BOARD OF CHIROPRACTIC EXAMINERS
TELECONFERENCE PUBLIC SESSION MINUTES
March 17, 2016

Teleconference Meeting Locations:

Sergio Azzolino, DC
1545 Broadway St., #1A
San Francisco, CA 94109
(415) 563-3800

Heather Dehn, DC
4616 El Camino Ave., #B
Sacramento, CA 95821
(916) 488-0202

Julie Elginer, DrPH
Agoura Hills Library
29901 Ladyface Circle
Agoura Hills, CA 91301
(818) 889-2278

John Roza, Jr., DC
800 Douglas Blvd.
Roseville, CA 95678
(916) 786-2267

Dionne McClain, D.C.
6360 Wilshire Blvd., #410
Los Angeles, CA 90048
(323) 653-1014

Corey Lichtman, DC
538 Stevens Ave.
Solana Beach, CA 92075
(858) 481-1889

Frank Ruffino
Board of Chiropractic Examiners
901 P Street, Suite 142A
Sacramento, CA 95814
916-263-5355

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

Staff Present
Robert Puleo, Executive Officer
Spencer Walker, Attorney III
Dixie Van Allen, Staff Services Manager I
Beckie Rust, 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 1:30 p.m.

Roll Call
Dr. Elginer called the roll. A quorum was established.

Discussion and Consideration of Proposed Legislation; Potential Action

Dr. Azzolino requested that Dr. Elginer lead the discussion and potential action of the proposed legislation.

Dr. Elginer shared that the Government Affairs Committee reviewed and voted to take positions on four bills; SB 1033, position of support, SB 1217 and SB 1155, neutral positions and SB 1348 a watch position. Dr. Elginer brought forward SB 1033, for discussion to the Board to take a position.

SB 1033 (Hill) Medical Board: disclosure of probationary status.

MOTION: DR. ELGINER MOVED, ON BEHALF OF THE COMMITTEE, TO TAKE A "SUPPORT" POSITION ON AB 1033 (HILL) MEDICAL BOARD; DISCLOSURE OF PROBATIONARY STATUS

Mr. Puleo provided an overview of the bill and noted that the author's office advised the Board that the bill would be amended to include chiropractors, podiatrists, acupuncturists, and naturopathic physicians to notify patients of their probationary status. He also noted that the Board would be taking a position on the anticipated amendments that would include the Board within the provisions of the bill.

Dr. Azzolino added that the Enforcement Committee had been working on language to address this same issue and supports the intent of this bill.

Dr. Elginer noted that there were discussions surrounding amendments specific to the language that mentions BreEZe since the Board is not currently utilizing the system.

Mr. Puleo shared that Legislative Counsel generally determines whether individual provisions are appropriate when amending the practice acts that pertain to specific Boards. He also commented that they might need to modify specific provisions in the language of this bill for each profession.

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

Dr. Elginer commented that bills SB 1155, SB 1217 and SB 1348 would remain as part of Committee purview unless the Board would like to bring the bills forward for discussion.

Dr. Azzolino brought two bills forward for discussion to AB 1992 and AB 2407.

AB 1992 (Jones) Pupil health: physical examinations

Dr. Azzolino commented that this has been an area of concern of the Board for several years and that this bill would amend Education Code Section 49458 to additionally authorize a doctor of chiropractic, naturopathic doctors and nurse practitioners practicing in compliance with respective laws governing their profession, to complete a pre-participation physical examination in interscholastic athletic programs. Dr. Azzolino expressed his support of this bill.

Dr. Roza commented that for years, the Board has struggled with Schools Insurance Authority (SIA) and added that he supports the bill.

Dr. Elginer supports this bill, she requested a correction to the bill analysis on page 2 third paragraph line 3, “the CIF and SIA have no” change to “the CIF and SIA have not”. She also requested clarification on whether private schools should be included on the bill.

Mr. McCarther responded that the bill analysis would be corrected.

Dr. Elginer asked for clarification whether this bill would apply to private schools and referred to the actual bill language on line 3, of the current section 49458 of the Education Code, and noted that the language does not mention private schools requiring a physical examination as a condition of participation in an interscholastic athletic program.

Mr. Walker responded that this bill does not apply to private schools because they are not within a school district, and are not governed by the county superintended.

Dr. Roza noted that private schools are a part of California Interscholastic Federation (CIF).

Monica Miller, contract lobbyist for California Chiropractic Association shared that she would provide the Board with further information regarding private school concerns. She also shared that the bill includes all providers as long as it is within their scope of practice to be able to provide examinations. Lastly, she shared that this bill is double referred to Assembly Committees on Business and Professions and the Arts, Entertainment, Sports, Tourism, and Internet Media.

MOTION: DR. ELGINER MOVED TO TAKE A “SUPPORT” POSITION ON AB 1992 (JONES) PUPIL HEALTH: PHYSICAL EXAMINATIONS
SECONDED: DR. MCCLAIN 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

AB 2407 (Chavez) Workers' compensation

Dr. Azzolino introduced AB 2407 for discussion and shared his support of this bill.

Dr. McClain requested clarification on whether there is a specific written standard for determining eligibility for surgical consultations.

Ms. Miller shared that there is criteria under both utilization review and independent medical review and as such, there is a pathway to surgery. The criteria were modeled from Health Evidence Review Commission of Oregon. Lastly, she shared the goal is to get people off the pathway to surgery that can benefit from conservative care.

Dr. Elginer shared that the current language does not have a limit on the number of chiropractic treatments and is hopeful that the number of treatments will not be added to the bill. Lastly, she requested clarification on whether the Board can take a position even though litigation is pending.

Mr. Walker responded that the board could take a position on this bill.

MOTION: DR. MCCLAIN MOVED TO TAKE A "SUPPORT" POSITION ON AB 2407 (CHAVEZ) WORKERS' COMPENSATION
SECONDED: 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

Dr. Azzolino asked if Dr. Elginer would like to bring SB 1348, SB 1155 and SB 1217 forward for discussion.

Dr. Elginer shared that the Board only brings bills forward that the Committee is suggesting a position of support or oppose, unless the Board would like to bring any of the bills forward for discussion.

SB 1217 (Stone) Healing arts: reporting requirements: professional liability resulting in death or injury

Dr. Azzolino requested clarification on the Committee's reason for a neutral position.

Mr. McCarther clarified that the author's office wanted to see a standard amount of $10,000 across all healing arts Boards for reporting requirements on judgments.

Dr. Elginer shared there was a discussion at the Committee meeting surrounding the amount remaining at $3,000.The Board would be notified of more potential infractions. The down side of increasing this amount is that the board would receive less information. For example, the Board may not be aware of serial offenders.

Mr. Puleo shared that the Board currently does not receive many notifications of judgments.

Dr. Azzolino stated the he was comfortable with the Committee's recommendation to watch this bill.

SB 1348 (Cannella) Licensure applications: military experience.
There were no discussions

SB 1155 (Morrell) Professions and vocations: licenses: military service
There were no discussions

Public Comment for Items Not on the Agenda
None

Adjournment
Dr. Azzolino adjourned the meeting at 2:09 p.m.