

**BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES**

July 25, 2013

Department of Consumer Affairs
1747 North Market Blvd., First Floor
Emerald Training Room
Sacramento, CA 95834

Board Members Present

Francesco Columbu, D.C., Chair
Sergio Azzolino, D.C., Vice Chair
Julie Elginer, Dr. PH, Secretary
Heather Dehn, D.C.
Hugh Lubkin, 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 8:07 a.m.

Roll Call

Dr. Elginer called the roll. All members were present.

Chair's Report

Dr. Columbu reported on recent activities relating to Board matters. Dr. Columbu requested Dr. Dehn to report on the recent meeting with the Department of Consumer Affairs' (DCA) Chief Deputy Director, Awet Kidane relating to the Governor's Reorganizational Plan issues raised by the Board.

Approval of Minutes

May 9, 2013 Board Meeting
June 25, 2013 Teleconference Board Meeting

MOTION: DR. AZZOLINO MOVED TO APPROVE THE MINUTES

SECOND: MR. RUFFINO SECONDED THE MOTION

VOTE: 6-0

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: MR. RUFFINO MOVED TO RATIFY THE APPROVED LICENSE APPLICATIONS

SECOND: DR. AZZOLINO SECONDED THE MOTION

VOTE: 6-0

MOTION CARRIED

The Board ratified the attached list of approved license applications incorporated herein (Attachment A).

Ratification of Approved Continuing Education Providers

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

SECOND: DR. AZZOLINO SECONDED THE MOTION

VOTE: 6-0

MOTION CARRIED

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

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

Ratification to Waive Two Year Requirement to Restore a Canceled License

MOTION: DR. AZZOLINO MOVED TO RATIFY THE RECOMMENDATION TO WAIVE THE TWO YEAR REQUIREMENT TO RESTORE A CANCELED LICENSE

SECOND: MR. RUFFINO SECONDED THE MOTION

VOTE: 6-0

MOTION CARRIED

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

Government Affairs Committee Meetings Update

Dr. Elginer reported on the Government Affairs Committee Meeting held on June 11, 2013. She updated the Board on the status of legislation that the Committee is following.

Licensing, Continuing Education and Public Relations Committee Meeting Update

Dr. Dehn reported on the Licensing, Continuing Education and Public Relations Committee meetings held on June 25, 2013 and July 18, 2013. She brought forward for review and approval the Continuing Education Audit forms.

MOTION: DR. DEHN MOVED TO APPROVE THE CONTINUING EDUCATION AUDIT FORM DRAFT.

SECOND: DR. LUBKIN SECONDED THE MOTION

VOTE: 6-0

MOTION CARRIED

Mr. Ruffino indicated that the word “learning” was spelled incorrectly on pages 2 and 3 of the Distance Learning Audit form.

Enforcement Committee Meeting Update

Dr. Azzolino reported on the Enforcement Committee meeting held on July 2, 2013.

The Board discussed the legality of offering gifts and incentives for patient referrals and the need to notify licensees that the offering of gifts may constitute a violation of Business and Professions Code Section 650. Staff will research how other Boards address this issue.

Update on BCE’s Sunset Review

Mr. Puleo reported that he made contact with the Business and Profession Committee on the outcome of our Sunset review. The Committee indicated that there are no issues with the Board.

Governor’s Reorganization Plan – Board of Chiropractic Examiners’ Transition to DCA

Mr. Puleo referred to Dr. Dehn’s report earlier on their meeting with DCA and his Executive Officers report. Mr. Puleo indicated that DCA will be bringing key staff to report at our next Board meeting on the services they will be providing us.

Dr. Lubkin spoke on the legality of the Board under DCA. A lengthy discussion ensued.

Dr. Kassie Donoghue representing the California Chiropractic Association (CCA) came forward and requested to see a legal opinion concerning the legality of the reorganization.

Dr. Elginer recommended that CCA file a request for a legal opinion in writing as she had also recommended to Dr. Charles Davis of the International Chiropractic Association of California (ICAC).

Update of Group-On and other Internet Marketing Sites

Mr. Puleo spoke on this issue. He indicated that DCA’s legal opinion is posted on the Board’s website. He provided the Board with copies of the letters he sent to Groupon and Living Social notifying these entities of DCA’s opinion. He reported that he has not received a response from either entity. TO the best of his knowledge, no other Health Care Boards are proactively addressing this issue.

The Board moved to Agenda Item 18 – Closed Session

Closed Session

The Board went into closed session for deliberation on disciplinary decisions and other matters pursuant to California Government Code Section 11126(e).

The Board went back into Open Session and moved to Agenda Item 15 – Proposed Regulations

Proposed Regulations

A. Omnibus Consumer Protection

MOTION: DR. LUBKIN MOVED TO APPROVE THE AMENDMENTS TO THE OMNIBUS LANGUAGE AND SUBMIT TO THE OFFICE OF ADMINISTRATIVE LAW.

SECOND: DR. AZZOLINO SECONDED THE MOTION

VOTE: 6-0

MOTION CARRIED

Dr. Dehn reported the finding of a grammatical error on page 4, (4) – need to strike out “of”. Dixie Van Allen will check if we can correct the error without another 15 day notice.

B. Name of Chiropractic Corporation

Mr. Puleo reported this package is at the Office of Administrative Law and we are awaiting approval. Once approved, the law will take effect on October 1, 2013.

C. Extracorporeal Shock Wave (ECSW) Therapy

Mr. Ruffino requested this subject to be tabled to a Committee for more research.

Dr. Davis came forward and spoke on the subject.

Dr. Lubkin stated that ECSW is being taught at the Chiropractic Colleges and that Dr. Cremata teaches ECSW at LifeWest and Palmer. He further explained the technology of ECSW and asserted that it is not invasive.

Kelly Web, Legal Counsel for the Medical Board of California came forward and spoke on their opposition of ECSW and stated that it is not within the Chiropractic Scope of Practice.

Dr. Columbu directed this to be tabled to the Enforcement Committee for further research and to discuss the comments provided to the Board.

D. Sponsored Free Health Care Events

MOTION: MR. RUFFINO MOVED TO COMMENCE THE REGULATORY PROCESS AND AUTHORIZED THE EXECUTIVE OFFICER TO MAKE NON-SUBSTASIVE CHANGES

SECOND: DR. AZZOLINO SECONDED THE MOTION

VOTE: 5-0-1

MOTION CARRIED

Public Comment

Dr. Charles Davis representing the International Chiropractic Association of California (ICAC) came forward and spoke on the governor’s reorganizational plan and recommended that the Board seek an outside legal opinion.

Future Agenda Items

None

Adjournment

Dr. Columbu adjourned the meeting at 12:45 p.m.

(ATTACHMENT A)

**Approval By Ratification of Formerly Approved License Applications
 April 1, 2013 – June 30, 2013**

Name (First, Middle, Last)			Date Issued	DC#
Melanie	Kathleen Marie	Barker	4/4/2013	32589
Natasha	Michelle	Barnes	4/4/2013	32590
Kaylie	Anne	Higgins	4/4/2013	32591
Jerrold	Devery	Hill	4/4/2013	32592
Hong	Thi Thu	Le	4/4/2013	32593
Andy	Joo	Lee	4/4/2013	32594
Joohyung		Lee	4/4/2013	32595
Lance	Joseph	Lorio	4/4/2013	32596
Jeng-Li	Lily	Lyui	4/4/2013	32597
Magnolia	Li	Ng	4/9/2013	32598
Jennifer	Diane	Pettit	4/9/2013	32599
Travis	Scott	Rose	4/9/2013	32600
Anthony	James	Farshler	4/11/2013	32601
Marcia	Ashley	Galloway	4/11/2013	32602
Steven	Andrew	Hyjek	4/11/2013	32603
Joshua		Kinney	4/11/2013	32604
Nicholas	Brady	Lehnert	4/11/2013	32605
Cindy	Darlene	Brock	4/16/2013	32606
James		Darmo	4/16/2013	32607
Kazuyuki		Fujimura	4/16/2013	32608
Nathaniel	Cole	Peery	4/16/2013	32609
Hedyeh		Ranjijifroody	4/16/2013	32610
Lisa	Marie	Viapiano	4/16/2013	32611
Johnny	Van	Duong	4/18/2013	32612
Khadra		Kahin	4/18/2013	32613
Kristin	Jean	Cole	4/23/2013	32614
Jacob	Richard	Petway	4/24/2013	32615
Sepideh		Tarameshloopoor	4/24/2013	32616
Mahlleace		Tomsin	4/24/2013	32617
Keena	Cagle	Berndt-Morrow	4/26/2013	32618
Marc	Robert	Grow	4/26/2013	32619
Alexander	Robert	Mankowski	4/26/2013	32620
Justin	Mark	Manns	4/26/2013	32621

Stephanie	Manning	Perry	4/29/2013	32622
Molica	Teeda	Anderson	5/3/2013	32623
Steven	Alan	Hanson	5/3/2013	32624
Kayleigh	Nicole	Knudson	5/3/2013	32625
Tae ho		Ma	5/3/2013	32626
Tera	Lisa	Rescorla	5/3/2013	32627
Jenna	Renee	Watson	5/8/2013	32628
Stephanie	CN	Williams	5/8/2013	32629
Luan		Yang	5/8/2013	32630
Patrick	Anthony	Connolly	5/9/2013	32631
Erin	Michelle	Daugherty	5/9/2013	32632
Haley	Durette	Logan	5/9/2013	32633
Stephen	Rocco	Milano	5/9/2013	32634
Nathan	Michael	Sermeno	5/20/2013	32635
Derrick	Mitchell	Strick	5/22/2013	32636
Ryan	Roger	Anderson	5/23/2013	32637
Lilit	Lily	Avetyan	5/23/2013	32638
Jongil		Bae	5/23/2013	32639
Cheryl	Catherine	Graham	5/23/2013	32640
Barry	David	Heffron	5/23/2013	32641
Andrijana		Jevtic	5/23/2013	32642
Amandeep		Kalsi	5/23/2013	32643
Julie	Marie	LaBarge	5/23/2013	32644
Joshua	Brook	Leeder	5/23/2013	32645
Coreen	Lynn	Levy	5/23/2013	32646
Andrea	Yolanda	Vidaurre	5/24/2013	32647
Arash		Noor	6/10/2013	32648
Ashley	Elaine	Pettit	6/10/2013	32649
Benjamin	James	Pun	6/10/2013	32650
Cory	James	Singer	6/10/2013	32651
Nateja		Tomsin	6/10/2013	32652
Thomas	Francis	Vest	6/10/2013	32653
Jeff		Yeung	6/10/2013	32654
Annie	Rachel	Babikian	6/13/2013	32655
Brooke	Ashley	Bargamian	6/13/2013	32656
Jessica	Nicole	Barron	6/13/2013	32657
Raul		Castillo	6/13/2013	32658
Kenisha	De'Ann	Faniel	6/13/2013	32659
Shotaro		Fukuda	6/13/2013	32660
Stephen	John	Gorshack	6/13/2013	32661
Patrick	Wayne	Hardin	6/13/2013	32662
Kaila	Leslie	Hersh	6/13/2013	32663

Baljit	K	Jammu	6/13/2013	32664
Rashad	Ghassan	Mansour	6/13/2013	32665
Melissa	Ruth	Matheson	6/13/2013	32666
Anna	Felicia	Curto	6/18/2013	32667
Erika	Beth	Eckman	6/18/2013	32668
Benjamin	V	Glass	6/18/2013	32669
Meri		Melikjanyan	6/18/2013	32670
Khoa	Dang	Ta	6/19/2013	32671
Jonathan		Rojjanasirat	6/27/2013	32672
Brielle	Marie	Shipman	6/27/2013	32673
Yuhao		Su	6/27/2013	32674

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(ATTACHMENT B)

Approval by Ratification of New Continuing Education Providers

<u>CONTINUING EDUCATION PROVIDERS</u>	<u>DATE APPROVED</u>
1. <u>ALAN COOK</u>	<u>7/25/13</u>
2. <u>ALBERT ABKARIAN</u>	<u>7/25/13</u>
3. <u>ANTHONY BARATTA, DC</u>	<u>7/25/13</u>
4. <u>ASSOCIATION FOR ADVANCEMENT OF RESTORATIVE MEDICINE</u>	<u>7/25/13</u>
5. <u>CLIFFORD A BLACKMAN, JD</u>	<u>7/25/13</u>
6. <u>CYNTHIA ASTUTO</u>	<u>7/25/13</u>
7. <u>DAVID CRUZ, DC</u>	<u>7/25/13</u>
8. <u>ERIC WENNERHOLM, DC</u>	<u>7/25/13</u>
9. <u>FRANK C BREDICE</u>	<u>7/25/13</u>
10. <u>HOLLYWOOD COMMUNITY HOSPITAL</u>	<u>7/25/13</u>
11. <u>IRMA GRECO, DC</u>	<u>7/25/13</u>
12. <u>JOHN SMITH</u>	<u>7/25/13</u>
13. <u>MEDICAL MINDS IN MOTION</u>	<u>7/25/13</u>
14. <u>RANDAL C JOHNSON</u>	<u>7/25/13</u>
15. <u>RICHARD PARIS BOROUGH</u>	<u>7/25/13</u>
16. <u>RINDAL SEMINARS, INC</u>	<u>7/25/13</u>
17. <u>STEPHEN KAUFMAN, DC</u>	<u>7/25/13</u>
18. <u>THOMAS HENDRICKSON</u>	<u>7/25/13</u>
19. <u>VICTORIA C ARCADI</u>	<u>7/25/13</u>

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

Name (Last, First MI)	License No.	Cancellation Date
Fishbein, Shane	27756	01/31/2013

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