



**BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES**

January 7, 2020

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

Board Members Present

Sergio Azzolino, D.C., Chair
Dionne McClain, D.C., Vice 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
Michael Kanotz, Senior Attorney
Dixie Van Allen, Staff Services Manager I
Kristin Walker, Staff Services Manager I
Valerie James, Staff Services Analyst
Andreia McMillen, Associate Government Program Analyst

Call to Order

Dr. Azzolino called the meeting to order at 9:06 a.m.

Roll Call

Mr. Ruffino called the roll. All members were present. A quorum was established.

Pledge of Allegiance

Mr. Ruffino led the Pledge of Allegiance.

Hearing Re: Petition for Reinstatement of Revoked License

Administrative Law Judge, Coren Wong, presided over and Deputy Attorney General, Karen Denver, appeared on behalf of the people of the State of California on the following hearing:

- A. Andrea Bradshaw Case No. AC 2014-999
- B. Richard Loos Case No. AC 2016-1079

Hearing Re: Petition for Reduction of Penalty

Administrative Law Judge, Coren Wong, presided over and Deputy Attorney General, Karen Denver, appeared on behalf of the people of the State of California on the following hearing:

- A. Lance Mahoney Case No. AC 2016-1064

Hearing Re: Petition for Early Termination of Probation

Administrative Law Judge, Coren Wong, presided over and Deputy Attorney General, Karen Denver, appeared on behalf of the people of the State of California on the following hearing:

- A. John Krage Case No. AC 2014-991

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 Section 11126(c)(3)
- 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 returned to Open Session.

Chair's Report

Dr. Azzolino highlighted the Board's accomplishments in 2019:

- The Board has invested in the Business Modernization Plan (BMP), which allows for opportunities to implement a new Information Technology system, automate

current business processes and transition to effective online licensing and enforcement systems.

- The Board has recently implemented the online license renewal functionality on the Board's website, thereby expanding technology features to improve the quality of services provided to licensees.
- To date, the Board has been on the leading edge of the BMP initiative. Business process improvements have been reviewed and documented. The Board has completed stages I-IV of the Project Approval Lifecycle.

Dr. Azzolino extended his gratitude to the Department of Consumer Affairs (DCA) and Board staff who collaborated with staff at California Department of Technology, the Department of Finance and the State Legislature to justify the significant investment in the Business Modernization Plan.

Dr. Azzolino announced that Dr. Lichtman completed his four-year term and one-year grace period; therefore, this will be his last Board meeting. On behalf of the Board, Dr. Azzolino thanked Dr. Lichtman for his service and commitment to the welfare and safety of consumers.

Dr. Azzolino shared that he and Dr. Dehn will be completing their second term on February 10, 2020. He expressed their desire to serve out the one-year grace period.

Dr. Azzolino noted he was proud of the efforts and accomplishments of the Board over last eight years and he commended Board staff on their hard work and invaluable guidance.

Dr. Dehn shared it has been her honor to serve the public and further the Board's objectives of protecting the health and safety of the public in California. She encouraged the Governor's office to appoint future successors and stressed the importance for the profession and public to have a strong and coherent Board working together as a unit.

Dr. Lichtman expressed his gratitude to serve the public and the Governor's office and he thanked the Board and staff for their guidance.

Approval of October 24, 2019 Board Meeting Minutes

MOTION: DR. DEHN MOVED TO APPROVE THE MINUTES OF THE OCTOBER 24, 2019 BOARD MEETING.

SECOND: MR. MCCLAIN SECONDED THE MOTION.

Discussion: Dr. McClain offered a grammatical correction on page seven, seventh paragraph, "...the Board automate the process with its existing IT system" should be

replaced with "...the Board is unable to automate the process with its existing IT system".

Additionally, she noted on a correction page nine, the statement: "Dr. Paris responded unaware of discussions pertaining to national chiropractic licensing trends..." should be "Dr. Paris responded he is unaware of discussions pertaining to national chiropractic licensing trends...".

Dr. McClain noted on page 10, first paragraph, the statement "Mr. Paris requested the inclusion of physician assistant licensing trends..." should be replaced with "Dr. Paris...".

VOTE: 6-0, (DR. AZZOLINO-AYE, DR. MCCLAIN-AYE, MR. RUFFINO-AYE, DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. PARIS-AYE).
MOTION: CARRIED.

Moved to Agenda Item 16 - Budget/Fund Condition Update by a Representative from the Department of Consumer Affairs Budget Office

Mr. Taylor Schick, Chief Fiscal Officer for the Department of Consumer Affairs, reviewed the Fund Condition Report. Due to recent rate increases implemented by the Attorney General's Office, and increases in departmental and statewide pro-rata costs, including supplemental pension payments, the Board's fund is structurally imbalanced and will be insolvent by Fiscal Year 2022/23.

Mr. Schick shared that the Board historically does not expend its full appropriation each year, thereby reverting some monies to the reserve fund. However, projections based on recent rate increases (adjustments for employee compensation and retirement) and anticipated overhead costs (new IT system), indicate the reserve fund would be depleted by Fiscal Year 2022/23.

He noted the Governor's Budget Proposal will be released on January 10, 2020, and it is likely to incorporate adjustments and additional costs that will impact the Board's fund.

Mr. Schick advised the Board that a fee increase may be necessary in the future. He also offered to explore other solutions once the Governor's budget report has been released.

Dr. Azzolino inquired if the adjustments proposed in the Governor's budget might be beneficial to the Board.

Mr. Schick responded that typically that is not the case as departmental and statewide pro-rata costs tend to increase each year.

Dr. Azzolino asked whether there are any other options to address the future fund deficit, given that the Board raised licensing fees recently.

Mr. Schick stated the Budget Office will collaborate with the Board to monitor the fund closely, predict future costs, and explore other avenues to rebuild the Board's fund balance and mitigate costs in the future.

Dr. Dehn asked for clarification on the pro-rata trending downwards in FY 2020/21.

He responded that the Board's direct full appropriation for FY 2019/20 is \$4.9 million, and it includes the IT system project, which was approved on a year limited term basis. The Budget Office anticipates there will be savings out of that appropriation and costs associated with the new system will be deferred to FY 2020/21.

Dr. Dehn inquired if pro-rata costs will have a downward trend in the future.

He explained that pro-rata fluctuates typically, especially statewide pro-rata, which operates on a two-year roll forward basis. With employee compensation increases and additional costs on the rise, he anticipates pro-rata costs will continue to increase in the future.

Dr. Dehn inquired if the Board could obtain an update on the fund condition once the Governor's budget is released.

Mr. Schick confirmed the Board will receive an update on the new fund condition following the Governor's budget release. He noted the Budget office will build in a 3% cost increase factor into the projected appropriation beyond FY 2020/21, thereby capturing unanticipated costs based on adjustments seen over the years.

Dr. Azzolino inquired whether other DCA boards and bureaus are experiencing the same issue.

He responded the Budget office has been assisting various DCA programs by monitoring their fee structure to ensure a healthy fund condition and long-term sustainability. He added he's seen a number of programs complete fee studies to seek a fee increase.

Moved to Agenda Item 17 - Information Technology Update by Sean O'Connor, Chief, Project Delivery and Administrative Services at the Department of Consumer Affairs

Mr. Sean O'Connor, Chief, Project of Delivery and Administrative Services for the Department of Consumer Affairs, provided an update on the Business Modernization Project. The Office of Information Services (OIS) has been engaged with the California Department of Technology in planning for the Business Modernization Project (BMP).

Mr. O'Connor announced the Board will soon complete stage four of the Project Approval Lifecycle process for procuring a new IT system, which will automate current business processes and transition the Board to effective online licensing and enforcement systems. He added the project duration is 18 months and operational maintenance will follow.

Mr. O'Connor explained that focusing on meeting the Board's immediate needs is critical to improving business services. Subsequently, IT solutions for future needs will be rolled out on an ongoing basis. This incremental approach will minimize potential risks and challenges associated with data conversion and organizational change managements.

Mr. O'Connor shared the Board will likely see deliverables in Summer of 2020, including online licensure application submissions. He added that the next step is to identify the Board's public-facing components of online complaint submissions, back office evaluation of those submissions and other critical enforcement needs.

Mr. O'Connor highlighted the recently implemented online license renewal functionality available on the Board's website and shared the adoption rate has steadily increased since this feature was released in October. He anticipates seeing an upward trend as licensees become aware of this online service.

Mr. Puleo noted that Board staff is proactively informing licensees about the ability to renew online and anticipates the adoption rate will increase significantly in the near future.

Mr. Puleo extended his gratitude to Mr. Schick and Mr. O'Connor for their support throughout this process as the Board has faced various challenges.

Dr. McClain asked if the new IT system would allow the Board to extract data related to licensing trends to understand whether licensees are retiring or simply moving out of California.

Mr. O'Connor stated it would not be an issue to incorporate such feature into the IT system. He added OIS will be integrating this system with an existing reporting business intelligence tool that DCA has been utilizing with their current systems.

Mr. McCarther confirmed that Board staff will be receiving training on QBIRT, a software data reporting tool that will pull statistical information related to licensing trends and anticipates being able to extract that information in the near future.

Dr. Azzolino inquired about the cost for the Board to maintain the new IT system on an annual basis.

Mr. O'Connor stated the Board is still completing stage four of the Project Approval Lifecycle process for procuring a new IT system and since the contract has not been

finalized, that information is not available at this time. However, he stated costs for the IT system will most likely not exceed the initial cost estimates once the contract has been finalized.

Dr. Azzolino thanked Mr. O'Connor for the information provided.

Ratification of Approval of License Applications

MOTION: MR. RUFFINO MOVED TO RATIFY THE APPROVED LICENSE APPLICATIONS.

SECOND: DR. LICHTMAN SECONDED THE MOTION.

Discussion: There was none.

VOTE: 6-0 (DR. AZZOLINO-AYE, DR. MCCLAIN-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 was none.

Ratification of Approved Continuing Education Providers

MOTION: MR. RUFFINO MOVED TO RATIFY THE APPROVED CONTINUING EDUCATION PROVIDERS.

SECOND: DR. PARIS SECONDED THE MOTION.

Discussion: There was none.

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

MOTION: CARRIED.

Election of Board Officers for 2020. The Board will vote for the following Board Officer Positions: A. Chair; B. Vice Chair; and C. Secretary.

A. Chair:

Mr. Kanotz called for any additional nominations for the officer position of Chair.

There were none.

Dr. Azzolino declined the nomination.

Dr. Paris was the sole nomination for the office of Chair.

Mr. Kanotz asked Dr. Paris if he wished to provide a statement of interest.

Dr. Paris abstained.

Mr. Ruffino facilitated the roll call for voting for the office of Chair.

VOTE: 6-0

- DR. DENH – DR. PARIS
- DR. LITCHMAN – DR. PARIS
- DR. MCCLAIN – DR. PARIS
- DR. PARIS – DR. PARIS
- MR. RUFFINO – DR. PARIS
- DR. AZZOLINO – DR. PARIS.

DR. PARIS WAS ELECTED TO THE OFFICE OF BOARD CHAIR.

B. Vice Chair:

Mr. Kanotz called for any additional nominations for the officer position of Vice Chair.

There were none.

Dr. McClain was the sole nomination for the office of Vice Chair.

Dr. McClain stated it was her honor to serve the Board in any capacity and expressed her desire to continue to serve the public.

Mr. Ruffino facilitated the roll call for voting for the office of Vice Chair.

VOTE: 6-0

- DR. DENH – DR. MCCLAIN
- DR. LITCHMAN – DR. MCCLAIN
- DR. MCCLAIN – DR. MCCLAIN
- DR. PARIS – DR. MCCLAIN
- MR. RUFFINO – DR. MCCLAIN
- DR. AZZOLINO – DR. MCCLAIN

DR. MCCLAIN WAS ELECTED TO THE OFFICE OF BOARD VICE CHAIR.

C. Secretary:

Mr. Kanotz called for any additional nominations for the officer position of Secretary.

There were none.

Mr. Ruffino was the sole nomination for the office of Secretary.

Mr. Kanotz asked Mr. Ruffino if he wished to provide a statement of interest.

Mr. Ruffino abstained.

VOTE: 5-0, 1 ABSTAIN

- DR. DENH – DR. MR. RUFFINO
- DR. LITCHMAN – MR. RUFFINO
- DR. MCCLAIN – MR. RUFFINO
- DR. PARIS – MR. RUFFINO
- MR. RUFFINO – ABSTAIN
- DR. AZZOLINO – MR. RUFFINO

MR. RUFFINO WAS ELECTED TO THE OFFICE OF SECRETARY.

Remarks from the newly elected Board Chair

Dr. Paris addressed the Board, he is privileged to be new Chair of the Board and he is looking forward to serving the public alongside Board Members and staff he respects tremendously. Dr. Paris extended his sincere gratitude to the Board staff for their invaluable guidance.

Executive Officer's Report

A. Administration - Board staffing/organizational chart

Mr. Puleo announced that Natalie Boyer has accepted the newly created Associate Governmental Program Analyst position in the Licensing Unit. Additionally, Amanda Campbell has accepted the limited term Staff Services Analyst in the Licensing Unit.

Dr. Dehn inquired if Ms. Boyer will continue to perform CE duties.

Mr. Puleo confirmed that Ms. Boyer will maintain those duties.

Mr. Puleo reported two vacant positions: a Management Services Technician position in the Board's Licensing Unit and a Staff Services Analyst position in the Board's Enforcement Unit.

B. Licensing - Statistical Trends

Ms. Van Allen reported on the Licensing Trends Report, there had been a decrease in the total population for licensed chiropractors. Additionally, the number of licensing applications has slightly decreased. However, she anticipates a high volume of applications and licenses to be issued in December and January. The total number of applications received and issued in the next six months will be an indicator of future licensing trends.

She stated that due to limited staff resources, statistics on Continuing Education (CE) audits, including the number of audits completed and compliance rate, are not available at this time. However, that information will be presented to the Board at the next meeting.

Mr. Puleo added that Board staff, including managers, have been assisting with CE audits in an effort to expedite review process.

Dr. Azzolino requested statistics on national and state licensing trends to be included in future reports.

Mr. Puleo explained that staff has been researching those trends and more information will be available at the next Board meeting.

Mr. McCarther added that he will contact chiropractic boards and other associations in other states to inquire about contributing factors that help drive their licensing trend upwards.

Dr. McClain reminded Board staff of the request to include physician assistant licensing trends in future reports.

C. Enforcement - Statistical trends

Ms. Walker presented the Board's Enforcement Statistics and noted data from the current fiscal year indicates that the increase in new and pending complaints is primarily due to the CE audits initiated by the Licensing Unit. She also added that the closure rate for pending cases has increased. She commended the enforcement unit on their hard work and handling of cases in a timely manner.

Ms. Walker noted a significant increase in letter of admonishments (LOA) and citations issued to licensees over the last five years. She explained the LOA is an enforcement

tool that allows for the correction of minor violations while educating licensees about the laws governing the chiropractic practice.

Ms. Walker noted a gradual decrease in the number of cases resulting in probation over the last five years. This downward trend is possibly related to the slight increase in the number of revoked or surrendered licenses.

Dr. McClain asked if there is data on percentage of fines assessed in relation to fines that have been recovered.

Ms. Walker responded that information is not included in the report, but it will be available at the next Board meeting. She added that the Board has been successful in collecting delinquent payments through the Franchise Tax Board's intercept program.

D. Budget - Fund Condition Update

Mr. Puleo deferred this portion of the report to Mr. Taylor Schick, who facilitated a thorough discussion on the Board's fund condition (Agenda Item 16 – Budget/Fund Condition Update by a Representative from the Department of Consumers Affairs Budget Office).

E. OIS - Update

Mr. Puleo deferred this portion of the report to Mr. Sean O'Connor, who facilitated a thorough discussion on the Board's Business Modernization Project (Agenda Item 17 – Information Technology Update by Sean O'Connor, chief, Project Delivery and Administrative Services at the Department of Consumer Affairs).

Update, Discussion and Possible Action on Pending Rulemaking

Ms. McMillen reported the following rulemaking files have been submitted to DCA to commence the Initial Phase of DCA's Regulatory Review Process:

- Consumer Protection Enforcement Initiative
- Delegation of Authority to the Assistant Executive Officer

Additionally, staff have been working on the following draft rulemaking files:

- Disciplinary Guidelines & Uniform Standards for Substance Abusing Licensees
- Continuing Education Requirements

Mr. McCarther asked Mr. Kanotz to provide a brief overview of the newly established regulatory review division at DCA.

Mr. Kanotz explained that Legal Affairs has established a new unit to review rulemaking files on behalf of DCA while assisting Board's legal counsels with regulatory work as well. He shared that Mr. Clay Jackson has been assigned to the Board.

Mr. McCarther asked for an update on the status of the rulemaking files that have been submitted to DCA's Legal Affairs for review.

Mr. Kanotz reported the following rulemaking files are currently under review:

- Denial of Application, Revocation or Suspension of Licensure
- Consumer Protection Enforcement Initiative
- Delegation of Authority to the Assistant Executive Officer

Public Comment for Items Not on the Agenda

There were none.

Future Agenda Items

Dr. McClain requested the discussion of disciplinary monitors be included on the Agenda for the April 16, 2020 Board Meeting.

Dr. Azzolino asked for a future discussion on chiropractic corporate naming.

Adjournment

Dr. Paris adjourned the meeting at 4:34 p.m.

(ATTACHMENT A)

Approval by Ratification of Formerly Approved License Applications
between October 1, 2019 and November 30, 2019.

Name (First, Middle, Last)			Date Issued	DC#
Raymond	Roushdy	Bakhoun	10/4/2019	34659
Arno		Grigoryan	10/4/2019	34660
Garrett	Steven	Brown	10/4/2019	34661
Anthony		Saechao	10/4/2019	34662
Jared	Ryan	Craddick	10/9/2019	34663
Gary		Tao	10/9/2019	34664
Zachary	Thomas	Owens	10/14/2019	34665
Rouzbeh		Karimzadeh	10/14/2019	34666
Nina		Nori	10/14/2019	34667
Steven	Douglas	Herting	10/14/2019	34668
Alan	Christopher	Crick	10/17/2019	34669
Nicholas	Hayden	Muhn	10/18/2019	34670
Elise		Leung	10/18/2019	34671
Edward	Soojin	Chun	10/25/2019	34672
Rachel	Anne	Selnick	10/25/2019	34673
Matthew	David	Wittwer	10/25/2019	34674
Janessa	Michelle	Brown	10/25/2019	34675
Vincent	Bernard	Turosky	10/28/2019	34676
Julia	Eve	Morgan	10/28/2019	34677
Richard	Wayne Alexander	Nance	10/28/2019	34678
Steven	Po-Chao	Hsu	10/28/2019	34679
Tyler	James	Harrison	10/28/2019	34680
Shiro		Chiro	10/31/2019	34681
Juan	Pablo	Rivera-Rodriguez	10/31/2019	34682
Samantha	Addie	Boyd	10/31/2019	34683
Nelson	Winchie	Lee	10/31/2019	34684
Lisa	Dinh	Nhu	11/12/2019	34685
Mallory	Lynn	Mckinney	11/12/2019	34686
Vivek	Shirish	Soham	11/12/2019	34687
Michael	Shane	Braccio	11/12/2019	34688
Timothy	Youngkyun	Woo	11/12/2019	34689
Nicole	Ashley Villegas	Virrey	11/20/2019	34690
Benjamin	Frank	Adams	11/20/2019	34691
Cody	James	Alme	11/20/2019	34692

Colby	Dion	Brink	11/20/2019	34693
Anne		Kim	11/20/2019	34694
Rebekah	Leigh	Wilks	11/20/2019	34695
Ashley	Elizabeth	Hook	11/22/2019	34696
Patrick	Blaine	Eley	11/22/2019	34697
Skyler	Evan	Alvord	11/22/2019	34698
Karen	Beth	Pazera	11/22/2019	34699
Tyler	James	Erickson	11/22/2019	34700
Mohammad	Reza	Zarghami	11/22/2019	34701
Stephanie	Renee	Stensaas	11/22/2019	34702

(ATTACHMENT B)

Pending Ratification to Approve New Continuing Education Providers

<p>Provider Name: SP Westcoast Inc</p> <p>CE Oversight Contact Person: Kim Eaves</p> <p>Provider Status: Corporation</p>	<p>Provider Name: Robert Swiryn, D.C.</p> <p>CE Oversight Contact Person: Dr. Robert Swiryn</p> <p>Provider Status: Individual</p>
<p>Provider Name: John M. Talevich</p> <p>CE Oversight Contact Person: John M. Talevich</p> <p>Provider Status: Individual</p>	<p>Provider Name: Eldoa USA</p> <p>CE Oversight Contact Person: Annika Turner</p> <p>Provider Status: Individual</p>
<p>Provider Name: Heidi Jays D.C.</p> <p>CE Oversight Contact Person: Mehrnaz Mistry</p> <p>Provider Status: Corporation</p>	<p>Provider Name: Standard Process Nutritional Consultants of Los Angeles, Inc.</p> <p>CE Oversight Contact Person: David Combs</p> <p>Provider Status: Corporation</p>
<p>Provider Name: Advanced Clinical Educational Seminars, LLC</p> <p>CE Oversight Contact Person: Craig E. Morris</p> <p>Provider Status: Individual</p>	<p>Provider Name: Restorative Wellness Solutions, LLC</p> <p>CE Oversight Contact Person: Anne Fischer Silva</p> <p>Provider Status: Corporation</p>
<p>Provider Name: Kimberly Bensen, D.C.</p> <p>CE Oversight Contact Person: Dr. Kimberly Bensen</p> <p>Provider Status: Individual</p>	