



**Board of Chiropractic Examiners  
TELECONFERENCE MEETING MINUTES  
Government Affairs Committee  
June 9, 2016**

**Teleconference Meeting Locations**

901 P Street, Suite 142A  
Sacramento, CA 95814  
(916) 263-5355  
(Board Staff)

Julie Elginer, DrPH  
Agoura Hills Library  
29901 Ladyface Circle  
Agoura Hills, CA 91301

John Roza, D.C.  
800 Douglas Blvd  
Roseville, CA 95678

Mr. Frank Ruffino  
Department of Veterans Affairs  
700 E. Naples Court  
Chula Vista, CA 91911

**Committee Members Present**

Julie Elginer, DrPH, Chair  
John Roza, D.C.  
Frank Ruffino

**Staff Present**

Robert Puleo, Executive Officer  
Dixie Van Allen, Licensing Manager  
Marcus McCarther, Policy Analyst

**Call to Order**

Dr. Elginer called the meeting to order at 11:05 a.m.

**Roll Call**

Dr. Roza called the roll. All Board members were present at the locations listed on the Agenda.

**Approval of Minutes**

**MOTION: MR. RUFFINO MOVED TO APPROVE THE MINUTES OF THE MAY 12, 2016 MEETING.**

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

**VOTE: (3-0) (DR. ROZA – AYE, MR. RUFFINO – AYE, DR. ELGINER - AYE)**

**MOTION CARRIED (3 – 0)**

## **Strategic Plan Process Update**

Dr. Elginer explained to the Committee that this discussion item was added to provide an update on the status of the 2017-2020 strategic plan and review the current strategic plan to determine what the committee would like to bring forward to the upcoming strategic plan.

Mr. Puleo provided a status update on new strategic planning process. He shared that the stakeholder survey had closed for submission and SOLID was compiling results. He also explained that board member interviews have been completed and SOLID had conducted its meetings with BCE staff and management. Additionally, Mr. Puleo explained that there was a change in the BCE strategic plan coordinator. However, he explained, the new coordinator would be someone that the BCE had worked with on previous projects.

Dr. Elginer requested that staff follow up with SOLID staff to ensure that there would be no delays in the strategic plan timeline.

Mr. Puleo responded that staff would follow-up with SOLID.

Dr. Elginer explained that the board still needs the environmental scan from SOLID and an updated timeline. She shared that the environmental scan would go to board members before the July board meeting and that members would need to review the scan and prioritize their primary issues for discussion at the July board meeting.

Mr. Puleo shared that any additional instructions needed for participation in the July strategic planning session would come from SOLID.

## **Review of the Previous Strategic Plan**

Dr. Elginer shared her belief that most of the strategic plan goals were met.

Goal 4.1 - Updated onboarding program and materials for Board members.

Dr. Elginer explained that organizational effectiveness should be retained in the plan. She suggested that the onboarding process should include a new board member integration process.

Dr. Elginer suggested that the board be prepared for vacancies and that there is a need to formalize an onboarding process to be incorporated into the strategic plan going forward.

Mr. Puleo asked whether strategic plan action item 4.1.1., which is to establish a process to invite new Board members to visit the BCE office to gain understanding of office functions, should become a mandatory function for new board members. He shared that without requiring new board members to come to the board office for an onboarding process, it will continue to be difficult to get board members to prioritize enough time to visit the board office for the onboarding process.

Dr. Elginer suggested to the committee that an amended onboarding process would best fit in the board member administrative procedure manual, rather than the strategic plan.

Mr. Puleo concurred that the board member administrative procedure manual would be an appropriate place to include these changes.

Dr. Elginer shared that there is value in making this onboard process mandatory. She shared that this onboarding process is most important for those individuals who have not previously served on a board. Dr. Elginer explained that new board members need to spend time in the board office learning how the office operates and take time to review the large board member binder.

Dr. Roza expressed his agreement in the value of a mandatory onboarding process meeting conducted at the board office; however, he expressed apprehension at the inclusion of a four-hour defined time frame to spend at the board office.

Mr. Ruffino explained that he also agrees that a board office visit should be a mandatory requirement for new board members. He also shared that along with the DCA Board Member Orientation Training, the office visit should be required within the first six-months of a new board member appointment.

Mr. Puleo suggested that the language for the new board member onboarding orientation meeting, include a requirement that a meeting is conducted at the board office with the executive officer and another board member. He also suggested that the board member participant be designated by the board chair.

Dr. Elginer volunteered to work Mr. Puleo to draft language for inclusion in the board member administrative procedure manual.

Goal 4.2 - Increase Board awareness of staff functions, responsibilities, and timeframes for completing tasks.

Dr. Elginer explained that goal area 4.2 coincides with goal area 4.1 and should then be included in goal area 4.1 going forward.

Goal 4.3 - Explore alternative ways to engage public participation in Board and committee meetings that leverage new technologies.

Dr. Elginer asked whether there is a continued need to seek out ways to engage the public to increase participation at board and committee meetings. Also, she asked if this goal should remain in the strategic plan.

Mr. Puleo responded that there is not much interest in board meetings and the BCE has done as much as it can do in regard to increasing public participation. He shared that he does not believe there is a need to continue with this goal in the strategic plan.

Dr. Elginer responded that it should be codified somewhere that the BCE believes in outreach to the public. She explained that it is the BCE culture to have meetings in various regions throughout the state. Also, she shared that hosting a board meeting at the different California Chiropractic Colleges has been very valuable for students and the public alike.

Dr. Elginer suggested adding language to the board member administrative procedure manual that requires the board to hold meetings in specific regions of the state and one meeting at a California Chiropractic College.

Mr. Puleo provided alternative language that would “encourage” the board, not “require” the board to hold one meeting a year on a California Chiropractic College campus. He explained that there could be circumstances where it is not convenient to hold a meeting at a college campus and that the board would need flexibility in such a circumstance.

Dr. Elginer explained that there are no additional items moving forward to the 2017 – 2020 strategic plan from the current strategic plan regarding Goal 4 – Organizational Effectiveness.

Goal 7.1 - Establish open lines of communication with government stakeholders to ensure the Board is well informed about information relevant to the chiropractic profession.

Dr. Elginer explained that this goal should remain. She shared that the committee has started meeting with legislative staff during the Legislature’s winter recess. However, Dr. Elginer believes that there is still a need to establish relationships with legislative committee staff and other stakeholders. Also, she stated that during the July 28, 2016 strategic planning session, board members could revisit ways to bolster Goal 7.1.

Goal 7.2 - Partner with state and local government to participate in consumer related events to increase awareness of the Board’s mission and consumer protection services.

Dr. Elginer explained that this goal should be removed due to the BCE’s inability to travel.

Dr. Elginer stated that only Goal 7.1 would move forward to the upcoming strategic plan. Also, she explained that during the upcoming strategic planning session, the board would come up with objective measures to determine ways to broaden the board’s outreach or do things differently to accomplish this goal.

### **Legislative Update**

Mr. Puleo shared that all three bills (AB 1992, AB 2407, and SB 1033) which the board has supported have since died in the legislature.

Mr. Puleo explained that AB 1992 (Jones) failed in the Assembly Business and Profession Committee.

Dr. Roza shared that he had been contacted by a local school district requesting that he provide pre-participation sports physicals to their student athletes.

Mr. Puleo shared that if the bill comes back next year, it would be helpful if the superintendent of the school district was willing to testify in support of a bill that addresses pre-participation sport physicals.

Mr. Puleo shared that AB 2407 was retained in committee.

Mr. Puleo stated that SB 1033 was placed on the inactive file by the author.

Mr. Puleo explained that it was likely that these bills would come back in some form in the future.

### **SB 1195 (Hill)**

Mr. Puleo explained that this bill was introduced to address the U.S. Supreme Court decision regarding the North Carolina State Board of Dental Examiners v. FTC. He shared that the bill is putting provisions in place to ensure appropriate supervision of state regulatory boards. Mr. Puleo added that the bill would address the concern that regulatory boards are engaging in anti-competitive behavior and ensure that their actions serve a state purpose.

Additionally, Mr. Puleo explained that the bill would indemnify board members from lawsuits alleging board members have engaged in anticompetitive behavior.

Mr. Puleo explained that the bill had been placed on the inactive file. Mr. Puleo was informed that the bill language might be included in another bill during the current legislative session.

Mr. Puleo recommended that the committee take a neutral or a watch position on the bill.

Dr. Elginer responded that she is in support of the content of the bill.

Dr. Elginer referred to pg. 10 of the bill, line 17 – 21, regarding the five day time frame to file an approved rulemaking record received from the Director with the Office of Administrative Law (OAL). She asked whether this time frame would negatively impact the board's process.

Ms. Van Allen responded that there would be no change on the board's end. She explained that a completed rulemaking package is submitted to the Director and upon his/her approval, could be submitted to OAL shortly thereafter.

Mr. Puleo explained that this provision is already contained in existing law. He shared that the only change is the newly included 30-day review/approval period for the DCA Director. Mr. Puleo stated that the Director's ability to not take action has been removed. He explained that the bill would require the Director to take action and if the Director does not approve the rule or regulation within the 30-day period, the rulemaking file would die. Mr. Puleo shared that currently, if the Director declines to take action or does not disapprove a rule it would take effect.

Dr. Elginer suggested that this bill would limit the board's ability to promulgate regulation independently.

Mr. Puleo responded that the bill would be limited to rules that contain action that is anti-competitive in nature. He explained that in cases where the action taken is deemed anti-competitive, the board would not have the ability to override the decision of the Director. Mr. Puleo added that in all other cases the board would still retain the ability to override a Director's decision by a unanimous vote of the board.

Mr. Puleo stated that when there are objections, the Director will work with the programs to rectify the issues before it gets to the point of disapproval. Mr. Puleo shared that this bill would ensure that Director either approves or disapproves rulemaking packages that come to the office.

Mr. Puleo stated that he has no concerns with the bill.

Dr. Elginer expressed concern with the cost related to the bill for the department. She asked if there was an estimate on the increase in pro-rata cost to the board.

Mr. Puleo responded that an increase would be insignificant. He shared that cost could reach as much as ten-thousand dollars and that most of the cost would go to the larger programs.

**MOTION: DR. ROZA MOVED TO TAKE A WATCH POSITION ON SB 1195 (HILL).  
SECOND: MR. RUFFINO SECONDED THE MOTION  
VOTE: (3-0) (DR. ROZA – AYE, MR. RUFFINO – AYE, DR. ELGINER - AYE)  
MOTION CARRIED (3 – 0)**

Dr. Elginer reminded the committee that SB 1195 would need to be brought to the attention of the full board at the July board meeting. She shared that in light of time taken to discuss the North Carolina case, it would be wise to inform the board members about SB 1195.

Mr. Puleo responded that if SB 1195 (Hill) is repurposed into another bill, it would be presented at the July board meeting.

### **Discussion of Dates for Future Committee Meetings**

Dr. Elginer stated that next committee meeting would be July 21, 2016.

Mr. Ruffino asked if the committee still planned on conducting the legislative meet and greets in November 2016.

Dr. Elginer responded that the plans were still in place.

### **Public Comment For Items Not On The Agenda**

There was no public comment on this agenda item.

### **Future Agenda Items**

There were no future agenda items discussed.

## **Adjournment**

Dr. Elginer adjourned the meeting at 12:03 p.m.