



State of California
Edmund G. Brown Jr., Governor

BOARD OF CHIROPRACTIC EXAMINERS PUBLIC SESSION MINUTES

February 12, 2015
Palmer College of Chiropractic West Campus
90 E. Tasman Drive, Room 142
San Jose, CA 95134

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
Sandra Walker, Staff Services Manager I
Marlene Valencia, Associate Governmental Program Analyst
Dixie Van Allen, Associate Governmental Program Analyst
Valerie James, Management Services Technician

Call to Order

Dr. Azzolino called the meeting to order at 8:10 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 thanked Dr. Meeker for allowing the Board to hold its meeting on the Palmer Campus. He also thanked his fellow Board members for re-electing him to Chair and congratulated Dr. Dehn and Dr. Elginer on their re-election to Vice Chair and Secretary. He provided an overview on the Board's 2014 accomplishments and highlighted some of the significant projects that the Board completed in the past year. He emphasized the board's outreach efforts such as holding board meetings at chiropractic colleges, engaging chiropractic schools and associations in discussions and research on emerging issues facing the Board, consumers, and the chiropractic profession. He noted that we are opening lines of communications with other Health Care Boards and Professions, keeping the Board's website and social media sites current and reinstating the BCE newsletter. Lastly, he announced that this will be Ms. Schieldge last meeting and announced that Spencer Walker will be returning as the Board's Legal Counsel.

Welcome Presentation and Introduction from William Meeker, DC, MPH, President Palmer College of Chiropractic West

Dr. Meeker welcomed the Board and staff to Palmer Chiropractic College West. He gave a brief overview of the enrollment at Palmer College both in California and out of state. He emphasized the school's mission to promote education, deliver health care and advance knowledge through research.

Approval of Minutes

MOTION: DR. ELGINER MOVED TO APPROVE THE SEPTEMBER 25, 2014 MINUTES.

SECOND: MR. RUFFINO SECONDED THE MOTION

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

MOTION: CARRIED

MOTION: DR. ELGINER MOVED TO APPROVE THE OCTOBER 28, 2014 MINUTES WITH THE FOLLOWING AMENDMENTS:

- **PAGE 1- ROLL CALL – THE MINUTES SHOULD STATE DR. ELGINER CALLED ROLL**
- **PAGE 1-CHAIR'S REPORT- 2ND SENTENCE – DELETE "TO" IN THE PHRASE "TO INFORM STUDENTS..."**
- **PAGE 5, PARAGRAPH 5- THE MINUTES SHOULD STATE THAT DR. AZZOLINO MADE THE MOTION**

SECOND: DR. DEHN SECONDED THE MOTION

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

MOTION: CARRIED

MOTION: DR. ELGINER MOVED TO APPROVE THE JANUARY 27, 2015 MINUTES.

SECOND: MR. RUFFINO SECONDED THE MOTION

VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, DR. ROZA-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 announced that all positions are filled except for the Supervising Special Investigator position, for which we are actively recruiting.

Mr. Puleo referred to two fund conditions and provided an overview of both, one addressed the repayment of the loan for the Arbuckle judgment to Bureau of Automotive Repair (BAR) and the overall budget projections for fiscal years 2014- 2018.

Mr. Puleo summarized the Board's licensing statistics and stated there haven't been any significant changes since the last meeting. The total licensee population remains stable at approximately 13,400.

Mr. Puleo reported on the enforcement statistics and provided a brief overview of processing time frames on complaints. Dr. Azzolino thanked the staff for their efforts in keeping the processing times down for closure of cases.

Ratification of Approved License Applications

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

SECOND: DR. AZZOLINO SECONDED THE MOTION

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

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

BCE Licensing, Continuing Education and Public Relations Committee Meeting Update

Dr. Dehn reported that the Licensing, Continuing Education and Public Relations Committee is currently working on making changes to Continuing Education (CE) regulation to monitor CE classes and developing new proficiency standards for (CE) providers. There was discussion about delegating approval of providers and CE courses to accrediting organizations. This would require the Board to review the standards of the accrediting organization and amend the regulations to provide the accrediting organization with the authority to approve providers and courses. Ms. Schieldge commented that other health care boards are going through the rulemaking process to implement a similar approval process for CE providers. Lastly, the Committee is working with DCA on pamphlets about the Board, geared towards licensees and also an informational pamphlet geared towards the public on what to expect when seen by a Chiropractor.

BCE Government Affairs Committee Meeting Update

Dr. Elginer provided a summary of the committee's 2014 accomplishments. She thanked Mr. Ruffino, Dr. McClain, Mr. Puleo and Ms. Van Allen for their efforts in reviewing legislative bills. She provided a brief overview of the committee's progress on action items in the Strategic plan and discussed the board member mentorship program. Ms. Schieldge advised the Board members to keep the Bagley-Keene Open Meetings Act in mind while providing mentorship. Dr. Elginer and Dr. Azzolino directed the Board's staff to look into platforms to allow access via internet for Board meetings. Ms. Schieldge commented that an issue that could arise with the American's with Disabilities Act would require closed caption for the hearing impaired. Dr. Elginer suggested Mr. Puleo place internet based platforms on the agenda of the next Health Care Executive Officers Council (Council) meeting. Lastly, Dr. Elginer discussed recommended revisions to the Board Member Administrative Procedure Manual, which is reviewed every year.

MOTION: DR. ELGINER, ON BEHALF OF THE GOVERNMENT AFFAIRS COMMITTEE MOVES TO APPROVE THE BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL BE APPROVED WITH AMENDEMENTS AS DISCRIBED ON PAGES 9, 11 AND 28.

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

MOTION: CARRIED

BCE Enforcement Committee Meetings Update

Dr. Azzolino spoke on possible action items on advertising of chiropractic specialties and referred to the handouts, provided by Ms. Schieldge, which included a copy of Title 16, California Code of regulations section 1363.5 and litigation involving the Medical Board and Dental Board. Dr. Elginer requested clarification in regards to chiropractic specialties. Dr. Azzolino stated that further research is needed and the Board may need to define "specialist" through regulation so that it is better understood by the public. Ms. Schieldge provided an explanation of misleading and false advertising and advised that proving speech in advertising as misleading is difficult. Dr. Azzolino also discussed possible action on proposed language regarding maintenance of patient records (Amendment to Title 16, California Code of Regulations Sections 312.2 and 318). The language will provide direction on how to handle records of deceased or incapacitated Chiropractors. The committee also discussed revisions to the expert training application and the guidelines. Dr. Azzolino directed Mr. Puleo to coordinate two Board members to attend each expert training.

MOTION: DR. DEHN MOVED THAT ENFORCEMENT COMMITTEE HAS THE AUTHORITY TO APPROVE APPLICATION AND THE GUIDE BOOK OF EXPERT CONSULTANTS.

SECONDED: DR. ELGINER SECONDED THE MOTION

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

MOTION: CARRIED

Updates on Proposed regulations Title 16, CCR Sections 321 and 364 (Licensing Application and Continuing Education Exemptions) and Title 16 CCR Sections 309, 309.1, 309.32, 309.3 & 309.4 (Sponsored Free Health Care Events)

Ms. Van Allen provided updates on both rulemaking proposals. The Licensing Application and Continuing Education regulation is currently being reviewed by DCA's Division of Legislative and Policy Review (Division). The Sponsored Free Health Care has been submitted to the Office of Administrative Law (OAL) on 1/21/15.

The Board moved to Agenda Item 17- Closed Session to receive advice from Legal Counsel Pursuant to California Government Code Section 11126(e) Regarding:

- 1) Jonathan Widenbaum, D.C. v. California Department of Consumer Affairs/Board of Chiropractic Examiners, Cal.Ct.App.(1st app. Dist.), Case No. A142454
- 2) Hugh Lubkin, D.C. v. Board of Chiropractic Examiners Workers' Compensation Case No. ADJ7361379

Public Comment for Items Not on the Agenda

Dr. Lichtman requested Lapel Pins for all Board members.

Dr. Roza would like to discuss addressing question number 3 on the Petitioner Application.

Hearings Re: Reinstatement of Revoked License

Administrative Law Judge, Jill Schlichmann, presided over and Deputy Attorney General, Leslie E. Brast, appeared on behalf of the people of the State of California in the following hearings:

- A. Bruce Ankrom
- B. Dmitriy Sklyut

Hearings Re: Petition for Reduction of Penalty

Administrative Law Judge, Jill Schlichmann, presided over and Deputy Attorney General, Leslie E. Brast, appeared on behalf of the people of the State of California in the following hearing:

- A. Ali-Duy Nguyen, D.C. - DC 18151

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 3:25 p.m.

(ATTACHMENT A)

**Approval By Ratification of Formerly Approved License Applications
October 1, 2014 – December 31, 2014**

Name (First, Middle, Last)			Date Issued	DC#
Jason	Charles	Braun	10/2/2014	33087
David	Tanner	Brooks	10/2/2014	33088
Ian	Christian	Cooke	10/2/2014	33089
Cassandra	Leigh Angott	Ferguson	10/2/2014	33090
Mitchell	Steven	Simon	10/2/2014	33091
Luke	Richard Anthony	Stringer	10/2/2014	33092
Maurice		Daoud	10/9/2014	33093
Allison	Hope	Evans	10/9/2014	33094
Scott	Aubrey	Howard	10/9/2014	33095
Eun	Chu	Kim	10/9/2014	33096
Carling	Frances	McMichael	10/9/2014	33097
Russel		Myers	10/9/2014	33098
Peter	Kes	Rath	10/9/2014	33099
Eric	Ryan	Schaid	10/9/2014	33100
Jason	Hale	Fitch	10/16/2014	33101
Daniel	Lee	Mendez	10/16/2014	33102
Alison	Lea	Stamos	10/16/2014	33103
Anh-Tu	Thuy	Vu	10/16/2014	33104
Jason	Luke	Hodges	10/17/2014	33105
Jennifer	Melanie	Mulford	10/17/2014	33106
Regina	Marcella	Adams	10/21/2014	33107
Thomas	Michael	Drzemala	10/21/2014	33108
Robert	Richard	Fano	10/21/2014	33109
Trevor	Ross	Miller	10/21/2014	33110
Tina	Dawn	Pearl	10/21/2014	33111
Kimia		Akhavan	10/24/2014	33112
Andrew	Bradley	Buser	10/24/2014	33113
Misty	Rhiannon	Hutton	10/24/2014	33114
Faiz		Mashood	10/24/2014	33115
John	C	Argerich, Jr	10/30/2014	33116
Jason	Joseph	Cindric	10/30/2014	33117
Kim		Nguyen	10/30/2014	33118
Daniel	Alan	Woodward	10/30/2014	33119

Andres	Gabriel	Garcia	11/6/2014	33120
Nya		Jahdai-Brown	11/13/2014	33121
Jennifer	Nichole	Maltby	11/13/2014	33122
Tania	Ayse	Williams	11/13/2014	33123
Karla		Mehlenbacher	11/14/2014	33124
Patrick	Sweigert	Ryan	11/14/2014	33125
Nicholas	Adam	Sorenson	11/14/2014	33126
Sanjeni	Ramesh	Patel	11/20/2014	33127
Derek	Quan	Pham	11/20/2014	33128
Jasmeen		Singh	11/20/2014	33129
Aimee	Marie	Bautista	12/4/2014	33130
Ameriah	Arbelyn	Beam	12/4/2014	33131
Christopher	Geoffrey	Canning	12/4/2014	33132
Joel	Wendell	Huff	12/4/2014	33133
Michael	Allen	Lopez	12/4/2014	33134
Adriana		Mekhael	12/4/2014	33135
Liesel	Gabrielle	Orend	12/4/2014	33136
Hedieh		Rastegar Aria	12/4/2014	33137
Gregory	Allan	Smith	12/4/2014	33138
Kris	Michael	Isakson	12/5/2014	33139
Sean	Gregory	Levesque	12/5/2014	33140
Matthew	Nielsen	Smith	12/5/2014	33141
David	Justin	Valle	12/12/2014	33142
Devin	Kent	Weatherley	12/12/2014	33143
Maymanat	Shadi	Ashtiani	12/16/2014	33144
Luka	Charles	Musich	12/16/2014	33145
Jeffrey	Allen	Spaulding	12/16/2014	33146
Kian	Mohammad Hakimi	Javid	12/17/2014	33147
Joshua	Daniel	Wideman	12/17/2014	33148
Kevin	Lane	Hummel	12/19/2014	33149
David	Salvatore	Sosa	12/19/2014	33150
John	David	Appleman	12/31/2014	33151
Devon	Leigh	Gaston	12/31/2014	33152
George		Boghozian	12/31/2014	33153
Jeffrey	Luke	Boyajian	12/31/2014	33154
Tamara	Lee	MacIntyre	12/31/2014	33155
Sachin	Amol	Narvekar	12/31/2014	33156

(ATTACHMENT B)

Ratification for New Continuing Education Providers

<u>CONTINUING EDUCATION PROVIDERS</u>	<u>DATE APPROVED</u>
1. <u>Kurt Spurgin, DC, and Dennis Spurgin, DC</u>	<u>02/12/15</u>
2. <u>National Provider Compliance Corp</u>	<u>02/12/15</u>
3. <u>David M Bleiler, DC</u>	<u>02/12/15</u>
4. <u>Stephen Harkins, DC</u>	<u>02/12/15</u>
5. <u>Mitchell Brian Mays, DC</u>	<u>02/12/15</u>
6. <u>Neil Asher Healthcare</u>	<u>02/12/15</u>
7. <u>Premier Research Labs</u>	<u>02/12/15</u>
8. <u>Scott Sawyer, DC</u>	<u>02/12/15</u>
9. <u>American Chiropractic Association</u>	<u>02/12/15</u>
10. <u>Chad D Warshel, DC</u>	<u>02/12/15</u>
11. <u>Carol J Phillips, DC</u>	<u>02/12/15</u>
12. <u>Anna Manayan</u>	<u>02/12/15</u>
13. <u>Gregory Melvin, DC</u>	<u>02/12/15</u>
14. <u>Mark R Algee, DC</u>	<u>02/12/15</u>
15. <u>Marcus Ettinger, DC</u>	<u>02/12/15</u>
16. <u>Marc Moramarco, DC</u>	<u>02/12/15</u>