

**BOARD OF CHIROPRACTIC EXAMINERS  
PUBLIC SESSION MINUTES  
May 19, 2011  
State Capitol  
First Floor, Senate Committee Room 113  
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, Executive Officer  
Spencer Walker, 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  
Ray Delaney, Management Services Technician  
Valerie James, Office Technician

**Call to Order**

Dr. Lerner called the meeting to order at 9:00 a.m.

**Roll Call**

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

**Chair's Report**

Dr. Lerner reported on recent activities relating to Board matters. The Board acknowledged and read a resolution to honor Lavonne Powell for her excellent service to the Board as Legal Counsel to the Board.

**Approval of Minutes**

March 17, 2011 Board Meeting

**MOTION: DR. STEINHARDT MOVED TO APPROVE THE MINUTES**

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

**VOTE: 5-0**

**MOTION CARRIED**

### **Public Comment**

Carlyle Brakensiek representing the California Society of Industrial Medicine and Surgery thanked the Board for supporting AB 584.

Bill Howe representing the California Chiropractic Association came forward and spoke in regards to a disciplinary action taken by the Radiology Health Branch.

### **Board Member Training on the Bagley-Keene Open Meeting Act and Other Relevant Laws**

Mr. Walker indicated that there were no items to report.

### **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. TYLER 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).

### **Ratification of Approved Continuing Education Providers**

**MOTION: DR. TYLER MOVED TO RATIFY THE APPROVED CONTINUING EDUCATION PROVIDERS**

**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).

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

None

### **Ratification to Waive Two Year Requirement to Restore a Cancelled License**

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

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

**VOTE: 5-0**

**MOTION CARRIED**

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

### **Information Dissemination/Communication with Licensees and the Public**

Dane Wilson from Office of Technology Services provided a status on the progress of enhancing the Board's web site. Mr. Wilson reported that due to staffing and program testing issues, the enhancement

has not started. Mr. Wilson proposed assisting the Board with establishing the social media links onto the Board's current web site without delay. Then proceed with setting up a separate, not accessible to the public, web site specifically for the reorganization. Once the new web site design is ready to launch, all the enhancements can be moved into the new design. Mr. Wilson insured the Board that his staff will work with Board staff to implement. Dr. Lerner is looking forward to this task being completed by the next Board meeting in July.

#### **Report on Federation of Chiropractic Licensing Boards Annual Conference**

Dr. Lubkin reported on the various topics discussed at the Federation of Chiropractic Licensing Boards Annual Conference in Florida.

#### **Cleveland Chiropractic College Request for Exemption to the 35 Hour/Week Coursework Requirement**

Dr. Cleveland and Dr. Sackett from Cleveland Chiropractic College requested the Board's approval for an exemption from section 331.7. The exemption would be a one time waiver of the 35 hour/week coursework requirement through December 2014, for students attending Cleveland Chiropractic College, Los Angeles that will be transferring to Southern California University of Health Sciences. The hours per week would not exceed 45 hours with 25% classroom time.

**MOTION: DR. COLUMBU MOVED TO APPROVE A ONE-TIME WAIVER FOR CLEVELAND CHIROPRACTIC COLLEGE FROM THE 35 HOUR/WEEK COURSEWORK REQUIREMENT AS STATED IN SECTION 331.7 THROUGH DECEMBER 2014, WITH THE CONDITION THAT THE HOURS PER WEEK WOULD NOT EXCEED 45 HOURS**  
**SECONDED: DR. TYLER SECONDED THE MOTION**

The Board discussed the necessity of a written plan from Cleveland Chiropractic College which would address any unusual circumstances that may arise.

**MOTION: DR. COLUMBU MOVED TO AMEND THE MOTION TO INCLUDE A WRITTEN PLAN FROM CLEVELAND CHIROPRACTIC COLLEGE ADDRESSING UNUSUAL CIRCUMSTANCES**  
**SECONDED: DR. TYLER SECONDED THE MOTION**  
**VOTE: 5-0**  
**MOTION CARRIED**

Mr. Walker suggested that the Board request a written plan from Cleveland Chiropractic College to be sent to the Executive Officer within 90 days with the provision that the Executive Officer would be granted authorization to discuss the content of the plan and request additional information/changes if deemed necessary.

**MOTION: DR. LUBKIN MOVED TO AMEND THE MOTION TO INCLUDE REQUIRING CLEVELAND CHIROPRACTIC COLLEGE TO PROVIDE A WRITTEN PLAN WITHIN 90 DAYS TO THE EXECUTIVE OFFICER. THE EXECUTIVE OFFICER WILL BE GRANTED AUTHORITY DISCUSS THE CONTENT OF THE PLAN AND REQUEST FOR ADDITIONAL INFORMATION/CHANGES IF DEEMED NECESSARY**  
**SECONDED: DR. COLUMBU SECONDED THE MOTION**  
**VOTE: 5-0**  
**MOTION CARRIED**

#### **Council on Chiropractic Education Presentation**

Dr. Lee Van Dusen and Dr. David Wickes gave a presentation regarding the Council of Chiropractic Education's processes for accreditation of Chiropractic colleges.

**D’Youville College Presentation for Clarification of Approval Date as a Board Approved College**

Linda Joseph, representing D’Youville College, asked the Board for clarification on the approval date of D’Youville College as a Board approved college. Ms. Joseph brought to the Board’s attention that D’Youville College was inspected and accredited by the Council on Chiropractic Education in 2007. The Board asked Mr. Walker for his opinion. Mr. Walker found that based on the fact that the Board relied on the Council on Chiropractic Education accreditation, the Board may retroactively approve D’Youville College as a Board approved college the same year as the Council of Chiropractic Educations accreditation.

**MOTION: DR. TYLER MOVED TO RETROACTIVELY APPROVE D’YOUVILLE COLLEGE AS A BOARD APPROVED COLLEGE AS OF 2007**

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

**VOTE: 5-0**

**MOTION CARRIED**

**Attorney General Billing**

The Board had a discussion on the costs for Attorney General’s services. The Board will provide an update at the next Board meeting.

**Authority Over Unlicensed/Non-Licensed Individuals Performing Chiropractic**

Dr. Lerner reported that Mr. Puleo has been trying to set up a meeting with the Physical Therapy Board to no avail. Dr. Lerner has reached out to the Physical Therapy Board’s Chair in hopes to connect and schedule a meeting.

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

Dr. Lerner reported that the Department of Industrial Relations, Division of Workers Compensation has yet to implement the regulations recognizing Chiropractic Specialties.

**Legislation/Regulation Committee Meeting Update**

Dr. Lerner provided a summary the bills discussed at the Legislation/Regulation Committee Meeting and presented the recommendations for the Board’s vote.

- A. AB 25 (Hayashi) – Athletics: Concussions and Head Injuries

**MOTION: DR. LUBKIN MOVED TO SUPPORT AB 25**

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

**VOTE: 5-0**

**MOTION CARRIED**

- B. AB 72 (Eng) – Acupuncture

**MOTION: DR. LUBKIN MOVED TO SUPPORT AS AMENDED AB 72**

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

**VOTE: 5-0**

**MOTION CARRIED**

- C. AB 127 (Logue) – Regulations: Effective Date  
Bill failed passage

- D. AB 584 (Fong) – Workers’ Compensation Utilization Review

**MOTION: DR. LUBKIN MOVED TO SUPPORT AB 584**  
**SECOND: DR. TYLER SECONDED THE MOTION**  
**VOTE: 5-0**  
**MOTION CARRIED**

- E. AB 783 (Hayashi) – Professional Corporations: Licensed Physical Therapists

**MOTION: DR. COLUMBU MOVED TO SUPPORT AB 783**  
**SECOND: DR. LUBKIN SECONDED THE MOTION**  
**VOTE: 5-0**  
**MOTION CARRIED**

- F. SB 206 (Kehoe) – Appropriations Therapists

**MOTION: DR. LUBKIN MOVED TO SUPPORT SB 206**  
**SECOND: DR. COLUMBU SECONDED THE MOTION**  
**VOTE: 5-0**  
**MOTION CARRIED**

- G. SB 352 (Huff) – Chiropractors Therapists  
Spot Bill; no action required

- H. SB 366 (Calderon) – Regulations: Agency Review  
Two year Bill; no action required

- I. SB 396 (Huff) – Regulations: Review Process  
Bill is stalled; no action required

- J. SB 400 (Dutton) – Regulations: Impact on Businesses  
Bill failed passage

- K. SB 401 (Fuller) – Regulations: Repeal Provisions  
Bill failed passage

- L. SB 541 (Price) – Expert Consultants  
Bill is pending at the Senate Floor

**MOTION: DR. LUBKIN MOVED TO SUPPORT SB 541**  
**SECOND: DR. COLUMBU SECONDED THE MOTION**  
**VOTE: 5-0**  
**MOTION CARRIED**

- M. SB 544 (Price) – Regulatory Boards  
Two year Bill; no action required

- N. SB 560 (Wright) – Regulations: Small Businesses  
Bill failed passage

- O. SB 591 (Gaines) – Regulations: Reductions  
Bill failed passage

P. SB 628 (Yee) – Acupuncture

**MOTION: DR. COLUMBU MOVED TO OPPOSE SB 628**  
**SECOND: DR. LUBKIN SECONDED THE MOTION**  
**VOTE: 5-0**  
**MOTION CARRIED**

Q. SB 924 (Walters) – Physical Therapists: Direct Access to Services

**MOTION: DR. LUBKIN MOVED TO OPPOSE SB 924**  
**SECOND: DR. TYLER SECONDED THE MOTION**  
**VOTE: 5-0**  
**MOTION CARRIED**

**Regulatory Hearing on the Proposed Language for Informed Consent – California Code of Regulations, Title 16, Division 4, Article 1, Sections 319.1**

A regulatory hearing took place on the proposed language for Informed Consent.

Dr. Charles Davis of International Chiropractic Association of California came forward and commented that the proposed language looks good, however; some parts are in contradiction with a Supreme Court decision. Dr. Davis suggested that the Board look into the decision prior to adopting and moving forward.

The regulatory hearing was adjourned.

**Proposed Regulations**

A. Continuing Education

Dr. Lerner reported that the Continuing Education regulations were approved effective June 8, 2011.

B. Omnibus Consumer Protection

The Board discussed the Omnibus Consumer Protection regulation package and some sections may cause fiscal impact. New language was proposed and presented to the Board.

**MOTION: DR. COLUMBU MOVED TO WITHDRAW THE CURRENT REGULATION PACKAGE,**  
**ADOPT THE PROPOSED LANGUAGE AND MAKE THE NECESSARY TECHNICAL CHANGES**  
**SECOND: DR. TYLER SECONDED THE MOTION**

The Board discussed the controversial issues surrounding section 317.4 of the proposed language.

**MOTION: DR. COLUMBU MOVED TO AMEND THE MOTION TO WITHDRAW THE CURRENT REGULATION PACKAGE, ADOPT THE PROPOSED LANGUAGE WITH TECHNICAL CHANGES AND REMOVE SECTION 317.4**  
**SECOND: DR. TYLER SECONDED THE MOTION**  
**VOTE: 5-0**

C. Informed Consent

Dr. Lerner stated a regulatory hearing took place prior to this section.

D. Petitions for Reinstatement (Fee)

The regulatory package has been prepared. Board staff is waiting for the outcome of the Omnibus Consumer Protection regulatory package. Once the language is approved, Board staff will then move forward with this package.

E. Use of Laser

The language is still being prepared. There are a few technical questions that need to be addressed in order to complete the Initial Statement of Reasons. Once the technical questions are addressed, the Fiscal Impact Statement can be completed.

**Hearings Re: Petition for Reinstatement of Revoked License**

Administrative Law Judge Linda A. Cabatic presided over and Deputy Attorney General Anahita Crawford appeared on behalf of the people of the State of California on the following hearing:

A. Robert L. Horan

**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 2:51p.m.

(ATTACHMENT A)  
Approval By Ratification of Formerly Approved License Applications  
November 1, 2010 – December 31, 2010

Name (First, Middle, Last)			Date Issued	DC#
Devin	Stanley	Waterman	1/4/2011	31860
Jordan	Hoang	Giang	1/7/2011	31861
Sara	Lynn	Hillesheim	1/7/2011	31862
Nicholas	T.	LaHood	1/7/2011	31863
Leyla		Malakian	1/7/2011	31864
Daniel	Jiyong	Kim	1/12/2011	31865
Amanda	Danielle	Peterson	1/20/2011	31866
Steven	Ryan	Selby	1/20/2011	31867
Georgina		Flores Ramirez	1/21/2011	31868
Albert	Daehee	Han	1/21/2011	31869
Janet	Yuk Kan	Ho	1/21/2011	31870
Paul	Joseph	Hodgson	1/21/2011	31871
Claudy-Ann		Keasberry	1/21/2011	31872
Han Jin		Kim	1/21/2011	31873
Vicente		Chavira	1/28/2011	31874
Jo	Ann	Eccher	1/28/2011	31875
Mohamed	Sayed	El-Shimey	1/28/2011	31876
Jeremy	Warren	Green	1/28/2011	31877
Sanaz		Moeini	1/28/2011	31878
Sarah	Denise	Dirks	1/28/2011	31879
Tamara	M.	Ghazi	1/28/2011	31880
Hongtruc	Thi	Nguyen	1/28/2011	31881
Liliana		Ulloa-Jimenez	1/28/2011	31882
Sidney		Yadidi	1/28/2011	31883
Lorraine		Sarullo	1/31/2011	31884
Vanessa	Marie	Snider	1/31/2011	31885
Anna		Yatsenko	1/31/2011	31886
Shinnosuke		Ban	2/10/2011	31887
Clayton	John	Blanchette	2/10/2011	31888
Byong	Il	Chon	2/10/2011	31889
Ryan	Patrick	Clark	2/10/2011	31890



Melissa	Ann	Engelson	2/10/2011	31891
Justin	Timothy	Goslin	2/10/2011	31892
Mark	Alan	Hanses	2/10/2011	31893
Yi-Ying		Lin	2/10/2011	31894
Derek	Lee	Rice	2/10/2011	31895
Harvey	Jing Yin	Wong	2/10/2011	31896
Aaron	Anucherebom	Ajoku	2/11/2011	31897
Taesung		Byun	2/11/2011	31898
Jack	Hagop	Demirchian	2/11/2011	31899
Eric	Edmund	Glenn	2/11/2011	31900
Daniel	Shane	Griffin	2/11/2011	31901
Robin	Christopher	Harkins	2/11/2011	31902
Ju	Hyun	Kang	2/11/2011	31903
Scott	Andrew	Larsen	2/11/2011	31904
Kenneth	Warren	Swinford	2/11/2011	31905
Shervin		Tabrizi	2/11/2011	31906
Jeanett		Tapia	2/11/2011	31907
Mahyar	David	Yadidi	2/11/2011	31908
Cheryle	Ann	Pettigrew	2/11/2011	31909
Walker	Walter	Scott	2/11/2011	31910
David	Mac	Huynh	2/11/2011	31911
Jeremy	Christopher	Hughes	2/16/2011	31912
Beau	Shannon	Lawyer	2/16/2011	31913
Allen		Bonilla	2/17/2011	31914
Daniel	Harrison	Bronstein	2/17/2011	31915
Rebecca	Suzanne	Claassen	2/17/2011	31916
David	Anthony	Ledesma	2/17/2011	31917
Robert	Earl	Fife	2/18/2011	31918
Matthew	Adam	Ryan	2/23/2011	31919
Eric	Rice	Shane	2/23/2011	31920
Lisa	Christine	Pappas	2/25/2011	31921
Erika	Lynn	Posenaer	2/25/2011	31922
Stefanie	Jean	Stepanski	2/25/2011	31923
Kathy	Chi Kuan	Wang	2/25/2011	31924

(ATTACHMENT B)  
Approval By Ratification Of Continuing Education Providers

**CONTINUING EDUCATION PROVIDERS** **DATE APPROVED**

Cedars-Sinai Spine Center

02/18/2011

(ATTACHMENT C)  
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>
Leite-Ah Yo, Harvelee	22051	07/31/2010