BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

NOTICE OF PUBLIC MEETING

May 19, 2016
9:00 a.m.
Southern California University of Health Sciences
16200 E Amber Valley Drive, Legacy Hall
Whittier, CA 90604
(562) 947-8755

AGENDA

1. **OPEN SESSION** – Call to Order & Establishment of a Quorum
   Sergio Azzolino, D.C., Chair
   Heather Dehn, D.C., Vice Chair
   Julie Elginer, Dr.PH, Secretary
   Dionne McClain, D.C.
   John Roza Jr., D.C.
   Corey Lichtman, D.C.
   Frank Ruffino

2. **Pledge of Allegiance**

3. **Chair's Report- Dr. Azzolino**
   Overview of the Board's accomplishments and/or goals

4. **Approval of Minutes**
   January 28, 2016
   March 17, 2016

5. **Executive Officer's Report**
   A. Administration- Board staffing / Organizational chart
   B. Budget- Fund condition update
   C. Licensing- Statistical trends
   D. Enforcement – Statistical trends

6. **Ratification of Approved License Applications**

7. **Ratification of Approved Continuing Education Providers**

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

T (916) 263-5355
F (916) 327-0039
TT/TDD (800) 735-2929
Consumer Complaint Hotline
(866) 543-1311

Board of Chiropractic Examiners
901 P Street, Suite 142A
Sacramento, California 95814
www.chiro.ca.gov

9. **BCE Licensing, Continuing Education and Public Relations Committee Meetings Update -** Board may take action on any item on the attached Licensing, Continuing Education and Public Relations Committee meeting agendas.

10. **BCE Government Affairs Committee Meetings Update –** Board may take action on any item on the attached Government Affairs Committee meeting agendas.

11. **Proposed Regulations**
    A. Status Update of Proposed Regulations
    1. Application for Licensure (CCR Section 321& 364)
    2. Consumer Protection Enforcement Initiative (CPEI)
    3. Uniform Standards for Substance Abusing Licensees
    4. Revisions to BCE Disciplinary Guidelines
    5. Mandatory Cardiopulmonary Resuscitation (CPR) Certification for all licensee
    6. Comprehensive Revisions/Updates to CCR Article 4 (Sections 330 – 331.16) – Approved Schools & Qualifications of Applicants (Curriculum Requirements)
    7. Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice or Death/Incapacity of License
    8. Continuing Education Requirements (CE Provider and Course Approval)
    9. Amend or Repeal CCR Section 354 - Successful Examination (Obsolete provision)

    B. Review & Consideration of Order of Adoption for Application for Licensure & CE Exemptions (CCR Section 321 & 364)

    C. Discussion and Possible Action to Initiate Rulemaking to Implement Provisions of the Proposed Language for Delegation of Authority to the Assistant Executive Officer (CCR Sections 306, 389, 390, 390.3, 390.4 & 390.5)

    D. Discussion and Possible Action to Initiate Rulemaking to Implement Provisions of the Consumer Protection Enforcement Initiative (CPEI) (CCR Sections 303, 304, 306.3, 308, 308.1, 312, 314, 317.2, 317.3, 321.1, 384.1, 390.7, 390.8)

12. **Public Comment for Items Not on the Agenda**
    Note: The Board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a).] Public comment is encouraged; however, if time constraints mandate, comments may be limited at the discretion of the Chair.

13. **Agenda Items for Future Meetings**
    Note: The Board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125.]

14. **Hearing Re: Petition for Reinstatement of Revoked License**
    A. Omid Javaherian
    B. Thomas Wiltse

15. Closed Session

A. Deliberation on Disciplinary Decisions and Petitions Pursuant to California Government Code Section 11126(c)(3)

B. 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

16. OPEN SESSION: Announcements Regarding Closed Session

17. Adjournment

Meetings of the Board of Chiropractic Examiners are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. Public comments will be taken on agenda items at the time the specific item is raised. The Board may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at **www.chiro.ca.gov**.

The meeting facilities are accessible to individuals with physical disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Valerie James at (916) 263-5355 ext. 5362 or e-mail Valerie.James@dca.ca.gov or send a written request to the Board of Chiropractic Examiners, 901 P Street, Suite 142A, Sacramento, CA 95814. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
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Agenda Item 4
May 19, 2016

Approval of Minutes

Purpose of the item

The Board will review and approve the previous board meeting minutes.

Action(s) requested

The Board will be asked to approve the January 28, 2016 and March 17, 2016, Board meeting minutes.

Background
N/A

Recommendation(s)
N/A

Next Step
N/A

Attachment(s)
- Meeting Minutes from the January 28, 2016 Board meeting
- Meeting Minutes from the March 17, 2016 Board meeting

BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES

January 28, 2016
State Capitol
First Floor, Senate Committee Room 113
Sacramento, CA 95814

DRAFT

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
Linda Shaw, Assistant Executive Officer
Dixie Van Allen, Staff Services Manager I
Marcus McCarther, Associate Governmental Program Analyst
Valerie James, Management Services Technician

Call to Order
Dr. Azzolino called the meeting to order at 9:16 a.m.

Roll Call
Dr. Elginer called the roll. All members were present

Pledge of Allegiance
Mr. Ruffino led the Pledge of Allegiance.

Chair's Report
Dr. Azzolino welcomed and thanked everyone for attending the first Board meeting of 2016. He provided an overview on the Board's 2015 accomplishments and highlighted some of the significant projects that the Board completed in the past year. Dr. Azzolino reported that the Board has made significant strides towards ensuring compliance with the existing Continuing Education (CE) requirements and improving the quality of CE courses available to our licensees.

In addition, Dr. Azzolino encouraged licensees to serve as Subject Matter Experts (SMEs) at one or more of the Occupational Analysis workshops that will be conducted later this year. He spoke about the board's outreach efforts with stakeholders and highlighted publications regarding the board and the chiropractic profession, geared towards licensees and the public. Dr. Azzolino also commented the Board has streamlined the Legislative Review process and Board administrative procedures.

Election of Officers for 2016

A. Chair

MOTION: MR. RUFFINO MOVED TO NOMINATE DR. AZZOLINO AS CHAIR
DR. AZZOLINO ACCEPTED THE NOMIMATION
VOTE: 6-0-1 ABSTAIN (DR. AZZOLINO- ABSTAINED, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-AYE)
MOTION: CARRIED

B. Vice-Chair

MOTION: DR. EIGINER MOVED TO NOMINATE DR. DEHN AS VICE-CHAIR
DR. DEHN ACCEPTED THE NOMIMATION
VOTE: 6-0-1 ABSTAIN (DR. AZZOLINO- AYE, DR. DEHN-ABSTAINED, DR. ELGINER-AYE, DR. LICHTMAN-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-AYE)
MOTION: CARRIED

C. Secretary

MOTION: MR. AZZOLINO MOVED TO NOMINATE DR. ELGINER AS SECRETARY
DR. ELGINER ACCEPTED THE NOMIMATION
VOTE: 6-0 -1 ABSTAIN (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-ABSTAINED, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-AYE)
MOTION: CARRIED

Approval of Minutes
Dr. Lichtman requested corrections to the minutes as follows:

- Pages 1 and 8 – Correct the spelling from "Dr. Litchman" to " Dr. Lichtman"

MOTION: DR. ELGINER MOVED TO APPROVE THE OCTOBER 27, 2015 MINUTES AS AMENDED.
SECOND: DR. DEHN SECONDED THE MOTION
VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-AYE)
MOTION: CARRIED

DRAFT

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

Mr. Puleo reported that the Board has two vacant positions in the Compliance Unit, Staff Services Manager I, for which we are actively recruiting and Staff Services Analyst.

Mr. Puleo provided an update on the repayment of the loan for the Arbuckle judgment to Bureau of Automotive Repair (BAR) and the overall budget projections for fiscal years 2014-2017. Lastly, He reported that the budget remains stable.

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.

Ratification of Approved License Applications

MOTION: DR. DEHN MOVED TO RATIFY THE APPROVED LICENSE APPLICATIONS.
SECOND: MR. RUFFINO SECONDED THE MOTION
VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-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. RUFFINO SECONDED THE MOTION
VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-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.

Consideration of Recommendation to Waive Two-Year Requirement to Restore a Cancelled License
This item was placed on the Agenda in error.

Overview of Occupational Analysis Presentation by Heidi Lincer-Hill, Chief Office of Professional Examination Services
Heidi Lincer-Hill, Chief of Professional Examination presented an overview of the Occupation Analysis process.

Social Media Training
Dr. Elginer provided training on social media.

The Board moved to Agenda Item 19- Hearings Re: Petition for Reinstatement of Revoked License
Administrative Law Judge, Karen Brandt, presided over and Deputy Attorney General, Phillip Arthur, appeared on behalf of the people of the State of California in the following hearings:

A. Dong H. Chang
B. Jeffrey Nabatmama
C. Deborah Noble

BCE Licensing, Continuing Education and Public Relations Committee Meeting Update
Dr. Dehn reported on the Committee's progress reviewing the Continuing Education regulations. She provided an update on the CE Provider qualifications focus groups and announced that the next scheduled Licensing, Continuing Education and Public Relations Committee meeting is on February 12, 2016. Dr. Dehn added that the committee has been working on a guide geared towards licensees.

Dr. Azzolino requested that the committee include information for international applicants who want become a chiropractor in the State of California.

Lastly, Dr. Dehn reported that the committee is working on social media to engage stakeholders as well as other Boards and Bureaus

BCE Government Affairs Committee Meeting Update
Dr. Elginer reported that the committee had their annual legislative meet and greets with consultants from Senate Business and Profession, Assembly Business and Profession, Assembly Republican Caucus, California Chiropractic Association, Business, Consumer Services, and Housing Agency, Assembly Republican Caucus and the Deputy and Assistant Director of Legislative and Policy Review, DCA. Dr. Elginer commended the efforts of Mr. Puleo, Ms. Van Allen and Mr. McCarther for organizing the meetings.
Dr. Elginer commented that the committee met with SOLID and provided an overview of the Strategic Plan process .The process will start in May 2016. She also encouraged CCA to take a leadership role to encourage participation of their stakeholders to engage in the upcoming focus groups. Dr. Elginer noted that all the Board members would be contacted by SOLID to schedule a one-hour meeting with each member.
Lastly, she brought the Board Member Administrative Manual and Legislative Bill Tracking Manual forward for discussion.

MOTION: DR. EIGINER MOVED, ON BEHALF OF THE COMMITTEE, TO APPROVE THE 2016 BOARD MEMBER ADMINSTRATIVE MANUAL WITH THE NOTED CHANGES TO PAGES 7,10,13,19,20,23,24,AND 27 AS HIGHLIGHTED BELOW:

- ***Included language of training requirements***
- ***Staff travel liaison to be point of contact for travel***
- ***Ambassador at Large program***
- ***Added language 75% vote participation in electronic vote's requirement for Board Members.***

Discussion: Dr. Dehn requested clarification on making travel arrangement through Concur and if Concur should be added to the Manual. Ms. Shaw clarified that Concur is a contract and the process may change.

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

BCE Enforcement Committee Meeting Update
Dr. Azzolino reported the committee has been working on the development of a Consumer Complaint Brochure , the proposed regulatory language for Title 16, California Code of Regulations, Sections(s) 308.1 (Notice to Consumer) and amendments to section 371 (i) (Annual License Renewals and Restoration).
Dr. Azzolino reported that the committee has also been working on the proposed Disciplinary Guideline language (Notice to Patients), which would require licensees to notify their patients and prospective patients that they are on probation with the Board by posting a copy of the final decision and order in a common area. He commented that the language needed revisions and referred it back to the Enforcement committee. Dr. Azzolino brought the proposed language for Sections 308.1 & 371(i) forward for discussion.

MOTION: DR. AZZOLINO MOVED, ON BEHALF OF THE COMMITTEE TO APPROVE THE PROPOSED LANGUAGE SECTION 308.1(NOTICE TO CONSUMERS) IN ARTICLE 1, DIVISION 4, OF TITLE 16 OF THE CALIFORNIA CODE OF REGULATIONS
VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-AYE)
MOTION: CARRIED

MOTION: MR. RUFFINO MOVED TO DIRECT STAFF TO TAKE ALL NECESSARY STEPS TO INITIATE THE FORMAL RULEMAKING PROCESS WITH THE PROPOSED TEXT FOR SECTIONS 308.1 AND AUTHORIZE THE EXECUTIVE OFFICER TO MAKE ANY NON-SUBSTANTIVE CHANGES TO THE RULEMAKING PACKAGE AND DIRECT STAFF TO INITIATE A 45-DAY COMMENT PERIOD.
SECONDED: DR. ELGINER SECONDED THE MOTION

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

Mr. Puleo presented the proposed language to amend section 371 (i) in Article 7.5, Division 4, of the Title 16 of the California Code of Regulations forward for discussion. The language would allow the Board to issue a citation and fine specifically for failure to comply with mandatory continuing education requirements. He also noted that the Board currently sends warning letters to licensees that do not comply with continuing education requirements. By amending section 371 (i), this would allow the Board to issue a citation for failure to comply with the continuing education requirement on the first offense.

Dr. Dehn commented there was a discussion at the committee level, which the fine would be based on the amount of continuing education hours that the licensee where short. She also requested clarification if the citation would be considered a disciplinary action on the licensees record. Mr. Walker responded that a licensee would not report a citation as disciplinary action. He also commented that the Board should maintain desecration on the amount of the fine to the licensee.

Dr. Azzolino requested that a motion be made to approve the amended regulatory language of Title 16 of the California Code of Regulations, section 371(i).

Mr. Walker clarified the proposed regulatory language to amend Title 16 of the California Code of Regulations section 371 (i) as follows. "Failure to comply with the Board's continuing education requirements shall result in a violation of this section which would constitute unprofessional conduct and the licensee shall be cited and fined by the Board".

MOTION: DR. ELGIINER MOVED TO APPROVE THE PROPOSED LANGUAGE, TO AMEND SECTIONS 371 (i) (ANNUAL LICENSE RENEWALS AND RESTORATIONS) IN ARTICLE 7.5, DIVISION 4, OF TITLE 16 OF THE CALIFORNIA CODE OF REGULATIONS.
SECOND: DR.DEHN SECONDED THE MOTION
VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-AYE)
MOTION: CARRIED

MOTION: MR.RUFFINO MOVED TO DIRECT STAFF TO TAKE ALL NECESSARY STEPS TO INITIATE THE FORMAL RULEMAKING PROCESS WITH THE PROPOSED TEXT FOR SECTIONS 371 (i) AND AUTHORIZE THE EXECUTIVE OFFICER TO MAKE ANY NON-SUBSTANTIVE CHANGES TO THE RULEMAKING PACKAGE AND DIRECT STAFF TO INITIATE A 45-DAY COMMENT PERIOD.
SECONDED: DR.AZZOLINO SECONDED THE MOTION
VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-AYE)

MOTION: CARRIED

Update on Pending Regulations
Mr. Puleo referred to the "BCE List Prioritization Proposed Regulatory Changes", in the Board's packet and provided the status on the list of proposed rulemaking proposals.

The Board moved to Agenda Item 17-Public Comment for Items Not on the Agenda
None

The Board moved to Agenda Item 18 -Future Agenda Items
None

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

Open Session
The Board went back into Open Session to adjourn the meeting.

Adjournment
Dr. Azzolino adjourned the meeting at 4:17 p.m.

DRAFT

(ATTACHMENT A)

Approval By Ratification of Formerly Approved License Applications October 1, 2015 – December 31, 2015

Name (First, Middle, Last)			Date Issued	DC#
Linda	Teresa	Cruz	10/12/2015	**33398**
Natalie	Jean	Huang	10/12/2015	**33399**
Karen	C	Krieg	10/12/2015	**33400**
Katherine	Louise	McCarty	10/12/2015	**33401**
Alicia	Nicole	Tsounis	10/12/2015	**33402**
I-Ching		Hsieh	10/20/2015	**33403**
Thomas	Edward	John	10/20/2015	**33404**
Janine	Marie	Ludwig	10/20/2015	**33405**
Nicole	Mary	McDonald	10/20/2015	**33406**
Hoan	Dinh	Vu	10/20/2015	**33407**
Katherine		Hightower	10/29/2015	**33408**
Heather	Nicole	Valinsky	10/29/2015	**33409**
Garland	Dwain	Glenn II	11/5/2015	**33410**
Allan	David	Laird	11/5/2015	**33411**
Amy	Alexandra	Markhoff	11/5/2015	**33412**
Bijan		Nowzarinezhad	11/5/2015	**33413**
Morgan	Jade	Oberstein	11/5/2015	**33414**
Joseph	Aaron	Cooperman	11/10/2015	**33415**
Darin	Thomas	Haworth	11/10/2015	**33416**
Michael	Giordano	Jerez	11/10/2015	**33417**
Donna	Marie	Maitlen	11/10/2015	**33418**
Lindsay	Alexa	Wagner	11/10/2015	**33419**
Joseph	Anthony	Aldana	11/17/2015	**33420**
Sherwin	Yu Yee	Loo	11/17/2015	**33421**
Jason	Adam	Trainer	11/17/2015	**33422**
Mehrdad		Mahbod Moghaddam	11/19/2015	**33423**
Shiuan-Yu		Pan	11/19/2015	**33424**
Nicholaus	Ryan	Wolf	11/19/2015	**33425**
Kamron		Nourgostar	11/30/2015	**33426**
Colin	Lee	Olberding	11/30/2015	**33427**
Norie		Takahashi	11/30/2015	**33428**

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Barbara		Chang	12/7/2015	**33429**
Tyler	Parnell	Kallenbach	12/7/2015	**33430**
Jessica	Marie	Quesada	12/7/2015	**33431**
Kevin	Burl	Zimmerman	12/7/2015	**33432**
Travis	Ryan	Cunningham	12/10/2015	**33433**
Alexander	James	Anders-Cook	12/10/2015	**33434**
Amanda	Si Ming	Chau	12/10/2015	**33435**
Suet	Lam	Hau	12/10/2015	**33436**
Timothy	William	Heath	12/10/2015	**33437**
Benjamin	Hurst	Jones	12/10/2015	**33438**
Daniele	Dawn	Mendoza	12/10/2015	**33439**
Garland	Gene Chiu	Wat	12/10/2015	**33440**
Christina	Marie	Binder	12/18/2015	**33441**
Joseph	George	Davi	12/18/2015	**33442**
Jeannie Rose	Advincula	Kakizaki	12/18/2015	**33443**
Tabitha	Lynn	Ledford	12/18/2015	**33444**
Maes	Vioula	Rabadi	12/18/2015	**33445**
Tanaz		Rashidi	12/18/2015	**33446**
Seo	Jung	Yang	12/18/2015	**33447**
Srikanth		Kolli	12/31/2015	**33448**
Peter	Eric	Diamond	12/31/2015	**33449**
Timothy	Donovan	Langan	12/31/2015	**33450**
Jordan	Bradley	Martin	12/31/2015	**33451**
Hesook	Teresa	Cho	12/31/2015	**33452**

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(ATTACHMENT B)

Ratification for New Continuing Education Providers

CONTINUING EDUCATION PROVIDERS	DATE APPROVED
1. Peter J Levy, DC	01/28/16
2. Caroline Reno, DC	01/28/16
3. Masoud Shamaeizadeh	01/28/16
4. Lisa Bilodeau	01/28/16
5. MF University	01/28/16

DRAFT

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

BOARD OF CHIROPRACTIC EXAMINERS
TELECONFERENCE PUBLIC SESSION MINUTES
March 17, 2016

Teleconference Meeting Locations:

Sergio Azzolino, DC
1545 Broadway St., #1A
San Francisco, CA 94109
(415) 563-3800

Heather Dehn, DC
4616 El Camino Ave., #B
Sacramento, CA 95821
(916) 488-0202

Julie Elginer, DrPH
Agoura Hills Library
29901 Ladyface Circle
Agoura Hills, CA 91301
(818) 889-2278

John Roza, Jr., DC
800 Douglas Blvd.
Roseville, CA 95678
(916) 786-2267

Dionne McClain, D.C.
6360 Wilshire Blvd., #410
Los Angeles, CA 90048
(323) 653-1014

Corey Lichtman, DC
538 Stevens Ave.
Solana Beach, CA 92075
(858) 481-1889

Frank Ruffino
Board of Chiropractic Examiners
901 P Street, Suite 142A
Sacramento, CA 95814
916-263-5355

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

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

Call to Order
Dr. Azzolino called the meeting to order at 1:30 p.m.

Roll Call
Dr. Elginer called the roll. A quorum was established.

DRAFT

Discussion and Consideration of Proposed Legislation; Potential Action

Dr. Azzolino requested that Dr. Elginer lead the discussion and potential action of the proposed legislation.

Dr. Elginer shared that the Government Affairs Committee reviewed and voted to take positions on four bills; SB 1033, position of support, SB 1217 and SB 1155, neutral positions and SB 1348 a watch position. Dr. Elginer brought forward SB 1033, for discussion to the Board to take a position.

SB 1033 (Hill) Medical Board: disclosure of probationary status.

MOTION: DR. ELGINER MOVED, ON BEHALF OF THE COMMITTEE, TO TAKE A "SUPPORT" POSITION ON AB 1033 (HILL) MEDICAL BOARD; DISCLOSURE OF PROBATIONARY STATUS

Mr. Puleo provided an overview of the bill and noted that the author's office advised the Board that the bill would be amended to include chiropractors, podiatrists, acupuncturists, and naturopathic physicians to notify patients of their probationary status. He also noted that the Board would be taking a position on the anticipated amendments that would include the Board within the provisions of the bill.

Dr. Azzolino added that the Enforcement Committee had been working on language to address this same issue and supports the intent of this bill.

Dr. Elginer noted that there were discussions surrounding amendments specific to the language that mentions BreEZe since the Board is not currently utilizing the system.

Mr. Puleo shared that Legislative Counsel generally determines whether individual provisions are appropriate when amending the practice acts that pertain to specific Boards. He also commented that they might need to modify specific provisions in the language of this bill for each profession.

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

Dr. Elginer commented that bills SB 1155, SB 1217 and SB 1348 would remain as part of Committee purview unless the Board would like to bring the bills forward for discussion.

Dr. Azzolino brought two bills forward for discussion to AB 1992 and AB 2407.

DRAFT

AB 1992 (Jones) Pupil health: physical examinations

Dr. Azzolino commented that this has been an area of concern of the Board for several years and that this bill would amend Education Code Section 49458 to additionally authorize a doctor of chiropractic, naturopathic doctors and nurse practitioners practicing in compliance with respective laws governing their profession, to complete a pre-participation physical examination in interscholastic athletic programs. Dr. Azzolino expressed his support of this bill.

Dr. Roza commented that for years, the Board has struggled with Schools Insurance Authority (SIA) and added that he supports the bill.

Dr. Elginer supports this bill, she requested a correction to the bill analysis on page 2 third paragraph line 3, " the CIF and SIA have no " change to "the CIF and SIA have not". She also requested clarification on whether private schools should be included on the bill.

Mr. McCarther responded that the bill analysis would be corrected.

Dr. Elginer asked for clarification whether this bill would apply to private schools and referred to the actual bill language on line 3, of the current section 49458 of the Education Code, and noted that the language does not mention private schools requiring a physical examination as a condition of participation in an interscholastic athletic program.

Mr. Walker responded that this bill does not apply to private schools because they are not within a school district, and are not governed by the county superintended.

Mr. Roza noted that private schools are a part of California Interscholastic Federation (CIF).

Monica Miller, contract lobbyist for California Chiropractic Association shared that she would provide the Board with further information regarding private school concerns. She also shared that the bill includes all providers as long as it is within their scope of practice to be able to provide examinations. Lastly, she shared that this bill is double referred to Assembly Committees on Business and Professions and the Arts, Entertainment, Sports, Tourism, and Internet Media.

MOTION: DR. ELGINER MOVED TO TAKE A "SUPPORT" POSITION ON AB 1992 (JONES) PUPIL HEALTH: PHYSICAL EXAMINATIONS
SECONDED: DR. MCCLAIN SECONDED THE MOTION
VOTE: 7-0 (DR. AZZOLINO- AYE, DR. DEHN- AYE, DR. ELGINER- AYE, DR. LICHTMAN -AYE, DR. MCCLAIN- AYE, DR. ROZA- AYE, MR. RUFFINO- AYE)
MOTION: CARRIED

AB 2407 (Chavez) Workers' compensation

Dr. Azzolino introduced AB 2407 for discussion and shared his support of this bill.

Dr. McClain requested clarification on whether there is a specific written standard for determining eligibility for surgical consultations.

Ms. Miller shared that there is criteria under both utilization review and independent medical review and as such, there is a pathway to surgery. The criteria were modeled from Health Evidence Review Commission of Oregon. Lastly, she shared the goal is to get people off the pathway to surgery that can benefit from conservative care.

Dr. Elginer shared that the current language does not have a limit on the number of chiropractic treatments and is hopeful that the number of treatments will not be added to the bill. Lastly, she requested clarification on whether the Board can take a position even though litigation is pending.

Mr. Walker responded that the board could take a position on this bill.

MOTION: DR. MCCLAIN MOVED TO TAKE A "SUPPORT" POSITION ON AB 2407 (CHAVEZ) WORKERS' COMPENSATION
SECONDED: MR. RUFFINO SECONDED THE MOTION
VOTE: 7-0 (DR. AZZOLINO- AYE, DR. DEHN- AYE, DR. ELGINER- AYE, DR. LICHTMAN -AYE, DR. MCCLAIN- AYE, DR. ROZA- AYE, MR. RUFFINO- AYE)
MOTION: CARRIED

Dr. Azzolino asked if Dr. Elginer would like to bring SB 1348, SB 1155 and SB 1217 forward for discussion.

Dr. Elginer shared that the Board only brings bills forward that the Committee is suggesting a position of support or oppose, unless the Board would like to bring any of the bills forward for discussion.

SB 1217 (Stone) Healing arts: reporting requirements: professional liability resulting in death or injury

Dr. Azzolino requested clarification on the Committee's reason for a neutral position.

Mr. McCarther clarified that the author's office wanted to see a standard amount of $10,000 across all healing arts Boards for reporting requirements on judgments.

Dr. Elginer shared there was a discussion at the Committee meeting surrounding the amount remaining at $3,000.The Board would be notified of more potential infractions. The down side of increasing this amount is that the board would receive less information. For example, the Board may not be aware of serial offenders.

Mr. Puleo shared that the Board currently does not receive many notifications of judgments.

Dr. Azzolino stated the he was comfortable with the Committee's recommendation to watch this bill.

SB 1348 (Cannella) Licensure applications: military experience.
There were no discussions

SB 1155 (Morrell) Professions and vocations: licenses: military service
There were no discussions

Public Comment for Items Not on the Agenda
None

Adjournment
Dr. Azzolino adjourned the meeting at 2:09 p.m.

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