

**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.

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Consumer Complaint Hotline

(866) 543-1311

Board of Chiropractic Examiners

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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. ELGINER 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. ELGINER MOVED TO HAVE THE BOARD ADOPT THE GOVERNMENT AFFAIRS RECOMMENDED POSITIONS ON THE FOLLOWING LEGISLATIVE BILLS:

- **AB 722 (LOWENTHAL) – SUPPORT**
- **AB 186 (MAIENSCHIEIN) – 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**

Name (First, Middle, Last)			Date Issued	DC#
Guadalupe		Pimental	1/11/2013	32495
Adam	Christopher	Sands	1/11/2013	32496
Jhasmin	Ivonne	Santizo	1/11/2013	32497
Yvette		Shahgaldian	1/11/2013	32498
Atherton	Louise	Sorrenti	1/11/2013	32499
Allison	Lynne	Catapano	1/17/2013	32500
Raluca	Alexandra	Duma	1/17/2013	32501
Rachid	Daniel	Faqir	1/17/2013	32502
Kerry	Lynn	Lilley	1/17/2013	32503
Joseph	Frederick	Houde	1/29/2013	32504
Julianne	Soojin	Lee	1/29/2013	32505
Matthew	James	Rice	1/29/2013	32506
Roberto	Castaneda	Rosas	1/29/2013	32507
Jason	Sven	Wersland	1/29/2013	32508
Katherine	Elizabeth	Andrews Murphy	1/31/2013	32509
Harmanjit	Singh	Cherra	1/31/2013	32510
Amanda	Nicole	Doering	1/31/2013	32511
Thu	Ngoc Diem	Nguyen	2/6/2013	32512
Paul	Thomas	Peterson	2/6/2013	32513
Caleb	Daniel	Ridgway	2/6/2013	32514
Jimmy	Rimon	Sayegh	2/6/2013	32515
Ryan	Craig	Smith	2/6/2013	32516
Amy	Catherine	Vevoda	2/6/2013	32517
Bonny	Puikei	Chiu	2/8/2013	32518
Daniella	Renee	Correa	2/8/2013	32519
Ernesto	Diaz	Medina	2/8/2013	32520
Michael	Long	Sen	2/12/2013	32521
Rachel	Erin	Stewart	2/12/2013	32522
William	Michael	Walsh	2/12/2013	32523
David	C	Zeng	2/12/2013	32524
Christina	Diane	Angelos	2/15/2013	32525
Kyle	Patrick	Brooks	2/15/2013	32526
Alec	Brian	Cole	2/15/2013	32527

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	Zraggen-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

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		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	Ederly	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

(ATTACHMENT B)

Approval by Ratification of New Continuing Education Providers

<u>CONTINUING EDUCATION PROVIDERS</u>	<u>DATE APPROVED</u>
<u>1.The Wise DC, Inc</u>	<u>05/09/13</u>
<u>2. Aaron Newman</u>	<u>05/09/13</u>
<u>3. Rahim Salehmohamed</u>	<u>05/09/13</u>
<u>4. Richard S Cheung, DC</u>	<u>05/09/13</u>
<u>5. Russell Whitten</u>	<u>05/09/13</u>
<u>6. Joseph E Awender, DC</u>	<u>05/09/13</u>
<u>7. HUMANKIND INTERNATIONAL</u>	<u>05/09/13</u>
<u>8. Flex Therapist CEUs</u>	<u>05/09/13</u>
<u>9 DCHours.com</u>	<u>05/09/13</u>
<u>10. Bradley Evan Wolff, DC</u>	<u>05/09/13</u>
<u>11. Lisa C Moore, DC</u>	<u>05/09/13</u>
<u>12. Christopher G Tarrant, DC</u>	<u>05/09/13</u>
<u>13 Jim Naccarato, DC</u>	<u>05/09/13</u>
<u>14.. Matthew Hubbard, DC</u>	<u>05/09/13</u>
<u>15. Free Continuing Education Association</u>	<u>05/09/13</u>
<u>16. Rochelle Neally, Karen Bloch</u>	<u>05/09/13</u>
<u>17. Raj Jackson</u>	<u>05/09/13</u>
<u>18. Nicholas Edward Campos, DC</u>	<u>05/09/13</u>
<u>19. Phillip Yoo, DC</u>	<u>05/09/13</u>
<u>20. Herman & Wallace Pelvic Rehabilitation Institute</u>	<u>05/09/13</u>
<u>21. Steven Curtis Hickey, DC</u>	<u>05/09/13</u>

(ATTACHMENT C)
Recommendation to Waive Two Year Requirement
on Restoration of a Cancelled License

Name (Last, First MI)	License No.	Cancellation Date
Freeman, Scott	29596	12/31/2012
Just, Shawn	27782	11/30/2012
Omidi, Paymon	17774	11/30/2011
Parsons, Ryan	28908	12/31/2011

(Attachment D)

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

January 1, 2013 – March 31, 2013

Name (First, Middle, Last)
Reason for Denial

Date Denied

Scherz, Timothy

02/11/2013

Discipline by Another State:

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