

NOTICE OF PUBLIC MEETING

July 29, 2016

9:00 a.m.

**Milton Marks Conference Center and Great Hall, San Diego A/B/C
455 Golden Gate Avenue
San Francisco, CA 94012
(415)865-4200**

AGENDA

- 1. OPEN SESSION** – Call to Order & Establishment of a Quorum
Sergio Azzolino, D.C., Chair
Heather Dehn, D.C., Vice Chair
Julie Elginer, DrPH, Secretary
Dionne McClain, D.C.
John Roza Jr., D.C.
Corey Lichtman, D.C.
Frank Ruffino
- 2. Pledge of Allegiance**
- 3. Chair's Report- Dr. Azzolino**
Overview of the Board's accomplishments and/or goals
- 4. Approval of Minutes**
May 19, 2016
- 5. Executive Officer's Report**
 - A. Administration- Board staffing / Organizational Chart
 - B. Budget- Fund condition update
 - C. Licensing- Statistical trends
 - D. Enforcement – Statistical trends
 - E. BCE 2017 Sunset Review Overview and Planning
- 6. Ratification of Approved License Applications**
- 7. Ratification of Approved Continuing Education Providers**
- 8. Ratification of Denied License Applications**
- 9. Report from Federation of Chiropractic Licensing, Board National Board of Chiropractic and California Chiropractic Association Conference**

10. BCE Licensing, Continuing Education and Public Relations Committee Meetings Update -
Board may take action on any item on the attached Licensing, Continuing Education and Public Relations Committee meeting agendas.

11. BCE Government Affairs Committee Meetings Update –
Board may take action on any item on the attached Government Affairs Committee meeting agendas.

12. Review, Discussion, and Possible Action Re: Proposed & Pending Regulations

1. Application for Licensure (CCR Section 321)
2. Consumer Protection Enforcement Initiative (CPEI)
3. Uniform Standards for Substance Abusing Licensees
4. Revisions to BCE Disciplinary Guidelines
5. Mandatory Cardiopulmonary Resuscitation (CPR) Certification for all licensees
6. Comprehensive Revisions/Updates to CCR Article 4 (Sections 330 – 331.16) – Approved Schools & Qualifications of Applicants (Curriculum Requirements)
7. Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice or Death/Incapacity of Licensee
8. Continuing Education Requirements (CE Provider and Course Approval)
9. Amend or Repeal CCR Section 354 - Successful Examination (Obsolete provision)

13. Public Comment for Items Not on the Agenda

Note: The Board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a).] Public comment is encouraged; however, if time constraints mandate, comments may be limited at the discretion of the Chair.

14. Agenda Items for Future Meetings

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15. Closed Session

A. Deliberation on Disciplinary Decisions and Petitions Pursuant to California Government Code Section 11126(c)(3)

B. Receive Advice from Legal Counsel Pursuant to California Government Code Section 11126 (e) Regarding:

1. Jonathan Widenbaum, D.C. v. California Department of Consumer Affairs/Board of Chiropractic Examiners, Cal.Ct.App. (1st app. Dist.), Case No. A142454
2. Hugh Lubkin, D.C. v. Board of Chiropractic Examiners Workers' Compensation Case No. ADJ7361379

16. OPEN SESSION: Announcements Regarding Closed Session

17. Adjournment

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The meeting facilities are accessible to individuals with physical disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Valerie James at (916) 263-5355 ext. 5362 or e-mail Valerie.James@dca.ca.gov or send a written request to the Board of Chiropractic Examiners, 901 P Street, Suite 142A, Sacramento, CA 95814. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

NOTICE OF TELECONFERENCE
LICENSING, CONTINUING EDUCATION & PUBLIC RELATIONS
COMMITTEE MEETING

March 30, 2016

12:30 p.m.

One or more Committee Members will participate in this meeting at the teleconference sites listed below. Each teleconference location is accessible to the public and the public will be given an opportunity to address the Licensing, Continuing Education and Public Relations Committee at each teleconference location. The public teleconference sites for this meeting are as follows:

Teleconference Meeting Locations:

901 P Street, Suite 142A
Sacramento, CA 95814

Corey Lichtman, DC
538 Stevens Ave.
Solana Beach, CA 92075
(858) 481-1889

Heather Dehn, DC
4616 El Camino Ave, Ste B
Sacramento, CA 95821
(916) 488-0202

Dionne McClain, DC
6360 Wilshire Blvd., Ste 410
Los Angeles, CA 90043
(323) 653-1014

AGENDA

- 1. Call to Order & Establishment of a Quorum**
- 2. Approval of Minutes**
January 19, 2016
- 3. Review and Discussion of CE Provider Qualification Focus Group Results**
- 4. Review and Discussion on Possible Revisions to Sections 360-366 of Title 16 of the California Code of Regulations Regarding Continuing Education; Possible Recommendation to Full Board**
- 5. Review and Discussion Regarding Proposed Outreach Publications; Possible Recommendation to Full Board**
A. Licensee Guide
- 6. Public Comment**
Note: The Committee may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a).] Public comment is encouraged; however, if time constraints mandate, comments may be limited at the discretion of the Chair.
- 7. Future Agenda Items**
- 8. Adjournment**

**LICENSING, CONTINUING EDUCATION
& PUBLIC RELATIONS COMMITTEE**

Heather Dehn, D.C., Chair

Dionne McClain., D.C.

Corey Lichtman, D.C.

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NOTICE OF TELECONFERENCE
LICENSING, CONTINUING EDUCATION & PUBLIC RELATIONS
COMMITTEE MEETING

April 18, 2016

12:00 p.m.

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(858) 481-1889

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4616 El Camino Ave, Ste B
Sacramento, CA 95821
(916) 488-0202

Dionne McClain, DC
6360 Wilshire Blvd., Ste 410
Los Angeles, CA 90048
(323) 653-1014

AGENDA

- 1. Call to Order & Establishment of a Quorum**
- 2. Approval of Minutes**
March 30, 2016
- 3. Review and Discussion of CE Provider Qualification Focus Group Results**
- 4. Review and Discussion on Possible Revisions to Sections 360-366 of Title 16 of the California Code of Regulations Regarding Continuing Education; Possible Recommendation to Full Board**
- 5. Review and Discussion Regarding Proposed Outreach Publications; Possible Recommendation to Full Board**
A. Licensee Guide
- 6. Public Comment**
Note: The Committee may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a).] Public comment is encouraged; however, if time constraints mandate, comments may be limited at the discretion of the Chair.
- 7. Future Agenda Items**
- 8. Adjournment**

**LICENSING, CONTINUING EDUCATION
& PUBLIC RELATIONS COMMITTEE**

Heather Dehn, D.C., Chair
Dionne McClain., D.C.
Corey Lichtman, D.C.

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NOTICE OF TELECONFERENCE
LICENSING, CONTINUING EDUCATION & PUBLIC RELATIONS
COMMITTEE MEETING

June 7, 2016

12:30 p.m.

One or more Committee Members will participate in this meeting at the teleconference sites listed below. Each teleconference location is accessible to the public and the public will be given an opportunity to address the Licensing, Continuing Education and Public Relations Committee at each teleconference location. The public teleconference sites for this meeting are as follows:

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538 Stevens Ave.
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(858) 481-1889

Heather Dehn, DC
4616 El Camino Ave, Ste B
Sacramento, CA 95821
(916) 488-0202

Dionne McClain, DC
6360 Wilshire Blvd., Ste 410
Los Angeles, CA 90048
(323) 653-1014

AGENDA

- 1. Call to Order & Establishment of a Quorum**
- 2. Approval of Minutes**
April 18, 2016
- 3. Review and Discussion on Possible Revisions to Sections 360-366 of Title 16 of the California Code of Regulations Regarding Continuing Education; Possible Recommendation to Full Board**
- 4. Review and Discussion Regarding Social Media Statistics**
- 5. Discussion and Possible Action on Creating a Consumer Publication Related to Chiropractic Training and Education Requirements**
- 6. Public Comment**
Note: The Committee may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a).] Public comment is encouraged; however, if time constraints mandate, comments may be limited at the discretion of the Chair.
- 7. Future Agenda Items**
- 8. Adjournment**

**LICENSING, CONTINUING EDUCATION
& PUBLIC RELATIONS COMMITTEE**

Heather Dehn, D.C., Chair

Dionne McClain., D.C.

Corey Lichtman, D.C.

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NOTICE OF TELECONFERENCE
LICENSING, CONTINUING EDUCATION & PUBLIC RELATIONS
COMMITTEE MEETING

July 11, 2016

12:30 p.m.

One or more Committee Members will participate in this meeting at the teleconference sites listed below. Each teleconference location is accessible to the public and the public will be given an opportunity to address the Licensing, Continuing Education and Public Relations Committee at each teleconference location. The public teleconference sites for this meeting are as follows:

Teleconference Meeting Locations:

901 P Street, Suite 142A
Sacramento, CA 95814
(Board Staff)

Corey Lichtman, DC
538 Stevens Ave.
Solana Beach, CA 92075
(858) 481-1889

Heather Dehn, DC
4616 El Camino Ave, Ste B
Sacramento, CA 95821
(916) 488-0202

Dionne McClain, DC
6360 Wilshire Blvd., Ste 410
Los Angeles, CA 90048
(323) 653-1014

AGENDA

- 1. Call to Order & Establishment of a Quorum**
- 2. Approval of Minutes**
June 7, 2016
- 3. Review and Discussion on Strategic Plan Action Items**
 - Goal 1 - Licensing
 - Goal 3 - Professional Qualifications and Continuing Education
 - Goal 5 - Public Relations and Outreach
- 4. Discussion and Possible Action on Creating a Consumer Publication Related to Chiropractic Training and Education Requirements**
- 5. Public Comment**

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- 6. Future Agenda Items**
- 7. Adjournment**

**LICENSING, CONTINUING EDUCATION
& PUBLIC RELATIONS COMMITTEE**

Heather Dehn, D.C., Chair
Dionne McClain., D.C.
Corey Lichtman, D.C.

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NOTICE OF PUBLIC MEETING

TELECONFERENCE - GOVERNMENT AFFAIRS & STRATEGIC PLANNING COMMITTEE

March 10, 2016, 10:00 a.m.

One or more Committee Members will participate in this meeting at the teleconference sites listed below. Each teleconference location is accessible to the public and the public will be given an opportunity to address the Government Affairs and Strategic Planning Committee at each teleconference location. The public teleconference sites for this meeting are as follows:

Teleconference Meeting Locations:

Julie Elginer, DrPH

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

Dionne McClain, D.C.

McClain Sports & Wellness Inc.
6360 Wilshire Blvd. #410
Los Angeles, CA 90048
(323) 653-1014

Frank Ruffino, Public Member

Department of Veterans Affairs
700 E. Naples Court
Chula Vista, CA 91911
(619) 205-1415

AGENDA

1. Call to Order

2. Approval of Minutes

- a. January 14, 2016

3. Legislative Update

- a. SB 1033 (Hill) Medical Board: disclosure of probationary status.
- b. SB 1348 (Cannella) Licensure applications: military experience.
- c. SB 1155 (Morrell) Professions and vocations: licenses: military service
- d. SB 1217 (Stone) Healing arts: reporting requirements: professional liability resulting in death or personal injury

4. Discussion of Dates for Future Committee Meetings

5. Public Comment For Items Not On The Agenda

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6. Future Agenda Items

7. Adjournment

GOVERNMENT AFFAIRS COMMITTEE

Julie Elginer, Dr. PH, Chair
Dionne McClain, D.C.
Frank Ruffino, Public Member

The Board of Chiropractic Examiners' paramount responsibility is to protect the health, welfare, and safety of the public through licensure, education, and enforcement in chiropractic care.

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NOTICE OF PUBLIC MEETING

TELECONFERENCE - GOVERNMENT AFFAIRS & STRATEGIC PLANNING COMMITTEE

April 7, 2016, 10:00 a.m.

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(Board Staff)

Julie Elginer, DrPH
Agoura Hills Library
29901 Ladyface Circle
Agoura Hills, CA 91301
(818) 889-2278

John Roza, D.C.
800 Douglas Blvd
Roseville, CA 95678
(916) 786-2267

Frank Ruffino
Department of Veterans Affairs
700 East Naples Court
Chula Vista, CA 91911
(619) 205-1415

AGENDA

- 1. Call to Order**
- 2. Approval of Minutes**
 - a. March 10, 2016
- 3. Update and Possible Action Regarding Legislation**
 - a. AB 1992 (Jones) Pupil health: physical examinations
 - b. AB 2407 (Chavez) Workers' Compensation
 - c. AB 2744 (Gordon) Healing arts: referrals
 - d. SB 1033 (Hill) Medical Board: disclosure of probationary status.
 - e. SB 1155 (Morrell) Professions and vocations: licenses: military service
 - f. SB 1217 (Stone) Healing arts: reporting requirements
 - g. SB 1348 (Cannella) Licensure applications: military experience.

4. Discussion of Dates for Future Committee Meetings

5. Public Comment For Items Not On The Agenda

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6. Future Agenda Items

7. Adjournment

GOVERNMENT AFFAIRS COMMITTEE

Julie Elginer, Dr. PH, Chair
John Roza, D.C.
Frank Ruffino, Public Member

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CORRECTED
NOTICE OF PUBLIC MEETING

TELECONFERENCE - GOVERNMENT AFFAIRS & STRATEGIC PLANNING COMMITTEE

May 12, 2016, 10:00 a.m.

One or more Committee Members will participate in this meeting at the teleconference sites listed below. Each teleconference location is accessible to the public and the public will be given an opportunity to address the Government Affairs and Strategic Planning Committee at each teleconference location. The public teleconference sites for this meeting are as follows:

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(Board Staff)

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Agoura Hills Library
29901 Ladyface Circle
Agoura Hills, CA 91301
(818) 889-2278

John Roza, D.C.
800 Douglas Blvd
Roseville, CA 95678
(916) 786-2267

Frank Ruffino
Raintree's Cimarron Golf Resort
67-707 30th Avenue
Cathedral City, CA 92234
(619) 205-1415

AGENDA

- 1. Call to Order**
- 2. Approval of Minutes**
 - a. April 7, 2016
- 3. Update on the Strategic Planning Process**
- 4. Update and Possible Action Regarding Legislation**
 - a. AB 1992 (Jones) Pupil health: physical examinations
 - b. AB 2407 (Chavez) Workers' Compensation
 - c. AB 2744 (Gordon) Healing arts: referrals
 - d. SB 1033 (Hill) Medical Board: disclosure of probationary status.
 - e. SB 1155 (Morrell) Professions and vocations: licenses: military service
 - f. SB 1217 (Stone) Healing arts: reporting requirements
 - g. SB 1348 (Cannella) Licensure applications: military experience.
- 5. Discussion of Dates for Future Committee Meetings**
- 6. Public Comment For Items Not On The Agenda**

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7. Future Agenda Items

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8. Adjournment

GOVERNMENT AFFAIRS COMMITTEE

Julie Elginer, Dr. PH, Chair
John Roza, D.C.
Frank Ruffino, Public Member

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NOTICE OF PUBLIC MEETING

TELECONFERENCE - GOVERNMENT AFFAIRS & STRATEGIC PLANNING COMMITTEE

June 9, 2016, 11:00 a.m.

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Sacramento, CA 95814
(916) 263-5355
(Board Staff)

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Agoura Hills Library
29901 Ladyface Circle
Agoura Hills, CA 91301
(818) 889-2278

John Roza, D.C.
800 Douglas Blvd
Roseville, CA 95678
(916) 786-2267

Frank Ruffino
Department of Veterans Affairs
700 E. Naples Court
Chula Vista, CA 91911
(619) 205-1415

AGENDA

- 1. Call to Order**
- 2. Approval of Minutes**
 - a. May 12, 2016
- 3. Update and Discussion on the BCE Strategic Plan**
- 4. Update and Possible Action Regarding Legislation**
 - a. AB 1992 (Jones) Pupil health: physical examinations
 - b. AB 2407 (Chavez) Workers' Compensation
 - c. AB 2744 (Gordon) Healing arts: referrals
 - d. SB 1033 (Hill) Medical Board: disclosure of probationary status.
 - e. SB 1155 (Morrell) Professions and vocations: licenses: military service
 - f. SB 1195 (Hill) Professions and vocations: board actions: competitive impact.
 - g. SB 1217 (Stone) Healing arts: reporting requirements
 - h. SB 1348 (Cannella) Licensure applications: military experience.
- 5. Discussion of Dates for Future Committee Meetings**
- 6. Public Comment For Items Not On The Agenda**

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7. Future Agenda Items

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8. Adjournment

GOVERNMENT AFFAIRS COMMITTEE

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

The Board of Chiropractic Examiners' paramount responsibility is to protect the health, welfare, and safety of the public through licensure, education, and enforcement in chiropractic care.

Committee Meetings of the Board of Chiropractic Examiners are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. Public comments will be taken on agenda items at the time the specific item is raised. The Committee may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at www.chiro.ca.gov.

The meeting facilities are accessible to individuals with physical disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Valerie James at (916) 263-5355 ext. 5362 or e-mail valerie.james@dca.ca.gov or send a written request to the Board of Chiropractic Examiners, 901 P Street, Ste. 142A Sacramento, CA 95814. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

NOTICE OF PUBLIC MEETING

TELECONFERENCE - GOVERNMENT AFFAIRS & STRATEGIC PLANNING COMMITTEE

July 14, 2016, 10:00 a.m.

One or more Committee Members will participate in this meeting at the teleconference sites listed below. Each teleconference location is accessible to the public and the public will be given an opportunity to address the Government Affairs and Strategic Planning Committee at each teleconference location. The public teleconference sites for this meeting are as follows:

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
(818) 889-2278

John Roza, D.C.
800 Douglas Blvd
Roseville, CA 95678
(916) 786-2267

Frank Ruffino
Department of Veterans Affairs
700 E. Naples Court
Chula Vista, CA 91911
(619) 205-1415

AGENDA

1. Call to Order

2. Approval of Minutes

- a. June 9, 2016

3. Update and Discussion on the BCE Strategic Plan

4. Review and Possible Action on the BCE Administrative Procedures Manual

5. Update and Possible Action Regarding Legislation

- a. AB 1992 (Jones) Pupil health: physical examinations
- b. AB 2182 (Mullin) School athletics: neurocognitive testing
- c. AB 2407 (Chavez) Workers' Compensation
- d. AB 2744 (Gordon) Healing arts: referrals
- e. SB 1033 (Hill) Medical Board: disclosure of probationary status.
- f. SB 1155 (Morrell) Professions and vocations: licenses: military service
- g. SB 1195 (Hill) Professions and vocations: board actions: competitive impact.
- h. SB 1217 (Stone) Healing arts: reporting requirements
- i. SB 1348 (Cannella) Licensure applications: military experience

6. Discussion of Dates for Future Committee Meetings

7. Public Comment For Items Not On The Agenda

Note: The Committee may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a).] Public comment is encouraged; however, if time constraints mandate, comments may be limited at the discretion of the Chair.

8. Future Agenda Items

Note: The Committee may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125] Public comment is encouraged; however, if time constraints mandate, comments may be limited at the discretion of the Chair.

9. Adjournment

GOVERNMENT AFFAIRS COMMITTEE

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

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State of California
Edmund G. Brown Jr., Governor

Agenda Item 4
July 29, 2016

Approval of Minutes

Purpose of the item

The Board will review and approve the board meeting minutes of the previous board meeting.

Action(s) requested

The Board will be asked to make a motion to approve the May 19, 2016, Board meeting minutes.

Background

N/A

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

- Meeting Minutes from the May 19, 2016 Board meeting



State of California
Edmund G. Brown Jr., Governor

BOARD OF CHIROPRACTIC EXAMINERS PUBLIC SESSION MINUTES

May 19, 2016

Southern California University of Health Sciences
16200 E Amber Valley Drive, Legacy Hall
Whittier, CA 90604

Board Members Present

Sergio Azzolino, D.C., Chair
Heather Dehn, D.C., Vice Chair
Julie Elginer, DrPH, Secretary
Frank Ruffino
Dionne McClain, D.C.
John Roza, Jr., D.C.
Corey Lichtman, D.C.

Staff Present

Robert Puleo, Executive Officer
Spencer Walker, Attorney III
Dixie Van Allen, Staff Services Manager I
Marcus McCarther, Associate Governmental Program Analyst
Valerie James, Management Services Technician
Nikkia Capizzano, Office Technician

Call to Order

Dr. Azzolino called the meeting to order at 9:12 a.m.

Roll Call

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

Pledge of Allegiance

Mr. Ruffino led the Pledge of Allegiance.

Chair's Report

Dr. Azzolino thanked Dr. Scaringe for allowing the Board to hold its meeting on the Southern California University of Health Science Campus. Dr. Azzolino reported that the Board has made significant strides towards improving the quality of CE courses available to our licensees, developing publication for outreach to stakeholders

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

Board of Chiropractic Examiners
901 P Street, Suite 142A
Sacramento, California 95814
www.chiro.ca.gov

and streamlining its Legislative review process and Board administrative procedures. Since the March Board meeting, staff and the Government Affairs & Strategic Planning Committee has continued to track and advocate the Board's position on legislation. Dr. Azzolino and Dr. Elginer have traveled to Sacramento to testify before the Senate and Assembly Business and Professions Committees on bills the Board supports. Dr. Azzolino encouraged the audience to evaluate the standard of care in the profession and engage in the legislative process to move the profession forward.

Dr. Elginer added that the Board's Government Affairs Committee evaluates legislation and encouraged the audience to be active participants in the Committee.

Approval of Minutes

JANUARY 28, 2016

DISCUSSION:

Dr. Elginer requested corrections to the minutes as follows:

- *Page 2 - Correct the title from "Mr. Azzolino" to "Dr. Azzolino"*
- *Page 6 - Correct spelling from "Dr. Elgiiner" to "Dr. Elginer"*

Dr. McClain requested corrections to the minutes as follows:

- *Page 6 - Correct spelling on the second paragraph, first sentence from "where" to "were"*
- *Page 6 - Correct spelling on the second paragraph, last sentence from "desecration" to "discretion"*

MOTION: MR. RUFFINO MOVED TO APPROVE THE JANUARY 28, 2016 MINUTES AS AMENDED.

SECOND: DR. ELGINER SECONDED THE MOTION

VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-AYE)

MOTION: CARRIED

MARCH 17, 2016

MOTION: DR. DEHN MOVED TO APPROVE THE MARCH 17, 2016 MINUTES AS AMENDED.

SECOND: DR. MCCLAIN SECONDED THE MOTION

Dr. Roza requested corrections to the minutes as follows:

- *Page 3 - Correct title in the seventh paragraph from "Mr. Roza" to "Dr. Roza"*

MOTION: DR. DEHN MOVED TO RECALL HER MOTION

SECOND: DR. ELGINER SECONDED THE MOTION

VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-AYE)

MOTION: CARRIED

MOTION: DR. ROZA MOVED TO APPROVE THE MARCH 17, 2016 MINUTES AS AMENDED.

SECONDED: DR. DEHN SECONDED THE MOTION

VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-AYE)

MOTION: CARRIED

Executive Officer's Report

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

Mr. Puleo reported that the Board has two vacant analyst positions in the Compliance Unit, and we are actively recruiting to fill the positions. Additionally, he provided an overview of the Strategic Plan process. SOLID is currently on an 8-week planning phase where it completes a SWOT analysis and an environmental scan for the Board. SOLID planners have conducted focus groups with Board staff and management and surveyed stakeholders. SOLID will conduct a full strategic planning session with Board members, at the July 28, 2016 Board Meeting, which is open to the public.

Dr. Elginer shared that the intent of SOLID is to have each Board Member review the environmental scan and be prepared to present a prioritized list of future goals of the Board.

Mr. Puleo provided an update on the Board's fund condition and the loan repayment to the Bureau of Automotive Repair (BAR) for the Arbuckle judgment.

Mr. Puleo summarized the Board's licensing statistics and stated the new applications for Licensure have increased slightly.

Dr. Azzolino shared that California has the highest number of licensed chiropractors in the country.

Mr. Puleo also reported on the Enforcement statistics and provided a brief overview of enforcement activity since the last Board Meeting. He encouraged the audience to sign up on the Board's email list as well as "like" the Board's social media pages on Facebook and Twitter.

Dr. Elginer requested that the "number of alleged violations" table be presented to the Board members because the descriptions of the violations were not included on the chart. She also requested that common violations be included in the Board's newsletter.

Ratification of Approved License Applications

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

SECOND: MR. RUFFINO SECONDED THE MOTION

VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-AYE)

MOTION: CARRIED

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

Ratification of Approved Continuing Education Providers

MOTION: MR. RUFFINO MOVED TO RATIFY THE APPROVED CONTINUING EDUCATION PROVIDERS.

SECOND: DR. ROZA SECONDED THE MOTION

DISCUSSION:

Dr. Dehn referred to number 12; and inquired about the type of continuing education course. Dr. Dehn requested the course to be placed on the agenda for the Licensing, Continuing Education & Public Relations or the Enforcement Committee to follow up on auditing the course.

Dr. Azzolino commented that if anyone takes a CE course and is dissatisfied with the course they should contact the Board.

Dr. Roza encouraged the chiropractic students to attend meetings and engage in the Board and Committee meetings.

Dr. Lichtman requested a brief biography and summary of the subject matter on each provider.

Mr. Puleo will check with the staff and legal to see if this can be provided at the next board meeting.

VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-AYE)

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

There were no denied license applications.

BCE Licensing, Continuing Education and Public Relations Committee Meeting Update

This item was tabled until the next Board meeting.

BCE Government Affairs Committee Meeting Update

This item was tabled until the next Board meeting.

Update on Pending Regulations

Mr. Puleo referred to the “BCE List of Prioritized Proposed Regulatory Changes”, in the Board’s packet and provided the status of proposed regulations.

Dr. Elginer requested clarification on whether the listed proposed regulatory changes are manageable with the current staffing.

Mr. McCarther explained the regulatory process and shared that there are three regulations are being brought forward today for review and consideration.

Mr. Puleo advised that some of the enforcement rulemaking packages would be assigned to an enforcement analyst once we are fully staffed. He noted that we are also looking into hiring a retired annuitant to assist with the backlog.

Dr. Dehn requested clarification as to what the Board can do to help expedite the process of the Board initiated regulations.

Mr. McCarther shared that the backlog was due to legislative mandates and staffing issues, which should resolve now that the he has a better understanding of the regulatory processes.

Dr. Azzolino asked when the Mandatory Cardiopulmonary Resuscitation (CPR) Certification for all licensees would be enacted.

Mr. McCarther clarified that the Mandatory Cardiopulmonary Resuscitation rulemaking package would be initiated sometime in October of 2016.

Review & Consideration of Order of Adoption for Application for Licensure & CE Exemptions (CCR Section 321 & 364)

Mr. Puleo presented the proposed language CCR sections 321 & 364, Application for Licensure and Continuing Education Exemptions for discussion.

Mr. McCarther clarified that this motion would be to adopt the changes to the proposed language and authorize staff to initiate a 15- day comment period. After the 15- day comment period, staff would make necessary changes and finalize the language to bring forward at the next full board meeting for a vote.

Mr. Puleo requested clarification on whether the board could approve the language today if no comments were received during the 15-day comment period.

Mr. Walker responded affirmatively.

**MOTION: MR. RUFFIO MOVED TO APPROVE THE PROPOSED AMENDED LANGUAGE TO CCR SECTIONS 321 & 364, (APPLICATION FOR LICENSURE & CE EXEMPTIONS) PENDING COMMENTS
SECONDED: DR. AZZOLINO SECONDED THE MOTION**

DISCUSSION:

Dr. Dehn requested clarification on subsection 364(f), "A licensee who participates in part four of the National Board of Chiropractic Examiners (NBCE) examinations shall receive a maximum of six hours of continuing education credit for each examination period conducted by the NBCE during the license renewal period". There are concerns regarding the amount of CE credit being changed from 12 hours to 6 hours of continuing education.

Mr. Puleo clarified that we can only accept comments on sections being changed. In addition, if there is a concern regarding the number of CE credits being given, the Board may want to refer this issue back to the Licensing, Continuing Education and Public Relations Committee for discussion.

Mr. Walker clarified that this change to subsection 364(f) will require a 45- day comment period.

Dr. Azzolino referred the rulemaking package back to the Licensing, Continuing Education and Public Relations Committee.

**MOTION: MR. RUFFINO MOVED TO RECALL THE MOTION TO APPROVE THE LANGUAGE TO CCR SECTIONS 321 & 364, (APPLICATION FOR LICENSURE & CE EXEMPTIONS) PENDING COMMENTS
SECONDED: DR. AZZOLINO SECONDED THE MOTION AND REFERRED THE LANGUAGE TO THE LICENSING, CONTINUING EDUCATION & PUBLIC RELATIONS COMMITTEE FOR REVIEW
VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-AYE)
MOTION: CARRIED**

Discussion and Possible Action to Initiate Rulemaking to Implement Provisions of the Proposed Language for Delegation of Authority to the Assistant Executive Officer (CCR Sections 306, 389, 390, 390.3, 390.4 & 390.5)

Mr. Puleo presented the proposed language CCR sections 306, 389, 390, 390.3, 390.4 & 390.5, Delegation of Authority to the Assistant Executive Officer.

MOTION MR. RUFFINO MOVED TO APPROVE THE AMENDED PROPOSED LANGUAGE TO CCR SECTIONS 306, 389, 390, 390.3, 390.4 & 390.5 (DELEGATION OF AUTHORITY TO THE ASSISTANT EXECUTIVE OFFICER)

SECONDED: DR. AZZOLINO SECONDED THE MOTION

VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-AYE)

MOTION: CARRIED

MOTION: DR. ELGINER MOVED TO DIRECT STAFF TO INITIATE THE FORMAL RULEMAKING PROCESS FOR THE PROPOSED TEXT OF SECTIONS 306, 389, 390, 390.3, 390.4 & 390.5 , AUTHORIZE THE EXECUTIVE OFFICER TO MAKE ANY NON-SUBSTANTIVE CHANGES TO THE RULEMAKING PACKAGE AND DIRECT STAFF TO INITIATE A 45-DAY COMMENT PERIOD.

SECONDED: DR. MCCLAIN SECONDED THE MOTION

VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-AYE)

MOTION: CARRIED

Discussion and Possible Action to Initiate Rulemaking to Implement Provisions of the Consumer Protection Enforcement Initiative (CPEI) (CCR Sections 303, 304, 306.3, 308, 308.1, 312, 314, 317.2, 317.3, 321.1, 384.1, 390.7, 390.8)

Mr. Puleo presented the proposed language to amend section CCR Sections 303, 304, 306.3, 308, 308.1, 312, 314, 317.2, 317.3, 321.1, 384.1, 390.7, 390.8 Consumer Protections Enforcement Initiative (CPEI).

DISCUSSION:

Dr. Elginer inquired about whether language could be added to inquire whether a petitioner has made a good faith effort to pay cost recovery prior their petition being considered at a board meeting.

Mr. Walker clarified that adding this would require a statutory change. As an alternative, he suggested that the Board could work with the Attorney General's Office to have the accusation and decision language include, "payment of cost recovery shall be paid in full before applying for reinstatement".

MOTION: DR. DEHN MOVED TO APPROVE THE PROPOSED LANGUAGE CCR SECTIONS 303, 304, 306.3, 308, 308.1, 312, 314, 317.2, 317.3, 321.1, 384.1, 390.7, 390.8 (OMNIBUS CONSUMER PROTECTION REGULATIONS)

SECONDED: DR. ELGINER SECONDED THE MOTION

VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-AYE)

MOTION: CARRIED

MOTION: DR. ELGINER MOVED TO DIRECT STAFF TO TAKE ALL NECESSARY STEPS TO INITIATE THE FORMAL RULEMAKING PROCESS WITH THE

PROPOSED TEXT FOR SECTIONS 303, 304, 306.3, 308, 308.1, 312, 314, 317.2, 317.3, 321.1, 384.1, 390.7, 390.8, AUTHORIZE THE EXECUTIVE OFFICER TO MAKE ANY NON-SUBSTANTIVE CHANGES TO THE RULEMAKING PACKAGE AND DIRECT STAFF TO INITIATE A 45-DAY COMMENT PERIOD.

SECONDED: DR. DEHN SECONDED THE MOTION

VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-AYE)

MOTION: CARRIED

Public Comment for Items Not on the Agenda

A member of the public inquired about whether the Board recognizes chiropractic specialties.

Dr. Azzolino shared that the board does not currently recognize chiropractic specialties due to the restrictions in the Chiropractic Initiative Act.

Future Agenda Items

Dr. Dehn requested to add an update on the Federation of Chiropractic Licensing Board (FCLB), National Board of Chiropractic Examiners (NBCE) conference and the Licensing, Continuing Education and Public Relations Committee report.

The Board referred back to Agenda item 5B- Executive Officer Report

A member of the public inquired about whether the Board could mandate licensees to be members of a professional association.

Mr. Puleo clarified the difference between the Board of Chiropractic Examiners and the Chiropractic Association.

The Board moved to Agenda item 15- Closed Session

Hearings Re: Petition for Reinstatement of Revoked License

Administrative Law Judge, Howard Cohen, presided over and Deputy Attorney General, Thomas Rinaldi, appeared on behalf of the people of the State of California in the following hearings:

- A. Omid Javaherian
- B. Thomas Wiltse

Closed Session

Following oral testimonies, the Board went into Closed Session for deliberation and determinations regarding:

- A. Deliberate on Disciplinary Decisions and Petitions Pursuant to California Governmental Code Section 11126(c)(3)
- B. Closed Session to receive advice from Legal Counsel Pursuant to California

Government Code Section 11126(e) regarding:

- 1) Jonathan Widenbaum, D.C. v. California Department of Consumer Affairs/Board of Chiropractic Examiners, Cal.Ct.App. (1st app. Dist.), Case No. A142454
- 2) Hugh Lubkin, D.C. v. Board of Chiropractic Examiners Workers' Compensation Case No. ADJ7361379

Open Session

The Board went back into Open Session.

The Board referred back to Agenda item 11B- Review & Consideration of Order of Adoption for Application for Licensure & CE Exemptions (CCR Section 321 & 364)

Ms. Van Allen clarified the rulemaking process and that the original recommendation today was to move forward with the 15- day comment period. She added that adding another change to subsection 364(f) might substantially delay the implementation of this rulemaking package. Ms. Van Allen recommended moving forward with the 15-day comment period and addressing additional changes to subsection 364(f) in a separate rulemaking package so that the application for licensure can be formally adopted sooner.

Mr. Puleo added that the recommended changes to subsection 364(f) are a different policy issue than those addressed in this rulemaking package and agreed that the Board move forward with Application for Licensure & CE Exemptions (CCR Section 321 & 364) and address subsection 364(f) as a separate regulation.

MOTION: DR. ROZA MOVED TO APPROVE THE LANGUAGE FOR CCR SECTIONS 321 & 364 (APPLICATION FOR LICENSURE & CE EXEMPTIONS) AS MODIFIED, AUTHORIZE THE EXECUTIVE OFFICER TO MAKE ANY NON-SUBSTANTIVE CHANGES AS NECESSARY AND SEND OUT THE PROPOSED LANGUAGE FOR A 15- DAY COMMENT PERIOD. IF NO COMMENTS ARE RECEIVED DURING THE 15 DAY COMMENT PERIOD, THE BOARD ADOPTS THE LANGUAGE AS PRESENTED TODAY, AUTHORIZED THE EXECUTIVE OFFICER TO MAKE NON-SUBSTANTIVE CHANGES AS NECESSARY, AND FORWARD THE RULEMAKING PACKAGE TO THE OFFICE OF ADMINISTRATIVE LAW FOR APPROVAL.

SECONDED: MR. RUFFINO SECONDED THE MOTION

VOTE: 7-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. ELGINER-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, DR. ROZA-AYE, MR. RUFFINO-AYE)

MOTION: CARRIED

Adjournment

Dr. Azzolino adjourned the meeting at 2:30 p.m.

(ATTACHMENT A)

**Approval By Ratification of Formerly Approved License Applications
 January 1, 2016 – March 31, 2016**

Name (First, Middle, Last)			Date Issued	DC#
Takanori		Fujiwara	1/14/2016	33453
Joshua	Leib	Pollack	1/14/2016	33454
Jordan	Michael	Shallow	1/14/2016	33455
Lauren	Carol	Whittaker	1/14/2016	33456
Matthew	John	Fuller	1/27/2016	33457
Tyler	Thomas	Hove	1/27/2016	33458
Sean	Robert	Salazar	1/27/2016	33459
Lance	Steven	Von Stade	1/27/2016	33460
Arturo		Cordova	2/10/2016	33461
Jeremy	Alan	Gaynier	2/10/2016	33462
Jeannette	Joshua	Grimm	2/10/2016	33463
Claribel		Jimenez	2/10/2016	33464
Eyesun		Konjkavfard	2/10/2016	33465
Andre	James	Robitaille	2/10/2016	33466
Tanner	James	Schulze	2/10/2016	33467
Jenny	Marie	Stofer	2/10/2016	33468
Gohar	Kristina	Gasparian	2/11/2016	33469
Margaret	Catherine	Spicerreddy	2/11/2016	33470
Sharon	Ann	Tseng	2/11/2016	33471
Andrew	Michael	Adams	2/18/2016	33472
Anthony	Joe	Alvidrez	2/18/2016	33473
Kayla	Lee	Ambert	2/18/2016	33474
Bettina	Maria	Ambuehl-Honegger	2/18/2016	33475
Kyle	Richard	Carpenter	2/18/2016	33476
Drew	Edward	Stabile	2/18/2016	33477
Delghir	Kennick	Urubshurow	2/18/2016	33478
Richard	Charles	Maedke	2/18/2016	33479
Anthony	Michael	Varas	2/18/2016	33480
Christopher	Michael	Cedars	2/24/2016	33481
Tyler	Keith	Clark	2/24/2016	33482
Javad		Faith	2/24/2016	33483
Hiwot	Assefa	Melka	2/24/2016	33484
Alice	Ngar-Lai	Chu	2/26/2016	33485

Allyssa	Ashley	Fennelly	2/26/2016	33486
Bronwyn	Lee	Illingworth	2/26/2016	33487
Kaykavoos		Kashi	2/26/2016	33488
Hannah	Michele	Layden	2/26/2016	33489
Christopher	Sunao	Ram	2/26/2016	33490
William	Hung	Shiau	2/26/2016	33491
Daniel	Robert	Sitzmann	2/26/2016	33492
Andrea	Lauren	Smith	2/26/2016	33493
Kimberly	Lynn	Wong	2/26/2016	33494
Timothy	Joel	Bolton	3/1/2016	33495
Joseph	William	Botkin	3/1/2016	33496
Jonathan	Richard	Leary	3/1/2016	33497
Chong	Il	Lee	3/1/2016	33498
Loujan	Jubin	Matin	3/1/2016	33499
Chad	Jordan	Mordecai	3/1/2016	33500
Danielle	Elise	Osbon	3/1/2016	33501
Rebecca	Ruth	Schroeder	3/1/2016	33502
Anthony	Patrick	Shapiro	3/1/2016	33503
Sophia	Danielle	Suprai	3/1/2016	33504
Cristin	Jade	Thompson	3/1/2016	33505
Eileen		Abrahamian	3/4/2016	33506
Allison	Ann	Adams	3/4/2016	33507
SungJoong		Cho	3/4/2016	33508
Ryne	Alexander	Fiebig	3/4/2016	33509
Amir		Ghanbarian Alavijeh	3/4/2016	33510
Kelsey	Ann	Schwisow	3/4/2016	33511
David	Russell	Skane	3/4/2016	33512
Valerie	Rose	Vicent	3/4/2016	33513
Justine	Marie	Bellefeuille	3/8/2016	33514
Erin	Lynne	Bishop	3/8/2016	33515
Karl	Alexander	Robinson	3/8/2016	33516
Edgar		Rodriguez	3/8/2016	33517
Angela	Krystal	Torres	3/8/2016	33518
Vartan	Albert	Chakalian	3/16/2016	33519
Ashley		Chen	3/16/2016	33520
Jeffrey	Mun-Juen	Choi	3/16/2016	33521
Nariman	Mordechai	Gabay	3/16/2016	33522
Michael	Kim	Grossman	3/16/2016	33523
Yen Chen		Kuo	3/16/2016	33524
Sarah	Angela	Merritt	3/16/2016	33525
Michelle	Revelo	Noriega	3/16/2016	33526

Nikolaus	Quinn Joseph	Noriega	3/16/2016	33527
Camille	Rose	Plumbar	3/16/2016	33528
Saed	Noe	Zarifa	3/16/2016	33529
Cyrus	Tsuyoshi	Ogawa	3/16/2016	33530
David	Martin	Chavarria	3/18/2016	33531
Michael	David	Colpitts	3/18/2016	33532
Anthony	Wisam	Putrus-Schnell	3/18/2016	33533
Melissa	Angelica	Vega	3/18/2016	33534
Shikha		Jain	3/22/2016	33535
Sarah	Lisa	Keller	3/22/2016	33536
Garrett	Michael	Neill	3/22/2016	33537
Toxil	Annika	Ruck	3/22/2016	33538
Sawyer	Alex	Hildebrant	3/29/2016	33539
Matthew	Kory	Jackson	3/29/2016	33540
Gavin	Robert	Sangrey	3/29/2016	33541
Teresa	Louise	Shallow	3/29/2016	33542

DRAFT

(ATTACHMENT B)

Ratification for New Continuing Education Providers

<u>CONTINUING EDUCATION PROVIDERS</u>	<u>DATE APPROVED</u>
1. <u>Gregory Plaughter, DC</u>	<u>05/19/16</u>
2. <u>Robin L Futoran, DC</u>	<u>05/19/16</u>
3. <u>Jeremy Brook</u>	<u>05/19/16</u>
4. <u>Safety Works</u>	<u>05/19/16</u>
5. <u>Black Diamond Consulting</u>	<u>05/19/16</u>
6. <u>Jarret Welsh, DC</u>	<u>05/19/16</u>
7. <u>Neurogym</u>	<u>05/19/16</u>
8. <u>CIAO Seminars</u>	<u>05/19/16</u>
9. <u>Scott Winkler</u>	<u>05/19/16</u>
10. <u>Atousa Mahdavi</u>	<u>05/19/16</u>
11. <u>Cynthia Diane Butler, DC</u>	<u>05/19/16</u>
12. <u>Brian Bronk, DC</u>	<u>05/19/16</u>
13. <u>PATTERN Functional Adjusting</u>	<u>05/19/16</u>
14. <u>Peter F Mackay</u>	<u>05/19/16</u>
15. <u>Bruce L Howe, DC</u>	<u>05/19/16</u>