



## **BOARD OF CHIROPRACTIC EXAMINERS MEETING MINUTES**

**October 19–20, 2023**

The Board of Chiropractic Examiners (Board) met in person on October 19–20, 2023, at the following location:

Southern California University of Health Sciences  
Legacy Hall  
16200 Amber Valley Drive  
Whittier, CA 90304

### **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.

### **Board Members Absent**

Claudia Sandino, D.C. (Excused)

### **Staff Present**

Kristin Walker, Executive Officer  
Tammi Pitto, Assistant Executive Officer  
Dixie Van Allen, Licensing & Administration Manager  
Amanda Ah Po, Enforcement Analyst  
Anthony Pane, Assistant Chief Counsel, Department of Consumer Affairs (DCA)

### **Thursday, October 19, 2023**

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

Dr. Paris called the meeting to order at 9:00 a.m. Mr. Sweet called the roll. Dr. Sandino was excused from the meeting. All other members were present, and a quorum was established.

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

**Public Comment:** None.

#### **3. Board Chair's Report**

Dr. Paris thanked the Southern California University of Health Sciences (SCUHS) for hosting the Board and welcomed Dr. Sandino to the Board. He recognized and

expressed his appreciation for the tremendous amount of meetings and work by the Board members and staff in 2023. He also acknowledged the Board's efforts in engaging with stakeholders and participating in outreach opportunities.

Dr. Adams concurred and acknowledged the work of Board members and staff.

**Public Comment:** None.

**4. Update on the September 22–23, 2023 Federation of Chiropractic Licensing Boards (FCLB) Districts III & V Meeting by the Board Chair and Vice Chair**

Dr. Adams updated the Board on the September 22–23, 2023 FCLB Districts III and V meeting that he attended with Dr. Paris in Boston, Massachusetts. He shared that it was an enlightening experience with great presentations and discussions with other state chiropractic boards. He highlighted the discussions on the development of specific standards for chiropractic specialty boards that are being led by FCLB President Karen Campion, D.C. and a robust presentation by Craig Little, Ed.D., President and CEO of the Council on Chiropractic Education (CCE), on changes in chiropractic education following the pandemic. He also noted one takeaway from the meeting is that the Board is a well-run organization with clearly defined processes for meetings, investigations, and disciplinary proceedings.

Dr. Paris concurred with Dr. Adams' comments, and noted the Board's ongoing commitment to continuous improvement and efficiency has made the organization very effective. Mr. Sweet thanked Drs. Adams and Paris for representing the Board at the meeting.

Ms. Cruz noted the FCLB meeting agenda included a discussion on social media and asked Dr. Adams if there was anything to share on that topic. Dr. Adams explained there was a discussion about the role of state chiropractic boards in regulating and enforcing social media content while considering the issues of free speech, expression, and different points of view. He added that it is a topic that needs to be addressed at the state or national level, particularly the importance of disclosures when the content is for entertainment purposes.

**Public Comment:** None.

**5. Department of Consumer Affairs (DCA) Update Which May Include Updates on DCA's Administrative Services, Human Resources, Enforcement, Information Technology, Communications and Outreach, and Legislative, Regulatory, or Policy Matters**

Yvonne Dorantes, Assistant Deputy Director of DCA's Office of Board and Bureau Relations, updated the Board on DCA's diversity, equity, and inclusion (DEI) efforts, including the September 29, 2023 DEI Steering Committee meeting where the committee discussed employee engagement, cultural events and observances,

membership composition, DEI training and hiring principles, and the development of a DEI webpage for DCA employees. She also shared that a consultant, Dr. Bernard Gibson, provided an in-person DEI training to over 150 DCA managers and supervisors on October 4, 2023, and a virtual training to board members on October 9, 2023. She noted the training was recorded and will be available through DCA's learning management system (LMS) for those who were unable to attend the live sessions. She shared that another consultant, Christopher Veal, will provide a training on DEI dialogue for leaders to DCA managers, supervisors, and leaders on November 7, 2023, including discussions of example language, psychological safety, the impact of these conversations, and challenges leaders are facing. She also highlighted the Board of Barbering and Cosmetology's (BBC) collaboration with the Los Angeles County Probation Department to launch the first youth and county level barbering program and BBC's collaboration with the Department of Corrections and Rehabilitation (CDCR) to relaunch its testing program within state correctional facilities to include barbering.

She shared DCA's request for all boards and bureaus to establish a standard for translating press releases into Spanish and to evaluate the needs of its audience to determine if any other languages should also be added. She updated the Board on Senate Bill (SB) 143 (Committee on Budget and Fiscal Review, Chapter 196, Statutes of 2023), which was signed by Governor Newsom and became effective immediately on September 13, 2023, and includes language that allows for remote public meetings without noticed physical locations through December 31, 2023. She also explained SB 544 (Laird, Chapter 216, Statutes of 2023) was signed by Governor Newsom and commencing January 1, 2024, there will be four meeting options under the Bagley-Keene Open Meeting Act: 1) a traditional in-person meeting with a majority of members gathered at one publicly noticed and accessible location; 2) a traditional teleconference meeting with members at different publicly noticed and accessible locations connected via phone or Webex; 3) a new teleconference meeting option with the majority of members gathered at one publicly noticed and accessible location that allows extra members above a majority to participate remotely from a private, non-public site with remote public participation; and 4) a new teleconference option for advisory bodies where all members can participate remotely from private, non-public sites if there is at least one publicly noticed and accessible location with at least one staff member present where the public can participate in the meeting along with remote public participation.

Ms. Dorantes reminded the Board members the mandatory sexual harassment prevention training and the information security awareness training for members with DCA email addresses are due by December 31, 2023. Dr. Adams asked if Board members should have a DCA email address. Ms. Dorantes replied Board members can have DCA email addresses to assist with their workload management. She stated her office will be notifying Board members and leadership when the dates for the 2024 board member orientation training (BMOT) sessions have been identified, and newly appointed or reappointed members can register for the training through LMS.

She explained on September 13, 2023, Governor Newsom signed SB 447 (Atkins, Chapter 199, Statutes of 2023), which ends California's restrictions on state-funded travel to states that have adopted discriminatory laws and created a new public awareness project that will consult with community leaders to promote California's values of acceptance and inclusion of the LGBTQ+ community across the country. She noted that this law permits out-of-state travel to all states if the trip is critical to the functions and needs of the Board.

Ms. Dorantes also highlighted the launch of the annual Our Promise campaign, which gives state employees, including Board members, an opportunity to support nonprofits through a one-time donation or a payroll deduction. She noted these contributions make a positive impact by providing vital resources to those experiencing poverty, homelessness, and food insecurity, as well as offering support to causes such as veterans, animals, and the environment.

She also shared that Lourdes M. Castro Ramírez, Secretary of the Business, Consumer Services and Housing Agency (BCSH), has been appointed to serve as the Chief of Housing and Homelessness in the Office of Los Angeles Mayor Karen Bass, and her last day at BSCH will be November 2, 2023. She stated Secretary Castro Ramírez has been a great partner to DCA, and the Department is very grateful for her leadership.

**Public Comment:** Tim, a student and member of the SCUHS Associated Study Body (ASB), stated that SCUHS will be holding a DEI workshop and it is good to see that those same values align with the Board.

Ms. Cruz shared that it is wonderful to see SCUHS supporting DEI as students progress through their studies and establish their practices with the diverse population they will serve in California.

## **6. Review and Possible Approval of July 20, 2023 Board Meeting Minutes**

This agenda item was tabled for a future meeting.

**Public Comment:** None.

## **7. Review and Possible Ratification of Approved Doctor of Chiropractic License Applications**

**Motion:** Dr. Adams moved to ratify the approved doctor of chiropractic license applications.

**Second:** Mr. Sweet seconded the motion.

**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. Review and Possible Ratification of Approved Continuing Education Provider Applications**

**Motion: Dr. Daniels moved to ratify the continuing education provider applications.**

**Second: Ms. Cruz seconded the motion.**

**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
- B. Business Modernization Project and Implementation of Connect System
- C. Board's Budget and Fund Condition
- D. Status of Board's Pending Regulatory Proposals
- E. Board's 2022–2026 Strategic Plan Objectives
- F. Status of New Issues and Recommendations from the Board's 2022 Sunset Review

Ms. Walker stated former Enforcement Manager William Walker III accepted a promotional position with the Commission on Teacher Credentialing and his last day was October 6, 2023. She explained that the duty statement for his position was updated to reflect the Board's strategic goals on organizational development and recruitment efforts are underway to refill that position along with vacant Associate Governmental Program Analyst (AGPA) and Special Investigator positions in the Enforcement Unit. She also noted the current focus is on training Enforcement Analysts to conduct desk investigations with interviews to increase the efficiency of the Enforcement Program and reduce case aging.

She updated the Board on the implementation of the Connect project and explained the transition of DCA leadership on the project and vendor delays in upgrading the Board to the latest version of the software. She described the strategy for developing the internal continuing education (CE) course approval workflow for staff first followed by replacing the current CE course list on the Board's website with a searchable course locator tool and implementing the dashboard for use by CE providers.

Dr. Daniels noted she recently used the Connect system to renew her license and inquired about the functionality to upload CE certificates. Ms. Walker explained that the system initially required licensees to upload their certificates while completing the renewal application which contributed to a low adoption rate of online renewals so that requirement was removed from the renewal process and instead, a separate CE section was placed on the licensee dashboard, so licensees have the option to upload their CE certificates and store them in the system.

Dr. Daniels also asked if there is a direct line for licensees to call with questions or problems with the Connect system. Ms. Walker replied that staff created specific group email addresses for each of the Board's units, including help with the Connect system, and plans to list the direct lines for each of the units on the Board's website.

Dr. Daniels asked Ms. Walker about current trends with enforcement issues. Ms. Walker indicated staff is seeing an increase in complaints of general unprofessional conduct and lack of communication with patients. She noted staff is focusing on closing less egregious cases by issuing citations and letters of admonishment and she is observing findings of excessive treatment and documentation issues in those cases. Dr. Daniels asked if staff is planning to communicate the trends and themes of enforcement issues through the Board's website to educate licensees. Ms. Walker responded affirmatively.

Ms. Cruz asked about the timeline and communication plan for increasing licensee awareness of the Connect system for renewals and other transactions. Ms. Walker replied that the vendor is correcting the display of license information on the user dashboard, and after completion in early 2024, staff plans to begin broadly advertising the system to licensees through a flyer in the renewal packages and additional information on the Board's website and social media. She explained after system utilization has significantly increased, the Board could explore solutions that other DCA boards have implemented such as replacing the expensive printed renewal packages with a postcard renewal reminder directing the licensee to either access the Connect system or print a renewal application form from the Board's website.

Ms. Walker indicated that with the increased health of the Board's fund and cost savings from current vacancies, the Board is finally able to invest in upgraded IT equipment for staff to increase their effectiveness and support ongoing efforts to reduce the use of paper in the office. She also stated staff is preparing a new recruitment for additional experts for the Enforcement Program and following an initial screening process, the applicants will be vetted and interviewed by the Enforcement Committee before being added to the Board's pool of experts.

Dr. Paris commented that the transition to paperless processes saves significant time, and asked if there are broad areas where the Board could identify subject matter experts depending on the details of the enforcement case. Ms. Walker explained that the application process allows staff to gain a better understanding of the expert's background, techniques, and areas of practice and specialization so they can better



match experts to pending enforcement cases. Dr. Paris suggested developing areas of focus, such as billing and coding and professional boundaries, to better target experts with advanced certifications in those areas. Ms. Walker agreed and explained that staff experiences challenges in cases when expert opinions are based on their best practices or personal expectations that often exceed the accepted standard of care in the chiropractic profession. She also noted that staff wants to conduct additional training for experts who review sexual misconduct cases and clarify their role in the process and expectations for their reports.

Dr. Adams noted many of the other states at the FCLB meeting have their board members serve as the experts in their cases but the Board cannot due to its role as the final adjudicator of the cases. Ms. Walker concurred.

Ms. Walker highlighted the Board's program workload statistics and acknowledged the efforts of the Licensing and Continuing Education Unit to ensure the timely processing of all application types. She noted staff continues to see an increase in new satellite applications following the pandemic as licensees expand their practice locations. She also shared a future goal to find a more effective way to ensure licensees who establish chiropractic corporations with the Secretary of State's office also obtain and annually renew the required certificate of registration with the Board.

Dr. Adams commented the increase in satellite locations could also be due to efforts by qualified medical examiners (QMEs) to expand their geographical area through multiple satellite offices so they can be selected for panels. Ms. Walker replied that staff has observed an increase in third-party companies submitting satellite applications on behalf of licensees to create a network of locations for those examinations. She proposed a discussion of that issue as a potential future agenda item.

Ms. Walker explained staff is focusing on addressing the 535 pending complaints in the Enforcement Program with a goal of reducing that number below 500 by the end of 2023 and below 400 by the end of the fiscal year. She also mentioned that staff expects to issue a higher number of citations and letters of admonishment compared to prior fiscal years as those cases are closed.

Mr. Sweet asked about the average age and processing time for pending complaints. Ms. Walker replied that the current average is between one year and 18 months, and staff is implementing program improvements to be able to reach a goal of 120 days within a few years. Mr. Sweet asked if 120 days is a realistic goal. Ms. Walker explained that it is attainable for active investigations performed by Board staff while excluding case management activities, such as tracking pending arrest and conviction cases, with timeframes that are outside of the Board's control.

Ms. Walker summarized the status of the Board's pending regulations. She explained the Board and its committees have been effective in developing concepts and moving regulatory text forward for final approval, and staff is experiencing challenges in completing those pending regulatory packages so they can be filed with the Office of

Administrative Law (OAL) and released for public comment due to a lack of analytical staff with experience in policy and regulatory work. She noted she is collaborating with the Board's regulatory counsel to ensure the Board can complete those regulations in 2024.

Dr. Adams noted FCLB offers a chiropractic assistant certification program and suggested incorporating it into the Enforcement Committee's discussion of the pending regulatory proposal to update the supervision requirements for unlicensed staff. Ms. Walker agreed.

Ms. Walker also noted the meeting materials contain a progress report on the Board's 2022–2026 Strategic Plan objectives and the new issues from the Board's 2022 Sunset Review. Dr. Paris asked about the timeframe for DCA's SOLID Planning Solutions (SOLID) to hold a supplemental planning session to potentially update the Board's strategic plan based on the Governor's Executive Order N-16-22. Ms. Walker explained that SOLID conducted a stakeholder survey in fall 2023 and will be delivering a report based on the feedback received through that survey and facilitating an additional planning session with the Board in 2024.

Dr. Daniels asked for additional information about the new training requirements for staff on the regulatory process. Ms. Walker explained that all staff at or above the AGPA level will be required to complete regulations training through DCA as well as the comprehensive rulemaking training offered by OAL. Dr. Daniels asked if any of those trainings would be pertinent to the Board members' role in developing regulations. Ms. Walker offered to provide the Board with an informational overview of the regulatory process at a future meeting.

Dr. Daniels inquired about New Issue #10 from the Board's 2022 sunset review regarding misinformation. Ms. Walker replied that staff is no longer receiving complaints on that issue, but instead, is observing an increase in complaints related to the use of filming and posting patient encounters on social media platforms for entertainment purposes.

Dr. Daniels also noted the Board spends a significant amount of its budget on enforcement activities and emphasized the need for the Board to take a more proactive approach by engaging with the professional associations and chiropractic colleges to educate licensees about common issues. Ms. Walker concurred. Dr. Paris added that the Board has done a good job of engaging with stakeholders in recent years through participation in outreach and CE opportunities. Dr. Daniels stated the Board also needs to reach licensees who are not actively engaged in those types of events with similar messaging. Ms. Walker replied that the Board will be able to send information directly to each licensee after the Board completes the regulation that mandates the collection of licensee email addresses.

Ms. Cruz suggested adding forecasted completion dates to the 2022–2026 Strategic Plan objective tracking tool. Ms. Walker concurred. Dr. Paris noted that report indicates



staff reestablished quarterly meetings with the Board's assigned budget analyst and inquired about the outcomes of those discussions. Ms. Walker explained the meetings have been helpful in ensuring the Board is regularly communicating and engaging with DCA's Budget Office, tracking monthly expenses, estimating and planning for future needs, and establishing a repayment plan for the outstanding loan from the Bureau of Automotive Repair.

Dr. Adams asked if the new CE fees have eliminated the need for subsidizing that program through the annual doctor of chiropractic license renewal fees. Ms. Walker explained that many CE providers submitted their applications for 2023 prior to the fee increase so that data will likely not be available until early 2024 when those courses expire. Dr. Adams commented on the fact that the fee increase became effective very quickly whereas the Board's other proposals, such as the CE regulations, are taking a very long time. Ms. Walker explained the distinction is the fact that the fee increase went through legislation and automatically became effective at the beginning of the year while the rest of the Board's proposals must go through the regulatory process and meet the stringent requirements of OAL. She noted the structure of the Chiropractic Initiative Act and its limitations on the power of the Legislature to regulate the Board prevent the Board from being able to seek legislative solutions to implement its various proposals. Dr. Adams asked about the cause of delays with the regulatory packages. Ms. Walker attributed the delays to the lack of analytical staff with the expertise to complete the necessary documentation for those packages.

Dr. Daniels inquired about the Board's potential liability and financial exposure if an error is made when processing requests for confidential name and gender changes under SB 372 (Menjivar, Chapter 225, Statutes of 2023). Dr. Adams noted similar concerns. Mr. Pane stated he is not aware of any increased liability for the Board because of this bill but offered to get back to them on their question.

Ms. Cruz acknowledged the incredible progress the Board has made over the past year and suggested committing additional time to address Strategic Plan Objective 1.2 to establish a robust, effective Licensing Committee. Ms. Walker thanked Ms. Cruz for her suggestion, acknowledged Dr. Daniels' excellent work as the committee chair, and agreed to direct more time to address that objective.

**Public Comment:** None.

**10. Update and Discussion on Implementation of 2023 Legislation Affecting the Board:**

- A. Assembly Bill (AB) 883 (Mathis) Business licenses: United States Department of Defense SkillBridge program.
- B. AB 1707 (Pacheco, Chapter 258, Statutes of 2023) Health professionals and facilities: adverse actions based on another state's law.
- C. Senate Bill (SB) 143 (Committee on Budget and Fiscal Review, Chapter 196, Statutes of 2023) State government.

- D. SB 372 (Menjivar, Chapter 225, Statutes of 2023) Department of Consumer Affairs: licensee and registrant records: name and gender changes.
- E. SB 447 (Atkins, Chapter 199, Statutes of 2023) GO-Biz.
- F. SB 544 (Laird, Chapter 216, Statutes of 2023) Bagley-Keene Open Meeting Act: teleconferencing.

Ms. Walker summarized the above bills and explained that staff is developing regulatory text to implement AB 883 (Mathis, Chapter 348, Statutes of 2023) and update the Board's doctor of chiropractic license application to inquire if applicants are enrolled in the United States Department of Defense SkillBridge program. She noted the proposal does not require a policy discussion, so staff intends to bring that text directly to the Board for review and approval at a future meeting in 2024. She noted staff will ensure the provisions of AB 1707 (Pacheco, Chapter 258, Statutes of 2023) are referenced in the updates to the Board's *Disciplinary Guidelines*.

She commented that SB 143 (Committee on Budget and Fiscal Review, Chapter 196, Statutes of 2023) allows the Board to conduct meetings remotely without public locations through December 31, 2023, and implements the federal law on license portability for military service members and their spouses. She explained how DCA is developing and implementing a portal for service members and spouses to register with the boards and bureaus and a public-facing registration search tool.

Ms. Walker added that DCA is also providing guidance and technical assistance to the boards and bureaus on the department-wide implementation of SB 372 (Menjivar, Chapter 225, Statutes of 2023). She shared that DCA is developing a process for licensees to electronically file their requests directly with the boards and bureaus and for staff to be able to process those requests and automatically remove applicable information from the DCA Search public license information system. She also assured the Board that staff will be carefully handling those requests and management will verify and ensure all legal requirements have been met.

She noted SB 447 (Atkins, Chapter 199, Statutes of 2023) repealed the out-of-state travel ban and provides the Board with the opportunity for increased participation in events such as the annual FCLB conferences and district meetings.

Ms. Walker also highlighted the provisions of SB 544 (Laird, Chapter 216, Statutes of 2023) and shared her recommendation for the Board to continue holding quarterly meetings under the traditional in-person and teleconference requirements of the Bagley-Keene Open Meeting Act in 2024 while staff observes the potential implementation of the new remote participation model by other DCA boards. She noted the challenge with that provision is the fact that it requires a majority of Board members to be gathered at one physical location while providing the ability for additional members above the majority and the public to participate remotely, and if that remote connection is lost, the meeting cannot proceed and must adjourn despite the fact that a quorum of the Board is already present in one location.

Dr. Paris asked for clarification regarding the requirement for a majority of members at one physical location. Mr. Pane explained there must be a majority at one location, and if the Board also has extra members above a majority at other undisclosed locations participating on camera, the meeting must end if that remote access is lost, even though there is still a majority or quorum at the primary physical location. He stated the traditional teleconference meeting model provides the Board with more flexibility by allowing members to participate from multiple disclosed locations.

**Public Comment:** None.

## **11. Licensing Committee Report**

- Committee Chair's Update on August 25, 2023 Meeting

Dr. Daniels updated the Board on the August 25, 2023 Licensing Committee meeting and shared that the Committee continued its discussion on the regulatory proposal to update the requirements for filing places of practice with the Board and notifying patients that doctors of chiropractic are licensed and regulated by the Board. She explained the Committee provided feedback to staff on the definition of a place of practice and discussed protecting the public at temporary events or during mobile care through requirements for disclosure of licensure information, as well as the potential for creating a facility permit to replace the use of satellite certificates.

She also commented on the Committee's discussion and concerns about the lack of regulations to clarify the activities that require an active license with annual CE, such as performing an examination or providing an interpretation. She stated the Committee's intent is to develop regulatory language that clearly defines the activities that require an active license.

Dr. Daniels shared that the Committee also engaged in an initial conversation on the topic of telehealth and reviewed regulations in other states and by other DCA healing arts boards. She added the Committee is considering a potential regulatory proposal to define the minimum standards for the delivery of chiropractic via telehealth.

She noted the Committee is continuing to work on the chiropractic college curriculum regulations and she has met with many members of the academic community to collaborate on less prescriptive regulatory language that is consistent with contemporary practice and public protection.

Mr. Sweet commented that telehealth is an important issue and expressed his appreciation for the Committee's discussion of that topic. Dr. Adams asked if the members of the academic community had any suggestions or feedback on the Board's curriculum requirements. Dr. Daniels explained how the Committee intends to distribute a document to them outlining the Chiropractic Initiative Act and the current regulations to seek their direct written feedback and recommended solutions. She cited some examples they provided during their conversations, such as the in-person attendance

requirements, limitations on the number of hours per week in a program, and mandatory in-person interviews for program applicants.

Dr. Paris shared his support for the Committee's consideration of potential solutions to the filing of multiple facilities or practice sites with the Board and suggested including post-treatment considerations in the development of the requirements for mobile practices and temporary events. He also suggested requiring an active license to render a prognosis. Dr. Daniels replied that the Committee is including prognoses in the activities that require active licensure. Dr. Paris also asked if there was a specific telehealth model that aligned with the Committee's ideas for a Board proposal. Dr. Daniels explained that the Committee was supportive of developing a model similar to the one being implemented by the California Acupuncture Board. Ms. Walker concurred. Dr. Paris thanked Dr. Daniels for her efforts to build relationships with the Board's stakeholders through her discussions.

**Public Comment:** None.

## **12. Government and Public Affairs Committee Report**

- A. Committee Chair's Update on September 18, 2023 Meeting
- B. Review, Discussion, and Possible Action on Committee's Recommendation Regarding Pending Regulatory Proposal to Delegate Certain Functions to the Executive Officer and Make Conforming Changes to the Processes for Appealing Citations and Collecting Assessed Fines from Licensees (amend California Code of Regulations, Title 16, sections 306, 390.4, and 390.5)

Ms. Cruz updated the Board on the September 18, 2023 Government and Public Affairs Committee meeting and noted that many of the Committee's key discussions around the budget, technology upgrades, and legislation were previously covered during the Executive Officer's report. She explained the Committee is working with staff to develop enhanced budget reports, improve the content and functionality of the Board's website based on user data and metrics, release new Board member resources and training materials, and update the onboarding process. She also recommended that the topic of DCA email addresses for Board members be brought to a future Committee meeting for discussion. Ms. Walker agreed.

Ms. Walker summarized the aspects of the pending regulatory proposal to delegate additional functions to the Executive Officer that are procedural in nature to expedite the disciplinary process. She explained the concept originated from the Consumer Protection Enforcement Initiative (CPEI) based on findings that DCA boards were taking too long to impose discipline and there were certain aspects of the process that could be improved by delegating additional authority to the Executive Officer. She added the Board's regulatory concept eventually evolved to provide additional recognition and responsibilities to the Assistant Executive Officer which led to the Board's December 11, 2020 approval of the prior regulatory text.

She explained as staff was preparing the regulatory package and justification based on the December 11, 2020 language, many questions were raised regarding the necessity of certain portions of that language and staff also identified opportunities to further increase the Board's effectiveness through the delegation of additional functions. She outlined the following staff recommendations for this proposal:

1. Further increase efficiency by also delegating authority to the Executive Officer to order physical and mental examinations of licensees pursuant to BPC section 820 and issue default decisions when licensees fail to file a notice of defense.
2. Remove the language for further delegation to the Assistant Executive Officer because it is no longer necessary now that the Executive Officer signs all accusations and other disciplinary documents electronically. Also remove the proposed language to replace the Executive Officer's "designee" with the Assistant Executive Officer because limiting the Executive Officer's discretion to select an appropriate designee will likely increase case aging because the Enforcement Manager could no longer assume any of these functions.
3. Delete the previously proposed subdivision (b) in CCR, title 16, section 306 because these responsibilities are already outlined on the duty statements for the Executive Officer and Assistant Executive Officer positions and are not needed in this regulation.
4. Remove CCR, title 16, sections 389, 390, and 390.3 from this proposal because no changes are necessary to these sections.
5. Separate the existing proposal into two separate proposals – one proposal to amend CCR, title 16, section 306 and a second proposal to make conforming changes to CCR, title 16, sections 390.4 and 390.5.

Ms. Walker asked the Board to consider the Committee's recommendation to withdraw the previously approved regulatory text, and instead, proceed with the updated regulatory proposals found in Attachments 3 and 4 of the meeting materials.

Dr. Adams asked for clarification of the actions that would not require the Board's involvement or approval. Ms. Walker explained the regulatory proposal adds authority for the Executive Officer to order physical or mental examinations, issue default decisions, and approve settlement agreements for the revocation, surrender, or interim suspension of a license. Dr. Daniels requested additional information regarding the vetting of disciplinary cases by the Attorney General's office and shared her concerns that the language would allow the Executive Officer to sign a revocation or surrender without the Board's knowledge. Ms. Walker explained the Board will be notified of all disciplinary actions adopted under this additional authority; however, the Board would not need to go through the mail vote process to adopt the stipulations. She also explained how the Attorney General's office reviews enforcement cases before preparing an order to compel an examination or an accusation against a licensee. She

added that the authority in the regulatory text would only apply when a licensee either fails to file a notice of defense or agrees to the revocation, surrender, or interim suspension of their license.

Dr. Adams asked if the Board would still be able to hold these cases for discussion. Ms. Walker replied that the Board would not be able to hold stipulations for the revocation or surrender of a license if the Executive Officer proceeds with the delegated authority under this regulation. Dr. Adams expressed potential concerns with granting that much power to an executive position. Ms. Walker explained that one of the reasons for removing the delegated authority from the Assistant Executive Officer position was that while the Executive Officer serves at the pleasure of the Board and can be removed from the position for inappropriate conduct, there is no similar mechanism of accountability for the Assistant Executive Officer because it is a civil service position with additional job protections. She also noted the language to grant authority for the adoption of stipulated revocations and surrenders had been included in this CPEI proposal since it was originally developed in 2016 but can be removed if the Board has concerns. Mr. Sweet inquired about the notifications to Board members when actions are taken under this delegated authority. Ms. Walker replied that Board members would be notified and provided with copies of the accusation and decision, just as they currently receive through the mail vote process. She also explained that the Executive Officer does not always need to use that authority and could still send contentious cases to the Board for a final vote. She cited examples where this additional authority would be helpful in expediting disciplinary decisions, such as cases that statutorily mandate a minimum revocation or surrender period of at least 10 years upon a second insurance fraud conviction.

Ms. Walker added that it is rare for the Board to hold a stipulation for the revocation or surrender of a license and shared that the Board typically holds and deliberates on probationary terms within stipulated settlements or to review a proposed decision for potential non-adoption. Dr. Adams concurred and noted that the Board typically holds cases when the disciplinary penalty needs to be increased. Ms. Walker reiterated the extensive vetting process of cases through the Attorney General's office. Ms. Cruz mentioned the Board's prior discussion on hard and soft admissions in stipulations for revocations or surrenders. Ms. Walker explained the public protection outcome is the same for both types of admissions, and she has never observed a case where a respondent who was represented by legal counsel agreed to sign a stipulation with hard admissions.

Dr. Daniels asked Ms. Walker to explain the orders for cost recovery in the stipulations for the revocation or surrender of a license. Ms. Walker explained that these stipulations typically only have two points of contention – admissions and cost recovery. She added that she includes full cost recovery when negotiating these stipulations, but the costs are not due until the reinstatement of the license.



Mr. Sweet shared the fact that these are stipulations between both sides makes him more comfortable with the proposal and the Executive Officer shares the Board's motivation to get the best cost recovery for the Board. Dr. Paris thanked Ms. Walker for clarifying the proposal.

**Motion: Mr. Sweet moved to rescind the Board's October 2020 order to initiate a rulemaking for this proposal, relating to California Code of Regulations, title 16, sections 306, 390.4, and 390.5, and approve the newly proposed regulatory text for sections 306, 390.4, and 390.5 presented at this meeting. The Board authorizes initiation and possible adoption of new text as follows:**

**Approve the proposed regulatory text for Sections 306, 390.4, and 390.5, Division 4 of Title 16 of the California Code of Regulations, direct staff to submit the text to the Director of the Department 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 initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Sections 306, 390.4, and 390.5, Division 4 of Title 16 of the California Code of Regulations as noticed.**

**Second: Dr. Daniels seconded the motion.**

**Discussion:** Mr. Sweet asked if any of the other DCA healing arts boards have adopted similar language. Ms. Walker replied that many of the DCA boards already have these regulations and the language staff developed was modeled after the Dental Board of California.

**Public Comment:** None.

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

**Motion: Carried.**

### **13. Enforcement Committee Report**

- Committee Chair's Update on Expert Recruitment and Pending Regulatory Proposals Being Considered and Developed by the Committee, Including Consumer Protection Enforcement Initiative (CPEI), Disciplinary Guidelines, and Uniform Standards for Substance Abusing Licensees

Dr. Adams noted that Ms. Walker already provided an update on the pending regulatory proposals being developed by the Enforcement Committee during the Executive Officer

report. He also shared that the next Committee meeting has been scheduled for November 30, 2023, and he will be presenting the topic of ethics to licensees at an outreach event on November 2, 2023, consistent with the Board's strategic goal of increasing direct engagement with stakeholders.

Dr. Daniels asked for clarification on the planned updates to the minimum retention period for chiropractic patient records in the record keeping regulatory proposal. Ms. Walker indicated that the intent is to align the retention requirements for files involving a minor patient with the minimum federal requirement and address the retention of files following the closure of a practice.

**Public Comment:** None.

#### **14. Continuing Education (CE) Committee Report**

- Committee Chair's Update on Pending Regulatory Proposals Being Considered and Developed by the Committee, Including Basic Life Support Certificate, CE Hardship Exemption, and Appeals Process for Denied CE Courses

Dr. Paris updated the Board on the Continuing Education Committee's plans to continue its discussion and development of a regulatory proposal to mandate basic life support (BLS) certification as a condition of licensure in active status. He noted staff is gathering information regarding potential accommodations for licensees with temporary or permanent disabilities and updating the text to allow for modern course delivery methods such as self-paced learning followed by a hands-on skill session with either a BLS instructor or a simulation station.

He also shared that staff is preparing information regarding additional hardships that could potentially qualify for an exemption or extension to the annual CE requirements for the Committee's consideration. He indicated the intent of the proposal is to provide the Board with the necessary flexibility to appropriately address these hardships on a case-by-case basis. Dr. Paris also noted that staff is preparing potential options for the appeal process for denied CE course and provider applications for discussion by the Committee.

Dr. Daniels commented that the subject of physicians with disabilities is well-researched with information and guidelines available. She also shared potential ideas to accommodate licensees who are unable to perform cardiopulmonary resuscitation (CPR), such as posting a notice at the practice or having another staff member available who can perform CPR.

**Public Comment:** None.

**15. Review, Discussion, and Possible Action Regarding Submission of Comments on Final Draft of Revised Council on Chiropractic Education (CCE) Accreditation Standards and CCE Residency Program Accreditation Standards**

Ms. Walker presented the final draft of the revised CCE accreditation standards to the Board. She noted that any potential gaps between the CCE standards and the Board's expectations for doctor of chiropractic programs can be addressed through the regulations being developed by the Licensing Committee. She highlighted a few revisions to the CCE standards, including the addition of "or equivalent" to the minimum of 4,200 instructional hours, the replacement of "areas of concern" with "deficiencies" for clarity, the expectation that faculty is engaged in research and scholarship, a new section for academic support for students, and a requirement of at least 1,000 instructional hours in a patient care setting.

She added CCE's expected approval of these revised standards at the January 2024 meeting, along with the Board's development of the updated occupational analysis of the chiropractic profession, are driving the timeline for the Board's chiropractic college regulations.

Dr. Adams commented that 1,000 hours of clinical education is about one-fourth of the chiropractic program and CCE is moving toward a modern, competency-based education that could potentially reduce student debt for chiropractic graduates.

Dr. Daniels questioned CCE's general shift away from requiring education in basic sciences as a prerequisite for a chiropractic program. She noted mental health, psychology, embryology, and dermatology are not required by the CCE standards. She also suggested the Board inquire if the 1,000 hours in a patient clinical care setting is observation only or hands-on training. Dr. Paris expressed his appreciation of CCE's attempts to raise the admission standards because the improved quality of students entering chiropractic colleges could lead to greater public protection. He also noted Dr. Daniels made some important points and suggested the Board submit them to CCE during the public comment period.

Dr. Daniels shared that studies have shown that a grade point average (GPA) for prerequisite education does not predict a student's future success in a chiropractic program or in their performance as a clinician, so there is a potential issue with allowing a student with a GPA of 3.0 or above to enter the program without any education in basic sciences. She added that completion of a bachelor's degree also does not make a student a better doctor; instead, it just demonstrates that the student can withstand the academic rigor and finish the degree program. She also described the unique needs of California's diverse patient population compared to some other states.

Dr. Paris suggested inviting Dr. Little to a future meeting to discuss the changes to the CCE accreditation standards with the Board and answer questions.

Dr. Daniels added that in her discussions with stakeholders from the chiropractic colleges, she learned the California curriculum requirements are not a problem, and the stakeholders primarily want the Board to address the other prescriptive requirements in the regulations such as attendance to allow them greater flexibility in course delivery and competency-based assessments.

**Motion: Dr. Paris moved to incorporate the discussion into comments and feedback on behalf of the Board to CCE.**

**Second: Dr. Adams seconded the motion.**

**Public Comment:** None.

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

**Motion: Carried.**

#### **16. Nominations of Candidates for 2024 Board Officer Positions**

- A. Chair
- B. Vice Chair
- C. Secretary

Mr. Pane presided over the nomination of candidates for 2024 Board officer positions and explained the election of officers will take place at the January 2024 Board meeting. Dr. Adams nominated Dr. Paris for the position of Chair in 2024. Dr. Paris accepted the nomination. No additional nominations were made.

Dr. Adams expressed his interest in continuing as Vice Chair in 2024 and nominated himself for the position. No additional nominations were made.

Dr. Daniels nominated Ms. Cruz for the position of Secretary in 2024. Ms. Cruz accepted the nomination. No additional nominations were made.

**Public Comment:** None.

#### **17. Schedule 2024 Quarterly Board Meetings**

The Board scheduled the following meetings for 2024:

- Friday, January 12, 2024 – Teleconference/Webex
- Thursday, April 18, 2024 and Friday, April 19, 2024 – Northern California (San Jose)
- Friday, July 19, 2024 – Teleconference/Webex
- Thursday, October 24, 2024 and Friday, October 25, 2024 – Southern California (Burbank or San Diego)

**Public Comment:** None.

## **18. Future Agenda Items**

Ms. Cruz proposed the following future agenda items: a discussion regarding social media guidance; a presentation on the legislative and regulatory processes, including timelines and the limitations and impacts of the Chiropractic Initiative Act on those processes; and a discussion of the action items related to Strategic Plan Objective 1.2.

Dr. Adams requested a discussion on the Board's recognition of postgraduate specialties within the chiropractic profession.

**Public Comment:** Christopher Greene, D.C. suggested that the Board consider developing social media guidelines that: 1) clearly identify licensees' responsibility to conform to professionalism, ethics, and scientific accuracy when communicating through social media; 2) explain the relevant aspects of BPC section 651; and 3) address the issue communicating electronically with patients through a secure means. He noted the Tennessee Board of Chiropractic Examiners issued a policy on social media, the College of Chiropractors of Ontario developed social media guidelines, and the Federation of State Medical Boards created a report on social media and electronic communications.

Dr. Greene also suggested the Board consider the issue of a trauma-informed approach to investigations and noted 70 percent of the United States population has a history of trauma.

## **19. Recess Until Friday, October 20, 2023, at 9:00 a.m.**

The Board recessed at 3:03 p.m. until Friday, October 20, 2023, at 9:00 a.m.

## **Friday, October 20, 2023**

### **20. Call to Order / Roll Call / Establishment of a Quorum**

Dr. Paris called the meeting to order at 9:00 a.m. Mr. Sweet called the roll. Dr. Sandino was excused from the meeting. All other members were present, and a quorum was established.

### **21. Petition Hearings for Reinstatement of Surrendered Licenses**

- A. Diem Thi Nguyen, License No. DC 27710, Case No. AC 2017-1135
- B. Leon Patrick Weathersby Jr., License No. DC 22887, Case No. AC 2018-1164

Administrative Law Judge Laurie R. Pearlman presided over a hearing before the Board in the matter of the petition for reinstatement of surrendered license by Diem Thi Nguyen. Adam J. Richards represented Ms. Nguyen, who was present, and Deputy

Attorney General Lisa Miller represented the Attorney General of the State of California pursuant to Government Code section 11522.

Leon Patrick Weathersby Jr.'s petition hearing was canceled on October 9, 2023, at his request.

## **22. Petition Hearing for Early Termination or Modification of Probation**

- Andrew Tutino, D.C., License No. DC 20427, Case No. AC 2020-1254

Administrative Law Judge Laurie R. Pearlman presided over a hearing before the Board in the matter of the petition for early termination or modification of probation by Andrew Tutino, D.C. Ginger R. Kelley represented Dr. Tutino, who was present, and Deputy Attorney General Lisa Miller represented the Attorney General of the State of California pursuant to Government Code section 11522.

## **23. Closed Session**

The Board met in closed session to deliberate and vote on disciplinary matters, including the above petitions, pursuant to Government Code section 11126, subdivision (c)(3).

## **24. Adjournment**

Dr. Paris adjourned the meeting at 12:36 p.m.



## Attachment A

### List of Approved Applications for Initial Doctor of Chiropractic Licenses Issued from July 1, 2023 to September 30, 2023

| First Name | Middle Name | Last Name         | Date Issued | License No. |
|------------|-------------|-------------------|-------------|-------------|
| Nazar      |             | Kharivskyy        | 07/14/2023  | DC 35186    |
| Abel       |             | Sandoval          | 07/14/2023  | DC 35187    |
| Hung       |             | Le                | 07/14/2023  | DC 35188    |
| Margherita | Victoria    | Brini             | 07/14/2023  | DC 35189    |
| Grant      | Paul        | Brown             | 08/15/2023  | DC 35190    |
| Ronnie     | Truneen     | Davis             | 08/15/2023  | DC 35191    |
| Maria      | Del Carmen  | Delgado Rodriguez | 08/15/2023  | DC 35192    |
| Kathryn    | Marie       | Bailes            | 08/15/2023  | DC 35193    |
| Michael    | Patrick     | Sterling          | 08/15/2023  | DC 35194    |
| Alyssa     | Doyle       | Gilbert           | 08/29/2023  | DC 35195    |
| Blake      | Wilken      | Terry             | 08/29/2023  | DC 35196    |
| Megan      | Anne        | Cosgrave          | 08/29/2023  | DC 35197    |
| Armaan     | M. A.       | Golchehreh        | 08/29/2023  | DC 35198    |
| Daniel     | Frederick   | Steffins          | 09/26/2023  | DC 35199    |
| Thien      | Ngoc        | Nguyen            | 09/26/2023  | DC 35200    |
| Harriet    | Carol       | Sanders           | 09/26/2023  | DC 35201    |
| Mark Jason | Espiritu    | Bernardo          | 09/26/2023  | DC 35202    |
| Yervand    |             | Titizyan          | 07/25/2023  | DC 36714    |
| Alex       |             | Castellanos       | 07/25/2023  | DC 36715    |
| Terrence   |             | Tubio             | 07/25/2023  | DC 36716    |
| Stone      | Dylan       | Thomas            | 07/25/2023  | DC 36717    |
| Petros     |             | Simonyan          | 07/25/2023  | DC 36718    |
| Jon        |             | Junkermeier       | 07/28/2023  | DC 36719    |
| Monet      |             | Perry             | 07/28/2023  | DC 36720    |
| Alexander  |             | Kosker            | 07/28/2023  | DC 36721    |
| Juyoung    |             | Kim               | 07/28/2023  | DC 36722    |

| First Name  | Middle Name | Last Name        | Date Issued | License No. |
|-------------|-------------|------------------|-------------|-------------|
| Lamont      | Nomore      | Banks Jr.        | 07/28/2023  | DC 36723    |
| Kevin       | Ocampo      | Magro            | 07/28/2023  | DC 36724    |
| Justene     | Ariana      | Reyes            | 07/28/2023  | DC 36725    |
| Kevin       |             | Tomassini-Velez  | 07/28/2023  | DC 36726    |
| Alyssa      | Morgan      | Troutner         | 07/28/2023  | DC 36727    |
| Karl        | Axel        | Olsson-Deem      | 07/28/2023  | DC 36728    |
| Camila      |             | Loke             | 08/08/2023  | DC 36729    |
| Erenie      | Cassandra   | Shenouda         | 08/08/2023  | DC 36730    |
| Gabriela    |             | Bonfigli         | 08/08/2023  | DC 36731    |
| Christopher | Lansing     | Harmon           | 08/08/2023  | DC 36732    |
| Christopher | Mark        | Hidalgo          | 08/08/2023  | DC 36733    |
| Haik        |             | Gankanian        | 08/08/2023  | DC 36734    |
| Darwin      |             | Duran De Gante   | 08/08/2023  | DC 36735    |
| Kathryn     | Rae         | Bastable         | 08/10/2023  | DC 36736    |
| Nahomy      |             | Villalobos-Tello | 08/10/2023  | DC 36737    |
| Ellen       | Margaret    | Chevillet        | 08/10/2023  | DC 36738    |
| James       |             | Chhun            | 08/10/2023  | DC 36739    |
| Ramtin      |             | Rezvani          | 08/10/2023  | DC 36740    |
| Morgan      | Michelle    | Tomberlin        | 08/10/2023  | DC 36741    |
| Leah        | Rachelle    | Longhin          | 08/10/2023  | DC 36742    |
| Kevin       |             | Marryshow        | 08/11/2023  | DC 36743    |
| Julia       |             | Rose             | 08/11/2023  | DC 36744    |
| Phillip     | Loung       | Ly               | 08/27/2023  | DC 36745    |
| John        |             | Chung            | 08/27/2023  | DC 36746    |
| Angela      | Ker-Per     | McQuillen        | 08/27/2023  | DC 36747    |
| Mario       | Alberto     | Pulido           | 08/27/2023  | DC 36748    |
| Dong Gwon   |             | Han              | 08/27/2023  | DC 36749    |
| Rebecca     |             | Kasputis         | 08/27/2023  | DC 36750    |
| Liliana     | Maria       | Luciano          | 08/27/2023  | DC 36751    |

| First Name  | Middle Name | Last Name | Date Issued | License No. |
|-------------|-------------|-----------|-------------|-------------|
| Abigail     | Madison     | Vince     | 08/27/2023  | DC 36752    |
| Terry       |             | Ycasas    | 08/27/2023  | DC 36753    |
| Brandon     | Jacob       | Hom       | 08/27/2023  | DC 36754    |
| Derik       |             | Ziraky    | 08/27/2023  | DC 36755    |
| Matthew     |             | Chace     | 08/27/2023  | DC 36756    |
| Richard     |             | Sanchez   | 08/27/2023  | DC 36757    |
| Mitchell    |             | Materna   | 08/27/2023  | DC 36758    |
| Codi        | Nicole      | Osborne   | 09/19/2023  | DC 36759    |
| Kenneth     | Jordan      | Estudillo | 09/19/2023  | DC 36760    |
| Sevan       |             | Tashjian  | 09/19/2023  | DC 36761    |
| Isaac       |             | Martinez  | 09/19/2023  | DC 36762    |
| Be          | Thi         | Diep      | 09/19/2023  | DC 36763    |
| Kelly       | Grace       | Wynkoop   | 09/19/2023  | DC 36764    |
| Olivia      | Grace       | Muzones   | 09/19/2023  | DC 36765    |
| Erica       |             | Zeigler   | 09/19/2023  | DC 36766    |
| Armen       |             | Rostami   | 09/19/2023  | DC 36767    |
| David       | James       | Pizzi     | 09/19/2023  | DC 36768    |
| Philip John |             | Rivera    | 09/19/2023  | DC 36769    |
| Corrin      |             | Harris    | 09/19/2023  | DC 36770    |
| Elise       |             | Freund    | 09/19/2023  | DC 36771    |
| Fadi        |             | Abu-Awwad | 09/19/2023  | DC 36772    |
| Raquel      |             | Haro      | 09/19/2023  | DC 36773    |
| Katelynn    | Marie       | Phillipe  | 09/19/2023  | DC 36774    |
| Roberto     |             | Diaz      | 09/19/2023  | DC 36775    |
| Andrew Jay  |             | Apuya     | 09/19/2023  | DC 36776    |
| Kyle        | Hall        | Webb      | 09/19/2023  | DC 36777    |
| Avram       | Juliani     | Jimenez   | 09/19/2023  | DC 36778    |
| Marlena     | Eva         | Borst     | 09/19/2023  | DC 36779    |
| Jason       |             | Loc       | 09/19/2023  | DC 36780    |

| First Name | Middle Name | Last Name | Date Issued | License No.     |
|------------|-------------|-----------|-------------|-----------------|
| Megan      |             | Bolentini | 09/19/2023  | <b>DC 36781</b> |
| Christine  |             | Huynh     | 09/19/2023  | <b>DC 36782</b> |

**Attachment B**

**List of Approved New Continuing Education Providers**

| <b>Provider Name</b>           | <b>CE Oversight Contact Person</b> | <b>Provider Status</b> |
|--------------------------------|------------------------------------|------------------------|
| Curtis M. Martin               | Renee Kern                         | Individual             |
| Skalski Chiropractic Radiology | Matthew Skalski                    | Partnership            |