



CORRECTED NOTICE OF PUBLIC BOARD MEETING

The Department of Consumer Affairs, Headquarters II 1747 N. Market Blvd., Room #186 Sacramento, CA 95834-1924 May 16, 2017 916-574-7307 9:30 a.m.

The Board plans to webcast this meeting at https://thedcapage.wordpress.com/webcasts/.

Webcast availability cannot, however be guaranteed due to limitations on resources or other technical difficulties that may arise. If you wish to participate or to have a guaranteed opportunity to observe, please attend at a physical location.

AGENDA

1. OPEN SESSION – Call to Order & Establishment of a Quorum

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

- 2. Pledge of Allegiance
- 3. Chair's Report

Update on the Chairs Activities and Board's accomplishments and/or goals

4. Approval of Minutes

February 16, 2017

- 5. Executive Officer's Report
 - A. Administration- Board staffing/organizational chart
 - B. Budget- Fund condition update
 - C. Licensing-Statistical trends
 - D. Enforcement- Statistical trends
 - E. Online Renewals
 - F. Pastoral Medicine Association letter
 - G. Sunset Review Update
 - H. Strategic Plan Update

- 6. Ratification of Approved License Applications
- 7. Ratification of Approved Continuing Education Providers
- 8. Ratification of Denied License Applications in Which the Applicants Did Not Request a Hearing
- 9. Introduction of California Chiropractic Association Executive Director, Dawn Benton
- 10. Update from the Department of Consumer Affairs
- 11. BCE Licensing, Continuing Education & Public Relations Committee Meeting Update-Board may take action on any item on the attached Licensing, Continuing Education & Public Relations Committee meeting agenda

12. Legislation Update

1. SB 746 (Portantino) Pupil health: physical examinations

13. Update on Pending Regulations

- 1. Application for Licensure (CCR Section 321)
- 2. Consumer Protection Enforcement Initiative (CPEI) (Proposed: no applicable CCR section)
- 3. Uniform Standards for Substance Abusing Licensees (Proposed: no applicable CCR section)
- 4. Revisions to BCE Disciplinary Guidelines (Proposed: no applicable CCR section)
- 5. Mandatory Cardiopulmonary Resuscitation (CPR) Certification for all licensees (Proposed: no applicable CCR section)
- 6. Comprehensive Revisions/Updates to CCR Article 4 (Sections 330 331.16) Approved Schools & Qualifications of Applicants (Curriculum Requirements)
- 7. Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice or Death/Incapacity of Licensee (Proposed: no applicable CCR section)
- 8. Continuing Education Requirements (CE Provider and Course Approval) (Proposed: no applicable CCR section)
- 9. Amend or Repeal CCR Section 354- Successful Examination (Obsolete provision)

14. Public Comment for Items Not on the Agenda

Note: The Board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a).] Public comment is encouraged; however, if time constraints mandate, comments may be limited at the discretion of the Chair.

15. Future Agenda Items

Note: The Board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125.]

16. Hearing Re: Petition for Reinstatement of Revoked License

A. Michael E. Bystrom

17. Hearings Re: Petition for Early Termination of Probation and /or Reduction of Penalty A. Charles E. Richardson, D.C.

18. Closed Session

The Board will meet in Closed Session to:

- A. Deliberate on Disciplinary Decisions and Petitions Pursuant to California Government Code Section 11126(c)(3)
- B. Receive Advice from Legal Counsel Pursuant to California Government Code Section 11126(e) Regarding:
 - 1) Hugh Lubkin, D.C. v. Board of Chiropractic Examiners Workers' Compensation Case No. ADJ7361379
- 19. OPEN SESSION: Announcements Regarding Closed Session
- 20. Adjournment

Meetings of the Board of Chiropractic Examiners are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. Public comments will be taken on agenda items at the time the specific item is raised. The Board may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at www.chiro.ca.gov.

The meeting facilities are accessible to individuals with physical disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Valerie James at (916) 263-5355 ext. 5362 or e-mail Valerie.James@dca.ca.gov or send a written request to the Board of Chiropractic Examiners, 901 P Street, Suite 142A, Sacramento, CA 95814. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.





Agenda Item 4 May 16, 2017

Approval of Minutes

Purpose of the item

The Board will review and approve the board meeting minutes of the previous board meeting.

Action(s) requested

The Board will be asked to make a motion to approve the February 16, 2017, Board meeting minutes.

Background

N/A

Recommendation(s)

N/A

Next Step

N/Δ

Attachment(s)

• Meeting Minutes from the February 16, 2017, Board meeting





BOARD OF CHIROPRACTIC EXAMINERS PUBLIC SESSION MINUTES

February 16, 2017
The Hilton Los Angeles Airport
5711 West Century Boulevard, La Jolla Ballroom
Los Angeles, CA 90045

Board Members Present

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

Staff Present

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

Call to Order

Dr. Dehn called the meeting to order at 9:41 a.m.

Roll Call

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

Pledge of Allegiance

Mr. Ruffino led the Pledge of Allegiance.

Chair's Report

Dr. Dehn acknowledged Dr. Azzolino for his efforts as the Board's previous Chair and congratulated Mr. Ruffino on being elected as the Board's new Vice Chair. She shared that the Board would continue working towards its goals, such as testifying before the Joint Sunset Review Committee on February 27th, promulgating nine pending regulations, completing the goals and objectives identified in the 2017-2019 Strategic Plan. Additionally, the Board will continue to work on active projects, such as working with stakeholders to establish minimum requirements for CE providers, updating

T (916) 263-5355 F (916) 327-0039 TT/TDD (800) 735-2929 Consumer Complaint Hotline (866) 543-1311 Board of Chiropractic Examiners 901 P Street, Suite 142A Sacramento, California 95814 www.chiro.ca.gov curriculum requirements and expanding the Board's outreach efforts. Lastly, Dr. Dehn announced new committee assignments and explained that they were restructured to achieve efficiencies by eliminating overlap of jurisdiction and duplicative responsibilities.

Approval of Minutes

October 14, 2016

MOTION: DR. AZZOLINO MOVED TO APPROVE THE OCTOBER 14, 2016

MINUTES.

SECOND: MR. RUFFINO SECONDED THE MOTION

Discussion:

Dr. Elginer referred to page seven and suggested that the process mapping be built into the Strategic Plan. She suggested to the Government Affairs committee that a future discussion item should be the start time for petitioner hearings.

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

January 12, 2017

MOTION: DR. ELGINER MOVED TO APPROVE THE JANUARY 12, 2017 MINUTES SECOND: DR. MCCLAIN SECONDED THE MOTION

Discussion:

Dr. Dehn correct page 2 – Motion: change "Dhen to "Dehn"

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 announced that Andrea Mendes accepted the Staff Services Analyst position in the Compliance Unit. Additionally, the Board hired Joanne Mikami a retired annuitant to work on the regulations. Lastly, Star Jennings accepted the Office Technician position in the Administrative/Licensing Unit.

Mr. Puleo provided an update on the Board's fund condition and the loan repayment. He shared that he met with Department of Consumer Affairs (DCA) Budget Office to discuss the Board's declining fund condition. Mr. Puleo explained that the fund condition is declining due to the loan repayment to the Bureau of Automotive Repair (BAR) and does not have enough funds coming in to replenish the BCE's reserve.

- Mr. Puleo informed the Board that there will be a need to increase fees to address the BCE's declining reserve fund.
- Dr. Elginer requested clarification on the Board's loan repayment. She also had questions regarding pro rata and requested a meeting with DCA's budget office to discuss these matters.
- Mr. Walker suggested that the Board invite DCA's Budget Office to attend the next Board meeting.
- Dr. Dehn suggested that staff obtain a list from the Budget Office that details the pro rata services available.
- Mr. Puleo summarized the Board's licensing statistics and stated that there were no significant changes in the licensee population.
- Dr. Roza requested that staff gather additional information regarding chiropractic college enrollment trends.
- Mr. Puleo summarized the Board's enforcement statistics and provided a brief overview of enforcement activity since the last Board Meeting.
- Dr. Azzolino requested clarification on the increase in accusations filed.
- Mr. Puleo responded that the increase is not due to anything specific other than complaints that have resulted in the more egregious violations escalating to an accusation. Finally, he noted that if he continues to see an increase in accusations filed, he would conduct additional research on this matter.
- Mr. Puleo announced that he was awarded a scholarship by the National Board of Chiropractic Examiners (NBCE) and the Federation of Chiropractic Licensing Boards (FCLB) to attend FCLB's 91st Annual Educational Congress in May 2017.
- Mr. Puleo referred to the Strategic Plan for the Board to review.
- Dr. Elginer suggested that an adopted date be placed on the first page, an initiation date and estimated completion date columns be added to each goal, and a revision date be added to the document. She also suggested the Executive Officer and staff review the strategic plan action item completion dates to ensure the timeframes are realistic for completion.
- Mr. Puleo commented that staff completes action items on an ongoing basis. He also shared that he has staff working with DCA SOLID to convene team building exercises for both staff and Board Members.

Dr. Jonathon Egan, Dean of the Los Angeles College of Chiropractic (LACC) requested clarification on the completion dates on page six goals 1.1.3 and 1.2.1, and questioned whether the completion dates should be Q4 2014 and Q1 2016.

Comment [D1]: Not clear?

Comment [D2]: Not sure what you mean here?

- Dr. Dehn responded that both the 1.1.3 and 1.2.1 have not been completed and those are goals that have been carried over from the previous Strategic Plan 2014-2017.
- Dr. Elginer suggested adding an initiation date column. She also suggested that any items that have been carried over from the previous Strategic Plan should be noted on the current strategic plan.
- Dr. Dehn suggested that each Board committee review the strategic plan goals and make a plan to address them. Lastly, she shared that she would work with Dr. Elginer to address goal 1.5.1.
- Mr. Puleo stated that he would send an electronic version of the strategic plan that includes an assignments column to each Board Member.
- Mr. Ruffino requested that the committee liaisons identify goals from the strategic plan and agendize the goals on upcoming committee agendas.
- Mr. Puleo announced that the Joint Legislative Sunset Review hearing is scheduled for February 27, 2017 and that the Board is waiting for the background paper from the legislature. He also shared that the legislative committee had questions regarding the BCE budget and licensing statistics, Additionally, Mr. Puleo explained that there could be specific questions the Board would need to respond to at the hearing.
- Dr. McClain requested clarification on who will attend the Joint Legislative Sunset Hearing on February 27, 2017.
- Mr. Puleo responded that the Board's Chair and the Executive Officer typically testify a hearing. However, he encouraged all board members to attend.

Ratification of Approved License Applications

MOTION: MR. RUFFINO 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.LICHTMAN MOVED TO RATIFY THE APPROVED CONTINUING EDUCATION PROVIDERS.

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 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 on Restructure and Assignments to BCE Committee's

Dr. Dehn announced a restructure to the Board's committee assignments as follows: Licensing and Continuing Education is composed of Dr. McClain, Chair, and Dr. Elginer with Brianna Lauziere as the staff liaison. The Enforcement Committee consists of Dr. Azzolino, Chair, and Dr. Roza with Andreia Mendes as the staff liaison. Lastly, the Government and Public Affairs Committee consist of Mr. Ruffino, Chair, and Dr. Lichtman with Marcus McCarther as the staff liaison.

Dr. Elginer asked for clarification in regards to what happens if the two committee members disagree and would like to bring the item to the board on behalf of the committee for discussion.

Mr. Ruffino shared that the Committees would not bring items as a recommendation on behalf of the committee.

Mr. Puleo added that the two-person committees would act in more of an informal capacity conducting research for the Board and then bringing items forward to the full Board for discussion and potential action.

Mr. Walker recommended that members who attend the Sunset Review Hearing not discuss matters with each other so that there is no violation of the Bagley Keene Act.

Mr. Puleo recommended that any questions regarding Committees should be directed to Dr. Dehn.

Update on Pending Regulations

Mr. McCarther referred to the "BCE List of Prioritized Proposed Regulatory Changes". He provided an update on three regulation packages. First, he discussed that late last year the DCA Director initiated a new process to obtain efficiencies and address quality

control issues during the initial review of regulation packages prior to sending them over to the Office of Administrative Law (OAL) for review.

Next, Mr. McCarther shared that the Application for Licensure (CCR Section 321 & Section 364), regulation was submitted to OAL prior to the new process and is not subject to the new review. The Director of DCA issued an extension letter and the package is currently under review at Agency. Further, he shared that the package would be sent to OAL within a month or two.

Additionally, Mr. McCarther discussed the Consumer Protection Enforcement Initiative (CPEI) (CCR Sections 303, 304, 306.3, 308.1, 312, 314, 317.2, 317.3, 321.1, 384.1, 390.7, 390.) package. He informed the Board that the package is subject to the new process and is currently under review at the Department. He stated that following this review, the package would be submitted to OAL initiating the 45-day comment period.

Mr. McCarther informed the Board that Ms. Mikami is currently developing the Uniform Standards for Substance Abusing Licensees and that he is working on the Disciplinary Guidelines package.

Mr. Walker shared that most other healing arts boards that are promulgating regulations on the Uniform Standards for Substance Abusing Licensees, are including them in the Disciplinary Guidelines as one package.

Dr. Dehn requested clarification on combining the Uniform Standards and the Disciplinary Guidelines packages.

Mr. Walker recommended that the Board combine the Uniform Standards for Substance Abusing Licensees and the Disciplinary Guidelines packages. He further explained the process regarding an OAL Judge and how the judge uses the Uniform Standards and Disciplinary Guidelines to make decisions.

Mr. McCarther shared that he will work with Mr. Puleo on the most efficient path to take with Uniform Standards for Substance Abusing Licensees and the Disciplinary Guidelines regulation packages.

Lastly, Mr. McCarther stated that staff is currently working on the Delegation of Authority to the Assistant Executive Officer (CCR Sections 306, 389,390.4 & 390.5) regulation package.

Dr. Lichtman requested an update on the CPR regulation package and whether or not there is language currently written.

Mr. McCarther responded that the CPR package had not been started, but anticipates that the staff will begin working on this package in 2018.

Mr. Puleo responded that the CPR language was drafted. However, the background information has not been completed.

Dr. Elginer reminded the Board that strategic plan goal 4.1 is to "create a process for the Board Chair to establish a two person committee for regulation proposals".

The Board referred back to Agenda item 9- Discussion on Restructure and Assignments to BCE Committee's

Mr. Puleo suggested that the Board assign regulations to specific Committees.

Dr. Dehn assigned the Uniform Standards for Substance Abusing Licensees and the Disciplinary Guidelines regulations to the Enforcement Committee.

Mr. Puleo will make recommendations to Dr. Dehn as to what committees are assigned the various regulations. Lastly, he will inform each committee of the regulations they have been assigned to work on and the staff who is assigned the regulation package.

Move to agenda item 11- Public Comment for Items Not on the Agenda None.

Future Agenda Items

Dr. Azzolino requested that staff invite someone from the Pastoral Medical Association to attend the next Board meeting.

Mr. Ruffino requested that staff ask the DCA budget office to attend the next Board meeting.

Moved to Agenda item 14- Closed Session

Moved to Agenda Item 13- Hearings Re: Petition for Reinstatement of Revoked License

Administrative Law Judge, Julie Cabos-Owen, presided over and Deputy Attorney General, Christine Lee, appeared on behalf of the people of the State of California on the following hearing:

- A. Mohmand El-Shimey
- B. Ryan Hallmark

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

Comment [D3]: Not sure what this thought is?

Government Code Section 11126(e) regarding:

1) Hugh Lubkin, D.C. v. Board of Chiropractic Examiners
Workers' Compensation Case No. ADJ7361379

Open Session

The Board went back into Open Session.

Adjournment

Dr. Azzolino adjourned the meeting at 3:15 p.m.



(ATTACHMENT A)

Approval By Ratification of Formerly Approved License Applications October 1, 2016 – December 31, 2016

Name (First,	Middle, Last)		Date Issued	DC#
Bahareh		Alinaghi	10/6/2016	33721
John	Bowers	Haslett	10/6/2016	33722
Forester		Dean	10/12/2016	33723
David		Mashadian	10/12/2016	33724
Jennifer	Lee Rocco	Falk	10/14/2016	33725
Maira		Sabah	10/14/2016	33726
Adriana		Tobio Silvestre	10/14/2016	33727
John	Armstrong	Owens	10/14/2016	33728
Meera	Ashok	Gosalia	10/25/2016	33729
Ryan	Scott	Hulbert	10/25/2016	33730
Alysha	Badrudin	Jinnah	10/25/2016	33731
Harsimran	Singh	Khalsa	10/25/2016	33732
Diana	Marie	Matson	10/25/2016	33733
Elizabeth	Ann	Carpenter	10/26/2016	33734
Jaimie	Jolynn	Torromeo	10/26/2016	33735
Joseph	Angelo	Ercolini	10/28/2016	33736
Allyson	Wynne	Pierce	10/28/2016	33737
Alan	Richard	Riley	10/28/2016	33738
Ryan	Timothy	Rubin	10/28/2016	33739
Wesley	Michael	Cavanaugh	11/3/2016	33740
Christopher	James	Kasel	11/3/2016	33741
Katherine	Anne	Murray	11/3/2016	33742
Arthur	Albert	Tesdall	11/3/2016	33743
Nicholas	Edward	Hyde	11/4/2016	33744
Juan	Carlos	Marin	11/4/2016	33745
Jeffrey	Marc	Moscow	11/14/2016	33746
Robert	Alan	Rifkin	11/14/2016	33747
Grant	Johnston	Schoen	11/14/2016	33748
Kassandra	Lynn	Walkowiak	11/16/2016	33749
Darin	Ray	McFarland	11/17/2016	33750
Erin	Anne	Rosson	11/17/2016	33751
Michael	Andrew	Lord	11/18/2016	33752
Erik	Jon	Steine	11/18/2016	33753
Shannon	Hideki	Vargas	11/18/2016	33754
Amanda	Kate	Scheer	11/30/2016	33755

Phat	Thai	Tong	11/30/2016	33756
Donna	Bourgeois	Diaz	12/6/2016	33757
Jonathon	Todd	Egan	12/6/2016	33758
Jee	Won	Suh	12/6/2016	33759
Jeffrey	Thomas	Brass	12/9/2016	33760
Caitlin	Jay	Collins	12/9/2016	33761
Kimberlee	Susan	Doan	12/9/2016	33762
Kristen	Mae	Tenwolde	12/9/2016	33763
Laura	Ann	Davis	12/14/2016	33764
Brian	Scott	Mello	12/14/2016	33765
Bradley	James	Watson	12/14/2016	33766
Patrick	Scott	Edmondson	12/19/2016	33767
Christopher	John	Hanner	12/19/2016	33768
Austin	Louise	Abbruscato	12/23/2016	33769
Amber	Lynne	Latza	12/23/2016	33770
Sean	Steven	McKnee	12/23/2016	33771

(ATTACHMENT B)

Ratification for New Continuing Education Providers

CON	TINUING EDUCATION PROVIDERS	DATE APPROVED
1.	Barbara A Kempeny, DC	02/16/17
2.	CCEDSEMINARS	02/16/17
3.	Evidence for Exercise	02/16/17
4.	HawkGrips	02/16/17
5.	Jeremy Lerner, DC	02/16/17
6.	Jody Citrigno-Danese DC	02/16/17
7.	Joone Lee	02/16/17
8.	National University of Natural Medicine	02/16/17
9.	Radiant Health & Wellness	02/16/17
10.	R William Vargo, DC	02/16/17
11.	Sunnyvale Imaging Center	02/16/17
12.	Sweat Institute for Atlas Orthogonal Chiropractic	02/16/17





Agenda Item 5 May 16, 2017

Executive Officer's Report

Purpose of the item

The Executive Officer will provide the Board Members an update on statistics related to Board Administration, Budget, Licensing and Enforcement. Board Members will have the opportunity to ask questions as necessary.

Action(s) requested

No action requested at this time.

Background

A. Administration

 There have been no changes since the last board meeting in February, all positions are filled.

B. Budget

- The Executive Officer will provide an overview of the attached Board fund condition for Fiscal years 2015-2018.
- The Executive Officer will also provide an overview of the attached Board projected expenditures for Fiscal year 2016-17.

C. Licensing

- As of April 30, 2017 (FY 2016/17):
 - o Total Licensee Population: 13,166

D. Enforcement

- As of April 30, 2017 (FY 2016/17):
 - o Complaints Received: 395

E. Sunset Update

- The Board's Chair and Executive Officer appeared on behalf of the Board at the Joint Sunset Review hearing held on February 27, 2017. Other Board members were present as well as Board staff in the audience.
- The 2016 Sunset Review Report and attachments are available on the Board's website.

F. Strategic Plan Update

The plan has been completed and will be placed on the Board's website.

Recommendation(s)

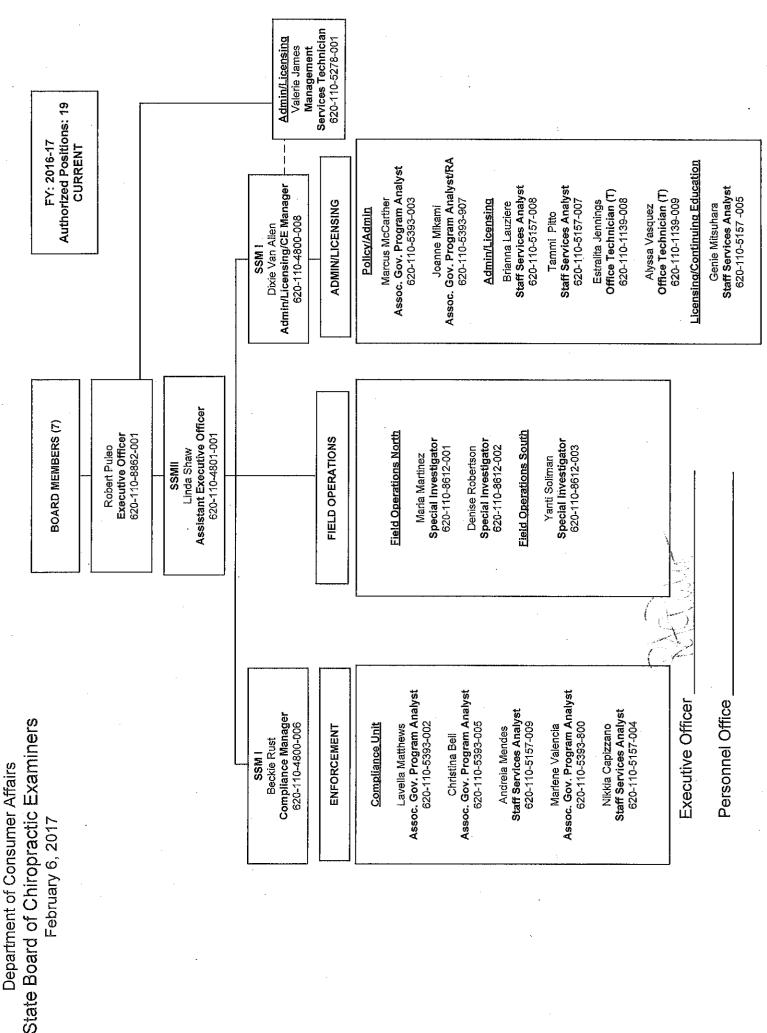
N/A

Next Step

N/A

Attachment(s)

- Org Chart
- Updated Fund Condition
- Projected expenditures
- Licensing Statistics
- Enforcement Statistics
- Pastoral Medicine Association letter
- Strategic Plan



Rev. 10/31/16

Board of Chiropractic Examiners Staff Functions

Executive Officer (620-110-8862-001) – Oversees management of the Board of Chiropractic Examiners. Directs negotiations for stipulated agreements, monitors deadlines and procedures for compliance with the Administrative Procedures Act. Directs the organization and coordination of committee, executive and task force meetings and compilation of data for Board meetings, ensures compliance with the Open Meetings Act, coordinates closed sessions and hearings, attends all Board meetings. Identifies the need for legislation and recommends modifications to existing statutes or regulations to the Board. Oversees all aspects of the legislative and rulemaking processes. Testifies before legislative committees on behalf of the Board, advocates consumer protection and lobbies on behalf of consumers and the Board, interprets and clarifies the Board's Initiative Act, regulations, and policies. Represents the Board before professional and health associations or other state, federal, local, or community groups/entities.

Assistant Executive Officer (620-110-4801-001) - Oversees all administrative duties of the Administration, Enforcement, Licensing/Continuing Education, and Field Investigation divisions, directly supervises managers and field staff, assists the EO with special projects, attends Board and Committee meetings, acts as the Board's liaison to DCA, attends all informal office conferences and writes resulting decisions. Oversees management of the Board in the EO's absence and backs up managers in their absence, represents the Board before professional and health associations or other state, federal, local or community groups/entities in the absence of the EO. Develops, reviews and implements policies and operating procedures, directs the development and implementation of regulations adopted by the Board. Advises EO of critical issues which may result in litigation or require legislation, regulations or policy adjustment, oversees the planning and ensures timely preparation and mailing of all Board and Committee materials, directs the preparation of recurring special reports, monitors the Board's revenue and expenditures.

Compliance Manager (620-110-4800-006) – Manages and supervises compliance and probation programs/staff, performs case reviews and reviews case closure recommendations, participates in probationer interviews, attends informal citation conferences, reviews administrative citations and fines, monitors monthly caseload statistics, monitors success of Expert Consultant program, reviews AG billing statements for accuracy.

Compliance Analyst (620-110-5393-002) - Reviews and investigates complex complaints, drafts recommendations for complaints including referral of complaints to the AG's office, prepares packets for Petitioner hearings, evaluates administrative cases, and proposed decisions, stipulations and default decisions for adherence to the Admin. Procedures Act and Disciplinary Guidelines, develops settlement and probationary terms for the Executive Officer's approval.

Probation Monitor (620-110-5393-005) – Monitors probationers for compliance with conditions and terms of probation, sends letters to probationers who are out of compliance with their terms of probation, coordinates site inspection or suspension visits with field staff, schedules probation interviews, refers cases to Board experts, consults with the AG's office and makes recommendations to management on cases ready for petition to revoke or accusation referral due to non-compliance issues, tracks cases waiting to be heard at Office of Administrative Hearings, recommends settlement or probationary terms for management approval, prepares stay of decision, reviews and investigates complex complaints, drafts recommendations for complaints including referral of complaints to the AG's office. Serves as coordinator for the Enforcement Committee.

Board of Chiropractic Examiners Staff Functions

Compliance Analyst (620-110-5393-004) - Reviews and investigates complex complaints, drafts recommendations for complaints including referral of complaints to the AG's office, prepares packets for Petitioner hearings, evaluates administrative cases, and proposed decisions, stipulations and default decisions for adherence to the Admin. Procedures Act and Disciplinary Guidelines, develops settlement and probationary terms for the Executive Officer's approval. Assists the Policy Analyst with preparing and compiling enforcement related rulemaking documents for the repeal, amendment or adoption of enforcement related regulations.

Compliance Analyst (620-110-5393-800) - Reviews and investigates complex complaints, drafts recommendations for complaints including referral of complaints to the AG's office, prepares packets for Petitioner hearings, evaluates administrative cases, and proposed decisions, stipulations and default decisions for adherence to the Admin. Procedures Act and Disciplinary Guidelines, develops settlement and probationary terms for the Executive Officer's approval.

Compliance Analyst (620-110-5157-004) – Assists the public with inquiries about the complaint process, performs intake and assignment of consumer complaints, requests court documents for subsequent arrest reports, requests Interim Suspension Orders or Penal Code 23 assistance, reviews and investigates routine consumer complaints, drafts recommendations for complaints including referral of complaints to the AG's office, reviews administrative cases and proposed decisions, stipulations and default decisions for adherence to the Admin. Procedures Act and Disciplinary Guidelines, tracks proposed decisions received and cases awaiting hearing at the Office of Administrative Hearings. Serves as the contact for the National Data Bank reporting.

Licensing, CE, Administration Manager (620-110-4800-008) - Manages and supervises licensing, continuing education, and administrative programs and staff, compiles and analyzes licensing workload statistics, assists applicants and licensees with licensing issues, reviews staff recommendations regarding licensure and continuing education applications and grants or denies approval, monitors development and administration of the California Law and Professional Practices Examination, attends Board and committee meetings, assists AEO and EO with preparation of special reports or projects.

Policy Analyst (620-110-5393-003) – Prepares and compiles rulemaking documents for the repeal, amendment or adoption of regulations. Identifies, tracks and analyzes legislative bills impacting the Board, acts as Personnel Liaison for Board staff, acts as training coordinator for Board staff, assists management with research and special projects, works with Licensing manager in monitoring and analyzing the Board's budget and preparation of reports for DCA's budget office. Acts as coordinator for the Government Affairs committee. Attends Board and committee meetings.

Retired Annuitant Policy Analyst (620-110-5393-907) – Prepares and compiles rulemaking documents for the repeal, amendment or adoption of regulations.

Administrative Assistant (620-110-5278-001) – Performs administrative tasks for the EO (responds to information requests, emails and telephone inquiries), compiles program statistical reports for EO's report at Board meetings, performs special projects assigned by EO, prioritizes EO's workload and maintains EO's calendar, coordinates EO's travel arrangements and processes travel claims. Prepares Board meeting packets, Board meeting minutes, and operates webcasting equipment at Board and Committee meetings, identifies action items and prepares a prioritized list to the EO and

Board of Chiropractic Examiners Staff Functions

management, recommends agenda items for future board meetings. Coordinates travel arrangements and travel claims for Board members, establishes contracts for meeting accommodations, provides back-up support to Licensing technicians, responds to subpoenas and public records requests, performs fleet management responsibilities, assist with preparation of contracts and interagency agreements for equipment maintenance work.

Licensing Analyst (620-110-5157-008) – Processes restoration of cancelled licenses and corporation applications, Makes determinations and recommendations regarding licensure and denial of applicants. Refers cases to the AG's office for a Statement of Issues for applicants whose licensure was denied and decisions were appealed, prepares mail vote ballots to Board members, distributes decision to all parties once adopted by the Board. Serves as Board liaison for Form 700 filings with the Fair and Political Practices Commission, acts as the webmaster for the Board's website, maintains Board's social media sites, and serves as coordinator for the Licensing & Continuing Education Committee meetings.

Licensing Analyst (620-110-5157-007) – Processes reciprocal and initial applications for a Chiropractic License including all supplemental documents relating to background, education and discipline, prepares deficiency and eligibility letters to applicants. Responds to telephone and written inquiries regarding application status, licensing requirements or processes. Makes determinations and recommendations regarding licensure or denial of applicants. Prepares statistical reports to management, refers cases to the AG's office for a Statement of Issues for applicants whose licensure was denied and decisions were appealed, researches and responds to questions by the assigned Deputy Attorney General, prepares and mails vote ballots to Board members, distributes decision to all parties once adopted by the Board. Processes applications for Chiropractic Referral Services, prepares information on newly licensed applicants for ratification at Board meetings.

Licensing Technician (620-110-1139-008) – Processes Satellite Office certificates, renewals, and license verifications. Answers telephones, maintains inventory of equipment and office supplies, compiles board meeting packets, and obtains approval for payment of bills.

Licensing Technician (620-110-1139-009) – Cashiers all monies received by the Board, requests refunds for overpayments, sends underpayment notices to licensees, performs Continuing Education audits, audits renewal statements for practicing with an expired license, processes address changes, front counter support, answers telephones, greets visitors, receives and distributes mail.

CE/Licensing Analyst (620-110-5157-005) – Reviews and processes continuing education provider applications and continuing education course applications and submittal to manager for approval, maintains database of CE providers and courses, prepares information on CE providers for ratification at Board meetings, prepares approval letters for CE providers and CE courses, processes inactive to active license requests, updates CAS with information from death certificates, name and address changes, processes applications for restoration of forfeiture licenses, approves licensees for the preceptor program, prepares monthly statistical reports for the licensing manager.

0152 - Board of Chiropractic Examiners Analysis of Fund Condition

(Dollars in Thousands)

Updated 1/10/2017

2017-18 Governor's Budget		Actual 015-16	20	CY 016-17	20	BY 017-18
BEGINNING BALANCE	\$	3,426	\$	2,279	\$	1,595
Prior Year Adjustment	\$	12	\$	-	\$	-
Adjusted Beginning Balance	\$	3,438	\$	2,279	\$	1,595
REVENUES AND TRANSFERS						
Revenues:						
125600 Other regulatory fees	\$	22	\$	27	\$	27
125700 Other regulatory licenses and permits	\$	153	\$	179	\$	175
125800 Renewal fees	\$	3,235	\$	3,191	\$	3,101
125900 Delinquent fees	\$	37	\$	49	\$	49
163000 Income from surplus money investments	\$	11	\$	9	\$	9
161000 Escheat of unclaimed checks and warrants	\$ \$	1	\$	_	\$	_
172500 Miscellaneous revenues	\$	1	\$	1	\$	1
Totals, Revenues	\$	3,460	<u>\$</u> \$	3,456	\$	3,362
Transfers from Other Funds						
Loan Repayment To Vehicle Inspection and Repair Fund (0421) per Item 1110-403, Budget Act of 2014	\$	-1,250	\$	-	\$	-
Totals, Revenues and Transfers	\$	2,210	\$	3,456	\$	3,362
Totals, Resources	\$	5,648	\$	5,735	\$	4,957
EXPENDITURES						
Disbursements:	_		•			
1110 Program Expenditures (State Operations)	\$	3,357	\$	-	\$	-
1111 Program Expenditures (State Operations)	\$	-	\$	3,950	\$	4,082
8880 Financial Information System for CA (State Operations)	\$	12	\$	5	\$	6
9900 Statewide General Administrative Expenditures (Pro Rata)	\$	-	\$	185	\$	240
Total Disbursements	\$	3,369	\$	4,140	\$	4,328
FUND BALANCE					=	
Reserve for economic uncertainties	\$	2,279	\$	1,595	\$	629
Months in Reserve		6.6		4.4		1.7

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.
- B. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR BEGINNING IN BY+1.
- C. ASSUMES INTEREST RATE AT 0.3%.

BOARD OF CHIROPRACTIC EXAMINERS - 0152 BUDGET REPORT FY 2016-17 EXPENDITURE PROJECTION FM 09

	FY 20				FY 2016-17		
	ACTUAL	PRIOR YEAR	GOVERNOR'S	CURRENT YEAR			
OBJECT DESCRIPTION	EXPENDITURES (MONTH 13)	EXPENDITURES 3/31/2016	BIUDGET FY 2017-18	EXPENDITURES 3/31/2017	PERCENT SPENT	PROJECTIONS TO YEAR END	UNENCUMBERED BALANCE
	Ì						
PERSONNEL SERVICES							
Salary & Wages (Staff)	1,009,345	754,859	1,155,000	794,195	69%	1,074,073	80,927
Statutory Exempt (EO)	131,274	94,770	116,000	95,748	83%	128,916	(12,916
Temp Help Reg (Seasonals)	0	0	8,000	415	5%	1,000	7,000
Board Member Per Diem	12,200	6,900	16,000	9,400	59%	13,300	2,700
Overtime	0	0	1,000	0	0%	0	1,000
Staff Benefits	571,752	428,378	601,000	461,768	77%	615,691	(14,691
TOTALS, PERSONNEL SVC	1,724,571	1,284,907	1,897,000	1,361,526	72%	1,832,980	64,020
OPERATING EXPENSE AND EQUIPMENT							
General Expense	23,775	19,119	25,000	18,207	73%	22,641	2,359
Fingerprint Reports	3,517	1,998	5,000	1,340	27%	2,359	2,641
Minor Equipment	15,709	6,506	6,500	536	8%	7,506	(1,006
Printing	11,696	4,742	3,000	10,727	358%	26,458	(23,458
Communication	17,891	10,682	19,000	9,902	52%	16,585	2,415
Postage	31,629	19,897	7,000	19,542	279%	31,065	(24,065
Insurance	1,726	1,726	0	1,950		1,950	(1,950
Travel In State	57,462	38,018	22,000	40,224	183%	60,796	(38,796
Travel, Out-of-State	703	0	0	670	.00,0	2,000	(2,000
Training	1,418	1,268	9,000	3,040	34%	4,050	4,950
Facilities Operations	125,403	92,786	141,000	94,523	67%	127,751	13,249
C & P Services - External	2,803	2,625	11,000	2,640	24%	2,640	8,360
DEPARTMENTAL SERVICES:	2,000	2,020	11,000	2,040	2470	2,040	0,000
OIS Pro Rata	171,252	205,500	286,000	214,497	75%	286,000	0
Admin/Exec	234,752	176,250	236,000	173,250	73%	236,000	0
Interagency Services	0	0	230,000	0	0%	230,000	0
IA w/ OPES	14,184	39,032	0	84,516	0 70	84,516	(84,516
DOI-ProRata Internal	4,916	3,750	10,000	4,500	45%	10,000	(04,510
Public Affairs Office	14,000	10,500	29,000	21,753	75%	29,000	0
PPRD Pro Rata	14,000	10,300	2,000	1,503	75% 75%	2,000	0
INTERAGENCY SERVICES:	U	U	2,000	1,505	7570	2,000	U
Consolidated Data Center	3,783	1,926	27,000	11,627	43%	15,503	11,497
Data Processing	9,356	6,137	2,000	488	24%	744	1,256
Central Admin Svc-ProRata	157,760		2,000	0	24 /0	0	1,230
EXAM EXPENSES:	157,760	118,320	U	U		U	Ü
C/P Svcs-External Expert Examiners	200	0	0	7,200		7,200	(7,200
ENFORCEMENT:							
Attorney General	676,833	320,518	933,000	522,298	56%	783,000	150,000
Office Admin. Hearings	59,518	39,780	159,000	143,121	90%	191,000	(32,000
Court Reporters	2,225	1,171	0	6,972		9,296	(9,296
Evidence/Witness Fees	104,679	61,145	75,000	52,898	71%	80,000	(5,000
DOI - Investigations	6,884	5,250	41,000	33,750	82%	41,000	0
Major Equipment	0	0	6,500	0	0%	6,000	500
Other Items of Expense	0	0	42,000	0	0%	0	42,000
Vehicle Operations	1,903	1,569	0	1,223		2,000	(2,000
TOTALS, OE&E	1,755,977	1,190,215	2,097,000	1,482,897	71%	2,089,059	7,941
TOTAL EXPENSE	3,480,548	2,475,122	3,994,000	2,844,423	142%	3,922,039	71,961
Sched. External/Private	(80,832)	(80,832)		(64,693)	· · · · · · · · · · · · · · · · · · ·		0
Sched. Reimb Fingerprints	0	0	(34,000)	0		(34,000)	0
Sched Reimb External/Private/Grant	(3,995)	(2,585)	(10,000)	(2,820)		(10,000)	0
Unsched. Reimb External/Private	(37,569)		,	(13,626)			0
Unsched. Reimb Cost Recovery	(994)	(573)		(2,062)			0
NET APPROPRIATION	3,357,158	2,381,034	3,950,000	2,761,221	70%	3,878,039	71,961
	•		•	•			•
					CHDDLL	IS/(DEFICIT):	1.8%

BOARD OF CHIROPRACTIC EXAMINERS LICENSING TRENDS FY 2016-17

Total Population of Chiropractic Licenses

•	•
Month	Total Licenses
July	13,251
August	13,259
September	13,246
October	13,241
November	13,209
December	13,193
January	13,179
February	13,167
March	13,181
April	13,166

Number of Restored Cancelled Licenses

Month	Received	Issued
July	1	2
August	5	5
September	4	1
October	2	4
November	2	1
December	3	1
January	3	4
February	1	2
March	3	4
April	5	3

Corporation Registrations Issued

Month	Received	Issued
July	5	5
August	8	9
September	17	10
October	9	12
November	5	5
December	14	5
January	8	9
February	9	4
March	10	14
April	11	11

New Chiropractic License Issued

Month	Received	Issued
July	25	15
August	24	36
September	19	26
October	20	19
November	16	17
December	33	15
January	61	10
February	17	22
March	32	43
April	39	27

New Satellite Office Certificates Issued

Month	Received	Issued
July	69	91
August	86	82
September	146	137
October	114	123
November	127	102
December	106	96
January	117	83
February	131	92
March	119	150
April	103	122

Licensing Population as of January 1, 2017

License Type	Clear Licenses
Chiropractors	13,179
Satellite Offices	3,985
Corporation Registrations	1,394

Applications Received and Processed – July 1, 2016 through April 30, 2017

Application Type	Received	Issued	Denied	Pending
Initial Chiropractic	286	230	2	141
Reciprocal	2	0	0	9
Restorations (Cancelled & Forfeiture)	50	51	4	3
Corporation	96	84	3	16

COMPLIANCE UNIT STATS

Fiscal Year	12/13	13/14	14/15	15/16	*16/17
COMPLAINTS					
COMPLAINTS Received	386	487	557	E01	205
Pending	159	487 214	270	581 232	395 173
renung	159	214	270	232	1/3
Closed with Insufficient Evidence	57	88	57	127	59
Closed with No Violation	84	140	100	97	65
Closed with Merit	95	148	220	235	157
Letter of Admonishment	2	5	3	4	3
Citations and Fines Issued (Total Fine Amount)	33(\$19,400)	26(\$18,500)	16(\$12,400)	17(\$11,600)	17(\$22,800)
ACCUSATIONS					
Filed	34	38	22	31	30
Pending	73	56	64	66	55
P. 1.1	212			21	572
Revoked	11	12	9	3	10
Revocation Stayed: Probation	31	15	7	13	7
Revocation Stayed: Suspension and Probation	5	4	2	4	5
Suspension	0	0	0	0	0
Suspension Stayed: Probation Suspension and Probation	0	0	0 0	0	0
Voluntary Surrender of License	11	8	8	0 9	0
Dismissed/Withdrawn	9	3	3	2	11 6
Distrissed/ Withdrawn	3	3	3	2	O
STATEMENT OF ISSUES					
Filed	1	5	2	0	0
Denied	0	2	1	0	0
Probationary License	3	1	2	1	0
Withdrawn	1	2	1	0	0
Granted	0	0	1	0	0
PETITION FOR RECONSIDERATION					
Filed	4	3	0	1	0
Granted	0	0	0	0	0
Denied	2	2	0	1	0
PETITION FOR REINSTATEMENT OF LICENSE					
Filed	6	5	8	7	5
Granted	2	1	1	0	0
Denied	5	3	4	7	2
w					
PETITION FOR EARLY TERMINATION OF PROBATION	6	44			•
Filed	6	11	4	8	3
Granted Denied	1 1	0 3	0 5	1 2	0
Defiled	, L	5	5	2	1
PETITION FOR MODIFICATION OF PROBATION					
Filed	0	3	2	3	0
Granted	0	0	1	1	0
Denied	0	1	1	0	0
PETITION BY BOARD TO REVOKE PROBATION					
File	2	11	5	8	3
Revoked	3	5	2	3	10
PROBATION CASES			<u> </u>		
Active	139	135	123	104	90
			====		23

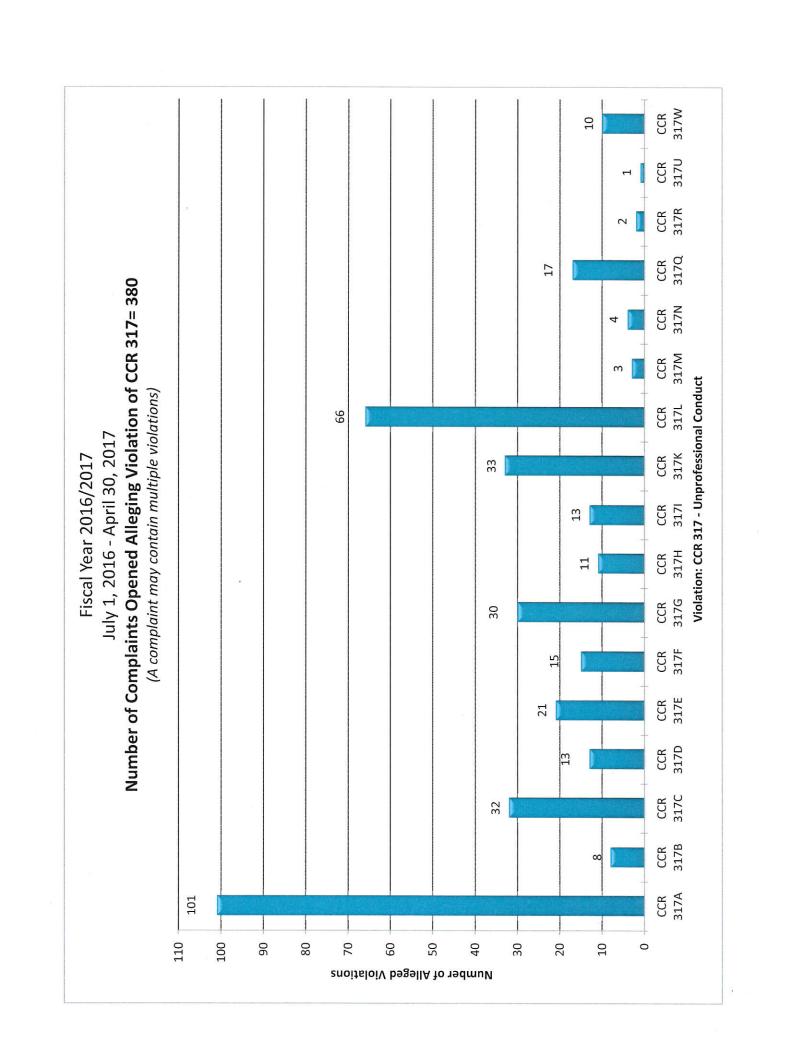
BP 802 BP 801 BP 726 BP 125 CCR 371C 9/ CCR 371 CCR 367.5 (A complaint may contain multiple violation) Total Number of Complaints Opened - 395 Total Number of Alleged Violations - 912 CCR 366 3 4 CCR CCR CCR CCR 319 319.1 361B 361E Violations CCR CCR 318A 318B CCR 316C CCR CCR 316A 316B CCR 315 CCR 314 CCR 304 CCR 302A 0 20 Number of Alleged Violations

Fiscal Year 2016/2017 July 1, 2016 - April 30, 2017

Unprofessional Conduct/Violation Codes/Descriptions

California Code of Regulations (CCR) Section 317 – Unprofessional Conduct:

- (a) Gross Negligence
- (b) Repeated Negligent Acts
- (c) Incompetence
- (d) Excessive Treatment
- (e) Conduct Endangering Public
- (f) Administering to Oneself Drugs/Alcohol
- (g) Conviction of a Crime Related to Chiropractic Duties
- (h) Conviction of a Crime Involving Moral Turpitude/Physical Violence/etc.
- (i) Conviction of a Crime Involving Drugs or Alcohol
- (j) Dispensing Narcotics/Dangerous Drugs/etc.
- (k) Moral Turpitude/Corruption/etc.
- (1) False Representation
- (m) Violation of the ACT/Regulations
- (n) False Statement Given in Connection with an Application for Licensure
- (o) Impersonating an Applicant
- (p) Illegal Advertising related to Violations of Section 17500 BP
- (q) Fraud/Misrepresentation
- (r) Unauthorized Disclosure of Patient Records
- (s) Employment/Use of Cappers or Steerers
- (t) Offer/Receive Compensation for Referral
- (u) Participate in an Illegal Referral Service
- (v) Waiving Deductible or Co-Pay
- (w) Fail to Refer Patient to Physician/Surgeon/etc.
- (x) Offer or Substitution of Spinal Manipulation for Vaccination



Violation Codes/Descriptions

The Chiropractic Initiative Act of California (ACT):

- 10 Rules of Professional Conduct
- 15 Noncompliance With and Violations of Act

California Code of Regulations (CCR):

- 302(a) Scope of Practice
- 302.5 Use of Laser
- 303 Filing of Addresses
- 304 Discipline by Another State
- 308 Display of License
- 311 Advertisements
- 312 Illegal Practice
- 315 Mental Illness
- 316 (a) Responsibility for Conduct on Premises
- 316 (b) Sexual Misconduct on Premises
- 316 (c) -- Sexual Misconduct/Relations
- 317 Unprofessional Conduct
- 318 Chiropractic Patient Records/Accountable Billing
- 319 Free or Discount Services
- 319.1 Informed Consent
- 361(b) 24 Hour CE Requirement
- 366 Continuing Education Audits
- 367.5 Application, Review of Refusal to Approve (corporations)
- 367.7 Name of Corporation
- 371(c) Renewal and Restoration

Business and Professions Code (BP):

- 125 Aiding/Abet Unlicensed Activity
- 801 (a) Professional Reporting Requirements (Ins-malpractice settlements)
- 802 (a) Professional Reporting Requirements (Lic-malpractice settlements)
- 810 Insurance Fraud
- 1051 Apply for a Corporation with the Board
- 1054 Name of Chiropractic Corporation
- 17500 Unlawful Advertising

Health and Safety Code (HS):

123110 – Patient Access to Health Records

ACT 15 810 319.1 CCR 318B 317W 318A 16 CCR 3175 317Q CCR CCR 317M 317P CCR 317L CCR 317K 16 (An Accusation may contain multiple violations) 3171 Number of Accusations Filed - 30 Total Number of Alleged Violations - 202 CCR CCR CCR 317F 317G 317H 11 VIOLATIONS July 1, 2016 - April 30, 2017 Fiscal Year 2016/2017 19 CCR 317E CCR 317D CCR 317C CCR 317B CCR 317A 14 317 CCR 316C CCR 316B 311 308 304 303 CCR 302.5 CCR 302A 24 22 20 18 16 14 12 10 NUMBER OF ALLEGED VIOLATIONS





April 13, 2017

Pastoral Medical Association 6565 N. MacArthur Blvd., Unit 225 Irving, TX 75039

To Whom It May Concern:

The California Board of Chiropractic Examiners would like to extend an invitation to members of the Pastoral Medical Association to attend a public Board meeting and give a presentation regarding your organization and its functions.

The remaining board meetings scheduled in 2017 are May 16 in Sacramento, July 25 in Whittier and October 26 in San Francisco.

If you plan to attend, please submit materials related to your presentation topic at least two weeks prior to the scheduled Board meeting. Once received, your association will be placed on the Board meeting agenda for discussion.

If you have any questions regarding a future Board meeting, please visit our website at www.chiro_ca.gov, or contact Valerie James at (916) 263-5355, ext. 5362 or Valerie.James@dca.ca.gov.

My Board members and I look forward to learning more about the Pastoral Medical Association. Don't hesitate to contact me if you have any questions.

Sincerely

Robert Puleo

Executive Officer