BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

NOTICE OF PUBLIC MEETING

January 20, 2011
10:00 a.m.
State Capitol
Fourth Floor, Assembly Room 444
Sacramento, CA 95814

AGENDA

1. **OPEN SESSION** – Call to Order & Establishment of a Quorum
   Frederick Lerner, D.C. Chair
   Hugh Lubkin, D.C., Vice Chair
   Francesco Columbu, D.C., Secretary
   Jeffrey Steinhardt, D.C.
   Richard Tyler, D.C.

2. **Chair's Report**

3. **Election of Officers for 2011**
   A. Chair
   B. Vice Chair
   C. Secretary

4. **Approval of Minutes**
   December 3, 2010 Board Meeting

5. **Public Comment**

6. **Board Member Training on the Bagley-Keene Open Meeting Act and Other Relevant Laws**

7. **2011 Board Meeting Schedule**

8. **Executive Officer's Report**
   A. Administration
   B. Budget
   C. Licensing
   D. Enforcement

T (916) 263-5355
F (916) 263-5369
TT/TOD (800) 735-2929
Consumer Complaint Hotline
(866) 543-1311

Board of Chiropractic Examiners
2525 Natomas Park Drive, Suite 260
Sacramento, California 95833-2931
www.chiro.ca.gov

9. Ratification of Approved License Applications

10. Ratification of Approved Continuing Education Providers

11. Ratification of Denied License Applications in Which the Applicants Did Not Request a Hearing

12. Recommendation to Waive Two Year Requirement to Restore a Cancelled License

13. Information Dissemination / Communication with Licensees and the Public

14. Department of Industrial Relations, Division of Workers Compensation – Update on Recognition of Chiropractic Specialties

15. Proposed Regulations
A. Fingerprint Submissions
B. Continuing Education
C. Omnibus Consumer Protection
D. Informed Consent
E. Petitions for Reinstatement (Fee)

16. Approval of New Chiropractic College – D'Youville College

17. Chiropractors Performing Student Athletic Physicals and Serving as Team Doctors

18. Authority Over Unlicensed/Non-Licensed Individuals Performing Chiropractic

19. Attorney General Billing Detail

20. Public Comment

21. Future Agenda Items

22. Hearings Re: Petition for Reinstatement of Revoked License
A. Charles L. Whitney
B. Parviz Kavoossi

23. Hearings Re: Petition for Early Termination of Probation
A. Paul J. Bologna

24. Closed Session
A. Deliberation on Petitioner Hearings and Disciplinary Decisions Pursuant to California Government Code Section 11126(c)(3)
B. Pursuant to California Government Code Section 11126(e)
1) Catherine Hayes v. Board of Chiropractic Examiners
Sacramento County Superior Court, Case No. 34-2008-0000647
2) Board of Chiropractic Examiners v. Carole M. Arbuckle
Sacramento County Superior Court, Case No. 03AS00948

25. OPEN SESSION: Announcements Regarding Closed Session

26. Adjournment

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

The meeting facilities are accessible to individuals with physical disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Marlene Valencia at (916) 263-5355 ext. 5363 or e-mail marlene.valencia@chiro.ca.gov or send a written request to the Board of Chiropractic Examiners, 2525 Natomas Park Drive, Suite 260, Sacramento, CA 95833. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES
December 2, 2010
Holiday Inn LAX
9901 La Cienega Blvd.
Los Angeles, CA 90045

DRAFT

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, Executive Officer
Spencer Walker, Senior Staff Counsel
Linda Shaw, Staff Services Manager
Sandra Walker, Staff Services Manager
Lavella Matthews, Associate Governmental Program Analyst
Christina Bell, Associate Governmental Program Analyst
Ray Delaney, Management Services Technician
Valerie James, Office Technician

Call to Order
Dr. Lerner called the meeting to order at 10:07 a.m.

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

Approval of Minutes
September 23, 2010 Board Meeting

MOTION: DR. LUBKIN MOVED TO APPROVE THE MINUTES
SECOND: DR. TYLER SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

Public Comment
Bill Howe from the California Chiropractic Association requested the Board to make a word change on page 5 of the minutes regarding his statement at the previous Board Meeting.

DR. LUBKIN MOVED TO AMMEND THE MINUTES BY MAKING A CHANGE ON PAGE 5 BY CHANGING THE WORDS "HOLD OFF" TO "DEFER"
DR. TYLER SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

Board Member Training on the Bagley-Keene Open Meeting Act and Other Relevant Laws
Mr. Walker stated that there is no new information to be brought forward at this time.

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

Ratification of Approved License Applications

MOTION: DR. STEINHARDT MOVED TO RATIFY THE APPROVED LICENSE APPLICATIONS
SECOND: DR. TYLER 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
None

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

Ratification to Waive Two Year Requirement to Restore a Cancelled License

MOTION: DR. STEINHARDT MOVED TO WAIVE TWO YEAR REQUIREMENT TO RESTORE A CANCELLED LICENSE
SECOND: DR. LUBKIN SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED
The Board ratified the attached list of approved cancellation restoration applicants incorporated herein (Attachment B)

Continuing Education Committee Meeting Update
Dr. Lubkin gave a brief summary on what was discussed in the Continuing Education Committee Meeting on October 21, 2010.

Public Comment
Mr. Howe expressed his support in the Board's efforts to help educate the profession.

Enforcement Committee Meeting Update
Dr. Lubkin gave a brief summary on what was discussed in the Enforcement Committee Meeting earlier that day.

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Public Comment
None

Proposed Regulations
A. Continuing Education
The regulatory package has been submitted to OAL and the Board is waiting for a response.

B. Fingerprint Submissions
The regulatory package has been submitted to OAL and the Board is waiting for a response.

C. Proposed Regulations Based on Provisions of SB1111
The Board will be changing the title of this regulatory package to "Omnibus Consumer Protection." This package will be submitted to OAL within the next couple of weeks. Mr. Puleo requested approval from the Board to add language for a $2,000.00 filing fee for Petitioners for Reinstatement which was previously approved.

MOTION: DR. LUBKIN MOVED TO ADD LANGUAGE TO THE REGULATORY PACKAGE FOR A $2,000.00 FILING FEE FOR PETITIONERS FOR REINSTATEMENT.
SECOND: DR. TYLER SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

D. Informed Consent
Dr. Lerner suggested to change the word "potential" to "material." After much discussion the Board agreed to define "material" as "a procedure inherently involving known risk of serious bodily harm."

MOTION: DR. LERNER MOVED TO APPROVE THE CHANGE OF THE WORD "POTENTIAL" TO "MATERIAL" AND TO DEFINE "MATERIAL" AS "A PROCEDURE INHERENTLY INVOLVING KNOWN RISK OF SERIOUS BODILY HARM"
SECOND: DR. TYLER SECONDED THE MOTION

Dr. McAllister came forward to speak on the issue of informing patients verbally and in writing. After further discussion the Board agreed to add the words "verbally and in writing" to the first sentence regarding informing patients.

MOTION: DR. LERNER MOVED TO AMEND THE MOTION TO ADD THE WORDS "VERBALLY AND IN WRITING" TO THE FIRST SENTENCE AND REMOVE THE WORD "VERBAL AND" FROM THE SECOND SENTENCE TO READ AS "A LICENSED DOCTOR OF CHIROPRACTIC SHALL VERBALLY AND IN WRITING INFORM EACH PATIENT..." AND "THE CHIROPRACTOR SHALL OBTAIN THE PATIENT'S WRITTEN INFORMED CONSENT..."
SECOND: DR. TYLER SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

Chiropractors Performing Student Athletic Physicals and Serving as Team Doctors
The topic of Chiropractors performing student athletic physicals and serving as team doctors was discussed by the Board. Mr. Howe explained the situation Chiropractors and the Association have had with schools and their boards. All document and/or letters must be provided to the Board prior to taking any position on this matter. The Board will table this item for the next Board meeting.

Post-Operative Rehabilitation Performed by Chiropractors
Mr. Howe and Dr. Davis came forward to address this issue. After further discussion the Board suggested the Association(s) submit a written request to the Board requesting clarification of our Scope of Practice.

Department of Industrial Relations, Division of Workers Compensation – Update on Recognition of Chiropractic Specialties
Dr. Lerner provided an update. Dr. Lerner requested Board approval to continue working with the Division of Workers Compensation on the Chiropractic Specialty issue.

MOTION: DR. LUBKIN MOVED TO AUTHORIZE DR. LERNER AND MR. PULEO TO CONTINUE WORKING WITH THE DIVISION OF WORKERS COMPENSATION ON THE RECOGNITION OF THE CHIROPRACTIC SPECIALTIES.
SECOND: DR. COLUMBU SECONDED THE MOTION.
VOTE: 5-0
MOTION CARRIED

Proposed Board Meeting Schedule for 2011
The Board discussed the proposed 2011 Board Meeting dates. The Board suggested changing the locations to Northern or Southern California rather than Sacramento or Los Angeles.

MOTION: DR. LERNER MOVED TO APPROVE THE PROPOSED BOARD MEETING SCHEDULE WITH THE CHANGE OF THE LOCATIONS TO READ NORTHERN OR SOUTHERN CALIFRONIA.
SECOND: DR. STEINHARDT SECONDED THE MOTION.
VOTE: 5-0
MOTION CARRIED

Future Agenda Items
Dr. Steinhardt would like to discuss the authority over unlicensed/non-licensed individuals performing chiropractic at the next Board meeting.

Hearings Re: Petition for Reinstatement of Revoked License
Administrative Law Judge Chris Ruiz presided over and Deputy Attorney General Thomas Rinaldi appeared on behalf of the people of the State of California on the following hearings:

- Kevin Choe
- Robert Montoya
- Won-Joon Son

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 3:38p.m.

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(ATTACHMENT A)
Approval By Ratification of Formerly Approved License Applications
September 1, 2010 – October 31, 2010

Name (First, Middle, Last)			Date Issued	DC#
Joshua		Michael	9/2/2010	**31775**
Caroline	Anne	Mohlstrom	9/2/2010	**31776**
Brent	Lesley	Wise	9/8/2010	**31777**
Reanna	L	Plancich	9/16/2010	**31778**
Nesrein		Sweidan	9/16/2010	**31779**
Dino	Dario	DelMastro	9/20/2010	**31780**
Charlene	Marie	Eisenman	9/20/2010	**31781**
Douglas	Earl	Falke	9/20/2010	**31782**
Janelle	Sharice	Gertsch	9/20/2010	**31783**
John	David	Gonzales	9/20/2010	**31784**
Haley	Shaun	Harvey	9/20/2010	**31785**
Cierra	Dawn	Hoffman	9/20/2010	**31786**
Peter		Hong	9/20/2010	**31787**
Soo	Jin	Kim	9/20/2010	**31788**
Mary		Chan	9/20/2010	**31789**
Lindy	Lee	Vaughn	9/23/2010	**31790**
Angela	Marie	Williams	9/23/2010	**31791**
David		Rosario	9/30/2010	**31792**
Krista	Lynn	Rainwaters	9/30/2010	**31793**
Goli	Askari	Ranekouhi	9/30/2010	**31794**
Filiberto	Sebastian	Troy	9/30/2010	**31795**
Ricardo		Valdivia	9/30/2010	**31796**
Robin	Beth Stephanie	Zobitz	9/30/2010	**31797**
Thomas	Daniel	Franz	10/1/2010	**31798**
Justin	Samuel	Letzt	10/1/2010	**31799**
Bryce		Matthews	10/1/2010	**31800**
Armene	Marie	Lamson	10/6/2010	**31801**
William	Joseph	Moreau	10/6/2010	**31802**
Bianca		Chammaa	10/12/2010	**31803**
Gary	Chhourn	Yang	10/12/2010	**31804**
Anne	Vu	Nguyen	10/12/2010	**31805**
Melinda	Christine	Hendrick	10/21/2010	**31806**
Herbert	Roy	Kellins	10/21/2010	**31807**
Aaron	Jacob	Stauber	10/21/2010	**31808**
Susan	Jin Wen	Wang	10/21/2010	**31809**

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Kintaro	Yukihisa	Oku	10/28/2010	**31810**
Chie		Uekihara	10/28/2010	**31811**
Samuel	Oswald	Tarrant III	10/28/2010	**31812**
Xuan-My	Nguyen	Tran	10/28/2010	**31813**
Nimira	Samir	Alibhoy	10/28/2010	**31814**
Preston	Sylvester	Edwards	10/28/2010	**31815**
Sue	Hoa	Lim	10/28/2010	**31816**
Matthew	Gabriel	McCutcheon	10/28/2010	**31817**
Natasha	Tanya	Balbas	10/28/2010	**31818**
Jennifer	Marguerite	Carauddo	10/28/2010	**31819**
Tom	Sunghoon	Chung	10/28/2010	**31820**
Enrique		Guerena	10/28/2010	**31821**
Philip	George	Pritting, Jr.	10/28/2010	**31822**
Heidi	Louise	Smith	10/28/2010	**31823**
Jacob	Martin	Stuebs	10/28/2010	**31824**
Brett	Matthew	Vowles	10/28/2010	**31825**
James	Elliot	Weiss	10/28/2010	**31826**
Janis	Ruth	Prout	10/29/2010	**31827**
David	Benjamin	Sundy	10/29/2010	**31828**

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(ATTACHMENT B)
Recommendation to Waive Two Year Requirement on Restoration of a Cancelled License

Name (Last, First MI)	License No.	Cancellation Date
Cogan, William	23228	2/28/2010

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BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

Board of Chiropractic Examiners
Meeting Schedule
January – December 2011

January 20, 2011 – Northern California

March 17, 2011 – Southern California

May 19, 2011 – Northern California

July 21, 2011 – Southern California

September 15, 2011 – Northern California

November 17, 2011 – Southern California

* Dates and locations are subject to change

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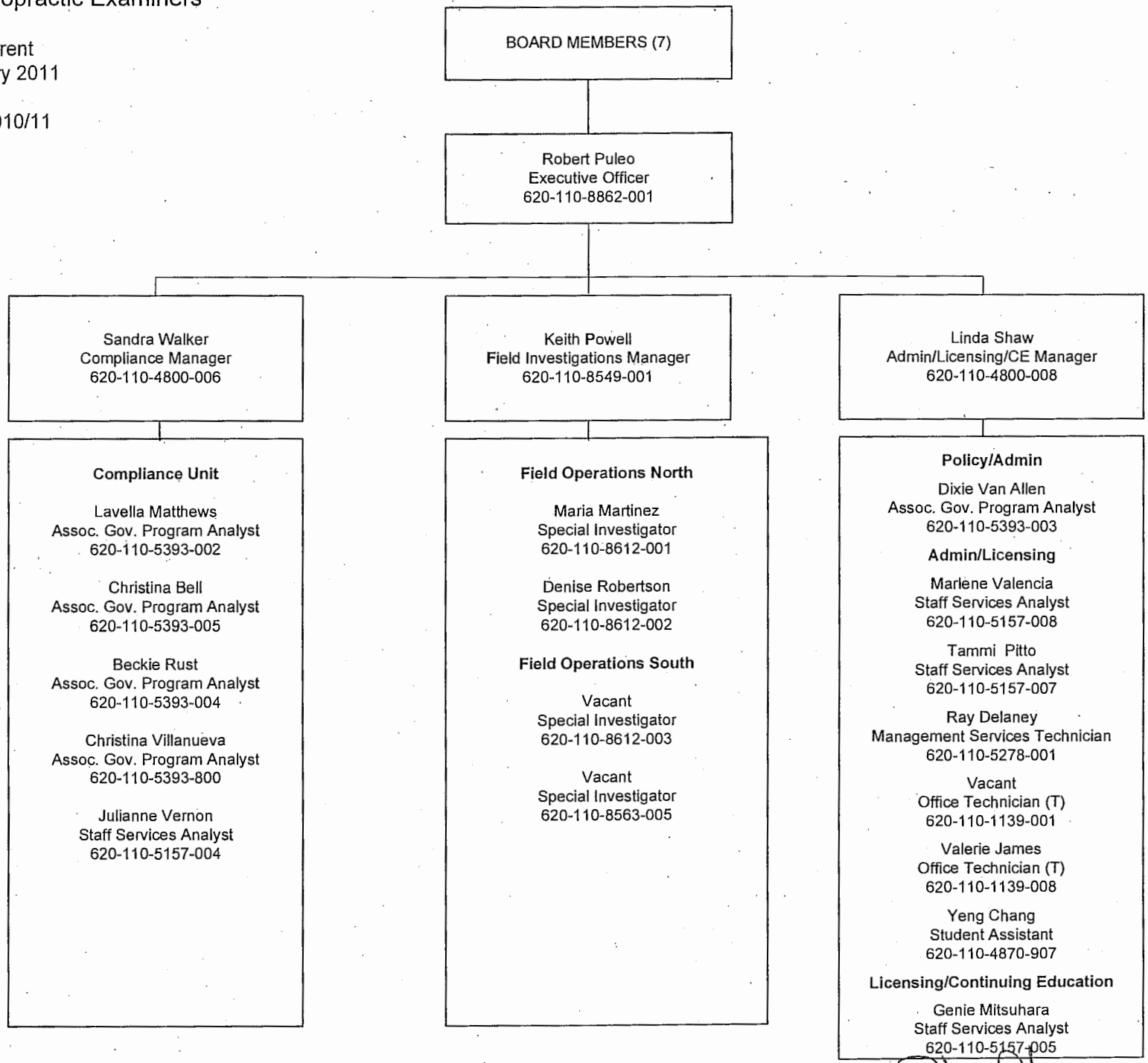
2525 Natomas Park Drive, Suite 260
Sacramento, California 95833-2931
www.chiro.ca.gov

State Board of Chiropractic Examiners

Current
January 2011

FY 2010/11



Executive Officer _____

Rev. 1/4/11

8. Executive Officer Report:

B. Budget

To be handed out at meeting

T (916) 263-5355
F (916) 263-5369
TT/TOD (800) 735-2929
Consumer Complaint Hotline
(866) 543-1311

Board of Chiropractic Examiners
2525 Natomas Park Drive, Suite 260
Sacramento, California 95833-2931
www.chiro.ca.gov

BOARD OF CHIROPRACTIC EXAMINERS
LICENSE STATISTICAL DATA

FY 2009/10 – FY 2010/11 COMPARISON

LICENSE TYPE	TOTAL LICENSES 12/1/2009	TOTAL LICENSES 12/1/2010	NET VARIANCE
CHIROPRACTOR	13,841	13,850	+9
SATELLITES	3,231	3,673	+442
CORPORATIONS	1,334	1,315	-19
REFERRALS	33	31	-2
TOTALS	18,439	18,869	+430

APPLICATIONS RECEIVED AND PROCESSED
DECEMBER 1, 2010 – DECEMBER 31, 2010

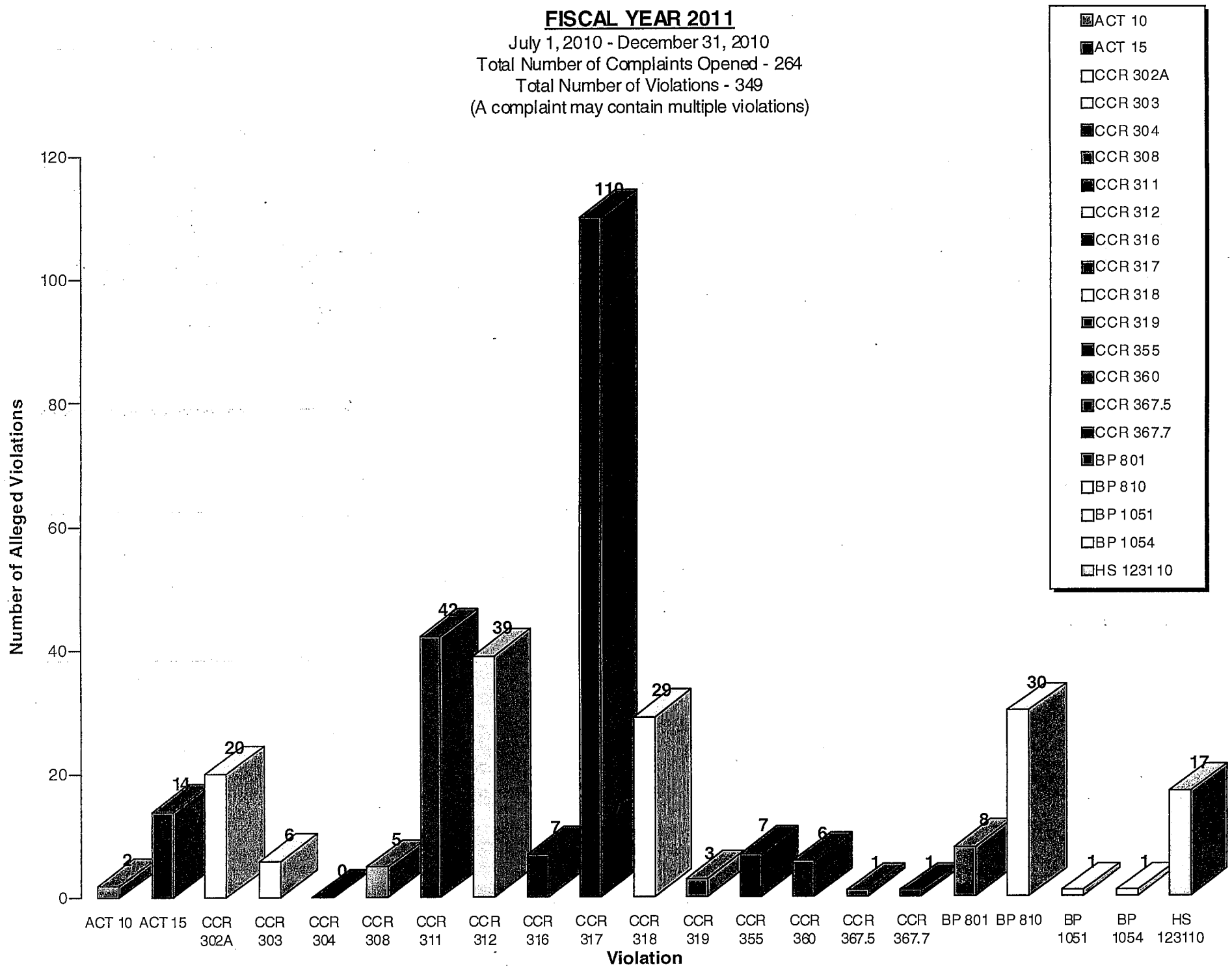
APPLICATION TYPE	RECEIVED	APPROVED	DENIED	WITHDRAWN	PENDING
INITIAL	31	13	0	0	135
RECIPROCAL	0	0	0	0	12
RESTORATION	28	23	0	0	16
CORPORATION	5	11	0	0	17

Compliance Unit Statistics

Fiscal Year	06/07	07/08	08/09	09/10	10/11*
Complaints					
Received	702	644	655	519	264
Pending	863	824	410	203	199
Closed with Insufficient Evidence	132	107	206	136	38
Closed with No Violation	61	78	223	129	55
Closed with Merit	202	321	275	158	72
Letter of Admonishment	n/a	n/a	n/a	5	1
Citations and Fines Issued (Total Fine Amount)	34	28	41($19,200)	78($25,700)	25 ($6,450)
Accusations					
Filed	41	13	64	73	31
Pending	92	73	105	117	124
Revoked	27	8	10	18	3
Revocation Stayed: Probation	23	10	4	20	12
Revocation Stayed: Suspension and Probation	15	10	7	8	4
Suspension	1	0	0	0	0
Suspension Stayed: Probation	0	0	0	1	0
Suspension and Probation	0	0	2	0	0
Voluntary Surrender of License	4	2	2	7	6
Dismissed/Withdrawn	3	3	5	18	2
Statement of Issues					
Filed	11	7	3	3	1
Denied	1	0	1	0	0
Probationary License	9	7	4	7	0
Withdrawn at Applicant's Request	2	1	0	0	0
Granted	3	0	0	0	0
Petition for Reconsideration					
Filed	1	0	1	3	0
Granted	0	0	0	0	0
Denied	1	0	1	2	0
Petition for Reinstatement of License					
Filed	10	15	13	9	3
Granted	5	12	4	4	0
Denied	4	6	11	11	4
Petition for Early Termination of Probation					
Filed	5	6	6	6	16
Granted	4	1	6	1	0
Denied	0	1	2	2	15
Petition for Modification of Probation					
Filed	0	0	0	0	0
Granted	0	0	0	0	0
Denied	0	0	0	0	0
Petition by Board to Revoke Probation					
Filed	2	0	11	32	54
Revoked	0	0	3	7	0
Probation Cases					
Active	174	159	140	134	131

* FY 10/11: July 1, 2010 – December 31, 2010

Revised: January 5, 2011


FISCAL YEAR 2011
July 1, 2010 - December 31, 2010
Total Number of Complaints Opened - 264
Total Number of Violations - 349
(A complaint may contain multiple violations)
Number of Alleged Violations
0
20
40
60
80
100
120
2
14
20
6
0
5
42
39
7
110
29
3
7
6
1
1
8
30
1
1
17
ACT 10
ACT 15
CCR 302A
CCR 303
CCR 304
CCR 308
CCR 311
CCR 312
CCR 316
CCR 317
CCR 318
CCR 319
CCR 355
CCR 360
CCR 367.5
CCR 367.7
BP 801
BP 810
BP 1051
BP 1054
HS 123110
Violation
ACT 10
ACT 15
CCR 302A
CCR 303
CCR 304
CCR 308
CCR 311
CCR 312
CCR 316
CCR 317
CCR 318
CCR 319
CCR 355
CCR 360
CCR 367.5
CCR 367.7
BP 801
BP 810
BP 1051
BP 1054
HS 123110

Violation Codes/Descriptions

The Chiropractic Initiative Act of California (ACT):

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

California Code of Regulations (CCR):

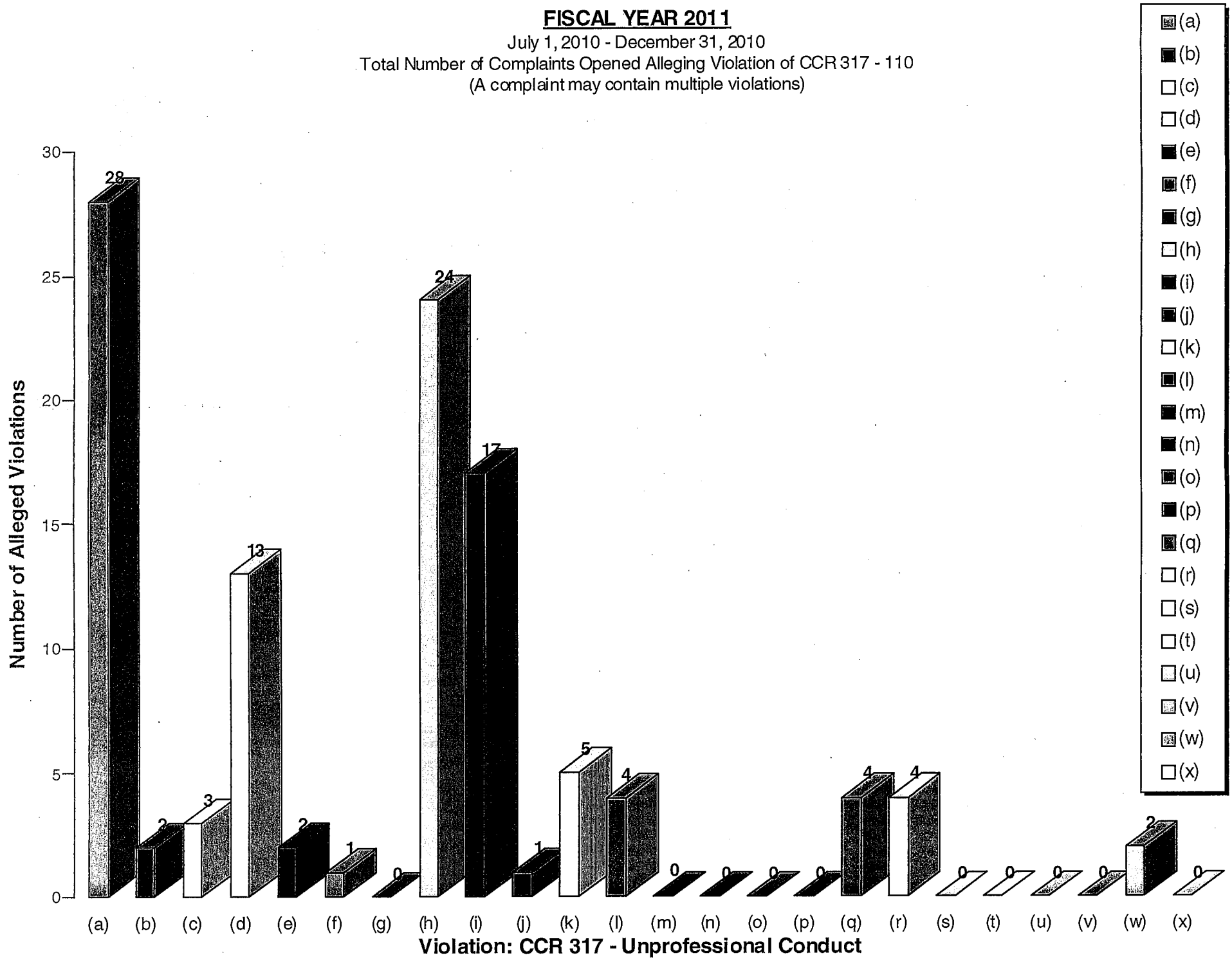
302(a) – Scope of Practice
303 – Filing of Addresses
304 – Discipline by Another State
308 – Display of License
311 – Advertisements
312 – Illegal Practice
316 – Responsibility for Conduct on Premises
317 – Unprofessional Conduct
318 – Chiropractic Patient Records/Accountable Billing
319 – Free or Discount Services
355 – Renewal and Restoration
360 – Continuing Education Audits
367.5 – Application, Review of Refusal to Approve (corporations)
367.7 – Name of Corporation

Business and Professions Code (BP):

801 – Professional Reporting Requirements (malpractice settlements)
810 – Insurance Fraud
1051 – Apply for a Corporation with the Board
1054 – Name of Chiropractic Corporation

Health and Safety Code (HS):

123110 – Patient Access to Health Records


FISCAL YEAR 2011
July 1, 2010 - December 31, 2010
Total Number of Complaints Opened Alleging Violation of CCR 317 - 110
(A complaint may contain multiple violations)
Number of Alleged Violations
0
5
10
15
20
25
30
28
2
3
13
2
1
0
24
17
1
5
4
0
0
0
0
4
4
0
0
0
0
2
0
(a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) (p) (q) (r) (s) (t) (u) (v) (w) (x)
Violation: CCR 317 - Unprofessional Conduct
(a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) (p) (q) (r) (s) (t) (u) (v) (w) (x)

Violation Codes/Descriptions

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

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

STATE OF CALIFORNIA

BOARD OF CHIROPRACTIC EXAMINERS | EDMUND G. BROWN JR., GOVERNOR

MEMORANDUM

Date: January 6, 2011

To: **Board Members**

From: Robert Puleo
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 January 20, 2011, public meeting.

Between November 1, 2010 and December 31, 2010, 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
November 1, 2010 – December 31, 2010

Name (First, Middle, Last)			Date Issued	DC#
Brent	Eugene	Babcock	11/5/2010	**31829**
Lina		Falkinstein	11/5/2010	**31830**
Latronda	Yvette	Hill	11/5/2010	**31831**
John	Joseph	Herrsche	11/5/2010	**31832**
Michelle	Baau-Yih	Chu	11/5/2010	**31833**
Craig	Richard	Sanchez	11/5/2010	**31834**
Nicholas	Scott	Araza	11/10/2010	**31835**
Jerald	Rodney	Hannah	11/10/2010	**31836**
Amanda	Elizabeth	Kinee	11/10/2010	**31837**
JoonKyu		Park	11/10/2010	**31838**
Kaylin	Audrey	Schack	11/12/2010	**31839**
Anthony	Juan	Subia III	11/12/2010	**31840**
Jennifer		Tu	11/12/2010	**31841**
Ger		Cha	11/19/2010	**31842**
Huong	Thi Ly	Danh	11/19/2010	**31843**
Allison	Grace	French	11/19/2010	**31844**
Peter	James	Janousek	11/19/2010	**31845**
Michael	Steven	Lee	11/19/2010	**31846**
David	Kendall	Perry	11/19/2010	**31847**
Jessica		Collazo-Rosario	12/6/2010	**31848**
Crystal	Dawn	Martin	12/6/2010	**31849**
Kristina	Nesreen	Menefee	12/6/2010	**31850**
Martha		Mulugeta	12/6/2010	**31851**
Kristen	Lee	Breymeier	12/10/2010	**31852**
Garbis		Khanjian	12/10/2010	**31853**
Yoon Ho	Reuben	Lee	12/10/2010	**31854**
Mary	Elizabeth	Melendez	12/10/2010	**31855**
Adana	Anna	Moses	12/10/2010	**31856**
Kevin	Barkley	Linzey	12/10/2010	**31857**
Hai Kristy	Dong	Tran	12/10/2010	**31858**
Nathan	Ian	Weller	12/10/2010	**31859**

STATE OF CALIFORNIA

BOARD OF CHIROPRACTIC EXAMINERS | EDMUNC G. BROWN JR., GOVERNOR

MEMORANDUM

Date: January 10, 2011

To: BOARD MEMBERS

From: Robert Puleo
Executive Officer

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

This is to request that the Board ratify the continuing education provider at the public meeting on January 20, 2011.

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

CONTINUING EDUCATION PROVIDERS	DATE APPROVED
1. BioResource, Inc..	01/10/2011

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

STATE OF CALIFORNIA

BOARD OF CHIROPRACTIC EXAMINERS | EDMUND G. BROWN JR., GOVERNOR

MEMORANDUM

Date: January 11, 2011

To: **Board Members**

From: Robert Puleo
Executive Officer

Subject: **Ratification of Denied License Applications of Doctors of Chiropractic**

The Board of Chiropractic Examiners (Board) denies licensure to applicants who do not meet all statutory and regulatory requirements for a chiropractic license in California. An applicant has 60-days after the denial is issued to appeal the decision. If the applicant does not submit an appeal to the Board, the denial is upheld.

Between November 1, 2010 and December 31, 2010, staff reviewed and confirmed that applicants met all statutory and regulatory requirements for licensure. No denials of licensure were issued for this timeframe, there is no ratification necessary.

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

STATE OF CALIFORNIA

BOARD OF CHIROPRACTIC EXAMINERS | EDMUND G. BROWN JR., GOVERNOR

MEMORANDUM

Date: January 11, 2011

To: **Board Members**

From: Robert Puleo
Executive Officer

Subject: Recommendation to Waive Two Year Requirement on Restoration of a Cancelled License – Chiropractic Initiative Act, Section 10(c)

This is to recommend that the Board waive the two year restoration requirement of a cancelled license for the individuals named on the attached list at the January 20, 2011, public meeting.

Staff reviewed and confirmed that the applicants met all other regulatory requirements for restoration including sufficient continuing education hours.

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

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

Name (Last, First MI)	License No.	Cancellation Date
Howell, Ralph	17251	03/31/2009

BOARD OF CHIROPRACTIC EXAMINERS
10 DEC 20 PM 5:02

State of California
Office of Administrative Law

In re: **Board of Chiropractic Examiners**	**NOTICE OF DISAPPROVAL OF REGULATORY ACTION**
Regulatory Action:	
Title 16, California Code of Regulations	**Government Code Section 11349.3**
Adopt sections: 360, 363.1, 370 **Amend sections:** 355, 355.1, 356, 356.5, 357, 358, 359, 360 **Repeal sections:** 355.2	**OAL File No. 2010-1101-07 S**

The Board of Chiropractic Examiners proposed to adopt sections 360, 363.1 and 370, amend and renumber sections 355, 355.1, 356, 356.5, 357, 358, 359 and 360, and repeal section 355.2 of title 16 of the California Code of Regulations pertaining to continuing education and license renewal

OAL disapproves this regulatory action for the following reason(s):
The disapproved regulation(s) fail(s) to comply with the clarity and necessity standards of Government Code section 11349.1 and the initial statement of reasons was inadequate; proposed section 371 does not meet the requirements for incorporation by reference; a change to existing section 356.5 was not made available for comment; the statement of mailing notice was defective; the declaration of completion and closure was unsigned; and the regulation text submitted for review and filing with the Secretary of State did not show changes to the existing California Code of Regulations in underline and strikeout and did not contain authority and reference citations.

Within seven (7) calendar days of the date of this notice, the Office of Administrative Law will send the adopting agency a written decision detailing the reason(s) for disapproval of this regulatory filing. Pursuant to Government Code section 11349.4, the adopting agency may resubmit the regulation(s) within 120 calendar days of receipt of that written decision.

Date: 12/16/2010

Craig S. Tarpenning
Senior Staff Counsel

Original: Robert Puleo
Copy: Dixie Van Allen

For: SUSAN LAPSLEY
Director

CE Changes for OAL Approval

The following proposed changes to the CE language are necessary for approval of the Continuing Education regulatory package by the Office of Administrative Law. The language below reflects changes to specific regulations as they appeared in the Order of Adoption rather than the way they currently appear in the California Code of Regulations. Single strikeout and single underline reflect the changes that were made to the proposed language based on the 45-day and 15-day comment period. Proposed new changes to the regulation are shown in bold and double underline. Proposed new deletions to the regulation are shown in double strikethrough.

§~~356.5~~ 362. Continuing Education Provider Approval, Duties, and Responsibilities.

(a) ~~In order to become and remain eligible for approval by the board as a continuing education provider, each provider must comply with provisions (b)(1) through (b)(10) of this section and provisions of section 357. Failure to comply with these provisions may result in the withdrawal of approval of the provider by the board. A provider that has had its approval withdrawn by the board shall not be eligible to provide continuing education credit until the board reinstates the provider. A provider that has lost approval may reapply to the board for approval as a continuing education provider after a period of suspension established by the board at the time that approval is withdrawn not to exceed two years.~~

(a) CONTINUING EDUCATION PROVIDER DENIAL AND APPEAL PROCESS: If an application is denied under this section, the applicant shall be notified in writing of the reason(s) for the denial. The applicant may request an informal hearing with the Executive Officer regarding the reasons stated in the denial notification. The appeal must be filed within 30 days of the date of the denial notification.

The Executive Officer shall schedule the informal hearing within 30 days of receipt of the appeal request. Within 10 days following the informal hearing, the Executive Officer shall provide written notification of his or her decision to the denied applicant. If the Executive Officer upholds a denial under this section, the applicant may, within 30 days of the date of the Executive Officer's denial notification, request a hearing before the board to appeal the denial. The Executive Officer shall schedule the requested hearing at a future board meeting but not later than 180 days following receipt of the request. Within 10 days of the hearing before the board, the Executive Officer shall provide written notification of the board's decision to the applicant. The board's decision shall be the final order in the matter.

(b) ~~Each continuing education provider shall:~~ **As used in this section, a provider is an individual, partnership, corporation, professional association, college or any other entity approved by the board to offer board approved continuing education**

courses to licensees to meet the annual continuing education requirements set forth in Section 361 of these regulations.

~~(1) Make written application to the board for approval as a continuing education provider, and also provide to the board a written mission statement that outlines the provider's continuing education objectives and declares the provider's commitment to conform to the standards set forth in this section. Applications for approval shall be submitted to the board office at least 30 days prior to a scheduled board meeting. Providers with applications that are incomplete will be notified of the deficiencies in writing within three weeks from the date of receipt. Complete applications will be reviewed at the scheduled board meeting and notification of the board's decision will be provided in writing within two weeks following the board meeting;~~

~~(2) Have engaged in the business of providing education to licensed health care professionals consisting of no less than one course in each year of a five year period immediately preceding the date of application for approval by the board as a continuing education provider;~~

~~(3) Designate a person responsible for overseeing all continuing education activities of the provider and provide written notification to the board identifying that individual;~~

~~(4) Use teaching methods that ensure student comprehension of the subject matter and concepts being taught;~~

~~(5) Establish and maintain procedures for documenting completion of courses, retain attendance records for at least four (4) years from the date of course completion, and furnish the board with a roster of persons completing the course, including the name and state chiropractic license number of each course participant, within sixty (60) days of course completion. Failure to submit the list of course participants within sixty (60) days of course completion may be grounds for withdrawal or denial of course approval;~~

~~(6) Be responsible for maintaining full-time monitoring of course attendance. If any participant's absence from the room exceeds ten (10) minutes during any one hour period, credit for that hour shall be forfeited and such forfeiture shall be noted in the provider's attendance report submitted to the board as required in subsection (b)(5) of this section. It shall further be the responsibility of the provider to see that each person in attendance is in place at the start of each course period. Failure to maintain proper attendance monitoring procedures may be grounds for withdrawal or denial of course approval;~~

~~(7) Ensure availability to course participants of meeting rooms, study aids, audiovisual aids, and self-instructional materials designed to foster learning and ensure student comprehension of the subject matter and concepts being taught;~~

~~(8) Disclose in any continuing education course advertising if expenses of the program are underwritten or subsidized by any vendors of goods, supplies, or services;~~

~~(9) Inform the board immediately of any event that may affect the provider's approval as a continuing education provider by the board;~~

~~(10) Inform the board in writing immediately of any change to the course that would affect the date, time or location when or where the course will be held.~~

(c)(1) To apply to become an approved provider, an applicant shall complete and submit a "Continuing Education Provider Application" form (Revision date 02/10) which is hereby incorporated by reference, and pay the fee specified in Section 360(a). Applications for approval shall be submitted to the board office at least 30 days prior to a scheduled board meeting. Providers with applications that are incomplete will be notified of the deficiencies in writing within three (3) weeks from the date of receipt. Complete applications will be reviewed at the scheduled board meeting and notification of the board's decision will be provided in writing within two (2) weeks following the board meeting.

(2) The approval of the provider shall expire two (2) years after it is issued by the board and may be renewed upon the filing of the "Continuing Education Provider Application" form (Revision date 02/10) and fee specified in Section 360(b).

(3) Providers who were approved by the board prior to the effective date of this regulation shall renew their provider status two years from [insert the effective date of this regulation] by filing of the "Continuing Education Provider Application" form (Revision date 02/10) and fee specified in Section 360(b).

(4) The board will not process incomplete applications nor applications that do not include the correct application fee.

(d) Providers shall:

(1) Identify an individual responsible for overseeing all continuing education activities of the provider.

(2) Provide a course roster to the board, within 30 days, upon written request. Course rosters shall include the names of all licensees, license numbers, and e-mail addresses if available. Failure to submit the roster upon written request within thirty (30) days may result in the withdrawal or denial of previous course approval and withdrawal of provider status. Providers shall maintain the course roster for four (4) years from the date of completion of the course.

(3) Maintain course instructor curriculum vitae or resumes for four (4) years.

(4) Disclose to prospective participants the names of the individuals or organizations, if any, who have underwritten or subsidized the course. Providers may not advertise, market, or display materials or items for sale inside the room while the actual instruction

is taking place. Nothing in this section shall be interpreted to prohibit a provider from mentioning a specific product or service solely for educational purposes.

(5) Inform the board in writing immediately of any change to the date, time or location of the course.

(6) Provide a certificate of completion to licensees within 30 days following completion of the continuing education course. Providers shall retain records of course completion for four (4) years from the date of completion and provide records of completion to the Board within thirty (30) days, upon written request. The certificate shall include the following information:

(A) Name and address of provider

(B) Course title

(C) Course approval number

(D) Date(s) and location of course

(E) Licensee name

(F) License number

(G) Printed name and signature of the provider's designated representative

(H) Number of hours the licensee earned in continuing education, including the type of mandatory hours, and whether the hours were obtained in classroom instruction or distance learning.

(e) The Executive Officer, after notification, may withdraw approval of any continuing education provider for good cause, including, but not limited to, violations of any provision of the regulation or falsification of information, and shall provide written notification of such action to the provider. The provider may request an informal hearing with the Executive Officer regarding the reasons for withdrawal of approval stated in the Executive Officer's notification. The appeal must be filed within 30 days of the date of the notification. The Executive Officer shall schedule the informal hearing within 30 days of receipt of the appeal request. Within 10 days following the informal hearing, the Executive Officer shall provide written notification of his or her decision to the provider. If the Executive Officer upholds his or her decision under this subsection, the provider may, within 30 days of the date of the Executive Officer's notification, request a hearing before the board to appeal the Executive Officer's decision. The Executive Officer shall schedule the requested hearing at a future board meeting but not later than 180 days following receipt of the request. Within 10 days of the hearing before the board, the Executive Officer shall provide written notification of the board's decision to the provider. The board's decision shall be the final order in the matter.

NOTE: Authority cited: Sections 1000-4(b) and 1000-4(e), Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii).
Reference: Sections 1000-4(b) and 1000-10(a), Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii).

§~~357~~ 363. Approval of Continuing Education Courses.

(a) ~~The application for approval of a continuing education course shall be submitted to the board office at least 45 days prior to the date of the course and shall include a nonrefundable application fee of $50.00 and any other documentary information required by the board pursuant to section 356. The application fee for ongoing postgraduate courses presented by chiropractic institutions accredited by the Council on Chiropractic Education (C.C.E.) is due upon initial receipt of the application for approval, regardless of the number of course meetings in one calendar year. Courses with schedules continuing into a second calendar year must submit a new application for the second year if continuing education credit hours are to be offered for that year. The new application for the second year must contain the required fee ($50.00).~~

~~If a course meets the criteria of the board, the board shall notify the provider when a course has been approved. Mention of such approval shall be included in announcements of the program and the printed program itself as follows: "Approved by the California State Board of Chiropractic Examiners for license renewal."~~

Providers must complete and submit a "Continuing Education Course Application" form (Revision date 02/10) which is hereby incorporated by reference, and pay the non-refundable application fee as provided by Section 360(c) at least 45 days prior to the date of the course. Providers shall submit and complete one application for each continuing education course being offered.

(b) A "course" is defined as an approved program of coordinated instruction, in any one of the subject areas as defined in Section 361(g) and given by an approved Provider. Once approved, a course may be given any number of times for one year following approval, with the single continuing education course fee paid one time annually by the Provider. A course may not consist of more than one subject area as defined in Section 361(g).

(c) The following documentation shall be submitted with each Continuing Education Course Application:

(1) An hourly breakdown of the continuing education course;

(2) A final copy of the syllabus/course schedule including seminar name, date and location of seminar, instructor(s) name, course description, educational objectives, teaching methods, course schedule/outline, recommended reading, disclosure of

expenses underwritten or subsidized by vendors of any goods, and supplies or services;

(3) A copy of the course brochure and all other promotional material to be used;

(4) A curriculum vitae for each instructor including the instructor's name and address; the type of educational degree including the name of the college and year the degree was received; license information including status and name of licensing agency; certification including status and name of certifying agency; the type, location and years of practical experience; the type, location and years of teaching experience; the type, location and years of research experience; the type, location and years of other relevant experience; and the title, journal, and date of publications.

~~A "course" is defined as an approved program of coordinated instruction, in any one of the subject areas as defined in Section 361(g) and given by an approved Provider. Once approved, a course may be given any number of times for one year following approval, with the single continuing education course fee paid one time annually by the Provider.~~

(~~b~~**d**) ~~Any board member, or members, or board designee shall have the right to inspect or audit any approved chiropractic course in progress.~~
DENIAL AND APPEAL PROCESS: If a course application is denied under this section, the applicant shall be notified in writing of the reason(s) for the denial. The applicant may request an informal hearing regarding the reasons stated in their denial notification, with the Executive Officer. The appeal must be filed within 30 days of the date of the denial notification.

The Executive Officer shall schedule the informal hearing within 30 days of receipt of the appeal request. Within 10 days following the informal hearing, the Executive Officer shall provide written notification of his or her decision to the denied applicant. If the Executive Officer upholds a denial under this section, the applicant may, within 30 days of the date of the Executive Officer's denial notification, request a hearing before the board to appeal the denial. The Executive Officer shall schedule the requested hearing at a future board meeting but not later than 180 days following receipt of the request.

Within 10 days of the hearing before the board, the Executive Officer shall provide written notification of the board's decision to the applicant. The board's decision shall be the final order in the matter.

(~~c~~**e**) ~~The board, may, after notification and an opportunity to be heard, withdraw approval of any continuing education course, and shall immediately notify the provider of such action.~~
Only those courses that meet the following shall be approved:

(1) No more than twelve (12) hours of continuing education credit shall be awarded to an individual licensee for coursework completed on a specific date.

(2) Each hour of continuing education credit shall be based on at least fifty (50) minutes of participation in an organized learning experience. Class breaks shall be at the discretion of the instructor and shall not count towards a course hour. Providers shall furnish a sign-in sheet that contains the course date(s), each licensee's name, license number, and designated space for each licensee to sign in at the beginning and conclusion of the course each day. Furthermore, the form shall state that a licensee by signing their name on that sheet, is declaring under penalty of perjury, that they personally attended the stated course, on the listed date(s) and they personally attended the listed hours of course work. Each licensee shall be responsible for signing the "sign-in sheet" at the start and conclusion of each day's coursework, and failure to do so may invalidate credit for that day's coursework.

(~~d~~**f**) The board shall not approve the following subjects for continuing education courses: financial management, income generation, practice building, collections, self-motivation, and patient recruitment.

(~~e~~**g**) If a provider makes a substantive change in content of an approved course, he or she shall notify the board as soon as possible of the changes prior to giving the course. A new application may be required as determined by the Executive Officer.

(~~f~~**h**) The Executive Officer, after notification, may withdraw approval of any continuing education course for good cause, including, but not limited to, violations of any provision of this regulation or falsification of information and shall provide written notification of such action to the provider. The provider may request an informal hearing with the Executive Officer regarding the reasons for withdrawal of approval stated in the Executive Officer's notification. The appeal must be filed within 30 days of the date of the notification. The Executive Officer shall schedule the informal hearing within 30 days of receipt of the appeal request. Within 10 days following the informal hearing, the Executive Officer shall provide written notification of his or her decision to the provider. If the Executive Officer upholds his or her decision under this subsection, the provider may, within 30 days of the date of the Executive Officer's notification, request a hearing before the board to appeal the Executive Officer's decision. The Executive Officer shall schedule the requested hearing at a future board meeting but not later than 180 days following receipt of the request. Within 10 days of the hearing before the board, the Executive Officer shall provide written notification of the board's decision to the provider. The board's decision shall be the final order in the matter.

NOTE: Authority cited: Sections 1000-4(b) and 1000-4(e), Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii).
Reference: Section 1000-4(b) and 1000-10(a), Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii).

~~§ 355~~ §371. Annual License Renewals and Restoration.

(a) ~~Commencing with the renewal period for 1973, each licensee and each applicant for restoration of a license forfeited for failure to renew shall, as a condition to renewal or restoration of his license and in addition to paying the annual renewal fee of one hundred fifty dollars ($150.00) or restoration fee of double the annual renewal fee as provided by section 12 of the Act (California Business and Professions Code section 1000-12), submit proof that he has completed within the past 12 months a course of continuing education approved by the board on a form (No. 09RA-1 (8/91) provided by the board titled Renewal Application. The Renewal Application as provided by the board will indicate the current year of renewal.~~
This section shall apply to non-disciplinary license renewal and restoration. Disciplinary license restoration conditions are defined in ~~Article 10~~ **Section 1000-10** of the **Business and Professions Code (Chiropractic** Initiative Act **of California Stats. 1923 p.1xxxviii).**

(b) ~~In lieu of submitting the proof of completion of continuing education required under subsection (a) above, any such licensee or applicant may submit a statement, which shall be verified or certified under penalty of perjury, that he or she will not engage in the practice of Chiropractic within the State of California during the period for which renewal or restoration is sought unless he or she first completes an approved course of continuing education and submits proof thereof to the board; and that he or she understands that failure to do so will constitute grounds for the suspension or revocation of his or her license. A license that has expired for failure to renew may be renewed at any time within three years after the expiration date. If no application is received within three years, the Board shall cancel the license.~~
A license shall expire annually on the last day of the licensee's birth month. For purposes of Articles 6 and 7.5, the following terms have the following meanings:

(1) "License in forfeiture" is a license that has not been renewed within 60 days of its expiration date.

(2) "Inactive license" has the meaning specified in Business and Professions Code 700.

(3) "Cancelled license" is a license that has been expired for a period of three (3) consecutive years.

(c) ~~To restore a cancelled license, the person must submit to the Board's office, in compliance with the application instructions, an application for restoration, pay a fee of twice the annual amount of the renewal fee, and provide evidence of Board-approved continuing education, as specified in California Code of Regulations, section 356, for each 12-month period in which the license was cancelled. Continuing education required to restore a cancelled licensed must be commenced and completed during the 12-month period immediately preceding the request for restoration.~~
To renew an active license, a licensee shall complete and submit a "Renewal" form (R1HDC**, Rev. [insert effective date of regulation]**), which is incorporated by

reference, pay the appropriate fee specified in Section 370(a) prior to the expiration date of the license, and complete the board's continuing education requirements that were in effect during the license renewal period.

(d) ~~Licenses for doctors of chiropractic which heretofore expired on the last day of December each year will henceforth expire on the last day of the birth month of the licensee in each year.~~

~~To facilitate the conversion to the birthdate renewal system for doctors of chiropractic, licenses that expire on December 31, 1991 will be renewed for periods from seven (7) to eighteen (18) months. The fee to be paid shall be that determined by multiplying 1/12 of the renewal fee by the number of months of licensure in accord with the following schedule. All fees shall be rounded to the nearest whole dollar.~~

~~Licensees Born In~~	~~Will Be Licensed for The Period~~	~~Months of Licensure~~
~~January~~	~~January 92-January 93~~	~~13~~
~~February~~	~~January 92-February 93~~	~~14~~
~~March~~	~~January 92-March 93~~	~~15~~
~~April~~	~~January 92-April 93~~	~~16~~
~~May~~	~~January 92-May 93~~	~~17~~
~~June~~	~~January 92-June 93~~	~~18~~
~~July~~	~~January 92-July 92~~	~~7~~
~~August~~	~~January 92-August 92~~	~~8~~
~~September~~	~~January 92-September 92~~	~~9~~
~~October~~	~~January 92-October 92~~	~~10~~
~~November~~	~~January 92-November 92~~	~~11~~
~~December~~	~~January 92-December 92~~	~~12~~

~~This will be a one time reduction or increase, effective January 1992 all licenses will be annually renewed on a birthdate renewal system.~~

~~This subsection shall remain in effect until June 30, 1993, and on such date is repealed.~~

To renew an inactive license, a licensees shall complete and submit a "Renewal" form (R1HDC, **Rev. [insert effective date of regulation]**) and pay the appropriate fee specified in Section 370(a) prior to the expiration date of the license.

(e) To renew and restore a license in forfeiture, a licensee shall complete and submit a "Forfeiture Notice" form (D1HDC, **Rev. [insert effective date of regulation]**) and an "Application for Restoration of License" form (Revision date 02/10), which are incorporated by reference, pay the appropriate fees specified in Section 370(b) and have met one of the following continuing education requirements:

(1) Completed the board's continuing education requirements that were in effect at the time of each license renewal period;

(2) Practiced in another state under an active valid license and completed all continuing education requirements for that state for each license renewal period the license was expired;

(3) Passed the National Board of Chiropractic Examiners (NBCE) Special Purposes Examination for Chiropractic examination within six (6) months prior to submitting the Application for Restoration of License (Revision date 02/10).

(f) To restore an inactive license to active status, a licensee shall complete and submit an "Inactive to Active Status Application" form (Revision date 02/10), which is incorporated by reference, pay the appropriate fee specified in Section 370(c) prior to the expiration date of the license, and complete continuing education equivalent to that required for a single license renewal period.

(g) To restore a cancelled license, a licensee shall complete and submit an "Application for Restoration of License" form (Revision date 02/10), pay the appropriate fee specified in Section 370(b), and have met one of the following continuing education requirements:

(1) Completed the board's continuing education requirements that were in effect at the time of each license renewal period;

(2) Practiced in another state under an active valid license and completed all continuing education requirements for that state for each license renewal period the license was expired;

(3) Passed the National Board of Chiropractic Examiners (NBCE) Special Purposes Examination for Chiropractic examination within six (6) months prior to submitting the Application for Restoration of License (Revision date 02/10).

(h) The board will not process incomplete applications nor complete applications that do not include the correct fee as specified in Section 370.

(i) In addition to any other requirement for renewal or restoration of a license, a licensee shall disclose whether, since the last renewal of his or her license, he or she has been convicted of any violation of the law in this or any other state, the United States, or other country. However, licensees are not required to disclose traffic infractions that resulted in fines of less than five hundred dollars ($500) that did not involve alcohol, dangerous drugs, or controlled substances.

NOTE: Authority cited: Sections 1000-4(b) and 1000-10(a), Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. lxxxviii).
Reference: Sections 1000-4(b), 1000-10 and 1000-12, Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. lxxxviii) and Penal Code Sections 11105 and 11105.2.

15. Proposed Regulations:

E. Petitions for Reinstatement (Fee)

To be handed out at meeting

California Board of Chiropractic Examiners
New Chiropractic College Regulatory Assessment

Facility Name: D'Youville College

Facility Address: One D'Youville Square
320 Porter Avenue
Buffalo, New York 14201

Phone: 716-829-7725

Fax: 716-829-7893
E-mail: www.dyc.edu

Contact Person: Kathleen L. Linaker, DC, DACBR
Title: Executive Director Doctor of Chiropractic Program

Supervision (CCR § 331.3)	**Results**
(a) Full-time president, dean, or other executive officer	√ Met ☐ Not Met
(b) Report annually, covering topics such as student enrollment, number and changes in faculty and administration, changes in the curriculum, courses given, and the projections for future policy.	√ Met ☐ Not Met COMMENTS: Requirement Met; Need to Submit Annually
(c) A copy outline and a schedule of classes, showing the day and hour of presentation and the instructor shall be filed.	√ Met ☐ Not Met COMMENTS: Requirement Met; Need to Submit Every Semester
(d) Maintain a record of the teaching load of each member of the staff in terms of classes taught, supervision, student counseling, committee work, and other assigned activities.	√ Met ☐ Not Met
e) A permanent file of all class schedules, beginning with those as of the date of the school's approval shall be maintained and available for inspection and comparison with the courses described in the relative catalogs.	√ Met ☐ Not Met
(f) Schedules must be kept up to date and posted on a bulletin board available for student inspection.	√ Met ☐ Not Met
Financial Management (CCR § 331.4)	
Keep accurate financial records and file an annual financial report	√ Met ☐ Not Met COMMENTS: Requirement Met; Need to Submit Annually

Records (CCR § 331.5.)	
Maintain a good system of records; a personal file must be maintained for each student; fireproof storage must be provided for the safekeeping of records.	√ Met ☐ Not Met
Catalog (CCR § 331.6)	
School catalogs shall contain the following information: (a) A list of its trustees, president, dean and other administrative officers and members of the faculty with their respective qualifications; (b) Courses set forth by department, showing for each subject its content, value in term, semester hours, or credit hours; (c) Entrance requirements, conditions for academic standing and discipline, such as attendance, examinations, grades, promotion and graduation; (d) Matriculation, tuition, laboratory, graduation and special fees, and estimated costs of books, instruments, dormitory and board; and (e) Descriptions of the library, audio-visual facilities, laboratories and clinic facilities.	√ Met ☐ Not Met COMMENTS: Requirement Met; Need to Submit Annually
Calendar (CCR § 331.7)	
Each school may elect to use the semester, trimester or four-quarter term system. A school calendar shall designate the beginning and ending dates of terms or semesters, the vacation periods and legal holidays observed, and the dates for semester and final examinations. The recitation or lecture period shall be not less than 50 minutes in length. The school may operate on a five or six-day week or any combination thereof, but the total number of hours of instruction shall be not less than 30 hours nor more than 35 hours per week. The total number of hours provided for each complete student's course, leading to the degree of Doctor of Chiropractic, shall be not less than 4,400 hours distributed over four academic years of nine months each.	√ Met ☐ Not Met
Student Faculty Ratio (CCR § 331.9)	
(a) The full-time equivalent student-faculty ratio shall be at least one full-time professor to every fifteen (15) students enrolled in the school. (b) A full-time professor is one who devotes a minimum of 38 hours per week to his academic duties. (c) The maximum enrollment for any class in laboratory or clinical work shall be limited to the number which may, by Board standards, sufficiently be trained with the equipment and facilities available in such laboratory clinic. (d) All classes and laboratory sessions, including clinics, shall be conducted under the presence and supervision of a full-time professor. (e) There shall be one instructor for each twenty-five (25) students in the laboratory and/or clinic courses.	√ Met ☐ Not Met

Faculty Organization (CCR § 331.10)	
(a) A faculty shall be organized by departments. Regularly scheduled meetings of the full faculty shall be had to provide a free exchange of ideas concerning: (1) The content and scope of the curriculum; (2) The teaching methods and facilities; (3) Student discipline, welfare and awards; (4) Faculty discipline and welfare; (5) Committee reports and recommendations; (6) Recommendations for the promotion and graduation of students; (7) Administration and educational policies; and (8) Recommendations to the administrative officers and to the trustees. (b) The dean shall appoint the following standing committees of which he shall be a member ex officio: admissions and credentials, curriculum, clinic, laboratories, library and examinations, grades and records.	√ Met ☐ Not Met
Scholastic Regulations (CCR §331.11)	
(a) Admission. (b) Date of Matriculation. (c) Qualifications of Students. (d) Professional Education. (e) Advanced Standing. (f) Attendance. (g) Promotion. (h) Requirements for Graduation. (i) Special (Graduate of An Approved Chiropractic School) or Unclassified Subject. (j) Degree	√ Met ☐ Not Met
Curriculum (CCR § 331.12.2)	
(a) Course of Study. (b) Required Hours and Subjects (c) Subject Presentation (1) ANATOMY. (2) PHYSIOLOGY. (3) BIOCHEMISTRY AND NUTRITION. (4) PATHOLOGY AND BACTERIOLOGY. (5) PUBLIC HEALTH, HYGIENE, SANITATION AND EMERGENCY CARE. (6) DIAGNOSIS. (7) OBSTETRICS, GYNECOLOGY AND PEDIATRICS. (8) PRINCIPLES AND PRACTICE OF CHIROPRACTIC, DIETETICS, PHYSIOTHERAPY, AND OFFICE PROCEDURE. (9) PHYSIOTHERAPY. (10) OFFICE PROCEDURE. (d) Additional Hours and Subjects. (e) Clinics.	√ Met ☐ Not Met

Physical Facilities (CCR §331.13)	
(a) General. (b) Administrative Offices. (c) Classrooms. (d) Laboratories. (f) Teaching Aids and Equipment. (g) Library. (h) Clinic. (i) Operation and Maintenance of the Physical Plant.	√ Met ☐ Not Met

BOARD of CHIROPRACTIC EXAMINERS
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Hearings Re: Petition for Reinstatement of Revoked License

A. Charles L. Whitney

B. Parviz Kavoossi

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Hearings Re: Petition for Early Termination of Probation

A. Paul J. Bologna

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Closed Session

A. Deliberation on Petitioner Hearings and Disciplinary Decisions Pursuant to the California Government Code Section 11126(c)(3)

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