



State of California
Edmund G. Brown Jr., Governor

Agenda Item 14
February 22, 2018

Executive Officer's Report

Purpose of the item

The Executive Officer will provide the Board Members an update on statistics related to Board Administration, Budget, Licensing and Enforcement. Board Members will have the opportunity to ask questions as necessary.

Action(s) requested

No action requested at this time.

Background

A. Administration

- Marcus McCarther has been hired as the Assistant Executive Officer.
- The Board has two vacant positions. One vacancy is a Staff Services Analyst position in the licensing unit and the other is Associate Governmental Program Analyst position in the administrative unit. Staff is preparing the documents to begin recruitment for these positions.

B. Budget

- The Executive Officer will provide an overview of the attached Board Fund Condition Report.
- The Executive Officer will also provide an overview of the attached Board Expenditure Report.

C. Licensing

- The Executive Officer will provide an overview the attached licensing program data.

D. Enforcement

- The Executive Officer will provide an overview the attached Enforcement program data.

D. IT Updates – Process Mapping

- SOLID has completed 77 mapping processes of the Board's current work load to assess the Board's IT needs.
- Staff has met with OIS to begin Stage 1 of the four-part IT procurement process.

Recommendation(s)

N/A

Next Step

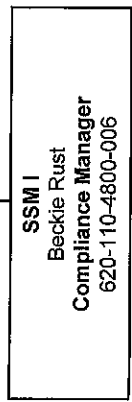
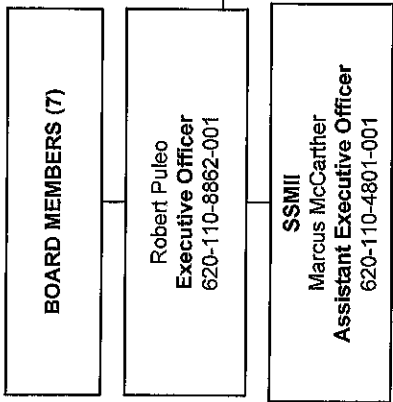
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Attachment(s)

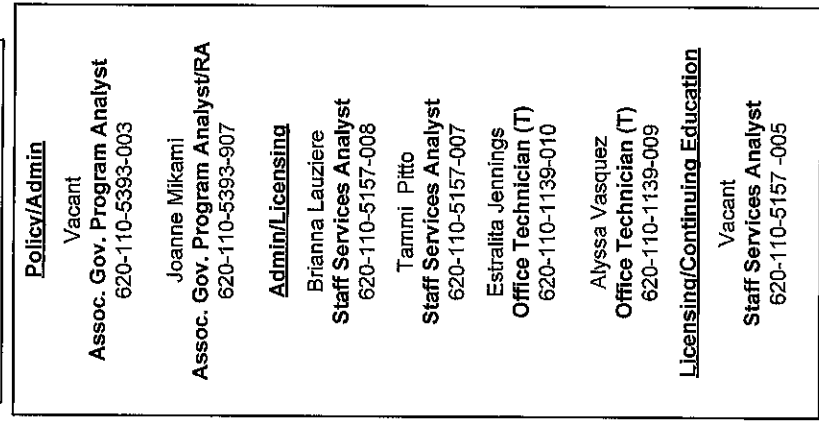
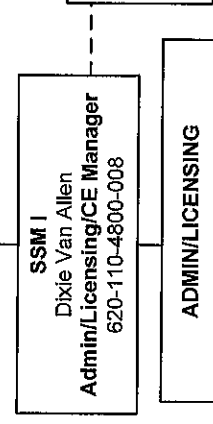
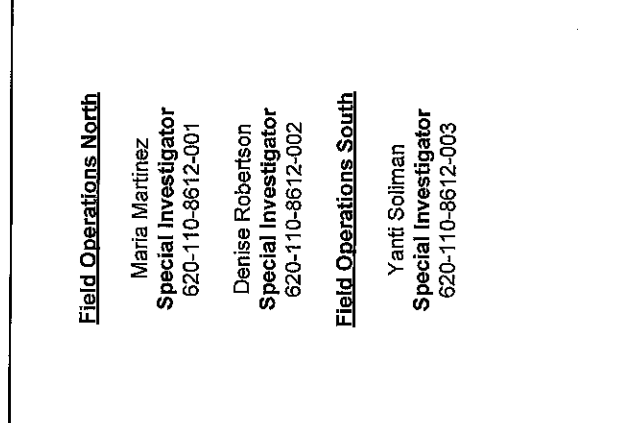
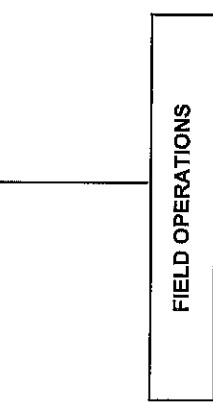
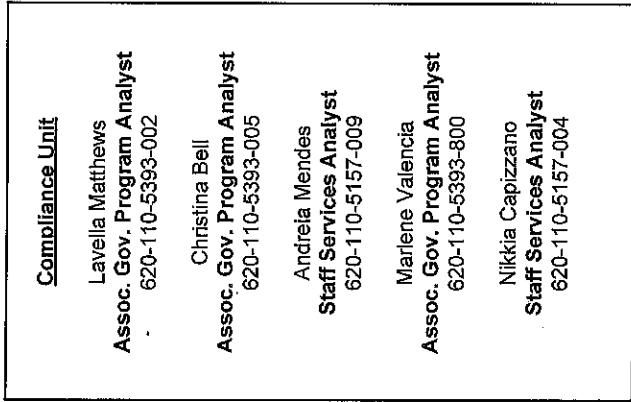
- Org Chart/Staff Functions
- Updated Fund Condition
- Licensing Statistics
- Enforcement Statistics

Department of Consumer Affairs
 State Board of Chiropractic Examiners
 February 12, 2018

FY: 2018-19
 Authorized Positions: 19
 CURRENT



ENFORCEMENT



Executive Officer _____

Personnel Office _____

Board of Chiropractic Examiners Staff Functions

Executive Officer (620-110-8862-001) – Oversees management of the Board of Chiropractic Examiners. Directs negotiations for stipulated agreements, monitors deadlines and procedures for compliance with the Administrative Procedures Act. Directs the organization and coordination of committee, executive and task force meetings and compilation of data for Board meetings, ensures compliance with the Open Meetings Act, coordinates closed sessions and hearings, attends all Board meetings. Identifies the need for legislation and recommends modifications to existing statutes or regulations to the Board. Oversees all aspects of the legislative and rulemaking processes. Testifies before legislative committees on behalf of the Board, advocates consumer protection and lobbies on behalf of consumers and the Board, interprets and clarifies the Board's Initiative Act, regulations, and policies. Represents the Board before professional and health associations or other state, federal, local, or community groups/entities.

Assistant Executive Officer (620-110-4801-001) - Oversees all administrative duties of the Administration, Enforcement, Licensing/Continuing Education, and Field Investigation divisions, directly supervises managers and field staff, assists the EO with special projects, attends Board and Committee meetings, acts as the Board's liaison to DCA, attends all informal office conferences and writes resulting decisions. Oversees management of the Board in the EO's absence and backs up managers in their absence, represents the Board before professional and health associations or other state, federal, local or community groups/entities in the absence of the EO. Develops, reviews and implements policies and operating procedures, directs the development and implementation of regulations adopted by the Board. Advises EO of critical issues which may result in litigation or require legislation, regulations or policy adjustment, oversees the planning and ensures timely preparation and mailing of all Board and Committee materials, directs the preparation of recurring special reports, monitors the Board's revenue and expenditures.

Compliance Manager (620-110-4800-006) – Manages and supervises compliance and probation programs/staff, performs case reviews and reviews case closure recommendations, participates in probationer interviews, attends informal citation conferences, reviews administrative citations and fines, monitors monthly caseload statistics, monitors success of Expert Consultant program, reviews AG billing statements for accuracy.

Compliance Analyst (620-110-5393-002) - Reviews and investigates complex complaints, drafts recommendations for complaints including referral of complaints to the AG's office, prepares packets for Petitioner hearings, evaluates administrative cases, and proposed decisions, stipulations and default decisions for adherence to the Admin. Procedures Act and Disciplinary Guidelines, develops settlement and probationary terms for the Executive Officer's approval.

Probation Monitor (620-110-5393-005) – Monitors probationers for compliance with conditions and terms of probation, sends letters to probationers who are out of compliance with their terms of probation, coordinates site inspection or suspension visits with field staff, schedules probation interviews, refers cases to Board experts, consults with the AG's office and makes recommendations to management on cases ready for petition to revoke or accusation referral due to non-compliance issues, tracks cases waiting to be heard at Office of Administrative Hearings, recommends settlement or probationary terms for management approval, prepares stay of decision, reviews and investigates complex complaints, drafts recommendations for complaints including referral of complaints to the AG's office. Serves as coordinator for the Enforcement Committee.

Board of Chiropractic Examiners Staff Functions

Compliance Analyst (620-110-5393-004) - Reviews and investigates complex complaints, drafts recommendations for complaints including referral of complaints to the AG's office, prepares packets for Petitioner hearings, evaluates administrative cases, and proposed decisions, stipulations and default decisions for adherence to the Admin. Procedures Act and Disciplinary Guidelines, develops settlement and probationary terms for the Executive Officer's approval. Assists the Policy Analyst with preparing and compiling enforcement related rulemaking documents for the repeal, amendment or adoption of enforcement related regulations.

Compliance Analyst (620-110-5393-800) - Reviews and investigates complex complaints, drafts recommendations for complaints including referral of complaints to the AG's office, prepares packets for Petitioner hearings, evaluates administrative cases, and proposed decisions, stipulations and default decisions for adherence to the Admin. Procedures Act and Disciplinary Guidelines, develops settlement and probationary terms for the Executive Officer's approval.

Compliance Analyst (620-110-5157-004) – Assists the public with inquiries about the complaint process, performs intake and assignment of consumer complaints, requests court documents for subsequent arrest reports, requests Interim Suspension Orders or Penal Code 23 assistance, reviews and investigates routine consumer complaints, drafts recommendations for complaints including referral of complaints to the AG's office, reviews administrative cases and proposed decisions, stipulations and default decisions for adherence to the Admin. Procedures Act and Disciplinary Guidelines, tracks proposed decisions received and cases awaiting hearing at the Office of Administrative Hearings. Serves as the contact for the National Data Bank reporting.

Licensing, CE, Administration Manager (620-110-4800-008) - Manages and supervises licensing, continuing education, and administrative programs and staff, compiles and analyzes licensing workload statistics, assists applicants and licensees with licensing issues, reviews staff recommendations regarding licensure and continuing education applications and grants or denies approval, monitors development and administration of the California Law and Professional Practices Examination, attends Board and committee meetings, assists AEO and EO with preparation of special reports or projects.

Policy Analyst (620-110-5393-003) – Prepares and compiles rulemaking documents for the repeal, amendment or adoption of regulations. Identifies, tracks and analyzes legislative bills impacting the Board, acts as Personnel Liaison for Board staff, acts as training coordinator for Board staff, assists management with research and special projects, works with Licensing manager in monitoring and analyzing the Board's budget and preparation of reports for DCA's budget office. Acts as coordinator for the Government Affairs committee. Attends Board and committee meetings.

Retired Annuitant Policy Analyst (620-110-5393-907) – Prepares and compiles rulemaking documents for the repeal, amendment or adoption of regulations.

Administrative Assistant (620-110-5278-001) – Performs administrative tasks for the EO (responds to information requests, emails and telephone inquiries), compiles program statistical reports for EO's report at Board meetings, performs special projects assigned by EO, prioritizes EO's workload and maintains EO's calendar, coordinates EO's travel arrangements and processes travel claims. Prepares Board meeting packets, Board meeting minutes, and operates webcasting equipment at Board and Committee meetings, identifies action items and prepares a prioritized list to the EO and

Board of Chiropractic Examiners Staff Functions

management, recommends agenda items for future board meetings. Coordinates travel arrangements and travel claims for Board members, establishes contracts for meeting accommodations, provides back-up support to Licensing technicians, responds to subpoenas and public records requests, performs fleet management responsibilities, assist with preparation of contracts and interagency agreements for equipment maintenance work.

Licensing Analyst (620-110-5157-008) – Processes restoration of cancelled licenses and corporation applications, Makes determinations and recommendations regarding licensure and denial of applicants. Refers cases to the AG's office for a Statement of Issues for applicants whose licensure was denied and decisions were appealed, prepares mail vote ballots to Board members, distributes decision to all parties once adopted by the Board. Serves as Board liaison for Form 700 filings with the Fair and Political Practices Commission, acts as the webmaster for the Board's website, maintains Board's social media sites, and serves as coordinator for the Licensing & Continuing Education Committee meetings.

Licensing Analyst (620-110-5157-007) – Processes reciprocal and initial applications for a Chiropractic License including all supplemental documents relating to background, education and discipline, prepares deficiency and eligibility letters to applicants. Responds to telephone and written inquiries regarding application status, licensing requirements or processes. Makes determinations and recommendations regarding licensure or denial of applicants. Prepares statistical reports to management, refers cases to the AG's office for a Statement of Issues for applicants whose licensure was denied and decisions were appealed, researches and responds to questions by the assigned Deputy Attorney General, prepares and mails vote ballots to Board members, distributes decision to all parties once adopted by the Board. Processes applications for Chiropractic Referral Services, prepares information on newly licensed applicants for ratification at Board meetings.

Licensing Technician (620-110-1139-008) – Processes Satellite Office certificates, renewals, and license verifications. Answers telephones, maintains inventory of equipment and office supplies, compiles board meeting packets, and obtains approval for payment of bills.

Licensing Technician (620-110-1139-009) – Cashiers all monies received by the Board, requests refunds for overpayments, sends underpayment notices to licensees, performs Continuing Education audits, audits renewal statements for practicing with an expired license, processes address changes, front counter support, answers telephones, greets visitors, receives and distributes mail.

CE/Licensing Analyst (620-110-5157-005) – Reviews and processes continuing education provider applications and continuing education course applications and submittal to manager for approval, maintains database of CE providers and courses, prepares information on CE providers for ratification at Board meetings, prepares approval letters for CE providers and CE courses, processes inactive to active license requests, updates CAS with information from death certificates, name and address changes, processes applications for restoration of forfeiture licenses, approves licensees for the preceptor program, prepares monthly statistical reports for the licensing manager.

14. B- Budget -Fund condition update

Will be provided as a supplemental handout at the Board meeting.

**BOARD OF CHIROPRACTIC EXAMINERS
LICENSING TRENDS
FY 2017-18**

Total Population of Chiropractic Licenses

Month	Total Licenses
July	13,183
August	13,173
September	13,156
October	13,162
November	13,137
December	13,106
January	13,087

New Chiropractic License Issued

Month	Received	Issued
July	29	27
August	26	27
September	12	25
October	16	25
November	16	12
December	26	9
January	58	12

Number of Restored Cancelled Licenses

Month	Received	Issued
July	1	2
August	3	3
September	3	2
October	3	2
November	5	1
December	2	1
January	2	1

New Satellite Office Certificates Issued

Month	Received	Issued
July	94	102
August	117	78
September	115	160
October	30	95
November	117	73
December	103	115
January	97	122

Corporation Registrations Issued

Month	Received	Issued
July	5	4
August	12	13
September	6	7
October	3	6
November	7	3
December	3	1
January	5	7

Licensing Population as of January 31, 2018

License Type	Clear Licenses
Chiropractors	13,087
Satellite Offices	4,145
Corporation Registrations	1,415

Applications Received and Processed – July 1, 2017 through January 31, 2018

Application Type	Received	Issued	Denied	Pending
Initial Chiropractic	183	137	0	153
Reciprocal	3	0	0	5
Restorations (Cancelled & Forfeiture)	67	62	2	8
Corporation	23	24	0	10

COMPLIANCE UNIT STATS

Fiscal Year	13/14	14/15	15/16	16/17	*17/18
<u>COMPLAINTS</u>					
Received	487	557	581	490	263
Pending	214	270	232	183	265
Closed with Insufficient Evidence	88	57	127	79	38
Closed with No Violation	140	100	97	75	42
Closed with Merit	148	220	235	184	105
Letter of Admonishment	5	3	4	4	3
Citations and Fines Issued (Total Fine Amount)	26(\$18,500)	16(\$12,400)	17(\$11,600)	26(\$36,900)	6(\$7,000)
<u>ACCUSATIONS</u>					
Filed	38	22	31	35	10
Pending	56	64	66	65	52
Revoked	12	9	3	10	4
Revocation Stayed: Probation	15	7	13	11	10
Revocation Stayed: Suspension and Probation	4	2	4	5	1
Suspension	0	0	0	0	0
Suspension Stayed: Probation	0	0	0	0	0
Suspension and Probation	0	0	0	0	0
Voluntary Surrender of License	8	8	9	14	6
Dismissed/Withdrawn	3	3	2	6	0
<u>STATEMENT OF ISSUES</u>					
Filed	5	2	0	1	1
Denied	2	1	0	0	0
Probationary License	1	2	1	0	0
Withdrawn	2	1	0	0	0
Granted	0	1	0	0	0
<u>PETITION FOR RECONSIDERATION</u>					
Filed	3	0	1	0	0
Granted	0	0	0	0	0
Denied	2	0	1	0	0
<u>PETITION FOR REINSTATEMENT OF LICENSE</u>					
Filed	5	8	7	6	3
Granted	1	1	0	0	0
Denied	3	4	7	3	2
<u>PETITION FOR EARLY TERMINATION OF PROBATION</u>					
Filed	11	4	8	3	1
Granted	0	0	1	0	0
Denied	3	5	2	2	2
<u>PETITION FOR MODIFICATION OF PROBATION</u>					
Filed	3	2	3	0	1
Granted	0	1	1	0	1
Denied	1	1	0	0	0
<u>PETITION BY BOARD TO REVOKE PROBATION</u>					
File	11	5	8	5	5
Revoked	5	2	3	10	4
<u>PROBATION CASES</u>					
Active	135	123	104	92	92

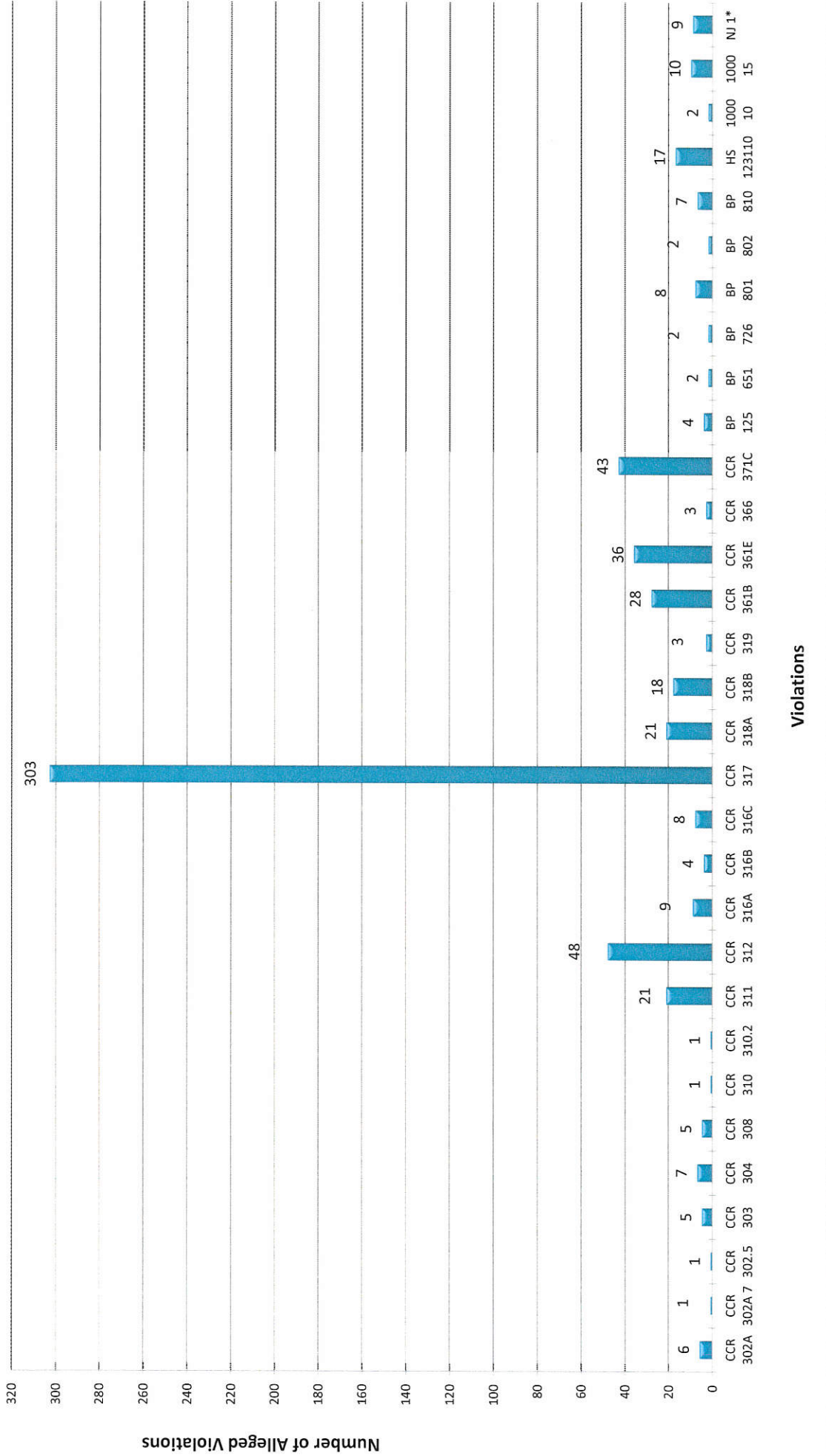
Fiscal Year 2017/2018

July 1, 2017 - January 31, 2018

Total Number of Complaints Opened - 263

Total Number of Alleged Violations - 635

(A complaint may contain multiple violation)

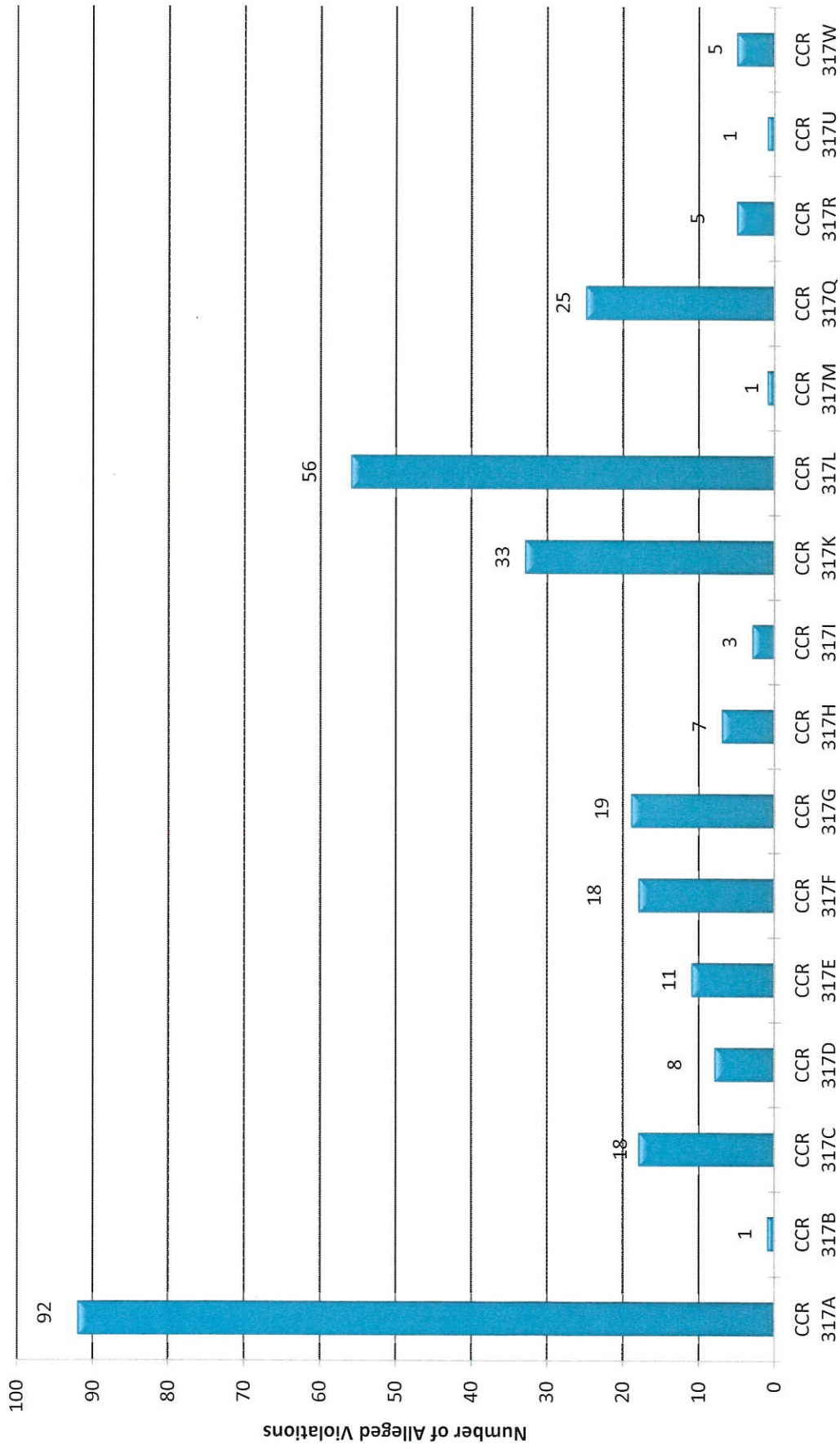


Unprofessional Conduct/Violation Codes/Descriptions

California Code of Regulations (CCR) Section 317 – Unprofessional Conduct:

- (a) Gross Negligence
- (b) Repeated Negligent Acts
- (c) Incompetence
- (d) Excessive Treatment
- (e) Conduct Endangering Public
- (f) Administering to Oneself Drugs/Alcohol
- (g) Conviction of a Crime Related to Chiropractic Duties
- (h) Conviction of a Crime Involving Moral Turpitude/Physical Violence/etc.
- (i) Conviction of a Crime Involving Drugs or Alcohol
- (j) Dispensing Narcotics/Dangerous Drugs/etc.
- (k) Moral Turpitude/Corruption/etc.
- (l) False Representation
- (m) Violation of the ACT/Regulations
- (n) False Statement Given in Connection with an Application for Licensure
- (o) Impersonating an Applicant
- (p) Illegal Advertising related to Violations of Section 17500 BP
- (q) Fraud/Misrepresentation
- (r) Unauthorized Disclosure of Patient Records
- (s) Employment/Use of Cappers or Steerers
- (t) Offer/Receive Compensation for Referral
- (u) Participate in an Illegal Referral Service
- (v) Waiving Deductible or Co-Pay
- (w) Fail to Refer Patient to Physician/Surgeon/etc.
- (x) Offer or Substitution of Spinal Manipulation for Vaccination

Fiscal Year 2017/2018
 July 1, 2017 - January 31, 2018
Number of Complaints Opened Alleging Violation of CCR 317= 303
(A complaint may contain multiple violations)



Violation: CCR 317 - Unprofessional Conduct

Violation Codes/Descriptions

The Chiropractic Initiative Act of California (ACT):

- 10 – Rules of Professional Conduct
- 15 – Noncompliance With and Violations of Act

California Code of Regulations (CCR):

- 302(a) – Scope of Practice
- 302.5 – Use of Laser
- 303 – Filing of Addresses
- 304 – Discipline by Another State
- 308 – Display of License
- 311 – Advertisements
- 312 – Illegal Practice
- 315 – Mental Illness
- 316 (a) – Responsibility for Conduct on Premises
- 316 (b) – Sexual Misconduct on Premises
- 316 (c) – Sexual Misconduct/Relations
- 317 – Unprofessional Conduct
- 318 – Chiropractic Patient Records/Accountable Billing
- 319 – Free or Discount Services
- 319.1 – Informed Consent
- 361(b) – 24 Hour CE Requirement
- 366 – Continuing Education Audits
- 367.5 – Application, Review of Refusal to Approve (corporations)
- 367.7 – Name of Corporation
- 371(c) – Renewal and Restoration

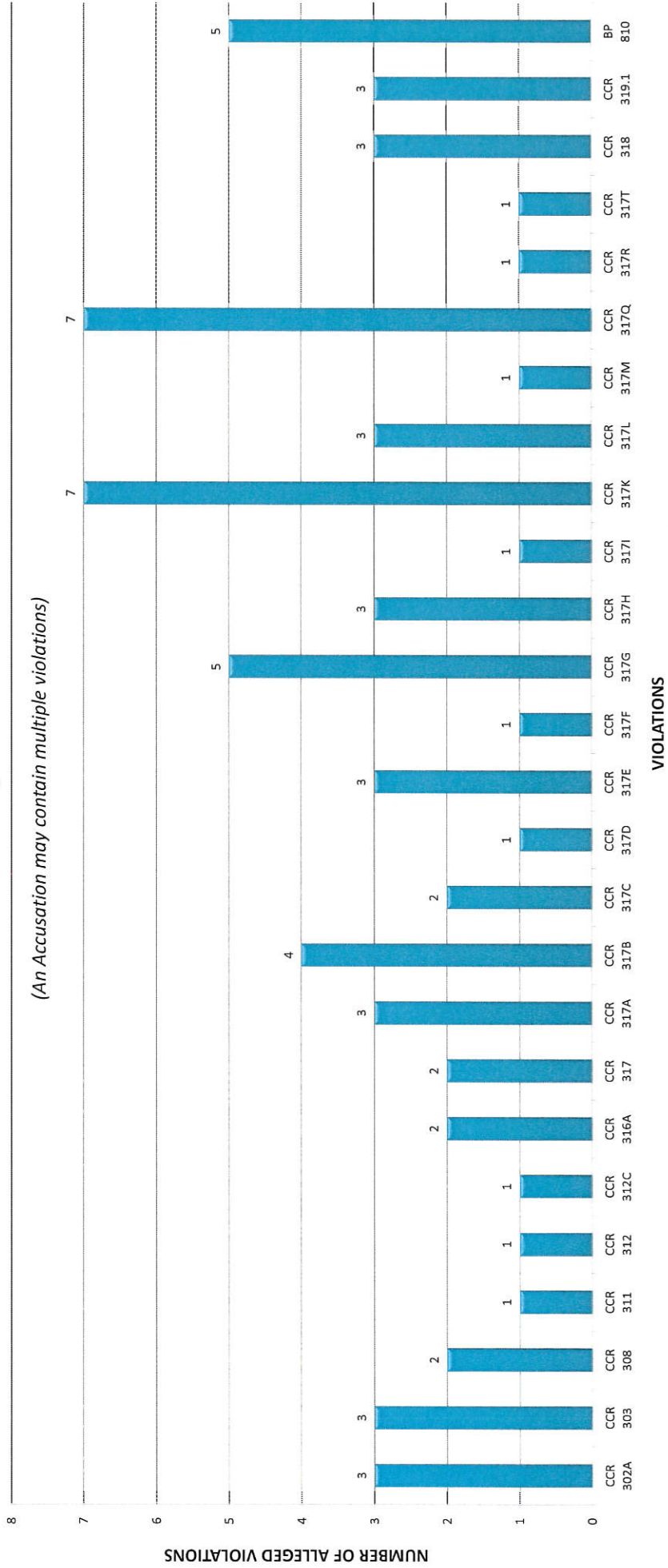
Business and Professions Code (BP):

- 125 – Aiding/Abet Unlicensed Activity
- 801 (a) – Professional Reporting Requirements (Ins-malpractice settlements)
- 802 (a) – Professional Reporting Requirements (Lic-malpractice settlements)
- 810 – Insurance Fraud
- 1051 – Apply for a Corporation with the Board
- 1054 – Name of Chiropractic Corporation
- 17500 – Unlawful Advertising

Health and Safety Code (HS):

- 123110 – Patient Access to Health Records

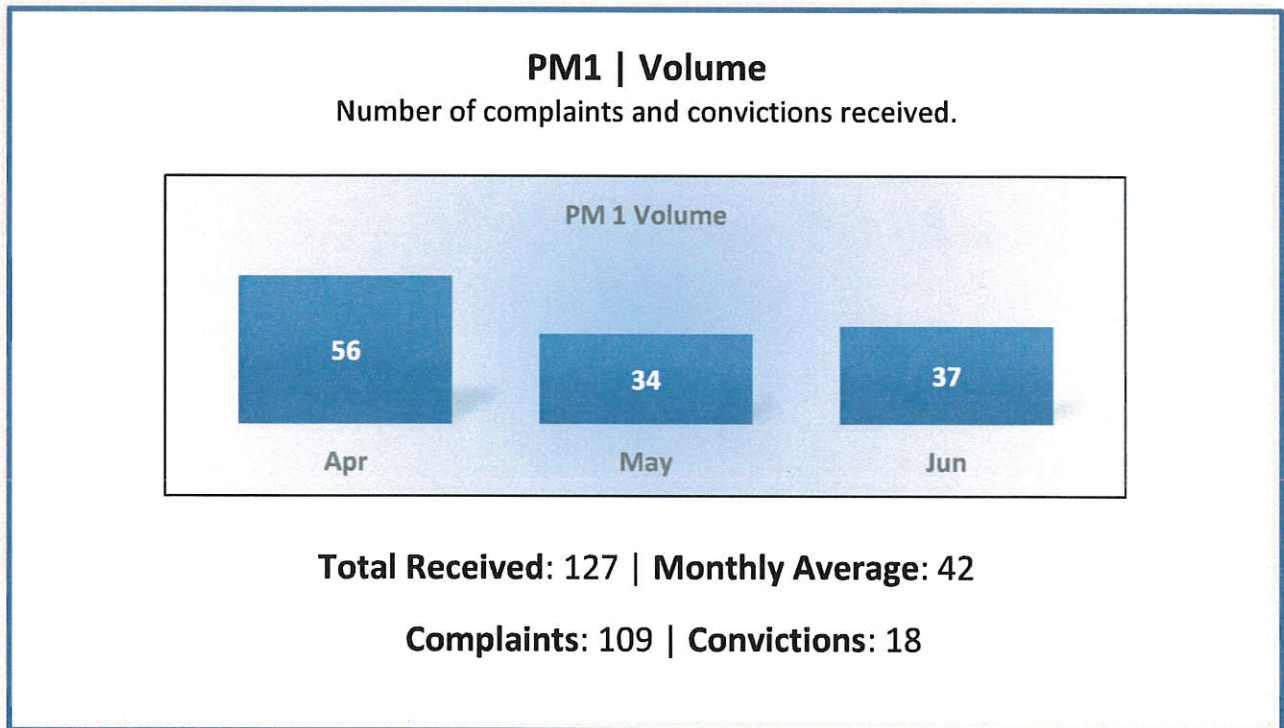
Fiscal Year 2017/2018
July 1, 2017 - January 31, 2018
Number of Accusations Filed - 10
Total Number of Alleged Violations - 69



Enforcement Performance Measures

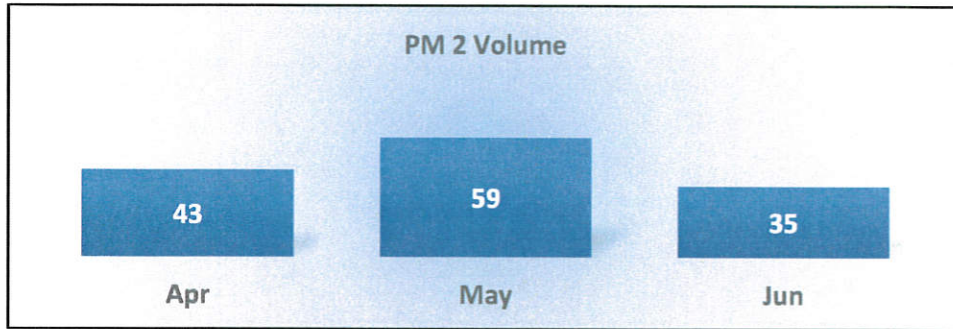
Q4 Report (April - June 2017)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.



PM2 | Intake – Volume

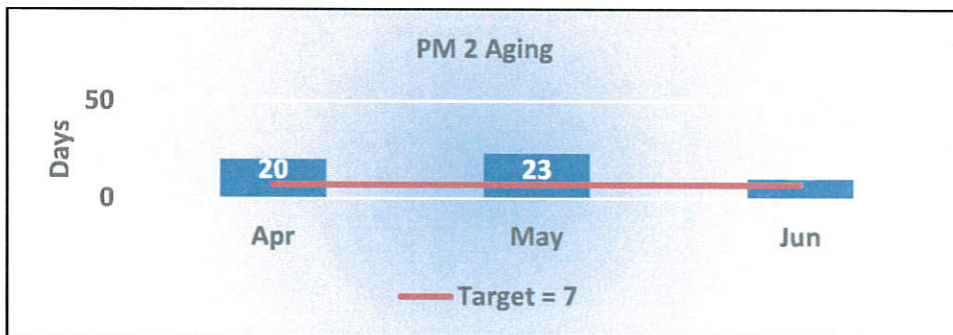
Number of complaints closed or assigned to an investigator.



Total: 137 | Monthly Average: 46

PM2 | Intake – Cycle Time

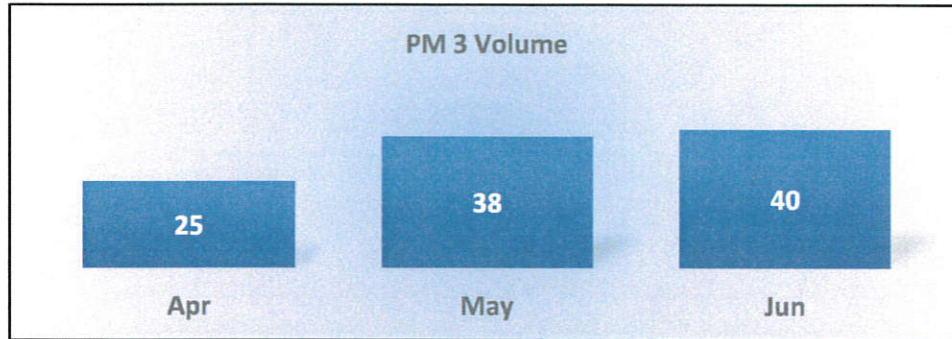
Average number of days from complaint receipt, to the date the complaint was closed or assigned to an investigator.



Target Average: 7 Days | Actual Average: 19 Days

PM3 | Investigations – Volume

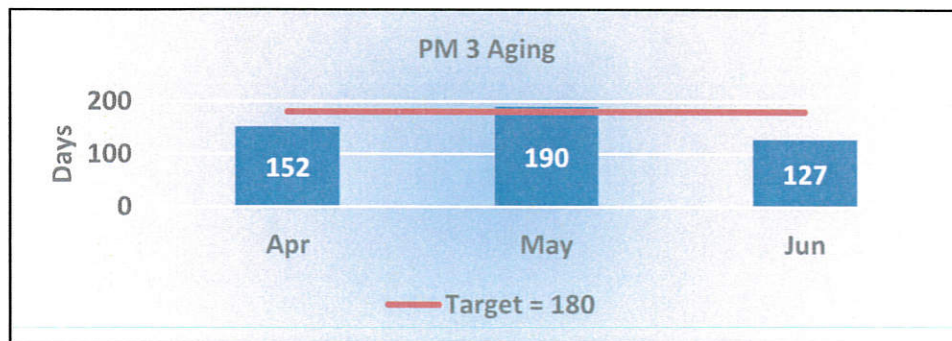
Number of investigations closed (not including cases transmitted to the Attorney General).



Total: 103 | Monthly Average: 34

PM3 | Investigations – Cycle Time

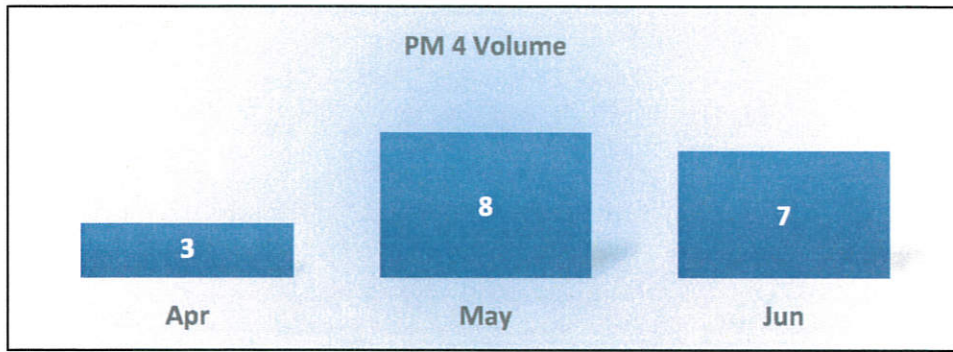
Average number of days to complete the entire enforcement process for cases not transmitted to the Attorney General.
(Includes intake and investigation.)



Target Average: 180 Days | Actual Average: 156 Days

PM4 | Formal Discipline – Volume

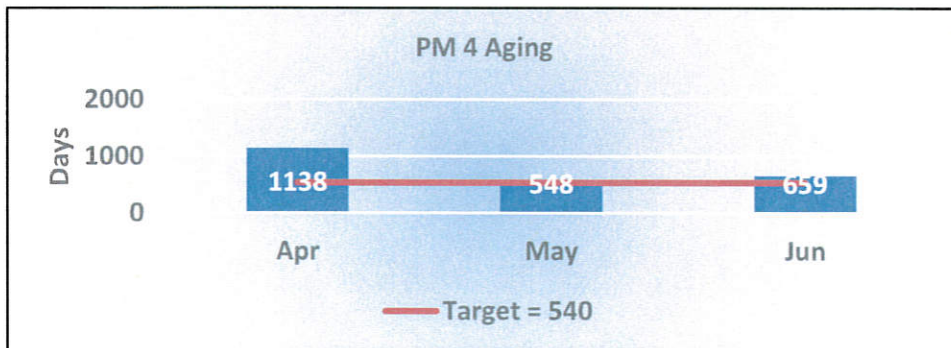
Cases closed after transmission to the Attorney General for formal disciplinary action. This includes formal discipline, and closures without formal discipline (e.g., withdrawals, dismissals, etc.).



Total: 15

PM4 | Formal Discipline – Cycle Time

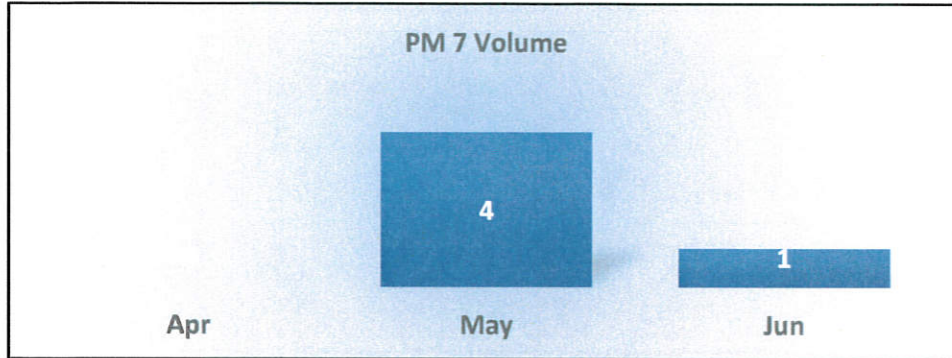
Average number of days to complete the entire enforcement process for cases transmitted to the Attorney General. (Includes intake, investigation, and case outcome.)



Target Average: 540 Days | Actual Average: 690 Days

PM7 | Probation Intake – Volume

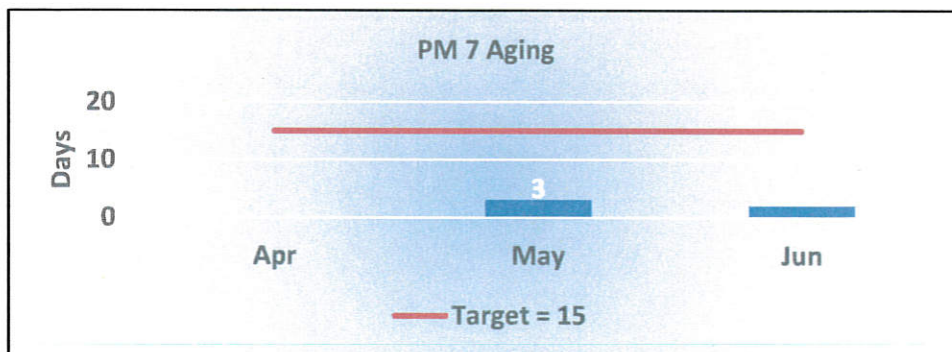
Number of new probation cases.



Total: 5

PM7 | Probation Intake – Cycle Time

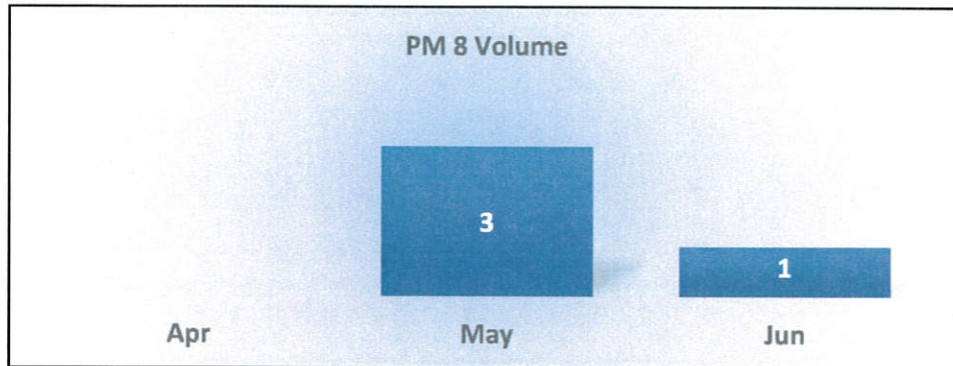
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 15 Days | Actual Average: 3 Days

PM8 | Probation Violation Response – Volume

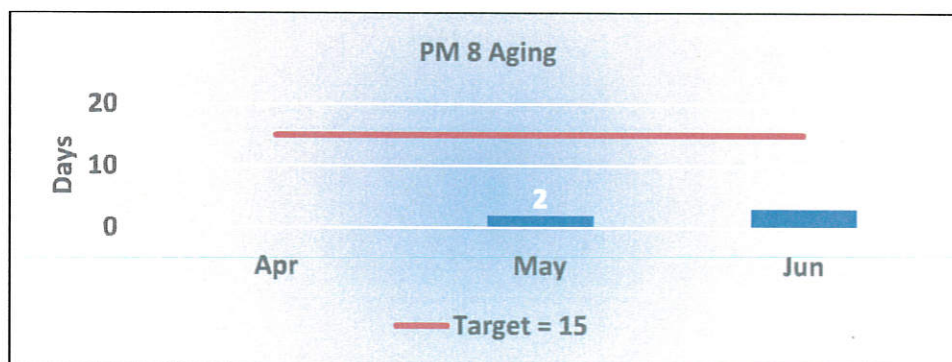
Number of probation violation cases.



Total: 4

PM8 | Probation Violation Response – Cycle Time

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.



Target Average: 15 Days | Actual Average: 2 Days



State of California
Edmund G. Brown Jr., Governor

December 2017

ACCUSATIONS FILED

Name and City	License No.	Date Filed	Alleged Violations
Scruggs, William Keith Toluca Lake, CA	DC 29843	12/01/2017	Conviction of a crime, which is substantially related to the duties of a chiropractor.

STATEMENT OF ISSUES

Name and City	License No.	Date Filed	Action	Effective Date	Violations
No Data to Report					

DISCIPLINARY ACTIONS

Name and City	License No.	Action	Effective Date	Violations
Thayer, Ace Sokuey Costa Mesa, CA	DC 24008	Revoked, stayed, 3 yrs. probation	12/1/2017	False or misleading advertising that violates Business & Professional Code Section 17500; unprofessional conduct/gross negligence; unprofessional conduct/ endangering the health, welfare or safety of the public; unprofessional conduct/ repeated negligent acts; unprofessional conduct/commission of acts involving moral turpitude, dishonesty or corruption; participation in the act of fraud/misrepresentation; knowingly making or signing a document related to the practice of chiropractic which falsely represents the facts; unprofessional conduct/ excessive treatment; unprofessional conduct/ incompetence.
Serrano, Jose L. Huntington Beach, CA	DC 25506	Revoked, stayed, 3 yrs. probation	12/07/2017	Conviction of a crime which is substantially related to the duties of a chiropractor; unprofessional conduct/ endangering the health, welfare or safety of the public; dangerous use of alcohol in a manner dangerous to the safety of oneself or the public; conviction of more than one misdemeanor involving the dangerous use of alcohol.

Ngo, Anthony LC San Francisco, CA	DC 27497	Revoked, stayed, 3 yrs. probation	12/14/2017	Unprofessional conduct; unprofessional conduct/endangering the health, welfare or safety of the public; dangerous use of alcohol in a manner dangerous to the safety of oneself or the public; conviction of a crime, which is substantially related to the duties of a chiropractor; conviction of more than one misdemeanor involving the dangerous use of alcohol.
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REINSTATEMENT OF LICENSE

Name and City	License No.	Date Filed	Action	Effective Date	Violations
No Data to Report					

FINAL CITATIONS ISSUED

Name and City	License Number	Fine Amount	Date Issued	Violations
No Data to Report				

PETITION FOR REINSTATEMENT

Name and City	License No.	Revocation Date	Action
No Data to Report			

PETITION FOR EARLY TERMINATION OF PROBATION

Name and City	License Number	Probation End Date	Action
No Data to Report			

PETITION FOR MODIFICATION OF PROBATION

Name and City	License Number	Probation End Date	Action
No Data to Report			

T (916) 263-5355
 F (916) 327-0039
 TT/TDD (800) 735-2929
 Consumer Complaint Hotline
 (866) 543-1311

Board of Chiropractic Examiners
 901 P Street, Suite 142A
 Sacramento, California 95814
www.chiro.ca.gov



State of California
Edmund G. Brown Jr., Governor

January 2018

ACCUSATIONS FILED

Name and City	License No.	Date Filed	Alleged Violations
Weathersby, Leon Patrick Jr. Upland, CA	DC 22887	1/2/2018	Unprofessional conduct; unprofessional conduct/ gross negligence; unprofessional conduct/ repeated negligent acts; unprofessional conduct/ commission of acts involving moral turpitude, dishonesty or corruption; participation in the act of fraud/ misrepresentation.
Maramag, Russell Anthony San Jose, CA	DC 32264	1/3/2018	Conviction of a crime which is substantially related to the duties of a chiropractor; conviction of a crime involving moral turpitude, dishonesty, physical violence or corruption; unprofessional conduct/ commission of acts involving moral turpitude, dishonesty or corruption; knowingly making or signing a document related to the practice of chiropractic which falsely represents the facts; participation in the act of fraud/ misrepresentation; insurance fraud.

STATEMENT OF ISSUES

Name and City	License No.	Date Filed	Action	Effective Date	Violations
No Data to Report					

DISCIPLINARY ACTIONS

Name and City	License No.	Action	Effective Date	Violations
No Data to Report				

REINSTATEMENT OF LICENSE

Name and City	License No.	Date Filed	Action	Effective Date	Violations
No Data to Report					

FINAL CITATIONS ISSUED

Name and City	License Number	Fine Amount	Date Issued	Violations
No Data to Report				

PETITION FOR REINSTATEMENT

Name and City	License No.	Revocation Date	Action
Chang, Dong Hyun Canoga Park, CA	DC 13973	7/19/2007	Petition denied effective 1/11/2018
Kaufmann, Todd Steven San Rafael, CA	DC 20654	2/09/2013	Petition denied effective 1/11/2018

PETITION FOR EARLY TERMINATION OF PROBATION

Name and City	License Number	Probation End Date	Action
No Data to Report			

PETITION FOR MODIFICATION OF PROBATION

Name and City	License Number	Probation End Date	Action
No Data to Report			

T (916) 263-5355
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(866) 543-1311

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