STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, Governor

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BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES
November 19, 2009
Holiday Inn San Diego Bayside
4875 N. Harbor Drive
San Diego, CA 92106

Board Members Present
Frederick Lerner, D.C., Chair
Hugh Lubkin, D.C., Vice Chair
Francesco Columbu, D.C., Secretary
Jeffrey Steinhardt, D.C.
Richard Tyler, D.C.

Staff Present
Robert Puleo, Interim Executive Officer
LaVonne Powell, Senior Staff Counsel
Linda Shaw, Staff Services Manager
Dixie Van Allen, Associate Governmental Program Analyst
Lavella Matthews, Associate Governmental Program Analyst
Tammi Pitto, Staff Services Analyst
Valerie James, Office Technician

Call to Order
Dr. Lerner called the meeting to order at 10:00 a.m.

Roll Call
Dr. Tyler called the roll. All members were present except Dr. Steinhardt, who came at 10:14 a.m.

Chair's Report
Dr. Lerner gave the Chair's Report.

Approval of Minutes
October 22, 2009 Board Meeting

Discussion
Dr. Lerner, Mr. Puleo, and Ms. Powell discussed that there were items from the last meeting regarding public comments on the regulations that were discussed, but not responded to. The comments were minor technical changes; however will still need to be addressed. The minutes were tabled to be discussed later in the meeting with the regulations.

Public Comment
None

Board Member training on the Bagley-Keene Open Meetings Act and other relevant laws
Ms. Powell stated there is nothing she needed to discuss.

Dr. Lubkin asked for clarification if there has been a change on the majority conversation rule of two members versus three members.

Ms. Powell provided clarification and stated the recommendation is to keep it to two board members.

Interim Executive Officer's Report
Mr. Puleo gave the Interim Executive Officer's Report. The topics were Administration, Budget, Licensing, and Enforcement.

Dr. Lerner, Mr. Puleo, and Ms. Shaw discussed satellite certificates in relation to QME. They have been checked against the QME database and are showing to be consistent. Statistics are showing that no problem exists with the number of satellites being issued.

Dr. Lubkin, Mr. Puleo, and Dr. Lerner discussed possible trends in regards to the categories for complaints and the possibility of breaking down violation code CCR 317 within its subsections.

Ratification of Approved License Applications

MOTION: DR. LUBKIN MOVED TO RATIFY THE APPROVED LICENSE APPLICATIONS
SECOND: DR. COLUMBU SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED
The Board ratified the attached list of approved license applications incorporated herein (Attachment A).

Discussion
None

Ratification of Approved Continuing Education Providers

MOTION: DR. STEINHARDT MOVED TO RATIFY THE APPROVED CONTINUING EDUCATION PROVIDER
SECOND: DR. COLUMBU SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED
The Board ratified the attached list of approved continuing education providers incorporated herein (Attachment B).

Discussion
Dr. Lubkin asked for a brief description on the course being offered.

Dr. Lerner clarified this is solely the provider being approved.

Ratification of Denied License Applications in Which the Applicants Did Not Request a Hearing
None

Recommendation to Waive Two Year Requirement to Restore a Cancelled License

MOTION: DR. LUBKIN MOVED TO RATIFY THE RECOMMENDATION TO WAIVE TWO YEAR REQUIREMENT TO RESTORE A CANCELLED LICENSE
SECOND: DR. STEINHARDT SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED
The Board ratified the attached list of applications in which the applicants request to waive the two year requirement to restore a cancelled license incorporated herein (Attachment C).

Discussion
Dr. Lubkin asked for clarification on why the license was cancelled.

Ms. Powell clarified that these will not be due to any type of discipline, only due to lack of renewal.

Government Relations Committee Meeting Update
Dr. Lubkin provided an update from the meeting held this morning at 9:00 a.m.

Proposed Regulations
A. Manipulation under Anesthesia
Dr. Lerner provided an update stating the modified text went out for another 15 day comment period and there were three responses.

Ms. Powell stated that staff did not provide a response to the comment stating MUA was not taught in chiropractic schools in 1922. Staff is waiting for direction from the Board in regard to this comment. Ms. Powell also clarified that the issues raised during this comment period were already responded to. The final statement of reasons will reflect that this is not a new comment and use previous comments to respond to this.

MOTION: DR. LERNER MOVED TO ACCEPT STAFF'S RECOMMENDATIONS* TO THE THREE COMMENTS AND INCLUDE ANY RESPONSES PREVIOUSLY PROVIDED.
Please see Attachment D, which contains staff's recommended responses to the comments received during the 15-day comment period and is incorporated herein by reference.
SECOND: DR. LUBKIN SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

Discussion
None

Public Comment
None

MOTION: DR. LERNER MOVED TO APPROVE THE FINAL LANGUAGE WITHOUT CHANGES AND SEND IT OFF TO OAL
SECOND: DR. LUBKIN SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

Discussion
None

Public Comment
None

B. Continuing Education
Dr. Lerner provided an update stating over 6 hours was spent reviewing the comments and several changes were made to the language.

Dr. Lerner, Ms. Powell and Mr. Puleo discussed some comments from the minutes that needed to be addressed. Those comments pertained to section 359 and were withdrawn by CCA, however the sentence in question will read “and”.

MOTION: DR. LERNER MOVED TO SEND THE AMENDED LANGUAGE, WITH THE CHANGE BACK TO “AND” IN SECTION 359, OFF FOR ANOTHER 15 DAY COMMENT PERIOD**
SECOND: DR. LUBKIN SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED
Please see Attachment E, which contains the amended language and is incorporated herein by reference.

Discussion
Dr. Tyler, Dr. Lerner, and Ms. Powell discussed approval of the continuing education providers and the continuing education committee forming policies that are not included in the regulation.

Public Comment
Debra Snow provided public comment in support of the amended language.

C. Recognition of Chiropractic Specialties
Dr. Lerner provided an update to the second 15 day comment period.

Dr. Steinhardt asked for clarification on why the IACN was removed.

Ms. Powell responded and provided clarification.

Dr. Lerner went over staff’s responses to the comments.

MOTION: DR. LERNER MOVED TO APPROVE STAFF'S RECOMMENDATIONS* AS THEY ARE AND INCLUDE RECOGNITION FOR THE SOLE PURPOSE OF THE WORKERS COMPENSATION LAW**
******Please see Attachment F, which contains staff's recommended responses to the comments received during the 15-day comment period and is incorporated herein by reference.***
SECOND: DR. TYLER SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

Discussion
None

Public Comment
Dr. Becker provided public comment on the suggested response.

MOTION: DR. LERNER MOVED TO ADOPT THIS LANGUAGE FOR FINAL RULE MAKING AND SEND IT OFF TO OAL
SECOND: DR. LUBKIN SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

Legal Representation for Board
Dr. Lerner, Mr. Puleo, Ms. Powell, Dr. Lubkin, Dr. Columbu, and Ms. Shaw discussed the research that has already been completed regarding legal representation other than the Office of the Attorney General. We will check with the working group at DCA on this subject and see if their model will help our research.

Search for Executive Officer
Dr. Lerner provided an update and discussed the process of recruiting an Executive Officer.

Dr. Lerner, Mr. Puleo, Ms. Powell, Dr. Lubkin, and Dr. Columbu had a discussion on options outside of DCA to get a wider pool of candidates.

MOTION: DR. LERNER MOVED TO DELEGATE TO THE EXECUTIVE SEARCH COMMITTEE THE TASK TO COME UP WITH THE SCOPE OF WORK, THE ACTUAL CONTRACT THAT IS BEING BID ON, AND A COMPARISON TO DCA
SECOND: DR. COLUMBU SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

Memorandum of Understanding for Personnel Services
Dr. Lerner state this subject is being discussed with the previous item, Search for Executive Officer; they are intertwined and hard to separate.

Legality of Prepaid Health Programs
Mr. Mark Sumner from the Office of Legal Services within Department of Managed Healthcare provided information and clarification on the legalities of prepaid health programs.

Mr. Sumner responded to questions from Dr. Lerner and Dr. Lubkin.

Mr. Sumner stated that Mr. Stiger was interested in putting some educational information on the board's website from the Department of Managed Healthcare, and would be willing to work with Mr. Puleo to make that happen.

Mr. Sumner and Ms. Powell responded to public questions from Christine Shultz, CCA.

Exemption/Reciprocity for Chiropractors Traveling with Sports Teams
Dr. Lerner stated the Medical Board uses AB138 for this purpose; however, we would have to amend our Initiative Act, this couldn't be done through regulation, so we are stuck with the way it is. If someone comes here from out of state to treat a sports team, they will need to have a California license to do so. This varies from state to state.

Acceptable Advertising
Dr. Lubkin stated this item has been deferred to the next Enforcement Committee meeting.

Proposed Board Meeting Schedule for 2010
Dr. Lerner announced the proposed board meeting schedule for 2010. The May meeting date was changed from the 20th to the 13th, and the July meeting location was changed from San Diego, to Orange County.

MOTION: DR. LERNER MOVED TO ACEPT THE PROPOSED 2010 BOARD MEETING SCHEDULE
SECOND: DR. COLUMBU SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

Public Comment
Dr. Charles Davis provided public comment regarding acceptable advertising.

Future Agenda Items
None

Hearings re: Petition for Reinstatement of Revoked License
Administrative Law Judge Donald P. Cole presided over and Deputy Attorney General Tom Rinaldi appeared on behalf of the people of the State of California on the following hearings.

- Deborah Noble
- David Young
- Eric Tolman

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

Adjournment

Dr. Lerner adjourned the public meeting at 3:48 p.m.

Attachment A

Approval By Ratification of Formerly Approved License Applications
September 1, 2009 – October 31, 2009

Name (First, Middle, Last)			Date Issued	DC#
Jon	Lawrence	Bjarnason	9/10/2009	**31389**
Chang	Hung	Chi	9/10/2009	**31390**
Yong	Jae	Chung	9/10/2009	**31391**
Jaime		Cortez	9/10/2009	**31392**
Casey	Dongjoo	Kim	9/10/2009	**31393**
Jennifer	Eloise	Burns	9/10/2009	**31394**
Wendy	Renee	Doyle	9/15/2009	**31395**
Megan	Alice	Hondru	9/15/2009	**31396**
Joseph	Francis	Leonardi	9/15/2009	**31397**
Joanna	Chunyen	Lin	9/15/2009	**31398**
Sara	Terese	Lord	9/15/2009	**31399**
Thanh-Huyen	Thi	Nguyen	9/17/2009	**31400**
Anastasia		Orengo	9/17/2009	**31401**
Laura	Marie	Landgraf	9/17/2009	**31402**
Karla	Albina	Pineda	9/17/2009	**31403**
Khadijah	A	Poole-Khatib	10/8/2009	**31404**
Ayako		Tanaka	9/17/2009	**31405**
Chuck	Andrew	Turkowski	9/17/2009	**31406**
Robert	Shih-Chan	Tseng	9/17/2009	**31407**
Kristen	Lynne	Wills	9/17/2009	**31408**
SungWoong		Yoon	9/17/2009	**31409**
Michael	David	Silver	10/8/2009	**31410**
Michael	Hugh	Wells	10/8/2009	**31411**
Khalid	Hanif	Chaney	10/5/2009	**31412**
Charissa	Ytis	Galvan	10/5/2009	**31413**
Mireya		Hernandez	10/5/2009	**31414**
Bret	David	Jenkins	10/5/2009	**31415**
Colman		Leung	10/5/2009	**31416**
Cesar	Augusto	Mavila	10/5/2009	**31417**
Hiromichi		Nakano	10/12/2009	**31418**
Jagjit	Singh	Sihota	10/12/2009	**31419**
Brett	Earl	Underwood	10/12/2009	**31420**
Bill	Chuwen	Wang	10/12/2009	**31421**
Andrew	Nathan	Hassen	10/15/2009	**31422**

Brandey	Patricia	Dollens	10/15/2009	**31423**
Loren	Cecil	Marshall	10/15/2009	**31424**
Kenneth	Stuart	Johns	10/15/2009	**31425**
Bethony	Grace	Genovea	10/15/2009	**31426**
David	Shawn	Kleinberg	10/15/2009	**31427**
Anthony	Ariel	Silva	10/19/2009	**31428**
Ann	Marie	Eissler	10/22/2009	**31429**
Clark	Michael	Johnson	10/22/2009	**31430**
John	Anthony	Catapano	10/22/2009	**31431**
Ryan	Montana	Maynard	10/22/2009	**31432**
Diane	Kristy	Dossinger Hall	10/22/2009	**31433**
James	Eric	Thompson	10/22/2009	**31434**
Young	Ki	Son	10/27/2009	**31435**
Thong	Huu	Nguyen	10/27/2009	**31436**
Daniel	Phillip	Sterling	10/27/2009	**31437**
Christopher	Robert	Vargas	10/27/2009	**31438**
Ronald		Phillip	10/29/2009	**31439**
Eric	Joseph	Liss	10/30/2009	**31440**
Nima	Madadi	Arabani	10/30/2009	**31441**
Yu-Fu		Kuo	10/30/2009	**31442**
Vincent	Giacomo	Commendatore	10/30/2009	**31443**
Bryce	Edward	Christianson	10/30/2009	**31444**
Sarah	Lynn	Clark	10/30/2009	**31445**
Matthew	John	Breske	10/30/2009	**31446**
Andrew	Turley	Lowe	10/30/2009	**31447**
David	Lee	De Mey	10/30/2009	**31448**
Teresa	Jeanne	Lonsbury	10/30/2009	**31449**
Sandeep	Kaur	Sidhu	10/30/2009	**31450**
Jared	Daniel	Stubblefield	10/30/2009	**31451**
Samuel	Patrick	Woolfenden	10/30/2009	**31452**

Attachment B

Ratification of Formerly Approved Continuing Education Providers

Continuing Education Providers	Date Approved
▪ **M. Kirk Meier**	**10/30/2009**

Attachment C

Recommendation to Waive Two Year Requirement
on Restoration of a Cancelled License

Name (Last, First MI)	License No.	Cancellation Date
Alcantara, Junjoe	29114	08/31/2009
Hedayat, Nick	26200	02/28/2009
Mauldin, Randy	28127	12/31/2008
Rosentiel, Jacques	12810	04/30/2009