



State of California
Edmund G. Brown Jr., Governor

**Board of Chiropractic Examiners
TELECONFERENCE MEETING MINUTES
Enforcement Committee
June 26, 2014
901 P Street, Suite 142-A
Sacramento, CA 95814**

Teleconference Locations with Public Access

Sergio Azzolino, D.C.
1545 Broadway St., #1A
San Francisco, CA 94109
(415) 563-3800

Heather Dehn, D.C.
Frank Ruffino
901 P St., #142-A
Sacramento, CA 95814

Committee Members Present

Sergio Azzolino, D.C., Chair
Heather Dehn, D.C.
Frank Ruffino

Staff Present

Robert Puleo, Executive Officer
Linda Shaw, Licensing Manager
Sandra Walker, Compliance Manager
Christina Bell, Associate Governmental Program Analyst
Dixie Van Allen, Associate Governmental Program Analyst
Kristy Schielge, Attorney III

Call to Order

Dr. Azzolino called the meeting to order at 11:55

Roll Call

Mr. Ruffino called the roll. All committee members were present.

Approval of April 29, 2014 Minutes

Dr. Azzolino pointed out that the last statement in paragraph 5 of page 2 was not made by him. Specifically, he did not state that he was not aware of anyone submitting a complaint about chiropractors performing ECSW.

T (916) 263-5355
F (916) 327-0039
TT/TDD (800) 735-2929
Consumer Complaint Hotline
(866) 543-1311

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www.chiro.ca.gov

Mr. Puleo stated that it was he who made the statement and that it is already noted in the following paragraph. Therefore, he recommended deleting the statement in question.

MOTION: MR. RUFFINO MOVED TO APPROVE THE MINUTES AS AMENDED BY DELETING THE LAST SENTENCE OF PARAGRAPH 5 ON PAGE 2

SECOND: DR. DEHN SECONDED THE MOTION

VOTE: 3-0

MOTION CARRIED

Discussion Regarding Proposed Changes to Title 16, CCR Section 317(w) (Failure to refer)

After review of the research data provided for this issue, Dr. Azzolino stated it is best that we leave 317(w) alone and leave it up to the Board's discretion if it is being overused by an expert reviewer.

Ms Schielge suggested we amend the proposed language to require the licensee to document the referral in the patient record.

MOTION: DR. AZZOLINO MADE A MOTION TO AMEND 317(W) TO REQUIRE THE LICENSEE TO DOCUMENT THE REFERRAL IN THE PATIENT RECORD

After further discussion and input from the Committee and attendees that this language is already "understood" by health boards, **Dr. Azzolino WITHDREW THE MOTION**

Discussion Regarding Establishing a Standard for Maintenance of Patient Records When a Practice Closes

Dr. Azzolino asked if the Board has such a regulation that addresses this issue.

Mr. Puleo stated we have 312.2 but it is not comprehensive and does not address all the issues at hand.

Dr. Azzolino stated that it is important that the Board be notified prior to an office closing, mandatory notification to patients, mandatory maintenance of records, any fees paid in advance and service not provided, should be refunded.

Dr. Dehn stated, there appears to be four areas that need to be addressed:

- If a practice closes and D.C. is still living
- If the D.C. loses his license and can no longer practice
- If the D.C. dies
- If the D.C. leaves an existing practice that has multiple doctors

Dr. Azzolino agreed with Dr. Dehn. He also stated it would be in the best interest to allow the family of a deceased D.C. to petition for a longer length of time than the current 6 months that is allowed in section 312.2, to dispose of the practice.

Ms. Scheilge stated that staff could bring a draft to amend section 318 back to the next committee meeting for committee members suggestions.

Dr. Dehn requested the staff provide a copy of the Discontinuance of Business form from the Board of Pharmacy as well.

Discussion Regarding Statute of Limitations for Filing a Consumer Complaint Against a Licensed Chiropractor

Ms. Scheilge stated the Board would need a Statute that would allow the Board jurisdictionally to limit itself to certain types of cases, that if the cases exceed a certain matter of time, the Board would have no power to investigate or prosecute.

Mr. Puleo asked if we would have to amend the Act or if this could be done through regulation.

Ms. Scheilge stated the Board would have to amend the Initiative Act.

Mr. Puleo stated that the lack of a statute of limitations has not been a problem for licensees or staff.

Public Comment

None

Future Agenda Items

- Discussion Regarding Advertisement as a “Specialist” CCR Section 311.1
- Proposed Language Regarding Maintenance of Patient Records/Amendment to CCR Section 318

Adjournment

Dr. Azzolino adjourned the meeting at 12:36 p.m.