



State of California
Edmund G. Brown Jr., Governor

BOARD OF CHIROPRACTIC EXAMINERS PUBLIC SESSION MINUTES

October 28, 2014
State of California
San Diego State Building
1350 Front Street, Suite B109
San Diego, CA 92101

Board Members Present

Sergio Azzolino D.C., Chair
Heather Dehn, D.C., Vice Chair
Julie Elginer, Dr.PH, Secretary
Dionne McClain, D.C.
John Roza, Jr., D.C.
Corey Lichtman, D.C.
Frank Ruffino

Staff Present

Robert Puleo, Executive Officer
Kristy Schieldge, Attorney III
Linda Shaw, Staff Services Manager I
Sandra Walker, Staff Services Manager I
Maria Martinez, Special Investigator
Dixie Van Allen, Associate Governmental Program Analyst
Valerie James, Management Services Technician

Call to Order

Dr. Azzolino called the meeting to order at 9:46 a.m.

Roll Call

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

Pledge of Allegiance

Mr. Ruffino led the Pledge of Allegiance.

Chair's Report

Dr. Azzolino spoke on the Board's implementation of the strategic plan. He reported on the Board's outreach efforts to stakeholders through a Chiropractic Summit held in San Francisco in which various chiropractic college representatives and chiropractors shared their ideas relating to the Chiropractic Initiative Act. Dr. Azzolino requested the chiropractic colleges and the California Chiropractic Association (CCA) inform students and licensees that the Fall 2014 newsletter is now available on the Board's website. He reported that the California Law and Professional Practice Examination has been updated and will go into production on October 31, 2015. The fully redeveloped examination will go into production

in the spring of 2015. Dr. Azzolino thanked the subject matter experts and DCA's Office of Professional Examination Services for their involvement.

The Board moved to Agenda Item 10 – Welcome Presentation from San Diego Senator Marty Block.

Welcome Presentation from San Diego Senator Marty Block

Dr. Azzolino and Mr. Ruffino welcomed Senator Marty Block to the Board meeting. Senator Block welcomed the Board to San Diego and also commended the Board on their oversight and consumer protection achievements for the Chiropractic Profession.

Mr. Ruffino introduced and thanked Alberto Velasquez, Field Representative from Assembly Member Lorena Gonzalez' office, for attending the Board meeting.

Approval of Minutes

MOTION: MR. RUFFINO MOVED TO APPROVE THE JULY 17, 2014 MINUTES WITH THE FOLLOWING AMENDMENT ON PAGE 5: INSERT THE PHRASE, "AND WELCOMED THE BOARD TO HIS ASSEMBLY DISTRICT AND..." FOLLOWING THE PHRASE, "ASSEMBLY MEMBER BILL QUIRK OF HAYWARD CAME FORWARD".

SECOND: DR. DEHN SECONDED THE MOTION

VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, DR. LICHTMAN-AYE, MR. RUFFINO-AYE)

MOTION: CARRIED

MOTION: DR. DEHN MOVED TO APPROVE THE MINUTES OF THE JUNE 26, 2014 AND THE SEPTEMBER 25, 2014 TELECONFERENCE BOARD MEETINGS.

SECOND: DR. ELGINER SECONDED THE MOTION

VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, DR. LICHTMAN-AYE, MR. RUFFINO-AYE)

MOTION: CARRIED

Executive Officer's Report

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

Mr. Puleo stated there are no staff changes and all positions have been filled with the exception of the Special Investigator position, which is in the recruitment process. Dr. Elginer requested clarification on Maria Martinez' position number.

Mr. Puleo stated there are no changes to the budget. He addressed the loan for Arbuckle judgment and indicated that Ms. Shaw and Dr. Elginer have assisted him in working with the Department of Consumer Affairs (DCA) Budget Office to develop a plan for repayment of the loan.

Dr. Elginer provided clarification on possible scenarios to repay the loan for the Arbuckle case. The Board had to borrow 3 million dollars from the Bureau of Automotive Repair (BAR). One of the scenarios under consideration is an initial payment of 1 million dollars and approximately 200 thousand dollars a year thereafter for 10 years. Mr. Puleo added that the Board has been very frugal with the budget to prepare for repayment of this loan. Dr. Elginer also stated that a repayment recommendation will be brought to the Board for approval at a future Board meeting and a Memorandum of Understanding will be drafted between the BAR and the Board detailing the repayment plan. Mr. Puleo thanked DCA for their understanding and flexibility.

Mr. Puleo summarized the Board's licensing trends. He provided information regarding chiropractic college enrollment from 1995 to 2013 and licensee population provided by the Federation of Chiropractic Licensing Boards. Dr. Azzolino requested school enrollment trends from other health care Boards.

Mr. Puleo reported on the enforcement statistics. Mr. Puleo announced, with the help of Ms. Shaw and Ms. Lauziere, the Board held a Health Care Executive Officers Council (Council) meeting and it was very well received by the other Board and Bureau Executive Officers. He also stated that the Council will meet quarterly, but the group decided to meet more frequently at the onset to share ideas such as training for Executive Officers. He also indicated that Christine Lally, Deputy Director, Board and Bureau Relations and Brian Clifford, Manager, DCA Division of Legislative and Regulatory Review, also participated in the meeting.

Mr. Ruffino congratulated Mr. Puleo on getting the council together. Dr. Elginer formally thanked Mr. Puleo for taking a leadership position across all healthcare Boards.

Mr. Puleo acknowledged and thanked Ms. Walker for a job well done on her presentation at the Department of Insurance workshop on fraud investigation.

Mr. Puleo advised that consumer satisfaction surveys are being sent out following complaint closures via an electronic link.

Mr. Puleo announced that a new enforcement analyst, Summer Thomas, was hired in the Compliance Unit.

Parliamentary Procedures Overview and Training presentation-Dr. Elginer

Dr. Elginer provided training on parliamentary procedures.

Ratification of Approved License Applications

MOTION: DR. DEHN MOVED TO RATIFY THE APPROVED LICENSE APPLICATIONS

SECOND: DR. MCCLAIN SECONDED THE MOTION

VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, DR. LICHTMAN-AYE, MR. RUFFINO-AYE)

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

Mr. Puleo stated that there is no additional information to provide on continuing education providers.

VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, DR. LICHTMAN-AYE, MR. RUFFINO-AYE)

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
There were no denied license applications.

Discussion Regarding Possible Changes to the Chiropractic Initiative Act

Dr. Azzolino spoke on the possibility of changes to the Chiropractic Initiative Act (Act) and the information gathering meeting held with Dr. Dehn, representatives from chiropractic colleges, associations and individual chiropractors. Dr. Azzolino would like to establish advisory committees, one for education and the other for scope of practice, to further explore possible changes to the Act and the regulations.

MOTION: DR. AZZOLINO MOVED TO ESTABLISH COMMITTEES, ONE FOR EDUCATION, THE OTHER FOR SCOPE OF PRACTICE, TO EXPLORE THE NEED FOR CHANGES TO THE ACT AND REGULATIONS IN ORDER TO MOVE THE PRACTICE OF CHIROPRACTIC FORWARD.

Ms. Schieldge advised that formally establishing a committee of more than 2 persons would require the meeting to be publicly noticed pursuant to the Open Meeting Act.

Dr. Azzolino withdrew his motion.

MOTION: DR. AZZOLINO MOVED TO CREATE TWO ADVISORY COMMITTEES, MADE UP OF NO MORE THAN TWO BOARD MEMBERS, FOR EDUCATION AND SCOPE OF PRACTICE, TO EXPLORE POSSIBLE CHANGES TO THE ACT AND THE REGULATIONS. EACH ADVISORY COMMITTEE WILL REPORT BACK TO THE APPROPRIATE COMMITTEE (GOVERNMENT AFFAIRS OR LICENSING AND CONTINUING EDUCATION COMMITTEES).
SECOND: DR. DEHN SECONDED THE MOTION

Dr. McClain inquired about the topics in question that the committees need to discuss. Dr. Azzolino commented that the Schools have concerns with the prescriptive hourly requirements in the Act and the regulations. Dr. Dehn clarified that the purpose of these committees are to gather information to be brought back to the full Board for consideration. Dr. Elginer recommended that the Chair and Vice Chair provide guidance to the advisory committees on the scope of the topics to be explored at these committee meetings and that Chair should appoint the members of the advisory committees.

VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, DR. LICHTMAN-AYE, MR. RUFFINO-AYE)
MOTION: CARRIED

BCE Licensing, Continuing Education and Public Relations Committee Meetings Update

Dr. Dehn reported that the Licensing, Continuing Education and Public Relations Committee is awaiting the Meta-Analysis report which would determine equivalence of the educational standards between international and U.S. chiropractic colleges. Dr. Dehn stated that the Committee is looking to revise the Continuing Education (CE) regulations to give the Board authority to audit CE courses in order to ensure consumer protection. The Committee is developing outreach publications and the first publication will be a Consumer Guide to Chiropractic Services. She also stated that the Board's Strategic Plan will be posted on the website soon. Dr. Azzolino suggested that the Board should request chiropractic colleges and continuing education providers to post the Board's website and social media links on their websites. Dr. Stenzler, CCA, requested clarification on approval of continuing education courses. Dr. Dehn advised that the Board is just beginning to explore this area and has not made any decisions on changes to the current continuing education requirements. Dr. Azzolino would like the Board to interact with CCA to provide valuable information to licensees.

BCE Government Affairs Committee Meeting Update

Dr. Elginer thanked Mr. Ruffino for delivering the Committee update at the last Board meeting in her

absence. Dr. Elginer provided a summary of legislative bills and the Board's position that were taken this legislative year. Dr. Elginer brought to the Board's attention AB 2720 (Ting), which requires meeting agendas to be available at all teleconference meeting locations. This bill also requires all votes at teleconference meetings to be made by roll call and each member's vote formally recorded in the minutes. Ms. Schieldge pointed out that for AB 2143 (Williams) includes a legislative declaration regarding the need for having chiropractic perform commercial drivers examinations to address healthcare shortages. Ms. Schieldge discussed procedural changes and challenges the Board will face as a result of AB 2396 (Bonta) when processing license applications. Dr. Elginer provided a brief overview of the Committee's progress on Action Items in the Strategic plan and highlighted the proposed Board Member Mentorship Program.

**MOTION: DR. ELGINER, ON BEHALF OF THE GOVERNMENT AFFAIRS COMMITTEE, MOVED TO APPROVE THE CONTENTS OF THE NEW BOARD MEMBER ON-BOARDING MANUAL
VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, DR. LICHTMAN-AYE, MR. RUFFINO-AYE)
MOTION: CARRIED**

**MOTION: DR. ELGINER ON BEHALF OF THE GOVERNMENT AFFAIR COMMITTEE MOVES TO APPROVE THE BOARD MEMBER MENTORSHIP PROGRAM
VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, DR. LICHTMAN-AYE, MR. RUFFINO-AYE)
MOTION: CARRIED**

BCE Enforcement Committee Meetings Update

Dr. Azzolino reported on the items discussed at the Enforcement Committee Meeting. The Committee is working on possible changes to the language of California Code of Regulations Section 318-Patient Records. The Committee is also reviewing the qualifications, criteria and standards for the selection of Expert Consultants. They are working on language for the trigger option of when SB 1441 Uniform Standards apply. Lastly, the Committee approved the language for the Consumer Protection Enforcement Initiative (CPEI) Regulations.

**MOTION: DR. AZZOLINO, ON BEHALF OF THE ENFORCEMENT COMMITTEE, DIRECTED STAFF TO TAKE ALL NECESSARY STEPS TO INITIATE THE FORMAL RULEMAKING PROCESS WITH THE PROPOSED TEXT FOR THE CPEI REGULATIONS AND AUTHORIZED THE EXECUTIVE OFFICER TO MAKE NON-SUBSTANTIVE CHANGES TO THE RULEMAKING PACKAGE, AND SET THE PROPOSED REGULATIONS FOR A HEARING.
VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, DR. LICHTMAN-AYE, MR. RUFFINO-AYE)
MOTION: CARRIED**

The Board moved to Agenda item 16- Proposed Regulations Discussion and Possible Action to Initiate a Rulemaking to Amend Title 16, CCR Sections 321 and 364 (Licensing Application and Continuing Education Exemptions)

Discussion and Possible Action to Initiate a Rulemaking to Amend Title 16, CCR Sections 321 and 364 (Licensing Application and Continuing Education Exemptions)

Ms. Schieldge summarized revisions to the licensing application, the social security number/ tax identification number, military questions, conviction questions in regards to expungements and the disclosure notice at the end of the application.

MOTION: DR. AZZOLINO MOVED TO PROCEED WITH THE RULEMAKING PROCESS TO AMEND TITLE 16, CCR SECTIONS 321 AND 364 (Licensing Application and Continuing Education Exemptions)

SECOND: DR. ELGINER SECONDED

VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, DR. LICHTMAN-AYE, MR. RUFFINO-AYE)

MOTION: CARRIED

The Board moved to Agenda 17- Public Comment for Items Not on the Agenda

Public Comment for Items Not on the Agenda

Dr. Stenzler, CCA, inquired about the status of the high school physical exam letter.

Proposed 2015 Board Meeting Schedule

The Board selected the following tentative dates for future board meetings:

January 27, 2015 – Sacramento

April 16, 2015 – Southern California

July 30, 2015 – San Francisco California

October 27, 2015 – Southern California

MOTION: DR. ELGINER MOVED TO APPROVE THE 2015 BOARD MEETING SCHEDULE

SECOND: MR. RUFFINO SECONDED THE MOTION

VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, DR. LICHTMAN-AYE, MR. RUFFINO-AYE)

MOTION: CARRIED

Hearings Re: Petition for Early Termination/Modification of Probation

Administrative Law Judge, Abraham Levy, presided over and Deputy Attorney General Antoinette Cincotta appeared on behalf of the people of the State of California in the following hearings:

A. Truong Paul Nguyen, D.C. -DC 19553

B. Alejandro B. Platon, D.C.- DC 21096

Hearings Re: Petition for Reinstatement of Revoked License

Administrative Law Judge, Abraham Levy, presided over and Deputy Attorney General Antoinette Cincotta appeared on behalf of the people of the State of California in the following hearing:

A. Richard A. Warner

Closed Session

Following oral testimonies, the Board went into Closed Session for deliberation and determinations regarding petitioners.

Open Session

The Board went back into Open Session to adjourn the meeting.

Adjournment

Dr. Azzolino adjourned the meeting at 5:02 p.m.

Approval By Ratification of Formerly Approved License Applications
July 1, 2014 – September 30, 2014

Name (First, Middle, Last)			Date Issued	DC#
Michael				
Jeremy	De Mesa	Bonsol	7/11/2014	32997
Kenneth	Justin	Dobbs	7/11/2014	32998
David	Robert	Mason	7/11/2014	32999
Shane	Harrison	Ott	7/11/2014	33000
Blair	Ryan	Schoolhouse	7/11/2014	33001
Nicole	Meshelle	Gauthier	7/14/2014	33002
Ann	Charlotte	Kushner	7/14/2014	33003
Mandana		Miramadi	7/14/2014	33004
Peter	Paul	Alongi	7/17/2014	33005
Scott	John	Davis	7/17/2014	33006
Gayane		Magzanyan	7/17/2014	33007
Khaleed	Camara	Samuels	7/17/2014	33008
Dena	Melissa	Amato	7/22/2014	33009
Shahrouz		Parvinjah	7/22/2014	33010
Neha		Bhatia	7/30/2014	33011
Suzanne	Rebecca	Frank	7/30/2014	33012
Seth	Robert	Pelock	7/30/2014	33013
Broderick	Alan	Peterson	7/30/2014	33014
Kolbyann	Mashian	Walker	7/30/2014	33015
Christina	Escultura	Alba	7/31/2014	33016
Troy	Henry	Holder	7/31/2014	33017
Jerry	Wayne	Hsieh	7/31/2014	33018
Nicole	Angela	Joaquin	7/31/2014	33019
Annalea		Kaye	7/31/2014	33020
Munish		Kumar	7/31/2014	33021
Vanessa	Kathleen	Nordin	7/31/2014	33022
Melissa	Shizuka	Tashiro	7/31/2014	33023
Sarah	Loredana	Schilbach	7/31/2014	33024
Savannah	Kathleen	Shortz	7/31/2014	33025
Pheomany		Vandy	7/31/2014	33026
Andrew	Phillip	Bussell	8/7/2014	33027
Hyosook	Kim	Hoe	8/7/2014	33028
Daniel	Cory	Hoover	8/7/2014	33029

Mindi	Louise	Jentes	8/7/2014	33030
Michelle	Carling	Law	8/7/2014	33031
Bonnie	Lee	Ness	8/7/2014	33032
Alireza		Nikroo	8/7/2014	33033
Titus	Gan	Chiu	8/8/2014	33034
Jonathan	Hsitarn	Lin	8/8/2014	33035
Gregory	Chad	Nicosia	8/8/2014	33036
Walter		Su	8/8/2014	33037
CoCo	Wei-Lee	Chin	8/13/2014	33038
Justin	David	Coffeen	8/13/2014	33039
Amanda	Katherine	Stanuszek	8/13/2014	33040
Matthew	Michael	Willis	8/13/2014	33041
Jennifer	Anne	Liebersbach	8/14/2014	33042
Joseph	Ming-Yan	Ling	8/14/2014	33043
Michael	Dewayne	Scott	8/14/2014	33044
Sara	Hyun Ju	Chong	8/21/2014	33045
Amanda	Jane	Foster	8/21/2014	33046
Jane	Giddings	Macris	8/21/2014	33047
Gina	Antoinette	McCarthy	8/21/2014	33048
Christopher	Matthew	Norton	8/21/2014	33049
Rafael		Ramon IV	8/21/2014	33050
Eric	Tszchun	Wong	8/21/2014	33051
Caroline	T	Bui	8/22/2014	33052
Tiffany	Lyn	Fullmer	8/22/2014	33053
Race	Alton	Irby	8/22/2014	33054
Sara	Arminta	Irby	8/22/2014	33055
Daniel		Oh	8/22/2014	33056
Shahed		Sadr	8/22/2014	33057
Michael	Arne	Stromsness	8/22/2014	33058
Timothy	Gan	Chiu	9/4/2014	33059
Paul	Michael	Deyerle	9/4/2014	33060
Rhiannon	Marie	Dickison	9/4/2014	33061
Gerrit	Lee	Wagner	9/4/2014	33062
Eric	David	Goodman	9/10/2014	33063
Christina	Nicole	Renbarger	9/10/2014	33064
Grayson	William	Renbarger	9/10/2014	33065
Mary	Anne	Heidkamp	9/11/2014	33066
Steven	Jay	Albinder	9/18/2014	33067
Beau	Ryan	Beard	9/18/2014	33068
John	Douglas	Fraser	9/18/2014	33069
Justin	Allen	Keffer	9/18/2014	33070
Kevin	Confer	Leach	9/18/2014	33071

Michael	Moon	Myung	9/18/2014	33072
Charles	Edward	Richardson	9/18/2014	33073
Joseph	Leonard	Ritola	9/18/2014	33074
Aaron	James	Basco	9/18/2014	33075
Jasmine	Yukiko	Chau	9/18/2014	33076
Stephenie	Elizabeth	Stephens	9/18/2014	33077
Sarah	Caroline	Williams	9/18/2014	33078
Farid		Esmillion	9/24/2014	33079
Ly	Minh	Klatt	9/24/2014	33080
Alicia	Lynn	McDonough	9/24/2014	33081
Kori	Chad	Mortenson	9/24/2014	33082
Daniel	Alfred	Nash II	9/24/2014	33083
Justin	Thomas	Paquette	9/24/2014	33084
Hana	Issa	Hadawar	9/26/2014	33085
Phillip	Robert	Hersh	9/26/2014	33086

ATTACHMENT B)

Ratification for New Continuing Education Providers

<u>CONTINUING EDUCATION PROVIDERS</u>	<u>DATE APPROVED</u>
1. <u>Daniel P Dock, DC</u>	<u>10/28/14</u>
2. <u>Cage Motion</u>	<u>10/28/14</u>
3. <u>International College of Complementary & Alternative Medicine</u>	<u>10/28/14</u>
4. <u>Dr. Kenneth Howayeck</u>	<u>10/28/14</u>
5. <u>Resource Care One</u>	<u>10/28/14</u>
6. <u>Online CE Pro</u>	<u>10/28/14</u>
7. <u>Adam J Del Torto, DC</u>	<u>10/28/14</u>
8. <u>SI-BONE</u>	<u>10/28/14</u>
9. <u>David W Leaf, DC</u>	<u>10/28/14</u>
10. <u>Direct Personnel</u>	<u>10/28/14</u>