

**Board of Chiropractic Examiners
TELECONFERENCE MEETING MINUTES
Enforcement Committee
October 24, 2013
901 P Street, Suite 142-A
Sacramento, CA 95814**

Teleconference Locations with Public Access

Dr. Francesco Columbu, D.C.
2265 Westwood Blvd, Suite A
Los Angeles, CA 90064
(310) 234-1160

Dr. Sergio Azzolino, D.C.
1545 Broadway St, Suite 1A
San Francisco, CA 94109
(415) 563-3800

Committee Members Present

Sergio Azzolino, D.C., Chair
Francesco Columbu, D.C.
Hugh Lubkin, D.C.,

Staff Present

Robert Puleo, Executive Officer
Kristy Shellans, Attorney III
Sandra Walker, Compliance Manager
Linda Shaw, Licensing/CE Manager
Christina Bell, Associate Governmental Program Analyst

Call to Order

Dr. Azzolino called the meeting to order at 1:02 p.m.

Roll Call

Dr. Lubkin called roll. All committee members were present.

Approval of July 2, 2013 Minutes

MOTION: DR. LUBKIN MOVED TO APPROVE THE MINUTES

SECOND: DR. COLUMBU SECONDED THE MOTION

VOTE: 3-0

MOTION CARRIED

Section 317(w) Failure to Refer

Board staff prepared survey results for how other Boards/Bureaus/Committees categorize their "failure to refer" and/or if they have such a clause. It appeared to be a trend that the others referenced it under Gross Negligence or Incompetence. Legal Counsel's opinion is that specificity is preferred if you want to discipline for failure to refer. This would enable the enforcement program to specifically charge that failure. Two ways you could have it; (1) General Unprofessional Conduct or (2) have a specific regulation.

**New language Committee agreed upon:*

317(w) If in the course of a diagnostic evaluation, not making and documenting a referral for a patient to a physician and surgeon or other licensed health care provider when there is a substantial likelihood of any life threatening pathology.

MOTION: DR. LUBKIN MOVED TO ACCEPT NEW LANGUAGE

SECOND: DR. AZZOLINO SECONDED THE MOTION

VOTE: 3-0

MOTION CARRIED

Discussion Regarding Pursuing Regulations to Require Continuing Education Providers to Notify Licensees of Frequent Violations and Significant Laws

After lengthy discussion, it was determined that the Board will provide all Continuing Education providers Enforcement violation statistics as in the Board packets and include new laws, regulations and important Board information, to share with their students. Sandra Walker, Compliance Unit Manager will orchestrate this effort.

MOTION: DR. AZZOLINO MOVED TO ACCEPT THE PROCESS

SECOND: DR. COLUMBU SECONDED THE MOTION

VOTE: 3-0

MOTION CARRIED

Coupon or Voucher Based Advertising: CCR Section 650

New legal opinion provided by DCA's legal office which rescinds the previous opinion. Until the Attorney General's office issues an opinion, the Board will advise licensees to consult an attorney to determine whether their advertisement violates B&P 650. If the Board receives consumer complaints concerning Group-On/Living Social advertisements, it will evaluate them on a case by case basis in consultation with legal counsel to determine whether they violate B&P 650.

Continuation of the Disciplinary Guidelines Review

The Committee reviewed changes to the Model Disciplinary Orders and two sections of the optional terms and conditions of the Disciplinary Guidelines. After discussion and input from attendees, the Committee accepted all of the suggested changes. The Revised Disciplinary Guidelines in their entirety will be brought forward to the Board at its January Board Meeting for review and approval.

MOTION: DR. LUBKIN MOVED TO APPROVE THE SUGGESTED CHANGES

SECOND: DR. AZZOLINO SECONDED THE MOTION

VOTE: 3-0

MOTION CARRIED

Guidelines of Utilization Review

Referred to legal for further research. Committee members are to provide Mr. Puleo some factual scenarios.

Public Comment

No public comments were brought forward.

Future Agenda Items

1. Over treatment; exemption to allow treatment for chronic pain that doesn't fall under CCR 317(d) "Excessive Treatment"
2. Wellness Care
3. CCR 318-Are D.C.'s to sign every treatment note or just initial report? Clarification discussion
4. CCR 302- Lithotripter
5. Extracorporeal Shockwave
6. Discussion on need for regulation for "substantial relationship" needs definition (example: substantially related to chiropractic duties)
7. Discussion on CCR 316(c) "Relationship with a patient"

Adjournment

Dr. Azzolino adjourned the meeting at 2:49 p.m.