

**AMENDED**  
**NOTICE OF TELECONFERENCE**  
**BOARD OF CHIROPRACTIC EXAMINERS (BOARD) MEETING**

901 P Street, Suite 142A  
Sacramento, CA 95814  
January 8, 2019  
916-263-5355  
12:00 pm

The Board's address listed above is a location that is accessible to the public. Each teleconference location is accessible to the public and the public will be given an opportunity to address the Board at each teleconference location. One or more Board Members will participate in this meeting at the teleconference sites listed below. The public teleconference sites for this meeting are as follows:

**Teleconference Meeting Locations:**

Heather Dehn, D.C., Chair  
4616 El Camino Ave., #B  
Sacramento, CA 95821  
(916) 488-0202

Corey Lichtman, D.C., Vice Chair  
538 Stevens Ave.  
Solana Beach, CA 92075  
(858) 876-6300

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

Dionne McClain, D.C.  
6360 Wilshire Blvd., #410  
Los Angeles, CA 90048  
(323) 653-1014

**Frank Ruffino**  
~~Rancho San Diego Library~~  
~~11555 Via Rancho San Diego~~  
~~El Cajon, CA 92019~~  
~~(619) 660-5370~~

Thyonne Gordon, Ph.D.  
Foundation for Second Chances  
3734 West Slauson Avenue  
Los Angeles, CA 90043  
(716) 771-2745

David Paris, D.C.  
Board of Chiropractic Examiners  
901 P Street, Suite 142A  
Sacramento, CA 95814

**Board of Chiropractic Examiners**  
**901 P Street, Suite 142A**  
**Sacramento, CA 95814**

**AGENDA**

1. **Call to Order & Establishment of a Quorum**  
Heather Dehn, D.C., Chair  
Corey Lichtman, D.C., Vice Chair  
Sergio Azzolino, D.C., Secretary  
Dionne McClain, D.C.  
Frank Ruffino  
Thyonne Gordon, Ph.D.  
David Paris, D.C.
2. **Approval of November 8, 2018 Board Meeting Minutes**
3. **Election of Board Officers for 2019. The Board will Vote on Board Officer Positions:**
  - A. Chair
  - B. Vice-Chair
  - C. Secretary

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](http://www.chiro.ca.gov)

**4. Review, Discussion and Possible Action Regarding the 2019 Meeting Schedule**

**5. 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.*

**6. Future Agenda Items**

*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.]*

**7. Adjournment**

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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 Board 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](http://www.chiro.ca.gov).

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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](mailto: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.

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State of California  
Gavin Newsom, Governor

**Agenda Item 2**  
**January 8, 2019**

## **Approval of Minutes**

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### **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 November 8, 2018, Board meeting minutes.

### **Background**

N/A

### **Recommendation(s)**

N/A

### **Next Step**

N/A

### **Attachment(s)**

- Meeting Minutes from the November 8, 2018, Board meeting.



State of California  
Gavin Newsom, Governor

## **BOARD OF CHIROPRACTIC EXAMINERS PUBLIC SESSION MINUTES**

Executive Inn & Suites  
1755 Embarcadero, Bayside Room  
Oakland, CA 94606  
November 8, 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  
Frank Ruffino

### **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, Associate Governmental Program Analyst  
Natalie Boyer, Staff Services Analyst

### **Call to Order**

Dr. Dehn called the meeting to order at 9:05 a.m.

### **Roll Call**

Dr. Azzolino called the roll. All members were present except Dr. McClain who arrived late. A quorum was established.

### **Pledge of Allegiance**

Mr. Ruffino led the Pledge of Allegiance.

### **Opening Announcements**

### **Hearing Re: Petition for Reinstatement of Revoked License**

Administrative Law Judge, Jill Schlichtmann, presided over and Deputy Attorney General, Leslie Brast, appeared on behalf of the people of the State of California on the following hearings:

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  
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[www.chiro.ca.gov](http://www.chiro.ca.gov)

- |                       |                       |
|-----------------------|-----------------------|
| A. Arthur J. Haberman | Case No. AC 2000-181  |
| B. Judith A. Urdea    | Case No. AC 2005-482  |
| C. Daniel M. Martello | Case No. AC 2015-1034 |

### **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 13963.1. Regarding Hugh Lubkin, D.C. v. Board of Chiropractic Examiners Workers' Compensation Case No. ADJ7361379
- C. Evaluation of the Executive Officer Pursuant to California Government Code section 11126(a)

### **Open Session**

The Board went back into Open Session.

### **Chair's Report**

Dr. Dehn reported on the Board's recent activities at the California Chiropractic Association (CCA) Conference and the Federation of Chiropractic Licensing Boards (FCLB) district meeting. Dr. Dehn brought to the Board's attention Oregon's regulation which allows the Oregon Board to mandate specific CE courses and was interested in having the CE Committee research the possibility of pursuing similar regulation. Dr. Dehn also highlighted the recent exam changes from the National Board of Chiropractic Examiners (NBCE).

### **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 inquired why changes identified during the August 9<sup>th</sup> Board Meeting had not been made to the June 5<sup>th</sup> meeting minutes.

Mr. McCarther stated that this was due to an oversight and the corrections could be made.

The Board discussed the possibility of making the changes and submitting a mail vote for the meeting minutes.

Dr. Azzolino withdrew the motion.

## **Approval of August 9, 2018, Board Meeting Minutes**

***MOTION: DR. LICHTMAN MOVED TO APPROVE THE MINUTES OF THE AUGUST 9, 2018 MEETING.***

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

### **Discussion:**

Dr. McClain pointed out that on page 10, middle of the page, “Mr. McClain” should be corrected to “Dr. McClain”.

Dr. Gordon suggested that on page seven, under the Election of the Board Officers heading, clarification should be made to which Board Meeting Mr. Ruffino had been absent.

Dr. McClain noted that on page four, clarification should be made to the eighth paragraph, to include which Board Meeting Mr. Puleo was referring to in his statement.

Mr. Ruffino inquired if participants who made public comments during the Board Meeting could be thoroughly introduced in the meeting minutes. Specifically, Dr. Kendra Holloway on page 18, her affiliations were not included.

Dr. McClain suggested that including ‘private practice’ would be appropriate for any participants who were not affiliated with an association or school.

The Board agreed.

***VOTE: 5-0, 1-ABSTAINED (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, MR. RUFFINO – ABSTAIN, DR. GORDON-AYE)***

***MOTION: CARRIED***

### **Ratification of Approval of License Applications**

***MOTION: DR. LICHTMAN MOVED TO RATIFY THE APPROVED LICENSE APPLICATIONS.***  
***SECOND: DR. AZZOLINO SECONDED THE MOTION.***

***VOTE: 6-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, MR. RUFFINO-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 RATIFY THE APPROVED CONTINUING EDUCATION PROVIDERS.***

***SECOND: MR. RUFFINO SECONDED THE MOTION.***

**Discussion:**

Dr. Azzolino inquired of the timeline for new Continuing Education (CE) regulations.

Dr. Dehn stated that regulations were still in progress, the CE Committee continues to work on regulatory language.

Dr. Azzolino inquired of the possibility of adopting regulations specifically for the CE providers, to vet the provider process.

Dr. Dehn stated that the regulatory timeframe would be the same regardless of whether the CE provider application was taken as its own regulatory package.

Dr. McClain agreed with Dr. Azzolino's sentiment, that there was not enough content in the CE provider application to allow for a thorough vetting process of the providers.

Dixie Van Allen, Licensing and CE Unit Manager, wished to clarify a few items. First, that both the CE provider application and CE course application were incorporated by reference in the Board's regulations and any changes to those applications would need to go through the regulatory process. Secondly, because these are two separate applications, they are reviewed by staff separately.

Mr. Puleo inquired of Ms. Laurie Isenberg whether other states required her, as a CE provider, to submit substantive information about the courses being offered.

Public Comment: Ms. Isenberg, Director of Postgraduate and Continuing Education at Life Chiropractic West, responded that other states did not require providers to submit information about their courses, during the provider approval process.

Mr. Puleo shared with the Board the current review process for CE courses.

Dr. Azzolino inquired if there were any regulations that could be put forward, in the interim, to assist with the vetting process for the individuals who wished to become CE providers.

Mr. McCarther confirmed that if it was the Board's desire to focus on specific regulatory changes surrounding the CE provider application and qualifications, then staff could consider shifting priority to this regulatory package. Mr. McCarther also went on to state that the CE course application would be problematic, as it is so lengthy and would require more time invested.

Dr. Azzolino agreed that focus should be shifted to explore the option of making changes to the CE provider application through the regulatory process.

Dr. Dehn stated that the CE Committee could agendaize this item for the next CE Committee Meeting. Dr. Dehn added that one of her concerns was having two separate regulatory packages in progress at different times, which could, inevitably, have direct effect on one another.

Dr. McClain agreed to have this topic agendaized for the CE Committee's review. Dr. McClain agreed that if it was possible to put forward two separate regulatory packages related to CE, then it should be explored.

Mr. Puleo summarized that the CE Committee could work on regulatory language for the CE provider applications and, without any hindrances, the regulatory process could potentially take up to nine months. Mr. Puleo went on to advise that this could potentially shift staff's focus away from other CE regulations.

Dr. Azzolino suggested adding another member to the CE Committee, in an effort to expedite the work needed to be accomplished.

Mr. Ruffino withdrew his seconding of the motion to approve the CE providers. Mr. Ruffino also asserted his agreement that the CE Committee should review the possibility of changing the CE provider application regulations at the next CE Committee Meeting.

Mr. Swenson shared his concern that the existing regulation did not require any criteria to be met on behalf of the providers, and by not ratifying the approval of these CE providers the Board would be applying criteria that had not been adopted in order to deny them.

Dr. Azzolino stated he would be willing to move forward with the CE providers and continue the discussion on potential regulations.

**MOTION: DR. AZZOLINO MOVED TO RATIFY THE APPROVED CONTINUING EDUCATION PROVIDERS.**

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

**VOTE: 6-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, MR. RUFFINO-AYE, DR. GORDON-AYE)**

**MOTION: CARRIED**

Dr. Dehn inquired if the Board was comfortable referring potential regulatory changes of the CE provider application to the CE Committee.

**MOTION: DR. AZZOLINO MOVED TO REFER POTENTIAL REGULATORY CHANGES TO THE CE PROVIDER APPLICATION, TO THE NEXT CE COMMITTEE MEETING.**

**SECONDED: DR. LICHTMAN SECONDED THE MOTION.**

**VOTE: 6-0 (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-AYE, MR. RUFFINO-AYE, DR. GORDON-AYE)**

**MOTION: CARRIED**

**Election of Board Officers for 2019. The Board Will Initiate Nomination Procedures for Board Officer Positions: Chair, Vice Chair, and Secretary.**

Mr. Ruffino inquired if the nomination process would be closed at the end of the November 8<sup>th</sup> Board Meeting.

Mr. McCarther responded that nominations would not be closed.

Mr. Ruffino also wished to confirm that nominees would be either accepting or denying the nominations at the November 8<sup>th</sup> Board Meeting.

Dr. Dehn agreed. Dr. Dehn went on to further summarize the election process.



Mr. McCarther requested that the Board's Legal Counsel, Mr. Swensen, call the roll.

**Chair**

Dr. Azzolino nominated Dr. McClain for the Board Chair position.

Dr. McClain declined the nomination for the Board Chair position.

Mr. McCarther asked for clarification from Mr. Swenson, whether the Board Members should be allowed an opportunity to nominate another individual, should their first nominee decline the nomination.

Mr. Swenson stated it would be at the Board's discretion.

Dr. Azzolino abstained from nominating another Board Member for the Board Chair position.

Dr. Gordon did not have a nomination for the Board Chair position.

Dr. Lichtman nominated Dr. Dehn for the Board Chair position.

Dr. Dehn declined the nomination for the Board Chair position.

Dr. Lichtman did not have an alternative nomination for the Board Chair position.

Dr. McClain nominated Dr. Azzolino for the Board Chair position.

Dr. Azzolino accepted the nomination for the Board Chair position.

Mr. Ruffino did not have a nomination for the Board Chair position.

Dr. Dehn did not have a nomination for the Board Chair position.

**Vice Chair**

Dr. Azzolino nominated Dr. McClain for the Board Vice Chair position.

Dr. McClain accepted the nomination for the Board Vice Chair position.

Dr. Gordon did not have a nomination for the Board Vice Chair position.

Dr. Lichtman nominated Mr. Ruffino for the Board Vice Chair position.

Mr. Ruffino declined the nomination for the Board Vice Chair position.

Dr. Lichtman did not have an alternative nomination for the Board Vice Chair position.

Dr. McClain did not have a nomination for the Board Vice Chair position.

Mr. Ruffino did not have a nomination for the Board Vice Chair position.

Dr. Dehn did not have a nomination for the Board Vice Chair position.

## **Secretary**

Dr. Azzolino nominated Mr. Ruffino for the Board Secretary position.

Mr. Ruffino accepted the nomination for the Board Secretary position.

Dr. Gordon did not have a nomination for the Board Secretary position.

Dr. Lichtman did not have a nomination for the Board Secretary position.

Dr. McClain did not have a nomination for the Board Secretary position.

Mr. Ruffino did not have a nomination for the Board Secretary position.

Dr. Dehn did not have a nomination for the Board Secretary position.

Mr. Swenson concluded the nominations.

Mr. Ruffino asked for clarification, of whether individuals could continue to self-nominate or nominate others prior to the January Board Meeting.

Mr. Swenson responded that under Robert's Rules of Orders, nominations did not close until the actual election.

Mr. Ruffino asked if he could move to close the nominations.

Mr. Swenson stated that as the nomination process was not agendized in that manner, action could not be taken.

Mr. Ruffino inquired if he could agendize this topic at a future Board Meeting, for future elections.

Mr. Swenson agreed that this item could be placed on the agenda for a future meeting.

Dr. Azzolino inquired if, at the January meeting, there would need to be two agenda items related to the election process; one to submit any additional nominations and another to proceed with the election of officers.

Mr. Swenson agreed with this procedure.

## **Executive Officer's Report**

A. Administration – Board staffing/organizational chart

Mr. Puleo shared the current Board staff vacancies and the recruitment efforts for the Compliance Unit Analyst position and the Compliance Manager position.

B. Budget – Fund Condition Update

Mr. Puleo reviewed the Budget Report, along with the Fund Condition Report. Staff would be meeting with members from the Budget Office in the coming months to discuss the Board's budget.

#### C. Licensing – Statistical Trends

Mr. Puleo summarized the Board's licensing statistics. Mr. Puleo referred to agenda item 14, stating that this agenda item would allow for a more thorough discussion related to licensing trends.

#### D. Enforcement – Statistical Trends

Mr. Puleo summarized the Board's compliance statistics.

Dr. Azzolino wished to point out that the 278 pending complaint cases listed on the report were carried over from the previous year.

Mr. Puleo agreed that each case had a different timeframe for completion.

Dr. Azzolino stated his desire to see data related to the type of complaints reported. Dr. Azzolino would like to see if there were trends in this data over the past decade.

Mr. Puleo outlined the most common consumer complaints received and the potential for identifying micro trends within the research.

Dr. Azzolino expressed the need for the Board to maintain a proactive approach to complaint trends, if data showcased specific complaint trends the Board could share this information with the CCA and licensees to prevent individuals from unknowingly breaking the law.

Mr. Puleo stated that staff would begin working on tracking complaint trends. Mr. Puleo also shared that with an upcoming IT software change, tracking this information would be more feasible.

Mr. Puleo shared that staff was working on updating the Frequently Asked Questions for the Board's website, to assist licensees and consumers with any complaint trends the Board was experiencing.

Dr. Dehn inquired of the possibility of listing a 'warning' on the Board's website related to consumer complaints, prior to a conclusion being issued from an investigation.

Mr. Puleo agreed that could be challenging, as a conclusion would not have been made regarding complaint cases, but the Board could issue reminders to licensees regarding most common complaints. Mr. Puleo also expressed concern over inadvertently issuing an underground regulation and would encourage staff to be very cautious to avoid this.

Dr. McClain requested that the top three violations from the report include a breakdown of what specific violations had occurred, as the main violation codes were very vague.

Mr. McCarther inquired if the Board was interested in receiving data surrounding the complaint violations or for citations issued by the Board.

Dr. Azzolino stated that he was interested in both. Dr. Azzolino went on to state that both data groups had relevance to the Board and its stakeholders.

Mr. Puleo brought forward a potential challenge, in that most complaints included several different types of violations, and in tracking this information, it would be important not to skew the amount of complaints the Board received.

Dr. Azzolino asserted his support of having these citation trends listed, as a way to prevent future violations by licensees.

#### E. OIS - Update

Mr. McCarther provided an Office of Information Services (OIS) update regarding the Board's acquisition of a new software platform, that would allow Board Members to receive Board Meeting packet material electronically.

Dr. McClain wished to reaffirm her desire to receive packet materials as early as possible prior to Board Meetings.

Mr. McCarther stated that as each individual memo came available, he could submit it electronically and notify Board Members.

Dr. McClain agreed but also stated her desire to receive a completed material packet electronically once it had been completed in its entirety.

Mr. McCarther also updated the Board that executive staff were in the second stage of a four-part procurement process for a new software database system.

#### **Review, Discussion and Possible Action on Staff Report Regarding National Licensing Trends**

Mr. Puleo introduced the statistics regarding national licensing trends over the past 10 years. Mr. Puleo highlighted that half of the boards included in the report were experiencing a downward trend of licensees.

Dr. Azzolino thanked staff for compiling this information and also pointed out that the only healing arts board in California that had gone down in licensing statistics was chiropractic.

Dr. McClain inquired what internal and external factors were present to cause the rise or fall in the licensing numbers.

Mr. McCarther stated that for this particular project, staff primarily focused on statistical trends. He shared that determining the outlying factors affecting these statistics would be outside the purview of staff's scope.

Dr. McClain asked if it would be appropriate to reach out to the chiropractic schools and associations for assistance in determining what factors might be contributing to the reduction in licensees.

Dr. Dehn hypothesized on some potential factors.

Dr. Azzolino reminded the Board, that from a research perspective, they should be extremely cautious in whom they solicit information from, to ensure bias did not filter responses.

Mr. Puleo surmised that there was not a particular entity researching these trends at a national level.

Dr. Azzolino suggested that the American Chiropractic Association (ACA) was conducting research of this nature. He solicited the insight from Ms. Dawn Benton, on whether the CCA had a relationship with the ACA regarding monitoring licensing trends.

Public Comment: Ms. Dawn Benton, Executive Director, CCA, commented that the CCA did not have a close working relationship with the ACA. Ms. Benton was a member of the ACA and did monitor marketing material from the association but that was the extend of the relationship.

Mr. McCarther stated that staff worked diligently to collect this information from other state boards and that there wasn't any one national body collecting this data, FCLB did not have this data in the specific context the Board was requesting. Staff met numerous challenges in trying to gather this information from other states, and this should be considered as a potential disclaimer to the data's integrity.

Dr. Azzolino suggested providing this information to the Department of Consumer Affairs (DCA), CCA, ACA, FCLB and the chiropractic schools, in hopes that all stakeholders could develop solutions to the licensing trend problem.

### **Review, Discussion and Possible Action on Staff Report Regarding National Enforcement Trends**

Mr. McCarther summarized the national enforcement trends, highlighting the challenges in collecting the data, as there were no standards of compiling this information among different state boards. No conclusions could be drawn from the information gathered.

Mr. Puleo agreed and summarized some of the challenges in gathering the data.

### **Update, Discussion and Possible Action on Enforcement Committee Meeting Agenda**

Dr. Azzolino summarized the October 10, 2018 Enforcement Committee Meeting and the Subject Matter Expert (SME) application requirements.

Dr. Dehn inquired if the term SME was overutilized for volunteer opportunities and if there could be a clearer title for the Enforcement Program.

The Board agreed that there could potentially be confusion and creating a clearer title would be appropriate.

The Board discussed potential terms for the Enforcement Program.

The Board agreed to "Application for Enforcement Program Expert", as the new title and to remove SME.

**MOTION: DR. AZZOLINO MOVED TO CHANGE THE TITLE OF THE PREVIOUS “SUBJECT MATTER EXPERT PROGRAM” TO “APPLICATION FOR ENFORCEMENT PROGRAM EXPERT”.**

**SECONDED: DR. DEHN SECONDED THE MOTION.**

**Discussion:**

Mr. Puleo inquired if the Board utilized applications for other SME programs.

Ms. Van Allen responded that there were not.

Dr. Dehn suggested including the word ‘witness’ into the title, as medical professionals utilize the term frequently.

The Board agreed.

Dr. Azzolino supported the term ‘expert witness’, as within the chiropractic profession it carried clear understanding.

Dr. Lichtman stated that there was already a reference to ‘expert witness’ within the document and it would be consistent, should it be changed.

Mr. Swenson agreed a change of title would be appropriate as SME was utilized frequently among DCA programs.

**MOTION AMENDED: DR. AZZOLINO MOVED TO CHANGE THE TITLE OF THE PREVIOUS “SUBJECT MATTER EXPERT PROGRAM” TO “APPLICATION FOR ENFORCEMENT EXPERT WITNESS”.**

**SECONDED: DR. DEHN SECONDED THE MOTION.**

**Discussion:**

Dr. McClain inquired if this application would affect those currently listed as SMEs for the Board.

Dr. Azzolino responded that he would like to have all current SMEs reapply with this proposed application.

Dr. McClain asked when the Enforcement Committee intended to begin accepting applications for new expert witnesses.

Dr. Azzolino responded they would begin accepting applications as soon as possible.

Dr. McClain also asked how long the application vetting process would be.

Mr. McCarther stated that as it was a new application process, he could not predict the amount of time needed to vet applicants after they submitted applications. Mr. McCarther was hopeful to begin recruitment for the program in the spring.

Dr. McClain sought clarification as Dr. Azzolino had stated he hoped to begin accepting applications immediately.

Mr. McCarther responded that following the Board's decision, staff would need to identify a baseline compliance case, to create an expert report for the application process.

Dr. McClain followed up with an additional question regarding the amount of active practice hours required as a qualification for the program and whether or not that included tele-health.

Mr. McCarther responded that a distinction had not been made in the qualifications of the program. Mr. McCarther brought to the Board's attention the Subject Matter Expert Program document, under Minimum Qualification, second bullet point where active practice had been defined as "80 hours per month in direct patient care, clinical activity, or teaching, at least 40 hours of which is in direct patient care".

Dr. Azzolino agreed the Enforcement Committee had not considered chiropractors of tele-health practices and was not opposed to including a stipulation explaining that requirement.

Mr. McCarther inquired of the Board, whether someone practicing in a tele-health environment would be excluded from participating in the Expert Witness Program.

Dr. Azzolino stated he would prefer if 'direct patient care' would be specific to face-to-face care.

Dr. McClain suggested considering including tele-health practices, as it was expanding within the chiropractic profession.

Dr. Dehn suggested adding 'face-to-face patient care' as a definition for direct patient care or including a statement which would exclude tele-health.

The Board discussed potential language as definitions to 'direct patient care'.

Dr. Lichtman brought to the Board's attention page two of the application, where it requires participants to identify how many hours of care they offer and whether applicants would know this meant face-to-face care.

The Board agreed that statement was not clear.

**MOTION AMENDED: DR. AZZOLINO MOVED TO CHANGE THE TITLE OF THE PREVIOUS "SUBJECT MATTER EXPERT PROGRAM" TO "APPLICATION FOR ENFORCEMENT EXPERT WITNESS" AND TO CHANGE THE LANGUAGE IN THE SECOND BULLET POINT ON THE DOCUMENT TITLED "SUBJECT MATTER EXPERT PROGRAM" TO INCLUDE THE STATEMENT "FACE-TO-FACE, IN-PERSON PATIENT CARE" AT THE END OF THE SENTENCE.**

**SECONDED: DR. DEHN SECONDED THE MOTION.**

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

**MOTION: CARRIED**

### **Update, Discussion and Possible Action on Licensing & Continuing Education Committee Meeting Agenda**

Dr. McClain summarized the September 25, 2018 Continuing Education (CE) Committee Meeting and the various proposed regulations discussed.



Dr. Dehn also brought forward her interest in reviewing Oregon's CE regulations as it relates to annually changing mandatory CE hours for licensees.

Dr. McClain agreed to agendaizing this subject for the next CE Committee Meeting.

Mr. McCarther inquired of Mr. Swenson whether there was precedent in writing regulations that gives the Board the ability to change mandatory CE hours year-to-year, without submitting new regulatory packages for each annual change.

Mr. Swenson stated that regulation needed to be specific enough to provide standards that could be enforced by the Board.

Dr. Dehn reasserted her desire to explore the options of this type of regulations by speaking with staff at the Oregon state board and determining what could be potentially feasible for California.

Mr. Swenson wished to state for the record that there were several members from the public participating at the CE Committee Meeting who added a lot to the CE discussion and thanked them for their participation.

Dr. Azzolino also wished to state that Dr. Lubkin had disseminated an email amongst several stakeholders that was grossly inaccurate of what transpired at the CE Committee Meeting.

Ms. Natalie Boyer, Continuing Education Analyst, advised the Board that at the next CE Committee Meeting, an adjustive technique list that had been compiled from the specialty boards and chiropractic colleges would be presented.

### **The Board Returned to the Following Agenda Item: Approval of June 5, 2018, Board Meeting Minutes**

Dr. Dehn returned the Board's attention to agenda item 7 and requested a motion to review the meeting minutes.

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

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

### **Discussion:**

Mr. Puleo stated that earlier in the meeting there had been a question regarding corrections not made to a statement from the June 5<sup>th</sup> meeting minutes. The minutes were reviewed and the statement was captured accurately, although it appears that the comment itself was now deemed incorrect. Mr. Puleo went on to state that the correction had been captured in the August 9<sup>th</sup> meeting minutes and directly referred to the statement in the June 5<sup>th</sup> meeting minutes.

Dr. Dehn inquired if there would be any corrections to the June 5<sup>th</sup> meeting minutes. Dr. Dehn suggested adding "please reference August 9<sup>th</sup> meeting minutes" into the June 5<sup>th</sup> document.



Dr. Azzolino inquired of Mr. Swenson whether a statement could be included in the June 5<sup>th</sup> minutes, that Dr. McClain was not present at the meeting.

Mr. Swenson agreed and that while the meeting minutes must reflect the proceedings of the meeting, they did not need to capture all dialogue.

Dr. McClain agreed that adding a reference, in the June 5<sup>th</sup> meeting minutes, to refer to the August 9<sup>th</sup> meeting minutes for additional clarification would be satisfactory.

The Board discussed several options in how to present the clarifications in the minutes.

Mr. Swenson agreed that an amended motion would be necessary to include this parenthetical remark as it is being utilized to clarify the June 5<sup>th</sup> meeting minutes.

**MOTION AMENDED: DR. LICHTMAN MOVED TO APPROVE THE MINUTES OF THE JUNE 5, 2018 MEETING, INCLUDING THE PARENTHETICAL STATEMENT "PLEASE REFER TO AUGUST 9<sup>TH</sup> BOARD MEETING MINUTES, CORRECTION WAS MADE".  
SECOND: DR. DEHN SECONDED THE MOTION.**

**Discussion:**

Mr. Puleo was concerned over the term 'corrected', as the June 5<sup>th</sup> meeting minutes were correct. He preferred the term 'clarified'.

Mr. Swenson agreed that substituting 'clarified' for 'corrected' would be appropriate.

**MOTION AMENDED: DR. LICHTMAN MOVED TO APPROVE THE MINUTES OF THE JUNE 5, 2018 MEETING, INCLUDING THE PARENTHETICAL STATEMENT "PLEASE REFER TO AUGUST 9<sup>TH</sup> BOARD MEETING MINUTES, CLARIFICATION WAS MADE".  
SECOND: DR. DEHN SECONDED THE MOTION.  
VOTE: 4-0, 1-ABSTAIN, 1-ABSENT (DR. AZZOLINO-AYE, DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. MCCLAIN-ABSTAIN, MR. RUFFINO-AYE, DR. GORDON-ABSENT)  
MOTION: CARRIED**

**Review, Discussion and Possible Action Regarding the Proposed 2019 Board Meeting Schedule**

Dr. Dehn stated that the Board would need to move forward to agenda item 22, selection of 2019 Board Meeting dates.

Dr. Dehn announced the Board would be conducting a teleconference on November 27<sup>th</sup> at 1:00pm, to complete a discussion from the closed session, item 4c.

The Board selected January 8<sup>th</sup>, May 21<sup>st</sup>, July 25<sup>th</sup>, and October 24<sup>th</sup> as the Board meeting dates for 2019.

**Review, Discussion and Possible Action Regarding SB 1448 (Hill) Probation status: disclosure**

Mr. Puleo summarized SB 1448 (Hill) Probation status: disclosure and identified areas that would affect licensees.

Dr. Azzolino inquired if DCA would be providing a standardized form so licensees could be in compliance with the regulation.

Mr. Swenson was not aware of DCA's Legal Counsel's involvement in developing a standardized form for this regulation but the language in the bill was very prescriptive and could assist the Board in generating a form.

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

Mr. Puleo shared the details of SB 1480 (Hill) Professions and vocations, which included the Board's new fee schedule.

**Review, Discussion and Possible Action Regarding AB 2138 (Chiu/Low) Denial of application: revocation or suspension of licensure: criminal conviction**

Mr. McCarther summarized AB 2138 (Chiu/Low) Denial of application: revocation or suspension of licensure: criminal conviction.

Dr. Dehn inquired if regulation would need to be drafted and passed to support this bill.

Mr. Puleo agreed that regulations would need to be modified to comply with the bill. Mr. Puleo stated that he would be participating in meetings in the coming weeks to determine how this law would be implemented among DCA's various boards and bureaus.

Mr. Swenson reminded the Board that the law becomes effective July 2020, so there would be time for any regulatory processes. He also noted that any regulatory changes might be able to be accomplished through a section 100 change.

**Update, Discussion and Possible Action on Pending Rulemaking**

Ms. Andreia McMillen, Policy Analyst, updated the Board regarding pending rulemaking packages and regulatory work of the Policy Analyst.

Dr. Azzolino inquired if regulations would be necessary for changing procedures related to the naming of a corporation.

Mr. Swenson responded that the statute was clear in its requirement and an amendment to the statute would be necessary to make any changes. Mr. Swenson recommended this matter be referred to the appropriate Committee for further study.

Mr. Puleo stated that B&P Section 1054 would need to be repealed and could be further

researched should the Board make a motion.

Mr. McCarthy reminded the Board that they had voted to pursue legislation to repeal this section at the August 9<sup>th</sup> Board meeting.

Mr. Puleo would move this process forward with the Legislature.

### **Public Comment for Items Not on the Agenda**

Ms. Isenberg shared thoughts from her colleague, regarding having more accessible teleconference technologies so more members of the public could participate in meetings.

Dr. Azzolino shared that the Board had explored options but had yet to uncover any option that would significantly improve what staff was currently utilizing.

Mr. Puleo agreed to look into what other DCA boards and bureaus were utilizing for Committee Meetings but was not sure what could be possible for Board Meetings.

### **Future Agenda Items**

Mr. Ruffino wished to agendize that the closure of nominations for Board Officer positions occurs at the last Board Meeting of the year.

### **Adjournment**

Dr. Dehn adjourned the meeting at 5:35 p.m.

**(ATTACHMENT A)**

Approval by Ratification of Formerly Approved License Applications  
between July 1, 2018 and September 30, 2018.

<b>Name (First, Middle, Last)</b>			<b>Date Issued</b>	<b>DC#</b>
Julie	Alexandra	Stefanski	7/11/2018	34279
Chad	Austin	Eldridge	7/11/2018	34280
Michael	Joseph	Hoffman	7/11/2018	34281
Cynthia	Lysne	Tays	7/11/2018	34282
Farzam		Yazdanfar	7/11/2018	34283
Gonzalo	Martin	Pineiro	7/23/2018	34284
Timothy	Lorne	Haynes	7/25/2018	34285
Tara	Cristin	Adams	8/7/2018	34286
Brandon		Antonissen	8/7/2018	34287
Danielle	Christine	Johnston	8/7/2018	34288
Shane		Alborz	8/7/2018	34289
Chi-Yuan		Cheng	8/7/2018	34290
Kevin	Michael	Brown	8/13/2018	34291
Peter	Andrew	Leopold	8/13/2018	34292
Mykyta		Predtechensky	8/13/2018	34293
Christopher	Russell	Smith	8/13/2018	34294
Hyunsuk		Oh	8/13/2018	34295
Alanamarie		Pearsall	8/13/2018	34296
Zachary	Scott	Cadman	8/20/2018	34297
Loren	C	Davis	8/20/2018	34298
Morgan	Daniel	Hurd	8/20/2018	34299
Austin	James Mackinley	Karp	8/20/2018	34300
Hyun Dong		Lee	8/20/2018	34301
Andrew	Kiyoshi	Stone	8/23/2018	34302
Sarah	Renee	Ward	8/23/2018	34303
Alphonse	Andrew	Simeone	8/23/2018	34304
Mehrbod		Rafia	8/23/2018	34305
Carly	Justine	Broderick	8/23/2018	34306
Hannah	Louise	Durbin-Defebvre	8/23/2018	34307
Erin	Seaton	Heck	8/23/2018	34308
Francis	William	Dooley	8/28/2018	34309
Justin	Dean	Hovarter	8/28/2018	34310
Robert	Scott	Prewitt	8/30/2018	34311
Chen	Yueh	Liu	8/31/2018	34312
Matthew	Isaiah	Jones	8/31/2018	34313

Alonso		Figueroa-Chavoya	9/6/2018	34314
Kaitlyn	Sae	Shikada	9/10/2018	34315
Nobuaki		Watanabe	9/10/2018	34316
Elizaveta		Krylova	9/12/2018	34317
Valerie	A	Lyon	9/12/2018	34318
Timothy	Alan	Cook	9/13/2018	34319
Jose		Garay	9/13/2018	34320
Joshua	Kenneth Hughes	Grey	9/13/2018	34321
Thomas	Andrew	Lazzari	9/13/2018	34322
Katie	Rose	Susse	9/18/2018	34323
Samantha	Colby	Sagot	9/18/2018	34324
Jessica	Marie	Barchenger	9/21/2018	34325
Arash		Aalem	9/21/2018	34326
Kevin	Charles	Forrest	9/21/2018	34327
Brent	Michael	Musolf	9/21/2018	34328
Harmanjit	Singh	Randhawa	9/25/2018	34329
Nicolas	Joseph	Santos	9/25/2018	34330
Craig	Sian-Keng	Chin	9/27/2018	34331
Ranj		Jaaf	9/27/2018	34332
Meaghan	Ashley	Arabejo	9/27/2018	34333

**(ATTACHMENT B)**

**Pending Ratification to Approve for New Continuing Education Providers**

<u>CONTINUING EDUCATION PROVIDERS</u>	<u>DATE</u>
1. <u>Robert Wesley Adams, DC, DABCN</u>	<u>11/08/18</u>
2. <u>Naturopathic CE</u>	<u>11/08/18</u>
3. <u>Lotused, INC</u>	<u>11/08/18</u>
4. <u>Tony Mork, MD</u>	<u>11/08/18</u>
5. <u>Kurt Milo Alexander D.C.</u>	<u>11/08/18</u>
6. <u>Vitality Sciences Institute</u>	<u>11/08/18</u>
7. <u>Jeffry S. Hays, DC</u>	<u>11/08/18</u>

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**Agenda Item 3  
January 8, 2019**

**Election of Board Officers for 2019. The Board Will Vote on Board Officer Positions: Chair, Vice Chair, and Secretary.**

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**Purpose of the item**

The Board will vote on the Board Officer positions of Chair, Vice Chair and Secretary.

**Action(s) requested**

N/A

**Background**

At the November 8<sup>th</sup>, 2018 Board meeting, Board Members nominated individuals for the Board Officer positions of Chair, Vice Chair and Secretary.

Current Slate of Nominations:

**Chair:** Dr. Sergio Azzolino

**Vice Chair:** Dr. Dionne McClain

**Secretary:** Mr. Frank Ruffino

**Recommendation(s)**

N/A

**Next Step**

N/A

**Attachment(s)**

- Electing Board Officers document
- Roll Call for Election of Officers

## **Board of Chiropractic Examiners**

### **Procedure for Electing Board Officers as voted on by the full Board**

#### **Election:**

- Legal counsel will preside over the Election of Board Officers
- For those not currently nominated, Board Members will be asked if they would like to be considered for a Board Officer position.
- Prior to electing a Board Officer, nominees will have the opportunity to provide their statements of interest for the Board Officer positions.
- Voting will take place one position at a time, allowing individuals nominated for multiple positions to have their intentions known.
- Elections will occur by officer position; starting with the Chair, Vice Chair and Secretary.
- Voting will be held in roll call order with the Chair voting last.



## Public Board Meeting

### Roll Call for the Election of Officers names are listed in Alpha Order with the Chair being last January 8, 2019

- Dr. Sergio Azzolino, D.C., Secretary
- Thyonne Gordon, PhD
- Corey Lichtman, D.C., Vice Chair
- Dionne McClain, D.C.
- David Paris, D.C.
- Frank Ruffino
- Heather Dehn, D.C., Chair



State of California  
Gavin Newsom, Governor

**Agenda Item 4  
January 8, 2019**

**Proposed Board Meeting Schedule  
January – December 2019**

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**Purpose of the item**

The Board will review the approved meeting dates for 2019.

**Action(s) requested**

The Board needs to schedule a full board meeting sometime in February or March and possibly reschedule May 21<sup>st</sup> meeting.

**Background**

At the November 8, 2018 Board meeting, Board members selected the following meeting dates and locations.

January 8<sup>th</sup> – Sacramento, CA

May 21<sup>st</sup> – Southern, CA (Southern California University of Health Sciences)

July 25<sup>th</sup> – San Diego, CA

October 24<sup>th</sup> – Northern, CA

**Recommendation(s)**

Staff recommends the Board approve meetings dates in January, May, July and October of 2019.

**Next Step**

N/A

**Attachment(s)**

- 2019 Board Meeting Schedule/Calendar

# 2019 Board Meeting Calendar

January						
S	M	T	W	T	F	S
		<del>1</del>	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	<del>21</del>	22	23	24	25	26
27	28	29	30	31		

February						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	<del>18</del>	19	20	21	22	23
24	25	26	27	28		

March						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

April						
S	M	T	W	T	F	S
	<del>1</del>	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

May						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	<del>27</del>	28	29	30	31	

June						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

July						
S	M	T	W	T	F	S
	1	2	3	<del>4</del>	5	6
7	<del>8</del>	<del>9</del>	<del>10</del>	<del>11</del>	<del>12</del>	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

September						
S	M	T	W	T	F	S
1	<del>2</del>	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

October						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

November						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	<del>11</del>	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	<del>28</del>	<del>29</del>	30

December						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	<del>25</del>	26	27	28
29	30	31				

The Board scheduled meetings are highlighted in Yellow: 1/9, 5/21, 7/25 & 10/24

An X on the date indicates Holiday's and/or Executive Officer, Assistant Executive Officer and Manager out of the office