STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, Governor

Board of Chiropractic Examiners
2525 Natomas Park Drive, Suite 260
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CA Relay Service TT/TDD (800) 735-2929
Consumer Complaint Hotline (866) 543-1311
http://www.chiro.ca.gov

NOTICE OF BOARD MEETING – CORRECTED COPY

May 22, 2008

Upon Conclusion of the Strategic Planning Committee Meeting
Hearing Room
1625 North Market Blvd., Room S102
Sacramento, CA 95834

AGENDA

PUBLIC SESSION

Call to Order

Frederick Lerner, D.C., D.C., Chair
Hugh Lubkin, D.C., Vice-Chair
Francesco Columbu, D.C., Secretary
Jim Conran, Public Member
Judge James Duvaras (Ret.), Public Member
Richard Tyler, D.C., Professional Member

Chair's Report

Approval of Minutes
March 27, 2008, Open Session

Public Comment

Board Member training on the Bagley-Keene Open Meetings Act and other relevant laws

Executive Officer's Report
- Budget
- Personnel
- Licensing
- Enforcement

COMMITTEE REPORTS

Enforcement Committee – Discussion and Possible Action
- California Code of Regulations 306.1 Chiropractic Quality Review Panel (CQRP)

Licensing Committee - Discussion and Possible Action
- Approval by Ratification of Formerly Approved License Applications

Continuing Education Committee - Discussion and Possible Action
- Approval by Ratification of Formerly Approved Continuing Education Providers

Scope of Practice Committee - Discussion and Possible Action
- Recognition of Chiropractic Specialties re Advertising
- Chiropractic Scope of Practice for X-ray Use Update

Government Relations Committee - Discussion and Possible Action

- Status of Implementing the March 25, 2008, Bureau of State Audits' Recommendations and 60 Status Report
- Board Member Use of State Issued E-Mail Accounts

Public Relations Committee – Discussion and Possible Action

- Contract with the Department of Consumer Affairs for Public Relations Services

Legislative Committee – Discussion and Possible Action

The Board may take action on any agenda item listed on the attached Legislative Committee Agenda.

Strategic Planning Committee – Discussion and Possible Action

The Board may take action on any agenda item listed on the attached Strategic Planning Committee Agenda.

REGULATIONS UPDATE – Discussion and Possible Action

- Cite and Fine
- Letter of Admonishment
- Manipulation Under Anesthesia

Board Meeting Schedule for 2008 – Discussion and Possible Action

Public Comment

Future Agenda Items

CLOSED SESSION:

Discussion on Pending Litigation

Pursuant to California Government Code Section 11126(e)

- ***David Hinchee v. Board of Chiropractic Examiners, Catherine Hayes***
  Sacramento County Superior Court, Case No. 07AS03721
- ***Catherine Hayes v. Board of Chiropractic Examiners***
  Department of Fair Employment and Housing and Department of Industrial Relations Complaint

Deliberation on Disciplinary Matters and Possible Action on Disciplinary Decisions

Pursuant to California Government Code Section 11126(c)(3)

OPEN SESSION: Announcements re Closed Session

Adjournment

The Board of Chiropractic Examiners' paramount responsibility is to protect California consumers from the fraudulent, negligent, or incompetent practice of chiropractic care.

Meetings of the Board of Chiropractic Examiners are open to the public except when specifically noticed otherwise in accordance with the Public Meetings Act. Public comments will be taken on agenda items at the time the specific item is raised. The Board may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at **www.chiro.ca.gov.**

The meeting is accessible to persons who are physically disabled. If a person needs disability-related accommodations or modifications in order to participate in the meeting, please make a request no later than five working days before the meeting to the Board by contacting Marlene Valencia at (916) 263-5355 ext. 5363 or sending a written request to that person at the Board of Chiropractic Examiners, 2525 Natomas Park Drive, Suite 260, Sacramento, CA 95833. Requests for further information should be directed to Ms. Valencia at the same address and telephone number.

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DRAFT

BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES
March 27, 2008
400 R Street, Room 101
Sacramento, CA 95814

Board Members Present

Frederick Lerner, DC., Chair
Hugh Lubkin, D.C. Vice Chair
Francesco Columbu, D.C. Secretary
Jim Conran, Public Member
Judge Duvaras, Public Member
Richard Tyler, D. C.

Staff Present

Brian Stiger, Executive Officer
LaVonne Powell, Senior Staff Counsel
Thomas Rinaldi, Deputy Attorney General
Marlene Valencia, Staff Services Analyst
Lavella Matthews, Associate Government Program Analyst
Rebecca Rust, Staff Services Analyst
April Alameda, Staff Services Analyst
Julianne Vernon, Office Technician

Call to Order

Dr. Lerner called the meeting to order at 10:08 a.m.

Roll Call

Dr. Columbu called the roll. All members were present.

Adjourn to Closed Session

Dr. Lerner adjourned to Closed Session at 10:10 a.m.

Public Meeting Call to Order

Dr. Lerner called the public session to order at 11:05 a.m.

Roll Call

Dr. Columbu called the roll. All members were present.

Announcement of Closed Session Decisions

Dr. Lerner announced that the Board discussed a disciplinary case and that the Board did not entertain any motions.

Chair's Report

Dr. Lerner discussed his positive meetings with key Legislators and Anne Searcy, Department of Industrial Relations.

Dr. Lerner thanked the California Chiropractic Association (CCA), International Chiropractic Association of California (ICAC), and Southern California of University of Health Sciences for supporting AB 450 (Emmerson) and attending the recent legislative committee hearing.

Dr. Lerner made the following committee assignments and requests:

- Continuing Education: Dr. Tyler, Chair, and Dr. Lubkin. Dr. Lerner requested that the committee consider the proposal to increase education hours; recommend regulations for on-line education; potential reciprocity with the Federation of Chiropractic Licensing Board for nationally based providers; consider options to the current 8 hours didactic and 4 hours technique.

- Enforcement Committee: Dr. Lubkin, Chair and Judge Duvaras. Dr. Lerner requested that the committee continue work on developing procedures and regulations to increase vigilance and early detection. Also, continue to develop the expert witness polices and adopt regulations for cite and fine and letter of admonishment.

- Government Relations: Mr. Conran, Chair and Dr. Lubkin. Dr. Lerner asked the committee to address the concerns of the Sunset Review Report and work with staff on developing timely responses to the Bureau of State Audit's report.

- Regulations/Legislation: Dr. Lerner, Chair and Dr. Columbu. Dr. Lerner requested that the committee work closely with the Governor and Legislature on legislation pertaining to chiropractic.

- Licensing Committee: Judge Duvaras, Chair and Dr. Tyler.

- Public Relations Committee: Dr. Lerner, Chair and Mr. Conran. Dr. Lerner envisions the committee will develop a newsletter, press releases, articles, and consumer education brochures. Dr. Lerner also wants the committee to develop a seal.

- Scope of Practice Committee: Dr. Lubkin, Chair and Dr. Lerner. The committee will continue working on Manipulation Under Anesthesia regulations, the petition to change the scope of practice issues, x-ray issue, the x-ray's, develop a mechanism to address scope of practice opinions and interpretations.

- Strategic Planning Committee: Dr. Tyler, Chair, and Dr. Columbu. Dr. Lerner expressed the importance of the committee in developing a strategic plan.

BCE Staff Recognition

Dr. Lerner publicly recognized all BCE staff members for their work over the past several months with certificates of appreciation. The following staff members were recognized: Julianne Vernon, Genie Mitsuhara, Beckie Rust, April Alameda, Marlene Valencia, and Lavella Matthews.

Approval of Minutes

January 10, 2008, public session.

JUDGE DUVARAS MOVED TO APPROVE THE JANUARY 10, 2008 MINUTES. DR. TYLER SECONDED THE MOTION. VOTE 6-0. MOTION CARRIED.

Board Member training on the Bagley-Keene Open Meetings Act and other relevant laws.

Ms. Powell distributed the 2008 Bagely-Keene Open Meetings Act manual and she summarized the changes. Ms. Powell recommended that board members review the manual before each board meeting and contact her with any questions.

Ms. Powell explained the definition of serial meetings and how to avoid them. Ms. Powell informed the board members that each agenda will include all pending regulations to ensure the board with public participation can address an unexpected issue.

Ms. Powell explained that policy issues and general issues cannot be discussed in closed session. Closed session discussions must be limited to the closed session agenda.

Executive Officer's Report

Mr. Stiger discussed the status of the budget and the need to continue saving funds until the budget is restored. Mr. Conran asked if Mr. Stiger had a plan on hiring staff. Mr. Stiger stated he will begin recruiting for enforcement positions first and then move to licensing and administrative support.

Ms. Valencia presented licensing statistics to the Board and explained the licensing report.

Ms. Matthews presented enforcement statistics and explained both charts to the Board. Judge Duvaras asked how successful is the Board in recovering cost recovery. Mr. Stiger stated the Board is moderately successful and looking for ways to improve. Dr. Lubkin asked about the increase in section 312 violations. Mr. Stiger stated this speaks to licensees who are delinquent in renewing their licenses on time.

NBCE Delegate Selection – Information only

Dr. Lerner selected Dr. Lubkin as the delegate and Dr. Lerner as the alternate.

Citation and Fine language

Mr. Stiger stated that on January 10, 2008, the Enforcement Committee voted to recommend that the full Board approve the proposed regulatory language for cite and fine.

Mr. Conran expressed concerns that citations not be used unfairly to punish licensees and suggests that the Enforcement Committee review the program in six months to determine its value. Dr. Lubkin as the Enforcement Committee Chair agreed to this review

Mr. Bill Howe, CCA, spoke in support.

MR. CONRAN MOVED TO ADOPT THE CITE AND FINE LANGUAGE. DR. LUBKIN SECONDED THE MOTION.

DISCUSSION: Mr. Conran asked how the fines will be determined. Ms. Powell answered that the fine limits are held in statute.

Mr. Conran asked if the Enforcement Committee will be reviewing the program to include guidance to the Executive Officer to determine the fine amounts. Dr. Lubkin stated the purpose of the regulation is to provide the Executive Officer with enforcement tool to use at his discretion to enforce the law.

Dr. Charles Davis, ICAC, spoke in support of the regulation and revisiting the program in six months to assess the effectiveness.

Bill Howe, CCA, spoke in support of the proposal.

VOTE: 6-0. MOTION CARRIED.

DR. LUBKIN MOVED TO DIRECT STAFF TO RESEARCH BUSINESS AND PROFESSIONS CODE 125.9 AND UNLESS THE STATUTE PROHIBITS THE BOARD FROM RENEWING A LICENSE IF THE FINE IS STILL OWING – IF THAT IS NOT IN 125.9, THAT LANGUAGE WILL BE PLACED IN THESE PROPOSED REGULATIONS BEFORE BEING NOTICED TO THE PUBLIC. MR. CONRAN SECONDED.

DISCUSSION: None

VOTE 6-0.

MOTION CARRIED.

Letter of Admonishment

MR. CONRAN MOVED TO APPROVE THE LANGUAGE.

DR. TYLER SECONDED THE MOTION.

DISCUSSION: Dr. Davis asked how citations and the letter of admonishment would be disclosed. Ms. Powell stated citations and the letter of admonishment are not considered discipline of the license but would be disclosed to the public on a public records request.

VOTE 6-0. MOTION CARRIED.

Bureau of State Audits Report

Dr. Lerner thanked the BSA on the completion of the audit and stated the Board began working and correcting the deficiencies before the audit was released. Dr. Lerner stated this is a new day for the BCE and we will use the audit's findings as a road map to correct the past problems.

COMMITTEE REPORTS

Legislative Committee:
Dr. Lubkin announced that the committee voted to recommend a support position on AB 450 and AB 1861. The committee voted to recommend a watch position on AB 1402 pending the outcome of anticipated amendments.

JUDGE DUVARAS MOVED TO ADOPT THE COMMITTEE'S RECOMMENDATIONS. DR. TYLER SECONDED THE MOTION.

DISCUSSION: None.

VOTE 6-0. MOTION CARRIED.

Enforcement Committee:
Dr. Lubkin announced that the committee reviewed the revised Expert Witness guidelines developed by the working group.

Dr. Lubkin stated that the committee referred the issue of chiropractic use of radiology to staff and legal counsel for review and research.

Dr. Lubkin announced that the committee voted to recommend approval of establishing permanent special investigators who are civil servants.

DR. LUBKIN MOVED TO ADOPT THE COMMITTEE'S RECOMMENDATION TO ESTABLISH SPECIAL INVESTIGATORS AND AUTHORIZE THE EXECUTIVE OFFICER TO MOVE FORWARD.

DR. COLUMBU SECONDED THE MOTION.

DISCUSSION: Mr. Conran emphasized the one purpose for moving forward with this proposal transition from private investigators to civil servants.

Judge Duvaras asked if this classification required a civil service employee. Mr. Stiger answered in the affirmative.

Dr. Davis, ICAC, asked how long it would take to remove permanent employees. Ms. Powell explained the progressive discipline process including the probationary process.

Bill Howe, CCA, spoke in support if the proposal.

VOTE 6-0.

MOTION CARRIED.

Manipulation Under Anesthesia (MUA)
Dr. Lerner announced that the committee voted to recommend adoption of the proposed regulatory language for MUA.

DR. LUBKIN MOVED TO ADOPT THE RECOMMENDATION OF THE COMMITTEE.

DR. COLUMBU SECONDED THE MOTION.

DISCUSSION: Judge Duvaras recommended that the patient complete and submit an informed consent prior to the procedure taking place. Ms. Powell agreed that it is important to distinguish the responsibilities of the chiropractor from the physician and surgeon.

DR. LUBKIN MOVED TO AMEND HIS ORIGINAL MOTION TO ADOPT THE LANGUAGE WITH THE ADDITION OF A REQUIREMENT OF THE CHIROPRACTIC DOCTOR TO RECEIVE A SIGNED WRITTEN INFORMED CONSENT FROM THE PATIENT OUTLINING THE RISK FACTORS OF THE PROCEDURE.

DISCUSSION: Judge Duvaras asked why the procedure requires two chiropractors. Dr. Lerner explained that the procedure requires two chiropractors to ensure safety. The second chiropractor assists with moving the patient and some manipulation procedures require both chiropractors.

Dr. Davis, ITC, reiterated that his suggested language be included in the proposed regulatory language.

Kristine Schultz, California Chiropractic Association, recommended a technical correction to use the term doctor of chiropractic for all chiropractic regulations.

Kathleen Creason, on behalf of the Osteopathic Physicians & Surgeons of California, opposes the proposed MUA regulations.

Mr. Conran voiced his concern for the brevity of the proposed language. Mr. Conran would have preferred more details since he is not a chiropractor.

DR. LUBKIN WITHDREW HIS AMENDED MOTION.

DR. LUBKIN MOVED THAT THE BOARD MOVE FORWARD WITH THE PROPOSED REGULATOR LANGUAGE FOR MUA IN THE BOARD PACKET AND INCLUDE THE LANGUAGE PROVIDED BY DR. CHARLES DAVIS ON THE TYPE OF FACILITY AND LEGAL COUNSEL WILL INSERT THE PROPER REFERENCES OF THE HEALTH AND SAFETY CODE AND A PROVISION REQUIRING A WRITTEN CONSENT FROM THE PATIENT OUTLINING THE RISKS OF THE PROCEDURE PRIOR TO THE PROCEDURE BEING PERFORMED.

DR. LERNER SECONDED THE MOTION.

DISCUSSION: None

VOTE 5-0-1

MOTION CARRIED

Administrative Committee
Mr. Conran announced that the committee adopted the following recommendations:

- The Executive Officer pursue a multi-year contract with the Department of Consumer Affairs for administrative, legal, and personnel and other support services.
- Board Members receive state-issued e-mail addresses to conduct Board business.
- Revise the Board Member Administrative Manual to reflect the new officers, the standing committees, update citation of B&P Code section 453.

Mr. Conran announced that the Executive Officer terminated the contracts for two investigators after learning they were not licensed by the State of California.

MR. CONRAN MOVED THAT THE BOARD ACCEPT THE ADMINISTRATIVE COMMITTEE RECOMMENDATIONS.

DR. LUBKIN SECONDED THE MOTION.

DISCUSSION: None

VOTE 6-0

MOTION CARRIED.

Announcements

Next Board meeting is scheduled for May 22, 2008 in Sacramento.

Public Comment

Dr. Clum, Life Chiropractic College West, recommended that the enforcement information be further broken down to be more meaningful to the public and to students entering the profession.

Debra Snow expressed her positive feedback on the Board's progress and hopes the Board embraces reform efforts and improvement in accountability to the public.

Bill Howe, California Chiropractic Association, praised the Board and staff for the recent efforts over the past year given the resource shortage.

Future Agenda Items

Judge Duvaras requests the resetting of the time and location of the July and September Board meetings. He expressed concern about the expense of overnight travel and the movement of documents.

Dr. Lerner requests the Scope of Practice Committee take up the issue of chiropractic specialties.

Dr. Charles Davis, International Chiropractic Association of California, requested progress updates on the audit recommendations, chiropractic x-ray, and chiropractic specialties.

Adjournment:

Dr. Lerner adjourned the meeting at 12:27 p.m.

DRAFT

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Operating Budget for Board of Chiropractic Examiners
Fiscal Year 08/09

Governor's Proposed Budget for FY 08/09

Appropriation: $3,180,000
Authorized Positions: 14.9

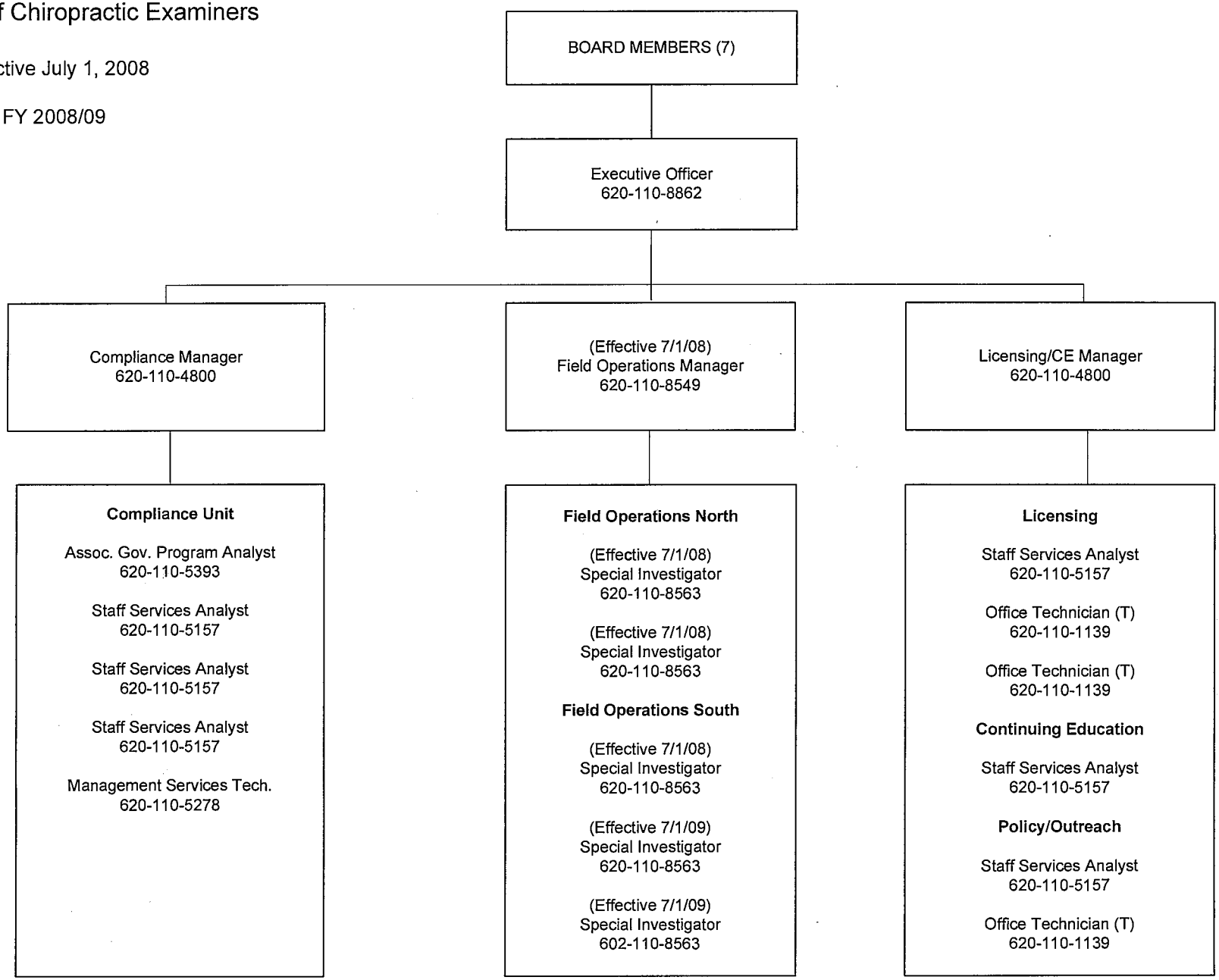
Governor's Revised Budget for FY 08/09

Appropriation: $3,683,000
Authorized Positions: 18.9

State Board of Chiropractic Examiners

Effective July 1, 2008

FY 2008/09



Executive Officer Brian J. Stiger

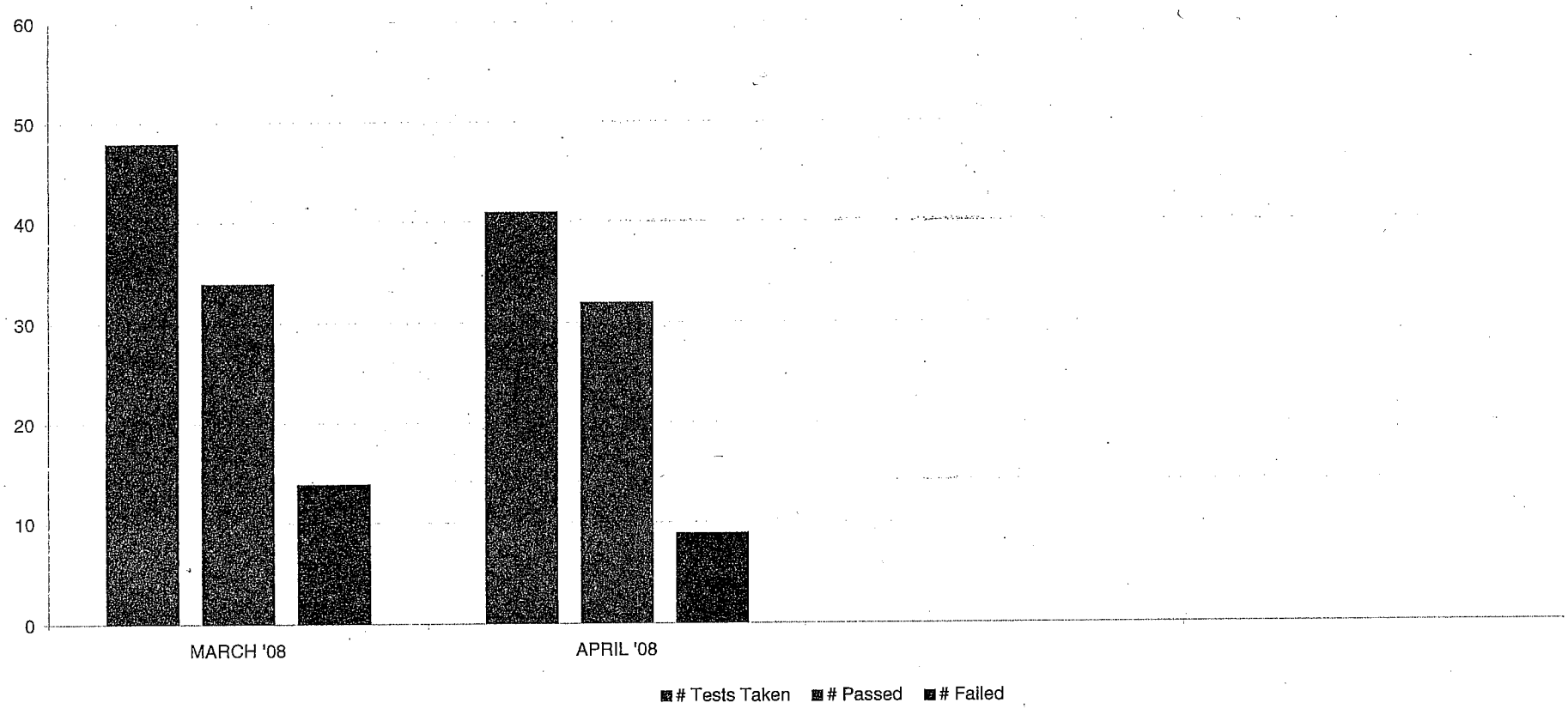
Recruitment and Selection of Vacant Position Update
May 15, 2008

Classification	Date Advertised	Application Review	Interviews Conducted	Background Checks	Formal Offer	Start Date
Office Technician Cashier / Front Counter	04/11/08	Complete	Complete	Complete	05/01/08	05/05/08
Office Technician Licensing / CE	04/11/08	Complete	Complete	Complete	04/23/08	05/07/08
Staff Services Analyst Compliance Unit	04/11/08	Complete	Complete	Complete		
Staff Services Analyst Compliance Unit	04/11/08	Complete	Complete	Complete		
Staff Services Manager I Compliance Manager	04/11/08	Complete	Complete	In Process		
Staff Services Manager I Lic/CE/Admin Manager	05/05/08	In Process	In Process			
Sup. Spec. Investigator I Field Op. Manager						
Office Technician Policy / Admin						

2008 Chiropractic Law & Professional Practice Exam (CLPPE)

	# Tests Taken	# Passed	# Failed
MARCH '08	48	34	14
APRIL '08	41	32	9

*78% Needed to Pass the CLPPE



BOARD OF CHIROPRACTIC EXAMINERS
LICENSE STATISTICAL DATA
As of APRIL 1, 2008

LICENSE TYPE	VALID/ACTIVE	FORFEITED	CANCELLED
CHIROPRACTORS	13842	1076	7824
SATELLITES	2287	889	4873
CORPORATIONS	1316	365	980
REFFERALS	17	15	4
TOTALS	**17462**	**2345**	**13681**

As of APRIL 1, 2007

LICENSE TYPE	VALID/ACTIVE	FORFEITED	CANCELLED
CHIROPRACTORS	13786	1108	7550
SATELLITES	2052	1386	3594
CORPORATIONS	1242	288	969
REFFERALS	17	15	4
TOTALS	**17097**	**2797**	**12117**

Violation Codes/Descriptions

The Chiropractic Initiative Act of California (ACT):

10 – Rules of Professional Conduct
15 – Noncompliance With and Violations of Act

California Code of Regulations (CCR):

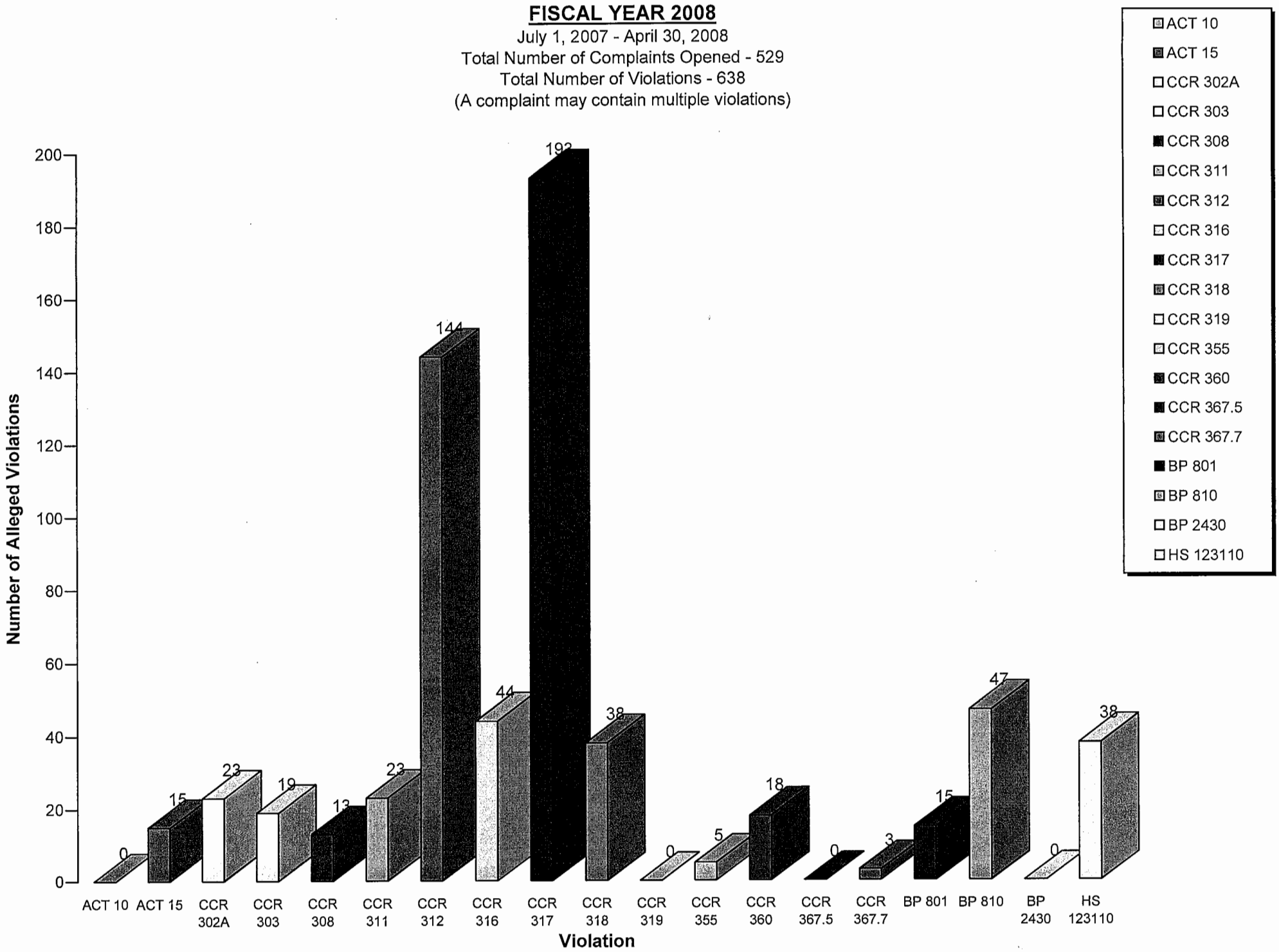
302(a) – Scope of Practice
303 – Filing of Addresses
308 – Display of License
311 – Advertisements
312 – Illegal Practice
316 – Responsibility for Conduct on Premises
317 – Unprofessional Conduct
318 – Chiropractic Patient Records/Accountable Billing
319 – Free or Discount Services
355 – Renewal and Restoration
360 – Continuing Education Audits
367.5 – Application, Review of Refusal to Approve (corporations)
367.7 – Name of Corporation

Business and Professions Code (BP):

801 – Professional Reporting (malpractice settlements)
810 – Insurance Fraud
2430 – Default on Health Education Assistance Loan

Health and Safety Code (HS):

123110 – Patient Access to Health Records


FISCAL YEAR 2008
July 1, 2007 - April 30, 2008
Total Number of Complaints Opened - 529
Total Number of Violations - 638
(A complaint may contain multiple violations)
Number of Alleged Violations
0
20
40
60
80
100
120
140
160
180
200
0
15
23
19
13
23
144
44
192
38
0
5
18
0
3
15
47
0
38
ACT 10
ACT 15
CCR 302A
CCR 303
CCR 308
CCR 311
CCR 312
CCR 316
CCR 317
CCR 318
CCR 319
CCR 355
CCR 360
CCR 367.5
CCR 367.7
BP 801
BP 810
BP 2430
HS 123110
Violation
ACT 10
ACT 15
CCR 302A
CCR 303
CCR 308
CCR 311
CCR 312
CCR 316
CCR 317
CCR 318
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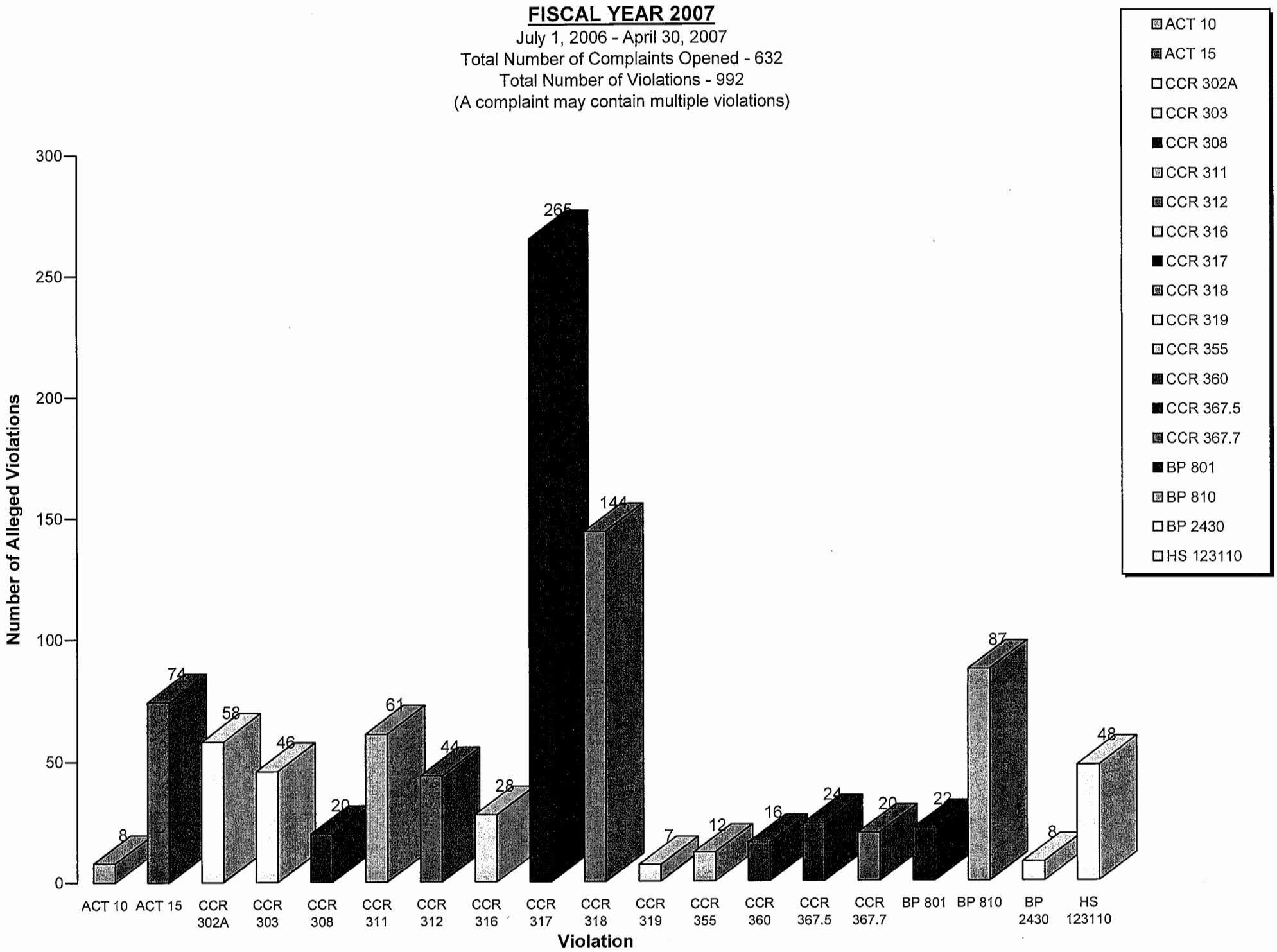
CCR 355
CCR 360
CCR 367.5
CCR 367.7
BP 801
BP 810
BP 2430
HS 123110


FISCAL YEAR 2007
July 1, 2006 - April 30, 2007
Total Number of Complaints Opened - 632
Total Number of Violations - 992
(A complaint may contain multiple violations)
Number of Alleged Violations
0
50
100
150
200
250
300
8
74
58
46
20
61
44
28
265
144
7
12
16
24
20
22
87
8
48
ACT 10
ACT 15
CCR 302A
CCR 303
CCR 308
CCR 311
CCR 312
CCR 316
CCR 317
CCR 318
CCR 319
CCR 355
CCR 360
CCR 367.5
CCR 367.7
BP 801
BP 810
BP 2430
HS 123110
Violation
ACT 10
ACT 15
CCR 302A
CCR 303
CCR 308
CCR 311
CCR 312
CCR 316
CCR 317
CCR 318
CCR 319
CCR 355
CCR 360
CCR 367.5
CCR 367.7
BP 801
BP 810
BP 2430
HS 123110

STATE OF CALIFORNIA

BOARD OF CHIROPRACTIC EXAMINERS | ARNOLD SCHWARZENEGGER, GOVERNOR

MEMORANDUM

Date: May 15, 2008

To: Board Members

From: Brian J. Stiger,
Executive Officer

Subject: **Ratification of Formerly Approved Doctors of Chiropractic for Licensure**

This is to request that the Board ratify the attached list of individuals as Doctors of Chiropractic at the May 22, 2008, public meeting.

Between July 1, 2007, and May 15, 2008, staff reviewed and confirmed that the applicants met all statutory and regulatory requirements.

If you have any questions or concerns, please contact me at your earliest opportunity.

Approval By Ratification of Formerly Approved License Applications
As of May 15, 2008

Name (First, Middle, Last)			Date Issued	DC#
Todd	William	Erickson	July 2, 2007	**30630**
Clinton	Lane	Kinnear	July 2, 2007	**30631**
Jeffrey	Michael	Vasey	July 3, 2007	**30632**
Brian	I.	Deutsch	July 5, 2007	**30633**
Hadi	A.	Shirzadian	July 27, 2007	**30634**
Lynn	Kathleen	Mabry	July 26, 2007	**30635**
John	Clayton	Hyght	July 26, 2007	**30636**
Zareena		Khan	July 26, 2007	**30637**
Joseph	William	Forster	July 26, 2006	**30638**
Dustin		Dunham	July 26, 2007	**30639**
Derek	Scott	Pelofsky	July 26, 2007	**30640**
Cler		Baheri	July 26, 2007	**30641**
Duane	Anthony	Gilbert	July 26, 2007	**30642**
Scott	Bradley	Levin	July 26, 2007	**30643**
Scott	Kevin	Pacheco	July 26, 2007	**30644**
Damon		Soraya	July 26, 2001	**30645**
David	Martin	Schlute	July 26, 2007	**30646**
Christopher	Michael	Cote	July 26, 2007	**30647**
Steven	Andrew	Sprague	July 26, 2007	**30648**
Kevin	Candido	Mercado	July 26, 2007	**30649**
Thanongsay		Nanthasit	August 9, 2007	**30650**
Ali		Kakar	August 9, 2007	**30651**
Lindsay	Noelle	Whitehead	August 9, 2007	**30652**
Jesse		Yuson	August 9, 2007	**30653**
Thuc	Thien	Le	August 9, 2007	**30654**
Cathy	Bich	Do	August 9, 2007	**30655**
Bruce	Barnes	Allen	August 9, 2007	**30656**
Rene	Louise	Nevarez	August 9, 2007	**30657**
Bruce	Warren	Turley	August 9, 2007	**30658**
Nery	Orlando	Rivas	August 9, 2007	**30659**
Kambiz		Yazdi	August 9, 2007	**30660**
Brandon	Rex	Carter	August 9, 2007	**30661**
Jason	Allen	Mack	August 9, 2007	**30662**
Tamar		Gamliel	August 9, 2007	**30663**
Justin	Seang	Truong	August 9, 2007	**30664**
Darren	John	Grozier	August 9, 2007	**30665**
Corado	David	Greene	August 15, 2007	**30666**
Craig	Harry	Diamond	August 15, 2007	**30667**

Robby	M	Chen	August 15, 2007	**30668**
Wonil		Yoon	August 15, 2007	**30669**
Robert	Patrick	Chance	August 15, 2007	**30670**
James		Bedle	August 15, 2007	**30671**
Renee	Ramos	Francisco	August 15, 2007	**30672**
Eric	Lawrence	St. Pierre	August 15, 2007	**30673**
Brigit	Ann	Holland	August 15, 2007	**30674**
Amy	Ryanne	Rubio	August 15, 2007	**30675**
Jeffrey	Robinson	Kwan	August 15, 2007	**30676**
Genevieve		John	August 15, 2007	**30677**
Marino	Victor	Scafidi	August 15, 2007	**30678**
Thomas	Shawn	Halyk	August 15, 2007	**30679**
Myron	Jamal	Butts	August 15, 2007	**30680**
Nona		Djavid	August 23, 2007	**30681**
Alen		Heshmat	August 23, 2007	**30682**
Sterling	Morokath	Hang	August 23, 2007	**30683**
Deborah	Virgina	Runyan	August 23, 2007	**30684**
Harry	Kalaolaokalani	Eulitt	August 23, 2007	**30685**
John	Coleman	Richardson	August 23, 2007	**30686**
Andrew	Paul	Mairs	August 27, 2007	**30687**
Chad	Ryan	Barylski	August 27, 2007	**30688**
Brandon	Hien Duc Huynh	Nguyen	August 27, 2007	**30689**
Erik	Stephen	Vose	August 27, 2007	**30690**
Melineh	Melanie	Gregorian	August 27, 2007	**30691**
Janelle		Dong	August 27, 2007	**30692**
Harma		Mirzakhanian	August 27, 2007	**30693**
Megan	Elizabeth	Bandish Shirley	August 27, 2007	**30694**
Ghislaine		Rodriguez	August 27, 2007	**30695**
Daniel	Thomas	Cocks	August 27, 2007	**30696**
Amy	Lauren	Kolesiak	August 27, 2007	**30697**
Adolfo	Albert Chi Hung	Liu	August 29, 2007	**30698**
Raymon	Tyler	Johnson	August 29, 2007	**30699**
Sharon	Payne	Ayers	August 30, 2007	**30700**
Richard	Arnold	Wright	August 30, 2007	**30701**
Hyun Chul		Kim	August 31, 2007	**30702**
Joseph	Patrick	Chapon	September 5, 2007	**30703**
John	Michael	Casci	September 5, 2007	**30704**
Chun Keung		Mak	September 5, 2007	**30705**
Melissa	Anne	Nagare	September 6, 2007	**30706**
Johannes	Fernandez	Garrido	September 6, 2007	**30707**
Kevin	Matthew	Shirley	September 10, 2007	**30708**
May Christie	Flores	Anselmo	September 10, 2007	**30709**
Paul	Gregory	Lyell	September 10, 2007	**30710**

Matthew	Eron	Howe	September 11, 2007	**30711**
Daniel	David	Roney	September 12, 2007	**30712**
Steven	Richard	Kilbas	September 13, 2007	**30713**
Freda	Marie	Baham	September 14, 2007	**30714**
Wendy	S.	Norman	September 14, 2007	**30715**
Alex	B.	Lanning	September 18, 2007	**30716**
Alex	Marcel	Rodriguez	September 18, 2007	**30717**
Vu	Anh	Tran	September 18, 2007	**30718**
Lawrence	Hartley	Zlot	September 18, 2007	**30719**
Paulo		Villanueva	September 18, 2007	**30720**
Larry	Schow	Masula	September 18, 2007	**30721**
Liriam		Ramirez-Ortiz	September 18, 2007	**30722**
Daniel	Lucas Ryan	Murrish	September 21, 2007	**30723**
Jarret	Lee	Welsh	September 21, 2007	**30724**
Kathy	My	Nguyen	September 25, 2007	**30725**
Ryan	Robert	Swink	September 25, 2007	**30726**
Mya	Insuk	Cho	September 25, 2007	**30727**
Randall	George	Toal	September 25, 2007	**30728**
Michelle	C.	Goldych	September 28, 2007	**30729**
Thomas	Patrick	Smith III	October 1, 2007	**30730**
Jamie	Victoria	Bones	October 2, 2007	**30731**
Morgan	Duvall	Young	October 2, 2007	**30732**
Michelle	Rae	Naber	October 2, 2007	**30733**
Matthew	Joel	Singer	October 2, 2007	**30734**
Madjid		Zeinal	October 3, 2007	**30735**
Lindsay	Margret	Weber	October 5, 2007	**30736**
Nathan	Phong	Nghe	October 5, 2007	**30737**
Justin	David	Vickroy	October 10, 2007	**30738**
Jacqueline	S.	Connolly	October 10, 2007	**30739**
Lana	Elizabeth	Montes	October 10, 2007	**30740**
Michelann	Genevieve	Michelena	October 11, 2007	**30741**
Christian	H.	Mendoza	October 12, 2007	**30742**
Pia		Martin	October 16, 2007	**30743**
Wayne	P.	Choy	October 16, 2007	**30744**
Brent	J.	Hollowell	October 18, 2007	**30745**
Kara	Marie	Waltz	October 19, 2007	**30746**
Nicholas	Adam	Porterfield	October 22, 2007	**30747**
Jane	Roldan	Simbre	October 22, 2007	**30748**
Kim	Byum	Suk	October 22, 2007	**30749**
Hong	Kenneth	Hyun	October 22, 2007	**30750**
Vahan		Avetisyan	October 23, 2007	**30751**
Alan	Ning	Xu	October 23, 2007	**30752**
Jane	Jihye	Kim	October 23, 2007	**30753**

Courtney	Anne	Bostjancic	October 25, 2007	**30754**
Paul	E.	Dancy Jr.	October 29, 2007	**30755**
Ji Hoon		Kim	October 29, 2007	**30756**
Joseph	James	Reid	October 29, 2007	**30757**
Margaret	Koszylko	Smith	October 30, 2007	**30758**
Yuko		Yamamoto	October 30, 2007	**30759**
Tyson	M.	Perez	October 30, 2007	**30760**
Janna	Renee	Huboi	November 5, 2007	**30761**
Lara	R.	Kossover	November 5, 2007	**30762**
Steven	Clark	Hobbs	November 6, 2007	**30763**
Lauren	Marieange	Jalette	November 6, 2007	**30764**
Joanna	Helen	McCully	November 8, 2007	**30765**
Goldberry	Skeel	Jacques-Maynes	November 9, 2007	**30766**
Nicholas	John	Froehling	November 14, 2007	**30767**
Reggie	Stanley	Fuller	November 14, 2007	**30768**
Jason	L.	Rabineau	November 14, 2007	**30769**
Cassandra	Maria	Mason	November 16, 2007	**30770**
Brooke	Allison	Sherman	November 16, 2007	**30771**
Harris	Kwok-Ching	Lee	November 20, 2007	**30772**
Michael	Christopher	Murray	November 20, 2007	**30773**
Michael	Joseph	Sobran	November 26, 2007	**30774**
Mi Sun		Yi	November 26, 2007	**30775**
Hyun	Jip	Kim	November 26, 2007	**30776**
Jamie	Christian	Kaszer	November 26, 2007	**30777**
Daryl	Wayne	Hobbs	November 29, 2007	**30778**
Dana	Elizabeth	Barry	December 4, 2007	**30779**
Qudsia		Sadiq	December 4, 2007	**30780**
Andrea	Michele	Aldrich	December 4, 2007	**30781**
Brett	Alexander	Smith	December 4, 2007	**30782**
Gary	Wade	Nolan	December 6, 2007	**30783**
Payam		Pirnia	December 6, 2007	**30784**
Nicole	Freeman	Watson	December 6, 2007	**30785**
Rachel	Dawn	Robison	December 11, 2007	**30786**
David	Richard	Olsen	December 12, 2007	**30787**
David	Allen	McCann	December 18, 2007	**30788**
Anna	Louise	Rossi	December 18, 2007	**30789**
Timothy	Joseph	Williams	December 26, 2007	**30790**
Kenny	Yu-Yun	Huang	December 26, 2007	**30791**
Jimmy		Chu	December 26, 2007	**30792**
Shilpa		Agrawal	December 24, 2007	**30793**
Robert	Neil	Privratsky Jr.	January 3, 2008	**30794**
Kayla	Louise	Biewer	January 14, 2008	**30795**
Daniel	S.	Chun	January 14, 2008	**30796**

Yolanda	Eva	Dabrowski	January 14, 2008	**30797**
Patricia	Lee	Gorman	January 14, 2008	**30798**
Parastou		Ilbeigi	January 14, 2008	**30799**
Joseph	Paul	Russell	January 14, 2008	**30800**
Manuel	Ernesto	Valle	January 14, 2008	**30801**
Lawrence	Coleman	Williams	January 14, 2008	**30802**
Steven	Phillip	Bennett	February 1, 2008	**30803**
Charalampos		Bilitsis	February 1, 2008	**30804**
Brandon	David	Fox	February 1, 2008	**30805**
Jonathan	Barret	Herbert	February 1, 2008	**30806**
Kaela	Son-Ah	Hwang	February 1, 2008	**30807**
Anthony	Wayne	Kearns	February 1, 2008	**30808**
Phillip	David	Kotzan	February 1, 2008	**30809**
Kesung		Kwak	February 1, 2008	**30810**
Glenn	R.	Larson	February 1, 2008	**30811**
Robinson	Thanh	Le	February 1, 2008	**30812**
Sna		Lim	February 1, 2008	**30813**
Joseline		Nguyen	February 1, 2008	**30814**
Rosanna	Rochelle	Perez	February 1, 2008	**30815**
Jordan	Jeffrey	Savara	February 1, 2008	**30816**
Jack		Trapasso	February 1, 2008	**30817**
Jack	Quoc	Truong	February 1, 2008	**30818**
John	Taylor	White	February 1, 2008	**30819**
Nami	Neil	Hai	February 4, 2008	**30820**
Gilbert	Sami	Abou Jaoudeh	February 21, 2008	**30821**
Hamed	Johnathan	Aflakian	February 21, 2008	**30822**
Aaron	Christopher	Bates	February 21, 2008	**30823**
Sandy	Allen	Bell	February 21, 2008	**30824**
Robert	Douglass	Benaderet	February 21, 2008	**30825**
Laura	Lynn	Bohlken	February 21, 2008	**30826**
Kurt	Michael	Bryant	February 21, 2008	**30827**
Thai	Binh	Bui	February 21, 2008	**30828**
Michael	Adam	Dyer	February 21, 2008	**30829**
Eddie	R	Fernandes	February 21, 2008	**30830**
Tyler	Tedd	Gatteau	February 21, 2008	**30831**
Gabriel	Seth	Goldman	February 21, 2008	**30832**
Rudolph	Andrew	Gutierrez Jr.	February 21, 2008	**30833**
Scott	Steven	Hardman	February 21, 2008	**30834**
Tetsuya		Hasegawa	February 21, 2008	**30835**
Mimi	C	Jackson	February 21, 2008	**30836**
Carolyn	J.	Jacobson	February 21, 2008	**30837**
Salvadore		Kerkar	February 21, 2008	**30838**
Dana	J.	Laridaen	February 21, 2008	**30839**

Giancarlo		Licata	February 21, 2008	**30840**
Martin	Franklin	Loftin Jr.	February 21, 2008	**30841**
Shannon	Midori	McIllnay	February 21, 2008	**30842**
Julie	Rachel	Moen	February 21, 2008	**30843**
Leah	Beth	Parsanko	February 21, 2008	**30844**
Christina	Darlene	Rodriguez	February 21, 2008	**30845**
David		Sisopha	February 21, 2008	**30846**
Katie	Ann	Sokolski	February 21, 2008	**30847**
Helen	Hoi Yan	Tong	February 21, 2008	**30848**
Timothy	John	Weimer	February 21, 2008	**30849**
Shelley	Ann	Burmaz	March 3, 2008	**30850**
Senh	Kevin	Chang	March 3, 2008	**30851**
Kendra	Lee	Cohn	March 3, 2008	**30852**
James	Christopher	Cox	March 3, 2008	**30853**
Kristy	Marie	Holmes	March 3, 2008	**30854**
Harold	Joseph Kenui	Iseke II	March 3, 2008	**30855**
Jasmine	Gayatri	Jackson	March 3, 2008	**30856**
Joseph	Navallo	Jaime	March 3, 2008	**30857**
Taryn	Margaret	Kreipe	March 3, 2008	**30858**
Joy	Chia-Hsiang	Liu	March 3, 2008	**30859**
Gabriel	Joshua	Marichi	March 3, 2008	**30860**
Naroth		Nop	March 3, 2008	**30861**
Samuel		Ruiz	March 3, 2008	**30862**
Adam	Michael	Schotzko	March 3, 2008	**30863**
Deanne	Carol	Watkins	March 3, 2008	**30864**
Johnna	Diann	West	March 3, 2008	**30865**
Jessica	Lee	Corkill	March 3, 2008	**30866**
John	Donovan	DeWitt II	March 3, 2008	**30867**
Kristen	Ann	Saxton	March 3, 2008	**30868**
Jennifer	Reyes	Francisco	March 4, 2008	**30869**
Michelle	Marie	Litzinger	March 4, 2008	**30870**
Nick	James	Baker	March 7, 2008	**30871**
Paul	Kent	Bolton	March 7, 2008	**30872**
William		Knodel	March 7, 2008	**30873**
Victor	Sadeghi	Malvajerdi	March 7, 2008	**30874**
John	Byron	Mikalson	March 7, 2008	**30875**
Paul	Thomas	Picha	March 7, 2008	**30876**
Gassia		Titizian	March 7, 2008	**30877**
Jennifer	Marie	Vaccaro	March 7, 2008	**30878**
James	Patrick	Von Hipple	March 7, 2008	**30879**
Rachel	Wing-Kwun	Yan	March 7, 2008	**30880**
Stefanie	Danielle	Yuen	March 7, 2008	**30881**
Dustin	Livingston Garrett	Agnelli	March 17, 2008	**30882**

Logan	James	Frahm	March 17, 2008	**30883**
Jesse	Thomas	Morris	March 17, 2008	**30884**
Mohamad	Baktash	Noori	March 17, 2008	**30885**
Eugene	J	Sung	March 17, 2008	**30886**
Charles	Andrew	Caughlin	March 25, 2008	**30887**
Victor	Manuel	Chavez	March 25, 2008	**30888**
Ya-Yuan		Cheng	March 25, 2008	**30889**
Homan		Dibagohar	March 25, 2008	**30890**
Anahid		Ekmekdjian	March 25, 2008	**30891**
Julia	Crystal	Johnson	March 25, 2008	**30892**
Clifton	Sergio	Perry	March 25, 2008	**30893**
Gino	Carl	Pucino	March 25, 2008	**30894**
Kristal	Dawn	Shropshire	March 25, 2008	**30895**
Katrina	Marie	Stopper	March 25, 2008	**30896**
Eric	Donald	Wagnon	March 25, 2008	**30897**
Wendy	Laddawan	Yang	March 25, 2008	**30898**
Jen-Wei		Chen	March 25, 2008	**30899**
Jennifer	Lynn	Collins	March 25, 2008	**30900**
Rebecca	Ann	Knight	March 25, 2008	**30901**
Jeffrey	Christopher	Abreu	April 25, 2008	**30902**
Michelle	Janet	Chauss	April 25, 2008	**30903**
Alisa	Jeanne	Cross	April 25, 2008	**30904**
Tanya	Maria	Dobrzanski	April 25, 2008	**30905**
Jamie	Michelle	Engel	April 25, 2008	**30906**
Adam	Richard	Evans	April 25, 2008	**30907**
Eric	Salvador	Garcia	April 25, 2008	**30908**
Jason	Kenneth	Goss	April 25, 2008	**30909**
Michael	David	Haight	April 25, 2008	**30910**
Chi	Fun	Ho	April 25, 2008	**30911**
Robert	Brant	Hoyt	April 25, 2008	**30912**
Krista	Ingrid	Koop	April 25, 2008	**30913**
Philip	Brian	Kossover	April 25, 2008	**30914**
Vu	Van	Le	April 25, 2008	**30915**
Kaluk		Lee	April 25, 2008	**30916**
Chung	Shih	Lim	April 25, 2008	**30917**
Gregg	S	Mallett	April 25, 2008	**30918**
Christopher	Jason	Matock	April 25, 2008	**30919**
Jason	Holt	Mavor	April 25, 2008	**30920**
Jennifer	Leanne	McHattie	April 25, 2008	**30921**
Kryssa	Ann	Mooney	April 25, 2008	**30922**
Christopher	A	Moran	April 25, 2008	**30923**
Maria	Esmeralda	Mozeson	April 25, 2008	**30924**
Julianne	Klein	Newman	April 25, 2008	**30925**

Andrea	Louise	Patane	April 25, 2008	**30926**
Michael	Sheriar	Rehl	April 25, 2008	**30927**
Steven		Rottell	April 25, 2008	**30928**
Kimberly	Marie	Smeltzer	April 25, 2008	**30929**
Matthew	George	Tatsuno	April 25, 2008	**30930**
Ngoc-Nga	Thi	Tran	April 25, 2008	**30931**
Laurie	Elizabeth	Wonnell	April 25, 2008	**30932**
Ian	Inteus	Beckingham	May 6, 2008	**30933**
Aram	Joseph	Casparian	May 6, 2008	**30934**
Tyler	Lee	Comer	May 6, 2008	**30935**
Ryan	Glenn	Gessay	May 6, 2008	**30936**
Kathryn	Anne	Haag	May 6, 2008	**30937**
Chad	Eric	Kelly	May 6, 2008	**30938**
Ronald	A.	Soriano	May 6, 2008	**30939**
Ryan	Russell	Steen	May 6, 2008	**30940**
Bryan	Allen	Wright	May 6, 2008	**30941**
Joshua	Gary	Bross	May 13, 2008	**30942**
Jason	Scott	Gonzales	May 13, 2008	**30943**
Christopher	Edwin	Johnsen	May 13, 2008	**30944**
Ryan	Daniel	Kauffman	May 13, 2008	**30945**
Roy		Nissim	May 13, 2008	**30946**
Angela	Lynn	Tamsett	May 13, 2008	**30947**

STATE OF CALIFORNIA

BOARD OF CHIROPRACTIC EXAMINERS | ARNOLD SCHWARZENEGGER, GOVERNOR

MEMORANDUM

Date: May 15, 2008

To: Board Members

From: Brian J. Stiger,
Executive Officer

Subject: **Ratification of Formerly Approved Continuing Education Providers**

This is to request that the Board ratify the following approved continuing education providers at the May 22, 2008, public meeting.

Staff reviewed and confirmed that the applicants met the requirements and then approved of the following continuing education providers between May 4, 2006, and May 8, 2008:

Continuing Education Providers	Date of Staff Approval
George R. LeBeau, D.C.	05/04/06
William J. Moreau, D.C.	05/08/06
Nancy M. Molina, D.C.	12/14/06
Chi's Enterprise, Inc.	04/10/07
Recovery Systems Clinic	06/14/07
Lorman Business Center, Inc.	08/09/07
Victor Y. Tong, D.C.	08/09/07
Marcello Caso Chiropractic, Inc.	10/22/07
M. Daniel Bivins, D.C.	11/02/07
H. J. Ross Company	11/20/07
Sole Supports	05/08/08

If you have any questions or concerns, please contact me at your earliest opportunity.

Elaine M. Howle
State Auditor

Doug Cordiner
Chief Deputy

CALIFORNIA STATE AUDITOR
Bureau of State Audits

555 Capitol Mall, Suite 300 Sacramento, CA 95814 916.445.0255 916.327.0019 fax www.bsa.ca.gov

March 25, 2008 2007-117

Brian Stiger, Executive Officer
Board of Chiropractic Examiners
2525 Natomas Park Drive, Suite 260
Sacramento, California 95833

Dear Mr. Stiger:

Enclosed is our report titled *State Board of Chiropractic Examiners: Board Members Violated State Laws and Procedural Requirements, and Its Enforcement, Licensing, and Continuing Education Programs Need Improvement.* In addition, we have enclosed a fact sheet listing the key issues identified in the audit report.

Please respond to us within 60 days, 6 months, and 1 year on your efforts to implement those recommendations that are within your statutory authority. Your responses should include (1) a timetable for implementing our recommendations and (2) the name of the person or persons who will be responsible for implementation. Also, please include the rules, memoranda, and other relevant materials that document either your implementation of the recommendations or the steps you have taken to rectify those problems discussed in our report.

The information you provide us will be used to determine the need for a follow-up review by the state auditor or, in some cases, the need for a committee hearing. When appropriate, we will provide this information to the relevant fiscal committees and subcommittees at the beginning of the budget cycle to facilitate legislative oversight of audited agencies. To assure that those committees and subcommittees receive current information, the timing of the 60-day, 6-month, and 1-year responses may be modified slightly on a case-by-case basis.

Sincerely,

Elaine M. Howle

ELAINE M. HOWLE
State Auditor

Enclosure

STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, Governor

Board of Chiropractic Examiners
2525 Natomas Park Drive, Suite 260
Sacramento, California 95833-2931
Telephone (916) 263-5355 FAX (916) 263-5369
CA Relay Service TT/TDD (800) 735-2929
Consumer Complaint Hotline (866) 543-1311
www.chiro.ca.gov

May 25, 2008

Elaine M. Howle, State Auditor
California Bureau of State Audits
555 Capitol Mall, Ste. 300
Sacramento, CA 95814

Dear Ms. Howle:

Pursuant to your request, this updates you on progress the Board of Chiropractic Examiners (BCE) has made in implementing the Bureau of State Audit's recommendations contained in its report dated March 25, 2008.

The BCE has made significant progress thus far and is on track to implement all but one recommendation within the next six months.

If you have any questions or need additional information, please contact me at your earliest opportunity.

Best regards,

Brian J. Stiger,
Executive Officer

Attachment: BCE 60 Day Response

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Bureau of State Audits' Recommendations 60 Day Status
Chapter 1
May 22, 2008

Audit Recommendations	Fully Implemented	Estimated Comp. Date	Person(s) Responsible	Exhibit
To ensure that it complies with all Bagley-Keene requirements, the chiropractic board should: • Continue to involve legal counsel in providing instruction and training to board members at each meeting. • Continue to retain documentation of the steps it takes to publicly announce its meetings.	Yes Yes			A
To ensure that the chiropractic board complies with administrative procedure act requirements, board members should ensure they limit their communications related to board business so they do not engage in ex parte communications or compromise their ability to fulfill their responsibility in enforcement hearings.	Yes			B
To ensure compliance with the initiative act, the chiropractic board should modify its current process so that board members make the final decision to approve or deny all licenses. Additionally, board members should ratify the previous license decisions staff made.	Yes			C
To comply with the political reform act, the chiropractic board should do the following: • Ensure that its filing official is aware of the role and responsibilities and similarly, promptly inform anyone replacing the filing official. • Establish an effective process for tracking whether all designated employees, including board members, have completed and filed their statements of economic interests on time, to identify potential conflicts of interest. • Periodically review its employees' responsibilities to ensure that all individuals who are in decision-making positions are listed as designated employees in its conflict-of-interest code.	Yes No No	 07/01/08 07/01/08	 Executive Officer Executive Officer	D

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Bureau of State Audits' Recommendations 60 Day Status
Chapter 1 (Cont.)
May 22, 2008

Audit Recommendations	Fully Implemented	Estimated Comp. Date	Person(s) Responsible	Exhibit
The chiropractic board should consider providing state e-mail accounts to its board members so they conduct their chiropractic board business in a secure and confidential environment and make their actions and correspondence accessible under public records act requests.	Yes			F
To ensure that they continue to improve their knowledge and understanding of Bagley-Keene, other state laws, and board procedures, board members should continue to use their newly adopted administrative manual as guidance for conducting board business.	Yes			G
To ensure that it complies with Bagley-Keene requirements and state laws requiring board members to attend training within specific time frames, and to ensure board members receive orientation within a reasonable amount of time of assuming office, the chiropractic board should:				H
• Ensure staff retain documentation when they provide a copy of the Bagley-Keene to each board member.	Yes			
• Continue to use the member appointment checklist and establish procedures to periodically record and monitor board member training.	No	07/01/08	Executive Officer	
• Continue the practice of sending new board members to the orientation that Consumer Affairs provides.	Yes			

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Bureau of State Audits' Recommendations 60 Day Status
Chapter 2
May 22, 2008

Audit Recommendations	Fully Implemented	Estimated Comp. Date	Person(s) Responsible	Exhibit
To ensure that it has adequate controls over its complaint review process, the chiropractic board should do the following:				
• Develop procedures to ensure that the chiropractic board processes and resolves complaints as promptly as possible by establishing benchmarks and more structured policies and procedures specific to each step in its complaint review process.	No	0801/08	Executive Officer Compliance Manager	
• Establish time frames for staff to open complaint cases, complete initial review, refer cases to an investigator or expert if necessary and close or otherwise resolve complaints through implementing informal discipline or referring for formal discipline to ensure that all complaint cases move expeditiously through each phase of the complaint review process.	No	0801/08	Executive Officer Compliance Manager Field Ops. Manager	
• Periodically review the status of all open complaints and investigations and identify and resolve any delays in processing.	No	08/01/08	Executive Officer	
• Strengthen its enforcement policies and procedures to minimize the amount of time it takes staff to process consumer complaints before forwarding them to the attorney general or other law enforcement agency to ensure that it adequately assists attorneys and law enforcement agencies in enforcing the laws of chiropractic.	No	08/01/08	Executive Officer Compliance Manager Field Ops. Manager	
To ensure that its enforcement procedures are complete and provide adequate guidance to enforcement staff, the chiropractic board should do the following:				
• Develop policies and procedures requiring that only a manager or a designated employee are allowed to make the final decisions on complaint resolution.	No	07/01/08	Executive Officer	
• Develop procedures to ensure that staff reports the issuance of citations to other states' chiropractic boards and regulatory agencies.	No	08/01/08	Compliance Manager	
• Develop procedures instructing staff when to open and how to process complaints generated internally.	No	07/01/08	Compliance Manager	

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Bureau of State Audits' Recommendations 60 Day Status
Chapter 2 (Cont.)
May 22, 2008

Audit Recommendations	Fully Implemented	Estimated Comp. Date	Person(s) Responsible	Exhibit
To ensure that it processes and resolves consumer complaints regarding the same allegations consistently and that it consistently processes consumer complaints according to its enforcement policies and procedures, the chiropractic board should strengthen its existing procedures to provide guidance for staff on how to process and resolve all types of complaints and to ensure appropriate management oversight.	No	08/01/08	Executive Officer Compliance manager Field Ops. Manager	
To ensure that its processes for prioritizing consumer complaints are adequate and effective to ensure that staff clearly identify and process priority complaints promptly, the chiropractic board should do the following: • Implement tracking methods, such as flagging priority cases during complaint intake, using multiple levels of priority categories, and assigning specific time frames to process those priority categories. • Establish procedures that direct board management to monitor the status of open complaints regularly especially those given priority status, to ensure that they do not remain unresolved longer than necessary.	No No	08/01/08 07/01/08	Executive Officer Compliance Manager Executive Officer	
To ensure that it is in compliance with all of its regulations, the chiropractic board should carefully consider the intended purpose of the quality review panels and whether implementing them is the best option to fulfill that intent. If the chiropractic board decides that another option would better accomplish the intended purpose of the quality review panels, it should implement the process for revising its regulations.	Yes			I
To ensure that it has necessary resources to answer technical questions regarding quality of care and improper treatment that often arise, the board should fill and maintain its chiropractic consultant position. In addition, the board should ensure that its chiropractic consultant acts only in an advisory capacity and that the executive officer makes the final decision.	No		Board Members Executive Officer	

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Bureau of State Audits' Recommendations 60 Day Status
Chapter 2 (Cont.)
May 22, 2008

Audit Recommendations	Fully Implemented	Estimated Comp. Date	Person(s) Responsible	Exhibit
To ensure that it adequately controls the use of experts, the chiropractic board should do the following:				
• Establish policies and procedures requiring its staff to document interviews with experts, including the content of those discussions to ensure that it refers cases to qualified experts who are free of conflicts.	No	08/01/08	Executive Officer Legal Counsel Compliance Manager	
• Consider entering into formal written contracts for services from experts or require them to provide written attestations that they are free of conflicts in cases assigned.	Yes			J
• Strengthen its policies and procedures to ensure that its staff monitor experts on their adherence to the established 30-day deadline for reviewing complaint cases and submitting a written report.	No	08/01/08	Executive Officer Compliance Manager	
• Consistently perform an evaluation of the expert's written report and thoroughly document the results of the evaluations to ensure that it does not inappropriately refer complaint cases to experts who have not demonstrated quality work in the past.	No	08/01/08	Compliance Manager	
To ensure that the chiropractic board can demonstrate that its employees meet the minimum qualifications for their positions, it should retain personnel documentation on all employees according to record retention policy. In addition, the chiropractic board should require its personnel contractor to comply with the same requirements.	Yes			
To ensure that future chiropractic consultants are hired with the desired qualifications, the board should consider revising the position's minimum qualifications to provide additional clarity on the term practice of chiropractic, similar to the board's current requirements for experts.	No	01/01/09	Board Members Executive Officer	

DRAFT

Bureau of State Audits' Recommendations 60 Day Status
Chapter 3
May 22, 2008

Audit Recommendations	Fully Implemented	Estimated Comp. Date	Person(s) Responsible	Exhibit
To ensure that it is able to measure the overall efficiency of its licensing program in processing applications and petitions, the chiropractic board should do the following:				
• Establish time frames for all types of applications and petitions the board processes.	No	08/01/08	Executive Officer Licensing Manager	
• Establish a tracking system for applications and petitions to analyze where delays are occurring and ensure that applications and petitions are processed promptly.	No	08/01/08	Licensing Manager	
• Establish a time frame for resolving appeals that includes milestones for each phase of the process.	No	08/01/08	Licensing Manager	
To ensure that it only licenses those who are committed to following its laws and regulations, the chiropractic board should develop specific policies and procedures for staff to follow when the board has received a complaint against an applicant seeking licensure.	No	08/01/08	Licensing Manager	
To ensure that the chiropractic board is able to defend its decisions on approved applications for satellite offices, corporations, and referral services, it should implement a standard of required documentation that includes identifying when and who conducted eligibility verifications.	No	08/01/08	Licensing Manager	
To ensure that it is placing licenses on forfeiture status according to the initiative act, the chiropractic board should do the following:				
• Establish specific procedures for staff to follow when licensees submit invalid payment when renewing licenses.	No	O8/01/08	Licensing Manager	
• Establish a tracking method to ensure that requests for repayment are sent promptly	No	08/01/08	Licensing. Manager	

DRAFT

Bureau of State Audits' Recommendations 60 Day Status
Chapter 3 (Cont.)
May 22, 2008

Audit Recommendations	Fully Implemented	Estimated Comp. Date	Person(s) Responsible	Exhibit
To ensure that the chiropractic board's continuing education program complies with current regulations, it should do the following:				
• Have board members ratify staff approvals of continuing education providers.	Yes			L
• Ensure its process to approve continuing education providers conforms with its regulations.	Yes			
• Comply with requirements for notifying providers of board member approval within two weeks following a scheduled board meeting and for notifying providers of application deficiencies within three weeks of receiving the application.	No	08/01/08	Licensing Manager	
• Establish a process to track and monitor whether continuing education providers submit attendance rosters within 60 days of course completion.	No	08/01/08	Licensing Manager	
• Establish a procedure for maintaining accurate documentation of continuing education audits of licensees.	No	08/01/08	Licensing Manager	
• Establish a mechanism to ensure that all relevant steps are taken before continuing education audits are considered complete.	No	08/01/08	Licensing Manager	
• Establish a process to track course audits conducted and a procedure for taking corrective action when the course reviewer identifies a deficiency.	No	08/01/08	Licensing Manager	

End of Report

DRAFT

BSA 60-Day Status Report

Exhibit
A

STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, Governor

Board of Chiropractic Examiners
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Sacramento, California 95833-2931
Telephone (916) 263-5355 FAX (916) 263-5369
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http://www.chiro.ca.gov

BOARD OF CHIROPRACTIC EXAMINERS
NOTICE OF PUBLIC BOARD MEETING

Thursday, April 19, 2007
9:30 a.m.
Four Points by Sheraton LAX
9750 Airport Boulevard
Los Angeles, California 90045
(310) 649-7024

AGENDA

Call to Order

Richard Tyler, D.C., Chair
Frederick Lerner, D.C., Vice-Chair
Francesco Columbu, D.C., Secretary
Hugh Lubkin, D.C.
Judge James Duvaras (Ret.), Public Member
Jim Conran, Public Member

Approval of Minutes

March 1, 2007, Open Session ..... A
March 23, 2007, Open Session ..... B

Hearing re: Petition for Early Termination of Probation

- John F. Koningh C

Hearings re: Petitions for Reinstatement of Revoked Licenses

- Robert J. Montoya ..... D
- Anthony T. Johnson ..... E
- Joseph Cobbs ..... F
- Jeffrey Nabatama ..... G

CLOSED SESSION

Deliberation on Disciplinary Matters and Action on Disciplinary Decisions
Pursuant to California Government Code Section 11126(c)(3)

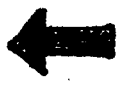
Chair's Report

- Introduction of new Board member – Jim Conran
- Committee Assignments

Executive Director's Report

- Operational Changes
- FCLB 81st Annual Congress – May 2-6, 2007, St. Louis, Missouri
- Procedure for Placing Items on the Agenda ..... H

Board Member training on the Bagley-Keene Open Meetings Act, Administrative Procedures Act and other relevant laws



Program Reports

- Administration
  - Budget Update I
- Enforcement
  - Statistics ..... J

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http://www.chiro.ca.gov

NOTICE OF PUBLIC MEETING

Notice is hereby given that a meeting of the **Board of Chiropractic Examiners** will be held as follows:

Thursday, August 16, 2007
10:00 a.m.
Department of Transportation
4050 Taylor Street
San Diego, CA 92110
619-220-7363

AGENDA

PUBLIC SESSION

Call to Order

Richard Tyler, D.C., Chair
Frederick Lerner, D.C., Vice-Chair
Francesco Columbu, D.C., Secretary
Jim Conran, Public Member
Judge James Duvaras (Ret.), Public Member
Hugh Lubkin, D.C.

CLOSED SESSION

Call to Order

Pursuant to California Government Code Section 11126 (a)(1)

- Interviews and Possible Selection of Executive Officer

Deliberation on Disciplinary Matters and Action on Disciplinary Decisions
Pursuant to California Government Code Section 11126 (c)(3)

PUBLIC SESSION

Call to Order

Approval of Minutes

- Board Meeting June 21, 2007

Executive Officer's Report

- Administration
  - Budget Update
  - Personnel Update
  - Bureau of State Audits Update
  - Department of Consumer Affairs Services
- Enforcement
  - Statistics

Board Member training on the Bagley-Keene Open Meetings Act and other relevant laws

STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, Governor

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http://www.chiro.ca.gov

NOTICE OF PUBLIC MEETING

Notice is hereby given that a meeting of the **Board of Chiropractic Examiners** will be held as follows:

October 25, 2007
9:00a.m
Department of Consumer Affairs
1625 N. Market Blvd., Suite S102
Sacramento, CA 95834

AGENDA

PUBLIC SESSION

Call to Order

Richard Tyler, D.C., Chair
Frederick Lerner, D.C., Vice-Chair
Francesco Columbu, D.C., Secretary
Jim Conran, Public Member
Judge James Duvaras (Ret.), Public Member
Hugh Lubkin, D.C.

Approval of Minutes
August 16, 2007, Open Session

Executive Officer's Report

- Administration
  - Budget Update
  - Personnel Update
  - Bureau of State Audits Update
- Enforcement
  - Statistics

Assembly Bill 801 and Any Other Legislation of Interest to the Board

Board Member training on the Bagley-Keene Open Meetings Act and other relevant laws

Mission Statement

- Discussion and Possible Action on Mission Statement

Committee Reports

Discussion and Possible Action:

- Administrative Committee
  - Board Member Procedure Manual
- Continuing Education Committee
  - Proposed Procedures for Approval of CE Courses and Providers

Board of Chiropractic Examiners
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Sacramento, California 95833-2931
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Consumer Complaint Hotline (866) 543-1311
http://www.chiro.ca.gov

NOTICE OF PUBLIC MEETING

Notice is hereby given that a meeting of the **Board of Chiropractic Examiners** will be held as follows:

November 27, 2007
Upon Conclusion of Enforcement Committee Meeting
which is scheduled to start at 9:00 a.m.

Hearing Room
400 R Street, Room 101
Sacramento, CA 95814

AGENDA

PUBLIC SESSION

Call to Order

Richard Tyler, D.C., Chair
Frederick Lerner, D.C., Vice-Chair
Francesco Columbu, D.C., Secretary
Jim Conran, Public Member
Judge James Duvaras (Ret.), Public Member
Hugh Lubkin, D.C.

Approval of Minutes
October 25, 2007, Open Session

Executive Officer's Report

- Administration
  - Budget Update
- Licensing
  - Statistics
- Enforcement
  - Statistics

Board Member training on the Bagley-Keene Open Meetings Act and other relevant laws

Federation of Chiropractic Licensing Boards (FCLB) District Meeting Delegate Report

- FCLB General Information and PACE Presentation

Committee Reports

Discussion and Possible Action:

- Continuing Education Committee

Discussion and Possible Action:

- Enforcement Committee

Discussion and Possible Action:

- Manipulation Under Anesthesia (MUA) Committee

STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, Governor

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NOTICE OF PUBLIC MEETING

Notice is hereby given that a meeting of the **Board of Chiropractic Examiners** will be held as follows:

January 10, 2008
Upon Conclusion of the MUA Committee Meeting

Hearing Room
400 R Street, Room 101
Sacramento, CA 95814

AGENDA

PUBLIC SESSION
Call to Order

Richard Tyler, D.C., Chair
Frederick Lerner, D.C., Vice-Chair
Francesco Columbu, D.C., Secretary
Jim Conran, Public Member
Judge James Duvaras (Ret.), Public Member
Hugh Lubkin, D.C.

Board Member Opening Remarks

Election of Officers for 2008
Candidate Statements
- Chair
- Vice Chair
- Secretary

New Chair's Opening Remarks

Approval of Minutes
November 27, 2007, Open Session

Board Member training on the Bagley-Keene Open Meetings Act and other relevant laws

Executive Officer's Report
- Budget
- Licensing
- Enforcement

Committee Reports
Discussion and Possible Action:
- Manipulation Under Anesthesia (MUA) Committee (The Board may take action on any agenda item listed on the attached MUA Committee Agenda)

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NOTICE OF PUBLIC MEETING - AMENDED

Notice is hereby given that a meeting of the **Board of Chiropractic Examiners** will be held as follows:

March 27, 2008
Upon Conclusion of the Administrative Committee Meeting
Hearing Room
400 R Street, Room 101
Sacramento, CA 95814

AGENDA

PUBLIC SESSION

Call to Order

Frederick Lerner, D.C., D.C., Chair
Hugh Lubkin, D.C., Vice-Chair
Francesco Columbu, D.C., Secretary
Jim Conran, Public Member
Judge James Duvaras (Ret.), Public Member
Richard Tyler, D.C.

CLOSED SESSION

Discussion on Pending Litigation
Pursuant to California Government Code Section 11126(e)

- ***David Hinchee v. Board of Chiropractic Examiners, Catherine Hayes***
  Sacramento County Superior Court, Case No. 07AS03721
- ***Catherine Hayes v. Board of Chiropractic Examiners***
  Department of Fair Employment and Housing and Department of Industrial Relations Complaints
- ***Bryan Meredith, D.C. v. M. Maggie Craw, D.C. et al.***
  Sacramento County Superior Court, Case No. 07AS03639

Deliberation on Disciplinary Matters and Possible Action on Disciplinary Decisions
Pursuant to California Government Code Section 11126(c)(3)

- Aster Kifle-Thompson

PUBLIC SESSION
Call to Order

Chair's Report
Committees and Committee Assignments'

BCE Staff Recognition

Approval of Minutes
January 10, 2008, Open Session

Board Member training on the Bagley-Keene Open Meetings Act and other relevant laws

STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, Governor

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NOTICE OF BOARD MEETING

May 22, 2008

Upon Conclusion of the Strategic Planning Committee Meeting
Hearing Room
1625 North Market Blvd., Room S102
Sacramento, CA 95834

AGENDA

PUBLIC SESSION

Call to Order

Frederick Lerner, D.C., D.C., Chair
Hugh Lubkin, D.C., Vice-Chair
Francesco Columbu, D.C., Secretary
Jim Conran, Public Member
Judge James Duvaras (Ret.), Public Member
Richard Tyler, D.C., Professional Member

Chair's Report

Approval of Minutes
March 24, 2008, Open Session

Public Comment

Board Member training on the Bagley-Keene Open Meetings Act and other relevant laws

Executive Officer's Report

- Budget
- Personnel
- Licensing
- Enforcement

COMMITTEE REPORTS

Enforcement Committee – Discussion and Possible Action

- California Code of Regulations 306.1 Chiropractic Quality Review Panel (CQRP)

Licensing Committee - Discussion and Possible Action

- Approval by Ratification of Formerly Approved License Applications

Continuing Education Committee - Discussion and Possible Action

- Approval by Ratification of Formerly Approved Continuing Education Providers

Scope of Practice Committee - Discussion and Possible Action

- Recognition of Chiropractic Specialties re Advertising
- Chiropractic Scope of Practice for X-ray Use Update

Board Meeting Checklist

Meeting Date: NOV 27, 2007 *Petitioners?* NO

15 days before meeting 11/12/07

- [x] Send email to confirm Board members/staff attendance by "Verbal"
- [x] Work with Executive Officer and Board secretary to prepare "draft" agenda 11/13/07
- [x] Send email to staff regarding exhibits for meeting packets with a deadline date of (10 days prior to meeting) _____
- [x] Confirm meeting room reservations 11/2/07

12 days before meeting (minimum 10 days before meeting) 11-16-07

- [x] Mail Notice and Agenda to Interested Parties on mailing list 11-16-07
- [x] Send email to Doug to post notice and agenda on website 11-15-07
- [x] Email agenda to Board members, staff, and legal counsel 11-15-07
- [x] Follow-up on receipt of exhibits for packets _____
- [x] Follow-up on attendance confirmations _____

10 days before meeting 11-16-07

- [x] BEGIN PREPARING board packets
  - 11 copies (Board members, counsel, staff and file copy)
  - 20 copies for public DO NOT INCLUDE closed session items

7 days before meeting 11-20-07

- [x] Mail ALL packets OVERNIGHT to Board members and legal staff
- [x] Distribute packets to office staff

ATTENDING?

[x] F. Lerner	[x] J. Conran	[x] B. Stiger	[ ] L. Matthews (if attending)
[x] R. Tyler	[x] H. Lubkin	[x] L. Powell	
[x] F. Columbu	[x] Judge Duvaras	[x] T. Rinaldi	
[ ] _____		[x] M. Valencia	[x] File Copy

Board Meeting Checklist

Meeting Date: Jan 10, 2008 *Petitioners?* _____

15 days before meeting _____

- ☐ Send email to confirm Board members/staff attendance by _____
- ☐ Work with Executive Officer and Board secretary to prepare "draft" agenda _____
- ☒ Send email to staff regarding exhibits for meeting packets with a deadline date of (10 days prior to meeting) _____
- ☒ Confirm meeting room reservations _____

12 days before meeting (minimum 10 days before meeting) _____

- ☑ Mail Notice and Agenda to Interested Parties on mailing list 12/31/07
- ☑ Send email to ~~Doug~~ DTS to post notice and agenda on website POSTED ON WEBSITE 12/28/2007
- ☑ Email agenda to Board members, staff, and legal counsel _____
- ☑ Follow-up on receipt of exhibits for packets 12/28/07 & 1/3/08
- ☑ Follow-up on attendance confirmations 12/20/07 & 1/8/08

10 days before meeting 1/2/08

- ☑ BEGIN PREPARING board packets
  - 11 copies (Board members, counsel, staff and file copy)
  - 20 copies for public **DO NOT INCLUDE closed session items**

7 days before meeting 1/3/08

- ☑ **Mail ALL packets OVERNIGHT** to Board members and legal staff
- ☑ Distribute packets to office staff

ATTENDING?

☑ F. Lerner	☑ J. Conran	☑ B. Stiger	☐ L. Matthews (if attending) NO
☑ R. Tyler	☑ H. Lubkin	☑ L. Powell	
☑ F. Columbu	☑ Judge Duvaras	☑ T. Rinaldi	
☐ _____		☑ M. Valencia	☑ File Copy

Board Meeting Checklist

Meeting Date: 3-27-08 **Petitioners?** N

Beginning at least 15 days before meeting 3/12/08

✓	Task	Date Completed
✓	send email to confirm Board member/staff attendance	
✓	begin working with Executive Officer/Board Secretary on "draft" agenda	3-12-08 mv
✓	send email to staff regarding exhibits for meeting packets w/ deadline date (8 days prior to meeting)	
✓	confirm meeting room reservation	3-17-08 mv

10 days before meeting 3-17-08

✓	Task	Date Completed
✓	post Notice & Agenda on website	3-14-08 & 3-17-08 mv
✓	mail notice & Agenda to Interested Parties on mailing list	3/17/08 mv
✓	email agenda to Board members, staff & legal counsel	3/17/08 mv
✓	follow-up on attendance confirmation (if not, already received)	3-17-08 mv

Beginning 9 days before meeting 3-18-08

✓	Task	Date Completed
✓	BEGIN preparing board packets	3/18/08 mv
✓	* 11 copies (Board members, counsel, staff & file copy)	3/20/08

7 days before meeting 3-20-08

✓	Task	Date Completed
✓	Mail packets OVERNIGHT to Board members & legal staff	3/20/08 mv
✓	distribute packets to office staff	3/20/08

1 day after Board members receive their packets 3-24-08

✓	Task	Date Completed
✓	Post meeting materials on website	3/24/08 mv

2-3 days before the Board meeting 3-25-08

✓	Task	Date Completed
✓	make copies of meeting materials for public	3/25/08 mv
✓	pack necessary materials for meeting	

ATTENDING?

- [x] F. Lerner
- [x] R. Tyler
- [x] F. Columbu
- [ ] _____
- [x] J. Conran
- [x] H. Lubkin
- [x] Judge Duvaras
- [x] B. Stiger
- [x] L. Powell
- [x] T. Rinaldi
- [x] M. Valencia
- [x] File Copy

Completed by Marlene Valencia
Board Member Liaison

Approved by Brian J. Stiger
Executive Officer

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NOTICE OF PUBLIC MEETING

Notice is hereby given that a meeting of the Legislative Committee of the Board of Chiropractic Examiners will be held as follows:

March 27, 2008
9:00 a.m.
Hearing Room
400 R Street, Room 101
Sacramento, CA 95814

AGENDA

CALL TO ORDER

Discussion and Possible Action:

- Assembly Bill 450

Discussion and Possible Action:

1 of 6
Done
Friday, March 14, 2008
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NOTICE OF PUBLIC MEETING – CORRECTED TIME

Notice is hereby given that a meeting of the **Legislative Committee** of the **Board of Chiropractic Examiners** will be held as follows:

March 27, 2008
8:30 a.m.
Hearing Room
400 R Street, Room 101
Sacramento, CA 95814

AGENDA

CALL TO ORDER

Discussion and Possible Action:

- Assembly Bill 450

Discussion and Possible Action:

- Assembly Bill 1861

Discussion and Possible Action:

1 of 1
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Monday, March 17, 2008

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NOTICE OF PUBLIC MEETING

Notice is hereby given that a meeting of the **Enforcement Committee** of the **Board of Chiropractic Examiners** will be held as follows:

March 27, 2008
Upon Conclusion of the Legislative Committee Meeting
Hearing Room
400 R Street, Room 101
Sacramento, CA 95814

AGENDA

CALL TO ORDER

Approval of Minutes
January 10, 2008

Discussion and Possible Action:

- Expert Witness Manual

2 of 6
Done
Friday, March 14, 2008
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NOTICE OF PUBLIC MEETING

Notice is hereby given that a meeting of the **Enforcement Committee** of the **Board of Chiropractic Examiners** will be held as follows:

March 27, 2008
Upon Conclusion of the Legislative Committee Meeting
Hearing Room
400 R Street, Room 101
Sacramento, CA 95814

AGENDA

CALL TO ORDER

Approval of Minutes
January 10, 2008

Discussion and Possible Action:

- Expert Witness Manual

Expert Witness Qualifications

1 of 1
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NOTICE OF PUBLIC MEETING

Notice is hereby given that a meeting of the **Manipulation Under Anesthesia (MUA) Committee** of the **Board of Chiropractic Examiners** will be held as follows:

March 27, 2008
Upon Conclusion of the Enforcement Committee Meeting
Hearing Room
400 R Street, Room 101
Sacramento, CA 95814

AGENDA

Call to Order

Discussion and Possible Action

- MUA Standard of Care Draft Regulations

3 of 6
Done
Friday, March 14, 2008
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NOTICE OF PUBLIC MEETING

Notice is hereby given that a meeting of the **Manipulation Under Anesthesia (MUA) Committee** of the **Board of Chiropractic Examiners** will be held as follows:

March 27, 2008
Upon Conclusion of the Enforcement Committee Meeting
Hearing Room
400 R Street, Room 101
Sacramento, CA 95814

AGENDA

Call to Order

Discussion and Possible Action

- MUA Standard of Care Draft Regulations

PUBLIC COMMENT

1 of 1
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Monday, March 17, 2008

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NOTICE OF PUBLIC MEETING

Notice is hereby given that a meeting of the **Administrative Committee** of the **Board of Chiropractic Examiners** will be held as follows:

March 27, 2008
Upon Conclusion of the MUA Committee Meeting
Hearing Room
400 R Street, Room 101
Sacramento, CA 95814

AGENDA

Call to Order

Discussion and Possible Action
- Interagency Agreement with Department of Consumer Affairs (DCA)

Discussion and Possible Action
- State Issued E-mail Addresses for Board Members

4 of 6
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NOTICE OF PUBLIC MEETING

Notice is hereby given that a meeting of the **Administrative Committee** of the **Board of Chiropractic Examiners** will be held as follows:

March 27, 2008
Upon Conclusion of the MUA Committee Meeting
Hearing Room
400 R Street, Room 101
Sacramento, CA 95814

AGENDA

Call to Order

Discussion and Possible Action
- Interagency Agreement with Department of Consumer Affairs (DCA)

Discussion and Possible Action
- State Issued E-mail Addresses for Board Members

Discussion and Possible Action
- Board Member Administrative Procedure Manual Updates

1 of 1
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Consumer Complaint Hotline (866) 543-1311
http://www.chiro.ca.gov

NOTICE OF PUBLIC MEETING

Notice is hereby given that a meeting of the **Board of Chiropractic Examiners** will be held as follows:

March 27, 2008
Upon Conclusion of the Administrative Committee Meeting
Hearing Room
400 R Street, Room 101
Sacramento, CA 95814

AGENDA

PUBLIC SESSION

Call to Order

Frederick Lerner, D.C., D.C., Chair
Hugh Lubkin, D.C., Vice-Chair
Francesco Columbu, D.C., Secretary
Jim Conran, Public Member
Judge James Duvaras (Ret.), Public Member
Richard Tyler, D.C.

CLOSED SESSION

5 of 6
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NOTICE OF PUBLIC MEETING - AMENDED

Notice is hereby given that a meeting of the **Board of Chiropractic Examiners** will be held as follows:

March 27, 2008
Upon Conclusion of the Administrative Committee Meeting
Hearing Room
400 R Street, Room 101
Sacramento, CA 95814

AGENDA

PUBLIC SESSION

Call to Order

Frederick Lerner, D.C., D.C., Chair
Hugh Lubkin, D.C., Vice-Chair
Francesco Columbu, D.C., Secretary
Jim Conran, Public Member
Judge James Duvaras (Ret.), Public Member
Richard Tyler, D.C.

CLOSED SESSION

Discussion on Pending Litigation

Pursuant to California Government Code Section 11126(e)

- ***David Hinchee v. Board of Chiropractic Examiners, Catherine Hayes***
  Sacramento County Superior Court, Case No. 07AS03721
- ***Catherine Hayes v. Board of Chiropractic Examiners***
  Department of Fair Employment and Housing and Department of Industrial Relations Complaints
- ***Bryan Meredith, D.C. v. M. Maggie Craw, D.C. et al.***

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~~Board~~ committee Meeting Checklist

Meeting Date: 4-24-08 **Petitioners?** NO

Beginning at least 15 days before meeting 4-9-08

✓	Task	Date Completed
✓	send email to confirm Board member/staff attendance	verbal
✓	begin working with Executive Officer/Board Secretary on "draft" agenda	4/10/08
	send email to staff regarding exhibits for meeting packets w/ deadline date (8 days prior to meeting)	—
✓	confirm meeting room reservation	3/28/08

10 days before meeting 4-14-08

✓	Task	Date Completed
✓	post Notice & Agenda on website	4-14-08
✓	mail notice & Agenda to Interested Parties on mailing list	"
✓	email agenda to Board members, staff & legal counsel	"
✓	follow-up on attendance confirmation (if not, already received)	—

Beginning 9 days before meeting 4-15-08

✓	Task	Date Completed
✓	BEGIN preparing board packets	4-17-08
✓	* 11 copies (Board members, counsel, staff & file copy)	

7 days before meeting 4-17-08

✓	Task	Date Completed
✓	Mail packets OVERNIGHT to Board members & legal staff	4-17-08
	distribute packets to office staff	–

1 day after Board members receive their packets 4-21-08

✓	Task	Date Completed
✓	Post meeting materials on website	4-21-08

2-3 days before the Board meeting 4-21-08

✓	Task	Date Completed
✓	make copies of meeting materials for public	4-23-08
✓	pack necessary materials for meeting	4-23-08

ATTENDING?

- ☐ F. Lerner
- ☑ R. Tyler
- ~~☐ F. Columbu~~
- ☐ _____
- ~~☐ J. Conran~~
- ☑ H. Lubkin
- ☑ Judge Duvaras
- ☑ B. Stiger
- ☑ L. Powell
- ☐ T. Rinaldi
- ☑ M. Valencia
- ☑ File Copy

Completed by Marlene Valencia
Board Member Liaison

Approved by Brian J. Stiger
Executive Officer

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NOTICE OF PUBLIC MEETING

Notice is hereby given that a meeting of the **Continuing Education Committee** of the **Board of Chiropractic Examiners** will be held as follows:

Thursday, April 24, 2008
9:30 a.m.
2525 Natomas Park Drive, Suite 120
Sacramento, CA 95833

AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

- November 1, 2007

PUBLIC COMMENT

Discussion and Possible Action

- Proposed Approval Process for Continuing Education Providers

1 of 1
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NOTICE OF PUBLIC MEETING

Notice is hereby given that a meeting of the **Licensing Committee** of the **Board of Chiropractic Examiners** will be held as follows:

Thursday, April 24, 2008
(Upon Conclusion of the CE Committee Meeting)
2525 Natomas Park Drive, Suite 120
Sacramento, CA 95833

AGENDA

CALL TO ORDER

PUBLIC COMMENT

Discussion and Possible Action

- Proposed Procedure for Approving Licenses

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NOTICE OF PUBLIC MEETING

Notice is hereby given that a meeting of the **Enforcement Committee** of the **Board of Chiropractic Examiners** will be held as follows:

Thursday, April 24, 2008
(Upon Conclusion of the Licensing Committee Meeting)
2525 Natomas Park Drive, Suite 120
Sacramento, CA 95833

AGENDA

Call To Order

Approval of Minutes
- March 27, 2008

PUBLIC COMMENT

Discussion and Possible Action

1 of 1
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~~Board~~ Meeting Checklist

Meeting Date: 5-7-08 **Petitioners?** NO

Beginning at least 15 days before meeting _____

✓	Task	Date Completed
	send email to confirm Board member/staff attendance	
	begin working with Executive Officer/Board Secretary on "draft" agenda	
	send email to staff regarding exhibits for meeting packets w/ deadline date (8 days prior to meeting)	
	confirm meeting room reservation	

10 days before meeting 4-28-08

✓	Task	Date Completed
✓	post Notice & Agenda on website	4-28
✓	mail notice & Agenda to Interested Parties on mailing list	4-28
	email agenda to Board members, staff & legal counsel	
	follow-up on attendance confirmation (if not, already received)	

Beginning 9 days before meeting 4-29-08

✓	Task	Date Completed
	BEGIN preparing board packets	
✓	* 11 copies (Board members, counsel, staff & file copy)	4-30-08

7 days before meeting 4-30-08

✓	Task	Date Completed
✓	Mail packets OVERNIGHT to Board members & legal staff	4-30-08
	distribute packets to office staff	

1 day after Board members receive their packets _____

✓	Task	Date Completed
✓	Post meeting materials on website	5-5-08

2-3 days before the Board meeting _____

✓	Task	Date Completed
✓	make copies of meeting materials for public	5-6-08
	pack necessary materials for meeting	

ATTENDING?

- ☐ F. Lerner
- ☐ R. Tyler
- ☐ F. Columbu
- ☐ _____
- ☐ J. Conran
- ☐ H. Lubkin
- ☐ Judge Duvaras
- ☐ B. Stiger
- ☐ L. Powell
- ☐ T. Rinaldi
- ☐ M. Valencia
- ☐ File Copy

Completed by Marlene Valencia
Board Member Liaison

Approved by Brian J. Stiger
Executive Officer

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NOTICE OF PUBLIC MEETING

Scope of Practice Committee

May 7, 2008
9:30 a.m.
2525 Natomas Park Drive, Suite 100
Sacramento, CA 95833

AGENDA

CALL TO ORDER

Approval of Minutes
- March 27, 2008

Public Comment

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Monday, April 28, 2008

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NOTICE OF PUBLIC MEETING

Government Relations Committee

May 7, 2008
1:30 p.m.
2525 Natomas Park Drive, Suite 120
Sacramento, CA 95833

AGENDA

CALL TO ORDER

Approval of Minutes
- March 27, 2008

Public Comment

Discussion and Possible Action
- Board Member Use of State Issued E-Mail Accounts

1 of 2
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NOTICE OF PUBLIC MEETING

Public Relations Committee

May 7, 2008
Upon Conclusion of the Government Relations Committee
2525 Natomas Park Drive, Suite 120
Sacramento, CA 95833

AGENDA

CALL TO ORDER

Public Comment

Discussion

- Overview of the Department of Consumer Affairs Public Relations Services

Discussion and Possible Action

- Development of Board of Chiropractic Examiners' Newsletter

1 of 2
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Monday, April 28, 2008

Board Meeting Checklist

Meeting Date: 5/22/08 **Petitioners?** NO

Beginning at least 15 days before meeting 5/7/08

✓	Task	Date Completed
	send email to confirm Board member/staff attendance	
✓	begin working with Executive Officer/Board Secretary on "draft" agenda	
	send email to staff regarding exhibits for meeting packets w/ deadline date (8 days prior to meeting)	
✓	confirm meeting room reservation	

10 days before meeting 5/12/08

✓	Task	Date Completed
✓	post Notice & Agenda on website	5/12/08
✓	mail notice & Agenda to Interested Parties on mailing list	"
✓	email agenda to Board members, staff & legal counsel	"
✓	follow-up on attendance confirmation (if not, already received)	"

Beginning 9 days before meeting 5/11/08

✓	Task	Date Completed
✓	BEGIN preparing board packets	5-15-08
✓	* 12 copies (Board members, counsel, staff & file copy)	"

7 days before meeting 5/15/08

✓	Task	Date Completed
✓	Mail packets OVERNIGHT to Board members & legal staff	5-15-08
✓	distribute packets to office staff	—

1 day after Board members receive their packets 5/19/08

✓	Task	Date Completed
	Post meeting materials on website	

2-3 days before the Board meeting 5/19/08

✓	Task	Date Completed
	make copies of meeting materials for public	
	pack necessary materials for meeting	

ATTENDING?

- ☒ F. Lerner
- ☒ R. Tyler
- ☒ F. Columbu
- ☐ _____
- ☒ J. Conran
- ☒ H. Lubkin
- ☒ Judge Duvaras
- ☑ B. Stiger
- ☑ L. Powell
- ☑ T. Rinaldi
- ☑ M. Valencia
- ☑ File Copy

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Board Member Liaison

Approved by Brian J. Stiger
Executive Officer

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NOTICE OF BOARD MEETING

May 22, 2008

Upon Conclusion of the Strategic Planning Committee Meeting
Hearing Room
1625 North Market Blvd., Room S102
Sacramento, CA 95834

AGENDA

PUBLIC SESSION

Call to Order

Frederick Lerner, D.C., D.C., Chair
Hugh Lubkin, D.C., Vice-Chair
Francesco Columbu, D.C., Secretary
Jim Conran, Public Member
Judge James Duvaras (Ret.), Public Member
Richard Tyler, D.C., Professional Member

Chair's Report

Approval of Minutes

1 of 2
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NOTICE OF PUBLIC MEETING

LEGISLATIVE COMMITTEE

May 22, 2008
9:30 a.m.
Hearing Room
1625 N. Market Blvd, Room S102
Sacramento, CA 95834

AGENDA

CALL TO ORDER

Approval of Minutes

- March 27, 2008

Discussion and Possible Action:

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NOTICE OF PUBLIC MEETING

STRATEGIC PLANNING COMMITTEE

May 22, 2008
Upon conclusion of the Legislative Committee
Hearing Room
1625 N. Market Blvd, Room S102
Sacramento, CA 95834

AGENDA

CALL TO ORDER

Discussion and Possible Action:

- Strategic Plan 2008

PUBLIC COMMENT

1 of 1
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Monday, May 12, 2008

BSA 60-Day Status Report

Exhibit B

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BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES
Thursday, August 16, 2007
10:00 a.m.
Department of Transportation
4050 Taylor Street
San Diego, CA 92110
619-220-7363

BOARD MEMBERS PRESENT

Richard Tyler, D.C., Chair
Frederick Lerner, D.C., Vice-Chair
Francesco Columbu, D.C., Secretary
Jim Conran
Hugh Lubkin, D.C.

STAFF PRESENT

Brian J. Stiger, Acting Executive Officer
LaVonne Powell, DCA Senior Staff Counsel
Marlene Valencia, Staff Services Analyst

CALL TO ORDER

Dr. Tyler called the meeting to order at 10:05 a.m.

ROLL CALL

Dr. Columbu called the roll. All members were present with the exception of Judge Duvaras.

CLOSED SESSION

The Board went into closed session for interviews and possible selection of Executive Officer and also to deliberate on disciplinary matters.

OPEN SESSION

Dr. Tyler called the Board into open session at 10:45 a.m. All members were present with the exception of Judge Duvaras.

Dr. Tyler stated that the deliberations concerning the Executive Officer position has been postponed and will be concluded at the end of the open session meeting.

APPROVAL OF MINUTES

- June 21, 2007, Open Session

Dr. Tyler asked for a motion to approve the March 1, 2007 open session minutes.

MR. CONRAN MOVED TO ADOPT THE JUNE 21, 2007 OPEN SESSION MINUTES. DR. LUBKIN SECONDED THE MOTION. VOTE: 5-0. MOTION CARRIED.

EXECUTIVE OFFICER'S REPORT

Administration

Budget Update

Mr. Stiger stated that the Budget Conference Committee proposed a cut in the Board's budget by 50%, the budget has not passed yet, however if the state budget passes in its current form, we will have to enact immediate cost-saving measures which would include a staffing reduction and a reduction in our cases that go to the Attorney General's office. Services all around would have to be cut in order to the meet the level.

Dr. Lerner asked if the Board can issue a statement on behalf of the Board. Ms. Powell suggested writing a letter to the author of the budget bill or the committee stating that cutting our budget will compromise consumer protection because we will have to cut back drastically on our enforcement activities.

DR. LERNER MOVED THAT THE BOARD SUBMIT A LETTER TO THE LEGISLATURE OR THE COMMITTEE REQUESTING EMERGENCY LEGISLATION TO THE RESTORE THE BUDGET ON THE BASIS THAT THIS IS GOING TO HARM OUR ABILITY TO PROTECT THE CONSUMER WHICH IS OUR NUMBER ONE PURPOSE. DR. LUBKIN SECONDED THE MOTION. MR. CONRAN ADDED THAT IF A LETTER IS TO BE SENT IT SHOULD ALSO BE SENT TO THE LEGISLATIVE LEADERSHIP AS WELL AS THE BUDGET CHAIR AND COPIES TO THE OVERSIGHT COMMITTEE'S AND A COPY TO THE GOVERNOR'S OFFICE. DR. LERNER ACCEPTED THE AMENDMENT. VOTE: 4-0. MR. CONRAN ABSTAINED.

Personnel Update

Mr. Stiger handed out the newest organizational chart. There is one revision to the chart that was included in the Board packet. There are a couple of changes since the last Board meeting. Lavella Matthews has been moved into an out-of-class Staff Services Manager I position. In her role, she will oversee licensing and administrative functions. The purpose of the change was to be sure that licensing had management oversight. It is currently a three month out-of-class with the ability to extend it. Mr. Stiger stated that these changes have been approved by the Consumer Affairs personnel office. As of Friday, August 10, 2007, the Chiropractic Consultant position is now vacant. At this current time, there is no plan to refill the position for a couple of reasons. One, with the budget uncertainties we should start saving money now. Second, we want to take a look at the Enforcement structure and perhaps reclassify the position in order to improve the enforcement operations. Mr. Stiger also announced the promotion of Marlene Valencia to Staff Services Analyst. She will now serve as the Board member liaison.

Mr. Conran inquired about the oversight of the Enforcement Program with the vacant consultant position and a manager that is currently working half-time. Mr. Stiger stated that he oversees the Enforcement program however; the absence of a consultant is more of an issue. Mr. Stiger has asked the Attorney General's office to provide recommendations of good, solid subject matter experts. Several of them have been contacted so that they're aware of our vacancy and that we may be requesting their assistance relating to scope of practice and quality of care questions. Mr. Stiger further stated that this may be an option to use on a permanent basis. Mr. Stiger also stated that these consultants are chiropractors and not state employees.

Dr. Tyler stated that he is thoroughly against having a chiropractic consultant again. He feels that we should aggressively contemplate going back to the way it was prior to 1995. Ms. Powell clarified how the experts would be utilized.

After discussion, it was decided to discuss the chiropractic consultant position at a future Board meeting.

Bureau of State Audits Update

Mr. Stiger reported the Bureau of State Audits have begun their process. Staff has been very responsive to their requests. It is anticipated that this audit will take approximately seven months.

Dr. Columbu suggested writing a response to the legislatures addressing the accusations against the Board. It was decided to places this topic on the agenda for the next Board meeting.

Department of Consumer Affairs

Mr. Stiger stated we just signed a contract with the Department of Consumer Affairs for administrative, legal and investigative services. The contract goes through December 31, 2007.

Dr. Lerner asked what happens to these contracted services if our budget is cut. Mr. Stiger responded that these are critical areas. He continued to state that he has identified which areas to scale back on in order to continue these services.

Enforcement

Statistics

Mr. Stiger reported that some of the enforcement cases are aged and he expects many of these cases will be completed within the next 60 days.

Board Member training on Bagley-Keene Open Meetings Act and other relevant laws

Ms. Powell clarified board member questions regarding when to recuse themselves from a case. Ms. Powell continued to provide ongoing training regarding the Bagley-Keene Open Meetings Act.

MISSION STATEMENT

After discussion on the mission statement for the Board, it was decided to table this item for a future meeting.

PROGRAM REPORTS

Licensing

License Statistics

Mr. Stiger referred to the license statistic chart for the last two years.

California Law and Professional Practices Exam (CLPPE) Statistics

Mr. Stiger referred to the CLPPE statistical chart.

DISCUSSION RE LICENSING OF CHIROPRACTIC ASSISTANTS

This item was tabled until the next Board meeting.

The Board recessed for lunch at 12:00p.m.

Dr. Tyler, D.C. called the Board into open session at 1:00 p.m. All Board members were present.

COMMITTEE REPORTS

Administrative Committee

Board Member Procedure Manual

Mr. Conran reported that the Administrative Committee met and discussed the procedure manual. There was lengthy discussion and revisions were suggested.

MR. CONRAN MOVED TO ACCEPT THE BOARD MEMBER ADMINISTRATIVE MANUAL WITH THE CORRECTIONS MADE TODAY. DR. LUBKIN SECONDED THE MOTION. VOTE: 2-3. MOTION FAILED.

MR. LERNER MOVED TO MAKE THE CHANGES AND PRESENT A FINAL DRAFT AT THE NEXT BOARD MEETING. DR. LUBKIN SECONDED THE MOTION. VOTE 5-0. MOTION CARRIED.

Ex Parte Policy re Board Member Communications

Mr. Conran stated at the Administrative Committee there was a 3-0 vote to approve the adoption of an Ex Parte Policy by the Board. The concept of an Ex Parte rule is to ensure there is transparency in communications to Board members when there is an issue on the agenda. Mr. Conran introduced Julie Fellmeth, Michael Shames and Steve Alexander to share the views on the Ex Parte Policy. All three guests shared the views on why they support adopting an Ex Parte Policy.

After a lengthy discussion, it was agreed that this item be deferred to the Administrative Committee for design of the Ex Parte and it will be brought back to the Board for further discussion.

Continuing Education Committee

Dr. Lubkin reported that the committee has had a few meetings. The committee is recommending there be due process for denials of a continuing education course. The Board will give the party notice and they will have 10-days to meet with the Executive Officer to address any concerns.

The committee also suggests the concept of having the evaluation of courses be handled by staff rather than the Board members. This will allow the Board members to work towards regulations and administrative changes to improve the process. The committee also discussed going back to a regulatory phase to increase the hours. Dr. Tyler stated that the chiropractic presence is essential in determining the educational requirements because staff is not knowledgeable of all techniques. Dr. Lubkin continued by stating that when there is a denial, the person who is denied will be notified of an exact code section that pertains to the denial.

Dr. Lerner asked the committee to discuss the acceptance of the FCLB policy. Dr. Lubkin stated the committee did discuss this issue and concluded that this needs to be part of the regulation.

MR. CONRAN MOVED TO ACCEPT THE CONTINUING EDUCATION COMMITTEE REPORT. DR. LERNER SECONDED THE MOTION. VOTE: 5-0. MOTION CARRIED.

Enforcement Committee

Dr. Lubkin reported the committee discussed adding fine authority to the citation program. A letter of admonishment procedure was also discussed. Staff will prepare the language and it will be presented at the next meeting.

DR. LUBKIN MOVED TO ACCEPT THE ENFORCMENT COMMITTEE REPORT. DR. LERNER SECONDED THE MOTION. VOTE: 5-0. MOTION CARRIED.

Legislative Committee

AB1137

Dr. Lerner reported that AB 1137 did not get out of the Senate, Business and Professions committee and is now dead.

SB801

Dr. Lerner gave a description of bill SB801 and reported that SB801 is moving forward. Dr. Lerner stated the based on the committee's previous recommendation the Board took a position of watch.

DR. COLUMBU MADE A MOTION TO TAKE A NEW POSITION THAT THE BOARD OPPOSES BILL SB801. DR. LERNER SECONDED THE MOTION. Mr. Conran stated that he does not agree that the Board should take opposition to the bill. Dr. Lubkin commented that taking a new position should be done carefully and suggests this go to the committee for thorough discussion. Following public comment from Charles Davis, D.C., Michael Blott, D.C., David Prescott and others, a vote was taken. **VOTE: 4-1. MOTION CARRIED.**

Dr. Lerner asked for clarification of bill SB840. Dr. Lerner recommended that this bill be looked at during the next Legislative Committee meeting.

Manipulation Under anesthesia (MUA)

Dr. Lerner reported that the committee, Mr. Stiger and Ms. Powell met with representatives from Office of Administrative Law (OAL) on July 17, 2007. Ms. Powell stated that the main fault with the way the regulations were written before was that it created a sub-category of licensure. Instead, the regulations should be focused on if you are a chiropractor, what is the standard of care if you are performing MUA. OAL stated that they would need a legal opinion that MUA is in fact, within the scope of practice for chiropractic. That is describing MUA appropriately so that its very clear that the chiropractor is performing the adjustment and is in no way directing the anesthesiologist or the physician surgeon who is sedating the patient. Ms. Powell will provide a legal opinion to the Board by the end of October.

Dr. Lerner commented that at the next MUA Committee meeting, David Prescott will give a 90-minute presentation on Scope of Practice.

DISCUSSION OF BOARD MEETING SCHEDULE AND PETITIONER HEARING DATES

Mr. Stiger indicated that the next scheduled Board meeting will be October 25, 2007. Board business will be held in the morning and petitioner hearings will be in the afternoon.

PUBLIC COMMENT

No public comment.

ADJOURNMENT

Dr. Tyler adjourned the public meeting at 3:31 p.m.

CLOSED SESSION

The Board went into closed session for further discussion regarding the selection of Executive Officer.

The Board briefly returned to open session to announce that the position of Executive Officer has been offered to Brian J. Stiger. Mr. Stiger has temporarily accepted the position until personnel issues can be worked out.

STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, Governor

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BOARD OF CHIROPRACTIC EXAMINERS

PUBLIC SESSION MINUTES

Thursday April 19, 2007

9:30 a.m.

Four Points by Sheraton LAX
9750 Airport Boulevard
Los Angeles, CA 90045

BOARD MEMBERS PRESENT

Richard Tyler, D.C., Chair
Frederick Lerner, D.C., Vice-Chair
Francesco Columbu, D.C., Secretary
Jim Conran
Hugh Lubkin, D.C.
Judge James Duvaras, Ret.

STAFF PRESENT

Brian J. Stiger, Acting Executive Director
LaVonne Powell, DCA Senior Staff Counsel
Lavella Matthews, Senior Licensing Program Analyst
Marlene Valencia, Business Services Assistant

PETITION HEARINGS:

Tim Thomas, Administrative Law Judge
Barry Thorpe, Deputy Attorney General
Thomas L. Rinaldi, Deputy Attorney General

GUESTS PRESENT

Mike Sackett, D.C., SCUHS
Steve Hartzell, PTBL
Joseph Cobbs
James Barrass, D.C.
B. Stanfield, D.C.
John Bueller, D.C., CCA
Jeffrey Nabatmama
Charles Davis, ICAC
Kathleen Hamilton
Roger Calton
Ed Cremata, National Academy of MUA Physicians
Kristine Shultz, CCA
Steven Jaffe, D.C., SCHUS
Kendra Holloway, D.C., LCCW
Cherrie DeWonda, OUIUS
Steven Becker, D.C.
Sarbjit Dhesi, D.C.
J.L. Moore
Craig Gunderson, D.C., AFICC
Carlos Negrete

Call to Order

Dr. Tyler called the meeting to order at 9:32 a.m.

Roll Call

Dr. Columbu called the roll. All members were present.

Approval of Minutes

- March 1, 2007, Open Session

Dr. Tyler asked for a motion to approve the March 1, 2007 open session minutes.

JUDGE DUVARAS MOVED TO ADOPT THE MARCH 1, 2007 OPEN SESSION MINUTES. DR. COLUMBU SECONDED THE MOTION. DISCUSSION WAS REQUESTED.

Dr. Columbu discussed changes he would like made to the minutes. It was agreed that staff would review the proposed changes and compare with records.

FOLLOWING A DISCUSSION, BOARD MEMBERS AGREED TO TABLE THIS SO THAT STAFF CAN REVIEW THE PROPOSED CHANGES AND PREPARE THE MARCH 1, 2007 OPEN SESSION MINUTES FOR APPROVAL AT THE NEXT BOARD MEETING.

- March 23, 2007, Open Session

Dr. Tyler asked for a motion to approve the March 23, 2007 open session minutes.

JUDGE DUVARAS MOVED TO ADOPT THE MARCH 23, 2007 OPEN SESSION MINUTES. DR. LERNER SECONDED THE MOTION. VOTE: 6-0. MOTION CARRIED.

Petition for Early Termination of Probation

Administrative Law Judge Tim Thomas presided over and Deputy Attorney General Barry Thorpe appeared on behalf of the people of the State of California on the following petition hearings:

- John F. Koningh D.C.

Petition Hearing for Reinstatement of Revoked License

Administrative Law Judge Tim Thomas presided over and Deputy Attorney General Thomas L. Rinaldi appeared on behalf of the people of the State of California on the following petition hearings:

- Anthony T. Johnson
- Joseph Cobbs
- Jeffrey Nabatmama

Mr. Robert J. Montoya did not appear for his hearing. Following the petitioners oral testimonies, the Board reconvened into closed session at 12:03 p.m. to consider Dr. Koningh's Petition for Early Termination of Probation and Mr. Johnson, Mr. Cobbs and Mr. Nabatmama's Reinstatement of Revoked License.

The Board recessed for lunch at 12:30 p.m.

Dr. Tyler called the Board into open session at 1:15 p.m. All Board members were present.

Dr. Tyler announced that due to guest speaker's time constraints, he moved to the Executive Director Search Committee Report agenda item. Dr. Lubkin introduced Jeffrey Sears, Staff Service Manager I, with Department of Consumer Affairs Office of Human Resources. Mr. Sears explained the process of appointing an Executive Director. Mr. Sears proposed that after the committee has screened the candidates and narrowed down to the top 3 candidates, those candidates would then be presented at a Board meeting for the full Board to interview and make a selection. Mr. Sears said the entire process takes about 2 months. Mr. Sears also reported that executive officer's are exempt from civil service and salaries are set by the Department of Personnel Administration in conjunction with the Governor's Office. He continued by saying that the Board initiative allows the Board to set the salary with the approval of the Department of Finance. Mr. Sears stated that the salary for the executive officer is set at Level M which is $6,694-$7,239 per month.

Dr. Tyler stated that he would like to have candidates appear before Board at the next Board meeting. Mr. Stiger stated that he would like to clarify that his purpose in the first meeting of the Executive Director Search Committee was to introduce Mr. Sears to Dr. Lubkin. Mr. Stiger would like it to be on record that because he may or may not be a candidate for the executive director position,so he will no longer be involved in anymore meetings.

Review of New Application for Board Approval as a Chiropractic College

Mr. Stiger stated that a new application had been posted on the website since fall of last year. It is the staff's recommendation that the application be moved to a committee for research and recommendation at a future Board meeting. Mr. Stiger stated its recommending the Board revert back to the old application at this time. Dr. Tyler asked for a motion.

JUDGE DUVARAS MOVED TO ACCEPT THE RECOMMENDATION OF THE BOARD STAFF. DR. LUBKIN SECONDED THE MOTION. VOTE: 6-0. MOTION CARRIED.

Palmer Chiropractic College-Florida Decision

Mr. Stiger reported that last week Board staff and legal staff met with Palmer College representatives. The college has committed to providing the Board the necessary information, including a new application, to make a decision. Board staff recommended that the decision be reconsidered, and anticipates a successful resolution in 10 days. Once the application is received it will be brought before the Board at the next meeting. Dr. Tyler asked for a motion of reconsideration of motion that granted the application at the March 1, 2007 meeting.

DR. LERNER MOVED TO RECONSIDER THE MARCH 1, 2007 MOTION THAT GRANTED THE APPLICATION. DR. COLUMBU SECONDED THE MOTION. Dr. Tyler asked for comment. Judge Duvaras asked to hear from the Palmer College representative. Mr. Robert Levanthal confirmed Mr. Stiger's report. **VOTE: 6-0. MOTION CARRIED.**

Ms. Powell stated that in order to move forward, there needs to be a motion to rescind the March 1, 2007 approval. Dr. Tyler asked for a motion.

DR. LERNER MOVED TO RESCIND THE MARCH 1, 2007 APPROVAL OF PALMER CHIROPRACTIC COLLEGE-FLORIDA. DR. LUBKIN SECONDED THE MOTION. VOTE: 6-0. MOTION CARRIED.

Out-of-State College Application

Mr. Stiger stated this is a duplicative agenda item.

Chair's Report

Dr. Tyler introduced and welcomed the newest Board member, Jim Conran who was appointed by the Governor on February 23, 2007.

Dr. Tyler appointed Drs. Lerner and Lubkin to the Administrative Committee; Dr. Lerner, Mr. Conran and Judge Duvaras to the Examination and Licensing Committee; Drs. Columbu and Lubkin to the Enforcement Committee; Mr. Conran and Drs. Lerner and Lubkin to the Legislative Committee; Drs. Tyler and Lubkin to the Continuing Education Committee; Judge Duvaras and Dr. Lubkin to the Regulations Committee; and Mr. Conran, Drs. Tyler and Lubkin and the Board Executive Officer to the Sunset Review Committee.

Executive Director's Report

Mr. Stiger reported on recent changes to ensure the security of the Board's business and personal information. Locks have been changed on both the exterior and interior doors; secured the computer network by eliminating remote access; staff has access to the building during normal business hours; staff attended mandatory training regarding the safeguarding of personal information. In order to improve customer service, phone coverage is now rotated amongst all staff. We are also in the process of updating our website to include a Press Release link and a Subscription List. The Board has implemented a Media Relations Policy to ensure that all media inquiries are directed to the Executive Director. The Board has also entered into a Short Term Contract with the Department of Consumer Affairs for Personnel, Legal and Fiscal Services. This contract will expire at the end of the fiscal year.

Mr. Stiger also reported on two recent bills, AB1113 and SB801, which were released this week. Board staff will analyze, track and report on those bills at the next meeting.

Mr. Stiger stated that both Mr. Conran and Dr. Lubkin will attend the Federation of Chiropractic Licensing Boards in St. Louis, Missouri on May 2-6, 2007.

Procedure for Placing Items on the Agenda

Mr. Stiger read the procedure for placing items on the agenda. After a discussion, it was agreed that Mr. Stiger will revise the procedure and present it at the next Board meeting.

Dr. Columbu would like to see contact information on website. Mr. Stiger agreed that it is a good suggestion and primary contact information will be on the website.

Board Member training on Bagley-Keene Open Meetings Act

Ms. Powell advised the Board members on concerns such as the when there are more than two members discussing an issue, that they don't violate the act; the public has a right to make comment; we always need to have an agenda item regarding public comment; the Board follows Robert Rules of Order in order to conduct a meeting however, if it conflicts with the open meetings act, then the Board needs to follow the open meetings act; keep motions simple; closed session must be noticed properly and cite the government code that allows the Board to discuss in closed session; agendas must be noticed to the public 10 days before a meeting; the agenda can not be changed once it is noticed. Ms. Powell also discussed the Administrative Procedures Act, Enforcement. Ms. Powell stated that Board members need to respect the boundary and not discuss any complaints with licensees. Board members are only entitled to hear the proposed decision. Ms. Powell encouraged members to have a copy of the disciplinary guidelines next to them while going over discipline cases.

Program Reports

Budget Update

Mr. Stiger reported on the Board's budget and stated that the Budget is "healthy". During discussion, Judge Duvaras asked about cost recovery. Mr. Stiger referred to agenda item K. Ms. Powell recommended reviewing the tax intercept program at the Respiratory Board. Ms. Powell also stated that there is movement in legislature regarding cost recovery.

Statistics

Mr. Stiger reported on Enforcement statistics over the last three fiscal years. During discussion, Dr. Columbu recommended the Enforcement Unit prioritize the complaints so that the investigators can be used for more serious issues. Dr. Lubkin shared his concerns by asking if the investigators being used for complaints such as the license not being properly displayed or are we using them for more serious allegations. After discussion, it was agreed that, depending on the nature of the complaint, it could be cost effective to be more pro-active in the Enforcement Unit, such as sending a letter to the chiropractor versus conducting a whole investigation. Mr. Stiger stated that he would look into these issues.

Charles Davis, D.C., expressed his concerns regarding reimbursement to the doctor if the doctor wins a case. He further commented on his desire to put Regulations 306.1 and 306 on a future agenda.

Mr. Stiger stated that it is staff's recommendation that Regulations 306.1 and 306 be assigned to the Enforcement Committee for review on how it should be implemented.

Roger Calton, an attorney, stated that he has seen an increase in claims by insurance companies against patients. Mr. Calton expressed his concerns regarding the privacy of the patients who are not making the complaint themselves.

Cost Recovery Data

This topic was discussed during the Budget Update.

License Statistics

Ms. Matthews reported on the license statistics. Dr. Lerner would like to see comparison figures on future reports.

California Law and Professional Practices Exam (CLPPE) Statistics

Ms. Matthews reported on the 2007 Quarterly CLPPE exams. After brief discussion, it was agreed that Board staff will prepare the report so that it is easier to read.

Discussion and Action: Approval of CE Courses

Ms. Powell reported that there was some confusion in regards to the title of this agenda. MS. Powell met with Genie Mitsuhara in the CE unit for clarification. Ms. Powell stated that if there is a syllabus then lecturer notes are not needed. Ms. Mitsuhara is working on a wish list to streamline the process and suggestions will be brought to the CE committee.

Manipulation under Anesthesia (MUA) decision

Dr. Tyler stated his views and the Board members views have already been made known that they feel MUA is within the pervue of the chiropractic practice. He added that there is now ongoing litigation and it is his understanding has nothing to do with the process but is a condition of fraud. Dr. Tyler stated that he doesn't feel it's the type of thing the Board should be engaged in and asked how the members would like to handle it. Judge Duvaras stated that he would like to hear comments from the public.

Dr. Tyler asked for a motion regarding the reconsideration of Board's motion to reaffirm MUA as authorized under the Chiropractic Initiative Act; stating that it was not the intention of the Board to interfere in a criminal case or any ongoing enforcement case.

JUDGE DUVARAS MOVED TO RECONSIDER THE MARCH 1, 2007 MOTION TO REAFFIRM MUA AS AUTHORIZED UNDER THE CHIROPRACTIC INITIATIVE ACT. DR. LUBKIN SECONDED THE MOTION. VOTE: 6-0. MOTION CARRIED.

Charles Davis, D.C., expressed his feelings and spoke in favor of MUA.

Ed Cremata, D.C., spoke in favor of MUA. He also expressed his feelings regarding the professionalism of the Board.

Roger Calton, Attorney at Law, expressed his feelings and spoke in favor of MUA.

Kristin Shultz, representing the California Chiropractic Association, expressed her feelings and spoke in favor of MUA.

Sarbjit Dhesi, D.C, expressed his feelings and spoke in favor of MUA. Dr. Dhesi referenced a case involving MUA and Worker's Compensation, noting that the judge in the case said that everything was legal and all was done correctly.

Ms. Powell recommended the Board make a motion to rescind its motion of March 1, 2007 reaffirming its position on MUA that it is in its scope of practice however, the rescinding of the motion does not change the Board's longstanding position that MUA is in within the scope of practice.

MR. CONRAN MOVED THAT THE BOARD RESCIND ITS MOTION OF MARCH 1, 2007 AND IN DOING SO ALSO AFFIRMS ITS BELIEF THAT MUA IS WITHIN THE SCOPE OF PRACTICE. THERE WAS NO SECOND MOTION. MOTION FAILED.

Ms. Powell recommended the Board make a motion that the motion of March 1, 2007 to reaffirm that MUA is within the scope of practice was in no way intended to interfere with the criminal case in San Joaquin County and the Board acknowledges that the appropriate means to have this affirmed as scope of practice is through the regulatory process.

JUDGE DUVARAS MOVED THE MOTION RECOMMENDED BY MS. POWELL. DR. LERNER SECONDED THE MOTION. VOTE: 6-0. MOTION CARRIED.

Sunset Review Committee's Recommendation

Mr. Stiger reported on the nine recommendations that were made. Mr. Stiger commented on the recommendations that required the staff to take an action. Mr. Stiger addressed issue #6 reported that Board staff met with Office of Administrative Law (OAL) to discuss the fee regulation. The OAL director commented that he did not foresee any problem with the Board's fee regulation proposal. Mr. Stiger also stated that Board staff researched the fee structure to determine to the basis for the fees and a background paper has been prepared. Staff is waiting for the assignment of a regulation committee so that it can be presented for discussion and recommendation to the Board for a full vote. Mr. Stiger continued with issue #7 and reported that as part of the regulation review and revisions that need to be

made to the current regulations, Board staff is in the process of preparing a summary to be associated with the various citations. Mr. Stiger addressed issue #8 and reported that this item still needs to be researched and worked out with legal counsel. Mr. Stiger stated that at the next meeting he could provide additional reports on these issues.

Announcements

It was announced that the next Board meeting will be held on June 21, 2007. There was discussion on having a meeting of the committee's prior to the next Board meeting. The date will be determined.

New Business

Dr. Lerner commented that while researching how other Board's operate. He would like to see a discussion for periodic Board publication on the next Board agenda.

Public Comment

Dr. Clum expressed his concerns regarding previously approved institutions would be re-approved in 3-year cycles. Dr. Clum continued by stating that there is nothing in regulation or law to this effect. The institutions have cooperated and provided requested information. However, at this time, there is no regulation to support this behavior. He would like to suggest that while the Board is looking at other regulations, that this matter be taken into consideration for regulation and put it into place.

Jim Barris expressed his concerns regarding the renewal of his California license. He currently needs 288 Continuing Education units (CEU) in order to renew his inactive license. He currently has 204 CEU. He is requesting that he be able to renew his license with the provision that he obtain the remaining 84 CEU within 6 months. Mr. Barris also wanted to say the Genie in the CEU department is "a gem".

Carlos Negrete, general counsel to the World Chiropractic Alliance (WCA) and Dr. Terry Rondberg. He voiced his concern and upset over recent articles by the Sacramento Bee, placing the certain Board members integrity and commitment into question. He said that it should be noted that the Sacramento Bee was contacted by the WCA but refuse to correctly report the story.

Stephen Hartzell, Executive Officer with the California Physical Therapy Board. Mr. Hartzell commented that he wanted to introduce himself and let the Board know that routinely he or a staff person will be at our meetings and will be available if there are any common interests for discussion.

Following public comment, the Board recessed into closed session for deliberations on disciplinary matters and action on disciplinary decisions.

Dr. Tyler adjourned the public meeting at 4:33 p.m.

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NOTICE OF ADMINISTRATIVE COMMITTEE MEETING

Notice is hereby given that a meeting of the Administrative Committee of the Board of Chiropractic Examiners will be held as follows:

Tuesday September 11, 2007
9:30 a.m.
2525 Natomas Park Drive, Suite 120
Sacramento, CA 95833

AGENDA

CALL TO ORDER

- Discussion and Possible Action on Board Member Administrative Manual
- Discussion and Possible Action on Ex Parte Policy re Board Member Communications
- Budget Update
- Discussion on Strategic Planning

PUBLIC COMMENT

NEW BUSINESS – Future Agenda Items

ADJOURNMENT

Administrative Committee
Jim Conran, Chair
Frederick Lerner, D.C.
Hugh Lubkin, D.C.

A quorum of the Board may be present at the Committee meeting. However, Board members who are not on the committee may observe, but may not participate or vote. Public comments will be taken on agenda items at the time the specific item is raised. The Committee may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at **www.chiro.ca.gov.**

The meeting is accessible to the physically disabled. If a person needs disability-related accommodations or modifications in order to participate in the meeting, please make a request no later than five working days before the meeting to the Board by contacting Marlene Valencia at (916) 263-5355 ext. 5363 or sending a written request to that person at the Board of Chiropractic Examiners, 2525 Natomas Park Drive, Suite 260, Sacramento, CA 95833. Requests for further information should be directed to Ms. Valencia at the same address and telephone number.

1. Using the prestige or influence of a State office for the appointee's private gain or advantage.

2. Using state time, facilities, equipment, or supplies for the appointee's private gain or advantage, or the private gain or advantage of another.

3. Using confidential information acquired by virtue of State involvement for the appointees private gain or advantage, or the private gain or advantage of another.

4. Receiving or accepting money or any other consideration from anyone other than the State for the performance of an act which the appointee would be required or expected to render in the regular course of hours of his or her State employment or as a part of the appointee's duties as a State officer.

Request for Grants

All requests for funding/contributions to Board projects shall be approved by the Board Chair.

Requests for such grants must be made by the Executive Officer at the Chair's direction. If a Board member makes an individual request, a copy of the request shall be forwarded to the Executive Officer as soon as possible.

The mechanism for receipt, management, and dispersal of funds shall be pre-arranged and approved by the Board.

Gifts from Licensees and Applicants
(Board Policy)

A gift of any kind to Board members from licensees, applicants for licensure, continuing education providers or approved schools is not permitted. Gifts must be returned immediately.

Ex Parte Communications
(Government Code Section 11430.10 et seq.)

The Government Code contains provisions prohibiting ex parte communications. An "ex parte" communication is a communication to the decision-maker made by one party to an enforcement action without participation by the other party. While there are specified exceptions to the general prohibition, the key provision is found in subdivision (a) of section 11430.10, which states:

> "While the proceeding is pending, there shall be no communication, direct or indirect, regarding any issue in the proceeding to the presiding officer from an employee or representative of an agency that is a party or from an interested person outside the agency, without notice and an opportunity for all parties to participate in the communication."

Board members are prohibited from an ex parte communication with Board enforcement staff while a proceeding is pending.

Occasionally, an applicant who is being formally denied licensure, or a licensee against whom disciplinary action is being taken, will attempt to directly contact Board members. If the communication is written, the person should read only far enough to determine the nature of the communication. Once he or she realizes it is from a person against whom an action is pending, they should reseal the documents and send them to the Executive Officer.

If a Board member receives a telephone call from an applicant under any circumstances or licensee against whom an action is pending, he or she should immediately tell the person they cannot speak to them about the matter and inform the Executive Officer and the Board's legal counsel.

If the person insists on discussing the case, he or she should be told that the Board member will be required to recuse him or herself from any participation in the matter. Therefore, continued discussion is of no benefit to the applicant or licensee.

If a Board member believes that he or she has received an unlawful ex parte communication, he or she should contact the Executive Officer and the Board's legal counsel.

The Honoraria Prohibition

(Government Code Section 89503)
(FPPC Regulations, Title 2, Division 6)

As a general rule, members of the Board should decline honoraria for speaking at, or otherwise participating in, professional association conferences and meetings. A member of a state Board is precluded from accepting an honorarium from any source, if the member would be required to report the receipt of income or gifts from that source on his or her statement of economic interest.

Board members are required to report income from, among other entities, professional associations and continuing education providers. Therefore, a Board member should decline all offers for honoraria for speaking or appearing before such entities.

BSA 60-Day Status Report

Exhibit C

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NOTICE OF PUBLIC MEETING

Notice is hereby given that a meeting of the **Licensing Committee** of the **Board of Chiropractic Examiners** will be held as follows:

Thursday, April 24, 2008
(Upon Conclusion of the CE Committee Meeting)
2525 Natomas Park Drive, Suite 120
Sacramento, CA 95833

AGENDA

CALL TO ORDER

PUBLIC COMMENT

Discussion and Possible Action

- Proposed Procedure for Approving Licenses

Discussion Only

- Ongoing Review of Chiropractic Colleges

FUTURE AGENDA ITEMS

PUBLIC COMMENT

ADJOURNMENT

LICENSING COMMITTEE
Judge James Duvaras, Retired, Chair
Richard Tyler, D.C.

A quorum of the Board may be present at the Committee meeting. However, Board members who are not on the committee may observe, but may not participate or vote. Public comments will be taken on agenda items at the time the specific item is raised. The Committee may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at **www.chiro.ca.gov.**

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NOTICE OF BOARD MEETING

May 22, 2008

Upon Conclusion of the Strategic Planning Committee Meeting

Hearing Room
1625 North Market Blvd., Room S102
Sacramento, CA 95834

AGENDA

PUBLIC SESSION

Call to Order

Frederick Lerner, D.C., D.C., Chair
Hugh Lubkin, D.C., Vice-Chair
Francesco Columbu, D.C., Secretary
Jim Conran, Public Member
Judge James Duvaras (Ret.), Public Member
Richard Tyler, D.C., Professional Member

Chair's Report

Approval of Minutes
March 24, 2008, Open Session

Public Comment

Board Member training on the Bagley-Keene Open Meetings Act and other relevant laws

Executive Officer's Report

- Budget
- Personnel
- Licensing
- Enforcement

COMMITTEE REPORTS

Enforcement Committee – Discussion and Possible Action

- California Code of Regulations 306.1 Chiropractic Quality Review Panel (CQRP)

Licensing Committee - Discussion and Possible Action

- Approval by Ratification of Formerly Approved License Applications

Continuing Education Committee - Discussion and Possible Action

- Approval by Ratification of Formerly Approved Continuing Education Providers

Scope of Practice Committee - Discussion and Possible Action

- Recognition of Chiropractic Specialties re Advertising
- Chiropractic Scope of Practice for X-ray Use Update

BSA 60-Day Status Report

Exhibit D

STATE OF CALIFORNIA

BOARD OF CHIROPRACTIC EXAMINERS

DUTY STATEMENT

GS 907T (REV. 04/02)

SHADED AREA FOR HUMAN RESOURCES ONLY

EFFECTIVE DATE
1-2-08

1. OFFICE OR CLIENT AGENCY Board of Chiropractic Examiners	POSITION NUMBER (Agency - Unit - Class - Serial) 620-110-5157-008
2. UNIT NAME AND CITY LOCATED Administration, Sacramento	3. CLASS TITLE Staff Services Analyst
4. WORKING HOURS/SCHEDULE TO BE WORKED 9:00 a.m. to 5:30 p.m.	5. SPECIFIC LOCATION ASSIGNED TO Sacramento
6. PROPOSED INCUMBENT (If known)	7. CURRENT POSITION NUMBER (Agency - Unit - Class - Serial) 620-110-5157-008

YOU ARE A VALUED MEMBER OF THE DEPARTMENT'S TEAM. YOU ARE EXPECTED TO WORK COOPERATIVELY WITH TEAM MEMBERS AND OTHERS TO ENABLE THE DEPARTMENT TO PROVIDE THE HIGHEST LEVEL OF SERVICE POSSIBLE. YOUR CREATIVITY AND PRODUCTIVITY ARE ENCOURAGED. YOUR EFFORTS TO TREAT OTHERS FAIRLY, HONESTLY AND WITH RESPECT ARE IMPORTANT TO EVERYONE WHO WORKS WITH YOU.

8. BRIEFLY (1 - 3 sentences) DESCRIBE THE POSITION'S ORGANIZATIONAL SETTING AND MAJOR FUNCTIONS

Under the supervision of the Executive Officer, the Staff Services Analyst performs a wide variety of duties including, but not limited to, licensing, procurement, account payables, travel activities and general administrative duties of the Board.

9. Percentage of time performing duties	10. Indicate the duties and responsibilities assigned to the position and the percentage of time spent on each. Group related tasks under the same percentage with the highest percentage first. *(Use additional sheet if necessary)*
	ESSENTIAL FUNCTIONS
30%	Serving as the Board Member Liaison, the SSA performs the following duties: • Researches board regulations, historical facts and current chiropractic issues to provide information concerning Board meeting agenda items and for inclusion into the board meeting packets. • Provide analytical support to the Board's (8) policy committees. • Prepares written analysis of proposed policy decisions. Conducts research into issues raised by the Board and presents recommendations to the Acting Executive Officer for resolution. • Drafts meeting notices and agendas for submittal to the Board Members, all staff, the general public and for publication on the Board's web site. • Coordinates and collects exhibit materials from staff and uses the binding machine in order to assemble the Board meeting packets for submittal to the Board members, staff and the general public attending the meeting. • Researches meeting sites for cost comparisons to reserve for Board meetings and makes appropriate reservations for Board members and staff for lodging by using the Internet and present list of contacts. Handles all logistics and placement of recording equipment for official Board meeting records and the production of Board meeting minutes. • Transcribes all Board meeting minutes by using Dictaphone equipment and computer word programs and distributes Board meeting minutes via email to Board Members and executive staff for approval.
45%	Processes applications for licensure to practice chiropractic which includes: • analyzing applicants' qualifications in accordance with the requirements set forth in the California Chiropractic Initiative Act, the California Code of Regulations, and the standards established by the Counsel on Chiropractic Education (CCE), chiropractic college requirements and results of National Board examinations. • forwards fingerprint cards to the Department of Justice for processing. • Independently communicates via email, written correspondence and telephone to inquiries from applicants, the public, other governmental agencies and chiropractic regulatory boards throughout the nation regarding the Board's licensing process. • entering new licensee data/information into the Teale Data System.
5%	Processes the more complex licensing and examination-related workload, including reciprocity applications by • researching applicants' chiropractic educational qualifications and verifying current licensure from states from which they are reciprocating. • reviewing the conviction histories and/or disciplinary actions taken in other states.

DUTY STATEMENT

GS 907T (REV. 04/02)

9. Percentage of time performing duties	10. Indicate the duties and responsibilities assigned to the position and the percentage of time spent on each. Group related tasks under the same percentage with the highest percentage first. *(Use additional sheet if necessary)*
5%	Serves as liaison with the Board's testing service in the administration of the California Law Examination, which involves: • providing the testing service with all pertinent information regarding applicants eligible for the examination • assisting applicants requiring special accommodations to take the exam • reviewing requests and chiropractic college verifications of the need for special accommodations
2%	In order to maintain inventory, equipment and supplies the incumbent performs the following duties, in accordance with the above guidelines: • Creates and maintains all necessary business services files for vendors, std.204's, purchase orders, cal-card purchases etc. and contact lists. Keeps an expense accounting of all equipment and supplies purchased using Microsoft Excel. • Prepares stock received reports, inventory reports in order to track all supplies and equipment the Board purchases and submits them to DGS-CFS for budget purposes. • Inventories and orders all office supplies and equipment using current vendors lists and CMAS contacts.
3%	In order to serve as Records Management Coordinator and Waste Management Coordinator: • Prepares record retention schedules based on previous years schedules and DGS Records Management policies. • Prepares record transfer lists in order to send files, documents, electronic data, etc. to the Records Storage facility for them to store based on the Board's retention schedule or for destruction. • Prepares the Board's annual Mandated Waste Diversion Report to be submitted to the California Integrated Waste Management Board's via their web site to ensure compliance with AB 75.
8%	In order to assist in the procurement activities of the Board in accordance with the SAM, CAM, PAM and the DGS Contracts Manual, the SSA performs the following duties under the direction of the Executive Officer: • Initiates and prepares vendor purchases by completing the std. 65 template in order to expedite delivery of purchase requisitions, sub-purchase orders, printing and reproduction orders. • Investigates and resolves order discrepancies based on items received or billings by contacting the vendor via phone or in writing. • Assists in the preparation of contracts and interagency agreements for service, equipment maintenance and repair by researching vendors through DGS's CMAS and making recommendations to the Executive Officer and monitors billings in order to advise the Executive Officer on contracts exceeding the budgeted authority and then amends contracts to complete the service requested. • Serves as liaison with DGS-CFS Accounts Payable Unit for invoice preparation, including payment, tracking and resolving discrepancies by obtaining authorization for payment from executive staff, photo copying documents for submittal to DGS, tracking payments in the excel database and contacting vendors about discrepancies via the telephone and in writing. • Requests vendor checks for purchases the Board is unable to make utilizing the purchase order system or cal-card and mails the checks to the appropriate vendor.
2%	STATEMENT OF ECONOMIC INTEREST FILING OFFICER Coordinate annual, assuming office, and leaving office filing process; review regulations; serve as liaison between the Board and Fair Political Practices Commission (FPPC). • Respond to all inquiries and requests from Executive Office, FPPC, and filers. • Send required COI statements to FPPC, work with FPPC liaison to reconcile all filers. • Review all COI statements for completeness and accuracy.

9. Percentage of time performing duties	10. Indicate the duties and responsibilities assigned to the position and the percentage of time spent on each. Group related tasks under the same percentage with the highest percentage first. *(Use additional sheet if necessary)*
	MARGINAL FUNCTIONS Coordinates with board members, executive staff, and state travel consultants in order to secure travel arrangements and travel cost disbursements by • Researching and making arrangements for all transportation and travel accommodations for Board related travel, including conferences, school site visits etc. • Completing and submitting travel claims (std. 637) to DGS-CFS for payment. • Disbursing the checks to staff and the Board members through the mail. • Filing all staff and Board Member travel claims. **KNOWLEDGE, SKILLS AND ABILITIES:** Knowledge of: English grammar and punctuation; principles and practices of public administration; financial record keeping; and office and automotive equipment and supplies. **Ability to: Communicate effectively; learn rapidly; follow directions; analyze data accurately; reason logically; maintain the confidence and cooperation of those contacted during the course of work; and utilize good work habits.** **DESIRABLE QUALIFICATIONS:** SPECIAL PERSONAL CHARACTERISTICS • Dependable attendance and punctuality • Proficiency with Microsoft Windows and Office applications, i.e., Word and Excel INTERPERSONAL SKILLS • Excellent telephone and people skills • Ability to work both independently and as a team member • Ability to interact with internal and external customers in a courteous, tactful and professional manner • Effective communication skills **WORK ENVIRONMENT, PHYSICAL OR MENTAL ABILITIES:** • Requires prioritizing work and meeting frequent deadlines • Occasional statewide travel for meetings • Requires occasional transcription from tape-recorded media • Professional office environment; appropriate attire • Frequent use of a personal computer and related software applications at a workstation

11. SUPERVISOR'S STATEMENT: *I HAVE DISCUSSED THE DUTIES OF THE POSITION WITH THE EMPLOYEE*

SUPERVISOR'S NAME (Print)	SUPERVISOR'S SIGNATURE	DATE
Brian J. Stiger	Brian J. Stiger	1/2/08

12. EMPLOYEE'S STATEMENT: *I HAVE DISCUSSED WITH MY SUPERVISOR THE DUTIES OF THE POSITION AND HAVE RECEIVED A COPY OF THE DUTY STATEMENT*

The statements contained in this duty statement reflect general details as necessary to describe the principal functions of this job. It should not be considered an all-inclusive listing of work requirements. Individuals may perform other duties as assigned, including work in other functional areas to cover absence of relief, to equalize peak work periods or otherwise to balance the workload.

EMPLOYEE'S NAME (Print)	EMPLOYEE'S SIGNATURE	DATE

BSA 60-Day Status Report

Exhibit
F

STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, Governor

Board of Chiropractic Examiners
2525 Natomas Park Drive, Suite 260
Sacramento, California 95833-2931
Telephone (916) 263-5355 FAX (916) 263-5369
CA Relay Service TT/TDD (800) 735-2929
Consumer Complaint Hotline (866) 543-1311
http://www.chiro.ca.gov

NOTICE OF PUBLIC MEETING

Notice is hereby given that a meeting of the **Administrative Committee** of the **Board of Chiropractic Examiners** will be held as follows:

March 27, 2008
Upon Conclusion of the MUA Committee Meeting
Hearing Room
400 R Street, Room 101
Sacramento, CA 95814

AGENDA

Call to Order

Discussion and Possible Action
- Interagency Agreement with Department of Consumer Affairs (DCA)

Discussion and Possible Action
- State Issued E-mail Addresses for Board Members

Discussion and Possible Action
- Board Member Administrative Procedure Manual Updates

Discussion
- Investigator Contracts

PUBLIC COMMENT

NEW BUSINESS – Future Agenda Items

ADJOURNMENT

ADMINISTRATIVE COMMITTEE
Jim Conran, Chair
Frederick Lerner, D.C.
Hugh Lubkin, D.C.

A quorum of the Board may be present at the Committee meeting. However, Board members who are not on the committee may observe, but may not participate or vote. Public comments will be taken on agenda items at the time the specific item is raised. The Committee may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at **www.chiro.ca.gov.**

The meeting is accessible to the physically disabled. If a person needs disability-related accommodations or modifications in order to participate in the meeting, please make a request no later than five working days before the meeting to the Board by contacting Marlene Valencia at (916) 263-5355 ext. 5363 or sending a written request to that person at the Board of Chiropractic Examiners, 2525 Natomas Park Drive, Suite 260, Sacramento, CA 95833. Requests for further information should be directed to Ms. Valencia at the same address and telephone number.

STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, Governor

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BOARD OF CHIROPRACTIC EXAMINERS
MEETING MINUTES
Administrative Committee
March 27, 2008
400 R Street, Room 101
Sacramento, CA 95814

Committee Members Present
Jim Conran, Chair
Frederick Lerner, D.C.
Hugh Lubkin, D.C.

Staff Present
Brian Stiger, Executive Officer
LaVonne Powell, Senior Legal Counsel
Thomas Rinaldi, Deputy Attorney General
Marlene Valencia, Staff Services Analyst

Call to Order

Mr. Conran called the meeting to order at 9:32 a.m.

Roll Call

Dr. Lubkin called the roll. All committee members were present.

Board Member Administrative Procedure Manual Updates

Mr. Stiger recommended minor updates to the manual to reflect new officers, committees, deletion of a cited statute, and a new revision date for the manual.

MOTION: DR. LUBKIN MOVED THAT COMMITTEE ADOPT THE RECOMMENDED CHANGES TO THE MANUAL.
MOTION SECONDED: DR. LERNER SECONDED THE MOTION
VOTE: 3-0
MOTION CARRIED

Interagency Agreement with the Department of Consumer Affairs (DCA)

Mr. Stiger recommended that the Board enter into a two year contract with DCA for personnel, fiscal, legal, public affairs, and IT services. He stated that these services are important to daily operations and that DCA has provided outstanding services over the course of the current contract.

Mr. Conran provided a historical perspective of the services that DCA has provided over the years and he recommended support of a proposed contract.

Dr. Lerner voiced his support for the services of DCA and the proposed contract.

Dr. Lubkin added his full support of the proposed contract.

Public Comment:
Dr. Charles Davis, International Chiropractic Association of California (ICAC) asked if the contract would authorize DCA to override any Board polices. Mr. Conran stated the purpose of the contract is to provide consulting services and that the Board continues to maintain the authority to develop and implement polices.

MOTION: DR. LERNER MOVED THAT THE COMMITTEE AUTHORIZE THE EXECUTIVE OFFICER TO CONTINUE TO NEGOTIATE AND ENTER INTO A CONTRACT WITH DCA AND PRESENT A COPY TO THE FULL BOARD UPON COMPLETION.
MOTION SECONDED: DR. LUBKIN SECONDED THE MOTION
VOTE: 3-0
MOTION CARRIED

State Issued E-mail Addresses for Board Members

Mr. Stiger presented the Bureau of State Audits' recommendation to establish e-mail accounts for all Board members.

Dr. Lerner supports the concept and voiced concerns about members of the public sending e-mails to Board members, raises the possibility of Bagley-Keene Act violations. Dr. Lubkin agreed.

Mr. Conran recommended approval of concept and asked that staff remind Board members how to protect themselves if they receive a questionable e-mail from the public.

MOTION: DR. LUBKIN MOVED THAT THE PROPOSAL TO ISSUE BOARD MEMBERS STATE ISSUED E-MAIL ADDRESSES BE RECOMMENDED TO THE FULL BOARD FOR APPROVAL.
MOTION SECONDED: DR. LERNER SECONDED THE MOTION
VOTE: 3-0
MOTION CARRIED

Investigator Contracts

Mr. Stiger announced that he terminated two private investigator contracts because the individuals were not licensed. Further, he stated that the Enforcement Committee supported a proposal for the Board to establish its own Special Investigator positions and if the Board moved in this direction the two remaining contracts would expire on June 30, 2008.

Mr. Conran expressed his concern that previous management entered into contracts with unlicensed individuals and praised the Executive Officer for taking swift action to resolve.

Public Comment:

Dr. Davis asked Mr. Stiger what the backlog was on consumer complaints, how many complaints would be assigned to investigators and what is the timeline on hiring the investigators.

Mr. Stiger stated the complaint backlog amounts to about 600 complaints and the investigator proposal would take some time to bring the investigators on board. He said if AB 450 is passed the Board would immediately begin refilling positions to address the backlog.

Future Agenda Items:

Dr. Lerner reminded Mr. Stiger to ensure the revised manual includes the revision date to ensure the public references the most current version of the Board Member Administrative Manual.

ADJOURNMENT

Mr. Conran adjourned the meeting at 9:55 a.m.

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NOTICE OF PUBLIC MEETING

Government Relations Committee

May 7, 2008
1:30 p.m.
2525 Natomas Park Drive, Suite 120
Sacramento, CA 95833

AGENDA

CALL TO ORDER

Approval of Minutes
- March 27, 2008

Public Comment

Discussion and Possible Action
- Board Member Use of State Issued E-Mail Accounts

Discussion and Possible Action
- Status of Implementing the March 25, 2008 Bureau of State Audits' Recommendations and 60 Day Status Report

Discussion and Possible Action
- Status of Implementing 2006 Sunset Review Report Recommendations

Public Comment

Future Agenda Items

ADJOURNMENT

GOVERNMENT RELATIONS COMMITTEE
Jim Conran, Chair
Frederick Lerner, D.C.

The Board of Chiropractic Examiners' paramount responsibility is to protect California consumers from the fraudulent, negligent, or incompetent practice of chiropractic care.

STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, Governor

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NOTICE OF BOARD MEETING

May 22, 2008

Upon Conclusion of the Strategic Planning Committee Meeting
Hearing Room
1625 North Market Blvd., Room S102
Sacramento, CA 95834

AGENDA

PUBLIC SESSION

Call to Order

Frederick Lerner, D.C., D.C., Chair
Hugh Lubkin, D.C., Vice-Chair
Francesco Columbu, D.C., Secretary
Jim Conran, Public Member
Judge James Duvaras (Ret.), Public Member
Richard Tyler, D.C., Professional Member

Chair's Report

Approval of Minutes
March 24, 2008, Open Session

Public Comment

Board Member training on the Bagley-Keene Open Meetings Act and other relevant laws

Executive Officer's Report

- Budget
- Personnel
- Licensing
- Enforcement

COMMITTEE REPORTS

Enforcement Committee – Discussion and Possible Action

- California Code of Regulations 306.1 Chiropractic Quality Review Panel (CQRP)

Licensing Committee - Discussion and Possible Action

- Approval by Ratification of Formerly Approved License Applications

Continuing Education Committee - Discussion and Possible Action

- Approval by Ratification of Formerly Approved Continuing Education Providers

Scope of Practice Committee - Discussion and Possible Action

- Recognition of Chiropractic Specialties re Advertising
- Chiropractic Scope of Practice for X-ray Use Update

Government Relations Committee - Discussion and Possible Action

- Status of Implementing the March 25, 2008, Bureau of State Audits' Recommendations and 60 Status Report
- Board Member Use of State Issued E-Mail Accounts

Public Relations Committee – Discussion and Possible Action

- Contract with the Department of Consumer Affairs for Public Relations Services

Legislative Committee – Discussion and Possible Action

The Board may take action on any agenda item listed on the attached Legislative Committee Agenda.

Strategic Planning Committee – Discussion and Possible Action

The Board may take action on any agenda item listed on the attached Strategic Planning Committee Agenda.

REGULATIONS UPDATE – Discussion and Possible Action

- Cite and Fine
- Letter of Admonishment
- Manipulation Under Anesthesia

Board Meeting Schedule for 2008 – Discussion and Possible Action

Public Comment

Future Agenda Items

CLOSED SESSION:

Discussion on Pending Litigation

Pursuant to California Government Code Section 11126(e)

- ***David Hinchee v. Board of Chiropractic Examiners, Catherine Hayes***
  Sacramento County Superior Court, Case No. 07AS03721
- ***Catherine Hayes v. Board of Chiropractic Examiners***
  Department of Fair Employment and Housing and Department of Industrial Relations Complaint

Deliberation on Disciplinary Matters and Possible Action on Disciplinary Decisions

Pursuant to California Government Code Section 11126(c)(3)

OPEN SESSION: Announcements re Closed Session

Adjournment

The Board of Chiropractic Examiners' paramount responsibility is to protect California consumers from the fraudulent, negligent, or incompetent practice of chiropractic care.

Meetings of the Board of Chiropractic Examiners are open to the public except when specifically noticed otherwise in accordance with the Public Meetings Act. Public comments will be taken on agenda items at the time the specific item is raised. The Board may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at **www.chiro.ca.gov.**

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BSA 60-Day Status Report

Exhibit G

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BOARD OF CHIROPRACTIC EXAMINERS
MEETING MINUTES
Administrative Committee
March 27, 2008
400 R Street, Room 101
Sacramento, CA 95814

Committee Members Present
Jim Conran, Chair
Frederick Lerner, D.C.
Hugh Lubkin, D.C.

Staff Present
Brian Stiger, Executive Officer
LaVonne Powell, Senior Legal Counsel
Thomas Rinaldi, Deputy Attorney General
Marlene Valencia, Staff Services Analyst

Call to Order

Mr. Conran called the meeting to order at 9:32 a.m.

Roll Call

Dr. Lubkin called the roll. All committee members were present.

Board Member Administrative Procedure Manual Updates

Mr. Stiger recommended minor updates to the manual to reflect new officers, committees, deletion of a cited statute, and a new revision date for the manual.

MOTION: DR. LUBKIN MOVED THAT COMMITTEE ADOPT THE RECOMMENDED CHANGES TO THE MANUAL.
MOTION SECONDED: DR. LERNER SECONDED THE MOTION
VOTE: 3-0
MOTION CARRIED

Members of the Board

Frederick Lerner, D.C., Chair
Hugh Lubkin, D.C., Vice Chair
Francesco Columbu, D.C., Secretary
Judge James Duvaras, Ret., Public Member
Jim Conran, Public Member
Richard Tyler, D.C., Professional Member

Executive Officer
Brian J. Stiger

This procedure manual is a general reference including a review of some important laws, regulations, and these basic Board policies in order to guide the actions of the Board members and ensure Board effectiveness and efficiency. The Chiropractic Initiative Act of 1922 (the Act) will be referenced and summarized throughout this procedure manual.

This Administrative Procedure Manual, regarding Board Policy, can be amended by four affirmative votes of any current or future Board.

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CHAPTER 1. Introduction

Overview

The Board of Chiropractic Examiners (Board) was created on December 21, 1922, through an initiative measure approved by the electors of California on November 7, 1922.

The Act states it is... "An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the State Board of Chiropractic Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith..."

The powers and authority of the Board is specifically defined in Section 4 of the Act. In general, the board is a policy-making and administrative review body comprised pursuant to the provisions of Section 1 of the Act, comprised of seven members, five professional and two public, each appointed by the Governor. The Board's paramount purpose is to protect California consumers through the enforcement of the Act, other applicable laws and the California Code of Regulations related to the Practice of Chiropractic, identified herein as the Board's regulations.

State of California Acronyms

ALJ	Administrative Law Judge
AG	Office of the Attorney General
APA	Administrative Procedure Act
B&P	Business and Professions Code
CATS	Computer Assisted Testing Service
CCCP	California Code of Civil Procedure
CCR	California Code of Regulations
CLEAR	Council on Licensure Enforcement and Regulations
DAG	Deputy Attorney General
DOF	Department of Finance
DOI	Department of Insurance
DPA	Department of Personnel Administration
SAM	State Administrative Manual
SCIF	State Compensation Insurance Fund
SPB	State Personnel Board
VCGCB	Victim Compensation and Government Claims Board

General Rules of Conduct

All Board members shall act in accordance with their oath of office, and shall conduct themselves in a courteous, professional and ethical manner at all times. The Board serves at the pleasure of the governor, and shall conduct their business in an open manner, so that the public that they serve shall be both informed and involved, consistent with the provisions of the Bagley-Keene Open Meeting Act and all other governmental and civil codes applicable to similar boards within the State of California.

- Board members shall comply with all provisions of the Bagley-Keene Open Meeting Act.
- Board members shall not speak or act for the Board without proper authorization.
- Board members shall not privately or publicly lobby for or publicly endorse, or otherwise engage in any personal efforts that would tend to promote their own personal or political views or goals, when those are in direct opposition to an official position adopted by the Board.
- Board members shall not discuss personnel or enforcement matters outside of their official capacity in properly noticed and agendized meetings or with members of the public or the profession.
- Board members shall never accept gifts from applicants, licensees, or members of the profession while serving on the Board.
- Board members shall maintain the confidentiality of confidential documents and information related to board business.
- Board members shall commit the time and prepare for Board responsibilities including the reviewing of board meeting notes, administrative cases to be reviewed and discussed, and the review of any other materials provided to the board members by staff, which is related to official board business.
- Board members shall recognize the equal role and responsibilities of all Board members.
- Board members shall act fairly, be nonpartisan, impartial, and unbiased in their role of protecting the public and enforcing the Chiropractic Initiative Act.
- Board members shall treat all consumers, applicants and licensees in a fair, professional, courteous and impartial manner.

- Board members' actions shall serve to uphold the principle that the Board's primary mission is to protect the public.

- Board members shall not use their positions on the Board for personal, familial, or financial gain. Any employment subsequent to employment as a board member shall be consistent with Executive Order 66-2.

CHAPTER 2. Board Members & Meeting Procedures

Membership
(§1 Initiative Act)

The Board consists of seven members appointed by the Governor. Each member must be a citizen of the United States and have been a resident of California for five years. Two members must be public members. Each licensee member must have at least five years of licensure in this state prior to appointment. Each licensee member must have pursued a resident course in an approved chiropractic school or college, and must be a graduate thereof and hold a diploma therefrom.

No more than two persons can serve simultaneously as members of the Board whose first diplomas were issued by the same school or college of chiropractic. Nor can more than two members be residents of any one county of the state. No person is eligible for appointment to the Board who is currently or within one year of holding a position as an administrator, policy Board member, or a paid employee of any chiropractic school or college.

Board Meetings and Offices
(§6 Initiative Act)

The full Board must meet at least twice each calendar year.

The Board's office is located in Sacramento. The Board may establish additional offices in Los Angeles and San Francisco.

Board Meetings
(Government Code Section 11120 et seq. - Bagley-Keene Open Meeting Act)

The Board, as a statement of policy, shall comply with the provisions of the Bagley-Keene Open Meeting Act, and conduct their business in accordance with Robert's Rules of Order, as long as that does not conflict with any superseding laws or regulations.

Due notice of each meeting and the time and place thereof must be given to each member in the manner provided by the Bagley-Keene Open Meeting Act.

The Board may call a special meeting at any time in the manner provided by the Bagley-Keene Open Meeting Act, Government Code Section 11125.4.

Quorum
(§3 Initiative Act)

A majority of the Board (four members) will constitute a quorum. An affirmative vote of four members of the Board is required to carry any motion or resolution, to adopt any rule, or to authorize the issuance of any license provided for in the Act.

Board Member Attendance at Board Meetings
(Board Policy)

Being a member of the Board is a serious commitment to the governor, and the people of the State of California. Board members shall attend a minimum of 75% of all scheduled assigned committee meetings and full session Board meetings. In extraordinary circumstances, the Chair may excuse a Board member from this obligation. If a member is unable to attend, he or she must contact the Board Chair or the Executive Officer, and provide a written explanation of their absence.

Public Attendance at Board Meetings
(Government Code Section 11120 et seq.)

Meetings are subject to all provisions of the Bagley-Keene Open Meeting Act. This Act governs meetings of the state regulatory Boards and meetings of committees of those Boards where the committee consists of more than two members. It specifies meeting notice, agenda requirements, and prohibits discussing or taking action on matters not included on the agenda. If the agenda contains matters which are appropriate for closed session, the agenda shall cite the particular statutory section and subdivision authorizing the closed session.

Agenda Items
(Board Policy)

Board members may submit agenda items for a future Board meeting during the "New Business" section of a Board meeting or directly to the Board Secretary 15 days prior to a Board meeting. To the extent possible, the Board Secretary will calendar each Board member's request on a future Board meeting.

In the event of a conflict, the Board Secretary will discuss the proposed agenda item with the Board Chair, and the Board Chair shall make the final decision. The Board Secretary will work with the Executive Officer to finalize the agenda.

If a Board member requests an item be placed on the agenda, and that request can not be complied with at the immediate upcoming meeting, then

the requested agenda item shall be placed on the next regularly scheduled meeting or into committee and shall never be postponed more than two meetings prior from being placed on the agenda and open for discussion by the Board.

Notice of Meetings
(Government Code Section 11120 et seq.)

Meeting notices, including agendas, for Board meetings will be sent to persons on the Board's mailing list at least 10 calendar days in advance, as specified in the Bagley-Keene Open Meeting Act. The notice shall include a staff person's name, work address, and work telephone number who can provide further information prior to the meeting.

Notice of Meetings Posted on the Internet
(Government Code Section 11125 et seq.)

Meeting notices shall be posted on the Board's web site at least 10 days in advance of the meeting, and include the name, address, and telephone number of staff who can provide further information prior to the meeting.

Mail Ballots
(Government Code Section 11500)

The Board must approve any proposed decision or stipulation before the formal discipline becomes final and the penalty can take effect.

Proposed stipulations and decisions are mailed to each Board member for his or her vote. For stipulations, a background memorandum from the assigned deputy attorney general accompanies the mail ballot. A two-week deadline generally is given for the mail ballots for stipulations and proposed decisions to be completed and returned to the Board's office.

Holding Disciplinary Cases for Board Meetings
(Board Policy)

When voting on mail ballots for proposed disciplinary decisions or stipulations, a Board member may wish to discuss a particular aspect of the decision or stipulation before voting. If this is the case, the ballot must be marked "hold for discussion," and the reason for the hold must be provided on the mail ballot. This allows staff the opportunity to prepare information being requested.

If two votes are cast to hold a case for discussion, the case is set aside and not processed (even if four votes have been cast on a decision). Instead the

case is scheduled for a discussion during a closed session at the next Board meeting.

If the matter is held for discussion, staff counsel will preside over the closed session to assure compliance with the Administrative Procedure Act and Open Meeting Act.

If the Board member is comfortable voting on the matter, but wishes to discuss the policy behind the decision or case, the ballot should be marked "Policy Issue for Discussion. I have voted above. Issue: _____." The Executive Officer will respond directly to the member. If still unresolved or if the matter is to be referred to the Board, the policy issue will be placed on the agenda for discussion at the next Enforcement Committee Meeting.

Record of Meetings
(Board Policy)

The minutes are a summary, not a transcript, of each Board meeting. They shall be prepared by Board staff and submitted for review by Board members before the next Board meeting.
Board minutes must be approved or disapproved at the next scheduled meeting of the Board. When approved, the minutes shall serve as the official record of the meeting. The recordings of each board meeting shall be maintained and not destroyed.

Tape Recording
(Government Code Section 11124.1(b))

The meeting may be audio and/or video tape recorded by the public or any other entity in accordance with the Bagley-Keene Open Meeting Act, the members of the public may tape record, videotape or otherwise record a meeting unless they are disruptive to the meeting and the Chair has specifically warned them of their being disruptive, then the Chair may order that their activities be ceased.

Meeting Rules
(Board Policy)

The Board will use Robert's Rules of Order, to the extent that it does not conflict with state law (e.g., Bagley-Keene Open Meeting Act or other state laws or regulations), as a guide when conducting the meetings. Questions of order are clarified by the Board's legal counsel.

Public Comment
(Board Policy)

Public comment is always encouraged and allowed, however, if time constraints mandate, the comments may be limited to three minutes per person. Due to the need for the Board to maintain fairness and neutrality when performing its adjudicative function, the Board shall not receive any information from a member of the public regarding matters that are currently under or subject to investigation, or involve a pending or criminal administrative action.

1. If, during a Board meeting, a person attempts to provide the Board with any information regarding matters that are currently under or subject to investigation or involve a pending administrative or criminal action, the person shall be advised that the Board cannot properly consider or hear such substantive information and the person must be instructed to refrain from making such comments.

2. If, during a Board meeting, a person wishes to address the Board concerning alleged errors of procedure or protocol or staff misconduct involving matters that are currently under or subject to investigation or involve a pending administrative or criminal action, the Board will address the matter as follows:
   a. Where the allegation involves errors of procedure or protocol, the Board may designate either its Executive Officer or a Board employee to review whether the proper procedure or protocol was followed and to report back to the Board.
   b. Where the allegation involves significant staff misconduct, the Board may designate one of its members to review the allegation and to report back to the Board.

3. The Board may deny a person the right to address the Board and have the person removed if such person becomes disruptive at the Board meeting. The Board accepts the conditions established in the Bagley-Keene Open Meeting Act and appreciates that at times the public may disapprove, reprimand, or otherwise present an emotional presentation to the Board, and it is the Board's duty and obligation to allow that public comment, as provided by law.

CHAPTER 3. Travel & Salary Policies & Procedures

Travel Approval
(Board Policy)

Board members shall receive Executive Officer approval for all travel and salary or per diem reimbursement, except for regularly scheduled Board, committee, and conference meetings to which a Board member is assigned.

Travel Arrangements
(Board Policy)

Board members should attempt to make their own travel arrangements and are encouraged to coordinate with the Board liaison on lodging accommodations.

Out-of-State Travel
(SAM Section 700 et seq.)

For out-of-state travel, Board members will be reimbursed for actual lodging expenses, supported by vouchers, and will be reimbursed for meal and supplemental expenses. Out-of-state travel for all persons representing the state of California is controlled and must be approved by the Governor's Office.

Travel Claims
(SAM Section 700 et seq.)

Rules governing reimbursement of travel expenses for Board members are the same as for management-level state staff. All expenses shall be claimed on the appropriate travel expense claim forms. The Board Liaison maintains these forms and completes them as needed.

The Executive Officer's travel and per diem reimbursement claims shall be submitted to the Board Chair for approval.

It is advisable for Board members to submit their travel expense forms immediately after returning from a trip and not later than thirty days following the trip.

Salary Per Diem
(§1 Initiative Act and B&P Code Section 103)

Each member of the Board shall receive a per diem in the amount provided in Section 103 of the Business and Professions (B&P) Code. Board members fill non-salaried positions, but are paid $100 per day for each meeting day and are reimbursed travel expenses.

Compensation in the form of salary per diem and reimbursement of travel and other related expenses for Board members is regulated by the B&P Code Section 103. Board members are paid out of the funds of the Board, as provided for within the Chiropractic Initiative Act.

In relevant part, B&P Code Section 103 provides for the payment of salary per diem for Board members "for each day actually spent in the discharge of official duties," and provides that the Board member "shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties."

Salary Per Diem
(Board Policy)

Accordingly, the following general guidelines shall be adhered to in the payment of salary per diem or reimbursement for travel:

1. No salary per diem or reimbursement for travel-related expenses shall be paid to Board members except for attendance at official Board or committee meetings, unless a substantial official service is performed by the Board member.

   Attendance at gatherings, events, hearings, conferences or meetings other than official Board or committee meetings in which a substantial official service is performed the Executive Officer shall be notified and approval shall be obtained from the Board Chair prior to Board member's attendance.

2. The term "day actually spent in the discharge of official duties" shall mean such time as is expended from the commencement of a Board or committee meeting until that meeting is adjourned.

   If a member is absent for a portion of a meeting, hours are then reimbursed for time actually spent. Travel time is not included in this component.

3. For Board-specified work, Board members will be compensated for actual time spent performing work authorized by the Board Chair. This may also include, but is not limited to, authorized attendance at other gatherings, events, meetings, hearings, or conferences, such as the Federation of Chiropractic Licensing Boards (FCLB). Work also includes preparation time for Board or committee meetings and reading and deliberating mail ballots for disciplinary actions.

4. Reimbursable work does not include miscellaneous reading and information gathering unrelated board business and not related to any

meeting, preparation time for a presentation and participation at meetings not related to official participation of the members duties with the Board.

5. Board members may participate on their own (i.e., as a citizen or professional) at an event or meeting but not as an official Board representative unless approved in writing by the Chair. Requests must be submitted in writing to the Chair for approval and a copy provided to the Executive Officer. However, Board members should recognize that even when representing themselves as "individuals," their positions might be misconstrued as that of the Board.

CHAPTER 4. Selection of Officers & Committees

Officers of the Board
(§3 Initiative Act)

The Board shall elect at the first meeting of each new year a Chair, Vice Chair and Secretary from the members of the Board.

Election of Officers
(§3 Initiative Act)

Elections of the officers shall occur annually at the January meeting of the Board.

Officer Vacancies
(Board Policy)

If an office becomes vacant during the year, the Chair may appoint a member to fill the vacancy for the remainder of the term until the next annual election.

If the office of the Chair becomes vacant, the Vice Chair shall assume the office of the Chair. Elected officers shall then serve the remainder of the term.

Board Member Addresses
(Board Policy)

Board member addresses and telephone numbers are confidential and shall not be released to the public without expressed authority of the individual Board member. A roster of Board members is maintained for public distribution on the Board's web site using the Board's address and telephone number.

Board Member Written Correspondence and Mailings
(Board Policy)

All correspondence, press releases, articles, memoranda or any other communication written by any Board member in his or her official capacity must be provided to the Executive Officer for reproduction and distribution. The Executive Officer will retain a copy in a chronological file and distribute the written material.

Request to Access Licensee or Applicant Records
(Board Policy)

No Board member may access a licensee's, or applicant's file without the Executive Officer's knowledge and approval of the conditions of access. Records or copies of records shall not be removed from the Board's office at any time.

Communications: Other Organizations/Individuals/Media
(Board Policy)

All communications relating to any Board action or policy to any individual or organization, or a representative of the media shall be made only by the Board Chair, his or her designee, or the Executive Officer. Any Board member who is contacted by any of the above should inform the Board Chair or Executive Officer of the contact.

Committee Appointments
(Board Policy)

The Chair shall establish committees, whether standing or special, as he or she deems necessary.

The composition of the committees and the appointment of the members shall be determined by the Board Chair in consultation with the Vice Chair, Secretary, and the Executive Officer.

Standing Committees
(Board Policy)

The Board has eight standing committees:

1. **Continuing Education Committee**
   The Continuing Education Committee recommends regulations for mandatory continuing education and overseeing the Continuing Education Program, which includes program administration, continuing education providers' evaluation, waiver requests review, and conducting regular at-random and continuing education audits.

2. **Enforcement Committee**
   The purpose of the Enforcement Committee is to continually seek ways to improve the Board's enforcement activities. The committee shall consist of two Board members. Meetings will be held as necessary.

3. **Government Relations Committee**
   The Administrative Committee continually reviews policies, procedures, budget, personnel, accounting, and departmental issues. The Administrative Committee works directly with the Executive Officer and staff to monitor budget expenditures, trends, and the Contingent Fund levels.

   The Committee shall monitor individual line item expenditure and look for anomalies with a three year pattern for purposes of preparing a budget change proposal to correct either an under or over expenditure.

4. **Legislation/Regulation Committee**
   Proposes regulations that enhance the Board's role as a regulatory agency that protects the public. The committee will review and recommend positions on bills that affect the Board.

   The following classification system will be used by the committee in recommending Board positions:

   1. **Support:** The Board supports the current version of the bill.

   2. **Support if Amended:** The Board generally supports the concept or intent of the bill.

   3. **Oppose:** The Board is opposed to the current version of the bill.

   4. **Oppose Unless Amended:** The Board is opposed to the bill but is willing to work with the author and sponsor of the bill to resolve the Board's concerns.

   Watch: The Board has some interest in the bill because it potentially may affect the work of the Board.

5. **Licensing Committee**
   Proposes policies and standards regarding chiropractic colleges, doctors of chiropractic and satellite offices.

6. **Public Relations Committee**
   Develops strategies to communicate with the public through various forms of media.

7. **Scope of Practice Committee**
   Reviews and processes positions on scope of practice issues.

8. **Strategic Planning Committee**
   Develops draft Strategic Plans and monitors the BCE's progress in achieving goals and objectives.

Committee Meetings
(Board Policy)

Each of these committees is comprised of at least two Board members and staff, who provide technical and administrative input and support. The committees are an important venue for ensuring that staff and Board members share information and perspectives in crafting and implementing strategic objectives.

The Board's committees allow Board members, stakeholders and staff to discuss and conduct problem solving on issues related to the Board's strategic goals. They also allow the Board to consider options for implementing components for the strategic plan.

The committees are charged with coordinating Board efforts to reach Board goals and achieving positive results on its performance measures.

The Board Chair designates one member of each committee as the committee's chairperson.

The chairperson coordinates the committee's work, ensures progress toward the Board's priorities, and presents reports at each meeting.

During any public committee meeting, comments from the public are encouraged, and the meetings themselves are frequently public forums on specific issues before a committee. These meetings shall also be run in accordance with the Bagley-Keene Open Meeting Act.

Attendance at Committee Meetings
(Board Policy and Government Code Section 11122.5 et seq.)

If a Board member wishes to attend a meeting of a committee of which he or she is not a member, the Board member must obtain permission from the Board Chair to attend and must notify the committee chair and staff.

Board members who are not members of the committee that is meeting cannot vote during the committee meeting.

If there is a quorum of the Board at a committee meeting, Board members who are not members of the committee must sit in the audience and cannot participate in committee deliberations.

It is also important to note that any time more than two Board members attend a Board committee meeting, that committee must have been publicly noticed.

The Board's legal counsel works with the Executive Officer to assure any meeting that fits the requirements for a public meeting is appropriately noticed.

CHAPTER 5. Board Administration & Staff

Executive Officer
(§3 Initiative Act)

The Board employs an Executive Officer and establishes his/her salary in accordance with the State law.

The Executive Officer is responsible for the financial operations and integrity of the Board, and is the official custodian of records. The Executive Officer is an at will employee, who serves at the pleasure of the Board, and may be terminated, with or without cause, in accordance with the provisions of the Bagley-Keene Open Meeting Act.

Board Administration
(Board Policy)

Strategies for the day-to-day management of programs and staff shall be the responsibility of the Executive Officer as an instrument of the Board.

Executive Officer Evaluation
(Board Policy)

At the first Board meeting of each fiscal year or at any time thereafter as determined by the Board, the Executive Officer is evaluated by the Board Chair during a closed session. Board members provide information to the Chair on the Executive Officer's performance in advance of this meeting.

Board Staff
(§4 Initiative Act)

Employees of the Board, with the exception of the Executive Officer, are civil service employees. Their employment, pay, benefits, discipline, termination, and conditions of employment are governed by a myriad of civil service laws and regulations and often by collective bargaining labor agreements.

Because of this complexity, the Board delegates this authority and responsibility for management of the civil service staff to the Executive Officer as an instrument of the Board.

Board members may express any staff concerns to the Executive Officer but shall refrain from involvement in any civil service matters. Board members shall not become involved in the personnel issues of any state employee.

Board Budget
(Board Policy)

The Executive Officer or the Executive Officer's designee will attend and testify at legislative budget hearings and shall communicate all budget issues to the Administration and Legislature.

Strategic Planning
(Board Policy)

The Administrative Committee shall have overall responsibility for the Board's Strategic Planning Process and shall assist staff in the monitoring and reporting of the strategic plan to the Board.

Communications with Other Organizations & Individuals
(Board Policy)

All communications relating to any Board action or policy to any individual or organization shall be made only by the Chair of the Board, his or her designee, or the Executive Officer.

Any Board member who is contacted by any of the above should inform the Board Chair or Executive Officer of the contact immediately.

All correspondence shall be issued on the Board's standard letterhead and will be disseminated by the Executive Officer's office.

Business Cards
(Board Policy)

Business cards will be provided to each Board member with the Board's name, address, telephone and fax number, and website address.

CHAPTER 6. Other Policies & Procedures

Board Member Disciplinary Actions
(Board Policy)

If a board member violates any provision of the Administrative Procedure Manual, the Chair will provide in writing, notice to the member of the violation. If the member disagrees with the notice, the board member must provide a reply in writing. After giving the board member an opportunity to respond to the notice, the Chair, at his/her discretion may meet in person or discuss by telephone with the board member to discuss the violation. The Chair may ask a third person to be present during the meeting. If the matter is not resolved at the end of the meeting or it is resolved but the board member continues to violate the procedures in the manual, the Chair may agendize at the next board meeting an item asking for censure of the board member.

If the violation concerns the Chair's conduct, the Vice-Chair will handle the matter.

Terms and Removal of Board Members
(§2 Initiative Act)

The Governor shall appoint the members of the Board. Each appointment shall be for the term of four years, except that an appointment to fill a vacancy shall be for the unexpired term only. Each member shall serve until his successor has been appointed and qualified or until one year has elapsed since the expiration of his term whichever first occurs.

No person shall serve more than two consecutive terms on the Board nor be eligible for appointment thereafter until the expiration of four years from the expiration of such second consecutive term, effective January 2, 1974. The Governor may remove a member from the Board after receiving sufficient proof of the inability or misconduct of said member.

Resignation of Board Members
(Government Code Section 1750 (b))

In the event that it becomes necessary for a Board member to resign, a letter shall be sent to the Governor's Office with the effective date of the resignation. Written notification is required by state law. A copy of this letter shall also be sent to the Board Chair and the Executive Officer.

Conflict of Interest
(Government Code Section 87100)

No Board member may make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest.

Any Board member who has a financial interest shall disqualify him or herself from making or attempting to use his or her official position to influence the decision.

Any Board member who feels he or she is entering into a situation where there is a potential for a conflict of interest should immediately consult the Executive Officer or the Board's legal counsel.

Contact with Licensees and Applicants
(Board Policy)

Board members shall not intervene on behalf of a licensee or applicant for licensure for any reason. They should forward all contacts or inquiries to the Executive Officer.

Contact with Respondents
(Board Policy)

Board members should not directly participate in complaint handling and resolution or investigations.

To do so would subject the Board member to disqualification in any future disciplinary action against the licensee. If a Board member is contacted by a respondent or his/her attorney, the Board member should refer the individual to the Executive Officer.

Service of Legal Documents
(Board Policy)

If a Board member is personally served as a party in any legal proceeding related to his or her capacity as Board member, he or she must contact the Executive Officer immediately.

Serving as an Expert Witness
(Executive Order 66.2)

Pursuant to Executive Order 66-2, no employment, activity, or enterprise shall be engaged in by any gubernatorial appointee which might result in, or create the appearance of resulting in any of the following:

1. Using the prestige or influence of a State office for the appointee's private gain or advantage.

2. Using state time, facilities, equipment, or supplies for the appointee's private gain or advantage, or the private gain or advantage of another.

3. Using confidential information acquired by virtue of State involvement for the appointees private gain or advantage, or the private gain or advantage of another.

4. Receiving or accepting money or any other consideration from anyone other than the State for the performance of an act which the appointee would be required or expected to render in the regular course of hours of his or her State employment or as a part of the appointee's duties as a State officer.

Request for Grants

All requests for funding/contributions to Board projects shall be approved by the Board Chair.

Requests for such grants must be made by the Executive Officer at the Chair's direction. If a Board member makes an individual request, a copy of the request shall be forwarded to the Executive Officer as soon as possible.

The mechanism for receipt, management, and dispersal of funds shall be pre-arranged and approved by the Board.

Gifts from Licensees and Applicants
(Board Policy)

A gift of any kind to Board members from licensees, applicants for licensure, continuing education providers or approved schools is not permitted. Gifts must be returned immediately.

Ex Parte Communications
(Government Code Section 11430.10 et seq.)

The Government Code contains provisions prohibiting ex parte communications. An "ex parte" communication is a communication to the decision-maker made by one party to an enforcement action without participation by the other party. While there are specified exceptions to the general prohibition, the key provision is found in subdivision (a) of section 11430.10, which states:

> "While the proceeding is pending, there shall be no communication, direct or indirect, regarding any issue in the proceeding to the presiding officer from an employee or representative of an agency that is a party or from an interested person outside the agency, without notice and an opportunity for all parties to participate in the communication."

Board members are prohibited from an ex parte communication with Board enforcement staff while a proceeding is pending.

Occasionally, an applicant who is being formally denied licensure, or a licensee against whom disciplinary action is being taken, will attempt to directly contact Board members. If the communication is written, the person should read only far enough to determine the nature of the communication. Once he or she realizes it is from a person against whom an action is pending, they should reseal the documents and send them to the Executive Officer.

If a Board member receives a telephone call from an applicant under any circumstances or licensee against whom an action is pending, he or she should immediately tell the person they cannot speak to them about the matter and inform the Executive Officer and the Board's legal counsel.

If the person insists on discussing the case, he or she should be told that the Board member will be required to recuse him or herself from any participation in the matter. Therefore, continued discussion is of no benefit to the applicant or licensee.

If a Board member believes that he or she has received an unlawful ex parte communication, he or she should contact the Executive Officer and the Board's legal counsel.

The Honoraria Prohibition

(Government Code Section 89503)
(FPPC Regulations, Title 2, Division 6)

As a general rule, members of the Board should decline honoraria for speaking at, or otherwise participating in, professional association conferences and meetings. A member of a state Board is precluded from accepting an honorarium from any source, if the member would be required to report the receipt of income or gifts from that source on his or her statement of economic interest.

Board members are required to report income from, among other entities, professional associations and continuing education providers. Therefore, a Board member should decline all offers for honoraria for speaking or appearing before such entities.

There are limited exceptions to the honoraria prohibition. The acceptance of an honorarium is not prohibited under the following circumstances: (1) when a honorarium is returned to the donor (unused) within 30 days; (2) when an honorarium is delivered to the State Controller within thirty days for donation to the General Fund (for which a tax deduction is not claimed); and (3) when an honorarium is not delivered to the Board member, but is donated directly to a bona fide charitable, educational, civic, religious, or similar tax exempt, non-profit organization.

In light of this prohibition, members should report all offers of honoraria to the Board Chair so that he or she, in consultation with the Executive Officer and staff counsel, may determine whether the potential for conflict of interest exists.

Board Member Orientation
(Board Policy)

The California Business and Professions Code requires that a Board member orientation session be given to new Board members within one year of assuming office.

Ethics Training

California law requires all appointees to take an ethics orientation within the first six months of their appointment and to repeat this ethics orientation every two years throughout their term.

Sexual Harassment Training
(Government Code Section 12950.1)

Board members are required to undergo sexual harassment training and education once every two years. Staff will coordinate the training.

Addendums

Applicable provisions of the following:

Business and Professions Code
Executive Order 66-2
Government Code
State Administrative Manual

BSA 60-Day Status Report

Exhibit H

STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, Governor

Board of Chiropractic Examiners
2525 Natomas Park Drive, Suite 260
Sacramento, California 95833-2931
Telephone (916) 263-5355 FAX (916) 263-5369
CA Relay Service TT/TDD (800) 735-2929
Consumer Complaint Hotline (866) 543-1311
www.chiro.ca.gov

February 23, 2007

Frederick Lerner, D.C.

Dear Dr. Lerner:

Congratulations on your appointment to the Board of Chiropractic Examiners (Board). Enclosed are the following items you will need for our upcoming Board meeting:

1. March 1, 2007 Board meeting packet
2. Robert's Rules of Order
3. Laws and Regulations Relating to the Practice of Chiropractic
4. Public Records Act; Open Meeting Act; Administrative Procedure Act
5. Disciplinary Guidelines and Model Disciplinary Orders

Please be sure to bring your Board meeting packet with you on the day of the Board meeting. **PLEASE NOTE:** *The closed session minutes are confidential and cannot be released to the general public.*

If you have questions regarding the documents I have provided, you may contact me by email or telephone.

Sincerely, COPY

Marlene Valencia
Administrative Unit
(916) 263-5363
mvalencia@chiro.ca.gov

Enclosures

STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, Governor

BOARD OF CHIROPRACTIC EXAMINERS
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www.chiro.ca.gov

BOARD MEMBER APPOINTMENT CHECKLIST

Employee's Name: F. LEENER, D.C.

Effective Date: _____
(Must be Date Oath is Signed)

Position Number: _____
(Full position number required)

Documents/Forms:

Mailed	Rec'd	
☐	☑	Oath of Office, Std. 688 [normally provided at the Governor's office]
☑	☑	Employee Action Request, Std. 686
☑	☑	Designation of Person Authorized to Receive Warrants, Std. 243
☑	☑	Employment Eligibility Verification, Form I-9
☑	☑	Authorization to Use Privately Owned Vehicles on State Business, Std. 261
☑	☑	Emergency Notification
☐	☑	Fair & Political Practices Commission, Form 700

- ☑ Pocket Travel Guide
- ☑ Travel Claim Worksheet [blank sheets]
- ☑ Salary Per Diem & Travel Reimbursement Memo [dated 10/2/2006]
- ☑ Attendance Report [blank sheets]

Publications:

- ☑ Robert's Rules of Order
- ☑ Sunset Review (latest copy)
- ☑ Open Meetings Act
- ☑ Public Records Act
- ☑ Administrative Procedure Act
- ☑ Initiative Act & Regulations
- ☑ Disciplinary Guidelines

Training:

- ☐ Board Member Orientation
- ☐ Ethics
- ☐ Sexual Harassment

Other:

- ☑ Self-addressed stamped envelopes

STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, Governor

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CA Relay Service TT/TDD (800) 735-2929
Consumer Complaint Hotline (866) 543-1311
www.chiro.ca.gov

March 19, 2007

James Conran

Dear Mr. Conran:

Congratulations on your appointment to the Board of Chiropractic Examiners (Board). Enclosed you will find the following items that will help you during your term as Board member:

- Robert's Rules of Order
- Sunset Review (latest copy)
- Open Meetings Act; Public Records Act; Administrative Procedure Act
- Regulations Relating to the Practice of Chiropractic; Initiative Act and Law
- Disciplinary Guidelines
- Pocket Travel Guide
- Travel Claim Worksheet [blank sheets]
- Salary Per Diem & Travel Reimbursement Memo [dated 10/2/2006]
- Attendance Report [blank sheets]
- Board of Chiropractic Examiners Orientation manual

The items below are to be filled out and returned to me, as soon as possible:

- Employee Action Request, Std. 686
- Designation of Person Authorized to Receive Warrants, Std. 243
- Employment Eligibility Verification, Form I-9
- Authorization to Use Privately Owned Vehicles on State Business, Std. 261
- Emergency Notification
- Fair & Political Practices Commission, Form 700

I have also enclosed a few self-addressed stamped envelopes to be used when sending correspondence to me. If you have questions regarding the documents I have provided, you may contact me by email or telephone.

Sincerely,

Marlene Valencia
Administrative Unit
(916) 263-5363
mvalencia@chiro.ca.gov

Enclosures

STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, Governor

BOARD OF CHIROPRACTIC EXAMINERS
2525 Natomas Park Drive, Suite 260
Sacramento, California 95833-2931
Telephone (916) 263-5355 FAX (916) 263-5369
CA Relay Service TT/TDD (800) 735-2929
Consumer Complaint Hotline (866) 543-1311
www.chiro.ca.gov

BOARD MEMBER APPOINTMENT CHECKLIST

Employee's Name: J. Conran

Effective Date: _____
(Must be Date Oath is Signed)

Position Number: _____
(Full position number required)

Documents/Forms:

Mailed	Rec'd	
☐	☑	Oath of Office, Std. 688 [normally provided at the Governor's office]
☑	☑	Employee Action Request, Std. 686
☑	☐	Designation of Person Authorized to Receive Warrants, Std. 243
☑	☐	Employment Eligibility Verification, Form I-9
☑	☐	Authorization to Use Privately Owned Vehicles on State Business, Std. 261
☑	☐	Emergency Notification
☑	☑	Fair & Political Practices Commission, Form 700
☑		Pocket Travel Guide
☑		Travel Claim Worksheet [blank sheets]
☑		Salary Per Diem & Travel Reimbursement Memo [dated 10/2/2006]
☑		Attendance Report [blank sheets]

Publications:

- ☑ Robert's Rules of Order
- ☑ Sunset Review (latest copy)
- ☑ Open Meetings Act
- ☑ Public Records Act
- ☑ Administrative Procedure Act
- ☑ Initiative Act & Regulations
- ☑ Disciplinary Guidelines
- ✓ BCE Member Orientation

Training:

- ☐ Board Member Orientation
- ☐ Ethics
- ☐ Sexual Harassment

Other:

- ☑ Self-addressed stamped envelopes

STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, Governor

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March 19, 2007

Hugh Lubkin, D.C.

Dear Dr. Lubkin:

Congratulations on your appointment to the Board of Chiropractic Examiners (Board). Enclosed you will find the following items that will help you during your term as Board member:

- Robert's Rules of Order
- Sunset Review (latest copy)
- Open Meetings Act; Public Records Act; Administrative Procedure Act
- Regulations Relating to the Practice of Chiropractic; Initiative Act and Law
- Disciplinary Guidelines
- Pocket Travel Guide
- Travel Claim Worksheet [blank sheets]
- Salary Per Diem & Travel Reimbursement Memo [dated 10/2/2006]
- Attendance Report [blank sheets]
- Board of Chiropractic Examiners Orientation manual

The items below are to be filled out and returned to me, as soon as possible:

- Employee Action Request, Std. 686
- Designation of Person Authorized to Receive Warrants, Std. 243
- Employment Eligibility Verification, Form I-9
- Authorization to Use Privately Owned Vehicles on State Business, Std. 261
- Emergency Notification
- Fair & Political Practices Commission, Form 700

I have also enclosed a few self-addressed stamped envelopes to be used when sending correspondence to me. If you have questions regarding the documents I have provided, you may contact me by email or telephone.

Sincerely,

Marlene Valencia
Administrative Unit
(916) 263-5363
mvalencia@chiro.ca.gov

Enclosures

STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, Governor

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BOARD MEMBER APPOINTMENT CHECKLIST

Employee's Name: H. Lubkin, D.C.

Effective Date: _____
(Must be Date Oath is Signed)

Position Number: _____
(Full position number required)

Documents/Forms:

Mailed	Rec'd	
☐	☑	Oath of Office, Std. 688 [normally provided at the Governor's office]
☑	☑	Employee Action Request, Std. 686
☑	☐	Designation of Person Authorized to Receive Warrants, Std. 243
☑	☐	Employment Eligibility Verification, Form I-9
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☑	☐	Fair & Political Practices Commission, Form 700
☑		Pocket Travel Guide
☑		Travel Claim Worksheet [blank sheets]
☑		Salary Per Diem & Travel Reimbursement Memo [dated 10/2/2006]
☑		Attendance Report [blank sheets]

Publications:

- ☑ Robert's Rules of Order
- ☑ Sunset Review (latest copy)
- ☑ Open Meetings Act
- ☑ Public Records Act
- ☑ Administrative Procedure Act
- ☑ Initiative Act & Regs
- ☑ Disciplinary Guidelines
- ✓ BCE Member Orientation

Training:

- ☐ Board Member Orientation
- ☐ Ethics
- ☐ Sexual Harassment

Other:

- ☑ Self-addressed stamped envelopes

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Board Member Orientation Training

Provided by Department of Consumer Affairs

Name of Attendee	Date	Location	
Hugh Lubkin, D.C.	9/19/2007	Oakland, CA	✓
Frederick Lerner, D.C.	9/19/2007	Oakland, CA	✓
Richard Tyler, D.C.	9/19/2007	Oakland, CA	✓
Francesco Columbu, D.C.	2/6/2008	DCA Headquarters - Sacramento, CA	✓
Jim Conran	2/6/2008	DCA Headquarters - Sacramento, CA	✓
James Duvaras	2/6/2008	DCA Headquarters - Sacramento, CA	✓

BSA 60-Day Status Report

Exhibit
I

Board of Chiropractic Examiners
2525 Natomas Park Drive, Suite 260
Sacramento, California 95833-2931
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Consumer Complaint Hotline (866) 543-1311
http://www.chiro.ca.gov

NOTICE OF PUBLIC MEETING

Notice is hereby given that a meeting of the **Enforcement Committee** of the **Board of Chiropractic Examiners** will be held as follows:

Thursday, April 24, 2008
(Upon Conclusion of the Licensing Committee Meeting)
2525 Natomas Park Drive, Suite 120
Sacramento, CA 95833

AGENDA

Call To Order

Approval of Minutes
- March 27, 2008

PUBLIC COMMENT

Discussion and Possible Action
- California Code of Regulations 306.1 Chiropractic Quality Review Panel (CQRP)

Discussion and Possible Action
- DRX 9000
- Laser Treatments

FUTURE AGENDA ITEMS

PUBLIC COMMENT

ADJOURNMENT

ENFORCEMENT COMMITTEE
Hugh Lubkin, D.C., Chair
Judge James Duvaras, Retired

A quorum of the Board may be present at the Committee meeting. However, Board members who are not on the committee may observe, but may not participate or vote. Public comments will be taken on agenda items at the time the specific item is raised. The Committee may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at **www.chiro.ca.gov.**

The meeting is accessible to the physically disabled. If a person needs disability-related accommodations or modifications in order to participate in the meeting, please make a request no later than five working days before the meeting to the Board by contacting Marlene Valencia at (916) 263-5355 ext. 5363 or sending a written request to that person at the Board of Chiropractic Examiners, 2525 Natomas Park Drive, Suite 260, Sacramento, CA 95833. Requests for further information should be directed to Ms. Valencia at the same address and telephone number.

STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, Governor

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NOTICE OF BOARD MEETING

May 22, 2008

Upon Conclusion of the Strategic Planning Committee Meeting
Hearing Room
1625 North Market Blvd., Room S102
Sacramento, CA 95834

AGENDA

PUBLIC SESSION

Call to Order

Frederick Lerner, D.C., D.C., Chair
Hugh Lubkin, D.C., Vice-Chair
Francesco Columbu, D.C., Secretary
Jim Conran, Public Member
Judge James Duvaras (Ret.), Public Member
Richard Tyler, D.C., Professional Member

Chair's Report

Approval of Minutes
March 24, 2008, Open Session

Public Comment

Board Member training on the Bagley-Keene Open Meetings Act and other relevant laws

Executive Officer's Report
- Budget
- Personnel
- Licensing
- Enforcement

COMMITTEE REPORTS

Enforcement Committee – Discussion and Possible Action
- California Code of Regulations 306.1 Chiropractic Quality Review Panel (CQRP)

Licensing Committee - Discussion and Possible Action
- Approval by Ratification of Formerly Approved License Applications

Continuing Education Committee - Discussion and Possible Action
- Approval by Ratification of Formerly Approved Continuing Education Providers

Scope of Practice Committee - Discussion and Possible Action
- Recognition of Chiropractic Specialties re Advertising
- Chiropractic Scope of Practice for X-ray Use Update

BSA 60-Day Status Report

Exhibit J

Board of Chiropractic Examiners
2525 Natomas Park Drive, Suite 260
Sacramento, California 95833-2931
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Application – Expert Witness/Consultant

If you need additional space to complete the application, please attach a separate sheet or complete the information on the reverse side. Please complete each section and **attach your curriculum vita/resume.**

APPLICANT INFORMATION

Name:		License Number:	
Business Address:			
City:		State:	ZIP Code:
Phone:	Fax:	E-mail:	

Are you a citizen of the United States? YES ☐ NO ☐

If no, are you authorized to work in the U.S.? YES ☐ NO ☐

Have you ever been employed by or provided services to the Board? YES ☐ NO ☐

If so, when and what services?

EMPLOYMENT INFORMATION

Current Employer:			How long?
Address:			
City:		State:	ZIP Code:
Phone:	Fax:	E-mail:	
Position:			

COLLEGE EDUCATION

College/University:		
Address:		Phone:
City:	State:	ZIP Code:
Degree:		Year:

PROFESSIONAL EDUCATION

College:		
Address:		Phone:
City:	State:	ZIP Code:

Degree: Year:

PROFESSIONAL QUALIFICATIONS

Are you board-certified or board-eligible in any of the chiropractic diplomat programs? YES ☐ NO ☐

If yes, attach a copy of each certification or eligibility.

Have you, at any time in the past two years, worked for an insurance carrier, self-insured plan, third party administrator, or chiropractic claims review company? YES ☐ NO ☐

If yes, attach a description of the services you provided and your employment relationship with the above-mentioned entities.

Are you a State of California Qualified Medical Evaluator? YES ☐ NO ☐

If yes, attach a copy of the certificate.

Have you testified in court as an expert witness? YES ☐ NO ☐

If yes, how many times: _____

For each phrase listed below, please mark the statement that most accurately represents the depth of your knowledge and skill in the field of Chiropractic.

A) Knowledge and skill in case review of medical records (including x-rays) for the purpose of medical and legal proceedings.

☐ I posses this knowledge and skill ☐ I do NOT possess this knowledge and skill.

B) Knowledge and skill in presenting testimony in court or arbitrations as an expert in medical and legal proceedings.

☐ I posses this knowledge and skill ☐ I do NOT possess this knowledge and skill.

C) Knowledge and skill in rendering opinions regarding treatment utilization.

☐ I posses this knowledge and skill ☐ I do NOT possess this knowledge and skill.

D) Knowledge and skill in performing case management review.

☐ I posses this knowledge and skill ☐ I do NOT possess this knowledge and skill.

E) Knowledge and skill in reviewing chiropractic laws and regulations and written opinions relating to the review of these laws and regulations.

☐ I posses this knowledge and skill ☐ I do NOT possess this knowledge and skill.

F) Knowledge and skill in testifying and interpreting chiropractic laws and regulations.

☐ I posses this knowledge and skill ☐ I do NOT possess this knowledge and skill.

Academic Appointments:

Have you ever held any academic appointments at any college or university? YES ☐ NO ☐

If yes, attach a description of each appointment and your job duties.

Have you developed or assisted in the development of chiropractic statutes, regulations, and/or guidelines?
YES ☐ NO ☐

If yes, please attach a description of each experience.

Publications:

Please list all published articles and texts which you have written:

_____

_____

_____

_____

_____

_____

_____

_____

REFERENCES

Please list two professional references.

Full Name:	Relationship:	
Company:	Phone:	
Address:		
City:	State:	ZIP Code:
Full Name:	Relationship:	
Company:	Phone:	
Address:		
City:	State:	ZIP Code:

ADDITIONAL INFORMATION

Have you ever been involved in a malpractice lawsuit or arbitration proceeding related to your treatment of a patient? YES ☐ NO ☐

If yes, attach an explanation of each lawsuit or arbitration complaint.

Are there currently any pending medical malpractice lawsuits or arbitration claims? YES ☐ NO ☐

If yes, attach an explanation of each lawsuit or arbitration complaint.

Has your professional liability insurance coverage ever been denied, limited, or cancelled by the action of any insurance company? YES ☐ NO ☐

If yes, attach explanation for each occurrence.

Have any of the following been, or are any currently in the process of being, investigated, denied, revoked, suspended, refused, limited, placed on probation or placed under other disciplinary action? You must answer all questions and provide an explanation for each affirmative answer.

(a) Chiropractic license in this state or another state or territory YES ☐ NO ☐

(b) Any professional license, registration, or certification YES ☐ NO ☐

(c) Academic appointment YES ☐ NO ☐

(d) Membership or employment on any hospital medical staff YES ☐ NO ☐

(e) Clinical privileges or other rights on any medical staff YES ☐ NO ☐

(f) Other institutional affiliation or status YES ☐ NO ☐

(g) Professional society membership or fellowship YES ☐ NO ☐

(h) Participation in any private, state, or federal health insurance program YES ☐ NO ☐

(i) Any other type of professional sanction, discipline, or other adverse action YES ☐ NO ☐

(j) Have you ever been the subject of any investigation by any private, state, or federal health insurance program? YES ☐ NO ☐

(k) Have you ever been convicted of a misdemeanor or felony or are you currently under indictment for any alleged criminal activities? YES ☐ NO ☐

(l) Have you ever been the object of an administrative, civil, or criminal complaint or investigation regarding sexual misconduct? YES ☐ NO ☐

(m) Have you ever voluntarily surrendered a professional license, staff privileges or consented to a limitation of the same pending a review or investigation? YES ☐ NO ☐

(n) Are there any other issues that should be disclosed that may have an adverse impact on your ability to deliver effective and objective professional services? YES ☐ NO ☐

Please Read and Initial each Paragraph and Sign

I hereby certify that I have not knowingly withheld any information that might adversely affect my Appointment as an expert reviewer and that the answers given by me are true and correct to the best of my knowledge. I further certify that I, the undersigned applicant, have personally completed this application.

_____

I hereby authorize the Board to thoroughly investigate all of the information I have provided on this application, including attachments, as well as my references, work record, education and other matters related to my suitability for employment and, further, authorize the references I have listed to disclose to the company any and all letters, reports and other information related to my work records, without giving me prior notice of such disclosure. In addition, I hereby release the Board, my current and former employers and all other persons, corporations, partnerships and associations from any and all claims, demands or liabilities arising out of or in any way related to such investigation or disclosure. _____

I hereby certify under penalty of perjury under the laws of the State of California that all statements, answers and representations in this application, including all attachments, are true and accurate.

Signature of applicant: _____ Date: _____

BSA 60-Day Status Report

Exhibit
L

Board of Chiropractic Examiners
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http://www.chiro.ca.gov

NOTICE OF PUBLIC MEETING

Notice is hereby given that a meeting of the **Continuing Education Committee** of the **Board of Chiropractic Examiners** will be held as follows:

Thursday, April 24, 2008
9:30 a.m.
2525 Natomas Park Drive, Suite 120
Sacramento, CA 95833

AGENDA

CALL TO ORDER

APPROVAL OF MINUTES
- November 1, 2007

PUBLIC COMMENT

Discussion and Possible Action
- Proposed Approval Process for Continuing Education Providers

Discussion and Possible Action
- Approval by Ratification of Formally Approved Continuing Education Providers

Discussion and Possible Action
- Proposal to Increase Required Continuing Education Hours from 12 to 24 Hour Annually

Discussion and Possible Action
- Proposal to Approve On-Line Continuing Education Courses

Discussion and Possible Action
- Petition to Appeal the Denial of Continuing Education Course
  - Texas Chiropractic College

FUTURE AGENDA ITEMS

PUBLIC COMMENT

ADJOURNMENT

Continuing Education Committee
Richard Tyler, D.C., Chair
Hugh Lubkin, D.C.

A quorum of the Board may be present at the Committee meeting. However, Board members who are not on the committee may observe, but may not participate or vote. Public comments will be taken on agenda items at the time the specific item is raised. The Committee may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at **www.chiro.ca.gov.**

The meeting is accessible to the physically disabled. If a person needs disability-related accommodations or modifications in order to participate in the meeting, please make a request no later than five working days before the meeting to the Board by contacting Marlene Valencia at (916) 263-5355 ext. 5363 or sending a written request to that person at the Board of Chiropractic Examiners, 2525 Natomas Park Drive, Suite 260, Sacramento, CA 95833. Requests for further information should be directed to Ms. Valencia at the same address and telephone number.

STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, Governor

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NOTICE OF BOARD MEETING

May 22, 2008

Upon Conclusion of the Strategic Planning Committee Meeting
Hearing Room
1625 North Market Blvd., Room S102
Sacramento, CA 95834

AGENDA

PUBLIC SESSION

Call to Order

Frederick Lerner, D.C., D.C., Chair
Hugh Lubkin, D.C., Vice-Chair
Francesco Columbu, D.C., Secretary
Jim Conran, Public Member
Judge James Duvaras (Ret.), Public Member
Richard Tyler, D.C., Professional Member

Chair's Report

Approval of Minutes
March 24, 2008, Open Session

Public Comment

Board Member training on the Bagley-Keene Open Meetings Act and other relevant laws

Executive Officer's Report
- Budget
- Personnel
- Licensing
- Enforcement

COMMITTEE REPORTS

Enforcement Committee – Discussion and Possible Action
- California Code of Regulations 306.1 Chiropractic Quality Review Panel (CQRP)

Licensing Committee - Discussion and Possible Action
- Approval by Ratification of Formerly Approved License Applications

Continuing Education Committee - Discussion and Possible Action
- Approval by Ratification of Formerly Approved Continuing Education Providers

Scope of Practice Committee - Discussion and Possible Action
- Recognition of Chiropractic Specialties re Advertising
- Chiropractic Scope of Practice for X-ray Use Update

STATE OF CALIFORNIA

BOARD OF CHIROPRACTIC EXAMINERS ARNOLD SCHWARZENEGGER, GOVERNOR

MEMORANDUM

Date: May 15, 2008

To: Board Members

From: Brian J. Stiger,
Executive Officer

Subject: **Ratification of Formerly Approved Continuing Education Providers**

This is to request that the Board ratify the following approved continuing education providers at the May 22, 2008, public meeting.

Staff reviewed and confirmed that the applicants met the requirements and then approved of the following continuing education providers between May 4, 2006, and May 8, 2008:

Continuing Education Providers	Date of Staff Approval
George R. LeBeau, D.C.	05/04/06
William J. Moreau, D.C.	05/08/06
Nancy M. Molina, D.C.	12/14/06
Chi's Enterprise, Inc.	04/10/07
Recovery Systems Clinic	06/14/07
Lorman Business Center, Inc.	08/09/07
Victor Y. Tong, D.C.	08/09/07
Marcello Caso Chiropractic, Inc.	10/22/07
M. Daniel Bivins, D.C.	11/02/07
H. J. Ross Company	11/20/07
Sole Supports	05/08/08

If you have any questions or concerns, please contact me at your earliest opportunity.

Board of Chiropractic Examiners
Proposed Regulations Update
May 22, 2008

Proposed Regulation	Purpose	Status
Issuance of Citations and Fines	To authorize the Board to assess fines up to $5,000 for less serious violations of any laws or regulations governing the practice of chiropractic. This provides the Board the option of using citation and fine as a tool to gain compliance with applicable laws and regulations.	April 15, 2008: Notice of Proposed Regulation filed with the Office of Administrative Law (OAL) April 25, 2008 - June 9, 2008: 45-day written comment period June 9, 2008: Public Hearing in Sacramento
Letter of Admonishment	To authorize the Board the ability to issue a letter of admonishment to licensees for failure to comply with any laws or regulations governing the practice of chiropractic. This provides the Board with an informal method to address minor violations that do not rise to the level of citations or an accusation.	June 3, 2008: Projected filing date with OAL June 13, 2008 - July 28, 2008: Projected 45-day written comment period July 28, 2008: Projected public hearing in Sacramento
Manipulation Under Anesthesia (MUA)	To establish a safe standard of care when a chiropractor is performing MUA.	July 15, 2008: Projected filing date with OAL July 25, 2008 - September 8, 2008: Projected 45-day written comment period September 8, 2008: Projected public hearing in Sacramento

Board of Chiropractic Examiners
Proposed Regulations
Title 16, Division 4, California Code of Regulations

§ 389. Letter of Admonishment.

(a) The Executive Officer, or his or her designee, may issue a letter of admonishment to a licensee for failure to comply with any provision of the Act, statute or regulations governing the practice of chiropractic.

(b) The letter of admonishment shall be in writing and shall describe in detail the nature and facts of the violation, including a reference to the Act, statute or regulation violated and may contain an order of abatement.

(c) The letter of admonishment shall ~~inform the licensee that within 30 days of the date of the letter the licensee may do either of the following:~~ be served upon the licensee personally or by certified United States mail at the licensee's address of record with the board. If the licensee is served by certified United States mail, service shall be effective upon deposit in the United States mail.

(d) The letter of admonishment shall inform the licensee that within 30 days of the date of the letter the licensee may do either of the following:

(1) Submit a written request for an office conference to the Executive Officer of the board to contest the letter of admonishment.

(A) Upon a timely request, the Executive Officer, or his or her designee, shall hold an office conference with the licensee or the licensee's legal counsel or authorized representative. Unless so authorized by the Executive Officer, or his or her designee, no individual other than the legal counsel or authorized representative of the licensee may accompany the licensee to the office conference. Upon request and approval by the Executive Officer or his or her designee, the license may participate in the office conference by telephone.

(B) Prior to or at the office conference, the licensee may submit to the Executive Officer declarations and documents pertinent to the subject matter of the letter of admonishment.

(C) ~~The office conference is intended to be an informal proceeding and shall not be subject to the provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340), Chapter 4 (commencing with Section 11370), Chapter 4.5 (commencing with Section 11400), and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code).~~ The Executive Officer, or his or her designee, may affirm, modify, or withdraw the letter of admonishment. Within 14 calendar days from the date of the office conference, the Executive Officer, or his or her designee, shall personally serve or send by certified United States mail to the licensee's address of record with the board a written decision. This decision shall be deemed the final administrative decision concerning the letter of admonishment.

(D) ~~The Executive Officer, or his or her designee, may affirm, modify, or withdraw the letter of admonishment. Within 14 calendar days from the date of the office conference, the Executive Officer, or his or her designee, shall~~

~~personally serve or send by certified United States mail to the licensee's address of record with the board a written decision. This decision shall be deemed the final administrative decision concerning the letter of admonishment.~~ Within thirty days of service or mailing of the written decision, the licensee shall comply with the letter of admonishment and, if the letter of admonishment contains an order of abetment, the licensee shall submit documentation to the Executive Officer documenting compliance with the order.

~~(E) Judicial review of the decision may be obtained by filing a petition for a writ of mandate in accordance with the provisions of Section 1094.5 of the Code of Civil Procedure within 30 days of the date the decision was personally served or sent by certified United States mail. The judicial review shall extend to the question of whether or not there was a prejudicial abuse of discretion in the issuance of the letter of admonishment.~~

(2) Comply with the letter of admonishment and, if the letter of admonishment contains an order of abatement, the licensee shall submit documentation to the Executive Officer documenting compliance with the order. ~~submit a written corrective action plan to the Executive Officer documenting compliance.~~

~~(3) The letter of admonishment shall be served upon the licensee personally or by certified United States mail at the licensee's address of record with the board. If the licensee is served by certified United States mail, service shall be effective upon deposit in the United States mail.~~

~~(e) The licensee shall maintain and have readily available a copy of the letter of admonishment and corrective action plan, if any, for at least three years from the date of issuance of the letter of admonishment.~~

~~(f) Nothing in this section shall in any way limit the board's authority or ability to do either of the following:~~

~~(1) Issue a citation pursuant to Section 390 California Code of Regulations.~~

~~(2) Institute disciplinary proceedings pursuant to Section 10 of the Act.~~

NOTE: Authority cited: Sections 1000-4(b) and 1000-10, Business and Professions Code; and Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii. Reference: Sections 1000-4(b) and 1000-10, Business and Professions Code; and Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii.

HISTORY: 1. New section filed 9-25-2000; operative 10-25-2000 (Register 2000, No. 39).