



State of California
Edmund G. Brown Jr., Governor

BOARD OF CHIROPRACTIC EXAMINERS PUBLIC SESSION MINUTES

October 14, 2016
The Westin San Diego
400 W. Broadway, Crystal II Ballroom
San Diego, CA 92101

Board Members Present

Sergio Azzolino, D.C., 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
Valerie James, Management Services Technician

Call to Order

Dr. Azzolino called the meeting to order at 9:40 a.m.

Roll Call

Dr. Elginer called the roll. All members were present, except for Dr. Dehn who was absent. A quorum was established.

Pledge of Allegiance

Mr. Ruffino led the Pledge of Allegiance.

Chair's Report

Dr. Azzolino shared that the Board just completed the Strategic Plan 2017-2019 and that the Board is working on the completion of several major projects, which, include the BCE Occupational Analysis.

Dr. Azzolino announced that Dr. Elginer would be serving the Board in her grace period as of November 2016. Additionally, he acknowledged and thanked Dr. Elginer for her efforts and major accomplishments with the Board.

Approval of Minutes

July 29, 2016

MOTION: DR. ELGINER MOVED TO APPROVE THE JULY 29, 2016 MINUTES AS AMENDED.

- **Correct page 7- Under Motion -Vote: “7-0” to be changed to “ 5-1-1”**

**SECOND: MR. RUFFINO SECONDED THE MOTION
VOTE: 6-0 (DR. AZZOLINO-AYE, DR. DEHN-ABSENT, DR. ELGINER-AYE,
DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-AYE)
MOTION: CARRIED**

August 29, 2016

**MOTION: DR. ELGINER MOVED TO APPROVE THE AUGUST 29, 2016 MINUTES.
SECOND: DR. AZZOLINO SECONDED THE MOTION
VOTE: 6-0 (DR. AZZOLINO-AYE, DR. DEHN-ABSENT, DR. ELGINER-AYE,
DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-AYE)
MOTION: CARRIED**

Executive Officer’s Report

Mr. Puleo reported that the Board had to re-advertise the Associate Government Program Analyst position in the Compliance Unit. Additionally, he shared that the Board is currently recruiting for an Office Technician and Retired Annuitant position to assist with the regulations.

Mr. Puleo provided an update on the Board’s fund condition stating that no significant changes have happened since the last Board meeting.

Dr. Elginer referred to the fund condition report and asked if line item 8880 Financial Information System was related to BreEZe.

Mr. Puleo responded that the amount was not related to BreEZe.

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

Mr. Puleo reviewed the Board’s Enforcement statistics and provided a brief overview of enforcement activity since the last board meeting.

Mr. Puleo suggested that the Board establish an executive committee with the Chair and Vice Chair to review and possibly restructure the way the statistical information is provided to the Board at public board meetings.

Dr. Elginer agreed with establishing an executive committee and shared that she would provide ideas to Dr. Azzolino and Dr. Dehn.

Dr. Azzolino also agreed with establishing an executive committee to provide stakeholders with more information that would increase consumer protection. Lastly, he suggested the possible addition of a memo with a breakdown of complaints received by the Board.

Mr. Puleo provided an update on BreEZe.

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 spring of 2017.

Dr. Elginer commented that she would like to see the Board continue to monitor the amount the Board contributes to BreEZe.

Dr. Azzolino inquired about when BreEZe system would be implemented.

Mr. Puleo responded the Board would work with DCA SOLID to start the processing mapping and then meet with DCA Office of Information Services(OIS) to determine what information technology (IT) services will best work for BCE.

Ratification of Approved License Applications

MOTION: MR. RUFFINO MOVED TO RATIFY THE APPROVED LICENSE APPLICATIONS.

SECOND: DR. ROZA SECONDED THE MOTION

VOTE: 6-0 (DR. AZZOLINO-AYE, DR. DEHN-ABSENT, 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. MCCLAIN MOVED TO RATIFY THE APPROVED CONTINUING EDUCATION PROVIDERS.

SECOND: DR. LICHTMAN SECONDED THE MOTION

Discussion:

A member of the public requested clarification specifically to what the continuing education providers were being approved to provide.

Mr. Puleo responded that the Board approves the actual providers for continuing education not a specific course.

Dr. Azzolino added that the Licensing, Continuing Education (CE) and Public Relations Committee is currently working on the continuing education regulation and developing provider criteria.

Mr. Puleo encouraged licensees to participate in the regulatory process to update the CE regulation language by attending the Licensing, Continuing Education & Public Relations Committee meetings.

**VOTE: 6-0 (DR. AZZOLINO-AYE, DR. DEHN- ABSENT, 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.

Review, Discussion, and Possible Action Re: Sunset Review Report

Mr. Puleo referred to the draft Sunset Review Report in the Board's packet and shared that the Board will review page by page to address corrections.

Dr. Elginer requested clarification on the number of Board approved colleges:

- Page 1- states "19" change to "20"
- Page 29- confirm the amount of board approved colleges is "20"

- Dr. Elginer requested the clarification or suggested items to be added as follows:Page 13- Date of the last sunset review states 2011.
- Page 18- Results 2015/16 - add clarification to results under performance measures and customer satisfaction surveys
- Page 19 – Recommended that a water chart to show the total surveys sent out to consumers
- Page 21- Inquired why the BAR loan was not included.
- Page 22 – Prepare talking points to respond to" Expenditures By Program Component"
- Page 23- Staff Issues provide averages of vacancies

- Page 35- Enforcement Statistics -add talking points to address trending data
- Page 36- Confirm percentages amounts
- Page 37- Confirm averages are correct
- Page 39- Question 51- Create taking points

Dr. McClain referred to page 11 and requested that staff review and confirm board meeting attendance on the following dates:

- June 26, 2014
- July 17, 2014
- January 27, 2015

Dr. Roza referred to page 10 and requested that staff review and confirm board meeting attendance on the following date”

- September 25, 2014

Mr. Puleo on behalf of Dr. Dehn suggested the following changes on page 17.

- Below question number 5, under third bullet, second sentence, place a “period” after offered.
- Third sentence capitalize, “interact” and change to “Interacting”
- Paragraph 9 non-substantive changes for clarity as follows:
 1. First sentence delete - the
 2. Change- “committee” to “committees”
 3. Delete – February
 4. Change “was” to “were”

Dr. Azzolino requested the following on page 42:

- Question number 61 - add a list of chiropractic colleges at which the BCE has held public meetings.

The Board moved to Agenda item 15- Closed Session

The Board went back into Open Session

The Board moved to Agenda item 11- BCE Government Affairs Committee Meeting Update

Dr. Elginer reminded the Board that the legislative cycle had ended and that no additional action would be necessary on bills the Board had taken a position on. Dr. Elginer shared with the Board that in November, the Government Affairs Committee would conduct their annual meet and greets with the legislature and stakeholders. She explained that these meetings provide committee members an opportunity to meet with legislative, agency and department staff to discuss what the BCE does, the goals accomplished and the objectives of the Board for the following year.

The Board moved to Agenda item 10-Licensing, Continuing Education and Public Relations Committee Meeting Update

Mr. Puleo provided an update on behalf of Dr. Dehn. He shared that the committee has continued to work on the CE regulations specific to provider qualification. Mr. Puleo reminded the Board that there have been multiple stakeholder focus groups which discussed possible changes to the CE regulations.

Dr. McClain added that the committee is currently working on a pamphlet to inform the public of the education requirements and training of a chiropractor. She stated that the pamphlet would concentrate on scope of practice and education and that the committee is also looking for ways to connect to stakeholders through social media.

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

A. Daniel Brady, D.C. – DC 27027

The Board moved to Agenda item 18-Hearing Re: Petition for Reinstatement of Revoked License

A. Robert Glover

The Board moved to Agenda item 20- 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)

The Board went back into Open Session

The Board moved to Agenda item 13-Update of Pending Regulations

Mr. McCarther referred to the “BCE List of Prioritized Proposed Regulatory Changes”. He commented that there are no updates on groups B or C.

Mr. McCarther provided an updated on two regulation packages from group A on the regulation prioritization list. First, he discussed the Application for Licensure and Continuing Education (CCR Section 321 & Section 364) regulation package. Mr. McCarther explained that the package is currently under review at DCA in the budget office.

Next, Mr. McCarther 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.)

regulation package. He shared that due to the changes to the current review and submission process, the package is back under review at the Board. Additionally, Mr. McCarther stated that before the CPEI regulation is submitted to DCA, non-substantive changes would need to be made.

The Board moved to Agenda item 14-Legislation Update

Mr. McCarther informed that Board that both AB 2744 (Gordon) Healing arts; referrals and SB 1348 (Cannella) License applications: military bills were signed by the Governor.

Further, Mr. McCarther shared that due to fiscal concerns, AB 2182 (Mullin) Schools athletics: neurocognitive testing was vetoed by the Governor.

The Board moved to Agenda item 15- Proposed 2017 Board Meeting Schedule

Tentatively, the Board selected the following dates for future board meetings:

January 12, 2017– Teleconference Sacramento, California

February 16, 2017– Southern California

May 16, 2017- Sacramento, California

July 25, 2017- Southern, California

October 26, 2017 – San Francisco, California

Dr. Azzolino requested following the board meeting, a memo be sent to the board members of the approved 2017 board meeting schedule.

Review, Discussion, and Possible Action Re: 2017-2019 Strategic Plan

Dr. Azzolino referred to the Strategic Plan in the Board meeting packets.

Dr. Elginer suggested that on page two, third paragraph down, first sentence to delete “most” and add “overwhelming majority”. Further, she noted that on page seven, section 2.2, the word collaborate was italicized and that it was used in both sections 2.2 and 2.3. Additionally Dr. Elginer added that there are no chevrons after the number five on page five and on page ten. Lastly, she suggested that the number of licensee members and public participants at the focus group should be added to page 18.

Mr. McCarther shared that at the previous Government Affairs Committee meeting items were italicized as a reminder so that the full Board could discuss them,

Dr. Azzolino referred to page seven, under section 2.2 and suggested changing “Collaborate” to “Engage”

MOTION: DR. ELGINER MOVED TO APPROVE THE 2017-2019 STRATEGIC PLAN WITH THE FOLLOWING AMENDMENTS:

- *Page 2 - third paragraph down first sentence- delete “most” add “overwhelming majority”*
- *Page 7- 2.2 Change “Collaborate to “Engage”*
- *Page 5 - add chevron after number five*
- *Page 10- add chevron at the top after number five*
- *Page 18- add focus group discussion with the number of professional members and public members in July 2016*

SECOND: DR. AZZOLINO SECONDED THE MOTION

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

MOTION: CARRIED

Public Comment for Items Not on the Agenda

None.

Future Agenda Items

Dr. McClain proposed a future discussion on the start time of petitioner hearings and closed session.

Mr. Puleo recommended referring the discussion regarding start times for petitioner hearings to the Government Affairs Committee.

Closed Session

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

- B. Closed Session to receive advice from Legal Counsel Pursuant to California Government Code Section 11126(e) regarding:
 - 1) Hugh Lubkin, D.C. v. Board of Chiropractic Examiners
Workers’ Compensation Case No. ADJ7361379
- C. Evaluation of the Executive Officer Pursuant to California Government Code Section 11126(a)

Open Session

The Board went back into open session.

Adjournment

Dr. Azzolino adjourned the meeting at 4:20 p.m.

(ATTACHMENT A)

**Approval By Ratification of Formerly Approved License Applications
July 1, 2016 – September 30, 2016**

Name (First, Middle, Last)			Date Issued	DC#
George	Ryan	Blackman	7/7/2016	33644
Matthew	James	Kreinheder	7/7/2016	33645
Adnan		Raihan	7/7/2016	33646
Hardeep		Gill	7/12/2016	33647
Kate		Wong	7/12/2016	33648
Hovanes		Gezalian	7/18/2016	33649
Michelle	Yuka	Weaver	7/18/2016	33650
Jereme	Glenn	Anderson	7/27/2016	33651
Peggy	Bikkay	Chin	7/27/2016	33652
Bahareh		Daneshbod	7/27/2016	33653
Jamie	Nadine	Elze	7/27/2016	33654
Jonathan	Floyd	Hamm	7/27/2016	33655
Jennifer	Ilene	Nolan	7/27/2016	33656
Abby	Marie	Perone	7/27/2016	33657
Jorgen	Wesley	Stufkosky	7/27/2016	33658
Kurt	Russell	Hoverson	8/3/2016	33659
Jason	Ross	Kaufman	8/3/2016	33660
Mackenzie	Anne	King	8/3/2016	33661
Courtney	Capri	McKinney	8/3/2016	33662
Davis		Nguyen	8/3/2016	33663
Shannon	Marie	Parisi	8/3/2016	33664
Nora How Yu		Sze	8/3/2016	33665
Lauren	Jeanine	Thompson	8/3/2016	33666
Brenden	Lee	Calio	8/5/2016	33667
Mikel	David	Roy	8/5/2016	33668
Samantha	Beatrice	Jennings	8/10/2016	33669
Leo		Matsumoto	8/10/2016	33670
John		Parker	8/10/2016	33671
Kristiane		Schweitzer	8/10/2016	33672
Bartosz	Ksawery	Bogucki	8/11/2016	33673
Dustin	Ramon	Hack	8/11/2016	33674
Jennifer	Danielle	Hammer	8/11/2016	33675
Brett	Daniel	Long	8/11/2016	33676

Kyle	Arneson	Potter	8/11/2016	33677
Vincent	Victor	Sermeno	8/11/2016	33678
Daniel		Shvartsman	8/11/2016	33679
Edward	Romero	Flores	8/24/2016	33680
Amin		Javid	8/24/2016	33681
Elad		Sinay	8/24/2016	33682
Natalie	Blaine	Pritchett	8/24/2016	33683
Richard	Paul	Braun III	8/29/2016	33684
Jacob	Thomas	Gilly	8/29/2016	33685
Kerry		Huang	8/29/2016	33686
Shane	Hiromu	Koga	8/29/2016	33687
Bianca	Michelle	Page	8/29/2016	33688
Frances	Janine	Walsh	8/29/2016	33689
Vincent	Kenneth	Ibanez	8/29/2016	33690
Astkhik		Bagdasaryan	8/30/2016	33691
Lacie	Lynn	Drennan	8/30/2016	33692
Raul	Ornelas	Ochoa Jr	8/30/2016	33693
Jared	Lynne	Roscoe	8/30/2016	33694
Lindsay	Rochelle	Donaldson	9/7/2016	33695
Laura	Virginia	Eichman	9/7/2016	33696
Kristina	Michelle	Magafas	9/7/2016	33697
Frederick	George	Seyfried	9/7/2016	33698
Elizabeth	Monique	Zamudio	9/7/2016	33699
Nasim		Aghayan	9/9/2016	33700
Bethany	Ann	Miteiko	9/9/2016	33701
Kevin	Thomas	Percuoco	9/9/2016	33702
Haleh		Ranjijfroody	9/9/2016	33703
Amir	Ashkan	Banishahi	9/14/2016	33704
Chad	Allan	Bennis	9/14/2016	33705
Chanel	Grace	Barnes	9/14/2016	33706
Reid	Scott	Etter	9/14/2016	33707
Francoise	Murielle	Gaud	9/14/2016	33708
Michael	Kenneth	Pierce	9/14/2016	33709
Simon	Cheng Guan	Teo	9/14/2016	33710
James	Michael	Alfon	9/21/2016	33711
Ian	Thomas	Ryan	9/21/2016	33712
Jake	Ryan	Williams	9/21/2016	33713
Jayson	Kenneth	Morton	9/22/2016	33714
Xuan		Yi	9/22/2016	33715
Dana	Leigh	Rosen	9/22/2016	33716
Siamak		Amrollahie	9/30/2016	33717

Hasan	M	Najmuddin	9/30/2016	33718
Alexander	Tuan	Pham	9/30/2016	33719
Joseph	Michael	Zingone	9/30/2016	33720

(ATTACHMENT B)

Ratification for New Continuing Education Providers

CONTINUING EDUCATION PROVIDERS	DATE APPROVED
1. Brian T Donley, D.C.	10/14/16
2. Carolyn Belko	10/14/16
3. DC Hours Now	10/14/16
4. Foundation Training	10/14/16
5. George W. Than, D.C.	10/14/16
6. Skalski Chiropractic Radiology	10/14/16
7. South Sports Seminars	10/14/16
8. Jason Amstutz, D.C.	10/14/16
9. Jeff Rynders, D.C.	10/14/16
10. Jeffrey Vanderheyem, D.C.	10/14/16
11. Active Release Techniques	10/14/16
12. Tim O'Shea, D.C.	10/14/16