

Board of Chiropractic Examiners

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**BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES
September 23, 2010
State Capitol
Assembly Room 126
Sacramento, CA 95814**

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
Sandra Walker, Staff Services Manager
Dixie Van Allen, Associate Governmental Program Analyst
Beckie Rust, Associate Governmental Program Analyst
Christina Bell, Associate Governmental Program Analyst
Ray Delaney, Management Services Technician
Valerie James, Office Technician

Call to Order

Dr. Lerner called the meeting to order at 10:04 a.m.

Roll Call

Dr. Columbu called the roll. All members were present except Jeffrey Steinhardt, D.C., who arrived shortly after roll call.

Chair's Report

Dr. Lerner gave the Chair's Report.

Approval of Minutes

July 29, 2010 Board Meeting

MOTION: DR. TYLER MOVED TO APPROVE THE MINUTES

SECOND: DR. LUBKIN SECONDED THE MOTION

VOTE: 4-0

MOTION CARRIED

Discussion

None

Public Comment

None

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

Ms. Powell commented that the Board Members are following the rules of the Open Meetings Act extremely well.

Executive Officer's Report

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

Ratification of Approved License Applications

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

SECOND: DR. TYLER SECONDED THE MOTION

VOTE: 4-0

MOTION CARRIED

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

Discussion

None

Ratification of Approved Continuing Education Providers

None

Discussion

None

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 WAIVE TWO YEAR REQUIREMENT TO RESTORE A CANCELLED LICENSE

SECOND: DR. TYLER SECONDED THE MOTION

VOTE: 4-0

MOTION CARRIED

The Board ratified the attached list of approved cancellation restoration applicants incorporated herein (Attachment B).

Board Website Redesign

Mr. Puleo introduced guest speaker, Theresa Rapozo, from Office of Technology Services, Web

Consulting Unit. Ms. Rapozo discussed the Board's website statistics and current site description. She proposed a few potential templates that were pending approval.

Legislative Update

A. AB1996 (Hill)

Mr. Puleo provided an update stating the language is now waiting to be signed.

B. Any other legislation of Interest to the Board

Mr. Puleo stated there is no other significant pending legislation at this time.

Proposed Regulations

A. Continuing Education

Dr. Lerner provided an update and stated the Board looks forward to hearing new information; however, they will not be rehashing old discussion.

MOTION: DR. LERNER MOVED TO APPROVE STAFF RECOMMENDED RESPONSES TO CE REGULATION COMMENTS

SECOND: DR. LUBKIN SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

With the staff recommended responses to comments and amendments to the draft language, staff will prepare the Final Statement of Reasons and send the completed CE regulation package to Office of Administrative Law.

Public Comment

None

B. Fingerprint Submissions

Ms. Powell stated that there was only one comment submitted regarding the matter.

MOTION: DR. TYLER MOVED TO ADOPT THE FINAL LANGUAGE FROM THE LAST 15 -DAY NOTICE AND REJECT THE ONE COMMENT RECEIVED.

SECOND: DR. LUBKIN SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

Discussion

None

Public Comment

None

C. Draft Language for Proposed Regulations Based on Provisions of SB 1111

Dr. Lerner summarized SB1111, and briefly reviewed the proposed language

MOTION: DR. LUBKIN MOVED TO ACCEPT THE LANGUAGE
SECOND: DR. COLUMBU SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

Discussion

Dr. Lubkin suggested adding to Section 304.5, “or foreign government” so the Board can search within any and all licensing Boards or Agencies from other Countries and States.

Dr. Lubkin suggested removing section (B) of 317.3

Dr. Lubkin suggested removing the comma after “mental illness” on the third line of section 321.1 (a).

Ms. Powell will be seeking a better definition for section 390.8.

Dr. Lubkin suggests adding “or foreign jurisdiction” to Section 390.9 subsection (a).

MOTION: DR. LUBKIN MOVED TO AMEND HIS PREVIOUS MOTION AND MOVED TO MAKE SUGGESTED CHANGES IN THE LANGUAGE FOR THE PROPOSED REGULATIONS
SECOND: DR. COLUMBU SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

Discussion

Dr. Lubkin acknowledges the hard work put in to putting together this package.

Public Comment

None

C. Draft Language for Informed Consent

MOTION: DR. LUBKIN MOVED TO ACCEPT THE LANGUAGE
SECOND: DR. COLUMBU SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

Discussion

Dr. Lerner discussed a few concerns regarding the language and suggested some changes.

Public Comment

Dr. Davis suggested including the informed consent with patient records as mentioned in section 318.1.

Dr. Lerner suggested to remove the word “benefits’ and add the word “potential” before the word “risk”.

After discussion, it was suggested to remove the words “properly and adequately”.

Bill Howe requested the Board to defer on any amendments to the language so others may review the new language and make any input.

Mr. Puleo stated that a 15-day comment period will be noticed for the public to comment.

MOTION: DR. LUBKIN MOVED TO AMMEND THE LANGUAGE IN SECTION 319.1 – INFORMED CONSENT

SECOND: DR. COLUMBU SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

Public Comment

None

Department of Industrial Relations, Division of Workers Compensation – Recognition of Chiropractic Specialties

Dr. Lerner provided an update.

Ms. Powell suggested putting this item on the agenda at future Board meetings for updates.

Public Comment

Dr. Davis from ICA also states a letter has been sent to the Division of Industrial Relations regarding their proposed language.

Deborah Mattos from Southern California University of Health Sciences submitted a letter to the Board from her client which was also forwarded to the Department of Industrial Relations.

Mr. Howe supports Ms. Powell's suggestions.

Hearings re: Petition for Reinstatement of Revoked License

Administrative Law Judge Catherine Frink presided over and Deputy Attorney General Karen Denvir appeared on behalf of the people of the State of California on the following hearings.

- Joseph Scannell

Hearings re: Petition for Early Termination of Probation

Administrative Law Catherine Frink presided over and Deputy Attorney General Karen Denvir appeared on behalf of the people of the State of California on the following hearing.

- Richard Monoson
- Ramon Mendoza

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 3:47 p.m.

Attachment A

**Approval By Ratification of Formerly Approved License Applications
July 1, 2010 – August 31, 2010**

Name (First, Middle, Last)			Date Issued	DC#
Tomoya		Harada	7/1/2010	31722
Lora	Jane	Vaquero	7/2/2010	31723
Wendy		Pollock	7/7/2010	31724
Alison	Lou	Adamczyk	7/8/2010	31725
Hagop		Blikian	7/8/2010	31726
Paul	Gatchalian	Capulong	7/8/2010	31727
Sean	Hyunkon	Kim	7/8/2010	31728
Seongtai		Yang	7/13/2010	31729
Shafiq		Ansari	7/16/2010	31730
Lief	Forrest	Hands	7/16/2010	31731
Tae	Yong	Kim	7/16/2010	31732
Jacqueline	Marie	Behymer	7/20/2010	31733
Kristin	Barbara	Hazleton	7/20/2010	31734
Robert	Alan	Ehrnman	7/21/2010	31735
Atina		Jaudy	7/21/2010	31736
Michael	John	Lord	7/21/2010	31737
Eric	Michael	Davenport	7/28/2010	31738
Adam	David	Kipp	7/28/2010	31739
Suani	Zeuri	Lara	7/28/2010	31740
Ming		Li	7/28/2010	31741
Shirohisa		Otake	7/30/2010	31742
Thomas	Burton	Sperry	7/30/2010	31743
Dyba	Mahmood	Syed-Kalyani	7/30/2010	31744
Erik	James	Van Slooten	7/30/2010	31745
Tyler	Scott	Wood	7/30/2010	31746
Michael	Cole	Wilson	8/3/2010	31747
Grayr	Greg	Movsesyan	8/5/2010	31748
Jeffrey	Tilford	Anderson	8/6/2010	31749
Andrew	David	Faria	8/6/2010	31750
Miguel	Antonio	Guedea	8/6/2010	31751
Stella		Makovsky	8/6/2010	31752
Jaweed	Ahmad	Naweed	8/10/2010	31753
Heather	Marie	Taylor	8/10/2010	31754
Nilouphar		Zahedi	8/10/2010	31755

Mark	David	Mead	8/12/2010	31756
Jerome	Hyun	Ri	8/12/2010	31757
Mary		Tran	8/12/2010	31758
Richard	Edward	Hedrick	8/12/2010	31759
Daniel	Joseph	Farkas	8/18/2010	31760
Khoa	Dang	Le	8/18/2010	31761
Christine	Teano	Lipat	8/18/2010	31762
Ryan	David	Beck	8/19/2010	31763
Mindy	Anne	Bichel	8/19/2010	31764
Ray	Owen	DiBartolomeo	8/19/2010	31765
Gina	Marie	Illia	8/19/2010	31766
Ryan	Jay	Lee	8/23/2010	31767
Stephen	Mark	Legate	8/23/2010	31768
Allen	Douglas	Stone	8/23/2010	31769
Joseph	Wilfred	Surette	8/23/2010	31770
Trisha	Marie	Wimbs	8/23/2010	31771
Tomonori		Kawai	8/24/2010	31772
Jeremy	Alexander	Steel	8/26/2010	31773
Sagarie	Shyamanthie	Seneviratne	8/31/2010	31774

Attachment B

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

Name (First, Middle, Last)	License No.	Cancellation Date
• Lightner, Walter	21741	03/31/2010
• Mertz, Stephen A.	18291	05/10/2010
• Swinarksi, Debbie E.	21862	04/30/2009
• Thomason, Brian E.	24231	12/31/2008