



**BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES**

February 15, 2019

The Department of Consumer Affairs, Headquarters II
1747 N. Market Blvd., Room #186
Sacramento, CA 95834-1924

Board Members Present

Sergio Azzolino, D.C., Chair
Frank Ruffino, Secretary
Heather Dehn, D.C.
Corey Lichtman, D.C.
David Paris, D.C.

Staff Present

Robert Puleo, Executive Officer
Marcus McCarther, Assistant Executive Officer
Kenneth Swenson, Attorney III
Kristin Walker, Staff Services Manager I
Valerie James, Staff Services Analyst
Natalie Boyer, Staff Services Analyst
Andreia McMillen, Associate Government Program Analyst
Tammi Pitto, Staff Services Analyst
Nikkia Capizzano, Staff Services Analyst

Call to Order

Dr. Azzolino called the meeting to order at 8:07 a.m.

Roll Call

Mr. Ruffino called the roll. Dr. McClain was absent, all other members were present. 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, Dena Coggins, presided over and Deputy Attorney General, Andrew Steinheimer, appeared on behalf of the people of the State of California on the following hearings:

- | | |
|--------------------------|----------------------|
| A. Thomas George Pollock | Case No. AC 2009-685 |
| B. Ehalid Dinkane | Case No. AC 1998-55 |
| C. Reza Aliakbar | Case No. AC 2007-592 |
| D. Kent W. Pollock | Case No. AC 2006-565 |

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

Open Session

The Board went back into Open Session.

Chair's Report

Dr. Azzolino welcomed the Board back into session and congratulated Dr. Paris on his appointment to the Board and on Dr. McClain's reappointment to the Board. The Board had started the year with a full schedule and Dr. Azzolino was proud to notate that Board Members and staff have participated in numerous events within the profession to engage with licensees.

Approval of January 8, 2019 Board Meeting Minutes

MOTION: DR. DEHN MOVED TO APPROVE THE MINUTES OF THE JANUARY 8, 2019 BOARD MEETING.

SECOND: MR. RUFFINO SECONDED THE MOTION.

Discussion: There was none.

VOTE: 4-0, 1 - ABSTAINED (DR. AZZOLINO-AYE, MR. RUFFINO-AYE, DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. PARIS-ABSTAINED).

MOTION: CARRIED.

Ratification of Approval of License Applications

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

SECOND: MR. RUFFINO SECONDED THE MOTION.

Discussion: There were none.

VOTE: 5-0, (DR. AZZOLINO-AYE, MR. RUFFINO-AYE, DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. PARIS-AYE).
MOTION: CARRIED.

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

There were none.

Ratification of Approved Continuing Education Providers

MOTION: MR. RUFFINO MOVED TO RATIFY THE APPROVED CONTINUING EDUCATION PROVIDERS.
SECOND: DR. DEHN SECONDED THE MOTION.

Discussion: There were none.

VOTE: 5-0, (DR. AZZOLINO-AYE, MR. RUFFINO-AYE, DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. PARIS-AYE).
MOTION: CARRIED.

Executive Officer's Report

Mr. Puleo shared some of the recent community outreach events that he and Mr. McCarther had participated in, to continue the efforts of the Board in engaging licensees.

A. Administration - Board staffing/organizational chart

Mr. Puleo introduced the Board's new Enforcement Manager, Ms. Kristin Walker and new member to the Enforcement Unit, Ms. Valerie James. Mr. Puleo also announced the departure of two Enforcement staff members, Ms. Lavella Matthews, who would be retiring in two months and Ms. Nikkia Capizzano, who would be leaving at the end of the month.

B. Budget - Fund condition update

Mr. Puleo introduced two guests from the Department of Consumer Affairs (DCA) to present technology and budget updates to the Board, Mr. Jason Piccione, Chief Information Officer for DCA, and Ms. Marie Reyes, Budget Analyst to the Board.

Mr. Piccione provided an update to the Board regarding the business modernization efforts and the acquisition of new technology for the board office. Mr. Piccione highlighted a four phase process of identifying business needs, researching potential software opportunities, procuring the potential software and, finally, approval and execution of the software for Board staff.

Ms. Reyes updated the Board on budget processing within DCA and also reviewed the Board's Fund Condition report.

Mr. Puleo pointed out that the cost of the new technology system was not included in the Fund

Condition report.

Ms. Reyes stated that she was in constant contact with Mr. Puleo and Mr. McCarther regarding the Board's budget needs and spending in an effort to budget for the technology purchase.

Mr. Piccione highlighted some of the cost structures of procuring a technology software package for the Board.

The Board thanked both Mr. Piccione and Ms. Reyes for their updates.

C. Licensing - Statistical trends

Mr. Puleo shared a significant milestone for Licensing Trends, that the total number of licensed chiropractors had fallen below 13,000.

D. Enforcement - Statistical trends

Mr. Puleo reviewed the Enforcement Trends report with data from the past five fiscal years.

Dr. Azzolino noted that it appeared as if the complaints received had been going down over the past several years.

Mr. Puleo agreed that he could extend the report to include more fiscal years, as there had not been distinguishable trends among the data.

Bagley Keene Presentation by Kenneth Swenson, Legal Counsel

Mr. Swenson presented the Bagley-Keene Open Meeting Act's history, purposes and requirements as they relate to Board activities.

Update, Discussion and Possible Action on Government & Public Affairs Committee

Mr. Puleo provided an update regarding the December 11th, 2018 Government & Public Affairs Committee Meeting. The Committee discussed the proposed changes to the Board Member Administrative Procedure Manual (BMAPM). The Committee also intends to schedule a meeting in the near future to discuss legislative packages being introduced that could potentially be of interest or impact to the Board.

Update, Discussion and Possible Action on Licensing & Continuing Education Committee

Dr. Dehn provided an update regarding the December 17th, 2018 Licensing & Continuing Education (CE) Committee Meeting. Dr. Dehn shared that the Committee had been tasked, by the full Board, to review the possibility of making regulatory changes to the CE provider application, separate from the CE rulemaking package. The Committee was unable to come to an agreement on a course of action, and the topic had returned to the full Board for more members to weigh in on the advantages and disadvantages of separating the regulations. Dr. Dehn also emphasized that it would be up to the full Board to determine which regulatory

packages should receive priority of Board staff, as there were many currently in queue.

Dr. Azzolino inquired what differing opinions were presented at the Committee Meeting.

Dr. Dehn reiterated the full Board's concerns over having very limited information on individuals applying to be CE providers but Mr. Swenson had informed the Committee that many of the criminal background questions the Board was hoping to include on the provider application would not be approved through legal. Dr. Dehn also shared the problems of separating the regulations into two packages; firstly, staff resources and time were of concern and secondly, with two regulations going through the rulemaking process at the same time, there could potentially be changes that would affect either package prior to their completing the rulemaking process.

Mr. Puleo added that few changes would be possible to the CE provider application without the supporting authority in a regulation, that would include the provisions explaining new provider requirements.

Dr. Azzolino asked for Dr. Dehn's recommendation on the CE regulations.

Dr. Dehn stated that the CE provider application should be left as a part of the larger CE regulatory package.

Mr. Ruffino inquired if it would be of value to refer this topic back to the committee level, as a third member would be added to the committee and could potentially eliminate future indecisions.

Mr. Puleo agreed with this recommendation.

Mr. Swenson stated that as the topic was still in committee there would be no need for a motion. Mr. Swenson also shared one of the disadvantages of changing the CE provider application without supporting regulations, as this action could be deemed as an underground regulation.

Mr. Puleo suggested, as the topic was in front of the Board, to take a vote on whether to separate the two proposed regulatory packages or not.

MOTION: DR. DEHN MOVED THAT THE CE PROVIDER APPLICATION NOT BE SEPARATED FROM THE CE REGULATORY PACKAGE AND THE TOPIC TO DETERMINE REGULATORY LANGUAGE BE REFERRED TO THE LICENSING & CONTINUING EDUCATION COMMITTEE.

SECOND: MR. RUFFINO SECONDED THE MOTION.

Discussion: There were none.

VOTE: 5-0, (DR. AZZOLINO-AYE, MR. RUFFINO-AYE, DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. PARIS-AYE).

MOTION: CARRIED.

Dr. Dehn summarized the remaining activities of the Licensing & CE Committee; the list of chiropractic adjustive techniques, Oregon's CE regulations and the staff lead focus group of CE providers.

Mr. Puleo shared staff's efforts to engage with a variety of CE providers for feedback, to ensure many ideas and concerns were covered in the drafting stages of the regulation, prior to initiating the rulemaking process.

Dr. Azzolino inquired whether feedback or concerns often came from a particular group or organization and if the Board could be proactive in addressing these concerns.

Mr. Puleo did not believe there was a particular group.

Dr. Azzolino reasserted the Board's interest in inviting all interested parties to attend Board Meetings or Committee Meetings to participate.

Update, Discussion and Possible Action on Pending Rulemaking

Ms. Andreia McMillen summarized staff efforts to update regulations to maintain compliance with AB 2138 (Chiu/Low) – Denial of Application: Revocation or Suspension Licensure: Criminal Conviction and SB1448 (Hill) – Probation Status: Disclosure. Additionally, legal counsel informed the Board that the initial review of the Delegation of Authority and Consumer Protection Enforcement Initiative regulation package had been completed.

Mr. Puleo shared the rulemaking process stages, the first being initial review of packages by the Board's legal counsel, following this, staff would make necessary changes to the language.

Update, Discussion and Possible Action on Board Committee Assignments

Mr. Puleo introduced the Committee Member assignments. With the addition of Dr. Paris, the Licensing & CE Committee and the Enforcement Committee now have three members. Currently the Government & Public Affairs Committee has two committee members.

Mr. Ruffino inquired if the Special Committee to Open the Act and the Special Committee for Curriculum Requirements could be combined into one committee. Or, if that was not the Board's wishes, then to add additional members to the Committee to Open the Act, as that was of great interest to the profession.

Dr. Dehn queried Mr. Ruffino in his interest in agendizing the potential of opening the Act, as he was not able to be present at the August 2018 Board Meeting when the Board voted on creating the special committee.

Mr. Ruffino stated that he did not have a specific goal in mind but had heard interest from stakeholders with differing opinions regarding opening the Act, he felt it would be of value to have the Board analyze and determine if there was indeed benefit in opening the Act.

Dr. Azzolino suggested making the Special Committee to Open the Act a three member committee and to schedule a meeting as soon as possible. He also agreed with Mr. Ruffino's recommendation of combining these two committees into one.

Mr. Puleo agreed and also suggested that if the Board did open and amend the Act, then it could be an appropriate avenue to make changes to the curriculum regulations.

Mr. Ruffino inquired if staff could prepare a memo of the processes that would be involved in potentially amending the Act.

Mr. Puleo heartily agreed. Mr. Puleo summarized the Board's sentiment that they wished to schedule a committee meeting as soon as possible and he would discuss with the Board Chair the member makeup of the committee.

Dr. Azzolino inquired if this committee could be made up of four members.

Mr. Swenson shared that an Advisory Committee could have four members and would comply with Bagley-Keene Open Meeting law, as long as it was advisory versus making policy decisions.

The Board was in agreement that the Special Committee to Open the Act and the Special Committee for Curriculum Requirements would be combined to create one Advisory Committee and the four members would be Dr. Azzolino, Mr. Ruffino, Dr. Dehn and Dr. McClain, pending any changes by the Board Chair.

Public Comment for Items Not on the Agenda

There were none.

Future Agenda Items

There were none.

Adjournment

Dr. Azzolino adjourned the meeting at 3:13 p.m.

(ATTACHMENT A)

Approval by Ratification of Formerly Approved License Applications
between October 1, 2018 and December 31, 2018.

Name (First, Middle, Last)			Date Issued	DC#
Sera	Elizabeth	Tekin	10/9/2018	34334
Stacy	Lea	Sanchez	10/9/2018	34335
Corinthian	Adolphous	Tyson	10/9/2018	34336
Joseph		Seifeddine	10/9/2018	34337
Alexandra	Penelope	Kitchell	10/9/2018	34338
Elizabeth	Rose	Moos	10/9/2018	34339
Monique	Nicole	Esquivel	10/10/2018	34340
Tyler	Clay	Holt	10/10/2018	34341
Christopher	Douglas	Jepsen	10/15/2018	34342
Jorge	Luis	Perez	10/15/2018	34343
Yasmin	Fatemi	Crick	10/19/2018	34344
Caitlin	Paige	Hagerty	10/19/2018	34345
Jacklyn	Renee	Muxen	10/26/2018	34346
Evelyn	Noel	Moseley	10/26/2018	34347
Brock		Lambert-Martinez	11/2/2018	34348
Chanel	Fialah	Putras	11/2/2018	34349
Allen		Du	11/5/2018	34350
Ysel	Jelle	Ganda	11/5/2018	34351
Amy	Michelle	Gates	11/5/2018	34352
Joshua	Michael	Drake	11/5/2018	34353
Alex	Jungmin	Hwang	11/5/2018	34354
Joshua	Tyler	Adams	11/8/2018	34355
Arlene	Noel	Chang	11/8/2018	34356
Brett	James	Haderlie	11/8/2018	34357
Frank	Alexios	Lee	11/8/2018	34358
Jocelyn	Kyndal	Mecham	11/8/2018	34359
	Alexander			
Mackenzie	Christian	Kolt	11/8/2018	34360
Noah	William	Volz	11/8/2018	34361
Elizabeth	Anne	Wells	11/9/2018	34362
Nihad	Fadhil	Jabbar	11/15/2018	34363
Jonathan	Hayes	Marshall	11/15/2018	34364
Lan	Thi	Moro	11/15/2018	34365
Lauren	Ashley	Aalders	11/15/2018	34366
Jennifer	Ann	DeWitt	11/15/2018	34367

Isabel	Liana	Eden	11/19/2018	34368
Mohammad	Mueen	Ghoury	11/19/2018	34369
Scott	Stefan	Castle	11/21/2018	34370
Alejandra		Gil	11/21/2018	34371
Dianna	Elizabeth	Rocha	11/21/2018	34372
Saebom		Kim	11/21/2018	34373
Matthew	James	Trimner	11/21/2018	34374
Christopher	Stuart	Vogelmann	11/21/2018	34375
Shaina	Lane	Lewinski	11/26/2018	34376
Derrick	Brian	Peterson	11/26/2018	34377
Kristina	Renee	Smith	11/26/2018	34378
Jesse	Mejorado	Felix	11/28/2018	34379
Mina		Iskander	12/4/2018	34380
Sangwook		Lee	12/4/2018	34381
Justina	Ann	Wong	12/4/2018	34382
Alison	Riley	Scarbrough	12/4/2018	34383
Sangwook		Lee	12/4/2018	34384
Aubrey	Michelle	Hefner	12/7/2018	34385
Bradley	Joseph	Francis	12/7/2018	34386
Bryan	Nathan	Kao	12/11/2018	34387
Delaram		Shekarriz	12/11/2018	34388
Darian		Saber	12/11/2018	34389
Christopher	James	Branuelas	12/12/2018	34390
Lynn	Xuan Trang	Do	12/12/2018	34391
Sanam		Fazel	12/12/2018	34392
Eddy	Villarreal	Haro	12/12/2018	34393
Madison	Rebecca	Holzworth	12/19/2018	34394
Jacob	Perry	Almanrode	12/19/2018	34395
Ana	P	A Facchinato Campos	12/19/2018	34396
Jason	Drew	Fidler	12/19/2018	34397
Kevin	Andrew	Bruinsma	12/19/2018	34398
Marzeyeh		Mousavi	12/26/2018	34399
Amber	Rose	Morison	12/31/2018	34400
Colin	Eric	Lock	12/31/2018	34401

(ATTACHMENT B)

Pending Ratification to Approve New Continuing Education Providers

<u>CONTINUING EDUCATION PROVIDERS</u>	<u>DATE</u>
1. <u>David Cruz, DC</u>	<u>2/15/19</u>
2. <u>Easy Web CE</u>	<u>2/15/19</u>
3. <u>American College of Integrative and Functional Medicine, LLC.</u>	<u>2/15/19</u>
4. <u>Anthony B Morovati, DC</u>	<u>2/15/19</u>
5. <u>Christopher Greene, D.C.</u>	<u>2/15/19</u>
6. <u>SuperSpine, Inc.</u>	<u>2/15/19</u>
7. <u>Adam Harcourt, DC, DACNB</u>	<u>2/15/19</u>
8. <u>Dr. Eric Dickerson, DC</u>	<u>2/15/19</u>
9. <u>EasyCENow.com</u>	<u>2/15/19</u>