



BOARD OF CHIROPRACTIC EXAMINERS PUBLIC SESSION MINUTES

April 22, 2021
Teleconference

Board Members Present

Dionne McClain, D.C., Chair
David Paris, D.C., Vice Chair
Frank Ruffino, Secretary
Laurence Adams, D.C.
Rafael Sweet

Staff Present

Robert Puleo, Executive Officer
Kristin Walker, Assistant Executive Officer
Michael Kanotz, Senior Attorney
Heather Hoganson, 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
Emily Lopez, Seasonal Clerk
Kelly Sigeunza, Seasonal Clerk

1. Call to Order

Dr. McClain called the meeting to order at 9:12 a.m.

Roll Call

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

2. Chair's Report

Dr. McClain welcomed Mr. Rafael Sweet to the Board of Chiropractic Examiners.

Mr. Sweet stated that he was honored to be appointed to the Board and is looking forward to working with the Board and its staff.

Dr. McClain acknowledged Board staff and Mr. Puleo for their tremendous hard work.

Dr. McClain added that a testament to this hard work is that this meeting will be the first time in history that the Board will ratify licensees who applied for licensure online.

Dr. McClain notified the public that there are currently two waivers in place regarding continuing education (CE). Waiver 21-134 postponed the due date for CE. Licensees with expiration months between March 2020 and May 2021 have until September 30, 2021 to complete their CE. Waiver 20-63 allows all licensees the ability to take 12 hours of two-way interactive video conferencing in replacement of the in-person hours. Dr. McClain added that there is a possibility of the Department granting additional waivers.

Dr. McClain added that the Board welcomes all constructive, meaningful input and professional discourse, but will not tolerate anyone being disrespectful, confrontational, or condescending. Dr. McClain asked that those who would like to participate in the meeting be positive and respectful.

Public Comment: None

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

Dr. Jaeger informed the Board of the newly reinvigorated products that the National Board of Chiropractic Examiners (NBCE) offers. The Specialty Examination allows licensees to demonstrate proficiency in a subject area, the Jurisprudence Examination tests licensees on their state's rules and regulations, and the EBAS Examination is a profession-specific computerized essay exam that assesses a licensee's understanding of ethics and boundaries in a professional setting.

Public Comment: None

4. Approval of December 11, 2020 Board Meeting Minutes

MOTION: MR. RUFFINO MOVED TO APPROVE THE MINUTES OF THE DECEMBER 11, 2020 BOARD MEETING.

SECOND: DR. PARIS SECONDED THE MOTION.

Discussion: Dr. McClain noted a spelling correction on page two.

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

MOTION: CARRIED.

Public Comment: None

5. Approval of January 28, 2021 Board Meeting Minutes

MOTION: MR. RUFFINO MOVED TO APPROVE THE MINUTES OF THE JANUARY 28, 2021 BOARD MEETING.

SECOND: DR. ADAMS SECONDED THE MOTION.

Discussion: None.

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

MOTION: CARRIED.

Public Comment: None

6. Ratification of Approval of License Applications

MOTION: MR. RUFFINO MOVED TO RATIFY THE APPROVED LICENSE APPLICATIONS.

SECOND: DR. ADAMS SECONDED THE MOTION.

Discussion: None

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

MOTION: CARRIED.

Public Comment: None

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

There were none.

8. Ratification of Approved Continuing Education Providers

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

SECOND: DR. PARIS SECONDED THE MOTION.

Discussion: None.

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

MOTION: CARRIED.

Public Comment: None

9. Executive Officer's Report

A. Administration - Board staffing/organizational chart

Mr. Puleo notified the Board of the current vacancies; the Enforcement unit has three positions available; a manager, analyst, and clerical position. He stated that staff have begun recruiting for these vacancies and that they hope to fill the Enforcement manager position with an experienced retired annuitant as a temporary assignment. He expects that some of these positions will be filled by the next meeting.

The Board discussed the merits of hiring a retired annuitant with managerial and enforcement experience.

B. Budget - Fund Condition Update

Mr. Puleo stated that there are no significant changes to report to the Fund Condition since the last meeting. Staff are in the process of working with an independent consultant for the fee analysis. The fund is currently low, and the Board will be in a deficit in the next couple of years; The Board will need to introduce a fee bill in the next legislative session.

C. Licensing - Statistical Trends

Ms. Van Allen informed the Board that the licensing statistics remain fairly consistent and that the slight increase over the past few months in the number of chiropractic licenses has continued.

D. Enforcement - Statistical trends

Ms. Walker notified the Board that the statistics are fairly consistent with what the Board would expect with a couple notable exceptions. The number of accusations has steadily increased to 23, which will continue to climb, as cases referred to the Attorney General's office make their way through the process. The number of pending cases under accusations is also high at 67; this is primarily due to the COVID-19 pandemic and the Office of Administrative Hearings not holding in person hearings which has led to many requesting extensions instead of participating in a video hearing.

The Board and staff then discussed enforcement processes.

E. Information Technology (IT) Update

Ms. Walker stated that staff are continuing to work with the Department of Consumer Affairs' (DCA) Office of Information Services (OIS) and the vendor on the development and implementation of the new Connect system. The current system includes license applications, license renewals, address changes, submittal of other paper applications, and satellite applications, renewals, and cancellations. The current project is developing the enforcement functionality which will include everything from a front facing website for the public to be able to file complaints online and then all the back office functionality for staff to be able to work through the complaint investigative and disciplinary process. The next update will include adding CE course and provider applications and corporation certificates.

Public Comment: None

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

Dr. McClain updated the Board with information from the Licensing & CE Committee. The 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.

Dr. McClain informed the Board that there are two models available to incorporate PACE approval into the Board's CE process. The first option is that 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.

Dr. McClain stated that 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.

Dr. McClain proclaimed that after reviewing two examples provided by staff and posing questions to both Board staff and 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.

Dr. McClain added that while 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.

Dr. McClain stated that the Committee recommends 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.

**MOTION: MR. RUFFINO MOVED 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.
SECOND: DR. PARIS SECONDED THE MOTION.**

Discussion: Dr. Paris asked how instructors of courses would be vetted in circumstances where the provider was not the instructor of a PACE approved course.

Mr. Puleo stated that PACE doesn't approve the courses individually but does perform audits of courses and will address issues or concerns raised during that process. He affirmed that the PACE pre-check is the best option for the Board as it gives control over course approval to the Board.

Ms. Boyer added that to become a PACE approved provider, one of the criteria for review is the provider's hiring standards and process for credentialing of instructors.

Dr. McClain stated that the provider is held responsible for their instructors, and if there is an issue, PACE has a system to perform an investigation and rectify the situation.

Dr. Adams asked if CE providers will continue to have the option of becoming an approved provider through our Board directly and will not be required to become approved through PACE.

Ms. Boyer confirmed that his statement was accurate.

Dr. Adams asked if we had received the list of states that are currently accepting PACE pre-checks that was requested at the last meeting.

Ms. Boyer stated that they are Alabama, Arizona, Florida, Georgia, Kentucky, Louisiana, New Mexico, Oklahoma, Tennessee, and Texas. Texas has a stipulation that theirs is only for Council of Chiropractic Education accredited colleges.

Public Comment: Laurie Isenberg, Director of Postgraduate & Continuing Education of Life Chiropractic College West, asked if the Board will still be approving each course application.

Mr. Puleo answered in the affirmative.

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

MOTION: CARRIED.

Dr. Adams asked if it would be possible to request written input on the proposed changes to CE regulations from the current CE providers.

Dr. McClain answered that the process of making changes to CE regulations has been lengthy and has continuously involved input from stakeholders, such as CE providers.

Dr. Adams asked if it would be possible to request additional participation given the recent changes. He stated his willingness to coordinate a stakeholder meeting or request this information.

Dr. McClain and Mr. Puleo agreed that it would be best to discuss the logistics of this process to ensure equal opportunity for submitting feedback.

Public Comment: Ms. Isenberg agreed that requesting additional feedback, even in a late stage of the process, would be useful. She noted that she has always felt welcome to submit feedback.

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

Ms. McMillen reported that staff have been working on the following draft rulemaking files:

- Curriculum
- Continuing Education Requirements

Additionally, Ms. McMillen reported that at the October 29, 2020 Board 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.

Staff recommended the Board makes a motion to adopt the proposed text and direct staff to finalize the rulemaking file for submission to Office of Administrative Law (OAL).

**MOTION: MR. RUFFINO MOVED 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.
SECOND: DR. MCCLAIN SECONDED THE MOTION.**

Discussion: There was none.

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

MOTION: CARRIED.

Public Comment: None

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

The Board discussed their schedule for the upcoming year and decided upon the following dates for Board meetings:

- July 16, 2021, 9:00am-4:00pm (full Board meeting)
- September 23, 2021, 9:00am-2:00pm (meeting to conduct petitioner hearings)
- November 12, 2021, 9:00am-4:00pm (full Board meeting)

Mr. Puleo suggested that at the end of committee meetings, the committee should discuss the scheduling of the next meeting to aid staff in this process.

Public Comment: None.

13. Public Comment for Items Not on the Agenda

Public Comment: None.

14. Future Agenda Items

There were none.

Public Comment: 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)

16. Reconvene Open Session

The Board returned to Open Session.

17. Adjournment

Dr. McClain adjourned the meeting at 1:19 p.m.

(ATTACHMENT A)

Approval by Ratification of Formerly Approved License Applications
 between January 1, 2021 and March 31, 2021.

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

BCE Board Meeting Minutes
April 22, 2021

Rachel Pauline	Moral	Hernal	2/24/2021	35028
Cassandra	Mae	Walker	2/24/2021	35029
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
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		Adejumobi	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.**

(ATTACHMENT B)

Pending Ratification to Approve New Continuing Education 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>