



## **BOARD OF CHIROPRACTIC EXAMINERS PUBLIC SESSION MINUTES**

July 16, 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  
Jason Hurtado, Attorney  
Connie Bouvia, Enforcement Manager  
Dixie Van Allen, Licensing and Continuing Education Manager  
Amanda Campbell, Enforcement Analyst  
Andreia McMillen, Policy Analyst

### **1. Call to Order**

Dr. McClain called the meeting to order at 9:02 a.m.

### **Roll Call**

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

### **2. Chair's Report**

Dr. McClain thanked Michael Kanotz for his service to the Board of Chiropractic Examiners since June 2019 and welcomed Jason Hurtado as the Board's new legal counsel.

Dr. McClain updated the public on the new online IT system that Board staff have been implementing. The new IT system and project is often referred to as "BizMod" or "Business Modernization" but has been branded as "Connect." The new update allows the public to file complaints online.

Dr. McClain informed the public that the fee analysis report discussion (Agenda Item #10) will be moved to the next meeting so the report can be finalized. Dr. McClain added that the Board's office is relocating from downtown Sacramento to the

Department of Consumer Affairs' Headquarters. This move will result in operational efficiencies and overall cost savings for the Board.

Dr. McClain and Dr. Paris attended the Federation of Chiropractic Licensing Boards (FCLB) video conference in May. Dr. McClain noted that the FCLB recommends completing regulatory assessments regularly as part of the strategic plan and that ongoing metrics should be used to evaluate the Board's current actions and how they have impacted the types of complaints. Dr. McClain added that a speaker at the conference presented an Australian study which found that chaperones were less effective in the prevention of sexual misconduct than implementing gender restrictions and noted this should be considered.

The National Board of Chiropractic Examiners (NBCE) had a committee meeting in June wherein a significant change to Parts III and IV was discussed. Part III of the exam will now include diagnostic imaging instead of Part IV. NBCE also established an advisory committee to discuss changes to the examination. Dr. McClain assisted with the administration of testing at Logan University. Dr. Adams assisted with the administration of testing at Palmer College of Chiropractic West Campus.

Public Comment: None

### **3. Approval of April 22, 2021 Board Meeting Minutes**

***MOTION: DR. ADAMS MOVED TO APPROVE THE MINUTES OF THE APRIL 22, 2021 BOARD MEETING.***

***SECOND: MR. RUFFINO 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

### **4. Approval of May 20, 2021 Board Meeting Minutes**

***MOTION: MR. RUFFINO MOVED TO APPROVE THE MINUTES OF THE MAY 20, 2021 BOARD MEETING.***

***SECOND: MR. SWEET 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

#### **5. Approval of June 4, 2021 Board Meeting Minutes**

**MOTION: MR. RUFFINO MOVED TO APPROVE THE MINUTES OF THE JUNE 4, 2021 BOARD MEETING.**  
**SECOND: DR. PARIS SECONDED THE MOTION.**

Discussion: None.

**VOTE: 4-0, (DR. MCCLAIN-AYE, DR. PARIS-AYE, MR. RUFFINO-AYE, DR. ADAMS-ABSTAIN, 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. SWEET 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 three current vacancies that are likely to be filled within the next month. He stated that the Board office will be moving by the end of the year and the move should be advantageous for the Board as it will be more efficient and cost effective.

### **B. Budget - Fund Condition Update**

Renee Milano, the Budget Manager for the Department of Consumer Affairs, updated the Board on its current fund condition.

Ms. Milano stated that the Board had a beginning balance of 2.4 million dollars in reserves in Fiscal Month 11, an expected revenue amount of 4.5 million and estimated expenditures of about 4.9 million. She stated that she does not have any concerns as the Budget Office and Board management have been discussing options to get the imbalance corrected.

Mr. Puleo added that though the reserve is getting lower, the Board still has time and is working with an independent consultant on a fee analysis in order to realign the fees with the costs of providing those services.

Mr. Ruffino asked if the imbalance will be fixed by a raise in fees or if there were other factors involved that needed to be assessed to prevent future imbalances.

Ms. Milano stated that it is structurally normal for a fund to become imbalanced due to an increase in costs. She added that this year's expenditures were particularly high because of IT related costs.

Mr. Ruffino asked if the move will have an impact on the budget.

Mr. Puleo confirmed that there would be costs associated with the move, but overall it would be cost-effective. Mr. Puleo added that the Board typically underspends the Budget by hundreds of thousands of dollars each year and that the increase in expenditures is not related to discretionary spending.

#### C. Licensing - Statistical Trends

Ms. Van Allen informed the Board that the licensing statistics remain fairly consistent. She noted that the slight decline in the licensee population trend has continued and the total number of chiropractic licensees has dropped by 196 this year.

#### D. Enforcement - Statistical trends

Ms. Bouvia notified the Board that the enforcement statistics are consistent with past years but added that the overall pending caseload has reduced to 510 cases whereas previous fiscal years the numbers were at 613 and 591. She stated that the number of pending cases at the Attorney General's office remained high at 79, but this is primarily due to the COVID-19 pandemic, the lack of in-person hearings, and recent referrals for disciplinary action.

#### 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 most recent release occurred in mid-June and added enforcement functionality which allowed the public to submit complaints online and gave staff the ability to work through the complaint intake, investigation, and disciplinary process in this system. The next update will include adding CE course and provider applications and expand enforcement functions.

Public Comment: None

### **10. Review, Discussion, and Possible Action Regarding Fee Analysis Report**

This item has been tabled for the next Board meeting which has tentatively been scheduled for September 23, 2021.

### **11. Update, Review, Discussion and Possible Action on Licensing & Continuing Education Committee May 7, 2021 and June 17, 2021 Meeting Agendas**

Dr. McClain updated the Board on the Licensing & Continuing Education (CE) Committee meetings that were held on May 7, 2021 and June 17, 2021.

Dr. McClain informed the Board that the Committee met on May 7, 2021 to review policy and language changes to the CE regulations for California Code of Regulations (CCR), title 16, sections 360-363. The Committee also reviewed the draft documents created for the CE provider applications and the CE Event application. The Committee continued to discuss potential definition options for the use of 'course' in regulations. The Committee did determine that a CE course fee should be assessed per hour of instruction requested. Dr. McClain reinforced the Committee's hope to receive additional feedback regarding the proposed changes to the regulatory language from chiropractic colleges and CE providers; they have requested this information be submitted to the Committee in writing.

Dr. McClain also discussed the June 17, 2021 Committee meeting. The Committee continued the review of CE regulations, 16 CCR Sections 363.1-366. The Committee considered amending the language of 16 CCR Sections 363.2 and 363.3 to include providers who are licensees. It was ultimately decided to reexamine these sections alongside 16 CCR Sections 362.3 and 362.4 at the next Committee meeting. The Committee decided to reevaluate 16 CCR Sections 360-363 in their entirety given the feedback received from stakeholders and because it would be prudent to discuss adding language to these sections that provides a timeframe and process for CE provider applicants to reapply if denied. The Committee also reviewed the CE Course Evaluation Form and decided to amend the proposed language of 16 CCR Section 366 so that the form is not required to be submitted to the Board until such time that it can be automated. The language of the regulation should still require that a CE course evaluation be provided to attendees and that this should be submitted to the Board upon request.

Public Comment: None.

## **12. Update, Review, Discussion and Possible Action on Government & Public Affairs Committee April 13, 2021 and June 28, 2021 Meeting Agendas**

Ms. McMillen provided an update from the two prior Committee meetings. At the meeting on April 13, 2021, the Committee discussed minor changes to the Board Member Administrative Procedure Manual and the BCE Legislative Bill Tracking Manual.

At the June 28, 2021 meeting, the Committee discussed three bills that have remained active, AB 305, SB 607, and SB 731. The Committee did not take an official position on AB 305 (Maienschein) as it no longer pertains to boards and bureaus under DCA.

Ms. McMillen informed the Board that SB 607 (Roth) would require a board under DCA to waive all fees associated with the application and initial license for an applicant who meets these expedited licensing requirements. The Committee took a neutral position on this bill because the fiscal impact of this bill would be minor.

Dr. Adams asked for further information regarding the impact.

Mr. Puleo stated that the Board receives very little license applications that would meet the requirements of this bill. He estimated that it would be a total loss of approximately \$3,000 each year but the benefits this would provide to U.S. service members and their families outweighs the cost.

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

**MOTION: CARRIED.**

Public Comment: None

Ms. McMillen stated that SB 731 (Durazo) would implement a system to prospectively and retroactively seal conviction and arrest records. Specifically, this bill would expand the automatic review and granting of "record relief" to felony arrest records and additional felony convictions, as specified. It also would expand conviction relief by way of petition to all felony convictions. Ms. McMillen noted that this would not apply to serious and violent felony convictions. The Committee took a watch position on this bill.

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

**MOTION: CARRIED.**

Public Comment: None

Dr. McClain requested that the Committee add clarification to the Board Member Procedure Manual (manual) to include that communication with all stakeholders and organizations that is done on behalf of the Board should be approved or made with the collaboration of the EO and the Board Chair or Vice Chair.

The Board discussed the merits of including this in the manual.

**MOTION: DR. MCCLAIN MOVED TO DEFER THE DISCUSSION OF ADDING A SECTION ON COMMUNICATION WITH STAKEHOLDERS OR ORGANIZATIONS TO THE BOARD MEMBER PROCEDURE MANUAL.**

**SECOND: MR. RUFFINO 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.

**MOTION: MR. RUFFINO MOVED TO ACCEPT THE CURRENT RECOMMENDATIONS WITH THE MINOR CHANGES TO THE BOARD MEMBER PROCEDURE MANUAL AS RECOMMENDED BY THE GOVERNMENT & PUBLIC AFFAIRS COMMITTEE.  
SECOND: MR. SWEET 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.

### **13. Update, Discussion and Possible Action on Pending Rulemaking**

Ms. McMillen stated that 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. Legal counsel has informed the Board that the initial review of the Consumer Protection Enforcement Initiative (CPEI) regulation package has been completed. Staff will now make necessary changes and assemble the file for submission to DCA's Executive Office.

Public Comment: None

### **14. Public Comment for Items Not on the Agenda**

Public Comment: None.

### **15. Future Agenda Items**

Mr. Ruffino asked if the Board and staff had considered holding the scheduled September 23, 2021 meeting in person.

Mr. Puleo stated that DCA has encouraged the boards to hold meetings via teleconference and that the September 23, 2021 meeting would be held via teleconference. He noted that there has been discussion of only holding one in person meeting a year to cut down on costs and that DCA is working on the ability to host hybrid meetings from headquarters which would allow Board and stakeholders to participate either in person or virtually.

Public Comment: None.

### **16. 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. Discuss the Preparation and Administration of Examinations Pursuant to Government Code Section 11126(c)(1)
- C. Confer with or Receive Advice from Legal Counsel Pursuant to Government Code Section 11126(e) Regarding *Elizabeth Acosta v. Board of Chiropractic Examiners*, Los Angeles County Superior Court, Case No. BC698162 and *Elizabeth Acosta v. State of California, et al.*, Los Angeles County Superior Court, Case No. 19STCV06136

#### **17. Reconvene Open Session**

The Board returned to Open Session.

#### **18. Adjournment**

Dr. McClain adjourned the meeting at 1:13 p.m.

**(ATTACHMENT A)**

Approval by Ratification of Formerly Approved License Applications  
between April 1, 2021 and June 30, 2021.

<b>Name (First, Middle, Last)</b>			<b>Date Issued</b>	<b>DC#</b>
Firouzeh		Harounian	4/8/2021	35049
Tod	Michael	Williams	4/8/2021	35050
Hyungsoo		Kim	4/8/2021	35051
Richard	Louis	Baez	4/8/2021	35052
Paul	Phillip	Thenard	4/8/2021	35053
Andrew	Todd	Messerschmitt	4/8/2021	35054
Richard	Terrance	Montigny	4/8/2021	35055
Kristin	Louise Hamilton	Ochs	4/8/2021	35056
Jodie	Paige	Gibson	4/22/2021	35057
Jonathan	Charles	Hooker	4/22/2021	35058
David	John	Yamamoto	4/22/2021	35059
Angelica		Wroblewski	4/22/2021	35060
Aaron	Jonathan	Gootzeit	5/18/2021	35061
Bronston	Joseph Benham	Kopala	5/18/2021	35062
Ruth	Ann	Sanftner	5/18/2021	35063
Carrie	Ann	Silveira	5/18/2021	35064
Jason Keith	L	Gan	5/18/2021	35065
Danilo	Alves dos Santos	Veloz0	5/18/2021	35066
Rebecca	Hayes	Harris	5/18/2021	35067
Claire	Diane	Reinecke	5/18/2021	35068
Brandon	Nicholas	Gessert	5/19/2021	35069
Rachel	Katherine	Nemy	5/19/2021	35070
Nicholas	P	Saviano	6/1/2021	35071
Andrew	Reid	Veech	6/1/2021	35072
Seohyun		Kwon	6/1/2021	35073
Forrest	Patrick	Granzotto	6/16/2021	35074
Brian	Thomas	Dovorany	6/16/2021	35075
Sintia		Matavoosian	6/16/2021	35076
Jonathan		Houshanian	6/23/2021	35077
Casey	Andrew	Wood	6/30/2021	35078
Abigail	Susan	Mitchell	6/30/2021	35079
Firouzeh		Harounian	4/8/2021	35049
Tod	Michael	Williams	4/8/2021	35050
Hyungsoo		Kim	4/8/2021	35051
Richard	Louis	Baez	4/8/2021	35052

Paul	Phillip	Thenard	4/8/2021	<b>35053</b>
Andrew	Todd	Messerschmitt	4/8/2021	<b>35054</b>
Richard	Terrance	Montigny	4/8/2021	<b>35055</b>
Kristin	Louise Hamilton	Ochs	4/8/2021	<b>35056</b>
Jodie	Paige	Gibson	4/22/2021	<b>35057</b>
Jonathan	Charles	Hooker	4/22/2021	<b>35058</b>
David	John	Yamamoto	4/22/2021	<b>35059</b>
Angelica		Wroblewski	4/22/2021	<b>35060</b>
Aaron	Jonathan	Gootzeit	5/18/2021	<b>35061</b>
Bronston	Joseph Benham	Kopala	5/18/2021	<b>35062</b>
Ruth	Ann	Sanftner	5/18/2021	<b>35063</b>
Carrie	Ann	Silveira	5/18/2021	<b>35064</b>
Jason Keith	L	Gan	5/18/2021	<b>35065</b>
Danilo	Alves dos Santos	Veloz0	5/18/2021	<b>35066</b>
Rebecca	Hayes	Harris	5/18/2021	<b>35067</b>
Claire	Diane	Reinecke	5/18/2021	<b>35068</b>
Brandon	Nicholas	Gessert	5/19/2021	<b>35069</b>
Rachel	Katherine	Nemy	5/19/2021	<b>35070</b>
Nicholas	P	Saviano	6/1/2021	<b>35071</b>
Andrew	Reid	Veech	6/1/2021	<b>35072</b>
Seohyun		Kwon	6/1/2021	<b>35073</b>
Forrest	Patrick	Granzotto	6/16/2021	<b>35074</b>
Michael	Anthony	Velasco	4/1/2021	<b>36070*</b>
Larissa	Anne	Armstrong-Kager	4/1/2021	<b>36071</b>
Jordan		Abbass	4/9/2021	<b>36072</b>
Whitaker	Guenther	Voss	4/9/2021	<b>36073</b>
Arman		Fathi	4/9/2021	<b>36074</b>
Carli		Broadbent	4/9/2021	<b>36075</b>
Allexandra		Walters	4/9/2021	<b>36076</b>
Kirsten	Anastasia	Sparley	4/9/2021	<b>36077</b>
Javier		Munoz-Laguna	4/9/2021	<b>36078</b>
Hayley	Alyssa	Thomas	4/15/2021	<b>36079</b>
Kevin	Edward	Maggs	4/15/2021	<b>36080</b>
Paul	Thomas	Wehrman Jr.	4/15/2021	<b>36081</b>
Julie	E	Kotiw	4/16/2021	<b>36082</b>
Samuel		Newsome	5/5/2021	<b>36083</b>
Whitney	Lynn	Marsh	5/5/2021	<b>36084</b>
Christopher	Alan	Saincome	5/5/2021	<b>36085</b>
Cheyenne	Nichole	McCarthy	5/5/2021	<b>36086</b>
Malcolm	Bernard	Young	5/5/2021	<b>36087</b>
Brett	Michael	Judson	5/5/2021	<b>36088</b>

Stephanie		Harn	5/5/2021	36089
Travis		Byrne	5/5/2021	36090
Kenton		Hauber	5/5/2021	36091
Marisol	Guadalupe	Dominguez	5/5/2021	36092
Scott	G	Duke	5/6/2021	36093
Marium		Garber	5/6/2021	36094
William	Jennings	Faulk	5/6/2021	36095
Diana	Katerina Agnese	Fenstermacher Ritchie	5/11/2021	36096
Nammy		Do	5/11/2021	36097
Richa		Gandhi	5/20/2021	36098
Joseph	Aaron	Khankhanian	5/20/2021	36099
Claudia		Catalan	5/20/2021	36100
Alexia	Michelle	Hampton	5/20/2021	36101
Jimmy	Canosa	Ramil Jr.	5/25/2021	36102
Diljot	Kaur	Virdi	5/25/2021	36103
Chia-Hua		Chan	5/25/2021	36104
Denny		Huang	5/25/2021	36105
Madison		Thompson	5/26/2021	36106
Ashley		Gonzales	5/26/2021	36107
Romeo-Paolo		Perfecto	6/8/2021	36108
Cassidy	Danielle	Bleich	6/8/2021	36109
Margaret	Catherine	Sels	6/8/2021	36110
Anh	Lan	Bui	6/8/2021	36111
Talia	Sophia	Zuniga	6/8/2021	36112
Kyle		Murray	6/8/2021	36113
Ricky		Nguyen	6/8/2021	36114
Samuel		Goldeen	6/24/2021	36115
Lane		O'Dea	6/24/2021	36116
Gurpreet		Toor	6/24/2021	36117
Mercedes		Antonini	6/24/2021	36118
David	Boyd	Wach	6/24/2021	36119
John	David	Madrid	6/24/2021	36120
Evan		Hamilton	6/24/2021	36121
Karla		Garcia Portalatin	6/24/2021	36122
Michael	Anthony	Velasco	4/1/2021	36070
Larissa	Anne	Armstrong-Kager	4/1/2021	36071

**\*DC's starting with 36070 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><b>Provider Name:</b> Complete Concussion Management</p> <p><b>CE Oversight Contact Person:</b> Joseph Alejandria</p> <p><b>Provider Status:</b> Corporation</p>	<p><b>Provider Name:</b> Kim Sperry Consulting</p> <p><b>CE Oversight Contact Person:</b> Kim Sperry</p> <p><b>Provider Status:</b> Corporation</p>
<p><b>Provider Name:</b> Northeast College of Health Sciences</p> <p><b>CE Oversight Contact Person:</b> Katrina Andre</p> <p><b>Provider Status:</b> University/College</p>	<p><b>Provider Name:</b> University of California, San Francisco Department of Sports Medicine</p> <p><b>CE Oversight Contact Person:</b> Gina Biviano</p> <p><b>Provider Status:</b> Health Facility</p>