



State of California
Edmund G. Brown Jr., Governor

BOARD OF CHIROPRACTIC EXAMINERS PUBLIC SESSION MINUTES

January 28, 2016

State Capitol

First Floor, Senate Committee Room 113
Sacramento, CA 95814

Board Members Present

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

Staff Present

Robert Puleo, Executive Officer
Spencer Walker, Attorney III
Linda Shaw, Assistant Executive Officer
Dixie Van Allen, Staff Services Manager I
Marcus McCarther, Associate Governmental Program Analyst
Valerie James, Management Services Technician

Call to Order

Dr. Azzolino called the meeting to order at 9:16 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 welcomed and thanked everyone for attending the first Board meeting of 2016. He provided an overview on the Board's 2015 accomplishments and highlighted some of the significant projects that the Board completed in the past year. Dr. Azzolino reported that the Board has made significant strides towards ensuring compliance with the existing Continuing Education (CE) requirements and improving the quality of CE courses available to our licensees.

In addition, Dr. Azzolino encouraged licensees to serve as Subject Matter Experts (SMEs) at one or more of the Occupational Analysis workshops that will be conducted later this year. He spoke about the board's outreach efforts with stakeholders and highlighted publications regarding the board and the chiropractic profession, geared towards licensees and the public. Dr. Azzolino also commented the Board has streamlined the Legislative Review process and Board administrative procedures.

Election of Officers for 2016

A. Chair

**MOTION: MR. RUFFINO MOVED TO NOMINATE DR. AZZOLINO AS CHAIR
DR. AZZOLINO ACCEPTED THE NOMINATION
VOTE: 6-0-1 ABSTAIN (DR. AZZOLINO- ABSTAINED, DR. DEHN-AYE,
DR. ELGINER-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE,
MR. RUFFINO-AYE)
MOTION: CARRIED**

B. Vice-Chair

**MOTION: DR. EGINER MOVED TO NOMINATE DR. DEHN AS VICE-CHAIR
DR. DEHN ACCEPTED THE NOMINATION
VOTE: 6-0-1 ABSTAIN (DR. AZZOLINO- AYE, DR. DEHN-ABSTAINED,
DR. ELGINER-AYE, DR. LICHTMAN-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE,
DR. ROZA-AYE, MR. RUFFINO-AYE)
MOTION: CARRIED**

C. Secretary

**MOTION: DR. AZZOLINO MOVED TO NOMINATE DR. ELGINER AS SECRETARY
DR. ELGINER ACCEPTED THE NOMINATION
VOTE: 6-0 -1 ABSTAIN (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-
ABSTAINED, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE,
MR. RUFFINO-AYE)
MOTION: CARRIED**

Approval of Minutes

Dr. Lichtman requested corrections to the minutes as follows:

- Pages 1 and 8 – Correct the spelling from “Dr. Litchman” to “ Dr. Lichtman”

**MOTION: DR. ELGINER MOVED TO APPROVE THE OCTOBER 27, 2015 MINUTES
AS AMENDED.
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**

Executive Officer's Report

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

Mr. Puleo reported that the Board has two vacant positions in the Compliance Unit, Staff Services Manager I, for which we are actively recruiting and Staff Services Analyst.

Mr. Puleo provided an update on the repayment of the loan for the Arbuckle judgment to Bureau of Automotive Repair (BAR) and the overall budget projections for fiscal years 2014-2017. Lastly, He reported that the budget remains stable.

Mr. Puleo summarized the Board's licensing statistics and stated there have not 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.

Ratification of Approved License Applications

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

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 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. 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.

Consideration of Recommendation to Waive Two-Year Requirement to Restore a Cancelled License

This item was placed on the Agenda in error.

Overview of Occupational Analysis Presentation by Heidi Lincer-Hill, Chief Office of Professional Examination Services

Heidi Lincer-Hill, Chief of Professional Examination presented an overview of the Occupation Analysis process.

Social Media Training

Dr. Elginer provided training on social media.

The Board moved to Agenda Item 19- Hearings Re: Petition for Reinstatement of Revoked License

Administrative Law Judge, Karen Brandt, presided over and Deputy Attorney General, Phillip Arthur, appeared on behalf of the people of the State of California in the following hearings:

- A. Dong H. Chang
- B. Jeffrey Nabatmama
- C. Deborah Noble

BCE Licensing, Continuing Education and Public Relations Committee Meeting Update

Dr. Dehn reported on the Committee's progress reviewing the Continuing Education regulations. She provided an update on the CE Provider qualifications focus groups and announced that the next scheduled Licensing, Continuing Education and Public Relations Committee meeting is on February 12, 2016. Dr. Dehn added that the committee has been working on a guide geared towards licensees.

Dr. Azzolino requested that the committee include information for international applicants who want become a chiropractor in the State of California.

Lastly, Dr. Dehn reported that the committee is working on social media to engage stakeholders as well as other Boards and Bureaus

BCE Government Affairs Committee Meeting Update

Dr. Elginer reported that the committee had their annual legislative meet and greets with consultants from Senate Business and Profession, Assembly Business and Profession, Assembly Republican Caucus, California Chiropractic Association, Business, Consumer Services, and Housing Agency, Assembly Republican Caucus and the Deputy and Assistant Director of Legislative and Policy Review, DCA. Dr. Elginer commended the efforts of Mr. Puleo, Ms. Van Allen and Mr. McCarther for organizing the meetings.

Dr. Elginer commented that the committee met with SOLID and provided an overview of the Strategic Plan process .The process will start in May 2016. She also encouraged CCA to take a leadership role to encourage participation of their stakeholders to engage in the upcoming focus groups. Dr. Elginer noted that all the Board members would be contacted by SOLID to schedule a one-hour meeting with each member.

Lastly, she brought the Board Member Administrative Manual and Legislative Bill Tracking Manual forward for discussion.

MOTION: DR. EIGINER MOVED, ON BEHALF OF THE COMMITTEE, TO APPROVE THE 2016 BOARD MEMBER ADMINISTRATIVE MANUAL WITH THE NOTED CHANGES TO PAGES 7,10,13,19,20,23,24,AND 27 AS HIGHLIGHTED BELOW:

- **Included language of training requirements**
- **Staff travel liaison to be point of contact for travel**
- **Ambassador at Large program**
- **Added language 75% vote participation in electronic vote's requirement for Board Members.**

Discussion: Dr. Dehn requested clarification on making travel arrangement through Concur and if Concur should be added to the Manual. Ms. Shaw clarified that Concur is a contract and the process may change.

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 Meeting Update

Dr. Azzolino reported the committee has been working on the development of a Consumer Complaint Brochure , the proposed regulatory language for Title 16, California Code of Regulations, Sections(s) 308.1 (Notice to Consumer) and amendments to section 371 (i) (Annual License Renewals and Restoration).

Dr. Azzolino reported that the committee has also been working on the proposed Disciplinary Guideline language (Notice to Patients), which would require licensees to notify their patients and prospective patients that they are on probation with the Board by posting a copy of the final decision and order in a common area. He commented that the language needed revisions and referred it back to the Enforcement committee. Dr. Azzolino brought the proposed language for Sections 308.1 & 371(i) forward for discussion.

MOTION: DR. AZZOLINO MOVED, ON BEHALF OF THE COMMITTEE TO APPROVE THE PROPOSED LANGUAGE SECTION 308.1(NOTICE TO CONSUMERS) IN ARTICLE 1, DIVISION 4, OF TITLE 16 OF THE CALIFORNIA CODE OF REGULATIONS

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: MR. RUFFINO MOVED TO DIRECT STAFF TO TAKE ALL NECESSARY STEPS TO INITIATE THE FORMAL RULEMAKING PROCESS WITH THE PROPOSED TEXT FOR SECTIONS 308.1 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. 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**

Mr. Puleo presented the proposed language to amend section 371 (i) in Article 7.5, Division 4, of the Title 16 of the California Code of Regulations forward for discussion. The language would allow the Board to issue a citation and fine specifically for failure to comply with mandatory continuing education requirements. He also noted that the Board currently sends warning letters to licensees that do not comply with continuing education requirements. By amending section 371 (i), this would allow the Board to issue a citation for failure to comply with the continuing education requirement on the first offense.

Dr. Dehn commented there was a discussion at the committee level, which the fine would be based on the amount of continuing education hours that the licensee where short. She also requested clarification if the citation would be considered a disciplinary action on the licensees record. Mr. Walker responded that a licensee would not report a citation as disciplinary action. He also commented that the Board should maintain discretion on the amount of the fine to the licensee.

Dr. Azzolino requested that a motion be made to approve the amended regulatory language of Title 16 of the California Code of Regulations, section 371(i).

Mr. Walker clarified the proposed regulatory language to amend Title 16 of the California Code of Regulations section 371 (i) as follows. "Failure to comply with the Board's continuing education requirements shall result in a violation of this section which would constitute unprofessional conduct and the licensee shall be cited and fined by the Board".

MOTION: DR. ELGINER MOVED TO APPROVE THE PROPOSED LANGUAGE, TO AMEND SECTIONS 371 (i) (ANNUAL LICENSE RENEWALS AND RESTORATIONS) IN ARTICLE 7.5, DIVISION 4, OF TITLE 16 OF THE CALIFORNIA CODE OF REGULATIONS.

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: MR. RUFFINO MOVED TO DIRECT STAFF TO TAKE ALL NECESSARY STEPS TO INITIATE THE FORMAL RULEMAKING PROCESS WITH THE PROPOSED TEXT FOR SECTIONS 371 (i) 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. 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

Update on Pending Regulations

Mr. Puleo referred to the “BCE List Prioritization Proposed Regulatory Changes”, in the Board’s packet and provided the status on the list of proposed rulemaking proposals.

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

None

The Board moved to Agenda Item 18 -Future Agenda Items

None

Closed Session

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

- A. Deliberate on Disciplinary Decisions and Petitions Pursuant to California Governmental Code Section 11126(c)(3)
- B. 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

Open Session

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

Adjournment

Dr. Azzolino adjourned the meeting at 4:17 p.m.

(ATTACHMENT A)

**Approval By Ratification of Formerly Approved License Applications
October 1, 2015 – December 31, 2015**

Name (First, Middle, Last)			Date Issued	DC#
Linda	Teresa	Cruz	10/12/2015	33398
Natalie	Jean	Huang	10/12/2015	33399
Karen	C	Krieg	10/12/2015	33400
Katherine	Louise	McCarty	10/12/2015	33401
Alicia	Nicole	Tsounis	10/12/2015	33402
I-Ching		Hsieh	10/20/2015	33403
Thomas	Edward	John	10/20/2015	33404
Janine	Marie	Ludwig	10/20/2015	33405
Nicole	Mary	McDonald	10/20/2015	33406
Hoan	Dinh	Vu	10/20/2015	33407
Katherine		Hightower	10/29/2015	33408
Heather	Nicole	Valinsky	10/29/2015	33409
Garland	Dwain	Glenn II	11/5/2015	33410
Allan	David	Laird	11/5/2015	33411
Amy	Alexandra	Markhoff	11/5/2015	33412
Bijan		Nowzarinezhad	11/5/2015	33413
Morgan	Jade	Oberstein	11/5/2015	33414
Joseph	Aaron	Cooperman	11/10/2015	33415
Darin	Thomas	Haworth	11/10/2015	33416
Michael	Giordano	Jerez	11/10/2015	33417
Donna	Marie	Maitlen	11/10/2015	33418
Lindsay	Alexa	Wagner	11/10/2015	33419
Joseph	Anthony	Aldana	11/17/2015	33420
Sherwin	Yu Yee	Loo	11/17/2015	33421
Jason	Adam	Trainer	11/17/2015	33422
Mehrdad		Mahbod Moghaddam	11/19/2015	33423
Shiuan-Yu		Pan	11/19/2015	33424
Nicholaus	Ryan	Wolf	11/19/2015	33425
Kamron		Nourgostar	11/30/2015	33426
Colin	Lee	Olberding	11/30/2015	33427
Norie		Takahashi	11/30/2015	33428

Barbara		Chang	12/7/2015	33429
Tyler	Parnell	Kallenbach	12/7/2015	33430
Jessica	Marie	Quesada	12/7/2015	33431
Kevin	Burl	Zimmerman	12/7/2015	33432
Travis	Ryan	Cunningham	12/10/2015	33433
Alexander	James	Anders-Cook	12/10/2015	33434
Amanda	Si Ming	Chau	12/10/2015	33435
Suet	Lam	Hau	12/10/2015	33436
Timothy	William	Heath	12/10/2015	33437
Benjamin	Hurst	Jones	12/10/2015	33438
Daniele	Dawn	Mendoza	12/10/2015	33439
Garland	Gene Chiu	Wat	12/10/2015	33440
Christina	Marie	Binder	12/18/2015	33441
Joseph	George	Davi	12/18/2015	33442
Jeannie				
Rose	Advincula	Kakizaki	12/18/2015	33443
Tabitha	Lynn	Ledford	12/18/2015	33444
Maes	Vioula	Rabadi	12/18/2015	33445
Tanaz		Rashidi	12/18/2015	33446
Seo	Jung	Yang	12/18/2015	33447
Srikanth		Kolli	12/31/2015	33448
Peter	Eric	Diamond	12/31/2015	33449
Timothy	Donovan	Langan	12/31/2015	33450
Jordan	Bradley	Martin	12/31/2015	33451
Hesook	Teresa	Cho	12/31/2015	33452

(ATTACHMENT B)

Ratification for New Continuing Education Providers

<u>CONTINUING EDUCATION PROVIDERS</u>	<u>DATE APPROVED</u>
1. <u>Peter J Levy, DC</u>	<u>01/28/16</u>
2. <u>Caroline Reno, DC</u>	<u>01/28/16</u>
3. <u>Masoud Shamaeizadeh</u>	<u>01/28/16</u>
4. <u>Lisa Bilodeau</u>	<u>01/28/16</u>
5. <u>MF University</u>	<u>01/28/16</u>