

**BOARD OF CHIROPRACTIC EXAMINERS  
PUBLIC SESSION MINUTES  
March 22, 2012  
Radisson Hotel Ontario Airport  
2200 East Holt Blvd.  
Ontario, CA 91761**

**Board Members Present**

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

**Staff Present**

Robert Puleo, Executive Officer  
Spencer Walker, Staff Counsel  
Linda Shaw, Staff Services Manager  
Sandra Walker, Staff Services Manager  
Dixie Van Allen, Associate Governmental Program Analyst  
Lavella Matthews, Associate Governmental Program Analyst  
Ray Delaney, Management Services Technician  
Valerie James, Office Technician

**Call to Order**

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

**Roll Call**

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

**Chair's Report**

Dr. Lubkin reported on recent activities relating to Board matters.

**Approval of Minutes**

January 19, 2012 Board Meeting

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

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

**VOTE: 4-0**

**MOTION CARRIED**

**Public Comment**

None

**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. STEINHARDT 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).

**Ratification of Approved Continuing Education Providers**

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

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

**VOTE: 4-0**

**MOTION CARRIED**

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

The Board had a discussion on the process of approving continuing education providers.

Dr. Charles Davis representing the International Chiropractic Association of California (ICAC) came forward and inquired on the number of continuing education courses audited by the Board.

The Board was unable to address that issue and will place it on the agenda at the next Board meeting.

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

**MOTION: DR. STEINHARDT MOVED TO RATIFY THE DENIAL OF LICENSE APPLICATIONS IN WHICH THE APPLICANTS DID NOT REQUEST A HEARING**

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

**VOTE: 4-0**

**MOTION CARRIED**

The Board ratified the attached list of denied license applications in which the applicants did not request a hearing incorporated herein (Attachment D).

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

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

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

**VOTE: 4-0**

**MOTION CARRIED**

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

**Attorney General Billing**

Mr. Puleo updated the Board on efforts to reduce attorney general expenditures and presented the Board with a detailed report of the average monthly Attorney General costs. This item will be placed on the agenda every quarter.

**Inter-Jurisdictional Mobility**

Dr. Lubkin opened the topic for discussion. Mr. Puleo had commented the Board was restricted when processing candidates for licensure through reciprocity due to the Initiative Act. Dr. Lubkin suggested that Mr. Puleo contact Donna Leland from FCLB to inquire on the different laws in other states and how California can work on reforming the process.

**Strategic Planning & BCE Mission Statement**

Dr. Lubkin stated the importance of updating the Board's strategic plan and mission statement. Since there is a lack of a full complement of Board members, this item will be placed on hold until new board members are appointed. In the meantime staff will look into options for hiring a facilitator/consultant to assist with the strategic planning process.

**Direct/Indirect Supervision of Employees**

After a lengthy discussion, the Board agreed that the language on section 312 should be revised. This item will be placed on the agenda of the next Board meeting.

**Legislative Update**

**A. AB 1488 (Yee)**

The Board discussed the circumstances of the bill. Dr. Lubkin sought for a motion to take a position on the bill.

**MOTION: DR. COLUMBU MOVED TO TAKE A WATCH POSITION ON AB 1488 (YEE)  
SECOND: DR. TYLER SECONDED THE MOTION**

**Public Comment**

Dr. Davis spoke on behalf of ICAC's and suggested the Board take an opposed position on AB1488 (Yee)

**MOTION: DR. COLUMBU MOVED TO AMEND HIS MOTION BY TAKING AN OPPOSE POSITION ON AB 1488 (YEE)  
SECOND: DR. TYLER SECONDED THE MOTION**

The Board had a lengthy discussion on the chosen position on AB 1488 (Yee)

**MOTION: DR. COLUMBU WITHDREW HIS MOTION  
SECOND: DR. TYLER SECONDED THE WITHDRAWAL**

**MOTION: DR. STEINHARDT MOVED TO TAKE A WATCH POSITION ON AB 1488 (YEE)  
SECOND: DR. TYLER SECONDED THE MOTION  
VOTE: 4-0  
MOTION CARRIED**

Mr. Puleo stated he would do additional research to determine whether the bill conflicts with the chiropractic scope of practice.

**B. SB 352 (Huff)**

Mr. Puleo discussed the overall process of legislative bills and how far along in the process SB 352 (Huff) was. Dr. Lubkin informed the Board that he and Mr. Puleo had a meeting with Senator Huff regarding the bill.

**MOTION: DR. LUBKIN MOVED TO CHANGE THE BOARD POSITION ON SB 352 (HUFF) FROM OPPOSE POSITION TO WATCH**

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

**VOTE: 4-0**

**MOTION CARRIED**

**C. SB 924 (Price)**

Mr. Puleo opened the topic for discussion. Mr. Puleo stated that the bill would potentially cause issues between the direct relationship between Chiropractors and Physical Therapists. The Board briefly discussed the proposed bill.

**MOTION: DR. LUBKIN MOVED TO TAKE AN OPPOSE POSITION ON SB 924 (PRICE)**

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

The Board had further discussion on the bill and shared some concerns.

Roger Calton from Calton Law Group, P.C. and Jehan Jayakumar from Carlson & Jayakumar came forward and provided comments. They suggested the Board take an opposed position or an opposed unless amended position.

Dr. Brad Sullivan representing California Chiropractic Association (CCA) came forward and provided comments on the bill.

Dr. Davis came forward and provided comments on the bill.

**MOTION: DR. LUBKIN MOVED TO AMEND HIS MOTION BY TAKING AN OPPOSE UNLESS AMENDED POSITION ON SB 924 (PRICE)**

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

**VOTE: 4-0**

**MOTION CARRIED**

**Pending Regulations**

**A. Patient Records**

Dixie Van Allen gave an update on the proposed regulation. The language was approved by OAL and would come into effect April 12, 2012.

**B. Use of Lasers**

The Board members had a discussion regarding the current proposed language. Dr. Lubkin suggested making changes to the language by removing "in cases where there is a known risk of anaphylactic reaction to the individual being treated." after the word "allergies" in subsection (4)(b).

**MOTION: DR. STEINHARDT MOVED TO APPROVE THE CHANGES TO THE LANGUAGE BY REMOVING "IN CASES WHERE THERE IS KNOWN RISK OF ANAPHYLACTIC REACTION TO**

**THE INDIVIDUAL BEING TREATED.” AFTER THE WORD “ALLERGIES” IN SUBSECTION (4)(B)  
SECOND: DR. LUBKIN SECONDED THE MOTION**

Debra Snow came forward and commented on the changes to the language and expressed her support.

Jennifer Simoes on behalf of the Medical Board of California (MBC) came forward and commented on the proposed regulation.

Scott Clark from the California Medical Association (CMA) came forward and commented on the proposed regulation.

Dr. Davis came forward and commented on the changes to the language suggesting that it would create a restriction on the practice of Chiropractic.

Dr. Sullivan came forward and agreed with Dr. Davis’ comments and stated that he does not agree with CMA’s comment on the proposed regulation.

**VOTE: 4-0  
MOTION CARRIED**

The Board will notice a 15 day comment period on the changes to the proposed language.

C. Omnibus Consumer Protection

The Board held a brief discussion over the proposed regulation and concerns with the language.

**MOTION: DR. LUBKIN MOVED TO WITHDRAW THE RULEMAKING PACKAGE AND TO DRAFT  
NEW LANGUAGE TO SUMIT AT THE NEXT BOARD MEETING**

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

**VOTE: 4-0**

**MOTION CARRIED**

**Proposed New Regulation**

Mr. Puleo presented the proposed language for providing a notice to consumers. The Board had a discussion over the proposed new regulation. Dr. Lubkin would like to further review the language.

Dr. Davis stated that he believed the regulation to be redundant and unnecessary.

Dr. Todd Knudsen of Southern California University of Health Sciences suggested to add “CA” before “Board of Chiropractic Examiners” for further clarification.

Debra Snow shared her support of the proposed regulation.

**Future Agenda Items**

None

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

Administrative Law Judge Daniel Juarez presided over and Supervising Deputy Attorney General Thomas Rinaldi appeared on behalf of the people of the State of California on the following hearing:

- A. Carlos Seals
- B. Daniel Brady

**Closed Session**

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

**Adjournment**

Dr. Lubkin adjourned the meeting at 3:50 p.m.

**(ATTACHMENT A)**

Approval By Ratification of Formerly Approved License Applications  
 January 1, 2012 – February 29, 2012

<b>Name (First, Middle, Last)</b>			<b>Date Issued</b>	<b>DC#</b>
James	Robert	Becroft	1/13/2012	32170
Elizabeth	Marie	Callaway	1/13/2012	32171
Amanda	Jo	Coddington	1/20/2012	32172
Jacinto	Miguel-Angel	Flores-Alvarez	1/20/2012	32173
Jachin	Lee	Black	1/20/2012	32174
Matthew	Daniel	Leary	1/20/2012	32175
Joowhye		Nam	1/25/2012	32176
Stefania		Pisanu	1/25/2012	32177
Jesse	John	Saenz	1/25/2012	32178
Jill	Christine	Schneider	1/25/2012	32179
Eunshik		Shin	1/25/2012	32180
Jeffrey	Robert	Reichert	1/25/2012	32181
Te Chun		Yu	1/25/2012	32182
Niccole	Marie	O'Dell	1/30/2012	32183
Peter	S	Peregrino	1/30/2012	32184
Brent	Allan	Stromgren	1/30/2012	32185
Alan	Hao	Wu	1/30/2012	32186
Ted	Douglas	Brown	1/31/2012	32187
Yer	Ton	Cha	1/31/2012	32188
Danielle	Marie	Fratellone	1/31/2012	32189
Nathan	Michael	Gershfeld	1/31/2012	32190
Thomas	Howard	Hibbard	1/31/2012	32191
Bryan	Wade	Ignacio	1/31/2012	32192
Karo		Isajan	1/31/2012	32193
Samuel	Oliver	Magnus	1/31/2012	32194
Christopher	James	Baker	2/10/2012	32195
Ryan	Daniel	Bias	2/10/2012	32196
Kimberly	Ann	Catherina	2/10/2012	32197
Nathen	Alan	Horst	2/10/2012	32198
Gregory	Timothy	Jones	2/10/2012	32199
Seunghun		Jung	2/10/2012	32200
Meiling		Liang	2/10/2012	32201
Ashley	Fava	Madden	2/10/2012	32202

Allison	Marie	Mankey	2/10/2012	32203
Graham	Vance	Mankey	2/10/2012	32204
Michael	Alan	Moyer	2/10/2012	32205
Darci	Honora	Robertson	2/13/2012	32206
Ka	Vee	Vang	2/13/2012	32207
Patrick	Jacob	Van Loon	2/13/2012	32208
Leslie		Vich	2/13/2012	32209
Kari	Anne	Andrew	2/16/2012	32210
Sean	Martin	Braithwaite	2/16/2012	32211
Joshua	David	Bruce	2/16/2012	32212
Gopal		Cabrera	2/16/2012	32213
Jennifer	Nicole	Cirillo	2/16/2012	32214
Joshua	Ryan	Ferrer	2/16/2012	32215
Jill	Susan	Goldberg	2/16/2012	32216
Allen	Chen-En	Kang	2/16/2012	32217
Christopher	Hori	Kelley	2/16/2012	32218
Leslie	Marie	Layton	2/16/2012	32219
Catherine	Hai	Le	2/16/2012	32220
Kevin	Lawrence	Mangum	2/16/2012	32221
Justin	Raymond	Marchegiani	2/16/2012	32222
Bradley	Allen	Metzler	2/16/2012	32223
Christina	Nicole	Mullen	2/16/2012	32224
Cassandra	Tricia	Shum	2/17/2012	32225
Francisco		Yopez	2/17/2012	32226
Fredrick	James	Dietzen	2/23/2012	32227
Meghan	Kelly	Dowling	2/23/2012	32228
		Harrison	2/23/2012	32229
Sang	Hoon	Lee	2/23/2012	32230
Lisa	Louise	Lynch	2/23/2012	32231
Michael	Asi	Mensah	2/23/2012	32232
Matthew	Alan	Redman	2/24/2012	32233
Marla	Joanne	Robertson-Tarpo	2/24/2012	32234
Andrew		Storms	2/24/2012	32235
Elsie	Grace	Yuen	2/24/2012	32236



(ATTACHMENT B)

<u>CONTINUING EDUCATION PROVIDERS</u>	<u>DATE APPROVED</u>
<u>1. Lani Simpson, D.C.</u>	<u>3/1/2012</u>
<u>2. Eric McKillican</u>	<u>3/1/2012</u>
<u>3. Christopher John, D.C.</u>	<u>3/1/2012</u>
<u>4. Summit Professional Education</u>	<u>3/1/2012</u>
<u>5. Celebrating Life</u>	<u>3/1/2012</u>
<u>6. Richard Robertshaw, D.C.</u>	<u>3/1/2012</u>
<u>7. Mark S.Schillinger, D.C.</u>	<u>3/1/2012</u>
<u>8. Thomas Souza, D.C.</u>	<u>3/1/2012</u>
<u>9. MedBridge Education</u>	<u>3/1/2012</u>
<u>10.Perry J. Carpenter, D.C.</u>	<u>3/1/2012</u>
<u>11.Marie E. Cavanaugh, D.C.</u>	<u>3/1/2012</u>

**(ATTACHMENT C)**

Ratification of Formerly Denied License Applications  
Applicants Did Not Submit an Appeal

January 1, 2012 – February 29, 2012

**Name (First, Middle, Last)**  
Reason for Denial

**Date Denied**

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**Peralta, Rolando**

**12/8/2011**

Criminal Convictions:

- Extortion - **Felony**
- Conspiracy to Committ Hostage Taking – **Felony**

**(ATTACHMENT D)**  
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>
Holland, Linda	15699	October 31, 2011