

Board of Chiropractic Examiners

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BOARD OF CHIROPRACTIC EXAMINERS
MEETING MINUTES
Enforcement Committee
January 10, 2008
400 R Street, Room 101
Sacramento, CA 95814

Committee Members Present

Hugh Lubkin, D.C., Chair
Francesco Columbu, D.C.

Staff Present

Brian Stiger, Executive Officer
LaVonne Powell, Senior Legal Counsel
Thomas Rinaldi, Deputy Attorney General
Marlene Valencia, Staff Services Analyst

Call to Order

Dr. Lubkin called the meeting to order at 9:03 a.m.

Roll Call

Dr. Columbu called the roll. All committee members were present.

Draft Regulations re Letter of Admonishment

Dr. Lubkin explained the purpose and need for the Letter of Admonishment and suggested minor edits to the proposed language.

Mr. Stiger stated this is an important enforcement tool for Board Staff and requested that the committee adopt the proposed language.

Bill Howe, CCA, congratulated the Board for taking steps to improve enforcement. He requested that CCA have the opportunity to provide written comments and had several clarifying questions.

Mr. Stiger stated that this proposal would move through the regulatory process, which provides an

opportunity for written comments.

Dr. Charles Davis, D.C., ICAC, spoke in support of this proposal.

DR. COLUMBU MOVED TO ADOPT THE PROPOSED REGULATORY LANGUAGE FOR THE LETTER OF ADMONISHMENT. DR. LUBKIN SECONDED THE MOTION: VOTE 2-0. MOTION CARRIED.

Draft Regulations re Cite and Fine

Dr. Lubkin explained the need and purpose of this proposal. He suggested minor edits to the proposed language.

Dr. Charles Davis, D.C., ICAC, asked what happens when a licensee repeatedly violates the same laws. Mr. Stiger stated the Board uses the philosophy of progressive discipline and multiple citations may lead to the filing of an accusation.

Bill Howe, CCA, wanted to ensure that unlicensed individuals would receive citations.

DR. COLUMBU MOVED TO ADOPT THE PROPOSED REGULATORY LANGUAGE FOR CITE AND FINE AUTHORITY. DR. LUBKIN SECONDED THE MOTION: VOTE 2-0. MOTION CARRIED.

Approval of Minutes

DR. COLUMBU MOVED TO ADOPT THE MINUTES AS AMENDED OF THE MAY 24, 2007 MEETING. DR. LUBKIN SECONDED THE MOTION. VOTE 2-0. MOTION CARRIED.

DR. COLUMBU MOVED TO ADOPT THE MINUTES OF JUNE 21, 2007 MEETING. DR. LUBKIN SECONDED THE MOTION. VOTE 2-0. MOTION CARRIED.

DR. COLUMBU MOVED TO ADOPT THE MINUTES AS AMENDED OF NOVEMBER 27, 2007. DR. LUBKIN SECONDED THE MOTION. VOTE 2-0. MOTION CARRIED.

Draft Expert Consultant Guidelines

Ms. Powell suggested that those individuals that made comments on the guidelines should meet to work through the guidelines in detail. Ms. Powell stated this would not be a committee meeting or a Board meeting. It would be limited to those individuals that expressed comments on the first draft.

Roger Calton, Attorney, concurred with Ms. Powell's suggestion and provided copies of his suggestions to the committee members and Board staff. Mr. Calton suggested that a conflict of interest provision be included in the guidelines or in a separate selection document.

Bill Howe, CCA, expressed support for this project and he provided suggestions for selecting expert reviewers. He wanted to make sure that staff could not withhold relevant information to the expert witness. He expressed concern about conflict of interest issues.

Dr. Charles Davis, ICAC, suggested that Mr. Stiger establish guidelines for staff to use in reviewing complaints. Dr. Davis expressed conflict of interest issues pertaining to the expert witnesses.

Mr. Stiger expressed his concern to the committee of a perceived move to impose restraints and guidelines on current staff. He stated that these constraints impair the ability of the staff to conduct its business in an efficient and effective manner.

Dr. Lubkin adjourned the meeting at 9:45 a.m.