



State of California
Edmund G. Brown Jr., Governor

BOARD OF CHIROPRACTIC EXAMINERS PUBLIC SESSION MINUTES

July 29, 2016

Milton Marks Conference Center and Great Hall, San Diego A/B/C
455 Golden Gate Avenue
San Francisco, CA 94012

Board Members Present

Sergio Azzolino, D.C., Chair
Heather Dehn, D.C., Vice Chair
Julie Elginer, DrPH, 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
Nikkia Capizzano, Staff Service Analyst
Valerie James, Management Services Technician

Call to Order

Dr. Azzolino called the meeting to order at 9:11 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 thanked SOLID for facilitating the Board's Strategic Planning Session that took place on July 28, 2016. He also thanked Leslie Hewett, President of CCA as well as Monica Miller from CCA and other staff for their participation in the Strategic Planning session. Dr. Azzolino shared that the Board accomplished most of the goals of the 2014-2017 Strategic Plan and highlighted that the Board streamlined a number of the processes, developed publications for outreach to stakeholders and the public,

enhanced the Board's website to make it more informative, and started the BCE occupational analysis process.

Lastly, he shared that the Board is currently working on the 2017-2020 Strategic Plan.

Approval of Minutes

May 19, 2016

MOTION: DR. ELGINER MOVED TO APPROVE THE MAY 19, 2016 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

Executive Officer's Report

Mr. Puleo announced that Nikkia Capizzano had been promoted to the vacant Staff Service Analyst position the Compliance Unit, which created an office technician vacancy in the Licensing Unit. Additionally, he reported that the Board had begun accepting applications for the vacant Associate Governmental Program Analyst position in the Compliance Unit and would be scheduling interviews in the near future.

Mr. Puleo provided an update on the Board's fund condition and the loan repayment to the Bureau of Automotive Repair (BAR) for the Arbuckle judgment. Additionally, he shared that the Attorney General's Office (AG) cost remain under budget and that BCE had six months in reserve.

Dr. Azzolino requested an itemized list of expenses from the AG's office.

Dr. Elginer requested that a letter be written and provided to the Department of Consumer Affairs (DCA) to recognize Mr. Puleo and staff's efforts to reduce the Board's expenses by sixty-six percent.

Mr. Puleo summarized the Board's licensing statistics and stated that there were no significant changes in the licensee population.

Mr. Puleo summarized the Board's Enforcement statistics and provided a brief overview of enforcement activity since the last Board Meeting. He explained that a new information technology (IT) system would allow staff to run specific reports to identify the different types of violations.

Dr. Azzolino requested an excel spreadsheet with the types of violations and where they are coming from. In addition, he requested a breakdown of violations, to better educate

stakeholders regarding the types of violations that occur and place them in the BCE newsletters.

Dr. Elginer requested more detailed information regarding the types of complaints and the justification for closure, such as with insufficient evidence, with no violation, or closed with merit.

Dr. Roza requested an explanation of Gross Negligence and agreed that a breakdown of the types of complaints would be helpful.

Mr. Puleo provided an overview of the Sunset Review process. He shared that the Board's Sunset Review report is due to the Legislature December 1, 2016 and that the Sunset Review Hearing would take place January/spring in 2017.

Dr. McClain requested clarification on who is able to attend the Sunset Review Hearing.

Mr. Puleo responded that the Executive Officer and the Board Chair usually attend the Sunset Review hearing.

Dr. Elginer shared that the Sunset Review Hearing is great experience and encouraged other Board Members to attend.

Dr. Azzolino requested the date of the Sunset Review Hearing be sent to all Board Members.

Mr. Puleo explained that the DCA held a brown bag lunch meeting that provided Executive Officer's a chance to discuss mutual issues. He shared that DCA had initiated a leadership development program. Mr. Puleo stated that DCA is looking at ways to address succession planning for future leadership in the Department's staff.

Mr. Ruffino requested additional training for Board Member's on leadership development and how to chair a committee.

Mr. Puleo commented that those ideas could be incorporated into the Board Member Orientation training.

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: MR. RUFFINO MOVED TO RATIFY THE APPROVED CONTINUING EDUCATION PROVIDERS.

SECOND: DR. ROZA 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.

Report from Federation of Chiropractic Licensing Board, National Board of Chiropractic Examiners and California Chiropractic Association Conference

Dr. Dehn shared that she helped proctor Part IV of National Board of Chiropractic (NBCE) exam at Life West, and previously participated in the NBCE exam development in Colorado. She encouraged other licensee Board Members to participate as a proctor in NBCE Part IV test. Lastly, Dr. Dehn explained NBCE exam day testing protocol.

Dr. Azzolino encouraged all Board Members to participate in the NBCE exam review.

Mr. Puleo added that the Office of Professional Examination Services (OPES) will review the NBCE exam to ensure that the exam is valid and appropriate following the BCE Occupational Analysis.

Dr. Dehn provided an update on her trip to the Federation of Chiropractic Licensing Boards (FCLB) conference. Additionally, Dr. Dehn encouraged Board Members to attend the conference because it allows the different states the opportunity to network and brainstorm about the chiropractic profession.

Dr. Dehn shared that NBCE has developed a chiropractic college entrance exam called the Chiropractic College Aptitude Test (CCAT).

Dr. Roza asked if any chiropractic schools currently require students take the CCAT entrance exam.

Dr. Dehn responded that there are no colleges that require the CCAT entrance exam, however; there are some schools that offer the exam.

Dr. Dehn informed the Board that NBCE/FCLB is supporting evidence informed practice, whereby, licensees are making decisions based upon information available in evidence. She shared that nationally, four schools have been given grants to develop curriculum based on evidence informed practice.

Dr. Dehn explained how she participated as speaker at CCA's annual conference and provided information about the Board's regulatory process during the Ethic's seminar.

BCE Licensing, Continuing Education and Public Relations Committee Meeting Update

Dr. Dehn reminded the Board that continuing education focus groups were held in both Northern and Southern California. She explained that the major themes from the meetings were indexed to allow for easy organization and discussion during the regulation development process by the Committee. Dr. Dehn shared that the regulation package will be comprehensive with changes such as how and what is required to become a provider, the creation of a mentorship program, and outcome assessments for provider courses.

Dr. Dehn explained that the Licensing Committee is still developing its consumer information pamphlets.

Dr. Elginer asked if the pamphlets would be sent to the states chiropractic colleges.

Dr. Dehn responded that they would be sent to the colleges and would be placed on the BCE website.

Dr. Dehn reminded the Board that staff was developing a pamphlet on the educational qualifications of chiropractors. She stated that it could also become a one-page handout to be handed out to stakeholders in the future.

Dr. Elginer inquired if the pamphlets would be completed by November before the Government Affairs Committee Members conduct meet and greet meetings with the Legislature.

Dr. Dehn shared her desire to have the pamphlet completed by the October 14, 2016 Board Meeting.

Dr. Azzolino explained that the American Chiropractic Association (ACA) had already compiled the information that would be included into the pamphlet. He suggested the Board adopt what has already been created for the creation of the chiropractic education pamphlets.

Dr. Dehn replied that she would look into what has been created by the ACA.

Dr. Dehn stated that the most recent BCE newsletter was included in the Board Meeting packet.

Dr. Dehn suggested finding ways to get licensees to share BCE Facebook post.

Dr. Elginer responded that Facebook friends that “like” a post could receive a thank you response from the BCE.

Dr. Dehn shared that Facebook can be used as an opportunity to outreach to stakeholders.

Dr. Elginer suggested all posts to social media be filtered through staff. She encouraged Board Members to create content for staff to share on social media.

Dr. Azzolino responded that he would send content to Mr. Puleo in the near future.

BCE Government Affairs Committee Meeting Update

Dr. Elginer provided an update on the previous Government Affairs & Strategic Planning Committee meeting and highlighted the discussions on the Board’s Strategic Plan and the Board Member Administrative Procedures Manual.

Dr. Elginer called attention to the Board Administrative Procedure Manual and requested the incorporation of two items referring to page 10 and page 28. She suggested the addition of language regarding “Board Meeting Locations” on page 10 and the addition of language regarding “Board Member Onboarding and Orientation” to page 28.

MOTION: DR. ELINGER MOVED, ON BEHALF OF THE COMMITTEE TO APPROVE THE BOARD ADMINISTRATIVE PROCEDURE MANUAL WITH THE FOLLOWING CORRECTIONS.

- ***Page 28 - Under the heading Board Member Onboarding and Orientation first sentence third line from the top of the paragraph capitalize “ Executive Officer “ and Board Member”***

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

Additionally, Dr. Elginer discussed the nine bills that the Committee had identified, analyzed and taken positions on. She referred to the legislation-tracking document and updated the Board on the three bills the board supported. Dr. Elginer also shared that Dr. Azzolino testified on AB 1992 (Jones) Pupil health; physical examinations and that she provided testimony on SB 1033 (Hill) Medical professionals: probation. Lastly, she shared that AB 2407 (Chavez) Worker’s compensation was placed on the inactive file and referred for further study, and that Dr. Roza offered to participate at hearings, committee meetings and with legislative offices.

Dr. Elginer shared that Dr. Azzolino brought AB 2182 (Mullin) Schools athletics: neurocognitive testing to the Committee for discussion.

Dr. Azzolino shared that to date there has been little mandate to have sports programs prescreen high school students for concussions. AB 2182 (Mullin) would establish the Neurocognitive Testing Pilot Grant Programs and would require school districts, charter schools, and private schools that elect to offer sports programs to collect and maintain data on traumatic brain injuries and concussions sustained during these activities.

Dr. Elginer noted that this bill would be amending the Education Code, not the Business and Profession code in which the BCE laws are contained.

Dr. McClain asked if taking a position on the bill would have a negative impact on the board.

Mr. Puleo responded that the bill would not affect the BCE but may have an impact on the Department of Education.

Mr. Ruffino asked if there was a legal issue on taking a position on this bill.

Mr. Walker responded that there are no legal issues.

MOTION: DR. AZZOLINO MOVED TO TAKE A "SUPPORT" POSITION ON AB 2182 (MULLIN)

SECOND: DR. ROZA SECONDED THE MOTION

VOTE: 5-1-1 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-NAY, DR. LICHTMAN-OBSTAIN, DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-AYE)

MOTION: CARRIED

The Board referred back to Agenda item 3- Chair's Report

Dr. Azzolino spoke on the Joint Hearing of the Senate Committee on Business, Profession and Economic Development and the Assembly Committee on Business & Professions on The Role of the Regulatory Profession in Combating Human Trafficking that he, Mr. Puleo and Dr. Elginer attended. He further clarified that the Board does not have any enforcement cases relating to human trafficking.

Update on Pending Regulations

Mr. McCarther referred to the "BCE List of Prioritized Proposed Regulatory Changes". He provided an update on three regulation packages. First, he discussed the Application for Licensure (CCR Section 321 & Section 364) regulation. Mr. McCarther shared that the package had been submitted to DCA for final review and once approved by DCA the package would be submitted to the Office of Administrative Law (OAL). Next, he discussed the Consumer Protection Enforcement Initiative (CPEI) (CCR Sections 303, 304, 306.3, 308.1, 312, 314, 317.2, 317.3, 321.1, 384.1, 390.7, 390.)

package. Mr. McCarther informed the Board that upon additional review, the language would need to be revised and approved at a future meeting. Lastly, the Board discussed and approved the language for Delegation of Authority to the Assistant Executive Officer (CCR Sections 306, 389,390.4 & 390.5) regulation package.

Mr. Puleo requested that the Board hold a teleconference public board meeting to review and approve the revised CPEI regulatory language.

The Board agreed to hold a teleconference meeting on August 29, 2016 to review and approve the revised CPEI language.

Mr. McCarther suggested the Board establish a two-person regulation development committee to develop regulation packages.

Mr. McCarther informed the Board that the next regulation package under development will be Uniform Standards for Substance Abusing Licensees and Disciplinary Guidelines.

Public Comment for Items Not on the Agenda

None.

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.

Adjournment

Dr. Azzolino adjourned the meeting at 12:30 p.m.

(ATTACHMENT A)

**Approval By Ratification of Formerly Approved License Applications
April 1, 2016 – June 30, 2016**

Name (First, Middle, Last)			Date Issued	DC#
Kirsten	Alana	Bryson	4/7/2016	33543
Alexandra	Shawn	Nunn	4/7/2016	33544
Daniel	Julian	Perman	4/7/2016	33545
Jordan	Michael	Jiunta	4/8/2016	33546
Derek	Christopher	Murray	4/8/2016	33547
My	Hien	Vo	4/8/2016	33548
Zachary	Lee	Beatty	4/15/2016	33549
Brandon	David	Barnette	4/15/2016	33550
James	Vernon	Barthelme	4/15/2016	33551
Shea	Elizabeth	Lindsay	4/15/2016	33552
Alex	Chung-Hao	Yu	4/15/2016	33553
Ryan	Harris	Berg	4/20/2016	33554
Ahyoung		Chang	4/20/2016	33555
Kristina	Rae	Constant	4/20/2016	33556
Laura	Yueng-Ru	Kuan	4/20/2016	33557
Mary	Kathleen	Whalen	4/20/2016	33558
Pooja		Dhir	4/22/2016	33559
Jennifer	Joy Charlotte	Hohn	4/22/2016	33560
Diana	Christine	Miller	4/22/2016	33561
Pantea		Nikaeen	4/22/2016	33562
Anne-Isabelle	Sophia	Reme	4/22/2016	33563
Brandon	Joel	Fantasia	4/27/2016	33564
Shelley	Anne	Sheridan	4/27/2016	33565
Scott	Andrew	Mills	4/27/2016	33566
Simon	Lok Lok	Ma	4/27/2016	33567
Frederick	Joseph	Nyhan	4/29/2016	33568
Shannon	Ann	Kennard	5/10/2016	33569
Alicia	Shuntrice	McBride	5/10/2016	33570
Nicholas	Sean	O'Connor	5/10/2016	33571
Nicholas	Emanuel	Rous	5/10/2016	33572
Steven	Paul-Adren	Keener	5/12/2016	33573
Steven	Richard	Knauf	5/12/2016	33574
Nima	Sharif	Mahallati	5/12/2016	33575

Sterling	Michael	Petersen	5/12/2016	33576
Andrew	Clark	Shepherd	5/12/2016	33577
Cari	Anne	Officer	5/12/2016	33578
Minh	Nguyen	Tran	5/12/2016	33579
Joshua	Mark	Harper	5/12/2016	33580
Marie	Mignon	Biek	5/13/2016	33581
Benjamin	James	Heredia	5/13/2016	33582
Jason	Thomas	Bassett	5/23/2016	33583
Daiki		Ishiyama	5/23/2016	33584
Yee Lam	Mae	Li	5/23/2016	33585
Sherrie	Elizabeth	Thompson	5/23/2016	33586
William	C	Woodcock	5/23/2016	33587
Jace	Hampton	Bennett	5/25/2016	33588
Casey	Adrian	Crisp	5/25/2016	33589
William	Thomas Dilag	Moss	5/25/2016	33590
Natalie	Marie	Hanson	5/27/2016	33591
Kristen	Marie	Livingston	5/27/2016	33592
Van	Lam	Nguyen	5/27/2016	33593
Jennifer	Nicol	Nelson	5/27/2016	33594
Brian		Peck	5/31/2016	33595
Romance		Pham	5/31/2016	33596
Julian	Thomas	Raymond	5/31/2016	33597
Benjamin	Joseph	Ramos	5/31/2016	33598
Martin	Senlem	Chu	6/2/2016	33599
Jimmy		Jimenez	6/2/2016	33600
Eddie		Jung	6/2/2016	33601
David	Hyun	Lee	6/2/2016	33602
Ashley	Ann	Pulford	6/2/2016	33603
Nicholas	Menezes	Rogers	6/2/2016	33604
Robert	Jasan	Sanchez	6/2/2016	33605
Johnnett	Barbara	Thatcher	6/2/2016	33606
Albert		Winandar	6/2/2016	33607
Jamie		Yoeurng	6/2/2016	33608
Brent	Donald Mejia	Coffman	6/10/2016	33609
Jordan	Michael	Payne	6/10/2016	33610
Danielle	Jillian	Russell	6/10/2016	33611
Fahim		Soukhak	6/10/2016	33612
Katie	Ann	Stewart	6/10/2016	33613
Garrison	Ryan	Weaver-Gourdeau	6/10/2016	33614
Andrew	Evan	Goldstein	6/13/2016	33615
Paige	Elizabeth	Meyer	6/13/2016	33616

Marissa	Nicole	Palmer	6/13/2016	33617
Benjamin	Samuel	Rosenstein	6/13/2016	33618
Landon	Craig	Christy	6/15/2016	33619
Michael	Joseph	Goodman	6/15/2016	33620
Jasdeep	Kaur	Henshaw	6/15/2016	33621
Pedro		Samaniego IV	6/15/2016	33622
Anat	Marie	Aronowicz	6/16/2016	33623
Yu Pei		Chang	6/16/2016	33624
Anthony	Gilbert	Ramos	6/16/2016	33625
Daniel		Sanchez	6/16/2016	33626
Justin	Michael	Goehl	6/21/2016	33627
George	Copeland	Hawkins IV	6/21/2016	33628
David	Moore	Hicks	6/21/2016	33629
Elizabeth		Sanchez Nunez	6/21/2016	33630
Catherine	Ann	Schmedding-Harrison	6/21/2016	33631
Brittany	Nicole	Treadway	6/21/2016	33632
Andrew	Eric	Wong	6/21/2016	33633
Justine	Ganne	Anderson	6/24/2016	33634
Garet	Scott	Davis	6/24/2016	33635
Ramin		Eshghi	6/24/2016	33636
Jason	James	Garrett	6/24/2016	33637
Suttee		Hem	6/24/2016	33638
Baron	Tyrone	Nickleberry	6/24/2016	33639
Ronald	Earl	Pacheco	6/24/2016	33640
Aaron	Steven	Van Brunt	6/24/2016	33641
Robert	Anthony	Willhite	6/24/2016	33642
Merrick	Rae Dumont	Tomlinson	6/28/2016	33643

(ATTACHMENT B)

Ratification for New Continuing Education Providers

<u>CONTINUING EDUCATION PROVIDERS</u>	<u>DATE APPROVED</u>
1. Chiropractic Online CE	07/29/16
2. John Bleno, D.C.	07/29/16
3. 69 Dollar Chiro CE	07/29/16
4. Lani Simpson, D.C.	07/29/16