Board of Chiropractic Examiners

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Public Board Meeting
January 7, 2020

BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
DEPARTMENT OF CONSUMER AFFAIRS • CALIFORNIA BOARD OF CHIROPRACTIC EXAMINERS
901 P St., Suite 142A, Sacramento, CA 95814
P (916) 263-5355 | Toll-Free (866) 543-1311 | F (916) 327-0039 | www.chiro.ca.gov

NOTICE OF BOARD MEETING

The Department of Consumer Affairs Headquarters II
1747 N. Market Blvd., Room #186
Sacramento, CA 95834-1924
Security Desk: 916-574-7307
January 7, 2020
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
   Sergio Azzolino, D.C., Chair
   Dionne McClain, D.C., Vice Chair
   Frank Ruffino. Secretary
   Heather Dehn, D.C.
   Corey Lichtman, D.C.
   David Paris, D.C.

2. **Pledge of Allegiance**

3. **Hearing Re: Petition for Reinstatement of Revoked License**
   A. Andrea Bradshaw Case No. AC 2014-999
   B. Richard Loos Case No. AC 2016-1079

4. **Hearing Re: Petition for Reduction of Penalty**
   A. Lance Mahoney Case No. AC 2016-1064

5. **Hearing Re: Petition for Early Termination of Probation**
   A. John Krage Case No. AC 2014-991

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

6. 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----------

7. Open Session: Announcements Regarding Closed Session

8. Chair's Report

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

9. Approval of October 24, 2019, Board Meeting Minutes

10. Ratification of Approval of License Applications

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

12. Ratification of Approved Continuing Education Providers

13. Election of Board Officers for 2020. The Board will vote for the following:

A. Chair
B. Vice-Chair
C. Secretary

14. Remarks from the newly elected Board Chair

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

15. Executive Officer's Report

A. Administration - Board staffing/organizational chart
B. Licensing - Statistical trends
C. Enforcement - Statistical trends
D. Budget - Fund condition update
E. OIS - Update

16. Budget/Fund Condition Update by a representative from the Department of Consumer Affairs Budget Office

17. Information Technology Update by Sean O'Connor, Chief, Project Delivery and Administrative Services at the Department of Consumer Affairs

18. Update, Discussion and Possible Action on Pending Rulemaking:

A. Denial of Application: Revocation or Suspension of Licensure
B. Probation Status Disclosure
C. Consumer Protection Enforcement Initiative (CPEI)
D. Revisions to BCE Disciplinary Guidelines & Uniform Standards for Substance Abusing Licensees
E. Sponsored Free Health Care Events - Repeal 16 CCR Section 309-309.4
F. Revisions to Curriculum Requirements and Approval of Programs (16 CCR Sections 330 – 331.16)
G. Continuing Education Requirements (CE Provider and Course Approval)/Mandatory Cardiopulmonary Resuscitation (CPR) Certification for All Licensees
H. Delegation of Authority to the Assistant Executive Officer
I. Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice on Death/Incapacity of Licensee Amend or Repeal 16 CCR Section 354- Successful Examination (Obsolete provision)

19. 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 at 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.

20. 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 Section 11125.]

21. 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.

Agenda Item #9
January 7, 2020

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 October 29, 2019, Board Meeting minutes.

Background

N/A

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

- Meeting minutes from the October 29, 2019, Board Meeting.

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

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BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES

October 24, 2019
Radisson Hotel Oakland Airport
8400 Edes Avenue, Embarcadero Ballroom
Oakland, CA 94621

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Board Members Present
Sergio Azzolino, D.C., Chair
Dionne McClain, D.C., Vice Chair
Frank Ruffino, Secretary
Heather Dehn, D.C.
Corey Lichtman, D.C.
David Paris, D.C.

Staff Present
Robert Puleo, Executive Officer
Marcus McCarther, Assistant Executive Officer
Michael Kanotz, Senior Attorney
Dixie Van Allen, Staff Services Manager I
Kristin Walker, Staff Services Manager I
Valerie James, Staff Services Analyst
Andreia McMillen, Associate Government Program Analyst

Call to Order
Dr. Azzolino called the meeting to order at 9:02 a.m.

Roll Call
Mr. Ruffino called the roll. All members were present. A quorum was established.

Pledge of Allegiance
Mr. Ruffino led the Pledge of Allegiance.

Hearing Re: Petition for Reinstatement of Revoked License

Administrative Law Judge, Regina Brown, presided over and Deputy Attorney General, Tim Froehle appeared on behalf of the people of the State of California on the following hearing:

A. Ku Il Lee Case No. AC 2013-976

Hearing Re: Petition for Early Termination of Probation

Administrative Law Judge, Regina Brown, presided over and Deputy Attorney General, Tim Froehle appeared on behalf of the people of the State of California on the following hearing:

A. Walker Scott Case No. AC 2016-1089

Closed Session

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

A. Deliberate on Disciplinary Decisions and the above Petitions Pursuant to California Government Code Section 11126(c)(3)
B. Receive Advice from Legal Counsel Pursuant to California Government Code Sections 11126(e) and 13963.1 Regarding Hugh Lubkin, D.C. v. Board of Chiropractic Examiners, Workers' Compensation Case No. ADJ7361379

Open Session

The Board returned to Open Session.

Chair's Report

Dr. Azzolino expressed condolences for the recent passing of former Board member Franco Columbu, who served on the Board for eight years.

Additionally, Dr. Azzolino announced the Board continues to work with the Office of Information Services on the Business Modernization Plan (BMP) and licensees are now able to renew their license online at the Board's website.

Mr. McCarther invited Dr. Paris to share his experience being the first user renewing his license online.

Dr. Paris reported the online renewal feature had a friendly interface and it was easy to complete his transaction. He commended staff on their hard work and encouraged licensees to take advantage of this user-friendly service.

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Dr. Azzolino reviewed highlights from a meeting with the California Orthopaedic Association and the California Chiropractic Association (CalChiro) to discuss stem cell use in chiropractic offices and misleading advertising. He added the Board in collaboration with the Orthopaedic Association and CalChiro may release a statement to remind the profession that doctors of chiropractic are not authorized to administer injections in California.

Approval of July 25, 2019 Board Meeting Minutes

MOTION: DR. LICHTMAN MOVED TO APPROVE THE MINUTES OF THE JULY 25, 2019 BOARD MEETING.
SECOND: MR. RUFFINO SECONDED THE MOTION.

Discussion: Dr. McClain offered a correction on page seven, fourth paragraph, "pursing this in an effort to educate the profession" should be removed and replaced with "pursuing an effort to".

Dr. Azzolino noted on page two, the statement: "chiropractors are unable to practice injections" should be: "chiropractors are not able to administer injections."

VOTE: 5-0, 1 ABSTAIN (DR. AZZOLINO-AYE, DR. MCCLAIN-AYE, MR. RUFFINO-AYE, DR. DEHN-ABSTAIN, DR. LICHTMAN-AYE, DR. PARIS-AYE).
MOTION: CARRIED.

Ratification of Approval of License Applications

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

Discussion: There was none.

VOTE: 6-0 (DR. AZZOLINO-AYE, DR. MCCLAIN-AYE, MR. RUFFINO-AYE, DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. PARIS-AYE).
MOTION: CARRIED.

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

There was none.

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Ratification of Approved Continuing Education Providers

MOTION: DR. LICHTMAN MOVED TO RATIFY THE APPROVED CONTINUING EDUCATION PROVIDERS.
SECOND: DR. DEHN SECONDED THE MOTION.

Discussion: There was none.

VOTE: 6-0 (DR. AZZOLINO-AYE, DR. MCCLAIN-AYE, MR. RUFFINO-AYE, DR. DEHN-AYE DR. LICHTMAN-AYE, DR. PARIS-AYE).
MOTION: CARRIED.

Election of Board Officers for 2020. The Board Conducted Nomination Procedures for Board Officer Positions: Chair, Vice Chair, and Secretary.

Dr. Azzolino asked Mr. Kanotz to call the roll for nominees.

Nominees for Chair:

- Dr. Dehn – No Nomination.
- Dr. Lichtman – Dr. Paris.
- Dr. McClain – Dr. Azzolino.
- Dr. Paris – No Nomination.
- Mr. Ruffino – No Nomination.
- Dr. Azzolino – Dr. Paris.

Dr. Azzolino stated he would accept Dr. McClain's nomination if Dr. Paris is unable to serve as Chair.

Dr. Paris Accepted the Nomination.

Dr. Azzolino Declined the Nomination

Nominees for Vice Chair:

- Dr. Dehn – No Nomination.
- Dr. Lichtman – No Nomination.

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- Dr. McClain – No Nomination.
- Dr. Paris – Dr. Azzolino.
- Mr. Ruffino – Dr. McClain.
- Dr. Azzolino – No Nomination.

Mr. Ruffino inquired whether a nomination can be declined at any time prior to the election of Board officers.

Mr. Kanotz confirmed that is a possibility.

Dr. Azzolino and Dr. McClain both Accepted the Nomination.

Nominees for Secretary:

- Dr. Dehn – No Nomination.
- Dr. Lichtman – No Nomination.
- Dr. McClain – Mr.Ruffino.
- Dr. Paris – Mr. Ruffino.
- Mr. Ruffino – No Nomination.
- Dr. Azzolino – Mr. Ruffino.

Mr. Ruffino Accepted the Nomination.

Executive Officer's Report

A. Administration - Board staffing/organizational chart

Mr. Puleo reported two vacant positions in the Board's Licensing Unit: one Management Services Technician and one Associate Governmental Program Analyst.

B. Budget - Fund Condition update

Mr. Puleo reviewed the Fund Condition Report. Due to recent rate increases implemented by the Attorney General's Office and DCA's Division of Investigations, and anticipated expenditures, such as replacement of the Board's outdated information technology system, the Board's projected fund condition is uncertain. Projections based on the Board expending its full appropriation each year, indicate a fund deficit by Fiscal

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Year 2021/22. However, the Board historically does not expend its full appropriation. Furthermore, the full impact of the AG and DOI rate increases hasn't yet been determined and we don't yet know the actual cost of a new IT system. Board staff is closely monitoring the budget and cutting all nonessential expenditures. Mr. Puleo advised the Board that a fee increase may be necessary in the future.

Mr. Ruffino inquired whether the loan balance owed to the Bureau of Automotive Repair (BAR) is reflected on the Fund Condition Report.

Mr. McCarther affirmed that future payments to the BAR loan have been postponed to the following fiscal year. At this time, funds are being allocated for an updated IT database, allowing the Board to transition to an effective online licensing and enforcement system.

Mr. Puleo agreed added that as soon as the Board's budget is more stable, payments towards the loan will resume.

Mr. Ruffino asked if the interest rate on the loan is high.

Mr. Puleo responded that the interest on the loan is very reasonable.

C. Licensing - Statistical Trends

Mr. Puleo summarized the Board's licensing statistics. Dr. Azzolino referenced the Healing Arts Licensing Trends spreadsheet in the Board Meeting Materials (Agenda Item 15) and noted the data will facilitate a more thorough discussion on licensing trends.

D. Enforcement - Statistical trends

Ms. Walker presented the Board's Enforcement Statistics and noted data from the first quarter of the current fiscal year has been consistent with the previous fiscal year. She explained the increase in new and pending complaints is primarily due to the Continuing Education (CE) audits initiated by the Licensing Unit.

Ms. Walker noted a gradual decrease in the number of cases resulting in probation, which is possibly related to the slight increase in the number of accusations filed.

Mr. McCarther stated that SB 1448 (Stats. 2018, Ch. 570) requires licensees of the Board to notify patients of their probationary status. It is possible that this could be one of the key drivers for the gradual decline of probationary cases.

Mr. Puleo added that SB 1448 may create a disincentive for licensees to agree to a stipulated settlement that includes probation, thereby resulting in more cases going to Administrative Hearing. These factors could negatively impact the Board's fund due to the significant costs associated with formal hearings.

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Dr. McClain inquired about the percentage of fines assessed in relation to fines that have been recovered.

Mr. Puleo explained that our recovery rates are quite good due to our ability to collect delinquent payments through the Franchise Tax Board's intercept program.

Mr. Puleo noted the Board is rarely able to recover enforcement costs when a license is revoked. If, however, the revoked licensee petitions for reinstatement, the Board can and does require payment as a condition of reinstatement.

Dr. Azzolino requested long-term data regarding the number of failed CE audits. Additionally, he inquired if the increase in enforcement cases related to failed audits is related to a higher number of failed CE audits.

Mr. Puleo agreed and added that conducting CE audits is a labor-intensive task and the licensing staff have seen a significant increase in workload.

Dr. Azzolino inquired if it is possible to automate this process.

Mr. Puleo responded that the Board automate the process with its existing IT system. However, once a new system is in place, the Board will have the ability to automate many steps in Continuing Education process.

E. OIS - Update

Mr. McCarther provided an update on the Business Modernization Project and highlighted the recently implemented on-line license renewal functionality available on the Board's website. Licensees can also renew their satellite and corporation certificates online. Electronic renewals will ultimately reduce workload associated processing paper renewals and manually cashiering payments.

Mr. Puleo noted Board staff is proactively informing licensees about the ability to renew online.

Mr. McCarther shared the Board is in stage four of the Project Approval Lifecycle process for procuring a new IT system. Bid solicitation is underway and staff anticipates selection of a vendor by January 2020.

Update, Review, Discussion and Possible Action on Stem Cell and Regenerative Therapy Task Force Meeting by the Medical Board

Mr. Puleo reviewed the highlights from the Stem Cell and Regenerative Therapy task force meeting.

Mr. Puleo addressed Business and Professions Code section 684(b)(1), which requires

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any health provider, who has not received FDA approval to administers stem cells but is subject to FDA regulation, to obtain written and verbal consent from the patient.

Mr. McCarther added this law provides the applicable licensing boards the authority to issue a citation or fine up to $ 1000 for failure to obtain verbal and written informed consent from the patient for using non-FDA-approved stem cell therapy.

Dr. Paris referred to the Chair's report and inquired whether the statement the Board is releasing on stem cells is related to laws surrounding the use of stem cell therapy.

Dr. Azzolino clarified the Board and Orthopaedic Association both share concerns regarding misleading advertising of stem cells in chiropractic offices in California and want to ensure chiropractors are informed of their scope of practice. This would help educate licensees about the laws governing chiropractic.

Dr. Lichtman stated it is typical to see companies or other healthcare professional going to chiropractic offices to rent space and provide stem cells injection treatments.

Mr. Puleo stated a chiropractor in California can practice in an interdisciplinary setting that provides stem cell therapy but the chiropractor cannot administer a stem cell injection.

Dr. Paris asked if this task force may provide guidance to all healthcare professionals in the field as to what constitutes being FDA approved. He added this would help increase awareness in the chiropractic community.

Mr. McCarther responded that task force members only provided information on laws surrounding the proper use of stem cells and it did not appear they intend to move in that direction.

Update, Review, Discussion and Possible Action on Long Term Healing Arts Programs Licensing Trends.

Mr. Puleo introduced statistical information regarding other healing arts programs in California over the past six years.

Dr. Azzolino noted chiropractic is the only California healing arts profession whose population had decreased. He encouraged CalChiro along with chiropractic schools to explore the contributing factors that impact licensing statistics in California.

Dr. Azzolino asked about national trends and requested this data be reported to the Board annually. Additionally, he requested information regarding licensees across healthcare specialties within California.

Mr. Puleo noted the potential impact of a declining licensee population and stated staff will continue to monitor licensing trends. He stated the number of new license

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applications received by the Board each year has remained constant but unlike other health professions hasn't grown. The number of licensees retiring has outpaced the number of new licensees for several years and the data doesn't indicate a reversal of that trend.

Dr. McClain inquired if CalChiro and the chiropractic colleges have data that might identify factors responsible for negative licensing trends.

Mr. Puleo stated he will research enrollment trends at chiropractic colleges to determine whether enrollment rates appear to be increasing, decreasing, or fluctuating.

Dr. Azzolino suggested focusing on issues that are specific to California.

Mr. Puleo clarified that the student enrollment data would come from Board approved chiropractic schools. He added that the number of students enrolling in chiropractic school will be an indicator of future licensing trends.

Mr. Puleo noted this phenomenon is not unique to California; chiropractic boards across the nation are reporting a downward trend.

Dr. McClain stressed the importance in identifying data related to licensing trends to understand whether licensees are retiring or simply moving out of California.

Mr. Puleo shared the challenges in extracting specific data from our database as our current rules and regulations do not require licensees to notify the Board when they cease practicing or when they decide to retire

Dr. Azzolino expressed interest in understanding why the number of new applicants is not increasing.

Mr. Puleo stated the only way to obtain accurate data is to propose a regulation, in which licensees would be required to explain why they are exiting the profession. He also added that the new IT database may help the Board obtain that type of information.

Mr. McCarther asked Dr. Paris whether researchers interested in the chiropractic field have studied this issue.

Dr. Paris responded unaware of discussions pertaining to national chiropractic licensing trends but offered to research the topic and share his findings with the Board.

Mr. Puleo noted the lack of research on chiropractic licensing trends makes it difficult to identify the cause(s).

Dr. Paris suggested contacting chiropractic boards and associations in other states to inquire about contributing factors that help drive their licensing trend upwards.

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Mr. Paris requested the inclusion of physician assistant licensing trends in future reports.

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

Dr. Azzolino reported on the August 22, 2019 and October 10, 2019 Licensing & Continuing Education (CE) Committee Meetings.

At the August 22nd meeting, the Committee considered proposed amendments to California Code of Regulations (CCR) Sections 362.1 – 363.1 and discussed removing criminal background requirements from the CE Provider Application and corresponding regulatory language. The Committee clarified provisions pertaining cause for denial of a provider application and withdrawal of approval, as well as the appeal process. The Committee also reviewed and discussed the sample CE Provider and CE Event Applications.

At the October 10th meeting, the Committee reviewed draft language for CCR Sections 363 – 363.4 and discussed provisions pertaining to course content and the meta-competency framework. The Committee reviewed the sample CE Event Application, Instructor Attestation Form, and Post Course Evaluation Form. The Members suggested edits to the Instructor Attestation and Post Course Evaluation Forms.

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

Ms. McMillen provided an update on the disposition of the following bills monitored by the BCE in 2019.

AB 5 (Gonzalez) – Worker Status: Employees and Independent Contractors – Chapter 296, Statutes of 2019 (*BCE Position*: NONE)

Summary: This bill codified a recent California Supreme Court decision commonly referred to as Dynamex. The Dynamex decision established a presumption that a worker who's hired to perform services is an employee (not an independent contractor) for purposes of the wage and benefit requirements established by the Industrial Welfare Commission (IWC), unless the hiring entity can demonstrate that certain specified conditions are satisfied. AB 5 exempts certain professions from the conditions established in the Dynamex decision. The exempted professions include: medical doctors, dentists, podiatrists, and psychologists, as well as various non-healing-arts professions.

> Discussion: Dr. Azzolino expressed concern that chiropractors weren't exempted profession and asked if the California Chiropractic Association (CalChiro) lobbied to exempt chiropractors from the Dynamex ruling.

Ms. McMillen stated the Association advised her they were part of a coalition of healthcare organizations who lobbied to be exempted from the Dynamex ruling.

Dr. Paris asked whether the coalition CalChiro collaborated with had opposed AB 5 outright or taken an oppose unless amended position.

Mr. Puleo noted he doesn't recall seeing CalChiro referenced under Support or Opposition in any of the committee analyses.

Mr. McCarther affirmed that CalChiro did not have a registered positon on the bill.

Mr. Ruffino shared that Uber, one of many gig economy companies in California, opposed the bill and announced their intent to repeal this bill through a ballot initiative.

Mr. Puleo stated the intent of the bill is to prevent hiring entities from misclassifying employees as independent contractors to avoid employer obligations, while maintaining the ability to direct work and impose discipline and control upon workers.

AB 1076 (Ting) - Criminal Records: Automatic Relief
Chapter 578, Statutes of 2019 (*BCE Position*: NONE)

SB 425 (Hill) Health Care Practitioners: Licensee's file: Probationary Physician's & Surgeon's Certificate: Unprofessional Conduct.
Chapter 849, Statutes of 2019 (*BCE Position*: SUPPORT)

SB 53 (Wilk) Open Meetings.
Failed passage in Assembly Committee on Governmental Organization. (*BCE Position*: OPPOSE)

Update, Discussion and Possible Action on Pending Rulemaking

Ms. McMillen reported the following rulemaking files have been reviewed by the Board's Legal Counsel and submitted to DCA to commence the Initial Phase of DCA's Regulatory Review Process:

- Consumer Protection Enforcement Initiative
- Delegation of Authority to the Assistant Executive Officer

Mr. Puleo provided the Board with a brief overview of DCA's Regulatory Review Process, which occurs in two phases – Initial and Final. Each phase consists of multiple

levels of review, including, DCA' Legal, Policy, Fiscal, and Executive Offices, and the Business, Consumer Services, and Housing Agency.

The Initial Phase occurs prior to BCE submitting the file to the Office of Administrative Law to commence the formal Rulemaking Process and 45-day public comment period

The Final Phase occurs following completion of the formal rulemaking process and approval by OAL.

The steps for each phase are detailed in spreadsheets included in the Board Meeting Materials

Review, Discussion and Possible Action Regarding the Proposed 2020 Board Meeting Schedule

The Board selected the following dates for its 2020 Board Meetings (*Dates and Locations are subject to change. Updates will be posted on the Board's Webpage*):

- January 7th – Sacramento
- April 16th – Southern California
- July 16th – Northern California
- October 29th – Southern California

Public Comment for Items Not on the Agenda

Public Comment: A member of the public asked a question related to scope of practice.

Mr. Puleo told the individual he answer his question after the meeting adjourned.

Future Agenda Items

Dr. McClain requested the Executive Officer's evaluation be included on the Agenda for the January 7, 2020 Board Meeting.

Adjournment

Mr. Ruffino adjourned the meeting at 3:26 p.m. in memory of former Board member, Franco Columbu, D.C., who passed away on August 30, 2019.

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(ATTACHMENT A)

Approval by Ratification of Formerly Approved License Applications between July 1, 2019 and September 30, 2019.

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Name (First, Middle, Last)			Date Issued	DC#
Daniel	Matthew	Bartko	7/3/2019	**34587**
Alireza		Gogerdchian	7/3/2019	**34588**
Colton	Daniel	Korne	7/3/2019	**34589**
Babak	Agharokh	Mirabadi	7/11/2019	**34590**
Armand	Taylor	Contreras	7/11/2019	**34591**
Heather	Pearl Jin Ju	Yoon	7/11/2019	**34592**
Stanley	Minh	Vo	7/11/2019	**34593**
Amandeep	Singh	Walia	7/11/2019	**34594**
Nevin	Ramona	Cokdegerli	7/11/2019	**34595**
David	Joshua	Barton	7/26/2019	**34596**
Chijioke	Rowland	Anyanwu	7/26/2019	**34597**
Anthony	Wayne	Carpenter	7/31/2019	**34598**
Charles	Patrick	Small	7/31/2019	**34599**
Lily		Chan	7/31/2019	**34600**
Nicholas	Louis	Hagan	7/31/2019	**34601**
Pamela	Victoria	Ford	8/1/2019	**34602**
Ashley	Nicole	Franklin	8/1/2019	**34603**
Pierce	Austin	Sweeney	8/1/2019	**34604**
Charlotte	Denise	Burgess	8/1/2019	**34605**
Abigail	Colleen	Boorman	8/1/2019	**34606**
Christopher	Jordan	Motley	8/1/2019	**34607**
Diana		Wang	8/2/2019	**34608**
Johnathan		Shay	8/2/2019	**34609**
Nathan	David	Moursalian	8/2/2019	**34610**
Kent	Harold	Schwartz	8/2/2019	**34611**
Joshua	Eric	Silver	8/2/2019	**34612**
Tyanna	Chantel	Sutton	8/7/2019	**34613**
Catherine	Piama	Zabelin	8/8/2019	**34614**
Amit	Lalji	Khimji	8/8/2019	**34615**
Man Hin	Albert	Yeung	8/20/2019	**34616**
Cedric	Renardo	Stewart	8/20/2019	**34617**
Desiree	Lorraine	Yllan	8/20/2019	**34618**
Timothy	Joseph	Moynihan	8/20/2019	**34619**

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Alina	Frances	Moloney	8/28/2019	**34620**
Ramsey	Andrew	Naber	8/28/2019	**34621**
Gordon	L	Chen	8/28/2019	**34622**
Kevin	Sin	Moc	8/28/2019	**34623**
Johnnie	Christopher	Morgan	8/28/2019	**34624**
Shaylee	Riyeko	Yano	8/28/2019	**34625**
Kelly	Anita	Couchman	8/28/2019	**34626**
Ali		Akhavan-Rajabi	8/28/2019	**34627**
David	Charles	Johnson	8/28/2019	**34628**
Zachary	Allen	Peters	8/28/2019	**34629**
Patricia	Guzman	Williams	8/28/2019	**34630**
Emma	Elizabeth	Eskilson	8/28/2019	**34631**
Kelsi	Lee	Kriewald	8/28/2019	**34632**
Jordan	David	Durrance	8/28/2019	**34633**
Gianna	Marie	Mautone	8/28/2019	**34634**
Kevin	Blake	Slocum	8/28/2019	**34635**
Emily	Joann	Holbrook	8/28/2019	**34636**
Kate	Kie	Russell	9/11/2019	**34637**
Cameron	Scott	Penta	9/11/2019	**34638**
Lewis	Laguardia	Lisel	9/11/2019	**34639**
Thomas	George	Le Lievre	9/11/2019	**34640**
Arnold	Zhao	Koo	9/11/2019	**34641**
Charles	Michael	Brennan	9/11/2019	**34642**
Navid		Niktabe	9/12/2019	**34643**
Cherene	Kathryn	Toscano	9/12/2019	**34644**
Jerry	Christopher	Morris	9/12/2019	**34645**
Hailey	Claire	Hirata	9/12/2019	**34646**
Broc	Walker	Sheets	9/12/2019	**34647**
Christopher	John	Meanley	9/26/2019	**34648**
Malia	Koalaulii	Sing	9/26/2019	**34649**
Maura	Rose	Mayer	9/26/2019	**34650**
Charles	Fullarton	Sabourin	9/26/2019	**34651**
Joshua	Bravo	Beltran	9/27/2019	**34652**
Junseok		Park	9/27/2019	**34653**
Nicole	Marie	Strasko	9/27/2019	**34654**
Lianna	Patricia	Hunt	9/27/2019	**34655**
Kristan	Elisabeth	Cassady	9/27/2019	**34656**
Kevin	Valdemoro	Camacho	9/30/2019	**34657**
Emily	Anne	Pillari	9/30/2019	**34658**

DRAFT

(ATTACHMENT B)

Pending Ratification to Approve New Continuing Education Providers

Provider Name: National Provider Compliance Corporation **CE Oversight Contact Person:** Dr. Christine Barry **Provider Status:** Corporation	**Provider Name:** American First Responder **CE Oversight Contact Person:** Dr. Alejandro Platon **Provider Status:** Individual
Provider Name: American Chiropractic Association **CE Oversight Contact Person:** Jim Flanagan **Provider Status:** Professional Association	**Provider Name:** Dr. James Huang **CE Oversight Contact Person:** Dr. James Huang **Provider Status:** Individual
Provider Name: Kim B. Khauv, DC, MPH **CE Oversight Contact Person:** Dr. Kim B. Khauv **Provider Status:** Individual	

DRAFT

Agenda Item 10
January 7, 2020

Ratification of Approved License Applications

Purpose of the item

The Board will review and ratify the attached list of approved license applications.

Action(s) requested

A motion is needed to ratify the attached list of approved license applications.

Background

Between October 1, 2019 and November 30, 2019, staff reviewed and confirmed that the applicants met all statutory and regulatory requirements.

Recommendation(s)

Staff requests the Board approve the list of approved license applications.

Next Step

N/A

Attachment(s)

- List of formerly approved license applications issued between October 1, 2019 and November 30, 2019.

Name (First, Middle, Last)			Date Issued	DC#
Raymond	Roushdy	Bakhoum	10/4/2019	**34659**
Arno		Grigoryan	10/4/2019	**34660**
Garrett	Steven	Brown	10/4/2019	**34661**
Anthony		Saechao	10/4/2019	**34662**
Jared	Ryan	Craddick	10/9/2019	**34663**
Gary		Tao	10/9/2019	**34664**
Zachary	Thomas	Owens	10/14/2019	**34665**
Rouzbeh		Karimzadeh	10/14/2019	**34666**
Nina		Nori	10/14/2019	**34667**
Steven	Douglas	Herting	10/14/2019	**34668**
Alan	Christopher	Crick	10/17/2019	**34669**
Nicholas	Hayden	Muhn	10/18/2019	**34670**
Elise		Leung	10/18/2019	**34671**
Edward	Soojin	Chun	10/25/2019	**34672**
Rachel	Anne	Selnick	10/25/2019	**34673**
Matthew	David	Wittwer	10/25/2019	**34674**
Janessa	Michelle	Brown	10/25/2019	**34675**
Vincent	Bernard	Turosky	10/28/2019	**34676**
Julia	Eve	Morgan	10/28/2019	**34677**
Richard	Wayne Alexander	Nance	10/28/2019	**34678**
Steven	Po-Chao	Hsu	10/28/2019	**34679**
Tyler	James	Harrison	10/28/2019	**34680**
Shiro		Chiro	10/31/2019	**34681**
Juan	Pablo	Rivera-Rodriguez	10/31/2019	**34682**
Samantha	Addie	Boyd	10/31/2019	**34683**
Nelson	Winchie	Lee	10/31/2019	**34684**
Lisa	Dinh	Nhu	11/12/2019	**34685**
Mallory	Lynn	Mckinney	11/12/2019	**34686**
Vivek	Shirish	Soham	11/12/2019	**34687**
Michael	Shane	Braccio	11/12/2019	**34688**
Timothy	Youngkyun	Woo	11/12/2019	**34689**
Nicole	Ashley Villegas	Virrey	11/20/2019	**34690**
Benjamin	Frank	Adams	11/20/2019	**34691**
Cody	James	Alme	11/20/2019	**34692**
Colby	Dion	Brink	11/20/2019	**34693**
Anne		Kim	11/20/2019	**34694**
Rebekah	Leigh	Wilks	11/20/2019	**34695**
Ashley	Elizabeth	Hook	11/22/2019	**34696**

Patrick	Blaine	Eley	11/22/2019	**34697**
Skyler	Evan	Alvord	11/22/2019	**34698**
Karen	Beth	Pazera	11/22/2019	**34699**
Tyler	James	Erickson	11/22/2019	**34700**
Mohammad	Reza	Zarghami	11/22/2019	**34701**
Stephanie	Renee	Stensaas	11/22/2019	**34702**

Agenda Item 11
January 7, 2020

Ratification of Denied License Applications

Purpose of the item

The Board will review and ratify denied license applications in which an applicant did not appeal the Board's decision.

Action(s) requested

No action requested at this time.

Background

The Board of Chiropractic Examiners denies licensure to applicants who do not meet all statutory and regulatory requirements for a chiropractic license in California. Following a denial of licensure, an applicant has 60-days to appeal the Board's decision. If the applicant does not submit an appeal to the Board, the denial is upheld.

Recommendation(s)

During the period of October 1, 2019 and November 30, 2019, staff has reviewed and confirmed that applicants met all statutory and regulatory requirements for licensure. There were no denials or appeals during this time period.

At this time, no ratification is necessary.

Next Step

N/A

Attachment(s)

N/A

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Gavin Newsom, Governor

Agenda Item #12
January 7, 2020

Ratification to Approve Continuing Education Providers

Purpose of the item

The Board will be asked to review and ratify the new continuing education (CE) providers.

Action(s) requested

The Board will be asked to ratify the following new CE providers:

Provider Name: SP Westcoast Inc **CE Oversight Contact Person:** Kim Eaves **Provider Status:** Corporation	**Provider Name:** Robert Swiryn, D.C. **CE Oversight Contact Person:** Dr. Robert Swiryn **Provider Status:** Individual
Provider Name: John M. Talevich **CE Oversight Contact Person:** John M. Talevich **Provider Status:** Individual	**Provider Name:** Eldoa USA **CE Oversight Contact Person:** Annika Turner **Provider Status:** Individual
Provider Name: Heidi Hays D.C. **CE Oversight Contact Person:** Mewnaz Mistry **Provider Status:** Corporation	**Provider Name:** Standard Process Nutritional Consultants of Los Angeles, Inc. **CE Oversight Contact Person:** David Combs **Provider Status:** Individual
Provider Name: Advanced Clinical Educational Seminars, LLC **CE Oversight Contact Person:** Craig E. Morris **Provider Status:** Individual	**Provider Name:** Restorative Wellness Solutions, LLC **CE Oversight Contact Person:** Anne Fischer Silva **Provider Status:** Corporation

Provider Name: Kimberly Bensen, D.C. **CE Oversight Contact Person:** Dr. Kimberly Bensen **Provider Status:** Individual	

Background

N/A

Recommendation(s)

Staff requests the Board approve the new CE provider applicants.

Next Step

N/A

Attachment(s)

- To maintain compliance with AB 434 (Baker) State Web accessibility: standard and reports, we are no longer able to provide scanned documents on our website. Copies of the CE provider applications will be made available in person at the October 24th Board Meeting. CE provider applications can be requested via a Public Records Request.

Board of Chiropractic Examiners
STATE OF CALIFORNIA

State of California
Gavin Newsom, Governor

Agenda Item 13
January 7, 2020

2020 Election of Board Officers

Purpose of the item

The Board will vote on the Board Officer positions of Chair, Vice Chair and Secretary.

Action(s) requested

N/A

Background

At the October 24, 2019 Board meeting, Board Members were nominated for consideration to serve as Board Officers in the positions of Chair, Vice Chair and Secretary.

Current Slate of Nominations:

Chair: Dr. David Paris

Vice Chair: Dr. Sergio Azzolino and Dr. Dionne McClain

Secretary: Mr. Frank Ruffino

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

- Electing Board Officers document
- Roll Call for Election of Officers

Board of Chiropractic Examiners

Procedure for Electing Board Officers as voted on by the full Board

Election:

- Legal counsel will preside over the Election of Board Officers
- For those not currently nominated, Board Members will be asked if they would like to be considered for a Board Officer position.
- Prior to electing a Board Officer, nominees will have the opportunity to provide their statements of interest for the Board Officer positions.
- Voting will take place one position at a time, allowing individuals nominated for multiple positions to have their intentions known.
- Elections will occur by officer position; starting with the Chair, Vice Chair and Secretary.
- Voting will be held in roll call order with the Chair voting last.

Board of Chiropractic Examiners
STATE OF CALIFORNIA

State of California
Gavin Newsom, Governor

Public Board Meeting
Roll Call for the Election of Officers names are listed in Alpha Order with the Chair being last
January 7, 2020

- ☐ Heather Dehn, D.C.
- ☐ Corey Lichtman, D.C
- ☐ Dionne McClain, D.C., Vice Chair
- ☐ David Paris, D.C.
- ☐ Frank Ruffino
- ☐ Sergio Azzolino, D.C., Chair

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BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Gavin Newsom, Governor

Agenda Item #15
January 7, 2020

Executive Officer's Report

Purpose of the item

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

Action(s) requested

No action requested at this time.

Background

A. Administration

- The Administrative Unit currently has a vacant Management Services Technician (MST) position. Due to budget constraints, the Board is unable to fill the position at this time.
- Natalie Boyer accepted the newly created Associate Government Analyst (AGPA) position in the Licensing Unit. Additionally, Amanda Campbell was hired as Staff Services Analyst in a limited term position.
- The Enforcement Unit has a vacant Staff Services Analyst (SSA) position. Due to budget constraints, the Board is unable to fill the position.

B. Licensing

- The Licensing Manager will provide an overview of the attached licensing program data.

C. Enforcement

- The Enforcement Manager will provide an overview of the attached Enforcement program data.

D. Budget

- The Executive Officer will defer this portion of his report to the DCA budget representative present at the meeting.

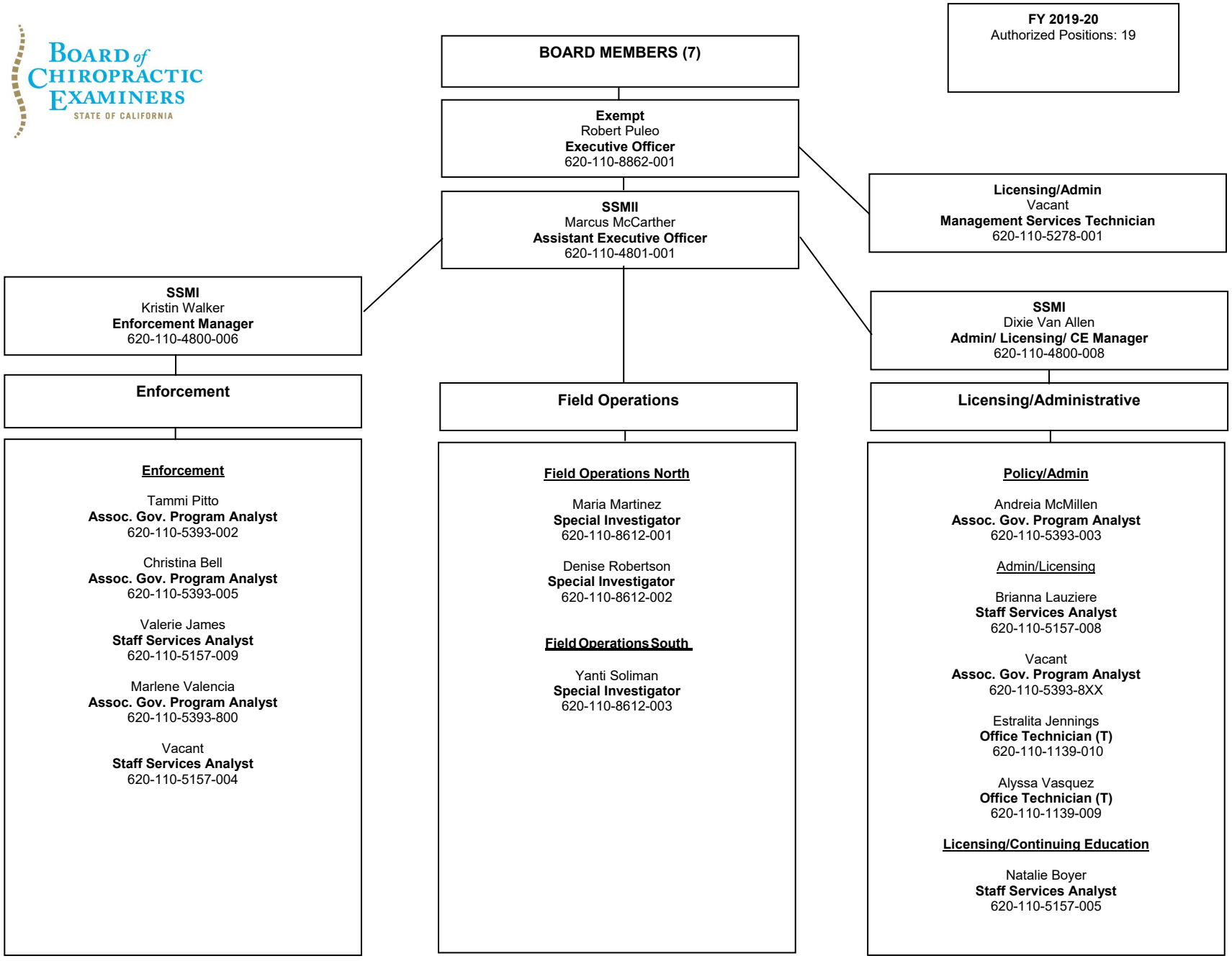
E. IT Update

- The Executive Officer will defer this portion of his report to the DCA Office of Information Services representative present at the meeting.

Recommendation(s)
N/A

Next Step
N/A

Attachment(s)
- Organizational Chart/Staff Functions
- Licensing Statistics
- Enforcement Statistics
- Updated Fund Condition



Executive Officer _____

Personnel Office _____

9/4/19

BOARD OF CHIROPRACTIC EXAMINERS
LICENSING TRENDS
FY 2019-20

Total Population of Clear Chiropractic Licenses

Month	Total Licenses
July	12,916
August	12,907
September	12,887
October	12,883
November	12,876
December	
January	
February	
March	
April	
May	
June	

New Chiropractic License Issued

Month	Received	Issued
July	45	15
August	21	35
September	34	22
October	20	26
November	10	18
December		
January		
February		
March		
April		
May		
June		

Number of Restored Cancelled Licenses

Month	Received	Issued
July	5	2
August	0	4
September	8	3
October	3	3
November	2	3
December		
January		
February		
March		
April		
May		
June		

New Satellite Office Certificates Issued

Month	Received	Issued
July	100	41
August	120	144
September	75	94
October	97	105
November	73	65
December		
January		
February		
March		
April		
May		
June		

Corporation Registrations Issued

Month	Received	Issued
July	15	7
August	3	7
September	14	17
October	11	7
November	9	6

Licensing Population as of November 30, 2019

License Type	Clear Licenses
Chiropractors	12,876
Satellite Offices	4,074
Corporation Registrations	1,403

Applications Received and Processed – July 1, 2019 through November 30, 2019

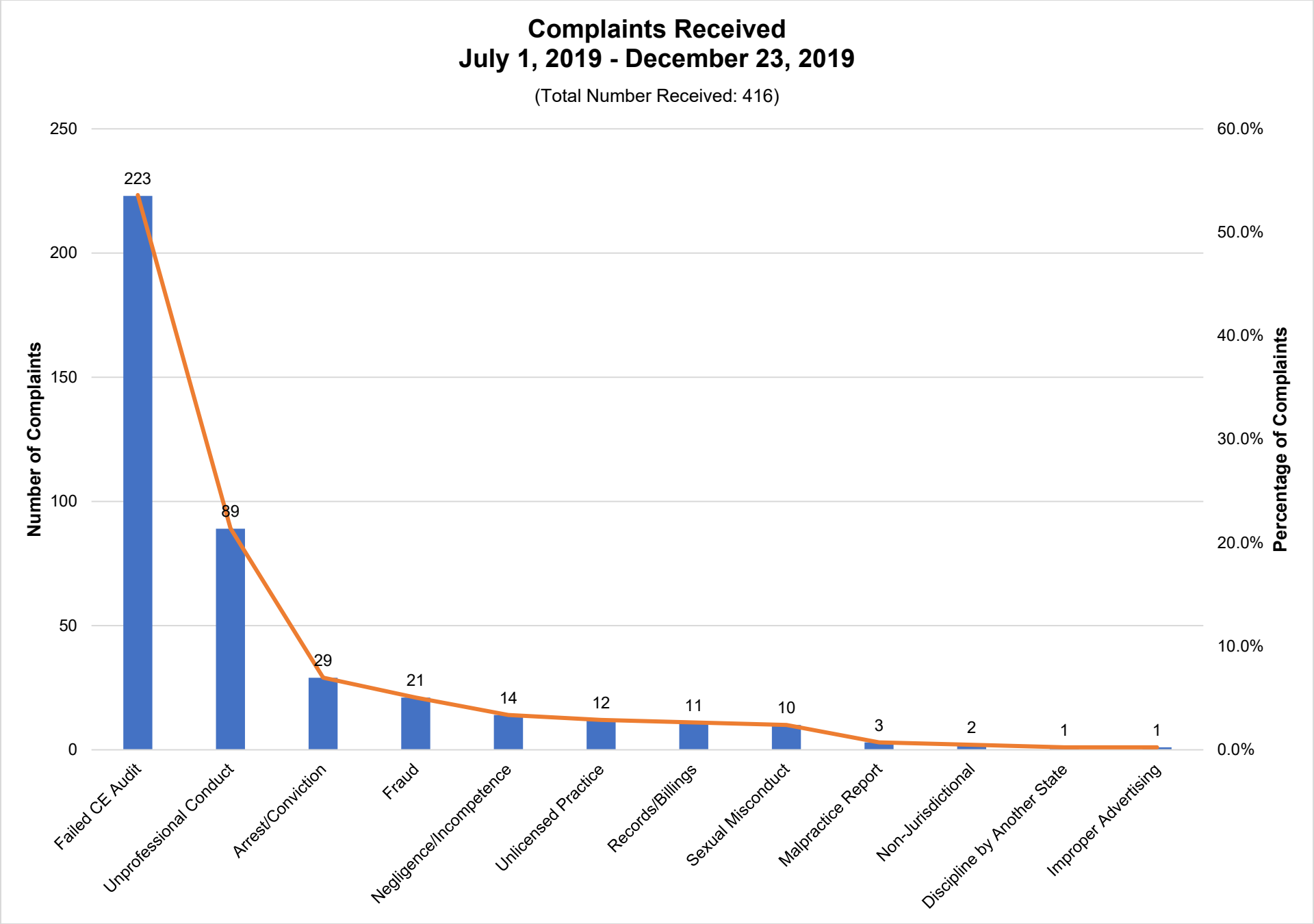
Application Type	Received	Issued	Denied	Pending
Initial Chiropractic	130	116	0	83
Reciprocal	0	2	0	0
Restorations (Cancelled & Forfeiture)	65	59	0	19
Corporation	52	44	0	11

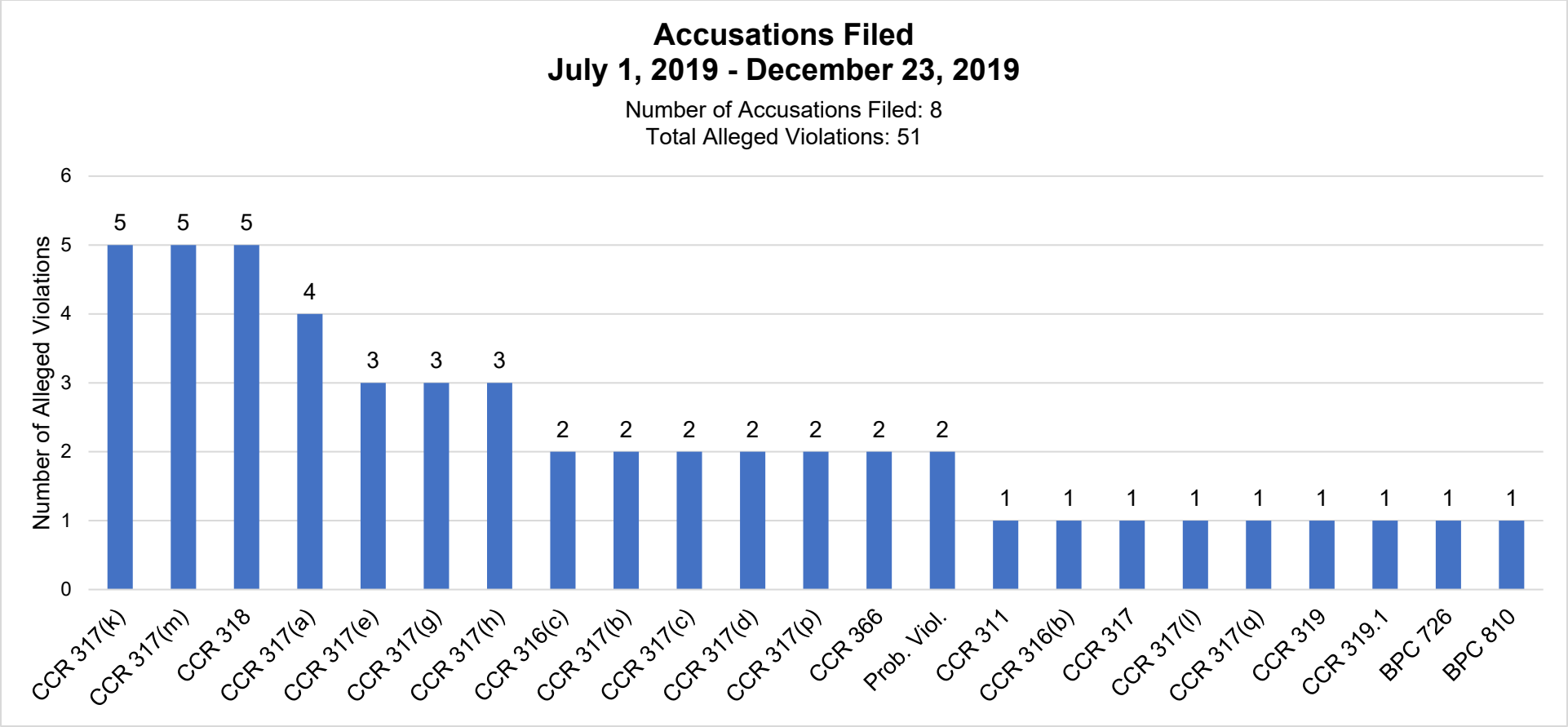
BOARD OF CHIROPRACTIC EXAMINERS
ENFORCEMENT STATISTICS

FISCAL YEAR	15/16	16/17	17/18	18/19	19/20*
COMPLAINTS					
Received	581	490	479	641	416
Pending	232	183	235	613	616
Closed with Insufficient Evidence	127	79	72	63	41
Closed with No Violation	97	75	75	38	51
Closed with Merit	235	184	214	56	17
Letter of Admonishment	4	4	17	62	183
Citations Issued	17	26	25	27	30
Total Fines Assessed	$11,600	$36,900	$24,650	$20,300	$20,600
ACCUSATIONS					
Filed	31	35	34	21	8
Pending	66	65	55	38	41
Revoked	3	10	9	13	3
Revocation Stayed: Probation	13	11	15	14	1
Rev. Stayed: Suspension and Probation	4	5	1	0	0
Voluntary Surrender of License	9	14	9	15	3
Dismissed/Withdrawn	2	6	0	2	0
STATEMENTS OF ISSUES					
Filed	0	1	2	1	0
Denied	0	0	0	0	0
Probationary License	1	0	0	1	0
Withdrawn	0	0	0	1	0
Granted	0	0	0	0	0
PETITIONS FOR RECONSIDERATION					
Filed	1	0	0	1	1
Granted	0	0	0	0	0
Denied	1	0	0	1	1
PETITIONS FOR REINSTATEMENT OF LICENSE					
Filed	7	6	6	3	3
Granted	0	0	0	0	1
Denied	7	3	3	8	2
PETITIONS FOR EARLY TERMINATION OF PROBATION					
Filed	8	3	2	1	1
Granted	1	0	0	0	0
Denied	2	2	5	1	0
PETITIONS FOR MODIFICATION OF PROBATION					
Filed	3	0	1	0	0
Granted	1	0	1	0	1
Denied	0	0	0	0	0
PETITIONS BY BOARD TO REVOKE PROBATION					
Filed	8	5	6	7	1
Revoked	3	10	9	4	2
PROBATION CASES					
Active	104	92	90	80	71

FY 19/20: July 1, 2019 – December 23, 2019

Revised December 24, 2019


Complaints Received
July 1, 2019 - December 23, 2019
(Total Number Received: 416)
Number of Complaints
Percentage of Complaints
250
200
150
100
50
0
60.0%
50.0%
40.0%
30.0%
20.0%
10.0%
0.0%
223
89
29
21
14
12
11
10
3
2
1
1
Failed CE Audit
Unprofessional Conduct
Arrest/Conviction
Fraud
Negligence/Incompetence
Unlicensed Practice
Records/Billings
Sexual Misconduct
Malpractice Report
Non-Jurisdictional
Discipline by Another State
Improper Advertising



Violation Codes/Descriptions

CCR 311 – Advertisements
CCR 316(b) – Sexual Misconduct on Premises
CCR 316(c) – Sexual Misconduct/Relations
CCR 317 – Unprofessional Conduct
CCR 317(a) – Gross Negligence
CCR 317(b) – Repeated Negligent Acts
CCR 317(c) – Incompetence
CCR 317(d) – Excessive Treatment
CCR 317(e) – Endangering the Health, Welfare, or Safety of Public
CCR 317(g) – Conviction of Substantially Related Crime
CCR 317(h) – Conviction Involving Moral Turpitude, Dishonesty, Etc.
CCR 317(k) – Act of Moral Turpitude, Dishonesty, or Corruption
CCR 317(l) – False Representation
CCR 317(m) – Violation of Act or Board Regulations
CCR 317(p) – Advertising in Violation of BPC 17500
CCR 317(q) – Participation in Fraud or Misrepresentation
CCR 318 – Chiropractic Patient Records/Accountable Billing
CCR 319 – Free or Discount Services
CCR 319.1 – Informed Consent
BPC 726 – Sexual Abuse/Misconduct/Relations
BPC 810 – Insurance Fraud

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

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OCTOBER 2019

ACCUSATIONS FILED

Name and City	License No.	Date Filed	Alleged Violation(s)
Ebling, Alan Conrad Marina Del Rey, CA	DC 25431	10/3/2019	• CCR 317(a) – unprofessional conduct: gross negligence • CCR 317(c) – unprofessional conduct: incompetence • CCR 317(e) – unprofessional conduct: endangering the health, welfare, and safety of the public • CCR 317(k) – unprofessional conduct: act involving moral turpitude • CCR 316(b) and (c) and BPC 726(a) – unprofessional conduct: sexual acts involving patient and sexual misconduct with a patient
Kimes, Mark Steven Salinas, CA	DC 17504	10/10/2019	• BPC 490 and 493 and CCR 317(g) – unprofessional conduct: conviction of a crime that is substantially related to the qualifications, duties, and functions of a chiropractor • CCR 317(e) – unprofessional conduct: endangering the health, welfare, or safety of the public • CCR 317(h) – unprofessional conduct: conviction of a crime involving moral turpitude • CCR 317(k) – unprofessional conduct: commission of an act involving moral turpitude

PETITIONS FOR REINSTATEMENT OF LICENSE

Name	License No.	Status	Board Action/Decision
Glover, Robert	DC 27573	License reinstated effective 10/16/2019	Petition for reinstatement granted effective 10/16/2019. License issued, revoked, stayed, 5 years' probation.

ACT: Chiropractic Initiative Act
BPC: Business and Professions Code
CCR: California Code of Regulations, Title 16
H&S: Health and Safety Code

FINAL CITATIONS

No Data to Report

DISCIPLINARY ACTIONS

No Data to Report

STATEMENT OF ISSUES

No Data to Report

PETITIONS FOR EARLY TERMINATION OF PROBATION

No Data to Report

PETITIONS FOR MODIFICATION OF PROBATION

No Data to Report

ACT: Chiropractic Initiative Act
BPC: Business and Professions Code
CCR: California Code of Regulations, Title 16
H&S: Health and Safety Code

BOARD of CHIROPRACTIC EXAMINERS
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NOVEMBER 2019

ACCUSATIONS FILED

Name and City	License No.	Date Filed	Alleged Violation(s)
Bartlett, Brian Allan Santa Rosa, CA 95405	DC 23426	11/06/2019	• CCR 317 – unprofessional conduct • CCR 317(a) and (b) – unprofessional conduct: gross negligence and repeated negligent acts • CCR 317(d) – unprofessional conduct: excessive treatment • CCR 317(m) and 318(a) – unprofessional conduct: inadequate record keeping • CCR 317(m) and 316(c) – unprofessional conduct: sexual abuse of patient
Tchobanian, Garabed Sako Los Angeles, CA	DC 25187	11/12/2019	• CCR 317(g) – unprofessional conduct: conviction of a substantially related crime • BPC 810 – insurance fraud • CCR 317(h) – unprofessional conduct: conviction of a crime involving moral turpitude, dishonesty, or corruption • CCR 317(k) – unprofessional conduct: commission of acts involving moral turpitude and dishonesty • CCR 317(l) – unprofessional conduct: knowingly making false statement of fact • CCR 317(m) – unprofessional conduct: violating the provisions of the Chiropractic Initiative Act
Schleider, Barry Martin Costa Mesa, CA	DC 13673	11/13/2019	• CCR 317(a) – unprofessional conduct: gross negligence • CCR 317(e) – unprofessional conduct: endangering the health, welfare, and safety of the public • CCR 319.1 – failure to obtain informed consent • CCR 319 – charging for free service • CCR 318(a)(2), (3), and (7) – failure to maintain accurate records • CCR 318(b) – failure to ensure accurate billing

ACT: Chiropractic Initiative Act
BPC: Business and Professions Code
CCR: California Code of Regulations, Title 16
H&S: Health and Safety Code

FINAL CITATIONS

Name and City	License No.	Fine Amount	Date Final	Violation(s)
Kline, James Dolton Carlsbad, CA	DC 30590	$1,500	11/9/2019	• CCR 317 – unprofessional conduct • CCR 318(a), (a)(2), (a)(3), (a)(4), and (a)(7) – chiropractic patient records: required content • CCR 319.1 – informed consent
Caruthers, David Bayard Spicewood, TX	DC 26185	$500	11/21/2019	• CCR 361(b) – 24-Hour CE Requirement • CCR 361(e) – Mandatory CE Categories • CCR 371(c) – Renewal CE Requirement
Donohoe, Todd Alan Murrieta, CA	DC 26378	$500	11/21/2019	• CCR 361(b) – 24-Hour CE Requirement • CCR 361(e) – Mandatory CE Categories • CCR 371(c) – Renewal CE Requirement
Faas, Brigitte Sylvia San Rafael, CA	DC 14019	$250	11/21/2019	• CCR 361(b) – 24-Hour CE Requirement • CCR 361(e) – Mandatory CE Categories • CCR 371(c) – Renewal CE Requirement
Hamilton, Heather Dipre Huntington Beach, CA	DC 32428	$500	11/21/2019	• CCR 361(b) – 24-Hour CE Requirement • CCR 361(e) – Mandatory CE Categories • CCR 371(c) – Renewal CE Requirement
Hanna, Sandra John Laguna Niguel, CA	DC 28081	$250	11/21/2019	• CCR 361(e) – Mandatory CE Categories • CCR 371(c) – Renewal CE Requirement
Jung, Nicholas Guy San Francisco, CA	DC 33157	$250	11/21/2019	• CCR 361(e) – Mandatory CE Categories • CCR 371(c) – Renewal CE Requirement
Laugenour, David Eugene Sacramento, CA	DC 13586	$250	11/21/2019	• CCR 361(b) – 24-Hour CE Requirement • CCR 371(c) – Renewal CE Requirement

ACT: Chiropractic Initiative Act
BPC: Business and Professions Code
CCR: California Code of Regulations, Title 16
H&S: Health and Safety Code

FINAL CITATIONS (Continued)

Name and City	License No.	Fine Amount	Date Final	Violation(s)
Monticello, Charlene P. Santa Rosa, CA	DC 27131	$500	11/21/2019	• CCR 361(b) – 24-Hour CE Requirement • CCR 361(e) – Mandatory CE Categories • CCR 371(c) – Renewal CE Requirement
Nam, Joowhye Beverly Hills, CA	DC 32176	$250	11/21/2019	• CCR 361(e) – Mandatory CE Categories • CCR 371(c) – Renewal CE Requirement
Vigil, Adam Chino, CA	DC 21830	$500	11/21/2019	• CCR 361(b) – 24-Hour CE Requirement • CCR 361(e) – Mandatory CE Categories • CCR 371(c) – Renewal CE Requirement
Dobbins, Patrick Alameda, CA	DC 31250	$250	11/22/2019	• CCR 361(b) – 24-Hour CE Requirement • CCR 361(e) – Mandatory CE Categories • CCR 371(c) – Renewal CE Requirement
Gorgy, Niveen Aldi Van Nuys, CA	DC 26057	$500	11/22/2019	• CCR 361(b) – 24-Hour CE Requirement • CCR 361(e) – Mandatory CE Categories • CCR 371(c) – Renewal CE Requirement
Harrington, John Thomas Vallejo, CA	DC 18230	$250	11/22/2019	• CCR 361(b) – 24-Hour CE Requirement • CCR 361(e) – Mandatory CE Categories • CCR 371(c) – Renewal CE Requirement
Langsam, Michael J. Folsom, CA	DC 25221	$500	11/22/2019	• CCR 361(b) – 24-Hour CE Requirement • CCR 361(e) – Mandatory CE Categories • CCR 371(c) – Renewal CE Requirement
McIntosh, Gale Wells Half Moon Bay, CA	DC 21431	$250	11/22/2019	• CCR 361(e) – Mandatory CE Categories • CCR 371(c) – Renewal CE Requirement

ACT: Chiropractic Initiative Act
BPC: Business and Professions Code
CCR: California Code of Regulations, Title 16
H&S: Health and Safety Code

FINAL CITATIONS (Continued)

Name and City	License No.	Fine Amount	Date Final	Violation(s)
Ward, Toni Marie Hacienda Heights, CA	DC 24655	$500	11/22/2019	• CCR 361(b) – 24-Hour CE Requirement • CCR 361(e) – Mandatory CE Categories • CCR 371(c) – Renewal CE Requirement
Wong, Gary Fremont, CA	DC 22896	$250	11/22/2019	• CCR 361(b) – 24-Hour CE Requirement • CCR 361(e) – Mandatory CE Categories • CCR 371(c) – Renewal CE Requirement
Nowicki, Jeffrey Buck Anaheim, CA	DC 13630	$1,000	11/27/2019	• CCR 318(a)(3) – chiropractic patient records: required content • CCR 318(b) – accountable billings

PETITIONS FOR MODIFICATION OF PROBATION

Name	License No.	Status	Board Action/Decision
El-Shimey, Mohamed	DC 31876	License reinstated effective 5/4/2017, revoked, stayed, 5 years' probation	Petition for modification of probation granted effective 11/1/2019

STATEMENT OF ISSUES

No Data to Report

PETITIONS FOR REINSTATEMENT OF LICENSE

No Data to Report

PETITIONS FOR EARLY TERMINATION OF PROBATION

No Data to Report

ACT: Chiropractic Initiative Act
BPC: Business and Professions Code
CCR: California Code of Regulations, Title 16
H&S: Health and Safety Code

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Gavin Newsom, Governor

Agenda Item 18
January 7, 2020

Update, Discussion and Possible Action on Pending Rulemaking

Purpose of the item

The Board will receive a status update on pending regulatory proposals.

Action(s) requested

No action requested at this time.

Background

The Board currently has multiple regulatory proposals in various stages of completion.

Staff are actively working on changes to the Continuing Education and the Uniform Standards & Disciplinary Guidelines regulations.

Additionally, the Denial of Application, Revocation or Suspension of Licensure regulation has been submitted to the Board's legal counsel for initial review of the rulemaking file.

Recommendation(s)

Staff does not have any recommendations at this time.

Next Step

N/A

Attachment(s)

1. BCE Regulation Tracking sheet
2. BCE Regulation Summary sheet
3. DCA Regulation Review Process sheet

Regulation Tracking Sheet

	Group A – Legislatively Mandated	DCA & BCE Review Process	Status
1	Denial of Application, Revocation or Suspension of Licensure (CCR Sections 316.5, 321, 326 and 327)	**Step 3 Initial Phase**	**Rulemaking file submitted to DCA legal for initial review on 07/22/19.**
2	Probation Status Disclosure (CCR Section 308.2)	**Step 2 Initial Phase**	**Draft rulemaking file under internal review.**
3	Consumer Protection Enforcement Initiative	**Step 3 Initial Phase**	Legal review completed. Rulemaking file submitted to DCA to commence the initial review process.
4	Revisions to BCE Disciplinary Guidelines & Uniform Standards for Substance Abusing Licensees	**Step 2 Initial Phase**	**Rulemaking file under development at the Board.**
5	Sponsored Free Health Care Events - Repeal CCR Article 1.5 (Sections 309-309.4)		Not commenced
	Group B		**Status**
1	Revisions to Curriculum requirements and approval of programs (CCR Article 4, Sections 330 – 331.16)	**Step 2 Initial Phase**	Rulemaking file under development at the Board.
2	Continuing Education Requirements (CE Provider and Course Approval) / Mandatory Cardiopulmonary Resuscitation (CPR) Certification for all licensees	**Step 2 Initial Phase**	**Rulemaking file under development at the Board. Committee is currently working through policy issues regarding this regulatory proposal.**
3	Delegation of Authority to the Assistant Executive Officer	**Step 3 Initial Phase**	Legal review completed. Rulemaking file submitted to DCA to commence initial review process.
	Group C		**Status**
1	Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice or Death/Incapacity of Licensee	**Step 2 Initial Phase**	Approved rulemaking process 4/16/15
2	Amend or Repeal CCR Section 354 - Successful Examination (Obsolete provision)		Not commenced

Regulation Summary Sheet

Proposed Regulation	Proposed Change(s)
Denial of Application, Revocation or Suspension of Licensure (CCR Sections 316.5, 321, 326 and 327)	Effective July 1, 2020, the BCE's application for licensure, as well as other existing regulations, will be amended to comply with new legislation, AB 2138 (Chiu, Licensing Boards: Denial of Application: Revocation or Suspension of Licensure: Criminal Conviction - Stats. 2018, Ch. 995), which will limit the Board's discretion in using prior criminal history (convictions or underlying acts) as grounds for licensing determinations and establish new prohibitions relating to the denial, suspension, and revocation of licensure. Additionally, the BCE will need to develop denial criteria, review and possibly amend existing rehabilitation criteria.
Probation Status Disclosure (CCR Section 308.2)	Effective July 1, 2019, a new law, SB 1448 (Hill, Healing Arts Licensees: Probation Status: Disclosure – Stats. 2018, Ch. 570), requires licensees who have been placed on probation on or after July 1, 2019 to notify all patients of their probationary status. The BCE's proposed regulation would add CCR section 308.2 requiring licensees on probation to provide a patient notification form, developed by the BCE, to all patients, which would ensure greater consumer protection and consistency with the provisions of BPC, section 1007.
Consumer Protection Enforcement Initiative	The proposed changes would add or amend 12 sections within the California Code of Regulations that would establish stricter reporting and disclosure requirements by licensees and applicants and increase the BCE's enforcement authority and access to critical information for use in investigations.
Revisions to BCE Disciplinary Guidelines & Uniform Standards for Substance Abusing Licensees	The BCE's Disciplinary Guidelines are being revised to streamline the enforcement process and provide greater protection to consumers. Additionally, the BCE will need to review and possibly amend the SB 1441 Uniform Standards for Substance Abusing Licensees. Ultimately, the Uniform Standards will be incorporated by reference into the Board's Disciplinary Guidelines.
Sponsored Free Health Care Events - Repeal CCR Article 1.5, Sections 309-309.4	AB 512 (Rendon): Licensure Exemption Stats. 2013, Ch.111, ceased having effect January 1, 2018. No further legislation action has been taken to extend this law. The Board will need to repeal CCR Article 1.5 Sponsored Free Health Care Events.
Revisions to Curriculum requirements and approval of programs (CCR Article, Sections 330 - 331.16	TBD
CE Requirements (CE Provider and Course Approval)	TBD
Delegation of Authority to the Assistant Executive Officer	The proposed regulation would delegate to the Board's Assistant Executive Officer the authority to approve settlement agreements for revocation, surrender, and interim suspension of a license, or allow the Executive Officer to delegate this function to another designee.
Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice or Death/Incapacity Licensee (Amendment to CCR Sections 312.2 and 318)	TBD
Amend or Repeal CCR Section 354 Successful Examination (Obsolete provision)	TBD

Department of Consumer Affairs - Regulation Review Process
INITIAL PHASE

Step	Responsible Person/Entity	Required Action
1	**BCE Staff & DCA Legal Counsel**	Work together on proposed regulation text that is subject to EO's initial approval
2	**BCE Board Members**	Vote on proposed text and direct staff to begin regulation process.
3	**DCA Legal Counsel**	Reviews regulation documents and returns to BCE Staff with approval or suggested changes. Legal Affairs notifies the DCA Regulations Coordinator of the status.
4	**BCE Staff**	Compile four complete hard copy sets of the regulation package and submit to DCA Regulations Coordinator.
5	**DCA Regulations Coordinator**	Begins DCA initial review process
6	**DCA Legal Affairs Division, Legislative Affairs Division, and Budget Office**	Review regulation documents.
7	**DCA Legal Affairs Division**	Chief Counsel Reviews regulation documents
8	**DCA Legislative Affairs Division**	Deputy Director reviews regulation documents
9	**DCA Executive Office**	Director reviews regulation documents.
10	**Business, Consumer Services, & Housing Agency**	Agency Secretary reviews regulation documents.
11	**DCA Regulations Coordinator**	Logs return of proposed regulation documents from Agency and notifies BCE of approval or concerns & suggested changes
12	**BCE Staff**	Submits Rulemaking File to the Office of Administrative Law for Notice/PUBLICATION. (If any changes to language last approved by the Board are needed, a vote by the Board may be necessary). 45-Day Public Comment Period begins on date of PUBLICATION.
13	**BCE Staff**	Receives written comments submitted during the 45-Day Public Comment Period; schedules Public Hearing if requested.

Department of Consumer Affairs - Regulation Review Process
FINAL PHASE

Step	Responsible Person/Entity	Required Action
1	**BCE Staff & Board Members**	Staff review and summarize comments received during 45-day public comment period/hearing. Board Members discuss comments at a public Board Meeting and determine whether to 1) amend the language and issue 15-day public comment period ***or*** 2) adopt the proposed text.
2	**BCE Staff**	Upon adoption of language, staff completes final rulemaking binder and delivers to DCA Legal.
3	**DCA Legal Affairs Division**	Rulemaking binder is logged and forwarded to BCE's Assigned Legal Counsel
4	**DCA Regulations Coordinator**	Facilitates review by DCA's Budget Office and the Department of Finance
5	**DCA Legal Affairs Division**	Binder reviewed by Assistant Chief Legal Counsel
6	**DCA Legislative Affairs Division**	Binder reviewed by Deputy Director
7	**DCA Executive Office**	Binder reviewed by Director
8	**Business, Consumer Services, & Housing Agency**	Binder reviewed by Agency Secretary
9	**DCA Regulations Coordinator**	Completes closing paperwork and returns binder to BCE with final approval
10	**BCE Staff**	Submits final rulemaking file to the Office of Administrative Law for review.
11	**Office of Administrative Law**	Reviews rulemaking file for: 1) Necessity; 2) Authority; 3) Clarity; 4) Consistency; 5) Reference; and, 6) Nonduplication.
12	**BCE**	**If approved**: Rulemaking is complete; language takes effect on next effective date or date requested. **If disapproved**: Board Members decide whether to amend and resubmit or withdraw the regulatory package.