



State of California
Edmund G. Brown Jr., Governor

BOARD OF CHIROPRACTIC EXAMINERS PUBLIC SESSION MINUTES

Hilton Los Angeles Airport
5711 West Century Boulevard, LA Ballroom
Los Angeles, CA 90045
February 22, 2018

Board Members Present

Heather Dehn, D.C., Chair
Corey Lichtman, D.C., Vice Chair
Sergio Azzolino, D.C., Secretary
Frank Ruffino
Dionne McClain, D.C.

Staff Present

Robert Puleo, Executive Officer
Marcus McCarther, Assistant Executive Officer
Kenneth Swenson, Attorney III
Dixie Van Allen, Staff Services Manager I
Valerie James, Management Services Technician

Call to Order

Dr. Dehn called the meeting to order at 9:08 a.m.

Roll Call

Dr. Azzolino called the roll. All members were present. A quorum was established.

Opening Announcements

Dr. Dehn announced that if anyone attending the meeting would like to earn CE credits, they could discuss this option with Ms. Van Allen.

Hearings Re: Petition for Early Termination of Probation and /or Reduction of Penalty

Administrative Law Judge, Howard W. Colten, presided over and Deputy Attorney General, Thomas Rinaldi, appeared on behalf of the people of the State of California on the following hearing:

- A. Nathan Morello
- B. Alia Tomaszewski
- C. Elizabeth Acosta

Hearing Re: Petition for Reinstatement of Revoked License

Administrative Law Judge, Howard W. Colten, presided over and Deputy Attorney General, Thomas Rinaldi, appeared on behalf of the people of the State of California on the following hearing:

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

A. Erich Parks

Closed Session

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

- A. Deliberate on Disciplinary Decisions and the above 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
- C. Conduct an Evaluation of the Executive Officer
Pursuant to California Government Code Section 11126(a)

Open Session

The Board went back into Open Session.

Pledge of Allegiance

Mr. Ruffino led the Pledge of Allegiance.

Chair's Report

Dr. Dehn welcomed Board staff and meeting attendees to the Board's first in-person meeting of 2018. She thanked Board members and staff for their commitment to the Board and congratulated them on their invaluable work in 2017.

Dr. Dehn provided an update on the Board's significant accomplishments in 2017, which included successful completion of the sunset review process, enhanced and broadened outreach efforts, and adoption of the 2017-2019 Strategic Plan, which reflects its commitment to work closely with stakeholders and fulfill its consumer protection mission.

Dr. Dehn also noted the Board's collaboration with DCA's Office of Professional Examination Services (OPES) to complete an occupational analysis and develop new questions for the Board's jurisprudence examination.

Approval of Minutes

January 31, 2018

MOTION: DR. LICHTMAN MOVED TO APPROVE THE MINUTES OF THE JANUARY 31, 2018 MEETING.

SECOND: DR. DEHN SECONDED THE MOTION

VOTE: 5-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. LICHTMAN-AYE, MR. RUFFINO-AYE, DR. MCCLAIN-AYE)

MOTION: CARRIED

Review, Discuss, and Possible Action Regarding Scheduled Travel Expense Claims and/or Travel Advances for Board Members

Mr. McCarthy referred to a supplemental document folder and explained that it includes information about Travel Expense Claims (TEC).

Mr. Puleo explained that the delays we've recently experienced are related to DCA's transition to the Financial Information System for California (FI\$Cal). He noted that all state agencies are affected by this transition and many of the issues have already been addressed.

Mr. Puleo directed the Board Members to the TEC processing timelines provided by DCA's Fiscal Office and noted the expected timeframe for each step of the review process. From submittal to approval, the process should take no more than 45 calendar days. He encouraged Board members to let him know if their future TECs are not approved within 45 days.

Review, Discuss and Possible Action Regarding Scheduled Breaks at Board Meetings

Based on comments received from Board Members, Mr. Puleo recommended adding 15-minute breaks to the Agenda in the morning and afternoon. He further recommended scheduling one hour for lunch at each Board meeting so that Board Members and staff will have sufficient time to eat lunch. Mr. Puleo noted that some meeting locations are not near restaurants, and/or the nearby options may not offer quick/take-out items. Scheduling a one-hour lunch break will ensure meeting attendees have sufficient time to eat lunch and return to meeting on time.

Dr. McClain inquired if it is possible to receive an e-mail with information regarding lunch options to help manage time in the event of a working lunch.

Dr. McClain expressed satisfaction with the option of taking 1-hour lunch breaks at Board meetings.

Mr. Ruffino emphasized the importance of scheduling breaks and stated the Board should have the flexibility to shorten if necessary. He added that Board members should be proactive about taking their breaks.

Dr. Denh stated that, for the time being, scheduled breaks and lunch will be included in future Board meeting agendas. She explained that if Board members have other recommendations, they should inform Mr. Puleo.

Review, Discuss, and Possible Action Regarding 2018 Procedures to Elect Board Officers

Dr. Dehn suggested that any changes made to the current election process should be included in the BMAPM. She stated this item would be assigned to the Government and Public Affairs Committee if the Board decides to move forward with a new process. The Committee would present a recommendation to the Board for discussion and approval.

Dr. McClain recommended conducting the nomination of officers prior to the yearly January Board meeting.

Mr. Ruffino expressed concern about the Board's elections conducted via teleconference. He stated this precluded clarity of the process and the new election process needs to be more transparent.

Mr. Ruffino noted the most recent election may have resulted in a violation of the Bagley-Keene Open Meeting Act, which mandates that no more than two members can actively discuss Board business. He added that conversations pertaining to Board business should be consistent with the Act.

Mr. Ruffino suggested that the Board should allow individuals to provide a statement demonstrating their capacity to serve in the desired position. He explained that Board members should have the opportunity to follow up with questions so that they can make informed decisions when voting.

Mr. Ruffino also recommended that the Chair should vote last, so outcomes are not influenced by his/her decision.

Mr. Ruffino stated that he did his best to fulfill his obligation as Vice Chair of the Board and would have liked to be consulted more as a member of the Executive Committee.

Dr. Azzolino seconded Dr. McClain's and Mr. Ruffino's concerns and suggestions.

Dr. Azzolino stated that he declined the nomination for Chair and was in support of other Board members stepping into different roles.

He explained that prior to the election, he was under the impression that the Board was maintaining the status quo regarding the election of officers. He shared that he was very disappointed that no other Board Member previously expressed interest to want to assume his current position as Secretary.

Dr. Azzolino suggested that conducting the nominations prior to the voting process would be beneficial as there would be sufficient time to consider the nominees.

Dr. Azzolino added that this issue also stems from a lack of leadership, which is a polarizing issue. He emphasized the importance of working together and stated it is the Chair's role to unify the Board. He stated Board members' votes are all equal.

Dr. Azzolino stated his belief that current Board Chair did not perform to the best of her ability prior to and during the election process, which resulted in the marginalization and disenfranchisement of some Board members. He urged the Board to improve communication among Board members. He also stated that had he known others were interested in his position, he would have encouraged them more strongly to pursue the position.

Dr. Azzolino recommended changing the election procedure so that it is more transparent and unified, and suggested the executive committee should enhance communication to the Board regarding changes.

Dr. McClain agreed with Mr. Ruffino and Dr. Azzolino and suggested more communication regarding succession of Board officers and mentoring program for younger Board members.

Dr. McClain suggested having monthly Board meetings for all Board members in addition to the executive committee monthly meetings with the Chair. She explained this would allow Board members to be informed of pressing issues being discussed.

Dr. Azzolino expressed dissatisfaction with last year's sunset review meeting. He stated that it would have been nice to receive an invite, whether it was for a speaking position or not. He shared that as the immediate past chair it would have been nice to receive an invitation, but none was extended.

Additionally, he stated the executive committee should not exclude Board members from attending Federal Chiropractic Licensing Board (FCLB) meetings.

Dr. Azzolino added that Dr. Ronald Oberstein, President of Life Chiropractic College West, contacted him about changes in the CE curriculum and he was not aware of the changes Dr. Oberstein was referring to.

He noted the importance of keeping Board members informed of issues as there is no benefit to work individually. Dr. Azzolino also stated the Board can better accomplish its mission collectively.

He added that, personally, he does not appreciate when an executive body does not consider other board members' opinions.

Dr. Dehn stated her agreement with the recommendations regarding nominations prior to elections, the requirement of written or verbal statements for nominees, and complying with the Bagley Keene Open Meeting Act requirements. She is also supportive of succession planning.

Dr. Dehn noted that she encouraged all Board members to attend the Sunset Review Hearing at a public Board meeting. She also noted that Dr. McClain attended the Sunset Review Hearing.

Dr. Azzolino stated that some of the Board members, including himself, feel marginalized. He explained that the executive committee did not ask other Board members to review the information that was going to be discussed at the sunset review meeting. Dr. Azzolino stated that the Chair failed to discuss topics that are incumbent upon all the Board members as their goal is to advance the Board's mission together.

Dr. Dehn stated that she will attempt communicate more with other Board members. She noted that most communication with other Board members takes place at public Board meetings to so as not to violate Bagley Keene. She pointed out that this communication does not always receive the appropriate attention from Board members who, in turn, feel marginalized.

Dr. Dehn explained that she attended the FCLB meeting because it is typical for the Board to designate the Chair to participate in these meetings as well as other stakeholder association events. She stated Board members have access to the FCLB meeting reports, which are included in past meeting materials. Dr. Dehn explained that she prepares these reports to the best of her ability so that all Board members are informed of relevant issues.

Dr. Azzolino inquired about the reason why Mr. Puleo was invited to the FCLB meeting.

Mr. Puleo reminded the Board that he wasn't invited to attend the FCLB meeting. He applied for and was granted a scholarship offered to Board Administrators by FCLB. The scholarship and requires submission of an essay response to questions and topics raised by the FCLB. He explained that the scholarship covered attendance and travel expenses.

Dr. Azzolino stated that he was not aware of who was attending the FCLB meeting and expressed concern regarding the lack of communication.

Dr. Dehn addressed Dr. Azzolino's concern regarding changes in the CE curriculum and explained that decisions are not made without an approval from the full Board. She added that CE curriculum changes have been in the process for three years (regulatory changes) and that information is included in the Chair's report.

Dr. Dehn encouraged Dr. Azzolino to join the Licensing and Continuing Education Committee so that he is better informed of any issues pertaining to CE curriculum changes.

Mr. Ruffino stated the Board should utilize its resources more efficiently. He noted the Board had an opportunity to advance an accomplished woman of color and should have considered Dr. McClain for an officer position.

Dr. Dehn agreed that when considering possible changes to the election process, the Board should keep in mind that some members may not be comfortable nominating themselves for positions they're interested in.

Mr. Ruffino expressed disappointment that the chair didn't ask him about his interest in remaining in his position as Vice Chair of the Board.

Dr. Dehn responded that she's not able to have discussions with multiple Board members prior a Board meeting because that would be a violation of the Bagley-Keene Open Meeting Act.

Dr. Azzolino stated that it was her responsibility to ask the Executive Officer if there were any Board members interested in pursuing specific positions and inform members of her suggestions. Dr. Azzolino stated that Dr. Dehn did not have the courtesy to let him know that she was planning on nominating someone else for Secretary.

Dr. Dehn responded that after Mr. Ruffino declined the nomination for Secretary, she voted for Dr. Azzolino.

Dr. Azzolino indicated that Dr. Dehn nominated and voted for Dr. Lichtman for Vice-Chair and stated that she failed to inform Mr. Ruffino of her intention. He added that he was happy to have someone else step into his position to serve as the Secretary. He had no prior knowledge that other Board members had an interest in being elected to the Secretary position.

Dr. Dehn directed Dr. Azzolino to the January 31, 2018 Board Meeting minutes and referred to the Secretary election process, which shows that she voted for Dr. Azzolino. She stated that she received written instructions regarding the election procedures.

Dr. Dehn also pointed out that she did not nominate Dr. Lichtman for Vice-Chair, he nominated himself.

Dr. Azzolino stated he was not aware of Dr. Dehn's intention to vote for Dr. Lichtman instead of Mr. Ruffino. He believes it is beneficial to have a Public member, such as Mr. Ruffino, serving as Vice Chair. Dr. Azzolino stated he would have supported Dr. McClain and Dr. Lichtman had Dr. Dehn communicated her intentions clearly.

Dr. Dehn expressed disappointment that Dr. McClain and Dr. Lichtman were uncomfortable stating their interest in serving in a Board Officer position. She noted that the procedures provided to Board Members at the January 31st meeting directed Board members to nominate themselves if they have an interest in serving. Dr. Dehn referred the matter of Election Procedures to the Government and Public Affairs Committee.

Dr. Dehn thanked the Board for the time allowed for this discussion.

Review, Discuss and Possible Action Regarding the Timely Communication of Information Related to Changes in Meeting Schedules and Cancellation of Meetings

Mr. Ruffino acknowledged Board members' time and dedication to clear their schedules for meetings. However, he stated it is extremely important for Board members to be respectful of each other's time and commitments.

Mr. Ruffino proposed assigning this agenda item to the Government and Public Affairs Committee.

Dr. Azzolino and Dr. McClain echoed Mr. Ruffino's comments.

Review, Discuss and Possible Action Regarding the Outcome of the 2018 Board Elections

Dr. Dehn recommended conducting future elections at in-person Board meetings.

Mr. Ruffino suggested that the Board should consider adopting a vote of confidence when necessary and recommended research into the matter. He urged the Board to re-evaluate the recent Board election's outcome and discuss ways to ensure that every Board member understands the election process.

Dr. Dehn stated that Mr. Ruffino's concern should be addressed by the legal counsel. She stated that the election procedures and expectations were clear.

Dr. Azzolino requested another election as there should not be anything precluding the Board from having another one.

Mr. Swenson stated the Initiative Act requires that the Board elect new officers in the month of January every year, but does not contain information pertaining to multiple elections in the same year. He added the election was in compliance with all legal requirements as reflected in the minutes approved previously in this meeting.

Mr. Ruffino explained that he had never participated in an election, in which he had to review a new election procedure on the same day of the elections. Mr. Ruffino stated that the only concern he has about this election was a possible violation of the Bagley-Keene Open Meeting Act, which may have increased confusion among Board members.

Mr. Ruffino encouraged the Board to reconsider and further discuss the outcome of the election unless Board members are confident in their vote. He recommended adding this topic as a future agenda item for discussion at the next Board meeting.

Mr. Swenson stated that he cannot render an opinion on this issue at this time.

Dr. Azzolino inquired if there are other laws that need to be reviewed and considered.

Mr. Swenson responded that provisions of the Government Code, and possibly a case law, might impact this issue. He explained there is a need to further research the issues, but the Chiropractic Act itself is silent on this issue.

Dr. Azzolino stated that it is important for all of the Board members to move forward. He suggested that if there are laws that need to be reviewed, this should be done in a timely manner so that the Board can move on to other issues.

Mr. Swenson expressed that his concern about not rendering an opinion at this time lies with revisiting this issue in the near future.

Dr. Dehn recommended that Mr. Swenson conduct research regarding this issue and inform Mr. Puleo of his findings so that Board can be apprised of the next steps.

Executive Officer's Report

A. Administration – Board staffing/organizational chart

Mr. Puleo announced that Mr. McCarther has been appointed to the Assistant Executive Officer position. He shared that the Board has two vacant positions in the Administrative and Licensing units. Staff is preparing the documents to begin the recruitment for these positions.

B. Budget – Fund condition update

Mr. Puleo stated that the Board has a pending fund deficiency and a fee increase consistent with the recommendations in the 2017 fee audit. The fee increase will be proposed through legislation this year.

Mr. Puleo referred to the Analysis of Fund Condition document provided by DCA's Budget Office and explained that this document projects the Board's fund through Fiscal Year 2023/2024 based on the proposed new fees. The calculations show that the proposed fees are sufficient to rebuild and maintain the Board's reserve at an appropriate level for the foreseeable future. He stated that the Board will continue to monitor these funds and will evaluate fees every 4-5 years and make adjustments, if necessary.

C. Licensing – Statistical Trends

Mr. Puleo summarized the Board's licensing statistics and stated that there were no significant changes in the licensee population.

D. Enforcement – Statistical trends

Mr. Puleo summarized the Board's enforcement statistics and provided a brief overview of the enforcement activity since the last Board Meeting and it has been consistent.

Mr. McCarther referred to the Enforcement Performance Measures Q4 Report (April-June 2017) and noted that, on page 3, the PM 3 / Investigations and Cycle Time shows that the Board is currently meeting its goal by averaging 156 days in completing the entire enforcement process transmitted to the Attorney General's (AG) office.

Mr. McCarther referred to page 4, PM 4 / Formal Discipline and Cycle time, and stated that the Board is slightly over the target of 540 days in completing the entire enforcement process transmitted to the AG's office.

Dr. Dehn inquired if Board members can help decrease the average time for cases transmitted to the AG's office.

Mr. McCarther responded that it is outside of the Board's control.

Dr. Dehn referred to PM 2 / Intake and Cycle Time, and stated there is a gap between the target average established by DCA and the actual Board's average for the number days from complaint receipt to the date the complaint was closed or assigned to an investigator. She inquired about the reason for this existing gap.

Mr. McCarther stated the DCA has experienced some transitions. There will be two cycles of information that will be provided to the Board going forward.

Mr. Puleo referred to the Disciplinary Action reports from December 2017 and January 2018 and explained that this information will now be added to the enforcement statistical information provided at Board meetings.

Mr. Puleo explained that Disciplinary Action monthly reports are posted on the Board's website and the newsletter. These reports will now be provided at Board meetings, so Board members and the public are able to review descriptive information regarding enforcement actions that have been finalized.

E. IT Updates – Process mapping

Mr. Puleo shared that the Board and staff continue to work with DCA's SOLID Training Solutions to map the Board's current licensing, enforcement and administrative processes. He added that it has been a long but valuable process and the next step is to review and discuss processes that can be automated and simplified. He shared that the goal is to achieve work task efficiency, which will be mostly obtained through the update of the Board's IT system.

Mr. McCarther shared that the Board has begun the first step of the IV-part process to acquire a new IT System.

Public Comment: Christopher Castrillo, DCA's Deputy Director for Board & Bureau Relations, congratulated Mr. McCarther on his recent appointment as the AEO of the Board and thanked him for his commitment to the DCA's featured leadership development program.

Mr. Puleo shared that he looks forward to working closely with DCA and the Board would like to invite a DCA representative to attend Board Meetings going forward.

Mr. Castrillo stated that the DCA's executive team is happy to collaborate with the Board in any capacity.

Ratification of Approved License Applications

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

SECOND: DR. LICHTMAN SECONDED THE MOTION
VOTE: 5-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. LICHTMAN-AYE, MR. RUFFINO-AYE, DR. MCCLAIN-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: MR. RUFFINO SECONDED THE MOTION

DISCUSSION: Dr. Azzolino stated that he will abstain from the vote because he has concerns regarding the advertising of some of the CE providers.

VOTE: 2-0-3 ABSTAIN (DR. AZZOLINO-ABSTAIN, DR. DEHN-AYE, DR. LICHTMAN-AYE, MR. RUFFINO-ABSTAIN, DR. MCCLAIN-ABSTAIN)
MOTION: QUORUM NOT REACHED

The Board did not establish a quorum to ratify the attached list of approved continuing education providers incorporated herein (Attachment B).

Dr. Dehn inquired if these applicants will receive notifications on the outcome.

Mr. Puleo responded the Board will not be able to approve the providers at this time.

Mr. Azzolino inquired about the Board's proposed guidelines regarding continuing education providers.

Dr. Dehn responded the Board will have an opportunity to review CE draft language at the next Board meeting.

Mr. Puleo explained there is a regulatory process and the status quo will be maintained for at least one to two years before the Board can adopt new CE regulations.

Dr. Azzolino inquired if it is possible to vote on some of the providers individually.

Mr. Puleo responded that this matter needs to be placed on the agenda for the upcoming Board meeting. He added that the Board's regulations do not provide a basis for denying CE providers.

Dr. Azzolino inquired about the necessity to take a vote to ratify approved CE providers.

Mr. Puleo explained the necessity of taking a vote to ratify approved CE providers at length and provided examples. He recommended addressing the topic (CE providers) at a future Board Meeting.

Ratification of Denied License Applications in Which the Applicants Did Not Request a Hearing

There were no denied license applications.

Update, Discussion and Possible Action on Enforcement Committee Meeting Agenda

Dr. Azzolino thanked Dr. Roza, who served on the Enforcement Committee, and recognized his commitment to the Board. Dr. Azzolino emphasized that the Committee's role is to better serve the public by minimizing any of the infractions or the complaints reviewed. He reported that the Committee held a meeting on February 8, 2018 to review the following items:

The Committee reviewed and discussed Strategic Plan Action item 2.1.4, "Publish Expert Witness Guidelines in the Licensees and Publications tabs of Board website". The Committee addressed the need for a revision of the Expert Witness program to ensure consistency among expert consultants.

Additionally, Strategic Plan Action item 2.4.1, "Create an outreach document that provides information on potential violations resulting from social media activity", has been completed. The outreach document was featured in the Board's Winter/Spring 2018 newsletter. He encouraged members of the public, licensees and stakeholders to review this article.

Dr. Azzolino stated that, the Committee determined it would be valuable to include the Board's quarterly performance measures and disciplinary action reports in the enforcement materials provided at Board meetings. He explained that disciplinary action reports provide a brief summary of the nature of violations, which is of great importance to the public and those in the profession.

Dr. Azzolino stated the Committee reviewed and discussed options for updating the expert consultant training materials and selection process. He explained that there is an ongoing need for qualified subject matter experts (SMEs). The Committee's goal is to streamline the expert selection process. The Committee will develop a list of items related to this topic and it will make a recommendation at a future Board Meeting.

Additionally, Dr. Azzolino stated the Committee discussed deceptive advertising by licensees. He explained that many of the complaints received by the Board are related to potential advertising violations. He suggested that when staff receive a complaint, they should provide licensees a link with the rules and regulations so they are better informed.

Mr. Puleo stated that enforcement staff is making this information available to licensees.

Dr. Azzolino inquired if Dr. McClain had any questions regarding the expert program.

Dr. McClain stated that she did not have any questions at this time, but she would like to revisit that topic and discuss additional suggestions.

Public Comment: Dr. Jonathan Egan, Dean of the Los Angeles College of Chiropractic (LACC), inquired if it is possible to obtain copies of advertisements that were determined to be in violation and what part of the Act or regulations it violates.

Mr. Puleo shared that he would be happy to discuss this with Dr. Egan and provide examples of problematic advertisements. However, he may not be able to provide examples from investigative/disciplinary files.

Dr. Egan asked for clarification as to why the names and advertising of violations of licensees is public information and not the advertising in question given that it was already shared with the public.

Mr. Puleo explained that certain information pertaining to disciplinary matters is open to the public (e.g., the licensees name, and copies of citation, accusations, decisions, and disciplinary orders). However, the contents of investigative files (which would include evidence, such as advertisements) are considered confidential and cannot be disclosed.

Review, Discussion and Possible Action Regarding AB 1013 (Low) Chiropractors

Mr. Puleo stated that this is a spot bill, which will most likely carry the Board's fee increase. The fee provisions have not been added to the bill yet, so it would be premature to take a position. Staff will monitor the bill's progress and recommend that the Board take a support position after it's amended.

Update, Discussion and Possible Action on Pending Rulemaking

Mr. McCarther referred to the "BCE List of Prioritized Proposed Regulatory Changes" and provided a brief update on the pending rulemaking packages.

Mr. McCarther referred to the Application for Licensure Rulemaking file (CCR Sections 321). The Board was granted a second extension in December 2017 by the Office of Administrative Law (OAL). The Board made the necessary changes and submitted it to DCA for final review and it must be re-submitted to OAL by April 24, 2018 for approval.

Dr. Azzolino inquired why the Board missed the first deadline extension.

Mr. Swenson explained that there were some changes under legal review, there was not sufficient time for DCA to review and approve this regulatory packet. He added that this rulemaking file is being reviewed by the DCA Deputy Director and should be sent to the Business, Consumer Protection, and Housing Agency soon.

Mr. Puleo stated the Director of DCA has 30 days by law to review any regulatory package once it has been adopted by the Board, and can request an extension if 30 days does not allow sufficient time for departmental review.

Mr. McCarther stated that there are a few more packages that the Board has made progress on other regulations, such as the CE Provider and Course Approval regulation, which will be presented for discussion at the June Board Meeting. Progress has also been made on the CPR regulation

There were no updates to report for the remaining packages.

Discussion and Possible Action on the Possibility of a June True Colors Training

Mr. Puleo referred to Strategic Plan 5.3, "*Increase opportunities for team building that is inclusive of Board members and staff to educate staff and maintain team relationships*" and action item 5.3.2 "*Schedule True Colors training for future Board meeting*". He highly encouraged Board participate in this training at the at the June Board Meeting.

DCA SOLID staff are available in June to conduct the True Colors training.

The Board discussed accommodating the training during the Board meeting in June. Mr. Puleo stated that the training will be tentatively booked, but if Board members are not available, the training would be moved to the next Board meeting.

Public Comment for items not on the Agenda

There were none.

Future Agenda Items

Dr. McClain proposed a discussion on sexual harassment training and potential of including this in our CE requirements.

Dr. Azzolino agreed this would be an important training and suggested it could be made mandatory. He inquired if DCA SOLID could offer a training of that nature.

Dr. Dehn also suggested assigning this item to the Licensing Committee.

Dr. McClain proposed receiving the Board meeting materials sooner.

Mr. Puleo explained there are certain materials that can be provided to Board members sooner; however, certain documents are prepared closer to the meeting date to ensure they're current.

Mr. Puleo suggested some information can be e-mailed out in advance. The materials that take longer will then be incorporated in the complete packets that are mailed out as usual.

Dr. McClain explained that the sooner the information is sent via e-mail, the better. Specifically, substantive information that Board members must make decisions on.

Mr. Puleo acknowledged that there was a delay in sending petition hearing information for this meeting and apologized. Mr. Puleo stated that staff will try to provide as much information as possible in advance and asked the Board to provide feedback on the emailing process.

Mr. Ruffino proposed researching the possibility to call for special elections by majority at any given time, and recommended that this process be included in the BMAPM.

Mr. Puleo stated that the Board's legal counsel renders an opinion on this topic, the Board can decide whether revisions to the procedure manual are necessary.

Dr. Azzolino inquired if the Board can vote to re-do an election at this meeting.

Dr. Puleo stated that Election of Officers was not on the Agenda.

Dr. Azzolino noted that Agenda Item 10 refers to "possible action regarding 2018 procedures to elect Board officers."

Mr. Swenson expressed concern revisiting this issue.

Mr. Puleo noted that the Act doesn't provide for an election after January and the lack of clarity on this matter.

Mr. Swenson stated he has not examined this issue, but he will consider it soon.

Dr. Dehn suggested the Board hold a special meeting if the re-election is approved.

Mr. Ruffino suggested Board Member training on the Bagley-Keene Open Meeting Act and the Brown Act to better understand their provisions.

Mr. Puleo suggested that when Board members are in doubt, they should contact him or consult with legal counsel to avoid any violations.

Adjournment

Dr. Dehn adjourned the meeting at 3:56 p.m.

(ATTACHMENT A)

Approval by Ratification of Formerly Approved License Applications
October 1, 2017 and December 31, 2017

Name (First, Middle, Last)			Date Issued	DC#
Brandon	Jay	Van Seters	10/2/2017	34041
Anthony	Bruce	Dexter	10/4/2017	34042
Justin	Andrew	Fotter	10/4/2017	34043
Janet	Marie	Kelley	10/4/2017	34044
Hetal	Jayant	Patel	10/4/2017	34045
Clayton	James	Schuelke	10/9/2017	34046
Kseniya		Gershberg	10/11/2017	34047
Jessica		Kim	10/11/2017	34048
Chien-Ching		Yu	10/11/2017	34049
Ryne	Estes	Ibarra	10/18/2017	34050
Kristen	Ann	Teuscher	10/18/2017	34051
Taemin		Kang	10/19/2017	34052
Gabrielle	Lizabeth	Pinkerton	10/19/2017	34053
Andrew		Lee	10/20/2017	34054
Navit	Ariel	Zukerman	10/20/2017	34055
Stephanie	Robancho	Bautista	10/25/2017	34056
Miriam	Gabriele	Hashemi	10/25/2017	34057
Michael	Anthony	Rosson	10/25/2017	34058
Andrew	Lee	Winthrop	10/25/2017	34059
Lars		Gunnar	10/27/2017	34060
Ryan	Matthew	Kocsis	10/27/2017	34061
Joseph	Oscar	Wong	10/27/2017	34062
Rosy		Gill	10/27/2017	34063
Chong		Her	10/31/2017	34064
Tracy	Oi	Lam	10/31/2017	34065
Rie		Ito	11/3/2017	34066
Areyan		Dibagohar	11/6/2017	34067
William	Kyle	Hardwick	11/9/2017	34068
Michael	David	Ackerman	11/14/2017	34069
Britta	Gabrielle	Conlon	11/14/2017	34070
Brian	Judson	Curtis	11/16/2017	34071
Tracey	Marie	James	11/16/2017	34072
Janet	Mi Young	Jun	11/16/2017	34073
Nima		Kianfard	11/21/2017	34074
Melanie	Ann	Beach	11/21/2017	34075
Lauren	Jessica	Groves	11/21/2017	34076

Maryam		Shayginik	11/27/2017	34077
Nisreen	Shabbir	Tayebjee	12/8/2017	34078
Danny		Duong	12/12/2017	34079
Camille	Garcia	Marzan	12/12/2017	34080
Christopher	Martin	Brindley	12/15/2017	34081
Cecilia	Yuri	Park	12/15/2017	34082
Jason	Anthony	Maglinao	12/19/2017	34083
Katharine	Grace	Jones	12/22/2017	34084
Samantha	Andrea	Ma	12/22/2017	34085
Rosie	Varela	Quiroz	12/22/2017	34086

(ATTACHMENT B)

Pending Ratification to Approve for New Continuing Education Providers

CONTINUING EDUCATION PROVIDERS

PENDING APPROVAL

- | | |
|---------------------------------------|----------|
| 1. Michelle A. Largent, D.C. | 02/22/18 |
| 2. Michael J. Hollis | 02/22/18 |
| 3. Jonathan Brand | 02/22/18 |
| 4. Stephanie Libs, D.C. | 02/22/18 |
| 5. David Goldeen | 02/22/18 |
| 6. Dirk A. Farrell, D.C. | 02/22/18 |
| 7. Barbara Berkeley, D.C. | 02/22/18 |
| 8. Jess P. Armine, D.C. | 02/22/18 |
| 9. Frank Springob, D.C. | 02/22/18 |
| 10. Donald Baune | 02/22/18 |
| 11. Diane Waye- Stretching by the Bay | 02/22/18 |
| 12. Rex Stevens | 02/22/18 |
| 13. Matthew Smith, D.C. | 02/22/18 |