



NOTICE OF TELECONFERENCE BOARD MEETING

April 22, 2021
9:00 a.m. to 4 p.m.
or until completion of business

Notice of Teleconference Meeting Held Under Executive Order N-29-20 (3/17/20)

FOR PUBLIC COMMENT, PLEASE LOG ON TO THIS WEBSITE:

<https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=eddb021cc00f3ca5ec8a9c675a13c1078>

The preferred audio connection is via mobile phone. The phone number and access code will be provided as part of your connection to the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier, such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment. Public comments will be limited to 2 minutes per person unless, in the discretion of the Board or circumstances require a shorter period. Members of the public will not be permitted to "yield" their allotted time to other members of the public to make comments.

Important Notices to the Public: The Board of Chiropractic Examiners will hold this meeting via WebEx – access information is provided above. General instructions for using WebEx are attached to the agenda. 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-mailing chiro.info@dca.ca.gov, or sending 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

- 1. Open Session – Call to Order & Establishment of a Quorum**
Dionne McClain, D.C., Chair
David Paris, D.C., Vice Chair
Frank Ruffino, Secretary
Laurence Adams, D.C.
Rafael Sweet
- 2. Chair's Report**
Update on the Chair's Activities and Board's accomplishments and/or goals
- 3. Presentation and Discussion on Presentation from Dr. Jason Jaeger, National Board of Chiropractic Examiners, on Specialty, Jurisprudence, and Ethics; and Boundaries Assessment Services (EBAS) Examination Products**
- 4. Approval of December 11, 2020, Board Meeting Minutes**
- 5. Approval of January 28, 2021, Board Meeting Minutes**

6. Ratification of Approval of License Applications

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

8. Ratification of Approved Continuing Education Providers

9. Executive Officer's Report

- A. Administration - Board staffing/organizational chart
- B. Budget - Fund condition update
- C. Licensing - Statistical trends
- D. Enforcement - Statistical trends
- E. Information Technology (IT) Update

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

10. Update, Review, Discussion and Possible Action on Licensing & Continuing Education Committee March 25, 2021, Meeting Agenda

The Board may act on any item on the attached Licensing & Continuing Education Committee meeting agenda.

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

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

12. Review, Discussion and Possible Action Regarding the Proposed Board Meeting Schedule for the Remainder of 2021

13. 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.

14. 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.]

15. Closed Session

The Board will meet in Closed Session to:

- A. Deliberate on Disciplinary Decisions Pursuant to California Government Code Section 11126(c)(3)

16. Reconvene Open Session

17. Adjournment

In accordance with Executive Order N-29-20, no physical location is available for observation and public comment, so please plan to attend the meeting telephonically. 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.

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HOW TO – Join – DCA WebEx Event

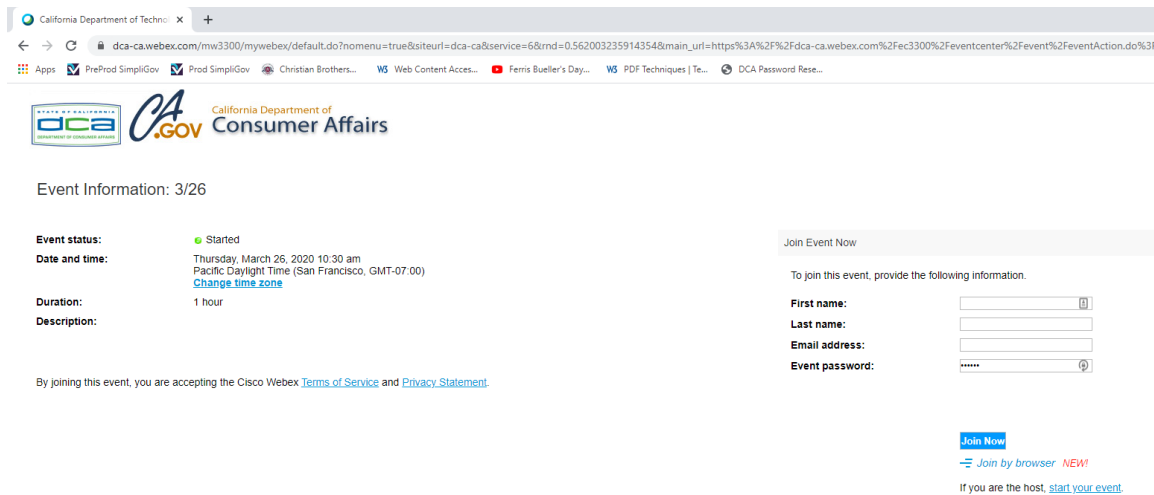
The following contains instructions to join a WebEx event hosted by the Department of Consumer Affairs (DCA).

NOTE: The preferred audio connection to our event is via telephone conference and not the microphone and speakers on your computer. Further guidance relevant to the audio connection will be outlined below.

1. Navigate to the WebEx event link provided by the DCA entity (an example link is provided below for reference) via an internet browser.

Meeting link: <https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=eddb021cc00f3ca5ec8a9c675a13c1078>

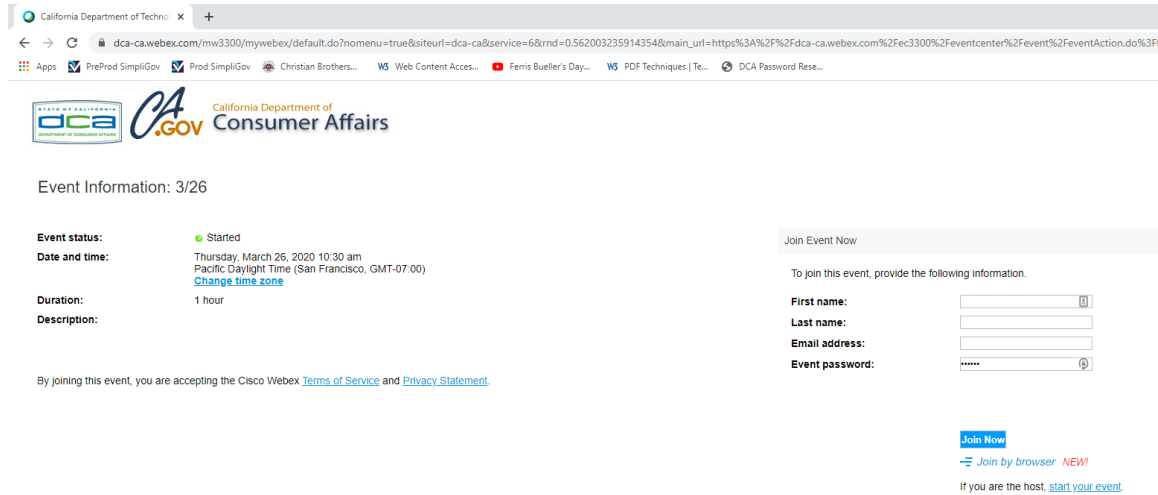
Event number: 187 063 9787
Event password: BCE04222021
Audio conference: +1-415-655-0001 (Access code: 187 063 9787)



2. The details of the event are presented on the left of the screen and the required information for you to complete is on the right.

NOTE: If there is a potential that you will participate in this event during a Public Comment period, you must identify yourself in a manner that the event Host can then identify your line and unmute it so the event participants can hear your public comment. The 'First name', 'Last name' and 'Email address' fields do not need to reflect your identity. The department will use the name or moniker you provide here to identify your communication line should you participate during public comment.

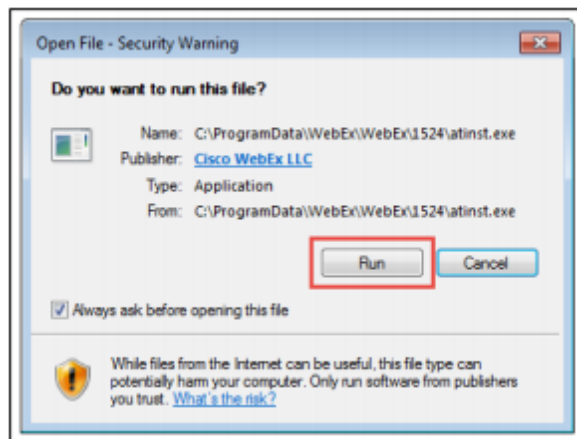
HOW TO – Join – DCA WebEx Event



3. Click the 'Join Now' button.

NOTE: The event password will be entered automatically. If you alter the password by accident, close the browser and click the event link provided again.

4. If you do not have the WebEx applet installed for your browser, a new window may open, so make sure your pop-up blocker is disabled. You may see a window asking you to open or run new software. Click 'Run'.



Depending on your computer's settings, you may be blocked from running the necessary software. If this is the case, click 'Cancel' and return to the browser tab that looks like the window below. You can bypass the above process.

HOW TO – Join – DCA WebEx Event

Starting Webex...



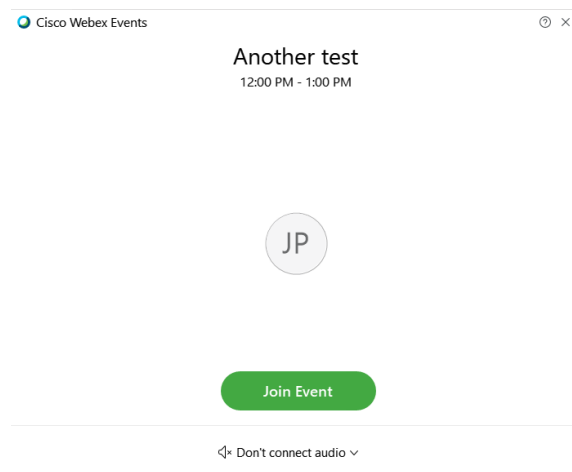
Still having trouble? [Run a temporary application](#) to join this meeting immediately.

- 5. To bypass step 4, click 'Run a temporary application'.
- 6. A dialog box will appear at the bottom of the page, click 'Run'.



The temporary software will run, and the meeting window will open.

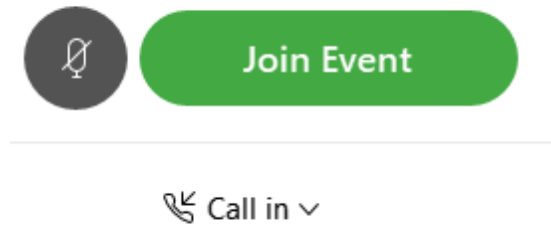
- 7. Click the audio menu below the green 'Join Event' button.



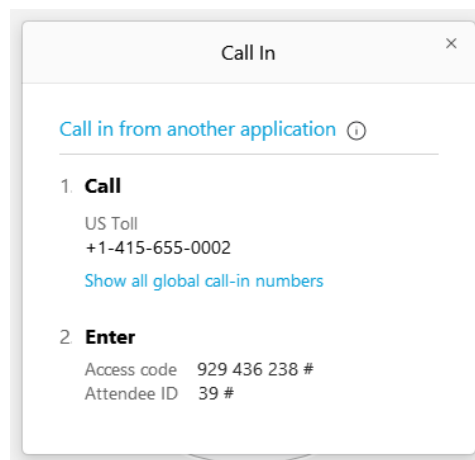
- 8. When the audio menu appears click 'Call in'.

HOW TO – Join – DCA WebEx Event

9. Click 'Join Event'. The audio conference call in information will be available after you join the Event.



10. Call into the audio conference with the details provided.

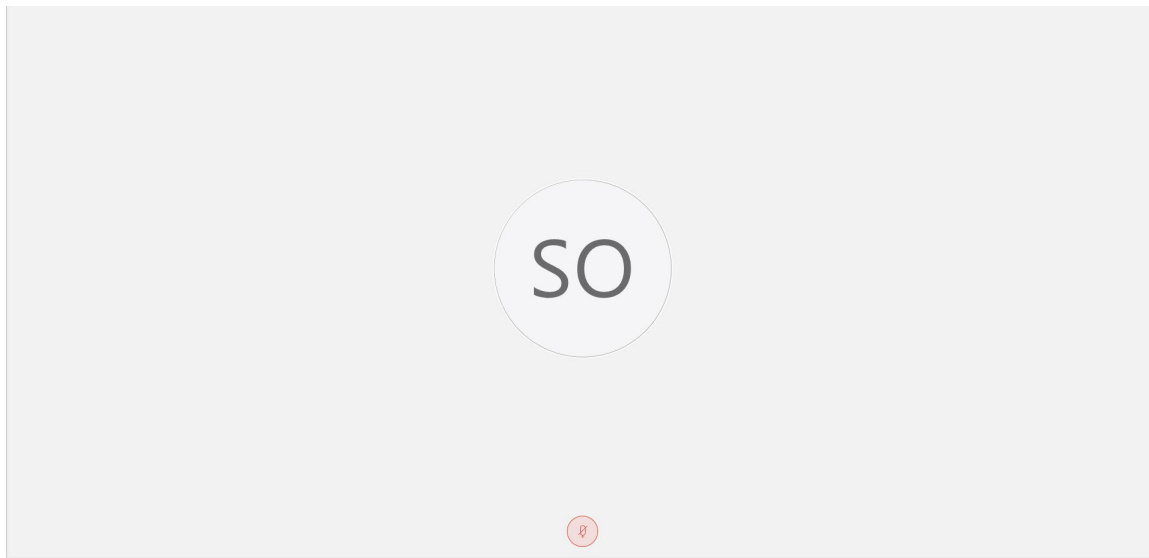


NOTE: The audio conference is the preferred method. Using your computer's microphone and speakers is not recommended.

HOW TO – Join – DCA WebEx Event

Once you successfully call into the audio conference with the information provided, your screen will look like the screen below and you have joined the event.

Congratulations!

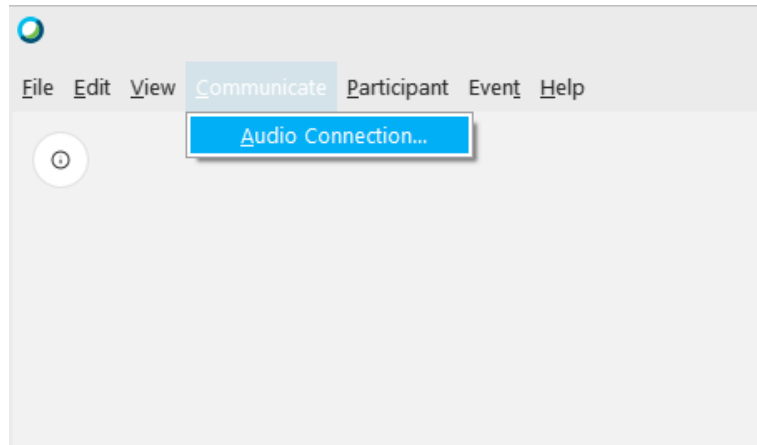


NOTE: Your audio line is muted and can only be unmuted by the event host.

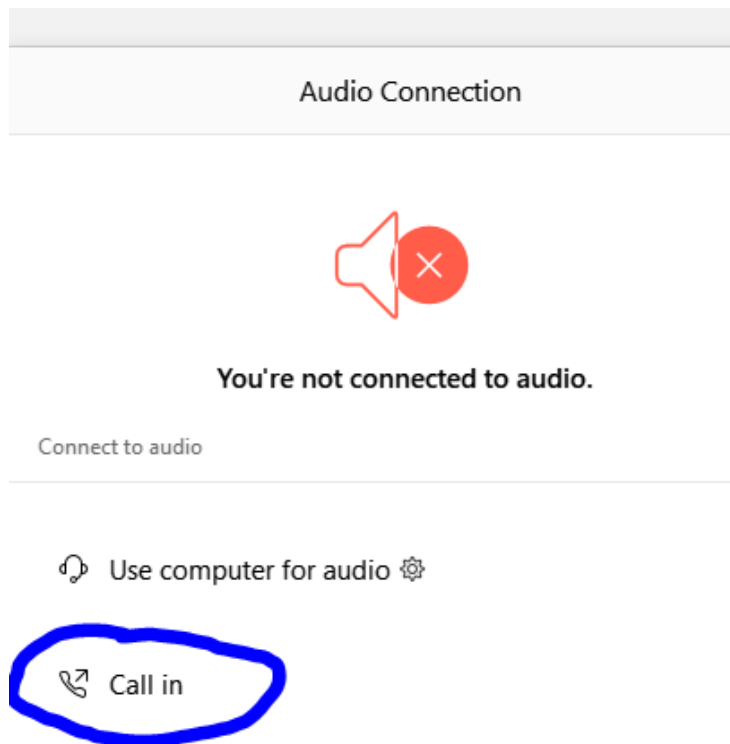
If you join the meeting using your computer's microphone and audio, or you didn't connect audio at all, you can still set that up while you are in the meeting.

Select 'Communicate' and 'Audio Connection' from top left of your screen.

HOW TO – Join – DCA WebEx Event



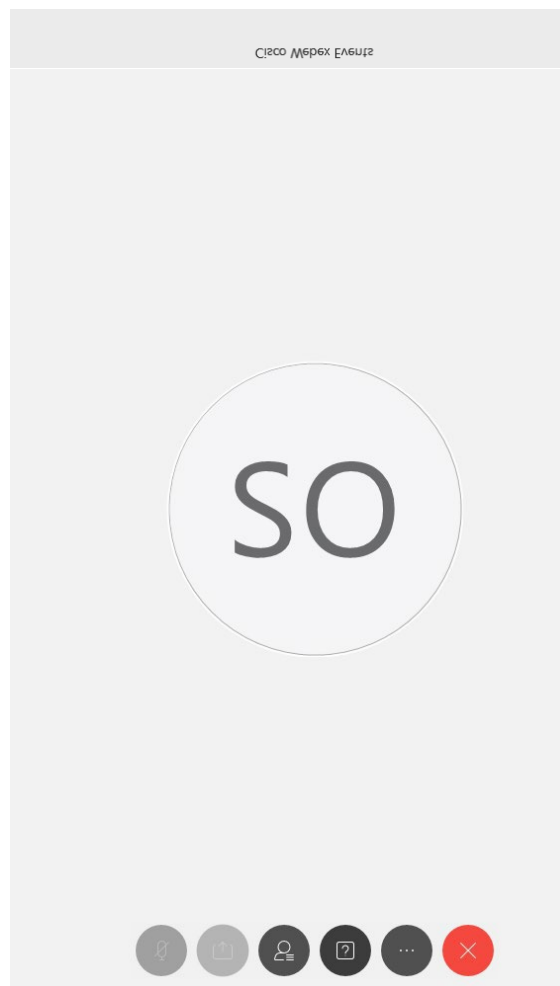
The 'Call In' information can be displayed by selecting 'Call in' then 'View'



You will then be presented the dial in information for you to call in from any phone.

HOW TO – Join – DCA WebEx Event Participating During a Public Comment Period

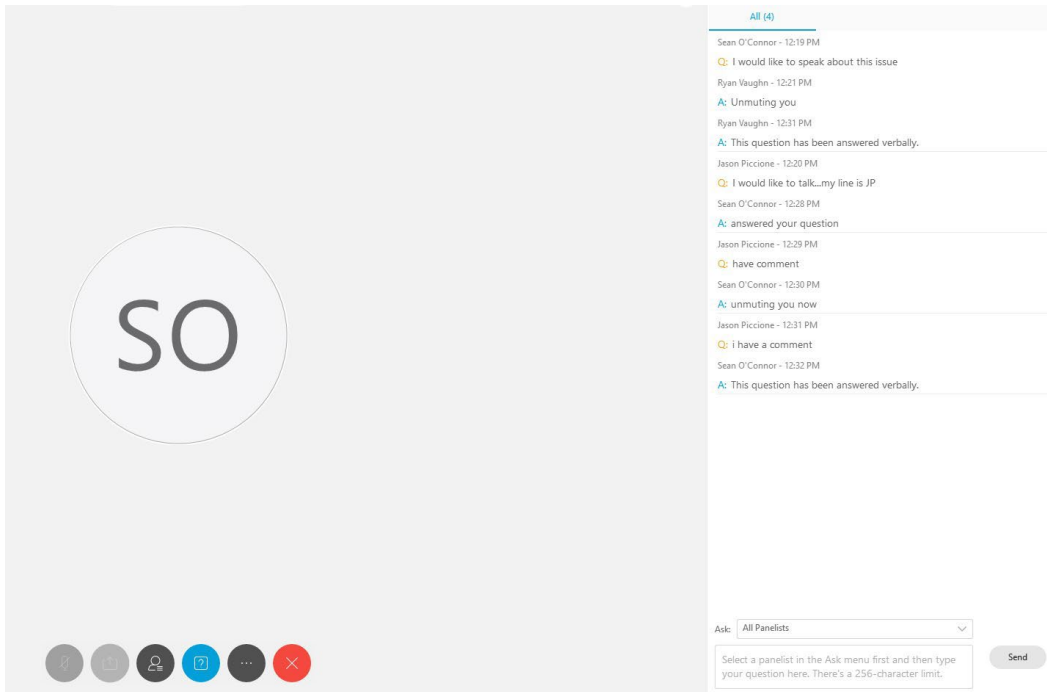
At certain times during the event, the facilitator may call for public comment. If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.



This will bring up the 'Q and A' chat box.

NOTE: The 'Q and A' button will only be available when the event host opens it during a public comment period.

HOW TO – Join – DCA WebEx Event



To request time to speak during a public comment period, make sure the 'Ask' menu is set to 'All panelists' and type 'I would like to make a public comment'.

Attendee lines will be unmuted in the order the requests were received, and you will be allowed to present public comment.

NOTE: Your line will be muted at the end of the allotted public comment duration. You will be notified when you have 10 seconds remaining.



**NOTICE OF TELECONFERENCE LICENSING &
CONTINUING EDUCATION COMMITTEE MEETING**

March 25, 2021
1 p.m. to 3 p.m.
or until completion of business

Notice of Teleconference Meeting Held Under Executive Order N-29-20 (3/17/20)

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<https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=eadda73ba705749729c41bc674d8b3931>

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AGENDA

- 1. Call to Order & Establishment of a Quorum**
- 2. Approval of November 6, 2020, Meeting Minutes**
- 3. Discussion and Possible Action Regarding the Federation of Chiropractic Licensing Boards – Providers of Approved Continuing Education Presentation from the January 28, 2021, Board Meeting**
- 4. Review, Discussion and Possible Action to Article 6. Continuing Education Sections 361 – 366.**

5. Public Comment for Items Not on the Agenda

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6. 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.]

7. Adjournment

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**Agenda Item #3
April 22, 2021**

Presentation and Discussion on Presentation from Dr. Jason Jaeger, National Board of Chiropractic Examiners, on Specialty, Jurisprudence, and Ethics and Boundaries Assessment Services (EBAS) Examination Products

Purpose of the item

Informative presentation from Dr. Jason Jaeger, District IV Director of the National Board of Chiropractic Examiners (NBCE).

Action(s) requested

No action required.

Background

The Board will receive a presentation regarding the NBCE's products: Special Purposes Examination for Chiropractic (SPEC), State-Specific Jurisprudence Exams, and Ethics and Boundaries Assessment Services (EBAS).

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

- Specialty Exams for State Boards handout provided by the NBCE.
- 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. A copy of the "Specialty Exams for State Boards" handout may be requested via a Public Records Request, please email chiro.info@dca.ca.gov.

Approval of Minutes

Purpose of the item

The Board will review and approve the Board Meeting minutes of the previous Board Meetings. At the January 28, 2021 Board Meeting, the Board was asked to make a motion to approve the minutes from the December 11, 2020 Board Meeting. While a motion was made, the approval of the minutes was not voted on and the motion was not passed.

Action(s) requested

The Board will be asked to make a motion to approve the December 11, 2020 Board Meeting minutes.

Background

N/A

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

- Meeting minutes from the December 11, 2020 Board Meeting.

**BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES**

December 11, 2020
Teleconference

Board Members Present

David Paris, D.C., Chair
Dionne McClain, D.C., Vice Chair
Frank Ruffino, Secretary
Laurence Adams, D.C.
Sergio Azzolino, D.C.
Heather Dehn, D.C.

Staff Present

Robert Puleo, Executive Officer
Michael Kanotz, Senior Attorney
Clay Jackson, Attorney
Dixie Van Allen, Licensing and Continuing Education Manager I
Kristin Walker, Enforcement Manager I
Tammi Pitto, Enforcement Analyst
Natalie Boyer, Licensing Analyst
Amanda Campbell, Licensing Analyst

1. Call to Order

Dr. Paris called the meeting to order at 9:16 a.m.

Roll Call

Mr. Ruffino called the roll. All members were present and a quorum was established.

**2. Update, Review, Discussion and Possible Action on Proposed Regulation for
Delegation of Authority to the Assistant Executive Officer**

Ms. Walker notified the Board that at a prior meeting the Board approved language regarding the delegation of authority to the Assistant Executive Officer to perform specific enforcement actions and office operations in the absence of the Executive Officer. Following recent consultation with DCA regulatory counsel, staff made revisions to the regulation text to ensure the Assistant Executive Officer is also able to perform

specific enforcement and administrative functions at the direction of the Executive Officer. Because the revisions to the package are significant, it was requested that the Board vote to adopt the revised language.

MOTION: DR. DEHN MOVED TO APPROVE THE PROPOSED REGULATORY TEXT FOR TITLE 16, CCR SECTIONS 306, 389, 390, 390.3, 390.4, AND 390.5, AND DIRECT STAFF TO SUBMIT THE TEXT TO THE DIRECTOR OF CONSUMER AFFAIRS AND THE BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY FOR REVIEW, AND, IF NO ADVERSE COMMENTS ARE RECEIVED, AUTHORIZE THE EXECUTIVE OFFICER TO TAKE ALL STEPS NECESSARY TO AMEND THE PRECEDING RULEMAKING PACKAGE, INITIATE THE RULEMAKING PROCESS, MAKE ANY NON-SUBSTANTIVE TECHNICAL OR GRAMMATICAL CHANGES TO THE PACKAGE, AND SET THE MATTER FOR HEARING IF NECESSARY. SECOND: DR. MCCLAIN SECONDED THE MOTION.

Discussion: None

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

Public Comment: None.

3. Hearing Re: Petition for Reinstatement of Revoked License

The attorney of Nosrat N. Ghodousi requested a continuance, which was granted by the Board. His hearing will be rescheduled.

Administrative Law Judge, Ed Washington, presided over and Deputy Attorney General, Joshua Eisenberg appeared on behalf of the people of the State of California on the following hearing:

A. Robert J. Farrell Case No. AC 2018-1172

4. Hearing Re: Petition for Early Termination of Probation

Administrative Law Judge, Ed Washington, presided over and Deputy Attorney General, Joshua Eisenberg appeared on behalf of the people of the State of California on the following hearing:

A. Douglas Wayne Smith Case No. AC 2017-1104

5. Hearing Re: Appeal of Denial of Continuing Education Course

Administrative Law Judge, Ed Washington, presided over and Deputy Attorney General, Joshua Eisenberg appeared on behalf of the people of the State of California on the following hearing:

- A. ChiroCECredits.com; Brian Cromblehome

Moved to Agenda Item 8. Public Comment for Items Not on the Agenda

Public Comment: Dr. Marcus Strutz, a chiropractor and continuing education provider, updated the Board on the progress of using Zoom for teaching CE and stated that the students have been enjoying learning through this method. He commented that they have made great progress in teaching Adjustive Techniques through interactive video conferences. Dr. Strutz urged the Board to hasten the rulemaking process to allow CE to be taught through this manner as an option for the mandatory classroom hours.

Public Comment: Dr. Victor Tong, a chiropractor and continuing education provider, echoed Dr. Strutz's comments and added that he would like to see the interactive video conferences replace the mandatory classroom hours during the COVID-19 pandemic and afterward to utilize this new technology. He advised that the Board should issue a mandate to prevent individuals from abusing this technology. He suggested it be required for attendees to keep their cameras turned on and for the licensees to be focused solely on CE with minimal breaks or multi-tasking efforts.

Moved to Agenda Item 9. Future Agenda Items

There were none.

6. Closed Session

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 Paula J. Strauss, D.C. v. California Board of Chiropractic Examiners, Sacramento County Superior Court, Case No. 34-2020-80003406 and Hugh Lubkin, D.C. v. Board of Chiropractic Examiners, Workers' Compensation Case No. ADJ7361379

7. Open Session

The Board returned to Open Session.

10. Adjournment

Dr. Paris adjourned the meeting at 4:00 p.m.

DRAFT

Approval of Minutes

Purpose of the item

The Board will review and approve the Board Meeting minutes of the previous Board Meetings.

Action(s) requested

The Board will be asked to make a motion to approve the January 28, 2021 Board Meeting minutes.

Background

N/A

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

- Meeting minutes from the January 28, 2021 Board Meeting.



BOARD OF CHIROPRACTIC EXAMINERS PUBLIC SESSION MINUTES

January 28, 2021
Teleconference

Board Members Present

Dionne McClain, D.C., Chair
David Paris, D.C., Vice Chair
Frank Ruffino, Secretary
Laurence Adams, D.C.
Sergio Azzolino, D.C.

Staff Present

Robert Puleo, Executive Officer
Kristin Walker, Assistant Executive Officer
Michael Kanotz, Senior Attorney
Clay Jackson, Attorney
Dixie Van Allen, Licensing and Continuing Education Manager
Natalie Boyer, Licensing Analyst
Amanda Campbell, Licensing Analyst
Andreia McMillen, Policy Analyst
Tammi Pitto, Enforcement Analyst

1. Call to Order

Dr. Paris called the meeting to order at 9:01 a.m.

Roll Call

Mr. Ruffino called the roll. Dr. Dehn was absent. All remaining members were present and a quorum was established.

2. Chair's Report

Dr. Paris opened the meeting by recalling that the last time the Board met in person was at this time last year. He remarked on the flexibility of the Board and its staff during the everchanging landscape of the past year.

Dr. Paris noted a few of the Board's accomplishments of 2020 which included an emergency waiver request from the chiropractic colleges that the Board facilitated and submitted on their behalf and working with the Board's stakeholders to accomplish

unexpected goals while continuing the major ongoing projects regarding regulations, disciplinary orders, and guidelines.

Dr. Paris added that the Board is losing three Board members in the upcoming year; two in the next month as they end their one-year grace period in February. These two Board members are Dr. Azzolino and Dr. Dehn. He noted that Dr. Azzolino is present at this meeting and hoped to give him some time at the end of the meeting to address the Board and stakeholders. Dr. Paris thanked them both for their service and guidance.

Dr. Paris stated his hope for the new Board members to continue the Board's work with the ongoing projects and heavy workload. He noted that changes are coming and the Board must renew its strategic plan, continue its major projects, and handle waivers as they come.

Dr. Paris thanked the staff and Board for their trust, mentorship, flexibility, and hard work in the last year. He noted an increase in participation from stakeholders and thanked them for their feedback and comments to continue the Board's positive growth.

Moved to Agenda Item 7 – Election of Board Officers for 2021. The Board will vote for the following Board Officer Positions: A. Chair; B. Vice Chair; and C. Secretary.

A. Chair:

Mr. Kanotz called for any additional nominations for the officer position of Chair.

There were none.

Dr. Paris declined the nomination.

Dr. McClain was the sole nomination for the office of Chair.

Mr. Kanotz asked Dr. McClain if she wished to provide a statement of interest.

Dr. McClain thanked everyone for their encouragement and support. She is looking forward to continuing the work of the Board and that a change of titles doesn't mean that the Board will change course; the Board will continue to enforce the mission of the Board. She thanked Dr. Paris for all the hard work he's done during this tumultuous year.

Mr. Ruffino facilitated the roll call for voting for the office of Chair.

VOTE: 4-0, 1 ABSTAIN, 1 ABSENT

- **DR. ADAMS – DR. MCCLAIN**
- **DR. AZZOLINO – DR. MCCLAIN**

- **DR. MCCLAIN – ABSTAIN**
- **MR. RUFFINO – DR. MCCLAIN**
- **DR. PARIS – DR. MCCLAIN**
- **DR. DEHN – ABSENT**

DR. MCCLAIN WAS ELECTED TO THE OFFICE OF BOARD CHAIR.

B. Vice Chair:

Mr. Kanotz called for any additional nominations for the officer position of Vice Chair.

There were none.

Dr. McClain declined the nomination.

Dr. Paris was the sole nomination for the office of Vice Chair.

Mr. Kanotz asked Dr. Paris if he wished to provide a statement of interest.

Dr. Paris congratulated Dr. McClain and stated that her experience and leadership is needed. He is excited to get back to committee work and take on the large projects with the Board's new and existing members.

Mr. Ruffino facilitated the roll call for voting for the office of Vice Chair.

VOTE: 4-0, 1 ABSTAIN, 1 ABSENT

- **DR. ADAMS – DR. PARIS**
- **DR. AZZOLINO – DR. PARIS**
- **DR. MCCLAIN – DR. PARIS**
- **MR. RUFFINO – DR. PARIS**
- **DR. PARIS – ABSTAIN**
- **DR. DEHN – ABSENT**

DR. PARIS WAS ELECTED TO THE OFFICE OF BOARD VICE CHAIR.

C. Secretary:

Mr. Kanotz called for any additional nominations for the officer position of Secretary.

There were none.

Mr. Ruffino was the sole nomination for the office of Secretary.

Mr. Kanotz asked Mr. Ruffino if he wished to provide a statement of interest.

Mr. Ruffino stated that he will continue to serve as Secretary until such time that he is no longer needed.

VOTE: 4-0, 1 ABSTAIN, 1 ABSENT

- DR. ADAMS – MR. RUFFINO
- DR. AZZOLINO – MR. RUFFINO
- DR. MCCLAIN – MR. RUFFINO
- MR. RUFFINO – ABSTAIN
- DR. PARIS – MR. RUFFINO
- DR. DEHN – ABSENT

MR. RUFFINO WAS ELECTED TO THE OFFICE OF SECRETARY.

Moved to Agenda Item 8 – Remarks from the Newly Elected Board Chair

Dr. McClain thanked everyone for their vote of confidence and their continued efforts to work as a team and move forward with the agendas of the Board and its stakeholders.

3. Approval of October 29, 2020 and December 11, 2020 Board Meeting Minutes

Dr. McClain asked Mr. Kanotz if the minutes should be voted on separately.

Mr. Kanotz believed that would be prudent.

MOTION: DR. AZZOLINO MOVED TO APPROVE THE MINUTES OF THE OCTOBER 29, 2020 BOARD MEETING.

SECOND: DR. ADAMS SECONDED THE MOTION.

Discussion: Dr. Azzolino noted that there was discussion in the minutes of transferring the costs of enforcement to the individuals that are being investigated rather than burdening the law-abiding licensee. He asked Mr. Puleo if there have been any developments.

Mr. Puleo stated that the Board is in the process of soliciting bids for an independent fee analysis and that would be part of the analysis. The solicitation for bids was posted the week prior and the Department of Consumer Affairs (DCA) has been receiving inquiries from interested consultants.

Dr. McClain asked if there was a timeline for this process or if the Board would have a timeline by the next meeting.

Mr. Puleo stated that the fee analysis must be completed before the end of the fiscal year, which ends on June 30, 2021 and added that we can include discussion of the fee analysis at the July meeting.

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

MOTION: CARRIED.

Public Comment: None

MOTION: DR. PARIS MOVED TO APPROVE THE MINUTES OF THE DECEMBER 11, 2020 BOARD MEETING.

SECOND: MR. RUFFINO SECONDED THE MOTION.

Discussion: None.

VOTE: The Board moved to the next item without voting on the December 11, 2020 minutes.

Public Comment: None

4. Ratification of Approval of License Applications

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

SECOND: DR. AZZOLINO SECONDED THE MOTION.

Discussion: None

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

MOTION: CARRIED.

Public Comment: None

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

There were none.

Discussion: None

Public Comment: None

6. Ratification of Approved Continuing Education Providers

MOTION: DR. PARIS MOVED TO RATIFY THE APPROVED CONTINUING EDUCATION PROVIDERS.

SECOND: MR. RUFFINO SECONDED THE MOTION.

Discussion: None.

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

MOTION: CARRIED.

Public Comment: None

Moved to Agenda Item 9 – Executive Officer’s Report

Mr. Puleo thanked the Board and staff for their hard work during a particularly challenging year. Before the onset of COVID-19, there were some big challenges the Board was facing that have been exacerbated. He hoped to return to some degree of normalcy soon so that the Board can address the budgetary concerns as the Board is working on a very thin margin and fees will likely need to be raised. While enforcement costs constitute a significant majority, they must look for a way to reduce and mitigate them without sacrificing consumer protection.

Mr. Puleo added that continuing education (CE) must also be addressed as it has been a big issue for the Board with an increasing workload for staff due to COVID-19. With the fee analysis, the Board will be assessing the workload and costs associated with CE to ensure the fees the Board is charging are appropriate and that they are being placed with the appropriate entities.

A. Administration - Board staffing/organizational chart

Mr. Puleo congratulated Ms. Walker who was recently appointed as Assistant Executive Officer, replacing Marcus McCarther. Ms. Walker has been with the Board for a little over a year and has been a tremendous asset. She stepped into the position without missing a beat while maintaining her old enforcement manger duties and being the point person for the IT Business Modernization (BizMod) Project.

Mr. Puleo stated the Board has three vacancies; the Enforcement Manager position, a Staff Services Analyst position in the Enforcement Unit, and a Management Services Technician position in the Licensing Unit who was support for the Executive Officer and Assistance Executive Officer. While the staff have managed to do without these positions to keep costs down, he hoped to be fully staffed in the near future.

B. Budget - Fund Condition Update

Mr. Puleo stated that the new Fund Condition update reflects the recently released Governor's budget, but it hasn't changed much since the report at the last meeting which included a detailed presentation from DCA's Budget Office. He stated that the Board is still looking at a deficit in the coming fiscal years and he is doing everything possible to reduce costs in the interim until the Board can adjust the fees and start rebuilding the Board's funds.

Mr. Ruffino asked if the Board was planning on keeping the Board's vacancies open to reduce salary costs.

Mr. Puleo stated that they have been keeping the positions open to reduce costs. Management has stepped up and is doing tasks that would normally be delegated, but he doesn't intend to leave them open much longer as it is not sustainable. He added that the Board would benefit from having more staff as there are projects that have been put off or are taking longer than they should because the Board doesn't have the resources to complete them. Mr. Puleo stated his hope to have the Board fully staffed by the end of the year.

C. Licensing - Statistical Trends

Ms. Van Allen told the Board that the licensing statistics remain fairly consistent though there has been a slight increase over the past few months in the number of chiropractic licenses which is promising.

Mr. Puleo added that the issue of a declining licensee population was brought up at the last Board meeting and has been an ongoing trend for the past few years. He hoped this increase is more than an oddity, but the Board will be further discussing how to address the decline through strategic planning.

D. Enforcement - Statistical trends

Ms. Walker notified the Board that the statistics are fairly consistent with what the Board would expect and added that while the number of pending complaints has slightly decreased since October, it is still higher than what she'd like to see. She noted that the Board's policy analyst, Andreia McMillen, a former enforcement analyst, has continued to assist the enforcement unit to get those down. Ms. Walker added that with COVID-19 and teleworking, the unit has been stretched thin.

Ms. Walker noted that the number of accusations has jumped from 4 to 14, which is a bigger jump than you'd typically expect. She explained that this jump is due to the cases progressing through the process. Towards the end of the last fiscal year and the beginning of the current fiscal year, the Board referred cases over to the Attorney General's Office (AG) and they have completed their intake process and prepped those

initial pleadings for the Board.

Dr. McClain asked why the “Closed: No Violation” and “Closed: Letters of Admonishment” had increased so drastically in the fiscal year 2019/2020 and asked if the Board could expect this same trajectory in fiscal year 2020/2021.

Ms. Walker answered that the cause is primarily due to CE audits. A few years ago, the Board increased the number of audits performed. After the licensee’s audit is received, the licensing unit conducts the review. If it is found that there is a potential fail or if the licensee did not respond, it is moved to the enforcement unit and becomes a complaint opened internally. Often, when a licensee first responds, they missed sending in a CE certificate or they submitted certificates for the incorrect time period. If that is the case and the licensee can provide the correct certificates, then it results in a no violation because ultimately, the licensee passed the audit. Another item that is often closed with a no violation is regarding license renewals, if a licensee checks the wrong box indicating they have been disciplined by another agency or convicted of a crime, then a case is opened. Once asked about this, if the licensee says they checked the wrong box in error, it results in a no violation.

Ms. Walker does not expect this trend to continue in the current fiscal year as licensees don’t appear to be answering the questions incorrectly in the new online renewal system and the number of CE audits have decreased severely this year due to the waivers in place.

Ms. Walker added that Letters of Admonishments (LOAs) are primarily used as a tool for a first time CE violation. As the enforcement unit cleared out those CE complaints, they issued a high volume of LOAs. She stated that she does not expect that to happen this fiscal year.

Mr. Puleo added that the Board takes a progressive approach to enforcement; particularly with CE violations. If the licensee was only short a few hours or if they had all 24 hours but had failed to take one of the mandatory subject areas, and it wasn’t an egregious violation, the Board will often close it with an LOA rather than a citation/fine. However if there’s a subsequent violation, then the Board would progressively increase the penalty depending on the circumstances.

Mr. Puleo noted an increase in complaints regarding advertisements related to COVID-19 that are outside scope of practice, such as how to prevent or cure COVID-19. Occasionally during investigation it is found that there were no false or sensational statements made so it would be closed due to no violation.

Mr. Puleo reaffirmed that the Board takes a progressive approach to enforcement; if the licensee acknowledges the wrongdoing and takes action to change their advertisements, for example, then it is often addressed with a LOA as opposed to a citation. He added that every case is different and that there have been anomalies this year due to COVID-19.

Dr. McClain noted that when looking at the percentage of assessed fines versus the total collected fines, the percentage is quite down when compared to previous fiscal years. She asked if this was from challenges due to COVID-19 or if it is due to timing.

Ms. Walker answered that it is due to timing and many of the fines assessed became effective in the last month and that there is sometimes a delay in seeing payments reflected in reports due to the payment process. There are some instances where the licensee was unable to pay in full so a payment plan has been established.

Ms. Walker stated that she has no concerns regarding the Board's ability to collect citations and reminded them that there is the Franchise Tax Board's Intercept Program in place which is an additional tool that can be used if we're unable to collect. She reassured the Board that there is a bit of a lag time between the citation becoming effective, processing the payment, and logging it in the system to where we can show it's been collected. From the requests for payment plans, it probably won't be until the end of the fiscal year before it's collected fully.

Dr. Paris asked if Ms. Walker could go over the enforcement costs; he noted there is a fairly wide range.

Ms. Walker stated that the maximum amount for citations is \$5,000 and that they take into consideration a range of factors when determining if the violation should result in a citation or if it would be more appropriate to pursue formal discipline through an accusation. If they are certain that the licensee has mitigated the violation enough to where staff still need to assess a penalty but there is no need for a formal monitoring program, then they may make the decision to issue a citation. This depends on the severity of underlying factors.

Mr. Puleo noted that on a few occasions, the Board had filed an accusation but then through a stipulated settlement, the Board agreed to withdraw the accusation and instead issue a citation.

E. Information Technology (IT) Update

Mr. Puleo informed the Board that COVID-19 has increased the workload and added challenges, such as teleworking. He stated that, technologically speaking, the Board is not set up for the current age and virtual environment; the computers and laptops the Board possesses are quite a few years old and are not equipped with microphones or cameras. For meetings like this one, staff are using their personal equipment to participate. Mr. Puleo stated the importance of upgrading the Board's technology once able.

Ms. Walker stated that they are making progress in the BizMod system, which is now branded as Connect. The first release was in September 2020, which included the license application, license renewal, and address changes. The second release took

place on January 19, 2021 and the Connect system now allows licensees to apply for new satellite certifications, renew or cancel satellite certifications online, and enhanced the back-office functionality. The next update will occur in the spring and is set to release the ability for the public to file complaints online which will hopefully streamline the intake process. She stated that they are also working on adding CE course and provider applications and are making refinements to what has already been launched.

Public Comment: None

10. Update, Review, Discussion and Possible Action on Licensing & Continuing Education Committee November 6, 2020, Meeting Agenda

Dr. McClain updated the Board with information from the Licensing & CE Committee; the Committee revisited the discussion surrounding defining classroom courses and distance learning courses. She noted that many factors had changed since the Committee last discussed the definition possibilities for these two education modalities. The Department of Consumer Affairs (DCA) issued a waiver in September 2020 that allowed chiropractor licensees to take an additional 12 hours of distance learning credit, so long as the courses were offered in an interactive video platform. This change to the CE environment helped inform the Committee's decision to allow interactive video conference courses to count as classroom course credit.

Dr. McClain noted that the Committee was presented with various examples of how other CE organizations and licensing Board's define classroom and distance learning courses, and the Committee felt that the example provided from the Ohio State Chiropractic Board was most in line with what the Committee wished to see in California regulations. Staff will adopt similar language for the proposed language changes for the Board's CE regulations.

Dr. McClain informed the Board that the Committee also discussed potentially changing the requirements for licensees seeking a medical exemption from completing in-person CE requirements for a license renewal period. With the Committee adopting the recommendation to allow interactive video conference courses as classroom credit, the Committee felt that the need for medical exemptions from in-person CE courses would be greatly reduced. The Committee continued to support the need to include a provision to the regulations to allow the Board the authority to make necessary changes to CE requirements in the face of any state or federal declarations of emergency.

Dr. McClain added that the Board welcomes participation from stakeholders at meetings and though this meeting's participation was not as robust as usual, she urged the stakeholders to continuously be involved. She thanked Dr. Strutz and Ms. Benton for their valuable input during the meeting and encouraged more stakeholders, including students and licensees, to participate at the next committee meeting.

Ms. Boyer thanked the Committee for their quick decisions regarding the proposed regulations that will allow video conferences to be available as live classroom credit and noted that the Board would continue to work on language to ensure there are no ambiguities.

11. Presentation and Discussion on Presentation from Dr. Jon Schwartzbauer, Executive Director of the Federation of Chiropractic Licensing Boards – Providers of Approved Continuing Education

Dr. Schwartzbauer presented on behalf of the Federation of Chiropractic Licensing Boards (FCLB) regarding their Providers of Approved Continuing Education (PACE) program. Dr. Schwartzbauer discussed the mission of PACE and the FCLB; to protect the public and provide service to its member boards, such as California. Dr. Schwartzbauer explained that PACE centralizes the review process, maintains attendance records for streamlined audits, vets the CE providers, and holds CE providers accountable through their expert reviewers which has just welcomed Dr. McClain and Dr. Dehn onto the team.

Dr. Schwartzbauer discussed the 25 criteria developed by chiropractic licensing boards and chiropractic colleges and evaluated by educators and regulators, which CE providers must meet and comply with in order to be recognized by PACE. These 25 criteria are organized into eight categories: Mission & Goals, Administration & Organization, Budget & Resources, Faculty & Staff, Education Development, Delivery Methods, Facilities, and Evaluation.

Dr. Schwartzbauer stated that 40 chiropractic licensing boards accept some form of PACE, PACE recognizes 26 colleges/professional organizations, and there are 56 CE vendors who have met the standards for PACE recognition. He added that there is no fee for licensing boards or licensees to participate. The application fee for for-profit CE providers is \$500 and \$2,000 for annual recognition. While non-profit CE providers do not have these fees, all CE providers must pay a \$1-\$10 record-keeping fee per event to maintain attendance records in PACE's online record-keeping system. Dr. Schwartzbauer clarified that this fee is a \$1 per CE credit hour per DC but is capped at \$10. He provided an example of a two-day, 16-hour event that had one attendee. The fee to maintain this roster in the record-keeping system would be \$10.

Dr. Schwartzbauer further described the benefits of the program to licensing boards, CE providers, and licensees. He stated that the program is flexible and while some boards choose to delegate CE to PACE fully, there is a PACE pre-check which has both PACE and board oversight. For CE Providers there is flexibility as well; it can lessen the costs due to economy of scale, providers can utilize PACE to ensure administrative compliance, or they can choose to not use PACE and work directly with the Board. Dr. Schwartzbauer noted that it can be a great benefit to licensees because they have more options for fulfilling CE requirements, particularly if they need to earn CE for multiple jurisdictions, and they can keep track of transcripts all in one place.

Dr. Schwartzbauer continued that PACE's oversight of CE includes rigorous application procedures, random audits of courses through paper or by attending the course to ensure compliance, review of course evaluation forms, contact with licensees, and a network of educators, evaluators, and licensing boards to share experiences regarding CE providers.

Dr. Adams asked if PACE had data regarding complaints pre-PACE and post-PACE involvement.

Dr. Schwartzbauer stated that they did not have that data at this time, but that they would take it into consideration.

Dr. Adams asked what the average price for taking a CE course was.

Dr. Schwartzbauer answered that it depended on the CE vendor.

Dr. Adams asked for further elaboration.

Ms. Kelly Webb, a representative of PACE, explained that the price varies depending on the length, format, and method for teaching the course.

Mr. Puleo added that the Board does not monitor the cost of CE courses for attendees but asked Dr. Schwartzbauer and Ms. Webb for the cost to have a course approved by PACE and what the benefits are.

Ms. Webb stated that currently 32 licensing boards accept PACE fully, as long as the course meets their scope of practice, there's no additional fee or paperwork required and that CE providers who offer their courses nationally see a great deal of savings. She noted that for CE providers that only offer courses in California or on the West Coast, this may not be the most cost-effective option for them. She added that smaller providers could partner with a PACE recognized vendor so they aren't incurring the costs themselves.

Mr. Puleo asked how PACE is involved with those partnerships; for example, if the PACE recognized vendor needs to submit anything to PACE regarding the partnership.

Ms. Webb stated that every course offered with PACE needs to be registered with PACE so PACE can track and verify the course, but that there is no formal verification of partnerships.

Mr. Puleo asked Ms. Webb to confirm that PACE doesn't approve courses directly, only the provider is approved and they have standards they must meet in their courses.

Ms. Webb confirmed that the course is tracked and monitored, but stated there is no barrier approval.

Mr. Puleo asked if there is a database of courses offered by PACE approved providers on the PACE website.

Ms. Webb confirmed that there was and stated that it is very interactive, user-friendly, and that there are typically a thousand courses listed at a time.

Dr. McClain asked what PACE is monitoring courses for ongoing compliance.

Ms. Webb stated that PACE is ensuring adherence to the aforementioned 25 criteria the providers must meet, such as quality of content, qualifications of instructor, attendance monitoring – such as in the online webinar courses.

Dr. McClain asked if they require providers to have systems in place to ensure interaction during the webinars.

Ms. Webb confirmed that they do and that this is looked at during the application process and is tested during audits. She added that the FCLB Board is considering adding more strength to that part of their requirements and will be voting on it at the next meeting.

Dr. Azzolino asked if PACE is using or recommending any specific methodologies, like the Flip Classroom Method, to the CE providers.

Ms. Webb stated that while they will occasionally share resources with the CE providers, the providers are considered the experts on their classroom methods.

Dr. Adams asked if the aforementioned 56 CE providers approved by PACE means that there are only 56 instructors teaching the thousands of courses on PACE's website.

Ms. Webb clarified that there are 56 for-profit and 26 non-profit CE providers and added that many have multiple instructors teaching courses.

Dr. Paris asked about PACE's processes for ensuring quality CE content and courses that are best practice and evidence informed.

Ms. Webb stated that in order to upload course rosters, the CE provider must also upload the course evaluations and PACE reviews the evaluations for red flags. PACE also performs random audits by reviewing course materials and attending courses. The reviewers use a checklist to ensure all 25 criteria are met. She added that attendees of courses are notified that they can inform PACE of any concerns they have and that as part of the application process to become recognized by PACE, the provider must submit sample courses that demonstrate compliance.

Dr. Paris asked if each course is vetted when the course is uploaded to PACE or if PACE relies on the post-course quality assurance procedures to monitor courses.

Ms. Webb confirmed that there is no barrier review for course. Once the provider is approved through the application process, they can upload courses and compliance is monitored through the post-course reviews.

Dr. Paris asked if PACE vets the individual speakers for each vendor or if this is done by the CE provider and inquired if PACE had the numbers on how many speakers total there are.

Dr. Schwartzbauer stated that the provider vets the instructors and that they currently don't have that data.

Dr. Paris stated that he was concerned that there could be a licensee who has been disciplined teaching under another provider's approval.

Ms. Webb agreed that this was a concern and added that when the provider applies to be recognized by PACE, part of the process is determining if they have a system in place for vetting the instructors. She added that it will soon be required for the providers to verify the instructor's licensure and their standing with a board.

Dr. Adams asked to clarify that the for-profit application fee is \$500 per vendor and not per course.

Ms. Webb confirmed that Dr. Adam's statement was correct.

Dr. Adams asked if that was the annual fee to renew.

Dr. Schwartzbauer stated that it was \$500 for the application and \$2,000 annually to maintain recognition for the for-profit providers. He added that non-profit providers do not pay the application or annual recognition fees.

Dr. Adams asked Dr. Schwartzbauer to confirm that the vendors maintain their own fees for how much the course will cost to take.

Dr. Schwartzbauer stated that Dr. Adams was correct.

Mr. Puleo asked if it was a flat \$2,000 fee no matter how many courses the provider offered or how many attendees there were.

Dr. Schwartzbauer agreed but stated that there is a \$1-\$10 record-keeping fee for each event (\$1/credit hour/attendee capped at \$10).

Mr. Puleo asked if the providers must list their courses with PACE in order to be recognized for CE credit.

Ms. Webb confirmed that this was correct.

Dr. Azzolino inquired if PACE required a full adoption or if it could be used in a more limited capacity.

Dr. Schwartzbauer stated that 32 licensing boards accept PACE outright and 8 accept some form of PACE, through what they call PACE pre-check.

Dr. Azzolino asked if PACE could send the Board a list of those 8 states.

Dr. Schwartzbauer stated that he would send it to Mr. Puleo.

Mr. Puleo stated that the Board would likely decide to go the PACE pre-check route as the Board's regulations require licensees to take a certain number of hours in various subject areas.

Ms. Webb added that on some states' pre-check forms, there is a section to break down the course's subject areas so that could be possible to do for California as well.

Ms. Boyer advised the Board that this can be further discussed in the Licensing & CE Committee Meetings. She stated that she has pulled some states' pre-check forms so at the next meeting the committee can review the examples and discuss how it would fit into California's regulations.

Mr. Puleo asked if a course submitted via PACE pre-check was denied because it was not within the scope of practice in California, would the Board be able to notify PACE of this decision.

Ms. Webb stated that if California were to become a pre-check state, then PACE would direct licensees to the Board's website to see if the course has been approved.

Mr. Puleo asked if PACE had received feedback from the PACE approved providers regarding the unexpected benefits of the PACE pre-check.

Ms. Webb stated that a number of CE providers have expressed that the pre-check is more cost-effective due to saving money on postage.

Dr. Schwartzbauer thanked the Board for the opportunity to present this information and provided his email address in case they had any further questions.

Public Comment: None

12. Update, Discussion and Possible Action on Pending Rulemaking

Ms. McMillen stated that the "Denial of Application: Revocation or Suspension of Licensure" has been submitted to the Office of Administrative Law (OAL) for publication.

Ms. McMillen informed the Board that staff have been working with the Licensing & CE Committee regarding changes to CE regulations.

Ms. McMillen added that staff have made the necessary changes to “Delegation of Authority to the Assistant Executive Officer/Compliance with Citation and Order of Abatement” and the file will be submitted to the Business, Consumer Services & Housing Agency.

Public Comment: None

13. Public Comment for Items Not on the Agenda

Dr. McClain thanked Dr. Dehn who unfortunately could not make her last meeting but stated that she was grateful for her service to the Board.

Dr. McClain thanked Dr. Azzolino for his eight years of hard work, dedication, and passion to the Board and profession. She appreciated his mentorship and guidance and stated that the Board will continue to raise the bar and strive to reach the goals he set.

Dr. Azzolino thanked Dr. McClain and said it was an honor and a pleasure to serve the people of California. He thanked the staff and the members of the Board, past and present, for their hard work. He hoped that he was able to share a fraction of what he learned, and that the profession would move forward in unity.

14. Future Agenda Items

There were none.

15. Closed Session

The Board went into Closed Session for deliberation and determinations regarding:

- A. Deliberate on Disciplinary Decisions Pursuant to California Government Code Section 11126(c)(3)
- B. Receive Advice from Legal Counsel Pursuant to California Government Code Sections 11126(e) and 139361.1 Regarding Hugh Lubkin, D.C. v. Board of Chiropractic Examiners, Workers’ Compensation Case No. ADJ7361379

16. Reconvene Open Session

The Board returned to Open Session.

20. Adjournment

Dr. McClain adjourned the meeting at 12:58 p.m.

(ATTACHMENT A)

Approval by Ratification of Formerly Approved License Applications
between October 1, 2020 and December 31, 2020.

Name (First, Middle, Last)			Date Issued	DC#
Nicholas	James	Shannon	10/1/2020	34935
Emad		Ghobrial	10/1/2020	34936
Victoria	Gray	Schwartz-Edmisten	10/1/2020	34937
Juliet	Austin	Murray	10/1/2020	34938
Mary	Thongphian	Wiggins	10/1/2020	34939
Ryan	Scott	Nichols	10/1/2020	34940
Matthew	Ryan	Upchurch	10/1/2020	34941
Jennifer	Martinez	Labit	10/1/2020	34942
Alejandro		Castaneda	10/8/2020	34943
Fernando	A	Titus	10/8/2020	34944
Karley	King	McCloskey	10/8/2020	34945
Hugo	Bruno	Jay	10/14/2020	34946
Jessica	Javonne	Lewis	10/14/2020	34947
Justin	Barry	Toulouse	10/14/2020	34948
Bari	Anne	Hartley	10/14/2020	34949
Tino	Orlando	Abon	10/14/2020	34950
Alexander	Edward	Lee	10/14/2020	34951
Cody	Joseph	Miller	10/14/2020	34952
Ethan	Gabriel	Stine	10/21/2020	34953
Danielle	N	Jacobson	10/21/2020	34954
Kimberly	Kristin	Ma	10/21/2020	34955
Daniel	William	Rae	10/21/2020	34956
Umar	Ahmed	Ellahie	10/21/2020	34957
Gregory		Lew	10/21/2020	34958
Sean	Michael	Flannery	10/21/2020	34959
Anyon	Tor	Harrington	10/21/2020	34960
Maxwell	Arthur	Moore	10/21/2020	34961
Mandy	H	Wong	10/21/2020	34962
Titus	Young	Wolverton	10/21/2020	34963
Antony	Georges	Rizkallah	10/21/2020	34964
Travis	Steven	Comeau	10/29/2020	34965
Sullivan		Truong	10/29/2020	34966
J	Joseph	Friedman	10/29/2020	34967
Claudia	Gabriela	Wong	10/29/2020	34968
Alex	Michael	Naquin	10/29/2020	34969
Hessom		Minaei	10/29/2020	34970

Cory	Ryan	Sellers	10/29/2020	34971
Corey	Brandon	Buchalter	11/12/2020	34972
Brook	Pineo	Sheehan	11/12/2020	34973
Wren	Ariel	Felton	11/12/2020	34974
Jamahl	Jelani-Charles	Gow	11/12/2020	34975
Zachary	Alan	Chow	11/12/2020	34976
Bryan	Cory	Kappe	11/19/2020	34977
Rebecca	Ruth	Sanders	11/19/2020	34978
Kristy	Daliva	Carranza	11/19/2020	34979
Adam	Eugene	Martinez	11/19/2020	34980
James	Jangwon	Lee	11/19/2020	34981
Sajan	Partike	Singh	11/19/2020	34982
Samin		Rahimi	11/19/2020	34983
Tommy		Siu	11/19/2020	34984
Colleen	Elizabeth	O'Hara	11/19/2020	34985
Katrina		Ordonez	11/19/2020	34986
Siavash		Nikkhou	11/19/2020	34987
Dyllon	Patrick	Mawn	12/3/2020	34988
Homer	Ezequiel	Firestone	12/3/2020	34989
Orlando		Soler	12/3/2020	34990
Sarah	Elizabeth	Rutherford	12/29/2020	34991
Monica		Keefe	11/23/2020	36000
Zachary		Walker	11/23/2020	36001
Alexander	Charles	Long	11/23/2020	36002
Amanda	Devyanie	Maharaj	12/14/2020	36003
Hunter	Saxxon	Cosgrove	12/14/2020	36005
Catherine		Breton	12/14/2020	36004
Wayne	Weicheng	Hue	12/16/2020	36008
Seraphina	Dolores	Freund	12/14/2020	36006
Truc	Kiwithy	Tran	12/14/2020	36007
Angenique	Gloriann	Jackson	12/23/2020	36010
Hoa	Thi	Cao	12/23/2020	36009
Danielle	Elizabeth	Lamirande	12/23/2020	36011
Ikjot		Gill	12/31/2020	36014
Nicholas	Alan	Borovsky	12/31/2020	36013
Surya	Singh	Bhatti	12/31/2020	36012

***DC's starting with 36000 are online applicants that have been issued a license through our new online portal.**

(ATTACHMENT B)

Pending Ratification to Approve New Continuing Education Providers

<p>Provider Name: Alan Bonebrake, DC</p> <p>CE Oversight Contact Person: Alan Bonebrake, DC</p> <p>Provider Status: Individual</p>	<p>Provider Name: Ariel Thorpe, DC</p> <p>CE Oversight Contact Person: Ariel Thorpe, DC</p> <p>Provider Status: Individual</p>
<p>Provider Name: David Mark Radin, DC</p> <p>CE Oversight Contact Person: David Radin, DC</p> <p>Provider Status: Individual</p>	<p>Provider Name: DC-PowerHours</p> <p>CE Oversight Contact Person: Terry W. Griggs, DC</p> <p>Provider Status: Individual</p>
<p>Provider Name: Jeffrey Cronk, DC JD – Spinal Kinetics, LLC</p> <p>CE Oversight Contact Person: Jennifer Miller, DC</p> <p>Provider Status: Corporation</p>	<p>Provider Name: Mori West Seminars</p> <p>CE Oversight Contact Person: Roger West, DC</p> <p>Provider Status: Individual</p>
<p>Provider Name: Wellness Care Group, Inc.</p> <p>CE Oversight Contact Person: David Wells, DC LAc</p> <p>Provider Status: Corporation</p>	



State of California
Gavin Newsom, Governor

Agenda Item #6
April 22, 2021

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 January 1, 2021 and March 31, 2021, 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 January 1, 2021 and March 31, 2021.

BCE Ratification of Approved License Applications

April 22, 2021

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Name (First, Middle, Last)			Date Issued	DC#
Josefina	Danielle	Smith	1/14/2021	34992
Jimmy		Meas	1/14/2021	34993
Zachary	Ikaika	Bonte	1/14/2021	34994
Banafsheh	B	Beheshti	1/14/2021	34995
Sarah	Yuin Shan	Li	1/14/2021	34996
Jennifer	Christine	Rauscher	2/4/2021	34997
Jake	Hamilton	Hart	2/4/2021	34998
Hannah	Olivia	Zitlaw	2/4/2021	34999
Yecenia	Veronica	Lopez	2/4/2021	35000
Monica	Nabil	Rizkalla	2/4/2021	35001
Sarah	Anne	Davidson	2/4/2021	35002
Amy	Talei	Bonte	2/4/2021	35003
Landon	Daniel	Poling	2/4/2021	35004
Joseph	Ryan	Bower	2/4/2021	35005
Yu-King		Wong	2/4/2021	35006
Erika		Mizuyama	2/4/2021	35007
Jade	Elizabeth	Viegas	2/4/2021	35008
Jerald	Anat	Chavez	2/5/2021	35009
Sabena	Kaur	Mangat	2/5/2021	35010
Natasha	Whittaker	Debons	2/5/2021	35011
Ryan	Young	Suen	2/5/2021	35012
Jarod	Matthew	Ward	2/11/2021	35013
Cinderella		Taroma	2/11/2021	35014
Daniel	Lee	Cagape Jr.	2/11/2021	35015
Shivani	Jignesh	Bhakta	2/11/2021	35016
Sophia	Boyee	Chang	2/11/2021	35017
Dennis	James	Lopez	2/11/2021	35018
Emery	Taylor	Lipp	2/17/2021	35019
George	Steven	Martinez	2/17/2021	35020
Gerardo		Rodriguez	2/17/2021	35021
Luke	Jesse	Roller	2/23/2021	35022
John	Maxwell	Gooing	2/23/2021	35023
Diane		Tran	2/23/2021	35024
Noe		Lum	2/23/2021	35025
Seth	Lionel	Bugg	2/23/2021	35026
Thomas	Ambrose	Koll	2/24/2021	35027
Rachel Pauline	Moral	Hernal	2/24/2021	35028
Cassandra	Mae	Walker	2/24/2021	35029

BCE Ratification of Approved License Applications

April 22, 2021

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Jose	Refugio	Garcia Robles	2/24/2021	35030
Nicole		Kielkowicz	2/24/2021	35031
Kevin		So	3/11/2021	35032
Khalid	Ali	Al-Ashi	3/11/2021	35033
Alan	Marcus	Bertolero	3/11/2021	35034
Janelle	Christine	Provost	3/11/2021	35035
Korina		Gov	3/11/2021	35036
Katherine	Shiel	Okyle	3/17/2021	35037
Jason Brent	Ramirez	Davis	3/17/2021	35038
Christian	Gabriel	Romero	3/17/2021	35039
Nathan	Louis	Oliveira	3/17/2021	35040
Shanna	Elizabeth	Buller	3/18/2021	35041
Jonathan	David	Zuchowski	3/18/2021	35042
David	Alexandro	Lopez	3/18/2021	35043
Bokyoung		Sim	3/18/2021	35044
Jared	Antranig	Avakian	3/18/2021	35045
Ivy	Ngocyen	Nguyen	3/18/2021	35046
Saeideh		Parham	3/18/2021	35047
Amy	Lynne	Gjakova	3/18/2021	35048
William		Raines	1/13/2021	36015*
Jeffrey	Scott Tyson Mix	Sweet	1/13/2021	36016
Cameron		Mizeracki	1/20/2021	36017
Jordan		Maxwell	2/3/2021	36021
Neville		Lambourne	2/3/2021	36022
Sungsik		Kim	2/3/2021	36018
Takashi	Kumagai	Huynh	2/3/2021	36020
Hoang	Dai	Nguyen	2/3/2021	36019
Alexandra		Barone	2/10/2021	36026
Anthony		Ponce de Leon	2/10/2021	36025
Haechan		Chung	2/10/2021	36023
Jori	Rose	Berman	2/10/2021	36024
Mikal		Barchenger	2/10/2021	36031
Danielle	Rebecca	Jordan	2/10/2021	36027
Errol	Gellerman	Levine	2/10/2021	36028
Alyssa		Puorro	2/10/2021	36030
Joshua	Adam	Pickell	2/10/2021	36029
Yi		Ru	2/17/2021	36034
Mandy	Ann	Boyle	2/17/2021	36033
Daniel	Jay	Elnatan	2/17/2021	36032
Tyler		Marderosian	2/19/2021	36035

BCE Ratification of Approved License Applications

April 22, 2021

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Damon	Henry	Tong	2/19/2021	36036
Hang	Thai	Pham	2/22/2021	36037
Jeffrey-John		Rosell	2/22/2021	36038
Mankaranpreet		Singh	2/22/2021	36039
Derek		Tenckhoff	2/23/2021	36040
Daniel	Gallacher	Parker	2/23/2021	36041
Adrian		Galindo	2/22/2021	36042
Richard	Prabhash	Sharma	2/22/2021	36043
Parisa		Hosseini	3/2/2021	36044
Jamie	Wittwer	Buehler	3/2/2021	36045
Amanda		Leon	3/2/2021	36046
Nolan	Stephen	Lewis	3/3/2021	36047
Thao		Adejunmobi	3/3/2021	36048
Labib	Chafic	Damouni	3/15/2021	36049
Rebecca	Kathleen Kalahela	Hogan	3/15/2021	36050
Roxanne		Rodriquez	3/17/2021	36051
Kenslie	Elizabeth	McOمبر	3/17/2021	36052
Rhodel	Matthew	Manzano	3/18/2021	36053
Robert	James Ramos	Garcia	3/18/2021	36054
Ghazal		Eslamy	3/22/2021	36055
Sarah	Jessica	Fermor	3/22/2021	36056
Jiwon		Bae	3/22/2021	36057
Hector	Daniel	Garcia	3/22/2021	36058
Michael	Anthony	Krufka	3/22/2021	36059
Luke	James	Sparaccio	3/22/2021	36060
Bailey	Ann	Lester	3/22/2021	36061
Jake		Belabin	3/22/2021	36062
Kiarash		Kianihassanabadi	3/22/2021	36063
Hannah		Whitney	3/22/2021	36037
Sharlene		Swanberg	3/22/2021	36065
Ashley		Yenke	3/22/2021	36066
Robert	John	Butler	3/23/2021	36067
Erika	Marie	Rose	3/23/2021	36068
Michael	Kent	O'Hern	3/23/2021	36069

***DC's starting with 36015 are online applicants that have been issued a license through our new online portal.**



State of California
Gavin Newsom, Governor

Agenda Item #7
April 22, 2021

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 January 1, 2021 and March 31, 2021, 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

**Agenda Item #8
April 22, 2021**

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:

<p>Provider Name: Anthony Pirritano, DC</p> <p>CE Oversight Contact Person: Rachel Spiegel</p> <p>Provider Status: Individual</p>	<p>Provider Name: Ethan D. Feldman, DC</p> <p>CE Oversight Contact Person: Ethan D. Feldman, DC</p> <p>Provider Status: Individual</p>
<p>Provider Name: KMenterprises/The Supply Center</p> <p>CE Oversight Contact Person: Kevin McNamee</p> <p>Provider Status: Corporation</p>	<p>Provider Name: Pacific College of Health and Science</p> <p>CE Oversight Contact Person: Todd Luger</p> <p>Provider Status: University/College</p>

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 can be requested via a Public Records Request, please email chiro.info@dca.ca.gov for a copy of the CE provider applications.

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 Executive Officer, Robert Puleo, will discuss staffing, including current vacancies, new hires, and pending recruitment efforts. He will also provide an overview of operational changes implemented in response to current state of emergency.

B. Budget

- The Executive Officer, Robert Puleo, will provide an overview and update the Board on the fee analysis process.

C. Licensing

- The Licensing Manager, Dixie Van Allen, will provide an overview of the attached licensing program data.

D. Enforcement

- The Assistant Executive Officer, Kristin Walker, will provide an overview of the attached enforcement program data.

E. IT Update

- The Assistant Executive Officer, Kristin Walker, will provide an update on the Board's various information technology projects.

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

- Organizational Chart/Staff Functions
- Current Fund Condition
- Licensing Statistics
- Enforcement Statistics

Department of Consumer Affairs
State Board of Chiropractic Examiners

April 2021
Organization Chart

BOARD MEMBERS (7)

**Current
Authorized Positions: 19
Blanket Positions: 2**

Robert Puleo
Executive Officer
620-110-8862-001

Staff Services Manager II
Kristin Walker
Assistant Executive Officer
620-110-4801-001

Staff Services Manager I
Vacant
Enforcement Manager
620-110-4800-006

Staff Services Manager I
Dixie Van Allen
Admin/Licensing/CE Manager
620-110-4800-008

ENFORCEMENT

FIELD OPERATIONS

ADMIN/LICENSING

Enforcement Unit

Tammi Pitto
Associate Governmental Program
Analyst
620-110-5393-002

Christina Bell
Associate Governmental Program
Analyst
620-110-5393-005

Marlene Valencia
Associate Governmental Program
Analyst
620-110-5393-800

Vacant
**Associate Governmental
Program Analyst**
620-110-5393-XXX

Valerie James
Staff Services Analyst
620-110-5157-009

Vacant
Office Technician (Typing)
620-110-1139-XXX

Kelly Siguenza
Seasonal Clerk
620-110-1120-907

Field Operations North

Maria Martinez
Special Investigator
620-110-8612-001

Denise Robertson
Special Investigator
620-110-8612-002

Field Operations South

Yanti Soliman
Special Investigator
620-110-8612-003

Policy/Admin

Andreia McMillen
Associate Governmental Program
Analyst
620-110-5393-003

Admin/Licensing

Natalie Boyer
Associate Governmental Program
Analyst
620-110-5393-801

Brianna Lauziere
Staff Services Analyst
620-110-5157-008

Alyssa Vasquez
Office Technician (Typing)
620-110-1139-009

Estralita Jennings
Office Technician (Typing)
620-110-1139-010

Licensing/Continuing Education

Amanda Campbell
Staff Services Analyst
620-110-5157-005

Emily Lopez
Seasonal Clerk
620-110-1120-907

Executive Officer _____

Personnel Office _____

0152 - Board of Chiropractic Examiners
Analysis of Fund Condition

Prepared 12.24.2020

(Dollars in Thousands)

2021-22 Governor's Budget

	ACTUAL 2018-19	PY 2019-20	CY 2020-21	Governor's Budget BY 2021-22	BY +1 2022-23
BEGINNING BALANCE	\$ 1,285	\$ 2,151	\$ 2,364	\$ 1,395	\$ 848
Prior Year Adjustment	\$ 876	\$ -65	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 2,161	\$ 2,086	\$ 2,364	\$ 1,395	\$ 848
REVENUES AND TRANSFERS					
Revenues:					
4121200 Delinquent fees	\$ 37	\$ 39	\$ 47	\$ 35	\$ 35
4127400 Renewal fees	\$ 3,556	\$ 4,086	\$ 3,893	\$ 3,859	\$ 3,859
4129200 Other regulatory fees	\$ 57	\$ 132	\$ 67	\$ 69	\$ 69
4129400 Other regulatory licenses and permits	\$ 260	\$ 361	\$ 378	\$ 385	\$ 385
4163000 Income from surplus money investments	\$ 51	\$ 38	\$ 7	\$ 7	\$ 2
4171400 Escheat of unclaimed checks and warrants	\$ -	\$ 1	\$ -	\$ -	\$ -
4172500 Miscellaneous revenues	\$ 1	\$ 2	\$ 1	\$ 1	\$ 1
4173500 Settlements and Judgments - Other	\$ -	\$ -	\$ 3	\$ -	\$ -
Totals, Revenues	\$ 3,962	\$ 4,659	\$ 4,396	\$ 4,356	\$ 4,351
Totals, Revenues and Transfers	\$ 3,962	\$ 4,659	\$ 4,396	\$ 4,356	\$ 4,351
Totals, Resources	\$ 6,123	\$ 6,745	\$ 6,760	\$ 5,751	\$ 5,199
EXPENDITURES					
Disbursements:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 3,669	\$ 4,038	\$ 5,046	\$ 4,521	\$ 4,657
8880 Financial Information System for California (State Operations)	\$ -	\$ -1	\$ -	\$ -	\$ -
9892 Supplemental Pension Payment (State Operations)	\$ 41	\$ 85	\$ 85	\$ 85	\$ 85
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 262	\$ 259	\$ 234	\$ 297	\$ 297
Total Disbursements	\$ 3,972	\$ 4,381	\$ 5,365	\$ 4,903	\$ 5,039
FUND BALANCE					
Reserve for economic uncertainties	\$ 2,151	\$ 2,364	\$ 1,395	\$ 848	\$ 160
Months in Reserve	5.9	5.3	3.4	\$ 2.0	0.4

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.
- B. ASSUMES APPROPRIATION GROWTH OF 3% PER YEAR BEGINNING IN BY+1.
- C. ASSUMES INTEREST RATE AT 1.5%.
- D. ASSUMES NO PAYMENT TO THE VIRF LOAN
- E. OUTSTANDING VIRF LOAN BALANCE OF \$1,448,000.

**BOARD OF CHIROPRACTIC EXAMINERS
LICENSING TRENDS
FY 2020-21**

New Chiropractic Licenses Issued

Month	Received	Issued
July	12	34
August	37	19
September	37	14
October	21	38
November	52	19
December	69	6
January	37	7
February	15	57
March	18	52

Total Population of Clear Chiropractic Licenses

Month	Total Licenses
July	12,775
August	12,742
September	12,715
October	12,598
November	12,604
December	12,621
January	12,595
February	12,598
March	12,603

Number of Restored Cancelled Licenses

Month	Received	Issued
July	1	2
August	1	0
September	1	1
October	2	2
November	3	4
December	2	3
January	2	2
February	1	1
March	2	4

New Satellite Office Certificates Issued

Month	Received	Issued
July	110	35
August	103	37
September	108	161
October	110	133
November	59	27
December	108	150
January	116	94
February	94	105
March	128	132

Corporation Registrations Issued

Month	Received	Issued
July	4	6
August	9	5
September	11	8
October	8	8
November	7	6
December	6	6
January	2	2
February	1	1
March	18	5

Licensing Population as of March 31, 2021

License Type	Clear Licenses
Chiropractors	12,603
Satellite Offices	4,149
Corporation Registrations	1,337
Referral Services	31

Applications Received and Processed – July 1, 2020 through March 31, 2021

Application Type	Received	Issued	Denied	Pending
Initial Chiropractic	156	183	1	108
Reciprocal	1	1	0	0
Restorations (Cancelled & Forfeiture)	74	68	0	16
Corporation	78	38	0	19

**BOARD OF CHIROPRACTIC EXAMINERS
ENFORCEMENT STATISTICS**

COMPLAINTS

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Complaints Received	490	479	641	783	348
Pending Complaints	183	235	613	591	605
Closed: No Violation	75	75	38	115	28
Closed: Insufficient Evidence	79	72	63	76	66
Closed with Merit	184	214	56	65	21
Closed: Letter of Admonishment	4	17	62	279	3

CITATIONS

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Citations Issued	26	25	27	110	16
Total Fines Assessed	\$36,900	\$24,650	\$25,200	\$71,850	\$27,000
Total Fines Collected	\$24,750	\$29,646	\$29,104	\$64,820	\$17,735

ACCUSATIONS

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Accusations Filed	35	34	21	15	23
Pending Cases	65	55	38	51	67

DISCIPLINARY CASES CLOSED

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
License Revoked	10	9	13	5	3
Revocation Stayed: Probation	11	15	14	2	7
Rev. Stayed: Susp. / Probation	5	1	0	1	1
Voluntary Surrender of License	14	9	15	5	4
Dismissed/Withdrawn	6	0	2	0	1

STATEMENTS OF ISSUES

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
SOI Filed	1	2	1	0	1
Withdrawn	0	0	1	0	0
Denied	0	0	0	0	0
Granted	0	0	0	0	0
Probationary License Issued	0	0	1	0	0

PETITIONS FOR RECONSIDERATION

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Filed	0	0	1	3	1
Granted	0	0	0	0	1
Denied	0	0	1	3	0

PETITIONS FOR REINSTATEMENT OF LICENSE

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Filed	6	6	3	8	1
Granted	0	0	0	2	0
Denied	3	3	8	5	0

PETITIONS FOR EARLY TERMINATION OF PROBATION

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Filed	3	2	1	1	1
Granted	0	0	0	0	0
Denied	2	5	1	2	0

PETITIONS FOR MODIFICATION OF PROBATION

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Filed	0	1	0	2	0
Granted	0	1	0	2	0
Denied	0	0	0	0	0

PETITIONS BY BOARD TO REVOKE PROBATION

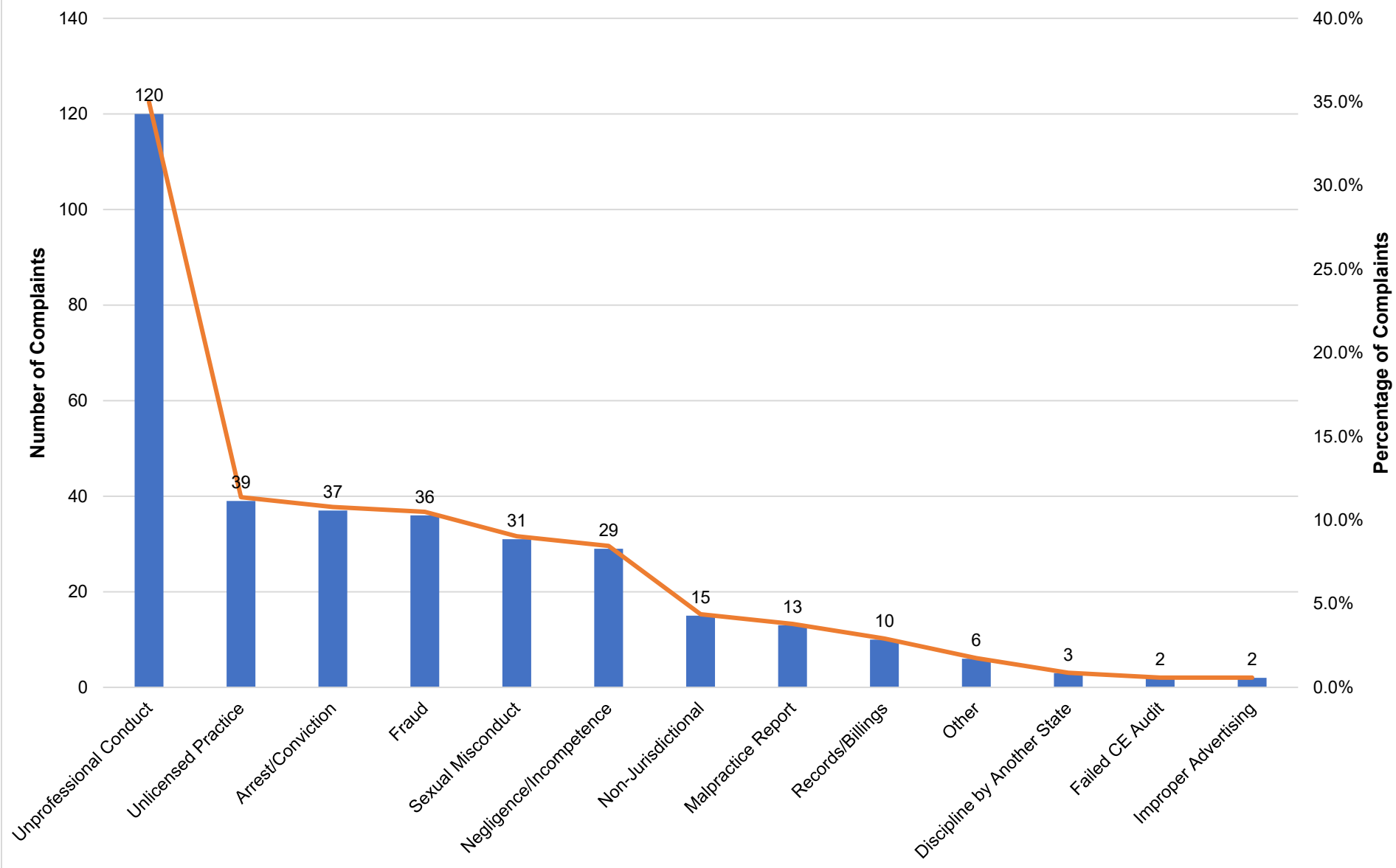
Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Filed	5	6	7	2	1
License Revoked	10	9	4	2	1

PROBATION CASES

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Active Probationers	92	90	80	67	61

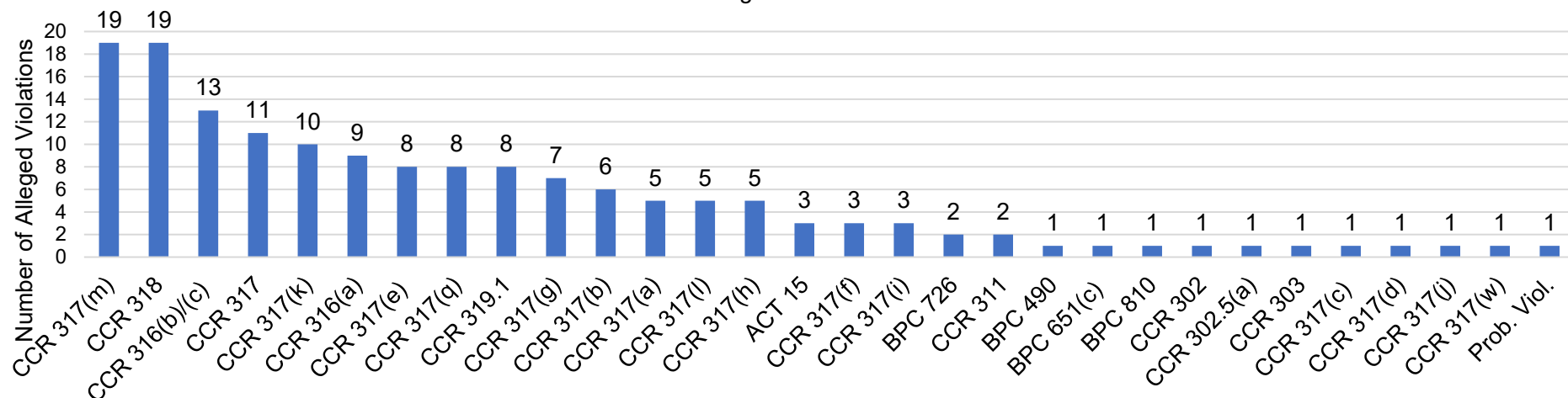
Complaints Received July 1, 2020 - March 31, 2021

(Total Number Received: 343)



Accusations Filed July 1, 2020 - March 31, 2021

Number of Accusations Filed: 20
Total Alleged Violations: 157



Violation Codes/Descriptions

ACT 15 – Noncompliance with and Violations of Act
 BPC 490 – Conviction of a Substantially Related Crime
 BPC 651 – Price Advertising and Discounts
 BPC 726 – Sexual Misconduct
 BPC 810 – Insurance Fraud
 CCR 302 – Scope of Practice
 CCR 302.5(a) – Use of Unapproved Lasers
 CCR 303 – Filing of Addresses
 CCR 311 – Advertisements
 CCR 316(a) – Responsibility for Conduct on Premises
 CCR 316(b)/(c) – Sexual Misconduct
 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(f) – Dangerous Use of Drugs or Alcoholic Beverages
 CCR 317(g) – Conviction of Substantially Related Crime
 CCR 317(h) – Conviction Involving Moral Turpitude, Dishonesty, Etc.
 CCR 317(i) – Conviction of More Than One Misdemeanor or a Felony Involving Drugs or Alcoholic Beverages
 CCR 317(j) – Violation of Any Provisions of Law Regulating Dispensing or Administration of Narcotics, Dangerous Drugs, or Controlled Substances
 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(q) – Participation in Fraud or Misrepresentation
 CCR 317(w) – Failure to Refer Patient to Health Care Provider
 CCR 318 – Chiropractic Patient Records/Accountable Billing
 CCR 319.1 – Informed Consent
 Prob. Viol. – Failure to Comply with Board’s Probation Program

JANUARY 2021 ENFORCEMENT ACTIONS

ACCUSATIONS FILED

Name and City	License No.	Date Filed	Alleged Violation(s)
Ward, Stephen Michael Long Beach, CA	DC 20438	1/5/2021	<ul style="list-style-type: none"> • BPC 726(a) and CCR 316(c) – Sexual Misconduct with a Patient • CCR 317(k) – Unprofessional Conduct: Acts Involving Moral Turpitude • CCR 317(a) – Unprofessional Conduct • CCR 317(m) – Unprofessional Conduct: Failure to Comply with Board Regulations • CCR 319.1 – Informed Consent • CCR 318(a)(2), (3), (4), and (7) – Chiropractic Patient Records: Required Content
Montgomery, Curtis Wayne Riverside, CA	DC 24749	1/28/2021	<ul style="list-style-type: none"> • CCR 317(g) – Unprofessional Conduct: Conviction Substantially Related to the Qualifications and Functions of a Chiropractor • CCR 317(h) – Unprofessional Conduct: Conviction of a Felony Involving Moral Turpitude, Dishonesty, or Corruption • CCR 317(k) – Unprofessional Conduct: Acts Involving Moral Turpitude, Dishonesty, or Corruption • CCR 317(q) – Unprofessional Conduct: Participation in an Act of Fraud or Misrepresentation
Wignall, Charleen Patrice Calistoga, CA	DC 24243	1/28/2021	<ul style="list-style-type: none"> • CCR 317(g) – Unprofessional Conduct: Substantially Related Convictions • CCR 317(i) – Unprofessional Conduct: Multiple Convictions Involving Alcohol • CCR 317(f) – Unprofessional Conduct: Dangerous Use of Alcohol and/or Drugs • CCR 317(e) – Unprofessional Conduct: Dangerous Conduct

FINAL CITATIONS

Name and City	License No.	Fine Amount	Date Final	Violation(s)
Ryan, Travis Wilson Clovis, CA	DC 31511	\$2,000	1/7/2021	<ul style="list-style-type: none">• CCR 317(m) – Unprofessional Conduct: Violation of Board Regulations• CCR 318(a) – Failure to Make Chiropractic Patient Records Available to Board

DISCIPLINARY ACTIONS

No Data to Report

PETITIONS FOR REINSTATEMENT OF LICENSE

No Data to Report

PETITIONS FOR EARLY TERMINATION OR MODIFICATION OF PROBATION

No Data to Report

STATEMENT OF ISSUES

No Data to Report

FEBRUARY 2021 ENFORCEMENT ACTIONS

ACCUSATIONS FILED

Name and City	License No.	Date Filed	Alleged Violation(s)
Guerena, Enrique Rancho Cucamonga, CA	DC 31821	2/8/2021	<ul style="list-style-type: none"> • BPC 726 and CCR 316(c) – Unprofessional Conduct: Sexual Misconduct Against a Patient • CCR 317(k) – Unprofessional Conduct: Moral Turpitude • CCR 317 – Unprofessional Conduct • CCR 319.1 – Unprofessional Conduct: Failure to Provide Informed Consent • CCR 318(a)(7) – Failure to Maintain Complete Chiropractic Patient Records

DISCIPLINARY ACTIONS

Name and City	License No.	Action	Effective Date	Violation(s)
Bartlett, Brian Allan Santa Rosa, CA	DC 23426	Revocation Stayed, 3 Years' Probation	2/11/2021	<ul style="list-style-type: none"> • CCR 317 – Unprofessional Conduct • CCR 317(a) – Unprofessional Conduct: Gross Negligence • CCR 317(b) – Unprofessional Conduct: Repeated Acts of Negligence • CCR 317(d) – Unprofessional Conduct: Excessive Treatment • CCR 317(m) and 318(a) – Inadequate Record Keeping • CCR 317(m) and 316(a) – Inappropriate Touching of Patient

DISCIPLINARY ACTIONS

Name and City	License No.	Action	Effective Date	Violation(s)
Ebling, Alan Conrad Marina Del Rey, CA	DC 25431	Revocation Stayed, 5 Years' Probation	2/11/2021	<ul style="list-style-type: none"> • CCR 317(a) – Unprofessional Conduct: Gross Negligence • CCR 317(c) – Unprofessional Conduct: Incompetence • CCR 317(e) – Unprofessional Conduct: Endangering 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, Sexual Misconduct with a Patient
Eoh, Na Young Bakersfield, CA	DC 28688	Stipulated Surrender of License	2/11/2021	N/A – Voluntary surrender of license while on probation for Case No. AC 2018-1202
Naderi, Michael Los Angeles, CA	DC 24149	Revocation Stayed, 3 Years' Probation	2/11/2021	<ul style="list-style-type: none"> • CCR 317(q) – Unprofessional Conduct: Participation in an Act of Fraud or Misrepresentation • CCR 317(l) – Unprofessional Conduct: Falsely Representing the Existence or Nonexistence of Facts • CCR 317(d) – Unprofessional Conduct: Excessive Treatments • CCR 317(b) – Unprofessional Conduct: Repeated Negligence
Schleider, Barry Martin Costa Mesa, CA	DC 13673	Revocation Stayed, 3 Years' Probation	2/11/2021	<ul style="list-style-type: none"> • 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 a Free Service • CCR 318(a)(2), (3), and (7) – Failure to Maintain Accurate Records • CCR 318(b) – Failure to Ensure Accurate Billing

FINAL CITATIONS

No Data to Report

PETITIONS FOR REINSTATEMENT OF LICENSE

No Data to Report

PETITIONS FOR EARLY TERMINATION OR MODIFICATION OF PROBATION

No Data to Report

STATEMENT OF ISSUES

No Data to Report

MARCH 2021 ENFORCEMENT ACTIONS

ACCUSATIONS FILED

Name and City	License No.	Date Filed	Alleged Violation(s)
Cavanaugh, Wesley Lorain, OH	DC 33740	3/10/2021	<ul style="list-style-type: none"> • CCR 317(b) – Unprofessional Conduct: Repeated Negligent Acts • CCR 317(e) – Unprofessional Conduct: Likely to Endanger the Health, Welfare, or Safety of the Public
Chung, Richard Hoon Beverly Hills, CA	DC 25556	3/22/2021	<ul style="list-style-type: none"> • BPC 490 and CCR 317(g) – Unprofessional Conduct: Criminal Conviction: Wire Fraud • BPC 810 – Insurance Fraud • CCR 317(h) – Unprofessional Conduct: Conviction of a Crime Involving Moral Turpitude, Dishonesty, or Corruption • CCR 317(k) – Unprofessional Conduct: Acts Involving Moral Turpitude, Dishonesty, or Corruption • CCR 317(l) – Unprofessional Conduct: Knowingly Making False Statement of Fact • CCR 317(q) – Unprofessional Conduct: Participation in Acts of Fraud or Misrepresentation

FINAL CITATIONS

Name and City	License No.	Fine Amount	Date Final	Violation(s)
Matwey, Jeanne	DC 33161	\$500	3/5/2021	<ul style="list-style-type: none"> • CCR 361(b) – 24-Hour CE Requirement • CCR 361(e) – Mandatory CE Categories • CCR 371(c) – Renewal CE Requirement

DISCIPLINARY ACTIONS

No Data to Report

PETITIONS FOR REINSTATEMENT OF LICENSE

No Data to Report

PETITIONS FOR EARLY TERMINATION OR MODIFICATION OF PROBATION

No Data to Report

STATEMENT OF ISSUES

No Data to Report

**Agenda Item #10
April 22, 2021**

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

Purpose of the item

The Board will receive an update from the March 25th, 2021 Licensing & Continuing Education (CE) Committee Meeting.

Action(s) requested

Motion to support the recommendation from the Licensing & CE Committee.

Motion: I move that the Board adopt language into the CE regulations to accept PACE certified providers, while maintaining control over the review and approval of CE courses through use of the PACE Pre-Check application as recommended by the Licensing & CE Committee.

Background

The Licensing & CE Committee met to discuss the presentation from the Federation of Chiropractic Licensing Boards (FCLB) - Providers of Approved Continuing Education (PACE) from the January 2021 full Board Meeting. The Committee had the opportunity to discuss any concerns, raise questions and review the two options possible when developing a PACE partnership.

There are two models available to incorporate PACE approval into the Board's CE process. Regulatory boards can accept all PACE approved providers and any CE courses those providers offer. The board would not review course material, as PACE provides a 25-category review of the provider and certifies them as PACE approved.

The second option is to recognize PACE providers but retain control over reviewing and approving CE course content. An alternate application, the PACE Pre-Check Application is utilized by regulatory boards, the CE course fee is set by the board and the review is subject to that state's CE course approval requirements.

After reviewing two examples provided by staff and posing questions to both Board staff and to Ms. Kelly Webb of PACE, the Licensing & CE Committee passed a motion to recommend including the PACE Pre-Check model into the California Code of Regulations Article 6. Continuing Education regulations.

The Committee also began the review process for the proposed changes to the regulatory document, Article 6. Continuing Education Sections 361-366, including all supplemental forms and applications. The Committee was unable to complete the review process in the time allotted, they will resume this topic at the next Licensing & CE Committee Meeting.

The Committee took public comment from:

- Dr. Marcus Strutz, chiropractor and CE provider with Back to Chiropractic CE Seminars,
- Dr. Cynthia Tays, former Board Chair of the Texas Board of Chiropractic Examiners, current PACE reviewer and California chiropractor,
- Zakaria Yehia, student at Life Chiropractic College.

Recommendation(s)

It is recommended that the full Board adopt language to the CE regulations by including approval of PACE certified providers, while retaining the authority to review and approve CE courses through the PACE Pre-Check application.

Next Step

The Licensing & CE Committee will continue to conduct their review of the CE regulations making policy and language changes for eventually review and approval by the full Board.

Attachment(s)

- Licensing & Continuing Education Committee Meeting Agenda – March 25, 2021
- [Oklahoma Chiropractic Practice Act: 140:10-5-1 \(f\), pg 39-40](#)
- [Oklahoma PACE Pre-Check Application](#)



**NOTICE OF TELECONFERENCE LICENSING &
CONTINUING EDUCATION COMMITTEE MEETING**

March 25, 2021
1 p.m. to 3 p.m.
or until completion of business

Notice of Teleconference Meeting Held Under Executive Order N-29-20 (3/17/20)

FOR PUBLIC COMMENT, PLEASE LOG ON TO THIS WEBSITE:

<https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=eadda73ba705749729c41bc674d8b3931>

The preferred audio connection is via mobile phone. The phone number and access code will be provided as part of your connection to the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier, such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment. Public comments will be limited to 2 minutes per person unless, in the discretion of the Board, circumstances require a shorter period. Members of the public will not be permitted to "yield" their allotted time to other members of the public to make comments.

Important Notices to the Public: The Board of Chiropractic Examiners will hold this meeting via WebEx – access information is provided above. General instructions for using WebEx are attached to the agenda. 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

- 1. Call to Order & Establishment of a Quorum**
- 2. Approval of November 6, 2020, Meeting Minutes**
- 3. Discussion and Possible Action Regarding the Federation of Chiropractic Licensing Boards – Providers of Approved Continuing Education Presentation from the January 28, 2021, Board Meeting**
- 4. Review, Discussion and Possible Action to Article 6. Continuing Education Sections 361 – 366.**

5. Public Comment for 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.

6. 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.]

7. Adjournment

In accordance with Executive Order N-29-20, no physical location is available for observation and public comment, so please plan to attend the meeting telephonically. 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.

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 #11
April 22, 2021**

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

The Board will be asked to make a motion to adopt the proposed regulatory text for Title 16, CCR sections 316.5, 326 and 327, Denial of Application, Revocation or Suspension of Licensure, and direct staff to prepare the rulemaking file for final review and approval by DCA before submission to the Office of Administrative Law (OAL).

Background

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

Staff are actively working on changes to the Continuing Education and Curriculum regulations.

Denial of Application, Revocation or Suspension of Licensure (AB 2138)

At the October 29, 2020 meeting, the Board approved regulatory text for the Denial of Application, Revocation or Suspension of Licensure regulation. Following the end of the 45-Day comment period, the Board did not receive any comments from the public.

Recommendation(s)

Staff recommend the Board votes to adopt the proposed text and direct staff to finalize the rulemaking file for submission to OAL.

Motion

If the language is adopted, as recommended, the motion will be as follows:

Move to adopt the proposed regulatory text for Title 16, CCR sections 316.5, 326 and 327, and direct staff to prepare the rulemaking file for DCA's final review and approval by the Office of Administrative Law.

Attachment(s)

1. BCE Regulation Tracking sheet
2. BCE Regulation Summary sheet
3. DCA Regulation Review Process sheet
4. Order of Adoption for AB 2138

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 2 Final Phase	45-Day Public Comment Period ended on March 29, 2021. Request Approval for Order of Adoption 4.22.21
2	Consumer Protection Enforcement Initiative	Step 7 Initial Phase	Rulemaking file submitted to DCA to commence the initial review process.
3	Revisions to BCE Disciplinary Guidelines & Uniform Standards for Substance Abusing Licensees	Step 2 Initial Phase	Rulemaking file under development at the Board.
	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. Language approved on 7.16.20.
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 / Compliance with Citation and Order of Abatement	Step 7 Initial Phase	DCA Leg Affairs completed initial review. New language approved on 12.11.20.
	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.
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.
Revisions to Curriculum requirements and approval of programs (CCR Article, Sections 330 - 331.16)	Language presented to full Board for review and vote on 7.16.20.
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.

TITLE 16, BOARD OF CHIROPRACTIC EXAMINERS

Order of Adoption

The Board of Chiropractic Examiners hereby amends and adopts Section 316.5 of Article 2 of the Title 16 of the California Code of Regulations and Section 326 and 327 of Article 3 of Title 16 of the California Code of Regulations, as follows:

§ 316.5 Substantial Relationship Criteria.

(a) For the purposes of the denial, suspension or revocation of a license pursuant to section 141, Division 1.5 (commencing with section 475) of the Business and Professions code, or a violation of section 10(b) of the Chiropractic Initiative Act of California, a crime, professional misconduct, or act shall be considered substantially related to the qualifications, functions or duties of a licensee, if, to a substantial degree, it evidences present or potential unfitness of a person holding a license to perform the functions authorized by the license in a manner consistent with the public health, safety or welfare.

(b) In making the substantial relationship determination required under subdivision (a) for a crime, the board shall consider all of the following criteria:

- (1) The nature and gravity of the offense.
- (2) The number of years elapsed since the date of the offense.
- (3) The nature and duties of a chiropractor.

(c) For purposes of subsection (a), a substantially related crime, professional misconduct, or act shall include, but is not limited to, the following:

- (1) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or term of the Chiropractic Initiative Act of California, these regulations and/or other state or federal laws governing the practice of chiropractic.
- (2) Conviction of a crime or act of child abuse, as defined in sections 270 through 273.75 of the Penal Code, or dependent adult or elder abuse.
- (3) A conviction requiring a person to register as a sex offender pursuant to section 290 of the Penal Code.
- (4) Any crime, professional misconduct, or act involving the sale, gift, administration, or furnishing of narcotics or dangerous drugs or dangerous devices, as defined in Section 4022 of the Business and Professions Code.
- (5) Conviction for assault, battery or other violence including, but not limited to, those violations listed in subsection (d) of Penal Code 11160.
- (6) Conviction of a crime involving lewd conduct or sexual impropriety, as defined in Business and Professions Code 726.
- (7) Conviction of a crime or act involving fiscal dishonesty, theft, fraud or deceit.
- (8) Conviction or act involving the use of drugs or alcohol to an extent or in a manner dangerous to the individual or the public.

Note: Authority cited: Sections 4(b), 10(a), 10 (b), Chiropractic Initiative Act of California, Stats. 1923, p. lxxxviii and Business and Professions Code Sections 480 and 490. Reference: Sections 141, 480, 481, 482, 488, 493, Business and Professions Code.

§ 326 Criteria for Rehabilitation. Rehabilitation Criteria for Denials, Reinstatements, and Reissuance of a License.

(a) When considering the denial of a license under section 480 of the Business and Professions Code or granting a petition for reinstatement under section 1003 of the Code or restoration of a license pursuant to subdivision (c) of Section 10 of the Chiropractic Initiative Act of California, on the ground that the applicant or petitioner has been convicted of a crime, the Board shall evaluate whether the applicant or petitioner made a showing of rehabilitation if the applicant or petitioner completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the Board shall consider the following criteria:

- (1) The nature and gravity of the crime(s).
- (2) The length(s) of the applicable parole or probation period(s).
- (3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.
- (4) The terms or conditions of parole or probation and the extent to which they bear on the applicant's or petitioner's rehabilitation.
- (5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(b) If the applicant or petitioner has not completed the criminal sentence at issue without a violation of parole or probation, or the board determines that the applicant or petitioner did not make the showing of rehabilitation based on the criteria in subsection (a), or the denial is based on professional misconduct, or the denial is based on one or more of the grounds specified in Section 10(b) of the Chiropractic Initiative Act of California, the board shall apply the following criteria in evaluating an applicant's or petitioner's rehabilitation:

- (1) The nature and gravity of the act(s), professional misconduct, or crime(s) under consideration as grounds for denial.
- (2) Evidence of any act(s), professional misconduct, or crime(s) committed subsequent to the act(s), professional misconduct, or crime(s) under consideration as grounds for denial.
- (3) The time that has elapsed since commission of the act(s), professional misconduct, or crime(s) referred to in subparagraphs (1) or (2).
- (4) Whether the applicant or petitioner has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.
- (5) The criteria in subsection (a)(1) through (5), as applicable.
- (6) Evidence, if any, of rehabilitation submitted by the applicant or petitioner.

(c) When considering a petition for reinstatement of a license, under the provisions of section 1003 of the Business and Professions Code or restoration of a license pursuant

to subdivision (c) of Section 10 of the Chiropractic Initiative Act of California, the Board shall evaluate evidence of rehabilitation submitted by the petitioner considering those criteria specified in subsection (a) of this section.

~~(a) When considering the denial of a license, the Board, in evaluating the rehabilitation of the applicant and his or her present eligibility for a license, will consider the following criteria: Chiropractic Initiative Act of California~~

~~(1) The nature and severity of the act(s) or offense(s) under consideration as grounds for denial.~~

~~(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial.~~

~~(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).~~

~~(4) Whether the applicant has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the applicant.~~

~~(5) Evidence, if any, of rehabilitation submitted by the applicant.~~

~~(b) When considering the suspension or revocation of a license on the grounds that a licensee has been convicted of a crime, the Board, in evaluating the rehabilitation of such person and his or her present eligibility for a license, will consider the following criteria:~~

~~(1) Nature and severity of the act(s) or offense(s).~~

~~(2) Total criminal record.~~

~~(3) The time that has elapsed since the commission of the act(s) or offense(s).~~

~~(4) Whether the licensee has complied with all terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.~~

~~(5) Evidence, if any, of rehabilitation submitted by the licensee.~~

Note: Authority cited: Sections 1000-4(b), Section 1000-10(a), Section 1000-10(b), Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 4xxxviii) and Business and Professions Code Section 482.-Reference: Sections 141, 480, 481, 482, 488, 493, Business and Professions Code.

§ 327 Rehabilitation Criteria for Suspensions or Revocations.

(a) When considering the suspension or revocation of a chiropractic license under section 490 of the Business and Professions Code on the ground that the person holding the license has been convicted of a crime, the board shall evaluate whether the licensee has made a showing of rehabilitation if the licensee completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the Board shall consider the following criteria:

- (1) Nature and gravity of the crime(s).
- (2) The length(s) of the applicable parole or probation period(s).
- (3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.
- (4) The terms or conditions of parole or probation and the extent to which they bear on the licensee's rehabilitation.
- (5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(b) If the licensee has not completed the criminal sentence without a violation of parole or probation, or the Board determines that the licensee did not make a showing of rehabilitation based on the criteria in subsection (a), or the suspension or revocation is based upon a disciplinary action as described in section 141 of the code, or the suspension or revocation is based upon one or more of the grounds specified in section 10(b) of the Chiropractic Initiative Act of California, the Board shall apply the following criteria in evaluating the licensee's rehabilitation:

- (1) Nature and gravity of the act(s), disciplinary action(s), or crime(s);
- (2) Total criminal record.
- (3) The time that has elapsed since commission of the act(s), disciplinary action(s), or crime(s).
- (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
- (5) If applicable, evidence of dismissal proceedings pursuant to section 1203.4 of the Penal Code.
- (6) The criteria in subsection (a)(1) through (5), as applicable.
- (7) Evidence, if any, of rehabilitation submitted by the licensee.

Note: Authority cited: Sections 4(b), 10(a), 10(b), Chiropractic Initiative Act of California, Stats. 1923, p. lxxxviii and Business and Professions Code Section 482. Reference: Sections 141, 480, 481, 482, 488, 493, Business and Professions Code.



State of California
Gavin Newsom, Governor

Agenda Item #12
April 22, 2021

Proposed Board Meeting Schedule
May – December 2021

Purpose of the item

The Board will review and approve meeting dates for 2021.

Action(s) requested

Board approval of meeting dates for the remainder of the 2021 calendar year.

Background

Traditionally, the Board schedules the upcoming year's meetings at the last meeting of the year. The Board decided to hold off on scheduling 2021 due to the transition of Board members. With the addition of new Board members, the Board can now schedule meetings for the remainder of 2021.

Recommendation(s)

Staff recommends the Board approve Board meeting dates in July and October of 2021 and a meeting to conduct petitioner hearings in September 2021.

Next Step

N/A

Attachment(s)

- April – December 2021 Proposed Board Meeting Schedule/Calendar

Calendar

April – December 2021

April

Su	Mo	Tu	We	Th	Fr	Sa
28	29	30	31	1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	1

May

Su	Mo	Tu	We	Th	Fr	Sa
25	26	27	28	29	30	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31	1	2	3	4	5

June

Su	Mo	Tu	We	Th	Fr	Sa
30	31	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	1	2	3

July

Su	Mo	Tu	We	Th	Fr	Sa
27	28	29	30	1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

August

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31	1	2	3	4

September

Su	Mo	Tu	We	Th	Fr	Sa
29	30	31	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	1	2

October

Su	Mo	Tu	We	Th	Fr	Sa
26	27	28	29	30	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31	1	2	3	4	5	6

November

Su	Mo	Tu	We	Th	Fr	Sa
31	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	1	2	3	4

December

Su	Mo	Tu	We	Th	Fr	Sa
28	29	30	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	1

List of Holidays April – December 2021

May 31, 2021: Memorial Day
 July 4, 2021: Independence Day
 July 5, 2021: Independence Day (observed)
 September 6, 2021: Labor Day
 October 11, 2021: Columbus Day
 November 11, 2021: Veterans Day
 November 25, 2021: Thanksgiving Day
 November 26, 2021: Office closed for Thanksgiving holiday
 December 25, 2021: Christmas Day

Key

Red/Circle = Holiday, offices closed
 X = Conflicts, dates unavailable
 Highlight = Recommended date

Scheduled Meeting Dates

April 22, 2021 = Full Board Meeting
 May 20, 2021 = Petitioner Hearings
 June 4, 2021 = Petitioner Hearings