



State of California
Edmund G. Brown Jr., Governor

BOARD OF CHIROPRACTIC EXAMINERS PUBLIC SESSION MINUTES

October 29, 2013
Radisson Hotel at Los Angeles Airport
6225 W. Century Blvd.
Los Angeles, CA 90045

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 9:01 a.m.

Roll Call

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

Chair's Report

Dr. Columbu provided a brief overview of the Board of Chiropractic Examiners mission.

Approval of Minutes

July 25, 2013 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: DR. LUBKIN MOVED TO RATIFY THE APPROVED LICENSE APPLICATIONS

SECOND: DR. DEHN 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: MR. RUFFINO 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).

Dr. Lubkin requested staff to identify distance learning CE providers with an asterisk.

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: DR. DEHN SECONDED THE MOTION

VOTE: 6-0

MOTION CARRIED

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

Government Affairs Committee Meetings Update

Dr. Elginer reported on the Government Affairs Committee Meeting held on October 15, 2013. She also highlighted the accomplishments of the Government Affairs Committee during 2013, including the Legislative Bill Tracking Manual, the Strategic Plan and clarified the intent of SB 305 (Price).

Dr. Lubkin expressed his concern regarding the mandate to participate in the Sunset Review process prescribed by SB 305.

Dr. Elginer recommended adding Dr. Lubkin's concerns to the Govt. Affairs Committee agenda for further discussion.

Dr. Azzolino recommended that a special Board Meeting be held to discuss the issues surrounding SB 305 (Price).

MOTION: DR. ELGINER MOVED TO APPROVE THE 2014-2017 STRATEGIC PLAN.

SECOND: DR. AZZOLINO SECONDED THE MOTION

VOTE: 6-0
MOTION CARRIED

Dr. Davis urged the Board to seek outside legal counsel to provide an opinion on the legality of SB 305 and the transition under DCA with the Chiropractic Initiative Act.

Enforcement Committee Meeting Update

Dr. Azzolino reported on the Enforcement Committee meeting held on October 24, 2013.

MOTION: DR. AZZOLINO MOVED TO ACCEPT THE PROPOSED CHANGES TO CCR SECTION 317(W) REGARDING FAILURE TO REFER.

SECOND: DR. LUBKIN SECONDED THE MOTION

VOTE: 6-0

MOTION CARRIED

MOTION: DR. AZZOLINO MOVED TO COMMENCE THE RULEMAKING PROCESS TO AMEND CCR SECTION 317(W) AND DELEGATE AUTHORITY TO THE EXECUTIVE OFFICER TO MAKE NON-SUBSTANTIVE CHANGES TO THE PROPOSED LANGUAGE.

SECOND: DR. DEHN SECONDED THE MOTION

VOTE: 6-0

MOTION CARRIED

Dr. Lubkin recommended that future agendas allow for the Committee Chair's report as well as further discussion by the Board on issues surrounding Committee agenda items.

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 11 – Licensing, Continuing Education and Public Relations Committee Meeting Update.

Licensing, Continuing Education and Public Relations Committee Meeting Update

Dr. Dehn reported on the Licensing, Continuing Education and Public Relations Committee meetings held on August 22, 2013 and October 3, 2013.

Department of Consumer Affairs' Presentation of Services Provided to BCE

Christine Lally, Deputy Director for Board and Bureau Relations at DCA provided an overview of her responsibilities and services that the Department can provide to the BCE.

Dr. Elginer requested information on the availability of a web-based platform for conducting public meetings.

Mr. Ruffino requested a means to share updates of all healthcare boards with each other.

Dr. Elginer recommended DCA to consider holding a "best practices" meeting amongst boards to share ideas.

Proposed 2014 Board Meeting Schedule

The Board selected the following tentative dates for future board meetings:

January 16th or 21st, 2014 – Sacramento
April 8th or 10th, 2014 – Southern California
July 17, 2014 – Northern California
October 28, 2014 – Southern California

Proposed Regulations

A. Omnibus Consumer Protection

MOTION: DR. COLUMBU MOVED TO ADOPT THE PROPOSED RESPONSES TO THE 2ND 15-DAY COMMENT PERIOD.

SECOND: DR. AZZOLINO SECONDED THE MOTION

Dr. Dehn has concerns regarding proposed section 390.7 and recommended referring the rulemaking package back to the Enforcement Committee for further discussion.

Dr. Columbu withdrew his motion to adopt the proposed responses to the 2nd 15-day comment period.

B. Sponsored Free Health Care Events

The Board held a lengthy discussion on the delegation process to DCA for registration of sponsoring entities of free health care events.

Dixie Van Allen provided the Board with an Estimated Cost Workload Summary to support the proposed application fee of \$59 for out-of-state practitioners who wish to volunteer at sponsored free healthcare events.

MOTION: DR. COLUMBU MOVED TO RESCIND THE BOARD'S MOTION TO APPROVE THE PRIOR DRAFT OF THE SPONSORED FREE HEALTH CARE EVENTS RULEMAKING PACKAGE.

SECOND: DR. LUBKIN SECONDED THE MOTION

Dr. Davis provided comments in favor of this rulemaking package.

VOTE: 6-0

MOTION CARRIED

MOTION: DR. COLUMBU MOVED TO DELEGATE AUTHORITY TO RECEIVE AND PROCESS THE REGISTRATION FORM FROM SPONSORING ENTITIES TO DCA.

SECOND: DR. AZZOLINO SECONDED THE MOTION

VOTE: 6-0

MOTION CARRIED

MOTION: DR. LUBKIN MOVED TO ACCEPT THE PROPOSED \$59 APPLICATION FEE FOR OUT-OF-STATE INDIVIDUALS WHO WISH TO VOLUNTEER SERVICES AT A SPONSORED FREE HEALTHCARE EVENT.

SECOND: DR. DEHN SECONDED THE MOTION

VOTE: 6-0

MOTION CARRIED

MOTION: DR. AZZOLINO MOVED TO COMMENCE THE RULEMAKING PROCESS FOR SPONSORED FREE HEALTH CARE EVENT REGULATIONS AND DELEGATE AUTHORITY TO THE

EXECUTIVE OFFICER TO MAKE NON-SUBSTANTIVE CHANGES TO THE LANGUAGE IF NECESSARY.

SECOND: DR LUBKIN SECONDED THE MOTION

VOTE: 6-0

MOTION: CARRIED

C. Extracorporeal Shock Wave (ECSW) Therapy

The Board held a lengthy discussion on the best way to proceed with this rulemaking package.

MOTION: DR. LUBKIN MOVED TO TABLE THIS ITEM AND REFER IT BACK TO THE ENFORCEMENT COMMITTEE.

SECOND: DR. AZZOLINO SECONDED THE MOTION

Dr. Columbu expressed numerous concerns regarding this rulemaking package.

Dr. Lubkin provided the Board members with supplemental handouts providing information on ECSW.

Dr. Davis shared comments regarding the differences in technology used for orthotripsy and lithotripsy and suggested amendments to the language for clarity.

VOTE: 5-1

MOTION CARRIED

Dr. Elginer suggested changing the composition of the Enforcement Committee to aid in bringing this issue to a resolution.

Mr. Ruffino agreed with Dr. Elginer's suggestion and recommended a public member be added to the committee.

Dr. Columbu removed Dr. Lubkin from the Enforcement Committee and added Mr. Ruffino and Dr. Elginer to the Enforcement Committee.

Spencer Walker recommended that Dr. Lubkin send information on ECSW to the Executive Officer for review by the Enforcement Committee.

Hearings Re: Petition for Reinstatement of Revoked License

Administrative Law Judge, David B. Rosenman, presided over and Deputy Attorney General Thomas Rinaldi appeared on behalf of the people of the State of California on the following hearing:

A. Jeffrey Nabatmama

Public Comment

Kelly Fox presented the Board with information regarding case law involving the issuance of professional licenses to illegal immigrants.

Hearings Re: Petition for Reinstatement of Revoked License

Administrative Law Judge, David B. Rosenman, presided over and Deputy Attorney General Thomas Rinaldi appeared on behalf of the people of the State of California on the following hearings:

B. Carlos Seals

Hearings Re: Petition for Reduction of Penalty

Administrative Law Judge, David B. Rosenman, presided over and Deputy Attorney General Thomas Rinaldi appeared on behalf of the people of the State of California on the following hearing:

A. Robert Zuckerman, D.C.

Closed Session

Following oral testimonies, the Board went into closed session for deliberation and determinations regarding petitioners.

Future Agenda Items

None

Adjournment

Dr. Columbu adjourned the meeting at 5:27 p.m.

(ATTACHMENT A)
Approval By Ratification of Formerly Approved License Applications
July 1, 2013 – September 30, 2013

Name (First, Middle, Last)			Date Issued	DC#
Travis	James	Ahrens	7/3/2013	32675
Steven	Francis	Areta	7/3/2013	32676
Dean	Allen	Clark	7/3/2013	32677
Danny		Du	7/3/2013	32678
Allen	Dayton	Harrison	7/3/2013	32679
Asdghik	Star	Kupelian	7/3/2013	32680
Kara	Lee	Mark	7/3/2013	32681
Richard	John	Trujillo	7/9/2013	32682
Rebecca	Susan	Bomgaars	7/19/2013	32683
Debbie	Kay	Bright	7/19/2013	32684
Sheila	Roselo	Donnelly	7/19/2013	32685
Cody	Scott	Fowler	7/19/2013	32686
Channy		Gardeazabal	7/19/2013	32687
Jessica	Michelle	Greene	7/19/2013	32688
Jenna	Marie	Boren	7/25/2013	32689
Jim		Fu	7/25/2013	32690
Mark	Anthony	Gutierrez	7/25/2013	32691
Spencer	Roland	Hau	7/25/2013	32692
Terry	C	Thoroughman	7/30/2013	32693
Jennifer	Hong	Tran	8/6/2013	32694
Peter	Jason	Smith	8/9/2013	32695
Jamie	Lynn	Steinard	8/9/2013	32696
Raffi	Khachik	Gureghian	8/9/2013	32697
Nicole	Marie	Hickok	8/9/2013	32698
Jamie	Porsche	Motley	8/9/2013	32699
Jennifer	Nicole	Shapiro	8/13/2013	32700
Addison	Charles Suero	Bulosan	8/16/2013	32701
Ruben	Gregory	Chldryan	8/16/2013	32702
Jandy	Marie	Collins	8/16/2013	32703
Christopher	Warren	Coulsby	8/16/2013	32704
Rabeah	Shakhs	Emampour	8/16/2013	32705
Ethan	Edward Arno	Gentry	8/16/2013	32706
Jon	Edward	Horvath	8/16/2013	32707
Christian	Jean-Louis	Labau	8/16/2013	32708

Gabriel	Matthew	Latino	8/16/2013	32709
Andrew	Lee	Patterson	8/16/2013	32710
Jayne	Michelle	Post	8/16/2013	32711
Victor	Alexander	Cueva	8/20/2013	32712
Varsha		Kumar	8/20/2013	32713
David	Martin	Landry II	8/20/2013	32714
Roy	Calvin	Page II	9/4/2013	32715
Stephanie	Ann	Siegert	9/4/2013	32716
Jessica	Lynn	Underwood	9/4/2013	32717
Timothy	Joshua	Ursich	9/4/2013	32718
Jennifer	Lynn	Wenskunas	9/4/2013	32719
Albert	Deloy	Blanchard Jr	9/6/2013	32720
Justin	Scott	Brame	9/6/2013	32721
Brianna	Renee	Cheney	9/6/2013	32722
Casey	Dennis	Frieder	9/6/2013	32723
James	William	Gatza	9/6/2013	32724
Hirofumi		Horikawa	9/6/2013	32725
Elizabeth		Hui	9/6/2013	32726
Jocelyne		Miranda	9/6/2013	32727
Matthew	Michael	Johnson	9/13/2013	32728
Michelle	Sara	Lim	9/13/2013	32729
Sara		Moghadam	9/13/2013	32730
Dana	Ruthanne	Bednar	9/19/2013	32731
Judd	Worthington	Birch	9/19/2013	32732
Ted	S	Neroda	9/30/2013	32733
Ariel	Felicia	Provasoli	9/30/2013	32734
Joshua	Holt	Stockwell	9/30/2013	32735
Juliet	Marie	Tablak	9/30/2013	32736
Vanessa	Maria Bolton	Wulff	9/30/2013	32737
Eric	Anthony	Benevento	9/30/2013	32738
Maymie	Leon	Chan	9/30/2013	32739
Jensen	Gustavo	Escoto	9/30/2013	32740
Athena	Thanh	Huynh	9/30/2013	32741
Marshall	Thomas	Lee	9/30/2013	32742
Lawrence	Coleman	Williams II	9/30/2013	32743

(ATTACHMENT B)

Ratification for New Continuing Education Providers

<u>CONTINUING EDUCATION PROVIDERS</u>	<u>DATE APPROVED</u>
1. <u>Wayne M. Whalen, DC</u>	<u>10/29/13</u>
2. <u>Wendi Turner, DC</u>	<u>10/29/13</u>
3. <u>Brigette Bonnet, DC</u>	<u>10/29/13</u>
4. <u>Maharishi Ayurveda Association of America</u>	<u>10/29/13</u>
5. <u>Edward C. Le Cara</u>	<u>10/29/13</u>
6. <u>Norman Klein, DC</u>	<u>10/29/13</u>
7. <u>Pamela Maloney, PhD</u>	<u>10/29/13</u>
8. <u>Spinal Reflex Institute, International</u>	<u>10/29/13</u>
9. <u>Healing Hands School of Holistic Health</u>	<u>10/29/13</u>
10. <u>Jedidiah T Smith</u>	<u>10/29/13</u>
11. <u>Robyn B Mitchell, DC</u>	<u>10/29/13</u>
12. <u>Mueller College</u>	<u>10/29/13</u>
13. <u>National Educational Seminars, Inc.</u>	<u>10/29/13</u>
14. <u>Kimberly Bensen, DC</u>	<u>10/29/13</u>
15. <u>Patrick Mummy</u>	<u>10/29/13</u>
16. <u>American Council on Exercise</u>	<u>10/29/13</u>
17. <u>Robert Edelburg, DC</u>	<u>10/29/13</u>
18. <u>University of Western States</u>	<u>10/29/13</u>

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

Name (Last, First MI)	License No.	Cancellation Date
Blan, Todd	27206	05/31/2013
DeCora, Sheila	20157	06/30/2012
Revivo, David	26801	04/30/2012