

NOTICE OF BOARD MEETING

Executive Inn & Suites
1755 Embarcadero, Bayside Room
Oakland, CA 94606
November 8, 2018
Front Desk (510) 536-6633
9:00 a.m. to 5:00 p.m.
or until completion of business

The Board of Chiropractic Examiners (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 the location specified above.

The Board will take an hour lunch, immediately following the Petitioner Hearings and Closed Session. The Board will resume normal business matters at 1:00 p.m.

AGENDA

1. Open Session – Call to Order & Establishment of a Quorum

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

2. Pledge of Allegiance

3. Hearing Re: Petition for Reinstatement of Revoked License

A. Arthur J. Haberman	Case No. AC 2000-181
B. Judith A. Urdea	Case No. AC 2005-482
C. Daniel M. Martello	Case No. AC 2015-1034

-----**15 Minute Break**-----

4. Closed Session

The Board will meet in Closed Session to:

- A. Deliberate on Disciplinary Decisions and the above Petitions Pursuant to California Government Code Sections 11126(c) and 13963.1
- B. Receive Advice from Legal Counsel Pursuant to California Government Code sections 11126(e) and 13963.1. Regarding Hugh Lubkin, D.C. v. Board of Chiropractic Examiners Workers' Compensation Case No. ADJ7361379
- C. Evaluation of the Executive Officer Pursuant to California Government Code section 11126(a)

-----1 Hour Lunch Break-----

5. **Open Session: Announcements Regarding Closed Session**
6. **Chair's Report**
Update on the Chair's Activities and Board's accomplishments and/or goals
7. **Approval of June 5, 2018, Board Meeting Minutes**
8. **Approval of August 9, 2018, Board Meeting Minutes**
9. **Ratification of Approval of License Applications**
10. **Ratification of Denied License Applications in Which the Applicants Did Not Request a Hearing**
11. **Ratification of Approved Continuing Education Providers**
12. **Election of Board Officers for 2019. The Board Will Initiate Nomination Procedures for Board Officer Positions: Chair, Vice Chair, and Secretary.** Board members can either self-nominate or nominate other members. Voting will take place at the first meeting in 2019.
13. **Executive Officer's Report**
 - A. Administration - Board staffing/organizational chart
 - B. Budget - Fund condition update
 - C. Licensing - Statistical trends
 - D. Enforcement - Statistical trends
 - E. OIS - Update
14. **Review, Discussion and Possible Action on Staff Report Regarding National Licensing Trends**
15. **Review, Discussion and Possible Action on Staff Report Regarding National Enforcement Trends**
16. **Update, Discussion and Possible Action on Enforcement Committee Meeting Agenda**
Board may act on any item on the attached Enforcement Committee meeting agenda.
17. **Update, Discussion and Possible Action on Licensing & Continuing Education Committee Meeting Agenda** Board may act on any item on the attached Licensing & Continuing Education Committee meeting agenda.

-----15 Minute Break-----

18. **Review, Discussion and Possible Action Regarding SB 1448 (Hill) Probation status: disclosure**
19. **Review, Discussion and Possible Action Regarding SB 1480 (Hill) Professions and vocations**
20. **Review, Discussion and Possible Action Regarding AB 2138 (Chiu/Low) Denial of application: revocation or suspension of licensure: criminal conviction**
21. **Update, Discussion and Possible Action on Pending Rulemaking:**

- A. Consumer Protection Enforcement Initiative (CPEI)
- B. Revisions to BCE Disciplinary Guidelines & Uniform Standards for Substance Abusing Licensees
- C. Revisions to Curriculum requirements and approval of programs (Sections 330 – 331.16)
- D. Continuing Education Requirements (CE Provider and Course Approval)/Mandatory Cardiopulmonary Resuscitation (CPR) Certification for all licensees
- E. Delegation of Authority to the Assistant Executive Officer
- F. Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice Death/Incapacity of Licensee
- G. Amend or Repeal CCR Section 354- Successful Examination (Obsolete provision)

22. Review, Discussion and Possible Action Regarding the Proposed 2019 Board Meeting Schedule

23. 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.

24. 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.]

25. 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 to participate in the meeting may make a request by contacting the Board at (916) 263-5355 or e-mail chiro.info@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.

NOTICE OF TELECONFERENCE
LICENSING & CONTINUING EDUCATION COMMITTEE MEETING

September 25th, 2018

11:30 a.m. – 2:00 p.m. or until completion of business

One or more Committee Members will participate in this meeting at the teleconference sites listed below. Each teleconference location is accessible to the public and the public will be given an opportunity to address the Licensing, Continuing Education and Public Relations Committee at each teleconference location. The public teleconference sites for this meeting are as follows:

Teleconference Meeting Locations:

901 P Street, Suite 142A
Sacramento, CA 95814
(Board Staff)

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

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

AGENDA

- 1. Call to Order & Establishment of a Quorum**
- 2. Approval of June 1, 2018 Committee Meeting Minutes**
- 3. Review, Discussion, and Possible Action on Pending CE Provider applications; Possible Recommendation to the Full Board**
- 4. Review, Discussion, and Possible Action on Proposed Definitions to Subject Area - Public Health**
- 5. Review, Discussion and Possible Action on List of Chiropractic Adjustive Techniques Provided by California Chiropractic Colleges**
- 6. Review, Discussion and Possible Action on Proposed CPR Regulatory Language**
- 7. Review, Discussion, and Possible Action on Revisions to Sections 360-366 of Title 16 of the California Code of Regulations Regarding Continuing Education**
- 8. Public Comment on Items Not on the Agenda**

Note: The Committee 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.

9. Future Agenda Items

Note: The Committee may not discuss or take action on any matter raised during this future agenda items 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.]

10. Adjournment

Meetings of the Board of Chiropractic Examiners' Committee 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's Committee 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.

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**NOTICE OF TELECONFERENCE
ENFORCEMENT COMMITTEE MEETING**

October 10, 2018

12:30 p.m. to 1:30 p.m. or until completion of business

One or more Committee Members will participate in this Meeting at the teleconference sites listed below. Each teleconference location is accessible to the public and the public will be given an opportunity to address the Enforcement Committee at each teleconference location. The public teleconference sites for this meeting are as follows:

Teleconference Meeting Locations:

901 P Street, Suite 142A
Sacramento, CA 95814
(916) 263-5355
(Board Staff)

Sergio Azzolino, D.C., Chair
Azzolino Chiropractic Neurology
& Integrative Wellness
1545 Broadway St., Suite 1A
San Francisco, CA 94109
(415) 563-3800

Frank Ruffino, Public Member
Rancho San Diego Branch Library
1555 Via Rancho San Diego
El Cajon, CA 92019
(619) 660-5370

AGENDA

- 1. Call to Order**
- 2. Approval of Minutes**
February 8, 2018
May 31, 2018
- 3. Review, Discussion and Possible Action regarding the Standardized Training and Evaluation of Subject Matter Experts**

4. Public Comment

Note: The Committee 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, 122507(a).] Public comment is encouraged; however, if time constraints mandate, comments may be limited at the discretion of the Chair.

5. 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.]

6. Adjournment

Meetings of the Board of Chiropractic Examiners' Committee 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's Committee 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.

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State of California
Edmund G. Brown Jr., Governor

Agenda Item 7
November 8, 2018

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 June 5, 2018, Board meeting minutes.

Background

N/A

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

- Meeting Minutes from the June 5, 2018, Board meeting.

**BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES**

The Department of Consumer Affairs, Headquarters II
1747 N. Market Blvd., Room #186
Sacramento, CA 95834-1924
Security Desk: 916-574-7307
June 5, 2018
9:00 a.m. to 5:00 p.m.
or until completion of business

Board Members Present

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

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 1:00 p.m.

Roll Call

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

Pledge of Allegiance

Mr. Ruffino led the Pledge of Allegiance.

Chair's Report

Dr. Dehn complimented SOLID on their training of True Colors that the Board Members participated earlier in the day. Everyone found it to be extremely helpful. Board committees have been working on respective projects and Dr. Dehn is looking forward to receiving updates in today's Board Meeting. Dr. Dionne McClain, who is not present today, participated in the California Chiropractic Association (CCA) Women's Panel Sports Symposium in April, along with Dr. Hewitt, who organized a panel. All feedback was positive from licensees.

Dr. Dehn reminded Board members of upcoming opportunities for participation, primarily through the upcoming CCA convention and the National Board of Chiropractic Examinations (NBCE).

Greeting from the Department of Consumer Affairs Executive Office

Patrick Le introduced himself and his participation with the Department of Consumer Affairs. Mr. Le's update to the Board consisted of a personnel announcement, highlighted SOLID and their new additions to the executive level training programs they offer and the Directors' Quarterly Meeting which was held in April. Mr. Le also announced the recent reconvening of the Substance Abuse Coordination Committee, which will examine and determine need for updating the Uniform Standard IV. Lastly, Mr. Le, reminded the Board that required Board Member training is available for the remainder of the year and is required within one year of appointment to the Board.

Approval of February 22, 2018, Board Meeting Minutes

MOTION: DR. AZZOLINO MOVED TO APPROVE THE MINUTES OF THE February 22, 2018 MEETING.

SECOND: DR. LICHTMAN SECONDED THE MOTION

Discussion: Mr. Ruffino noted that on page four, second paragraph, he would like the word "required" to be removed. It should have read "should ask - encourage".

Mr. Ruffino also noted on the fourth paragraph that "expressed disappointment that he was not reelected as Vice Chair", should read "expressed disappointment with the Board's election process prior to election day January 31, 2018". The last sentence of the same paragraph should read, "He believes his efforts were not appreciated", please add "and was disrespected".

Mr. Ruffino noted on page six, paragraph five, "the other board members" should be removed and replaced with "him about his interest in remaining Vice Chair or becoming Board Secretary".

Mr. Ruffino also noted, on page seven, paragraph nine, very last sentence; "agrees with outcome" should be removed. Sentenced should end after the word "process".

Dr. Azzolino offered a correction on page four, paragraph seven; "He shared that he was very disappointed to learn that no other Board Member wanted to assume his current position as Secretary", more accurate to state that "no other Board Member previously expressed interest to want to assume his current position as Secretary".

Dr. Dehn shared that Dr. McClain had left her with some notes regarding grammatical changes of the minutes. Mr. Kenneth Swenson mentioned that if the changes were not substantive, they could be incorporated into the motion of accepting the minutes as verbally amended.

Dr. Azzolino noted on page five, first paragraph, the word "attend" should be replaced with "participate". To read "...opportunity to participate in the meeting".

Mr. Ruffino offered a clarification that the motion to approve the minutes would include these recent corrections. Dr. Dehn confirmed that it would.

VOTE: 4-0 (DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. AZZOLINO-AYE, MR. RUFFINO-AYE,)

MOTION: CARRIED

Executive Officer's Report

A. Administration - Board staffing/organizational chart

Mr. Puleo shared that the Board has two vacant positions. One vacancy is a Staff Services Analyst position for Continuing Education in the licensing unit and an offer has been made. Natalie Boyer is starting in the position on the 18th of June. The other position is the Associate Governmental Program Analyst (AGPA) position for Policy Analyst in the administrative unit. Applications have been received for the AGPA position, the next step would include interviewing the candidates. Mr. Puleo is hopeful to have additional personnel announcements at the next Board Meeting.

Mr. Puleo also congratulated Marcus McCarther in his completion of the DCA's Future Leadership Development Training program.

Mr. Puleo was also reminded that a new Board member has been appointed by the Governor's Office, Thyone Gordon.

B. Budget - Fund condition update

Mr. Puleo introduced DCA's Budget Officer, Mark Ito. Mr. Ito provided a synopsis of the Department's budget process. Mr. Ito reviewed the contents of the Board Fund Condition Report.

C. Licensing - Statistical trend

Mr. Puleo provided an overview of the licensing trends; total licensees in state, licenses issued per month and canceled licenses.

Dr. Azzolino requested data trends relating to the chiropractic profession from around the United States.

Mr. Puleo stated he will provide statistics related to national chiropractic trends at the next Board Meeting. Additionally, he will provide data related to Physical Therapy Board, Medical Board, Nursing Board and Osteopathic Board and the increases or declines in the professions.

D. Enforcement - Statistical trends

Mr. Puleo provided an overview of the enforcement program data; number of complaints received, letters of admonishment, and number of accusations the Board issued.

Ratification of Approved License Applications

MOTION: MR. RUFFINO MOVED TO APPROVE THE LICENSE APPLICATIONS.

SECOND: DR. AZZOLINO SECONDED THE MOTION.

VOTE: 4-0 (DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. AZZOLINO-AYE, MR. RUFFINO-AYE)

MOTION: CARRIED

Ratification of Approved Continuing Education (CE) Providers

MOTION: DR. LICHTMAN MOVED TO APPROVE THE CONTINUING EDUCATION PROVIDERS.

SECOND: DR. DEHN SECONDED THE MOTION.

VOTE: 4-0 (DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. AZZOLINO-AYE, MR. RUFFINO-AYE)

MOTION: CARRIED

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

Dr. Dehn stated there are currently none.

Presentation by Board's Legal Counsel

The Board's Legal Counsel, Kenneth Swenson, offered a presentation to the Board on the Bagley Keene Open Meeting Act. Mr. Swenson used the acronym POPCORN to help highlight key topics from the act.

There was a discussion amongst the Board as to the possibility of having a three-member committee versus the two-member committee that they currently have. Mr. Puleo reminded the Board that due to the current size of the Board and Board Member's schedule availability, it was near impossible to meet all scheduling needs for the various committees. Dr. Dehn noted the ease of operation for the two-member committees.

Mr. Swenson also updated the Board on the Chiropractic Initiative Act. The Act requires the election of officers to occur in January and sets the term of office for one year, from January to January. In the absence of a vacancy the Board cannot recall an officer.

Update, Discussion and Possible Action on Licensing & Continuing Education Committee Meeting Agenda

Dr. Dehn will be commenting on behalf of Dr. McClain. Dr. McClain is the Chair on the Continuing Education (CE) committee. Dr. Dehn proceeded to explain what is proposed for Qualifying Subject Areas and Mandatory Hours as it relates to updating regulations on Licensing and CE.

1. Assessment procedures to include physical, orthopedic and neurologic testing.

Dr. Azzolino encourages the Committee to reinserts the word 'diagnostic' into the subject area. Additionally, he believes 'cardiovascular' should be included.

2. Radiology, including, diagnostic imaging and interpretation.
3. Interpretation of blood and urinalysis test results.

4. Evidence based peer reviewed clinical intervention.

Dr. Azzolino proposed making 'intervention' plural, to read 'interventions'.

5. Chiropractic adjustive techniques or chiropractic manipulation techniques as taught by a Council of Chiropractic Education (CCE) accredited colleges or formerly recognized by CCE accredited colleges.

Dr. Dehn clarified that this does not read that technique has to be taught by a CCE school but that the technique would be one that was taught in a CCE accredited school.

Dr. Azzolino brought up concern of only offering classes through CCE schools. Proposed technique classes offered through other specialty boards.

Mr. Puleo suggested including techniques recognized by other accrediting bodies. Dr. Azzolino mentioned American Board of Chiropractic Specialties, as this would allow the regulation to be sufficiently broad.

Public Comment: Dr. Palmer Peet suggested to have regulation read "techniques that fall within scope of practice".

Board agreed that language would be too broad.

Public Comment: Laurie Isenburg, Director of Continuing Education for Life Chiropractic College West, offered a suggestion that any CE proposal submitted for technique is reviewed by adjustive technique faculty. Faculty will be able to examine and approve any technique course possible.

The Board appreciated the suggestion and are interested in that form of vetting.

Dr. Dehn opened the meeting up to public comment and invited anyone forward who would like to make comment on CE subject areas one through four.

Public Comment: Dr. Eric McKillican, Sacramento chiropractor and faculty at Life Chiropractic College West, suggested including the term subluxation into subject area one.

The Board felt that a chiropractor's review and assessment of the subluxation would occur in an exam of the patients physical, orthopedic or neurologic condition and would not be necessary to include the term subluxation.

Mr. Puleo offered a reminder to the public that if they feel strongly on a particular subject area they are welcome to participate in the formal review process, including public comment, within the regulation process.

Public Comment: Mrs. Isenburg encourages the Board to not draft CE regulations for the lowest common denominator of minimal competency but should be striving for CE that elevates the profession to excellency.

Mr. Puleo appreciated the comment and agrees with it but reminds the Board that by law they can only require minimum competency of practitioners.

Mrs. Isenburg also advised the Board to review the fee structure for CE courses. California is the only state in the United States that requires providers to submit a new application and fee for a single topic that is represented in a class or seminar.

Dr. Dehn shared that this comment is one frequently presented by providers and is something that will be discussed at a CE Committee meeting at a later point.

Mrs. Isenburg also brought up the elimination of Philosophy of Chiropractic as a subject area from the regulations and encouraged the Board to reconsider.

Dr. Dehn stated that would be covered at the end of the discussion.

6. Physical medicine modalities and therapeutic procedures.

Dr. Dehn shared that Dr. McClain had left her with comment on this topic and that her suggestion is to leave number six as physiotherapy, as it is currently written in regulations.

Public Comment: Marcus McCarther, Assistant Executive Officer for Board of Chiropractic Examiners, posed a question for legal counsel, can the Board define physiotherapy in an alternate manner, if it is specifically defined by the Physical Therapy Board?

Mr. Swenson answered that the legislature can change the law it affects but a Board's regulations can not affect another Board's own regulations.

Dr. Azzolino brought up the use of lasers as they relate to physiotherapy care. He encourages using several terms to define the subject area: physical medicine modalities, physiotherapies and therapeutic procedures.

Dr. Dehn confirmed that the recommendation reads "physiotherapy, physical medicine modalities and therapeutic procedures".

7. Current Issues in Public Health.

Public Comment: Dixie Van Allen, Staff Services Manager for Board of Chiropractic Examiners, this topic might still be too broad. Would like to see more defining words or specific precluding items identified in potential courses.

Dr. Dehn agrees with the potential vagueness of this subject matter, we might need more examples of what would present in this area and then can determine what not to include under public health.

Dr. Dehn suggested that the topic would be continued to be under review by the CE committee in an effort to try and define public health.

8. Nutrition.

9. Special population care, which shall include, but not be limited to, geriatric, pediatric, HIV, and transgender care as related to the practice of chiropractic. Instruction in this subject area must be directly related to patient care.

Dr. Dehn shared that Dr. McClain's recommendation to remove special population care all

together or keep the language as it currently appears in regulation.

Dr. Azzolino recommends striking 'special population care' as it stigmatizes certain populations and there is no difference in care for any of the above-mentioned groups, specifically HIV and transgender individuals. Dr. Azzolino suggests sensitivity training as opposed to special population care.

Public Comment: Mrs. Isenburg has been involved in the transgender community and feels that the individualized care to particular communities enhances care. There are physical differences that should be acknowledged in the scope of care to the patient.

Dr. Azzolino again feels that sensitivity training would more aptly meet the needs of a diverse patient population.

Dr. Dehn inquired of the Board if this should be a subject matter that is deleted from the regulations or should it be kept as written, and if so, should the wording be changed of 'special population care'.

Dr. Azzolino suggested 'diversity and cross-cultural differences'.

Mr. Puleo suggested 'training and care of patients'. Ensuring that the language speaks directly to sensitivity regarding caring for a patient.

Dr. Dehn will bring the recommendations back to the CE Committee to source out additional language possibilities.

10. Proper and ethical billing and coding, including accurate and effective record keeping and documentation of evaluation, treatment and progress of a patient. This is not to include practice building or patient recruitment/retention or business techniques or principles that teach concepts to increase patient visits or patient fees per case.

Dr. Lichtman suggested adding a portion regarding SOAP notes and proper electronic medical records (EMR) notes.

Mr. Puleo stated that the law does not specifically require SOAP notes, which has been a cause of concern for enforcement cases. He believes the opportunity to address these concerns are in this section of the law.

Dr. Dehn mentioned that the Committee would try to incorporate those two items into the language of the regulation.

11. Ethics and law: including but not limited to: truth in advertising; professional boundaries; mandatory reporting requirements for child abuse/neglect, elder abuse/neglect, and spousal or cohabitant abuse/neglect; and review of the specific laws, rules and regulations related to the practice of chiropractic in the State of California.

Dr. Azzolino brought up his concern that there is no mandatory reporting for spousal abuse. It would potentially create a HIPPA violation and circumvent the patient's relationship.

Mr. Puleo informed the Board the staff had researched the topic and created a cheat sheet for all the laws applicable to chiropractic and they are indeed mandatory reporters for all three

categories listed in the regulation.

Dr. Azzolino is curious to know what the Medical Board's stance is on reporting spousal abuse. He encourages the Board to vet this particular item thoroughly.

Public Comment: Mrs. Van Allen questioned the staff's ability to deny a course, specifically in Workers Compensation, but since it often falls under Ethics and Law, it would be upheld.

Dr. Azzolino suggested auditing those classes more rigorously, as they don't specifically fall under a chiropractic patient model but still heavily influence the profession.

Mrs. Van Allen proposed that the Board accept licensees completing CE hours in Workers Comp, or something similar, but that the Board does not approve these courses.

The Board discussed several options related to additional courses offered through other medical boards.

Dr. Dehn clarified Dr. Azzolino's recommendation that if the Board does not approve Workers Compensation topics, the Board would have no way of determining the quality of instruction through the Department of Industrial Relations. This topic will be further reviewed by the Committee. Dr. Dehn and Dr. Azzolino also discussed the potential option of granting the schools with an expedited approval process, pending a review of their vetting process for Workers Compensation courses.

Public Comment: Dr. McKillican brought forward a question regarding the change for mandatory hours up to 6 hours for topics 9, 10, 11 and 12.

Dr. Dehn spoke on behalf of the Committee, that it was their intention to ensure licensees take classes specific to record keeping, ethics and law and sexual boundaries. That, currently, licensees can take a 6 hour course under ethics and law and they would not be required to take a course in the other subject matters. Which the Board deems very important.

Dr. McKillican clarified that he would be required to attend 2 hours of training under ethics and law, sexual boundaries and record keeping. He believes as an ethical practitioner, he would be subject to additional training time in areas he has never violated.

Dr. Azzolino suggested adopting the program DCA offers through Solid, for sexual harassment training, for all of California licensees. Also, he proposed reducing mandated hours in those three subject areas to one hour each.

Dr. Dehn offered to suggest to the CE Committee to change the mandatory hours from two to one hour.

The Board discussed the possibility of changing the language to include sexual harassment versus boundaries. The Board does not regulate sexual harassment but it does prohibit sexual relationships with staff. Further Board discussion of having sexual boundaries and sexual harassment as two separate but equally required training areas.

Mr. Swenson suggested 'sexual harassment and misconduct prevention' as language for the regulation but the DCA training through SOLID is specifically set up under the Fair Employment and Housing Act, which has a different obligation for office staff than medical providers.

12. Sexual Boundaries between doctors and patients, including but not limited to misconduct or harassment between a licensee, patient, and staff.

13. Cardiopulmonary resuscitation, basic life support and use of an automated external defibrillator (*Note: This will probably be addressed elsewhere in the CE Regs).

14. Basic Sciences

Dr. Dehn acknowledged that this topic was included after the CE Committee meeting and is defined as anatomy, histology, neurology, physiology, nutrition, pathology, biochemistry or toxicology.

Dr. Azzolino suggested removing this topic as these basic science principles could potentially fall under another subject matter already identified.

The Board discussed several examples of courses under this topic and how the language would best identify the needs of a chiropractor. Suggested to include 'anatomy and physiology as related to clinical practice'. Suggested to include neurology.

Dr. Dehn stated that she will bring the suggestions of the Board and the public back to the Committee for further review.

Dr. Dehn finished the segment with a discussion regarding Philosophy of Chiropractic, it is not currently included in the proposed regulations, as it is a topic that is often abused as a catch all of course topics.

Public Comment: Dr. McKillican shared that he is diplomate in philosophy and would very much like to offer his services to the Board to define and determine what should constitute a philosophy course.

Dr. Dehn continued with a brief review of the proposed mandated hours for CE and that Dr. McKillican's concern regarding the amount of hours is duly noted. This will continue to be reviewed at the Committee level.

Dr. Lichtman suggested that for the first four mandatory hours listed in assessment and diagnostic procedures (Qualifying Subject Area #1), he would like to see the mandatory hour expanded to radiology and interpretation of blood and urinalysis test results (Qualifying Subject Areas #1-3).

Update, Discussion and Possible Action on Enforcement Committee Meeting Agenda

Dr. Azzolino updated the Board on the Expert Witness process. The Committee has reviewed the entire Expert Witness program, expert selection process, minimum monthly hours of practice for the experts, minimum years of practice to participate and have explored the option of having the expert witnesses submit a writing sample that specifically draws upon a real enforcement case.

Dr. Azzolino asked for clarification from Mr. Puleo regarding whether or not cited licensees are

receiving a letter with all the rules and regulations. Mr. Puleo stated that they are not currently, but at the closure of the complaint, they do receive the regulations and are encouraged to maintain their understanding of the law. Dr. Azzolino suggested that this should occur prior to the closure of a complaint and he would like it to occur when the complaint is filed.

Dr. Azzolino reported that the Enforcement Committee recommended that a statement of qualification be required from expert witness applicants, as well as a sample report. Additionally, the Committee suggested screening by staff of the potential expert witness.

Dr. Dehn suggested allowing the expert witness candidates to view previous disciplinary cases and compose their own reports.

Mr. McCarther clarified that the Committee will identify a baseline case for applicants to review, that would be typical of the enforcement cases they would review.

Update, Discussion and Possible Action on Government & Public Relations Committee Meeting Agenda

Dr. Dehn updated the Board that at the May 21st, 2018 Committee meeting, members discussed and approved the inclusion of sections into the Board Member Administrative Procedure Manual (BMAPM) referring to the role of Board Officers, Bagley-Keene Open Meetings Act, periodic fee audits, and clarification regarding when strategic planning should take place.

Mr. Ruffino recommended on page eight, the duties listed under the Board Chair, language should be included that the Chair "with Board concurrence" can appoint committees. Another item for correction, under the Vice Chair section, should change the word "president's" to "chair's".

Mr. Ruffino also noted under the Chair's responsibilities, "Board Members" should be included in the following sentence: "Verifies accuracy and approves timesheets. Approves travel and sign travel expense claims for the EO".

Mr. Ruffino noted on page 18, Communication Between Officers, potentially violated the Bagley-Keene Act. Mr. Puleo suggested that this passage does not refer that the Chair, Vice-Chair and Secretary are in communication with each other but that they must individually have a timely response to Board matters.

Mr. Swenson confirmed that Board Members can discuss the agenda, planning, and coordination of meetings but not the policy decisions that would take place at the meetings.

Mr. Ruffino identified another area of correction on page 10, under Agenda Items. Mr. Ruffino would like the first sentence to include that the Secretary may also receive agenda items for future Board Meetings. Also, Mr. Ruffino questioned whether the Board was satisfied with the third paragraph under this section.

On page 18, Mr. Ruffino specified under Committee Appointments, that 'with Board approval' be included in the first sentences of the second paragraph.

Mr. Puleo reminded the Board that they can vote on any of these suggestions for change, individually or as a whole.

Dr. Dehn would like clarification from Mr. Ruffino, did he wish to have something added to page 18 regarding Board communication not violating the Bagley-Keene Act? Mr. Ruffino responded, yes, he believes adding a sentence of clarification would be helpful.

Dr. Azzolino added that the distribution of responsibilities is very weighted under the Chair. He would like to see language added to allow some of the roles broken up among the other Board Members or that the Board Chair coordinates with who would be the most qualified person to handle those responsibilities. Dr. Azzolino would also like to have mentees trained in these capacities, to maintain a succession plan.

Dr. Azzolino recommended that outside of the Chair signing Board letters, the other duties could be facilitated through the Board Chair and assigned to other Board Members.

Mr. Puleo suggested that the proposed changes be taken back to Committee for further review. Mr. Puleo recommended that each Board Member individually submit their recommended changes to him. Mr. Puleo will submit the document to all Board Members and ensure that each Member's changes are identified.

The Board acknowledged that they would provide Mr. Puleo with their individual changes to the BMAPM document, and further review by the Government and Public Relations Committee would not be required.

Dr. Dehn wanted to take the opportunity to point out to the Board, that on page 24, additional language was added under Strategic Planning section. And under the Periodic Fee Audit section new language was added that was previously recommended by the full Board. She appreciates their review of these two sections.

Mr. Puleo reminded the Board that it would be prudent to motion to table this discussion and carry it forward to the next meeting.

MOTION: DR. AZZOLINO MOVED TO TABLE DISCUSSION REGARDING THE BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL UNTIL THE NEXT BOARD MEETING. SECOND: MR. RUFFINO SECONDED THE MOTION.

VOTE: 4-0 (DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. AZZOLINO-AYE, MR. RUFFINO-AYE)

MOTION: CARRIED

Dr. Dehn introduced the next item from the Committee, as Procedures for Electing Officers, including staff recommendations for nomination procedures.

Mr. Puleo reminded the Board, that one of these options would potentially become included into the BMAPM, should the Board approve one.

Mr. Ruffino posed a question to the Board, inquiring who consisted of the 10 programs that were utilized in the review process to develop these suggestions. Mr. Puleo responded that they were other Department of Consumer Affairs regulatory Boards that were reviewed.

Mr. Ruffino asked the DCA representative, Patrick Le, what guidelines the Department had regarding Board's election processes.

Mr. Le responded that DCA defers to each Board to determine how they individually choose to hold their election processes.

Mr. Ruffino stated that prior to the election day was an item of concern and one that needed to be addressed. He wished to move forward from that point and to suggest fair processes going forward for the Board.

Mr. Ruffino posed a question to Mr. Puleo, whether in his research he came across policy relating to staff involvement in the election process. Mr. Puleo responded that in some instances the Executive Officer can send out a memo to the Board in advance of the meeting, or in some instances the Executive Officer asked for nominations to be submitted in advance of the meeting. Mr. Ruffino appreciated Mr. Puleo's research into the election processes.

Mr. Ruffino made a recommendation to the Board to include a sentence about staff involvement, whether staff should play a role, or not, and consequences thereof. And he would also like language added regarding the campaigning and soliciting of Board Member's votes by phone, in terms of what is permissible or not.

Mr. Ruffino went on to suggest that, while he did not have specific verbiage, he felt language should be included that prohibited staff involvement in the election process.

Mr. Puleo and Mr. Ruffino discussed past elections.

Dr. Azzolino interjected to suggest that staff should not make recommendations for Board Members. He also stated that should the language need to be greatly altered, it might be best to hold off on a decision until a later Board Meeting.

Dr. Dehn suggested that much like the recommendations for the BMAPM, Board Members should submit language for changes regarding the election process document, so that further review and discussion can occur at the next full Board Meeting.

Dr. Azzolino suggested a statement be included to the election process document that the individual nominating themselves should submit a statement of qualifications.

Mr. McCarther responded that that suggestions had been reviewed and agreed upon by the Committee but had been erroneously left out of this document. Dr. Azzolino thanked Mr. McCarther for the update.

Dr. Azzolino posed a question to the Board, about what would be an appropriate amount of time to submit the statements to the Board. Mr. Puleo responded that it would be at the Board's preference to determine a time frame but that it potentially limits flexibility and decision making on part of the Board Members in the nomination process.

The Board discussed several options available to them within the election process document.

Dr. Azzolino proposed to the Board, that with two members absent they should abstain from voting and conduct the review at a later time, when the other members are present.

Dr. Dehn suggested narrowing down the potential options at the present meeting and potentially conducting the vote later.

The Board discussed the merits of having a thorough discussion with the two Board Members absent.

Mr. Ruffino suggested having the Chair appoint a nomination committee, that could make recommendations for nominees. Dr. Azzolino questioned if the size of the Board would preclude a successful committee. The success of such a committee was discussed.

Mr. Swenson recommended that the Board move to table the discussion regarding nomination and election procedures and discuss it at the next full Board Meeting.

**MOTION: MR. RUFFINO MOVED TO TABLE DISCUSSION REGARDING ELECTION PROCEDURES UNTIL THE NEXT BOARD MEETING.
SECOND: DR. AZZOLINO SECONDED THE MOTION.**

**VOTE: 4-0 (DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. AZZOLINO-AYE, MR. RUFFINO-AYE)
MOTION: CARRIED**

Dr. Dehn introduced the next topic of the Committee, SB 1480 (Hill) Professions and vocations.

**MOTION: DR. AZZOLINO MOVED TO SUPPORT SB 1480 (HILL) PROFESSIONS AND VOCATIONS.
SECOND: DR. LICHTMAN SECONDED THE MOTION.**

**VOTE: 4-0 (DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. AZZOLINO-AYE, MR. RUFFINO-AYE)
MOTION: CARRIED**

Dr. Dehn introduced topic SB1448 (Hill) Probation status: disclosure.

**MOTION: DR. AZZOLINO MOVED TO SUPPORT SB 1448 (HILL) PROBATION STATUS: DISCLOSURE.
SECOND: DR. DEHN SECONDED THE MOTION.**

**VOTE: 4-0 (DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. AZZOLINO-AYE, MR. RUFFINO-AYE)
MOTION: CARRIED**

Dr. Dehn introduced the final topic, AB 2138 (Chiu) Denial of application: revocation or suspension of licensure: criminal conviction.

Mr. Puleo offered an overview; the bill creates barriers for those wishing to enter a licensed profession, who have been previously incarcerated. The Boards currently have very thorough processes regarding vetting applicants and their past convictions, as they relate to their profession.

Mr. Puleo noted that the bill, as printed, will be changing. He recommends that the Board continue to watch this bill and continue to work with the authors office to facilitate any concerns.

MOTION: DR. AZZOLINO MOVED TO WATCH AB 2138 (CHIU) DENIAL OF APPLICATION: REVOCATION OR SUSPENSION OF LICENSURE: CRIMINAL CONVICTION.

SECOND: MR. RUFFINO SECONDED THE MOTION.

VOTE: 4-0 (DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. AZZOLINO-AYE, MR. RUFFINO-AYE)

MOTION: CARRIED

Update, Discussion and Possible Action on Pending Rulemaking:

Mr. McCarther stated that there have not been any updates, however, the application for regulation is close to the 30-day deadline for approval or disapproval. He is hopeful for a response soon.

Dr. Dehn posed a question regarding whether the Consumer Protection Enforcement Initiative (CPEI) was still with Department of Consumer Affairs.

Mr. McCarther responded that CPEI and Delegation for Authority were submitted to Legal Counsel. Once an approval or disapproval has been granted on the application regulation, attention will be turned to the CPEI and Delegation for Authority.

Mr. Puleo reminded the Board that there is a staff member focused on assisting with these regulations. Also, as the Policy Analyst position is still vacant, Mr. McCarther has been assisting with two positions.

The Board congratulated Mr. McCarther on his dedication to the Board.

Public Comments For Items Not On The Agenda

There were none

Future Agenda Items

Mr. Ruffino suggested adding two pieces of legislature to the agenda. First, the Louisiana House bills 748 and 372 related to limiting certifications; and Missouri House bill 1500.

Mr. Puleo will research these topics.

Mr. Ruffino put forward another suggestion for the agenda, establishing a special committee of the Board to open the Chiropractic Act of 1922.

Mr. Ruffino also suggested providing meeting materials to the Board well in advance of a full Board Meeting. He proposed agenda materials be provided to the Board 15 working days prior to the Board Meeting.

Mr. Puleo mentioned that because the agenda is publicized 10 days prior to a Board Meeting, it would be unlikely that agenda material would be able to be furnished prior to the finalized agenda.

Mr. Ruffino would like this topic added to the agenda to explore the possibilities.

Mr. Ruffino also suggested a 30-day maximum time frame for receiving Board Meeting minutes after a meeting.

Mr. Ruffino would also like committee compositions and a roster of committees to be provided. He also requested to be added to the Government Affairs Committee as a member.

Adjournment

Dr. Dehn adjourned the meeting at 6:25pm.

DRAFT

(ATTACHMENT A)

Approval by Ratification of Formerly Approved License Applications
January 1, 2018 and March 31, 2018

Name (First, Middle, Last)			Date Issued	DC#
Artin		Balalian	1/4/2018	34087
Bryan		Abasolo	1/11/2018	34088
Sang	Do	Lee	1/16/2018	34089
Michelle	Christine	Hoinsky	1/19/2018	34090
Kylie	Lynn	Hunsaker	1/19/2018	34091
Alexa	Kristina	Chilian	1/23/2018	34092
Daniel	Christopher	Kimbley	1/23/2018	34093
Sayed	Naweed	Miry	1/23/2018	34094
Milan	John	Anderson	1/25/2018	34095
Hannah	Elizabeth	Flammang	1/29/2018	34096
Leana		Liu	1/29/2018	34097
Lucas		Melendez	1/29/2018	34098
Scott	Andrew	Carlton	2/1/2018	34099
Michelle	Nicole	Green	2/1/2018	34100
Ledia		Mati	2/1/2018	34101
Daniel	Patrick	Miller	2/1/2018	34102
Alex	Jordan	Silver	2/1/2018	34103
Brandon	Steven	Slaugh	2/1/2018	34104
Morgan	Fredrick	Smith	2/1/2018	34105
Juan	Jesus	Villa	2/1/2018	34106
Trevor	Guida	Wendel	2/1/2018	34107
Elizabeth	Anne	Williams	2/1/2018	34108
Kody	Takeo	Fudenna	2/5/2018	34109
Patrick		Karamkhodian	2/5/2018	34110
Kristin	Victoria	Palase	2/5/2018	34111
Rhett	William	Adams	2/5/2018	34112
Raymond	Michael	Pulmano	2/5/2018	34113
Georgina		Villa Escobedo	2/5/2018	34114
Li		Yin	2/5/2018	34115
Tayte		Hines	2/8/2018	34116
Corey	L. D.	Cook	2/8/2018	34117
Julia	Michelle	Culbertson	2/8/2018	34118
William	Park	Goodman	2/8/2018	34119
Shayna	Chrystine	Guitare	2/8/2018	34120
Shayda		Kianfar	2/8/2018	34121

Keith	A	Kowalczyk	2/8/2018	34122
Sheena	S	Lee	2/8/2018	34123
Veronica	Lynne	Wilkins	2/8/2018	34124
Alexandra	Nicole	Andersson	2/8/2018	34125
Shane	Pitman	Kelly	2/8/2018	34126
Sean	Thompson	Woolery	2/8/2018	34127
Tina		Noorishad	2/9/2018	34128
Tess	Alexis	Noriega	2/9/2018	34129
Justin	Wade	Dean	2/21/2018	34130
Michael	William	Hinderman	2/21/2018	34131
Colton	Christopher	King	2/21/2018	34132
Kimberley	Alexandra	Maugeri	2/21/2018	34133
Michelle Rae	Nunez	Pascal	2/21/2018	34134
Taylor	Raymond	Pascal	2/21/2018	34135
Kaci	Tristan	Madden	2/23/2018	34136
Kushalmeet	Kaur	Pawar	2/23/2018	34137
Kristopher	Michael	Birkeland	2/23/2018	34138
David	Randolph	Holmes	2/23/2018	34139
Stephanie		Chen	2/26/2018	34140
Andrew	Benjamin	Curcuru	2/26/2018	34141
Ryan	Tucker	Mijares	2/26/2018	34142
Theodore	John	Thatcher	2/28/2018	34143
Adrian	Ventura	Villalba	2/28/2018	34144
Nicholas	Steven	Berglund	2/28/2018	34145
Hoi	Fan	Poon	2/28/2018	34146
Sura		Al-Shibib	3/2/2018	34147
Chase	Michael	Parlett	3/2/2018	34148
Satin	Ashlee	Perez	3/2/2018	34149
Joshua	Insoo	Choi	3/5/2018	34150
Bryanna	Renee	Esquivel	3/5/2018	34151
Jennifer	Elizabeth	Drumm	3/5/2018	34152
Nalani	Ashley	Camat	3/7/2018	34153
Garik		Mananian	3/7/2018	34154
Joseph	Anthony	Mattina	3/7/2018	34155
Ha	Khanh	Truong	3/7/2018	34156
Ramneek	Singh	Bhogal	3/8/2018	34157
Amy	Christine	McLane	3/8/2018	34158
David	Daniel	Pretzinger	3/8/2018	34159
Aaron	B	Schneider	3/8/2018	34160
Erica	Louise	Smith	3/8/2018	34161
Dane	Colby	Wimmer	3/14/2018	34162

Jeffrey	Joe Dack Wing	Wong	3/14/2018	34163
Dennis	Matthew	Hatch	3/15/2018	34164
Charlie		Khong	3/15/2018	34165
Scott	Edward	Kolofer	3/15/2018	34166
Diana	Therese	Leon	3/15/2018	34167
Zachary	Edward	Uhler	3/15/2018	34168
Alexander	Joshua	Peters	3/19/2018	34169
Andrea	Carolina	Furst	3/19/2018	34170
Ruben	Ryan	Quinonez	3/19/2018	34171
Amanda	Dawn	Lux Hein	3/19/2018	34172
Daniel		Demerjian	3/19/2018	34173
David	Joseph	Gilligan	3/21/2018	34174
Trevor	Ives	MacLeod	3/21/2018	34175
Monique	Marlene	Andrews	3/21/2018	34176
Brenna	Kathleen	Erickson	3/21/2018	34177
Veronique	Emma	Wagner	3/22/2018	34178
Lisa	Anne	Parissi	3/22/2018	34179
Marco	Antonio	Ruvalcaba	3/22/2018	34180
Kristen	Lee	Kozasky	3/22/2018	34181
Michael	Joseph	Pierce	3/27/2018	34182
Mandice	Myrsha	Williams	3/27/2018	34183
Shelley	Micheline	Pinard	3/29/2018	34184
Alexis	Pouran	Jahangiri	3/29/2018	34185
Kellen	Douglas	Otte	3/29/2018	34186

(ATTACHMENT B)

Ratification to Approve for New Continuing Education Providers

CONTINUING EDUCATION PROVIDERS	DATE
1. <u>Michelle A. Largent, D.C.</u>	<u>06/05/18</u>
2. <u>Michael J. Hollis</u>	<u>06/05/18</u>
3. <u>Jonathan Brand</u>	<u>06/05/18</u>
4. <u>Stephanie Libs, D.C.</u>	<u>06/05/18</u>
5. <u>David Goldeen</u>	<u>06/05/18</u>
6. <u>Dirk A. Farrell, D.C.</u>	<u>06/05/18</u>
7. <u>Barbara Berkeley, D.C.</u>	<u>06/05/18</u>
8. <u>Jess P. Armine, D.C.</u>	<u>06/05/18</u>
9. <u>Frank Springob, D.C.</u>	<u>06/05/18</u>
10. <u>Thomas Bynes, DC</u>	<u>06/05/18</u>
11. <u>Donald Baune</u>	<u>06/05/18</u>
12. <u>Diane Waye- Stretching by the Bay</u>	<u>06/05/18</u>
13. <u>Aspine Health Group, Inc.</u>	<u>06/05/18</u>
14. <u>Dr. Calvin B. Ross</u>	<u>06/05/18</u>
15. <u>Russell Whitten DC</u>	<u>06/05/18</u>
16. <u>TTAPS</u>	<u>06/05/18</u>
17. <u>Nevada Chiropractic Council</u>	<u>06/05/18</u>
18. <u>DJO, LLC</u>	<u>06/05/18</u>
19. <u>Jeffrey A. Finnigan</u>	<u>06/05/18</u>
20. <u>QNRT Professional Association</u>	<u>06/05/18</u>
21. <u>Nourish Nutrition, Inc</u>	<u>06/05/18</u>



State of California
Edmund G. Brown Jr., Governor

Agenda Item 8
November 8, 2018

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 August 9, 2018, Board meeting minutes.

Background

N/A

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

- Meeting Minutes from the August 9, 2018, Board meeting.



State of California
Edmund G. Brown Jr., Governor

BOARD OF CHIROPRACTIC EXAMINERS PUBLIC SESSION MINUTES

The Bristol Hotel
1055 First Avenue, City Scene Room
San Diego, CA 92101
August 9, 2018

Board Members Present

Heather Dehn, D.C., Chair
Corey Lichtman, D.C., Vice Chair
Sergio Azzolino, D.C., Secretary
Dionne McClain, D.C.
Thyonne Gordon, PhD

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
Andreia McMillen, Policy Analyst
Natalie Boyer, Continuing Education Analyst

Call to Order

Dr. Dehn called the meeting to order at 9:07 a.m.

Roll Call

Dr. Azzolino called the roll. All members, except Mr. Ruffino, were present. A quorum was established.

Opening Announcements

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

Administrative Law Judge, Adam Berg, presided over and Deputy Attorney General, Carra Rhamy, appeared on behalf of the people of the State of California on the following hearing:

A. Michelle McMillan, D.C.

Hearing Re: Petition for Reinstatement of Revoked License

Administrative Law Judge, Adam Berg, presided over and Deputy Attorney General, Carra Rhamy, appeared on behalf of the people of the State of California on the following hearing:

A. Michael Painter

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

B. Andy Nguyen

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 Sections 11126(c) and 13963.1
- B. Receive Advice from Legal Counsel Pursuant to California Government Code Sections 11126(e) and section 13963.1. Regarding Hugh Lubkin, D.C. v. Board of Chiropractic Examiners Workers' Compensation Case No. ADJ7361379

Open Session

The Board went back into Open Session.

Chair's Report

Dr. Dehn welcomed Dr. Thyonne Gordon to her first Public Board Meeting. Committees are continuing to work on ongoing projects, much of which was reflected in the agenda.

Approval of June 5, 2018, Board Meeting Minutes

MOTION: DR. AZZOLINO MOVED TO APPROVE THE MINUTES OF THE JUNE 5, 2018 MEETING.

SECOND: DR. LICHTMAN SECONDED THE MOTION

Discussion: Dr. McClain would like to make a correction on page six, fifth paragraph. It should read "...one of her suggestions discussed in Committee..." and not "...that her suggestion is...".

Dr. McClain requested a correction from Dr. Dehn's report on the Committee. On page ten, fourth paragraph, Dr. Dehn stated that content had been approved to the Board Member Administrative Procedure Manual. Dr. Dehn agreed that she had spoken in error.

VOTE: 3-0, 2-ABSTAINED (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-ABSTAIN, DR. GORDON-ABSTAIN)

MOTION: DID NOT PASS

Ratification of Approval of License Applications

MOTION: DR. AZZOLINO MOVED TO APPROVE THE RATIFICATION OF APPROVAL OF LICENSE APPLICATIONS.

SECOND: DR. MCCLAIN SECONDED THE MOTION

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

MOTION: CARRIED

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

There were no denied license applications.

Ratification of Approved Continuing Education Providers

MOTION: DR. LICHTMAN MOVED TO APPROVE THE RATIFICATION OF APPROVAL OF CONTINUING EDUCATION PROVIDERS.

SECOND: DR. DEHN SECONDED THE MOTION

Discussion: Dr. McClain questioned what potential context there might be for denial of applications.

Mr. Puleo responded that the Board's law does not provide any basis for denial of provider applications.

Mr. Swenson confirmed that the current regulation provides for what is required by providers in their applications. In the absence of regulations, there is no criteria in which to deny the applications.

Mr. Puleo reminded the Board that staff was working on amending the Continuing Education (CE) regulations to include standards for what should be included in the Provider Application, to better qualify the applicants.

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

MOTION: CARRIED

Executive Officer's Report

A. Administration – Board staffing/organizational chart

Mr. Puleo announced that Natalie Boyer has accepted the Staff Services Analyst position for the CE Coordinator in the Licensing and Continuing Education Unit. She comes to the Board with an academic background and has been looking for efficiencies in CE processes. Andreaia McMillen has accepted the Associate Governmental Program Analyst position for the Policy Analyst in the Administrative/Licensing Unit. There is a remaining vacancy in Enforcement and Board of Chiropractic Examiners (BCE) management is hoping to fill the position shortly.

B. Budget

Mr. Puleo reviewed the Budget report, calling attention to the sizeable surplus the Board should expect, once all transactions have been posted.

Dr. Dehn inquired about the balance discrepancy listed between the Actual Expenditures and the Governor's Budget, especially on line item: Fingerprinting Reports.

Dr. Azzolino recognized a similar balance discrepancy on Board Travel.

Mr. Puleo acknowledged that the budget did not always show in real time. And that the next report would demonstrate an accurate balance through the end of the fiscal year.

Mr. McCarther resolved to have clarifying answers to the Board's questions at the next full Board Meeting.

Dr. McClain requested a detailed review of any of the balance discrepancies listed. She also requested to have the reports identified, in some way, as complete or as having been reviewed by BCE staff and budget staff.

Mr. Puleo is confident that the Board will have a surplus when the fiscal budget is finalized and reported. He reminded the Board that the Governor's Budget, net appropriation, is the bottom line, and the primary figure that BCE is concerned with.

C. Licensing – Statistical Trends

Mr. Puleo summarized the Board's licensing statistics.

Dr. McClain inquired what progress had been made on Dr. Azzolino's request to see statistical trends from around the nation related to chiropractic licensees.

Mr. Puleo acknowledged that staff was working on this request and that data should be available by the next Board Meeting.

Dr. Dehn noticed that the total chiropractic licensees number had decreased throughout the year.

Dr. Azzolino requested the report to include, not only statistics for licensing trends by state, but also, other medical specialty professions including; naturopathy, osteopathy and physical therapy.

Mr. McCarther clarified if Dr. Azzolino wanted statistics from just California Boards. Dr. Azzolino confirmed.

D. Enforcement

Mr. Puleo summarized the Board's compliance statistics.

Dr. McClain inquired as to why there were so many more Letters of Admonishment for the 2017-2018 year.

Mr. Puleo stated that due to the increase in CE compliance audits, when there is an infraction, the Board will begin with a Letter of Admonishment to the licensee.

Review, Discussion and Possible Action to Establish a Special Committee of the Board to Discuss Opening the Chiropractic Initiative Act of 1922

Dr. Dehn suggested tabling the discussion on the Chiropractic Initiative Act (Act), as Mr. Ruffino had agendaized this item and, unfortunately, was not able to be present at the Board Meeting.

Dr. Azzolino wished to continue with the discussion. Primarily as it related to discussions around curriculum changes, as proposed by Deans of several chiropractic colleges. Dr. Azzolino agreed in developing a special committee and working in tandem with the chiropractic colleges to propose regulations, that could prevent the need for opening the Act.

Dr. Dehn stated that the Board is currently working with the chiropractic colleges on proposed regulations related to curriculum, and that the efforts of the committee may not require opening the Act at all but develop amendments through the legislative process that would assist the profession.

Mr. Puleo confirmed that the chiropractic schools have identified provisions in the Act that they would like to amend, which could be resolved through the regulation process and a few proposed changes which would require an amendment to the Act.

Dr. Azzolino suggested that if the workload of researching and developing amendments to the Act is precluding staff from dedicating time to this effort, then it should be incumbent upon the chiropractic colleges to hire staff and legislative analyst to assist. Dr. Azzolino implied that Dr. Oberstein has been very receptive to this idea.

Mr. Puleo agreed that working with the chiropractic colleges would be key but also relying on legislative expertise of staff to maneuver the legislative process.

Dr. McClain inquired of the makeup of the potential special committee.

Dr. Dehn wished to clarify that there were two separate items being discussed. The first, curriculum regulations which, is currently in progress with the chiropractic colleges. And the second, the agenda item, of establishing a special committee to review the Act. Dr. Dehn stated that the Enforcement Committee, plus any additional participants, would be an ideal group of individuals to review the Act.

Mr. Puleo stated that staff, along with legal counsel, can advise the Board on the best avenues to amend the Act, once they identified all desired changes.

Dr. Dehn stated that as there was an agenda item speaking to curriculum requirements, that could be sufficient to move the process forward, and there would not be a need for a special committee.

Dr. Azzolino expressed concern, that he felt was shared among the chiropractic colleges, that due to limited staff availability, the curriculum changes and other potential amendments would not be fully explored and the process could be stalled.

Mr. McCarther stated that with the hiring of the new Policy Analyst, there was sufficient staff to assist with policy research and progression of regulations. There would be no hindrance on staff's availability for completing this regulation.

Mr. Puleo agreed that there was plenty of opportunity to make these regulations the top priority.

Dr. Dehn and Dr. Azzolino proposed having one committee to look at potential amendments to the Act and, additionally, review curriculum regulations.

Mr. Puleo suggested a committee that would review the Act in its entirety and not specifically focus on curriculum changes.

Dr. Azzolino agreed and further feels that the chiropractic schools should bring forth a significant amount of the regulatory work related to curriculum.

Dr. Gordon posed a question for legal counsel on whether the Board could make a motion for a committee to review the Act and make suggestions to the full Board.

Mr. Swenson responded that the agenda item is limited to the language of opening the Act. Any action taken at this time would be limited to the formation of a special committee to open to Act.

The Board discussed the language of a potential motion.

Mr. Puleo recommended potentially waiting for Mr. Ruffino, as he had requested this topic for the agenda.

The Board sought legal counsel related to the language of the motion.

MOTION: DR. AZZOLINO MOVED TO ESTABLISH A COMMITTEE TO DISCUSS OPENING THE CHIROPRACTIC INITIATIVE ACT AND MAKE RECOMMENDATIONS TO THE BOARD. SECOND: DR. MCCLAIN SECONDED THE MOTION.

Discussion: Public Comment: Bridget Gramme, Director for the Center for Public Interest Law at the University of San Diego School of Law, suggested that the Board establish a three-person committee, as the meetings would be noticed to the public and thus subject to the Bagley-Keene Act. Mrs. Gramme also recommended including a Public Board Member in the composition of the committee, to avoid a majority of professionals in the committee and ensure a public protection mandate in the process.

Public Comment: Dr. Brian Stenzler, California Chiropractic Association (CCA), stated the potential concern of opening the Act from the profession, but reaffirmed his confidence in the Board to do everything possible with the schools, professionals and public to prevent any unintended consequences from occurring due to this process.

Dr. Dehn clarified that the Board would establish a special committee to review and identify areas of interest in the Act as a whole, not only educational components of the Act. Dr. Dehn also posed a question about whether the committee composition needed to be determined.

Mr. Swenson stated that the motion present was just to establish the special committee. Another motion would be needed to develop the composition of the committee and its size.

Dr. Azzolino asserted his preference for a two-person committee, as it is a research committee and no action would be taken by the members.

Mr. Swenson recommended that Dr. Azzolino amend his original motion to include a statement about the number of members in the committee.

MOTION AMENDED: DR. AZZOLINO MOVED TO ESTABLISH A TWO-PERSON ADVISORY COMMITTEE TO DISCUSS OPENING THE CHIROPRACTIC INITIATIVE ACT, INCLUDING CURRICULUM REQUIREMENTS AND MAKE RECOMMENDATIONS TO THE BOARD. SECOND: DR. MCCLAIN SECONDED THE MOTION.

Public Comment: Mrs. Gramme recommended assigning a Public Member of the Board to the committee, if the Board chooses to establish a two-person committee.

Dr. Azzolino reasserted that the committee would solely research and review, and not take any action, other than to report their findings to the full Board. There would be ample time for the public to participate.

Mrs. Gramme reaffirmed her recommendation.

Dr. McClain stated that the Board currently has several two-member committees and those meetings are noticed to the public. And there is plenty of opportunity for the public to participate.

Public Comment: Dr. Steven Jaffe, Southern California University of Health Sciences (SCU), suggested when the Board is reviewing the Act, they take into consideration the Council on Chiropractic Education (CCE) as the governing body of schools.

Dr. Azzolino stated his hopes for all California chiropractic schools to be intimately involved in the review process.

Dr. Jaffe affirmed his support.

Dr. Stenzler suggested amending the motion to remove the word 'open'.

Dr. Dehn and Dr. Azzolino reminded him that the Board could not, due to agenda language.

**VOTE: 5-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, DR. GORDON-AYE)
MOTION: CARRIED**

Review, Discussion, and Possible Action Regarding Procedures to Elect Board Officers

Dr. Dehn summarized the election options that staff researched. The Board postponed this agenda item at the last Board meeting in order to have Dr. Gordon's input on the process, but unfortunately, Mr. Ruffino was not in attendance.

Dr. Azzolino inquired if the Board could vote for officers at the end of the year, in an effort to have an onboarding process for Board Members.

Mr. Swenson stated that due to the Chiropractic Initiative Act, officers must be elected at the Board Meeting in January.

Dr. McClain suggested nominated individuals should have time to prepare a statement of interest for the position.

The Board discussed the nomination time frame, prior to voting for officers. Dr. Gordon recommended nominations occur at the last meeting of the year and elections occur at the first meeting of the year.

Mr. Swenson referred to the staff prepared memo on Procedures for Electing Board Officers, to identify the disadvantages and advantages of each option presented.

The Board discussed the advantages and disadvantages of nominating individuals at the last meeting of the year, as well as the potential need for self-reflection in accepting or not a nomination.

Dr. Azzolino inquired of Mr. Swenson if *Robert's Rules of Order* or another Board had insight into this area.

Mr. Swenson responded that *Robert's Rules of Order* suggestions were identified in the recommendations included in the memo, along with potential disadvantages and advantages.

Dr. Dehn suggested starting with the nomination process. Dr. Dehn stated that per Dr. Azzolino and Dr. McClain, nominations should occur at the last meeting of the year.

Dr. Azzolino inquired as to the need for a motion on each agreed upon item.

Mr. Swenson confirmed that a motion as a whole, once all items were identified, would be acceptable.

Dr. Dehn moved to discuss the potential nomination procedures; she posed the question of whether to hold the nominations by roll call or ballot for each office.

The Board discussed how to determine nominees; through self-nomination, nomination through another Member or both. It was agreed that both methods were satisfactory.

Dr. Dehn returned to the topic of nomination procedures; the options of roll call or ballot being sent to legal counsel.

Mr. Swenson did not recommend having legal counsel involved in the election process.

Dr. Azzolino brought forward Mr. Ruffino's concerns. On his Board positions, the Chair never voted first because of undue influence. Dr. Azzolino suggested reverse alphabetical order.

Dr. Dehn suggested nominating in roll call order, with the chair nominating at the end. The Board agreed.

Dr. Dehn moved to the voting procedures, which would occur at the January meeting. Dr. Dehn stated that if there are multiple nominations for the same officer position or even if there are not, the individual will give their qualification remarks to the Board. And that voting would occur one position at a time, allowing individuals nominated for multiple positions to have their intentions known.

Dr. Azzolino expressed concern for Mr. Ruffino not being able to offer his suggestions. But stated there would be potential to agendize this topic again.

Dr. Dehn inquired of the Board if they should vote by ballot or roll call.

Mr. Swenson recommended, in consideration with public interest, to make the vote on the record in a roll call.

Dr. Dehn reiterated the decisions of the Board. Nominations will occur at the last meeting of the year. Individuals can self-nominate or nominate others. Nominations would occur by roll call order, with the Chair nominating last. Voting would occur at the first meeting of the year, along with nominees providing their remarks to the Board. Voting would occur by position individually, through roll call order, with the Chair voting last.

Dr. Lichtman inquired if there was an appropriate order in voting for positions.

Dr. Dehn confirmed the order of voting for officers would be Chair, Vice Chair and Secretary.

Mr. McCarther proposed that the voting order could be alpha order, with the Chair last.

The Board confirmed.

MOTION: DR. DEHN MOVED TO CHANGE THE ELECTION PROCESS TO: NOMINATIONS WILL OCCUR AT THE LAST MEETING OF THE YEAR. INDIVIDUALS CAN SELF-NOMINATE OR NOMINATE OTHERS. NOMINATIONS WOULD OCCUR BY ROLL CALL ORDER, WITH THE CHAIR NOMINATING LAST. VOTING WOULD OCCUR AT THE FIRST MEETING OF THE YEAR, ALONG WITH NOMINEES PROVIDING THEIR REMARKS TO THE BOARD. VOTING WOULD OCCUR BY POSITION, STARTING WITH THE CHAIR, VICE CHAIR, AND THEN SECRETARY. ROLL CALL ORDER WILL BE ALPHA ORDER WITH THE CHAIR LAST.

SECOND: DR. AZZOLINO SECONDED THE MOTION

Discussion: Public Comment: Dr. Stenzler provided the current California Chiropractic Association (CCA) nomination and voting procedures.

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

MOTION: CARRIED

Review, Discussion, and Possible Action on Changes to the Board Member Administrative Procedure Manual

Mr. McCarther led the discussion on proposed changes to the Board Member Administrative Procedure Manual (BMAPM).

Mr. McCarther began on page six, paragraph four, the underlined segments are the proposed language change.

Dr. Dehn inquired about the efficiency of the proposed change on page six, paragraph four. Primarily the concern over timing when determining who the most qualified Board Member is to

make a statement to the press.

Dr. Azzolino shared the marginal necessity of the Chair needing to make a statement last minute.

The Board discussed the potential of a situation occurring that would require a statement from the Chair and the language of paragraph four.

Mr. Puleo inquired, on the behalf of future Boards, whom would be determining 'when possible', or not. Mr. Puleo is concerned in the potential time investment and future interpretation problems.

Dr. Azzolino suggested referring to the Chair and Vice Chair for public statements.

Dr. McClain suggested leaving the language as proposed, because "when possible" is a clear qualifying statement.

Mr. McCarther posed a question to legal counsel, would there be a conflict of interest should the press request a statement from the Board regarding a pending legal matter of a licensee, that the Board would eventually evaluate in a hearing.

Mr. Swenson agreed that there could potentially be an issue, if the Board were to pre-judge a case.

Mr. Puleo reiterated that his concern is to ensure the language is clear for future Boards.

Mr. McClain called the Boards attention to page eight, under the Chair's listed responsibilities: "Board Chair determined with the consent of the Vice Chair, which Board Members have expertise in respective areas...". Dr. McClain feels the two statements are similar.

Dr. Dehn suggested making the language consistent in both areas.

MOTION: DR. AZZOLINO MOVED TO MAKE THE LANGUAGE CONSISTENT ON PAGE SIX OF THE BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL TO REFLECT THE LANGUAGE ON PAGE EIGHT, "THE MEMBERS SHALL NOT SPEAK OR ACT FOR THE BOARD WITHOUT PROPER PREAUTHORIZATION FROM THE CHAIR AND/OR EO PRIOR TO MAKING ANY STATEMENT OR PRESS RELEASE. WHEN POSSIBLE, THE BOARD CHAIR WILL DETERMINE WITH THE CONSENT OF THE VICE CHAIR, WHICH BOARD MEMBERS HAVE EXPERTISE IN RESPECTIVE AREAS TO ACT AS SPOKESPERSON FOR THE BOARD OF CHIROPRACTIC EXAMINERS."

SECOND: DR. DEHN SECONDED THE MOTION

Discussion: Mr. Puleo inquired if the Board needed to vote on each change individually or as a whole at the end of the discussion.

Mr. Swenson agreed they could wait till the end, however, this motion was already on the floor and needed to be voted on.

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

MOTION: CARRIED

Mr. McCarther continued with the proposed change on page eight, under the Role of Board Officer, Board Chair. All changes are in bold and underlined.

In the first bullet, last sentence, Dr. Dehn suggested “best” be changed to “most”.

Mr. Puleo posed a concern, if the Board Chair and Vice Chair do not agree, who would assist with the decision making.

Dr. Dehn suggested language “consent of the EO”, should the Chair and Vice Chair fail to come to an agreement.

Mr. Swenson recommended changing the verbiage to “after” instead of “with”. And “consent” to “consultation”.

Dr. Dehn clarified the sentence to read “Determines after consultation with the Vice Chair and EO...”. The Board agreed.

Mr. McCarther continued with proposed changes in the third bullet point. No objections. Same for the fifth bullet point.

Dr. McClain posed a question regarding the fourth bullet point, and having the language match the changes made to the Vice Chair’s responsibilities.

Dr. Azzolino moved to the sixth bullet point, which conflicts with new language in the thirteenth bullet point. He feels they should match. The Board agreed that the sixth bullet should be removed.

Mr. McCarther called attention to the ninth bullet point, which is a proposed removal of content. And the addition to the thirteenth bullet point.

Dr. McClain stated that later in the BMAPM, the language states the Chair can recommend members for committees, but the committee Chair will be determined by the committee members. She feels the language should be reflected in this section.

Dr. Dehn clarified the language of bullet point thirteen as; “Establishes Committees in consultation with the VC”. She also stated that language would be determined at a later point regarding the committee composition.

Mr. McCarther continued with the last bullet point under the Board Chair’s responsibilities, relating to committee assignments.

Mr. Puleo suggested changing the language to “in consultation” instead of “with” and to include the EO in the language. “In consultation with the VC and EO, establishes two-person committees/subcommittees and/or task forces to research policy questions when necessary.”

The Board agreed.

Mr. McCarther moved to the roles and responsibilities of the Vice Chair position.

Mr. Puleo asked for clarification for the second bullet point, as it implied the EO would report to both the Chair and Vice Chair. He is concerned about the potential confusion and inefficiencies of this proposed duty.

The Board agreed that this proposed statement would cause undue confusion. The Board discussed the role of the EO and its relationship to Board activities. The Board agreed to remove the statement.

Mr. McCarther reviewed the third bullet point and agreed that this responsibility should stay under the Vice Chair.

For the following two bullets, Dr. Azzolino suggested striking them as the language had been moved to the Board Chair.

Dr. Dehn suggested making the language consistent for bullet point six and seven to match the final bullet point under the Board Chair's responsibilities. The Board agreed.

Mr. McCarther reviewed the final bullet point under the Vice Chair's responsibilities, which speaks directly to language on page 26 under Chapter 7. It was agreed to include "in consultation with the Chair" to ensure the language matched.

Mr. McCarther continued on to the Secretary's responsibilities.

Mr. Puleo recommended adding "in consultation with the Chair and EO" for the third bullet point.

Dr. Dehn suggested removing the fourth bullet point, as those responsibilities had already been discussed under the Chair and Vice Chair's duties.

Mr. McCarther highlighted the addition of the Committee Chair responsibilities section. Mr. Puleo asked for "agenda" and "meeting" be made plural.

Mr. McCarther continued on to page 11, first paragraph. Dr. Azzolino suggested removing "and Secretary" from the sentence.

Mr. McCarther moved to page 12, top of the page. Dr. Dehn posed a question regarding the phrase "a majority" as it related to the Bagley-Keene Act.

Mr. Swenson responded that the definition of a meeting in the Bagley-Keene Act, is more than two members.

Mr. Puleo inquired if they could make the language clearer, by defining "more than two members" versus a "majority". Mr. Swenson recommended removing "majority" and including both subdivisions of the Gov. Code and include "more than two members".

Mr. McCarther moved on to page 18, first paragraph. The first change can not be made as it conflicts with the Chiropractic Initiative Act, but would include the new amended election process.

Mr. McCarther continued on to Communication Between Officers, last sentence of the paragraph. Mr. Swenson questioned the phrase "call for a special election", as consistent with a written opinion from Legal Affairs Division that a special election is not possible.

Dr. Dehn clarified the sentence as "...any Board Member may agendaize the ongoing concern at the next full Board Meeting."

The Board discussed the language of the paragraph and the possibility for special elections to recall a member.

Mr. Puleo recommended adding "...and if necessary notify the Appointing authority.", at the end of the sentence. The Board agreed.

Mr. McCarther proceeded to the first paragraph under Committee Appointments. The Board agreed to mirror language previously agreed upon under Chair responsibilities.

Mr. McCarther reviewed the second paragraph. Mr. Puleo suggested striking out "and Secretary".

Dr. Lichtman inquired if this would be a good place to include language on the selection process for Committee Chair and Vice Chair.

Dr. Azzolino suggested adopting the same voting procedures as for the Board officers. Dr. Azzolino inquired if the officers of the committees should have different titles, he proposed Chair and Secretary.

Mr. McCarther felt that only a Chair was necessary in a committee.

Dr. McClain inquired what procedure should be included, in the instance of any changes in the committee composition or a disagreement within the Committee, in appointing the Chair. Mr. Puleo stated that the law does not speak to committee assignments and should there be a disagreement within the committee the Chair and Vice Chair of the Board would consult.

Mr. McCarther moved to page 20, fourth paragraph. Dr. McClain proposed mirroring language on page 19, regarding committee composition and election of committee Chair. The Board agreed to remove this paragraph and rely on language on subsequent pages in the BMAPM.

Mr. McCarther reviewed proposed corrections on page 22, under Board Member Addresses. The language was previously inconsistent and upon legal counsel has been changed to reflect that Board Members home addresses and personal information is confidential unless requested in a subpoena or records request. The Board agreed.

Mr. McCarther continued to page 23, under Press Statements and Contacts. The Board agreed to mirror language on page six, third bullet.

Mr. McCarther moved to page 25, previously discussed changes by the Board, under Strategic Planning and Periodic Fee Audit. The Board agreed with proposed changes.

Mr. McCarther continued to page 26, under Board Member Disciplinary Actions. Mr. Puleo suggested making the language consistent with a previous provision, on page 18 under Communication Between Officers.

Dr. Lichtman suggested language change from "at the next Board Meeting" to "for the next Board meeting". Same change should be made on page 18.

Mr. Puleo called the Board's attention to page 27, under Resignation of Board Members. Mr. Puleo suggested changing "or" to "and", to ensure the resigning Board Member and the EO notify the Governor's office.

MOTION: DR. AZZOLINO MOVED TO ACCEPT ALL THE CHANGES DISCUSSED TO THE BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL.

SECOND: DR. LICHTMAN SECONDED THE MOTION

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

MOTION: CARRIED

Review, Discussion and Possible Action Regarding Board Member Committee Assignments

Dr. Dehn reviewed the current committee compositions.

Dr. Azzolino suggested including Mr. Ruffino on the Government Affairs Committee and moving Dr. Lichtman to the Enforcement Committee.

Dr. Gordon interjected that the Government Affairs Committee would then consist of two Public Board Members.

Dr. Dehn stated that she would like to discuss with Mr. Ruffino his intentions with committee participation, especially with the advent of the special committee.

The Board discussed the potential makeup of the committees. It was agreed that Dr. Dehn would seek Mr. Ruffino's input.

Dr. Dehn pointed out on the following page, that the Committee Chair had already been identified. But per the Board's previous conversation those positions would be determined by the committee members.

Review, Discussion and Possible Action Regarding the Distribution of Board Meeting Materials

Mr. McCarther stated that this agenda item was added at the request by Mr. Ruffino. Staff have provided a general breakdown of the timeline to prepare meeting packets. Additionally, they have included actions that could potentially delay the timeline process.

Dr. McClain recommended that in the event of delays, an electronic version of meeting materials be made available to the Board, even if it included small sections at a time.

Mr. McCarther stated a potential conflict in providing meeting material earlier would be if the agenda has not been approved by all parties and finalized ten days prior to the meeting.

Mr. Puleo suggested providing material for standing agenda items. Staff can electronically forward items as they are completed.

Dr. Azzolino appreciated this recommendation.

The Board discussed the timeline considerations for approving the agenda and preparing meeting material.

Dr. Gordon suggested utilizing a drop box method to submit prepared materials to the Board.

Review, Discussion and Possible Action Regarding Legislation from other States

- a. Louisiana HB 748 (Emerson) Establishes the Occupational Licensing Review Act
- b. Louisiana HB 372 (Connick) Establishes the Occupational Board Compliance Act
- c. Missouri HB 1500 (Dogan) Reduction in Regulation of Certain Occupations

Dr. Dehn introduced these topics as a result of Mr. Ruffino requesting them as agenda items. Without Mr. Ruffino present, she was uncertain of his reasons for these agenda items and postponed it to the next Board Meeting.

Review, Discussion and Possible Action Regarding Revisions to Sections 330 – 331.16 (Curriculum Requirements)

Mr. Puleo mentioned that a thorough discussion had already occurred under the Chiropractic Initiative Act agenda topic. Many chiropractic colleges had already reviewed the Act and identified problematic provisions and recommended changes. Some of these changes would require an amendment to the Act, but some could be accomplished through the regulation process.

Mr. Puleo inquired if the Board would like to pursue staff resources focused on regulatory changes.

Dr. Azzolino suggested working with chiropractic colleges and having their recommendations provided to the Board.

Mr. Puleo agreed and suggested a meeting between the chiropractic colleges, licensee Board Members and staff would be necessary.

Dr. Dehn inquired if the schools had provided their suggestions for amendments in a regulatory format with substantiations.

Mr. Puleo responded that there are some but rather brief. There would need to be further meetings with the schools to develop this content.

Dr. Dehn clarified the next steps for the Board; to have Board Members review the material the chiropractic schools have submitted, then incorporate the schools to define their needs further. Afterward, Board staff would begin the process of submitting the material in a legislative or rulemaking format.

Dr. Azzolino agreed with these steps.

Mr. Puleo asked if this would occur at a Board Meeting or Committee meeting.

Dr. Azzolino and Dr. Dehn agreed it would occur in a Committee Meeting; consisting of the Board Members and staff to review the material from the schools. Followed by a meeting with

school representatives.

Mr. Puleo inquired if the Board wished to identify the participating Board Members.

The Board discussed the potential composition of the committee and its overall efforts.

Dr. Dehn questioned if the Board would like a special committee to open the Act or a committee to review curriculum regulation items. She feels the curriculum discussion is more in line with the Board's objectives.

Dr. Azzolino responded that he was uncertain of Mr. Ruffino's desire in agendaizing the special committee.

Dr. Azzolino inquired if Dr. McClain had interest in working on the committee. Dr. McClain is interested but qualified that with the two subject areas before the Board, there was some confusion as to the objective.

Mr. Puleo suggested that since curriculum had been identified as a top priority of the Board, then the committee should focus solely on the curriculum and leave further review of the Act to a later time.

Dr. Azzolino suggested he and Dr. Dehn could focus on curriculum requirements and then Mr. Ruffino and Dr. McClain could make up the special committee for the Act.

The Board agreed. Dr. Lichtman also had great interest in participating in the special committee for the Act and will be sending in his suggestions through Mr. Puleo.

A discussion resulted on the 'spoke and wheel' form of communication that could be possible with Board Members filtering suggestions through Mr. Puleo and then back to the committee. It was proposed to allow each committee to research and bring forward topics to the full Board for discussion.

Review, Discussion and Possible Action Regarding Cannabidiol (CBD)

Mr. Puleo summarized the level of calls the Board office staff receive related to the use of CBD in chiropractic practices.

Dr. Azzolino stated his belief that it is premature for the Board to develop an opinion considering CBD's are still a Federally regulated substance. Dr. Azzolino suggested to Board office staff to notify licensees to avoid the use because the laws are too new.

Mr. Puleo agreed with Dr. Azzolino and reaffirmed that office staff cannot give legal advice.

Mr. Swenson announced there had not been an opinion developed by Legal Division for the Department of Consumer Affairs' Boards and Bureaus. Recommendation is to track queries from licensees through the EO.

Dr. Dehn questioned whether a decision regarding disciplinary actions related to the use of CBD, would create a precedent for the Board.

Mr. Swenson replied that it would not. If there was an appeal of a Board decision through a trial court that led to the Court of Appeal, then precedent would be developed.

Public Comment: Sonja Logman, Deputy Secretary of Business, Consumer Services & Housing Agency. She provided updates related to the Agency's current activities on regulating the legal commercial cannabis market. She will continue to work with the EO and AEO to provide updates on several bills.

Review, Discussion and Possible Action Regarding Telehealth

Mr. Puleo introduced the topic as another that Board office staff receive questions regarding; whether a chiropractor can treat remotely.

Mr. Swenson referred to the Board packet memorandum and the provisions included, and that potential regulations are possible as telehealth is not in direct conflict with any item in the Chiropractic Initiative Act.

Dr. Dehn raised concern about a practitioner's ability to comply with medical practice parameters when practicing through telehealth.

Mr. Swenson agreed that the language of any regulation would need to be very specific to address the concerns of Dr. Dehn.

Mr. Puleo reminded the Board that, to date, there has not been any consumer complaints related to doctors practicing remotely.

The Board agreed to revisit this topic at a later time.

Mr. Swenson suggested that those participating in the curriculum discussions consider telehealth as a potential topic, to ensure chiropractic students are prepared for the workforce needs.

Public Comment: Dr. Jaffe asked for clarification of Mr. Puleo, whether telehealth was within scope of practice.

Mr. Puleo clarified that in the Business and Professions Code allows chiropractic profession, among other medical professions, to practice via telehealth. But the Board needs to determine if a particular action is within scope of practice.

Review, Discussion and Possible Action Regarding the Definitions of Chiropractic Adjustive Technique and Chiropractic Manipulation Technique

Dr. McClain introduced the topic as being one that has come up in the CE Committee. She asked the Board's perspective relative to the definition between adjustive techniques and manipulation techniques.

Dr. Azzolino provided that 'manipulation' is used more frequently.

Dr. Dehn asserted that the definition is problematic when used in context of CE credit.

Dr. McClain stated the desire of the CE Committee is to define the category so that providers are not able to submit an array of topics under chiropractic adjustive technique, and to assist staff with subject area clarity.

Mr. McCarther provided that 'manipulation' and 'adjustment' are used synonymously, but if there is a distinction, staff needs to be aware.

The Board agreed that the two words are commonly used interchangeably. A discussion continued on defining manipulation technique versus adjustive technique.

Dr. Dehn requested the Board's opinion on whether staff should approve CE courses on topics of techniques that other professions can perform, outside of chiropractic care. Example, if a massage therapist can perform the technique, is it a 'chiropractic manipulation technique'.

Dr. Azzolino opined that it was not.

Dr. Dehn reminded the Board of the previous definition discussed at the June Board Meeting; chiropractic adjustive techniques are those taught by CCE accredited colleges or specialty boards accredited by the American Board of Chiropractic Specialties and would be approved for CE credit.

Dr. Azzolino was fine with the definition provided. He feels both agencies are well vetted and credentialed.

It was agreed that both 'chiropractic adjustive techniques' and 'chiropractic manipulation techniques' should be included in the definition.

Public Comment: Dixie Van Allen, Licensing/CE Unit Manager, asked for clarification of the Board. That any adjustive or manipulative course submitted by chiropractic Board approved college would receive CE approval.

Dr. Azzolino agreed. Dr. Dehn expanded the definition to include techniques covered in a college approved club.

The Board advised staff to seek comprehensive lists from the chiropractic colleges to develop the list of approved techniques.

Public Comment: Dr. Kendra Holloway, provided the authoritative text on *Chiropractic Technique: Principles and Procedures* by Tom Bergman for the Boards review, as it relates to technique definitions.

Review, Discussion and Possible Action on Whether the Board Should Grant Continuing Education Credit for Adjustive/Manipulation Techniques That Are Not Limited to a Doctor of Chiropractic

Mr. McCarther inquired of the response for the agenda item was 'yes'.

Dr. McClain clarified that the statement by providing an example from the CE Committee, on whether a CE application should be approved if the technique was one that could be performed by another profession or if the course should be referred to another Board.

The Board discussed examples and opportunity to refer CE Providers to other medical boards for topics not specific to chiropractic.

The Board feels that defining the techniques as specific to those taught in accredited chiropractic colleges or specialty Boards would assist staff in determining appropriate content to be approved for adjustive or manipulative CE credit.

Dr. McClain revisited the agenda item and the Board responded in the affirmative that if the manipulation or adjustive technique was taught by an accredited chiropractic college, the Board would grant CE credit approval for a technique that other medical professionals can also perform.

Review, Discussion and Possible Action on B&P Section 1054 - Name of Chiropractic Corporation

Dr. Azzolino had requested this item as there have been several discrepancies within the law, around chiropractic corporation names.

Mr. Puleo had researched other Boards and the Moscone-Knox Act to determine what other professions require.

Mr. Swenson stated that there was limited history information regarding why the Legislature included B&P Section 1054.

Dr. Azzolino inquired if the chiropractic profession was the only one bound by restrictions of naming a corporation.

Mr. Puleo responded that all medical professions are bound by Moscone-Knox and that B&P Section 1054 is specific to the chiropractic profession. Mr. Puleo stated that there does not appear to be specific laws requiring the Board to regulate the naming of professional corporations, the action needed would be to amend or repeal B&P Section 1054 and determine if there were any objections.

Dr. Dehn suggested this as a future topic for the Enforcement Committee.

Dr. Azzolino inquired about the level of difficulty in repealing B&P Section 1054.

Mr. Puleo stated that difficulty would arise if there was opposition from the legislature. Mr. Puleo advised that he would need language approved by the Board if they chose to amend the bill.

Dr. Azzolino suggested that the CCA be tasked with the language determination.

Dr. Dehn asked for clarification that this was a topic the Board would like to move forward with and Mr. Puleo would investigate the options of repealing B&P Section 1054, but if he needed assistance he could refer to the Enforcement Committee.

MOTION: DR. AZZOLINO MOVED TO PURSUE LEGISLATION TO REPEAL B&P SECTION 1054.

SECOND: DR. DEHN SECONDED THE MOTION

VOTE: 4-0, 1-ABSTENTION (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, DR. GORDON-ABSTAIN)

MOTION: CARRIED

Review, Discussion and Possible Action Regarding SB 1480 (Hill) Professions and Vocations

Mr. McCarther notified the Board that the next three agenda items are without change, all three bills are currently in Appropriation Committees.

Review, Discussion and Possible Action on Pending Rulemaking

Mr. McCarther informed the Board that the Application for Licensure has been approved and becomes effective October 1st, 2018. He also updated the Board that the Delegation of Authority to the Assistant Executive Officer and Consumer Protection Enforcement Initiative (CPEI) are currently with Legal Affairs and the Retired Annuitant is currently focused on combining the BCE Disciplinary Guidelines & Uniform Standards for Substance Abusing Licensees.

Dr. Dehn summarized that the CPR guidelines are currently with the CE Committee regulation discussions. Lastly, Dr. Dehn requested Mr. McCarther's suggestions for staff resources related to the pending rulemaking.

Mr. McCarther summarized the efforts of Mr. Swenson, the Retired Annuitant and DCA staff.

Dr. Dehn inquired whether most Board staff and resources could go towards CE regulations and curriculum requirements.

Mr. McCarther confirmed.

Dr. Dehn would like Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice or Death/Incapacity of Licensee to be moved to the bottom of the rulemaking list.

Public Comment for Items Not on the Agenda

Public Comment: Dr. Kendra Holloway, requested that the CE regulation workgroup records from Northern and Southern California be made available to the public.

Mr. Puleo agreed that the records from the provider focus groups could be made public. It is currently a compilation of provider's comment and might be taken out of context if posted to the Board's website.

Dr. Holloway inquired if there would be future focus groups relating to CE content.

Mr. Puleo agreed that the Board would conduct further focus groups.

Dr. Holloway also brought forth complaints by CE providers of staff evaluating applications as multiple subjects requiring more than one application when the adjustive technique incorporates a diagnostic testing procedure.

Mr. Swenson advised that this topic is coming forth as part of public discussion and advised that the Board would not be able to discuss as it had not been agendaized. Mr. Swenson suggested summarizing the concern as a potential future agenda item.

Dr. Holloway continued to suggest that one application be submitted for all the different topics presented in an application and to raise the fee of a CE course application.

Future Agenda Items

Dr. Azzolino suggested a training on appropriate giving and receiving of questions from petitioners during hearings.

Adjournment

Dr. Dehn adjourned the meeting at 5:48 p.m.

(ATTACHMENT A)

Approval by Ratification of Formerly Approved License Applications
April 1, 2018 and June 30, 2018

Name (First, Middle, Last)			Date Issued	DC#
	Gunnar			
Martin	Rasmussen	Hodgson	4/4/2018	34187
Erika	Marie	Wiger	4/4/2018	34188
Cecilia	Marina	Bettencourt	4/4/2018	34189
Brett		Wee	4/4/2018	34190
Katelyn	Rose	Cresta	4/6/2018	34191
Nathan	Christopher	Marshall	4/6/2018	34192
Eugene		Moznavsky	4/6/2018	34193
I-Chen		Lee	4/6/2018	34194
Yang		Yang	4/11/2018	34195
Hannah	Hyunah	Yoon	4/11/2018	34196
Hyungjoon		Kim	4/11/2018	34197
Kevin	Joseph	Johnson	4/30/2018	34198
Andrew	Michael	Mackie	4/30/2018	34199
Loretta		Mears	4/30/2018	34200
Grace	Jeanee	Chang	5/1/2018	34201
Michael	Timothy	Donohue	5/1/2018	34202
Adam	Garold Joseph	Scofield	5/1/2018	34203
Nathan	Jude	Luczynski	5/1/2018	34204
Danielle	Marie	Cipollo	5/2/2018	34205
Ulysses		Espinosa	5/2/2018	34206
Jui-Chung	John	Lin	5/2/2018	34207
Kenneth	Edward	Crum	5/3/2018	34208
Ryan	Gregory	Hamilton	5/3/2018	34209
James	Daniel	Hook	5/3/2018	34210
Sydney	Paige	Oberstein	5/3/2018	34211
Kevin	Sam	Choo	5/3/2018	34212
Mercedes	Guadalupe	Leigh	5/3/2018	34213
John	William	Christman	5/9/2018	34214
Mary	Louise	Garrett	5/9/2018	34215
Ian	Michael	Johnson	5/9/2018	34216
Ashli	Joy	Robertson	5/9/2018	34217
Kimia	Sanaz	Shakerpoor	5/9/2018	34218
Brian	Chen	Wang	5/9/2018	34219
Kaitlin	Elizabeth	Davis	5/9/2018	34220
Polette		Alexanian	5/10/2018	34221

Michael	Robert	Dellacorte	5/10/2018	34222
Narbeh		Hakopian	5/10/2018	34223
Elise	Mari	Hamilton	5/10/2018	34224
William		Vy	5/10/2018	34225
Madeline	Rachel	Wallace	5/16/2018	34226
Yeesul		Yoo	5/16/2018	34227
Christina	Gayle	Goulart	5/16/2018	34228
Eduardo	Theo	Torres	5/16/2018	34229
Yang		Hsiang	5/16/2018	34230
Leo	Charles	Kormanik II	5/16/2018	34231
Cody	Alan	Miller	5/16/2018	34232
Christopher	Andrew	Duong	5/24/2018	34233
Justin	Michael	Wilcox	5/24/2018	34234
Darrin	Mitchell	Barry	5/24/2018	34235
Alexander	Helmut	Eppich	5/24/2018	34236
Arielle	Leigh Devyn	Rubinoff	5/24/2018	34237
Gunawan	Riray	Poespowidjojo	5/29/2018	34238
Amos	Young Won	Chon	5/29/2018	34239
Christopher	James	Cucullu	6/4/2018	34240
Steven	Beau	Fantasia	6/4/2018	34241
Martha	K	Mekonen	6/4/2018	34242
Angelica	M	Ortiz	6/4/2018	34243
Gary	William	Tanchak	6/4/2018	34244
Israel		Calva-Rosales	6/6/2018	34245
Carlina	Alese	Carpenter	6/6/2018	34246
Bassam		Slibi	6/6/2018	34247
Arthur	Verrett	Lewis	6/6/2018	34248
Julie	Ho Yan	Lau	6/7/2018	34249
Roland	Wellington	Quan	6/7/2018	34250
Myra-Ashley	Yu	Amparo	6/7/2018	34251
Kayla	Marie	Bravo	6/7/2018	34252
Susanna	Susie	Drmandjian	6/7/2018	34253
William	Ryan	Fisher	6/7/2018	34254
Mina		Lahijani	6/7/2018	34255
Esteban		Sandoval	6/7/2018	34256
Alicia	Marie	Strunk	6/7/2018	34257
Beau	Joseph	Rhodes	6/12/2018	34258
Phillip	Mario	Vournazos	6/12/2018	34259
Zara		Ali	6/14/2018	34260
Aaron	Gabriel	Stern	6/14/2018	34261
Christopher	Allen	Visico	6/14/2018	34262

Rachel	Anne	Clark	6/14/2018	34263
Enrique		Prieto	6/14/2018	34264
Anthony	James	Cipperoni	6/14/2018	34265
Grayson	Cole	Pomeroy	6/14/2018	34266
Cody	Alexander	Soofoo	6/14/2018	34267
Vartan		Vartanyan	6/27/2018	34268
Austin	James	Lane	6/27/2018	34269
Arica		Roetemeyer	6/27/2018	34270
Gregory	Scott	Stayberg	6/27/2018	34271
Robert	Paul	Iannessa Jr	6/29/2018	34272
Michael	Ian	Lichtman	6/29/2018	34273
Cara-Celeste		Parot	6/29/2018	34274
John	Edwin	Schellenberg	6/29/2018	34275
Marissa	Anne	Sturges	6/29/2018	34276
Nicholas	Johnson	Tashiro	6/29/2018	34277
Jackson	Harper	Wagner	6/29/2018	34278

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(ATTACHMENT B)

Pending Ratification to Approve for New Continuing Education Providers

CONTINUING EDUCATION PROVIDERS

PENDING APPROVAL

- | | |
|----------------------------------------------------------|----------|
| 1. Neuro Orthopaedic Institute - NOI US | 08/09/18 |
| 2. Gregory Plaughter, D.C. | 08/09/18 |
| 3. Donald James Richardson, D.C., D.A.C.B.S.P., C.S.C.S. | 08/09/18 |
| 4. Henry Kan | 08/09/18 |
| 5. Rex Allen Stevens | 08/09/18 |
| 6. Dr. John Blenio, D.C. | 08/09/18 |

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