting

MOTION: DR. STEINHARDT MOVED TO APPROVE THE MINUTES
SECOND: DR. TYLER SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

January 5, 2012 Board Meeting

MOTION: DR. STEINHARDT MOVED TO APPROVE THE MINUTES
SECOND: DR. LUBKIN SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

Public Comment
None

Dr. Lubkin presented Dr. Lerner with a commemorative plaque and sculpture to acknowledge his achievements as a Board Member and Board Chair.

Executive Officer's Report
Mr. Puleo gave the Executive Officer's Report. The topics were Administration, Budget, Licensing, and Enforcement. Mr. Puleo also reported on the new enhancement to the Board's web site.

Ratification of Approved License Applications

MOTION: DR. STEINHARDT 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).

DRAFT

Ratification of Approved Continuing Education Providers

MOTION: DR. STEINHARDT MOVED TO RATIFY THE APPROVED CONTINUING EDUCATION PROVIDERS
SECOND: DR. LERNER SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED
The Board ratified the attached list of approved continuing education providers incorporated herein (Attachment B).

Ratification of Denied License Applications in Which the Applicants Did Not Request a Hearing
None

Ratification to Waive Two Year Requirement to Restore a Cancelled License
None

Attorney General Billing
Mr. Puleo indicated that the Attorney General's billings are down and have been consistent through the past months. The Board will keep monitoring the expenditures.

Chiropractic Business/Franchise Models
Dr. Steinhardt discussed the growing development of Chiropractic Business/Franchises in the profession and expressed his concern with overall patient care. Dr. Lubkin shared his concerns regarding this matter. Mr. Puleo indicated that the Board must depend on consumers to file complaints if someone received treatment not up to standard.

Discussion and Possible Action on Informed Consent
Dr. Tyler expressed his concerns with the word "material" and its lack of clarity. He felt that it needed a more definitive approach. Dr. Lerner and Dr. Steinhardt disagreed and believed that the regulation should be left alone.

Dr. Charles Davis from International Chiropractic Association of California came forward and stated that he supports leaving the regulation as is.

Legislative Update
A. SB 352 (Huff) – Chiropractors
Dr. Lerner spoke on the bill and a meeting with Senator Huff. Mr. Puleo attended and spoke in regards to the Senate Appropriations hearing. The bill was placed on suspense file. If the committee decides to take it off suspense, it could be voted on today.

Proposed Regulations
A. Use of Laser
The Board discussed the status of the proposed regulation. Mr. Puleo announced the proposed regulation was submitted to the Office of Administrative Law on Tuesday which commences the comment period. A public regulatory hearing will take place on March 13th in Sacramento. The Board discussed a recommendation submitted by the Medical Board of California.

B. Patient Records
Mr. Puleo reported the Board had completed the 45 day comment period with only one comment submitted. The comment was rejected as it was not related to the proposed amendments to Section 318 as described in the Initial Statement of Reasons. Mr. Puleo announced that the proposed language is ready to be submitted to the Office of Administrative Law pending the Board's approval.

MOTION: DR. LERNER MOVED TO ADOPT THE PROPOSED LANGUAGE AS IS AND SUBMIT TO THE OFFICE OF ADMINITRATIVE LAW
SECOND: DR. TYLER SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

C. Omnibus Consumer Protection
The Board briefly reviewed the proposed regulation. Dr. Lubkin and Dr. Steinhardt agreed to have an Enforcement Committee meeting in February/March to review and refine the language.

Dr. Charles Davis came forward and agreed to bring it back to the Committee to get the language right rather than rush.

Ms. Debbie Snow came forward and spoke on Business and Professions Code Section 729 which is clear on misconduct resulting in revocation.

Public Comment
None

Future Agenda Items
None

Hearings Re: Petition for Reinstatement of Revoked License
Administrative Law Judge Dian Vorters presided over and Supervising Deputy Attorney General Arthur Taggart appeared on behalf of the people of the State of California on the following hearing:

A. Robert Nathanson

Closed Session
Following oral testimonies, the Board went into closed session for deliberation and determinations of petitioners and other matters.

Adjournment
Dr. Lubkin adjourned the meeting at 1:12p.m.

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(Attachment A)

Approval By Ratification of Formerly Approved License Applications
November 1, 2011 – December 31, 2011

Name (First, Middle, Last)			Date Issued	DC#
Sadie	Jayne	Sanders	11/4/2011	**32132**
Kimberly	Nicole	Rumack	11/9/2011	**32133**
Murray	Allan	Russell	11/9/2011	**32134**
Matthew	Kurt	Alexander	11/10/2011	**32135**
Kangning	Karis	Chua	11/10/2011	**32136**
Steven	Michael	Hewitt	11/10/2011	**32137**
Kristine	Aimee	Lukens	11/10/2011	**32138**
Jonathan	Patrick	McHale	11/10/2011	**32139**
Jason	William Robert	Moore	11/10/2011	**32140**
Jason	Stephen	Crowley	11/17/2011	**32141**
Danielle	Nicole	Harris-Sartin	11/17/2011	**32142**
Tashia	Simone	Hilliard	11/17/2011	**32143**
Anjannette	Marie	Price	11/18/2011	**32144**
Job	Jehad	Asad	11/30/2011	**32145**
Nicole	Anne	Bailey	11/30/2011	**32146**
Ariana	Alexandra	Brosco	11/30/2011	**32147**
Alfred	Salomon	Garcia	11/30/2011	**32148**
Miro		Bandalo	12/9/2011	**32149**
Dawn	Kristen	Bortoluzzi	12/9/2011	**32150**
Christina	Kay	Coxon	12/9/2011	**32151**
Miki		Hayashi	12/9/2011	**32152**
Yangdong		Kim	12/9/2011	**32153**
Heather	Dalila	Maxwell	12/9/2011	**32154**
Adam	Jay	Ponchick	12/9/2011	**32155**
Sheena	Marie	Yurczak	12/9/2011	**32156**
Christopher	Arthur	Angelopoulos	12/20/2011	**32157**
R'Kione	W'Selas	Britton II	12/20/2011	**32158**
Eric	Douglas	Dixon	12/20/2011	**32159**
Jenny	Ji-Yun	Kim	12/20/2011	**32160**
Ryan	Neil	Lawlor	12/20/2011	**32161**
Anthony	Angel	Mendoza	12/20/2011	**32162**
Apolinar		Miranda	12/20/2011	**32163**
Joon	Hye	Kong	12/22/2011	**32164**

DRAFT

Gerald	Pasadilla	Palmes	12/22/2011	**32165**
Joseph	Nicholas	Snyder	12/22/2011	**32166**
Jonathan	Joseph	Sweeney	12/22/2011	**32167**
Daniel	D	Yen	12/22/2011	**32168**
Ashlee	Ariane	Yerrick	12/29/2011	**32169**

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(Attachment B)

CONTINUING EDUCATION PROVIDERS	DATE APPROVED
1. CMCS Management Inc.	11/1/11
2. Barton University	11/1/11
3. James W. Brantingham D.C.	11/1/11
4. Douglas M. Gillard, D.C.	11/1/11
5. Karl A. Giljum, D.C.	11/1/11
6. American Liberty University	11/1/11
7. Total Thermal Imaging Inc.	11/1/11
8. Zhen Sheng Fu	11/1/11

DRAFT

State Bo of Chiropractic Examiners

Current
September 2011

FY 2011/12

BOARD MEMBERS (7)

Robert Puleo
Executive Officer
620-110-8862-001

Sandra Walker
Compliance Manager
620-110-4800-006

Compliance Unit

Lavella Matthews
Assoc. Gov. Program Analyst
620-110-5393-002

Christina Bell
Assoc. Gov. Program Analyst
620-110-5393-005

Beckie Rust
Assoc. Gov. Program Analyst
620-110-5393-004

Christina Villanueva
Assoc. Gov. Program Analyst
620-110-5393-800

Julianne Vernon
Staff Services Analyst
620-110-5157-004

Keith Powell
Field Investigations Manager
620-110-8549-001

Field Operations North

Maria Martinez
Special Investigator
620-110-8612-001

Denise Robertson
Special Investigator
620-110-8612-002

Field Operations South

Yanti Soliman
Special Investigator
620-110-8612-003

Linda Shaw
Admin/Licensing/CE Manager
620-110-4800-008

Policy/Admin

Dixie Van Allen
Assoc. Gov. Program Analyst
620-110-5393-003

Admin/Licensing

Marlene Valencia
Staff Services Analyst
620-110-5157-008

Tammi Pitto
Staff Services Analyst
620-110-5157-007

Ray Delaney
Management Services Technician
620-110-5278-001

Vacant
Office Technician (T)
620-110-1139-001

Valerie James
Office Technician (T)
620-110-1139-008

Licensing/Continuing Education

Genie Mitsuhara
Staff Services Analyst
620-110-5157-005

Executive Officer _____

Rev. 9/8/11

0152 - Board of Chiropractic Examiners
Analysis of Fund Condition

Prepared 1/11/12

(Dollars in Thousands)

2012-13 Governor's Budget

		CY 2011-12	Governor's Budget BY 2012-13	BY+1 2013-14
BEGINNING BALANCE		$ 2,568	$ 1,417	$ 1,285
Prior Year Adjustment		$ -	$ -	$ -
Adjusted Beginning Balance		$ 2,568	$ 1,417	$ 1,285
REVENUES AND TRANSFERS				
Revenues:				
125600	Other regulatory fees	$ 128	$ 128	$ 128
125700	Other regulatory licenses and permits	$ -	$ -	$ -
125800	Renewal fees	$ 2,852	$ 3,398	$ 3,398
125900	Delinquent fees	$ 50	$ 48	$ 48
141200	Sales of documents	$ -	$ -	$ -
142500	Miscellaneous services to the public	$ -	$ -	$ -
150300	Income from surplus money investments	$ 20	$ 13	$ 10
150500	Interest Income From Interfund Loans	$ -	$ -	$ -
160400	Sale of fixed assets	$ -	$ -	$ -
161000	Escheat of unclaimed checks and warrants	$ -	$ -	$ -
161400	Miscellaneous revenues	$ 6	$ 6	$ 6
161900	Other Revenue - Cost Recoveries*	$ 50	$ 50	$ 50
164600	Fines and Forfeitures	$ 21	$ 21	$ 21
Totals, Revenues		$ 3,127	$ 3,664	$ 3,661
Transfers to Other Funds		$ -	$ -	$ -
Totals, Revenues and Transfers		$ 3,127	$ 3,664	$ 3,661
Totals, Resources		$ 5,695	$ 5,081	$ 4,946
EXPENDITURES				
Disbursements:				
0840 State Controller (State Operations)		$ 3	$ -	$ -
8880 Financial Information System for CA (State Operations)		$ 15	$ -	$ -
8500 Program Expenditures (State Operations)		$ 4,217	$ 3,688	$ 3,762
BreEZe SPR Funding		$ 43	$ 79	$ 117
Credit Card BCP (BreEZe)			$ 29	$ 58
Total Disbursements		$ 4,278	$ 3,796	$ 3,937
FUND BALANCE				
Reserve for economic uncertainties		$ 1,417	$ 1,285	$ 1,009
Months in Reserve		4.5	3.9	3.0

NOTES:

A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED
B. ASSUMES INTEREST RATE AT 1%.
C. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR.

BOARD OF CHIROPRACTIC EXAMINERS
LICENSE STATISTICAL DATA

FY 2010/11 – FY 2011/12 COMPARISON

LICENSE TYPE	TOTAL LICENSES 3/1/2011	TOTAL LICENSES 3/1/2012	NET VARIANCE
CHIROPRACTOR	13,856	13,561	-295
SATELLITES	3,635	3,941	+306
CORPORATIONS	1,314	1,302	-12
REFERRALS	31	31	0
TOTALS	18,836	18,835	-1

APPLICATIONS RECEIVED AND PROCESSED
JANUARY 1, 2012 – FEBRUARY 29, 2012

APPLICATION TYPE	RECEIVED	APPROVED	DENIED	WITHDRAWN	PENDING
INITIAL	95	67	2	0	170
RECIPROCAL	2	1	0	0	14
RESTORATION	34	34	0	0	5
CORPORATION	19	17	0	0	22

Compliance Unit Statistics

Fiscal Year	07/08	08/09	09/10	10/11	11/12*
Complaints					
Received	644	655	519	497	267
Pending	824	410	203	137	152
Closed with Insufficient Evidence	107	206	136	96	62
Closed with No Violation	78	223	129	135	57
Closed with Merit	321	275	158	140	85
Letter of Admonishment	n/a	n/a	5	4	1
Citations and Fines Issued (Total Fine Amount)	28	41($19,200)	78($25,700)	47($12,700)	14($20,400)
Accusations					
Filed	13	64	73	68	26
Pending	73	105	117	130	99
Revoked	8	10	18	17	6
Revocation Stayed: Probation	10	4	20	26	12
Revocation Stayed: Suspension and Probation	10	7	8	9	10
Suspension	0	0	0	0	0
Suspension Stayed: Probation	0	0	1	0	0
Suspension and Probation	0	2	0	0	0
Voluntary Surrender of License	2	2	7	9	6
Dismissed/Withdrawn	3	5	18	10	21
Statement of Issues					
Filed	7	3	3	4	1
Denied	0	1	0	0	1
Probationary License	7	4	7	3	3
Withdrawn at Applicant's Request	1	0	0	0	0
Granted	0	0	0	1	0
Petition for Reconsideration					
Filed	0	1	3	0	1
Granted	0	0	0	0	0
Denied	0	1	2	0	0
Petition for Reinstatement of License					
Filed	15	13	9	7	7
Granted	12	4	4	2	1
Denied	6	11	11	10	4
Petition for Early Termination of Probation					
Filed	6	6	6	4	13
Granted	1	6	1	2	18
Denied	1	2	2	4	13
Petition for Modification of Probation					
Filed	0	0	0	0	0
Granted	0	0	0	0	0
Denied	0	0	0	0	0
Petition by Board to Revoke Probation					
Filed	0	11	32	13	5
Revoked	0	3	7	2	7
Probation Cases					
Active	159	140	134	138	140

* FY 11/12: July 1, 2011 – February 29, 2012

Revised: March 12, 2012

Violation Codes/Descriptions

The Chiropractic Initiative Act of California (ACT):

10 – Rules of Professional Conduct
15 – Noncompliance With and Violations of Act

California Code of Regulations (CCR):

302(a) – Scope of Practice
303 – Filing of Addresses
304 – Discipline by Another State
308 – Display of License
311 – Advertisements
312 – Illegal Practice
316 – Responsibility for Conduct on Premises
317 – Unprofessional Conduct
318 – Chiropractic Patient Records/Accountable Billing
319 – Free or Discount Services
355 – Renewal and Restoration
360 – Continuing Education Audits
367.5 – Application, Review of Refusal to Approve (corporations)
367.7 – Name of Corporation

Business and Professions Code (BP):

801 – Professional Reporting Requirements (malpractice settlements)
810 – Insurance Fraud
1051 – Apply for a Corporation with the Board
1054 – Name of Chiropractic Corporation

Health and Safety Code (HS):

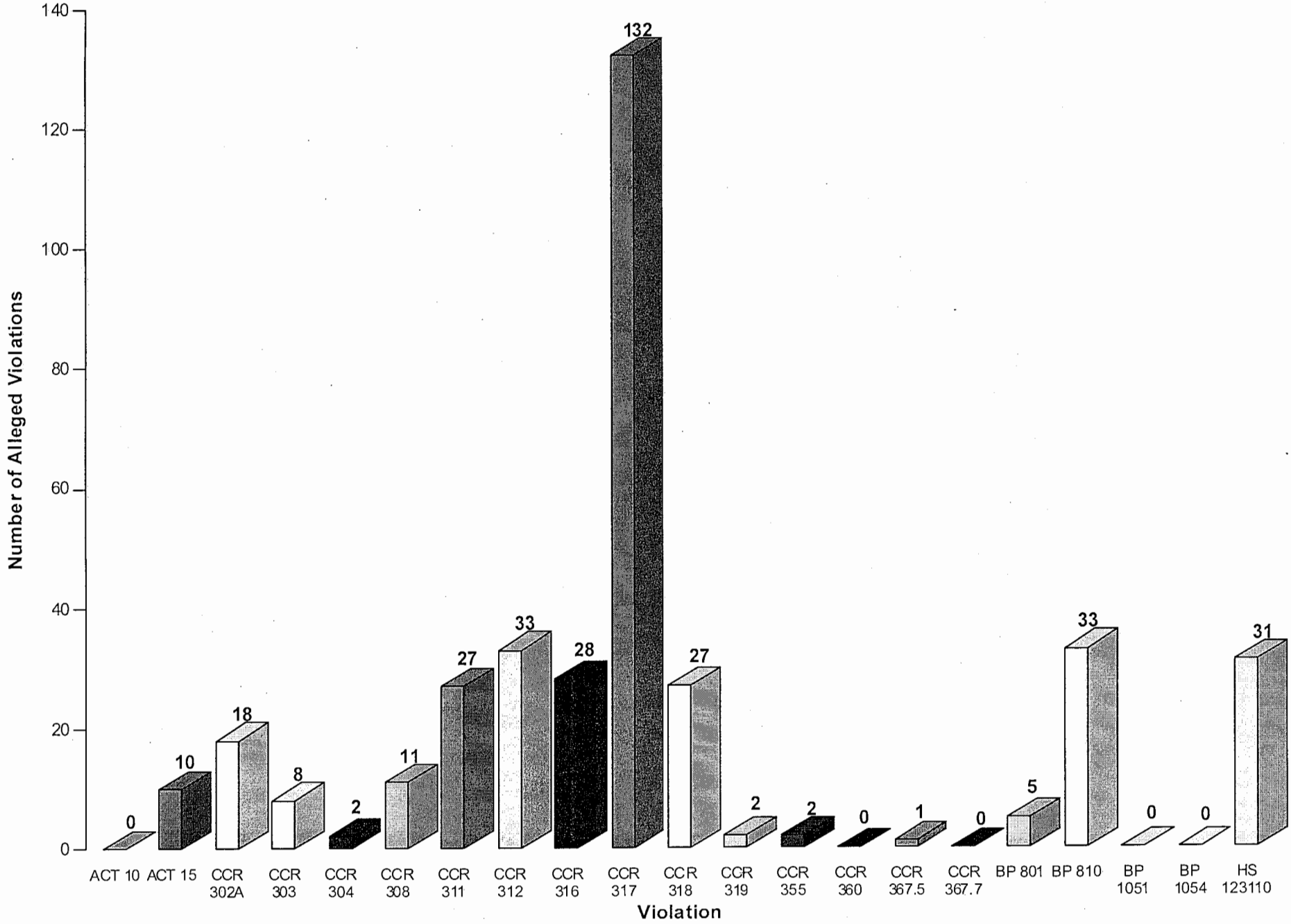
123110 – Patient Access to Health Records

FISCAL YEAR 2012

July 1, 2011 - February 29, 2012

Total Number of Complaints Opened - 267

Total Number of Violations - 370 (A complaint may contain multiple violations)



Violation Codes/Descriptions

California Code of Regulations (CCR) Section 317 – Unprofessional Conduct:

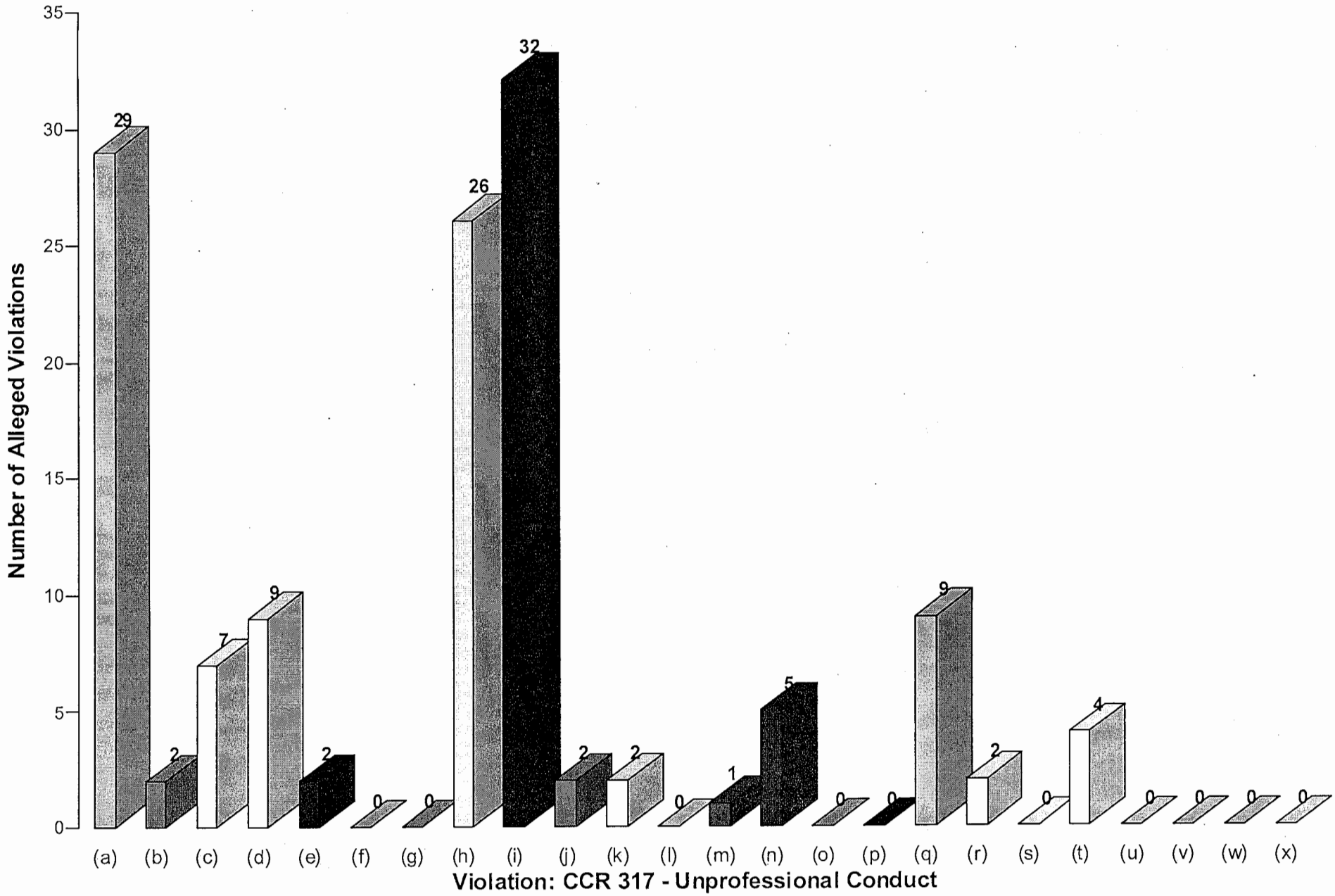
(a) Gross Negligence
(b) Repeated Negligent Acts
(c) Incompetence
(d) Excessive Treatment
(e) Conduct Endangering Public
(f) Administering to Oneself Drugs/Alcohol
(g) Conviction of a Crime Related to Chiropractic Duties
(h) Conviction of a Crime Involving Moral Turpitude/Physical Violence/etc.
(i) Conviction of a Crime Involving Drugs or Alcohol
(j) Dispensing Narcotics/Dangerous Drugs/etc.
(k) Moral Turpitude/Corruption/etc
(l) False Representation
(m) Violation of the ACT/Regulations
(n) False Statement Given in Connection with an Application for Licensure
(o) Impersonating an Applicant
(p) Illegal Advertising related to Violations of Section 17500 BP
(q) Fraud/Misrepresentation
(r) Unauthorized Disclosure of Patient Records
(s) Employment/Use of Cappers or Steerers
(t) Offer/Receive Compensation for Referral
(u) Participate in an Illegal Referral Service
(v) Waiving Deductible or Co-Pay
(w) Fail to Refer Patient to Physician/Surgeon/etc.
(x) Offer or Substitution of Spinal Manipulation for Vaccination

FISCAL YEAR 2012

July 1, 2011 - February 29, 2012

Total Number of Complaints Opened Alleging Violation of CCR 317 - 132

(A complaint may contain multiple violations)

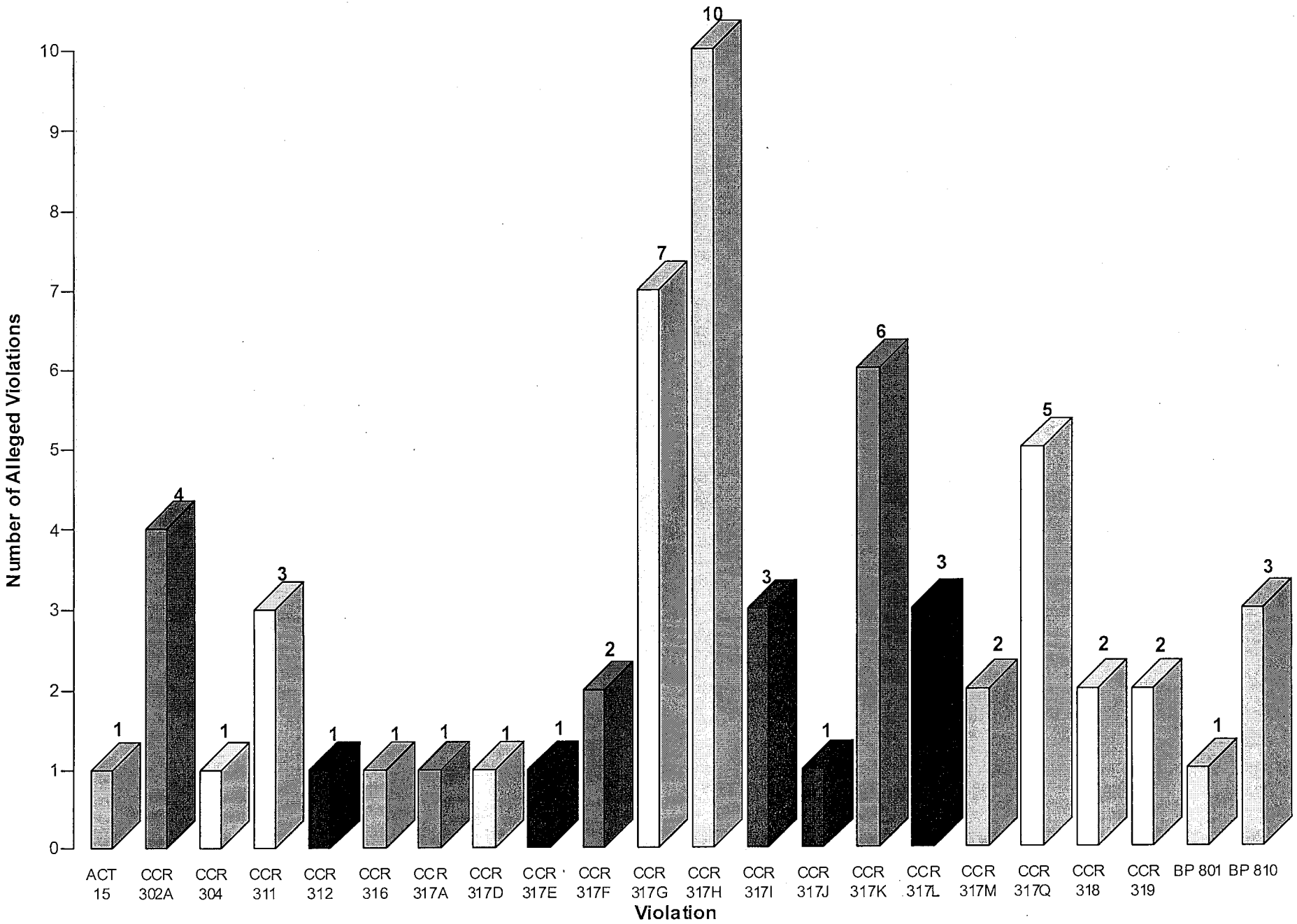


FISCAL YEAR 2012

July 1, 2011 - February 29, 2012

Total Number of Accusations Filed - 26

Total Number of Violations - 61 (An accusation may contain multiple violations)



STATE OF CALIFORNIA

BOARD OF CHIROPRACTIC EXAMINERS | EDMUND G. BROWN JR., GOVERNOR

MEMORANDUM

Date: March 13, 2012

To: **Board Members**

From: Robert Puleo
Executive Officer

Subject: **Ratification of Formerly Approved Doctors of Chiropractic for Licensure**

This is to request that the Board ratify the attached list of individuals as Doctors of Chiropractic at the March 22, 2012, public meeting.

Between January 1, 2012 and February 29, 2012, staff reviewed and confirmed that the applicants met all statutory and regulatory requirements.

If you have any questions or concerns, please contact me at your earliest opportunity.

Approval By Ratification of Formerly Approved License Applications
January 1, 2012 – February 29, 2012

Name (First, Middle, Last)			Date Issued	DC#
James	Robert	Becroft	1/13/2012	**32170**
Elizabeth	Marie	Callaway	1/13/2012	**32171**
Amanda	Jo	Coddington	1/20/2012	**32172**
Jacinto	Miguel-Angel	Flores-Alvarez	1/20/2012	**32173**
Jachin	Lee	Black	1/20/2012	**32174**
Matthew	Daniel	Leary	1/20/2012	**32175**
Joowhye		Nam	1/25/2012	**32176**
Stefania		Pisanu	1/25/2012	**32177**
Jesse	John	Saenz	1/25/2012	**32178**
Jill	Christine	Schneider	1/25/2012	**32179**
Eunshik		Shin	1/25/2012	**32180**
Jeffrey	Robert	Reichert	1/25/2012	**32181**
Te Chun		Yu	1/25/2012	**32182**
Niccole	Marie	O'Dell	1/30/2012	**32183**
Peter	S	Peregrino	1/30/2012	**32184**
Brent	Allan	Stromgren	1/30/2012	**32185**
Alan	Hao	Wu	1/30/2012	**32186**
Ted	Douglas	Brown	1/31/2012	**32187**
Yer	Ton	Cha	1/31/2012	**32188**
Danielle	Marie	Fratellone	1/31/2012	**32189**
Nathan	Michael	Gershfeld	1/31/2012	**32190**
Thomas	Howard	Hibbard	1/31/2012	**32191**
Bryan	Wade	Ignacio	1/31/2012	**32192**
Karo		Isajan	1/31/2012	**32193**
Samuel	Oliver	Magnus	1/31/2012	**32194**
Christopher	James	Baker	2/10/2012	**32195**
Ryan	Daniel	Bias	2/10/2012	**32196**
Kimberly	Ann	Catherina	2/10/2012	**32197**
Nathen	Alan	Horst	2/10/2012	**32198**
Gregory	Timothy	Jones	2/10/2012	**32199**
Seunghun		Jung	2/10/2012	**32200**
Meiling		Liang	2/10/2012	**32201**
Ashley	Fava	Madden	2/10/2012	**32202**
Allison	Marie	Mankey	2/10/2012	**32203**
Graham	Vance	Mankey	2/10/2012	**32204**

Michael	Alan	Moyer	2/10/2012	**32205**
Darci	Honora	Robertson	2/13/2012	**32206**
Ka	Vee	Vang	2/13/2012	**32207**
Patrick	Jacob	Van Loon	2/13/2012	**32208**
Leslie		Vich	2/13/2012	**32209**
Kari	Anne	Andrew	2/16/2012	**32210**
Sean	Martin	Braithwaite	2/16/2012	**32211**
Joshua	David	Bruce	2/16/2012	**32212**
Gopal		Cabrera	2/16/2012	**32213**
Jennifer	Nicole	Cirillo	2/16/2012	**32214**
Joshua	Ryan	Ferrer	2/16/2012	**32215**
Jill	Susan	Goldberg	2/16/2012	**32216**
Allen	Chen-En	Kang	2/16/2012	**32217**
Christopher	Hori	Kelley	2/16/2012	**32218**
Leslie	Marie	Layton	2/16/2012	**32219**
Catherine	Hai	Le	2/16/2012	**32220**
Kevin	Lawrence	Mangum	2/16/2012	**32221**
Justin	Raymond	Marchegiani	2/16/2012	**32222**
Bradley	Allen	Metzler	2/16/2012	**32223**
Christina	Nicole	Mullen	2/16/2012	**32224**
Cassandra	Tricia	Shum	2/17/2012	**32225**
Francisco		Yepez	2/17/2012	**32226**
Fredrick	James	Dietzen	2/23/2012	**32227**
Meghan	Kelly	Dowling	2/23/2012	**32228**
		Harrison	2/23/2012	**32229**
Sang	Hoon	Lee	2/23/2012	**32230**
Lisa	Louise	Lynch	2/23/2012	**32231**
Michael	Asi	Mensah	2/23/2012	**32232**
Matthew	Alan	Redman	2/24/2012	**32233**
Marla	Joanne	Robertson-Tarpo	2/24/2012	**32234**
Andrew		Storms	2/24/2012	**32235**
Elsie	Grace	Yuen	2/24/2012	**32236**

.STATE OF CALIFORNIA

BOARD OF CHIROPRACTIC EXAMINERS | EDMUNC G. BROWN JR., GOVERNOR

MEMORANDUM

Date: March 1, 2012

To: BOARD MEMBERS

From: Robert Puleo
Executive Officer

Subject: **Ratification for New Continuing Education Providers**

This is to request that the Board ratify the continuing education providers at the public meeting on March 22, 2012.

CONTINUING EDUCATION PROVIDERS	DATE APPROVED
1. Lani Simpson, D.C.	3/1/2012
2. Eric McKillican	3/1/2012
3. Christopher John, D.C.	3/1/2012
4. Summit Professional Education	3/1/2012
5. Celebrating Life	3/1/2012
6. Richard Robertshaw, D.C.	3/1/2012
7. Mark S.Schillinger, D.C.	3/1/2012
8. Thomas Souza, D.C.	3/1/2012
9. MedBridge Education	3/1/2012
10. Perry J. Carpenter, D.C.	3/1/2012
11. Marie E. Cavanaugh, D.C.	3/1/2012

STATE OF CALIFORNIA

BOARD OF CHIROPRACTIC EXAMINERS | EDMUND G. BROWN JR., GOVERNOR

MEMORANDUM

Date: March 15, 2012

To: **Board Members**

From: Robert Puleo
Executive Officer

Subject: **Ratification of Formerly Denied License Applications**

The Board of Chiropractic Examiners (Board) denies licensure to applicants who do not meet all statutory and regulatory requirements for a chiropractic license in California. An applicant has 60-days after the denial is issued to appeal the decision. If the applicant does not submit an appeal to the Board, the denial is upheld.

During January 1, 2012, and February 29, 2012, staff reviewed and confirmed that two (2) applicants did not meet all statutory and regulatory requirements for licensure. The applicants are still within the 60-day period to appeal our decision.

The attached is the name of an individual whose Restoration of License application was denied on December 8, 2011. He did not appeal the decision. This is to recommend that the Board ratify the denial at the March 22, 2012, public meeting.

If you have any questions or concerns, please contact me at your earliest opportunity.

Ratification of Formerly Denied License Applications
Applicants Did Not Submit an Appeal

January 1, 2012 – February 29, 2012

Name (First, Middle, Last) Reason for Denial	**Date Denied**
Peralta, Rolando	**12/8/2011**

Criminal Convictions:

- Extortion - **Felony**
- Conspiracy to Committ Hostage Taking – **Felony**

STATE OF CALIFORNIA

BOARD OF CHIROPRACTIC EXAMINERS | EDMUND G. BROWN JR., GOVERNOR

MEMORANDUM

Date: March 15, 2012

To: **Board Members**

From: Robert Puleo
Executive Officer

Subject: Recommendation to Waive Two Year Requirement on Restoration of a Cancelled License – Chiropractic Initiative Act, Section 10(c)

This is to recommend that the Board waive the two year restoration requirement of a cancelled license for the individuals named on the attached list at the March 22, 2012, public meeting.

Staff reviewed and confirmed that the applicants met all other regulatory requirements for restoration including sufficient continuing education hours.

If you have any questions or concerns, please contact me at your earliest opportunity.

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

Name (Last, First MI)	License No.	Cancellation Date
Holland, Linda	15699	October 31, 2011

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

Attorney General Billing

Handout at Meeting

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Board of Chiropractic Examiners
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Sacramento, California 95833-2931
www.chiro.ca.gov

INTER-JURISDICTIONAL MOBILITY

Chiropractic Initiative Act

§ 9. Issuance of licenses to licensees of other states
Notwithstanding any provision contained in any other section of this act, the board, upon receipt of the fee specified in Section 5, shall issue a license to any person licensed to practice chiropractic under the laws of another state, provided said state then had the same general requirements as required in this state at the time said license was issued, and provided that such other state in like manner grants reciprocal registration to chiropractic practitioners of this state.
The applicant shall also provide a certificate from the other state stating that he was licensed by that state, that he has not been convicted of unprofessional conduct, and that there is no charge of unprofessional conduct pending against him.
(Initiative Measure, Stats. 1923, p. xc, § 9. Amended by Stats. 1960, c. 14, p. 136, § 2, adopted Nov. 8, 1960. Amended by Stats. 1971,
c. 1755, p. 3787, § 8.)

Board of Chiropractic Examiners – California Code of Regulations

§323. Reciprocity. Interpretation of Section 9 of the Act.
The board makes the following interpretation of Section 9 of the Act which states candidates for licensure are considered to have fulfilled the requirement of reciprocity if they provide the documentation required by the board showing the following:
(a) Graduation from a board approved chiropractic college, and completion of the minimum number of hours and subjects as were required by California law at the time the applicant's license was issued.
(b) Equivalent successful examination in each of the subjects examined in California in the same year as the applicant was issued a license in the state from which he is applying.
(c) They must hold a valid and up-to-date license from the state from which they are reciprocating.
(d) The state from which they are licensed will reciprocate with California.
(e) The board reserves the right to require any additional education or examination for reciprocity.
(f) A nonrefundable application fee of $25.00.
(g) A fee, as set forth in Section 5 of the Act, if licensure is granted.
(h) Five (5) years of chiropractic practice.

BOARD OF
CHIROPRACTIC EXAMINERS
2 MAR -2 AM 11:

2/27/2012

Board of Chiropractic Examiners
2525 Natomas Park Dr, Ste 260
Sacramento CA 95833-2931

Greetings,

My name is Dr. Bret Herrman, and I have been a practicing chiropractor in Missouri for 22 years. I have been traveling to the Los Angeles area for 5 years, and I would really like to get my California license to practice chiropractic. I have successfully owned a business for more than 20 years, and now I am looking to make a change in my life so that I can be near my family in the great state of California.

I have previously checked with Missouri about reciprocity with California, and apparently Missouri does not recognize California for some reason. Missouri has well-established colleges of chiropractic, and the requirements for licensure are extensive and rigorous. I know that other CA professional licensing boards, e.g.,dental, will allow a long-licensed applicant from another state to take some required hours of CE and a LiveScan fingerprinting for CA licensure. Has the Board of Chiropractic recently considered this for established out-of-state chiropractors?

I know I will be an asset to the CA chiropractic community. I have a spotless record in MO as a chiropractor, a business owner, and a citizen. I have held leadership positions both in the Missouri State Chiropractic Association and in my community. I treat my patients well--with integrity--as I would want to be treated.

I respectfully request for you and the other members of the CA State Board of Chiropractic to look favorably upon my suggestion for allowing long-term practitioners like myself to be eligible for licensure by credentials in the very near future. I truly appreciate your time and consideration.

Yours in Health,

Bret E. Herrman, DC

§312. Illegal Practice.

Unlicensed individuals are not permitted to diagnose, analyze, or perform a chiropractic adjustment. An "unlicensed individual" is defined as any person, including a student or graduate of a chiropractic institution, who does not hold a valid California chiropractic license. An exemption is hereby created for student doctors participating in board approved preceptorship programs.

The permitted activities of unlicensed individuals are as follows:

(a) Unlicensed individuals may take the history of a patient. However, this activity is separate from the consultation which at all times must be conducted by the licensed doctor.

(b) Unlicensed individuals may conduct standard neurological, orthopedic, physical and chiropractic examinations, except they may not perform such examinations which require diagnostic or analytic interpretations nor may they render a conclusion either verbally or in writing regarding the patient's physical condition. As an example, unlicensed individuals may not perform evaluations of heart or lung soundings. Such individuals shall be at all times under the immediate and direct supervision of a licensed Doctor of Chiropractic.

"Immediate and direct supervision" means the licensed Doctor of Chiropractic shall be at all times on the premises where the examinations are being conducted. The licensed Doctor of Chiropractic shall be responsible for the verification of the recorded findings and will be solely responsible for rendering a conclusion based on the findings.

(c) Unlicensed individuals may administer physical therapy treatments as an adjunct to chiropractic adjustment, provided the physical therapy treatment is conducted under the adequate supervision of a licensed Doctor of Chiropractic.

Adequate supervision shall include all of the following:

(1) The doctor shall be present in the same chiropractic facility with the unlicensed individual at least fifty percent of any work week or portion thereof the said individual is on duty unless this requirement has been waived by the board. The doctor shall be readily available to the said individual at all other times for advice, assistance and instruction.

(2) The doctor shall initially examine and prepare a written treatment program for a patient prior to the providing of physical therapy treatment by the unlicensed individual.

(3) The doctor shall provide periodic reevaluation of the treatment program and of the individual's performance in relation to the patient. "Periodic reevaluation" shall mean at least once every thirty days the patient is under active care.

(4) The doctor shall perform and record an evaluation of the patient and his or her response to treatment at the termination thereof.

(d) Unlicensed individuals may mark X-ray films administered by a Doctor of Chiropractic. "Marking X-rays" is defined as drawing and measuring between reference points and making angular and linear measurements. Unlicensed individuals are not permitted to make any diagnostic conclusions or chiropractic analytical listings, and the

licensed doctor is responsible for any pathological entities covered or obstructed by the markings.

(e) Unlicensed individuals may not administer X-rays unless they hold a valid X-ray technician certificate from the Department of Health Services, or participate under the direct supervision of a licensed Doctor of Chiropractic in a training program approved by that department and set forth in Section 25668.1 of the California Health and Safety Code. This prohibition, set forth in Section 30403 of Title 17 of the California Administrative Code includes the following activities:

(1) Positioning of patient;

(2) Setting up of X-ray machines;

(3) Pushing a button;

(4) Developing of films. The Department of Health Services has determined that unlicensed individuals may develop X-ray film if that is their sole radiologic responsibility.

Unlicensed individuals who exceed the permitted scope of practice set forth in this regulation shall be in violation of Section 15 of the Chiropractic Act and shall be prohibited from applying for a California chiropractic license for such time as may be determined by the board. Student doctors participating in board approved preceptorship programs are not to be considered "unlicensed individuals" when working in said program.

LEGISLATIVE UPDATE

SB 352 – (Huff) Chiropractors
Amended in Senate January 11, 2012

- Would prohibit chiropractors from providing the treatment of hypersensitivity to foods, medications, environmental allergens, or venoms, including, but not limited to, the use of laser therapy for those purposes.
- Would prohibit chiropractors from advertising the services defined above, unless they hold another license that authorizes such services.
- Would defines a violation of these sections as a cause for discipline by the Board.

SB 924 (Price) – Physical Therapists: Direct Access to Service
Amended in Senate January 26, 2012

- Would allow patients direct access to physical therapy treatment from licensed physical therapists for a limited period of time (30 business days or 12 visits, whichever occurs first). Subsequent visits would require specified authorization from a person holding a physician and surgeon's certificate issued by the Medical Board or the Osteopathic Medical Board.
- Would require physical therapists, prior to the initiation of treatment, to provide the patient with a specified notice concerning the limitations of direct treatment services.
- Would add licensed physical therapists and licensed occupational therapists to the list of healing arts practitioners who may be shareholders, officers, directors, or professional employees of medical and podiatry corporations.
- Would require, except as specified, that a medical corporation, podiatry corporation and physical therapy corporation provide patients with a specified disclosure notifying them that they may seek physical therapy treatment from any physical therapy provider.

SB 1488 (Yee) Healing arts: traditional Chinese Medicine traumatologist certification
Introduced February 24, 2012

- Would establish the Traditional Chinese Medicine Traumatology Council, a non-profit organization, to provide certification and regulation of traumatologists.
- Would require specified treatment procedures to be performed under the supervision of an orthopedic surgeon and prohibit treatment that constitutes the practice of medicine or chiropractic, as defined.

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
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SB 352 (Huff) Chiropractors

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AMENDED IN SENATE JANUARY 11, 2012

AMENDED IN SENATE JANUARY 4, 2012

SENATE BILL No. 352

Introduced by Senator Huff

February 15, 2011

An act to add Sections 1006 and 1007 to the Business and Professions Code, relating to chiropractors.

LEGISLATIVE COUNSEL'S DIGEST

SB 352, as amended, Huff. Chiropractors.

Existing law, the Chiropractic Act, enacted by initiative act, provides for the licensure and regulation of chiropractors by the State Board of Chiropractic Examiners. Under the act, a license authorizes its holder to practice chiropractic as taught in chiropractic schools or colleges but does not authorize its holder to practice medicine, surgery, osteopathy, dentistry, or optometry.

Existing law prohibits a chiropractor, among other healing arts practitioners, from disseminating any form of public communications containing a false, fraudulent, misleading, or deceptive statement for the purpose of inducing the rendering of professional services, as specified.

This bill would specify that the practice of chiropractic does not include the treatment ~~or diagnosis~~ of hypersensitivity to foods, medications, environmental allergens, or venoms, and would prohibit a chiropractor from advertising that he or she provides or is able to provide those services, as specified. The bill would specify that a violation of these provisions constitutes a cause for discipline by the State Board of Chiropractic Examiners.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature hereby finds and declares the
2 following:
3 (a) The law governing practitioners of chiropractic is an
4 initiative statute known as the Chiropractic Act that was originally
5 approved by the electorate on November 7, 1922.
6 (b) The scope of practice authorized by the Chiropractic Act
7 does not extend beyond the scope of the term "chiropractic" as it
8 was understood and defined in 1922. In addition, the Chiropractic
9 Act prohibits a chiropractor from engaging in the practice of
10 medicine.
11 (c) As it was understood in 1922, the term "chiropractic" did
12 not include the treatment ~~or diagnosis~~ of hypersensitivity to foods,
13 medications, environmental allergens, or venoms. Furthermore,
14 those services constitute the practice of medicine. Therefore, the
15 Chiropractic Act does not authorize licensees to provide those
16 services.
17 SEC. 2. Section 1006 is added to the Business and Professions
18 Code, to read:
19 1006. (a) The practice of chiropractic does not include the
20 treatment ~~or diagnosis~~ of hypersensitivity to foods, medications,
21 environmental allergens, or venoms, including, but not limited to,
22 the use of laser therapy for those purposes.
23 (b) A violation of this section shall constitute a cause for
24 discipline by the State Board of Chiropractic Examiners. For
25 purposes of this subdivision, the board shall have the same powers
26 of suspension, revocation, and discipline as authorized by the
27 initiative measure referred to in Section 1000.
28 SEC. 3. Section 1007 is added to the Business and Professions
29 Code, to read:
30 1007. (a) A person licensed by the State Board of Chiropractic
31 Examiners under the Chiropractic Act shall not advertise that he
32 or she provides or is able to provide the services described in
33 Section 1006, unless that person holds another license under this
34 division that authorizes the person to provide those services.

(b) For purposes of this section, "advertise" includes, but is not limited to, the issuance of any card, sign, or device to any person, or the causing, permitting, or allowing of any sign or marking on, or in, any building or structure, or in any newspaper or magazine or in any directory, or any printed matter whatsoever, with or without any limiting qualification. It also includes business solicitations communicated by radio or television broadcasting.

(c) A violation of this section shall constitute a cause for discipline by the State Board of Chiropractic Examiners. For purposes of this subdivision, the board shall have the same powers of suspension, revocation, and discipline as authorized by the initiative measure referred to in Section 1000.

SEC. 4. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

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BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

SB 924 (Price)-Physical Therapists: Direct Access to Service

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AMENDED IN SENATE JANUARY 26, 2012

AMENDED IN SENATE MAY 24, 2011

AMENDED IN SENATE MAY 9, 2011

AMENDED IN SENATE MARCH 30, 2011

SENATE BILL **No. 924**

Introduced by ~~Senator~~ *Senators Price,* Walters, *and Steinberg*
~~(Coauthors: Senators Emmerson, Runner, and Strickland)~~
~~(Coauthors: Assembly Members Bill Berryhill, Chesbro, Knight, Morrell, Norby, and Silva)~~

February 18, 2011

An act to amend ~~Section 2660~~ *Sections 2406 and 2690* of, and to add ~~Section~~ *Sections 2406.5,* 2620.1, *and 2694.5* to, the Business and Professions Code, *and to amend Section 13401.5 of the Corporations Code,* relating to ~~physical therapists~~ *healing arts*.

LEGISLATIVE COUNSEL'S DIGEST

SB 924, as amended, ~~Walters~~ *Price*. Physical therapists: direct access to ~~services.~~ *services: professional corporations.*

~~Existing~~

(1) Existing law, the Physical Therapy Practice Act, creates the Physical Therapy Board of California and makes it responsible for the licensure and regulation of physical therapists. The act defines the term "physical therapy" for its purposes and makes it a crime to violate any of its provisions. ~~The act authorizes the board to suspend, revoke, or impose probationary conditions on a license, certificate, or approval issued under the act for unprofessional conduct, as specified.~~

This bill would specify that patients may access physical therapy treatment directly, and would, in those circumstances, require a physical

therapist to refer his or her patient to another specified healing arts practitioner if the physical therapist has reason to believe the patient has a condition requiring treatment or services beyond that scope of practice~~, to disclose to the patient any financial interest he or she has in treating the patient,~~ and, with the patient's written authorization, to notify the patient's physician and surgeon, if any, that the physical therapist is treating the patient. The bill would prohibit a physical therapist from treating a patient beyond ~~a 30-day period~~ *30 business days or 12 visits, whichever occurs first*, unless the ~~patient has obtained a diagnosis from a physician and surgeon~~ *physical therapist receives a specified authorization from a person with a physician and surgeon's certificate. The bill would require a physical therapist, prior to the initiation of treatment services, to provide a patient with a specified notice concerning the limitations on the direct treatment services.* ~~The bill would provide that failure to comply with these provisions constitutes unprofessional conduct subject to disciplinary action by the board.~~

(2) Existing law regulating professional corporations provides that certain healing arts practitioners may be shareholders, officers, directors, or professional employees of a medical corporation or a podiatric medical corporation, subject to certain limitations.

This bill would add licensed physical therapists and licensed occupational therapists to the list of healing arts practitioners who may be shareholders, officers, directors, or professional employees of those corporations. The bill would also provide that specified healing arts licensees may be shareholders, officers, directors, or professional employees of a physical therapy corporation. The bill would require, except as specified, that a medical corporation, podiatry corporation, and physical therapy corporation provide patients with a specified disclosure notifying them that they may seek physical therapy treatment services from any physical therapy provider. The bill would also make conforming changes to related provisions.

Because the bill would specify additional requirements under the Physical Therapy Practice Act, the violation of which would be a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares that an
2 individual's access to early intervention to physical therapy
3 treatment may decrease the duration of a disability, reduce pain,
4 and lead to a quicker recovery.
5 *SEC. 2. Section 2406 of the Business and Professions Code is*
6 *amended to read:*
7 2406. A medical corporation or podiatry corporation is a
8 corporation ~~which~~ *that* is authorized to render professional services,
9 as defined in Sections 13401 and 13401.5 of the Corporations
10 Code, so long as that corporation and its shareholders, officers,
11 directors, and employees rendering professional services who are
12 physicians *and surgeons*, psychologists, registered nurses,
13 optometrists, podiatrists, *chiropractors, acupuncturists,*
14 *naturopathic doctors, physical therapists, occupational therapists,*
15 or, in the case of a medical corporation only, physician assistants,
16 *marriage and family therapists, or clinical social workers,* are in
17 compliance with the Moscone-Knox Professional Corporation Act,
18 the provisions of this article, and all other statutes and regulations
19 now or hereafter enacted or adopted pertaining to the corporation
20 and the conduct of its affairs.
21 With respect to a medical corporation or podiatry corporation,
22 the governmental agency referred to in the Moscone-Knox
23 Professional Corporation Act is the ~~Division of Licensing~~ *board.*
24 *SEC. 3. Section 2406.5 is added to the Business and Professions*
25 *Code, to read:*
26 *2406.5. (a) A medical corporation or podiatry corporation*
27 *that is authorized to render professional services, as defined in*
28 *Sections 13401 and 13401.5 of the Corporations Code, shall*
29 *disclose to its patients, orally and in writing, when initiating any*
30 *physical therapy treatment services, that the patient may seek*
31 *physical therapy treatment services from a physical therapy*
32 *provider of his or her choice who may not necessarily be employed*
33 *by the medical or podiatry corporation.*
34 *(b) This disclosure requirement shall not apply to any medical*
35 *corporation that contracts with a health care service plan with a*

license issued pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code) if the licensed health care service plan is also exempt from federal taxation pursuant to Section 501(c)(3) of the Internal Revenue Code.

~~SEC. 2.~~

SEC. 4. Section 2620.1 is added to the Business and Professions Code, to read:

2620.1. (a) In addition to receiving wellness and evaluation services from a physical therapist, a person may initiate physical therapy treatment directly from a licensed physical therapist provided that the treatment is within the scope of practice of physical therapists, as defined in Section 2620, and that all the following conditions are met:

(1) If, at any time, the physical therapist has reason to believe that the patient has signs or symptoms of a condition that requires treatment beyond the scope of practice of a physical therapist, the physical therapist shall refer the patient to a person holding a physician and surgeon's certificate issued by the Medical Board of California or by the Osteopathic Medical Board of California or to a person licensed to practice dentistry, podiatric medicine, or chiropractic.

(2) The physical therapist shall ~~disclose to the patient any financial interest he or she has in treating the patient and shall~~ comply with Article 6 (commencing with Section 650) of Chapter 1 of Division 2.

(3) With the patient's written authorization, the physical therapist shall notify the patient's physician and surgeon, if any, that the physical therapist is treating the patient.

(4) With respect to a patient initiating physical therapy treatment services directly from a physical therapist, the physical therapist shall not continue treating that patient beyond 30 business days or 12 visits, whichever occurs first, without receiving, from a person holding a physician and surgeon's certificate from the Medical Board of California or the Osteopathic Medical Board of California, a dated signature on the physical therapist's plan of care indicating approval of the physical therapist's plan of care. Approval of the physical therapist's plan of care shall include an appropriate patient examination by the person holding a physician and surgeon's certificate from the Medical Board of California

or the Osteopathic Medical Board of California. For purposes of this paragraph, "business day" means any calendar day except Saturday, Sunday, or the following business holidays: New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day.

(b) The conditions in paragraphs (1), (2), ~~and~~ (3), *and (4)* of subdivision (a) do not apply to a physical therapist when providing evaluation or wellness physical therapy services to a patient as described in subdivision (a) of Section 2620 *or treatment provided upon referral or diagnosis by a physician and surgeon, podiatrist, dentist, chiropractor, or other appropriate health care provider acting within his or her scope of practice. Nothing in this subdivision shall be construed to alter the disclosure requirements of Section 2406.5.*

(c) Nothing in this section shall be construed to expand or modify the scope of practice for physical therapists set forth in Section 2620, including the prohibition on a physical therapist diagnosing a disease.

(d) Nothing in this section shall be construed to require a health care service plan, insurer, *workers' compensation insurance plan,* or any other person or entity, including, but not limited to, a state program or state employer, to provide coverage for direct access to treatment by a physical therapist.

~~(e) A physical therapist shall not continue treating a patient beyond a 30-day period, unless the patient has obtained a diagnosis by a physician and surgeon.~~

(e) When a person initiates physical therapy treatment services directly pursuant to this section, the physical therapist shall not perform physical therapy treatment services without first providing the following written notice, orally and in writing, on one page, in at least 14-point type, and obtaining a patient signature on the notice:

Direct Physical Therapy Treatment Services

You are receiving direct physical therapy treatment services from an individual who is not a physician and surgeon, but who is a physical therapist licensed by the Physical Therapy Board of California.

Under California law, you may continue to receive direct physical therapy treatment services for a period of 30 business days or 12 visits, whichever occurs first, after which time a physical therapist may continue providing you with physical therapy treatment services only after receiving, from a person holding a physician and surgeon's certificate issued by the Medical Board of California or by the Osteopathic Medical Board of California, a dated signature on the physical therapist's plan of care indicating approval of the physical therapist's plan of care.

If you have received direct physical therapy treatment services for a duration of 30 business days or 12 visits, whichever occurs first, from a physical therapist, it may constitute unprofessional conduct for that physical therapist or for another physical therapist to provide direct physical therapy treatment services without receiving from a person holding a physician and surgeon's certificate issued by the Medical Board of California or by the Osteopathic Medical Board of California a dated signature on the physical therapist's plan of care, indicating approval of the physical therapist's plan of care.

_____

[Patient's Signature/Date]

~~SEC. 3. Section 2660 of the Business and Professions Code is amended to read:~~

~~2660. The board may, after the conduct of appropriate proceedings under the Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary conditions upon any license, certificate, or approval issued under this chapter for unprofessional conduct that includes, but is not limited to, one or any combination of the following causes:~~

~~(a) Advertising in violation of Section 17500.~~

~~(b) Fraud in the procurement of any license under this chapter.~~

~~(c) Procuring or aiding or offering to procure or aid in criminal abortion.~~

~~(d) Conviction of a crime that substantially relates to the qualifications, functions, or duties of a physical therapist or physical therapist assistant. The record of conviction or a certified copy thereof shall be conclusive evidence of that conviction.~~

~~(e) Habitual intemperance.~~

~~(f) Addiction to the excessive use of any habit-forming drug.~~

~~(g) Gross negligence in his or her practice as a physical therapist or physical therapist assistant.~~

~~(h) Conviction of a violation of any of the provisions of this chapter or of the Medical Practice Act, or violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or of the Medical Practice Act.~~

~~(i) The aiding or abetting of any person to violate this chapter or any regulations duly adopted under this chapter.~~

~~(j) The aiding or abetting of any person to engage in the unlawful practice of physical therapy.~~

~~(k) The commission of any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, or duties of a physical therapist or physical therapist assistant.~~

~~(*l*) Except for good cause, the knowing failure to protect patients by failing to follow infection control guidelines of the board, thereby risking transmission of blood-borne infectious diseases from licensee to patient, from patient to patient, and from patient to licensee. In administering this subdivision, the board shall consider referencing the standards, regulations, and guidelines of the State Department of Public Health developed pursuant to Section 1250.11 of the Health and Safety Code and the standards, regulations, and guidelines pursuant to the California Occupational Safety and Health Act of 1973 (Part 1 (commencing with Section 6300) of Division 5 of the Labor Code) for preventing the transmission of HIV, hepatitis B, and other blood-borne pathogens in health care settings. As necessary, the board shall consult with the Medical Board of California, the California Board of Podiatric Medicine, the Dental Board of California, the Board of Registered Nursing, and the Board of Vocational Nursing and Psychiatric Technicians of the State of California, to encourage appropriate consistency in the implementation of this subdivision.~~

~~The board shall seek to ensure that licensees are informed of the responsibility of licensees and others to follow infection control guidelines, and of the most recent scientifically recognized safeguards for minimizing the risk of transmission of blood-borne infectious diseases.~~

~~(m) The commission of verbal abuse or sexual harassment.~~

~~(n) Failure to comply with the provisions of Section 2620.1.~~

SEC. 5. Section 2690 of the Business and Professions Code is amended to read:

2690. A physical therapy corporation is a corporation that is authorized to render professional services, as defined in ~~Section~~ *Sections* 13401 *and 13401.5* of the Corporations Code, so long as that corporation and its shareholders, officers, directors, and employees rendering professional services who are physical therapists, *physicians and surgeons, podiatrists, acupuncturists, naturopathic doctors, occupational therapists, speech-language pathologists, audiologists, registered nurses, psychologists, and physician assistants* are in compliance with the Moscone-Knox Professional Corporation Act, this article, and all other statutes and regulations now or hereafter enacted or adopted pertaining to the corporation and the conduct of its affairs.

With respect to a physical therapy corporation, the governmental agency referred to in the Moscone-Knox Professional Corporation Act is the ~~Physical Therapy Board of California~~ *board.*

SEC. 6. Section 2694.5 is added to the Business and Professions Code, to read:

2694.5. A physical therapy corporation that is authorized to render professional services, as defined in Sections 13401 and 13401.5 of the Corporations Code, shall disclose to its patients, orally and in writing, when initiating any physical therapy treatment services, that the patient may seek physical therapy treatment services from a physical therapy provider of his or her choice who may not necessarily be employed by the physical therapy corporation.

SEC. 7. Section 13401.5 of the Corporations Code is amended to read:

13401.5. Notwithstanding subdivision (d) of Section 13401 and any other provision of law, the following licensed persons may be shareholders, officers, directors, or professional employees of the professional corporations designated in this section so long as the sum of all shares owned by those licensed persons does not exceed 49 percent of the total number of shares of the professional corporation so designated herein, and so long as the number of those licensed persons owning shares in the professional corporation so designated herein does not exceed the number of persons licensed by the governmental agency regulating the designated professional corporation:

(a) Medical corporation.
(1) Licensed doctors of podiatric medicine.
(2) Licensed psychologists.
(3) Registered nurses.
(4) Licensed optometrists.
(5) Licensed marriage and family therapists.
(6) Licensed clinical social workers.
(7) Licensed physician assistants.
(8) Licensed chiropractors.
(9) Licensed acupuncturists.
(10) Naturopathic doctors.
(11) Licensed professional clinical counselors.
(12) Licensed physical therapists.
(13) Licensed occupational therapists.
(b) Podiatric medical corporation.
(1) Licensed physicians and surgeons.
(2) Licensed psychologists.
(3) Registered nurses.
(4) Licensed optometrists.
(5) Licensed chiropractors.
(6) Licensed acupuncturists.
(7) Naturopathic doctors.
(8) Licensed physical therapists.
(9) Licensed occupational therapists.
(c) Psychological corporation.
(1) Licensed physicians and surgeons.
(2) Licensed doctors of podiatric medicine.
(3) Registered nurses.
(4) Licensed optometrists.
(5) Licensed marriage and family therapists.
(6) Licensed clinical social workers.
(7) Licensed chiropractors.
(8) Licensed acupuncturists.
(9) Naturopathic doctors.
(10) Licensed professional clinical counselors.
(d) Speech-language pathology corporation.
(1) Licensed audiologists.
(e) Audiology corporation.
(1) Licensed speech-language pathologists.
(f) Nursing corporation.

(1) Licensed physicians and surgeons.
(2) Licensed doctors of podiatric medicine.
(3) Licensed psychologists.
(4) Licensed optometrists.
(5) Licensed marriage and family therapists.
(6) Licensed clinical social workers.
(7) Licensed physician assistants.
(8) Licensed chiropractors.
(9) Licensed acupuncturists.
(10) Naturopathic doctors.
(11) Licensed professional clinical counselors.
(g) Marriage and family therapist corporation.
(1) Licensed physicians and surgeons.
(2) Licensed psychologists.
(3) Licensed clinical social workers.
(4) Registered nurses.
(5) Licensed chiropractors.
(6) Licensed acupuncturists.
(7) Naturopathic doctors.
(8) Licensed professional clinical counselors.
(h) Licensed clinical social worker corporation.
(1) Licensed physicians and surgeons.
(2) Licensed psychologists.
(3) Licensed marriage and family therapists.
(4) Registered nurses.
(5) Licensed chiropractors.
(6) Licensed acupuncturists.
(7) Naturopathic doctors.
(8) Licensed professional clinical counselors.
(i) Physician assistants corporation.
(1) Licensed physicians and surgeons.
(2) Registered nurses.
(3) Licensed acupuncturists.
(4) Naturopathic doctors.
(j) Optometric corporation.
(1) Licensed physicians and surgeons.
(2) Licensed doctors of podiatric medicine.
(3) Licensed psychologists.
(4) Registered nurses.
(5) Licensed chiropractors.

(6) Licensed acupuncturists.
(7) Naturopathic doctors.
(k) Chiropractic corporation.
(1) Licensed physicians and surgeons.
(2) Licensed doctors of podiatric medicine.
(3) Licensed psychologists.
(4) Registered nurses.
(5) Licensed optometrists.
(6) Licensed marriage and family therapists.
(7) Licensed clinical social workers.
(8) Licensed acupuncturists.
(9) Naturopathic doctors.
(10) Licensed professional clinical counselors.
(*l*) Acupuncture corporation.
(1) Licensed physicians and surgeons.
(2) Licensed doctors of podiatric medicine.
(3) Licensed psychologists.
(4) Registered nurses.
(5) Licensed optometrists.
(6) Licensed marriage and family therapists.
(7) Licensed clinical social workers.
(8) Licensed physician assistants.
(9) Licensed chiropractors.
(10) Naturopathic doctors.
(11) Licensed professional clinical counselors.
(m) Naturopathic doctor corporation.
(1) Licensed physicians and surgeons.
(2) Licensed psychologists.
(3) Registered nurses.
(4) Licensed physician assistants.
(5) Licensed chiropractors.
(6) Licensed acupuncturists.
(7) Licensed physical therapists.
(8) Licensed doctors of podiatric medicine.
(9) Licensed marriage and family therapists.
(10) Licensed clinical social workers.
(11) Licensed optometrists.
(12) Licensed professional clinical counselors.
(n) Dental corporation.
(1) Licensed physicians and surgeons.

(2) Dental assistants.
(3) Registered dental assistants.
(4) Registered dental assistants in extended functions.
(5) Registered dental hygienists.
(6) Registered dental hygienists in extended functions.
(7) Registered dental hygienists in alternative practice.
(o) Professional clinical counselor corporation.
(1) Licensed physicians and surgeons.
(2) Licensed psychologists.
(3) Licensed clinical social workers.
(4) Licensed marriage and family therapists.
(5) Registered nurses.
(6) Licensed chiropractors.
(7) Licensed acupuncturists.
(8) Naturopathic doctors.
(p) Physical therapy corporation.
(1) Licensed physicians and surgeons.
(2) Licensed doctors of podiatric medicine.
(3) Licensed acupuncturists.
(4) Naturopathic doctors.
(5) Licensed occupational therapists.
(6) Licensed speech-language pathologists.
(7) Licensed audiologists.
(8) Registered nurses.
(9) Licensed psychologists.
(10) Licensed physician assistants.
~~SEC. 4.~~
SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

O

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

SB 1488(Yee) Healing arts: traditional Chinese Medicine traumatologist certification

T (916) 263-5355
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Consumer Complaint Hotline
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Board of Chiropractic Examiners
2525 Natomas Park Drive, Suite 260
Sacramento, California 95833-2931
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SENATE BILL No. 1488

Introduced by Senator Yee

February 24, 2012

An act to add and repeal Chapter 12.5 (commencing with Section 4979.1) of Division 2 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1488, as introduced, Yee. Healing arts: traditional Chinese Medicine traumatologist certification.

Existing law, the Acupuncture Licensure Act, establishes the Acupuncture Board and makes it responsible for enforcing and administering the act, including licensing persons who meet specified licensure requirements. Under the act, licensees are titled "acupuncturists," and are authorized to perform designated activities pursuant to their license. The unlawful practice of acupuncture and any other violation of the act is a crime.

This bill would establish the Traditional Chinese Medicine Traumatology Council as a nonprofit organization to provide for the certification and regulation of the practice of traditional Chinese Medicine traumatologists, as defined. The bill would require the council to issue a certificate to practice as a traditional Chinese Medicine traumatologist to an applicant who meets certain training and clinical experience requirements and pays a specified fee. This bill would make the meetings and deliberations of the council subject to the open meeting requirements that apply to state bodies.

This bill would limit the timeframe for new applications to the period from January 1, 2013, to December 15, 2013. Thereafter, the council may only issue renewals of current certificates.

This bill would set forth procedures for the renewal of a certificate to perform traditional Chinese Medicine traumatology and would establish specified fees in that regard.

This bill would also require specified treatment procedures to be performed under the supervision of an orthopedic surgeon and prohibit treatment that constitutes the practice of medicine or chiropractic procedures, as defined.

This bill would also make it an unfair business practice to use the title of "certified traditional Chinese Medicine traumatologist" without meeting these certification requirements.

This bill would repeal these provisions on January 1, 2017, unless legislation is enacted before that date to remove or extend that deadline.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 12.5 (commencing with Section 4979.1)
2 is added to Division 2 of the Business and Professions Code, to
3 read:
4
5 CHAPTER 12.5. TRADITIONAL CHINESE MEDICINE
6 TRAUMATOLOGY
7
8 4979.1. As used in this chapter:
9 (a) "Certified traditional Chinese Medicine traumatologist"
10 means a person who has been certified by the Traditional Chinese
11 Medicine Traumatology Council to perform traditional Chinese
12 Medicine traumatology.
13 (b) "Traditional Chinese Medicine traumatology" includes a
14 range of treatments to address both acute and chronic
15 musculoskeletal conditions, as well as many nonmusculoskeletal
16 conditions. Techniques include, but are not limited to, brushing,
17 kneading, rolling, pressing, and rubbing the areas between each
18 of the joints to open the body's defensive chi and stimulate the
19 energy movement in both meridians.
20 4979.2. The Traditional Chinese Medicine Traumatology
21 Council shall be established as a nonprofit organization for the
22 purpose of developing standards for, and certifying the practice
23 of, traditional Chinese Medicine traumatology.

4979.3. (a) (1) The council shall consist of seven members, composed of three representatives from the clinical settings of traumatology, two representatives from the California Orthopaedic Association, and one representative each from the Medical Board of California and the California Medical Association.

(2) Representatives from the clinical settings of traumatology shall be selected by professional societies, associations, or other entities, whose memberships are comprised solely of practitioners of traditional Chinese Medicine traumatology.

(3) To qualify, a professional society, association, or entity shall have a dues-paying membership in California of at least 30 individuals for the last three years and shall have bylaws that require its members to comply with a code of ethics.

(b) (1) Subject to subdivision (d), the council shall meet and confer to determine the certification standards, including the level of experience and training needed for an individual to qualify for traditional Chinese Medicine traumatology certification.

(2) The council shall develop the application form for certification.

(3) The meetings and deliberations of the council shall be subject to the provisions of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

(c) The council shall issue a certificate for certified traditional Chinese Medicine traumatology to any person who makes an application and meets all of the following requirements, as determined by the council pursuant to subdivision (d):

(1) Is at least 18 years of age.

(2) Furnishes satisfactory evidence of training and clinical experience that meets the standards established by the council.

(3) Is not subject to denial pursuant to Division 1.5 (commencing with Section 475).

(d) The council shall evaluate whether an applicant meets the certification standards, including the level of experience and training to sufficiently qualify for the traumatology certification.

(e) An individual who is not qualified to receive a certificate under this section, or who fails to apply for certification under this section, shall not hold himself or herself out as a certified traditional Chinese Medicine traumatologist pursuant to this section.

4979.4. (a) A certified traditional Chinese Medicine traumatologist, when engaging in traditional Chinese Medicine traumatology manipulation techniques to realign the musculoskeletal and ligamentous relationships, shall be supervised by a physician and surgeon who has completed an orthopaedic residency program. The extent of the relationship between a traditional Chinese Medicine traumatologist and orthopedic surgeon regarding those manipulation techniques shall be determined by the council after the qualifications necessary for certification are defined and adopted by the council.

(b) A certified traditional Chinese Medicine traumatologist shall not practice medicine, as defined in Section 2052.

(c) A certified traditional Chinese Medicine traumatologist shall not practice within the scope of activities regulated by the State Board of Chiropractic Examiners.

4979.5. (a) An applicant for traditional Chinese Medicine traumatology certification shall, commencing January 1, 2013, until December 15, 2013, file an application for a certificate for traditional Chinese Medicine traumatology with the council.

(b) On and after December 16, 2013, the council shall not issue an initial certificate to any applicant.

(c) On and after December 16, 2013, the council may issue only a renewal of a certificate under this section.

(d) An individual who is not qualified to receive a certificate under this section, or who fails to apply for certification under this section by December 15, 2013, shall not hold himself or herself out as a certified traditional Chinese Medicine traumatologist.

4979.6. An applicant for certification as a traditional Chinese Medicine traumatologist shall pay an application fee in a reasonable amount, not to exceed two hundred dollars ($200) for the regulatory cost to the council of processing the application, when submitting his or her application to the council.

4979.7. A certified traditional Chinese Medicine traumatologist shall renew his or her certificate every two years.

4979.8. An expired certificate may be renewed at any time within six months after its expiration. The holder of the certificate shall pay all accrued and unpaid renewal fees, plus a delinquency fee.

(a) The renewal fee shall be one hundred dollars ($100).

(b) The delinquency fee shall be twenty-five dollars ($25).

(c) The fee for a duplicate or replacement engraved wall certificate shall be fifteen dollars ($15).

(d) The fee for a duplicate or replacement renewal receipt/pocket certificate shall be ten dollars ($10).

4979.9. Moneys received under this section shall be utilized by the council to pay for the costs associated with administering this chapter.

4979.10. It is an unfair business practice for any person to hold himself or herself out as a certified traditional Chinese Medicine traumatologist or use the title of "certified traditional Chinese Medicine traumatologist" without meeting the requirements of this chapter.

4979.11. This chapter shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

O

Board of Chiropractic Examiners
Proposed Regulatory Language for the Use of Lasers
California Code of Regulations, Title 16, Division 4, Article 1

§ 302.5. Use of Laser

(a) A duly licensed chiropractor and any person under their direct or indirect supervision, as defined in section 312, shall:

(1) Not use any laser in the practice of chiropractic which has not been properly approved or cleared by the United States Food and Drug Administration (FDA).

(2) Not market or advertise the use of a laser or use a laser for purposes other than treatment consistent with section 302 and the product's FDA approval or clearance.

(3) Follow the manufacturer's specified guidelines for the safe use of laser.

(4) Comply with all state and federal laws governing the use of lasers in clinical settings.

(b) Nothing in this section shall be construed to authorize the use of a laser by a chiropractor outside of the chiropractic scope of practice. This includes, but is not limited to, laser ablation or surgical procedures, and laser treatment of allergies in cases where there is a known risk of anaphylactic reaction to the individual being treated.

(c) Any violation of this section may constitute unprofessional conduct and the licensee shall be subject to discipline by the Board.

NOTE: Authority cited: Sections 1000-4(b), 1000-4(e) and 1000-10(a), Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii). Reference: Sections 1000-4(b) and 1000-10(a), Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii).

TITLE 16. BOARD OF CHIROPRACTIC EXAMINERS
Proposed Omnibus Consumer Protection Regulations

§303. Filing of Addresses.

(a) Each person holding a license to practice chiropractic in the State of California under any and all laws administered by the board shall file his proper and current place of practice address of his principal office and, where appropriate, each and every sub-office, with the board at its office in Sacramento and shall ~~immediately~~ notify the board at its said office of any and all changes of place of practice address, giving both his old and his new address within 30 days of change.

(b) Each licensee shall file a current and accurate e-mail address with the board at its office in Sacramento and shall notify the board at its said office of any and all changes of the e-mail address, giving both the old and new e-mail address within 30 days of change.

NOTE: Authority cited: Sections 1000-4(b) and 1000-4(e), Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii).
Reference: Section 1000-10(a), Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii) and Section 136 of the Business and Professions Code.

§304. Discipline by Another ~~State~~ Jurisdiction.

~~The revocation, suspension, or other discipline by another state of a license or certificate to practice chiropractic, or any other health care profession for which a license or certificate is required, shall constitute grounds for disciplinary action against a chiropractic licensee or grounds for the denial of chiropractic licensure of an applicant in this state.~~
(a) Any disciplinary action taken against a licensee by another licensing entity or authority of this state or of another state or an agency of the federal government or the United States Military or a foreign government constitutes unprofessional conduct.

(b) Disciplinary action is defined as any revocation, suspension, probation, or reprimand of a professional license.

NOTE: Authority cited: Sections 1000-4(b) and 1000-10(a), ~~of the~~ Business and Professions Code (Chiropractic Initiative Act of California ~~(~~Stats. 1923, p. ~~I~~1xxxviii).
Reference: Sections 1000-4(b) and 1000-10(a) ~~of the~~ (Chiropractic Initiative Act of California ~~(~~Stats. 1923, p. ~~I~~1xxxviii) and Sections 141 and 480 of the Business and Professions Code.

§308. Display of License.

(a) Each person holding a license shall display a current active license in a conspicuous place in the licensee's principal office or primary place of practice.

(b) Any licensed Doctor of Chiropractic with more than one place of practice shall obtain from the Board a Satellite Office Certificate for each additional place of practice. Said certificate must be renewed annually.

(c) A licensed Doctor of Chiropractic must display in a conspicuous place a current active Satellite Office Certificate at the office for which it was issued.

(d) Notwithstanding subdivisions (b) and (c), any licensed doctor of chiropractic who is practicing in a mobile setting, such as at a health fair, a sporting event, or a patient's home, shall not be required to obtain and display a satellite certificate. However, any licensee practicing in such a mobile setting must at all times carry a current and active pocket license and shall make their pocket license available for inspection to a representative of the Board or any member of the public upon request.

(e) No licensed Doctor of Chiropractic shall display any chiropractic license, certificate or registration, which is not currently active and valid.

NOTE: Authority cited: Section 1000-4(b), Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923, p. 1xxxviii) and Section 104 of the Business and Professions Code.
Reference: Sections 1000-5, 1000-7 and 1000-12, Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923, p. 1xxxviii) and Section 104 of the Business and Professions Code.

§317.2. Gag Clauses in Civil Agreements Prohibited.

(a) A licensee shall not include or permit to be included any of the following provisions in an agreement to settle a civil dispute arising from his or her practice, whether the agreement is made before or after the filing of an action:

(1) A provision that prohibits another party to the dispute from contacting or cooperating with the board.

(2) A provision that prohibits another party to the dispute from filing a complaint with the board.

(3) A provision that requires another party to the dispute to attempt to withdraw a complaint he or she has filed with the board.

(b) A violation of this section constitutes unprofessional conduct and may subject the licensee to disciplinary action.

NOTE: Authority cited: Sections 1000-4(b), and 1000-10 (Chiropractic Initiative Act of California Stats. 1923, p. 1xxxviii) and Section 475 of the Business and Professions Code.

Reference: Section 1000-10, Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923, p. 1xxxviii) and Section 475 of the Business and Professions Code.

§317.3. Licensee Reporting Requirements.

(a) (1) A licensee shall report any of the following to the board:

(A) The bringing of an indictment or information charging a felony against the licensee.

(B) The conviction of the licensee, including any verdict of guilty, or plea of guilty or no contest, of any felony or misdemeanor.

(C) Any disciplinary action, as defined in section 304, taken by another licensing entity or authority of this state or of another state or an agency of the federal government.

(2) The report required by this subdivision shall be made in writing within 30 days of the date of the bringing of the indictment or the charging of a felony, the arrest, the conviction, or the disciplinary action.

(b) Failure to make a report required by this section shall constitute unprofessional conduct.

NOTE: Authority cited: Sections 1000-4(b) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923, p. 1xxxviii).
Reference: Section 1000-10, Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923, p. 1xxxviii).

§321.1. Physical or Mental Examination of Applicants.

(a) In addition to any other requirements for licensure, whenever it appears that an applicant for a license may be unable to perform as a chiropractor safely because the applicant's ability to perform may be impaired due to mental illness or physical illness affecting competency, the board may order the applicant to be examined by one or more physicians and surgeons, chiropractors, or psychologists designated by the board. The board shall pay the full cost of such examination.

(b) An applicant's failure to comply with an order issued under subdivision (a) shall render his or her application incomplete.

(c) The report of the evaluation shall be made available to the applicant.

(d) If after receiving the evaluation report the Board determines that the applicant is unable to safely practice, the Board may deny the application.

NOTE: Authority cited: Sections 1000-4(b) and 1000-4(e), Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923, p. 1xxxviii).
Reference: Section 1000-4(b), Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923, p. 1xxxviii).

§390.7. Sexual Contact With Patient.

Except as otherwise provided, any proposed decision or decision issued in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, that contains any finding of fact that the licensee engaged in any act of sexual contact, as defined in subdivision (c) of Section 729 of the Business and Professions Code, shall contain an order of revocation. A proposed decision shall not contain a stay of the revocation.

NOTE: Authority cited: Sections 1000-4(b) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923, p. 1xxxviii).
Reference: Sections 1000-4(b) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923, p. 1xxxviii).

§390.8. Required Actions Against Registered Sex Offenders.

(a) Except as otherwise provided, with regard to an individual who is required to register as a sex offender pursuant to Section 290 of the Penal Code, or the equivalent in another state or territory, under military law, under federal law, or by a foreign government, the board shall be subject to the following requirements:

(1) The board shall deny an application by the individual for licensure in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(2) If the individual is licensed under Chiropractic Initiative Act, the board shall promptly revoke the license of the individual in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. The board shall not stay the revocation nor place the license on probation.

(3) The board shall not reinstate or reissue the individual's license. The board shall not issue a stay of license denial nor place the license on probation.

(b) This section shall not apply to any of the following:

(1) An individual who has been relieved under Section 290.5 of the Penal Code of his or her duty to register as a sex offender, or whose duty to register has otherwise been formally terminated under California law or the law of the jurisdiction that requires his or her registration as a sex offender, provided, however, that nothing in this paragraph shall prohibit the Board from exercising its discretion to deny or discipline a license under any other provision of state law.

(2) An individual who is required to register as a sex offender pursuant to Section 290 of the Penal Code solely because of a misdemeanor conviction under Section 314 of the Penal Code. However, nothing in this paragraph shall prohibit the healing arts board from exercising its discretion to deny or discipline a license under any other provision of state law based upon the licensee's conviction under Section 314 of the Penal Code.

(3) Any administrative adjudication proceeding under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code that is fully adjudicated prior to [insert effective date]. A petition for reinstatement of a revoked or surrendered license shall be considered a new proceeding for purposes of this paragraph, and the prohibition against reinstating a license to an individual who is required to register as a sex offender shall be applicable.

NOTE: Authority cited: Sections 1000-4(b) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923, p. 1xxxviii).
Reference: Sections 1000-4(b) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923, p. 1xxxviii).

BOARD OF CHIROPRACTIC EXAMINERS
Proposed Language - Notice to Consumers
Title 16 of the California Code of Regulations, Division 4, Article 1, Section 308.1

Adopt section 308.1 to read as follows:

§308.1. Notice to Consumers.

(a) A licensee engaged in the practice of chiropractic shall provide notice to each patient of the fact that the licensee is licensed and regulated by the board. The notice shall include the following statement and information:

NOTICE TO CONSUMERS

Chiropractors are licensed and
regulated by the
Board of Chiropractic Examiners

(916) 263-5355
(800) 735-2929

www.chiro.ca.gov

(b) The notice required by this section shall be provided by one of the following methods:
(1) Prominently posting the notice in an area visible to patients on the premises where the licensee provides the licensed services, in which case the notice shall be in at least 48-point type in Arial font.
(2) Including the notice in a written statement, signed and dated by the patient or the patient's representative and retained in that patient's medical records, stating the patient understands the chiropractor is licensed and regulated by the board.
(3) Including the notice in a statement on letterhead or other document given to the patient or the patient's representative, where the notice is placed immediately above the signature line for the patient in at least 14-point type.

(c) A violation of this section constitutes unprofessional conduct and may subject the licensee to disciplinary action.

NOTE: Authority cited: Section 1000-4(b) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923, p.1xxxviii)). Reference: Section 1000-4(b) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923, p.1xxxviii)).

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NOTICE TO CONSUMERS

Chiropractors are licensed and regulated by the Board of Chiropractic Examiners

(916) 263-5355
(800) 735-2929

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DRAFT

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

Hearings Re: Petition for Reinstatement of Revoked License

A. Carlos Seals
B. Daniel Brady

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