



**Board of Chiropractic Examiners  
TELECONFERENCE MEETING MINUTES  
Government & Public Affairs Committee Meeting  
August 27, 2019**

**Teleconference Meeting Locations**

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

Corey Lichtman, D.C.  
Solana Beach Family  
& Sports Chiropractic  
538 Stevens Ave.  
Solana Beach, CA 9207  
(858) 876-6300

Frank Ruffino, Public Member  
901 P Street, Suite 142A  
Sacramento, CA 95814  
(916) 263-5355

**Committee Members Present**

Corey Lichtman, D.C.  
Frank Ruffino, Public Member

**Staff Present**

Robert Puleo, Executive Officer  
Marcus McCarther, Assistant Executive Officer  
Michael Kanotz, Senior Attorney  
Dixie Van Allen, Staff Services Manager  
Andreia McMillen, Policy Analyst

**Call to Order**

Mr. Ruffino called the meeting to order at 12:05 p.m.

**Roll Call**

Dr. Lichtman called roll. All members were present at the locations listed on the agenda.

**Review, Discussion and Possible Action Regarding AB 5 (Gonzalez) Worker Status:  
Employees and Independent Contractors**

Ms. McMillen provided the Committee with a summary of AB 5.

Mr. Puleo clarified that this bill would impact chiropractors who employ independent contractors.

Mr. Ruffino asked Dr. Lichtman if it is typical for a chiropractic to recruit workers who are classified as independent contractors.

Dr. Lichtman stated an independent contractor is considered an outside service as they set their own hours and wages.

Mr. Puleo inquired if a chiropractor working for another chiropractor on an occasional basis would be considered an employee or an independent contractor.

Dr. Lichtman responded that if the hiring chiropractor has direct control over the chiropractor providing labor, they would be classified as an employee. However, if the chiropractor providing labor is setting their own hours and pay, then that chiropractor is most likely working independently and is not receiving wages from the hiring chiropractor. In this case, the chiropractors would share office space.

Mr. Kanotz clarified that chiropractors sharing office space do not have an independent contractor relationship.

Mr. Ruffino inquired whether the California Chiropractic Association (CalChiro) or other organizations took a position on this bill.

Ms. McMillen responded that Calchiro does not have a registered position on the bill.

Mr. Puleo added that there was support from labor organizations and opposition mainly from professional associations.

Mr. Ruffino agreed with staff recommendation to watch the bill.

Mr. Puleo inquired whether this bill would have an additional impact on businesses since they already are subject to the ABC test.

Mr. Kanotz responded that this bill is being used to partially overrule the Dynamex Decision by carving out particular industries from its coverage and reverting those industries to the Borello test.

The Committee decided to watch the bill.

### **Review, Discussion and Possible Action Regarding AB 1076 (Ting) Criminal Records: Automatic Relief**

Ms. McMillen provided the Committee with a summary of AB 1076.

Mr. Puleo added that this bill would prohibit the Department of Justice from disclosing to the Board less egregious arrests or convictions based on minor violations and non-serious convictions. He noted this type of information is currently available to the Board.

Mr. Ruffino noted the Board of Accountancy and the Contractors State License Board were both in opposition and inquired about a possible reason.

Ms. McMillen stated the Board of Accountancy is concerned the bill would undermine the authority to take disciplinary action against inactive licensees who are not required to have a background check.

Ms. McMillen added the Contractors State License Board expressed concern that it would be precluded from receiving notice of arrest of a licensee or applicant who was not prosecuted and convicted in a timely manner.

Mr. Puleo shared the most concerning aspect of this bill is that an individual may present a pattern of minor or non-serious violations and the Board would not be notified because those violations would be dismissed pursuant to AB 1076. These patterns can be a strong indication of an individual being unfit to practice.

Mr. Ruffino stated that staff's recommendation is to take a neutral position on this bill. He asked if Dr. Lichtman had any reservations.

Dr. Lichtman accepted staff's recommendation.

The Committee decided to take a neutral position on the bill.

### **Review, Discussion and Possible Action Regarding SB 53 (Wilk): Open Meetings**

Ms. McMillen provided the Committee with an update on SB 53, a bill the Committee had taken a position to oppose.

### **Review, Discussion and Possible Action Regarding SB 425 (Hill) Health Care Practitioners: Licensee's File: Probationary Physician's and Surgeon's Certificate: Unprofessional Conduct**

Ms. McMillen provided the Committee with an update on SB 425, a bill the Committee had taken a position to support.

### **Public Comment**

Mr. Gary Wasson, a public member, inquired whether the Board will promulgate a regulation regarding SB 1448 (Hill) Probation Status: Disclosure. SB 1448 requires chiropractors, among other healthcare professionals, to disclose their probationary status prior to the patient's first visit following a probationary order.

Mr. Puleo responded the Board already requires licensees to comply with the recently enacted bill. However, we are moving forward with a regulatory proposal.

Mr. Wasson asked about a timeframe to promulgate the regulation.

Mr. Puleo stated the Board will start the formal rulemaking process before the end of the year or in January. He added the process can take anywhere from six months to a year.

Mr. Ruffino suggested discussing the status of SB 1448 at a future meeting.

Mr. Puleo clarified that any discussion and updates on all pending rulemaking files take place at Board meetings. He added that when the formal rulemaking process starts, the rulemaking file will be available to the public and comments can be submitted to the Board.

He encouraged Mr. Wasson to join the Board's mailing list for alerts on the status of the rulemaking file.

### **Future Agenda Items**

None.

### **Adjournment**

Mr. Ruffino adjourned the meeting at 12:39 p.m.