BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

NOTICE OF PUBLIC MEETING

January 31, 2013
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.
   Frank Ruffino

2. **Chair's Report**

3. **Election of Officers for 2013**
   A. Chair
   B. Vice-Chair
   C. Secretary

4. **Approval of Minutes**
   December 6, 2012 Board Meeting

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

6. **Ratification of Approved License Applications**

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

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

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

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

10. Governor's Reorganizational Plan (Board of Chiropractic Examiners' Transition to DCA)

11. Government Affairs Committee Meetings Update – Board may take action on any item on the attached Government Affairs Committee meeting agendas.

12. Enforcement Committee Meeting Update – Board may take action on any item on the attached Enforcement Committee meeting agenda.

13. Implementation of New Laws
A. AB 1588 (Atkins) – Waiver of Renewal Requirements for Licensees on Active Duty
B. AB 1904 (Block) – Expediting the Licensure Process for Spouses' of Active Duty Members

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

15. Hearings Re: Petition for Reinstatement of Revoked License
A. Dong Chang

16. Hearings Re: Petition for Early Termination of Probation
A. Robert Strohback, D.C.
B. Michael Salomon, D.C.

17. Public Comment

18. Future Agenda Items

19. 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

20. OPEN SESSION: Announcements Regarding Closed Session

21. 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

NOTICE OF TELECONFERENCE
GOVERNMENT AFFAIRS COMMITTEE MEETING

January 10, 2013
1:00 p.m.
2525 Natomas Park Drive, Suite 260
Sacramento, CA 95833
(916) 263-5355

Teleconference Locations with Public Access
Julie Elginer, Dr.PH
Calabasas Public Library
200 Civic Center Way
Calabasas, CA 91302
(818) 225- 7616

AGENDA

1. **PUBLIC SESSION** – Call to Order & Establishment of a Quorum
   Julie Elginer, Dr.PH, Chair
   Heather Dehn, D.C.
   Hugh Lubkin, D.C.
2. **PUBLIC COMMENT**
3. **Approval of Minutes**
   August 30, 2012
4. **Review Proposed Legislative Process / Tracking Procedures**
5. **Review / Revise Board Member Administrative Manual**
6. **Developing a Board of Chiropractic Examiners' Strategic Plan**
7. **Adjournment**

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BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

CORRECTED COPY
NOTICE OF TELECONFERENCE
GOVERNMENT AFFAIRS COMMITTEE MEETING

January 24, 2013
3:00 p.m.
2525 Natomas Park Drive, Suite 260
Sacramento, CA 95833
(916) 263-5355

Teleconference Locations with Public Access
Julie Elginer, Dr.PH
Calabasas Public Library
200 Civic Center Way
Calabasas, CA 91302
(818) 225- 7616

AGENDA

1. **PUBLIC SESSION** – Call to Order & Establishment of a Quorum
   Julie Elginer, Dr.PH, Chair
   Heather Dehn, D.C.
   Hugh Lubkin, D.C.
2. **PUBLIC COMMENT**
3. **Approval of Minutes**
   January 10, 2013
4. **Review / Revise Board Member Administrative Manual**
5. **Adjournment**

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BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

NOTICE OF TELECONFERENCE
ENFORCEMENT COMMITTEE MEETING
JANUARY 30, 2013
1:00 p.m.
2525 Natomas Park Drive, Suite 260
Sacramento, CA 95833
(916) 263-5355

Teleconference Locations with Public Access

Dr. Francesco Columbu, D.C.	Dr. Sergio Azzolino, D.C.	Dr. Hugh Lubkin, D.C.
2265 Westwood Blvd, Ste A	1545 Broadway St, Ste 1A	9381 E. Stockton Blvd, Ste 220
Los Angeles, CA 90064	San Francisco, CA 94109	Elk Grove, CA 95624
(310) 234-1160	(415) 563-3800	(916) 685-1718

AGENDA

1. **PUBLIC SESSION** – Call to Order & Establishment of a Quorum
   Sergio Azzolino, D.C., Chair
   Francesco Columbu, D.C.
   Hugh Lubkin, D.C.
2. **PUBLIC COMMENT**
3. **Approval of Minutes**
   August 30, 2012
4. **Disciplinary Guidelines**
5. **Adjournment**

ENFORCEMENT COMMITTEE
Sergio Azzolino, D.C., Chair
Francesco Columbu, D.C.
Hugh Lubkin, D.C.

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

A quorum of the Board may be present at the Committee meeting. However, Board members who are not on the committee may observe, but may not participate or vote. Public comments will be taken on agenda items at the time the specific item is raised. The Committee 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.**

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BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES

December 6, 2012
State Capitol
First Floor, Senate Committee Room 113
Sacramento, CA 95814

DRAFT

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
Ray Delaney, Management Services Technician
Valerie James, Office Technician

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

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

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

Approval of Minutes
September 20, 2012 Board Meeting

MOTION: DR. LUBKIN MOVED TO APPROVE THE MINUTES
SECOND: DR. ELGINER SECONDED THE MOTION
VOTE: 4-0
MOTION CARRIED

Dr. Columbu arrived at 10:20 a.m.

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

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

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

MOTION: DR. LUBKIN MOVED TO RATIFY DENIED LICENSE APPLICATIONS IN WHICH THE APPLICANTS DID NOT REQUEST A HEARING
SECOND: DR. COLUMBU SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

MOTION: DR. LUBKIN MOVED TO RETRACT HIS MOTION TO RATIFY DENIED LICENSE APPLICATIONS IN WHICH THE APPLICANTS DID NOT REQUEST A HEARING DUE TO HAVING NONE AT THIS TIME
SECOND: DR. COLUMBU SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

Ratification to Waive Two Year Requirement to Restore a Canceled License

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

DRAFT

Board Member Administrative Procedure Manual
Dr. Lubkin opened the topic for discussion. Dr. Elginer suggested taking this agenda item to the Committee level for review.

MOTION: DR. ELGINER MOVED TO TAKE THE BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL TO THE GOVERNMENT AFFAIRS COMMITTEE FOR REVISIONS AND PRESENT RECOMMENDATIONS AT THE NEXT BOARD MEETING
SECOND: DR. COLUMBU SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

Discussion on the Process for Scheduling and Conducting Committee Meetings
Dr. Lubkin opened the topic for discussion and requested the other Board Members' input.

Dr. Azzolino stated he would prefer to schedule the Committee meetings either before or after the Board meetings or teleconference the Committee meetings. Dr. Columbu agreed.

Dr. Elginer also agreed with holding Committee meetings before or after Board meetings, only when necessary, at the Committee Chair's discretion.

Dr. Lubkin would like this topic to be incorporated into the Board Member Administrative Manual.

Proposed Board Meeting Schedule for 2013
The Board shared a brief discussion about the necessity of Board meetings and determined it would be best to hold quarterly meetings.

Dr. Charles Davis representing the International Chiropractic Association of California came forward and agreed. He recommended the Board take into consideration the prospective amount of petitioners per each quarterly meeting.

Mr. Puleo stated the amount of petitioners has decreased.

Dr. Lubkin proposed the Board to meet quarterly for a year to determine if feasible.

MOTION: DR. LUBKIN MOVED TO SCHEDULE THE 2013 BOARD MEETINGS QUARTERLY
SECOND: DR. DEHN SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

Mr. Puleo suggested that the Board vote on the 2013 Board meeting dates. The Board had a brief discussion on the meeting dates.

MOTION: DR. LUBKIN AMENDED THE MOTION AND MOVED TO SCHEDULE THE 2013 BOARD MEETINGS ON: JANUARY 31ST IN SACRAMENTO, APRIL 23RD IN SOUTHERN CALIFORNIA, JULY 25TH IN NORTHERN CALIFORNIA, AND OCTOBER 29TH IN SOUTHERN CALIFORNIA
SECOND: DR. DEHN SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

DRAFT

Proposed Regulations

A. Omnibus Consumer Protection
Mr. Puleo reported that the regulation package is being finalized and will be sent to the Office of Administrative Law.

B. Extracorporeal Shock Wave (ECSW) Therapy
Mr. Puleo stated that staff is still working on this regulation.

C. Name of Chiropractic Corporation
Mr. Puleo stated that staff is still working on this regulation.

The Board moved to Item # 14 – Public Comment, Item #15 – Future Agenda Items and Item #16 – Closed Session.

Public Comment

Dr. Davis came forward and stated the Board's need to address the Governors' Reorganizational Plan. Dr. Lubkin indicated that he will place that on the January Board meetings agenda.

Future Agenda Items

Dr. Lubkin requested the Governor's Reorganizational Plan to be placed on the agenda at the next Board meeting.

Dr. Elginer expressed her concern that Groupon ads have not been discussed as brought forward at a Board meeting by Dr. Dehn.

Closed Session

The Board went into closed session for deliberation.

Hearings Re: Petition for Reinstatement of Revoked License

Administrative Law Jonathan Lew presided over and Deputy Attorney General Brian Turner appeared on behalf of the people of the State of California on the following hearing:

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

Closed Session

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

Adjournment

Dr. Lubkin adjourned the meeting at 4:37 p.m.

DRAFT

(ATTACHMENT A)

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**

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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**

DRAFT

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

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

DRAFT

(ATTACHMENT C)
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

DRAFT

State Board of Chiropractic Examiners

FY 2012-13
January

BOARD MEMBERS (7)

Authorized Positions: 19.4

Proposed

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
Vacant
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 Signature _____ 01/24/13
Date

Personnel Analyst Signature _____
Date

Rev. 1/22/13

0152 - Board of Chiropractic Examiners
Analysis of Fund Condition

1/7/2012

(Dollars in Thousands)

13-14 Governor's Budget (Galley II)

	Actual PY 2011-12	CY 2012-13	BY 2013-14
BEGINNING BALANCE	$ 2,568	$ 2,133	$ 1,975
Prior Year Adjustment	$ 23	$ -	$ -
Adjusted Beginning Balance	$ 2,591	$ 2,133	$ 1,975
REVENUES AND TRANSFERS			
Revenues:			
125600 Other regulatory fees	$ 146	$ 132	$ 141
125700 Other regulatory licenses and permits	$ -	$ -	$ -
125800 Renewal fees	$ 3,338	$ 3,284	$ 3,281
125900 Delinquent fees	$ 68	$ 55	$ 55
150300 Income from surplus money investments	$ 8	$ 6	$ 5
161400 Miscellaneous revenues	$ 8	$ 8	$ 8
161900 Other Revenue - Cost Recoveries	$ 9	$ 9	$ 9
164600 Fines and Forfeitures	$ 25	$ 25	$ 25
Totals, Revenues	$ 3,602	$ 3,519	$ 3,524
Transfers to Other Funds	$ -	$ -	$ -
Totals, Revenues and Transfers	$ 3,602	$ 3,519	$ 3,524
Totals, Resources	$ 6,193	$ 5,652	$ 5,499
EXPENDITURES			
Disbursements:			
0840 State Controller (State Operations)	$ 3	$ 4	$ -
8880 Financial Information System for CA (State Operations)	$ 8	$ 20	$ -
8500 Program Expenditures (State Operations)	$ 3,449	$ 3,653	$ 3,816
Chapter 125, Statutes of 2011	$ 600	$ -	$ -
13-14 Fi$cal Assessment	$ -	$ -	$ 17
Total Disbursements	$ 4,060	$ 3,677	$ 3,833
FUND BALANCE			
Reserve for economic uncertainties	$ 2,133	$ 1,975	$ 1,666
Months in Reserve	7.0	6.2	5.1

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 1/1/2012	TOTAL LICENSES 1/1/2013	NET VARIANCE
CHIROPRACTOR	13,597	13,441	-156
SATELLITES	3,879	3,966	+87
CORPORATIONS	1,310	1,325	-15
REFERRALS	31	30	-1
TOTALS	18,817	18,762	-55

APPLICATIONS RECEIVED AND PROCESSED
NOVEMBER 1, 2012 – DECEMBER 31, 2012

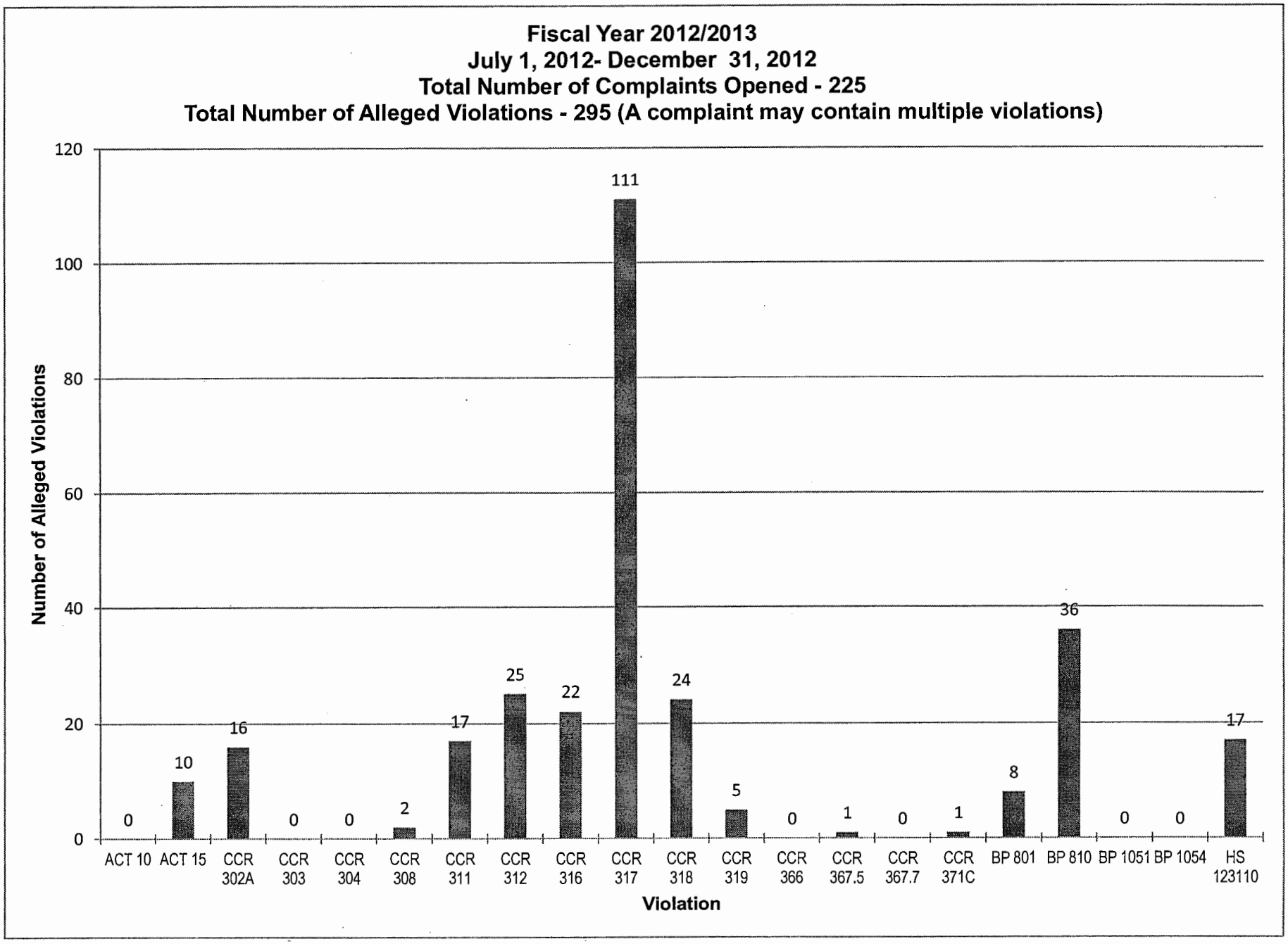
APPLICATION TYPE	RECEIVED	APPROVED	DENIED	WITHDRAWN	PENDING
INITIAL	71	35	1	0	126
RECIPROCAL	1	2	0	0	5
RESTORATION	40	36	0	0	8
CORPORATION	14	10	0	0	25

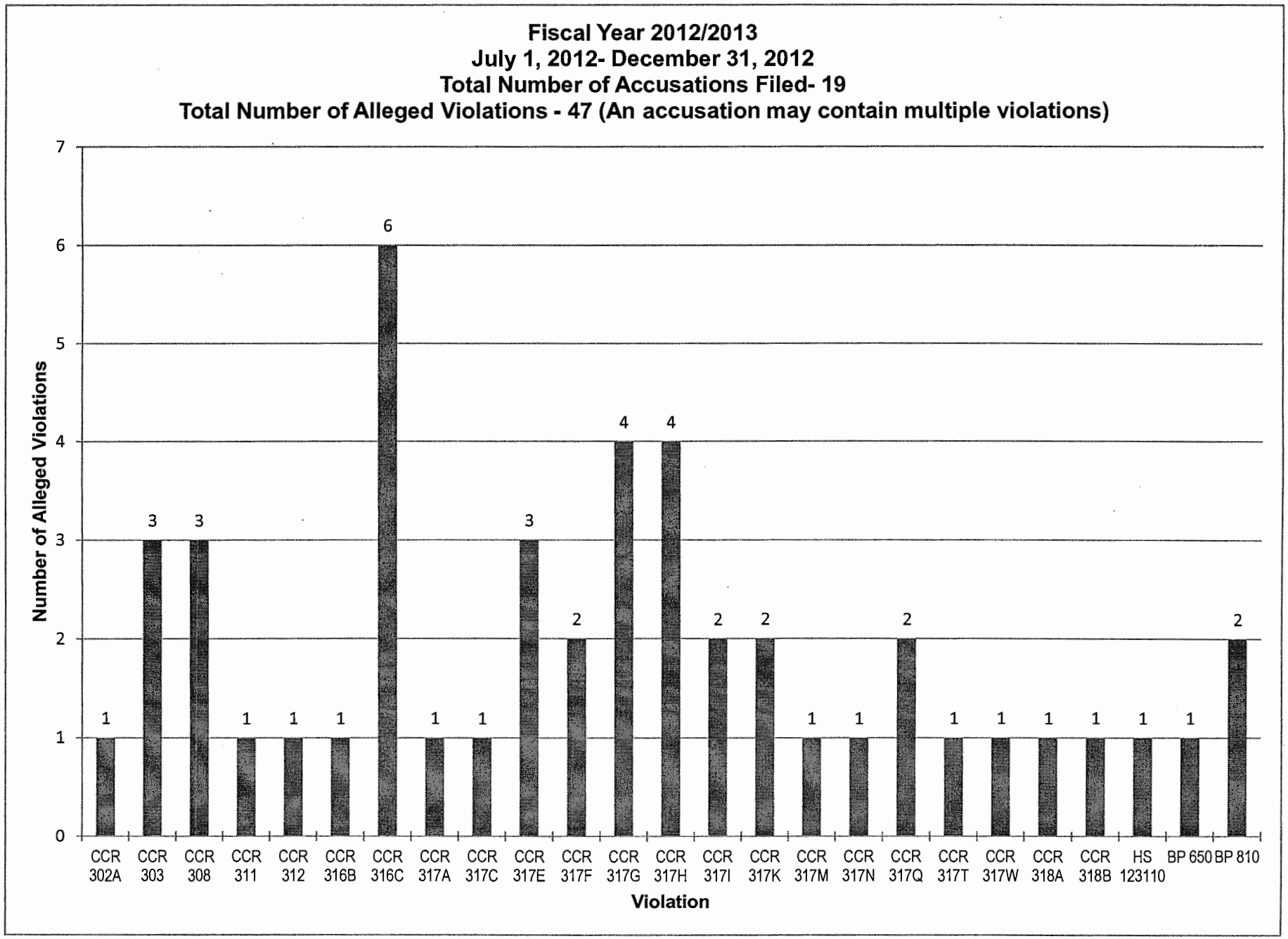
Compliance Unit Statistics

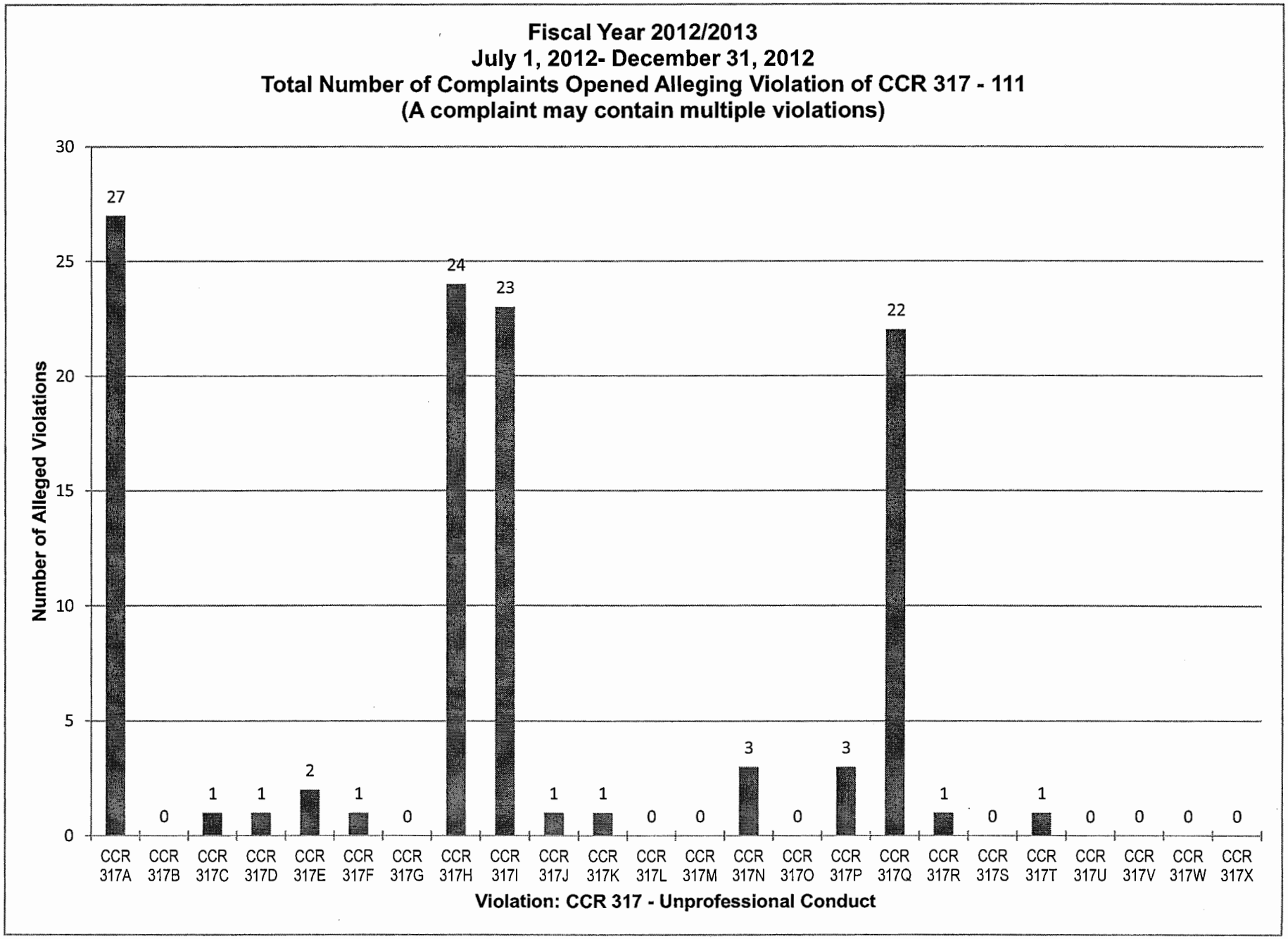
Fiscal Year	08/09	09/10	10/11	11/12	12/13*
Complaints					
Received	655	519	497	391	226
Pending	410	203	137	125	160
Closed with Insufficient Evidence	206	136	96	89	30
Closed with No Violation	223	129	135	93	51
Closed with Merit	275	158	140	120	55
Letter of Admonishment	n/a	5	4	1	0
Citations and Fines Issued (Total Fine Amount)	41($19,200)	78($25,700)	47($12,700)	26($37,400)	18 ($9,400)
Accusations					
Filed	64	73	68	41	19
Pending	105	117	130	99	72
Revoked	10	18	17	14	7
Revocation Stayed: Probation	4	20	26	20	18
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	5
Dismissed/Withdrawn	5	18	10	21	7
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	4
Granted	0	0	0	0	0
Denied	1	2	0	0	2
Petition for Reinstatement of License					
Filed	13	9	7	7	1
Granted	4	4	2	2	0
Denied	11	11	10	6	2
Petition for Early Termination of Probation					
Filed	6	6	4	1	2
Granted	6	1	2	1	0
Denied	2	2	4	1	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	3
Probation Cases					
Active	140	134	138	142	144

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

Revised: January 3, 2013


Fiscal Year 2012/2013
July 1, 2012- December 31, 2012
Total Number of Complaints Opened - 225
Total Number of Alleged Violations - 295 (A complaint may contain multiple violations)
Number of Alleged Violations
120
100
80
60
40
20
0
0
10
16
0
0
2
17
25
22
111
24
5
0
1
0
1
8
36
0
0
17
ACT 10
ACT 15
CCR 302A
CCR 303
CCR 304
CCR 308
CCR 311
CCR 312
CCR 316
CCR 317
CCR 318
CCR 319
CCR 366
CCR 367.5
CCR 367.7
CCR 371C
BP 801
BP 810
BP 1051
BP 1054
HS 123110
Violation


Fiscal Year 2012/2013
July 1, 2012- December 31, 2012
Total Number of Accusations Filed- 19
Total Number of Alleged Violations - 47 (An accusation may contain multiple violations)
Number of Alleged Violations
0
1
2
3
4
5
6
7
1
3
3
1
1
1
6
1
1
3
2
4
4
2
2
2
1
1
1
1
1
1
1
2
CCR 302A
CCR 303
CCR 308
CCR 311
CCR 312
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


Fiscal Year 2012/2013
July 1, 2012- December 31, 2012
Total Number of Complaints Opened Alleging Violation of CCR 317 - 111
(A complaint may contain multiple violations)
Number of Alleged Violations
30
25
20
15
10
5
0
27
0
1
1
2
1
0
24
23
1
1
0
0
3
0
3
22
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

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

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

STATE OF CALIFORNIA

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

MEMORANDUM

Date: January 22, 2013

To: **Board Members**

From: Robert Puleo
Executive Officer

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

This is to request that the Board ratify the attached list of individuals as Doctors of Chiropractic at the January 31, 2013, public meeting.

Between November 1, 2012 and December 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
November 1, 2012 – December 31, 2012

Name (First, Middle, Last)			Date Issued	DC#
Catherine	Anne	De Lipski	11/9/2012	**32459**
Saundra	Cobos	Namimatsu	11/9/2012	**32460**
Krystal	Rose	Perkins	11/9/2012	**32461**
Craig	Robert	Abrams	11/14/2012	**32462**
Amanpreet	Singh	Bhathal	11/14/2012	**32463**
Christian	Benjamin	Brown	11/14/2012	**32464**
Miguel	Angel	Brambila Castillo	11/14/2012	**32465**
Alizabeth	Patricia	Ruiz	11/14/2012	**32466**
Brian	Christopher	Dewey	11/16/2012	**32467**
Kelila	Ama	Kasim	11/16/2012	**32468**
James	Alexander	White	11/16/2012	**32469**
Jameson	Won	Wong	11/20/2012	**32470**
Nika	Sonia	Bodner	11/30/2012	**32471**
Nicholas	Lee	Brown	11/30/2012	**32472**
Brady	Fillmore	Hurst	11/30/2012	**32473**
Simon		Kohanoff	11/30/2012	**32474**
Yzeel	Alexander	Orme	12/11/2012	**32475**
Scott	Mark	Saberniak	12/11/2012	**32476**
Andrea	Lynn	Schilling	12/11/2012	**32477**
Eun	Young	Song	12/11/2012	**32478**
Brad	Robert	Andrews	12/14/2012	**32479**
Ryan	Michael	Cevola	12/14/2012	**32480**
Cortney	Lynne	Cline	12/14/2012	**32481**
Steven	John	Dellisanti, Jr.	12/14/2012	**32482**
Tracy	Ann	Kleber	12/14/2012	**32483**
Jonathan	David	Means	12/14/2012	**32484**
Princeton	Jefferson	Nguyen	12/17/2012	**32485**
Macy	Chi-Ying	Ng	12/19/2012	**32486**
Jonathan	David	Simon	12/19/2012	**32487**
Elizabeth	McEachern	Farrell	12/19/2012	**32488**
Elmira	Mahin	Aghdam	12/20/2012	**32489**
Marc	Jason	Anaya	12/20/2012	**32490**
Jacquelin		Charles	12/20/2012	**32491**
Austin	Daniel	Davis	12/20/2012	**32492**
Tommy	Lee	Wolf	12/28/2012	**32493**
Thomas	Anthony	Velickoff	12/28/2012	**32494**

.STATE OF CALIFORNIA

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

MEMORANDUM

Date: January 9, 2013

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 January 31, 2013.

CONTINUING EDUCATION PROVIDERS	DATE APPROVED
1. BALANCED LIFE INSTITUTE	01/10/2013
2. The Institute for Integrative Medicine	01/10/2013
3. LYNNE SULLIVAN	01/10/2013
4. American College of Addictionology & Compulsive Disorders	01/10/2013
5. National Credentialing Council for Healthcare Professionals	01/10/2013

STATE OF CALIFORNIA

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

MEMORANDUM

Date: January 24, 2013

To: **Board Members**

From: Robert Puleo
Executive Officer

Subject: **Ratification of Formerly Denied License Applications**

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.

During November 1, 2012, and December 31, 2012, staff reviewed and confirmed that applicants met all statutory and regulatory requirements for licensure. There were no denials or appeals during this time period.

At this time, no ratification is necessary.

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

STATE OF CALIFORNIA

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

MEMORANDUM

Date: January 24, 2013

To: **Board Members**

From: Robert Puleo
Executive Officer

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

This is to recommend that the Board waive the two year restoration requirement of a cancelled license for the individuals named on the attached list at the January 31, 2013, 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
Moore, Scott	22780	May 31, 2012

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

NOTICE OF TELECONFERENCE
GOVERNMENT AFFAIRS COMMITTEE MEETING

January 10, 2013
1:00 p.m.
2525 Natomas Park Drive, Suite 260
Sacramento, CA 95833
(916) 263-5355

Teleconference Locations with Public Access
Julie Elginer, Dr.PH
Calabasas Public Library
200 Civic Center Way
Calabasas, CA 91302
(818) 225- 7616

AGENDA

1. **PUBLIC SESSION** – Call to Order & Establishment of a Quorum
   Julie Elginer, Dr.PH, Chair
   Heather Dehn, D.C.
   Hugh Lubkin, D.C.
2. **PUBLIC COMMENT**
3. **Approval of Minutes**
   August 30, 2012
4. **Review Proposed Legislative Process / Tracking Procedures**
5. **Review / Revise Board Member Administrative Manual**
6. **Developing a Board of Chiropractic Examiners' Strategic Plan**
7. **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

CORRECTED COPY
NOTICE OF TELECONFERENCE
GOVERNMENT AFFAIRS COMMITTEE MEETING

January 24, 2013
3:00 p.m.
2525 Natomas Park Drive, Suite 260
Sacramento, CA 95833
(916) 263-5355

Teleconference Locations with Public Access
Julie Elginer, Dr.PH
Calabasas Public Library
200 Civic Center Way
Calabasas, CA 91302
(818) 225- 7616

AGENDA

1. **PUBLIC SESSION** – Call to Order & Establishment of a Quorum
   Julie Elginer, Dr.PH, Chair
   Heather Dehn, D.C.
   Hugh Lubkin, D.C.

2. **PUBLIC COMMENT**

3. **Approval of Minutes**
   January 10, 2013

4. **Review / Revise Board Member Administrative Manual**

5. **Adjournment**

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WHY USE OUR FACILITATORS

Any structured group activity that requires the input, involvement, understanding and commitment of every participant hinges on an experienced facilitator with advanced presentation skills. The time and participation from staff and board members is too important to spend on meetings that don't accomplish objectives and fail to deliver results.

SOLID's experienced facilitators can greatly benefit your Board or Bureau in the following situations:

- When results of a meeting are critical to the success of your Board or Bureau and there will be a variety of different views in the room.
- When there are many strong opinions and a consensus is required.
- When there are no apparent good answers and your Board or Bureau may need a creative approach to a solution.
- When neutral party guidance is necessary to build trust or get full participation.
- When your Board or Bureau staff lack the internal experience or expertise to manage and guide the group through the work process

CONTACT US

SOLID Planning Solutions will travel to your board or bureau meeting or office to deliver sessions.

FOR MORE INFORMATION CONTACT:

SOLID PLANNING SOLUTIONS

1747 North Market, Suite 270

Sacramento, CA 95834

p: 916-574-8316

f: 916-574-8386

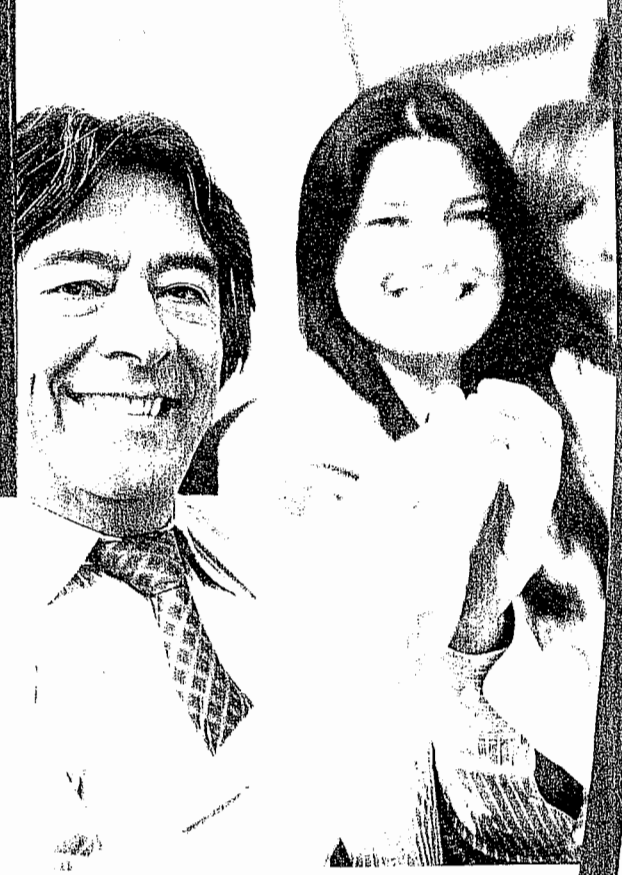
SOLID@dca.ca.gov

OR VISIT:

http://inside.dca.ca.gov/offices/spd/index.html

solid planning solutions

solid planning solutions



Organizational DEVELOPMENT

WHAT WE DO

Strategic Planning is a process by which we can envision the future and develop the necessary procedures and operations to influence and achieve that future.

We provide services designed to help your board/ bureau plan for the future ahead!

STRATEGIC PLANNING SESSIONS

SOLID Planning Solutions will guide you in creating a plan which accurately reflects your Boards or Bureau's future goals and objectives. We will help you map out a mission statement, vision statement, and values that exemplify your program. Using a broad range of collaborative techniques, SOLID will then help you determine the strategic and fiscal direction of your organization. The selected strategy of your Board or Bureau should be implemented by means of programs, budgets, and procedures and should involve your Boards or Bureau's resources and motivation of the staff to achieve objectives. After the development of your strategic plan, SOLID will continue to work with your Board or Bureau to ensure your plan is put into action and will continue to monitor and adjust your plan as needed.

PROCESS IMPROVEMENT FACILITATIONS

Working collaboratively with the subject matter experts within your Board or Bureau, SOLID can help you tackle any internal processes or procedures that may need improvement within your organization. SOLID can assist with improving the workflow to reduce cycle times, errors, and cost within everyday work processes. The following process improvement strategies are utilized to assist with achieving your Boards or Bureau's objectives

- **Process Analysis** - SOLID will model and analyze your existing processes.
- **Improvement Identification** - By identifying bottlenecks within your current process, SOLID will determine what needs to be improved.
- **Process Change Introduction** - We help you modify your existing process to remove identified bottlenecks and improve workflow.
- **Measure Improvement** - SOLID will use different measurement techniques to indicate how the modified process has eliminated bottlenecks and improved cycle times.
- **Process Change Training** - SOLID will train staff on the new process to ensure successful implementation.
- **Change Tuning** - SOLID will continue to work with your Board or Bureau to evolve and improve process improvements as needed.

ACTION PLANNING SESSIONS

To ensure your Board or Bureau takes the necessary steps toward success within your organization, SOLID believes that action planning will create accountability in the workplace to get your Boards or Bureau's goals accomplished. SOLID has confidence that action planning provides a clearer sense of direction for your Board or Bureau. Our facilitators will use the goals and objectives from your strategic plan and will assist with assigning tasks and dates for completion that work toward these goals. Action plans identify the necessary steps to pursue your vision-let SOLID assist with turning your Boards or Bureau's goals into a reality.

MEETING FACILITATION

Are your meetings or events as successful as they could be? From the planning process through evaluation, SOLID can help you create successful, results-oriented meeting or event. Our trained facilitators will help you organize meeting logistics, facilitate meeting discussions and record action items. SOLID understands that results are achievable and predictable from well-planned and implemented meetings. SOLID will follow the necessary steps to ensure that meeting attendees achieve expected, positive, and constructive outcomes form their time invested in meetings. Let us help plan your next Boards or Bureau's meeting effectively.

OUR FACILITATORS

Our facilitators have experience in the field of leading, consulting, and facilitating. We understand there is no single way to facilitate a meeting or event and that all boards and bureaus have unique needs. SOLID Planning Solutions can assist you with articulating your Boards or Bureau's needs by providing the proper tools and techniques to help achieve your goals.

OUR SERVICES

SOLID Planning Solutions is dedicated to the continual improvement and organizational development of our Department. We offer a wide array of services and programs to DCA's Boards and Bureaus, including strategic planning, process improvement, and much more.

solid
planning solutions

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

NOTICE OF TELECONFERENCE
ENFORCEMENT COMMITTEE MEETING
JANUARY 30, 2013
1:00 p.m.
2525 Natomas Park Drive, Suite 260
Sacramento, CA 95833
(916) 263-5355

Teleconference Locations with Public Access

Dr. Francesco Columbu, D.C.	Dr. Sergio Azzolino, D.C.	Dr. Hugh Lubkin, D.C.
2265 Westwood Blvd, Ste A	1545 Broadway St, Ste 1A	9381 E. Stockton Blvd, Ste 220
Los Angeles, CA 90064	San Francisco, CA 94109	Elk Grove, CA 95624
(310) 234-1160	(415) 563-3800	(916) 685-1718

AGENDA

1. **PUBLIC SESSION** – Call to Order & Establishment of a Quorum
   Sergio Azzolino, D.C., Chair
   Francesco Columbu, D.C.
   Hugh Lubkin, D.C.
2. **PUBLIC COMMENT**
3. **Approval of Minutes**
   August 30, 2012
4. **Disciplinary Guidelines**
5. **Adjournment**

ENFORCEMENT COMMITTEE
Sergio Azzolino, D.C., Chair
Francesco Columbu, D.C.
Hugh Lubkin, D.C.

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

A quorum of the Board may be present at the Committee meeting. However, Board members who are not on the committee may observe, but may not participate or vote. Public comments will be taken on agenda items at the time the specific item is raised. The Committee 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.**

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STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.
Executive Office
1625 North Market Blvd., Suite S-308, Sacramento, CA 95834
P (916) 574-8200 | F (916) 574-8613 | www.dca.ca.gov

MEMORANDUM

DATE:	December 13, 2012
TO:	Executive Officers/Bureau Chiefs/Division Chiefs Department of Consumer Affairs
FROM:	Denise Brown, Director Department of Consumer Affairs
SUBJECT:	**2012 Legislation Impacting All Department of Consumer Affairs Licensing Programs**

In order to assist with compliance, the Department of Consumer Affairs (Department) is notifying each of its programs about legislation passed last session that will have broad impact across all programs. This memo outlines those new laws and what is expected of each program. We understand you may have some questions or concerns regarding these new laws or their implementation. As such, please contact Tracy Rhine by phone at (916) 574-7800 or by email at tracy.rhine@dca.ca.gov.

SB 1099 (Wright, Chapter 295) – Changes to Regulatory Timelines

This legislation modified the effective date of regulations. Currently, regulations become effective, as a general rule, 30 days after the Office of Administrative Law (OAL) files the Order of Adoption with the Secretary of State (SOS). Beginning January 1, 2013, SB 1099 provides that a regulation, or an order of repeal, becomes effective on one of four dates: January 1, April 1, July 1, or October 1 of each year. As to which of the four effective dates a regulation will become effective depends on when OAL files the regulation with SOS. The following timeframes outline when a regulation would become effective:

- To take effect January 1, a regulatory change must be filed with SOS between September 1 and November 30.
- To take effect April 1, a regulatory change must be filed with SOS between December 1 and February 29.
- To take effect July 1, a regulatory change must be filed with SOS between March 1 and May 31.
- To take effect October 1, a regulatory change must be filed with SOS between June 1 and August 31.

For example, a program completes its regular rulemaking by the one-year deadline and submits the rulemaking to OAL for review. OAL still is required to approve or disapprove the rulemaking within 30 **working** days after the rulemaking has been submitted to OAL for review. OAL approves the rulemaking, and files the Order of Adoption with SOS on July 10, 2013. Notwithstanding any exceptions, as noted below, the rulemaking will become effective on October 1, 2013.

It is important to note that the date a regulation is submitted to OAL for OAL's review does not determine a regulation's effective date. The date the regulation is filed with SOS determines the regulation's effective date.

Exceptions to this new general rule are as follows:

- The effective date is specifically provided by statute; therefore the regulation becomes effective by the date provided in statute.
- A later date is requested by the program.
- An earlier effective date is requested in writing by the program, demonstrating good cause for the earlier effective date.

Each program is also required to do the following:

- Post a regulation on its website within 15 days of the date a regulation is filed with the Secretary of State. The regulation must stay on the website for a minimum of six months from the filing date.
- Send the website link to the OAL within five days of posting the regulation on the program website. OAL is requesting all state agencies send a copy of the link to the following email address: postedregslink@oal.ca.gov.

The use of the term regulation as used above means the Order of Adoption, which technically, is the regulation.

Section 100 regulatory files are not subject to the new quarterly effective dates. However, entities are required; effective January 1, 2013, to post the Section 100 regulations on their websites and send the link to OAL, as is the case with all other OAL approved regulations.

OAL currently is in the process of drafting regulations to implement SB 1099 to clarify the bill's requirements.

OAL sent a memo to Chief Counsels and Regulation Coordinators providing information about the new changes and how these changes will affect agency procedures. OAL also revised its Standard Form 400 in compliance with the new statute. These two documents can found at this website: http://www.oal.ca.gov/Amendments_to_the_APA_2012.htm

AB 1588 (Atkins, Chapter 742) – Waiver of Renewal Requirements for Licensees on Active Duty

Beginning January 1, 2013, every program must waive the renewal requirements for a licensee if the licensee is serving on active duty in the Armed Forces or California National Guard. This new law gives each program broad regulatory authority to implement its provisions.

Renewal requirements waived under this bill include:

- Renewal fees;
- Continuing education; AND,
- Any other requirements as determined by the program.

Certain requirements for a waiver must be met:

- The licensee must possess a current and valid license with the program when called to active duty.
- The licensee must provide written documentation that substantiates the licensee's call to active duty.
- The licensee's renewal requirements are only waived for the period of time the licensee is serving on active duty.

As part of the waiver process, the licensee must also stipulate whether services will continue to be provided as part of their military service. All private practice is prohibited under the waiver. If a licensee will be providing services in the military, the license status must be converted to "military active."

For programs that choose to utilize a "military inactive" status, which should be applied to all licensees who are not specifically called to active duty to provide services under a license, it will be necessary to adopt regulatory changes specifying the new military inactive status.

Upon returning from active duty, a licensee must notify the program of the licensee's discharge within 60 days of the discharge date. The licensee is given six months to comply with all renewal requirements prior to providing any services under the license.

All programs will need to create a waiver process for qualified licensees to complete as well as a process for licensees who are discharged and returning from active duty. Each program can require additional information as necessary, but that information must be set out in regulations.

The Medical Board of California currently waives renewal fees for its licensees called to active duty. Its form can be found here: http://www.mbc.ca.gov/forms/07a-106.pdf

AB 1904 (Block, Chapter 399) – Expediting the Licensure Process for Spouses' of Active Duty Members

Beginning January 1, 2013, each program is required to expedite the licensure process for spouses and domestic partners of those on active duty. This does not mean that a license must be issued, but simply requires the process to be accelerated for these individuals. The applicant must provide evidence that he or she is also currently licensed in another state in the same profession.

Regulations should not be necessary for most programs; however, regulations will be necessary for those programs with initial application forms set specifically in regulation. Those programs not pursuing regulations must also keep in mind that it can only require applicants provide the necessary information in the initial application package that is required by statute. Programs cannot require an applicant complete a separate form without regulatory changes requiring it. If you have any questions, please contact your legal counsel for assistance.

AB 2570 (Hill, Chapter 561) – Prohibition on the Use of Gag Clauses

Beginning January 1, 2013, programs will now be required to enforce the prohibition on confidentiality agreements (also called "gag clauses") in settlements involving licensees.

Programs are also prevented from requiring a licensee to pay additional sums of money to a consumer if the consumer and licensee have agreed to a settlement that provides for the full satisfaction of the consumer.

There is an important exception in the new prohibition that would authorizes a program, upon a petition filed by a licensee or agent of a licensee, to adopt a regulation that would allow for certain "gag" clauses. Adopting a regulation or not is left to the discretion of the program. However, there is a process that must be followed upon receipt of a petition. The Department's Legal Affairs Division has advised that any program that receives such a petition contact its legal counsel immediately for assistance with a response to the petition.

Assembly Bill No. 1588

CHAPTER 742

An act to add Section 114.3 to the Business and Professions Code, relating to professions and vocations.

[Approved by Governor September 29, 2012. Filed with Secretary of State September 29, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1588, Atkins. Professions and vocations: reservist licensees: fees and continuing education.

Existing law provides for the regulation of various professions and vocations by boards within the Department of Consumer Affairs and for the licensure or registration of individuals in that regard. Existing law authorizes any licensee whose license expired while he or she was on active duty as a member of the California National Guard or the United States Armed Forces to reinstate his or her license without examination or penalty if certain requirements are met.

This bill would require the boards described above, with certain exceptions, to waive the renewal fees, continuing education requirements, and other renewal requirements as determined by the board, if any are applicable, of any licensee or registrant who is called to active duty as a member of the United States Armed Forces or the California National Guard if certain requirements are met. The bill would, except as specified, prohibit a licensee or registrant from engaging in any activities requiring a license while a waiver is in effect. The bill would require a licensee or registrant to meet certain renewal requirements within a specified time period after being discharged from active duty service prior to engaging in any activity requiring a license. The bill would require a licensee or registrant to notify the board of his or her discharge from active duty within a specified time period.

The people of the State of California do enact as follows:

SECTION 1. Section 114.3 is added to the Business and Professions Code, to read:

114.3. (a) Notwithstanding any other provision of law, every board, as defined in Section 22, within the department shall waive the renewal fees, continuing education requirements, and other renewal requirements as determined by the board, if any are applicable, for any licensee or registrant called to active duty as a member of the United States Armed Forces or the California National Guard if all of the following requirements are met:

(1) The licensee or registrant possessed a current and valid license with the board at the time he or she was called to active duty.

(2) The renewal requirements are waived only for the period during which the licensee or registrant is on active duty service.

(3) Written documentation that substantiates the licensee or registrant's active duty service is provided to the board.

(b) (1) Except as specified in paragraph (2), the licensee or registrant shall not engage in any activities requiring a license during the period that the waivers provided by this section are in effect.

(2) If the licensee or registrant will provide services for which he or she is licensed while on active duty, the board shall convert the license status to military active and no private practice of any type shall be permitted.

(c) In order to engage in any activities for which he or she is licensed once discharged from active duty, the licensee or registrant shall meet all necessary renewal requirements as determined by the board within six months from the licensee's or registrant's date of discharge from active duty service.

(d) After a licensee or registrant receives notice of his or her discharge date, the licensee or registrant shall notify the board of his or her discharge from active duty within 60 days of receiving his or her notice of discharge.

(e) A board may adopt regulations to carry out the provisions of this section.

(f) This section shall not apply to any board that has a similar license renewal waiver process statutorily authorized for that board.

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Assembly Bill No. 1904

CHAPTER 399

An act to add Section 115.5 to the Business and Professions Code, relating to professions and vocations.

[Approved by Governor September 20, 2012. Filed with Secretary of State September 20, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1904, Block. Professions and vocations: military spouses: expedited licensure.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law provides for the issuance of reciprocal licenses in certain fields where the applicant, among other requirements, has a license to practice within that field in another jurisdiction, as specified. Existing law authorizes a licensee to reinstate an expired license without examination or penalty if, among other requirements, the license expired while the licensee was on active duty as a member of the California National Guard or the United States Armed Forces.

This bill would require a board within the department to expedite the licensure process for an applicant who holds a license in the same profession or vocation in another jurisdiction and is married to, or in a legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders.

The people of the State of California do enact as follows:

SECTION 1. Section 115.5 is added to the Business and Professions Code, to read:

115.5. (a) A board within the department shall expedite the licensure process for an applicant who meets both of the following requirements:

(1) Supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders.

(2) Holds a current license in another state, district, or territory of the United States in the profession or vocation for which he or she seeks a license from the board.

(b) A board may adopt regulations necessary to administer this section.

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