

**Board of Chiropractic Examiners  
TELECONFERENCE MEETING MINUTES  
Enforcement Committee  
July 2, 2013  
901 P Street, Suite 142-A  
Sacramento, CA 95814**

**Teleconference Locations with Public Access**

Dr. Francesco Columbu, D.C.  
2265 Westwood Blvd, Ste A  
Los Angeles, CA 90064  
(310) 234-1160

Dr. Sergio Azzolino, D.C.  
1545 Broadway St, Ste 1A  
San Francisco, CA 94109  
(415) 563-3800

**Committee Members Present**

Sergio Azzolino, D.C., Chair  
Francesco Columbu, D.C.  
Hugh Lubkin, D.C.,

**Staff Present**

Robert Puleo, Executive Officer  
Spencer Walker, Attorney III  
Sandra Walker, Compliance Manager  
Linda Shaw, Licensing/CE Manager  
Christina Bell, Associate Governmental Program Analyst

**Call to Order**

Dr. Azzolino called the meeting to order at 1:03 p.m.

**Roll Call**

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

**Approval of April 18, 2013 Minutes**

**MOTION: DR. LUBKIN MOVED TO APPROVE THE MINUTES**

**SECOND: DR. COLUMBU SECONDED THE MOTION**

**VOTE: 3-0**

**MOTION CARRIED**

### **CCR Section 317(w) Failure to Refer-Discussion Regarding When a Referral to a Physician is Required**

The Committee had a lengthy discussion to address ambiguities and lack of clarity in current law for referrals made during treatment to appropriate specialist.

Committee members requested Mr. Walker report back with research from other Board's provisions regarding Failure to Refer. To assist with further clarity, Dr. Lubkin and Dr. Azzolino plan to decrease the language in this section by 25%.

Dr. Charles Davis, D.C., representing the International Chiropractors Association of California, (ICAC), spoke on having this issue provided in the Board's expert training class.

### **Pre-Paid Plans for Chiropractic and Adjunctive Services**

Mr. Puleo stated the Board has no legal authority over this subject and Mr. Walker agreed.

Committee members and Mr. Walker requested we place links on the Board's web site as resources:

The Department of Managed Health Care, (DMHC) Knox-Keene laws, the [interpretiveopinion@dmhc.ca.gov](mailto:interpretiveopinion@dmhc.ca.gov) link provided by DMHC counsel and the Exhibit 4, page 1 attachment from this committee meeting.

### **Division of Workers' Compensation Qualified Medical Examiner Regulations**

It was determined by Mr. Walker is not within the Board's jurisdiction. Our letter was sent to Division of Workers' Compensation, (DWC) by Mr. Puleo. Recent statute changes would mean this would have to be addressed legislatively.

Dr. Kassie Donoghue, D.C., representing the California Chiropractic Association, (CCA) spoke on CCA's meeting with DWC.

### **BCE Jurisdiction Over Chiropractors Who Perform Utilization Review**

Dr. Lubkin would like to make this a future agenda item and Dr. Azzolino will assist working on specific items to bring forward for this topic.

Dr. Davis provided ICAC thoughts on utilization review to the committee members.

### **Legality of Offering Gifts and Incentives for Patient Referrals**

Since any offering of gifts or incentives, regardless of the amount, is in violation of Business and Professions Code 650. The Board does not need a regulation or policy.

After lengthy discussion, Committee members agree to work together to provide Mr. Walker with specific language to review concerning infractions which can be posted on the Board's web site.

### **Continuation of the Disciplinary Guidelines Review & Incorporation of SB 1441**

The Committee approved all of the changes brought forward. Mr. Walker requested a few additional changes to incorporate into a future draft which will be introduced at the next Enforcement Committee Meeting and discussed along with the Model Disciplinary Orders section.

**Public Comment**

No public comments were brought forward.

**Future Agenda Items**

Section 317(w) – failure to refer

Continuing education mandatory Ethic and Law courses to discuss law violations within the course content

Guidelines of utilization review

Continuation of Disciplinary Guidelines

**Adjournment**

Dr. Azzolino adjourned the meeting at 2:35 p.m.