



State of California
Edmund G. Brown Jr., Governor

BOARD OF CHIROPRACTIC EXAMINERS PUBLIC SESSION MINUTES

October 27, 2015

The Westin Los Angeles Airport
5400 West Century Boulevard, Westchester Room AB
Los Angeles, California 90045

Board Members Present

Sergio Azzolino D.C., Chair
Heather Dehn, D.C., Vice Chair
Julie Elginer, Dr.PH, Secretary
Frank Ruffino
Dionne McClain, D.C.
John Roza, Jr., D.C.
Corey Lichtman, D.C.

Staff Present

Robert Puleo, Executive Officer
Spencer Walker, Attorney III
Dixie Van Allen, Staff Services Manager I
Marcus McCarther, Associate Governmental Program Analyst
Valerie James, Management Services Technician
Nikkia Capizzano, Office Technician

Call to Order

Dr. Azzolino called the meeting to order at 9:38 a.m.

Roll Call

Dr. Elginer called the roll. All members were present, except Dr. Lichtman who arrived at 10:45 a.m.

Pledge of Allegiance

Mr. Ruffino led the Pledge of Allegiance.

Chair's Report

Dr. Azzolino welcomed and thanked everyone for joining the Board for its final Board meeting of 2015. Dr. Azzolino reported that it has been a productive year for the Board Members and staff. Dr. Azzolino highlighted the Board's accomplishments and ongoing projects. The Board is entering into the third year of its 2014-2017 Strategic Plan and has fully completed the majority of the goals and action items. The significant accomplishments that have come out of the Board's Strategic Plan include:

- A review of the Board's Continuing Education regulations by the Licensing and Continuing Education Committee which is working with stakeholders to establish minimum requirements for CE providers. The first Focus Group will be held on November 5th in Sacramento. The second Focus Group will be in Southern California in early 2016. Dr. Azzolino encouraged anyone who has an interest in ensuring licensees receive quality CE to participate in one or both Focus Groups.
- The Board now has Consumer Publications available in English and Spanish to educate the public about the Board of Chiropractic Examiners and the Chiropractic profession. The publications are available to be viewed and downloaded on the Board's Website.
- The Board has started work on an informational pamphlet to guide consumers through the Board's complaint process.
- Dr. Azzolino added that the Board has significantly streamlined its legislative review process and Board Member Administrative Procedures. The Board continues to explore opportunities to enhance efficiency.

Dr. Azzolino addressed the recent Supreme Court decision, which determined that the North Carolina Dental Board violated federal antitrust laws by preventing non-dentists from providing teeth whitening services in competition with licensed dentists. This case has potential impacts for regulatory boards throughout the US. Initial analysis conducted by the Brown Administration and the Attorney General's Office has found that the structure and oversight of California's Regulatory Boards are fundamentally different than in the North Carolina Case, in that the Administration and Legislature already take a more active role in supervising the activities of California's Boards.

Approval of Minutes

Dr. Elginer requested corrections to be made to the minutes as follows:

- Page 3 - BCE Licensing, Continuing Education and Public Relations Committee Meeting Update, second line, capitalize "Education" in Continuing Education Regulations.

Dr. McClain requested corrections as follows:

- Page 2 – Approval of the Minutes should state, "Mr. Ruffino" instead of "Dr. Ruffino".

MOTION: MR. RUFFINO MOVED TO APPROVE THE JULY 30, 2015 MINUTES AS AMENDED.

SECOND: DR. ELGINER SECONDED THE MOTION

VOTE: 6-0 (DR. AZZOLINO-AYE, DR. ELGINER-AYE, DR. DEHN-AYE, MR. RUFFINO-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE)

MOTION: CARRIED

Executive Officer's Report

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

Mr. Puleo referred to the organization chart and introduced Mr. McCarther who was recently hired as the Board's new Policy Analyst. The Enforcement Manager position is currently vacant. The Board will be recruiting for this position in the near future.

Mr. Puleo reported that in addition to the organization chart, he has provided a summary of each staff member's functions in order to complete goal 4.2 of the strategic plan. Mr. Ruffino commended Mr. Puleo, Ms. Van Allen and staff for putting the summary of staff functions together.

Mr. Puleo added that the summary of staff functions will be included in the Board Member's onboarding binders for future Board Members appointed to the Board.

Mr. Puleo provided an update of the Board's fund condition highlighting the plan to pay back the loan from the Vehicle Inspection and Repair Fund.

Mr. Puleo summarized the Board's licensing statistics and stated there have not been any significant changes since the last meeting. He also reported on the Enforcement statistics and provided a brief overview of enforcement activity since the last Board Meeting.

Mr. Puleo provided highlights on The Health Care Executive Officer Council meeting and shared that The Health Care Executive Officer Council expressed a desire to include Executive Officers from all Boards and Bureaus in the next meeting in December.

Mr. Ruffino congratulated Mr. Puleo on his leadership on the Health Care Executive Officer Council. Mr. Ruffino inquired about whether there is a formal agenda created for these meetings and requested the Health Care Executive Officer agenda to be provided in the Executive Officer's Report at Board Meetings.

Ratification of Approved License Applications

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

SECOND: MR. RUFFINO SECONDED THE MOTION

VOTE: 6-0 (DR. AZZOLINO-AYE, DR. ELGINER-AYE, DR. DEHN-AYE, MR. RUFFINO-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE)

MOTION: CARRIED

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

Ratification of Approved Continuing Education Providers

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

SECOND: DR. MCCLAIN SECONDED THE MOTION

VOTE: 6-0 (DR. AZZOLINO-AYE, DR. ELGINER-AYE, DR. DEHN-AYE, MR. RUFFINO-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE)

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

There were no denied license applications.

BCE Licensing, Continuing Education and Public Relations Committee Meeting Update

Dr. Dehn reported on the Committee's progress on reviewing the Continuing Education regulations. Two focus groups have been scheduled and CE providers have been invited to participate in the revision of these regulations. Dr. Dehn added that the Committee has finalized two outreach publications geared towards licensees and prospective licensees, which are now available on the Board's website. The Committee has completed most of the strategic plan goals assigned; however, completion dates for Continuing Education Goals 3.1.2 and 3.1.3 were changed to Quarter 2 of 2016, and Goal 3.1.4 was changed to Q2 of 2017 to accommodate interaction and feedback from stakeholders and rulemaking timelines. Dr. Dehn urged the Board members to respond to the Board's request for social media posting ideas. The Committee set a schedule to distribute the Board's "Top 10 Violations" publication to Continuing Education Providers, upon approval of providership and approval of Ethics Courses, as well as quarterly. Dr. Azzolino recommended the "Top 10 Violations" publication be included in the upcoming newsletter and on the Board's website. Dr. Azzolino also urged the Board to provide this publication to Ethics instructors at chiropractic colleges to share with their students.

Dr. Dehn mentioned Action Item 3.4 (Establish and document protocols for ongoing communication with chiropractic oversight organizations to ensure consistent standards and protocols for communication with chiropractic organizations) suggesting that the Board reach out to state chiropractic associations, letting them know that the Board is available to participate at state conventions as guest speakers.

Dr. Azzolino recommended the Board seek clarification on travel restrictions (i.e. teleconference, other options for outreach to other state Boards.)

Dr. Dehn requested that Mr. Puleo discuss how other Boards interact with other states' regulatory agencies at the next Executive Officers meeting.

Mr. Puleo reported that the Federation of Chiropractic Licensing Boards sends out email blasts concerning issues that affect all chiropractic boards. They also conduct Power Polls, which are helpful in gathering information from other state boards.

Mr. Ruffino requested clarification on travel to be added as a future Agenda item.

Mr. Puleo volunteered to arrange for a Department of Consumer Affairs representative to attend the next Board Meeting to clarify travel restrictions.

Dr. Dehn reported that the Committee found that the "How to File a Complaint" guide would not be worthy of its own pamphlet because the information is clearly stated on the Board's website.

Dr. Azzolino disagreed on the basis that the majority of patients may not have access to the information via internet and referred this project back to the Licensing Committee.

Mr. Ruffino suggested that the newsletter include an article about the Health Care Executive Officer's meeting. Mr. Ruffino requested a draft of the newsletter to be provided to the Board Members prior to distribution.

BCE Government Affairs Committee Meeting Update

Dr. Elginer provided a brief overview of the Committee's progress on action items in the Strategic plan. Dr. Elginer provided an overview of legislation followed and positions taken by the Board. Dr. Elginer reported that all but one action item in Goal 4 has been fulfilled. Dr. Elginer discussed Goal 4.3.6 - Increasing Accessibility to Board and Committee Meetings and the challenges the Board faces in completing this goal. She shared her desire to have at least one Board Meeting at a Chiropractic school.

Dr. Elginer highlighted a Legislative Training class that the Department of Consumer Affairs is holding in December.

Dr. Elginer mentioned that the Board needs to start planning and discussing a strategic plan meeting session for the upcoming year. Dr. Elginer suggested that the Board work with SOLID for the upcoming strategic planning, as they were a great help in the previous planning process. Dr. Elginer requested Mr. Puleo to follow up and work with SOLID on determining their availability for the upcoming year. Dr. Elginer encouraged all Committee chairs to revisit goals that have not been accomplished and to point those out in the strategic planning session so that they can be addressed in the future strategic plan.

Dr. Azzolino requested that Mr. Puleo include the strategic planning information in the upcoming newsletter.

Update on Pending Regulations

Ms. Van Allen reviewed the proposed regulations and regulatory rulemaking status chart that was prioritized by the Board. The rulemaking status chart will be included in all future Board Meeting packets.

Dr. Elginer requested that the status column include a full status report from start to finish, rather than just the most recent status.

Dr. Dehn mentioned that Group A is comprised of legislatively mandated rulemaking actions which take priority over other Board proposals.

Mr. Puleo suggested that Group A should be retitled to clarify that they are legislative mandates. The Board agreed with his recommendation.

Proposed 2016 Board Meeting Schedule

The Board selected the following tentative dates for future board meetings:

Primary Date: January 28, 2016 – Sacramento

Primary Date: May 17, 2016; Alternate Date: May 19, 2016 – Southern California

Primary Date: July 28, 2016; Alternate Date: July 29, 2016 – San Francisco California

Primary Date: October 14, 2016 – Southern California

Overview of Occupational Analysis Process

Mr. Puleo highlighted that the Occupational Analysis project needs subject matter experts. Mr. Puleo is working with the Department of Consumer Affairs on establishing dates for Expert Consultants to work on the professional standards for licensure exams. The process will begin in late 2016.

Dr. Azzolino requested that the Occupational Analysis project be mentioned in the newsletter as well as emailed to the Board Members to solicit subject matter experts.

The Board moved to Agenda Item 18- Hearings Re: Petition for Early Termination of Probation and/or Reduction of Penalty Reinstatement of Revoked License

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

- A. Nora Oakley, D.C.- DC 19020
- B. Roberta Rendor, D.C. – DC 25023

The Board moved to Agenda Item 19- Hearings Re: Petition for Reinstatement of Revoked License

Administrative Law Judge, Carla L. Garrett, presided over and Deputy Attorney General, Thomas Rinaldi, appeared on behalf of the people of the State of California in the following hearing:

A. Dennis Revere

Closed Session

Following oral testimonies, the Board went into Closed Session for deliberation and determinations regarding:

- A. Deliberate on Disciplinary Decisions and Petitions Pursuant to California Governmental Code Section 11126(c)(3)
- B. Closed Session to receive advice from Legal Counsel Pursuant to California Government Code Section 11126(e) regarding:
 - 1) Jonathan Widenbaum, D.C. v. California Department of Consumer Affairs/Board of Chiropractic Examiners, Cal.Ct.App. (1st app. Dist.), Case No. A142454
 - 2) Hugh Lubkin, D.C. v. Board of Chiropractic Examiners Workers' Compensation Case No. ADJ7361379
- C. Evaluation of the Executive Officer Pursuant to California Governmental Code Section 11126(a)

Open Session

The Board went back into Open Session and moved to agenda item 14.

Discussion and Possible Action Regarding BCE Recognition of Chiropractic Specialty Boards

Dr. Azzolino reported that the Board's legal counsel suggested that the Board wait on this matter until some of the issues have gone through the appropriate legal venues. Dr. Azzolino directed staff to look closely at advertising complaints that are deceptive. Mr. Puleo stated that he would meet with the enforcement staff on this issue. Dr. Azzolino suggested that this item should be tabled and discussed at a future Board meeting.

The Board moved to Agenda Item 15 – North Carolina State Board of Dental Examiners v. Federal Trade Commission

Dr. Azzolino reported that the United States Supreme Court has opined that regulatory boards need to have appropriate oversight. Since the Board has oversight from the Department of Consumer Affairs, this decision will likely have a minimal impact upon this Board.

Public Comment for Items Not on the Agenda

None

Future Agenda Items

Dr. Azzolino suggested - Discussion and Possible Action Regarding Specialty Advertising by BCE Licensees.

Dr. Lichtman suggested a discussion to improve relations with state organizations.

Adjournment

MR. RUFFINO MOVED TO ADJOURN

SECOND: DR. ELGINER SECONDED THE MOTION

VOTE: 7-0 (DR. AZZOLINO-AYE, DR. ELGINER-AYE, DR. DEHN-AYE, MR. RUFFINO-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, DR. LICHTMAN-AYE)

MOTION: CARRIED

Dr. Azzolino adjourned the meeting at 5:13 p.m.

(ATTACHMENT A)

**Approval By Ratification of Formerly Approved License Applications
 July 1, 2015 – September 30, 2015**

Name (First, Middle, Last)			Date Issued	DC#
Christopher	Joseph	Alegria	7/3/2015	33338
Justin	Kyle	Cheng	7/3/2015	33339
Saul	Ethan	Sclamberg	7/3/2015	33340
Heather		Creed	7/9/2015	33341
Veronica	Isabel	Diaz	7/9/2015	33342
Joshua	John	Ellis	7/9/2015	33343
Walter	Raymund	Fermin	7/9/2015	33344
Nicholas	Allen	Garcia	7/9/2015	33345
Dustin	William	Martinez	7/9/2015	33346
Carlos		Castro	7/10/2015	33347
Michael	Andrew	Torrez	7/10/2015	33348
Dominador	Lorenzo	Ang Jr.	7/17/2015	33349
Troy	Mark	Benfield	7/23/2015	33350
Timothy	Tanh	Cambridge	7/23/2015	33351
Peter	Alexander	Rehl	7/23/2015	33352
German		Arellano	7/29/2015	33353
Masi	Brede	Bayless	7/29/2015	33354
Michael	James	Behymer	7/29/2015	33355
Casey	Jay	Derr	7/29/2015	33356
Rachel	Michelle	Hamel	7/29/2015	33357
Manvel		Simonyan	7/29/2015	33358
Belin	Sibel	Tekin	7/29/2015	33359
Christopher		Chang	7/31/2015	33360
Tiffany	Wuu	Chen	7/31/2015	33361
Daniel	Joseph	Saenz	7/31/2015	33362
Justin	Lee	Jobelius	8/12/2015	33363
Naxielly	Maritza	Rodriguez de Cordoba	8/12/2015	33364
Brittany	Christine	Falcone	8/17/2015	33365
Neils	Conrad	Larson	8/17/2015	33366
Emily	Katherine	Mayo	8/17/2015	33367

Noah	Daniel	Perlman	8/17/2015	33368
Jordan	Scott	Fairley	8/18/2015	33369
Joon	Sung	Kang	8/18/2015	33370
Alexandra		Threadgill-Inouye	8/18/2015	33371
Alia	Hussain	Tomaszewski	8/18/2015	33372
Andrew	Salvatore	Vercellino	8/18/2015	33373
Gurwinder	Kaur	Bath	8/25/2015	33374
Jordan	Alice	Millar	8/25/2015	33375
Kyle	Kyunghyun	Park	8/25/2015	33376
Brandon	Michael	Thomas	8/25/2015	33377
Arnott	Aaron	Adler	8/26/2015	33378
Joel	Joseph	Dickson	8/26/2015	33379
Bilal	Bashir	Khan	8/26/2015	33380
Troy	Daniel	Schott	8/26/2015	33381
Thomas	Robert	Surnock	8/26/2015	33382
Natasha		Fallahi	8/31/2015	33383
Ellen	Leigh	Koehler	8/31/2015	33384
Jacqueline	Louise	Beres	9/11/2015	33385
Adam	Scott	McBride	9/11/2015	33386
Gerald	Arpad	Ferencz	9/15/2015	33387
Erik		Frederiksen	9/15/2015	33388
Ariel	Electra	Thorpe	9/15/2015	33389
Ronald	James	Watson III	9/15/2015	33390
Jeffrey	Michael	Kay	9/15/2015	33391
Javier	Antonio	Leon	9/18/2015	33392
Jacob	Mathias	Paredes	9/18/2015	33393
Kimberly	Ann	Gambino	9/23/2015	33394
Jonathan	Rudolph	Noel	9/23/2015	33395
Shalom		Samuel	9/30/2015	33396
Sherry	Ching-Ching	Wang	9/30/2015	33397

(ATTACHMENT B)

Ratification for New Continuing Education Providers

<u>CONTINUING EDUCATION PROVIDERS</u>	<u>DATE APPROVED</u>
1. <u>Richard Robles, DC</u>	<u>10/27/15</u>
2. <u>Victor Kwok-Wai Shu</u>	<u>10/27/15</u>
3. <u>Movement Links</u>	<u>10/27/15</u>
4. <u>Marcus Strutz</u>	<u>10/27/15</u>
5. <u>Frequency Specific Seminars</u>	<u>10/27/15</u>
6. <u>Jim Naccarato, DC</u>	<u>10/27/15</u>