



**Board of Chiropractic Examiners
TELECONFERENCE MEETING MINUTES
Enforcement Committee
October 10, 2018**

Teleconference Meeting Locations:

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

Sergio Azzolino, D.C., Chair
Azzolino Chiropractic Neurology
& Integrative Wellness
1545 Broadway St., Suite 1A
San Francisco, CA 94109
(415) 563-3800

Frank Ruffino, Public Member
Rancho San Diego Branch Library
1555 Via Rancho San Diego
El Cajon, CA 92019
(619) 660-5370

Committee Members Present

Sergio Azzolino, D.C., Chair
Frank Ruffino, Public Member

Staff Present

Marcus McCarther, Assistant Executive Officer
Andreia McMillen, Policy Analyst
Kenneth Swenson, Attorney III

Call to Order

Dr. Azzolino called the meeting to order at 12:32 p.m.

Roll Call

Mr. Ruffino called the roll. All Committee Members were present at the locations listed on the agenda.

Approval of Minutes

MOTION: DR. AZZOLINO MOVED TO APPROVE THE MINUTES OF THE FEBRUARY 8, 2018 AND MAY 31, 2018 MEETINGS.

VOTE (1-0) (DR. AZZOLINO – AYE, MR. RUFFINO – ABSTAIN)

DISCUSSION:

As a recently appointed member of the Enforcement Committee, Mr. Ruffino stated that he would like to abstain from approving the minutes because he did not participate in the aforementioned meetings.

Dr. Azzolino approved the minutes of the February 8, 2018 and May 31, 2018 Enforcement Committee meetings.

Review, Discussion and Possible Action regarding the Standardized Training and Evaluation of Subject Matter Experts

Mr. McCarther referred to the 1-page document enumerating expert witness qualifications and explained the purpose of this document is to inform applicants of minimum criteria required by the Board's Enforcement Expert Witness Program. He asked whether the requirements listed in the document are suitable.

Dr. Azzolino and Mr. Ruffino had no objections.

Mr. McCarther stated that staff made changes to the Expert Witness Application and will propose recommendations for consideration during this meeting.

Mr. McCarther referred to *Section 1 – Applicant Information* of the application and noted that recent changes capture various types of practice settings such as private, multi-disciplinary and hospitals.

Dr. Azzolino questioned the necessity to include hospitals under Section 1. He explained it is not typical for licensees to practice chiropractic at hospitals in California.

Mr. McCarther clarified that there are some licensees practicing at VA hospitals.

Dr. Azzolino stated that, in addition to including multi-disciplinary settings, it would be beneficial to also add group practices as they are specific to the integration of certain practices such as MD-DC groups.

Mr. McCarther agreed with the recommendation.

M. McCarther referred to *Section 2 – Professional Qualifications* and inquired whether the Committee would have any discretion in the evaluation of applicants who may not necessarily meet the minimum monthly practice hour requirement but exceed the minimum year requirement of licensed professional experience.

Mr. Swenson clarified that the program's guidelines are not regulations and the qualifications of an expert can be determined on a case-by-case basis. The Board is not bound by the content in the expert witness program description.

Mr. McCarther inquired if the Committee had any objections regarding the following question: "Have you had disciplinary action against your Qualified Medical Evaluator appointment?"

Dr. Azzolino and Mr. Ruffino had no objections.

Mr. McCarther referred to *Section 3 – Court Expert Witness Experience* and stated that staff made revisions to include the appropriate terminology for an expert testifying in court as a retained witness and not as a treating provider.

Dr. Azzolino and Mr. Ruffino had no objections.

Mr. McCarther referred to *Section 5 – Academic Appointments* and inquired if the Committee found the following question suitable: “Have you had disciplinary action against your academic appointment?”

Dr. Azzolino and Mr. Ruffino had no objections.

Mr. McCarther referred to *Section 6 – Peer Reviewed Publications* and explained that staff revised this section to reflect the following “Please list all published peer reviewed journals which you have written”.

Dr. Azzolino argued that it would be appropriate to state “Please list all articles and/or peer reviewed journals you have authorship in”.

Mr. McCarther referred to *Section 7 – Disciplinary Information* and inquired if the Committee had any reservations about the disciplinary questions in this section.

Dr. Azzolino and Mr. Ruffino had no objections.

Mr. McCarther referred to *Section 8 – Personal Summary/Writing Sample* and shared that a statement of qualifications requirement has been added to this section.

Additionally, he suggested including the following questions: “Why do you want to be an Expert Witness for the California Board of Chiropractic Examiners? How does your experience qualify you to serve as an Expert for the Board?” Mr. McCarther explained these questions allow applicants to demonstrate their knowledge, highlight pertinent professional experience and showcase their writing skills.

Dr. Azzolino and Mr. Frank agreed with Mr. McCarther’s recommendation.

Mr. Swenson suggested it would be clear if the questions are numbered so they can be addressed in the same document.

Mr. McCarther referred to *Section 9 – Professional References* and explained it would be appropriate for applicants to identify either a medical or legal contact as opposed to relying on a personal reference. He added that the Committee will be able to make informed decisions based on professional references.

Dr. Azzolino and Mr. Ruffino had no objections.

**MOTION: DR. AZZOLINO MOVED TO APPROVE THE CHANGES TO THE ENFORCEMENT EXPERT WITNESS APPLICATION AND THE 1-PAGE DOCUMENT ENUMERATING QUALIFICATION REQUIREMENTS AS PER DISCUSSION.
SECOND: MR. RUFFINO SECONDED THE MOTION.
VOTE: 2-0 (DR. AZZOLINO – AYE, MR. RUFFINO – AYE)
MOTION CARRIED**

Public Comments for Items not on the Agenda

N/A

Future Agenda Items

Mr. Swenson suggested discussing Assembly Bill 2138 (Low - Licensing Boards: Denial of Application: Revocation or Suspension Licensure: Criminal Conviction) at a future meeting.

Adjournment

Mr. McCarther adjourned the meeting at 12:55 p.m.