SPRING 2009 VOLUME 1 | NUMBER 1

BCE NEWS

CALIFORNIA BOARD OF CHIROPRACTIC EXAMINERS QUARTERLY NEWSLETTER

FROM OUR CHAIR

As the current Chair of the Board of Chiropractic Examiners (BCE), it is my pleasure and honor to send out this newsletter. Although it has been several years since the BCE has sent out a publication to California licensees, we expect to send out regular ones from this point forward. This is just one of several vehicles we are developing to make the BCE more transparent, available and responsive to the public, government agencies, the Office of the Governor, the California Legislature, Chiropractic schools and colleges, as well as to California licensed Doctors of Chiropractic.

2008 has been an exceptionally busy and successful year for the Board in terms of our primary mission to protect the public. Specifically, we are actively implementing what we believe will be the most efficient enforcement policy and staff of any current health-related Board. This includes up to six full-time investigators directly employed by the Board who, in addition to regular enforcement activities, have the power to implement surprise inspections of offices. We have also implemented new regulations that allow us to cite and fine from $100 up to $5,000 per occurrence. We are also advancing a new regulation that allows the BCE to have the ability to write a Letter of Admonishment for lesser violations.

We are continuing to upgrade the BCE in 2009. We are working on no less than seven proposed regulations at present. These include a major revision of continuing education requirements for all licensees, new regulations for Manipulation Under Anesthesia, new regulations for recognizing Board Specialties, and several others you will read about in this newsletter.

As an additional tool to educate the public, we are also working on a brochure on how to choose a Doctor of Chiropractic. This will include areas such as the education requirements for becoming a D.C., how and what we evaluate and treat, and other information designed to better inform the public on what to expect when they visit one of us. When complete, these brochures will be available via our Internet Website and in printed form from the BCE. It is my hope that this will be something every D.C. will be happy to distribute to their patients on an ongoing basis.

In another effort to reach those interested in BCE activities, starting on May 21st we will be broadcasting our meetings live on the Internet this year. The meetings will also be recorded and accessible at no charge to anyone, so that

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BCE Special Investigators

The BCE received the authority to establish a total of six Special Investigator positions over the next two fiscal years. These full time investigators will be housed throughout the state to investigate alleged law violations, conduct compliance inspections, assist with probation monitoring, and collaborate with other state agencies and law enforcement agencies on enforcement related matters.

Our investigators are critical to the BCE's consumer protection efforts. For the first time ever, the BCE has full time investigators dedicated exclusively to the needs of the BCE. Our investigators receive extensive training and education on all aspects of administrative investigations, the disciplinary process, and receive comprehensive information on the different types of equipment used in a typical chiropractic office.

We are committed to conducting all complaint investigations, compliance inspections, and probation monitoring in an objective, fair, timely, and professional manner. With these employees, the BCE believes it can achieve those goals for the benefit of consumers and licensees.

Protecting California consumers from the fraudulent, negligent, or incompetent practice of chiropractic care.

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one can always review what transpired with the use of a computer and an Internet connection. Data will be sorted by topic, speaker and other similar points of access.

In order to help defray and contain costs, we are requesting that each licensed D.C. provide an e-mail to the BCE so that we can distribute newsletters and other important information electronically. The advantages are obvious: instant communication and major reductions in mailing costs. You can provide your e-mail by going online at **http://www.chiro.ca.gov/onlineservices/subscribe.html**.

Due to increased enforcements and unanticipated costs related to lawsuits, the BCE needs to raise annual license fees. At this juncture, we will be seeking to introduce a bill through the Legislature to accomplish this. We are not sure about the actual amount, but we expect the annual fee to increase by a range of $25 to $50 per licensee.

I believe these are the most sweeping upgrades to the standard of care in our profession in decades, and will result in something we can all be very proud of. To achieve all of this, it took a very dedicated, knowledgeable and hard-working group of people. To begin with, a large amount of credit is due to the BCE staff under the direction of Brian Stiger, our Executive Officer. Our appointed Board members have spent hundreds of hours of their own time on building Board policies, attending many meetings and shepherding these regulations through. My profound thanks go out to Hugh Lubkin, D.C., our Vice Chair; Franco Columbu, D.C., our Secretary; Richard Tyler, D.C., our past Chair and current professional member; and our former public members, Judge James Duvaras and Mr. James Conran. The collective dedication of these gentlemen to the BCE goes beyond description, and I am extremely proud to serve with them.

We would not have these regulations at their current levels without the constant participation, support and input of the California-based professional associations, namely the California Chiropractic Association and the International Chiropractic Association of California, all of the California Chiropractic Colleges and Universities and many members of the public and profession who regularly attend BCE meetings and participate in Committees and Work Groups. As we move forward on existing proposed regulations as well as anticipated new ones, we invite any and all interested parties to attend Board meetings and participate in areas of interest to you.

As you can see, the BCE is in a very active phase, and we welcome your participation as we continue along the road ahead.

Sincerely,

Fred N. Lerner, D.C.
Chair, Board of Chiropractic Examiners

CHECK THE LICENSE

The BCE advises consumers to check the license of any individual claiming to be a chiropractic doctor.

A properly licensed chiropractic doctor has completed comprehensive academic and clinical training, passed national and state examinations, and completed a background check before the Board will issue a license. Chiropractic doctors must renew their license annually and post the license in plain view for consumers to see.

You can easily verify a license by checking our web site at **www.chiro.ca.gov** and clicking on "License Search." Enter the name or license number, and the search will confirm if the individual is licensed. The search also has additional information, such as whether the licensee has disciplinary action pending, prior disciplinary action, or their license is on probation.

You may also obtain this information by contacting the Board directly at (916) 263-5355 or toll free at (866) 543-1311.

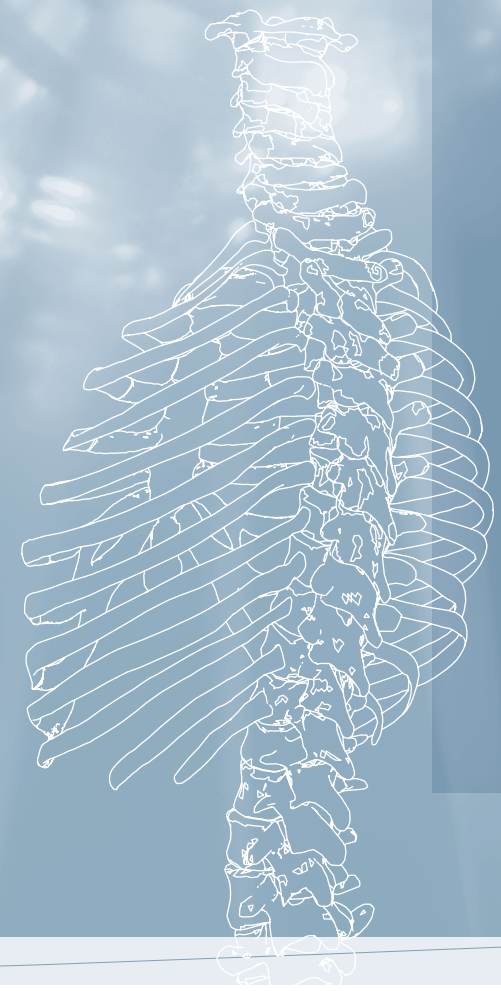
Governor Arnold Schwarzenegger made the following appointments to the BCE:

MARTIN MARISCAL: *(Top photo)*
Mr. Mariscal, from Santa Maria, has served as president and chief executive officer of Mariscal-Rumbaugh Insurance Agency. Prior to that, he owned Martin Mariscal Insurance from 1986 to 1999 and was an insurance agent for Acquistapace Insurance Service from 1983 to 1986. From 1980 to 1983, he was a marketing representative for Certified Pension Consultants. He is a member of the Board of Vocational Nursing and Psychiatric Technicians, National Association of Insurance and Financial Advisors, Western Insurance Agents Association, Insurance Brokers Association, IBA West and Rotary International.

JEFFREY STEINHARDT: *(Middle photo)*
Dr. Jeffrey Steinhardt, D.C. has served as a chiropractor in private practice since 1984. Steinhardt is a member of the California Chiropractic Association, California Society of Industrial Medicine and Surgery, San Diego Chiropractic Network, American Public Health Association and Academy of Forensic and Industrial Chiropractic Consultants.

RICHARD TYLER: *(Bottom photo)*
Dr. Richard Tyler, D.C. has served on the Board since 2004. Since 1969, Tyler has served as a chiropractor in private practice and, in the seventies and eighties, he worked as a chiropractor in Vermont and served on the Vermont Board of Chiropractic Examination and Registration. Prior to that, Tyler was an editor for Weider Health Publications from 1965 to 1972 and an actor from 1940 to 1966.

Board Chair, Fred N. Lerner, also shown on all photos. >



BCE IMPLEMENTS CITATION AND FINE PROGRAM

Effective September 1, 2008, the Office of Administrative Law approved regulations authorizing the BCE to issue monetary fines for up to $5,000 per violation. This new enforcement tool has been used to address minor and technical violations of any law and regulation governing the practice of chiropractic in California.

With the adoption of this regulation, the BCE has the additional option of issuing a citation with or without a fine to quickly address less serious law violations without taking formal disciplinary against the licensee. The BCE does not consider a citation with or without a fine as disciplinary action. However, the BCE posts citations on its Web site, and citations are subject to public disclosure under the California Public Records Act.

After the issuance of a citation, a doctor of chiropractic has two levels of appeal: 1) informal, 2) formal or may pursue both. The informal appeal or Citation Review Conference (CRC) provides the licensed doctor the opportunity to discuss the citation with the executive officer. The licensee may attend the CRC in person or via the telephone and may be represented by the person of his or her choosing. Following the CRC, the executive officer must notify the licensee within 10 days if he affirmed, modified, or dismissed the citation.

Recipients of citations may also file a formal appeal where a full evidentiary hearing is held before an Administrative Law Judge (ALJ). In formal hearings, the BCE is represented by the State Department of Justice, Office of the Attorney General. Following the hearing, the ALJ provides a proposed decision that is then presented to the full Board for a vote. The Board Members vote to either adopt or non-adopt the ALJ's proposed decision.

Payment of the fine is considered a satisfactory resolution to the citation. Licensees who fail to pay the fine will not be able to renew their license.

The BCE has issued 20 citations with fines totaling $8,250 since September 2008.

ACCUSATIONS FILED

July 1, 2008 – March 31, 2009

NAME AND CITY	LICENSE NO.	DATE FILED	ALLEGED VIOLATIONS
Aboul-Hosn, Zeyad - Newport Beach	DC 28609	09/19/2008	• Conviction of a crime • Unprofessional conduct
Adams, Todd - Mission Viejo	DC 13434	02/05/2009	• Conviction of a crime
Aguilar, John - Fresno	DC 17247	09/11/2008	• Conviction of a crime • Unprofessional conduct
Andrues, Kris - Vallejo	DC 20900	07/02/2008	• Unlicensed practice • Unprofessional conduct
Barre, Dana - Encinitas	DC 25649	12/19/2008	• Conviction of a crime
Bloxton, Russell - Oceanside	DC 23747	07/11/2008	• Conviction of a crime • Unprofessional conduct
Christie, David - Watsonville	DC 21871	03/20/2009	• Unprofessional conduct
De La Vara, Juan - Riverbank	DC 28054	09/11/2008	• Conviction of a crime • Unprofessional conduct
Deboer, James - Palm Desert	DC 16113	03/16/2009	• Conviction of a crime • False statement
Demarco, Robert - Los Gatos	DC 22643	03/20/2009	• Conviction of a crime
Diamond, Michael - Westchester	DC 24070	11/18/2008	• Conviction of a crime • Unprofessional conduct
Ghodousi, Nosrat - Encino	DC 21864	12/17/2008	• Conviction of a crime
Gleason, Michael - Palo Alto	DC 28875	10/01/2008	• Conviction of a crime • Unprofessional conduct
Greenwood, Stuart - Indio	DC 13784	02/03/2009	• Sexual misconduct • Exceed scope of practice • Use of inappropriate title
Guardino, Edward - Los Angeles	DC 13788	01/16/2009	• Conviction of a crime
Hanes, Kathy - San Diego	DC 18438	03/16/2009	• Conviction of a crime
Hoang, Philip - Moreno Valley	DC 27776	12/01/2008	• Fail to maintain records • Fail to release records
Hult, Robin - Redding	DC 28678	03/20/2009	• Conviction of a crime
Johnson, Christopher - Whittier	DC 28101	03/25/2009	• Conviction of a crime
Kullrich, Regan - North Fork	DC 20272	08/19/2008	• Conviction of a crime • Unprofessional conduct
Parolise, Anthony - Los Banos	DC 20737	09/23/2008	• Sexual misconduct
Pham, Henry - Yorba Linda	DC 22434	09/11/2008	• Sexual misconduct • Conviction of a crime • Unprofessional conduct
Reynoso, Jose - Hayward	DC 22135	09/23/2008	• Conviction of a crime • Unprofessional conduct
Reynoso, Ramon - Hayward	DC 20365	09/19/2008	• Conviction of a crime • Unprofessional conduct
Ripley, Michael - Orinda	DC 18934	12/23/2008	• Sexual misconduct
Taylor, Robert - Los Angeles	DC 24233	01/16/2009	• Conviction of a crime • Unlicensed practice • False statement
Tran, Quan - Fountain Valley	DC 29241	03/12/2009	• Conviction of a crime
Usher, Yvonne - Napa	DC 26938	01/13/2009	• Conviction of a crime
Vo, Doris - Laguna Hills	DC 29016	03/16/2009	• Sexual misconduct • Unprofessional conduct • Conduct endangering public
Walter, Michael - Orange	DC 20831	10/17/2008	• Conviction of a crime • Unprofessional conduct
Wazac, Dennis - Folsom	DC 26511	01/22/2009	• Excessive treatment
Whitcomb, Paul- South Lake Tahoe	DC 11681	11/10/2008	• Unprofessional conduct • Fail to maintain records • False/misleading advertising
Yoo, Casey - Los Angeles	DC 19339	03/25/2009	• Sexual misconduct

JOIN THE BCE E-MAIL SUBSCRIPTION LIST

The BCE invites you to join our e-mail subscription list. As your state licensing agency, the BCE issues and renews licenses, approves continuing education, discipline licensees for rule violations and prosecutes individuals unlawfully practicing chiropractic without a license, among other duties. We want you to stay informed on the many important topics and actions of the BCE, including Board and committee meetings, regulatory hearings, and this newsletter. It's as easy as going online to **www.chiro.ca.gov**, clicking on "Join Our Mailing List" and providing your information at the prompts.

JOIN TODAY AND STAY INFORMED!

CITATIONS ISSUED July 1, 2008 – March 31, 2009

NAME AND CITY	LICENSE NO.	FINE AMOUNT	DATE ISSUED	ALLEGED VIOLATIONS
Anderson, Christine - Los Angeles	DC 20869	$2,000	12/11/2008	• False/misleading advertisement
Arellano, Antonio - Sacramento	N/A	$1,000	01/26/2009	• Unlicensed practice
Beaty, Tamara - Napa	DC 28628	$150	03/17/2009	• Unlicensed practice
Cantong, David - Los Angeles	DC 21916	$250	09/19/2008	• Fail to provide records to the Board
Chamberlain, Scott - Selma	DC 20545	$400	12/10/2008	• Fail to release records
Chin, Henry - Los Angeles	DC 28465	$100	10/03/2008	• Fail to file current address with the Board
Chung, Chang - Fullerton	DC 26031	$800	02/02/2009	• Conduct on premises
Cortes, Nelson - Downey	DC 29912	$200	10/14/2008	• Fail to release records
Emley, Joe - Laguna Beach	DC 15514	$150	09/19/2008	• Fail to file current address with the Board • Fail to display license
Fields, Adam - San Jose	DC 23615	$350	12/12/2008	• Renewal and restoration
Halle, Thomas - Los Angeles	DC 20990	$400	03/27/2009	• Continuing Education Requirements
Hamvay, Steven - Downey	DC 30541	$250	12/12/2008	• Unlicensed practice
Han, Nga - Santa Ana	DC 27920	$400	03/19/2009	• Fail to file current address with the Board • Fail to display license
Hudson, Veronica - Norwalk	DC 24144	$100	12/19/2008	• Continuing Education Requirements
Kelly, Mark - Chino Hills	DC 17726	$100	12/19/2008	• Continuing Education Requirements
Knightly, Thomas - San Diego	DC 27792	$500	01/20/2009	• Continuing Education Requirements • Unlicensed practice
Knobbe, Gregory - Huntington Beach	DC 23032	$500	03/05/2009	• Unlicensed practice
Loeffler, Curtis - Hemet	DC 16701	$500	11/12/2008	• Fail to release records
Nayab, Laila - Orange	DC 28826	$100	08/25/2008	• Unlicensed practice
Phan, David - Diamond Bar	DC 25784	$400	12/12/2008	• Unlicensed practice
Reyes, Daniel - Visalia	DC 18251	$250	10/08/2008	• Unlicensed practice
Sato, Gary - Santa Monica	DC 22456	$300	01/26/2009	• Fail to release records • Fail to maintain patient records
Turk, Harold - Tarzana	DC 25632	$400	02/19/2009	• Unlicensed practice
Vigil, David - Seal Beach	DC 16157	$200	09/19/2008	• Use of inappropriate title

* Payment of the fine is a satisfactory resolution to the citation

DISCIPLINARY ACTIONS July 1, 2008 – March 31, 2009

NAME AND CITY	LICENSE NO.	ACTION	EFFECTIVE DATE	ALLEGED VIOLATIONS
Allen, Richard - San Rafael	DC 12733	• Revocation stayed • 15 day suspension • 5 years probation	07/07/2008	• Sexual misconduct • Unprofessional conduct • Fail to maintain patient records
Anderson, Paul - Petaluma	DC 18305	• Voluntary surrender of license	11/02/2008	• Conviction of a crime • Unprofessional conduct
Andrues, Kris - Vallejo	DC 20900	• Revocation stayed • 7 day suspension • 3 years probation	12/18/2008	• Unlicensed practice
Boswein, Daniel - Fresno	DC 30981	• Revocation stayed • 5 years probation	07/29/2008	• Discipline in another state
French, Ronald - Ventura	DC 30982	• Revocation stayed • 2 years probation	08/27/2008	• Conviction of a crime • Unprofessional conduct
Giventer, Alex - Los Angeles	DC 22345	• Revocation	12/10/2008	• Unprofessional conduct • Misrepresentation/fraud • Fail to ensure accurate billings
Kim, Han - Los Angeles	DC 27339	• Revocation	11/03/2008	• Conviction of a crime • Insurance fraud
Malati, Hani - Hawthorne	DC 30416	• Revocation	03/12/2009	• Failure to comply with terms of probation
Maniscalco, Steven - Anaheim	DC 30195	• Revocation	09/25/2008	• Conviction of a crime • Unprofessional conduct
Mehmandoust, Marcello - Newark	DC 27126	• Revocation	01/10/2009	• Insurance Fraud
Rightmyer, Vicki - Costa Mesa	DC 27636	• Revocation stayed • 30 day suspension • 3 years probation	10/10/2008	• Conviction of a crime • Unprofessional conduct

BCE NEWS

BCE LETTER OF ADMONISHMENT REGULATIONS

Effective April 2, 2009, regulations went into effect authorizing the BCE to issue a "Letter of Admonishment" (LOA) to a licensee for minor violations of any law and regulations governing the practice of chiropractic in California.

The LOA is an enforcement tool to explain and address minor violations of the law and does not adversely affect the status of a doctor of chiropractic's license. By utilizing this enforcement tool, licensees will have the opportunity to correct minor violations.

If a licensee does not agree with the LOA, the licensee has the option to contest the LOA and request an informal appeal. This informal appeal process provides the licensee the opportunity to discuss the LOA with the Executive Officer. Following the conference, the Executive Officer must notify the licensee within 14 calendar days if he affirmed, modified, or dismissed the LOA.

To review a copy of this new regulation, you may visit the BCE's Web site at **www.chiro.ca.gov** and click on "proposed Regulations" under the section "Business Functions."

BOARD MEMBERS:

Chair
Frederick N. Lerner, D.C.

Vice-Chair
Hugh Lubkin, D.C.

Secretary
Francesco Columbu, D.C.

Martin Mariscal,
Public Member

Jeffrey Steinhardt, D.C.

Richard Tyler, D.C.

EXECUTIVE OFFICER:
Brian J. Stiger

BOARD OF CHIROPRACTIC EXAMINERS
2525 NATOMAS PARK DRIVE, SUITE 260
SACRAMENTO, CA 95833