



State of California  
Edmund G. Brown Jr., Governor

Agenda Item 11  
July 25, 2017

## Update on Government Affairs & Public Affairs Committee Meeting; Potential Board Action

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### **Purpose of the item**

The Board will receive an update from the most recent Government & Public Affairs Committee Meeting.

### **Action(s) requested**

No action required.

### **Background**

The Government & Public Affairs Committee met on July 11, 2017 to review and discuss the Strategic Plan Action Items delegated to the Committee. At the meeting, the Committee discussed possible changes to the Board Member Administrative Procedure Manual (BMAPM) and the Annual Legislative Meet and Greet Meetings, were provided with an update on efforts to Increase Public Awareness of the BCE, and received a copy of the Board's updated Outreach Presentation.

### **Board Member Administrative Procedure Manual (BMAPM)**

Recently, Board Members have received clarifying information regarding the email ballot procedures that are contained in the BMAPM. In an effort to reinforce this information and remind Board Members of the resources available to them, staff has included a reference to page 10 of the BMAPM where the section on Email Ballots can be found.

Additionally, staff will ask the Board Members to consider if there are efficiencies to be found in the delivery and return of these email ballots. **Board Members should determine individually if there is a better way to deliver these Board Actions for consideration that would be more conducive to completing and returning them on time.**



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## **E-Mail Ballots (Government Code Section 11526 and Board Policy)**

The Board must approve any proposed decision or stipulation before the formal discipline becomes final and the penalty can take effect.

Proposed stipulations and decisions are e-mailed to each Board Member for his or her vote. For stipulations, a background memorandum from the assigned deputy attorney general accompanies the e-mail ballot. A two-week deadline generally is given for the e-mail ballots for stipulations and proposed decisions to be completed and returned to the Board's office.

Board Members are required to submit a vote on no less than 75% of proposed stipulations and decisions provided for review. If a Board Member is unable to meet this minimum requirement, the Board Member may be subject to a conversation from the Board Chair or Vice Chair.

## **Annual Legislative Meet and Greets (Strategic Plan Goal 3.2)**

The last three years in November, the Government Affairs Committee and the Executive Officer have scheduled and attended meetings with various stakeholders such as the Legislative Business and Profession Committee, Minority Republican Legislative Office, Business, Consumer Services, and Housing Agency, DCA's Executive Office and the California Chiropractic Statewide Associations. At these meetings, Board Members and staff provide meeting attendees various Board publications (consumer pamphlets, strategic plan, newsletters, etc.), highlight the major accomplishment from the previous year, and discuss any emerging challenges or issues.

Although, these meetings have been extremely successful, the Committee believes that a more strategic approach is needed. Instead of annual meetings that have become routine and may not provide the stakeholders with new or compelling information, **the Committee voted to end these meetings and move to a strategic approach where Committee Members and staff meet with stakeholders as needed to address pressing policy issues.** The Committee believes that this new approach is the most efficient use of time for both the Board and stakeholders alike.



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### **Update on Efforts to Increase Public Awareness of the BCE (Strategic Plan Goal 3.1)**

On June 22, 2017, the Executive Officer met with Veronica Harms, DCA's Deputy Director of Communications to discuss ways to increase awareness of the Board through the utilization of social media. Without a large budget or the authority to travel around the state to participate in outreach opportunities, social media has become the Board's most powerful tool to reach consumers. This meeting allowed the Executive Officer to hear possible solutions to the longstanding issue of low consumer engagement and how to begin to reach a larger audience.

### **Statewide Chiropractic Events Calendar**

Strategic Plan Goal 3.3 is to "Identify and Prioritize opportunities for Board Member interactions with schools, associations, and CE providers to educate students and licensees about the role of the Board and better facilitate reciprocal communication."

Strategic Plan Action Item 3.3.1 requires the creation of a calendar of chiropractic events that take place throughout the state. Board Members may contribute to the calendar by providing meeting information to staff for inclusion on the calendar. Staff has created and attached the calendar for the month of July for Board Member review.

### **Update on Public Outreach Presentation**

Strategic Plan Goal 3.3 is to "Identify and Prioritize opportunities for Board Member interactions with schools, associations, and CE providers to educate students and licensees about the role of the Board and better facilitate reciprocal communication."

Strategic Plan Action Item 3.3.6 requires the creation of a standard presentation for Board Members to when while representing the Board at public events. Staff has updated a preexisting slide presentation and provided at this meeting for Board Member to review.

### **Recommendation(s)**

N/A

### **Next Step**

N/A



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**Attachment(s)**

- a. Government & Public Affairs Committee Meeting Agenda
- b. Strategic Plan- Public Relations and Outreach
- c. Page 10 of the Board Member Procedure Manual
- d. BCE Overview Outreach Presentation
- e. Monthly chiropractic events calendar

**NOTICE OF TELECONFERENCE**  
**GOVERNMENT & PUBLIC AFFAIRS COMMITTEE MEETING**

**July 11, 2017**  
**10:00 a.m.**

One or more Committee Members will participate in this meeting at the teleconference sites listed below. Each teleconference location is accessible to the public and the public will be given an opportunity to address the Government & Public Affairs Committee at each teleconference location. The public teleconference sites for this meeting are as follows:

**Teleconference Meeting Locations:**

901 P Street, Suite 142A  
Sacramento, CA 95814

**Committee Members**

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

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

**AGENDA**

- 1. Call to Order & Establishment of a Quorum**
- 2. Approval of Minutes**  
September 22, 2016
- 3. Review and Discussion on the 2017-2019 BCE Strategic Plan Action Items for the Government & Public Affairs Committee**
- 4. Review, Discussion and Possible Action on the Administrative Procedure Manual**
- 5. Discussion and Possible Action on the Annual Legislative Meet and Greets (Strategic Plan Goal 3.2)**
- 6. Update on Efforts to Increase Public Awareness of the BCE (Strategic Plan Goal 3.1)**
- 7. Update on Public Outreach Presentation (Strategic Plan Action Item 3.3.6)**
- 8. Public Comment**

Note: The Committee 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.

**9. 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.]*

**10. 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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## Public Relations and Outreach

Communicate with consumers, licensees, governmental entities, and stakeholders about the current and evolving practice of chiropractic and the regulation of the profession.

### 3.1

Establish a process to utilize media outlets to strengthen Board relationships with media and to increase public awareness of Board functions.

Objective/Measurement	Completion Date
Put in place process.	
Action Item	
3.1.1 Partner with DCAs Office of Public Affairs to identify resources available to increase public awareness.	Q1 2017

### 3.2

Foster relationships with legislators to educate them about the role of the Board in regulating the chiropractic profession.

Objective/Measurement	Completion Date
Educated Legislature.	
Action Item	
3.2.1 Continue to schedule annual meet-and-greets with legislative offices and provide relevant information.	Ongoing
3.2.2 Create outreach publications and materials educating the public on complaint process.	Ongoing

3.2.3 Be responsive to inquiries from legislators and their staff.	Ongoing
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### 3.3

Identify and prioritize opportunities for Board member interactions with schools, associations, and CE providers to educate students and licensees about the role of the Board and better facilitate reciprocal communication.

Objective/Measurement	Completion Date
Increased number of events attended by Board members.	
Action Item	
3.3.1 Establish a calendar of events sponsored by applicable entities.	Q2 2017
3.3.2 Request administrative approval to travel to out-of-state events.	Annually
3.3.3 Send a letter from Board Chair to appropriate entities offering to send a Board member representative to address meetings at schools and associations and provide information about Board activities, resources permitting.	Q2 2017 and ongoing
3.3.4 Encourage licensed Board members to become active in their local chiropractic community.	Q1 2017
3.3.5 Establish a tracking log to monitor Board member participation at outreach opportunities.	Q2 2017
3.3.6 Create standard presentation(s) for Board members to present, for example, regarding enforcement, licensing, role of the Board. <i>Note: Representing the Board at public or private events needs to be at the approval of the Board Chair and EO.</i>	Q4 2017

## **BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL**

### **Notice of Meetings Posted on the Internet**

(Government Code Section 11125 et seq.)

Meeting notices shall be posted on the Board's web site at least 10 days in advance of the meeting, and include the name, address, and telephone number of staff who can provide further information prior to the meeting.

### **Board Meeting Locations**

**(Board Policy – 2013 Strategic Plan)**

The Board holds meetings at various geographic locations throughout the state to increase accessibility. It is recommended that at least one meeting per year is held in Sacramento, one in Southern California, and one at a California Chiropractic College. All meeting locations will be scheduled subject to available space and budget limitations.

### **E-Mail Ballots**

(Government Code Section 11526 and Board Policy)

The Board must approve any proposed decision or stipulation before the formal discipline becomes final and the penalty can take effect.

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Board Members are required to submit a vote on no less than 75% of proposed stipulations and decisions provided for review. If a Board Member is unable to meet this minimum requirement, the Board Member may be subject to a conversation from the Board Chair or Vice Chair.

### **Holding Disciplinary Cases for Board Meetings**

(Board Policy)

When voting on e-mail ballots for proposed disciplinary decisions or stipulations, a Board Member may wish to discuss a particular aspect of the decision or stipulation before voting. If this is the case, the ballot must be marked "hold for discussion," and the reason for the hold must be provided on the mail e-ballot. This allows staff the opportunity to prepare information being requested.

If one vote is cast to hold a case for discussion, the case is set aside and not processed (even if four votes have been cast on a decision). Instead the case is scheduled for a discussion during a closed session at the next Board meeting.



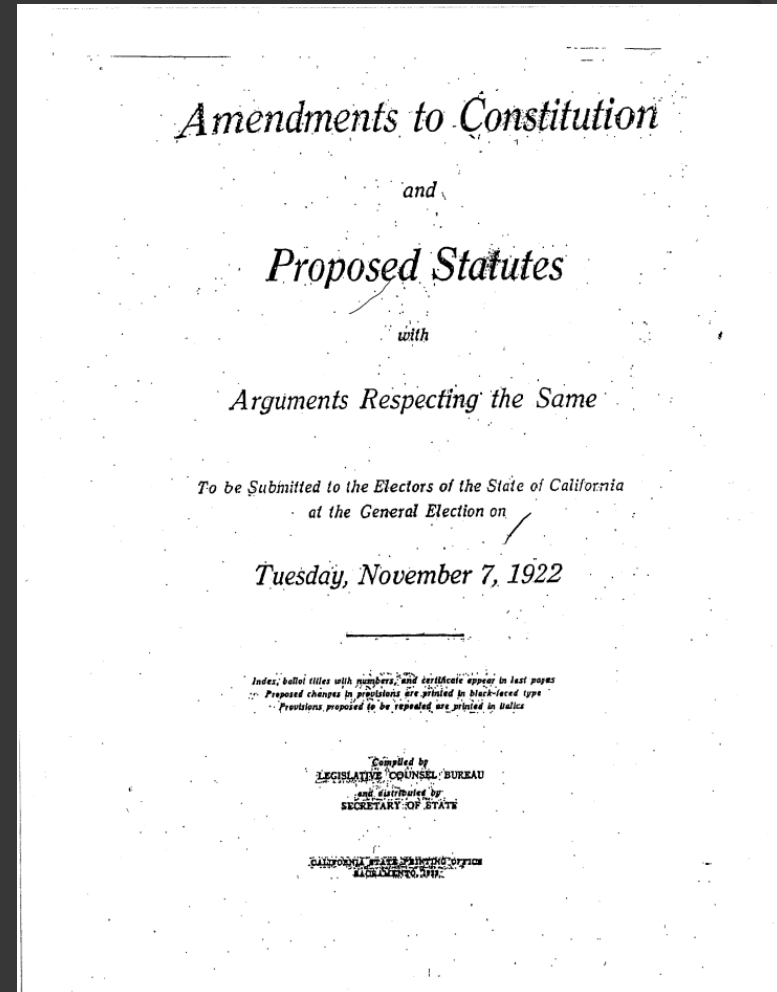


# Board of Chiropractic Examiners

By Heather Dehn, D.C., Board Member  
Robert Puleo, Executive Officer  
June 4, 2017

# Origin of Board of Chiropractic Examiners (BCE)

- Passage of Proposition 16 on November 7, 1922, resulted in the establishment of the California Chiropractic Initiative Act of 1922.



# Purpose of the Board

- ⦿ “The mission of the Board of Chiropractic Examiners is to protect the health, welfare, and safety of the public through licensure, education, and enforcement in chiropractic care.”
- ⦿ How do we do this?
  - Licensing of Doctors of Chiropractic
  - Educating Doctors of Chiropractic and the public
  - Enforcing the current law and regulations
  - Establishing regulations that govern chiropractic

# BCE vs. Professional Associations

- The mission of the BCE is to protect the health, welfare, and safety of the public through licensure, education, and enforcement in chiropractic care.
- The chiropractic associations are statewide, nonprofit organizations that advocate on behalf of chiropractic doctors.

# Board Members

## ◎ Seven Members

- Appointed by Governor
- 5 professional + 2 public
- Four year term.
- Can be re-appointed for another four years.
- Can receive grace period of up to one year.

## ◎ Officers

- Chair, Vice-Chair, Secretary
- Elections held each January

# Current Members

- Heather Dehn, D.C. (Chair)
- Frank Ruffino (Vice Chair)
- Sergio Azzolino, D.C. (Secretary)
- Julie Elginer, DrPH.
- Corey Lichtman, D.C.
- Dionne McClain, D.C.
- John Roza, D.C.

# How the Board Office Works

## ◎ Board Staff

- Executive Officer.
  - Selected by the Board Members.
  - Serves at the pleasure of the Board.
- Rest of staff are civil service employees.
- At present we have 20 full-time positions.

## ◎ Others

- Legal Counsel to the Board.
- Deputy Attorney General.
- Contracted services.

# Laws Regulating Doctors of Chiropractic

- California Chiropractic Initiative Act
- Business & Professions Code
- California Code of Regulations
- Health & Safety Code
- Insurance Code
- Labor Code (Worker's Compensation)



# Proposed New Regulations

## ⦿ In-progress

- BCE licensure application to comply with new legislation
- Consumer Protection Enforcement Initiative (CPEI)
- Disciplinary Guidelines and Uniform Standards

## ⦿ Proposals

- Amendments to continuing education regulations
- Maintenance of records for closed chiropractic practices
- Mandatory Cardiopulmonary Resuscitation (CPR) Certification for all licensees
- Advertising of chiropractic specialties

# Ways to Educate the Public

- ◎ Board Website
- ◎ Public Outreach Events
- ◎ Pamphlet
  - A Guide to the Chiropractic Profession
  - A Guide to the Chiropractic Profession- Spanish
  - About Us
  - About Us - Spanish
  - A Consumer's Guide to Chiropractic Care
  - A Consumer's Guide to Chiropractic Care-Spanish

# Educating Doctors of Chiropractic

- ⦿ Continuing Education to maintain license.
- ⦿ BCE Website
- ⦿ BCE Quarterly Newsletter
  - Available on website
- ⦿ Board Meetings
  - Live webcast. Archived on the website.
- ⦿ Speaking at seminars, conferences and classrooms at the invitation of stakeholders

# BCE Statistics

- ◎ Approximately
  - \$3 million dollar annual budget
  - 13,166 current licensees
  - 530 complaints received annually
  - 100 active probationers
  - 192 current continuing education providers
  - 20 chiropractic colleges approved by the Board.

# Enforcement

- ◎ 70% of BCE budget is in enforcement.
- ◎ 3 full-time investigators.
- ◎ BCE Expert Witnesses
- ◎ Complaints are investigated w/ Exec Officer + Deputy Attorney General.
  - Some are dismissed.
  - Some result in letter of admonishment and/or citation + fine.
  - Others result in trials:
    - Probation of license (Usually 3-5 years).
    - Revocation of license (Minimum 2 years).
      - 2 convictions of insurance fraud, etc. = 10 year loss.

# Top Enforcement Violations

- ⦿ Negligence/Incompetence
  - Physical harm to patient
- ⦿ False and Misleading Advertising
  - Sensational claims
- ⦿ Insurance Fraud
  - Billing for service not rendered
- ⦿ Sexual Misconduct
  - Inappropriate touching

## TOP ENFORCEMENT VIOLATIONS

Here are examples of frequent violations that may result in disciplinary actions. Please refer to the Board of Chiropractic Examiners (BCE) Rules and Regulations link ([www.chiro.ca.gov/laws\\_regs/regulations.pdf](http://www.chiro.ca.gov/laws_regs/regulations.pdf)) and Initiative Act link ([www.chiro.ca.gov/laws\\_regs/initiative\\_act.shtml](http://www.chiro.ca.gov/laws_regs/initiative_act.shtml)) for comprehensive coverage of all possible grounds of discipline.

### BEYOND SCOPE OF PRACTICE:

- Performing surgical procedures
- Claiming to treat/cure cancer
- Furnishing/prescribing controlled substances

### CONVICTION OF A CRIME(S):

- Theft
- DUI
- Domestic violence
- Vandalism

### EXCESSIVE TREATMENT:

- Treatment beyond what is reasonable/necessary or within the standard of care
- Failure to document necessity (conduct a thorough exam, diagnose the condition, implement a treatment plan, and conduct follow-up exams to assess progress)

### FAILURE TO RELEASE PATIENT RECORDS WITHIN 15 DAYS OF REQUEST:

- Includes requests from patient, patient attorney, patient representative, insurance company, or BCE representatives

### FALSE AND/OR MISLEADING ADVERTISING:

- Sensational claims
- Fraud/misrepresentation
- No "D.C." after chiropractor's name

### INSURANCE FRAUD:

- Double billing
- Up coding
- Billing for service not rendered
- Excessive treatment

### NEGLECT/INCOMPETENCE:

- Physical harm to patient
- Failure to exercise appropriate standard of care

### PAYMENT FOR REFERRALS:

- Discounts
- Free services
- Cash/gift cards

### SEXUAL MISCONDUCT:

- Erotic behavior
- Sexual contact or having sexual relations with a patient, client, customer, or employee
- Inappropriate touching

### UNLICENSED PRACTICE:

- Practicing after license expired
- Aiding and abetting unlicensed individuals
- Failing to promptly renew

### VIOLATION(S) INVOLVING DRUGS/ALCOHOL:

- DUI
- Practicing while impaired
- Possession or use of any illicit drugs
- Prescription medication abuse

# Violations Codes/Descriptions

## California Code of Regulations (CCR):

- 302(a) – Scope of Practice
- 302.5 – Use of Laser
- 303 – Filing of Addresses
- 304 – Discipline by Another State
- 308 – Display of License
- 311 – Advertisements
- 312 – Illegal Practice
- 316 – Responsibility for Conduct on Premises
- 317 – Unprofessional Conduct
- 318 – Chiropractic Patient Records/Accountable Billing
- 319 – Free or Discount Services
- 319.1 – Informed Consent
- 361(b) – 24 Hour CE Requirement
- 366 – Continuing Education Audits
- 367.5 – Application, Review of Refusal to Approve (corporations)
- 367.7 – Name of Corporation
- 371(c) – Renewal and Restoration

## Chiropractic Initiative Act of California (ACT):

- 10 – Rules of Professional Conduct
- 15 – Noncompliance With and Violations of Act

## Business and Professions Code (BP):

- 801 (a) – Professional Reporting Requirements (Ins-malpractice settlements)
- 802 (a) – Professional Reporting Requirements (Lic-malpractice settlements)
- 810 – Insurance Fraud
- 1054 – Name of Chiropractic Corporation
- 17500 – Unlawful Advertising

## Health and Safety Code (HS):

- 123110 – Patient Access to Health Records

# Complaint Process

- ⦿ Complaints initiate the enforcement process
- ⦿ Highest priority is given to threats to public health and safety.
- ⦿ Upon receipt of a complaint that appears to be within the Board's jurisdiction, an acknowledgment letter is sent advising the complainant that the Board has received its complaint and that it will be forwarded to an analyst for review.
- ⦿ Complaints that concern the care and treatment provided by a chiropractor, the analyst will request copies of medical records and a written summary of the care provided.



# Complaint Process Cont.

- When all of the requested records have been received, the complaint will be sent to a chiropractic consultant for review.
- Violations of the law by a licensed chiropractor may result in a citation or charges against the chiropractor that could lead to suspension or revocation of the license.
- Citations may contain civil penalties of up to \$5,000

# Complaint Process Cont.

- ⦿ Complaints are reviewed by the Executive Officer and the assigned Deputy Attorney General.
  - Some are dismissed.
  - Some result in letter of admonishment and/or citation + fine.
  - Others result in trials:
    - Probation of license (Usually 3-5 years).
    - Revocation of license (Minimum 2 years).
      - 2 convictions of insurance fraud, etc. = 10 year loss

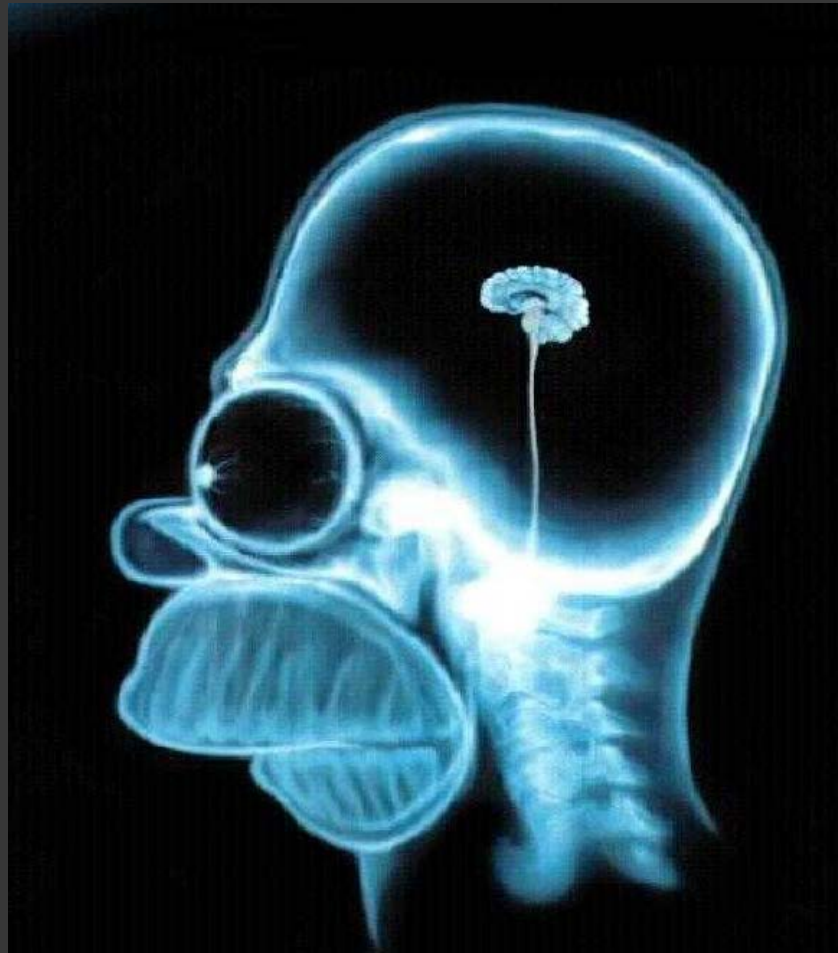
# Board Meetings

- Usually once a quarter.
- Usually in different locations and chiropractic colleges throughout the state.
  - Remaining 2017 Board Meetings:
    - July 25, 2017      Whittier
    - October 26, 2017      San Francisco

# Connect with the BCE

- ◎ BCE website
- ◎ <http://www.chiro.ca.gov>
  
- ◎ Facebook
- ◎ <https://www.facebook.com/pages/Board-of-Chiropractic-Examiners>
  
- ◎ Twitter
- ◎ [https://twitter.com/BCE\\_news](https://twitter.com/BCE_news)
  
- ◎ Subscribe to our mailing list:  
<https://www.dca.ca.gov/webapps/chiro/subscribe.php>

# Questions?



Board of Chiropractic, Contacts, Holidays in United States

Jul 2017 (Pacific Time)

Sun	Mon	Tue	Wed	Thu	Fri	Sat
25	26	27	28	29	30	1
2	3	4 Independence Day	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19 Duarte - San Gabriel Los Angeles - Metro Santa Rosa - North	20	21	22
23	24	25 Sam - Whittier -	26	27	28	29
30 Santa Barbara - CCA	31	1	2	3	4	5

**NOTICE OF TELECONFERENCE  
ENFORCEMENT COMMITTEE MEETING**

**July 19, 2017  
1:00 p.m.**

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

**Teleconference Meeting Locations:**

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

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

John Roza, Jr., D.C.  
800 Douglas Blvd.  
Roseville, CA 95678  
(916) 786-2267

**AGENDA**

- 1. Call to Order**
- 2. Review and Discussion on the Enforcement Committee Action Items from the 2017- 2019 BCE Strategic Plan**
- 3. Discussion and Possible Action on the manner in which Enforcement Committee Statistical Information is provided at BCE Meetings (Strategic Plan Action Item 2.1.2)**
- 4. Review, Discussion and Possible Action on creating an Outreach Publication Educating the Public on the Complaint Process (Strategic Plan Action Item 2.1.3)**
- 5. Discussion and Possible Action on Establishing a Code of Ethics (Strategic Plan Action Item 2.2.1)**
- 6. Discussion and Possible Action on the efforts to Educate Licensees' about Enforcement Issues Related to Social Media (Strategic Plan Goal Item 2.4)**
- 7. Public Comment**

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**8. 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.]*

**9. Adjournment**

**ENFORCEMENT COMMITTEE**

Sergio Azzolino, D.C.

John Roza, Jr., D.C.

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