

Board of Chiropractic Examiners

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**BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES****May 21, 2009****Embassy Suites San Francisco Airport
250 Gateway Boulevard
South San Francisco, CA 94080****Board Members Present**

Frederick Lerner, D.C., Chair
Hugh Lubkin, D.C., Vice Chair
Francesco Columbu, D.C., Secretary
Martin Mariscal, Public Member
Jeffrey Steinhardt, D.C.
Richard Tyler, D.C.

Staff Present

Brian J. Stiger, Executive Officer
Don Chang, Supervising Senior Counsel
April Alameda, Associate Governmental Program Analyst
Lavella Matthews, Associate Governmental Program Analyst
Rebecca Rust, Associate Governmental Program Analyst
Tammi Pitto, Staff Services Analyst

Call to Order

Dr. Lerner called the meeting to order at 9:31 a.m.

Roll Call

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

Chair's Report

Dr. Lerner gave the Chair's Report.

Approval of Minutes

April 16, 2009 Board Meeting

MOTION: DR. STEINHARDT MOVED TO APPROVE THE APRIL 16, 2009 MINUTES**SECOND: DR. TYLER SECONDED THE MOTION****VOTE: 5-0-1****MOTION CARRIED**

Public Comment

None

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

Mr. Chang discussed the Board's role with regards to a petition for reinstatement in response to questions asked by Dr. Columbu and Mr. Mariscal.

Executive Officer's Report

Mr. Stiger gave the Executive Officer's Report, the topics were Budget, Personnel, Licensing, Enforcement and Web Casting.

Ratification of Approved Continuing Education Providers

MOTION: MR. MARISCAL MOVED TO RATIFY THE APPROVED CONTINUING EDUCATION PROVIDER

SECOND: DR. COLUMBU SECONDED THE MOTION

VOTE: 5-0-1

MOTION CARRIED

The Board ratified the attached list of approved continuing education providers incorporated herein (Attachment A).

Discussion

Dr. Lubkin, Mr. Stiger, Mr. Chang, Dr. Steinhardt, Dr. Tyler, Dr. Lerner and Mr. Mariscal discussed the process to become a continuing education provider.

Ratification of Approved License Applications

MOTION: DR. STEINHARDT MOVED TO RATIFY THE APPROVED LICENSE APPLICATIONS

SECOND: DR. LUBKIN SECONDED THE MOTION

VOTE: 6-0

MOTION CARRIED

The Board ratified the attached list of approved license applications incorporated herein (Attachment B).

Discussion

None

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

None

Discussion

None

Recommendation to Waive Two Year Requirement to Restore a Cancelled License

MOTION: DR. STEINHARDT MOVED TO RATIFY THE RECOMMENDATION TO WAIVE TWO YEAR REQUIREMENT TO RESTORE A CANCELLED LICENSE

SECOND: DR. TYLER SECONDED THE MOTION

VOTE: 6-0

MOTION CARRIED

The Board ratified the attached list of applications in which the applicants request to waive the two year requirement to restore a cancelled license incorporated herein (Attachment C).

Discussion

Mr. Stiger provided a definition of what the term cancelled license meant since this is the first webcasted meeting.

Scope of Practice Committee Report

Issues Raised in "Petition to Define Practice Rights and to Amend, Repeal and/or Adopt Scope of Practice Regulations as Needed, Submitted by David Prescott, Attorney"

Dr. Lerner stated this agenda item should be withdrawn at this time and sent back to the committee.

Public Relations Committee Report

A. BCE Newsletter

Mr. Mariscal announced and discussed the newsletter.

B. Proposed Adoption of BCE Seal

Mr. Mariscal stated there was a presentation on the proposal of a Board Seal. Three examples were provided to the Board for review. He expressed concern about the public's distinction between a logo and a seal.

Mr. Mariscal, Dr. Steinhardt, Dr. Lerner, Mr. Stiger, Mr. Chang and Dr. Lubkin discussed the history of this project, the purpose of the seal, and how it should differ from a logo.

MOTION: DR. LUBKIN MOVED TO SEND A NOTICE TO THE SCHOOLS AND PROFESSIONAL ASSOCIATIONS THAT THE BOARD IS DESIGNING A SEAL AND WILL ACCEPT IDEAS FOR THE SEAL WITHIN 90 DAYS FROM THE DATE OF THE NOTICE

SECOND: DR. COLUMBU SECONDED THE MOTION

VOTE: 6-0

MOTION CARRIED

C. Posting of Board Member and Executive Officer Profiles on the BCE Website

Mr. Mariscal provided an update on the profiles.

Dr. Lerner would like all the Board Member to give reasonable changes to Mr. Stiger before they are posted. Everyone can sign off that the profiles are fine.

D. Development of Consumer Education Material

Mr. Mariscal turned this subject over to Dr. Lerner.

Dr. Lerner announced we would like to create a workgroup and if anyone had interest in being a part of this workgroup to contact Mr. Stiger at the board office.

E. Public Outreach Activities

Mr. Mariscal discussed possible outreach activities.

Mr. Mariscal, Dr. Tyler, Dr. Lubkin, Dr. Lerner, Mr. Chang and Dr. Steinhardt discussed possibilities to have students attend public meetings.

Government Relations Committee Report

A. Board Member Use of State E-Mail Accounts

Dr. Lubkin discussed the use of State E-Mail Accounts.

Mr. Stiger provided history and clarification on the recommendation that every Board Member use a State E-Mail Account.

B. Proposed Revisions to the Board Member Administrative Manual

Dr. Lubkin discussed some minor changes that were recommended.

Dr. Lubkin, Mr. Chang, Mr. Mariscal, Mr. Stiger, Dr. Steinhardt, and Dr. Lerner discussed the recommended changes.

Dr. Charles Davis, ICAC, provided public comment.

Dr. Lubkin, Dr. Tyler, and Mr. Chang responded to the public comment.

MOTION: DR. LUBKIN MOVED TO ADPT THE 5 MINOR CHANGES LISTED ON PAGES 9, 10, 11 AND 14, AND LEAVE ITEM 3 ON PAGE 12 AS IS

SECOND: DR. COLUMBU SECONDED THE MOTION

VOTE: 6-0

MOTION CARRIED

C. Current and Proposed Contracts 2009/2010

Dr. Lubkin turned this subject over to Mr. Stiger.

Mr. Stiger provided a summary of the contracts for 08/09 and 09/10.

Proposed Legislation

A. Proposed Fee Increase

Dr. Lerner discussed the Proposed Fee Increase Bill.

Dr. Lerner, Mr. Stiger and Dr. Lubkin discussed the status of the Proposed Fee Increase Bill.

B. AB 361 (Lowenthal)

Dr. Lerner discussed AB 361. The Board is continuing their support position.

C. SB 389 (Negrette-McCleod)

Dr. Lerner discussed SB 389. The Board is continuing their support position.

D. SB 762 (Aanestad)

Dr. Lerner discussed SB 762. The Board is continuing their support position.

E. AB 721 (Nava)

Dr. Lerner discussed AB 721. This bill is dead at this time.

Ms. Kristine Shultz, CCA, provided public comment on the status of this bill.

F. AB 877 (Emmerson)

Dr. Lerner recommended this item be tabled at this time and forward it to the legislative committee meeting so it can be analyzed.

Ms. Kristine Shultz, CCA, provided background information on this bill and stated CCA's position is an oppose unless amended.

Mr. Mariscal, Ms. Shultz, and Dr. Lerner discussed the status of this bill.

G. SB 638 (Negrette-McCleod)

Dr. Lerner discussed SB 638.

MOTION: DR. COLUMBU MOVED TO TAKE A WATCH POSITION

SECOND: DR. LUBKIN SECONDED THE MOTION

VOTE: 6-0

MOTION CARRIED

H. SB 674 (Negrette-McCleod)

Dr. Lerner discussed SB 674.

Dr. Lubkin, Dr. Lerner, Dr. Columbu, Mr. Mariscal, Mr. Stiger, Dr. Tyler, and Dr. Steinhardt discussed this bill, false and misleading advertising, and consequences.

Dr. Charles Davis, ICAC, gave public comment opposing this bill.

Ms. Kristine Shultz, CCA, gave public comment in support of this bill.

MOTION: DR. LUBKIN MOVED TO TAKE A SUPPORT POSITION

SECOND: DR. COLUMBU SECONDED THE MOTION

VOTE: 6-0

MOTION CARRIED

I. Any other legislative bills of interest to the Board

Mr. Stiger added and discussed AB 933. Staff recommended the Board take a support position.

MOTION: DR. STEINHARDT MOVED TO TAKE A SUPPORT POSITION

SECOND: DR. LUBKIN SECONDED THE MOTION

VOTE: 6-0

MOTION CARRIED

Proposed Regulations

A. Manipulation Under Anesthesia

Mr. Stiger reported on the second 15 day comment period.

There was discussion between Dr. Lerner, Mr. Stiger, Ms. Alameda, Mr. Chang, and Mr. Mariscal regarding the comments.

Ms. Kristine Shultz, CCA, gave public comment opposing this bill.

MOTION: DR. STEINHARDT MOVED TO ACCEPT THE STAFF'S RECOMMENDATION IN ITS ENTIRETY

SECOND: DR. TYLER SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

B. Continuing Education

Mr. Stiger provided an update.

Mr. Mariscal, Dr. Lerner, Dr. Lubkin, and Mr. Stiger discussed an opportunity to make additional changes to this regulation.

Dr. Charles Davis, ICAC, gave public comment to make changes to this regulation.

Dr. Lerner encouraged public comments to be made during the formal 45 day comment period.

C. Time Frame to Petition for Reinstatement of a License and Modification of Probation or Early Termination of Probation

Mr. Stiger provided an update.

Mr. Chang provided a recommendation on changes to this regulation.

MOTION: DR. LUBKIN MOVED TO INCLUDE SUBSECTION C 1000.3 (b)

SECOND: DR. COLUMBU SECONDED THE MOTION

VOTE: 6-0

MOTION CARRIED

D. Recognition of Chiropractic Specialties

Mr. Stiger provided an update.

Public Comment

Members of the World Chiropractic Alliance wanted to provide the Board with information on an investigation they are involved in regarding false and misleading advertising.

Mr. Stiger accepted the information to preserve Board Member's right to vote if future allegations come before the Board.

Mr. Sherman presented a due process issue regarding a petition for reinstatement of a revoked license.

Mr. Stiger provided clarification to Mr. Sherman.

Future Agenda Items

Dr. Tyler would like clarification on Committee Reports Audit Exhibits BB and CC added.

Dr. Lubkin would like to have the signature on the issuance of wall license added and would also like to have an Enforcement Committee Meeting.

Hearings re: Petition for Reinstatement of Revoked License

Administrative Law Judge Nancy L. Rasmussen presided over and Deputy Attorney General Frank H. Paoe appeared on behalf of the people of the State of California on the following hearings.

- Spencer Fitches

Following oral testimonies, the Board went into closed session to consider Spencer Fitches for Reinstatement of Revoked License.

Closed Session

Following oral testimonies, the Board went into closed session for deliberation and determinations of Petitioners.

Adjournment

Dr. Lerner adjourned the public meeting at 4:10 p.m.

Attachment A

Ratification of Formerly Approved Continuing Education Providers

Name (First, Middle, Last)

Date Approved

▪ **Mark S. Kimes, D.C.**

04/09/2009

Attachment B

**Approval By Ratification of Formerly Approved License Applications
 March 1, 2009 – April 30, 2009**

Name (First, Middle, Last)		Date Issued	DC#	
Quy	Xuan	Nguyen	3/2/2009	31185
Byungjoon		Park	3/2/2009	31186
Caitlin	Elizabeth	Richter	3/2/2009	31187
Ronald	Steven	Shaw	3/2/2009	31188
Mariza	Deborah	Snyder	3/2/2009	31189
Robert	Craig	Stassi	3/2/2009	31190
Bernardino	Bautista	Torres	3/2/2009	31191
Jason	Dean	Zimmer	3/2/2009	31192
Patti	Ting	Eng	3/5/2009	31193
Marc	Nelson Licup	Matanza	3/5/2009	31194
Sanan		Bardekjian	3/5/2009	31195
Kelly	Ann	Miller	3/5/2009	31196
Leeann	Lynn	Culbertson	3/5/2009	31197
Hamed		Alereza	3/5/2009	31198
Codrin	Julian	Blosiu	3/5/2009	31199
Christine	Minyee	Kim	3/5/2009	31200
Chang-Huei	Joy	Hsueh	3/18/2009	31201
Daniel	Jason	Chang	3/18/2009	31202
Ron	T	Dummar	3/18/2009	31203
Shamim		Matin	3/18/2009	31204
Scott	Daniel	Adam	3/18/2009	31205
Payman		Javaherian	3/18/2009	31206
Susan	Lynn	Bushman	3/18/2009	31207
Vi	Hung	Ly	3/20/2009	31208
Ryan	Scott	Deubel	3/20/2009	31209
Robert	Keith	McCormick	3/20/2009	31210
Brian	Scott	Larsen	3/20/2009	31211
Christopher	Mark	Beckman	3/20/2009	31212
Irene		Gabriel-Thomas	3/20/2009	31213
Dustin	Corvus	Nabhan	3/20/2009	31214
Scott	Michael	Neubauer	3/20/2009	31215
Chris	John	Peterson	3/20/2009	31216
Catherine		Pilibos	3/20/2009	31217
Jennifer	Frances	Proenza	3/20/2009	31218
Brenda		Ramirez	3/20/2009	31219

Brenda Rose	Basconcillo	Ramos	3/20/2009	31220
Darren	Lee	Robison	3/20/2009	31221
John		Sherf	3/20/2009	31222
Chung-Po	Peter	Wang	3/20/2009	31223
Vanessa	Mai	Wanlass	3/20/2009	31224
Laura	Diane	White	3/20/2009	31225
Tern		Yang	3/20/2009	31226
Joyce		Young	3/20/2009	31227
Amy	Louise	Hawthorne	3/25/2009	31228
Joseph		Muzsnai	3/25/2009	31229
Nathan	McKay	Clark	3/25/2009	31230
Alicia	Ann	Oswald	4/6/2009	31231
Steven	Tracey	Seegrist	4/6/2009	31232
Kenneth	Jeremy	Ycmat	4/6/2009	31233
Cesar	Aldo	Bernal Gallo	4/9/2009	31234
Payton	Spencer	Ely	4/9/2009	31235
Derek	Edward	Gallant	4/9/2009	31236
James	Robert	McGovern	4/9/2009	31237
Stephanie	Tami	Tyson	4/9/2009	31238
Levon		Nalbandyan	4/9/2009	31239
Donald	James	Richardson	4/9/2009	31240
Brent	Matthew	Patterson	4/9/2009	31241
Michael	Santino	Pavan	4/9/2009	31242
Ted	Isami	Nabewari	4/17/2009	31243
Miguel	Simeon	Park	4/17/2009	31244
Gagandeep	Singh	Arora	4/20/2009	31245
Daryoush	Mohammad	Bunyad	4/20/2009	31246
Krista	Lee	Cerruti	4/20/2009	31247
Lawrence	Roger	Dahl	4/20/2009	31248
Hakop		Derbeshyan	4/20/2009	31249
Patrick		Dobbins	4/20/2009	31250
Bryant	Christopher	Harris	4/20/2009	31251
David	Carl	Lee	4/20/2009	31252
Thomas	Earl	Kessinger	4/20/2009	31253
Cory	Michael	Sartin	4/21/2009	31254
Sally	Ann	Scrutchin	4/21/2009	31255
Eric	Paul	Kummer	4/23/2009	31256
Michael	Wesley	Todd	4/24/2009	31257
Jennifer	Mei	Watters	4/24/2009	31258
Jonathan	Edward	Payne	4/29/2009	31259
Michael	Allen	Pound	4/29/2009	31260
Rachel	Marie	Richards	4/29/2009	31261
Raffi	Stephen	Titizian	4/29/2009	31262

Attachment C

Recommendation to Waive Two Year Requirement
on Restoration of a Cancelled License

Name (Last, First MI)	License No.	Cancellation Date
Bruno, Daniel John	25016	01/31/2009
Casey, Elizabeth A.	12698	11/30/2008
Swanson, David Alan	22560	04/30/2009
Thomas, Rene	20062	12/31/2008