



State of California
Edmund G. Brown Jr., Governor

BOARD OF CHIROPRACTIC EXAMINERS PUBLIC SESSION MINUTES

Southern California University of Health Sciences
16200 E Amber Valley Drive, Legacy Hall
Whittier, CA 90604
July 25, 2017

Board Members Present

Heather Dehn, D.C., Chair
Frank Ruffino, Vice Chair
Sergio Azzolino, D.C., Secretary
Julie Elginer, Dr.PH
Dionne McClain, D.C.
Corey Lichtman, D.C.

Staff Present

Robert Puleo, Executive Officer
Spencer Walker, Attorney III
Dixie Van Allen, Staff Services Manager I
Marcus McCarther, Associate Governmental Program Analyst
Andreia McMillen, Staff Services Analyst
Valerie James, Management Services Technician

Call to Order

Dr. Dehn called the meeting to order at 9:37 a.m.

Roll Call

Dr. Azzolino called the roll. All members were present, except for Dr. Roza, D.C. who was absent. A quorum was established.

Pledge of Allegiance

Mr. Ruffino led the Pledge of Allegiance.

Chair's Report

Dr. Dehn shared that the Committees have been working on the goals of the 2017 Strategic Plan and that she has maintained communications with Board staff and stakeholders. On the weekend of May 19th, she participated as an examiner for administration of part four of the national exam.

Dr. Dehn shared she and the Board's Executive Officer attended the 2017 California Chiropractic Association Convention. The Board was provided a booth where they could answer questions and hand out various BCE publications. Dr. Azzolino presented a CE seminar on Chiropractic Neurology.

In addition, Dr. Dehn and Mr. Puleo provided a presentation about the BCE and the Board's functions.

Dr. Dehn introduced Dean R. Grafilo, Director of the Department of Consumer Affairs (DCA). Mr. Grafilo highlighted his work experience and congratulated the students for their participation at the Board meeting.

Lastly, Dr. Dehn thanked the students for their attendance and Dr. John Scaringe, President of Southern California University of Health Sciences (SCU), for hosting the Board meeting on campus.

Approval of Minutes

MAY 16, 2017

MOTION: DR. AZZOLINO MOVED TO APPROVE THE MAY 16, 2017 MINUTES.

SECOND: MR. RUFFINO SECONDED THE MOTION

VOTE: 5-1-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-ABSTAIN, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, MR. RUFFINO-AYE)

MOTION: CARRIED

JUNE 14, 2017

MOTION: DR. ELGINER MOVED TO APPROVE THE JUNE 14, 2017 MINUTES.

SECOND: MR. RUFFINO SECONDED THE MOTION

VOTE: 6-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER- AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, MR. RUFFINO-AYE)

MOTION: CARRIED

Executive Officer's Report

Mr. Puleo referred to the organizational chart and announced that the Board is fully staffed. He introduced the Board staff that were present and thanked them for their ongoing support.

Mr. Puleo provided an update on the Board's fund condition and explained that there have been no significant changes since the last Board meeting. That the decrease in the Board's fund is due to many factors, including, increase in expenditures and a decrease in revenue due to a gradual decline in the license population.

Mr. Puleo shared that the Board is currently working with the Legislature to enact a temporary renewal fee increase, which will ensure the Board's fund remains solvent through January 1, 2019. He explained that the Board is 100 percent special funded, which means all the revenue for the Board is obtained through licensing fees.

Additionally, he shared that the Board entered into a contract with an accounting firm that will conduct a complete fee audit that will provide a detailed cost analysis of all fees charged by the Board. The Board's objectives for the audit is to ensure that each fee is set at an amount that is appropriate and consistent with the cost of providing the specific service. Once the fee audit is complete, Board staff will work with the Legislature to realign the Board's fee schedule.

Mr. Puleo summarized the Board's licensing statistics and stated that there were no significant changes in the licensee population.

Mr. Puleo summarized the Board's enforcement statistics and provided a brief overview of enforcement activity since the last Board Meeting.

Dr. McClain inquired about an update on BreEze.

Mr. Puleo provided an overview of BreEze and shared that the Board is currently working with SOLID to map the Board's current processes. The process mapping will determine the Boards IT needs and enable the Board to select a system that meets our specific needs.

Ratification of Approved License Applications

MOTION: DR. ELGINER MOVED TO RATIFY THE APPROVED LICENSE APPLICATIONS.

SECOND: MR. RUFFINO SECONDED THE MOTION

VOTE: 6-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER- AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, MR. RUFFINO-AYE)

MOTION: CARRIED

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

Ratification of Approved Continuing Education Providers

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

SECOND: MR. RUFFINO SECONDED THE MOTION

VOTE: 6-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER- AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, MR. RUFFINO-AYE)

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

There were no denied license applications.

Occupational Analysis Presentation by Heidi Lincer, Chief Office of Professional Examination Services

Dr. Dehn inquired as to when the last occupational analysis was completed.

Mr. Puleo shared that the Board just completed the first occupational analysis and explained the process, however the National Board of Chiropractic Examiners performs occupational analysis every five years.

Moved to Agenda Item 10-The Pastoral Medical Association (PMA) Presentation by Peter Jenkins, President of LawPartnering Inc.

Mr. Puleo requested that Mr. Jenkins provide some background information on the PMA.

Mr. Jenkins, shared that the PMA received a formal invitation from the Board to attend a Board Meeting to explain the functions of the Association. He shared that the organization is an established “ecclesiastical” organization serving the community through church. The PMA performs four primary functions: Licensing spiritually-minded health professionals to provide “Pastoral Science & Medicine” services; Promoting PMA Licensee practice safety, effectiveness and growth; Connecting PMA practitioners with clients seeking natural healthcare services; Marshaling diverse clinical and practice development resources for PMA licensees and their clients, as well as gathering and providing health education and resources for lay subscribers to PMA’s Health Network.

The Board expressed their concerns related to consumer protection and discussed the PMA’s functions including, how the association establishes competency, monitors their licensees, and takes actions against them.

Moved to Agenda Item 9- Occupational Analysis Presentation by Heidi Lincer, Chief Office of Professional Examination Services

Ms. Lincer provided a presentation on the occupational analysis of the chiropractic profession that was conducted in 2016. She provided an overview of the process and purpose of analysis, which is to define the practice of chiropractic in the terms of actual task that new licensees must be able to perform safely and competently at the time of licensure. Lastly, she shared that next steps are to develop new test questions for the California Law Examination (CCLE), to review the National Board of Chiropractic

Examiners (NBCE) Licensing Exam to ensure compliance with professional standards and guidelines, and linkage study to confirm content areas covered on NBCE and the CCLE.

Update on Government Affairs & Public Affairs Committee Meeting; Potential Board Action

Mr. Ruffino reported that the committee reviewed and discussed Strategic Plan Action items that were delegated to the Committee. There were discussions surrounding the possible changes to the Board Member Administrative Procedure Manual (BMAPM), the Annual Legislative Meet and Greet Meetings (Strategic Plan Goal 3.2), update of the efforts to increase public awareness (Strategic Goal 3.1) of the BCE, and the BCE's updated outreach Presentation (Strategic Plan Action Item 3.3.6).

Mr. Ruffino referred to page 10 of the BMAPM section "Email Ballots" the committee would like to receive ideas on how to improve the process of receiving the votes from Board Members.

Dr. Dehn requested clarification on the question, are there better ways to receive votes on board actions, such as email vs. mail.

Mr. Ruffino shared that the Committee voted to discontinue the annual Legislative Meet and Greet Meetings and instead move to a strategic approach where Committee Members and staff meet with stakeholders as necessary and appropriate.

Mr. Ruffino provided an update of the BCE's Strategic Plan Goal 3.1. to increase public awareness. He noted that on June 22, 2017, the Executive Officer met with Veronica Harms, DCA's Deputy Director of Communications to discuss ways to increase awareness of the Board through the utilization of social media. Ms. Harms offered suggestions for increasing consumer engagement and reaching a larger audience.

Mr. Puleo shared that the staff has implemented a content data base of information readily available to share on social media.

Mr. Puleo encouraged stakeholders and students to provide useful information to the Board that would benefit both consumers and chiropractors to be shared on social media.

Mr. Ruffino shared that the staff is currently working on the "Statewide Chiropractic Events Calendar" Strategic Plan Action Item 3.3.1. He noted that at the last Committee meeting, there was a discussion with CCA to share their calendar of events to add to the BCE's events calendar. Lastly, he encouraged stakeholders to submit events to the Board's Executive Officer.

Dr. Dehn recommended that the BCE reach out to Chiropractic Colleges, Associations, NBCE, FCLB, and CCA to identify opportunities for Board member interactions with these entities.

Mr. Ruffino referred to Strategic Plan Action Item 3.3.6 that requires the creation of a standard presentation for Board Members while representing the Board at public events. The Committee asked CCA Leadership to review the presentation so they could provide recommendations to improve the presentation.

Update on Enforcement Committee Meeting; Potential Board Action

Dr. Azzolino reported that the committee met on July 19, 2017, to review and discuss the Strategic Plan Goals assigned to the Committee. There were discussions surrounding the possible changes to the enforcement data presented at Board meetings, the development of public outreach materials regarding the complain process, and the possible adoption of a "Code of Ethics". Additionally, the committee discussed potential enforcement issues resulting from social media activity.

Dr. Azzolino shared that at a previous Board meeting, the members expressed interest in revising the enforcement data provided at the Board meetings to ensure that the statistical information is effectively monitored. The Committee believes the current enforcement data meets the Board's needs.

Additionally, the committee reviewed the Board Enforcement Measures Q2 report and determined that this will be beneficial to provide as an annual update to the board.

Dr. Elginer recommended providing a year by year comparison or a 3-year rolling average of the enforcement measure data and, where appropriate, to incorporate a target date.

Dr. Azzolino updated the Board that Committee will develop a comprehensive overview of the complaint process and will share it on the Board's website and social media.

Dr. Azzolino shared that the Committee determined that the Strategic Plan Goal 2.2 is not enforceable, therefore it will not move forward with the "Code of Ethics" adoption.

Lastly, he referred to Strategic Plan Goal 2.4. The Committee plans to develop outreach materials to inform licensees about these issues related to social media. The Committee plans to address case studies of HIPAA violations, 5-10 common mistakes, and the importance of developing an appropriate risk mitigation plan to help eliminate these potential violations.

Dr. Dehn encourage stakeholders to be careful not establish a doctor patient relationship while posting on social media.

Moved to Agenda Item 17- Hearings Re: Petition for Early Termination of Probation and /or Reduction of Penalty

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

- A. Sharon Brown, D.C.
- B. Kerry Woods, D.C.

Moved to Agenda Item 18- Closed Session

Following oral testimonies, the Board went into Closed Session to deliberate on the Petitioners pursuant to California Governmental Code Section 11126(c)(3).

Moved to Agenda Item 13-Update on Pending Regulations

Dr. Dehn referred to the “BCE List of Prioritized Proposed Regulatory Changes.” She provided a brief overview of the regulatory process.

Mr. McCarther provided an update on the status of the Board’s 10 pending rulemaking packages.

Review, Discussion, and Possible Action to Adopt or Amend Rulemaking: Title 16, CCR Sections 321 & 364 (Application for Licensure and CE Requirements)

Mr. McCarther shared that on July 7, 2017, the 15- day comment period ended. The Board received a letter in support of the rulemaking file from CCA. Mr. McCarther asked the Board to move to approve the language.

MOTION: DR. AZZOLINO MOVED TO ACCEPT THE SUPPORTIVE COMMENTS FROM CCA AND ADOPT THE AMENDED LANGUAGE FOR THE APPLICATION AND CE REGULATION, TITLE 16, CCR SECTIONS 321 & 364, AND AUTHORIZE THE EXECUTIVE OFFICER TO MAKE ANY NON-SUBSTANTIVE CHANGES TO COMPLETE THE RULEMAKING PACKAGE, AND SUBMIT IT FOR REVIEW AND FINAL APPROVAL BY OAL.

***SECOND: DR. DEHN SECONDED THE MOTION
VOTE: 6-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER- AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, MR. RUFFINO-AYE)
MOTION: CARRIED***

Public Comment for items not on the Agenda

There was none.

Future Agenda Items

There was none.

Closed Session

Following oral testimonies, the Board went into Closed Session for deliberation and determinations regarding:

- A. Deliberate on Disciplinary Decisions and Petitions Pursuant to California Governmental Code Section 11126(c)(3)
- B. Closed Session to receive advice from Legal Counsel Pursuant to California Government Code Section 11126(e) regarding:
 - 1) Hugh Lubkin, D.C. v. Board of Chiropractic Examiners
Workers' Compensation Case No. ADJ7361379

Open Session

The Board went back into Open Session to adjourn the meeting.

Adjournment

Dr. Dehn adjourned the meeting at 3:15 p.m.

(ATTACHMENT A)

**Approval by Ratification of Formerly Approved License Applications
April 1, 2017 through June 30, 2017**

Name (First, Middle, Last)			Date Issued	DC#
Kami	Muey Wong	Saechao	4/5/2017	33847
Neil	Gentaro	Furuno	4/7/2017	33848
Richard	Marvin	Doss	4/7/2017	33849
Mario		Gonzales	4/7/2017	33850
Amanda	Joy	Hutchins	4/7/2017	33851
Cru	Cyler	Moore	4/7/2017	33852
Ellie		Nazer	4/7/2017	33853
Daran	James	Novak	4/7/2017	33854
Katherine	Samantha	Schlein	4/11/2017	33855
Alex	J	VanDerschelden	4/11/2017	33856
Abigail	Ann	Ramsey	4/11/2017	33857
Tamer	Yasser	Saleh	4/11/2017	33858
Richard	Samuel	Wright	4/11/2017	33859
Christopher	Hirofumi	Aoyama	4/20/2017	33860
Brady	Alan	Lloyd	4/20/2017	33861
Morgan	Koto	Turner	4/20/2017	33862
Daniel	Raymond	Beadle	4/20/2017	33863
Erin	Jean	Padilla	4/20/2017	33864
Dulce	Marita	Aguilar	4/25/2017	33865
Alma	Denise	Arambula	4/25/2017	33866
Kris	Andrew	Strang	4/25/2017	33867
Eva	Giinyi	Tang	4/25/2017	33868
Ashley	Nicole	Uy	4/25/2017	33869
Kathryn	Elise	Crowley	4/26/2017	33870
Ross	Cloud	Hall	4/28/2017	33871
Sara		Fanai Khayat	4/28/2017	33872
Christine	Kaede	Fischer	4/28/2017	33873
Ryan	Eugene	Dawson	5/2/2017	33874
Brian	Kisub	Lee	5/2/2017	33875
Ghazaleh	Monica	Mahmoudi	5/2/2017	33876
David	Yamil	Vazquez	5/2/2017	33877
AJ		Lababidi	5/2/2017	33878
Frank	Jaroslav	Polivka	5/2/2017	33879
Blake	Matthew	Caropino	5/5/2017	33880

Danielle	Lynette	Olson	5/5/2017	33881
Luis	Albert	Japngie	5/8/2017	33882
Tzong Tzu		Rogers	5/8/2017	33883
Nathan	Bradley	Jung	5/10/2017	33884
Erica		Yu	5/10/2017	33885
Jared	Joseph	Campbell	5/10/2017	33886
Stephanie	Michelle	Barbakoff	5/10/2017	33887
Dallan	Raymond	Packard	5/12/2017	33888
Lun Chiu		Yeung	5/12/2017	33889
Maria	Elena	Scarano	5/12/2017	33890
Charlotte	Crawford	Fisher	5/19/2017	33891
Taylor		Duncan	5/23/2017	33892
John		Luu	5/23/2017	33893
Mary	Ann	Toney	5/23/2017	33894
Frank	John	Capobianco	5/25/2017	33895
Lynelle	Merryn	Kerr	5/25/2017	33896
Daniel	Ryan	Hopper	5/26/2017	33897
Jessica	Ashlee	Lips	5/26/2017	33898
Amanda	Lili	Chan	5/31/2017	33899
Samantha	Anne	Curtis	5/31/2017	33900
Courtney	Tyler	Golden	5/31/2017	33901
Jensen	Miles	Moore	5/31/2017	33902
Allyson	Patricia	Nash	5/31/2017	33903
Paul	I	Ofilii	5/31/2017	33904
Charlene	Gaile	Poderoso	5/31/2017	33905
Isaac	K	Song	5/31/2017	33906
Christopher	Warren	Finlayson	6/5/2017	33907
Joseph	Francis	Jayme	6/5/2017	33908
Daniel	James	Lohr	6/5/2017	33909
Michael	Quinn	Robles	6/5/2017	33910
Alandi	Nicole	Stec	6/5/2017	33911
David	Travis	Stirling	6/5/2017	33912
Leah	Marie	Vestal	6/5/2017	33913
Shahab		Arani	6/6/2017	33914
Katherine	Ann	Phillips	6/6/2017	33915
Jennifer	Leslie	Reed	6/6/2017	33916
Arman		Tchoukadarian	6/6/2017	33917
Christopher		Venegas	6/6/2017	33918
Parveen	Kaur	Dosanjh	6/7/2017	33919
Marla	Mehera	Lerner-Powers	6/7/2017	33920
Youngsu		Lyu	6/7/2017	33921

David	Eugene	Pruss	6/7/2017	33922
Neda		Rohani	6/7/2017	33923
Andrew	Franklin	Cheng	6/8/2017	33924
Rebekah	Rose-Helene	Jarzombek	6/8/2017	33925
Jason	Herbert Davis	McCraw	6/8/2017	33926
Sue	Elaine	Dorado	6/8/2017	33927
Byung	Nam	Lee	6/8/2017	33928
Roger		Alonso	6/13/2017	33929
Trenton	Parker	Civello	6/13/2017	33930
Benjamin	Adam	Deluca	6/13/2017	33931
Noel	William	Gray	6/13/2017	33932
Jason	Christopher	Helfrich	6/13/2017	33933
Tara		Rasta	6/13/2017	33934
Lorianne		Rios	6/13/2017	33935
Brandon	Reed	Livingood	6/16/2017	33936
Donald	Edward	Mull	6/16/2017	33937
Jeffrey	Ray	Greenlee, Jr.	6/19/2017	33938
Zhi Xuan		Jiang	6/19/2017	33939
Michael		Limb	6/19/2017	33940
Meghan	Marie	Meek	6/19/2017	33941
Rheamay	Villafior	Odvin	6/19/2017	33942
Matthew	James	Starling	6/19/2017	33943
Banchi	A F	Tsegaye	6/19/2017	33944
Branden	Gutlay	Yeo	6/19/2017	33945
Candy	Zamora	Najera	6/19/2017	33946
Brandan	Jason	Tong	6/20/2017	33947
Brian	Gabriel	Manalastas	6/21/2017	33948
Mina		Roshankar	6/21/2017	33949
Benjamin	Logan	Terrano	6/21/2017	33950
Kenneth	Arnold	Weber II	6/21/2017	33951
Brittney	Gutlay	Yeo	6/21/2017	33952
Hanin	Muneer	Hawatmeh	6/23/2017	33953
Simone	Janae	Jordan	6/23/2017	33954
Anna	Sarah	Pearl	6/23/2017	33955
Palmer	Mark	Peet	6/23/2017	33956
Chelsea	Aliciamarie	Serrano	6/23/2017	33957
Amy	Elizabeth	Forrest-Readdy	6/26/2017	33958
Kirsten	Michelle	Courtney	6/26/2017	33959
Jeanna	Lynn	Abella-Desuyo	6/30/2017	33960
James	Calbraith	Perry	6/30/2017	33961

(ATTACHMENT B)

Ratification for New Continuing Education Providers

CONTINUING EDUCATION PROVIDERS	DATE APPROVED
1. Ann E. Bailey, DC	07/25/17
2. ASTR Institute	07/25/17
3. Daniel Bronstein	07/25/17
4. Institute for Natural Resources	07/25/17
5. Venus Maher, DC	07/25/17
6. West Virginia Chiropractic Society	07/25/17