

BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR

DEPARTMENT OF CONSUMER AFFAIRS • CALIFORNIA BOARD OF CHIROPRACTIC EXAMINERS

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## BOARD OF CHIROPRACTIC EXAMINERS MEETING MINUTES

August 18-19, 2022

Teleconference and
Department of Consumer Affairs, Hearing Room
1625 N. Market Blvd., Ste 102
Sacramento, CA 95834

#### **Board Members Present**

David Paris, D.C., Chair Laurence Adams, D.C., Vice Chair Rafael Sweet, Secretary Janette N.V. Cruz Pamela Daniels, D.C.

#### Staff Present

Kristin Walker, Executive Officer
Dixie Van Allen, Licensing & Administration Manager
William Walker III, Enforcement Manager
Valerie James, Enforcement Analyst
Sabina Knight, Board Counsel, Attorney III, Department of Consumer Affairs (DCA)
Heather Hoganson, Regulatory Counsel, Attorney III, DCA

### Thursday, August 18, 2022

### Open Session – Call to Order / Roll Call / Establishment of a Quorum

Dr. Paris called the meeting to order at 9:05 a.m. Mr. Sweet called the roll. All members were present, and a quorum was established.

### 2. Strategic Planning Session

The Board participated in a strategic planning session that was facilitated and guided by Ann Fisher and Elizabeth Coronel from DCA's SOLID Training and Planning Solutions.

### 3. Recess Until Friday, August 19, 2022 at 9:00 a.m.

The Board recessed at 3:35 p.m. until Friday, August 19, 2022 at 9:00 a.m.

#### Friday, August 19, 2022

#### 4. Call to Order / Roll Call / Establishment of a Quorum

Dr. Paris called the meeting to order at 9:07 a.m. Mr. Sweet called the roll. All members were present, and a quorum was established.

### 5. Board Chair's Report

Dr. Paris informed the Board that former member Dionne McClain, D.C. had resigned, and also congratulated Kristin Walker on her appointment to Executive Officer effective May 23, 2022.

Dr. Paris announced the Board met with stakeholders throughout the summer to discuss the concerns regarding the restructuring of the Board's fees and opportunities for improving existing processes and procedures. He and Ms. Walker also met with representatives from Life University to discuss California curriculum and licensure requirements.

Public Comment: None.

### 6. Review and Possible Approval of Board Meeting Minutes

- A. April 21-22, 2022 Board Meeting
- B. May 20, 2022 Board Meeting
- C. August 4, 2022 Board Meeting

Motion: Dr. Adams moved to approve the minutes of the April 21-22, 2022, May 20, 2022, and August 4, 2022 Board meetings.

Second: Mr. Sweet seconded the motion.

**Discussion:** None.

Public Comment: None.

Vote: 5-0 (Dr. Paris-AYE, Dr. Adams-AYE, Mr. Sweet-AYE, Ms. Cruz-AYE, and Dr. Daniels-AYE).

Motion: Carried.

### 7. Ratification of Approved Doctor of Chiropractic License Applications

Motion: Mr. Sweet moved to ratify the approved doctor of chiropractic license applications.

Second: Dr. Daniels seconded the motion.

**Discussion:** None.

Public Comment: None.

Vote: 5-0 (Dr. Paris-AYE, Dr. Adams-AYE, Mr. Sweet-AYE, Ms. Cruz-AYE, and Dr. Daniels-AYE).

**Motion: Carried.** 

8. Ratification of Approved Continuing Education Provider Applications

Motion: Mr. Sweet moved to ratify the approved continuing education providers.

Second: Dr. Daniels seconded the motion.

**Discussion:** Dr. Adams asked if the courses to be offered by these providers were known because the name of one of the applicants included "wealth management." Ms. Van Allen replied the only information known is what is on the application and current continuing education (CE) regulations only require applicants to be a CE provider to list their name, contact information, a CE oversight contact person, and a designated representative. Dr. Adams asked if staff check whether the applicant holds a license in California. Ms. Van Allen stated that regulations do not require CE providers to be licensed.

Dr. Paris asked if the CE provider application was a fillable document that could be completed online and printed without necessitating the forms be handwritten.

Ms. Van Allen answered that it depended on the user's software but noted that most forms cannot be saved when filled.

Dr. Paris requested the CE Committee review the CE provider application process.

Public Comment: None.

Vote: 5-0 (Dr. Paris-AYE, Dr. Adams-AYE, Mr. Sweet-AYE, Ms. Cruz-AYE, and Dr. Daniels-AYE).

Motion: Carried.

### 9. Executive Officer's Report and Updates on:

A. Administration, Continuing Education, Enforcement, and Licensing Programs

Ms. Walker reported that staff developed the statistics for fiscal year (FY) 2021-22, and informed the Board that staff received and reviewed 1,824 CE course applications which is slightly lower than the average of around 2,000 applications in prior years. Ms. Walker shared staff is preparing to resume CE audits starting with the July 2022 license renewals and auditing the prior three renewal years to encapsulate the COVID-19 pandemic and related waivers in a single audit.

Ms. Walker reported that while the Board is continuing to issue new licenses at a steady rate, the total licensee population continues to decline.

BCE Board Meeting Minutes August 18-19, 2022 Page 4 of 15

Ms. Walker stated the Enforcement Unit has been able to decrease the pending caseload of complaints from 511 cases at the end of FY 2020-21 to 360 cases and acknowledged the hard work by staff. She also explained 53 accusations were filed during FY 2021-22 with 107 pending disciplinary cases. She explained while this is a historical high for the Board, staff expects a significant amount of these disciplinary cases to be resolved through stipulated settlements.

Ms. Walker informed the Board that Andreia McMillen accepted a promotional position at the Department of Justice, and temporary support staff, Linda Brown, Trenton Bourdon, and Kelly Siguenza, have completed their assignments and moved on to other opportunities.

Dr. Daniels asked why there was a gap between the fees assessed and the fees collected in the enforcement statistics. Ms. Walker replied that citation payments are not always collected during the same fiscal year in which the fines were assessed.

### B. Board's Budget and Fund Condition

Ms. Walker reported the Board's fund is in a better position than prior updates, with insolvency now projected to occur in FY 2024-25 instead of FY 2023-24.

Dr. Adams asked when the Board can expect the fee increases to become effective and impact the fund condition. Ms. Walker replied that if the fee increase is passed by the Legislature and signed by Governor Newsom, it would become effective on January 1, 2023. She noted the Board would not see the full impact of the fee increase until FY 2023-24 when the new fees would be in effect for a full fiscal year.

C. Business Modernization Project and Implementation of Connect System

Ms. Walker stated staff is working with DCA's Office of Information Services (OIS) to enhance the user experience and increase the system utilization rate by licensees.

D. Status of Board's Pending Rulemaking Packages

Ms. Walker reported over the summer, staff has been evaluating the language of pending rulemaking packages, working with regulatory counsel to set priorities, and preparing proposals for discussion for future committee meetings. Ms. Walker stated progress has been made on the delegation of authority, CE, and Consumer Protection Enforcement Initiative (CPEI) packages.

Public Comment: None.

Dr. Paris asked if the increase in citations was a byproduct of the COVID-19 pandemic and the related advertising issues, and why there is an increase in the number of violations in citations. Ms. Walker stated cases are submitted to chiropractic expert

BCE Board Meeting Minutes August 18-19, 2022 Page 5 of 15

consultants for review, and they identify violations based on Board regulations. She noted in violations often fall under several regulations and each regulation is detailed in the citation to educate the licensee and prevent further misconduct.

Dr. Daniels asked if licensees are aware of Connect. Ms. Walker responded that extensive outreach has not been done yet because while the Connect system is functional, it is not intuitive for users to navigate. She explained after the system enhancements have been completed, staff will notify licensees and inform them of the benefits of using the online system.

Ms. Walker suggested a future topic for the Licensing Committee to discuss sending a postcard renewal reminder with instructions on how to renew online or through a paper form, instead of mailing the paper license renewal application to each licensee. She noted many other boards have moved to this method of renewal notifications.

Dr. Daniels asked when the implementation of enhancements to Connect is expected to be completed. Ms. Walker stated implementation is estimated for November.

### 10. Update Discussion, and Possible Action on Legislation

A. Assembly Bill (AB) 646 (Low) Department of Consumer Affairs: boards: expunged convictions.

Ms. Walker informed the Board that AB 646 has been held under submission at the Senate Appropriations Committee, but the Board may see similar legislation during the next session. AB 646 would have required boards within DCA to remove notice from the online license search that a person's license was revoked because the person was convicted of a crime within 90 days of received a certified copy of expungement order from the person or to post the expungement order notification if the person reapplies for licensure or has been relicensed.

B. AB 1662 (Gipson) Licensing boards: disqualification from licensure: criminal conviction.

Ms. Walker stated AB 1662 has also been held under submission by the Senate Appropriations Committee and the Board may see it return during the next legislation session. AB 1662 would have established a process for prospective applicants for licensure to request a pre-application determination from the Board to ascertain whether their criminal history information could be cause for denial and require this process be published on the website. The Board took a position to support this bill if amended to authorize the Board to conduct a fingerprint background check as part of the preapplication determination.

BCE Board Meeting Minutes August 18-19, 2022 Page 6 of 15

C. AB 1733 (Quirk) State bodies: open meetings.

Ms. Walker stated AB 1733 will not be moving forward this year, but staff will continue monitoring for similar bills. AB 1733 would have removed the provision from the Bagley-Keene Open Meetings Act that all teleconference locations be noticed and accessible to the public and, instead, required all meetings be held via teleconference with at least one physical location provided for the public.

Moved to E. Senate Bill (SB) 189 (Committee on Budget and Fiscal Review) State Government.

Ms. Walker noted that SB 189 included provisions to extend the current teleconference allowances due to the COVID-19 pandemic to July 1, 2023. The allowances include the removal of the requirement to notice each Board members' teleconference location. This bill was signed by Governor Newsom on June 30, 2022.

D. AB 2790 (Wicks) Reporting of crimes: mandated reporters.

Ms. Walker informed the Board that AB 2790, has been held under submission in the Senate Appropriations Committee. The bill would have required health care practitioners to provide brief counseling, education, or other support, and a warm handoff as defined, or referral to local and national domestic violence or sexual violence advocacy services.

Dr. Adams stated it is not in a chiropractor's role to provide counseling and that these situations should be reported or referred to appropriately licensed and skilled professionals. Ms. Walker stated staff will monitor next year's legislation for similar bills.

Dr. Paris requested staff consult chiropractic colleges to see if students are receiving any training on counseling and to seek their opinion.

F. SB 1237 (Newman) Licenses: military service.

Ms. Walker stated SB 1237 passed on August 11, 2022 and was submitted to Governor Newsom. SB 1237 clarifies the definition of active duty for purposes of an individual called to active duty as a member of the armed forces or national guard.

G. SB 1434 (Roth) State Board of Chiropractic Examiners.

Ms. Walker stated SB 1434 was included as part of the Sunset Review process. The bill extends the Board's oversight review date by four years, modernizes the Board's directory, strengthens consumer protection by ensuring patients are properly notified of a licensee's probationary status and can make informed decisions prior to receiving chiropractic care, and updates the Board's fee schedule.

Public Comment: None.

## 11. Discussion and Possible Action to Address Licensees Repeating Continuing Education Courses (CCR, Title 16, sections 361-366)

Ms. Van Allen introduced the topic and requested the Board discuss whether regulatory changes are needed to CE requirements to address licensees earning credit for repeating CE courses. The Board observed that petitions for reinstatement of a revoked or surrendered license and license restoration applications, which require multiple years' worth of CE, often include the same CE course repeatedly taken to meet the number of CE hours required by the application. Ms. Van Allen asked the Board to discuss and determine the frequency and period of time allowable for a CE course to be repeated for credit and how that would apply for a licensee in good standing versus a license restoration application or petition for reinstatement.

Dr. Paris asked how often this scenario is seen in a standard annual license renewal. Ms. Van Allen responded that it is seen in 25 to 30 percent of audits; however audits have not been conducted for the past couple of years due to extensions granted during the COVID-19 pandemic. Dr. Paris asked if that figure was repeated courses within a single renewal cycle or within a multi-year period. Ms. Van Allen affirmed it is the latter.

Dr. Paris asked if staff know it is a repeated course by the course approval number. Ms. Van Allen stated course approval numbers are only valid for one year, but the CE provider and course title are the same; this is confirmed when CE course applications are compared. Additionally, the Board can audit multiple years at a time which allows staff to readily compare courses taken each renewal cycle.

## Motion: Dr. Adams moved to refer the topic of repeated CE courses to the Board's Continuing Education Committee.

**Discussion:** Dr. Daniels asked if staff had data on repeated CE courses. Ms. Van Allen stated that data is not readily available as CE auditing is a manual process and audits have not been conducted for a couple of years due to the COVID-19 pandemic. Ms. Van Allen stated staff could begin tracking that metric and provide updates when audits resume.

Dr. Adams asked if the Connect system will ease the CE auditing process. Ms. Walker confirmed it would and noted the goal is for CE providers to upload records from each of their courses to Connect and the system will sync with the licensees' records.

Dr. Paris asked if staff were seeing hesitation by the licensees to upload and manually enter their CE certificates online. Ms. Walker indicated the Connect system has a low utilization rate which staff believe is partially caused by the CE portion of the license renewal process, which currently requires the licensee to upload each CE certificate

and input the data. Staff is working with OIS to remove this requirement to make the renewal process more efficient and increase the utilization rate.

Ms. Knight informed the Board that other health care boards have regulation stating a course cannot be repeated within a single renewal cycle.

Dr. Paris requested the motion be amended to have the CE Committee discuss the specific questions in the item memo.

Motion: Dr. Adams amended his motion and moved to refer this agenda item and its contents, including the questions posed by staff, to the Continuing Education Committee for discussion as part of the comprehensive revisions to the CE regulations.

Second: Mr. Sweet seconded the motion.

**Discussion:** None.

Public Comment: None.

Vote: 5-0 (Dr. Paris-AYE, Dr. Adams-AYE, Mr. Sweet-AYE, Ms. Cruz-AYE, and Dr. Daniels-AYE).

Motion: Carried.

## 12. Discussion and Possible Action on the Frequency and Scheduling of Board Meetings

The Board selected the following dates for its 2022-2023 Board and Committee meetings:

### **Public Board Meetings**

October 26-27, 2022, Teleconference (Webex)
January 20, 2023, Teleconference (Webex)
April 20-21, 2023, Hybrid (Northern California and Webex)
July 20, 2023, Teleconference (Webex)
October 19-20, 2023, Hybrid (Southern California and Webex)

### Licensing Committee Meetings

October 3, 2022, Teleconference (Webex)
December 9, 2022, Teleconference (Webex)

### Government and Public Affairs Committee Meetings

October 4, 2022, Teleconference (Webex) December 5, 2022, Teleconference (Webex) BCE Board Meeting Minutes August 18-19, 2022 Page 9 of 15

**Continuing Education Committee Meetings** 

October 6, 2022, Teleconference (Webex)

December 2, 2022, Teleconference (Webex)

**Enforcement Committee Meetings** 

October 6, 2022, Teleconference (Webex)

December 9, 2022, Teleconference (Webex)

Public Comment: None.

### 13. Public Comment for Items Not on the Agenda

Public Comment: None.

### 14. Future Agenda Items

Public Comment: None.

### 15. Petition Hearing for Reinstatement of Revoked License

Administrative Law Judge Marcie Larson presided over and Deputy Attorney General Mabel Lew appeared on behalf of the people of the State of California on the following hearing:

Thomas Michael Klassy, License No. DC 23031, Case No. AC 2009-722

### 16. Petition Hearings for Early Termination of Probation

Administrative Law Judge Marcie Larson presided over and Deputy Attorney General Mabel Lew appeared on behalf of the people of the State of California on the following hearings:

- A. Robert H. Glover Jr., D.C., License No. DC 27573, Case No. AC 2010-808
- B. Lance Michael Mahoney, D.C., License No. DC 32281, Case No. AC 2016-1064

### 17. Closed Session

The Board met in Closed Session to:

- A. Deliberate and Vote on Disciplinary Matters, including the Above Petitions, Pursuant to Government Code Section 11126, subd. (c)(3)
- B. Confer with and Receive Advice from Legal Counsel 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

BCE Board Meeting Minutes August 18-19, 2022 Page 10 of 15

Angeles County Superior Court, Case No. BC698162, Pursuant to Government Code Section 11126, subd. (e)

### 18. Adjournment

Dr. Paris adjourned the meeting at 4:15 p.m.

### (Attachment A)

# List of Approved Applications for Initial Doctor of Chiropractic Licenses Issued from April 1, 2022 to July 31, 2022

First Name	Middle Name	Last Name	License No.*	Date Issued
Joycelyn		Nguyen	4/14/2022	35129
Claire	Michelle	Kassian	4/14/2022	35130
Alan	Scott	Fecher	4/14/2022	35131
Laura	Elizabeth	Woodhead	4/14/2022	35132
Christian	Gregory	Barresi	4/14/2022	35133
Steve	Baez	Hernandez	4/14/2022	35134
Carole	Setsuko	Yoshiwara	4/14/2022	35135
Alberto	Cruz	Yanez II	5/13/2022	35136
Justin	Pierre	Maia	5/13/2022	35137
Chesica	Danielle	Jones	5/13/2022	35138
Jordan	Pitcher	Brand	5/20/2022	35139
Jennifer	Delores	Robinson	6/17/2022	35140
Woon Min		Yeo	7/14/2022	35141
Mary	Isabel	Miranda	7/29/2022	35142
Jesse	Aron	Yancosek	4/12/2022	36327
Rebecca	Khiet Hoa	La	4/12/2022	36328
Bradford		Chew	4/12/2022	36329
Tanner	Michael	Diebold	4/12/2022	36330
Emma	Genevieve	Freeze	4/12/2022	36331
Sena	Angelina	Griffith	4/12/2022	36332
Adam		Greenberg	4/12/2022	36333
Ryan		Falcis	4/12/2022	36334
Lacey		Mendez	4/12/2022	36335
Amninder		Gill	4/12/2022	36336
Jacqueline		Noborikawa	4/26/2022	36337

First Name	Middle Name	Last Name	License No.*	Date Issued
Jessica	Ann	Hambley	4/26/2022	36338
Kathryn	Anne	McCarthy	4/26/2022	36339
Stephanie	Ann	Harris	4/26/2022	36340
Frederick	Siu-Hin	Cheng	4/26/2022	36341
Machesney	Kreay	Thiel	4/26/2022	36342
Jeffrey	Scott	Keysar	4/26/2022	36343
Danildon		Andres	4/26/2022	36344
Reed		Barnard	5/5/2022	36345
Andres	Armando	Portillo	5/5/2022	36346
Stephanie	М	Wilson	5/5/2022	36347
Luke	Hyun-Wook	Choi	5/5/2022	36348
Yosef	Yitzchak	Stein	5/5/2022	36349
Kenneth		Kwong	5/10/2022	36350
Chad	Lucas	Bell	5/10/2022	36351
Joseph	Lister	Belzil	5/10/2022	36352
Fuk	Sang	Wong	5/10/2022	36353
Christina		Pekar	5/10/2022	36354
Megan	Maureen	Thoma	5/12/2022	36355
Trevor	lan	Prater	5/12/2022	36356
Anna		Schroeter	5/12/2022	36357
Kurt		Schroeter	5/12/2022	36358
Blake	Joseph	Edmonson	5/20/2022	36359
Kurt	Howard	O'Neill	5/20/2022	36360
Yvonne	Yen Kim	Hua	5/20/2022	36361
Laura	Marie	Barnum	5/20/2022	36362
Rachel	Michelle	Howley	5/20/2022	36363
Kent	Winston	Drever	5/20/2022	36364
Erik		Cabeza	5/20/2022	36365

First Name	Middle Name	Last Name	License No.*	Date Issued
Thoan		Ferguson	5/20/2022	36366
Reinhardt		Henstock	6/9/2022	36367
Andranik		Keshishyan	6/9/2022	36368
Miranda	Verlee	Given	6/9/2022	36369
Dominick		Hernandez Hernandez	6/9/2022	36370
Joel		Ryman	6/9/2022	36371
Amy	Q	Chin	6/9/2022	36372
Ashley		Studimire	6/9/2022	36373
Daniel	Roberto	Soto	6/9/2022	36374
Donovan		Smolich	6/22/2022	36375
Pilar-Sacha		Harmon	6/22/2022	36376
Gabriel		Yalda	6/22/2022	36377
Andrew	Tyler	Bown	6/22/2022	36378
Sarah		O'Hara	6/22/2022	36379
Andrea	Elena	Schwab	6/22/2022	36380
Jacob		Lilley	6/30/2022	36381
Michael		Villanueva	6/30/2022	36382
Dalvir		Atwal	6/30/2022	36383
Jenna	Rachel	Graff	6/30/2022	36384
Stefany		Monroy	6/30/2022	36385
James		Pitts	6/30/2022	36386
Daniel	Takhyun	Kim	6/30/2022	36387
Chi	Wa	Chan	6/30/2022	36388
Tanya		Dejkunchorn	7/20/2022	36389
Swati	Singh	Hans	7/20/2022	36390
Debiante	Jabria	Mincey	7/20/2022	36391
Jerome	Alexis	Cortez	7/20/2022	36392

First Name	Middle Name	Last Name	License No.*	Date Issued
Jennifer		Culanag	7/20/2022	36393
Morgan	Kathleen	Popek	7/20/2022	36394
Kulvir	Singh	Nijjar	7/21/2022	36395
Heather		Brown	7/21/2022	36396
Fritz-Ulrich		Stolle	7/21/2022	36397
Diana		Shaboyan	7/21/2022	36398
Garrett		Woo	7/21/2022	36399
Kelly		Schweitzer	7/21/2022	36400
Michael		Baba	7/21/2022	36401
Lorenzo	Javier	Lao	7/21/2022	36402
Myles		O'Donnell	7/26/2022	36403
Alexis		Griffith	7/26/2022	36404
Mariem		Brakache	7/27/2022	36405
Eleni	Anne	LaRue	7/27/2022	36406
Paul	Watchara	Chivabunditt	7/27/2022	36407
Harjot	Kaur	Grewal	7/27/2022	36408
Nicholas	Todd	Teixeira	7/27/2022	36409

<sup>\*</sup>License numbers beginning with DC 36327 were issued through the Board's new Connect system.

### (Attachment B)

### Pending Ratification to Approve New Continuing Education Providers

Provider Name	CE Oversight Contact Person	Provider Status
Douglas Gillard	Douglas Gillard	Individual
Makani Elizabeth Lew, DC, DACRB	Makani Lew, D.C.	Individual
National Chiropractic Association	John Schmidt D.C.	Corporation
Aristotle Continuing Education	Gregory Katsaros D.C.	Corporation
Accurate Medical Billing and Audit	David Martinez	Corporation
Legacy Wealth Management LLC	Justin Martin	Corporation
Functional Movement Systems, LLC	Jamie Harrill	Partnership
Jeanette Y Lomori, DC	Jeanettle Lomori, D.C.	Individual
Brian Bronk, DC	Brian Bronk, D.C.	Individual
Forward Thinking Chiropractic Alliance	Kerri Domingo	Corporation
Michael D Allen	Michael D Allen	Corporation
Carl Alexander	Carl Alexander	Individual
Jennifer Santos	Jennifer Santos	Individual
Scott Beavers D.C.	Scott Beavers, D.C.	Individual
United States Olympic and Paralympic Committee	Jenna Street	Health Facility
SP of South Coastal CA	Melissa Bellis	Corporation