

**Board of Chiropractic Examiners**

2525 Natomas Park Drive, Suite 260  
Sacramento, California 95833-2931  
Telephone (916) 263-5355 FAX (916) 263-5369  
CA Relay Service TT/TDD (800) 735-2929  
Consumer Complaint Hotline (866) 543-1311  
[www.chiro.ca.gov](http://www.chiro.ca.gov)

**NOTICE OF PUBLIC MEETING**

January 21, 2010

9:00 a.m.

State Capitol

Assembly Room 126

Sacramento, CA 95814

**AGENDA**

1. **OPEN SESSION – Call to Order & Establishment of a Quorum**
  - Frederick Lerner, D.C. Chair
  - Hugh Lubkin, D.C., Vice Chair
  - Francesco Columbu, D.C., Secretary
  - Jeffrey Steinhardt, D.C.
  - Richard Tyler, D.C.
2. **Chair's Report**
3. **Election of Officers for 2010**
  - A. Chair
  - B. Vice Chair
  - C. Secretary
4. **Approval of Minutes**
  - November 19, 2009 Board Meeting
5. **Public Comment**
6. **Board Member Training on the Bagley-Keene Open Meetings Act and other relevant laws**
7. **2010 Board Meeting Schedule**
8. **Interim Executive Officer's Report**
  - A. Administration
  - B. Budget
  - C. Licensing
  - D. Enforcement
9. **Ratification of Approved License Applications**
10. **Ratification of Approved Continuing Education Providers**
11. **Ratification of Denied License Applications in Which the Applicants Did Not Request a Hearing**
12. **Recommendation to Waive Two Year Requirement to Restore a Cancelled License**

13. **Enforcement Committee Meeting Update**– Board may take action on any item on the attached agenda for the Enforcement Committee.
14. **Search for Executive Officer**
15. **Rulemaking Calendar**
16. **Proposed Regulations Update**
  - A. Manipulation Under Anesthesia
  - B. Continuing Education
  - C. Recognition of Chiropractic Specialties
  - D. Fingerprint Submissions
17. **Public Comment**
18. **Future Agenda Items**
19. **Hearings Re: Petition for Reinstatement of Revoked License**
  - A. Mario Alvarado
  - B. Dennis Nguyen
  - C. Salim A. Chowdhry
20. **Closed Session**
  - A. Pursuant to California Government Code Section 11126(e)
    - 1) Catherine Hayes v. Board of Chiropractic Examiners  
Sacramento County Superior Court Case No. 34-2008-0000647
    - 2) David Hinchee v. Board of Chiropractic Examiners, Cathy Hayes  
Sacramento County Superior Court, Case No. 07AS03721
    - 3) Board of Chiropractic Examiners v. Carole M. Arbuckle  
Sacramento County Superior Court, Case No. 03AS00948
  - B. Deliberation on Disciplinary Matters and Possible Action on Disciplinary Decisions  
Pursuant to California Government Code Section 11126(c)(3)
21. **OPEN SESSION: Announcements Regarding Closed Session**
22. **Adjournment**

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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](http://www.chiro.ca.gov).

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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 Marlene Valencia at (916) 263-5355 ext. 5363 or e-mail [marlene.valencia@chiro.ca.gov](mailto:marlene.valencia@chiro.ca.gov) or send a written request to the Board of Chiropractic Examiners, 2525 Natomas Park Drive, Suite 260, Sacramento, CA 95833. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

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**BOARD OF CHIROPRACTIC EXAMINERS  
PUBLIC SESSION MINUTES****November 19, 2009**

Holiday Inn San Diego Bayside  
4875 N. Harbor Drive  
San Diego, CA 92106

**Board Members Present**

Frederick Lerner, D.C., Chair  
Hugh Lubkin, D.C., Vice Chair  
Francesco Columbu, D.C., Secretary  
Jeffrey Steinhardt, D.C.  
Richard Tyler, D.C.

**Staff Present**

Robert Puleo, Interim Executive Officer  
LaVonne Powell, Senior Staff Counsel  
Linda Shaw, Staff Services Manager  
Dixie Van Allen, Associate Governmental Program Analyst  
Lavella Matthews, Associate Governmental Program Analyst  
Tammi Pitto, Staff Services Analyst  
Valerie James, Office Technician

**Call to Order**

Dr. Lerner called the meeting to order at 10:00 a.m.

**Roll Call**

Dr. Tyler called the roll. All members were present except Dr. Steinhardt, who came at 10:14 a.m.

**Chair's Report**

Dr. Lerner gave the Chair's Report.

**Approval of Minutes**

September 24, 2009 Board Meeting

**Discussion**

Dr. Lerner, Mr. Puleo, and Ms. Powell discussed that there were items from the last meeting regarding public comments on the regulations that were discussed, but not responded to. The comments were minor technical changes; however will still need to be addressed. The minutes were tabled to be discussed later in the meeting with the regulations.

## Public Comment

None

## Board Member training on the Bagley-Keene Open Meetings Act and other relevant laws

Ms. Powell stated there is nothing she needed to discuss.

Dr. Lubkin asked for clarification if there has been a change on the majority conversation rule of two members versus three members.

Ms. Powell provided clarification and stated the recommendation is to keep it to two board members.

## Interim Executive Officer's Report

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

Dr. Lerner, Mr. Puleo, and Ms. Shaw discussed satellite certificates in relation to QME. They have been checked against the QME database and are showing to be consistent. Statistics are showing that no problem exists with the number of satellites being issued.

Dr. Lubkin, Mr. Puleo, and Dr. Lerner discussed possible trends in regards to the categories for complaints and the possibility of breaking down violation code CCR 317 within its subsections.

## Ratification of Approved License Applications

**MOTION: DR. LUBKIN MOVED TO RATIFY THE APPROVED LICENSE APPLICATIONS**

**SECOND: DR. COLUMBU SECONDED THE MOTION**

**VOTE: 5-0**

**MOTION CARRIED**

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

## Discussion

None

## Ratification of Approved Continuing Education Providers

**MOTION: DR. STEINHARDT MOVED TO RATIFY THE APPROVED CONTINUING EDUCATION PROVIDER**

**SECOND: DR. COLUMBU SECONDED THE MOTION**

**VOTE: 5-0**

**MOTION CARRIED**

The Board ratified the attached list of approved continuing education providers incorporated herein (Attachment B).

## Discussion

Dr. Lubkin asked for a brief description on the course being offered.

Dr. Lerner clarified this is solely the provider being approved.

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

None

**Recommendation to Waive Two Year Requirement to Restore a Cancelled License**

**MOTION: DR. LUBKIN MOVED TO RATIFY THE RECOMMENDATION TO WAIVE TWO YEAR REQUIREMENT TO RESTORE A CANCELLED LICENSE**

**SECOND: DR. STEINHARDT SECONDED THE MOTION**

**VOTE: 5-0**

**MOTION CARRIED**

The Board ratified the attached list of applications in which the applicants request to waive the two year requirement to restore a cancelled license incorporated herein (Attachment C).

**Discussion**

Dr. Lubkin asked for clarification on why the license was cancelled.

Ms. Powell clarified that these will not be due to any type of discipline, only due to lack of renewal.

**Government Relations Committee Meeting Update**

Dr. Lubkin provided an update from the meeting held this morning at 9:00 a.m.

**Proposed Regulations**

**A. Manipulation under Anesthesia**

Dr. Lerner provided an update stating the modified text went out for another 15 day comment period and there were three responses.

Ms. Powell stated that staff has no response regarding if MUA was taught in chiropractic school in 1922, and clarified that all of the issues raised in the letters, we have already responded to. The final statement of reasons will reflect that this is not a new comment and use previous comments to respond to this.

**MOTION: DR. LERNER MOVED TO ACCEPT STAFF'S RECOMMENDATIONS TO THE THREE COMMENTS AND INCLUDE ANY COMMENTS PREVIOUSLY RESPONDED TO**

**SECOND: DR. LUBKIN SECONDED THE MOTION**

**VOTE: 5-0**

**MOTION CARRIED**

**Discussion**

None

**Public Comment**

None

**MOTION: DR. LERNER MOVED TO APPROVE THE FINAL LANGUAGE WITHOUT CHANGES AND SEND IT OFF TO OAL**

**SECOND: DR. LUBKIN SECONDED THE MOTION**

**VOTE: 5-0**

**MOTION CARRIED**

**Discussion**

None

**Public Comment**

None

B. Continuing Education

Dr. Lerner provided an update stating over 6 hours was spent reviewing the comments and several changes were made to the language.

Dr. Lerner, Ms. Powell and Mr. Puleo discussed some comments from the minutes that needed to be addressed. Those comments pertained to section 359 and were withdrawn by CCA, however the sentence in question will read "and".

**MOTION: DR. LERNER MOVED TO SEND THE AMMEDED LANGUAGE, WITH THE CHANGE BACK TO "AND" IN SECTION 359, OFF FOR ANOTHER 15 DAY COMMENT PERIOD**

**SECOND: DR. LUBKIN SECONDED THE MOTION**

**VOTE: 5-0**

**MOTION CARRIED**

**Discussion**

Dr. Tyler, Dr. Lerner, and Ms. Powell discussed approval of the continuing education providers and the continuing education committee forming policies that are not included in the regulation.

**Public Comment**

Debra Snow provided public comment in support of the amended language.

C. Recognition of Chiropractic Specialties

Dr. Lerner provided an update to the second 15 day comment period.

Dr. Steinhardt asked for clarification on why the IACN was removed.

Ms. Powell responded and provided clarification.

Dr. Lerner went over staff's responses to the comments.

**MOTION: DR. LERNER MOVED TO APPROVE STAFF'S RECOMMENDATIONS AS THEY ARE AND INCLUDE RECOGNITION FOR THE SOLE PURPOSE OF THE WORKERS COMPENSATION LAW**

**SECOND: DR. TYLER SECONDED THE MOTION**

**VOTE: 5-0**

**MOTION CARRIED**

## Discussion

None

## Public Comment

Dr. Becker provided public comment on the suggested response.

**MOTION: DR. LERNER MOVED TO ADOPT THIS LANGUAGE FOR FINAL RULE MAKING AND SEND IT OFF TO OAL**

**SECOND: DR. LUBKIN SECONDED THE MOTION**

**VOTE: 5-0**

**MOTION CARRIED**

## Legal Representation for Board

Dr. Lerner, Mr. Puleo, Ms. Powell, Dr. Lubkin, Dr. Columbu, and Ms. Shaw discussed the research that has already been completed regarding legal representation other than the Office of the Attorney General. We will check with the working group at DCA on this subject and see if their model will help our research.

## Search for Executive Officer

Dr. Lerner provided an update and discussed the process of recruiting an Executive Officer.

Dr. Lerner, Mr. Puleo, Ms. Powell, Dr. Lubkin, and Dr. Columbu had a discussion on options outside of DCA to get a wider pool of candidates.

**MOTION: DR. LERNER MOVED TO DELEGATE TO THE EXECUTIVE SEARCH COMMITTEE THE TASK TO COME UP WITH THE SCOPE OF WORK, THE ACTUAL CONTRACT THAT IS BEING BID ON, AND A COMPARISON TO DCA**

**SECOND: DR. COLUMBU SECONDED THE MOTION**

**VOTE: 5-0**

**MOTION CARRIED**

## Memorandum of Understanding for Personnel Services

Dr. Lerner state this subject is being discussed with the previous item, Search for Executive Officer; they are intertwined and hard to separate.

## Legality of Prepaid Health Programs

Mr. Mark Sumner from the Office of Legal Services within Department of Managed Healthcare provided information and clarification on the legalities of prepaid health programs.

Mr. Sumner responded to questions from Dr. Lerner and Dr. Lubkin.

Mr. Sumner stated that Mr. Stiger was interested in putting some educational information on the board's website from the Department of Managed Healthcare, and would be willing to work with Mr. Puleo to make that happen.

Mr. Sumner and Ms. Powell responded to public questions from Christine Shultz, CCA.

### **Exemption/Reciprocity for Chiropractors Traveling with Sports Teams**

Dr. Lerner stated the Medical Board uses AB138 for this purpose; however, we would have to amend our Initiative Act, this couldn't be done through regulation, so we are stuck with the way it is. If someone comes here from out of state to treat a sports team, they will need to have a California license to do so. This varies from state to state.

### **Acceptable Advertising**

Dr. Lubkin stated this item has been deferred to the next Enforcement Committee meeting.

### **Proposed Board Meeting Schedule for 2010**

Dr. Lerner announced the proposed board meeting schedule for 2010. The May meeting date was changed from the 20<sup>th</sup> to the 13<sup>th</sup>, and the July meeting location was changed from San Diego, to Orange County.

**MOTION: DR. LERNER MOVED TO ACCEPT THE PROPOSED 2010 BOARD MEETING SCHEDULE**

**SECOND: DR. COLUMBU SECONDED THE MOTION**

**VOTE: 5-0**

**MOTION CARRIED**

### **Public Comment**

Dr. Charles Davis provided public comment regarding acceptable advertising.

### **Future Agenda Items**

None

### **Hearings re: Petition for Reinstatement of Revoked License**

Administrative Law Judge Donald P. Cole presided over and Deputy Attorney General Tom Rinaldi appeared on behalf of the people of the State of California on the following hearings.

- o Deborah Noble
- David Young
- Eric Tolman

### **Closed Session**

Following oral testimonies, the Board went into closed session for deliberation and determinations of Petitioners.

### **Adjournment**

Dr. Lerner adjourned the public meeting at 3:48 p.m.



**Attachment A**

**Approval By Ratification of Formerly Approved License Applications  
September 1, 2009 – October 31, 2009**

Name (First, Middle, Last)		Date Issued	DC#	
Jon	Lawrence	Bjarnason	9/10/2009	31389
Chang	Hung	Chi	9/10/2009	31390
Yong	Jae	Chung	9/10/2009	31391
Jaime		Cortez	9/10/2009	31392
Casey	Dongjoo	Kim	9/10/2009	31393
Jennifer	Eloise	Burns	9/10/2009	31394
Wendy	Renee	Doyle	9/15/2009	31395
Megan	Alice	Hondru	9/15/2009	31396
Joseph	Francis	Leonardi	9/15/2009	31397
Joanna	Chunyen	Lin	9/15/2009	31398
Sara	Terese	Lord	9/15/2009	31399
Thanh-Huyen	Thi	Nguyen	9/17/2009	31400
Anastasia		Orengo	9/17/2009	31401
Laura	Marie	Landgraf	9/17/2009	31402
Karla	Albina	Pineda	9/17/2009	31403
Khadijah	A	Poole-Khatib	10/8/2009	31404
Ayako		Tanaka	9/17/2009	31405
Chuck	Andrew	Turkowski	9/17/2009	31406
Robert	Shih-Chan	Tseng	9/17/2009	31407
Kristen	Lynne	Wills	9/17/2009	31408
SungWoong		Yoon	9/17/2009	31409
Michael	David	Silver	10/8/2009	31410
Michael	Hugh	Wells	10/8/2009	31411
Khalid	Hanif	Chaney	10/5/2009	31412
Charissa	Ytis	Galvan	10/5/2009	31413
Mireya		Hernandez	10/5/2009	31414
Bret	David	Jenkins	10/5/2009	31415
Colman		Leung	10/5/2009	31416
Cesar	Augusto	Mavila	10/5/2009	31417

Hiromichi		Nakano	10/12/2009	31418
Jagjit	Singh	Sihota	10/12/2009	31419
Brett	Earl	Underwood	10/12/2009	31420
Bill	Chuwen	Wang	10/12/2009	31421
Andrew	Nathan	Hassen	10/15/2009	31422
Brandey	Patricia	Dollens	10/15/2009	31423
Loren	Cecil	Marshall	10/15/2009	31424
Kenneth	Stuart	Johns	10/15/2009	31425
Bethony	Grace	Genovea	10/15/2009	31426
David	Shawn	Kleinberg	10/15/2009	31427
Anthony	Ariel	Silva	10/19/2009	31428
Ann	Marie	Eissler	10/22/2009	31429
Clark	Michael	Johnson	10/22/2009	31430
John	Anthony	Catapano	10/22/2009	31431
Ryan	Montana	Maynard	10/22/2009	31432
Diane	Kristy	Dossinger Hall	10/22/2009	31433
James	Eric	Thompson	10/22/2009	31434
Young	Ki	Son	10/27/2009	31435
Thong	Huu	Nguyen	10/27/2009	31436
Daniel	Phillip	Sterling	10/27/2009	31437
Christopher	Robert	Vargas	10/27/2009	31438
Ronald		Phillip	10/29/2009	31439
Eric	Joseph	Liss	10/30/2009	31440
Nima	Madadi	Arabani	10/30/2009	31441
Yu-Fu		Kuo	10/30/2009	31442
Vincent	Giacomo	Commendatore	10/30/2009	31443
Bryce	Edward	Christianson	10/30/2009	31444
Sarah	Lynn	Clark	10/30/2009	31445
Matthew	John	Breske	10/30/2009	31446
Andrew	Turley	Lowe	10/30/2009	31447
David	Lee	De Mey	10/30/2009	31448
Teresa	Jeanne	Lonsbury	10/30/2009	31449
Sandeep	Kaur	Sidhu	10/30/2009	31450
Jared	Daniel	Stubblefield	10/30/2009	31451
Samuel	Patrick	Woolfenden	10/30/2009	31452

Attachment B

Ratification of Formerly Approved Continuing Education Providers

Continuing Education Providers

Date Approved

- 
- M. Kirk Meier

10/30/2009

**DRAFT**

Attachment C

Recommendation to Waive Two Year Requirement  
on Restoration of a Cancelled License

Name (Last, First MI)	License No.	Cancellation Date
Alcantara, Junjoe	29114	08/31/2009
Hedayat, Nick	26200	02/28/2009
Mauldin, Randy	28127	12/31/2008
Rosentiel, Jacques	12810	04/30/2009

**DRAFT**

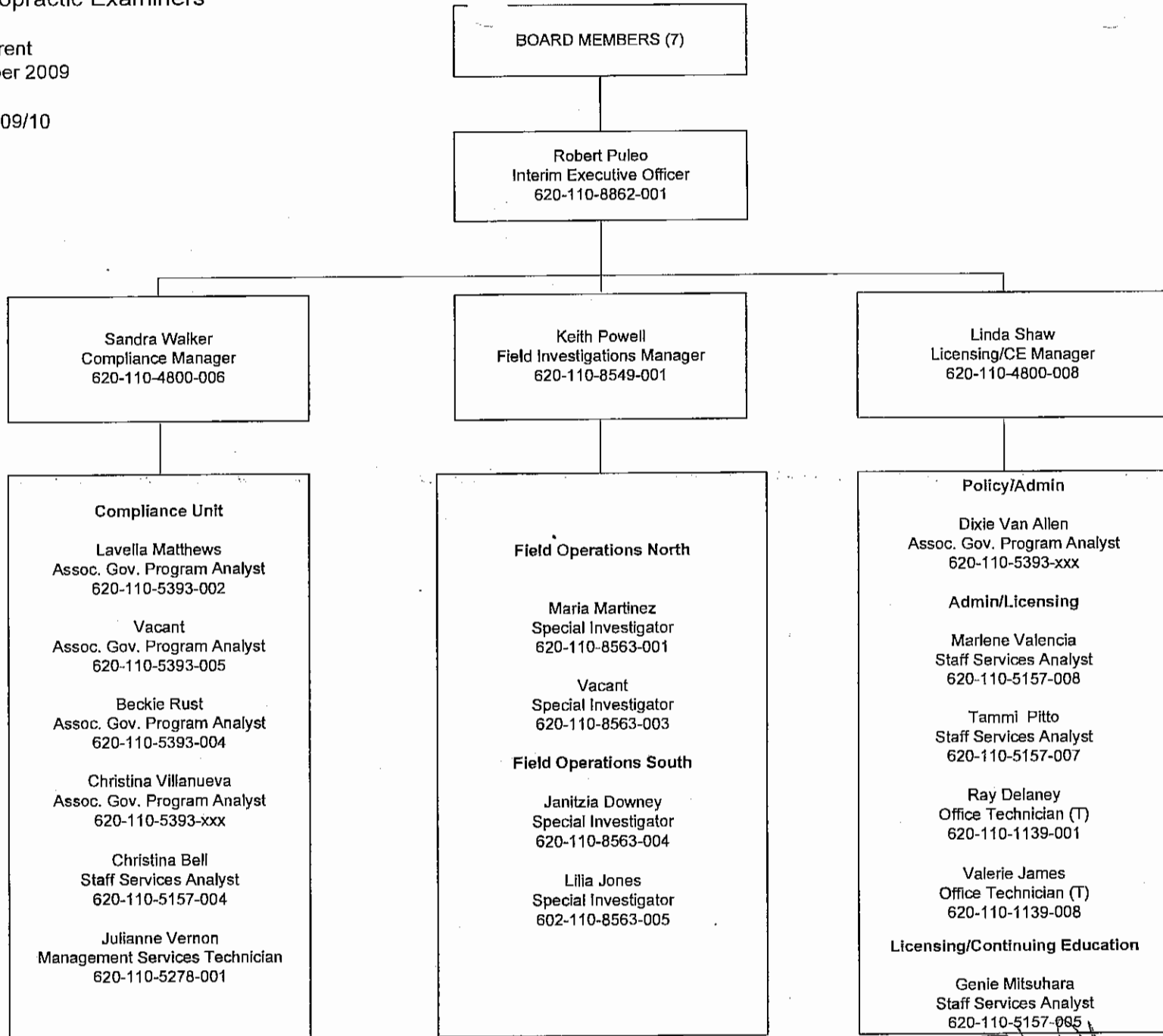
**Recruitment and Selection of Vacant Positions  
January 13, 2010**

<b>Classification</b>	<b>Date Advertised</b>	<b>Application Review</b>	<b>Interviews Conducted</b>	<b>Background Checks</b>	<b>Formal Offer</b>	<b>Start Date</b>
Special Investigator (Northern California)	10/15/09	Completed	In Process			
Associate Governmental Program Analyst (Compliance Unit)	12/09/09	Completed	Completed	Yes	1/13/10	

State Board of Chiropractic Examiners

Current  
November 2009

FY 2009/10



Interim Executive Officer

**0152 - Board of Chiropractic Examiners**  
**Analysis of Fund Condition**

(Dollars in Thousands)

**2010-11 Governor's Budget**

	ACTUAL 2008-09	CY 2009-10	BY 2010-11
<b>BEGINNING BALANCE</b>	\$ 4,935	\$ 4,150	\$ 2,706
Prior Year Adjustment	\$ 1	\$ -	\$ -
Adjusted Beginning Balance	\$ 4,936	\$ 4,150	\$ 2,706
<b>REVENUES AND TRANSFERS</b>			
Revenues:			
125600 Other regulatory fees	\$ 164	\$ 120	\$ 120
125700 Other regulatory licenses and permits	\$ -	\$ -	\$ -
125800 Renewal fees	\$ 1,985	\$ 2,045	\$ 2,045
125900 Delinquent fees	\$ 39	\$ 30	\$ 30
141200 Sales of documents	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 120	\$ 27	\$ 14
150500 Interest Income From Interfund Loans	\$ -	\$ -	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ -	\$ -	\$ -
161400 Miscellaneous revenues	\$ 5	\$ 6	\$ 6
161900 Other Revenue - Cost Recoveries	\$ 82	\$ 82	\$ 82
164600 Fines and Forfeitures	\$ 7	\$ 7	\$ 7
Totals, Revenues	\$ 2,402	\$ 2,317	\$ 2,304
Transfers to Other Funds	\$ -	\$ -	\$ -
Totals, Revenues and Transfers	\$ 2,402	\$ 2,317	\$ 2,304
Totals, Resources	\$ 7,338	\$ 6,467	\$ 5,009
<b>EXPENDITURES</b>			
Disbursements:			
0840 State Controller (State Operations)	\$ 1	\$ 1	\$ 2
8500 Program Expenditures (State Operations)	\$ 3,187	\$ 3,760	\$ 3,627
9900 Statewide Gen. Admin. Expenditures (Pro Rata) ( State Operations)			
8880 Financial Information System for California (State Operations)			\$ 2
Total Disbursements	\$ 3,188	\$ 3,761	\$ 3,631
<b>FUND BALANCE</b>			
Reserve for economic uncertainties	\$ 4,150	\$ 2,706	\$ 1,378
<b>Months in Reserve</b>	13.2	8.9	4.5

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED
- B. EXPENDITURE GROWTH PROJECTED AT 2% BEGINNING FY 2010-11

DEPARTMENT OF CONSUMER AFFAIRS  
**BOARD OF CHIROPRACTIC EXAMINERS**  
**BUDGET REPORT**  
**FY 2009-10 EXPENDITURE PROJECTION**  
**CALSTARS REPORT AS OF 11/30/09**

OBJECT DESCRIPTION	FY 2008-09		FY 2009-10			UNENCUMBERED BALANCE 6/30/10
	ACTUAL EXPENDITURES (MONTH 13)	PRIOR YEAR EXPENDITURES AS OF 11/30/08	BUDGET ALLOTMENT	CURRENT YEAR EXPENDITURES AS OF 11/30/09	PROJECTIONS TO YEAR END	
<b>PERSONAL SERVICES:</b>						
Salaries and Wages						
Civil Service-Perm	844,062	326,292	897,503	329,601	923,554	(26,051)
Temp Help (907)	52,473	14,346	4,615	4,736	14,000	(9,385)
Board/Commission (910,920)	7,500	3,600	16,000	1,900	5,000	11,000
S & W Statutory - Exempt			93,948	25,688	78,843	15,105
Overtime (909)	0	0	0	158	1,000	(1,000)
Staff Benefits	328,968	112,280	393,518	155,422	350,839	42,679
Salary Savings	0	0	(16,219)	0	0	(16,219)
<b>TOTAL, PERSONAL SVC</b>	<b>1,233,003</b>	<b>456,518</b>	<b>1,389,365</b>	<b>517,505</b>	<b>1,373,236</b>	<b>16,129</b>
<b>OPERATING EXPENSE AND EQUIPMENT:</b>						
General Expense	37,667	7,433	25,124	1,530	20,000	5,124
Printing	18,314	1,329	3,715	174	10,000	(6,285)
Communication	41,041	6,991	26,152	5,867	34,443	(8,291)
Postage	14,935	3,146	6,273	808	8,000	(1,727)
Travel In State	65,054	12,791	22,354	8,789	22,354	0
Travel, Out-of-State	964	415	27,489	0	27,489	0
Training	22,198	3,978	4,029	290	5,000	(971)
Facilities Operations	113,807	46,247	128,126	48,977	114,492	13,634
C & P Services - Interdept.	48,496	15,238	50,390	11,193	109,237	(58,847)
C & P Services - External	217,118	149,736	40,678	26,777	100,000	(59,322)
DP Billing (OIS) Prorata	0	0	0	0	0	0
Consolidated Data Center	42,733	1,800	27,346	0	43,000	(15,654)
Interagency Agreement IT	107,673	0	54,432	0	108,000	(53,568)
NOC Serv IT (Security)	16,685	0	67,227	975	17,000	50,227
IT Consultant	0	0	56,972	0	0	56,972
DP Supplies	2,152	0	0	0	2,000	(2,000)
Central Admin Pro Rata	126,458	63,229	480,000	240,000	480,000	0
Administrative External Svcs	2,319	503	0	393	2,000	(2,000)
Equipment Repl/Addtl	0	0	0	0	0	0
Minor Equipment	10,998	0	34,729	0	34,729	0
Other Items of Expense	252	0	0	0	500	(500)
Vehicle Operations	1,207	0	6,000	1,391	4,000	2,000
<b>ENFORCEMENT:</b>						
Attorney General	991,137	106,193	997,347	139,158	997,347	0
Attorney General Fingerprinting	6,340	1,388	5,000	714	5,500	(500)
Office Admin. Hearing	71,078	22,091	235,080	13,981	100,000	135,080
Evidence / Witness Fees	650	0	75,000	0	5,000	70,000
Consultant Investigations	0	0	41,841	0	5,000	36,841
Div. of Investigations	0	0	0	0	0	0
Special Adjustments	0	0	0	0	0	0
Forced OE&E Savings	0	0	0	0	38,545	(38,545)
<b>TOTALS, OE&amp;E:</b>	<b>1,959,276</b>	<b>442,507</b>	<b>2,415,304</b>	<b>501,017</b>	<b>2,293,636</b>	<b>121,668</b>
<b>TOTAL EXPENSE:</b>	<b>3,192,279</b>	<b>899,025</b>	<b>3,804,669</b>	<b>1,018,522</b>	<b>3,666,871</b>	<b>137,798</b>
Sched. Reimb. - Other	(5,570)	(1,792)	(34,000)	(1,341)	(1,341)	(32,659)
Sched. Reimb. - Fingerprints	0	0	(10,000)	0	0	(10,000)
Unsched. Reimb.	0	0	0	0	0	0
<b>TOTAL REIMBURSEMENTS:</b>	<b>(5,570)</b>	<b>(1,792)</b>	<b>(44,000)</b>	<b>(1,341)</b>	<b>(1,341)</b>	<b>(42,659)</b>
<b>NET APPROPRIATION:</b>	<b>3,186,709</b>	<b>897,233</b>	<b>3,760,669</b>	<b>1,017,181</b>	<b>3,664,189</b>	<b>95,139</b>
<b>Surplus/(Deficit):</b>						<b>2.53%</b>



**BOARD OF CHIROPRACTIC EXAMINERS  
LICENSE STATISTICAL DATA**

**FY 2007/08 – FY 2008/09 COMPARISON**

LICENSE TYPE	TOTAL LICENSES 1/1/2009	TOTAL LICENSES 1/1/2010	NET VARIANCE
CHIROPRACTOR	13,807	13,841	+34
SATELLITES	2,533	3,231	+698
CORPORATIONS	1,350	1,334	- 16
REFERRALS	18	19	+1
<b>TOTALS</b>	<b>17,708</b>	<b>18,425</b>	<b>+717</b>

**APPLICATIONS RECEIVED AND PROCESSED**

**NOVEMBER 1, 2009 – DECEMBER 31, 2009**

APPLICATION TYPE	RECEIVED	APPROVED	DENIED	WITHDRAWN	PENDING
INITIAL	40	38	3	0	144
RECIPROCAL	0	2	3	0	14
RESTORATION	41	38	0	0	17
CORPORATION	19	18	3	0	12

## Compliance Unit Statistics

<b>Fiscal Year</b>	<b>05/06</b>	<b>06/07</b>	<b>07/08</b>	<b>08/09</b>	<b>09/10*</b>
<b><u>Complaints</u></b>					
Received	764	702	644	655	285
Pending	760	863	824	410	250
Closed with Insufficient Evidence	118	132	107	206	96
Closed with No Violation	98	61	78	223	77
Closed with Merit	319	202	321	275	85
Letter of Admonishment	n/a	n/a	n/a	n/a	4
Citations and Fines Issued (Total Fine Amount)	36	34	28	41(\$19,200)	44(\$16,050)
<b><u>Accusations</u></b>					
Filed	45	41	13	64	39
Pending	142	92	73	105	115
Revoked	16	27	8	10	8
Revocation Stayed: Probation	16	23	10	4	7
Revocation Stayed: Suspension and Probation	15	15	10	7	2
Suspension	0	1	0	0	0
Suspension and Probation	0	0	0	2	0
Voluntary Surrender of License	8	4	2	2	4
Dismissed/Withdrawn	0	3	3	5	7
<b><u>Statement of Issues</u></b>					
Filed	5	11	7	3	2
Denied	1	1	0	1	0
Probationary License	6	9	7	4	1
Withdrawn at Applicant's Request	0	2	1	0	1
Granted	8	3	0	0	0
<b><u>Petition for Reconsideration</u></b>					
Filed	1	1	0	1	0
Granted	1	0	0	0	0
Denied	0	1	0	1	0
<b><u>Petition for Reinstatement of License</u></b>					
Filed	9	10	15	13	3
Granted	1	5	12	4	1
Denied	9	4	6	11	4
<b><u>Petition for Early Termination of Probation</u></b>					
Filed	2	5	6	6	7
Granted	1	4	1	6	14
Denied	1	0	1	2	4
<b><u>Petition for Modification of Probation</u></b>					
Filed	1	0	0	0	0
Granted	1	0	0	0	0
Denied	0	0	0	0	0
<b><u>Petition by Board to Revoke Probation</u></b>					
Filed	2	2	0	11	39
Revoked	0	0	0	3	16
<b><u>Probation Cases</u></b>					
Active	188	174	159	140	118

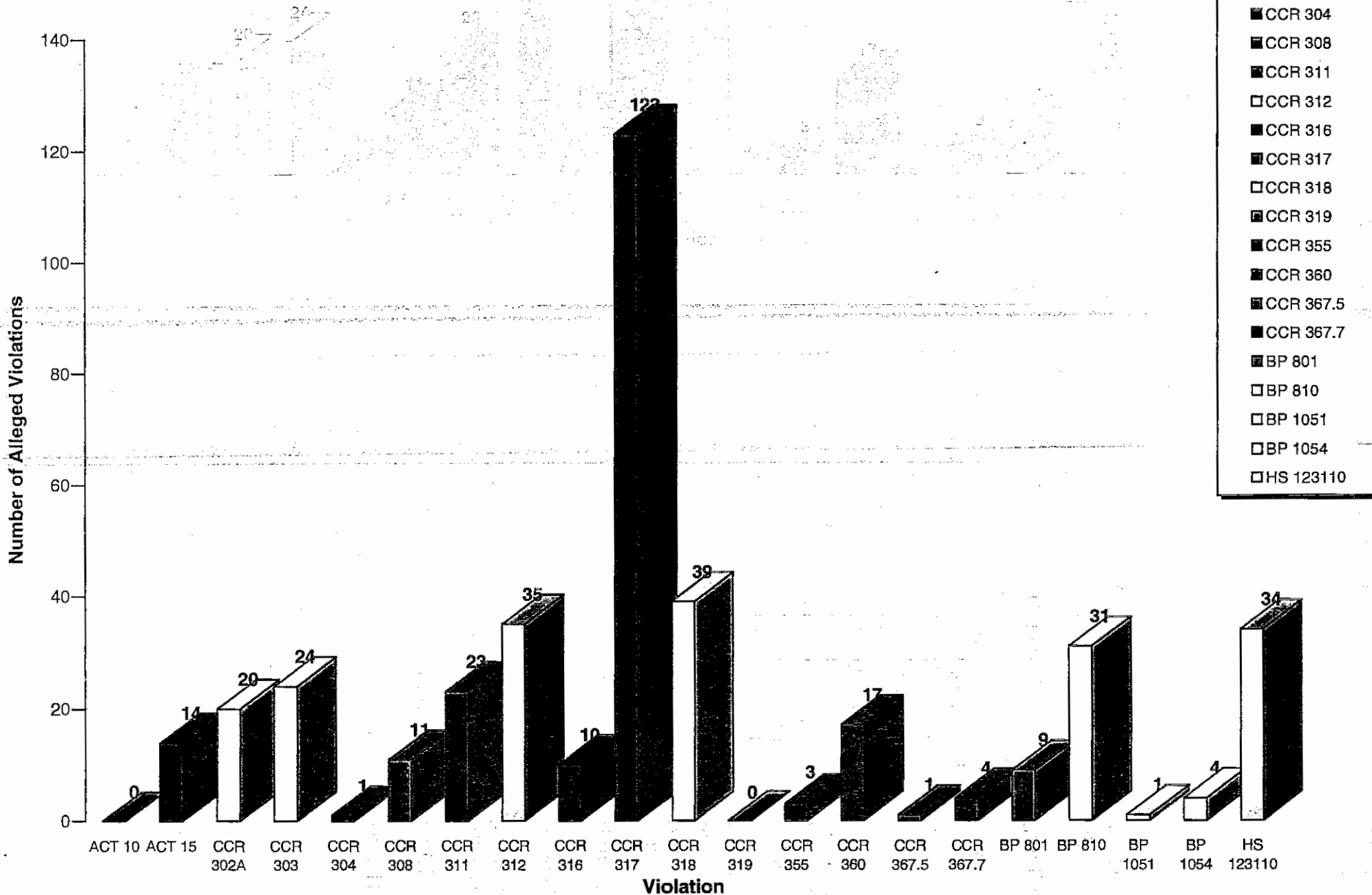
# FISCAL YEAR 2010

July 1, 2009 - December 31, 2009

Total Number of Complaints Opened - 285

Total Number of Violations - 404

(A complaint may contain multiple violations)



## Violation Codes/Descriptions

### The Chiropractic Initiative Act of California (ACT):

- 10 – Rules of Professional Conduct
- 15 – Noncompliance With and Violations of Act

### California Code of Regulations (CCR):

- 302(a) – Scope of Practice
- 303 – Filing of Addresses
- 304 – Discipline by Another State
- 308 – Display of License
- 311 – Advertisements
- 312 – Illegal Practice
- 316 – Responsibility for Conduct on Premises
- 317 – Unprofessional Conduct
- 318 – Chiropractic Patient Records/Accountable Billing
- 319 – Free or Discount Services
- 355 – Renewal and Restoration
- 360 – Continuing Education Audits
- 367.5 – Application, Review of Refusal to Approve (corporations)
- 367.7 – Name of Corporation

### Business and Professions Code (BP):

- 801 – Professional Reporting Requirements (malpractice settlements)
- 810 – Insurance Fraud
- 1051 – Apply for a Corporation with the Board
- 1054 – Name of Chiropractic Corporation

### Health and Safety Code (HS):

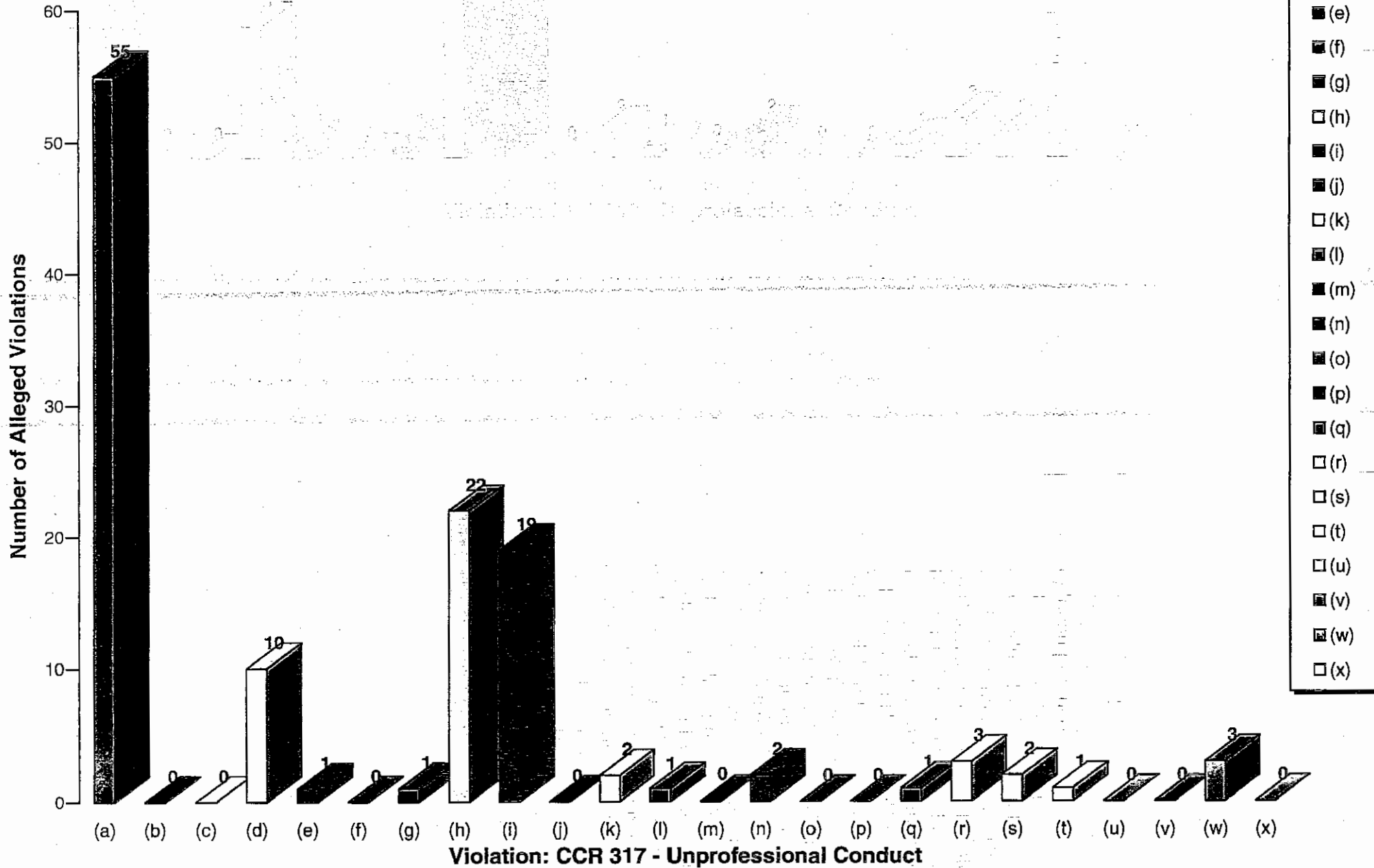
- 123110 – Patient Access to Health Records

**FISCAL YEAR 2010**

July 1, 2009 - December 31, 2009

Total Number of Complaints Opened Alleging Violation of CCR 317 - 123

(A complaint may contain multiple violations)



## Violation Codes/Descriptions

### California Code of Regulations (CCR) Section 317 – Unprofessional Conduct:

- (a) Gross Negligence
- (b) Repeated Negligent Acts
- (c) Incompetence
- (d) Excessive Treatment
- (e) Conduct Endangering Public
- (f) Administering to Oneself Drugs/Alcohol
- (g) Conviction of a Crime Related to Chiropractic Duties
- (h) Conviction of a Crime Involving Moral Turpitude/Physical Violence/etc.
- (i) Conviction of a Crime Involving Drugs or Alcohol
- (j) Dispensing Narcotics/Dangerous Drugs/etc.
- (k) Moral Turpitude/Corruption/etc
- (l) False Representation
- (m) Violation of the ACT/Regulations
- (n) False Statement Given in Connection with an Application for Licensure
- (o) Impersonating an Applicant
- (p) Illegal Advertising related to Violations of Section 17500 BP
- (q) Fraud/Misrepresentation
- (r) Unauthorized Disclosure of Patient Records
- (s) Employment/Use of Cappers or Steerers
- (t) Offer/Receive Compensation for Referral
- (u) Participate in an Illegal Referral Service
- (v) Waiving Deductible or Co-Pay
- (w) Fail to Refer Patient to Physician/Surgeon/etc.
- (x) Offer or Substitution of Spinal Manipulation for Vaccination

# MEMORANDUM



**Date:** January 12, 2010

**To:** Board Members

**From:** Robert Puleo  
Interim Executive Officer

A handwritten signature in black ink, appearing to read "R. Puleo", written over the typed name.

**Subject:** Ratification of Formerly Approved Doctors of Chiropractic for Licensure

This is to request that the Board ratify the attached list of individuals as Doctors of Chiropractic at the January 21, 2010, public meeting.

Between November 1, 2009 and December 31, 2009, staff reviewed and confirmed that the applicants met all statutory and regulatory requirements.

If you have any questions or concerns, please contact me at your earliest opportunity.

Approval By Ratification of Formerly Approved License Applications  
November 1, 2009 – December 31, 2009

Name (First, Middle, Last)			Date Issued	DC#
Oscar	Alejandro	Castro	11/5/2009	31453
Jane	Holybee	Baxley	11/5/2009	31454
Michelle	Lee	Anderson	11/5/2009	31455
Brian	Christopher	Cripe	11/5/2009	31456
Michael	Cody	D'Auria	11/5/2009	31457
Mark	Gabriel	Tenenbaum	11/5/2009	31458
Nikki	Latoya	Thornton	11/5/2009	31459
Minh		Vo	11/5/2009	31460
Phillip	Brian	Yoo	11/16/2009	31461
Hoc		Tiet	11/19/2009	31462
Duy	Hoang	Le	11/30/2009	31463
Gail	Duane	Kelley	11/30/2009	31464
Jennifer	Anne	Murphy	11/30/2009	31465
Massoud		Abedinzadeh	11/30/2009	31466
Jennifer	Jean	Pedley	11/30/2009	31467
Beau	Jonathan	Pierce	11/30/2009	31468
Igor		Sklovskiy	11/30/2009	31469
Jennifer	Eileen	Olthafer	11/30/2009	31470
Jeremy	Sean	Dorris	12/3/2009	31471
Andrea	Baiotto	Dorris	12/3/2009	31472
Ashley	Ann	Miller-DeBoer	12/3/2009	31473
David	Thompson	Main	12/3/2009	31474
James	Oliver	McElroy	12/3/2009	31475
Connie	Loraine	Evans	12/3/2009	31476
Julie	Elizabeth	Lynch-Sasson	12/3/2009	31477
Christopher	Ray	Adams	12/3/2009	31478
Danny	Basil	Bachoua	12/10/2009	31479
Matthew	Carl	Kamerzell	12/10/2009	31480
Tracey	Suzanne	Reeb	12/10/2009	31481
John		Vang	12/10/2009	31482
Erik	Knute	Anderson	12/17/2009	31483
Neal	Michael	Damian	12/17/2009	31484
Richard	Walter	Dinubilo	12/17/2009	31485
Andrew	Robert	Mukai	12/17/2009	31486
Kristen	Michelle	Adriano	12/17/2009	31487



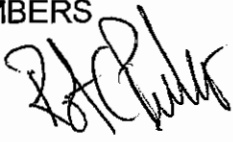
Daniel	Ross	Cockrell	12/17/2009	31488
Lucas	C.	McCully	12/17/2009	31489
Joel		Wilstead	12/21/2009	31490
Julie		Quan	12/21/2009	31491
Laura	Catherine	Scheiner	12/31/2009	31492

# MEMORANDUM



**Date:** January 12, 2010

**To:** BOARD MEMBERS

**From:** Robert Puleo   
Interim Executive Officer

**Subject:** **Ratification of Formerly Approved Continuing Education Providers**

This confirms that the Board of Chiropractic Examiners did not approve any Continuing Education Providers during this reporting period

If you have any questions or concerns, please contact me at your earliest opportunity.

# MEMORANDUM



**Date:** January 12, 2010

**To:** **Board Members**

**From:** Robert Puleo  
Interim Executive Officer

A handwritten signature in black ink, appearing to read "R. Puleo", written over the printed name.

**Subject:** **Ratification of Denied License Applications of Doctors of Chiropractic**

The Board of Chiropractic Examiners (Board) denies licensure to applicants who do not meet all statutory and regulatory requirements for a chiropractic license in California. An applicant has 60-days after the denial is issued to appeal the decision. If the applicant does not submit an appeal to the Board, the denial is upheld.

Between November 1, 2009 and December 31, 2009, staff reviewed and confirmed that applicants met all statutory and regulatory requirements for licensure. No denials of licensure were issued for this timeframe, there is no ratification necessary.

If you have any questions or concerns, please contact me at your earliest opportunity.

# MEMORANDUM



**Date:** January 12, 2010

**To:** Board Members

**From:** Robert Puleo  
Interim Executive Officer

A handwritten signature in black ink, appearing to read "R. Puleo", written over the printed name.

**Subject:** Recommendation to Waive Two Year Requirement on Restoration of a Cancelled License – Chiropractic Initiative Act, Section 10(c)

This is to recommend that the Board waive the two year restoration requirement of a cancelled license for the individuals named on the attached list at the January 21, 2010, public meeting.

Staff reviewed and confirmed that the applicants met all other regulatory requirements for restoration including sufficient continuing education hours.

If you have any questions or concerns, please contact me at your earliest opportunity.

Recommendation to Waive Two Year Requirement  
on Restoration of a Cancelled License

<b>Name (Last, First MI)</b>	<b>License No.</b>	<b>Cancellation Date</b>
Dolan, R. Michael	13766	05/31/2009
Himes, Robert	25702	10/31/2009
Howse, Cheerie	16417	12/31/2008
Myung, Ray	29079	09/20/2009
Stevens, Don	18206	12/31/2008

**Board of Chiropractic Examiners**

2525 Natomas Park Drive, Suite 260  
Sacramento, California 95833-2931  
Telephone (916) 263-5355 FAX (916) 263-5369  
CA Relay Service TT/TDD (800) 735-2929  
Consumer Complaint Hotline (866) 543-1311  
[www.chiro.ca.gov](http://www.chiro.ca.gov)

**NOTICE OF PUBLIC MEETING**  
**ENFORCEMENT COMMITTEE****January 14, 2010****10:00 a.m.****2525 Natomas Park Drive, Suite 100  
Sacramento, CA 95833****AGENDA**

1. **CALL TO ORDER**
2. **Approval of Minutes**  
September 10, 2009
3. **Legal and Ethical Advertising:**  
Protecting the public through ethical, accurate and truthful advertising
4. **Developing a Proactive Monitoring System for Board Enforcement and Complaint Tracking:**  
Assuring compliance with Bureau of State Audits recommendations and maximizing public protection
5. **SB 1441 – Uniform Standards Regarding Substance-Abusing Healing Arts Licensees**
6. **PUBLIC COMMENT**
7. **FUTURE AGENDA ITEMS**
8. **ADJOURNMENT**

**ENFORCEMENT COMMITTEE**

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

***The Board of Chiropractic Examiners' paramount responsibility is to protect California consumers from the fraudulent, negligent, or incompetent practice of chiropractic care.***

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A quorum of the Board may be present at the Committee meeting. However, Board members who are not on the committee may observe, but may not participate or vote. Public comments will be taken on agenda items at the time the specific item is raised. The Committee 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](http://www.chiro.ca.gov).

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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 Marlene Valencia at (916) 263-5355 ext. 5363 or e-mail [marlene.valencia@chiro.ca.gov](mailto:marlene.valencia@chiro.ca.gov) or send a written request to the Board of Chiropractic Examiners, 2525 Natomas Park Drive, Suite 260, Sacramento, CA 95833. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

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## OFFICE OF ADMINISTRATIVE LAW

300 Capitol Mall, Suite 1250  
Sacramento, CA 95814  
(916) 323-6225 FAX (916) 323-6826  
staff@oal.ca.gov

Susan Lapsley, Director

BOARD OF  
CHIROPRACTIC EXAMINERS

09 NOV -4 PM 2:00



November 3, 2009

Chief Counsels  
Regulation Coordinators

Re: 2010 Rulemaking Calendar and Legislative Reporting Requirements

We would like to take this opportunity to remind you that Government Code section 11017.6 requires every state agency responsible for implementing a statute that requires interpretation pursuant to the Administrative Procedure Act to prepare, by January 30, a rulemaking calendar for that year. The rulemaking calendar must be (1) prepared in accordance with the format specified by the Office of Administrative Law (OAL), (2) approved by the head of the department or, if the rulemaking agency is an entity other than a department, by the officer, board, commission, or other entity which has been delegated the authority to adopt, amend, or repeal regulations, and (3) published in the California Regulatory Notice Register (Notice Register). (Gov. Code, § 11017.6.)

We are enclosing two forms for providing the information required by Government Code section 11017.6. Schedule A is for proposed regulations implementing statutes enacted during 2009. Schedule B is for proposed regulations implementing statutes enacted prior to 2009. The forms can also be downloaded from our website at [www.oal.ca.gov](http://www.oal.ca.gov).

Also, please be aware that Government Code sections 11017.5 and 11017.6(b) contain other requirements for state agencies to submit certain information to the Legislature when implementing new programs or statutes.

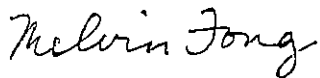
Each year, OAL compiles all of the individual agency rulemaking calendars into one calendar for publication, distribution, and posting on our website. The Rulemaking Calendar will be reproduced for publication exactly as received, so it is important to send us a final document. *Please remember to fill in your agency name in the top heading on the form.* To aid us in publication, we request that you submit your Rulemaking Calendar on a diskette, CD, or via e-mail to [mfong@oal.ca.gov](mailto:mfong@oal.ca.gov).

Please submit your completed Rulemaking Calendar to OAL on or before **February 12, 2010**.

If you have any questions, please contact me at (916) 324-7952 or by e-mail at [mfong@oal.ca.gov](mailto:mfong@oal.ca.gov). You may also contact our Reference Attorney at (916) 323-6815 or at [staff@oal.ca.gov](mailto:staff@oal.ca.gov).

Thank you for your attention to these matters.

Sincerely yours,

A handwritten signature in cursive script that reads "Melvin Fong".

Melvin Fong  
Legal Analyst

Attachments



## **Board of Chiropractic Examiners**

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### Continuing Education

Hand out will be given at the Board Meeting

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**Board of Chiropractic Examiners**

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Fingerprint Submissions

Hand out will be given at the Board Meeting

**Hearings Re:**

**Petition for Reinstatement of Revoked License**

- A. Mario Alvarado**
- B. Dennis Nguyen**
- C. Salim A. Chowdhry**