BOARD OF CHIROPRACTIC EXAMINERS  
PUBLIC SESSION MINUTES  
May 9, 2013  
Marriott Burbank Airport Hotel  
2500 N. Hollywood Way  
Burbank CA 91505

Board Members Present  
Francesco Columbu, D.C., Chair  
Sergio Azzolino, D.C., Vice Chair  
Julie Elginer, Dr. PH, Secretary  
Heather Dehn, D.C.  
Frank Ruffino

Staff Present  
Robert Puleo, Executive Officer  
Spencer Walker, Attorney III  
Linda Shaw, Staff Services Manager  
Sandra Walker, Staff Services Manager  
Dixie Van Allen, Associate Governmental Program Analyst  
Valerie James, Office Technician

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

Roll Call  
Dr. Elginer called the roll. All members except Dr. Lubkin were present.

Chair's Report  
Dr. Columbu had nothing to report.

Approval of Minutes  
January 31, 2013 Board Meeting

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

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. RUFFINO MOVED TO RATIFY THE APPROVED LICENSE APPLICATIONS
SECOND: DR. AZZOLINO SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED
The Board ratified the attached list of approved license applications incorporated herein (Attachment A).

Ratification of Approved Continuing Education Providers

MOTION: DR. AZZOLINO MOVED TO RATIFY THE APPROVED CONTINUING EDUCATION PROVIDERS
SECOND: DR. DEHN 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

MOTION: MR. RUFFINO MOVED TO RATIFY THE DENIED LICENSE APPLICATIONS IN WHICH THE APPLICANTS DID NOT REQUEST A HEARING
SECOND: DR. AZZOLINO SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED
The Board ratified the attached list of approved continuing education providers incorporated herein (Attachment C).

Ratification to Waive Two Year Requirement to Restore a Canceled License

MOTION: DR. DEHN MOVED TO RATIFY THE RECOMMENDATION TO WAIVE THE TWO YEAR REQUIREMENT TO RESTORE A CANCELED LICENSE
SECOND: MR. RUFFINO SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED
The Board ratified the attached list of approved continuing education providers incorporated herein (Attachment D).

Executive Officer Performance Evaluation Revised Procedure

Mr. Puleo explained that the package is the standardized form which the Department of Consumer Affairs (DCA) uses for performance evaluations of Executive Officers.

The Board discussed the best time to conduct the performance evaluation of the Executive Officer. The Board decided to conduct the performance evaluation at the first meeting of the fiscal year as specified in the Administrative Manual.

Governor’s Reorganization Plan (BCE’s transition to DCA)

There were no representatives from DCA present at the board meeting.
Dr. Columbu inquired about how the transition will affect our Initiative Act. Mr. Puleo provided information on the transition and answered Dr. Columbu’s questions regarding the Initiative Act.

Dr. Elginer inquired whether DCA provided answers to the Board’s questions asked at the January board meeting and requested that Mr. Puleo inquire about the status of DCA’s response.

Dr. Elginer inquired whether the Government Affairs Committee would continue to have the ability to take position on legislation once under DCA. Mr. Puleo confirmed that Boards have the ability to take positions on legislation independent of DCA.

Dr. Azzolino requested that DCA acknowledge that the Chiropractic Initiative Act will take precedent over any changes with the transition.

Dr. Dehn clarified the Board’s authority during the rulemaking process.

Dr. Charles Davis representing the International Chiropractic Association of California (ICAC), came forward and spoke about the conflicts going under DCA presents with the Chiropractic Initiative Act. Dr. Elginer inquired whether ICAC has obtained a legal opinion on this issue and documented the conflicts. Dr. Davis stated that ICAC is considering this action and further indicated that Attorney Roger Calton has provided correspondence to the Board outlining these conflicts.

Dr. Columbu suggested that the professional associations seek a legal opinion on this matter together.

**Closed Session**

The Board went into closed session to discuss issues pursuant to Government Code section 11126(e).

**Governor’s Reorganization Plan (BCE’s transition to DCA) - continued**

Debbie Snow came forward and shared comments in support of the transition under DCA.

**Pre-paid Plans for Chiropractic and Adjunctive Services**

The Board held a discussion about the Department of Managed Health Care’s (DMHC) requirements for pre-paid plans for chiropractic and adjunctive services.

Mr. Walker recommended that the Board should request a representative from DMHC to appear at the Enforcement Committee Meeting and the next Board meeting to answer questions.

Dr. Azzolino recommended that this topic be discussed at the Enforcement Committee Meeting and requested staff to report on interpretation of the current laws on prepaid plans.

Mr. Walker recommended that the Board form a special committee to research this topic, due to lack of enforcement authority in this area, and report back to the full board with information and a representative from DMHC.

Dr. Davis came forward and reminded the Board that a representative of DMHC did come to a 2010 Board meeting in San Diego and addressed the issues of pre-paid plans.

**Government Affairs Committee Meetings Update**

Dr. Elginer reported on the recent Government Affairs Committee Meetings on April 5, 2013 and May 7, 2013.
MOTION: DR. ELIGINER MOVED TO ADD PAGE 43 (POSITION LETTER TRACKING PAGE) FROM THE LEGISLATIVE BILL TRAINING PRESENTATION AT THE GOVERNMENT AFFAIRS COMMITTEE MEETING HELD IN MAY TO THE LEGISLATIVE TRACKING MANUAL ADOPTED BY THE BOARD IN JANUARY, WITH A CORRECTION TO CHANGE “SPAC” TO “BCE”.
SECOND: DR. DEHN SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

Mr. Puleo gave an update on the Board Member Administrative Manual.

Dr. Elginer provided an update on the BCE’s Strategic Plan.

The Board directed Mr. Puleo to work with DCA’s SOLID unit in scheduling the next strategic planning session around our next board meeting on either July 24th and 25th or July 25th and 26th.

Dr. Elginer provided an update on the status of the legislative bills reviewed and the positions recommended by the Government Affairs Committee. The legislative bills reviewed were AB 186 (Maienschein), AB 213 (Logue), AB 376 (Donnelly), AB 393 (Cooley), AB 512 (Rendon), AB 555 (Salas), AB 653 (Perez), AB 722 (Lowenthal), AB 866 (Linder), AB 1003 (Maienschein), SB 46 (Corbett), SB 176 (Galgiani), SB 306 (Price), SB 381 (Yee), and SB 626 (Beall).

MOTION: DR. ELIGINER MOVED TO HAVE THE BOARD ADOPT THE GOVERNMENT AFFAIRS RECOMMENDED POSITIONS ON THE FOLLOWING LEGISLATIVE BILLS:
• AB 722 (LOWENTHAL) – SUPPORT
• AB 186 (MAIENSCHEIN) – OPPOSE
• SB 176 (GALGIANI) – OPPOSE
• AB 213 (LOGUE) – OPPOSE UNLESS AMENDED
SECOND: DR. AZZOLINO SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

Licensing, Continuing Education and Public Relations Committee Meeting Update
Dr. Dehn reported on the Licensing, Continuing Education and Public Relations Committee meeting held on April 11, 2013 and provided a draft of the Continuing Education Audit forms for the Board’s consideration.

MOTION: DR. DEHN MOVED TO APPROVE THE CONTINUING EDUCATION AUDIT FORM DRAFT.
SECOND: DR. COLUMBU SECONDED THE MOTION
The Board held a detailed discussion about the audit process and amendments needed to the audit form.

DR. DEHN WITHDREW HER MOTION TO APPROVE THE CONTINUING EDUCATION AUDIT FORM SO THAT THE FORM CAN BE REFERRED BACK TO THE COMMITTEE FOR FURTHER AMENDMENTS.
Enforcement Committee Meeting Update
Dr. Azzolino reported on the Enforcement Committee meeting held on April 18, 2013.

MOTION: DR. AZZOLINO MOVED TO ADOPT DCA’S LEGAL OPINION ON GROUPON AND OTHER INTERNET MARKETING AS A VIOLATION OF BUSINESS AND PROFESSIONS CODE SECTION 650 AND POST IT TO THE BOARD’S WEBSITE.
SECOND: DR. DEHN SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

Dr. Azzolino directed Mr. Puleo to confer with DCA in regards to their opinion on notifying Groupon of this decision. Mr. Walker advised that DCA would not send out such a letter. Dr. Azzolino suggested that the BCE work with the Medical Board of California and other healthcare boards to inform Groupon of DCA’s legal opinion on this issue.

Dr. Davis came forward and requested that the Board utilize a live feature on the internet, such as “Go To Meeting”, for public meetings in order for the public to participate from a remote location. Dr. Elginer expressed concern that the public is not utilizing the public locations that each committee meeting is teleconferencing from. Dr. Azzolino requested staff to explore options for live webcasting and participation.

Proposed Regulations
A. Omnibus Consumer Protection
Mr. Puleo stated that the 45-day comment period had closed and included in the packet are the comments received, suggested responses and revised language for the Board’s consideration.

Dr. Dehn requested clarification on Life Chiropractic College West’s objection to the changes in section 304.

Dr. Azzolino questioned the board’s authority regarding positioning of a patient.

MOTION: DR. COLUMBU MOVED TO APPROVE THE SUGGESTED RESPONSES AND AMENDMENTS TO THE OMNIBUS LANGUAGE AND SUBMIT THE AMENDMENTS TO THE PUBLIC FOR A 15-DAY COMMENT PERIOD.
SECOND: DR. AZZOLINO SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

B. Name of Chiropractic Corporation
Mr. Puleo stated the 45-day comment period has ended and no comments were received. He recommended that the Board adopt the language to repeal CCR section 367.7 for submission to the Office of Administrative Law for final approval.

MOTION: DR. AZZOLINO MOVED TO APPROVE THE REPEAL OF CCR SECTION 367.7 AND SUBMIT THE RULEMAKING PACKAGE TO THE OFFICE OF ADMINISTRATIVE LAW FOR FINAL APPROVAL.
SECOND: DR. DEHN SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED
C. **Extracorporeal Shock Wave (ECSW) Therapy**  
Mr. Puleo announced that the 45-day comment period begins May 17th and ends on July 1, 2013.

Dr. Columbu expressed concerns regarding the ECSW proposal.

Mr. Puleo explained that the BCE is waiting for the comment period to end to determine the course of action on this regulatory package or the Board can vote to withdraw the package immediately.

Mr. Davis came forward and shared his expertise on the ECSW procedure.

The Board decided to let the rulemaking package continue its current course and discuss these concerns again at the Board Meeting in July.

**Hearings Re: Petition for Reinstatement of Revoked License**  
Administrative Law Judge Joseph Douglas Montoya presided over and Deputy Attorney General Thomas L. Rinaldi appeared on behalf of the people of the State of California on the following hearings:

A. Ekechi Nowaga  
B. Anthony Johnson

**Hearings Re: Petition for Early Termination of Probation**  
Administrative Law Judge Joseph Douglas Montoya presided over and Deputy Attorney General Thomas L. Rinaldi appeared on behalf of the people of the State of California on the following hearing:

A. James Amato, D.C.

**Closed Session**  
The Board went into closed session for deliberation and determinations regarding petitioners.

**Public Comment**  
Mr. Eric Diesel came forward to discuss the details of his consumer complaint.

**Future Agenda Items**  
Dr. Elginer requested an update on the BCE’s recent Sunset Review.

**Adjournment**  
Dr. Columbu adjourned the meeting at 3:12 p.m.
## Attachment A

Approval By Ratification of Formerly Approved License Applications
January 1, 2013 – March 31, 2013

<table>
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Karen Anne Coscolluela 2/15/2013 32528
Ciro Roberto Errico 2/15/2013 32529
Jenny Marie Esposito 2/15/2013 32530
William Erwin Hofman 2/15/2013 32531
Benjamin Allen Horning 2/15/2013 32532
Sang Thanh Le 2/15/2013 32533
Reuben Salvatore Montemagni 2/15/2013 32534
Daniel Navas 2/15/2013 32535
Hoon Park 2/15/2013 32536
Gonzalo Julio Perla 2/15/2013 32537
Michael Joseph Toka 2/15/2013 32538
Sommer Ashley Ata Whaite 2/15/2013 32539
Nicholas Mark Williams 2/15/2013 32540
Sarah Lynn Woolever 2/15/2013 32541
Stephanie Marie Zgraggen-Latter 2/15/2013 32542
Megan Christine Ackerman 2/22/2013 32543
Shery Fouad Sabet Assal 2/22/2013 32544
Renee Marie Bartlett 2/22/2013 32545
Richard Joseph Bollen 2/22/2013 32546
Nicholas Carmen Brock 2/22/2013 32547
Chang Heo 2/22/2013 32548
Ashley Louise Lamb 2/22/2013 32549
Heidi Lee Mendenhall 2/22/2013 32550
Heather Renee Michie 2/22/2013 32551
Julie Cristina Reyes 2/27/2013 32552
Janelle Leann Slavik 2/27/2013 32553
Laura Ann Walker 2/27/2013 32554
Marcus David Waters 2/27/2013 32555
Tabassum Sajjad Ali 2/28/2013 32556
Daniel Cordero 2/28/2013 32557
Anthony Adam Gustin 2/28/2013 32558
Yvette Kathryn Johnson 2/28/2013 32559
Michael Scott Junk 2/28/2013 32560
Benjamin Eric Liang 2/28/2013 32561
Meghan Elizabeth Miller 2/28/2013 32562
Joseph Michael Mograbi 2/28/2013 32563
Carol Leann Alonge 3/8/2013 32564
Marlin David Derksen 3/8/2013 32565
Jordan Daniel Duncan 3/8/2013 32566
Holiday Sayers 3/8/2013 32567
Hilda Sobhani 3/8/2013 32568
BCE Public Meeting Minutes  
May 9, 2013

Nathan Gabriel Bunce 3/14/2013 32569
Nathan John Campbell 3/14/2013 32570
Joseph Patrick Iaccino 3/14/2013 32571
Simon Yin Lung Kuang 3/14/2013 32572
Jamie Patrick Mahtaban 3/14/2013 32573
Brian Patrick Milligan 3/14/2013 32574
Otra Lee Olver 3/18/2013 32575
Hannah Bich-Hanh Nguyen 3/19/2013 32576
Karen Bridget Joanna Palkovits-Stauber 3/19/2013 32577
Jocelyn Kiyomi Thornton 3/19/2013 32578
Erika Nicole Ubom 3/19/2013 32579
Evan Thomas Weisman 3/19/2013 32580
Elizabeth Marie Wisniewski 3/19/2013 32581
Deena Kristen Arenas 3/21/2013 32582
Gabriel Yehuda Edery 3/21/2013 32583
Christopher Anthony Gibson 3/21/2013 32584
Sarah Elizabeth Gigliotti 3/21/2013 32585
James Huang 3/21/2013 32586
Rashad Riaz Khan 3/21/2013 32587
Rachel Rose Knight 3/21/2013 32588
## Approval by Ratification of New Continuing Education Providers

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<tr>
<th>CONTINUING EDUCATION PROVIDERS</th>
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<td>1. The Wise DC, Inc</td>
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<td>2. Aaron Newman</td>
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<td>3. Rahim Salehmohamed</td>
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<td>5. Russell Whitten</td>
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<td>6. Joseph E Awender, DC</td>
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<td>15. Free Continuing Education Association</td>
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<td>16. Rochelle Neally, Karen Bloch</td>
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<td>17. Raj Jackson</td>
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<td>18. Nicholas Edward Campos, DC</td>
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<td>19. Phillip Yoo, DC</td>
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<td>20. Herman &amp; Wallace Pelvic Rehabilitation Institute</td>
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<td>21. Steven Curtis Hickey, DC</td>
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(ATTACHMENT C)
Recommendation to Waive Two Year Requirement on Restoration of a Cancelled License

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<td>Parsons, Ryan</td>
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(Attachment D)

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

January 1, 2013 – March 31, 2013

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<tr>
<th>Name (First, Middle, Last)</th>
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<td>Scherz, Timothy</td>
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**Reason for Denial**

**Discipline by Another State:**

- Minnesota chiropractic license: disciplined resulting in voluntary surrender of license
- Georgia licensing board – licensure denied based on discipline in Minnesota