



State of California
Edmund G. Brown Jr., Governor

BOARD OF CHIROPRACTIC EXAMINERS PUBLIC SESSION MINUTES

The Bristol Hotel
1055 First Avenue, City Scene Room
San Diego, CA 92101
August 9, 2018

Board Members Present

Heather Dehn, D.C., Chair
Corey Lichtman, D.C., Vice Chair
Sergio Azzolino, D.C., Secretary
Dionne McClain, D.C.
Thyonne Gordon, PhD

Staff Present

Robert Puleo, Executive Officer
Marcus McCarther, Assistant Executive Officer
Kenneth Swenson, Attorney III
Dixie Van Allen, Staff Services Manager I
Valerie James, Management Services Technician
Andreia McMillen, Policy Analyst
Natalie Boyer, Continuing Education Analyst

Call to Order

Dr. Dehn called the meeting to order at 9:07 a.m.

Roll Call

Dr. Azzolino called the roll. All members, except Mr. Ruffino, were present. A quorum was established.

Opening Announcements

Hearings Re: Petition for Early Termination of Probation and /or Reduction of Penalty

Administrative Law Judge, Adam Berg, presided over and Deputy Attorney General, Carra Rhamy, appeared on behalf of the people of the State of California on the following hearing:

A. Michelle McMillan, D.C.

Hearing Re: Petition for Reinstatement of Revoked License

Administrative Law Judge, Adam Berg, presided over and Deputy Attorney General, Carra Rhamy, appeared on behalf of the people of the State of California on the following hearing:

A. Michael Painter

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

B. Andy Nguyen

Closed Session

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

- A. Deliberate on Disciplinary Decisions and the above Petitions Pursuant to California Government Code Sections 11126(c) and 13963.1
- B. Receive Advice from Legal Counsel Pursuant to California Government Code Sections 11126(e) and section 13963.1. Regarding Hugh Lubkin, D.C. v. Board of Chiropractic Examiners Workers' Compensation Case No. ADJ7361379

Open Session

The Board went back into Open Session.

Chair's Report

Dr. Dehn welcomed Dr. Thyonne Gordon to her first Public Board Meeting. Committees are continuing to work on ongoing projects, much of which was reflected in the agenda.

Approval of June 5, 2018, Board Meeting Minutes

MOTION: DR. AZZOLINO MOVED TO APPROVE THE MINUTES OF THE JUNE 5, 2018 MEETING.

SECOND: DR. LICHTMAN SECONDED THE MOTION

Discussion: Dr. McClain would like to make a correction on page six, fifth paragraph. It should read "...one of her suggestions discussed in Committee..." and not "...that her suggestion is...".

Dr. McClain requested a correction from Dr. Dehn's report on the Committee. On page ten, fourth paragraph, Dr. Dehn stated that content had been approved to the Board Member Administrative Procedure Manual. Dr. Dehn agreed that she had spoken in error.

VOTE: 3-0, 2-ABSTAINED (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-ABSTAIN, DR. GORDON-ABSTAIN)

MOTION: DID NOT PASS

Ratification of Approval of License Applications

MOTION: DR. AZZOLINO MOVED TO APPROVE THE RATIFICATION OF APPROVAL OF LICENSE APPLICATIONS.

SECOND: DR. MCCLAIN SECONDED THE MOTION

VOTE: 5-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, DR. GORDON-AYE)

MOTION: CARRIED

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

There were no denied license applications.

Ratification of Approved Continuing Education Providers

MOTION: DR. LICHTMAN MOVED TO APPROVE THE RATIFICATION OF APPROVAL OF CONTINUING EDUCATION PROVIDERS.

SECOND: DR. DEHN SECONDED THE MOTION

Discussion: Dr. McClain questioned what potential context there might be for denial of applications.

Mr. Puleo responded that the Board's law does not provide any basis for denial of provider applications.

Mr. Swenson confirmed that the current regulation provides for what is required by providers in their applications. In the absence of regulations, there is no criteria in which to deny the applications.

Mr. Puleo reminded the Board that staff was working on amending the Continuing Education (CE) regulations to include standards for what should be included in the Provider Application, to better qualify the applicants.

VOTE: 5-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, DR. GORDON-AYE)

MOTION: CARRIED

Executive Officer's Report

A. Administration – Board staffing/organizational chart

Mr. Puleo announced that Natalie Boyer has accepted the Staff Services Analyst position for the CE Coordinator in the Licensing and Continuing Education Unit. She comes to the Board with an academic background and has been looking for efficiencies in CE processes. Andreaia McMillen has accepted the Associate Governmental Program Analyst position for the Policy Analyst in the Administrative/Licensing Unit. There is a remaining vacancy in Enforcement and Board of Chiropractic Examiners (BCE) management is hoping to fill the position shortly.

B. Budget

Mr. Puleo reviewed the Budget report, calling attention to the sizeable surplus the Board should expect, once all transactions have been posted.

Dr. Dehn inquired about the balance discrepancy listed between the Actual Expenditures and the Governor's Budget, especially on line item: Fingerprinting Reports.

Dr. Azzolino recognized a similar balance discrepancy on Board Travel.

Mr. Puleo acknowledged that the budget did not always show in real time. And that the next report would demonstrate an accurate balance through the end of the fiscal year.

Mr. McCarther resolved to have clarifying answers to the Board's questions at the next full Board Meeting.

Dr. McClain requested a detailed review of any of the balance discrepancies listed. She also requested to have the reports identified, in some way, as complete or as having been reviewed by BCE staff and budget staff.

Mr. Puleo is confident that the Board will have a surplus when the fiscal budget is finalized and reported. He reminded the Board that the Governor's Budget, net appropriation, is the bottom line, and the primary figure that BCE is concerned with.

C. Licensing – Statistical Trends

Mr. Puleo summarized the Board's licensing statistics.

Dr. McClain inquired what progress had been made on Dr. Azzolino's request to see statistical trends from around the nation related to chiropractic licensees.

Mr. Puleo acknowledged that staff was working on this request and that data should be available by the next Board Meeting.

Dr. Dehn noticed that the total chiropractic licensees number had decreased throughout the year.

Dr. Azzolino requested the report to include, not only statistics for licensing trends by state, but also, other medical specialty professions including; naturopathy, osteopathy and physical therapy.

Mr. McCarther clarified if Dr. Azzolino wanted statistics from just California Boards. Dr. Azzolino confirmed.

D. Enforcement

Mr. Puleo summarized the Board's compliance statistics.

Dr. McClain inquired as to why there were so many more Letters of Admonishment for the 2017-2018 year.

Mr. Puleo stated that due to the increase in CE compliance audits, when there is an infraction, the Board will begin with a Letter of Admonishment to the licensee.

Review, Discussion and Possible Action to Establish a Special Committee of the Board to Discuss Opening the Chiropractic Initiative Act of 1922

Dr. Dehn suggested tabling the discussion on the Chiropractic Initiative Act (Act), as Mr. Ruffino had agendaized this item and, unfortunately, was not able to be present at the Board Meeting.

Dr. Azzolino wished to continue with the discussion. Primarily as it related to discussions around curriculum changes, as proposed by Deans of several chiropractic colleges. Dr. Azzolino agreed in developing a special committee and working in tandem with the chiropractic colleges to propose regulations, that could prevent the need for opening the Act.

Dr. Dehn stated that the Board is currently working with the chiropractic colleges on proposed regulations related to curriculum, and that the efforts of the committee may not require opening the Act at all but develop amendments through the legislative process that would assist the profession.

Mr. Puleo confirmed that the chiropractic schools have identified provisions in the Act that they would like to amend, which could be resolved through the regulation process and a few proposed changes which would require an amendment to the Act.

Dr. Azzolino suggested that if the workload of researching and developing amendments to the Act is precluding staff from dedicating time to this effort, then it should be incumbent upon the chiropractic colleges to hire staff and legislative analyst to assist. Dr. Azzolino implied that Dr. Oberstein has been very receptive to this idea.

Mr. Puleo agreed that working with the chiropractic colleges would be key but also relying on legislative expertise of staff to maneuver the legislative process.

Dr. McClain inquired of the makeup of the potential special committee.

Dr. Dehn wished to clarify that there were two separate items being discussed. The first, curriculum regulations which, is currently in progress with the chiropractic colleges. And the second, the agenda item, of establishing a special committee to review the Act. Dr. Dehn stated that the Enforcement Committee, plus any additional participants, would be an ideal group of individuals to review the Act.

Mr. Puleo stated that staff, along with legal counsel, can advise the Board on the best avenues to amend the Act, once they identified all desired changes.

Dr. Dehn stated that as there was an agenda item speaking to curriculum requirements, that could be sufficient to move the process forward, and there would not be a need for a special committee.

Dr. Azzolino expressed concern, that he felt was shared among the chiropractic colleges, that due to limited staff availability, the curriculum changes and other potential amendments would not be fully explored and the process could be stalled.

Mr. McCarther stated that with the hiring of the new Policy Analyst, there was sufficient staff to assist with policy research and progression of regulations. There would be no hindrance on staff's availability for completing this regulation.

Mr. Puleo agreed that there was plenty of opportunity to make these regulations the top priority.

Dr. Dehn and Dr. Azzolino proposed having one committee to look at potential amendments to the Act and, additionally, review curriculum regulations.

Mr. Puleo suggested a committee that would review the Act in its entirety and not specifically focus on curriculum changes.

Dr. Azzolino agreed and further feels that the chiropractic schools should bring forth a significant amount of the regulatory work related to curriculum.

Dr. Gordon posed a question for legal counsel on whether the Board could make a motion for a committee to review the Act and make suggestions to the full Board.

Mr. Swenson responded that the agenda item is limited to the language of opening the Act. Any action taken at this time would be limited to the formation of a special committee to open to Act.

The Board discussed the language of a potential motion.

Mr. Puleo recommended potentially waiting for Mr. Ruffino, as he had requested this topic for the agenda.

The Board sought legal counsel related to the language of the motion.

MOTION: DR. AZZOLINO MOVED TO ESTABLISH A COMMITTEE TO DISCUSS OPENING THE CHIROPRACTIC INITIATIVE ACT AND MAKE RECOMMENDATIONS TO THE BOARD. SECOND: DR. MCCLAIN SECONDED THE MOTION.

Discussion: Public Comment: Bridget Gramme, Director for the Center for Public Interest Law at the University of San Diego School of Law, suggested that the Board establish a three-person committee, as the meetings would be noticed to the public and thus subject to the Bagley-Keene Act. Mrs. Gramme also recommended including a Public Board Member in the composition of the committee, to avoid a majority of professionals in the committee and ensure a public protection mandate in the process.

Public Comment: Dr. Brian Stenzler, California Chiropractic Association (CCA), stated the potential concern of opening the Act from the profession, but reaffirmed his confidence in the Board to do everything possible with the schools, professionals and public to prevent any unintended consequences from occurring due to this process.

Dr. Dehn clarified that the Board would establish a special committee to review and identify areas of interest in the Act as a whole, not only educational components of the Act. Dr. Dehn also posed a question about whether the committee composition needed to be determined.

Mr. Swenson stated that the motion present was just to establish the special committee. Another motion would be needed to develop the composition of the committee and its size.

Dr. Azzolino asserted his preference for a two-person committee, as it is a research committee and no action would be taken by the members.

Mr. Swenson recommended that Dr. Azzolino amend his original motion to include a statement about the number of members in the committee.

MOTION AMENDED: DR. AZZOLINO MOVED TO ESTABLISH A TWO-PERSON ADVISORY COMMITTEE TO DISCUSS OPENING THE CHIROPRACTIC INITIATIVE ACT, INCLUDING CURRICULUM REQUIREMENTS AND MAKE RECOMMENDATIONS TO THE BOARD. SECOND: DR. MCCLAIN SECONDED THE MOTION.

Public Comment: Mrs. Gramme recommended assigning a Public Member of the Board to the committee, if the Board chooses to establish a two-person committee.

Dr. Azzolino reasserted that the committee would solely research and review, and not take any action, other than to report their findings to the full Board. There would be ample time for the public to participate.

Mrs. Gramme reaffirmed her recommendation.

Dr. McClain stated that the Board currently has several two-member committees and those meetings are noticed to the public. And there is plenty of opportunity for the public to participate.

Public Comment: Dr. Steven Jaffe, Southern California University of Health Sciences (SCU), suggested when the Board is reviewing the Act, they take into consideration the Council on Chiropractic Education (CCE) as the governing body of schools.

Dr. Azzolino stated his hopes for all California chiropractic schools to be intimately involved in the review process.

Dr. Jaffe affirmed his support.

Dr. Stenzler suggested amending the motion to remove the word 'open'.

Dr. Dehn and Dr. Azzolino reminded him that the Board could not, due to agenda language.

VOTE: 5-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, DR. GORDON-AYE)
MOTION: CARRIED

Review, Discussion, and Possible Action Regarding Procedures to Elect Board Officers

Dr. Dehn summarized the election options that staff researched. The Board postponed this agenda item at the June 5th Board meeting in order to have Dr. Gordon's input on the process, but unfortunately, Mr. Ruffino was not in attendance at the August 9th Board meeting.

Dr. Azzolino inquired if the Board could vote for officers at the end of the year, in an effort to have an onboarding process for Board Members.

Mr. Swenson stated that due to the Chiropractic Initiative Act, officers must be elected at the Board Meeting in January.

Dr. McClain suggested nominated individuals should have time to prepare a statement of interest for the position.

The Board discussed the nomination time frame, prior to voting for officers. Dr. Gordon recommended nominations occur at the last meeting of the year and elections occur at the first meeting of the year.

Mr. Swenson referred to the staff prepared memo on Procedures for Electing Board Officers, to identify the disadvantages and advantages of each option presented.

The Board discussed the advantages and disadvantages of nominating individuals at the last meeting of the year, as well as the potential need for self-reflection in accepting or not a nomination.

Dr. Azzolino inquired of Mr. Swenson if *Robert's Rules of Order* or another Board had insight into this area.

Mr. Swenson responded that *Robert's Rules of Order* suggestions were identified in the recommendations included in the memo, along with potential disadvantages and advantages.

Dr. Dehn suggested starting with the nomination process. Dr. Dehn stated that per Dr. Azzolino and Dr. McClain, nominations should occur at the last meeting of the year.

Dr. Azzolino inquired as to the need for a motion on each agreed upon item.

Mr. Swenson confirmed that a motion as a whole, once all items were identified, would be acceptable.

Dr. Dehn moved to discuss the potential nomination procedures; she posed the question of whether to hold the nominations by roll call or ballot for each office.

The Board discussed how to determine nominees; through self-nomination, nomination through another Member or both. It was agreed that both methods were satisfactory.

Dr. Dehn returned to the topic of nomination procedures; the options of roll call or ballot being sent to legal counsel.

Mr. Swenson did not recommend having legal counsel involved in the election process.

Dr. Azzolino brought forward Mr. Ruffino's concerns. On his Board positions, the Chair never voted first because of undue influence. Dr. Azzolino suggested reverse alphabetical order.

Dr. Dehn suggested nominating in roll call order, with the chair nominating at the end. The Board agreed.

Dr. Dehn moved to the voting procedures, which would occur at the January meeting. Dr. Dehn stated that if there are multiple nominations for the same officer position or even if there are not, the individual will give their qualification remarks to the Board. And that voting would occur one position at a time, allowing individuals nominated for multiple positions to have their intentions known.

Dr. Azzolino expressed concern for Mr. Ruffino not being able to offer his suggestions. But stated there would be potential to agendize this topic again.

Dr. Dehn inquired of the Board if they should vote by ballot or roll call.

Mr. Swenson recommended, in consideration with public interest, to make the vote on the record in a roll call.

Dr. Dehn reiterated the decisions of the Board. Nominations will occur at the last meeting of the year. Individuals can self-nominate or nominate others. Nominations would occur by roll call order, with the Chair nominating last. Voting would occur at the first meeting of the year, along with nominees providing their remarks to the Board. Voting would occur by position individually, through roll call order, with the Chair voting last.

Dr. Lichtman inquired if there was an appropriate order in voting for positions.

Dr. Dehn confirmed the order of voting for officers would be Chair, Vice Chair and Secretary.

Mr. McCarther proposed that the voting order could be alpha order, with the Chair last.

The Board confirmed.

MOTION: DR. DEHN MOVED TO CHANGE THE ELECTION PROCESS TO: NOMINATIONS WILL OCCUR AT THE LAST MEETING OF THE YEAR. INDIVIDUALS CAN SELF-NOMINATE OR NOMINATE OTHERS. NOMINATIONS WOULD OCCUR BY ROLL CALL ORDER, WITH THE CHAIR NOMINATING LAST. VOTING WOULD OCCUR AT THE FIRST MEETING OF THE YEAR, ALONG WITH NOMINEES PROVIDING THEIR REMARKS TO THE BOARD. VOTING WOULD OCCUR BY POSITION, STARTING WITH THE CHAIR, VICE CHAIR, AND THEN SECRETARY. ROLL CALL ORDER WILL BE ALPHA ORDER WITH THE CHAIR LAST.

SECOND: DR. AZZOLINO SECONDED THE MOTION

Discussion: Public Comment: Dr. Stenzler provided the current California Chiropractic Association (CCA) nomination and voting procedures.

VOTE: 5-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, DR. GORDON-AYE)

MOTION: CARRIED

Review, Discussion, and Possible Action on Changes to the Board Member Administrative Procedure Manual

Mr. McCarther led the discussion on proposed changes to the Board Member Administrative Procedure Manual (BMAPM).

Mr. McCarther began on page six, paragraph four, the underlined segments are the proposed language change.

Dr. Dehn inquired about the efficiency of the proposed change on page six, paragraph four. Primarily the concern over timing when determining who the most qualified Board Member is to make a statement to the press.

Dr. Azzolino shared the marginal necessity of the Chair needing to make a statement last

minute.

The Board discussed the potential of a situation occurring that would require a statement from the Chair and the language of paragraph four.

Mr. Puleo inquired, on the behalf of future Boards, whom would be determining 'when possible', or not. Mr. Puleo is concerned in the potential time investment and future interpretation problems.

Dr. Azzolino suggested referring to the Chair and Vice Chair for public statements.

Dr. McClain suggested leaving the language as proposed, because "when possible" is a clear qualifying statement.

Mr. McCarther posed a question to legal counsel, would there be a conflict of interest should the press request a statement from the Board regarding a pending legal matter of a licensee, that the Board would eventually evaluate in a hearing.

Mr. Swenson agreed that there could potentially be an issue, if the Board were to pre-judge a case.

Mr. Puleo reiterated that his concern is to ensure the language is clear for future Boards.

Dr. McClain called the Boards attention to page eight, under the Chair's listed responsibilities: "Board Chair determined with the consent of the Vice Chair, which Board Members have expertise in respective areas...". Dr. McClain feels the two statements are similar.

Dr. Dehn suggested making the language consistent in both areas.

MOTION: DR. AZZOLINO MOVED TO MAKE THE LANGUAGE CONSISTENT ON PAGE SIX OF THE BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL TO REFLECT THE LANGUAGE ON PAGE EIGHT, "THE MEMBERS SHALL NOT SPEAK OR ACT FOR THE BOARD WITHOUT PROPER PREAUTHORIZATION FROM THE CHAIR AND/OR EO PRIOR TO MAKING ANY STATEMENT OR PRESS RELEASE. WHEN POSSIBLE, THE BOARD CHAIR WILL DETERMINE WITH THE CONSENT OF THE VICE CHAIR, WHICH BOARD MEMBERS HAVE EXPERTISE IN RESPECTIVE AREAS TO ACT AS SPOKESPERSON FOR THE BOARD OF CHIROPRACTIC EXAMINERS."
SECOND: DR. DEHN SECONDED THE MOTION

Discussion: Mr. Puleo inquired if the Board needed to vote on each change individually or as a whole at the end of the discussion.

Mr. Swenson agreed they could wait till the end, however, this motion was already on the floor and needed to be voted on.

VOTE: 5-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, DR. GORDON-AYE)
MOTION: CARRIED

Mr. McCarther continued with the proposed change on page eight, under the Role of Board

Officer, Board Chair. All changes are in bold and underlined.

In the first bullet, last sentence, Dr. Dehn suggested “best” be changed to “most”.

Mr. Puleo posed a concern, if the Board Chair and Vice Chair do not agree, who would assist with the decision making.

Dr. Dehn suggested language “consent of the EO”, should the Chair and Vice Chair fail to come to an agreement.

Mr. Swenson recommended changing the verbiage to “after” instead of “with”. And “consent” to “consultation”.

Dr. Dehn clarified the sentence to read “Determines after consultation with the Vice Chair and EO...”. The Board agreed.

Mr. McCarther continued with proposed changes in the third bullet point. No objections. Same for the fifth bullet point.

Dr. McClain posed a question regarding the fourth bullet point, and having the language match the changes made to the Vice Chair’s responsibilities.

Dr. Azzolino moved to the sixth bullet point, which conflicts with new language in the thirteenth bullet point. He feels they should match. The Board agreed that the sixth bullet should be removed.

Mr. McCarther called attention to the ninth bullet point, which is a proposed removal of content. And the addition to the thirteenth bullet point.

Dr. McClain stated that later in the BMAPM, the language states the Chair can recommend members for committees, but the committee Chair will be determined by the committee members. She feels the language should be reflected in this section.

Dr. Dehn clarified the language of bullet point thirteen as; “Establishes Committees in consultation with the VC”. She also stated that language would be determined at a later point regarding the committee composition.

Mr. McCarther continued with the last bullet point under the Board Chair’s responsibilities, relating to committee assignments.

Mr. Puleo suggested changing the language to “in consultation” instead of “with” and to include the EO in the language. “In consultation with the VC and EO, establishes two-person committees/subcommittees and/or task forces to research policy questions when necessary.”

The Board agreed.

Mr. McCarther moved to the roles and responsibilities of the Vice Chair position.

Mr. Puleo asked for clarification for the second bullet point, as it implied the EO would report to both the Chair and Vice Chair. He is concerned about the potential confusion and inefficiencies of this proposed duty.

The Board agreed that this proposed statement would cause undue confusion. The Board discussed the role of the EO and its relationship to Board activities. The Board agreed to remove the statement.

Mr. McCarther reviewed the third bullet point and agreed that this responsibility should stay under the Vice Chair.

For the following two bullets, Dr. Azzolino suggested striking them as the language had been moved to the Board Chair.

Dr. Dehn suggested making the language consistent for bullet point six and seven to match the final bullet point under the Board Chair's responsibilities. The Board agreed.

Mr. McCarther reviewed the final bullet point under the Vice Chair's responsibilities, which speaks directly to language on page 26 under Chapter 7. It was agreed to include "in consultation with the Chair" to ensure the language matched.

Mr. McCarther continued on to the Secretary's responsibilities.

Mr. Puleo recommended adding "in consultation with the Chair and EO" for the third bullet point.

Dr. Dehn suggested removing the fourth bullet point, as those responsibilities had already been discussed under the Chair and Vice Chair's duties.

Mr. McCarther highlighted the addition of the Committee Chair responsibilities section. Mr. Puleo asked for "agenda" and "meeting" be made plural.

Mr. McCarther continued on to page 11, first paragraph. Dr. Azzolino suggested removing "and Secretary" from the sentence.

Mr. McCarther moved to page 12, top of the page. Dr. Dehn posed a question regarding the phrase "a majority" as it related to the Bagley-Keene Act.

Mr. Swenson responded that the definition of a meeting in the Bagley-Keene Act, is more than two members.

Mr. Puleo inquired if they could make the language clearer, by defining "more than two members" versus a "majority". Mr. Swenson recommended removing "majority" and including both subdivisions of the Gov. Code and include "more than two members".

Mr. McCarther moved on to page 18, first paragraph. The first change can not be made as it conflicts with the Chiropractic Initiative Act, but would include the new amended election process.

Mr. McCarther continued on to Communication Between Officers, last sentence of the paragraph. Mr. Swenson questioned the phrase "call for a special election", as consistent with a written opinion from Legal Affairs Division that a special election is not possible.

Dr. Dehn clarified the sentence as "...any Board Member may agendize the ongoing concern at the next full Board Meeting."

The Board discussed the language of the paragraph and the possibility for special elections to recall a member.

Mr. Puleo recommended adding "...and if necessary notify the Appointing authority.", at the end of the sentence. The Board agreed.

Mr. McCarther proceeded to the first paragraph under Committee Appointments. The Board agreed to mirror language previously agreed upon under Chair responsibilities.

Mr. McCarther reviewed the second paragraph. Mr. Puleo suggested striking out "and Secretary".

Dr. Lichtman inquired if this would be a good place to include language on the selection process for Committee Chair and Vice Chair.

Dr. Azzolino suggested adopting the same voting procedures as for the Board officers. Dr. Azzolino inquired if the officers of the committees should have different titles, he proposed Chair and Secretary.

Mr. McCarther felt that only a Chair was necessary in a committee.

Dr. McClain inquired what procedure should be included, in the instance of any changes in the committee composition or a disagreement within the Committee, in appointing the Chair. Mr. Puleo stated that the law does not speak to committee assignments and should there be a disagreement within the committee the Chair and Vice Chair of the Board would consult.

Mr. McCarther moved to page 20, fourth paragraph. Dr. McClain proposed mirroring language on page 19, regarding committee composition and election of committee Chair. The Board agreed to remove this paragraph and rely on language on subsequent pages in the BMAPM.

Mr. McCarther reviewed proposed corrections on page 22, under Board Member Addresses. The language was previously inconsistent and upon legal counsel has been changed to reflect that Board Members home addresses and personal information is confidential unless requested in a subpoena or records request. The Board agreed.

Mr. McCarther continued to page 23, under Press Statements and Contacts. The Board agreed to mirror language on page six, third bullet.

Mr. McCarther moved to page 25, previously discussed changes by the Board, under Strategic Planning and Periodic Fee Audit. The Board agreed with proposed changes.

Mr. McCarther continued to page 26, under Board Member Disciplinary Actions. Mr. Puleo suggested making the language consistent with a previous provision, on page 18 under Communication Between Officers.

Dr. Lichtman suggested language change from "at the next Board Meeting" to "for the next Board meeting". Same change should be made on page 18.

Mr. Puleo called the Board's attention to page 27, under Resignation of Board Members. Mr. Puleo suggested changing "or" to "and", to ensure the resigning Board Member and the EO

notify the Governor's office.

MOTION: DR. AZZOLINO MOVED TO ACCEPT ALL THE CHANGES DISCUSSED TO THE BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL.

SECOND: DR. LICHTMAN SECONDED THE MOTION

VOTE: 5-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, DR. GORDON-AYE)

MOTION: CARRIED

Review, Discussion and Possible Action Regarding Board Member Committee Assignments

Dr. Dehn reviewed the current committee compositions.

Dr. Azzolino suggested including Mr. Ruffino on the Government Affairs Committee and moving Dr. Lichtman to the Enforcement Committee.

Dr. Gordon interjected that the Government Affairs Committee would then consist of two Public Board Members.

Dr. Dehn stated that she would like to discuss with Mr. Ruffino his intentions with committee participation, especially with the advent of the special committee.

The Board discussed the potential makeup of the committees. It was agreed that Dr. Dehn would seek Mr. Ruffino's input.

Dr. Dehn pointed out on the following page, that the Committee Chair had already been identified. But per the Board's previous conversation those positions would be determined by the committee members.

Review, Discussion and Possible Action Regarding the Distribution of Board Meeting Materials

Mr. McCarther stated that this agenda item was added at the request by Mr. Ruffino. Staff have provided a general breakdown of the timeline to prepare meeting packets. Additionally, they have included actions that could potentially delay the timeline process.

Dr. McClain recommended that in the event of delays, an electronic version of meeting materials be made available to the Board, even if it included small sections at a time.

Mr. McCarther stated a potential conflict in providing meeting material earlier would be if the agenda has not been approved by all parties and finalized ten days prior to the meeting.

Mr. Puleo suggested providing material for standing agenda items. Staff can electronically forward items as they are completed.

Dr. Azzolino appreciated this recommendation.

The Board discussed the timeline considerations for approving the agenda and preparing meeting material.

Dr. Gordon suggested utilizing a drop box method to submit prepared materials to the Board.

Review, Discussion and Possible Action Regarding Legislation from other States

- a. Louisiana HB 748 (Emerson) Establishes the Occupational Licensing Review Act
- b. Louisiana HB 372 (Connick) Establishes the Occupational Board Compliance Act
- c. Missouri HB 1500 (Dogan) Reduction in Regulation of Certain Occupations

Dr. Dehn introduced these topics as a result of Mr. Ruffino requesting them as agenda items. Without Mr. Ruffino present, she was uncertain of his reasons for these agenda items and postponed it to the next Board Meeting.

Review, Discussion and Possible Action Regarding Revisions to Sections 330 – 331.16 (Curriculum Requirements)

Mr. Puleo mentioned that a thorough discussion had already occurred under the Chiropractic Initiative Act agenda topic. Many chiropractic colleges had already reviewed the Act and identified problematic provisions and recommended changes. Some of these changes would require an amendment to the Act, but some could be accomplished through the regulation process.

Mr. Puleo inquired if the Board would like to pursue staff resources focused on regulatory changes.

Dr. Azzolino suggested working with chiropractic colleges and having their recommendations provided to the Board.

Mr. Puleo agreed and suggested a meeting between the chiropractic colleges, licensee Board Members and staff would be necessary.

Dr. Dehn inquired if the schools had provided their suggestions for amendments in a regulatory format with substantiations.

Mr. Puleo responded that there are some but rather brief. There would need to be further meetings with the schools to develop this content.

Dr. Dehn clarified the next steps for the Board; to have Board Members review the material the chiropractic schools have submitted, then incorporate the schools to define their needs further. Afterward, Board staff would begin the process of submitting the material in a legislative or rulemaking format.

Dr. Azzolino agreed with these steps.

Mr. Puleo asked if this would occur at a Board Meeting or Committee meeting.

Dr. Azzolino and Dr. Dehn agreed it would occur in a Committee Meeting; consisting of the Board Members and staff to review the material from the schools. Followed by a meeting with school representatives.

Mr. Puleo inquired if the Board wished to identify the participating Board Members.

The Board discussed the potential composition of the committee and its overall efforts.

Dr. Dehn questioned if the Board would like a special committee to open the Act or a committee to review curriculum regulation items. She feels the curriculum discussion is more in line with the Board's objectives.

Dr. Azzolino responded that he was uncertain of Mr. Ruffino's desire in agendaizing the special committee.

Dr. Azzolino inquired if Dr. McClain had interest in working on the committee. Dr. McClain is interested but qualified that with the two subject areas before the Board, there was some confusion as to the objective.

Mr. Puleo suggested that since curriculum had been identified as a top priority of the Board, then the committee should focus solely on the curriculum and leave further review of the Act to a later time.

Dr. Azzolino suggested he and Dr. Dehn could focus on curriculum requirements and then Mr. Ruffino and Dr. McClain could make up the special committee for the Act.

The Board agreed. Dr. Lichtman also had great interest in participating in the special committee for the Act and will be sending in his suggestions through Mr. Puleo.

A discussion resulted on the 'spoke and wheel' form of communication that could be possible with Board Members filtering suggestions through Mr. Puleo and then back to the committee. It was proposed to allow each committee to research and bring forward topics to the full Board for discussion.

Review, Discussion and Possible Action Regarding Cannabidiol (CBD)

Mr. Puleo summarized the level of calls the Board office staff receive related to the use of CBD in chiropractic practices.

Dr. Azzolino stated his belief that it is premature for the Board to develop an opinion considering CBD's are still a Federally regulated substance. Dr. Azzolino suggested to Board office staff to notify licensees to avoid the use because the laws are too new.

Mr. Puleo agreed with Dr. Azzolino and reaffirmed that office staff cannot give legal advice.

Mr. Swenson announced there had not been an opinion developed by Legal Division for the Department of Consumer Affairs' Boards and Bureaus. Recommendation is to track queries from licensees through the EO.

Dr. Dehn questioned whether a decision regarding disciplinary actions related to the use of CBD, would create a precedent for the Board.

Mr. Swenson replied that it would not. If there was an appeal of a Board decision through a trial court that led to the Court of Appeal, then precedent would be developed.

Public Comment: Sonja Logman, Deputy Secretary of Business, Consumer Services & Housing Agency. She provided updates related to the Agency's current activities on regulating the legal commercial cannabis market. She will continue to work with the EO and AEO to provide updates on several bills.

Review, Discussion and Possible Action Regarding Telehealth

Mr. Puleo introduced the topic as another that Board office staff receive questions regarding; whether a chiropractor can treat remotely.

Mr. Swenson referred to the Board packet memorandum and the provisions included, and that potential regulations are possible as telehealth is not in direct conflict with any item in the Chiropractic Initiative Act.

Dr. Dehn raised concern about a practitioner's ability to comply with medical practice parameters when practicing through telehealth.

Mr. Swenson agreed that the language of any regulation would need to be very specific to address the concerns of Dr. Dehn.

Mr. Puleo reminded the Board that, to date, there has not been any consumer complaints related to doctors practicing remotely.

The Board agreed to revisit this topic at a later time.

Mr. Swenson suggested that those participating in the curriculum discussions consider telehealth as a potential topic, to ensure chiropractic students are prepared for the workforce needs.

Public Comment: Dr. Jaffe asked for clarification of Mr. Puleo, whether telehealth was within scope of practice.

Mr. Puleo clarified that in the Business and Professions Code allows chiropractic profession, among other medical professions, to practice via telehealth. But the Board needs to determine if a particular action is within scope of practice.

Review, Discussion and Possible Action Regarding the Definitions of Chiropractic Adjustive Technique and Chiropractic Manipulation Technique

Dr. McClain introduced the topic as being one that has come up in the CE Committee. She asked the Board's perspective relative to the definition between adjustive techniques and manipulation techniques.

Dr. Azzolino provided that 'manipulation' is used more frequently.

Dr. Dehn asserted that the definition is problematic when used in context of CE credit.

Dr. McClain stated the desire of the CE Committee is to define the category so that providers are not able to submit an array of topics under chiropractic adjustive technique, and to assist staff with subject area clarity.

Mr. McCarther provided that 'manipulation' and 'adjustment' are used synonymously, but if there is a distinction, staff needs to be aware.

The Board agreed that the two words are commonly used interchangeably. A discussion continued on defining manipulation technique versus adjustive technique.

Dr. Dehn requested the Board's opinion on whether staff should approve CE courses on topics of techniques that other professions can perform, outside of chiropractic care. Example, if a massage therapist can perform the technique, is it a 'chiropractic manipulation technique'.

Dr. Azzolino opined that it was not.

Dr. Dehn reminded the Board of the previous definition discussed at the June Board Meeting; chiropractic adjustive techniques are those taught by CCE accredited colleges or specialty boards accredited by the American Board of Chiropractic Specialties and would be approved for CE credit.

Dr. Azzolino was fine with the definition provided. He feels both agencies are well vetted and credentialed.

It was agreed that both 'chiropractic adjustive techniques' and 'chiropractic manipulation techniques' should be included in the definition.

Public Comment: Dixie Van Allen, Licensing/CE Unit Manager, asked for clarification of the Board. That any adjustive or manipulative course submitted by chiropractic Board approved college would receive CE approval.

Dr. Azzolino agreed. Dr. Dehn expanded the definition to include techniques covered in a college approved club.

The Board advised staff to seek comprehensive lists from the chiropractic colleges to develop the list of approved techniques.

Public Comment: Dr. Kendra Holloway, DC in private practice, provided the authoritative text on *Chiropractic Technique: Principles and Procedures* by Tom Bergman for the Boards review, as it relates to technique definitions.

Review, Discussion and Possible Action on Whether the Board Should Grant Continuing Education Credit for Adjustive/Manipulation Techniques That Are Not Limited to a Doctor of Chiropractic

Mr. McCarther inquired of the response for the agenda item was 'yes'.

Dr. McClain clarified that the statement by providing an example from the CE Committee, on whether a CE application should be approved if the technique was one that could be performed by another profession or if the course should be referred to another Board.

The Board discussed examples and opportunity to refer CE Providers to other medical boards for topics not specific to chiropractic.

The Board feels that defining the techniques as specific to those taught in accredited chiropractic colleges or specialty Boards would assist staff in determining appropriate content to be approved for adjustive or manipulative CE credit.

Dr. McClain revisited the agenda item and the Board responded in the affirmative that if the manipulation or adjustive technique was taught by an accredited chiropractic college, the Board would grant CE credit approval for a technique that other medical professionals can also perform.

Review, Discussion and Possible Action on B&P Section 1054 - Name of Chiropractic Corporation

Dr. Azzolino had requested this item as there have been several discrepancies within the law, around chiropractic corporation names.

Mr. Puleo had researched other Boards and the Moscone-Knox Act to determine what other professions require.

Mr. Swenson stated that there was limited history information regarding why the Legislature included B&P Section 1054.

Dr. Azzolino inquired if the chiropractic profession was the only one bound by restrictions of naming a corporation.

Mr. Puleo responded that all medical professions are bound by Moscone-Knox and that B&P Section 1054 is specific to the chiropractic profession. Mr. Puleo stated that there does not appear to be specific laws requiring the Board to regulate the naming of professional corporations, the action needed would be to amend or repeal B&P Section 1054 and determine if there were any objections.

Dr. Dehn suggested this as a future topic for the Enforcement Committee.

Dr. Azzolino inquired about the level of difficulty in repealing B&P Section 1054.

Mr. Puleo stated that difficulty would arise if there was opposition from the legislature. Mr. Puleo advised that he would need language approved by the Board if they chose to amend the bill.

Dr. Azzolino suggested that the CCA be tasked with the language determination.

Dr. Dehn asked for clarification that this was a topic the Board would like to move forward with and Mr. Puleo would investigate the options of repealing B&P Section 1054, but if he needed assistance he could refer to the Enforcement Committee.

MOTION: DR. AZZOLINO MOVED TO PURSUE LEGISLATION TO REPEAL B&P SECTION 1054.

SECOND: DR. DEHN SECONDED THE MOTION

VOTE: 4-0, 1-ABSTENTION (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, DR. GORDON-ABSTAIN)

MOTION: CARRIED

Review, Discussion and Possible Action Regarding SB 1480 (Hill) Professions and Vocations

Mr. McCarther notified the Board that the next three agenda items are without change, all three bills are currently in Appropriation Committees.

Review, Discussion and Possible Action on Pending Rulemaking

Mr. McCarther informed the Board that the Application for Licensure has been approved and becomes effective October 1st, 2018. He also updated the Board that the Delegation of Authority to the Assistant Executive Officer and Consumer Protection Enforcement Initiative (CPEI) are currently with Legal Affairs and the Retired Annuitant is currently focused on combining the BCE Disciplinary Guidelines & Uniform Standards for Substance Abusing Licensees.

Dr. Dehn summarized that the CPR guidelines are currently with the CE Committee regulation discussions. Lastly, Dr. Dehn requested Mr. McCarther's suggestions for staff resources related to the pending rulemaking.

Mr. McCarther summarized the efforts of Mr. Swenson, the Retired Annuitant and DCA staff.

Dr. Dehn inquired whether most Board staff and resources could go towards CE regulations and curriculum requirements.

Mr. McCarther confirmed.

Dr. Dehn would like Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice or Death/Incapacity of Licensee to be moved to the bottom of the rulemaking list.

Public Comment for Items Not on the Agenda

Public Comment: Dr. Kendra Holloway, requested that the CE regulation workgroup records from Northern and Southern California be made available to the public.

Mr. Puleo agreed that the records from the provider focus groups could be made public. It is currently a compilation of provider's comment and might be taken out of context if posted to the Board's website.

Dr. Holloway inquired if there would be future focus groups relating to CE content.

Mr. Puleo agreed that the Board would conduct further focus groups.

Dr. Holloway also brought forth complaints by CE providers of staff evaluating applications as multiple subjects requiring more than one application when the adjustive technique incorporates a diagnostic testing procedure.

Mr. Swenson advised that this topic is coming forth as part of public discussion and advised that the Board would not be able to discuss as it had not been agendized. Mr. Swenson suggested summarizing the concern as a potential future agenda item.

Dr. Holloway continued to suggest that one application be submitted for all the different topics presented in an application and to raise the fee of a CE course application.

Future Agenda Items

Dr. Azzolino suggested a training on appropriate giving and receiving of questions from petitioners during hearings.

Adjournment

Dr. Dehn adjourned the meeting at 5:48 p.m.

(ATTACHMENT A)

Approval by Ratification of Formerly Approved License Applications
April 1, 2018 and June 30, 2018

Name (First, Middle, Last)			Date Issued	DC#
	Gunnar			
Martin	Rasmussen	Hodgson	4/4/2018	34187
Erika	Marie	Wiger	4/4/2018	34188
Cecilia	Marina	Bettencourt	4/4/2018	34189
Brett		Wee	4/4/2018	34190
Katelyn	Rose	Cresta	4/6/2018	34191
Nathan	Christopher	Marshall	4/6/2018	34192
Eugene		Možnavsky	4/6/2018	34193
I-Chen		Lee	4/6/2018	34194
Yang		Yang	4/11/2018	34195
Hannah	Hyunah	Yoon	4/11/2018	34196
Hyungjoon		Kim	4/11/2018	34197
Kevin	Joseph	Johnson	4/30/2018	34198
Andrew	Michael	Mackie	4/30/2018	34199
Loretta		Mears	4/30/2018	34200
Grace	Jeanee	Chang	5/1/2018	34201
Michael	Timothy	Donohue	5/1/2018	34202
Adam	Garold Joseph	Scofield	5/1/2018	34203
Nathan	Jude	Luczynski	5/1/2018	34204
Danielle	Marie	Cipollo	5/2/2018	34205
Ulysses		Espinosa	5/2/2018	34206
Jui-Chung	John	Lin	5/2/2018	34207
Kenneth	Edward	Crum	5/3/2018	34208
Ryan	Gregory	Hamilton	5/3/2018	34209
James	Daniel	Hook	5/3/2018	34210
Sydney	Paige	Oberstein	5/3/2018	34211
Kevin	Sam	Choo	5/3/2018	34212
Mercedes	Guadalupe	Leigh	5/3/2018	34213
John	William	Christman	5/9/2018	34214
Mary	Louise	Garrett	5/9/2018	34215
Ian	Michael	Johnson	5/9/2018	34216
Ashli	Joy	Robertson	5/9/2018	34217
Kimia	Sanaz	Shakerpoor	5/9/2018	34218
Brian	Chen	Wang	5/9/2018	34219
Kaitlin	Elizabeth	Davis	5/9/2018	34220
Polette		Alexanian	5/10/2018	34221

Michael	Robert	Dellacorte	5/10/2018	34222
Narbeh		Hakopian	5/10/2018	34223
Elise	Mari	Hamilton	5/10/2018	34224
William		Vy	5/10/2018	34225
Madeline	Rachel	Wallace	5/16/2018	34226
Yeesul		Yoo	5/16/2018	34227
Christina	Gayle	Goulart	5/16/2018	34228
Eduardo	Theo	Torres	5/16/2018	34229
Yang		Hsiang	5/16/2018	34230
Leo	Charles	Kormanik II	5/16/2018	34231
Cody	Alan	Miller	5/16/2018	34232
Christopher	Andrew	Duong	5/24/2018	34233
Justin	Michael	Wilcox	5/24/2018	34234
Darrin	Mitchell	Barry	5/24/2018	34235
Alexander	Helmut	Eppich	5/24/2018	34236
Arielle	Leigh Devyn	Rubinoff	5/24/2018	34237
Gunawan	Riray	Poespowidjojo	5/29/2018	34238
Amos	Young Won	Chon	5/29/2018	34239
Christopher	James	Cucullu	6/4/2018	34240
Steven	Beau	Fantasia	6/4/2018	34241
Martha	K	Mekonen	6/4/2018	34242
Angelica	M	Ortiz	6/4/2018	34243
Gary	William	Tanchak	6/4/2018	34244
Israel		Calva-Rosales	6/6/2018	34245
Carlina	Alese	Carpenter	6/6/2018	34246
Bassam		Slibi	6/6/2018	34247
Arthur	Verrett	Lewis	6/6/2018	34248
Julie	Ho Yan	Lau	6/7/2018	34249
Roland	Wellington	Quan	6/7/2018	34250
Myra-Ashley	Yu	Amparo	6/7/2018	34251
Kayla	Marie	Bravo	6/7/2018	34252
Susanna	Susie	Drmandjian	6/7/2018	34253
William	Ryan	Fisher	6/7/2018	34254
Mina		Lahijani	6/7/2018	34255
Esteban		Sandoval	6/7/2018	34256
Alicia	Marie	Strunk	6/7/2018	34257
Beau	Joseph	Rhodes	6/12/2018	34258
Phillip	Mario	Vournazos	6/12/2018	34259
Zara		Ali	6/14/2018	34260
Aaron	Gabriel	Stern	6/14/2018	34261
Christopher	Allen	Visico	6/14/2018	34262

Rachel	Anne	Clark	6/14/2018	34263
Enrique		Prieto	6/14/2018	34264
Anthony	James	Cipperoni	6/14/2018	34265
Grayson	Cole	Pomeroy	6/14/2018	34266
Cody	Alexander	Soofoo	6/14/2018	34267
Vartan		Vartanyan	6/27/2018	34268
Austin	James	Lane	6/27/2018	34269
Arica		Roetemeyer	6/27/2018	34270
Gregory	Scott	Stayberg	6/27/2018	34271
Robert	Paul	Iannessa Jr	6/29/2018	34272
Michael	Ian	Lichtman	6/29/2018	34273
Cara-Celeste		Parot	6/29/2018	34274
John	Edwin	Schellenberg	6/29/2018	34275
Marissa	Anne	Sturges	6/29/2018	34276
Nicholas	Johnson	Tashiro	6/29/2018	34277
Jackson	Harper	Wagner	6/29/2018	34278

(ATTACHMENT B)

Pending Ratification to Approve for New Continuing Education Providers

CONTINUING EDUCATION PROVIDERS

PENDING APPROVAL

- | | |
|--|----------|
| 1. Neuro Orthopaedic Institute - NOI US | 08/09/18 |
| 2. Gregory Plaugher, D.C. | 08/09/18 |
| 3. Donald James Richardson, D.C., D.A.C.B.S.P., C.S.C.S. | 08/09/18 |
| 4. Henry Kan | 08/09/18 |
| 5. Rex Allen Stevens | 08/09/18 |
| 6. Dr. John Blenio, D.C. | 08/09/18 |