BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

NOTICE OF PUBLIC MEETING

December 6, 2012
10:00 a.m.
State Capitol
First Floor, Senate Committee Room 113
Sacramento, CA 95814

AGENDA

1. **OPEN SESSION** – Call to Order & Establishment of a Quorum
   Hugh Lubkin, D.C. Chair
   Heather Dehn, D.C., Vice Chair
   Francesco Columbu, D.C., Secretary
   Julie Elginer, Dr.PH
   Sergio Azzolino, D.C.

2. **Chair's Report**

3. **Approval of Minutes**
   September 20, 2012 Board Meeting

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

5. **Ratification of Approved License Applications**

6. **Ratification of Approved Continuing Education Providers**

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

8. **Recommendation to Waive Two Year Requirement to Restore a Cancelled License**

9. **Board Member Administrative Manual**

10. **Discussion on the Process for Scheduling and Conducting Committee Meetings**

11. **Proposed Board Meeting Schedule for 2013**

T (916) 263-5355
F (916) 263-5369
TT/TDD (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

12. Proposed Regulations

A. Omnibus Consumer Protection
B. Extracorporeal Shock Wave (ECSW) Therapy
C. Name of Chiropractic Corporation

13. Hearings Re: Petition for Reinstatement of Revoked License

A. Jason Wolf
B. Faramarz Khalili
C. Robert DeMarco

14. Public Comment

15. Future Agenda Items

16. Closed Session

A. Deliberation on Disciplinary Decisions
Pursuant to California Government Code Section 11126(c)(3)
B. Pursuant to California Government Code Section 11126(e)
1) Board of Chiropractic Examiners v. Carole M. Arbuckle
Sacramento County Superior Court, Case No. 03AS00948
C. Evaluation of Executive Officer
Pursuant to California Government Code Section 11126(a)

17. OPEN SESSION: Announcements Regarding Closed Session

18. 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

September 20, 2012
Radisson LAX
6225 West Century Blvd.
Los Angeles, CA 90045

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Board Members Present
Hugh Lubkin, D.C., Chair
Heather Dehn, D.C., Vice Chair
Francesco Columbu, D.C., Secretary
Julie Elginer, Dr. PH
Sergio Azzolino, D.C.

Staff Present
Robert Puleo, Executive Officer
Spencer Walker, Staff Counsel
Linda Shaw, Staff Services Manager
Sandra Walker, Staff Services Manager
Dixie Van Allen, Associate Governmental Program Analyst
Valerie James, Office Technician

Call to Order
Dr. Lubkin called the meeting to order at 10:03 a.m.

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

Chair's Report
Dr. Lubkin reported on recent activities relating to Board matters.

Approval of Minutes
July 19, 2012 Board Meeting

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

Executive Officer's Report
Mr. Puleo gave the Executive Officer's Report. The topics were Administration, Licensing, and Enforcement. Mr. Puleo requested to take the Budget item later during the meeting upon the arrival of Cynthia Dines, from the Department of Consumer Affairs' (DCA) Budget Office.

Ratification of Approved License Applications

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

Ratification of Approved Continuing Education Providers

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

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

Ratification to Waive Two Year Requirement to Restore a Canceled License

MOTION: DR. DEHN MOVED TO RATIFY THE RECOMMENDATION TO WAIVE THE TWO YEAR REQUIREMENT TO RESTORE A CANCELED LICENSE
SECOND: DR. LUBKIN SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED
The Board ratified the attached list of approved continuing education providers incorporated herein (Attachment C).

The Use of the Zerona Laser for Laser Lipo Treatment
Dr. Columbu opened discussion on this agenda item and requested Legal Counsel's opinion regarding whether Laser Lipo Treatments are within a chiropractor's scope of practice. The Board's Legal Counsel, Mr. Walker stated his opinion that's based on the Board's laws and regulations as well as case law, Laser Lipo is not within the scope of practice because it's a cosmetic procedure and it was not taught in chiropractic schools in 1922.

Dr. Lubkin noted that this has already been addressed in the Board's Laser Safety Regulations (Section 302.5), which prohibit chiropractors from using lasers that have not been approved by the FDA as well as using a laser outside the chiropractic scope of practice.

The Board had a lengthy discussion regarding laser lipo devices and treatments.

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Dr. Charles Davis, D.C. representing the International Chiropractic Association of California (ICAC) stated his opinion regarding Laser Lipo treatments.

Dr. Timothy Jennings, D.C. testified regarding his use of lasers to perform lipo treatments in his practice.

This topic was tabled pending further research.

Board Member Administrative Procedure Manual
Dr. Columbu opened discussion on the topic. Dr. Elginer suggested the Board Member Administrative Procedure Manual be updated to accurately reflect the Board Member's current work assignments.

Board Member Testifying as Experts
The Board discussed when Board Members should and should not testify as experts for Legislative hearings, malpractice cases, etc. whether it is appropriate for a Board Member to identify him/herself when serving as an expert.

Dr. Davis shared his comments regarding this topic.

The Board moved back to Agenda Item 4B – Executive Officer's Report – Budgets.

Executive Officer's Report - Budget
Cynthia Dines from DCA's Budget Office came forward to report on the Board budget. The Board went into Closed Session to discuss detailed budget issues.

Physio Therapy Guidelines – Misconduct
This item was tabled for another Board Meeting.

Enforcement Committee Meeting Update
Dr. Lubkin reported what was discussed at the previous Enforcement Committee Meeting.

Proposed Omnibus Consumer Protection Regulations
The Board had a brief discussion on the subject.

MOTION: DR. COLUMBU MOVED TO ACCEPT THE CHANGES AS PROPOSED BY THE ENFORCEMENT COMMITTEE AS AMENDED
SECOND: DR. AZZOLINO SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

MOTION: DR. LUBKIN MOVED TO HAVE THE AMENDED LANGUAGE TO THE PROPOSED REGULATION SUBMITTED TO THE OFFICE OF ADMINISTRATIVE LAW
SECOND: DR. DEHN SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

Standards for Extracorporeal Shock Wave (ECSW) Therapy – Proposed Regulation Section 318.2
Dr. Lubkin opened discussion on the proposed regulation for ECSW Under Anesthesia, which the Enforcement Committee recommends the Board move forward to Rulemaking.

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Dr. Columbu questioned whether ECSW is within the chiropractic scope of practice.

The Board's Legal Counsel, Mr. Walker, stated his opinion that it is not authorized pursuant to the Cree's and Tain decisions.

Dr. Lubkin noted that ECSW is a form of ultrasound and that the Enforcement Committee heard testimony from Edward Cremata, D.C. who teaches ECSW and is of the opinion that it is an ultrasound-based technology.

Dr. Columbu stated his opinion that ECSW is not a form of ultrasound.

The Board discussed whether ECSW is the same as a lithotripter, which is specifically prohibited by Section 302.

Dr. Dehn pointed out that subdivision (f) of the proposed language specifically states that ECSW therapy is limited to ultrasound related technologies within the scope of practice of a chiropractor.

Dr. Davis commented regarding his understanding of the law and his belief that it is appropriate for a chiropractor to use ECSW for musculoskeletal purposes.

MOTION: DR. LUBKIN MOVED TO APPROVE THE PROPOSED LANGUAGE
SECOND: DR. AZZOLINO SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

MOTION: DR. LUBKIN MOVED TO HAVE THE APPROVED PROPOSED LANGUAGE SUMBMITTED TO THE OFFICE OF ADMINISTRATIVE LAW
SECOND: DR. AZZOLINO SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

Name of Corporation – Regulation Section 367.7 & Corporations Code Section
Dr. Azzolino opened the discussion on this topic and noted that Section 367.7 of the Board's regulations unnecessarily restricts the name of a chiropractic corporation to the name or last name of one or more of the corporation's shareholders. He also pointed out that this section conflicts with Section 1054 of the Business and Professions Code.

The Board discussed this provision and agreed that Section 367.7 should be repealed.

MOTION: DR. COLUMBU MOVED TO REPEAL SECTION 367.7
SECOND: DR. AZZOLINO SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

MOTION: DR. LUBKIN MOVED TO HAVE STAFF BEGIN THE REGULATORY PROCESS
SECOND: DR. COLUMBU SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

Government Affairs Committee Meeting Update
Dr. Lubkin gave an overview of the Government Affairs Committee Meeting.

Legislative Update
A. SB 924 (Price) – Patient Direct Access to Physical Therapist and Provider Corporations
Mr. Puleo reported that the bill failed in Assembly.

The Board moved forward to Agenda Item 17 – Public Comment then Agenda Item 18 Future Agenda Items.

Public Comment
None

Future Agenda Items
Dr. Elginer requested to have the Governor's Reorganization Plan be addressed at the next Board Meeting. Dr. Lubkin indicated that he would like to address this item at the first of next year.

Dr. Dehn requested to have Groupons and Living Social advertisements be addressed at a future Committee Meeting.

Dr. Lubkin requested to hold committee meetings for all three Committees. Dr. Lubkin requested the matter of unlicensed Chiropractors from foreign countries seeking licensure be discussed at the upcoming Licensing Committee meeting.

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

A. Alex Giventer

Closed Session
The Board went into closed session for deliberation on Board related matters.

Adjournment
Dr. Lubkin adjourned the meeting at 2:49 p.m.

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(ATTACHMENT A)
Approval By Ratification of Formerly Approved License Applications
May 1, 2012 – June 30, 2012

Name (First, Middle, Last)			Date Issued	DC#
Jeffrey	Forrest	Armstrong	7/5/2012	**32356**
Jonathan	David	Diaz	7/5/2012	**32357**
Andrew	Robert	Dyer	7/5/2012	**32358**
Derrick	Jeffrey	Giles	7/5/2012	**32359**
Ginger	Ann	Kastens	7/5/2012	**32360**
Anthony	David	Mills	7/5/2012	**32361**
Kyle	Kamran	Jahangiri	7/10/2012	**32362**
Katie	Ruth	Ngan	7/11/2012	**32363**
Shadi		Rahmani	7/11/2012	**32364**
Peter		Salama	7/11/2012	**32365**
Matthew	Raymond	Skalski	7/17/2012	**32366**
Karo		Ter-Nersesyan	7/17/2012	**32367**
Kombiz	Klam	Pourteymoor	7/24/2012	**32368**
Nicholas	Joseph	Wirtz	7/24/2012	**32369**
Bethanne	Marie	Baretich	7/31/2012	**32370**
Dennis	Hamilton	Barker	7/31/2012	**32371**
Shawn	Christopher	Borges	7/31/2012	**32372**
Michael	Fischer	Cady	7/31/2012	**32373**
Angela	Marie	Caraza	7/31/2012	**32374**
Jeffrey	Alexander	Chan	7/31/2012	**32375**
Amber	Marie	Eckel	7/31/2012	**32376**
Austin	Jay	Komarek	7/31/2012	**32377**
Tan	T	Nguyen	8/3/2012	**32378**
Cameron	Thomas	Quillian	8/3/2012	**32379**
Michael	Casey	Schmitz	8/3/2012	**32380**
Aaron	Matthew	Ayala	8/7/2012	**32381**
Kristin	Marie	Beierle	8/7/2012	**32382**
Jenny	Brook	Merkel	8/7/2012	**32383**
Matthew	Benjamin	Murphy	8/7/2012	**32384**
Gary	Peter-James	Van Lue	8/8/2012	**32385**
Dan	Mitchell	Oliver	8/8/2012	**32386**
Jonathan	David	Block	8/8/2012	**32387**
Joshua	Paul	Leach	8/8/2012	**32388**

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Jasmine	Lee	Alden	8/9/2012	**32389**
Gloria	Zapien	Andrade	8/9/2012	**32390**
Daniel	Lazar	Katrikh	8/9/2012	**32391**
Ahmed	Ezzat	Korayem	8/9/2012	**32392**
Roma	Jean	Nall	8/10/2012	**32393**
Heather	Nadine	Vaughn	8/10/2012	**32394**
Nathan	Jerome	Sermersheim	8/10/2012	**32395**
Jeremy	Tjandra	Subadya	8/10/2012	**32396**
Richard	William	Rowley	8/21/2012	**32397**
JB		Silver	8/21/2012	**32398**
Jeremy	Elias	Sontag	8/21/2012	**32399**
Brian	James	Van Aken	8/21/2012	**32400**
Leslie	Judith	Veliz	8/21/2012	**32401**
Teja	Carisa	Fox	8/24/2012	**32402**
Jong	Han	Kim	8/24/2012	**32403**
Ricardo		Marquetti	8/24/2012	**32404**
Katherine	Ruth	McDermont	8/24/2012	**32405**
Rodrigo	Ta'Vora	Oliveira	8/24/2012	**32406**
Amy	Marie	Shu	8/24/2012	**32407**
Manita		Verma	8/24/2012	**32408**
Corinne	Renee	Skutley	8/24/2012	**32409**
Roshani		Desai	8/29/2012	**32410**
Cory	Patrick	Barker	8/30/2012	**32411**
Kristy	Lynn	Kahn	8/30/2012	**32412**
Sue	Ok	Lee	8/30/2012	**32413**
Nasim		Pedram	8/31/2012	**32414**
Eugene		Plotitsa	8/31/2012	**32415**

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(ATTACHMENT B)
Approval by Ratification of New Continuing Education Providers

CONTINUING EDUCATION PROVIDERS	DATE APPROVED
1. VITAL Imaging	9/1/2012
2. Emergency Care & Safety Institute (ECSI)	9/1/2012
3. Arthur Faygenholtz, D.C.	9/1/2012
4. The Chiropractic Seminar Group	9/1/2012

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

Name (Last, First MI)	License No.	Cancellation Date
Sihock, Franklin	23985	May 31, 2011

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State Board of Chiropractic Examiners

July 1, 2012

FY 2012-13

PY 19

BOARD MEMBERS (7)

Robert Puleo
Executive Officer
620-110-8862-001

Alfonso Ramirez (RA)
Assoc. Gov. Program Analyst
620-110-5393-907

SSM I
Sandra Walker
Compliance Manager
620-110-4800-006

Supervising Special Investigator I
Keith Powell
Field Investigations Manager
620-110-8549-001

SSM I
Linda Shaw
Admin/Licensing/CE Manager
620-110-4800-008

Compliance Unit

Lavella Matthews
Assoc. Gov. Program Analyst
620-110-5393-002

Christina Bell
Assoc. Gov. Program Analyst
620-110-5393-005

Beckie Rust
Assoc. Gov. Program Analyst
620-110-5393-004

Christina Villanueva
Assoc. Gov. Program Analyst
620-110-5393-800

Julianne Vernon
Staff Services Analyst
620-110-5157-004

Field Operations North

Maria Martinez
Special Investigator
620-110-8612-001

Denise Robertson
Special Investigator
620-110-8612-002

Field Operations South

Yanti Soliman
Special Investigator
620-110-8612-003

Policy/Admin

Dixie Van Allen
Assoc. Gov. Program Analyst
620-110-5393-003

Admin/Licensing

Marlene Valencia
Staff Services Analyst
620-110-5157-008

Tammi Pitto
Staff Services Analyst
620-110-5157-007

Ray Delaney
Management Services Technician
620-110-5278-001

Vacant
Office Technician (T)
620-110-1139-001

Valerie James
Office Technician (T)
620-110-1139-008

Licensing/Continuing Education

Genie Mitsuhara
Staff Services Analyst
620-110-5157-005

Executive Officer _____

Personnel Office _____

Rev. 8/27/12

0152 - Board of Chiropractic Examiners
Analysis of Fund Condition

11/19/2012

(Dollars in Thousands)

Galley I

	Actual PY 2011-12	12-13 Budget Act CY 2012-13	BY 2013-14	BY+1 2014-15
BEGINNING BALANCE	$ 2,568	$ 2,133	$ 1,993	$ 1,712
Prior Year Adjustment	$ 26	$ -	$ -	$ -
Adjusted Beginning Balance	$ 2,594	$ 2,133	$ 1,993	$ 1,712
REVENUES AND TRANSFERS				
Revenues:				
125600 Other regulatory fees	$ 146	$ 132	$ 141	$ 141
125700 Other regulatory licenses and permits	$ -	$ -	$ -	$ -
125800 Renewal fees	$ 3,338	$ 3,284	$ 3,281	$ 3,281
125900 Delinquent fees	$ 68	$ 55	$ 55	$ 55
150300 Income from surplus money investments	$ 8	$ 6	$ 5	$ 4
161400 Miscellaneous revenues	$ 8	$ 8	$ 8	$ 8
161900 Other Revenue - Cost Recoveries	$ 9	$ 9	$ 9	$ 9
164600 Fines and Forfeitures	$ 25	$ 25	$ 25	$ 25
Totals, Revenues	$ 3,602	$ 3,519	$ 3,524	$ 3,523
Transfers to Other Funds	$ -	$ -	$ -	$ -
Totals, Revenues and Transfers	$ 3,602	$ 3,519	$ 3,524	$ 3,523
Totals, Resources	$ 6,196	$ 5,652	$ 5,517	$ 5,235
EXPENDITURES				
Disbursements:				
0840 State Controller (State Operations)	$ 3	$ 3	$ -	$ -
8880 Financial Information System for CA (State Operations)	$ 10	$ 3	$ -	$ -
8500 Program Expenditures (State Operations)	$ 3,450	$ 3,653	$ 3,805	$ 3,881
Chapter 125, Statutes of 2011	$ 600	$ -	$ -	$ -
Total Disbursements	$ 4,063	$ 3,659	$ 3,805	$ 3,881
FUND BALANCE				
Reserve for economic uncertainties	$ 2,133	$ 1,993	$ 1,712	$ 1,354
Months in Reserve	7.0	6.3	5.3	4.1

Note: The Board overcollected reimbursements by $140,000 in FY 11/12. Expenditure savings will increase that balance.

NOTES:

A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED
B. ASSUMES INTEREST RATE AT .3%.
C. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR.

BOARD OF CHIROPRACTIC EXAMINERS
LICENSE STATISTICAL DATA

FY 2011/12 – FY 2012/13 COMPARISON

LICENSE TYPE	TOTAL LICENSES 11/1/2011	TOTAL LICENSES 11/1/2012	NET VARIANCE
CHIROPRACTOR	13,666	13,457	-209
SATELLITES	3,880	4,082	+202
CORPORATIONS	1,327	1,319	-8
REFERRALS	31	30	-1
TOTALS	18,904	18,888	-16

APPLICATIONS RECEIVED AND PROCESSED
SEPTEMBER 1, 2012 – OCTOBER 31, 2012

APPLICATION TYPE	RECEIVED	APPROVED	DENIED	WITHDRAWN	PENDING
INITIAL	35	44	1	0	99
RECIPROCAL	0	0	0	0	8
RESTORATION	30	30	0	0	5
CORPORATION	11	10	0	0	24

Compliance Unit Statistics

Fiscal Year	08/09	09/10	10/11	11/12	12/13*
Complaints					
Received	655	519	497	391	167
Pending	410	203	137	125	161
Closed with Insufficient Evidence	206	136	96	89	22
Closed with No Violation	223	129	135	93	32
Closed with Merit	275	158	140	120	41
Letter of Admonishment	n/a	5	4	1	0
Citations and Fines Issued (Total Fine Amount)	41($19,200)	78($25,700)	47($12,700)	26($37,400)	9($4,600)
Accusations					
Filed	64	73	68	41	15
Pending	105	117	130	99	76
Revoked	10	18	17	14	4
Revocation Stayed: Probation	4	20	26	20	14
Revocation Stayed: Suspension and Probation	7	8	9	12	3
Suspension	0	0	0	0	0
Suspension Stayed: Probation	0	1	0	0	0
Suspension and Probation	2	0	0	0	0
Voluntary Surrender of License	2	7	9	7	4
Dismissed/Withdrawn	5	18	10	21	5
Statement of Issues					
Filed	3	3	4	5	1
Denied	1	0	0	0	0
Probationary License	4	7	3	4	2
Withdrawn	0	0	0	0	1
Granted	0	0	1	0	0
Petition for Reconsideration					
Filed	1	3	0	2	2
Granted	0	0	0	0	0
Denied	1	2	0	0	1
Petition for Reinstatement of License					
Filed	13	9	7	7	1
Granted	4	4	2	2	0
Denied	11	11	10	6	1
Petition for Early Termination of Probation					
Filed	6	6	4	22	0
Granted	6	1	2	32	0
Denied	2	2	4	24	0
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	11	32	13	6	1
Revoked	3	7	2	8	1
Probation Cases					
Active	140	134	138	142	148

* FY 12/13: July 1, 2012 – October 31, 2012

Revised: November 5, 2012

Violation Codes/Descriptions

The Chiropractic Initiative Act of California (ACT):

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

California Code of Regulations (CCR):

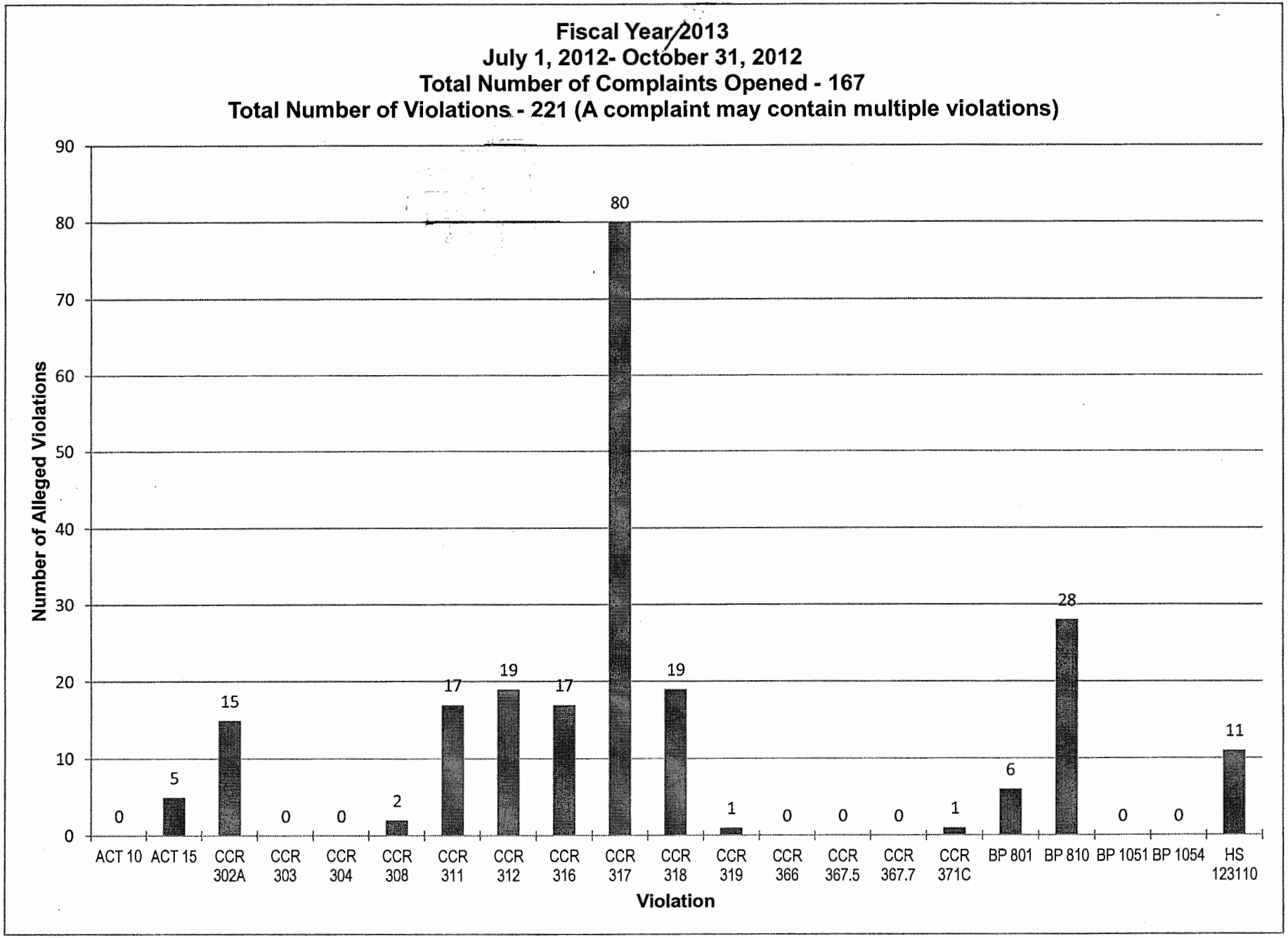
302(a) – Scope of Practice
302.5 – Use of Laser
303 – Filing of Addresses
304 – Discipline by Another State
308 – Display of License
311 – Advertisements
312 – Illegal Practice
316 – Responsibility for Conduct on Premises
317 – Unprofessional Conduct
318 – Chiropractic Patient Records/Accountable Billing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

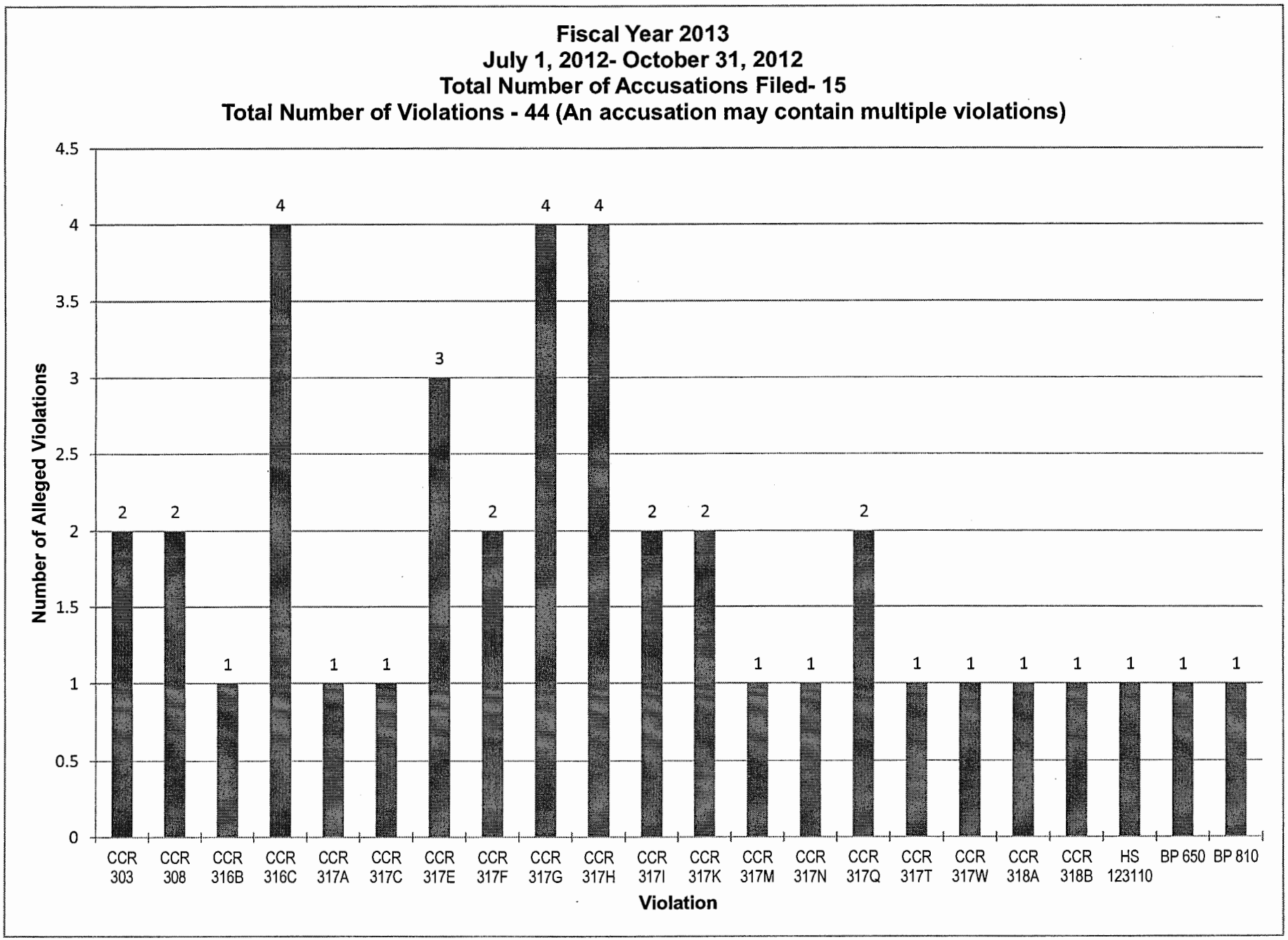
Business and Professions Code (BP):

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

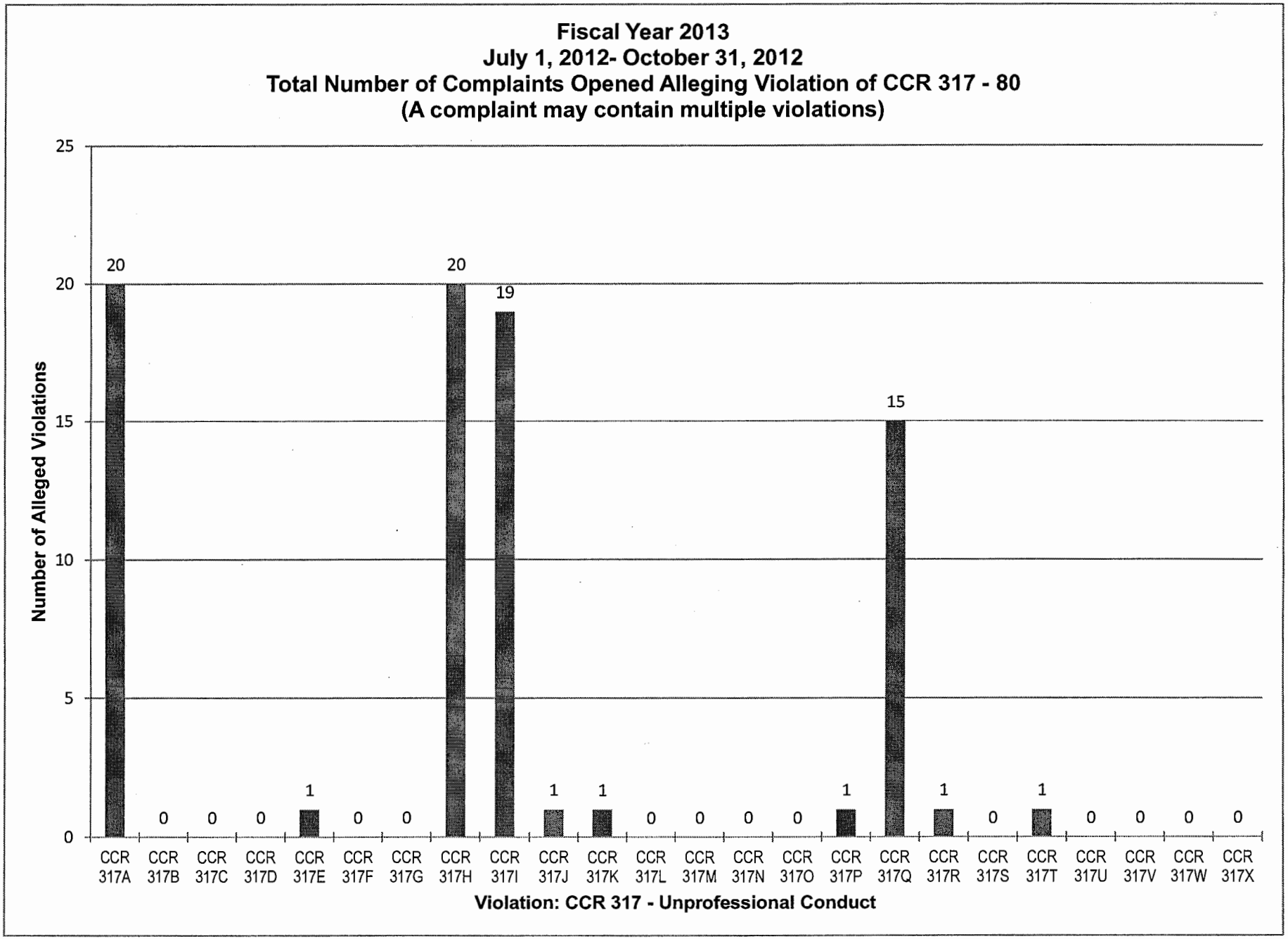

Fiscal Year 2013
July 1, 2012- October 31, 2012
Total Number of Complaints Opened - 167
Total Number of Violations - 221 (A complaint may contain multiple violations)
Number of Alleged Violations
90
80
70
60
50
40
30
20
10
0
0
5
15
0
0
2
17
19
17
80
19
1
0
0
0
1
6
28
0
0
11
ACT 10
ACT 15
CCR 302A
CCR 303
CCR 304
CCR 308
CCR 311
CCR 312
CCR 316
CCR 317
CCR 318
CCR 319
CCR 366
CCR 367.5
CCR 367.7
CCR 371C
BP 801
BP 810
BP 1051
BP 1054
HS 123110
Violation


Fiscal Year 2013
July 1, 2012- October 31, 2012
Total Number of Accusations Filed- 15
Total Number of Violations - 44 (An accusation may contain multiple violations)
Number of Alleged Violations
4.5
4
3.5
3
2.5
2
1.5
1
0.5
0
2
2
1
4
1
1
3
2
4
4
2
2
1
1
2
1
1
1
1
1
1
1
CCR 303
CCR 308
CCR 316B
CCR 316C
CCR 317A
CCR 317C
CCR 317E
CCR 317F
CCR 317G
CCR 317H
CCR 317I
CCR 317K
CCR 317M
CCR 317N
CCR 317Q
CCR 317T
CCR 317W
CCR 318A
CCR 318B
HS 123110
BP 650
BP 810
Violation

Violation Codes/Descriptions

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

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


Fiscal Year 2013
July 1, 2012- October 31, 2012
Total Number of Complaints Opened Alleging Violation of CCR 317 - 80
(A complaint may contain multiple violations)
Number of Alleged Violations
25
20
15
10
5
0
20
0
0
0
1
0
0
20
19
1
1
0
0
0
0
1
15
1
0
1
0
0
0
0
CCR 317A
CCR 317B
CCR 317C
CCR 317D
CCR 317E
CCR 317F
CCR 317G
CCR 317H
CCR 317I
CCR 317J
CCR 317K
CCR 317L
CCR 317M
CCR 317N
CCR 317O
CCR 317P
CCR 317Q
CCR 317R
CCR 317S
CCR 317T
CCR 317U
CCR 317V
CCR 317W
CCR 317X
Violation: CCR 317 - Unprofessional Conduct

STATE OF CALIFORNIA

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

MEMORANDUM

Date: November 26, 2012

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 December 6, 2012, public meeting.

Between September 1, 2012 and October 31, 2012, 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 1, 2012 – October 31, 2012

Name (First, Middle, Last)			Date Issued	DC#
Luke	Hunter	Mattison	9/7/2012	**32416**
Yasaman		Seirafi	9/12/2012	**32417**
Jason	Leslie	Arnold	9/12/2012	**32418**
Alyson	Mayer	Mather	9/12/2012	**32419**
Nima		Mehranfard	9/17/2012	**32420**
Damon	Keith	Walton	9/17/2012	**32421**
Justin	Michael	Kamerman	9/20/2012	**32422**
Erin	Elizabeth	MacCarry	9/20/2012	**32423**
Parviz		Nessari	9/26/2012	**32424**
Jameson	Thomas	Russell	9/26/2012	**32425**
Jared	Michael	Taylor	9/26/2012	**32426**
Christopher	William	Carver	9/26/2012	**32427**
Heather	Dipre	Hamilton	9/26/2012	**32428**
Rustin	Craig	Wilson	9/27/2012	**32429**
Ryan	Phillip	Curda	9/28/2012	**32430**
Jesse	Brett	Jacobs	9/28/2012	**32431**
Erin	Lynn	Johnson	9/28/2012	**32432**
Nicholas	Ronnie	Johnson	9/28/2012	**32433**
Stacey	Coe	Kavanaugh	9/28/2012	**32434**
Juan		Reinosa-Salmeron	10/4/2012	**32435**
Angela	Lee	Cantrell	10/5/2012	**32436**
Ryan	Alexander	Garcia	10/5/2012	**32437**
Carolina		Orrego	10/17/2012	**32438**
Guy	Claude	Pelletier	10/17/2012	**32439**
Trang	Khanh	Pham	10/17/2012	**32440**
Aria		Sanei	10/17/2012	**32441**
Jessi	Lee	Wright	10/17/2012	**32442**
Patrick	Shaun	Barry	10/19/2012	**32443**
Steven	John	Chalk	10/19/2012	**32444**
Cody	Anthony	Dimak	10/19/2012	**32445**
James	Abbott	Ferrell Jr.	10/19/2012	**32446**
Julia	Thomas	Pinkerton	10/22/2012	**32447**
Deanna	Lee	Walker	10/22/2012	**32448**
Lynda	Suzanne	Bunn	10/23/2012	**32449**
Melissa	Anne	Crane	10/23/2012	**32450**

Fatema		Kolia	10/23/2012	**32451**
Eunmee		Lee	10/23/2012	**32452**
Irene	Reyes	Namsa	10/24/2012	**32453**
Niesha	Denise	Thomas-Koen	10/24/2012	**32454**
Helmut	Eric	Steibl	10/29/2012	**32455**
Fawaz	Abdullah	Al-Badani	10/31/2012	**32456**
Nadine	Renee	Brinton	10/31/2012	**32457**
Duong-Thuy	Phuong	Chau	10/31/2012	**32458**

.STATE OF CALIFORNIA

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

MEMORANDUM

Date: November 27, 2012

To: BOARD MEMBERS

From: Robert Puleo
Executive Officer

Subject: **Ratification for New Continuing Education Providers**

This is to request that the Board ratify the continuing education providers at the public meeting on December 6, 2012.

CONTINUING EDUCATION PROVIDERS	DATE APPROVED
1. Elliott Lopez Publications, Inc.	12/1/2012
2. International College of Complementary & Alternative Medicine	12/1/2012
3. Canham College, Inc.	12/1/2012
4. Donald A Clarke	12/1/2012
5. Quantum Research Council	12/1/2012
6. Michelle McLafferty, D.C.	12/1/2012
7. Brian Bronk, D.C.	12/1/2012

STATE OF CALIFORNIA

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

MEMORANDUM

Date: November 29, 2012

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 December 6, 2012, 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
Kharb, Bassem	29538	May 1, 2011

STATE OF CALIFORNIA

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

MEMORANDUM

Date: November 29, 2012

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 September 1, 2012 and October 31, 2012, staff reviewed and confirmed that one (1) applicant did not meet all statutory and regulatory requirements for licensure. The applicant has not yet appealed the decision but is still within the 60-days time period.

At this time, ratification is not necessary.

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

State of California

BOARD OF CHIROPRACTIC EXAMINERS
BOARD MEMBER
ADMINISTRATIVE MANUAL

Adopted October 2007
Revised April 23, 2009

Edmund G. Brown Jr., Governor
State of California

MISSION STATEMENT

The Board of Chiropractic Examiners' paramount responsibility is to protect California consumers from the fraudulent, negligent, or incompetent practice of chiropractic care.

Members of the Board

Hugh Lubkin, D.C., Chair
Heather Dehn, D.C., Vice Chair
Francesco Columbu, D.C., Secretary
Julie A. Elginer, Dr.PH, Public Member
Sergio Azzolino, D.C.

Executive Officer
Robert C. Puleo

This procedure manual is a general reference including a review of some important laws, regulations, and these basic Board policies in order to guide the actions of the Board members and ensure Board effectiveness and efficiency. The Chiropractic Initiative Act of 1922 (the Act) will be referenced and summarized throughout this procedure manual.

This Administrative Procedure Manual, regarding Board Policy, can be amended by four affirmative votes of any current or future Board.

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CHAPTER 1. Introduction

Overview

The Board of Chiropractic Examiners (Board) was created on December 21, 1922, through an initiative measure approved by the electors of California on November 7, 1922.

The Act states it is... "An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the State Board of Chiropractic Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith..."

The powers and authority of the Board is specifically defined in Section 4 of the Act. In general, the board is a policy-making and administrative review body comprised pursuant to the provisions of Section 1 of the Act, comprised of seven members, five professional and two public, each appointed by the Governor. The Board's paramount purpose is to protect California consumers through the enforcement of the Act, other applicable laws and the California Code of Regulations related to the Practice of Chiropractic, identified herein as the Board's regulations.

State of California Acronyms

ALJ	Administrative Law Judge
AG	Office of the Attorney General
APA	Administrative Procedure Act
B&P	Business and Professions Code
CATS	Computer Assisted Testing Service
CCCP	California Code of Civil Procedure
CCR	California Code of Regulations
CLEAR	Council on Licensure Enforcement and Regulations
DAG	Deputy Attorney General
DOF	Department of Finance
DOI	Department of Insurance
DPA	Department of Personnel Administration
SAM	State Administrative Manual
SCIF	State Compensation Insurance Fund
SPB	State Personnel Board
VCGCB	Victim Compensation and Government Claims Board

General Rules of Conduct

All Board members shall act in accordance with their oath of office, and shall conduct themselves in a courteous, professional and ethical manner at all times. The Board serves at the pleasure of the governor, and shall conduct their business in an open manner, so that the public that they serve shall be both informed and involved, consistent with the provisions of the Bagley-Keene Open Meeting Act and all other governmental and civil codes applicable to similar boards within the State of California.

- Board members shall comply with all provisions of the Bagley-Keene Open Meeting Act.
- Board members shall not speak or act for the Board without proper authorization.
- Board members shall not privately or publicly lobby for or publicly endorse, or otherwise engage in any personal efforts that would tend to promote their own personal or political views or goals, when those are in direct opposition to an official position adopted by the Board.
- Board members shall not discuss personnel or enforcement matters outside of their official capacity in properly noticed and agendized meetings or with members of the public or the profession.
- Board members shall never accept gifts from applicants, licensees, or members of the profession while serving on the Board.
- Board members shall maintain the confidentiality of confidential documents and information related to board business.
- Board members shall commit the time and prepare for Board responsibilities including the reviewing of board meeting notes, administrative cases to be reviewed and discussed, and the review of any other materials provided to the board members by staff, which is related to official board business.
- Board members shall recognize the equal role and responsibilities of all Board members.
- Board members shall act fairly, be nonpartisan, impartial, and unbiased in their role of protecting the public and enforcing the Chiropractic Initiative Act.
- Board members shall treat all consumers, applicants and licensees in a fair, professional, courteous and impartial manner.

- Board members' actions shall serve to uphold the principle that the Board's primary mission is to protect the public.

- Board members shall not use their positions on the Board for personal, familial, or financial gain. Any employment subsequent to employment as a board member shall be consistent with Executive Order 66-2.

CHAPTER 2. Board Members & Meeting Procedures

Membership
(§1 Initiative Act)

The Board consists of seven members appointed by the Governor. Each member must be a citizen of the United States and have been a resident of California for five years. Two members must be public members. Each licensee member must have at least five years of licensure in this state prior to appointment. Each licensee member must have pursued a resident course in an approved chiropractic school or college, and must be a graduate thereof and hold a diploma therefrom.

No more than two persons can serve simultaneously as members of the Board whose first diplomas were issued by the same school or college of chiropractic. Nor can more than two members be residents of any one county of the state. No person is eligible for appointment to the Board who is currently or within one year of holding a position as an administrator, policy Board member, or a paid employee of any chiropractic school or college.

Board Meetings and Offices
(§6 Initiative Act)

The full Board must meet at least twice each calendar year.

The Board's office is located in Sacramento. The Board may establish additional offices in Los Angeles and San Francisco.

Board Meetings
(Government Code Section 11120 et seq. - Bagley-Keene Open Meeting Act)

The Board, as a statement of policy, shall comply with the provisions of the Bagley-Keene Open Meeting Act, and conduct their business in accordance with Robert's Rules of Order, as long as that does not conflict with any superseding laws or regulations.

Due notice of each meeting and the time and place thereof must be given to each member in the manner provided by the Bagley-Keene Open Meeting Act.

The Board may call a special meeting at any time in the manner provided by the Bagley-Keene Open Meeting Act, Government Code Section 11125.4.

Quorum
(§3 Initiative Act)

A majority of the Board (four members) will constitute a quorum. An affirmative vote of four members of the Board is required to carry any motion or resolution, to adopt any rule, or to authorize the issuance of any license provided for in the Act.

Board Member Attendance at Board Meetings
(Board Policy)

Being a member of the Board is a serious commitment to the governor, and the people of the State of California. Board members shall attend a minimum of 75% of all scheduled assigned committee meetings and full session Board meetings. In extraordinary circumstances, the Chair may excuse a Board member from this obligation. If a member is unable to attend, he or she must contact the Board Chair or the Executive Officer, and provide a written explanation of their absence.

Public Attendance at Board Meetings
(Government Code Section 11120 et seq.)

Meetings are subject to all provisions of the Bagley-Keene Open Meeting Act. This Act governs meetings of the state regulatory Boards and meetings of committees of those Boards where the committee consists of more than two members. It specifies meeting notice, agenda requirements, and prohibits discussing or taking action on matters not included on the agenda. If the agenda contains matters which are appropriate for closed session, the agenda shall cite the particular statutory section and subdivision authorizing the closed session.

Agenda Items
(Board Policy)

Board members may submit agenda items for a future Board meeting during the "Future Agenda Items" section of a Board meeting or directly to the Board Secretary 15 days prior to a Board meeting. To the extent possible, the Board Secretary will calendar each Board member's request on a future Board meeting.

In the event of a conflict, the Board Secretary will discuss the proposed agenda item with the Board Chair, and the Board Chair shall make the final decision. The Board Secretary will work with the Executive Officer to finalize the agenda.

If a Board member requests an item be placed on the agenda, and that request can not be complied with at the immediate upcoming meeting, then

the requested agenda item shall be placed on the next regularly scheduled meeting or into committee and shall never be postponed more than two meetings prior from being placed on the agenda and open for discussion by the Board *or* Committee.

Notice of Meetings
(Government Code Section 11120 et seq.)

Meeting notices, including agendas, for Board meetings will be sent to persons on the Board's mailing list at least 10 calendar days in advance, as specified in the Bagley-Keene Open Meeting Act. The notice shall include a staff person's name, work address, and work telephone number who can provide further information prior to the meeting.

Notice of Meetings Posted on the Internet
(Government Code Section 11125 et seq.)

Meeting notices shall be posted on the Board's web site at least 10 days in advance of the meeting, and include the name, address, and telephone number of staff who can provide further information prior to the meeting.

Mail Ballots
(Government Code Section 11500)

The Board must approve any proposed decision or stipulation before the formal discipline becomes final and the penalty can take effect.

Proposed stipulations and decisions are mailed to each Board member for his or her vote. For stipulations, a background memorandum from the assigned deputy attorney general accompanies the mail ballot. A two-week deadline generally is given for the mail ballots for stipulations and proposed decisions to be completed and returned to the Board's office.

Holding Disciplinary Cases for Board Meetings
(Board Policy)

When voting on mail ballots for proposed disciplinary decisions or stipulations, a Board member may wish to discuss a particular aspect of the decision or stipulation before voting. If this is the case, the ballot must be marked "hold for discussion," and the reason for the hold must be provided on the mail ballot. This allows staff the opportunity to prepare information being requested.

If two votes are cast to hold a case for discussion, the case is set aside and not processed (even if four votes have been cast on a decision). Instead the case is scheduled for a discussion during a closed session at the next Board meeting.

If the matter is held for discussion, staff counsel will preside over the closed session to assure compliance with the Administrative Procedure Act and Open Meeting Act.

If the Board member is comfortable voting on the matter, but wishes to discuss the policy behind the decision or case, the ballot should be marked "Policy Issue for Discussion. I have voted above. Issue: _____." The Executive Officer will respond directly to the member. If still unresolved or if the matter is to be referred to the Board, the policy issue will be placed on the agenda for discussion at the next Enforcement Committee Meeting.

Record of Meetings
(Board Policy)

The minutes are a summary, not a transcript, of each Board meeting. They shall be prepared by Board staff and submitted for review by Board members before the next Board meeting.
Board minutes must be approved or disapproved at the next scheduled meeting of the Board. When approved, the minutes shall serve as the official record of the meeting. The recordings of each board meeting shall be maintained and not destroyed.

Tape Recording
(Government Code Section 11124.1(b))

The meeting may be audio and video tape recorded by the public or any other entity in accordance with the Bagley-Keene Open Meeting Act, the members of the public may tape record, videotape or otherwise record a meeting unless they are disruptive to the meeting and the Chair has specifically warned them of their being disruptive, then the Chair may order that their activities be ceased.

The board may place audio and video recorded public board meetings on its web site at www.chiro.ca.gov.

Meeting Rules
(Board Policy)

The Board will use Robert's Rules of Order, to the extent that it does not conflict with state law (e.g., Bagley-Keene Open Meeting Act or other state laws or regulations), as a guide when conducting the meetings. Questions of order are clarified by the Board's legal counsel.

Public Comment
(Board Policy)

Public comment is always encouraged and allowed, however, if time constraints mandate, the comments may be limited to three minutes per person. Due to the need for the Board to maintain fairness and neutrality when performing its adjudicative function, the Board shall not receive any information from a member of the public regarding matters that are currently under or subject to investigation, or involve a pending or criminal administrative action.

1. If, during a Board meeting, a person attempts to provide the Board with any information regarding matters that are currently under or subject to investigation or involve a pending administrative or criminal action, the person shall be advised that the Board cannot properly consider or hear such substantive information and the person must be instructed to refrain from making such comments.

2. If, during a Board meeting, a person wishes to address the Board concerning alleged errors of procedure or protocol or staff misconduct involving matters that are currently under or subject to investigation or involve a pending administrative or criminal action, the Board will address the matter as follows:

    a. Where the allegation involves errors of procedure or protocol, the Board may designate either its Executive Officer or a Board employee to review whether the proper procedure or protocol was followed and to report back to the Board.
    b. Where the allegation involves significant staff misconduct, the Board may designate one of its members to review the allegation and to report back to the Board.

3. The Board may deny a person the right to address the Board and have the person removed if such person becomes disruptive at the Board meeting. The Board accepts the conditions established in the Bagley-Keene Open Meeting Act and appreciates that at times the public may disapprove, reprimand, or otherwise present an emotional presentation to the Board, and it is the Board's duty and obligation to allow that public comment, as provided by law.

CHAPTER 3. Travel & Salary Policies & Procedures

Travel Approval
(Board Policy)

Board members shall receive Executive Officer approval for all travel and salary or per diem reimbursement, except for regularly scheduled Board, committee, and conference meetings to which a Board member is assigned.

Travel Arrangements
(Board Policy)

Board members should attempt to make their own travel arrangements and are encouraged to coordinate with the Board liaison on lodging accommodations.

Out-of-State Travel
(SAM Section 700 et seq.)

For out-of-state travel, Board members will be reimbursed for actual lodging expenses, supported by vouchers, and will be reimbursed for meal and supplemental expenses. Out-of-state travel for all persons representing the state of California is controlled and must be approved by the Governor's Office.

Travel Claims
(SAM Section 700 et seq.)

Rules governing reimbursement of travel expenses for Board members are the same as for management-level state staff. All expenses shall be claimed on the appropriate travel expense claim forms. The Board Liaison maintains these forms and completes them as needed.

The Executive Officer's travel and per diem reimbursement claims shall be submitted to the Board Chair for approval.

It is advisable for Board members to submit their travel expense forms immediately after returning from a trip and not later than thirty days following the trip.

Salary Per Diem
(§1 Initiative Act and B&P Code Section 103)

Each member of the Board shall receive a per diem in the amount provided in Section 103 of the Business and Professions (B&P) Code. Board members fill non-salaried positions, but are paid $100 per day for each meeting day and are reimbursed travel expenses.

Compensation in the form of salary per diem and reimbursement of travel and other related expenses for Board members is regulated by the B&P Code Section 103. Board members are paid out of the funds of the Board, as provided for within the Chiropractic Initiative Act.

In relevant part, B&P Code Section 103 provides for the payment of salary per diem for Board members "for each day actually spent in the discharge of official duties," and provides that the Board member "shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties."

Salary Per Diem
(Board Policy)

Accordingly, the following general guidelines shall be adhered to in the payment of salary per diem or reimbursement for travel:

1. No salary per diem or reimbursement for travel-related expenses shall be paid to Board members except for attendance at official Board or committee meetings, unless a substantial official service is performed by the Board member.

   Attendance at gatherings, events, hearings, conferences or meetings other than official Board or committee meetings in which a substantial official service is performed the Executive Officer shall be notified and approval shall be obtained from the Board Chair prior to Board member's attendance.

2. The term "day actually spent in the discharge of official duties" shall mean such time as is expended from the commencement of a Board or committee meeting until that meeting is adjourned.

   If a member is absent for a portion of a meeting, hours are then reimbursed for time actually spent. Travel time is not included in this component.

3. For Board-specified work, Board members will be compensated for actual time spent performing work authorized by the Board Chair. This may also include, but is not limited to, authorized attendance at other gatherings, events, meetings, hearings, or conferences, such as the Federation of Chiropractic Licensing Boards (FCLB). Work also includes preparation time for Board or committee meetings and reading and deliberating mail ballots for disciplinary actions.

4. Reimbursable work does not include miscellaneous reading and information gathering unrelated board business and not related to any

meeting, preparation time for a presentation and participation at meetings not related to official participation of the members duties with the Board.

5. Board members may participate on their own (i.e., as a citizen or professional) at an event or meeting but not as an official Board representative unless approved in writing by the Chair. Requests must be submitted in writing to the Chair for approval and a copy provided to the Executive Officer. However, Board members should recognize that even when representing themselves as "individuals," their positions might be misconstrued as that of the Board.

CHAPTER 4. Selection of Officers & Committees

Officers of the Board
(§3 Initiative Act)

The Board shall elect at the first meeting of each new year a Chair, Vice Chair and Secretary from the members of the Board.

Election of Officers
(§3 Initiative Act)

Elections of the officers shall occur annually at the January meeting of the Board.

Officer Vacancies
(Board Policy)

If an office becomes vacant during the year, the Chair may appoint a member to fill the vacancy for the remainder of the term until the next annual election.

If the office of the Chair becomes vacant, the Vice Chair shall assume the office of the Chair. Elected officers shall then serve the remainder of the term.

Board Member Addresses
(Board Policy)

Board member addresses and telephone numbers are confidential and shall not be released to the public without expressed authority of the individual Board member. A roster of Board members is maintained for public distribution on the Board's web site using the Board's address and telephone number.

Board Member Written Correspondence and Mailings
(Board Policy)

All correspondence, press releases, articles, memoranda or any other communication written by any Board member in his or her official capacity must be provided to the Executive Officer for reproduction and distribution. The Executive Officer will retain a copy in a chronological file and distribute the written material.

Request to Access Licensee or Applicant Records
(Board Policy)

No Board member may access a licensee's, or applicant's file without the Executive Officer's knowledge and approval of the conditions of access. Records or copies of records shall not be removed from the Board's office at any time.

Communications: Other Organizations/Individuals/Media
(Board Policy)

All communications relating to any Board action or policy to any individual or organization, or a representative of the media shall be made only by the Board Chair, his or her designee, or the Executive Officer. Any Board member who is contacted by any of the above should inform the Board Chair or Executive Officer of the contact.

Committee Appointments
(Board Policy)

The Chair shall establish committees, whether standing or special, as he or she deems necessary.

The composition of the committees and the appointment of the members shall be determined by the Board Chair in consultation with the Vice Chair, Secretary, and the Executive Officer.

Standing Committees
(Board Policy)

The Board has eight standing committees:

1. **Continuing Education Committee**
   The Committee recommends regulations for mandatory continuing education and overseeing the Continuing Education Program, which includes program administration, continuing education providers' evaluation, waiver requests review, and conducting regular at-random and continuing education audits.

2. **Enforcement Committee**
   The Committee proposes regulations, policies, and standards to ensure compliance with chiropractic law and regulations. The Committee continuously seeks ways to improve the Board's enforcement activities.

3. **Government Relations Committee**
The Committee continually reviews policies, procedures, budget, personnel, accounting, and departmental issues. The Committee proposes polices to address audit and Sunset review deficiencies.

The Committee works directly with the Executive Officer and staff to monitor budget expenditures, trends, and the Contingent Fund levels.

The Committee shall monitor individual line item expenditure and look for anomalies with a three year pattern for purposes of preparing a budget change proposal to correct either an under or over expenditure.

4. **Legislative/Regulation Committee**
The Committee proposes regulations that enhance the Board's role as a regulatory agency that protects the public.

The committee will review and recommend positions on bills that affect the Board.

The following classification system will be used by the committee in recommending Board positions:

1. **Support:** The Board supports the current version of the bill.

2. **Support if Amended:** The Board generally supports the concept or intent of the bill.

3. **Oppose:** The Board is opposed to the current version of the bill.

4. **Oppose Unless Amended:** The Board is opposed to the bill but is willing to work with the author and sponsor of the bill to resolve the Board's concerns.

5. **Watch:** The Board has some interest in the bill because it potentially may affect the work of the Board.

5. **Licensing Committee:**
The Committee proposes policies and standards regarding chiropractic colleges, doctors of chiropractic, and satellite offices.

6. **Public Relations:**
The Committee develops strategies to communicate with the public through various forms of media.

7. **Scope of Practice:**
   The Committee reviews and proposes positions on scope of practice issues.

8. **Strategic Planning:**
   The Committee develops draft strategic plans and monitors the Board's progress in achieving goal and objectives.

Committee Meetings
(Board Policy)

Each of these committees is comprised of at least two Board members and staff, who provide technical and administrative input and support. The committees are an important venue for ensuring that staff and Board members share information and perspectives in crafting and implementing strategic objectives.

The Board's committees allow Board members, stakeholders and staff to discuss and conduct problem solving on issues related to the Board's strategic goals. They also allow the Board to consider options for implementing components for the strategic plan.

The committees are charged with coordinating Board efforts to reach Board goals and achieving positive results on its performance measures.

The Board Chair designates one member of each committee as the committee's chairperson.

The chairperson coordinates the committee's work, ensures progress toward the Board's priorities, and presents reports at each meeting.

During any public committee meeting, comments from the public are encouraged, and the meetings themselves are frequently public forums on specific issues before a committee. These meetings shall also be run in accordance with the Bagley-Keene Open Meeting Act.

Attendance at Committee Meetings
(Board Policy and Government Code Section 11122.5 et seq.)

If a Board member wishes to attend a meeting of a committee of which he or she is not a member, the Board member must obtain permission from the Board Chair to attend and must notify the committee chair and staff.

Board members who are not members of the committee that is meeting cannot vote during the committee meeting.

If there is a quorum of the Board at a committee meeting, Board members who are not members of the committee must sit in the audience and cannot participate in committee deliberations.

It is also important to note that any time more than two Board members attend a Board committee meeting, that committee must have been publicly noticed.

The Board's legal counsel works with the Executive Officer to assure any meeting that fits the requirements for a public meeting is appropriately noticed.

CHAPTER 5. Board Administration & Staff

Executive Officer
(§3 Initiative Act)

The Board employs an Executive Officer and establishes his/her salary in accordance with the State law.

The Executive Officer is responsible for the financial operations and integrity of the Board, and is the official custodian of records. The Executive Officer is an at will employee, who serves at the pleasure of the Board, and may be terminated, with or without cause, in accordance with the provisions of the Bagley-Keene Open Meeting Act.

Board Administration
(Board Policy)

Strategies for the day-to-day management of programs and staff shall be the responsibility of the Executive Officer as an instrument of the Board.

Executive Officer Evaluation
(Board Policy)

At the first Board meeting of each fiscal year or at any time thereafter as determined by the Board, the Executive Officer is evaluated by the Board Chair during a closed session. Board members provide information to the Chair on the Executive Officer's performance in advance of this meeting.

Board Staff
(§4 Initiative Act)

Employees of the Board, with the exception of the Executive Officer, are civil service employees. Their employment, pay, benefits, discipline, termination, and conditions of employment are governed by a myriad of civil service laws and regulations and often by collective bargaining labor agreements.

Because of this complexity, the Board delegates this authority and responsibility for management of the civil service staff to the Executive Officer as an instrument of the Board.

Board members may express any staff concerns to the Executive Officer but shall refrain from involvement in any civil service matters. Board members shall not become involved in the personnel issues of any state employee.

Board Budget
(Board Policy)

The Executive Officer or the Executive Officer's designee will attend and testify at legislative budget hearings and shall communicate all budget issues to the Administration and Legislature.

Strategic Planning
(Board Policy)

The Administrative Committee shall have overall responsibility for the Board's Strategic Planning Process and shall assist staff in the monitoring and reporting of the strategic plan to the Board.

Communications with Other Organizations & Individuals
(Board Policy)

All communications relating to any Board action or policy to any individual or organization shall be made only by the Chair of the Board, his or her designee, or the Executive Officer.

Any Board member who is contacted by any of the above should inform the Board Chair or Executive Officer of the contact immediately.

All correspondence shall be issued on the Board's standard letterhead and will be disseminated by the Executive Officer's office.

Business Cards
(Board Policy)

Business cards will be provided to each Board member with the Board's name, address, telephone and fax number, and website address.

CHAPTER 6. Other Policies & Procedures

Board Member Disciplinary Actions
(Board Policy)

If a board member violates any provision of the Administrative Procedure Manual, the Chair will provide in writing, notice to the member of the violation. If the member disagrees with the notice, the board member must provide a reply in writing. After giving the board member an opportunity to respond to the notice, the Chair, at his/her discretion may meet in person or discuss by telephone with the board member to discuss the violation. The Chair may ask a third person to be present during the meeting. If the matter is not resolved at the end of the meeting or it is resolved but the board member continues to violate the procedures in the manual, the Chair may agendize at the next board meeting an item asking for censure of the board member.

If the violation concerns the Chair's conduct, the Vice-Chair will handle the matter.

Terms and Removal of Board Members
(§2 Initiative Act)

The Governor shall appoint the members of the Board. Each appointment shall be for the term of four years, except that an appointment to fill a vacancy shall be for the unexpired term only. Each member shall serve until his successor has been appointed and qualified or until one year has elapsed since the expiration of his term whichever first occurs.

No person shall serve more than two consecutive terms on the Board nor be eligible for appointment thereafter until the expiration of four years from the expiration of such second consecutive term, effective January 2, 1974. The Governor may remove a member from the Board after receiving sufficient proof of the inability or misconduct of said member.

Resignation of Board Members
(Government Code Section 1750 (b))

In the event that it becomes necessary for a Board member to resign, a letter shall be sent to the Governor's Office with the effective date of the resignation. Written notification is required by state law. A copy of this letter shall also be sent to the Board Chair and the Executive Officer.

Conflict of Interest
(Government Code Section 87100)

No Board member may make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest.

Any Board member who has a financial interest shall disqualify him or herself from making or attempting to use his or her official position to influence the decision.

Any Board member who feels he or she is entering into a situation where there is a potential for a conflict of interest should immediately consult the Executive Officer or the Board's legal counsel.

Contact with Licensees and Applicants
(Board Policy)

Board members shall not intervene on behalf of a licensee or applicant for licensure for any reason. They should forward all contacts or inquiries to the Executive Officer.

Contact with Respondents
(Board Policy)

Board members should not directly participate in complaint handling and resolution or investigations.

To do so would subject the Board member to disqualification in any future disciplinary action against the licensee. If a Board member is contacted by a respondent or his/her attorney, the Board member should refer the individual to the Executive Officer.

Service of Legal Documents
(Board Policy)

If a Board member is personally served as a party in any legal proceeding related to his or her capacity as Board member, he or she must contact the Executive Officer immediately.

Serving as an Expert Witness
(Executive Order 66.2)

Pursuant to Executive Order 66-2, no employment, activity, or enterprise shall be engaged in by any gubernatorial appointee which might result in, or create the appearance of resulting in any of the following:

1. Using the prestige or influence of a State office for the appointee's private gain or advantage.

2. Using state time, facilities, equipment, or supplies for the appointee's private gain or advantage, or the private gain or advantage of another.

3. Using confidential information acquired by virtue of State involvement for the appointees private gain or advantage, or the private gain or advantage of another.

4. Receiving or accepting money or any other consideration from anyone other than the State for the performance of an act which the appointee would be required or expected to render in the regular course of hours of his or her State employment or as a part of the appointee's duties as a State officer.

Request for Grants

All requests for funding/contributions to Board projects shall be approved by the Board Chair.

Requests for such grants must be made by the Executive Officer at the Chair's direction. If a Board member makes an individual request, a copy of the request shall be forwarded to the Executive Officer as soon as possible.

The mechanism for receipt, management, and dispersal of funds shall be pre-arranged and approved by the Board.

Gifts from Licensees and Applicants
(Board Policy)

A gift of any kind to Board members from licensees, applicants for licensure, continuing education providers or approved schools is not permitted. Gifts must be returned immediately.

Ex Parte Communications
(Government Code Section 11430.10 et seq.)

The Government Code contains provisions prohibiting ex parte communications. An "ex parte" communication is a communication to the decision-maker made by one party to an enforcement action without participation by the other party. While there are specified exceptions to the general prohibition, the key provision is found in subdivision (a) of section 11430.10, which states:

> "While the proceeding is pending, there shall be no communication, direct or indirect, regarding any issue in the proceeding to the presiding officer

from an employee or representative of an agency that is a party or from an interested person outside the agency, without notice and an opportunity for all parties to participate in the communication."

Board members are prohibited from an ex parte communication with Board enforcement staff while a proceeding is pending.

Occasionally, an applicant who is being formally denied licensure, or a licensee against whom disciplinary action is being taken, will attempt to directly contact Board members. If the communication is written, the person should read only far enough to determine the nature of the communication. Once he or she realizes it is from a person against whom an action is pending, they should reseal the documents and send them to the Executive Officer.

If a Board member receives a telephone call from an applicant under any circumstances or licensee against whom an action is pending, he or she should immediately tell the person they cannot speak to them about the matter and inform the Executive Officer and the Board's legal counsel.

If the person insists on discussing the case, he or she should be told that the Board member will be required to recuse him or herself from any participation in the matter. Therefore, continued discussion is of no benefit to the applicant or licensee.

If a Board member believes that he or she has received an unlawful ex parte communication, he or she should contact the Executive Officer and the Board's legal counsel.

The Honoraria Prohibition

(Government Code Section 89503)
(FPPC Regulations, Title 2, Division 6)

As a general rule, members of the Board should decline honoraria for speaking at, or otherwise participating in, professional association conferences and meetings. A member of a state Board is precluded from accepting an honorarium from any source, if the member would be required to report the receipt of income or gifts from that source on his or her statement of economic interest.

Board members are required to report income from, among other entities, professional associations and continuing education providers. Therefore, a Board member should decline all offers for honoraria for speaking or appearing before such entities.

There are limited exceptions to the honoraria prohibition. The acceptance of an honorarium is not prohibited under the following circumstances:

(1) when a honorarium is returned to the donor (unused) within 30 days; (2) when an honorarium is delivered to the State Controller within thirty days for donation to the General Fund (for which a tax deduction is not claimed); and (3) when an honorarium is not delivered to the Board member, but is donated directly to a bona fide charitable, educational, civic, religious, or similar tax exempt, non-profit organization.

In light of this prohibition, members should report all offers of honoraria to the Board Chair so that he or she, in consultation with the Executive Officer and staff counsel, may determine whether the potential for conflict of interest exists.

Board Member Orientation
(Board Policy)

The Board member orientation session shall be given to new Board members within one year of assuming office.

Ethics Training

California law requires all appointees to take an ethics orientation within the first six months of their appointment and to repeat this ethics orientation every two years throughout their term.

Sexual Harassment Training
(Government Code Section 12950.1)

Board members are required to undergo sexual harassment training and education once every two years. Staff will coordinate the training.

Addendums

Applicable provisions of the following:

Executive Order 66-2
Government Code
State Administrative Manual

BUSINESS AND PROFESSIONS CODE SECTION 100-144

103. Each member of a board, commission, or committee created in the various chapters of Division 2 (commencing with Section 500) and Division 3 (commencing with Section 5000), and in Chapter 2 (commencing with Section 18600) and Chapter 3 (commencing with Section 19000) of Division 8, shall receive the moneys specified in this section when authorized by the respective provisions.

Each such member shall receive a per diem of one hundred dollars ($100) for each day actually spent in the discharge of official duties, and shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties.

The payments in each instance shall be made only from the fund from which the expenses of the agency are paid and shall be subject to the availability of money.

Notwithstanding any other provision of law, no public officer or employee shall receive per diem salary compensation for serving on those boards, commissions, committees, or the Consumer Advisory Council on any day when the officer or employee also received compensation for his or her regular public employment.

BUSINESS AND PROFESSIONS CODE SECTION 450-453

453. Every newly appointed board member shall, within one year of assuming office, complete a training and orientation program offered by the department regarding, among other things, his or her functions, responsibilities, and obligations as a member of a board. The department shall adopt regulations necessary to establish this training and orientation program and its content.

Executive Department

State of California

FILED

In the office of the Secretary of State of the State of California

MAY 20 1966

At 1:15 o'clock P.M.

FRANK M. JORDAN, Secretary of State

By Assistant Secretary of State

EXECUTIVE ORDER 66-2

Governor's Code of Ethical Standards.

By virtue of the authority vested in me as Governor of the State of California, I hereby proclaim the following Code of Ethical Standards to be the official policy of the Executive Department of the State of California applicable to each and every officer and employee thereof.

ARTICLE I

DECLARATION OF POLICY

State officers and employees are responsible to all of the people of the State and not to any favored segment or group. The business and affairs of the State must be conducted in such an impartial manner that all persons understand that no State officer or employee can be influenced by other than proper methods. State officers and employees must avoid all situations where prejudice, bias or opportunity for personal gain could influence their decisions. They must equally avoid circumstances suggesting that favoritism or personal gain is the motivating force in the conduct of State government.

It is the intent of this code to set forth the minimum ethical standards to be followed by all officers and employees of the Executive Department. These standards are intended not only to require officers and employees to avoid activities that might result in using a public office or employment for private gain or the giving of favored treatment to any organization or person, but also to maintain public confidence in the Executive Department by prohibiting activities that might permit opportunity for personal gain or personal preference to influence decisions. The objectives are to maintain an impartial administration of the State government and to maintain public confidence in government.

ARTICLE II

STANDARDS OF ETHICAL CONDUCT

No employment, activity, or enterprise shall be engaged in by any officer or employee of the Executive Department of the State which might result in, or create the appearance of resulting in, any of the following:

1. Using the prestige or influence of a State office or employment for the officer's or employee's private gain or advantage, or the private gain or advantage of another.

2. Using State time, facilities, equipment, or supplies for the officer's or employee's private gain or advantage, or the private gain or advantage of another.

3. Using confidential information acquired by virtue of State employment for the officer's or employee's private gain or advantage, or the privace gain or advantage of another.

4. Receiving or accepting money or any other consideration from anyone other than the State for the performance of an act which the officer or employee would be required or expected to render in the regular course or hours of his State employment or as a part of his duties as a State officer or employee.

5. Performance of an act in other than his capacity as a State officer or employee knowing that such act may later be subject, directly or indirectly, to the control, inspection, review, audit or enforcement by such officer or employee or the agency by which he is employed.

6. Receiving or accepting, directly or indirectly, any gift, including money, any service, gratuity, favor, entertainment, hospitality, loan, or any other thing of value, from anyone who is doing or is seeking to do business of any kind with the State or whose activities are regulated or controlled in any way by the State, under circumstances from which it reasonably could be inferred that the gift was intended to influence him in his official duties or was intended as a reward for any official action on his part.

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ARTICLE III

APPLICATION

The standards of ethical conduct set forth in Article II hereof shall be made applicable without exception to all officers and employees in the Executive Department of the State of California, whether they are members of the state civil service or are exempt from civil service.

All officers and employees who have been appointed by the Governor shall conform to these standards without further directive. All other officers or employees who serve under a State appointing power shall comply with the incompatibility statements issued by their respective appointing power as provided for in Article IV hereof.

Failure to conform to the standards of ethical conduct so prescribed may lead to removal from office, termination of employment, or other action as the situation may warrant.

ARTICLE IV

INCOMPATIBILITY STATEMENTS

Pursuant to Government Code Section 19251 enacted in 1949, each appointing power determines and states the activities which are considered to be inconsistent, incompatible, or in conflict with the duties of its officers and employees. These statements are subject to the review and approval of the State Personnel Board.

Each appointing power in the Executive Department of the State is directed to re-examine its existing statement and revise it, if necessary, or adopt a new statement which requires all its officers and employees to comply with the standards of ethical conduct prescribed in Article II hereof. Further, each appointing power is encouraged to add to such standards as may be necessary and make them more specific and definite with reference to its particular activities and functions.

The State Personnel Board, in reviewing and approving these incompatibility statements, is requested to consider the standards of ethical conduct required herein as a guide to its action.

Each appointing power shall advise each of its officers and employees of its incompatibility statement and that the standards of ethical conduct required shall be strictly complied with.

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Each appointing power shall submit a written report to the Governor by March 15, 1966, describing in detail the action that it has taken to review, revise and promulgate an incompatibility statement containing the standards of ethical conduct set forth in this code and the extent to which current incompatibility statements now cover these matters.

The State Personnel Board shall submit a report to the Governor by May 15, 1966, summarizing the action that has been taken by all the appointing powers and by the State Personnel Board in this review, revision, and promulgation.

ARTICLE V

ADVISORY OPINIONS AND EXCEPTIONS

A. Appointing Powers

A number of the appointing powers have included in their incompatibility statements provisions requiring officers and employees to advise the appointing power when a situation arises as to which the officer or employee is in doubt as to whether contemplated conduct is prohibited. Advice is given in such situations as to whether the officer or employee may proceed. Further, some appointing powers have issued directives describing general situations in connection with their functions where the possible interest or personal gain of the officer or employee is considered to be of such a minor nature that it will not influence action and therefore is not prohibited. This type of advice and exception is desirable so as not to needlessly restrict State personnel if the permitted activities are such that the officer or employee will not be violating the policy underlying this code as set forth in Article I.

Although the making of numerous exceptions is not encouraged, each appointing power is requested to:

1. Describe in writing situations that commonly arise in the activities or functions of the appointing power in which the appointing power considers that the possible personal interest or gain of an officer or employee is of such a minor nature that it will not violate the policy underlying this code.

2. Designate one or more persons in the department or agency to whom specific questions can be directed and from whom guidance may be sought by its officers and employees when questions arise concerning whether a contemplated activity is prohibited by the standards of ethical conduct required and the policy underlying this code.

All officers and employees should be encouraged to discuss any activities where policy requires further definition with persons designated by the appointing power and to be guided by the advice then given. While such discussions and advice shall be considered as confidential, the appointing power or the Governor may determine that a matter involved has become of such importance that the public interest requires disclosure.

B. Other Officers

The heads of many State departments and agencies and a number of officers of the State are appointed by and serve at the pleasure of the Governor. It is desirable that such officers have an independent body from whom they can seek guidance where questions arise as to whether an activity contemplated by such an officer violates this code and the policy underlying it. The Governor has high regard and confidence in the judgment and discretion of the State Personnel Board which has broad experience and background in governmental activities and believes that the public and State officers share this regard and confidence. Therefore such officers are directed to seek guidance from the State Personnel Board when in doubt as to whether an activity they contemplate is prohibited by this code and the policy underlying it. The Personnel Board shall utilize its good judgment in giving such guidance.

Any inquiry to the Personnel Board on these matters shall be treated by the Personnel Board and the Governor as confidential. Information as to individuals involved will be made available only to the Governor and will not be made public except at the specific direction of the Governor when he deems that a matter has become of such importance that the public interest requires disclosure.

ARTICLE VI

REPORTING OF FINANCIAL INTERESTS

This article shall apply only to State officers holding the following positions:

Agency administrators

Heads of departments

Deputy Directors of departments

Members of the Governor's staff

Salaried members of boards and commissions appointed by the Governor

Salaried executive officers of boards and commissions whose members are appointed by the Governor

All other salaried officials appointed by the Governor

Not later than May 15, 1966, the officers now holding the positions listed above shall submit to the Governor a written report containing the following:

1. A list of the names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational or other institutions which do business with or are regulated, controlled, or otherwise affected by the activities of any department, agency, board, or commission of the State of California, in which he has any interest in any of the following ways:

   (a) As an employee, officer, owner, director, trustee, partner, legal, accounting, or business adviser or consultant;

   (b) A continuing financial interest through a pension or retirement plan, shared income, or otherwise, as a result of any current or prior employment or business or professional association; or

   (c) A financial interest through the ownership of stocks, bonds, or other securities, the value of which is in excess of $5,000.00.

2. A list of the names of his creditors who do business with or are regulated, controlled, or otherwise affected by the activities of his department, agency, board, or commission,

other than those to whom he may be indebted by reason of a mortgage on property which he occupies as a personal residence or to whom he may be indebted for current and ordinary household and living expenses.

3. A list of all his interests in real property or rights in lands, other than property which he occupies as a personal residence, which are, or may reasonably be, affected by acquisitions of real property or interest therein by agency, department, board or commission of the State of California.

Henceforth, prior to appointment to any of the positions listed above, the Governor will first require the submission of a report containing the above information.

Each report required by this article shall be kept up to date by submission of amended reports of any changes in or additions to the information required thereon as any change occurs, or, in any event, on March 1 of each succeeding year.

The reports submitted to the Governor shall be treated as confidential. Information thereon will not be made public except at the specific direction of the Governor when he deems that a matter has become of such importance that the public interest requires disclosure.

ARTICLE VII

PUBLICATION AND POSTING

Copies of this code shall be distributed to all State officials and employees. The code shall be posted in a conspicuous location in all State facilities.

Date: February 15, 1966

Edmund G. Brown
GOVERNOR OF CALIFORNIA

ATTEST:

Frank M. Jordan
SECRETARY OF STATE

...NIA OFFICE OF STATE PRINTING

1750. Resignations shall be in writing, and made as follows:

(a) By the Governor and Lieutenant Governor, to the Legislature, if it is in session; and if not, then to the Secretary of State.

(b) By all officers commissioned by the Governor, to the Governor.

(c) By Senators and Members of the Assembly, to the presiding officers of their respective houses, who shall immediately transmit the resignation to the Governor.

(d) By all officers of a county or judicial district or special district other than an air pollution control district which includes territory in more than one county or a school district, not commissioned by the Governor, to the clerk of the board of supervisors of their respective counties, unless by the terms of the act under which a district is formed appointment to vacancies is made by other than the board of supervisors, in which case the resignation shall be submitted to the appointing body.

(e) By officers of a municipal corporation, to the clerk of the legislative body of their corporation.

(f) By all other appointed officers, to the body or officer that appointed them.

11120. It is the public policy of this state that public agencies exist to aid in the conduct of the people's business and the proceedings of public agencies be conducted openly so that the public may remain informed.

In enacting this article the Legislature finds and declares that it is the intent of the law that actions of state agencies be taken openly and that their deliberation be conducted openly.

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

This article shall be known and may be cited as the Bagley-Keene Open Meeting Act.

11122.5. (a) As used in this article, "meeting" includes any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains.

(b) Except as authorized pursuant to Section 11123, any use of direct communication, personal intermediaries, or technological devices that is employed by a majority of the members of the state body to develop a collective concurrence as to action to be taken on an item by the members of the state body is prohibited.

(c) The prohibitions of this article do not apply to any of the following:

(1) Individual contacts or conversations between a member of a state body and any other person.

(2) The attendance of a majority of the members of a state body at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the state body, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that

is within the subject matter jurisdiction of the state body. This paragraph is not intended to allow members of the public free admission to a conference or similar gathering at which the organizers have required other participants or registrants to pay fees or charges as a condition of attendance.

(3) The attendance of a majority of the members of a state body at an open and publicized meeting organized to address a topic of state concern by a person or organization other than the state body, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the state body.

(4) The attendance of a majority of the members of a state body at an open and noticed meeting of another state body or of a legislative body of a local agency as defined by Section 54951, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the other state body.

(5) The attendance of a majority of the members of a state body at a purely social or ceremonial occasion, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the state body.

(6) The attendance of a majority of the members of a state body at an open and noticed meeting of a standing committee of that body, provided that the members of the state body who are not members of the standing committee attend only as observers.

11124.1. (a) Any person attending an open and public meeting of the state body shall have the right to record the proceedings with an audio or video tape recorder or a still or motion picture camera in the absence of a reasonable finding by the state body that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.

(b) Any tape or film record of an open and public meeting made for whatever purpose by or at the direction of the state body shall be subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), but may be erased or destroyed 30 days after the taping or recording. Any inspection of an audio or video tape recording shall be provided without charge on an audio or video tape player made available by the state body.

(c) No state body shall prohibit or otherwise restrict the broadcast of its open and public meetings in the absence of a reasonable finding that the broadcast cannot be accomplished without noise, illumination, or obstruction of view that would constitute a persistent disruption of the proceedings.

11125. (a) The state body shall provide notice of its meeting to any person who requests that notice in writing. Notice shall be given and also made available on the Internet at least 10 days in advance of the meeting, and shall include the name, address, and telephone number of any person who can provide further information prior to the meeting, but need not include a list of witnesses expected to appear at the meeting. The written notice shall additionally include the address of the Internet site where notices required by this article are made available.

(b) The notice of a meeting of a body that is a state body shall include a specific agenda for the meeting, containing a brief

11430.10. (a) While the proceeding is pending there shall be no communication, direct or indirect, regarding any issue in the proceeding, to the presiding officer from an employee or representative of an agency that is a party or from an interested person outside the agency, without notice and opportunity for all parties to participate in the communication.

(b) Nothing in this section precludes a communication, including a communication from an employee or representative of an agency that is a party, made on the record at the hearing.

(c) For the purpose of this section, a proceeding is pending from the issuance of the agency's pleading, or from an application for an agency decision, whichever is earlier.

12950.1. (a) By January 1, 2006, an employer having 50 or more employees shall provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees in California who are employed as of July 1, 2005, and to all new supervisory employees within six months of their assumption of a supervisory position. Any employer who has provided this training and education to a supervisory employee after January 1, 2003, is not required to provide training and education by the January 1, 2006, deadline. After January 1, 2006, each employer covered by this section shall provide sexual harassment training and education to each supervisory employee in California once every two years. The training and education required by this section shall include information and practical guidance regarding the federal and state statutory provisions concerning the prohibition against and the prevention and correction of sexual harassment and the remedies available to victims of sexual harassment in employment. The training and education shall also include practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation, and shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation.

(b) The state shall incorporate the training required by subdivision (a) into the 80 hours of training provided to all new supervisory employees pursuant to subdivision (b) of Section 19995.4, using existing resources.

(c) For purposes of this section only, "employer" means any person regularly employing 50 or more persons or regularly receiving the services of 50 or more persons providing services pursuant to a contract, or any person acting as an agent of an employer, directly or indirectly, the state, or any political or civil subdivision of the state, and cities.

(d) Notwithstanding subdivisions (j) and (k) of Section 12940, a claim that the training and education required by this section did not reach a particular individual or individuals shall not in and of itself result in the liability of any employer to any present or former employee or applicant in any action alleging sexual harassment. Conversely, an employer's compliance with this section does not insulate the employer from liability for sexual harassment of any current or former employee or applicant.

(e) If an employer violates this section, the commission shall issue an order requiring the employer to comply with these requirements.

(f) The training and education required by this section is intended to establish a minimum threshold and should not discourage or relieve any employer from providing for longer, more frequent, or more elaborate training and education regarding workplace harassment or other forms of unlawful discrimination in order to meet its obligations to take all reasonable steps necessary to prevent and correct harassment and discrimination.

description of the items of business to be transacted or discussed in either open or closed session. A brief general description of an item generally need not exceed 20 words. A description of an item to be transacted or discussed in closed session shall include a citation of the specific statutory authority under which a closed session is being held. No item shall be added to the agenda subsequent to the provision of this notice, unless otherwise permitted by this article.

(c) Notice of a meeting of a state body that complies with this section shall also constitute notice of a meeting of an advisory body of that state body, provided that the business to be discussed by the advisory body is covered by the notice of the meeting of the state body, provided that the specific time and place of the advisory body's meeting is announced during the open and public state body's meeting, and provided that the advisory body's meeting is conducted within a reasonable time of, and nearby, the meeting of the state body.

(d) A person may request, and shall be provided, notice pursuant to subdivision (a) for all meetings of a state body or for a specific meeting or meetings. In addition, at the state body's discretion, a person may request, and may be provided, notice of only those meetings of a state body at which a particular subject or subjects specified in the request will be discussed.

(e) A request for notice of more than one meeting of a state body shall be subject to the provisions of Section 14911.

(f) The notice shall be made available in appropriate alternative formats, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof, upon request by any person with a disability. The notice shall include information regarding how, to whom, and by when a request for any disability-related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires these aids or services in order to participate in the public meeting.

11500. In this chapter unless the context or subject matter otherwise requires:

(a) "Agency" includes the state boards, commissions, and officers to which this chapter is made applicable by law, except that wherever the word "agency" alone is used the power to act may be delegated by the agency, and wherever the words "agency itself" are used the power to act shall not be delegated unless the statutes relating to the particular agency authorize the delegation of the agency's power to hear and decide.

(b) "Party" includes the agency, the respondent, and any person, other than an officer or an employee of the agency in his or her official capacity, who has been allowed to appear or participate in the proceeding.

(c) "Respondent" means any person against whom an accusation is filed pursuant to Section 11503 or against whom a statement of issues is filed pursuant to Section 11504.

(d) "Administrative law judge" means an individual qualified under Section 11502.

(e) "Agency member" means any person who is a member of any agency to which this chapter is applicable and includes any person who himself or herself constitutes an agency.

87100. No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.

89503. (a) No elected state officer, elected officer of a local government agency, or other individual specified in Section 87200 shall accept gifts from any single source in any calendar year with a total value of more than two hundred fifty dollars ($250).

(b) (1) No candidate for elective state office, for judicial office, or for elective office in a local government agency shall accept gifts from any single source in any calendar year with a total value of more than two hundred fifty dollars ($250). A person shall be deemed a candidate for purposes of this subdivision when the person has filed a statement of organization as a committee for election to a state or local office, a declaration of intent, or a declaration of candidacy, whichever occurs first. A person shall not be deemed a candidate for purposes of this subdivision after he or she is sworn into the elective office, or, if the person lost the election, after the person has terminated his or her campaign statement filing obligations for that office pursuant to Section 84214 or after certification of the election results, whichever is earlier.

(2) Paragraph (1) shall not apply to any person who is a candidate as described in paragraph (1) for judicial office on or before December 31, 1996.

(c) No member of a state board or commission or designated employee of a state or local government agency shall accept gifts from any single source in any calendar year with a total value of more than two hundred fifty dollars ($250) if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.

(d) This section shall not apply to a person in his or her capacity as judge. This section shall not apply to a person in his or her capacity as a part-time member of the governing board of any public institution of higher education unless that position is an elective office.

(e) This section shall not prohibit or limit the following:

(1) Payments, advances, or reimbursements for travel and related lodging and subsistence permitted by Section 89506.

(2) Wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value.

(f) Beginning on January 1, 1993, the commission shall adjust the gift limitation in this section on January 1 of each odd-numbered year to reflect changes in the Consumer Price Index, rounded to the nearest ten dollars ($10).

(g) The limitations in this section are in addition to the limitations on gifts in Section 86203.

0760 OUT-OF-STATE TRAVEL
(Revised 9/07)

Government Code Section 11032 outlines out-of-state travel policy.

State time authorized for out-of-state travel is limited to the time necessary to transact business plus actual travel time. The travel time cannot exceed rail time.

State cars must not be used to provide transportation when the trip is funded by sources other than State, federal, or personal funds.

Total expenditures shall not exceed the total amount budgeted for out-of-state travel as amended by Transfer of Budget Allotments.

There are two ways to obtain approval for out-of-state travel:

1. **Advance blanket approval** -Annual approval by the Agency Secretary (as applicable), the Department of Finance, and the Governor's Office of all routine travel identified in your travel plan. See SAM Section 0763.

2. **Individual trip approval** - Travel identified in your blanket approval request which has not yet been approved by the Governor's Office or travel that does not meet the criteria outlined in SAM Section 0762.

0780 TRAVEL EXPENSE CLAIM (TEC), STD. 262
(Revised 9/07)

Appendix A-1 contains preparation instructions for this form. Use TEC to claim travel and transportation expenses.

DPA Rules 599.638 and 599.638.1 require that TECs contain a brief statement of purpose for each trip. Enter this statement (one line if possible) on the line immediately below the last entry for each trip. If two or more trips are made for the same purpose and one TEC is used, one statement is sufficient for the trips.

Board of Chiropractic Examiners
Proposed Meeting Schedule
January - December 2013

January						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

February						
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March						
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April						
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May						
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December						
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29	30	31				

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

Hearings Re : Petition for Reinstatement of Revoked License

A. Jason Wolf
B. Faramarz Khalili
C. Robert DeMarco

T (916) 263-5355
F (916) 263-5369
TT/TDD (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