

**NOTICE OF TELECONFERENCE**  
**BOARD OF CHIROPRACTIC EXAMINERS (BOARD) MEETING**

901 P Street, Suite 142A  
Sacramento, CA 95814  
January 31, 2018  
916-263-5355  
12:00 noon

The Board's address listed above is a location that is accessible to the public. Each teleconference location is accessible to the public and the public will be given an opportunity to address the Board at each teleconference location. One or more Board Members will participate in this meeting at the teleconference sites listed below. The public teleconference sites for this meeting are as follows:

**Teleconference Meeting Locations:**

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

Heather Dehn, D.C.  
4616 El Camino Ave., #B  
Sacramento, CA 95821  
(916) 488-0202

John Roza, Jr., DC  
800 Douglas Blvd.  
Roseville, CA 95678  
(916) 786-2267

Dionne McClain, D.C.  
6360 Wilshire Blvd., #410  
Los Angeles, CA 90048  
(323) 653-1014

Corey Lichtman, DC  
538 Stevens Ave.  
Solana Beach, CA 92075  
(858) 876-6300

Frank Ruffino  
Board of Chiropractic Examiners  
901 P Street, Suite 142A  
Sacramento, CA 95814  
(916) 263-5355

**AGENDA**

- 1. Call to Order & Establishment of a Quorum**  
Heather Dehn, D.C., Chair  
Frank Ruffino, Vice Chair  
Sergio Azzolino, D.C., Secretary  
Dionne McClain, D.C.  
John Roza, Jr., D.C.  
Corey Lichtman, D.C.
- 2. Approval of October 24, 2017 Board Meeting Minutes**
- 3. Election of Officers**
  - A. Chair
  - B. Vice-Chair
  - C. Secretary

**4. Public Comment for Items Not on the Agenda**

*Note: The Board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a).] Public comment is encouraged; however, if time constraints mandate, comments may be limited at the discretion of the Chair.*

**5. Future Agenda Items**

*Note: The Board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125.]*

**6. Adjournment**

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Meetings of the Board of Chiropractic Examiners are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. Public comments will be taken on agenda items at the time the specific item is raised. The Board may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at [www.chiro.ca.gov](http://www.chiro.ca.gov).

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The meeting facilities are accessible to individuals with physical disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Valerie James at (916) 263-5355 ext. 5362 or e-mail [valerie.james@dca.ca.gov](mailto:valerie.james@dca.ca.gov) or send a written request to the Board of Chiropractic Examiners, 901 P Street, Suite 142A, Sacramento, CA 95814. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

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State of California  
Edmund G. Brown Jr., Governor

Agenda Item 2  
January 31, 2018

## Approval of Minutes

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### **Purpose of the item**

The Board will review and approve the board meeting minutes of the previous board meeting.

### **Action(s) requested**

The Board will be asked to make a motion to approve the October 24, 2017, Board meeting minutes.

### **Background**

N/A

### **Recommendation(s)**

N/A

### **Next Step**

N/A

### **Attachment(s)**

- Meeting Minutes from the October 24, 2017, Board meeting

**BOARD OF CHIROPRACTIC EXAMINERS  
PUBLIC SESSION MINUTES**

Life Chiropractic College West  
25001 Industrial Blvd. Assembly Hall  
Hayward, CA 94545  
October 24, 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.  
John Roza, D.C.

**Staff Present**

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

**Call to Order**

Dr. Dehn called the meeting to order at 9:11 a.m.

**Roll Call**

Dr. Azzolino called the roll. All members were present. A quorum was established.

**Pledge of Allegiance**

Mr. Ruffino led the Pledge of Allegiance.

**Presentation and Welcome - Representative from Life Chiropractic College West**

Dr. Dehn thanked Dr. Ron Oberstein, President of Life Chiropractic College West (Life West), for hosting the Board of Chiropractic Examiners' (Board) meeting at the school campus.

Dr. Oberstein recognized the Board's dedication and unwavering commitment to public protection and welcomed the Board to hold future meetings at Life West.

## Chair's Report

Dr. Dehn introduced the Board's new legal counsel, Mr. Kenneth Swenson, highlighted his previous professional experience, and recognized his breadth of experience and knowledge.

Mr. Swenson expressed his gratitude for being a part of the Department of Consumer Affairs (DCA) and shared that he is looking forward to working closely with the Board to further its objectives of protecting the health, safety, and welfare of the public in California.

Dr. Dehn thanked the students for their attendance and encouraged them to learn more about the Board's mission and regulations governing the practice of chiropractic.

Dr. Dehn provided an update on the Board's significant accomplishments this year:

- The Board began to implement its three-year Strategic Plan, which serves as a guidepost for its collective efforts. To support the Board's mission and vision statement, Board members and staff are working with stakeholders to accomplish its goals and objectives.
- The Board conducted an occupational analysis, which defines actual job tasks that newly licensed chiropractors must perform safely and competently.
- The Board completed a fee audit and more information will be provided during this meeting by Mr. Dan Edds with Capital Accounting Partners firm.
- The Board has implemented a number of legislative mandates and is in the process of complying with additional mandates.

Dr. Dehn thanked Mr. Ruffino and Mr. Puleo for representing the Board at the California Chiropractic Association's (CCA) legislative conference. She also thanked Dr. Azzolino, Dr. Lichtman, and Mr. Puleo for representing the Board at the CCA convention.

Dr. Dehn shared that she and Mr. Puleo represented the Board at the Federation of Chiropractic Licensing Boards (FCLB) convention. She stated that Dr. McClain and Mr. Puleo delivered a presentation on the California Law and Professional Practice Exam and discussed Ethics and Law at the Southern California University of Health Sciences (SCUHS). Furthermore, they spoke with students about the Board's mission.

Dr. Dehn announced that she represented the Board at the CCA convention and its local meetings, as well as the National Board of Chiropractic Examiners part IV examination. Additionally, she thanked Dr. Elginer for speaking at the State's Future Leadership Development meeting.

Lastly, Dr. Dehn extended her sincere gratitude to the entire Board staff and acknowledged Mr. Puleo, Mr. McCarther, Ms. Van Allen and Ms. James for their invaluable guidance.

### **Presentation to Dr. Julie Elginer in recognition of her service to the Board**

Dr. Dehn announced that Dr. Elginer's term will end on November 3, 2017; therefore, this will be her last Board meeting. Dr. Dehn recognized Dr. Elginer's distinguished service as a conscientious and resourceful Public Board member, highlighted her background in public advocacy, and acknowledged her vigorous support and unwavering commitment to the welfare and safety of consumers.

On behalf of the Board, Dr. Dehn presented a special recognition award to Dr. Elginer for her exceptional public service.

Dr. Elginer thanked the Board for the opportunity to provide a consumer and public health perspective to Board discussions and shared her passion for commitment to civic leadership.

### **Approval of Minutes**

*July 25, 2017*

**MOTION: DR. ELGINER MOVED TO APPROVE THE JULY 25, 2017, MINUTES.  
SECOND: DR. AZZOLINO SECONDED THE MOTION**

**Discussion:** Dr. McClain referred to the first paragraph on page 2 of the meeting minutes. She stated that the first sentence of the third line is grammatically incorrect. Furthermore, Dr. McClain referred to the typographical error on the second paragraph of page 3. She indicated that the second sentence has a duplicate word. She also noted that on the sixth paragraph, the first sentence has a typographical error. Dr. Elginer referred to the second paragraph on page 3, and stated that there is a punctuation error on the fifth line of the second sentence. The Board directed the staff to make the non-substantive corrections.

**VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, MR. RUFFINO-AYE, DR. ROZA- AYE)  
MOTION: CARRIED**

### **Executive Officer's Report**

A. Administration – Board staffing/organizational chart

Mr. Puleo referred to the organizational chart and announced that the Board has two vacant positions in the Administrative and Licensing units. Mr. Puleo shared that Ms. Linda Shaw, Assistant Executive Officer, and Ms. Genie Mitsuhara, Staff Services

Analyst, have retired and acknowledged their long-term service and dedication to the Board. Mr. Puleo explained that the Board will begin the recruitment process November of 2017 for the above-referenced vacancies and shared that he will provide an update at a future Board meeting.

#### B. Budget – Fund condition update

Mr. Puleo provided an overview of the Board fund condition for fiscal years 2017/18 and explained that the Board's fund is slowly decreasing because of the imbalance between the revenue and expenditures. He explained that the Board has worked closely with the California Legislature to enact a temporary renewal fee increase. Mr. Puleo shared that this was possible through Senate Bill 547, carried by Senator Hill, the chair of the Business and Professions Committee. Mr. Puleo shared that SB 547 temporarily increases the annual license renewal fee from \$250 to \$300, starting January 1, 2018 to January 1, 2019.

Additionally, Mr. Puleo explained that the Board entered into a contract with Capital Accounting Partners LLC, which has completed a comprehensive fee audit that provides a detailed analysis of all fees charged by the Board. He further explained that Mr. Dan Edds, a representative of the firm, worked with staff to determine the actual cost of providing each service.

Mr. Puleo shared that the Board will present the proposed schedule of fees to the Legislature. The Board will recommend that these fees be set at the appropriate level to be consistent with the workload and expenses involved in completing tasks. He explained that the Board will ultimately promulgate regulations to adopt the proposed fees. He further stated that the public will have an opportunity to submit comments and questions during the regulatory process.

Public Comment: A public member expressed that there may be backlash from chiropractic professionals regarding SB 547 and the proposed fee schedule by the Board, and requested further explanation.

Mr. Puleo responded that the Board's costs outpace the revenue received, which has led to a decline in the fund. Mr. Puleo emphasized that the Board's depleted fund condition is a reflection of an increase in costs such as salaries, departmental and statewide pro-rata, and increased overhead costs.

Mr. Puleo shared that Mr. Edd's presentation on the Board's fee audit will explain that the Board's budget situation is not caused by mismanagement of funds. In fact, the Board operates quite efficiently. Mr. Puleo also explained that the Board is doing everything within its power to keep the costs to a minimum level.

Dr. Dehn explained that the gradual decline in the licensee population is a contributing factor to the Board's decrease in revenue.

Mr. Puleo indicated that a decade ago, the Board had approximately 15,000 licensees and now the licensee population is down to 13,156.

Dr. Elginer referred to the Capital Accounting Partner's Fee Audit report on page 15 and cited the first paragraph "The primary observation is that the Board has a history of conservative fiscal management and it is taking a proactive step to insure long-term sustainability." Dr. Elginer explained that this is an independent observation the public can draw from.

Dr. Roza inquired about making this information available to the licensees.

Mr. Puleo shared that the audit report is a public document and is available on the Board's website. He also added that the Board's upcoming newsletter will notify licensees of the temporary fee increase before the end of the year. Mr. Puleo further explained that the Board is also informing each licensee of the fee increase when renewal notifications are mailed out.

### C. Licensing – Statistical Trends

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

Mr. Puleo referred to the 2017/18 fiscal year licensing trend report. Mr. Puleo discussed trends in the licensee population, compared the number of licensees from July to September, and indicated that there has been a slight decrease in the total licensee population. Mr. Puleo concluded that the overall trend is downward.

Dr. Azzolino inquired about the student enrollment trend at Life West.

Dr. Oberstein explained that the overall enrollment data is steady and that Life West experienced a slight decrease last quarter.

Dr. Azzolino asked Dr. Oberstein if there is any student enrollment information to compare to other chiropractic schools.

Dr. Oberstein explained that the schools use an enrollment data system, Integrated Postsecondary Education Data System (IPED), and that the upcoming enrollment report will be available the first week of November 2017. Dr. Oberstein stated that he will provide the enrollment data to the Board.

Dr. Azzolino inquired about the current number of students enrolled at Life West.

Dr. Oberstein mentioned that there are approximately 652 students enrolled.

Mr. Puleo shared that the Licensing & Continuing Education Committee invited representatives from national associations to participate in a meeting that took place in



October of 2017. It appears that the trend across the country shows a decline in the licensee population.

#### D. Enforcement – Statistical trends

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

#### E. IT Updates – Process mapping

Mr. Puleo explained the Board and staff have been working with DCA's SOLID Training Solutions to map the Board's current processes. He added the goal is to achieve work task efficiency, which will be mostly obtained through the update of the Board's IT system. Mr. Puleo shared that the mapping will determine the Board's specific needs and enable it to select the appropriate IT system.

#### F. Senate Bill 547 (Senator Hill)

Mr. Puleo emphasized the importance of notifying licensees of the temporary licensing renewal fee increase and asked for assistance from chiropractic schools and associations in disseminating information regarding SB 547.

Dr. Azzolino suggested the Board should stress that this fee is most likely going to be an ongoing fee.

Mr. Puleo explained that the Board plans to restructure all of its fees and the temporary increase is only a "stopgap" effort until the Board is able to adopt a new fee schedule.

Dr. Mark Zeigler, Vice President of the Institute of Advancement at Life West, requested a public statement from the Board to inform their alumni and stakeholders of the temporary license renewal fee increase. Additionally, he stated that this information will be included in their newsletter.

Dr. Azzolino suggested it would be best if the Board provides the schools and CCA with an official statement that has the same language to avoid confusion among schools. He also encouraged CCA to disseminate this information among all the chapters.

Mr. Ruffino shared that the Government and Public Affairs Committee has continued to work with legislators, the Executive Officer, and staff to maintain the solvency of the Board. The Committee supported the efforts to temporarily increase the Board's license renewal fee and will monitor any issues. Mr. Ruffino also shared that the Committee is in the process of completing the remaining Strategic Plan action items.

Dr. Elginer recognized Senator Jerry Hill for working closely with the Board over the years and for his willingness to collaborate with the chiropractic profession. Dr. Elginer encouraged students at Life West and other stakeholders to thank him for his work.

Dr. Azzolino thanked Dr. Elginer and Mr. Ruffino for their distinguished service as Public Board members and for carrying the profession forward. Dr. Azzolino encouraged the students and stakeholders to embrace public members in the community who contribute to the chiropractic profession.

Dr. Elginer directed the Board to Dr. Dehn's report and requested additional information regarding the visibility the Board has had in the community.

Dr. Dehn explained that the CCA convention took place at the beginning of the year and Board received positive feedback regarding its outreach efforts in the community.

Mr. Ruffino also recognized Assemblyman Low for being very supportive of the chiropractic profession and encouraged the students and other stakeholders to thank him for his cooperation.

Mr. Puleo provided an overview of the legislative process to the students and explained how it impacts chiropractic bills. Mr. Puleo encouraged the students to thank Assemblymember Low and Senator Hill and also encouraged students to provide them with relevant information about the chiropractic profession. This will allow them to make informed decisions.

Mr. Puleo recognized Dr. Elginer and thanked her for serving as a presenter recently at the DCA's leadership development Forum. Mr. Puleo discussed the goals of the program and shared that Dr. Elginer's professional background inspired the participants. Additionally, Mr. Puleo thanked Dr. Elginer for her excellent service as a Public Board member.

Dr. Oberstein expressed interest in extending an invitation to Senator Hill and Assemblymember Low to visit Life West on a Friday seminar.

### **Fee Audit Report presentation by Dan Edds with the Capital Accounting Partners, LLC**

Mr. Dan Edds gave a presentation on the Fee Audit Report that was recently completed. Mr. Edds shared that his firm focuses primarily on two main goals: to provide indirect cost allocation services and to conduct independent studies known as fee audits.

Mr. Edds provided an overview of the process and the purpose of the analysis. He explained the analysis assesses the workload and expenses involved in completing various tasks and services compared to revenue.

Mr. Edds discussed the methodology used to calculate costs and fee requirements to fully recover the cost of services, and provided a brief summary of recommendations.

He provided an explanation of the projected revenue versus expenditures for FY 2017/18. He directed the Board's attention to its current expenses, which are approximately \$4.1 million. He added that the current model projects \$3.4 million in revenue, which does not account for any fees or fines outside of the Board's control (such as external enforcement, AJL and AG's office court reporting for hearings fees). He further explained that building the Board's fund balance (reserve fund) would bring the expenses up to \$4.5 million. Currently, the Board needs to raise its fees to recover \$1.1 million.

Mr. Edds discussed the proposed recommendations and next steps to be taken by the Board: Set fees to recover actual full cost plus additional for reserves; raise the statutory cap to cover regular fee increases for five to ten years; and establish pricing guidelines.

Dr. Dehn provided clarification as to why the pricing given to the license renewal fee on the report is lower than the \$300.00 the Board is recommending. She explained that other expenses such as the petition for reinstatement of revoked licenses impacted the license renewal fee assessment.

### **Review, Discussion and Possible Action Regarding Fee Audit Report**

Dr. Elginer referred to the Fee Audit Report on page 9 and indicated that the description under table 3 should state the data does not include additional costs to rebuild the reserves.

Dr. Philip Dieter expressed concern regarding the burden the proposed fee increase on satellite certificates could have on chiropractors. Dr. Peterson requested a cost analysis breakdown.

Mr. Edds mentioned that he will share the proposed schedule of fees with Dr. Dieter.

Mr. Puleo addressed Dr. Dieter's concern and explained that the current satellite fees are significantly low and do not reflect the actual work and time it staff takes to process and issue these certificates.

Dr. Elginer recommended including language into the Board Member Administrative Procedure Manual (BMAPM) regarding the need to re-evaluate the Board's fee structure every three to five years to ensure that its standard operating procedures include a review of the appropriate pricing guidelines.

She provided an example of the possible language "The Board recommends that every three to five years, an analysis of fees is conducted by using methodology presented in the fee audit completed in 2017 to evaluate the pricing structure and ensure that it meets both revenue and expenditures projections." Dr. Elginer explained that the purpose is to hold the Board accountable for insuring the fiscal solvency specifically through assumptions built in the costing model provided by Capital Accounting Partners.

Mr. Edds shared that a standard recommendation is to update fees every other year through a CPI adjustment and conduct a formal fee audit every five years given the changes in the regulatory and enforcement environments.

Dr. Azzolino inquired about other ways to conduct calculations.

Mr. Edds explained that the Board can increase its fees based on the expenditure percentage increase.

Dr. Dehn assigned the Government and Public Affairs Committee to draft BMAPM language regarding the analysis of the Board's fee structure every three to five years.

**MOTION: DR. AZZOLINO MOVED TO APPROVE THE FEE PROPOSED AUDIT REPORT AND INCREASE.**

**SECOND: MR. RUFFINO SECONDED THE MOTION.**

**VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, MR. RUFFINO-AYE, DR. ROZA- AYE)**

**MOTION: CARRIED**

#### **Ratification of Approved License Applications**

**MOTION: MR. RUFFINO MOVED TO RATIFY THE APPROVED LICENSE APPLICATIONS.**

**SECOND: DR. AZZOLINO SECONDED THE MOTION**

**VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, MR. RUFFINO-AYE, DR. ROZA- AYE)**

**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.**

**DISCUSSION:** Dr. Azzolino inquired about the Board's proposed guidelines regarding continuing education providers.

Dr. Dehn responded that Dr. McClain will provide an update on the Licensing & Continuing Education Committee Meeting and discuss proposed Continuing Education (CE) guidelines.

**SECOND: DR. MCCLAIN SECONDED THE MOTION**

**VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, MR. RUFFINO-AYE, DR. ROZA- 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.

### **Update on Licensing and Continuing Education Committee Meeting**

Dr. McClain reported that the Committee met with stakeholders on October 6, 2017 to discuss Strategic Plan Goal 1.1. She shared that the meeting was comprised of representatives from CCA, the Council on Chiropractic Education (CCE), FCLB, Life West, Association of Chiropractic Colleges (ACC), and SCUHS.

Dr. McClain explained that the Committee explored chiropractic admission requirements and differentiations in student categories upon entering (traditional vs alternative admission requirements). In addition, she shared that the Committee reviewed CCAT exams; advancement in chiropractic education and training; research regarding enrollment; attrition and ways of improving continuing education while considering the need to promulgate regulations accordingly.

Dr. McClain shared that Dr. Craig Little, President of the CCE, provided a thorough presentation on CE, admission requirements, and meta competencies utilized to assess students' knowledge. The Committee will review the information stakeholders provided at the meeting and determine if any changes should be made regarding entrance standards, curriculum, and CE.

Dr. McClain recognized Dr. Elginer for her commitment and dedication to the Board and the Committee, and thanked the stakeholders who attended the meeting.

Dr. Elginer referred to the Update on Licensing & Continuing Education Committee Meeting, second paragraph on page 2, "It was collectively agreed upon by stakeholders that granular requirements are burdensome and costly to schools and students and contribute to the shrinking chiropractic population." Dr. Elginer requested an update on the regulatory language regarding CE requirements.

Dr. Dehn explained that several school representatives met recently to discuss CE components. She added that a meeting will be scheduled with the Board to determine the next steps in drafting the appropriate regulations.

### **Proposed 2018 Board Meeting Schedule**

The Board selected the following dates for future board meetings:

January 30, 2018– Teleconference Sacramento, California

February 22, 2018– Southern California  
June 5, 2018- San Jose, California  
August 9, 2018- Southern, California  
November 8, 2018 – Sacramento, California

### **Update and Discussion on 2017-2019 Strategic Plan Goals**

Mr. McCarther provided an end of the year update on the status of the Strategic Plan Goals and action items. Additionally, he directed the Board's attention to their completion dates.

Mr. McCarther referred to Strategic Plan Goal 1.1 and shared that the Board convened a stakeholder meeting to discuss the need to enhance the caliber, quality and potential of students while promoting academic quality and value in the learning environment.

Mr. McCarther referred to Strategic Plan Goal 1.4 and indicated that the Board is working with the DCA's IT unit to evaluate the Board's needs in obtaining a more efficient IT system. This process may take six to twelve months to be completed.

Mr. McCarther referred to Strategic Plan Goal 1.6 and explained that the Licensing & CE unit has continued to work on CE regulations and it will draft language regarding possible violations.

Mr. McCarther referred to Strategic Plan Goal 2.2 and stated that the Enforcement Committee met earlier this year and determined that action item 2.2.1 is not enforceable; therefore, the Board did not move forward with the adoption of a code of ethics.

Mr. McCarther referred to Strategic Plan Goal 2.3 and explained that the Board has identified specific trends in the chiropractic profession such as the practice of pastoral medicine and social media violations. The Pastoral Medical Association provided a presentation at the July 25, 2017 Board meeting and the Board expressed concerns related to consumer protection. The Board will continue to monitor these trends closely.

Mr. McCarther referred to Strategic Plan Goal 2.4 and indicated that staff met with the DCA's office of public affairs to discuss social media issues related to enforcement. The Enforcement Committee has developed social media violation materials to inform licensees and plans to take a proactive approach to disseminate this information.

Mr. McCarther referred Strategic Plan Goal 5.1 and indicated that staff has undergone various customer service and team-building trainings provided by the DCA SOLID training unit.

## Update on Pending Regulations

Mr. McCarther referred to the “BCE List of Prioritized Proposed Regulatory Changes” and provided an update on the status of the six pending rulemaking packages.

Mr. McCarther referred to the Application for Licensure Rulemaking file (CCR Sections 321). After receiving a disapproval letter from the Office of Administrative Law (OAL) in May of 2017, the Board made the necessary changes to the package and submitted it to DCA for review. The package must be presented to OAL by December 27, 2017 to meet the 120-day extension deadline.

Mr. McCarther referred to the Consumer Protection Enforcement Initiative Rulemaking file and explained that it was submitted to DCA on September 7, 2017. Currently, it is under review.

Mr. McCarther added that the Uniform Standards for Substance Abusing Licensees and the Disciplinary Guidelines Rulemaking files will be combined into one and then submitted to DCA for review in the near future.

Mr. McCarther referred to the Delegation of Authority to the Assistant Executive Officer Rulemaking file. He explained that it was submitted to DCA on September 7, 2017 and is currently under review.

Mr. McCarther referred to the Mandatory Cardiopulmonary Resuscitation (CPR) Certification for All Licensees Rulemaking file and stated that that Dr. Lichtman offered to review it prior to being submitted to DCA for review.

Lastly, Mr. McCarther referred to the Continuing Education Requirements (CE Provider and Course Approval) Rulemaking file and explained that the Executive Officer and staff are in the process of preparing model language to be submitted to the Licensing & CE Committee for review prior to the February of 2018 Board meeting.

Mr. Puleo provided a brief overview of the regulatory process and the laws governing chiropractic. He encouraged students to participate in the Board’s regulatory process and to comment on regulations of interest. He also encouraged students to attend future Board meetings and to join the Board’s mailing list.

Dr. Dehn shared that students can review Board meeting materials online. She encouraged students to follow the Board on Facebook and Twitter.

Mr. Swenson added that students can also refer to the OAL’s website for further information on the regulatory process as it may relate to the chiropractic profession.

Mr. McCarther referred to the “BCE List of Prioritized Proposed Regulatory Changes” and encouraged students to review a summary of the pending regulations.

## **Public Comments:**

Dr. McKillican, a CE provider and adjunct professor at Life West, inquired about the Board's stance on Providers Approved Continuing Education (PACE).

Dr. Dehn responded that the Board has had a discussion regarding PACE and is currently considering it.

Dr. McKillican inquired about other pathways the Board may be considering for CE providers.

Dr. Dehn shared that the Board is in the process of developing its CE regulations and it does not anticipate any major changes. She stated that the Board will further discuss other pathways at the February of 2018 Board meeting. She also indicated that CE providers will have the ability to remain independent.

Mr. Puleo explained that the current CE regulations will be changed through the regulatory process and may have an impact on CE provider fees in the future.

Mr. Bart Dwight, a student at Life West, referenced the CPR regulation for licensees, and stated the Board should require all students graduating from chiropractic schools to obtain a certificate in CPR because the public is hesitant about performing CPR during a life-threatening situation. He recommended that the Board should consider more efficient CPR trainings for chiropractors and students other than the ones obtained through a biannual 48-hour CPR course.

## **Public Comment for items not on the Agenda**

Dr. Philip Dieter expressed concerned about equality and reimbursement in the chiropractic profession and inquired whether the Board has responsibility over this situation as it relates to a gradual decline in the licensee population.

Dr. Dehn stated the function of the Board is strictly about public protection and not advocacy for the profession. She explained that his question should be re-directed to state associations such as the International Chiropractor's Association of California (ICAC) and CCA.

Dr. Dieter asked about the Board's opinion regarding the reduction of applicants.

Dr. McClain responded that CCE and individual chiropractic schools have evaluated the reduction of applications and the materials reviewed and discussed at the Licensing & CE Committee meeting on October 6, 2017 are available on the Board's website for more information. The meeting minutes for that meeting will be available on the website in the near future.



### **Future Agenda Items**

There was none.

### **Hearings Re: Petition for Early Termination of Probation and /or Reduction of Penalty**

Administrative Law Judge, Diane Schneider, presided over and Deputy Attorney General, Valerie Lopez, appeared on behalf of the people of the State of California on the following hearing:

- A. Doug Huynh Chang

### **Hearing Re: Petition for Reinstatement of Revoked License**

Administrative Law Judge, Diane Schneider, presided over and Deputy Attorney General, Valerie Lopez, appeared on behalf of the people of the State of California on the following hearing:

- A. Todd Kaufmann

### **Closed Session**

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

- A. Deliberate on Disciplinary Decisions and the above Petitions Pursuant to California Government Code Section 11126(c)(3)
- B. 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
- C. Conduct an Evaluation of the Executive Officer  
Pursuant to California Government Code Section 11126(a)

### **Open Session**

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

### **Adjournment**

Dr. Dehn adjourned the meeting at 5:35 p.m.

**(ATTACHMENT A)**

Approval by Ratification of Formerly Approved License Applications  
July 1, 2017 through September 30, 2017

<b>Name (First, Middle, Last)</b>			<b>Date Issued</b>	<b>DC#</b>
Erika	Michele	Figge	7/3/2017	33962
Bernard	S	Kim	7/3/2017	33963
Michael	Hoa Thanh	Luu	7/3/2017	33964
Alanna	Jean	Pierce	7/3/2017	33965
Tomislav	Stjepan	Plese	7/3/2017	33966
Rosemarie	Louise	Caigoy	7/6/2017	33967
David	Wai	Wong	7/6/2017	33968
Raneem	A	Zouhby	7/10/2017	33969
Shawn	Michael	Bean	7/14/2017	33970
Kyle	Evan	Grisius	7/14/2017	33971
Ting Wah	Victor	Heung	7/14/2017	33972
Benjamin	Robert	Karas	7/14/2017	33973
Aaron	James	Laux	7/14/2017	33974
Vincent	Anthony	Bertolini	7/20/2017	33975
Danny		Louie	7/20/2017	33976
Rodante	De Leon	Saballa	7/20/2017	33977
Michael	Adam	Lim	7/24/2017	33978
Quentin	Dale	Danner	7/24/2017	33979
Jason	J	Lee	7/28/2017	33980
Tara	Lee	Wassel	7/28/2017	33981
Jonathan	James Frank	McCune	7/28/2017	33982
Lori	Kristine	Cruz	7/31/2017	33983
Brianna	Elizabeth	Husby	7/31/2017	33984
Tyler	Joshua	Jones	7/31/2017	33985
Jorge	Gabriel	Garza-Contreras	7/31/2017	33986
Jessica	Adaly	Lemus	7/31/2017	33987
John	William	Schroepel	7/31/2017	33988
Tracy	Marie	Ford-Robydek	8/4/2017	33989
Brea	Newell	Van De Pol	8/4/2017	33990
Nhi	My	Huynh	8/9/2017	33991
Will	Jack	Lee	8/9/2017	33992
Nathanael	Turner	Lorenc	8/9/2017	33993
Jason	Wesley	Davidson	8/17/2017	33994
Brian	David	Harbin	8/17/2017	33995
Scott	Stephen	Redfern	8/17/2017	33996

Aaron	Benjamin	Arnold	8/18/2017	33997
Eric	Josef	Dickerson	8/18/2017	33998
James	Allen	Dietrick	8/18/2017	33999
Russell	Trent	Ward	8/18/2017	34000
Behruz	Y	Yusufbekov	8/18/2017	34001
Stephanie	O'Neill	Bhogal	8/22/2017	34002
Mindy	Marie	Brown	8/22/2017	34003
Andrew	Curtis	Jordan	8/22/2017	34004
Tyler	Reid	Meier	8/22/2017	34005
Andra	Philips	Allcorn	8/28/2017	34006
Kenneth	Andrew	Fraser	8/28/2017	34007
Stephanie	Marie	Janiak	8/29/2017	34008
Allison	Ruth	Nisbett	8/29/2017	34009
Jeana	Marie	Edwards	8/30/2017	34010
Matthew	David	Smith	8/30/2017	34011
Zachary	Ricardo Simon	Tannous	8/30/2017	34012
Vicente	Eduardo	Lujan	8/31/2017	34013
Richard	Shannon	Manley	8/31/2017	34014
Eddie		Oulashian	8/31/2017	34015
Daniel	Steven	King	9/7/2017	34016
Cheng Chun		Kuo	9/7/2017	34017
Sam		Vazin	9/7/2017	34018
Minh	Ngoc	Nguyen	9/11/2017	34019
Monica	Therese	Scott	9/11/2017	34020
Edward	Wai-Kin	Chan	9/12/2017	34021
Jebel		Garcia	9/12/2017	34022
Ryan	Steven	Fessel	9/14/2017	34023
Austin	Dirk	Ivans	9/14/2017	34024
Eric	Yaohua	Wong	9/14/2017	34025
Devon	MacIntyre	Beechel	9/19/2017	34026
David		Labrana	9/19/2017	34027
Stephanie	Marquel	Frawley	9/19/2017	34028
Brittany	Sue	Watson	9/19/2017	34029
Dana		Grenman	9/19/2017	34030
Ted	David	Abramson	9/22/2017	34031
Anna	Kate	Melendez	9/22/2017	34032
Jacob	Vincent Isaias	Melendez	9/22/2017	34033
Shannon	Alan	Peacock	9/22/2017	34034
David	Dalde	Alapag	9/26/2017	34035
Donald	Andrew	Ehasz	9/26/2017	34036
Darren	Thomas	Murphy	9/26/2017	34037

Carlos	Ray	Sandoval	9/26/2017	34038
Elena		Sandoval	9/26/2017	34039
Jesse	Isaac	Steinberg	9/26/2017	34040

**(ATTACHMENT B)**

**Ratification for New Continuing Education Providers**

CONTINUING EDUCATION PROVIDERS	DATE APPROVED
1. Matthew Smith, D.C.	10/24/17
2. Raj Jackson, D.C.	10/24/17
3. Total Motion Release (TMR) Seminars	10/24/17
4. Greg Lehman	10/24/17
5. Joshua Satterlee	10/24/17
6. Marc Moramarco, D.C.	10/24/17
7. Hendrickson Method Institute, Inc.	10/24/17
8. Healing Powers LLC	10/24/17
9. Moshe Daniel Block	10/24/17
10. Doccidents	10/24/17
11. Douglas M. Gillard, D.C.	10/24/17



State of California  
Edmund G. Brown Jr., Governor

Agenda Item 3  
January 31, 2018

## BCE 2017 Election of Officers

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### **Purpose of the item**

The Board will engage its annual process to elect Board Officers.

### **Action(s) requested**

The Board shall elect a Chair, Vice Chair, and Secretary by a majority vote.

### **Background**

The Chiropractic Initiative Act requires the Board to, annually, at the January meeting of the Board, elect a Chair, Vice Chair and Secretary from the Members of the Board.

### **Current Board Officers**

- Heather Dehn, D.C. – Chair
- Frank Ruffino - Vice-Chair
- Sergio Azzolino, D.C. - Secretary

### **Election Procedure**

1. Beginning with the Chair position, the Executive Officer will introduce each Board Officer position.
2. Executive Officer will request that any Board Member interested in said position identify their interest during a roll call of members.
3. Each interested member will identify their interest verbally.
4. Executive Officer will call out the roll with Board Members identifying their choice for said position.
5. Should a Board Member get a plurality of the vote, he/she is thereby elected to that position.
6. If no Board Member is elected, the Board will commence another round of voting until someone receives a plurality.

### **Recommendation(s)**

Staff has no recommendation at this time