



State of California
Edmund G. Brown Jr., Governor

**Board of Chiropractic Examiners
MEETING MINUTES
Enforcement Committee
March 13, 2015
12:30 p.m.
State of California
901 P Street, Suite 142-A
Sacramento, CA 95814**

Committee Members Present

Sergio Azzolino, D.C., Chair
Heather Dehn, D.C.
Frank Ruffino

Staff Present

Robert Puleo, Executive Officer
Sandra Walker, Compliance Manager
Dixie Van Allen, Associate Governmental Program Analyst
Spencer Walker, Attorney III
Marlene Valencia, Associate Governmental Program Analyst
Christina Bell, Associate Governmental Program Analyst

Public Present

Marcus McCarther, DCA Executive Office
Deborah Mattos, Lobbyist for Southern California University of Health Sciences
Dr. Khadijah Poole-Khatib, D.C.

Call to Order

Dr. Azzolino called the meeting to order at 12:35 p.m.

Roll Call

Mr. Ruffino called the roll. Dr. Azzolino, Dr. Dehn and Mr. Ruffino were all present.

Approval of January 27, 2015 Minutes

MOTION: DR. DEHN MOVED TO APPROVE THE MINUTES

SECOND: DR. AZZOLINO SECONDED THE MOTION

VOTE: 2-0 (DR. AZZOLINO – AYE, DR DEHN - AYE, MR. RUFFINO – ABSTAINED DUE TO HIS ABSENCE AT THE JANUARY 27, 2015 ENFORCEMENT COMMITTEE MEETING)

MOTION CARRIED

Discussion and Possible Action on Criteria and Standards for Expert Consultant Selection. [2014-2017 Strategic Plan]

The revised Application for Expert Consultant and Guide Book were provided to the committee members. Application revisions were discussed and accepted. The word "Affidavit" on page 5, section 10 of the Application was misspelled; staff was directed to make the requested revision.

MOTION: DR. AZZOLINO MOVED TO ACCEPT THE APPLICATION WITH THE CORRECTION OF THE WORD AFFIDAVIT.

SECOND: DR. DEHN SECONDED THE MOTION

VOTE: 3-0 (DR AZZOLINO – AYE, DR. DEHN – AYE, MR. RUFFINO – AYE)

MOTION CARRIED

It was determined the Application for Expert Consultant and Guide Book did not need to return to the Enforcement Committee.

The Expert Training Timeline was discussed to determine which 2 Board members could attend which training dates. The date of June 23, 2015 was secured for Northern California Expert training.

It was determined another Southern California Board member would be contacted as well, for their availability to attend the Southern California training with Mr. Ruffino.

Discussion and Possible Action on Proposed Language Regarding Maintenance of Patient Records/Amendments to Title 16, California Code of Regulations Sections 312.2 and 318

Dr. Azzolino stated he was pleased with the revisions provided so far.

Dr. Azzolino re-introduced the subject of electronic signatures.

Mr. Walker stated he had conducted some research on this matter and found that the courts upheld this as long as the person intends for a stamp, or a digital or electronic signature to represent their actual signature; that this is acceptable. The Secretary of State digital signature regulations only relate to public entities who desire to do business with the public that they serve. That is not applicable, nor is the California Uniform Electronic Transactions Act. The things that the Board has to rely upon is whether the chiropractor intends to conduct business electronically. Typically an electronic signature is not used unless the business is conducted electronically.

Mr. Walker asked; what is the intent?

Mr. Puleo stated the Board's intent is to comply with the CCR section 318 and determine if we can accept an electronic signature or does it need to be an ink handwritten signature.

Mr. Walker stated we are complying due to the way section 318 is written. The language doesn't specify if the signature has to be a wet, digital, electronic or a stamp. It is the intent behind the signing of the document itself.

Dr. Azzolino stated intake forms should always be signed by patients.

Dr. Azzolino brought up a concern about sign in sheets, due to the HIPPA violation and it is antiquated.

Mr. Walker agreed a sign in sheet would be a HIPPA violation and an invasion of privacy issue.

Dr. Azzolino inquired if we have a regulation that requires a sign in sheet. Ms. Van Allen is researching this issue.

Mr. Walker stated that the proposed language in 318(b) regarding Civil Code section 1798.81 should be written out as to state: "...contained therein by shredding, erasing, or otherwise modifying the personal information in those records to make it unreadable or undecipherable through any means." Mr. Walker also stated that the section number is missing in subdivision (c) after the word "Section" on line four (4). He stated that "303" should be placed after that word.

MOTION: DR. AZZOLINO MOVED TO ACCEPT THE PROPOSED TEXT WITH THE ADDITIONAL LANGUAGE RECOMMENDED BY MR. WALKER IN 318(B) AND (C).

SECOND: MR. RUFFINO SECONDED THE MOTION

VOTE: 3-0 (DR AZZOLINO – AYE, DR. DEHN – AYE, MR. RUFFINO – AYE)

MOTION CARRIED

The revised text for 318(b) and (c) will be brought forward to the next Board meeting.

Ms. Walker inquired about the new draft form entitled "Notice of Termination of Practice and Transfer of Patient Records". She asked if the draft form needed to come to the Enforcement Committee or could it go forward with the 318 package to the next Board meeting.

Mr. Walker stated the draft form could go forward to the next Board meeting and did not have to come back to the Enforcement Committee.

Ms. Bell asked if the language in the regulation about the "New Form No. XXX" should also state: "hereby incorporated by reference."

Mr. Walker stated yes.

Dr. Azzolino directed staff to add one bullet item at the top of the "Guidelines for When a Chiropractic Practice Closes" sheet. The additional bullet item should state to: "Officially notify the Board in writing, pursuant to section 318.

Future Enforcement Committee Meetings for 2015

- May 12, 2015 from 1:00 – 3:00 p.m.
- August 24, 2015 from 12:00 – 2:00 p.m.

Public Comment

None

Future Agenda Items

- Discussion/Possible Action Regarding a Possible Statutory Change to Government Code Section 11522 [Petition for Reinstatement or Reduction of Penalty of a Revoked or Suspended License]
- Discussion/Possible Action Regarding Implementation of Senate Bill 1441 [Uniform Standards for Substance Abusing Licensees]
- Discussion and Review of Revised Disciplinary Guidelines

Adjournment

Dr. Azzolino adjourned the meeting at 1:37 p.m.