



State of California
Edmund G. Brown Jr., Governor

**BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES**

April 16, 2015
Department of Fish and Wildlife
3883 Ruffin Road
San Diego, CA 92123

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.

Staff Present

Robert Puleo, Executive Officer
Spencer Walker, Attorney III
Sandra Walker, Staff Services Manager I
Dixie Van Allen, Acting Staff Services Manager I
Summer Thomas, Associate Governmental Program Analyst
Valerie James, Management Services Technician

Call to Order

Dr. Azzolino called the meeting to order at 9:15 a.m.

Roll Call

Dr. Elginer called the roll. All members were present, except for Mr. Frank Ruffino who was absent.

Pledge of Allegiance

Dr. Dehn led the Pledge of Allegiance.

Chair's Report

Dr. Azzolino welcomed Spencer Walker back as the Board's Legal Counsel. He acknowledged and thanked the Board members for their work on the Committees, and highlighted some of the significant projects that each Committee is working on.

Approval of Minutes

MOTION: DR. DEHN MOVED TO APPROVE THE FEBRUARY 12, 2015 MINUTES.

SECOND: DR. ELGINER SECONDED THE MOTION

VOTE: 6-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-ABSENT)

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 the Board has received a tentative approval to establish an Assistant Executive Officer position, for which we are actively recruiting. He also announced Ms. Van Allen has been appointed to a temporary assignment as the Licensing Unit Manager pending Linda Shaw's return.

He provided an overview of the Board's fund condition and the overall budget projections for fiscal years 2014- 2018. He reported that the budget remains stable. He also provided an update on the status of the Memorandum of Understanding, (MOU) between the Board and the Bureau of Automotive Repair (BAR).

Mr. Puleo summarized the Board's licensing statistics and stated there haven't been any significant changes since the last meeting. He also reported on the Enforcement statistics and provided a brief overview of enforcement activity since the last Board Meeting.

Following his Executive report, Mr. Puleo welcomed Samantha Maron, a representative from Senator Joel Anderson's El Cajon District office. Ms. Maron spoke on behalf of Senator Anderson, and welcomed the Board to San Diego. She also commended the Board for their dedication to protect the health, safety and welfare of the public.

Ratification of Approved License Applications

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

SECOND: DR. ELGINER SECONDED THE MOTION

VOTE: 6-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-ABSENT)

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. AZZOLINO SECONDED THE MOTION

VOTE: 6-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-ABSENT)

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) regulations to effectively monitor CE classes and develop new standards for CE providers. She discussed that one option under consideration is a mentorship program for new CE providers, wherein the new providers would be required to operate under the sponsorship of an established provider such as a chiropractic school or association before qualifying for Board approval. Dr. Roza added that the purpose of the CE regulation is to protect the consumers of California. Dr. Dehn and Dr. Roza stated that the Committee is also working on language to establish a mandatory Cardiopulmonary Resuscitation (CPR) CE requirement. Dr. Azzolino requested that the CPR regulation be a separate regulation. Lastly, Dr. Dehn referred to two draft pamphlets about the Board, one providing information about the Board of Chiropractic Examiners and the other providing information about chiropractic and what to expect when being treated by a chiropractor. Dr. Dehn and Dr. Azzolino noted that the pictures on the pamphlet do not accurately reflect chiropractic treatment. Mr. Puleo noted that an electronic version will be available on the Board's website. Dr. Elginer requested that the pamphlet be available in different languages. Dr. Brian Stenzler, President of California Chiropractic Association (CCA), commented that that CCA is in favor of the CE regulation change.

BCE Government Affairs Committee Meeting Update

Dr. Elginer provided a brief overview of the committee's progress on action items in the Strategic Plan and provided an update on Legislative Bills. Dr. Elginer brought specific attention to Strategic plan goal 7.2.; which is to partner with other state agencies, local Government, stakeholders and also attend public events to achieve consumer protection. She shared that Russ Heimerich, Deputy Director of DCA's Office of Public Affairs, came to the Committee meeting and provided an update on the Board's Communications Assessment and the partnership options with other State agencies for consumer protection. Dr. Elginer added that the Committee will be working with Cristina Valdivia-Aguilar, DCA Office of Public Affairs. Lastly, Dr. Elginer provided status updates and recommended positions on various Legislative bills. There were discussions surrounding Legislative Bill SB 277-Pan (Public Health: vaccinations) and AB 41-Chau (Health Care Coverage: discrimination). Dr. Stenzler, president of CCA commented that CCA took an oppose position on Legislation Bill SB 277.

**MOTION: DR. AZZOLINO MOVED TO TAKE A POSITION OF “OPPOSE” UNLESS AMENDED ON SB 277- PAN (PUBLIC HEALTH: VACCINATIONS)
SECONDED: DR. MCCLAIN SECONDED THE MOTION
DR. AZZOLINO WITHDREW THE MOTION**

**MOTION: DR. AZZOLINO MOVED TO TAKE A “WATCH” POSITION ON SB 277- PAN (PUBLIC HEALTH: VACCINATIONS)
SECONDED: DR. ELGINER SECONDED THE MOTION
VOTE: 6-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN -AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-ABSENT)
MOTION: CARRIED**

**MOTION: DR. DEHN MOVED TO TAKE A “SUPPORT” POSITION ON AB 41-CHAU (HEALTH CARE COVERAGE: DISCRIMINATION).
SECONDED: DR. LICHTMAN SECONDED MOTION
VOTE: 6-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN -AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-ABSENT)
MOTION: CARRIED**

BCE Enforcement Committee Meeting Update

Dr. Azzolino presented the proposed revised language for Title 16, California Code of Regulations, Sections(s) 318 (Chiropractic patient records) and 312.2 (Ownership of Practice upon death or incapacity of a licensee). He also discussed the Criteria and Standards for Expert Consultants and announced the Expert Consultants training schedule. Dr. Azzolino brought the proposed language for Sections 318 & 312.2 forward for discussion.

MOTION: DR. DEHN MOVED TO APPROVE THE PROPOSED REVISED LANGUAGE FOR TITLE 16, CALIFORNIA CODE OF REGULATIONS SECTIONS(S) 318 WITH THE FOLLOWING AMENDMENTS TO SECTION 318 (C). AND SECTION 312.2

- **LAST SENTENCE- IF THE PATIENT WAS TREATED BY MORE THAN ONE CHIROPRACTOR, ~~THE PATIENT IS A PATIENT OF THE PRACTICE.~~ EACH TREATING CHIROPRACTOR SHALL MAINTAIN A COPY OF THE RECORDS, UNLESS OTHERWISE AGREED TO, AND NOTICE SHALL BE PROVIDED TO THE PATIENT WITHIN 30 DAYS.**

**SECONDED: DR. MCCLAIN SECONDED THE MOTION
VOTE: 6-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-ABSENT)
MOTION: CARRIED**

MOTION: DR. AZZOLINO MOVED TO DIRECT STAFF TO TAKE ALL NECESSARY STEPS TO INITIATE THE FORMAL RULEMAKING PROCESS WITH THE PROPOSED TEXT FOR SECTIONS 318 & 312.2 AND AUTHORIZE THE EXECUTIVE OFFICER TO MAKE ANY NON-SUBSTANTIVE CHANGES TO THE RULEMAKING PACKAGE AND DIRECT STAFF TO INITIATE A 45-DAY COMMENT PERIOD

**SECONDED: DR. DEHN SECONDED MOTION
VOTE: 6-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN -AYE,**

**DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-ABSENT)
MOTION: CARRIED**

Updates on Proposed Regulations Title 16, California Code of Regulations Sections 321 and 364 (Licensing Application and Continuing Education Exemptions) and Title 16 California Code of Regulations Sections 309, 309.1, 309.2, 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 has been reviewed by Mr. Walker, but has not yet been submitted to DCA's Division of Legislative and Policy Review (Division) because the Sponsored Free Health Care package was not approved. The Sponsored Free Health Care regulation was disapproved by the Office of Administrative Law, and in response to the disapproval decision, the BCE has amended the proposed language and applications for approval to participate and brought it forward for the Board's consideration.

**MOTION: DR. ELGINER MOVED TO APPROVE THE PROPOSED AMENDED LANGUAGE ,
"REQUEST FOR AUTHORIZATION TO PRACTICE WITHOUT A LICENSE AT A REGISTERED
FREE HEALTH CARE EVENT", FORM 901-B (BCE/2015) AND THE "REGISTRATION OF
SPONSORING ENTITY UNDER BUSINESS & PROFESSIONS CODE SECTION 901", FORM
901-A (DCA/2014 – REVISED), AUTHORIZE THE EXECUTIVE OFFICER TO MAKE ANY NON-
SUBSTANTIVE CHANGES TO THE RULEMAKING PACKAGE, AND DIRECT STAFF TO
INITIATE A 15-DAY COMMENT PERIOD IN RESPONSE TO THE DISAPPROVAL DECISION.**

SECONDED: DR. AZZOLINO SECONDED THE MOTION

**VOTE: 6-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN-AYE,
DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-ABSENT)**

MOTION: CARRIED

Public Comment for Items Not on the Agenda

Dr. Elginer requested that the two Agenda items previously requested by Dr. Lichtman and Dr. Roza be placed on the next Agenda. Mr. Puleo recommended that the Lapel Pin discussion be referred to the Licensing, Continuing Education and Public Relations Committee and discussion of question number 3 on the Petitioner Application be referred to the Enforcement Committee for discussion.

Dr. Azzolino welcomed Assembly Member Brian Jones to the Board meeting. Assembly Member Jones welcomed the Board to San Diego, and noted that he serves as the Vice Chair on the Business and Professions Committee. Dr. Azzolino invited Assembly Member Jones to attend the next Board Meeting being held on July 30, 2015, in Sacramento.

Hearings Re: Reinstatement of Revoked License

Administrative Law Judge, Roy W. Hewitt, presided over and Deputy Attorney General Erin M. Sunseri appeared on behalf of the people of the State of California in the following hearings:

- A. Ekechi Nwoga
- B. Thomas Pollock
- C. Mohammad Nikkhah

Closed Session

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

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
- 3) Workers' Compensation Case No. ADJ7361379

Open Session

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

Adjournment

Dr. Azzolino adjourned the meeting at 3.57 p.m.

(ATTACHMENT A)

**Approval By Ratification of Formerly Approved License Applications
January 1, 2015 – March 31, 2015**

Name (First, Middle, Last)			Date Issued	DC#
Nicholas	Guy	Jung	1/14/2015	33157
Brian	Robert	Murer	1/14/2015	33158
Majed	Andre	Nagoulat	1/14/2015	33159
Drew	Michael	Ruebbelke	1/14/2015	33160
Jeanne	Ann	Matwey	1/15/2015	33161
Alexandra	Lee	Johnson	1/16/2015	33162
John	Waylan	Blalock	1/28/2015	33163
Kevin	Jon	Chong	1/28/2015	33164
Eugenie	Michelle	Giasson-Gomez	1/28/2015	33165
Adam	Joseph	Mazzeo	1/28/2015	33166
Cory	David	Tedesco	1/28/2015	33167
Leah	Eeragene	Helin	2/5/2015	33168
Tonghee		Kim	2/5/2015	33169
Joie		Mazor	2/5/2015	33170
Matthew	Thomas	McCormack	2/5/2015	33171
Sabrina	Marie	Merry	2/5/2015	33172
Tomilyn		Thornberry	2/5/2015	33173
Matthew	Jon	Wong	2/5/2015	33174
Vicki	Marie	Garfolo	2/5/2015	33175
Christopher	Paul	Morrow	2/5/2015	33176
Dorcas Joy	Enriquez	Altman	2/12/2015	33177
Leigh	Ann	Caulk	2/12/2015	33178
Mohammed	Ahmed	Hasanain	2/12/2015	33179
Gurjinder	Singh	Kalay	2/12/2015	33180
Youngkwang		Kim	2/12/2015	33181
Ellen	Christine	Kindelsperger	2/12/2015	33182
Grace	Ignacio	Madarang	2/12/2015	33183
Kale	Lynn Lewis	Ptacek	2/12/2015	33184
Josuke	Pierre	Tanaka	2/12/2015	33185
Irina	Andreyevna	Velichko	2/12/2015	33186
James	Paul	Yurgel, Jr	2/12/2015	33187
Caitlin	Marie Rose	Donovan	2/18/2015	33188
Cory	Eugene	Henderson	2/18/2015	33189
Taylor	Jordan	Levine	2/18/2015	33190

Alexander	Paul	Wulff	2/18/2015	33191
Jennifer	Michele	Wyman	2/18/2015	33192
Jacob	James	Barton	2/19/2015	33193
John	Barrett	Kupper	2/19/2015	33194
Shahen	Daniel	Simian	2/19/2015	33195
Daniel	Patrick	Fleming	2/20/2015	33196
Luis	Francisco	Jovel	2/20/2015	33197
Katie	Diane	Olson	2/20/2015	33198
Sarah	Maria	Waterkamp	2/20/2015	33199
Ramin		Hamzei	2/24/2015	33200
Scott	Robert	Jeffers	2/24/2015	33201
Hakop		Karapetyan	2/24/2015	33202
Cassandra	Lynn	Marsden	2/24/2015	33203
Matthew	Michael	Mutch	2/24/2015	33204
Brittany	Anne	Parlopino	2/24/2015	33205
Jordan	Christian	Rio	2/24/2015	33206
Saman		Shirazi-Nejad	2/24/2015	33207
Robert	Jordan	Adams	2/25/2015	33208
Juan	Carlos	Barboza Jr	2/25/2015	33209
Scott	Michael	Kirchner	2/25/2015	33210
Nicholas	Bruce	OConnor	2/25/2015	33211
Jane		Ramboldt	2/25/2015	33212
Brad	Mathew	Richardson	2/25/2015	33213
Nathan		Varano	2/25/2015	33214
Leyla		Jahromi	2/26/2015	33215
Baron	Tyler	Sams	2/26/2015	33216
Jason	Bradley	Stoddard	2/27/2015	33217
Ernest	Randall	Williamson	2/27/2015	33218
Ashley	Nichole	Bruley	3/6/2015	33219
Hannah	Christine	Pizzo	3/6/2015	33220
Toufic	Riad	Saleh	3/6/2015	33221
Michael	Munsod	Valones	3/6/2015	33222
Melissa	Janet	Aranda	3/11/2015	33223
Michelle		Itskovich	3/11/2015	33224
Derek	Brian	Kogan	3/11/2015	33225
Neera		Patel	3/11/2015	33226
Jerry	Clayton	Relth	3/11/2015	33227
Michael	Joseph	Duffy	3/17/2015	33228
David	Jerome	Rowell	3/17/2015	33229
Chelsea	Lee	Sheppard	3/17/2015	33230
Renee	Jane	Fine	3/18/2015	33231
Keith	Edward	Lewis	3/18/2015	33232

Misagh		Zaker	3/18/2015	33233
Warren		Zhao	3/18/2015	33234
Alexander	Cid	Bello	3/24/2015	33235
Ryan	J	Chapman	3/24/2015	33236
Daniel	Joseph	McClelland	3/24/2015	33237
Christopher	Michael	McHugh	3/24/2015	33238
Kimberly	Elizabeth	McHugh	3/24/2015	33239
Denise	Lizbeth	Miranda	3/24/2015	33240
Nessa	Marie	Parkinen	3/24/2015	33241
Saira	Cecilia	Ramirez	3/24/2015	33242
Amin		Rokni	3/24/2015	33243
Carrie	Joy	Belleson	3/26/2015	33244
Elizabeth	Afton	Manley	3/26/2015	33245
Pamela	Ann	Mayhew	3/26/2015	33246
Augustine	Louis	Nieto	3/26/2015	33247
Tracy	Elaine	Ransome	3/26/2015	33248
Jeremy	Andrew	Roberts	3/26/2015	33249
Gary	Brandon	Severson	3/26/2015	33250

(ATTACHMENT B)

Ratification for New Continuing Education Providers

<u>CONTINUING EDUCATION PROVIDERS</u>	<u>DATE APPROVED</u>
1. <u>Doctors of Chiropractic Association</u>	<u>04/16/15</u>
2. <u>Cascadia Continuing Education</u>	<u>04/16/15</u>
3. <u>International Alliance of Healthcare Educators</u>	<u>04/16/15</u>
4. <u>Valerie E. Girard</u>	<u>04/16/15</u>
5. <u>James Ralph Wooley, DC</u>	<u>04/16/15</u>
6. <u>Chiropractic Association of America</u>	<u>04/16/15</u>
7. <u>Michelle McLafferty, DC</u>	<u>04/16/15</u>
8. <u>Weber Healthcare Management Corporation</u>	<u>04/16/15</u>