

**BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES
March 17, 2011
Hilton LAX
5711 West Century Blvd.
Los Angeles, CA 90045**

Board Members Present

Frederick Lerner, D.C. Chair
Hugh Lubkin, D.C., Vice Chair
Francesco Columbu, D.C., Secretary
Jeffrey Steinhardt, D.C.

Staff Present

Robert Puleo, Executive Officer
Spencer Walker, Senior Staff Counsel
Linda Shaw, Staff Services Manager
Dixie Van Allen, Associate Governmental Program Analyst
Christina Bell, Associate Governmental Program Analyst
Ray Delaney, Management Services Technician
Valerie James, Office Technician

Call to Order

Dr. Lerner called the meeting to order at 10:03 a.m.

Roll Call

Dr. Columbu called the roll. All members, but Dr. Tyler were present.

Chair's Report

Dr. Lerner discussed a few items and recent information regarding Board matters. Dr. Lerner announced that Cleveland Chiropractic College of Los Angeles will be closing.

Approval of Minutes

January 20, 2011 Board Meeting

MOTION: DR. STEINHARDT MOVED TO APPROVE THE MINUTES

SECOND: DR. COLUMBU SECONDED THE MOTION

VOTE: 4-0

MOTION CARRIED

Public Comment

None.

Board Member Training on the Bagley-Keene Open Meeting Act and Other Relevant Laws

Mr. Walker indicated that there were no items to report.

Executive Officer's Report

Mr. Puleo gave the Executive Officer's Report. The topics were Administration, Budget, Licensing, and Enforcement.

Ratification of Approved License Applications

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

SECOND: DR. STEINHARDT SECONDED THE MOTION

VOTE: 4-0

MOTION CARRIED

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

Ratification of Approved Continuing Education Providers

MOTION: DR. STEINHARDT MOVED TO RATIFY THE APPROVED CONTINUING EDUCATION PROVIDERS

SECOND: DR. LUBKIN SECONDED THE MOTION

VOTE: 4-0

MOTION CARRIED

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

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

None

Ratification to Waive Two Year Requirement to Restore a Cancelled License

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

SECOND: DR. COLUMBU SECONDED THE MOTION

VOTE: 4-0

MOTION CARRIED

The Board ratified the attached list of approved cancellation restoration applicants incorporated herein (Attachment C).

Affiliated Monitors, Inc.

Mr. Vincent L. DiCianni gave a presentation on the company and their operation.

Scope of Practice Committee Meeting Update

Dr. Lubkin provided a summary of what was discussed at the Scope of Practice Committee meeting on February 24, 2011. The Board reviewed proposed language for the use of lasers.

MOTION: DR. LUBKIN MOVED TO APPROVE THE PROPOSED LANGUAGE.

SECOND: DR. STEINHARDT SECONDED THE MOTION

Discussion

The Board discussed the amount of hours required for safety training. The types of lasers and categories of lasers were also discussed. Dr. Lubkin suggested a few modifications to the language.

Public Comment

Dr. Sherry McAllister from Palmer Chiropractic College came forward and spoke on the issue of the use of lasers.

Michael H. Cohen representing for Bio Veda Technologies, came forward and spoke on the proposed language and uses of lasers.

Dr. Bradley Frederick came forward and spoke on the proposed language and the number of hours for each class.

Mr. Bill Howe from California Chiropractic Association came forward and requested a change to the proposed language in section (f) to change the word 'advise' to 'inform.'

Mr. Bill Clark from Star Tech Health came forward and commented that they do not have any issues with the proposed language and spoke in regards to the uses of lasers.

MOTION: DR. LUBKIN MOVED TO AMEND HIS MOTION ON THE PROPOSED LANGUAGE. IN SECTION (d) REMOVE THE WORD 'SIGNIFICANTLY,' AND CHANGE THE WORD 'PURPOSE' TO READ 'APPROVED ATTENDED USE.' IN SECTION (e) ADD THE WORDS 'OFF LABEL' IN BETWEEN THE WORDS 'THE' AND 'USE.' IN SECTION (f) REPLACE THE WORD 'ADVISE' TO 'INFORM.'

SECOND: DR. STEINHARDT SECONDED THE MOTION

VOTE: 4-0

MOTION CARRIED

Enforcement Committee Meeting Update

Dr. Lubkin summarized what was discussed in the Enforcement Committee Meeting early that day.

MOTION: DR. STEINHARDT MOVED APPROVE THE PROPOSED LANGUAGE FOR SECTION 318.

SECOND: DR. COLUMBU SECONDED THE MOTION

Discussion

Mr. Puleo proposed to add a subsection 7 to section a stating 'signed written informed consent as specified in section 319.1.'

MOTION: DR. STEINHARDT MOVED TO AMEND HIS MOTION AND APPROVE THE MODIFICATIONS ON THE PROPOSED LANGUAGE OF SECTION 318.

SECOND: DR. COLUMBU SECONDED THE MOTION

VOTE: 4-0

MOTION CARRIED

State Compensation Insurance Fund Rescinded Policy Denying Consumer Chiropractic Treatment for Post-Operative Rehabilitation

Mr. Howe and Dr. Brad Sullivan from California Chiropractic Association came forward and provided comments on the matter. Mr. Howe requested the Board to retract previous statements. Mr. Walker recommended that Mr. Puleo post the 2004 letter on the Board's web site stating that the opinion of the letter is deemed an underground regulation and not an opinion of the Board and should not be used.

Information Dissemination / Communication with Licensees and the Public

Dr. Lerner would like to explore other options for the website design services. Dr. Lerner asked Mr. Puleo to get a drop-dead date on the website changes from the Office of Technology.

Department of Industrial Relations, Division of Workers Compensation – Update on Recognition of Chiropractic Specialties

Dr. Lerner stated that there is an issue with Medical specialties versus Chiropractic specialties. The three specialties recognized in the regulations for Chiropractic: Orthopedic, Neurology and Sports.

Legislative Update

A. AB127 (Logue) – Regulations

MOTION: DR. LERNER MOVED TO OPPOSE AB127
SECOND: DR. LUBKIN SECONDED THE MOTION
VOTE: 4-0
MOTION CARRIED

B. SB 100 (Price) – Healing Arts

MOTION: DR. LUBKIN MOVED TO SUPPORT SB100
SECOND: DR. STEINHARDT SECONDED THE MOTION
VOTE: 4-0
MOTION CARRIED

C. SB 352 (Huff) – Chiropractors

Mr. Puleo indicated that SB352 is just a spot bill and is just informational.

Dr. Lerner suggested moving the Regulatory Hearing to the end of the agenda and proceeding with the Proposed Regulations agenda item

Proposed Regulations

A. Continuing Education

The Board reviewed the proposed language.

MOTION: DR. LERNER MOVED TO APPROVE THE PROPOSED LANGUAGE
SECOND: DR. LUBKIN SECONDED THE MOTION
VOTE: 4-0
MOTION CARRIED

B. Omnibus Consumer Protection

Dr. Lerner indicated that a hearing is on the agenda and will be heard prior to the petition hearings.

C. Informed Consent

Mr. Puleo informed the Board that the proposed language was submitted to the Office of Administrative Law March 16, 2011 and will be noticed on April 1, 2011 for a 45 day comment period.

D. Petitions for Reinstatement (Fee)

Ms. Van Allen provided the Board with a status. We are waiting on the outcome of the Omnibus Consumer Protection hearing since it will affect the proposed language for the petitioners disclosure requirements.

Chiropractors Performing Student Athletic Physicals and Serving as Team Doctors

This agenda item was tabled to the next Board meeting.

Authority Over Unlicensed/Non-Licensed Individuals Performing Chiropractic

This agenda item was tabled to the next Board meeting.

Attorney General Billing Detail

Dr. Columbu commented on this matter. Dr. Columbu suggested that the Board vote to have work prepared by paralegals to reduce Board costs.

MOTION: DR. COLUMBU MOVED TO HAVE PARALEGALS PREPARE ALL ADMINISTRATIVE DISCIPLINARY WORK THAT IS WITHIN THEIR OFFICIAL CAPACITY.

SECOND: DR. LUBKIN SECONDED THE MOTION

VOTE: 4-0

MOTION CARRIED

Public Comment

None

Future Agenda Items

None

Regulatory Hearing on Proposed Language for the Omnibus Consumer Protection – California Code of Regulations, Title 16, Division 4, Article 1, Section 303-390.9

A regulatory hearing took place on proposed language for the Omnibus Consumer Protection.

Hearings Re: Petition for Reinstatement of Revoked License

Administrative Law Judge Ralph Dash presided over and Deputy Attorney General Thomas Rinaldi appeared on behalf of the people of the State of California on the following hearings:

- A. Marc Nadreau
- B. Richard Kent Greenland

Hearings Re: Petition for Early Termination of Probation

Administrative Law Judge Ralph Dash presided over and Deputy Attorney General Thomas Rinaldi appeared on behalf of the people of the State of California on the following hearings:

- A. Kit Yuen Chau

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 4:52p.m.

(ATTACHMENT A)
Approval By Ratification of Formerly Approved License Applications
November 1, 2010 – December 31, 2010

Name (First, Middle, Last)			Date Issued	DC#
Devin	Stanley	Waterman	1/4/2011	31860
Jordan	Hoang	Giang	1/7/2011	31861
Sara	Lynn	Hillesheim	1/7/2011	31862
Nicholas	T.	LaHood	1/7/2011	31863
Leyla		Malakian	1/7/2011	31864
Daniel	Jiyong	Kim	1/12/2011	31865
Amanda	Danielle	Peterson	1/20/2011	31866
Steven	Ryan	Selby	1/20/2011	31867
Georgina		Flores Ramirez	1/21/2011	31868
Albert	Daehee	Han	1/21/2011	31869
Janet	Yuk Kan	Ho	1/21/2011	31870
Paul	Joseph	Hodgson	1/21/2011	31871
Claudy-Ann		Keasberry	1/21/2011	31872
Han Jin		Kim	1/21/2011	31873
Vicente		Chavira	1/28/2011	31874
Jo	Ann	Eccher	1/28/2011	31875
Mohamed	Sayed	El-Shimey	1/28/2011	31876
Jeremy	Warren	Green	1/28/2011	31877
Sanaz		Moeini	1/28/2011	31878
Sarah	Denise	Dirks	1/28/2011	31879
Tamara	M.	Ghazi	1/28/2011	31880
Hongtruc	Thi	Nguyen	1/28/2011	31881
Liliana		Ulloa-Jimenez	1/28/2011	31882
Sidney		Yadidi	1/28/2011	31883
Lorraine		Sarullo	1/31/2011	31884
Vanessa	Marie	Snider	1/31/2011	31885
Anna		Yatsenko	1/31/2011	31886
Shinnosuke		Ban	2/10/2011	31887
Clayton	John	Blanchette	2/10/2011	31888
Byong	Il	Chon	2/10/2011	31889
Ryan	Patrick	Clark	2/10/2011	31890

Melissa	Ann	Engelson	2/10/2011	31891
Justin	Timothy	Goslin	2/10/2011	31892
Mark	Alan	Hanses	2/10/2011	31893
Yi-Ying		Lin	2/10/2011	31894
Derek	Lee	Rice	2/10/2011	31895
Harvey	Jing Yin	Wong	2/10/2011	31896
Aaron	Anucherebom	Ajoku	2/11/2011	31897
Taesung		Byun	2/11/2011	31898
Jack	Hagop	Demirchian	2/11/2011	31899
Eric	Edmund	Glenn	2/11/2011	31900
Daniel	Shane	Griffin	2/11/2011	31901
Robin	Christopher	Harkins	2/11/2011	31902
Ju	Hyun	Kang	2/11/2011	31903
Scott	Andrew	Larsen	2/11/2011	31904
Kenneth	Warren	Swinford	2/11/2011	31905
Shervin		Tabrizi	2/11/2011	31906
Jeanett		Tapia	2/11/2011	31907
Mahyar	David	Yadidi	2/11/2011	31908
Cheryle	Ann	Pettigrew	2/11/2011	31909
Walker	Walter	Scott	2/11/2011	31910
David	Mac	Huynh	2/11/2011	31911
Jeremy	Christopher	Hughes	2/16/2011	31912
Beau	Shannon	Lawyer	2/16/2011	31913
Allen		Bonilla	2/17/2011	31914
Daniel	Harrison	Bronstein	2/17/2011	31915
Rebecca	Suzanne	Claassen	2/17/2011	31916
David	Anthony	Ledesma	2/17/2011	31917
Robert	Earl	Fife	2/18/2011	31918
Matthew	Adam	Ryan	2/23/2011	31919
Eric	Rice	Shane	2/23/2011	31920
Lisa	Christine	Pappas	2/25/2011	31921
Erika	Lynn	Posenaer	2/25/2011	31922
Stefanie	Jean	Stepanski	2/25/2011	31923
Kathy	Chi Kuan	Wang	2/25/2011	31924

(ATTACHMENT B)
Approval By Ratification Of Continuing Education Providers

<u>CONTINUING EDUCATION PROVIDERS</u>	<u>DATE APPROVED</u>
Cedars-Sinai Spine Center	02/18/2011

(ATTACHMENT C)
Recommendation to Waive Two Year Requirement
on Restoration of a Cancelled License

Name (Last, First MI)	License No.	Cancellation Date
Leite-Ah Yo, Harvelee	22051	07/31/2010