

**Board of Chiropractic Examiners**

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**BOARD OF CHIROPRACTIC EXAMINERS  
PUBLIC SESSION MINUTES  
September 24-25, 2008  
State Capitol  
Assemble Room 126  
Sacramento, CA 95814**

**Board Members Present**

Frederick Lerner, D.C., Chair  
Hugh Lubkin, D.C., Vice Chair  
Francesco Columbu, D.C., Secretary  
Jim Conran, Public Member  
Richard Tyler, D.C., Professional Member  
Judge James Duvaras, Public Member

**Staff Present**

Brian Stiger, Executive Officer  
LaVonne Powell, Senior Staff Counsel  
Thomas Rinaldi, Deputy Attorney General  
Lavella Mathews, Associate Governmental Program Analyst  
John Melendez, Staff Services Manager  
April Alameda, Associate Governmental Program Analyst  
Genie Mitsuvara, Staff Services Analyst

**Call to Order**

Dr. Lerner called the meeting to order at 10:15 a.m.

**Roll Call**

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

**Chairs Report**

Dr. Lerner reported the Board is making progress on revising the Continuing Education Regulations. Dr. Lerner publicly acknowledged the work of the continuing education work group. He thanked Mr. Eric Banta from International Chiropractic Association of California, Mr. Carlye R. Brakensiek, Melea Fields from Southern California University, Dr. Kendra Holloway, D.C. from Life West, Dr. Sherry McAllister, D.C., Dr. Mitchell Peritz, D.C., Mr. Lou Ringler from Intercom Associates, Dr. Linda Shanks, D.C., Dr. William Updyke, D.C. from California Chiropractic Association. He additionally thanked Board staff members April Alameda, Genie Mitsuahara, John Melendez, LaVonne Powell, and Executive Officer, Brian Stiger

Dr. Lerner acknowledged Mr. Conran for contributing his wisdom and experience regarding government relations, as well as being extremely helpful in crafting Board policies.

### **Approval of Minutes**

Two sets of minutes to approve. May 22, 2008 and July 30-31, 2008.

**DR. LERNER MOVED TO APPROVE THE MAY 22, 2008 MINUTES.  
DR. LUBKIN SECONDED THE MOTION.**

### **Discussion**

Dr. Lubkin stated on the bottom of page eight there was a typing error that should be corrected. Reads 6-0-2 and should be corrected to 4-0-2.

**VOTE 6-0  
MOTION CARRIED**

**JIM CONRAN MOVED TO APPROVE THE JULY 30-31, 2008 MINUTES  
DR. COLUMBU SECONDED THE MOTION**

### **Discussion**

None

**VOTE 6-0  
MOTION CARRIED**

### **Public Comment**

Jim Conran introduced Patrick McKenna, a second year law student at the University of San Diego. Mr. McKenna is here on behalf of Center for Public Interest Law (CPIL) and will be monitoring the Board for the course of this year to capture what the meetings encompass.

### **Board Member Training on the Bagley-Keene Open Meetings Act and other relevant laws**

LaVonne Powell discussed the upcoming Department of Consumer Affairs (DCA) conference in November with all of DCA's Boards, as well as the Board of Chiropractic Examiners. This is an excellent opportunity for Board Members to choose training courses available regarding the Open Meeting Act and the Administrative Procedure Act process. There is also opportunity to network

with DCA's Board Members, particularly in healing arts. Most all Board Meetings will be held on Thursday, but some will be held on Tuesday. It would be beneficial to observe other Board Meetings to see how they work and get ideas on what you like or dislike. Wednesday would be the most important day to attend due to the trainings being offered and panel discussions. This is the first conference that DCA is putting on and they are looking for feedback on what went well and what didn't.

## **Executive Officer's Report**

### Budget

Mr. Stiger provided a status of the Board's budget that current projections indicate a \$100,000 reversion at the end of the fiscal year. He mentioned, however, that does not include expenditures such as legal fees. A tight budget is being predicted again this year, so we will need to manage appropriately.

Mr. Stiger also read report language from the budget bill that was signed yesterday, that requires the Board to report by March 1, 2009, and by every March 1<sup>st</sup>, through 2013, to the chair persons of committees in each house of the legislature that consider the budget and the legislature analyst office, all of the following; details regarding progress made towards addressing the recommendation of the March 2008 report of the State Auditor, Investigative work load and projected work load data for each fiscal year from 2007-2008 until 2012-2013. Work load data shall include at a minimum, the number of complaints processed, cases investigated, and legal actions filed as well as the time line for the disposition of complaints. The information is already being compiled and should be positive.

A question was raised if the Board was seeking to increase licensing renewal fees to help gain revenue. It's been determined that the fees have not been raised since 1991 however, costs have gone up. The response was yes, the Board is working on increasing the fees. There are no specific details at this time, and is currently on the Licensing Committee's agenda.

### Personnel

Mr. Stiger informed the Board that the Governor placed a hiring freeze on July 31st, however, there is an exemption for health and safety positions. We have exempted our investigators and are moving forward with hiring a Supervisor, who is starting on October 1st and we are still recruiting for a Special Investigator in southern California. Our current staff level is 18 positions with 2 to fill. We will gain 2 more positions next fiscal year and be up to 20 positions.

### Licensing

Mr. Stiger informed the Board that there are 31 fewer licenses that went into forfeiture than last year.

Dr. Lerner commented on the 206 increase of satellite certificates and asked if it had anything to do with the need for more work.

Mr. Stiger responded that there are 200 more than a year ago, and that Dr. Lubkin has requested that we identify those individuals that have more than five satellite offices. We are working towards having that completed by the end of the year. It does seem to be a growing trend. He also stated

that we do not have a back log of Licensing Applications.

### Enforcement

Mr. Stiger informed the Board of the new format displaying three full fiscal years and that we have started to include the citations issued. The information provided is through August 31<sup>st</sup>. He also informed the Board, that we now have the authority to issue fines effective August 1st. We have issued one citation in the amount of one hundred dollars during that time period. Since that time, approximately four more have been issued which will be reflected at the next Board Meeting.

Mr. Conran asked if there was a time line that the licensees would have to pay the citation.

Mr. Stiger replied that they have thirty days to either pay the citation or file an appeal.

Dr. Lerner applauded the staff for being able to catch up on so much work in such a short time. He acknowledged that it couldn't have been easy.

### Bureau of State Audits

Mr. Stiger informed the Board that our six month report is due tomorrow. We are approximately eighty five percent through addressing all the deficiencies. We have a year to implement all of them except for the ones that we are opposing. The year ends March 1st. We are ahead of schedule and will meet our deadline.

### **Committee Reports**

#### Continuing Education Committee

Dr. Tyler informed the Board this was one of the most productive meetings due to the task force (work group) that Mr. Stiger formed. They addressed many of the areas of concern. Other areas will be covered in the future. They are planning to have another meeting before the next open meeting to refine areas that need to be addressed. He expressed to the board that he is very pleased with the progress and is looking forward to the next meeting.

Dr. Lerner expressed that he would like to see the work group get some direction from the Board today, then go back to the committee and finish this up. Discussion needs to include where the Board stands and not just the work group and committee. He did some on-line research and compiled two charts. One has information on what is done among other health boards in California, and the second has what other State Chiropractor Associations have done to help get an idea of how other Boards deal with Continuing Education.

Dr. Tyler is worried that California's parameters will be set based on what everyone else does.

Dr. Lerner has a concern with section 356 number 3 C; licensees may earn continuing education credits for courses offered by providers that are approved by the Department of Industrial Relations. He is an provider approved and doesn't know how to address this.

Ms. Powell stated he shouldn't address it.

Dr. Lerner gave suggestions to open it up and that he liked the idea of being put in rooms with other

medical professionals. He feels it raises the bar and creates inter professional communication.

Mr. Stiger stated the work group put forward two hours of inter-disciplinary courses and asked what Dr. Lerner meant by opening it up.

Dr. Lerner clarified that the specific hours required in specific categories is getting into micro managing. He agrees on the amount of hours but that the types of courses don't need to be handled so specifically.

Ms. Powell explained when looking at the mandatory courses, the reasoning for the specific courses is based on the type of complaints that were received. Wherever the bulk of the complaints were is what the mandatory courses reflect.

Dr. Tyler believes the meeting was too short and there's still so much more to cover. The four hours of adjustive technique has been controversial and he believes adjustive technique is the key stone of the profession. We need to continue research because the profession is based on structure effecting function. He also expressed the importance of pharmacology courses to be aware of current medications patients may be taking and possible effects of mixing medications.

Jim Conran agrees that there is value to having adjustive technique, but it shouldn't be made a prescriptive course to a licensee, if the licensee is really not interested, it's a waste everyone's time. Most everyone wants to be the best professional they could be.

Dr. Columbu would like to see the adjustive technique increased to ten hours and incorporate some kind of kinesiology within the course.

It was suggested that one of the things the committee could look at, working with staff, is what problems come to the Board in terms of complaints. We should determine trending data to use so we can reduce the problems with the practitioners!

Mr. Stiger asked the Board if the work group has captured the main concerns of the Board and if they are moving in the right direction.

Dr. Lerner and Dr. Tyler agreed that they believe this is moving in the right direction.

### **Public Comment**

Dr. Charles Davis acknowledges that the adjustive technique is important and should be more than four hours. He also agreed with Dr. Lerner in regards to it being a mandated course, he also feels that it should be the license to choose whether or not to take an adjustive technique.

Kristine Shultz representing the California Chiropractic Association wanted to thank the staff and the Committee for their hard work of the proposed regulations and she is looking forward to working with the Board in the process. She went over a list of provisions with the Board.

### **DR. TYLER MOVED TO APPROVE LIST OF PROVIDERS FOR RATIFICATION DR. LUBKIN SECONDED THE MOTION**

### **Discussion**

Dr. Tyler expressed concern regarding Mueller College of Holistic Studies, he questioned if the

college meets the requirements.

Mr. Stiger assured that the Board staff made sure both colleges meet all the legal requirements for the Board to approve.

Ms. Powell clarified the requirements are making sure they are a legitimate business and that they know what the Laws and Regulations are.

A question was asked, how many providers are approved.

The response was approximately 74.

**VOTE 6-0  
MOTION CARRIED**

Licensing Committee

Dr. Lubkin informed the Board that the Licensing Committee discussed the increase of licensing fees and Approval of Ratification of formally approved ratifications and is brought to the Board to be reviewed and to approve licenses to ratify.

**JIM CONRAN MOVED TO APPROVE FORMALLY APPROVED RATIFICATIONS.  
DR. LERNER SECONDED THE MOTION  
VOTE 6-0  
MOTION CARRIED**

Dr. Lubkin updated the Board that the California Law and Profession Practice Examination is basically that it needs to be updated annually.

Mr. Stiger invited Dr. Noland Hertz to come and speak in regards to our law exam.

Dr. Hertz developed the exam in 2003-2004, explained the process of developing the examination by means of work shops to insure subject matter were addressed. It is necessary to revise the law examination to reflect the changes of Rules and Regulations and the content of the test is current.

Mr. Stiger stated he would like an indication from the Board to move forward on working with staff, getting a contract together with a vendor to evaluate the current Law Exam, then moving forward with updating it.

Dr. Lubkin would like to know the time line to update the Law Examination. He also requested the cost of the process.

Dr. Hertz gave an approximate time line of 6 to 9 months, but was not able to give a cost.

**DR. LUBKIN MOVED TO ALLOW THE STAFF TO MOVE FORWARD IN UPDATING THE LAW EXAM AND GETTING SOME BIDS, WITH THE STAFF COMING BACK TO THE BOARD WITH THAT INFORMATION.  
JIM CONRAN SECONDED THE MOTION**

**Discussion**

Jim Conran commented to ask people for a test that may not be relevant is a disservice. So it is important to update these types of examinations to make sure they meet the minimum standards and that they are being tested on what they really need to know.

**VOTE 6-0**  
**MOTION CARRIED**

Scope of Practice Committee

Dr. Lubkin discussed three major topics. The first one is the recognition of different chiropractic specialties. Counsel advised it be reviewed through business and professional code 650. The second topic is with Chiropractic Scope of practice of Chiropractor use of X-rays. The committee made the decision not to move forward with this topic. The last topic is Manipulation under Anesthesia revised proposal for Regulatory Language. This has been on-going and is moving towards office of Administrative Law. We are planning to have this open for public comment by the end of the year and the Committee is feeling comfortable with it.

Dr. Lerner commented that the Committee is work diligently with the Office of Administrative Law. And it is part of the revision is some of the language change in the Manipulation under Anesthesia law. He also expressed that the process is going very well.

Dr. Tyler needed clarification as to why the Committee didn't want to move forward with the Scope of Practice with regards to the use of X-rays.

Dr. Lubkin informed the Board that the Committee's position on this matter was it be referred back to the Radiological Health Branch and that the letter the licensee received a letter from the Radiological Health Branch.

Ms. Powell clarified that the statement made of not moving forward meant that the Committee would not write a letter.

**Public Comment**

Dr. Davis commented on there was an issue with section 8, it was incorrect and unclear.

Ms. Powell reiterated what section 8 should read; MUA may only be performed in a hospital or Ambulatory Center licensed by California Department of Public Health, Bureau of Hospital Licensing Certification, or approved by either the joint commission on accreditation. She expressed that it needs to be clear to the Licensees where they can perform MUA.

Dr. Lerner explained that there are two entities that MUA can be performed in. One being a surgery center and the other is a hospital, which have separate accreditation bodies that govern them. He also reiterated that the language needs to be researched and made clear.

Mr. Stiger clarified that this would be brought back to the next meeting in November for approval.

Dr. Charles Davis informed the Board that there was an error in section F within the MUA regulation language.

Kristie Schultz was concerned with defining the manipulation in section F.

Roger Galton attorney expressed the same concerns in the first paragraph in section 8. It is his understanding that they can either be licensed with the State or accredited, and he believes there are two accrediting agencies, or they can be certified by Medicare.

Kathleene Creason of Osteopathic of Physicians Surgeons of California are apposed to Chiropractic Manipulation under Anesthesia. She can go into detail or they can be submitted in writing. She was asked to submit them in writing to the Executive Officer.

**DR. LUBKIN MOVED TO ACCEPT THE ACTIONS ITEMS DISCUSSED**

**DR. COLUMBU SECONDED THE MOTION**

**VOTE 6-0**

**MOTION CARRIED**

#### Public Relations Committee

Dr. Lerner stated there's been no meeting since the last Board meeting, so he will just update the Board on what they are trying to do. They are crafting a newsletter that will initially be handled by the DCA until they can bid out a private contractor. He also stated they are looking at potentially casting the board meetings on the web, which could also have a capability of video record the minutes. They are currently getting cost estimates of the equipment.

Mr. Stiger informed the Board that the staff may be coming back to the board for approval of a budget change proposal to allow funding for the equipment.

Jim Conran agreed that broadcasting the meeting would be very positive, it furthers the Board's desire to be transparent and would educate those who are interested to see how the Board operates and may also encourage people to participate.

Mr. Stiger updated the Board that the current regulation, the Letter of Admonishment, is in process and moving along. We have recently completed a public hearing where only one comment was made, which was a positive comment. There is some information at the Department of Finance we will need back on a Form 399, it's a Statement of Economic Interest. Once we receive this document back, we can file the regulation with OAL and hopefully it will get through in a short period of time.

Judge Duvaras said that the Order of Abatement with the prior Administration used the words "Cease and Desist" which he thought was objectable. He believes cease and desist should be from a judge's order.

Ms. Powell clarified that the Board has some authority to order licensees to do certain things and there is do process in that. The language is modeled from the current citation and fine language which speaks to an order of abatement that is used in the general B and P, and is understood language in the regulatory field. The Board no longer uses the words "Cease and Desist".

#### **Public Comment**

Clarification was needed for the next Board Meeting on November 20th, regarding the location and time. Dr. Lerner responded that the next meeting is at 10:00 a.m. and will be held at the Westin Hotel in Los Angeles, California.



## **Future Agenda Items**

Dr. Lubkin hopes there will be an update on Continuing Education Materials.

The Board recessed for a one hour lunch at 12:00 noon.

## **Hearings re: Petition for Reinstatement of Revoked License**

Administrative Law Ms. Brawdt presided over and Deputy Attorney General Tom Rinaldi appeared on behalf of the people of the State of California on the following hearings.

- Craig Maurer
- Robert Strohbach

Following oral testimonies, the Board went into closed session to consider Craig Maurer and Robert Strohbach for reinstatement of Revoked License.

## **Adjournment**

Dr. Lerner adjourned the meeting at 4:35 p.m.

**Thursday, September 25, 2008**

## **Public session**

Dr. Lerner called the meeting to order at 8:05 a.m.

## **Roll**

Dr. Columbu called roll all Board members present, with the exception of Jim Conran and Judge James Duvaras.

Judge James Duvaras came at 8:50 a.m.

Dr. Lerner announced that the Board will now go into closed session for an hour.

Dr. Lerner opened public session at 9:03 a.m. and turned over to Ms. Karen Brawdt, Administrative Law Judge.

## **Hearings re: Petition for Reinstatement of Revoked license**

Administrative Law Ms. Brawdt presided over and Deputy Attorney General Tom Rinaldi appeared on behalf of the people of the State of California on the following hearings.

- Stanford Sher
- Parviz Kovoossi
- Paul Bolonga
- Carlos Seals

## **Public Session**

Dr. Lerner called to order 11:48 a.m. and turned the meeting over to Karen J. Brawdt, ALJ

## **Hearings re: Petition for Early Termination of Probation**

- **Lee Tan Nguyen**
- **Steve Ram Nadkeswhar**
- **Donald Ringer**

Administrative Law Ms. Brawdt presided over and Deputy Attorney General Tom Rinaldi appeared on behalf of the people of the State of California on the following hearings.

Dr. Lerner announced that the Board will now go into closed session the time is 1:42 p.m.

## **Closed Session**

Following oral testimonies, the Board went into closed session for deliberation and determinations of Petitioners.

## **Public Session**

Dr. Lerner called the Board to open session at 2:33 p.m.

## **Future Agenda Items**

## **Adjournment**

Dr. Lerner adjourned the public meeting at 4:30 p.m.

**Proposed Amendment to the August 16, 2007, Board Meeting Minutes:**

Julie D'Angelo-Fellmeth, Center for Public Interest Law at the University of San Diego School of Law:

"Earlier today in the Enforcement Committee meeting I made some comments on the Enforcement Program. We have for 27 years monitored state agencies that oversee business, professions, and trades and over the years we have looked at a lot of the enforcement programs and in fact have been appointed by the legislature or by the executive branch to serve as independent, external enforcement monitors at three (3) different agencies: State Bar, Contractors Licensing Board, and the Medical Board, so we have a lot of expertise on how to structure an enforcement program and I just want to offer that to you as you are moving forward looking at alternatives, looking at your budget restraints, I you would like to consult with us, we are at your disposal".

An unidentified member of the audience asked, Mrs. Fellmeth if this consulting would cost the Board anything, and Ms. D'Angelo-Fellmeth replied "The first phone call is free".

DRAFT

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**BOARD OF CHIROPRACTIC EXAMINERS**

**PUBLIC SESSION MINUTES**

**Thursday, August 16, 2007**

**10:00 a.m.**

Department of Transportation

4050 Taylor Street

San Diego, CA 92110

619-220-7363

**BOARD MEMBERS PRESENT**

Richard Tyler, D.C., Chair  
Frederick Lerner, D.C., Vice-Chair  
Francesco Columbu, D.C., Secretary  
Jim Conran  
Hugh Lubkin, D.C.

**STAFF PRESENT**

Brian J. Stiger, Acting Executive Officer  
LaVonne Powell, DCA Senior Staff Counsel  
Marlene Valencia, Staff Services Analyst

## **CALL TO ORDER**

Dr. Tyler called the meeting to order at 10:05 a.m.

## **ROLL CALL**

Dr. Columbu called the roll. All members were present with the exception of Judge Duvaras.

## **CLOSED SESSION**

The Board went into closed session for interviews and possible selection of Executive Officer and also to deliberate on disciplinary matters.

## **OPEN SESSION**

Dr. Tyler called the Board into open session at 10:45 a.m. All members were present with the exception of Judge Duvaras.

Dr. Tyler stated that the deliberations concerning the Executive Officer position has been postponed and will be concluded at the end of the open session meeting.

## **APPROVAL OF MINUTES**

- June 21, 2007, Open Session

Dr. Tyler asked for a motion to approve the March 1, 2007 open session minutes.

**MR. CONRAN MOVED TO ADOPT THE JUNE 21, 2007 OPEN SESSION MINUTES. DR. LUBKIN SECONDED THE MOTION. VOTE: 5-0. MOTION CARRIED.**

## **EXECUTIVE OFFICER'S REPORT**

### **Administration**

### Budget Update

Mr. Stiger stated that the Budget Conference Committee proposed a cut in the Board's budget by 50%, the budget has not passed yet, however if the state budget passes in its current form, we will have to enact immediate cost-saving measures which would include a staffing reduction and a reduction in our cases that go to the Attorney General's office. Services all around would have to be cut in order to meet the level.

Dr. Lerner asked if the Board can issue a statement on behalf of the Board. Ms. Powell suggested writing a letter to the author of the budget bill or the committee stating that cutting our budget will compromise consumer protection because we will have to cut back drastically on our enforcement activities.

**DR. LERNER MOVED THAT THE BOARD SUBMIT A LETTER TO THE LEGISLATURE OR THE COMMITTEE REQUESTING EMERGENCY LEGISLATION TO RESTORE THE BUDGET ON THE BASIS THAT THIS IS GOING TO HARM OUR ABILITY TO PROTECT THE CONSUMER WHICH IS OUR NUMBER ONE PURPOSE. DR. LUBKIN SECONDED THE MOTION. MR. CONRAN ADDED THAT IF A LETTER IS TO BE SENT IT SHOULD ALSO BE SENT TO THE LEGISLATIVE LEADERSHIP AS WELL AS THE BUDGET CHAIR AND COPIES TO THE OVERSIGHT COMMITTEE'S AND A COPY TO THE GOVERNOR'S OFFICE. DR. LERNER ACCEPTED THE AMENDMENT. VOTE: 4-0. MR. CONRAN**

## **ABSTAINED.**

### Personnel Update

Mr. Stiger handed out the newest organizational chart. There is one revision to the chart that was included in the Board packet. There are a couple of changes since the last Board meeting. Lavella Matthews has been moved into an out-of-class Staff Services Manager I position. In her role, she will oversee licensing and administrative functions. The purpose of the change was to be sure that licensing had management oversight. It is currently a three month out-of-class with the ability to extend it. Mr. Stiger stated that these changes have been approved by the Consumer Affairs personnel office. As of Friday, August 10, 2007, the Chiropractic Consultant position is now vacant. At this current time, there is no plan to refill the position for a couple of reasons. One, with the budget uncertainties we should start saving money now. Second, we want to take a look at the Enforcement structure and perhaps reclassify the position in order to improve the enforcement operations. Mr. Stiger also announced the promotion of Marlene Valencia to Staff Services Analyst. She will now serve as the Board member liaison.

Mr. Conran inquired about the oversight of the Enforcement Program with the vacant consultant position and a manager that is currently working half-time. Mr. Stiger stated that he oversees the Enforcement program however; the absence of a consultant is more of an issue. Mr. Stiger has asked the Attorney General's office to provide recommendations of good, solid subject matter experts. Several of them have been contacted so that they're aware of our vacancy and that we may be requesting their assistance relating to scope of practice and quality of care questions. Mr. Stiger further stated that this may be an option to use on a permanent basis. Mr. Stiger also stated that these consultants are chiropractors and not state employees.

Dr. Tyler stated that he is thoroughly against having a chiropractic consultant again. He feels that we should aggressively contemplate going back to the way it was prior to 1995. Ms. Powell clarified how the experts would be utilized.

After discussion, it was decided to discuss the chiropractic consultant position at a future Board meeting.

### Bureau of State Audits Update

Mr. Stiger reported the Bureau of State Audits have begun their process. Staff has been very responsive to their requests. It is anticipated that this audit will take approximately seven months.

Dr. Columbu suggested writing a response to the legislatures addressing the accusations against the Board. It was decided to place this topic on the agenda for the next Board meeting.

### Department of Consumer Affairs

Mr. Stiger stated we just signed a contract with the Department of Consumer Affairs for administrative, legal and investigative services. The contract goes through December 31, 2007.

Dr. Lerner asked what happens to these contracted services if our budget is cut. Mr. Stiger responded that these are critical areas. He continued to state that he has identified which areas to scale back on in order to continue these services.

## **Enforcement**

### Statistics

Mr. Stiger reported that some of the enforcement cases are aged and he expects many of these cases will be completed within the next 60 days.

### **Board Member training on Bagley-Keene Open Meetings Act and other relevant laws**

Ms. Powell clarified board member questions regarding when to recuse themselves from a case. Ms. Powell continued to provide ongoing training regarding the Bagley-Keene Open Meetings Act.

### **MISSION STATEMENT**

After discussion on the mission statement for the Board, it was decided to table this item for a future meeting.

### **PROGRAM REPORTS**

#### **Licensing**

##### License Statistics

Mr. Stiger referred to the license statistic chart for the last two years.

##### California Law and Professional Practices Exam (CLPPE) Statistics

Mr. Stiger referred to the CLPPE statistical chart.

### **DISCUSSION RE LICENSING OF CHIROPRACTIC ASSISTANTS**

This item was tabled until the next Board meeting.

The Board recessed for lunch at 12:00p.m.

Dr. Tyler, D.C. called the Board into open session at 1:00 p.m. All Board members were present.

### **COMMITTEE REPORTS**

#### **Administrative Committee**

##### Board Member Procedure Manual

Mr. Conran reported that the Administrative Committee met and discussed the procedure manual. There was lengthy discussion and revisions were suggested.

**MR. CONRAN MOVED TO ACCEPT THE BOARD MEMBER ADMINISTRATIVE MANUAL WITH THE CORRECTIONS MADE TODAY. DR. LUBKIN SECONDED THE MOTION. VOTE: 2-3. MOTION FAILED.**

**MR. LERNER MOVED TO MAKE THE CHANGES AND PRESENT A FINAL DRAFT AT THE NEXT BOARD MEETING. DR. LUBKIN SECONDED THE MOTION. VOTE 5-0. MOTION CARRIED.**

##### Ex Parte Policy re Board Member Communications

Mr. Conran stated at the Administrative Committee there was a 3-0 vote to approve the adoption of an

Ex Parte Policy by the Board. The concept of an Ex Parte rule is to ensure there is transparency in communications to Board members when there is an issue on the agenda. Mr. Conran introduced Julie Fellmeth, Michael Shames and Steve Alexander to share the views on the Ex Parte Policy. All three guests shared the views on why they support adopting an Ex Parte Policy.

After a lengthy discussion, it was agreed that this item be deferred to the Administrative Committee for design of the Ex Parte and it will be brought back to the Board for further discussion.

### **Continuing Education Committee**

Dr. Lubkin reported that the committee has had a few meetings. The committee is recommending there be due process for denials of a continuing education course. The Board will give the party notice and they will have 10-days to meet with the Executive Officer to address any concerns.

The committee also suggests the concept of having the evaluation of courses be handled by staff rather than the Board members. This will allow the Board members to work towards regulations and administrative changes to improve the process. The committee also discussed going back to a regulatory phase to increase the hours. Dr. Tyler stated that the chiropractic presence is essential in determining the educational requirements because staff is not knowledgeable of all techniques. Dr. Lubkin continued by stating that when there is a denial, the person who is denied will be notified of an exact code section that pertains to the denial.

Dr. Lerner asked the committee to discuss the acceptance of the FCLB policy. Dr. Lubkin stated the committee did discuss this issue and concluded that this needs to be part of the regulation.

**MR. CONRAN MOVED TO ACCEPT THE CONTINUING EDUCATION COMMITTEE REPORT. DR. LERNER SECONDED THE MOTION. VOTE: 5-0. MOTION CARRIED.**

### **Enforcement Committee**

Dr. Lubkin reported the committee discussed adding fine authority to the citation program. A letter of admonishment procedure was also discussed. Staff will prepare the language and it will be presented at the next meeting.

**DR. LUBKIN MOVED TO ACCEPT THE ENFORCMENT COMMITTEE REPORT. DR. LERNER SECONDED THE MOTION. VOTE: 5-0. MOTION CARRIED.**

### **Legislative Committee**

#### AB1137

Dr. Lerner reported that AB 1137 did not get out of the Senate, Business and Professions committee and is now dead.

#### SB801

Dr. Lerner gave a description of bill SB801 and reported that SB801 is moving forward. Dr. Lerner stated the based on the committee's previous recommendation the Board took a position of watch.

**DR. COLUMBU MADE A MOTION TO TAKE A NEW POSITION THAT THE BOARD OPPOSES BILL SB801. DR. LERNER SECONDED THE MOTION.** Mr. Conran stated that he does not agree that the Board should take opposition to the bill. Dr. Lubkin commented that taking a new position should be done carefully and suggests this go to the committee for thorough discussion. Following public comment from Charles Davis, D.C., Michael Blott, D.C., David Prescott and others, a vote was taken.  
**VOTE: 4-1. MOTION CARRIED.**



Dr. Lerner asked for clarification of bill SB840. Dr. Lerner recommended that this bill be looked at during the next Legislative Committee meeting.

### **Manipulation Under anesthesia (MUA)**

Dr. Lerner reported that the committee, Mr. Stiger and Ms. Powell met with representatives from Office of Administrative Law (OAL) on July 17, 2007. Ms. Powell stated that the main fault with the way the regulations were written before was that it created a sub-category of licensure. Instead, the regulations should be focused on if you are a chiropractor, what is the standard of care if you are performing MUA. OAL stated that they would need a legal opinion that MUA is in fact, within the scope of practice for chiropractic. That is describing MUA appropriately so that its very clear that the chiropractor is performing the adjustment and is in no way directing the anesthesiologist or the physician surgeon who is sedating the patient. Ms. Powell will provide a legal opinion to the Board by the end of October.

Dr. Lerner commented that at the next MUA Committee meeting, David Prescott will give a 90-minute presentation on Scope of Practice.

### **DISCUSSION OF BOARD MEETING SCHEDULE AND PETITIONER HEARING DATES**

Mr. Stiger indicated that the next scheduled Board meeting will be October 25, 2007. Board business will be held in the morning and petitioner hearings will be in the afternoon.

### **PUBLIC COMMENT**

No public comment.

### **ADJOURNMENT**

Dr. Tyler adjourned the public meeting at 3:31 p.m.

### **CLOSED SESSION**

The Board went into closed session for further discussion regarding the selection of Executive Officer.

The Board briefly returned to open session to announce that the position of Executive Officer has been offered to Brian J. Stiger. Mr. Stiger has temporarily accepted the position until personnel issues can be worked out.

**FUND NO. 0152**

**BOARD OF CHIROPRACTIC EXAMINERS  
BUDGET REPORT  
EXPENDITURE PROJECTION**

Expense Index

October 31, 2008

MONTH 4

Mos. Remaining: 8

OBJECT DESCRIPTION	FY 2006-07	FY 2007-08	FY 2008-09		
	ACTUAL EXPENDITURES (MONTH 13)	ACTUAL EXPENDITURES (MONTH 13)	BUDGET ALLOTMENT	PROJECTIONS TO YEAR END	UNENCUMBERED BALANCE
<b>PERSONAL SERVICES:</b>					
Salaries and Wages					
Civil Service-Perm	697,255	411,012	926,393	890,620	35,773
Temp Help (907)	0	4,861	0	10,000	(10,000)
Statutory-Exempt (EO)	0	92,243	80,328	105,420	(25,092)
Board/Commission (910,920)	8,600	4,300	16,000	9,000	7,000
Overtime (909)	0	3,512	4,615	4,000	615
Staff Benefits	263,773	208,524	389,158	364,773	24,385
Salary Savings	0	0	(1,219)	0	(1,219)
<b>TOTAL, PERSONAL SVC</b>	<b>969,628</b>	<b>724,452</b>	<b>1,415,275</b>	<b>1,383,813</b>	<b>31,462</b>
<b>OPERATING EXPENSE AND EQUIPMENT:</b>					
General Expense	31,149	12,638	52,000	32,000	20,000
Printing	3,103	4,495	7,331	5,000	2,331
Communication	26,688	18,697	61,136	28,000	33,136
Postage	2,821	21,284	11,662	20,000	(8,338)
Travel In State	17,403	12,792	21,241	20,000	1,241
Travel, Out-of-State	6,803	2,708	24,121	8,000	16,121
Training	5,235	863	13,331	5,000	8,331
Facilities Operations	111,579	109,487	140,754	112,000	28,754
C & P Services - Interdept.	1,068,744	179,027	57,384	100,000	(42,616)
C & P Services - External	175,843	417,461	124,513	250,000	(125,487)
DP Billing (OIS) Prorata	0	0	6,936	6,936	0
Consolidated Data Center	26,800	26,800	25,985	27,000	(1,015)
Interagency Agreement IT	183,067	70,000	51,723	70,000	(18,277)
NOC Serv IT (Security)	0	49,500	63,881	50,000	13,881
IT Consultant	0	0	54,136	50,000	4,136
DP Supplies	0	1,217	0	0	0
Central Admin Pro Rata	92,361	0	126,458	126,458	0
Administrative External Svcs	0	178	0	0	0
Major Equipment	0	97,530	85,000	50,000	35,000
Minor Equipment	0	0	50,000	10,000	40,000
Vehicle Operations	0	0	6,000	17,000	(11,000)
<b>ENFORCEMENT:</b>					
Attorney General	0	342,327	941,000	941,000	0
Attorney General Fingerprinting	0	5,128	10,000	5,000	5,000
Office Admin. Hearing	0	48,411	217,379	217,379	0
Evidence / Witness Fees	0	17,168	75,000	75,000	0
Consultant Investigations	0	120,000	40,754	0	40,754
Div. of Investigations	0	0	0	0	0
Special Adjustments	0	0	0	0	0
<b>TOTALS, OE&amp;E:</b>	<b>1,751,597</b>	<b>1,557,712</b>	<b>2,267,725</b>	<b>2,225,773</b>	<b>41,952</b>
<b>TOTAL EXPENSE:</b>	<b>2,721,225</b>	<b>2,282,163</b>	<b>3,683,000</b>	<b>3,609,586</b>	<b>73,414</b>
Sched. Reimb. - Other	0	(4,312)	(33,000)	(5,000)	(28,000)
Sched. Reimb. - Fingerprints	0	0	(11,000)	0	(11,000)
Unsched. Reimb.	0	0	0	0	0
<b>TOTAL REIMBURSEMENTS:</b>	<b>0</b>	<b>(4,312)</b>	<b>(44,000)</b>	<b>(5,000)</b>	<b>(39,000)</b>
<b>NET APPROPRIATION:</b>	<b>2,721,225</b>	<b>2,277,851</b>	<b>3,639,000</b>	<b>3,599,586</b>	<b>34,414</b>

0.95%

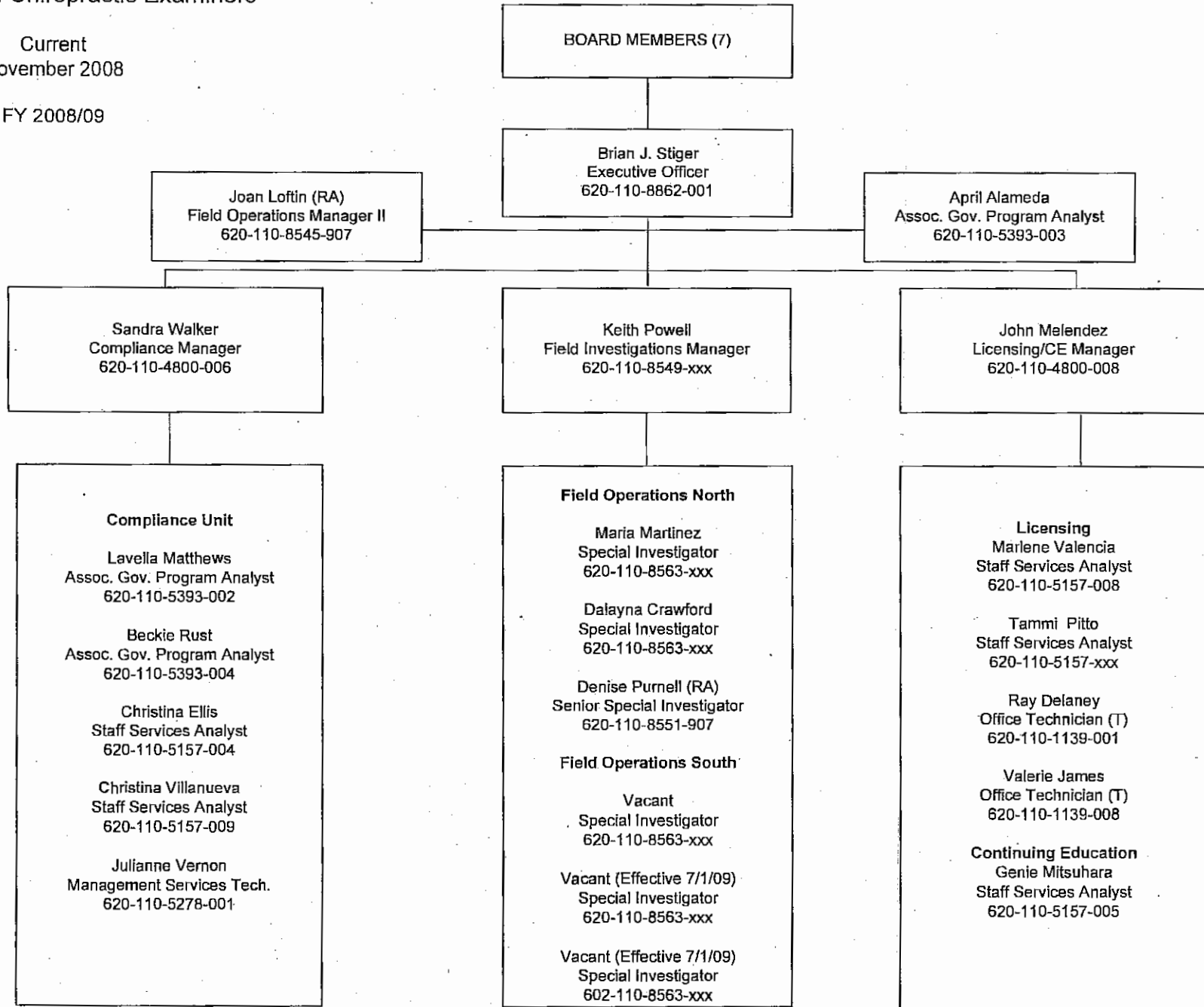
**Recruitment and Selection of Vacant Position Update  
November 10, 2008**

<b>Classification</b>	<b>Date Advertised</b>	<b>Application Review</b>	<b>Interviews Conducted</b>	<b>Background Checks</b>	<b>Formal Offer</b>	<b>Start Date</b>
Spec. Investigator (Southern California)	07/10/08	In Process	In Process			

State Board of Chiropractic Examiners

Current  
November 2008

FY 2008/09



Executive Officer

**BOARD OF CHIROPRACTIC EXAMINERS  
LICENSE STATISTICAL DATA**

**FY 2007/08 – FY 2008/09 COMPARISON**

LICENSE TYPE	TOTAL LICENSES 10/31/2007	TOTAL LICENSES 10/31/2008	NET VARIANCE
CHIROPRACTORS	13813	13844	+31
SATELLITES	2242	2400	+158
CORPORATIONS	1332	1361	+29
REFFERALS	17	17	0
<b>TOTALS</b>	<b>17404</b>	<b>17622</b>	<b>+218</b>

**SEPTEMBER 1, 2008 – OCTOBER 31, 2008**

LICENSE TYPE	FORFEITED LICENSES	CANCELLED LICENSES	INACTIVE LICENSES	TOTAL
CHIROPRACTORS	-12	65	10	63
SATELLITES	87	59	N/A	146
CORPORATIONS	15	0	N/A	15
REFFERALS	0	0	N/A	0
<b>TOTALS</b>	<b>90</b>	<b>124</b>	<b>10</b>	<b>224</b>

**Definitions:**

**Forfeiture:** Occurs due to failure to renew license within 60 days of license expiration

**Cancellation:** Occurs voluntarily or results from failure to renew a license within three years of forfeiture

## Compliance Unit Statistics

Fiscal Year	05/06	06/07	07/08	08/09*
<b><u>Complaints</u></b>				
Received	764	702	665	203
Pending	834	729	799	667
Closed with Insufficient Evidence	116	131	106	71
Closed with No Violation	96	60	78	77
Closed with Merit	319	200	321	81
Citations and Fines Issued (Total Fine Amount)	36	34	28	8 (\$3,250)

### **Accusations**

Filed	45	41	14	12
Revoked	16	27	8	1
Revoked, Stayed, Probation	31	37	20	2
Voluntary Surrender of License	8	4	3	0
Dismissed/Withdrawn	0	3	4	2

### **Statement of Issues**

Filed	4	11	7	1
Denied	0	0	0	0
Probationary License	8	6	6	0
Withdrawn at Applicants Request	0	2	1	0
Granted	7	3	0	0

### **Probation Cases**

Active	188	173	159	146
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\* FY 08/09: July 1, 2008 – October 31, 2008

Updated: November 10, 2008

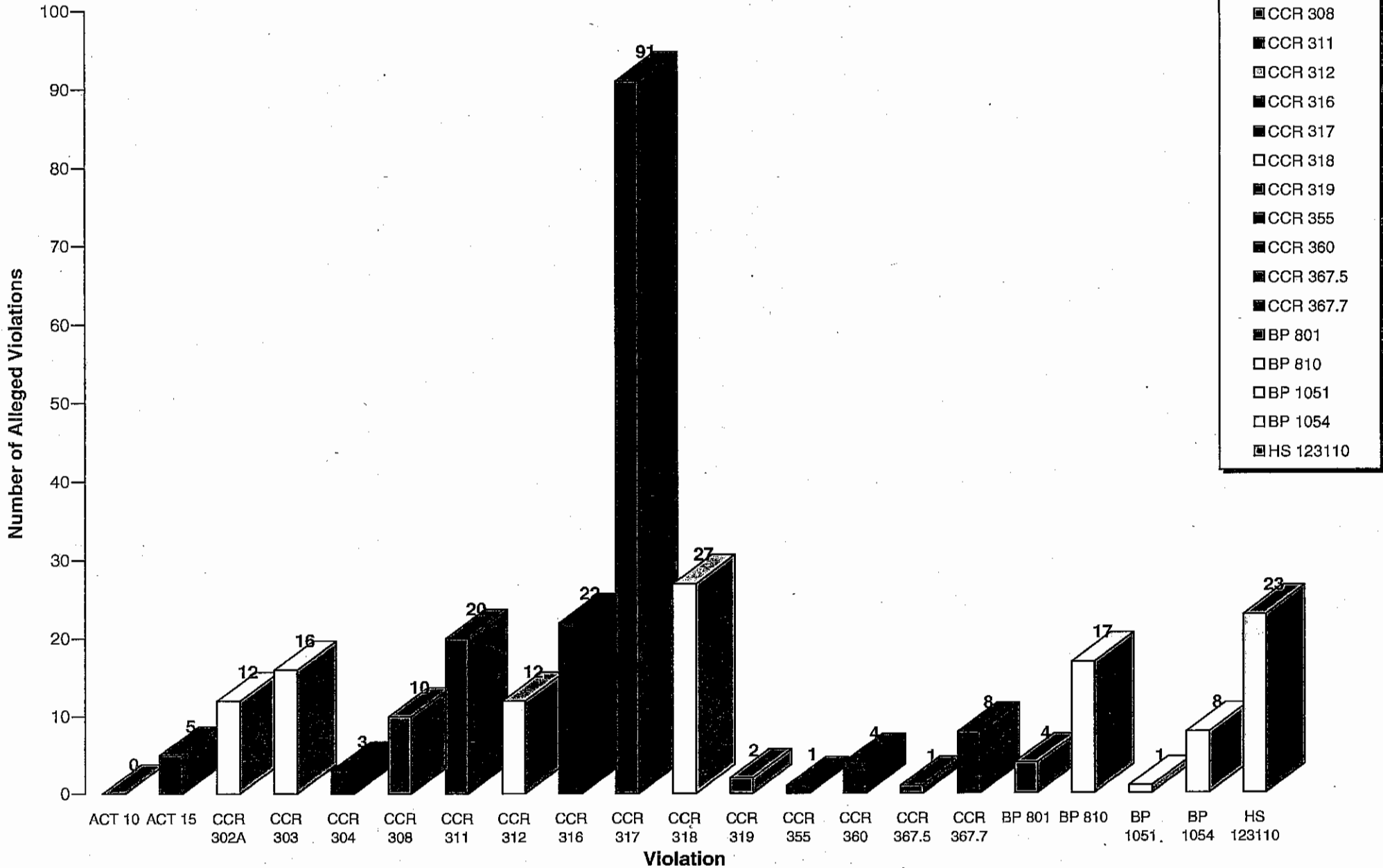
# FISCAL YEAR 2009

July 1, 2008 - October 31, 2008

Total Number of Complaints Opened - 203

Total Number of Violations - 287


(A complaint may contain multiple violations)



**MEMORANDUM**

**Date:** November 7, 2008

**To:** Board Members

**From:**   
Brian J. Stiger,  
Executive Officer

**Subject:** Ratification of Formerly Approved Continuing Education Providers

This is to request that the Board ratify the following list of continuing education providers at the November 20, 2008, public meeting.

Staff reviewed and confirmed that the applicant met all statutory and regulatory requirements.

<u>CONTINUING EDUCATION PROVIDERS</u>	<u>DATE APPROVED</u>
<u>1. Craig S. Martin, D. C.</u>	<u>09/29/08</u>

If you have any questions or concerns, please contact me at your earliest opportunity.



# MEMORANDUM



**Date:** November 13, 2008

**To:** Board Members

A handwritten signature in black ink, appearing to be "B. Stiger".

**From:** Brian J. Stiger  
Executive Officer

**Subject:** Ratification of Formerly Approved Doctors of Chiropractic for Licensure

This is to request that the Board ratify the attached list of individuals as Doctors of Chiropractic at the November 20, 2008, public meeting.

Between September 17, 2008 and November 13, 2008, staff reviewed and confirmed that the applicants met all statutory and regulatory requirements.

If you have any questions or concerns, please contact me at your earliest opportunity.

Approval By Ratification of Formerly Approved License Applications  
September 17, 2008 – November 13, 2008

Name (First, Middle, Last)			Date Issued	DC#
Tracey	Ann	Bleahu	10/14/2008	31031
Jeremy	David	Garcia	10/14/2008	31032
Joshua	Paul	Borgardt	10/14/2008	31033
Anthony	Domenic	Cresci	10/14/2008	31034
Michael	Stephen	Greiner	10/14/2008	31035
Paul	Dong-Il	Choi	10/14/2008	31036
Sandra	Denise Kuuipo	Sanborn	10/14/2008	31037
Joe	Albert	Smith	10/14/2008	31038
John	Andrew	Blenio	10/14/2008	31039
John		Chau	10/14/2008	31040
Carl	Lawrence	Dimailig	10/14/2008	31041
Suk	Buem	Hong	10/14/2008	31042
Laura	Ann	Harmon	10/14/2008	31043
Laci	D'Ann	Hendricks	10/14/2008	31044
Tammy	Kay	Wilke	10/14/2008	31045
Sarkis	Sergeh	Mehrabian	10/14/2008	31046
Roberto	Angel	Gonzalez	10/14/2008	31047
Lida		Darvishan	10/14/2008	31048
Devin	Matthew	Shea	10/14/2008	31049
Mark	Evans	Nario	10/14/2008	31050
Heather	Renee	Hellard	10/14/2008	31051
Ivet		Amranyan	10/14/2008	31052
Logan	Craig	Reading	10/14/2008	31053
Lisette	Ann Bewley	Beam	10/14/2008	31054
Vanvisa		Gitjarunglert	10/14/2008	31055
Soheil	Khandani	Rouhani	10/15/2008	31056
Nicholas	Guy	Schembri	10/15/2008	31057
Vishal	Krishna	Verma	10/21/2008	31058
Hyungmin		Jun	10/21/2008	31059
Ramona	Sharon	Houston	10/27/2008	31060
Ryan	Martin	Hummel	10/27/2008	31061
Steven	Glenn	Mitchell	10/27/2008	31062
Daniel		Auer	11/13/2008	31063
William	Nathaniel	Baxter	11/13/2008	31064
Lawrence	Richard	Callaway	11/13/2008	31065
Ryan	Lowry	Caringola	11/13/2008	31066

Kurt	Stanley	Cline	11/13/2008	31067
Jason	Max	Ellis	11/13/2008	31068
Alexander	Charles	Frank	11/13/2008	31069
Mario	Eudave	Garcia, Sr.	11/13/2008	31070
Jeffrey	George	Garellick	11/13/2008	31071
Travis	Alan	Hites	11/13/2008	31072
Ly	Minh	Ho	11/13/2008	31073
Toshiya		Kawano	11/13/2008	31074
Theodore	Mave	Long-Ishikawa	11/13/2008	31075
Astrid	Elizabeth	Manning	11/13/2008	31076
Jason	Kieth	Park	11/13/2008	31077
Kelley	Nicole	Parker	11/13/2008	31078
Robert	James	Rodgers III	11/13/2008	31079
Danny	Neil	Schultz II	11/13/2008	31080
Troy	Anthony	Smith	11/13/2008	31081
Joseph	Edward	Szafranski	11/13/2008	31082
Lawrence	Alan	Thomas	11/13/2008	31083
Diana	Lynn	Tole	11/13/2008	31084
Kan		Tsunoda	11/13/2008	31085
Jennifer	Renee	Walker	11/13/2008	31086

## Proposed Regulations Re Advertising of Specialty Board Certification

### (a) As used in this section,

- (1) "Board" spelled with a capital "B" means the California Board of Chiropractic Examiners.
- (2) "Specialty board" means a board or association that certifies chiropractic doctors in a specialty or subspecialty area of chiropractic.
- (3) "Specialty or subspecialty area of chiropractic" means a distinct and well-defined field within the practice of chiropractic health care. This may include areas presenting special concerns, or involving diagnostic procedures, use of therapeutic modalities and other aspects of patients' health issues or problems related to specialized health problems associated with age, sex, organ system, body regions, or the interaction between patients and challenges faced within their unique environment due to these issues or concerns. A chiropractic specialty promotes the standards of practice within its specialty board.

### (b) It shall constitute unprofessional conduct for a chiropractor to advertise that he or she is certified by a specialty board in a specialty or subspecialty area of chiropractic unless that specialty board is either a member board of the American Chiropractic Association ("ACA") or that specialty board is approved by the Board. The Board may approve a specialty board if it complies with all of the following requirements:

- (1) The Primary purpose of the specialty board shall be the certification of chiropractic doctors within a chiropractic specialty or subspecialty. The specialty board shall encompass the broad areas of the specialty or subspecialty.
- (2) The Specialty board shall not restrict itself to a single modality or treatment that may be part of a broader specialty or subspecialty.
- (3) If the specialty board certifies professionals other than chiropractic doctors, the specialty board shall not represent either that (i) the criteria set forth in these regulations or (ii) the Board's approval of the specialty board's certification program is applicable to non-chiropractic doctors.
- (4) The specialty board shall be a nonprofit corporation, chiropractic college or chiropractic association, and it shall have at least 50 members who reside in California, possess a current unrestricted license to practice chiropractic issued by the Board of Chiropractic Examiners, in accordance with law and as provided within the California Chiropractic Practice Act.
- (5) The specialty board shall have articles of incorporation, a constitution, or a charter and bylaws that describe the rules and operations of the board. These bylaws shall:

- (A) Provide for an independent and stable governing body with staggered, limited terms of not more than two consecutive terms of four (4) years, including provisions that the officers or officials of the specialty board or association are internally appointed or selected by the existing members of that specialty board.
- (B) Set forth the requirements and policies for certification by the specialty board.
- (C) Require that the specialty board promote the public interest by contributing to improvement of chiropractic health care by establishing requirements and evaluating applicants who apply for certification.
- (D) Require that the specialty board determine whether applicants have received adequate preparation in accord with standards established by the specialty board including standardized training, testing and certification.
- (E) Require evidence through standardized training and passing of standardized testing, that applicants have acquired the knowledge and the practical and clinical skills and capabilities in the specific specialty or subspecialty area of chiropractic and demonstrate special knowledge within that field.
- (F) Require that the specialty board create standardized testing including comprehensive written, practical or both types of evaluations that tests the applicant's knowledge and clinical or diagnostic skills.
- (6) The specialty board shall develop standardized certification that demonstrates that chiropractors being awarded a "certificate of completion" possess the knowledge and skills essential to provide competent chiropractic health care in the designated specialty or subspecialty area.
- (7)(A) Except as provided in subparagraph (B) or (C) of this paragraph, the specialty board shall require all applicants who are seeking certification to have satisfactorily completed a postgraduate training program accredited by a Chiropractic College or University accredited by the Council on Chiropractic Education ("CCE") that includes identifiable training in the specialty or subspecialty area of chiropractic in which the chiropractic doctor is seeking certification. This identifiable training shall be deemed acceptable unless determined by the Board to be either (1) inadequate in scope, content and duration in that specialty or subspecialty area of chiropractic so that the program does not adequately promote or enhance protection of the public health and safety or (2) that the program is not equivalent in scope and content to the training required for board certification by any related ACA board for the specific conditions or patient populations within the scope of the applicant certifying board's course material, examination and certification.
- (B) If the training required of applicants seeking certification by the specialty board is other than a Chiropractic College or University accredited by the Council on Chiropractic Education ("CCE") or an ACA accredited postgraduate training program, then the specialty board shall have training standards include identifiable standardized training, testing and certification within the specialty or subspecialty area of chiropractic health care equivalent in scope, content,

duration to those of CCE accredited Chiropractic College or University programs in a related specialty or subspecialty area of chiropractic. This training shall be evaluated by the Board to ensure that the scope, content, duration, testing and certification are equivalent to those CCE accredited Chiropractic College or University programs.

(C) In lieu of the postgraduate training required under subparagraph (A) or (B) of this paragraph (7), the specialty board shall require applicants seeking certification to have completed a minimum of 300 hours of continuing chiropractic education in the specialty or subspecialty area of chiropractic in which the chiropractor is seeking certification which is approved under Sections and of these regulations. Any teaching experience acceptable under this subparagraph shall have been in a postgraduate training program approved by the ACA and taught at a Chiropractic College or University accredited by the CCE or that meets the standards set forth in subparagraph (B) that includes identifiable training in the specialty or subspecialty area of chiropractic to be certified. This training shall be evaluated by the Board and determined to be equivalent in scope, content, and duration to those of a CCE accredited Chiropractic College or University program in a related specialty or subspecialty area of chiropractic and to those of a CCE accredited program in a specialty or subspecialty area of chiropractic in order to protect and promote the public health and safety. Teaching or practice experience accepted under this subparagraph shall be evaluated by and acceptable to the credentials committee of the specialty board pursuant to standards that are (1) specified in the bylaws of the specialty board and (2) approved by the Board in accordance with criteria set forth in these regulations.

Chiropractors who are certified by specialty boards under this subparagraph that are incorporated, or organized as a specialty board on the effective date of these regulations, may advertise their board certification for three (3) years from the effective date of these regulations. During that time, the specialty board shall demonstrate to the satisfaction of the Board that there is in existence one or more postgraduate training programs that include identifiable training in the specialty or subspecialty area of chiropractic to be certified that meet the requirements of subparagraph (A) or (B) of this paragraph (7); then the specialty board's approval shall be permanent unless withdrawn under subsection (C). This training shall be evaluated by the Board and determined to be equivalent in program scope, course content, consistent standardized testing of graduates prior to certification, and the duration to those ACA accredited board programs in a related specialty or subspecialty area of chiropractic shall demonstrate clearly adequate and consistent standardized training and standardized testing in that area of specialty or subspecialty of chiropractic in order to promote and protect the public health and safety. If a specialty board cannot demonstrate its equivalency to ACA boards in the three (3) years following the effective date of these regulations, its members may not thereafter advertise any specialization or represent that they have certification by that board. This period may be extended for one (1) year if the Board determines that the specialty board is making a good faith effort towards achieving equivalency to ACA boards.

Chiropractors who are certified by specialty boards under this subparagraph that are incorporated, or organized as an association after the effective date of these

regulations, may not advertise their certification until the specialty board is determined by the Board to be equivalent to ACA boards.

The specialty board shall demonstrate to the satisfaction of the Board that there is in existence one or more postgraduate training programs that include identifiable training in the specialty or subspecialty area of chiropractic to be certified that meets the requirements of subparagraph (A) or (B) of this paragraph (7). This training shall be evaluated by the Board and determined to be equivalent in scope, content, and duration with standardized testing and certification of similar criteria, so that those ACA accredited board program or associations, in any related specialty or subspecialty area of chiropractic clearly demonstrate adequate training and standardized course content, standardized testing and standardized certification, in that specialty or subspecialty area of chiropractic in order to promote and protect the public health and safety.

- (8) Except as provided in subparagraph (7)(C) above, at the time of application for approval to the Board, a specialty board shall demonstrate that one or more postgraduate training programs are in existence and that these programs provide identifiable training in the specialty or subspecialty area of chiropractic in which chiropractors are seeking certification. This standardized course content and training shall be evaluated by the Board and determined to be equivalent in scope, content and duration, standardized testing and standardized accreditation so that those ACA accredited board program in any related specialty or subspecialty area of chiropractic demonstrate adequate training in that specialty or subspecialty area of chiropractic, in order to promote and protect the public health and safety.

The specialty board shall submit a plan that (A) estimates the number of chiropractic doctors to be certified through subsection (b)(7)(C), above; (B) specifies the number and location of post graduate training programs developed and to be developed in the future by that board; the number of trainees completing this specific training annually; (C) demonstrates the equivalency of those programs to other Board approved specialties or subspecialties, as provided for in subsection (b)(7)(B), above; (D) provides for monitoring to evaluate the quality of existing programs; and (E) allows for upgrading of the parameters of the specialty or subspecialty area of chiropractic to accommodate new developments.

Every year the specialty board shall report to the Board its progress in implementing the plan for postgraduate training programs in the specialty or subspecialty area of chiropractic in which chiropractors are seeking certification. Failure to so report by the date requested by the Board, shall be grounds for withdrawal of approval by the Board. Failure of a specialty board to establish to the satisfaction of the Board that its program is in compliance with its plan, as stated in its original submission to the Board, shall be grounds for withdrawal of the Board's approval of that specialty board. Failure of a specialty board to provide evidence that its postgraduate training programs are equivalent in scope, content, duration and standardized course content, testing and certification to those ACA accredited board programs shall be grounds for withdrawal of its approval. If approval is withdrawn by the Board, the Board shall serve a copy of the decision to the specialty board by United States Postal Post, certified, return

receipt. The approval shall become effective ten (10) days from the date of service of the Board's decision.

(9) The specialty board shall require all chiropractors that are seeking certification to successfully pass a standardized written or oral examination, or both types of examinations that specifically tests the applicants' knowledge and skills in the specialty or subspecialty area of chiropractic. All or part of the examinations may be delegated to a testing organization.

(10) The specialty board shall issue certificates to those chiropractors that are found qualified under the stated requirements of the specialty board.

(11) The specialty board shall assist in maintaining and elevating the standards of graduate chiropractic education facilities for specialty training in chiropractic in collaboration with other concerned organizations and agencies, and have a mechanism for assisting accrediting agencies in the evaluation of training programs and the creation of future programs.

(c)(1) An applicant who wishes to become an approved specialty board shall submit a completed "(insert name of application and revision date)" to the Board. If the applicant meets the criteria set forth in these regulations, the Board may approve the application. The Board may withdraw approval of a specialty board if the Board finds that the specialty board fails or failed to meet the criteria set forth in these regulations. If approval is withdrawn by the Board, the Board shall serve a copy of the decision to the specialty board by United States Postal Post, certified, return receipt. The approval shall become effective ten (10) days from the date of service of the Board's decision.

(d) Specialty boards approved by the Board shall certify every three (3) years from the date of approval that they continue to meet the requirements of these regulations.

(e) The Board may conduct evaluations, including, but not limited to, by the use of subject matter experts, to ensure that applicant boards applying to the Board for approval and those who have been previously approved meet the criteria of these regulations.



## Proposed Regulatory Language for MUA

Section 318.1 is hereby added to Title 16, Division 4, Article 2 of the California Code of Regulations:

### 318.1 Standard of Care re Manipulation Under Anesthesia ("MUA")

(a) MUA may only be performed in a hospital or ambulatory surgery center that is licensed by the California Department of Public Health, Bureau of Hospital Licensing and Certification or a hospital or ambulatory surgery center that is accredited by the Joint Commission, the American Association for Accreditation of Ambulatory Surgery, the Accreditation Association for Ambulatory Health Care, Medicare, or the Institute for Medical Quality. If any of the above named organizations changes its name the Board shall continue to recognize the organization.

(b) Anesthesia may only be administered by a California licensed physician and surgeon, or other health care provider authorized under California law to administer anesthesia. The chiropractor may not direct, instruct, interfere, or make any orders to the physician and surgeon, or other health care provider who is administering and maintaining the anesthesia.

(c) MUA shall be performed by two chiropractors trained and competent to safely perform MUA. The "primary chiropractor" shall formulate the chiropractic portion of the MUA treatment plan and shall be responsible for performing the chiropractic manipulation for that procedure. The "second chiropractor" shall insure that all movements are accomplished with patient care and safety as his or her primary focus and shall assist the "primary chiropractor" when necessary. The chiropractic portion of MUA is limited to techniques within the scope of practice of a chiropractor.

(d) For the purpose of this section, the primary chiropractor and the second chiropractor may not be involved in nor interfere with the physician and surgeon or other health care provider in the discharge of the patient following the MUA procedure.

(e) Failure to follow the standard of care contained in this section when performing MUA shall constitute unprofessional conduct.

(f) "MUA" means the manipulation of a patient who is sedated by the administration of anesthesia by a physician and surgeon or other health care provider who is legally authorized to administer anesthesia.

Board of Chiropractic Examiners  
Proposed Regulations Update

Proposed Regulation	Purpose	Status
<p>Letter of Admonishment</p>	<p>To authorize the Board the ability to issue a letter of admonishment to licensees for failure to comply with any laws or regulations governing the practice of chiropractic.</p> <p>This provides the Board with an informal method to address minor violations that do not rise to the level of citations or an accusation.</p>	<p>July 8, 2008: Notice of Proposed Regulation filed with the Office of Administrative Law (OAL)</p> <p>July 18, 2008 – September 1, 2008: 45-day written comment period</p> <p>September 1, 2008: Public Hearing in Sacramento</p> <p>November 12, 2008: Pending review and approval from Department of Finance regarding the Economic and Fiscal Impact Statement required for filing final rulemaking file with OAL</p>
<p>Chiropractic Quality Review Panels (CQRP)</p>	<p>To repeal the requirements of CQRP's.</p> <p>As of today, this regulation has not been implemented.</p> <p>As currently written, this regulation is too expensive to implement, the panels created would be ineffective due to their limited scope of action, and the member's lack of knowledge of procedures could promote inconsistency in rulings.</p>	<p>August 5, 2008: Notice of Proposed Regulation filed with the OAL</p> <p>August 15, 2008 – September 29, 2008: 45-day written comment period</p> <p>September 29, 2008: Public Hearing in Sacramento</p> <p>November 12, 2008: Pending review and approval from Department of Finance regarding the Economic and Fiscal Impact Statement required for filing final rulemaking file with OAL</p>

## PROPOSED REGULATIONS RE PETITIONERS

### **Petitions for Reinstatement.**

(a) A petitioner pursuant to section 10 (c) of the Initiative Act whose license has been revoked or cancelled may not petition the board for reinstatement until two (2) years has elapsed since the effective date of the decision revoking the license or the date the license was cancelled.

(b) A petitioner pursuant to section 10 (c) of the Initiative Act who has had a petition for reinstatement denied may not file another petition until three (3) years has elapsed since the effective date of the *most recent* denial.

(c) A petitioner who is subject to section 1003 of the Business and Professions Code may not petition the board for reinstatement until ten (10) years has elapsed since the effective date of the decision revoking the license.

DRAFT

## PRELIMINARY WEB CASTING PROPOSAL OVERVIEW

### Audio Only Web Casting

Up Front Cost:	\$5,123.42
Revised Up Front Cost: (including laptop computer)	\$6,204.13
Monthly Fee:	\$502.86
First Year Total Cost:	\$12,238.45
Second Year/On-Going Yearly Cost:	\$6,034.32

### Audio-Video Web Casting

Up Front Cost: (An additional \$1914.74 when compared to audio only. Excluding laptop computer, video camera(s), tripods, or S-Video cable(s))	\$7,038.16
Revised Up Front Cost: (Including laptop computer, 2 video camera(s); (tripods, and S-Video cable(s) excluded)	\$8,970.47
Monthly Fee: (An additional \$42.84 per month when compared to audio only)	\$545.70
First Year Total Cost:	\$15,518.87
Second Year/On-Going Yearly Cost:	\$6,548.40

**Board of Chiropractic Examiners**

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**Board of Chiropractic Examiners  
Proposed Meeting Schedule  
January – December 2009\***

January 8, 2009 – Sacramento, California

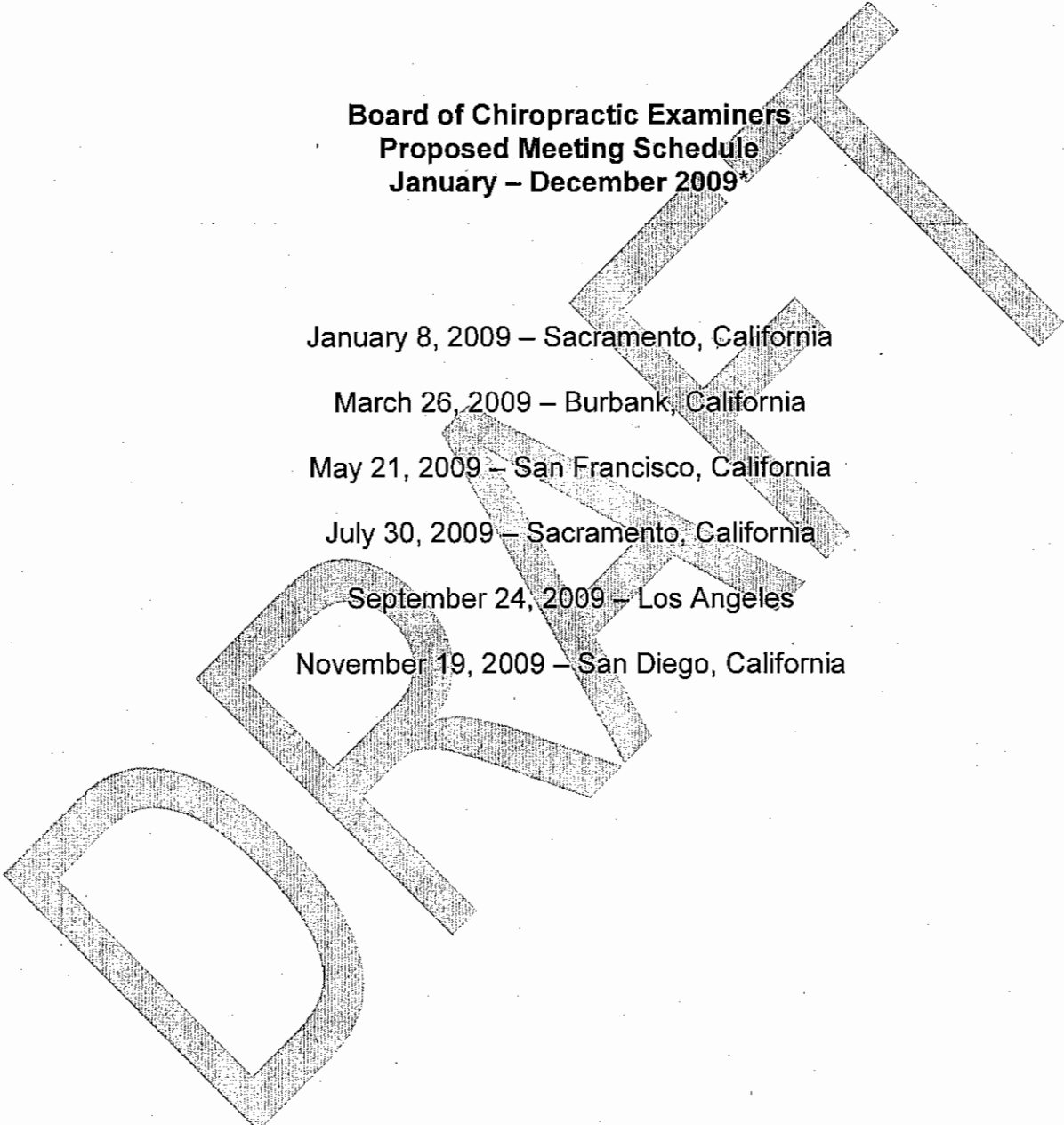
March 26, 2009 – Burbank, California

May 21, 2009 – San Francisco, California

July 30, 2009 – Sacramento, California

September 24, 2009 – Los Angeles

November 19, 2009 – San Diego, California



\*Dates are subject to change