BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

NOTICE OF PUBLIC MEETING

May 24, 2012
10:30 a.m.
State Capitol
First Floor, Senate Committee Room 113
Sacramento, CA 95814

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**
   March 22, 2012 Board Meeting
   May 1, 2012 Teleconference Board Meeting

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

5. **Ratification of Approved License Applications**

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

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

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

9. **California Department of Public Health – Radiological Health Branch**

10. **Little Hoover Commission Hearing on the Governor's Proposed Reorganization Plan**

11. **Meeting with State and Consumer Services Agency and Department of Consumer Affairs**

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

12. Continuing Education Committee Chair's Report

13. Continuing Education Audits

14. Approval of New Chiropractic College – National University of Health Science – Florida Campus

15. Informed Consent

16. Legislative Update

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

17. Proposed New Regulations

A. Supervision of Unlicensed Assistant
B. Notice to Consumers
C. Inter-Jurisdictional Mobility

18. Pending Regulations

A. Use of Lasers
B. Omnibus Consumer Protection

19. Public Comment

20. Future Agenda Items

21. Closed Session

A. Deliberation on 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

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March 22, 2012 : Public Board Meeting Minutes

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BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
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BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES
March 22, 2012
Radisson Hotel Ontario Airport
2200 East Holt Blvd.
Ontario, CA 91761

DRAFT

Board Members Present
Hugh Lubkin, D.C., Chair
Jeffrey Steinhardt, D.C., Vice Chair
Francesco Columbu, D.C., Secretary
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
Lavella Matthews, Associate Governmental Program Analyst
Ray Delaney, Management Services Technician
Valerie James, Office Technician

Call to Order
Dr. Lubkin called the meeting to order at 10:00 a.m.

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

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

Approval of Minutes
January 19, 2012 Board Meeting

MOTION: DR. LUBKIN MOVED TO APPROVE THE MINUTES
SECOND: DR. STEINHARDT SECONDED THE MOTION
VOTE: 4-0
MOTION CARRIED

Public Comment
None

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

Ratification of Approved License Applications

MOTION: DR. STEINHARDT MOVED TO RATIFY THE APPROVED LICENSE APPLICATIONS
SECOND: DR. TYLER SECONDED THE MOTION
VOTE: 4-0
MOTION CARRIED
The Board ratified the attached list of approved license applications incorporated herein (Attachment A).

Ratification of Approved Continuing Education Providers

MOTION: DR. STEINHARDT MOVED TO RATIFY THE APPROVED CONTINUING EDUCATION PROVIDERS
SECOND: DR. COLUMBU SECONDED THE MOTION
VOTE: 4-0
MOTION CARRIED
The Board ratified the attached list of approved continuing education providers incorporated herein (Attachment B).

The Board had a discussion on the process of approving continuing education providers.

Dr. Charles Davis representing the International Chiropractic Association of California (ICAC) came forward and inquired on the number of continuing education courses audited by the Board.

The Board was unable to address that issue and will place it on the agenda at the next Board meeting.

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

MOTION: DR. STEINHARDT MOVED TO RATIFY THE DENIAL OF LICENSE APPLICATIONS IN WHICH THE APPLICANTS DID NOT REQUEST A HEARING
SECOND: DR. TYLER SECONDED THE MOTION
VOTE: 4-0
MOTION CARRIED
The Board ratified the attached list of denied license applications in which the applicants did not request a hearing incorporated herein (Attachment D).

Ratification to Waive Two Year Requirement to Restore a Cancelled License

MOTION: DR. STEINHARDT MOVED TO RATIFY THE RECOMMENDATION TO WAIVE THE TWO YEAR REQUIREMENT TO RESTORE A CANCELED LICENSE
SECOND: DR. COLUMBU SECONDED THE MOTION
VOTE: 4-0
MOTION CARRIED
The Board ratified the attached list of approved continuing education providers incorporated herein (Attachment D).

Attorney General Billing
Mr. Puleo updated the Board on efforts to reduce attorney general expenditures and presented the Board with a detailed report of the average monthly Attorney General costs. This item will be placed on the agenda every quarter.

Inter-Jurisdictional Mobility
Dr. Lubkin opened the topic for discussion. Mr. Puleo had commented the Board was restricted when processing candidates for licensure through reciprocity due to the Initiative Act. Dr. Lubkin suggested that Mr. Puleo contact Donna Leland from FCLB to inquire on the different laws in other states and how California can work on reforming the process.

Strategic Planning & BCE Mission Statement
Dr. Lubkin stated the importance of updating the Board's strategic plan and mission statement. Since there is a lack of a full complement of Board members, this item will be placed on hold until new board members are appointed. In the meantime staff will look into options for hiring a facilitator/consultant to assist with the strategic planning process.

Direct/Indirect Supervision of Employees
After a lengthy discussion, the Board agreed that the language on section 312 should be revised. This item will be placed on the agenda of the next Board meeting.

Legislative Update

A. AB 1488 (Yee)
The Board discussed the circumstances of the bill. Dr. Lubkin sought for a motion to take a position on the bill.

MOTION: DR. COLUMBU MOVED TO TAKE A WATCH POSITION ON AB 1488 (YEE)
SECOND: DR. TYLER SECONDED THE MOTION

Public Comment
Dr. Davis spoke on behalf of ICAC's and suggested the Board take an opposed position on AB1488 (Yee)

MOTION: DR. COLUMBU MOVED TO AMEND HIS MOTION BY TAKING AN OPPOSE POSITION ON AB 1488 (YEE)
SECOND: DR. TYLER SECONDED THE MOTION

The Board had a lengthy discussion on the chosen position on AB 1488 (Yee)

MOTION: DR. COLUMBU WITHDREW HIS MOTION
SECOND: DR. TYLER SECONDED THE WITHDRAWAL

MOTION: DR. STEINHARDT MOVED TO TAKE A WATCH POSITION ON AB 1488 (YEE)
SECOND: DR. TYLER SECONDED THE MOTION
VOTE: 4-0
MOTION CARRIED

DRAFT

Mr. Puleo stated he would do additional research to determine whether the bill conflicts with the chiropractic scope of practice.

B. SB 352 (Huff)
Mr. Puleo discussed the overall process of legislative bills and how far along in the process SB 352 (Huff) was. Dr. Lubkin informed the Board that he and Mr. Puleo had a meeting with Senator Huff regarding the bill.

MOTION: DR. LUBKIN MOVED TO CHANGE THE BOARD POSITION ON SB 352 (HUFF) FROM OPPOSE POSITION TO WATCH
SECOND: DR. TYLER SECONDED THE MOTION
VOTE: 4-0
MOTION CARRIED

C. SB 924 (Price)
Mr. Puleo opened the topic for discussion. Mr. Puleo stated that the bill would potentially cause issues between the direct relationship between Chiropractors and Physical Therapists. The Board briefly discussed the proposed bill.

MOTION: DR. LUBKIN MOVED TO TAKE AN OPPOSE POSITION ON SB 924 (PRICE)
SECOND: DR. TYLER SECONDED THE MOTION

The Board had further discussion on the bill and shared some concerns.

Roger Calton from Calton Law Group, P.C. and Jehan Jayakumar from Carlson & Jayakumar came forward and provided comments. They suggested the Board take an opposed position or an opposed unless amended position.

Dr. Brad Sullivan representing California Chiropractic Association (CCA) came forward and provided comments on the bill.

Dr. Davis came forward and provided comments on the bill.

MOTION: DR. LUBKIN MOVED TO AMEND HIS MOTION BY TAKING AN OPPOSE UNLESS AMENDED POSITION ON SB 924 (PRICE)
SECOND: DR. TYLER SECONDED THE MOTION
VOTE: 4-0
MOTION CARRIED

Pending Regulations
A. Patient Records
Dixie Van Allen gave an update on the proposed regulation. The language was approved by OAL and would come into effect April 12, 2012.

B. Use of Lasers
The Board members had a discussion regarding the current proposed language. Dr. Lubkin suggested making changes to the language by removing "in cases where there is a known risk of anaphylactic reaction to the individual being treated." after the word "allergies" in subsection (4)(b).

MOTION: DR. STEINHARDT MOVED TO APPROVE THE CHANGES TO THE LANGUAGE BY REMOVING "IN CASES WHERE THERE IS KNOWN RISK OF ANAPHYLACTIC REACTION TO

THE INDIVIDUAL BEING TREATED." AFTER THE WORD "ALLERGIES" IN SUBSECTION (4)(B)
SECOND: DR. LUBKIN SECONDED THE MOTION

Debra Snow came forward and commented on the changes to the language and expressed her support.

Jennifer Simoes on behalf of the Medical Board of California (MBC) came forward and commented on the proposed regulation.

Scott Clark from the California Medical Association (CMA) came forward and commented on the proposed regulation.

Dr. Davis came forward and commented on the changes to the language suggesting that it would create a restriction on the practice of Chiropractic.

Dr. Sullivan came forward and agreed with Dr. Davis' comments and stated that he does not agree with CMA's comment on the proposed regulation.

VOTE: 4-0
MOTION CARRIED

The Board will notice a 15 day comment period on the changes to the proposed language.

C. Omnibus Consumer Protection
The Board held a brief discussion over the proposed regulation and concerns with the language.

MOTION: DR. LUBKIN MOVED TO WITHDRAW THE RULEMAKING PACKAGE AND TO DRAFT NEW LANGUAGE TO SUMIT AT THE NEXT BOARD MEETING
SECOND: DR. STEINHARDT SECONDED THE MOTION
VOTE: 4-0
MOTION CARRIED

Proposed New Regulation
Mr. Puleo presented the proposed language for providing a notice to consumers. The Board had a discussion over the proposed new regulation. Dr. Lubkin would like to further review the language.

Dr. Davis stated that he believed the regulation to be redundant and unnecessary.

Dr. Todd Knudsen of Southern California University of Health Sciences suggested to add "CA" before "Board of Chiropractic Examiners" for further clarification.

Debra Snow shared her support of the proposed regulation.

Future Agenda Items
None

Hearings Re: Petition for Reinstatement of Revoked License
Administrative Law Judge Daniel Juarez presided over and Supervising Deputy Attorney General Thomas Rinaldi appeared on behalf of the people of the State of California on the following hearing:

A. Carlos Seals
B. Daniel Brady

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 3:50 p.m.

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(ATTACHMENT A)
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**

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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**

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(ATTACHMENT B)

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

(ATTACHMENT C)
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**

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(ATTACHMENT D)

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

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BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

May 1,2012 : Teleconference Board Meeting Minutes

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BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

BOARD OF CHIROPRACTIC EXAMINERS
TELECONFERENCE SESSION MINUTES
May 1, 2012
2525 Natomas Park Drive, Suite 260
Sacramento, CA 95833-2931

DRAFT

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

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

Call to Order
Dr. Lubkin called the meeting to order at 10:00 a.m.

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

Public Comment
None

Proposed Regulations
A. Use of Lasers
Dr. Lubkin reported that the Board received two public comments during the 15-day comment period and no changes were made to the language.

MOTION: DR. TYLER MOVED TO ADOPT THE LANGUAGE AS AMENDED/RECOMMENDED AND TO SUBMIT TO OAL FOR APPROVAL
SECOND: DR. STEINHARDT SECONDED THE MOTION
VOTE: 4-0
MOTION CARRIED

Adjournment
Dr. Lubkin adjourned the meeting at 10:07 a.m.

State Board of Chiropractic Examiners

May 2012

FY 2011-12
PY 18

BOARD MEMBERS (7)

Robert Puleo
Executive Officer
620-110-8862-001

Alfonso Ramirez (RA)
Assoc. Gov. Program Analyst
620-110-5393-907

SSM I
Sandra Walker
Compliance Manager
620-110-4800-006

Supervising Special Investigator I
Keith Powell
Field Investigations Manager
620-110-8549-001

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

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

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

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. 5/9/12

0152 - Board of Chiropractic Examiners
Analysis of Fund Condition

Prepared 4/11/12

(Dollars in Thousands)

2012-13 Governor's Budget

		Actual 2010-11	CY 2011-12	Governor's Budget BY 2012-13
BEGINNING BALANCE		$ 3,125	$ 2,568	$ 1,464
Prior Year Adjustment		$ 11	$ -	$ -
Adjusted Beginning Balance		$ 3,136	$ 2,568	$ 1,464
REVENUES AND TRANSFERS				
Revenues:				
125600	Other regulatory fees	$ 120	$ 128	$ 128
125700	Other regulatory licenses and permits	$ -	$ -	$ -
125800	Renewal fees	$ 2,635	$ 2,852	$ 3,398
125900	Delinquent fees	$ 43	$ 50	$ 48
141200	Sales of documents	$ -	$ -	$ -
142500	Miscellaneous services to the public	$ -	$ -	$ -
150300	Income from surplus money investments	$ 14	$ 20	$ 14
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		$ 2,889	$ 3,127	$ 3,665
Transfers to Other Funds		$ -	$ -	$ -
Totals, Revenues and Transfers		$ 2,889	$ 3,127	$ 3,665
Totals, Resources		$ 6,025	$ 5,695	$ 5,129
EXPENDITURES				
Disbursements:				
0840 State Controller (State Operations)		$ 2	$ 3	$ 3
8880 Financial Information System for CA (State Operations)		$ 2	$ 11	$ 3
8500 Program Expenditures (State Operations)		$ 3,453	$ 3,617	$ 3,688
SB 206, Chapter 125, Statues of 2011			$ 600	$ -
Total Disbursements		$ 3,457	$ 4,231	$ 3,694
FUND BALANCE				
Reserve for economic uncertainties		$ 2,568	$ 1,464	$ 1,435
Months in Reserve		7.3	4.8	4.4

NOTES:

	2010-11	2011-12	2012-13
A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED			
B. ASSUMES INTEREST RATE AT 1%.			
C. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR.			
D. CY 2011-12 8500 PROGRAM EXPENDITURES IS LESS 600K FOR SB 206/CHAPTER 125 (2011)			
E. BREEZE FUNDING (INCLUDED IN APPROPRIATION)	$ -	$ 43	$ 79
F. CREDIT CARD BCP (BREEZE)	$ -	$ -	$ 29

BOARD OF CHIROPRACTIC EXAMINERS
LICENSE STATISTICAL DATA

FY 2010/11 – FY 2011/12 COMPARISON

LICENSE TYPE	TOTAL LICENSES 5/1/2011	TOTAL LICENSES 5/1/2012	NET VARIANCE
CHIROPRACTOR	13,830	13,518	-312
SATELLITES	3,695	3,908	+213
CORPORATIONS	1,317	1,309	-8
REFERRALS	31	30	-1
TOTALS	18,873	18,765	-8

APPLICATIONS RECEIVED AND PROCESSED
MARCH 1, 2012 – APRIL 30, 2012

APPLICATION TYPE	RECEIVED	APPROVED	DENIED	WITHDRAWN	PENDING
INITIAL	41	62	0	0	134
RECIPROCAL	3	3	0	0	12
RESTORATION	19	20	0	0	5
CORPORATION	13	15	0	0	17

Compliance Unit Statistics

Fiscal Year	07/08	08/09	09/10	10/11	11/12*
Complaints					
Received	644	655	519	497	334
Pending	824	410	203	137	131
Closed with Insufficient Evidence	107	206	136	96	76
Closed with No Violation	78	223	129	135	77
Closed with Merit	321	275	158	140	100
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)	15($23,900)
Accusations					
Filed	13	64	73	68	34
Pending	73	105	117	130	104
Revoked	8	10	18	17	12
Revocation Stayed: Probation	10	4	20	26	16
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	22
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	2
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	5
Petition for Early Termination of Probation					
Filed	6	6	6	4	17
Granted	1	6	1	2	26
Denied	1	2	2	4	18
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	8
Probation Cases					
Active	159	140	134	138	143

* FY 11/12: July 1, 2011 – April 30, 2012

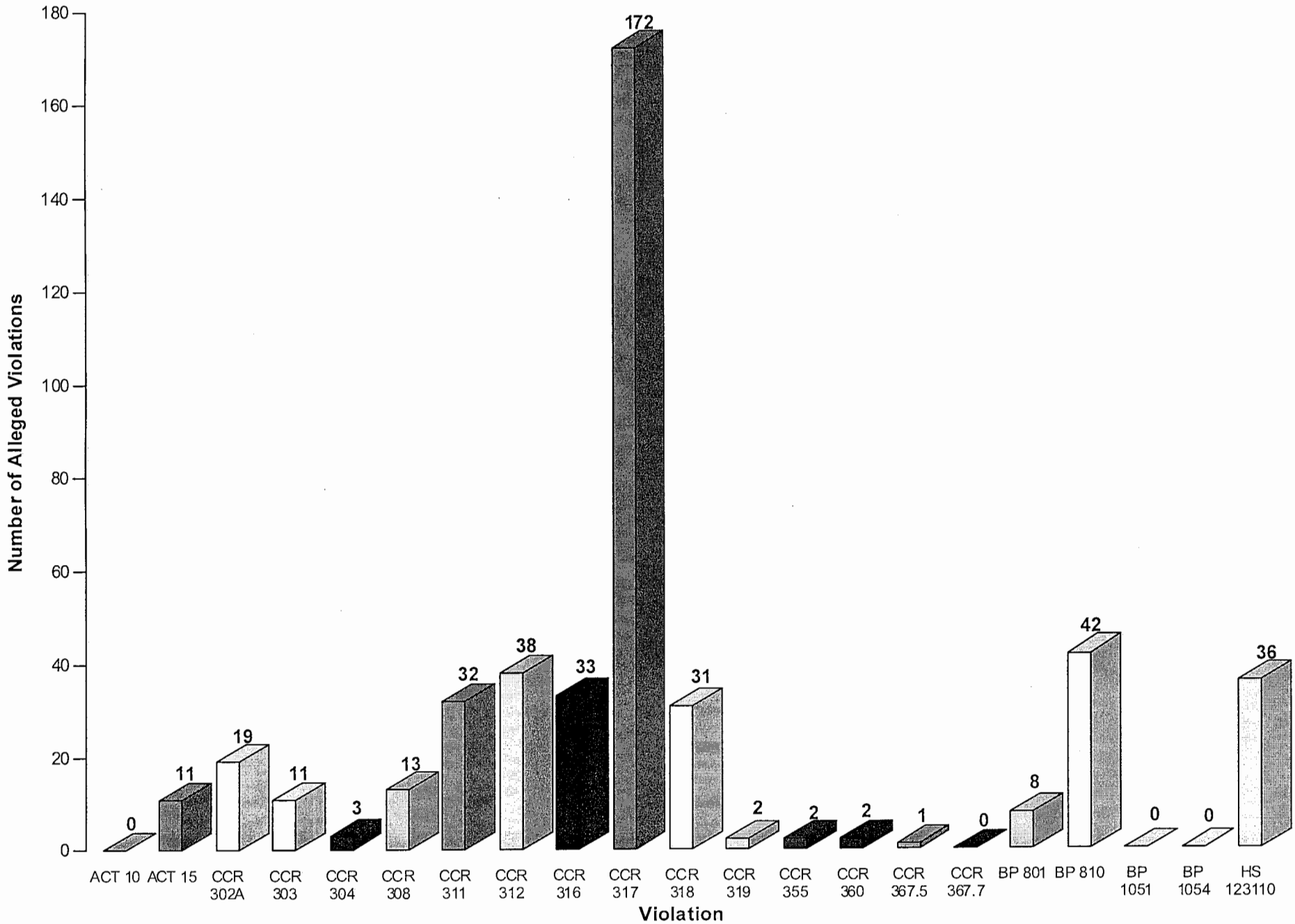
Revised: May 2, 2012

FISCAL YEAR 2012

July 1, 2011 - April 30, 2012

Total Number of Complaints Opened - 334

Total Number of Violations - 482 (A complaint may contain multiple violations)



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):

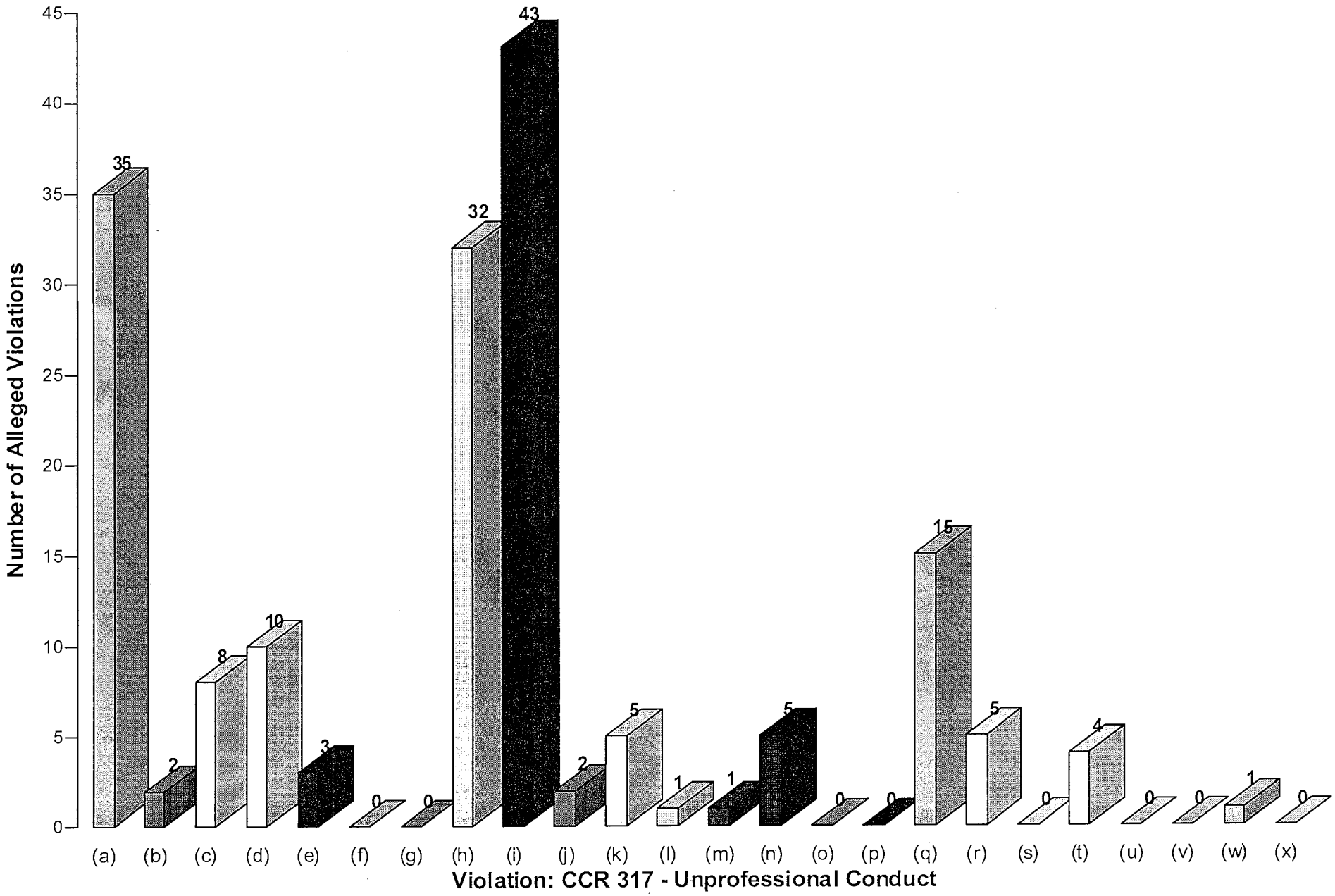
123110 – Patient Access to Health Records

FISCAL YEAR 2012

July 1, 2011 - April 30, 2012

Total Number of Complaints Opened Alleging Violation of CCR 317 - 172

(A complaint may contain multiple violations)



Violation Codes/Descriptions

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

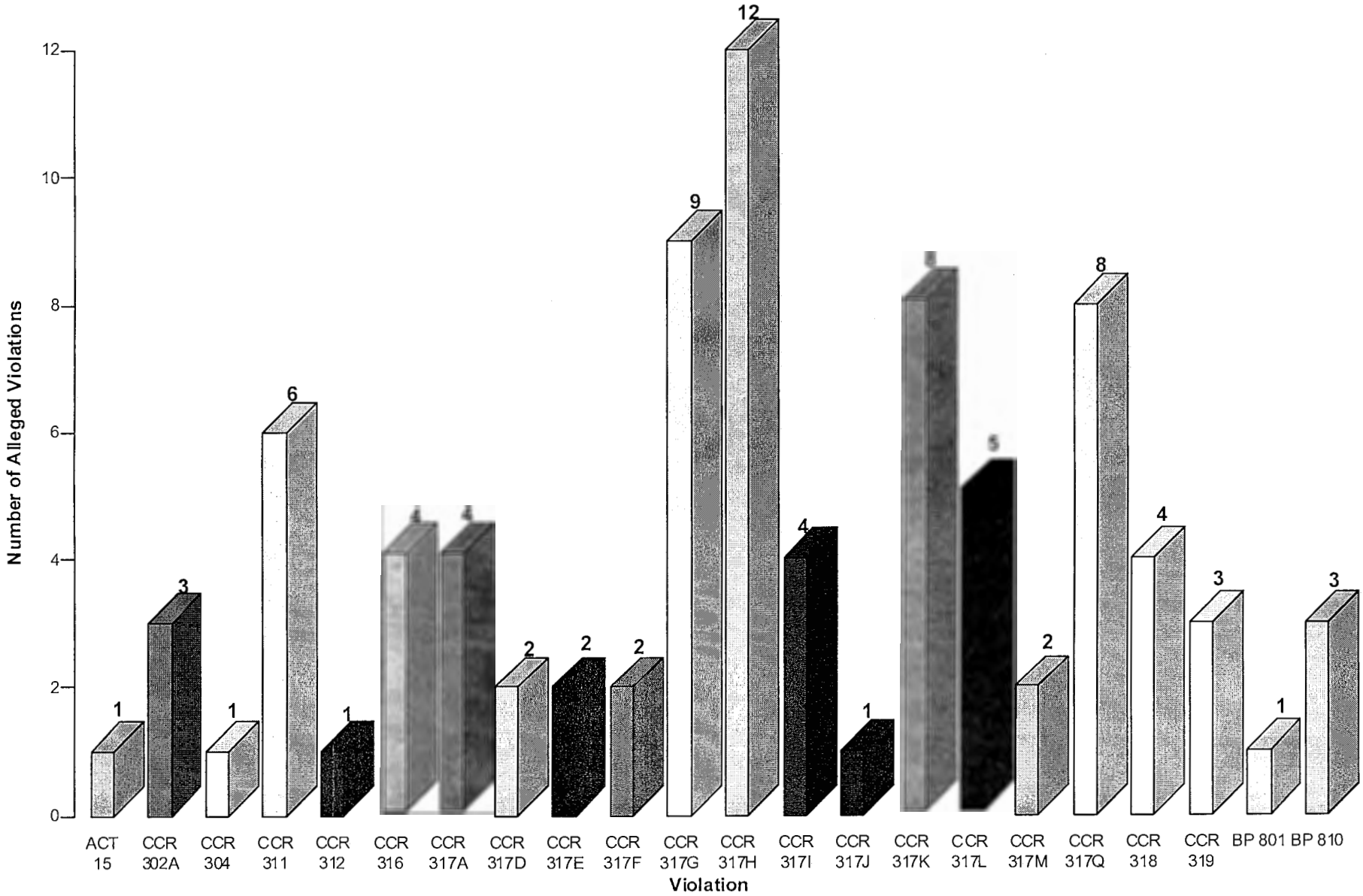
(a) Gross Negligence
(b) Repeated Negligent Acts
(c) Incompetence
(d) Excessive Treatment
(e) Conduct Endangering Public
(f) Administering to Oneself Drugs/Alcohol
(g) Conviction of a Crime Related to Chiropractic Duties
(h) Conviction of a Crime Involving Moral Turpitude/Physical Violence/etc.
(i) Conviction 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 - April 30, 2012

Total Number of Accusations Filed - 34

Total Number of Violations - 87 (An accusation may contain multiple violations)



STATE OF CALIFORNIA

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

MEMORANDUM

Date: May 15, 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 May 24, 2012, public meeting.

Between March 1, 2012 and April 30, 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
March 1, 2012 – April 30, 2012

Name (First, Middle, Last)			Date Issued	DC#
Anupam		Arman	3/2/2012	**32237**
Omer	Sahan	Boysan	3/2/2012	**32238**
Jenny	Lynn	Faber	3/2/2012	**32239**
MaryAnne	Marie	Harrington	3/2/2012	**32240**
Jung	Ho	Jang	3/2/2012	**32241**
Eric	Li	Kang	3/2/2012	**32242**
David	Adam	Kirsch	3/2/2012	**32243**
William	Edward	Perry	3/7/2012	**32244**
Navid		Nazemi	3/12/2012	**32245**
Young	Hee	Ro	3/12/2012	**32246**
Ivan	George	Semerdjiev	3/12/2012	**32247**
Anne	Ngoc Nhu	Nguyen	3/13/2012	**32248**
Jenna	Louise	Swanson	3/13/2012	**32249**
Carissa	Suzanne	Abe	3/14/2012	**32250**
David	Irvin	Dufour	3/14/2012	**32251**
Karen		Liu	3/14/2012	**32252**
Cristina		Diaz Martinez	3/14/2012	**32253**
Jessica	Nicole	Nardone	3/16/2012	**32254**
Heidi	Lynn	Walrath	3/16/2012	**32255**
Brandon	Lee	Todd	3/16/2012	**32256**
Nathan		Nguyen	3/22/2012	**32257**
Morvarid		Noorivaziri	3/26/2012	**32258**
Abraham	Christopher	Silva	3/26/2012	**32259**
Hungchiao	Lisa	Wu	3/26/2012	**32260**
Derrick	Jon	Schinderle	3/27/2012	**32261**
Tanya	Stephanie	Cobey	3/28/2012	**32262**
Pezhman		Ghatreh Samany	3/28/2012	**32263**
Russell	Anthony	Maramag	3/28/2012	**32264**
Sean	Gregory	Marcella	3/28/2012	**32265**
Tracy	Don	Ellis	3/30/2012	**32266**
Llaird	Lee	Likens	3/30/2012	**32267**
Noel	Melendrez	Romo	4/6/2012	**32268**
Naryan	Thomas	Sawyers	4/6/2012	**32269**
Haesung		Park	4/6/2012	**32270**
Shane	Michael	Young	4/6/2012	**32271**

Christopher	Ray	Akin	4/11/2012	**32272**
Isaac	Immanuel	Borowiec	4/11/2012	**32273**
Zubin	Mehernosh	Dah	4/11/2012	**32274**
Liliann		Delgado	4/11/2012	**32275**
Stephanie	Alyece	Desmarais	4/11/2012	**32276**
Kristin	Ann	Hartjes	4/11/2012	**32277**
Collin	Hisao	Higo	4/11/2012	**32278**
Jordan	Matthew	Johnson	4/11/2012	**32279**
Salman		Khanaki	4/11/2012	**32280**
Lance	Michael	Mahoney	4/11/2012	**32281**
Dane	Royale	Moore	4/11/2012	**32282**
Malori	Marie	Tinsley	4/16/2012	**32283**
Michael	Chen	Wang	4/16/2012	**32284**
Gerard	Joseph	Bogin	4/17/2012	**32285**
Jessica	Sun	Kim	4/17/2012	**32286**
Eric	Scott	Westover	4/20/2012	**32287**
Shahram		Soleimani	4/20/2012	**32288**
James	Andrew	Stanley	4/20/2012	**32289**
Dale	Allen	Basescu	4/24/2012	**32290**
Keira	Elizabeth	Boswell	4/24/2012	**32291**
Gabriel	McCoy	Dawson	4/24/2012	**32292**
Melissa	Wing Lum	Ko	4/24/2012	**32293**
James	Raymond	Dudum	4/26/2012	**32294**
Michael	Gordon	Lane	4/26/2012	**32295**
Kyu	Yong-John	Lee	4/26/2012	**32296**
Loreto		Lo Bosco	4/26/2012	**32297**
Marjan		Makki	4/26/2012	**32298**

.STATE OF CALIFORNIA

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

MEMORANDUM

Date: May 10, 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 May 24, 2012.

CONTINUING EDUCATION PROVIDERS	DATE APPROVED
1. HAPPYki	5/1/2012
2. NET, Inc	5/1/2012
3. Derik S. Anderson	5/1/2012
4. International Foundation for Nutrition& Health	5/1/2012
5. Cash Practice, Inc.	5/1/2012

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.

Between March 1, 2012, and April 30, 2012, staff reviewed and confirmed that all applicants met all statutory and regulatory requirements for licensure. No denials of licensure were issued for this timeframe. However, two (2) applicants that were previously denied during the month of February have appealed the decision and staff is working with the Attorney General's office on the appeals.

At this time, ratification is not necessary.

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

STATE OF CALIFORNIA

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

MEMORANDUM

Date: May 17, 2012

To: **Board Members**

From: Robert Puleo RP
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 individual named on the attached list at the May 24, 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
Johnson, Thomas	20642	March 31, 2012

California Board of Chiropractic Examiners
New Chiropractic College Regulatory Assessment

Facility Name: National University of Health Sciences – Florida Campus

Facility Address: **Administrative Office:**
University Partnership Center
St. Petersburg College
9200 113th Street N.
Seminole, Florida 33772-2800

Campus:

Annex Building 6698 68th Ave., N Pinellas Park, FL 33781	Caruth Health Education Center 7200 66th St., N. Pinellas Park, FL 33781

Phone: 630-629-2000 **E-mail:** accreditation@nuhs.edu

Contact Person: Theodore Johnson, DC, MS
Title: Assistant Dean and Chief Administrative Officer of the Doctor of Chiropractic Program

Background Information: In June 2008, National University Health Sciences entered into partnership with the University Partnership Center of St. Petersburg Florida College to utilize their classroom space and support services to begin offering the Doctor of Chiropractic Degree Program in St. Petersburg, Florida in Fall 2009. In July 2011, the Doctor of Chiropractic Degree Program at National University of Health Sciences was awarded programmatic accreditation at both the Illinois campus and the Florida site by the Council on Chiropractic Education. At present, there are 22 full time faculty to serve a student body of 67 students (Spring 2012).

Supervision (CCR § 331.3)	**Results**
(a) Full-time president, dean, or other executive officer	√ Met ☐ Not Met
(b) Report annually, covering topics such as student enrollment, number and changes in faculty and administration, changes in the curriculum, courses given, and the projections for future policy.	√ Met ☐ Not Met COMMENTS: Requirement Met; Need to Submit Annually
(c) A copy outline and a schedule of classes, showing the day and hour of presentation and the instructor shall be filed.	√ Met ☐ Not Met COMMENTS: Requirement Met; Need to Submit Every Trimester
(d) Maintain a record of the teaching load of each member of the staff in terms of classes taught, supervision, student counseling, committee work, and other assigned activities.	√ Met ☐ Not Met

e) A permanent file of all class schedules, beginning with those as of the date of the school's approval shall be maintained and available for inspection and comparison with the courses described in the relative catalogs.	√ Met ☐ Not Met
(f) Schedules must be kept up to date and posted on a bulletin board available for student inspection.	√ Met ☐ Not Met
Financial Management (CCR § 331.4)	
Keep accurate financial records and file an annual financial report	√ Met ☐ Not Met COMMENTS: Requirement Met; Need to Submit Annually
Records (CCR § 331.5.)	
Maintain a good system of records; a personal file must be maintained for each student; fireproof storage must be provided for the safekeeping of records.	√ Met ☐ Not Met
Catalog (CCR § 331.6)	
School catalogs shall contain the following information: (a) A list of its trustees, president, dean and other administrative officers and members of the faculty with their respective qualifications; (b) Courses set forth by department, showing for each subject its content, value in term, semester hours, or credit hours; (c) Entrance requirements, conditions for academic standing and discipline, such as attendance, examinations, grades, promotion and graduation; (d) Matriculation, tuition, laboratory, graduation and special fees, and estimated costs of books, instruments, dormitory and board; and (e) Descriptions of the library, audio-visual facilities, laboratories and clinic facilities.	√ Met ☐ Not Met COMMENTS: Requirement Met; Need to Submit Annually
Calendar (CCR § 331.7)	
Each school may elect to use the semester, trimester or four-quarter term system. A school calendar shall designate the beginning and ending dates of terms or semesters, the vacation periods and legal holidays observed, and the dates for semester and final examinations. The recitation or lecture period shall be not less than 50 minutes in length. The school may operate on a five or six-day week or any combination thereof, but the total number of hours of instruction shall be not less than 30 hours nor more than 35 hours per week. The total number of hours provided for each complete student's course, leading to the degree of Doctor of Chiropractic, shall be not less than 4,400 hours distributed over four academic years of nine months each.	√ Met ☐ Not Met

Student Faculty Ratio (CCR § 331.9)	
(a) The full-time equivalent student-faculty ratio shall be at least one full-time professor to every fifteen (15) students enrolled in the school. (b) A full-time professor is one who devotes a minimum of 38 hours per week to his academic duties. (c) The maximum enrollment for any class in laboratory or clinical work shall be limited to the number which may, by Board standards, sufficiently be trained with the equipment and facilities available in such laboratory clinic. (d) All classes and laboratory sessions, including clinics, shall be conducted under the presence and supervision of a full-time professor. (e) There shall be one instructor for each twenty-five (25) students in the laboratory and/or clinic courses.	√ Met ☐ Not Met
Faculty Organization (CCR § 331.10)	
(a) A faculty shall be organized by departments. Regularly scheduled meetings of the full faculty shall be had to provide a free exchange of ideas concerning: (1) The content and scope of the curriculum; (2) The teaching methods and facilities; (3) Student discipline, welfare and awards; (4) Faculty discipline and welfare; (5) Committee reports and recommendations; (6) Recommendations for the promotion and graduation of students; (7) Administration and educational policies; and (8) Recommendations to the administrative officers and to the trustees. (b) The dean shall appoint the following standing committees of which he shall be a member ex officio: admissions and credentials, curriculum, clinic, laboratories, library and examinations, grades and records.	√ Met ☐ Not Met
Scholastic Regulations (CCR §331.11)	
(a) Admission. (b) Date of Matriculation. (c) Qualifications of Students. (d) Professional Education. (e) Advanced Standing. (f) Attendance. (g) Promotion. (h) Requirements for Graduation. (i) Special (Graduate of An Approved Chiropractic School) or Unclassified Subject. (j) Degree	√ Met ☐ Not Met

Curriculum (CCR § 331.12.2)	
(a) Course of Study. (b) Required Hours and Subjects (c) Subject Presentation (1) ANATOMY. (2) PHYSIOLOGY. (3) BIOCHEMISTRY AND NUTRITION. (4) PATHOLOGY AND BACTERIOLOGY. (5) PUBLIC HEALTH, HYGIENE, SANITATION AND EMERGENCY CARE. (6) DIAGNOSIS. (7) OBSTETRICS, GYNECOLOGY AND PEDIATRICS. (8) PRINCIPLES AND PRACTICE OF CHIROPRACTIC, DIETETICS, PHYSIOTHERAPY, AND OFFICE PROCEDURE. (9) PHYSIOTHERAPY. (10) OFFICE PROCEDURE. (d) Additional Hours and Subjects. (e) Clinics.	√ Met ☐ Not Met
Physical Facilities (CCR §331.13)	
(a) General. (b) Administrative Offices. (c) Classrooms. (d) Laboratories. (f) Teaching Aids and Equipment. (g) Library. (h) Clinic. (i) Operation and Maintenance of the Physical Plant.	√ Met ☐ Not Met

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

April 10, 2012

Theodore L. Johnson, Jr., DC, MS
Assistant Dean for Chiropractic Medicine
National University of Health Sciences
200 East Roosevelt Road, #L-23
Lombard, Illinois 60148

Dear Dr. Johnson:

The Board of Chiropractic Examiners (Board) received your Application for New Chiropractic College Approval (Application) for the National University of Health Sciences – Florida campus on March 12, 2012.

The review of your Application has been completed. Your Application will be placed on the agenda of our May 24, 2012 Board meeting for consideration by the Board. I will provide the outcome in writing following the Board meeting.

If you have any questions or concerns, please feel free to contact me directly at (916) 263-5360 or Linda.Shaw@chiro.ca.gov.

Sincerely,

Linda Shaw
Licensing/CE Manager

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

STATE OF CALIFORNIA | Edmund G. Brown Jr., Governor

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

Certification of Licensure and State Endorsement

ALL BLANKS MUST BE COMPLETED. IF NOT APPLICABLE, ENTER N/A

Name of Applicant:					
Address:	Number	Street	City	State	Zip Code

License Certification

State, province or territory completing this endorsement _____ License number: _____

License issue date: _____ Expiration date: _____ License status: _____
(active, inactive, cancelled, suspended, etc.)

Has any disciplinary action ever been filed or taken, including but not limited to, informal or confidential discipline, consent orders, or letters of warning? ☐ Yes ☐ No

IF YES, ATTACH AN EXPLANATION OR A CERTIFIED COPY OF THE DISCIPLINE TAKEN

Examination Criteria

How was the applicant granted licensure in your state?
- ☐ Examination (If by examination, please complete the results sections below)
- ☐ Reciprocity/Endorsement from which state _____
- ☐ Other (If selected, please attach an explanation)

Written examination results:

SUBJECT	SCORE ATTAINED

Practical or clinical examination results: (Note: California's examination includes sections in x-ray, clinical competency, adjustive technique, and physiotherapy)

SUBJECT	SCORE ATTAINED
X-Ray	
Clinical Competency	
Adjustive Technique	
Physiotherapy	

BOARD CERTIFICATION

I hereby certify under penalty of perjury, that the foregoing information is true and correct. I further certify that the state, province, or territory of _____ agrees to grant reciprocal licensure to California chiropractic licensees possessing similar qualifications on a substantially equal endorsement basis.
(name of State)

_____ Signature

_____ Date

_____ Print or type name

_____ Title

( )
_____ Telephone number

AFFIX BOARD SEAL

BOARD CERTIFICATION

I hereby certify under penalty of perjury, that the foregoing information is true and correct. I further certify that the current laws of the state, province, or territory of _____
(Name of State)

permit us to grant reciprocal licensure to California chiropractic licensees if they meet our state, province, or territory's specific qualifications and requirements.

_____ _____
Signature Date

_____ _____
Print or Type Name Title

_____
Telephone Number

DRAFT

AFFIX BOARD SEAL

§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 with the board his or her proper and current ~~place of~~ physical practice address ~~of his principal office~~ and, where appropriate, each and every ~~sub-office~~ satellite 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~~. If a licensee does not have a practice address, the licensee may file with the board his or her proper and current residence address. The address provided pursuant to this paragraph shall be public information unless the licensee also submits an alternate address pursuant to paragraph (b).

(b) In addition to the address filed pursuant to paragraph (a), a licensee may designate an address of record that shall be public information, which may consist of a post office box number or other viable mailing address.

(c) Each licensee shall report to the board each and every change of address within 30 (thirty) days after each change giving both the old and new addresses. The change of address shall be submitted in writing and mailed or faxed to the board at its office in Sacramento.

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

§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

California Board of Chiropractic Examiners

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

www.chiro.ca.gov

(b) The notice required by this section shall be prominently posted in the entry area or waiting area of the principal place of business and, where appropriate, each satellite office. The notice shall be visible to patients and shall be in at least 48-point type in Arial font.

(c) In cases where chiropractic services are provided in a mobile setting outside of the principal place of business or satellite office, the notice shall be included 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.

(d) 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)).

§ 312. ~~Illegal Practice~~ Supervision of Unlicensed Individuals.

~~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 duly licensed chiropractor ~~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 duly licensed chiropractor ~~Doctor of Chiropractic~~.

"~~Immediate and~~ ~~d~~Direct supervision" means the duly licensed chiropractor ~~Doctor of Chiropractic~~ shall be at all times ~~on the premises~~ present in the same chiropractic facility where the examinations are being conducted. The duly licensed chiropractor ~~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~~ indirect supervision of a duly licensed chiropractor ~~Doctor of Chiropractic~~.

~~Adequate~~ Indirect 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 duly licensed chiropractor ~~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 duly licensed chiropractor ~~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 duly licensed chiropractor ~~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 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.

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.

NOTE: Authority cited: Section 1000-4(b), ~~of the~~ Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923, p. ~~I~~1xxxviii)). Reference: Section 1000-15, ~~of the~~ Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923, p. ~~I~~1xxxviii)) and Section 25668.1, California Health and Safety Code; Section 30403 of Title 17, California Administrative 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, Business and Professions Code. Reference: Section 1000-10, Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923, p. 1xxxviii)) and Section 475, 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)).

384.1 Petitions for Reinstatement, Reduction of Penalty, or Early Termination of Probation

(a) In petitioning for Reinstatement under Section 1000-10(c) Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii) or Reduction of Penalty which would include Early Termination of Probation under Government Code section 11522, the petitioner has the burden of demonstrating any rehabilitative or corrective measures he or she has taken since the revocation or disciplinary action and, that he or she has the necessary and current qualifications and skills to safely engage in the practice of chiropractic within the scope of current law, and accepted standards of practice.

(b) In reaching its determination the Board may consider various factors including the following:
(1) The original violation(s) for which action was taken against the petitioner's license including:
(A) The type, severity, number, and length of violations.
(B) Whether the violation involved intentional, negligent or other unprofessional conduct.
(C). Actual or potential harm to the public, patients, or others.
(D) The length of time since the violation(s) was committed.

(2) Prior disciplinary and criminal actions also taken against the petitioner by the Board, any State, local or Federal agency or court including:
(A) The petitioner's compliance with all terms of probation, parole, previous discipline or other lawfully imposed sanctions including any order of restitution.
(B) Whether the petitioner is currently on or has been terminated from probation or other lawfully imposed sanction.
(C) The petitioner's legal and regulatory history to and since the violation(s).

(3) The petitioner's attitude toward his or her commission of the original violation(s) and his or her attitude in regard to compliance with legal sanctions and rehabilitative efforts.

(4) The petitioner's documented rehabilitative efforts including:
(A) Efforts to maintain and/or upgrade professional skills and knowledge through continuing education or other methods.

(B) Efforts to establish safeguards to prevent repetition of the original violation(s) including changes or modifications in policies, structure, systems, or methods of behavior applicable to the petitioner's chiropractic practice.
(C) Service to community or charitable groups.
(D) Voluntary restitution to those affected by the original violation(s).
(E) Use of appropriate professional medical or psychotherapeutic treatment.
(F) Participation in appropriate self-help and/or rehabilitation groups.
(G) Use of appropriate peer review mechanisms.
(H) Participation in professional chiropractic organizations or associations.

(5) Assessment of the petitioner's rehabilitative and corrective efforts including:
(A) Whether the efforts relate to the original violation(s).
(B) The date rehabilitative efforts were initiated.
(C) The length, time, and expense associated with rehabilitative efforts or corrective actions.
(D) The assessment and recommendations of qualified professionals directly involved in the petitioner's rehabilitative efforts or acting at the request of the Board, including their description of the petitioner's progress and their prognosis of the petitioner's current ability to practice chiropractic.
(E) The petitioner's reputation for truth, professional ability and good character since the commission of the original violation(s).
(F) The nature and status of ongoing and continuing rehabilitation efforts.
(c) In addition, the Board may consider other appropriate and relevant matters not listed in the above guidelines.

(d) All statements to be introduced at hearing must be made in person or pursuant to Government Code Section 11514 (evidence by affidavit). All other statements not made in person or pursuant to Government Code Section 11514 must be under oath and will be considered only as administrative hearsay.

(e) A petition for reinstatement shall be submitted on an application form (Form # 09PRRL – Revised 05/2007) prescribed and provided by the board, and titled "Petition for Reinstatement of Revoked License," accompanied by such evidence, statements, or documents as are therein required, and filed with the board at its office in Sacramento, with the required nonrefundable application fee of two thousand dollars ($2000.00).

(f) A petition for early termination of probation shall be submitted on an application form (Form # 09PTP – Revised 11/2003) prescribed and provided by the board, and titled "Petition for Early Termination of Probation," accompanied by such evidence, statements, or documents as are therein required, and filed with the board at its office in Sacramento, with the required nonrefundable application fee of two thousand dollars ($2000.00).

(g) A petition for reduction of penalty shall be submitted on an application form (Form # 09PRP – Revised 11/2003) prescribed and provided by the board, and titled "Petition for Reduction of Penalty," accompanied by such evidence, statements, or documents as

are therein required, and filed with the board at its office in Sacramento, with the required nonrefundable application fee of two thousand dollars ($2000.00).

(h) A petitioner pursuant to Section 1000-10(c) Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923, p. 1xxxviii)) whose license has been revoked or cancelled may not petition the board for reinstatement until two (2) years has elapsed since the effective date of the decision revoking the license or the date the license was cancelled.

(i) A petitioner pursuant to Section 1000-10(c) Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923, p. 1xxxviii)) who has had a petition for reinstatement denied may not file another petition until three (3) years has elapsed since the effective date of the most recent denial.

(j) A petitioner who is subject to section 1003 of the Business and Professions Code may not petition the board for reinstatement until ten (10) years has elapsed since the effective date of the decision revoking the license.

NOTE: Authority cited: Sections 1000-4(b) 1000-10(c) Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923, p. 1xxxviii)); Section 1003 Business and Professions Code; and Sections 11514 and 11522 Government Code. Reference: Sections 1000-4(b) and 1000-10(c) 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)).