



NOTICE OF BOARD MEETING

The Department of Consumer Affairs, Headquarters II
1747 N. Market Blvd., Room #186
Sacramento, CA 95834-1924
February 15, 2019
Security Desk: 916-574-7307
8:00 a.m. to 5:00 p.m.
or until completion of business

The Board of Chiropractic Examiners (Board) plans to webcast this meeting at
<https://thedcapage.wordpress.com/webcasts/>.

Webcast availability cannot, however, be guaranteed due to limitations on resources or other technical difficulties that may arise. If you wish to participate or to have a guaranteed opportunity to observe, please attend at the location specified above.

AGENDA

1. **Open Session – Call to Order & Establishment of a Quorum**
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.
2. **Pledge of Allegiance**
3. **Hearing Re: Petition for Reinstatement of Revoked License**
 - 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

-----**15 Minute Break**-----

4. Closed Session

The Board will meet in Closed Session to:

- A. Deliberate on Disciplinary Decisions and the above Petitions Pursuant to California Government Code Sections 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

-----1 Hour Lunch Break-----

- 5. Open Session: Announcements Regarding Closed Session**
- 6. Chair's Report**
Update on the Chair's Activities and Board's accomplishments and/or goals
- 7. Approval of January 8, 2019 Board Meeting Minutes**
- 8. Ratification of Approval of License Applications**
- 9. Ratification of Denied License Applications in Which the Applicants Did Not Request a Hearing**
- 10. Ratification of Approved Continuing Education Providers**
- 11. Executive Officer's Report**
 - A. Administration - Board staffing/organizational chart
 - B. Budget - Fund condition update
 - C. Licensing - Statistical trends
 - D. Enforcement - Statistical trends

12. Bagley Keene Presentation by Kenneth Swenson, Legal Counsel

-----15 Minute Break-----

- 13. Update, Discussion and Possible Action on Government & Public Affairs Committee**
Board may act on any item on the attached Government & Public Affairs Committee meeting agenda.
- 14. Update, Discussion and Possible Action on Licensing & Continuing Education Committee**
Board may act on any item on the attached Licensing & Continuing Education Committee meeting agenda.
- 15. Update, Discussion and Possible Action on Pending Rulemaking:**
 - A. Denial of application: revocation or suspension of licensure
 - B. Probation status disclosure
 - C. Consumer Protection Enforcement Initiative (CPEI)
 - D. Revisions to BCE Disciplinary Guidelines & Uniform Standards for Substance Abusing Licensees
 - E. Sponsored Free Health Care Events - Repeal CCR Sections (309-309.4)
 - F. Revisions to Curriculum requirements and approval of programs (Sections 330 – 331.16)
 - G. Continuing Education Requirements (CE Provider and Course Approval)/Mandatory Cardiopulmonary Resuscitation (CPR) Certification for all licensees
 - H. Delegation of Authority to the Assistant Executive Officer
 - I. Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice Death/Incapacity of Licensee Amend or Repeal CCR Section 354- Successful Examination (Obsolete provision)

16. Update, Discussion and Possible Action on Board Committee Assignments

17. 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 at 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.

18. 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.]

19. Adjournment

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.

The meeting facilities are accessible to individuals with physical disabilities. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting the Board at (916) 263-5355 or e-mail chiro.info@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.

NOTICE OF TELECONFERENCE
GOVERNMENT & PUBLIC AFFAIRS COMMITTEE MEETING

December 11, 2018

10:30 a.m. to 11:30 a.m. or until completion of business

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
(916) 263-5355
(Board Staff)

Thyonne Gordon, Ph.D., Chair
The Metaphor Club
4333 Crenshaw Boulevard
Los Angeles, CA 90008
(716) 771-2745

Corey Lichtman, D.C.,
Solana Beach Family and
Sports Chiropractic
538 Stevens Avenue
Solana Beach, CA 92075
(858) 876-6300

AGENDA

- 1. Call to Order**
- 2. Review, Discussion and Possible Action to Recommend to the Full Board Revisions to the Board Member Administrative Procedure Manual**

3. 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, 122507(a).] Public comment is encouraged; however, if time constraints mandate, comments may be limited at the discretion of the Chair.

4. 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.]

5. Adjournment

Meetings of the Board of Chiropractic Examiners' Committee 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's Committee 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.

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NOTICE OF TELECONFERENCE
LICENSING & CONTINUING EDUCATION COMMITTEE MEETING

December 17, 2018

12:00 p.m. – 1:30 p.m. or until completion of business

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 Licensing, Continuing Education and Public Relations 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
(Board Staff)

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

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

AGENDA

- 1. Call to Order & Establishment of a Quorum**
- 2. Approval of September 25, 2018 Committee Meeting Minutes**
- 3. Update, Discussion, and Possible Action on Continuing Education Focus Group**
- 4. Review, Discussion and Possible Action on potential CE Provider Application regulations**
- 5. Review, Discussion and Possible Action on Oregon regulation OAR 811-015-0025**
- 6. Review, Discussion and Possible Action on List of Chiropractic Adjustive Techniques Provided by National Chiropractic Colleges**
- 7. Public Comment on Items Not on the Agenda**
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.
- 8. Future Agenda Items**
Note: The Committee may not discuss or take action on any matter raised during this future agenda items 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

Meetings of the Board of Chiropractic Examiners' Committee 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's Committee 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.

The meeting facilities are accessible to individuals with physical disabilities. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting the Board at (916) 263-5355 or e-mail chiroinfo@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.

**Agenda Item 7
February 15, 2019**

Approval of Minutes

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 January 8, 2019, Board Meeting minutes.

Background

N/A

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

- Meeting minutes from the January 8, 2019, Board Meeting.

**BOARD OF CHIROPRACTIC EXAMINERS
TELECONFERENCE PUBLIC SESSION MINUTES**
January 8, 2019

Teleconference Meeting Locations:

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

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

Dionne McClain, D.C.
6360 Wilshire Blvd., Suite 410
Los Angeles, CA 90043
(323) 653-1014

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

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

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
(916)263-5355

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
David Paris, D.C.

Staff Present

Robert Puleo, Executive Officer
Marcus McCarther, Assistant Executive Officer
Kenneth Swenson, Attorney III
Dixie Van Allen, Staff Services Manager I
Kristin Walker, Staff Services Manager I
Valerie James, Staff Services Analyst
Natalie Boyer, Staff Services Analyst

Call to Order

Dr. Dehn called the meeting to order at 12:06 p.m.

Roll Call

Dr. Azzolino called the roll. All members were present at the locations listed on the agenda. A quorum was established.

Approval of November 8, 2018 Board Meeting Minutes

MOTION: DR. AZZOLINO MOVED TO APPROVE THE MINUTES OF THE NOVEMBER 8, 2018 BOARD MEETING.

SECOND: DR. LICHTMAN SECONDED THE MOTION.

Discussion: There was none.

VOTE: 6-0, 1-ABSTAINED (DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. AZZOLINO-AYE, DR. MCCLAIN-AYE, DR. GORDON-AYE, DR. PARIS – ABSTAIN, MR. RUFFINO – AYE).

MOTION: CARRIED.

Election of Board Officers for 2019. The Board will Vote on Board Officer Positions:

A. Chair

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

There were none.

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

Dr. Azzolino thanked the Board Members for their nomination and went on to state his desire to continue to serve the public and the Governor's administration as a Board that worked together as a unit.

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

Dr. Azzolino abstained from voting for the Board Chair position.

Dr. Gordon voted for Dr. Azzolino for the Board Chair position.

Dr. Lichtman voted for Dr. Azzolino for the Board Chair position.

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

Dr. Paris voted for Dr. Azzolino for the Board Chair position.

Mr. Ruffino voted for Dr. Azzolino for the Board Chair position.

Dr. Dehn voted for Dr. Azzolino for the Board Chair position.

Mr. Swenson inquired if Dr. Azzolino wished to cast a vote.

Dr. Azzolino did not.

Dr. Azzolino was elected to the office of Board Chair.

B. Vice-Chair

Mr. Swenson 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 thanked the Board for their nomination and went on to share her interest in moving forward with matters of the Board as equal partners with all Board Members.

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

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

Dr. Gordon voted for Dr. McClain for the Board Vice Chair position.

Dr. Lichtman voted for Dr. McClain for the Board Vice Chair position.

Dr. McClain abstained from voting for the Board Vice Chair position.

Dr. Paris voted for Dr. McClain for the Board Vice Chair position.

Mr. Ruffino voted for Dr. McClain for the Board Vice Chair position.

Dr. Dehn voted for Dr. McClain for the Board Vice Chair position.

Dr. McClain was elected to the office of Board Vice Chair.

C. Secretary

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

There were none.

Mr. Ruffino was the sole nomination for the office of Vice Chair.

Mr. Ruffino did not wish to make a statement to the Board.

Mr. Swenson facilitated the roll call for voting for the office of Secretary.

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

Dr. Gordon voted for Mr. Ruffino for the Board Secretary position.

Dr. Lichtman voted for Mr. Ruffino for the Board Secretary position.

Dr. McClain voted for Mr. Ruffino for the Board Secretary position.

Dr. Paris voted for Mr. Ruffino for the Board Secretary position.

Mr. Ruffino abstained from voting for the Board Secretary position.

Dr. Dehn voted for Mr. Ruffino for the Board Secretary position.

Mr. Ruffino was elected to the office of Board Secretary.

Dr. Dehn turned the meeting over to Dr. Azzolino.

Review, Discussion and Possible Action Regarding the 2019 Meeting Schedule

Mr. Puleo shared that after several attempts to schedule a Board meeting, it was most efficient to schedule the meeting in person.

The Board needed to determine a date of the next full Board Meeting either in February or March 2019.

Mr. Swenson shared a concern in selecting a date too far into the year, as there were several regulatory timelines that needed to be met in order to comply with AB 2138.

MOTION: DR. AZZOLINO MOVED TO APPROVE FEBRUARY 15TH AS THE PRIMARY DATE FOR THE NEXT FULL BOARD MEETING, WITH FEBRUARY 14TH AS THE SECONDARY DATE.

SECOND: DR. DEHN SECONDED THE MOTION.

Discussion: Dr. Azzolino stated that should schedules permit and all Board Members could be available on February 14th, then the meeting date would be changed. But currently only one Board Member would be absent on the proposed February 15th Board Meeting date.

Dr. Azzolino requested that all Board Members refer to their personal calendars in order for the Board to move forward with either February 15th or February 14th as the date for the next full Board Meeting.

VOTE: 6-0, 1-ABSTAINED (DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. AZZOLINO-AYE, DR. MCCLAIN-ABSTAIN, DR. GORDON-AYE, DR. PARIS – AYE, MR. RUFFINO – AYE).

MOTION: CARRIED.

Public Comment for Items Not on the Agenda

There were none.

Future Agenda Items

There were none.

Adjournment

Dr. Azzolino adjourned the meeting at 12:45 p.m.



State of California
Gavin Newsom, Governor

Agenda Item 8
February 15, 2019

Ratification of Approved License Applications

Purpose of the item

The Board will review and ratify the attached list of approved license applications.

Action(s) requested

A motion is needed to ratify the attached list of approved license applications.

Background

Between October 1, 2018 and December 31, 2018, staff reviewed and confirmed that the applicants met all statutory and regulatory requirements.

Recommendation(s)

Staff requests the Board approve the list of approved license applications.

Next Step

N/A

Attachment(s)

- List of formerly approved license applications issued 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
Derrik	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	Scarborough	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



State of California
Gavin Newsom, Governor

Agenda Item 9
February 15, 2019

Ratification of Denied License Applications

Purpose of the item

The Board will review and ratify denied license applications in which an applicant did not appeal the Board's decision.

Action(s) requested

No action requested at this time.

Background

The Board of Chiropractic Examiners denies licensure to applicants who do not meet all statutory and regulatory requirements for a chiropractic license in California. Following a denial of licensure, an applicant has 60-days to appeal the Board's decision. If the applicant does not submit an appeal to the Board, the denial is upheld.

Recommendation(s)

During the period of October 1, 2018 to December 31, 2018, staff has reviewed and confirmed that one (1) applicant did not meet all statutory and regulatory requirements for licensure. The applicant has appealed the denial of their license application and the Board is working with the Office of Attorney General on the appeal.

At this time, no ratification is necessary.

Next Step

N/A

Attachment(s)

N/A

**Agenda Item 10
February 15, 2019**

Ratification to Approve Continuing Education Providers

Purpose of the item

The Board will be asked to review and ratify the new continuing education (CE) providers.

Action(s) requested

The Board will be asked to ratify the following new CE 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>

Background

N/A

Recommendation(s)

Staff requests the Board approve the new CE providers.

Next Step

N/A

Attachment(s)

- CE Provider Applications

2018 OCT 12 PM 4:47

CONTINUING EDUCATION PROVIDER APPLICATION

ALL questions on this application must be answered. **New CE Provider Applications** - Submit a complete application package including one original application with the application fee of \$75.00. **CE Provider Biennial Renewal Reapplication** - Submit a complete application package including one original application with the application fee of \$50.00. Please type or print neatly. When space provided is insufficient, attach additional sheets of paper. All attachments are considered part of the application. The Board will not process incomplete applications nor applications that do not include the correct application fee. Provider approval shall expire two years following the approval date.

FALSIFICATION OR MISREPRESENTATION OF ANY ITEM OR RESPONSE ON THIS APPLICATION OR ANY ATTACHMENT HERETO IS SUFFICIENT BASIS FOR DENYING COURSE APPROVAL

Please check the appropriate box:

New CE Provider Application - \$75 **CE Provider Biennial Renewal Reapplication - \$50**

Provider's Name: David Cruz, DC

Street Address: 775 Baywood Dr Ste 201A

City: Petaluma State: Ca Zip Code: 94954

CE Oversight Contact Person: <u>David Cruz</u>	Telephone Numbers: Residence: <u>(415) 250-0100</u> Business: <u>(415) 493-5144</u>	Email Address: <u>davecruzdc@gmail.com</u>
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Name of Provider's Designated Representative: (Individual responsible for signing certificates of course completion)
April Allegro

Provider Status

Individual Corporation Health Facility University/College

Partnership Professional Association Government Agency

Office Use Only

Receipt No. _____ Date cashiered OCT 15 2018 \$ 75

(Rev. 02/10)

000392541



2018 OCT 16 AM 11:42

CONTINUING EDUCATION PROVIDER APPLICATION

ALL questions on this application must be answered. **New CE Provider Applications** - Submit a complete application package including one original application with the application fee of \$75.00. **CE Provider Biennial Renewal Reapplication** - Submit a complete application package including one original application with the application fee of \$50.00. Please type or print neatly. When space provided is insufficient, attach additional sheets of paper. All attachments are considered part of the application. The Board will not process incomplete applications nor applications that do not include the correct application fee. Provider approval shall expire two years following the approval date.

FALSIFICATION OR MISREPRESENTATION OF ANY ITEM OR RESPONSE ON THIS APPLICATION OR ANY ATTACHMENT HERETO IS SUFFICIENT BASIS FOR DENYING COURSE APPROVAL

Please check the appropriate box:

New CE Provider Application - \$75 **CE Provider Biennial Renewal Reapplication - \$50**

Provider's Name:	EasyWebCE (this displaces CE4DC)	
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Street Address			PO Box 624		
City		State	Zip Code		
Bayside		CA	95524		
CE Oversight Contact Person:		Telephone Numbers:		Email Address	
Alan Cook DC		Residence: () 707 502-7071		acook@arctant.com	
		Business: ()			

Name of Provider's Designated Representative: (Individual responsible for signing certificates of course completion)
Eric Wenzholm DC

Provider Status

<input type="checkbox"/> Individual	<input type="checkbox"/> Corporation	<input type="checkbox"/> Health Facility	<input type="checkbox"/> University/College
<input checked="" type="checkbox"/> Partnership	<input type="checkbox"/> Professional Association	<input type="checkbox"/> Government Agency	

Office Use Only	
Receipt No. _____	Date cashiered <u>OCT 16 2018</u> \$75

(Rev. 02/10)

000392723



CONTINUING EDUCATION PROVIDER APPLICATION

ALL questions on this application must be answered. **New CE Provider Applications** - Submit a complete application package including one original application with the application fee of \$75.00. **CE Provider Biennial Renewal Reapplication** - Submit a complete application package including one original application with the application fee of \$50.00. Please type or print neatly. When space provided is insufficient, attach additional sheets of paper. All attachments are considered part of the application. The Board will not process incomplete applications nor applications that do not include the correct application fee. Provider approval shall expire two years following the approval date.

FALSIFICATION OR MISREPRESENTATION OF ANY ITEM OR RESPONSE ON THIS APPLICATION OR ANY ATTACHMENT HERETO IS SUFFICIENT BASIS FOR DENYING COURSE APPROVAL

Please check the appropriate box:

New CE Provider Application - \$75 **CE Provider Biennial Renewal Reapplication - \$50**

Provider's Name:	American College Of Integrative and Functional Medicine, LLC.
------------------	---

Street Address			16870 West Bernardo Drive, Suite 400			
City		San Diego	State	CA	Zip Code	92127
CE Oversight Contact Person:		Telephone Numbers:		Email Address		
Steven Ross, DC, FASBE, DAAPM		Residence: (858) 205-9735 Business: (888) 141-8241		drross@advancedmedac		

Name of Provider's Designated Representative: (Individual responsible for signing certificates of course completion)	Steven Ross, DC, FASBE, DAAPM
--	-------------------------------

Provider Status

<input type="checkbox"/> Individual	<input checked="" type="checkbox"/> Corporation	<input type="checkbox"/> Health Facility	<input type="checkbox"/> University/College
<input type="checkbox"/> Partnership	<input type="checkbox"/> Professional Association	<input type="checkbox"/> Government Agency	

Office Use Only	
Receipt No. _____	Date cashiered <u>OCT 24 2018</u> \$75

(Rev. 02/10)

000393110



State of California
Edmund G. Brown Jr., Governor

BOARD OF
CHIROPRACTIC EXAMINERS

2018 NOV -7 PM 3:47

CONTINUING EDUCATION PROVIDER APPLICATION

ALL questions on this application must be answered. **New CE Provider Applications** - Submit a complete application package including one original application with the application fee of \$75.00. **CE Provider Biennial Renewal Reapplication** - Submit a complete application package including one original application with the application fee of \$50.00. Please type or print neatly. When space provided is insufficient, attach additional sheets of paper. All attachments are considered part of the application. The Board will not process incomplete applications nor applications that do not include the correct application fee. Provider approval shall expire two years following the approval date.

FALSIFICATION OR MISREPRESENTATION OF ANY ITEM OR RESPONSE ON THIS APPLICATION OR ANY ATTACHMENT HERETO IS SUFFICIENT BASIS FOR DENYING COURSE APPROVAL

Please check the appropriate box:

New CE Provider Application - \$75 **CE Provider Biennial Renewal Reapplication - \$50**

Provider's Name: **Anthony B Morovati, D.C.**

Street Address 3515 N Verdugo Rd		
City Glendale	State CA	Zip Code 91208
CE Oversight Contact Person: Janine Morovati	Telephone Numbers: Residence: (818) 482-1158 Business: (818) 500-8484	Email Address drmorovatidc@gmail.com

Name of Provider's Designated Representative: (Individual responsible for signing certificates of course completion)
Anthony Morovati, D.C.

Provider Status

<input type="checkbox"/> Individual	<input checked="" type="checkbox"/> Corporation	<input type="checkbox"/> Health Facility	<input type="checkbox"/> University/College
<input type="checkbox"/> Partnership	<input type="checkbox"/> Professional Association	<input type="checkbox"/> Government Agency	

Office Use Only	
Receipt No. _____	Date cashiered NOV 08 2018 \$50

(Rev. 02/10)

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 Consumer Complaint Hotline www.chiro.ca.gov
 (866) 543-1311

000393951



BOARD OF
CHIROPRACTIC EXAMINERS

2018 NOV -7 PM 2:59

CONTINUING EDUCATION PROVIDER APPLICATION

ALL questions on this application must be answered. **New CE Provider Applications** - Submit a complete application package including one original application with the application fee of \$75.00. **CE Provider Biennial Renewal Reapplication** - Submit a complete application package including one original application with the application fee of \$50.00. Please type or print neatly. When space provided is insufficient, attach additional sheets of paper. All attachments are considered part of the application. The Board will not process incomplete applications nor applications that do not include the correct application fee. Provider approval shall expire two years following the approval date.

FALSIFICATION OR MISREPRESENTATION OF ANY ITEM OR RESPONSE ON THIS APPLICATION OR ANY ATTACHMENT HERETO IS SUFFICIENT BASIS FOR DENYING COURSE APPROVAL

Please check the appropriate box:

New CE Provider Application - \$75 **CE Provider Biennial Renewal Reapplication - \$50**

Provider's Name: Christopher Greene, D.C.
--

Street Address 9252 Hidden Valley Dr.		
City Villa Park	State CA	Zip Code 92861
CE Oversight Contact Person: Wendy Greene	Telephone Numbers: Residence: (970) 903-6950 Business: 714 949-0724	Email Address chrisgreenedc@mac.com

Name of Provider's Designated Representative: (Individual responsible for signing certificates of course completion) Wendy Greene
--

Provider Status

<input checked="" type="checkbox"/> Individual	<input type="checkbox"/> Corporation	<input type="checkbox"/> Health Facility	<input type="checkbox"/> University/College
<input type="checkbox"/> Partnership	<input type="checkbox"/> Professional Association	<input type="checkbox"/> Government Agency	

Office Use Only	
Receipt No. _____	Date cashiered _____ \$50
NOV 08 2018	

(Rev. 02/10)

000393952



State of California
Edmund G. Brown Jr., Governor

BOARD OF
CHIROPRACTIC EXAMINERS

2018 NOV 16 PM 3:53

CONTINUING EDUCATION PROVIDER APPLICATION

ALL questions on this application must be answered. **New CE Provider Applications** - Submit a complete application package including one original application with the application fee of \$75.00. **CE Provider Biennial Renewal Reapplication** - Submit a complete application package including one original application with the application fee of \$50.00. Please type or print neatly. When space provided is insufficient, attach additional sheets of paper. All attachments are considered part of the application. The Board will not process incomplete applications nor applications that do not include the correct application fee. Provider approval shall expire two years following the approval date.

FALSIFICATION OR MISREPRESENTATION OF ANY ITEM OR RESPONSE ON THIS APPLICATION OR ANY ATTACHMENT HERETO IS SUFFICIENT BASIS FOR DENYING COURSE APPROVAL

Please check the appropriate box:

New CE Provider Application - \$75 **CE Provider Biennial Renewal Reapplication - \$50**

Provider's Name: SuperSpine, Inc.

Street Address 13260 Glen Circle Rd.		
City Poway	State CA	Zip Code 92064
CE Oversight Contact Person: Erick Iams	Telephone Numbers: Residence: (858) 676-1001 Business: (858) 487-3700	Email Address erick@theprrt.com

Name of Provider's Designated Representative: (Individual responsible for signing certificates of course completion)
John F. Iams, MA, PT

Provider Status

<input type="checkbox"/> Individual	<input checked="" type="checkbox"/> Corporation	<input type="checkbox"/> Health Facility	<input type="checkbox"/> University/College
<input type="checkbox"/> Partnership	<input type="checkbox"/> Professional Association	<input type="checkbox"/> Government Agency	

Office Use Only	
Receipt No. _____	Date cashiered <u>NOV 16 2018</u> \$75

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000394523



State of California
Edmund G. Brown Jr., Governor

BOARD OF
CHIROPRACTIC EXAMINERS

2018 NOV 26 PM 1:02

CONTINUING EDUCATION PROVIDER APPLICATION

ALL questions on this application must be answered. **New CE Provider Applications** - Submit a complete application package including one original application with the application fee of \$75.00. **CE Provider Biennial Renewal Reapplication** - Submit a complete application package including one original application with the application fee of \$50.00. Please type or print neatly. When space provided is insufficient, attach additional sheets of paper. All attachments are considered part of the application. The Board will not process incomplete applications nor applications that do not include the correct application fee. Provider approval shall expire two years following the approval date.

FALSIFICATION OR MISREPRESENTATION OF ANY ITEM OR RESPONSE ON THIS APPLICATION OR ANY ATTACHMENT HERETO IS SUFFICIENT BASIS FOR DENYING COURSE APPROVAL

Please check the appropriate box:

New CE Provider Application - \$75 **CE Provider Biennial Renewal Reapplication - \$50**

Provider's Name: Adam Harcourt, DC, DACNB

Street Address 804 Anacapa St.		
City Santa Barbara	State CA	Zip Code 93101
CE Oversight Contact Person: Adam Harcourt	Telephone Numbers: Residence: (717) 487-7725 Business: (805) 462-1988	Email Address DrAdamHarcourt@gmail.com

Name of Provider's Designated Representative: (Individual responsible for signing certificates of course completion)
Adam Harcourt

Provider Status

Individual
 Corporation
 Health Facility
 University/College
 Partnership
 Professional Association
 Government Agency

Office Use Only		
Receipt No. _____	Date cashiered NOV 27 2018	\$75

(Rev. 02/10)

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000394910



BOARD OF CHIROPRACTIC EXAMINERS



State of California
Edmund G. Brown Jr., Governor

2019 JAN 10 PM 4:20

CONTINUING EDUCATION PROVIDER APPLICATION

ALL questions on this application must be answered. **New CE Provider Applications** - Submit a complete application package including one original application with a check or money order for \$84.00 payable to "BOCE". **CE Provider Biennial Renewal Reapplication** - Submit a complete application package including one original application with a check or money order for \$56.00 payable to "BOCE". Please type or print neatly. When space provided is insufficient, attach additional sheets of paper. All attachments are considered part of the application. The Board will not process incomplete applications nor applications that do not include the correct application fee. Provider approval shall expire two years following the approval date.

FALSIFICATION OR MISREPRESENTATION OF ANY ITEM OR RESPONSE ON THIS APPLICATION OR ANY ATTACHMENT HERETO IS SUFFICIENT BASIS FOR DENYING COURSE APPROVAL

Please check the appropriate box:

New CE Provider Application - \$84 **CE Provider Biennial Renewal Reapplication - \$56**

Provider's Name: Dr. Eric Dickerson, DC

Street Address <u>124 Clydesdale Court Suite K</u>		
City <u>Grass Valley</u>	State <u>CA</u>	Zip Code <u>95945</u>
CE Oversight Contact Person: <u>Alyson Dorfman</u>	Telephone Numbers: Residence: <u>(530) 5596875</u> Business: <u>(530) 9550065</u>	Email Address <u>info@radiusclinic.com</u>

Name of Provider's Designated Representative: (Individual responsible for signing certificates of course completion)
Alyson Dorfman

Provider Status

<input checked="" type="checkbox"/> Individual	<input type="checkbox"/> Corporation	<input type="checkbox"/> Health Facility	<input type="checkbox"/> University/College
<input type="checkbox"/> Partnership	<input type="checkbox"/> Professional Association	<input type="checkbox"/> Government Agency	

Office Use Only	
Receipt No. _____	Date cashiered <u>JAN 14 2019 \$84</u>

(Rev. 02/10)

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 (866) 543-1311

000397702



State of California
Gavin Newsom, Governor

BOARD OF
CHIROPRACTIC EXAMINERS

2019 JAN 14 PM 4:51

CONTINUING EDUCATION PROVIDER APPLICATION

ALL questions on this application must be answered. **New CE Provider Applications** - Submit a complete application package including one original application with a check or money order for \$84.00 payable to "BOCE". **CE Provider Biennial Renewal Reapplication** - Submit a complete application package including one original application with a check or money order for \$56.00 payable to "BOCE". Please type or print neatly. When space provided is insufficient, attach additional sheets of paper. All attachments are considered part of the application. The Board will not process incomplete applications nor applications that do not include the correct application fee. Provider approval shall expire two years following the approval date.

FALSIFICATION OR MISREPRESENTATION OF ANY ITEM OR RESPONSE ON THIS APPLICATION OR ANY ATTACHMENT HERETO IS SUFFICIENT BASIS FOR DENYING COURSE APPROVAL

Please check the appropriate box:

New CE Provider Application - \$84 **CE Provider Biennial Renewal Reapplication - \$56**

Provider's Name: EasyCENow.com

Street Address <u>23905 Clinton Keith Rd., #114-245</u>		
City <u>Wildomar</u>	State <u>CA</u>	Zip Code <u>92595</u>
CE Oversight Contact Person: <u>Rayce Meyers, DC, FASBE</u>	Telephone Numbers: Residence: <u>(951) 805-5128</u> Business: <u>(866) 556-0765</u>	Email Address <u>easycenow@gmail.com</u>

Name of Provider's Designated Representative: (Individual responsible for signing certificates of course completion)
Rayce Meyers, DC, FASBE

Provider Status

<input checked="" type="checkbox"/> Individual	<input type="checkbox"/> Corporation	<input type="checkbox"/> Health Facility	<input type="checkbox"/> University/College
<input type="checkbox"/> Partnership	<input type="checkbox"/> Professional Association	<input type="checkbox"/> Government Agency	

Office Use Only	
Receipt No. _____	Date cashiered <u>JAN 16 2019</u> \$84

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000397888



Executive Officer's Report

Purpose of the item

The Executive Officer will provide the Board Members an update on statistics related to Board Administration, Budget, Licensing, and Enforcement. Board Members will have the opportunity to ask questions as necessary.

Action(s) requested

No action requested at this time.

Background

A. Administration

- Valerie James has accepted the Analyst (SSA) position in the Enforcement Unit. This has created a Management Services Technician vacancy in the Administrative Unit.
- Kristin Walker has accepted the Staff Services Manager position in the Enforcement Unit.

B. Budget

- The Executive Officer will provide an overview of the attached Board Fund Condition Report.

C. Licensing

- The Executive Officer will provide an overview the attached licensing program data.

D. Enforcement

- The Executive Officer will provide an overview the attached Enforcement program data.

Recommendation(s)

N/A

Next Step

N/A

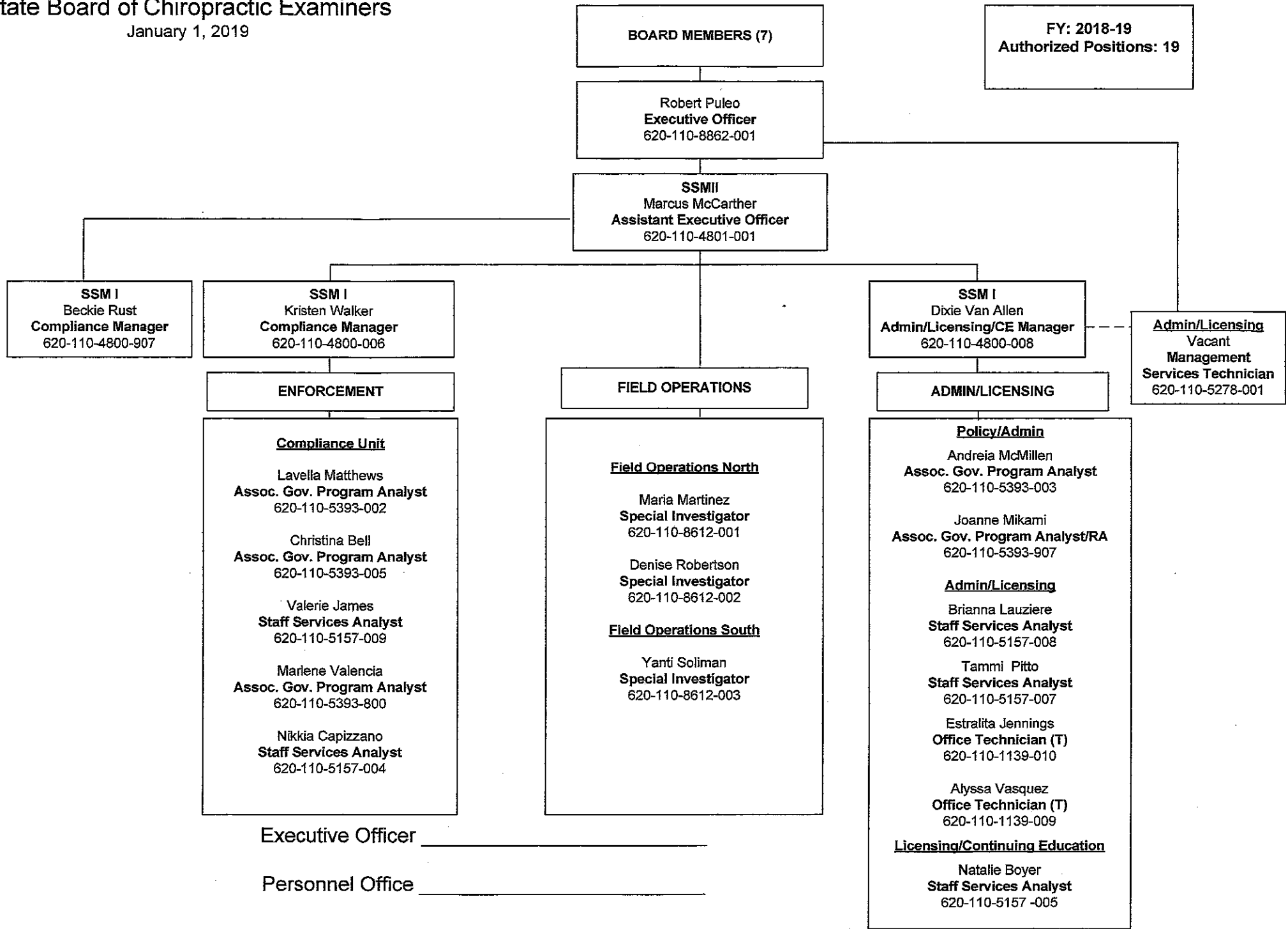
Attachment(s)

- Org Chart/Staff Functions
- Updated Fund Condition
- Licensing Statistics
- Enforcement Statistics

Department of Consumer Affairs
 State Board of Chiropractic Examiners

January 1, 2019

FY: 2018-19
Authorized Positions: 19



Executive Officer _____

Personnel Office _____

Board of Chiropractic Examiners Staff Functions

Executive Officer (620-110-8862-001) – Oversees management of the Board of Chiropractic Examiners. Directs negotiations for stipulated agreements, monitors deadlines and procedures for compliance with the Administrative Procedures Act. Directs the organization and coordination of committee, executive and task force meetings and compilation of data for Board meetings, ensures compliance with the Open Meetings Act, coordinates closed sessions and hearings, attends all Board meetings. Identifies the need for legislation and recommends modifications to existing statutes or regulations to the Board. Oversees all aspects of the legislative and rulemaking processes. Testifies before legislative committees on behalf of the Board, advocates consumer protection and lobbies on behalf of consumers and the Board, interprets and clarifies the Board's Initiative Act, regulations, and policies. Represents the Board before professional and health associations or other state, federal, local, or community groups/entities.

Assistant Executive Officer (620-110-4801-001) - Oversees all administrative duties of the Administration, Enforcement, Licensing/Continuing Education, and Field Investigation divisions, directly supervises managers and field staff, assists the EO with special projects, attends Board and Committee meetings, acts as the Board's liaison to DCA, attends all informal office conferences and writes resulting decisions. Oversees management of the Board in the EO's absence and backs up managers in their absence, represents the Board before professional and health associations or other state, federal, local or community groups/entities in the absence of the EO. Develops, reviews and implements policies and operating procedures, directs the development and implementation of regulations adopted by the Board. Advises EO of critical issues which may result in litigation or require legislation, regulations or policy adjustment, oversees the planning and ensures timely preparation and mailing of all Board and Committee materials, directs the preparation of recurring special reports, monitors the Board's revenue and expenditures.

Enforcement Manager (620-110-4800-006) – Manages and supervises compliance and probation programs/staff, performs case reviews and reviews case closure recommendations, participates in probationer interviews, attends informal citation conferences, reviews administrative citations and fines, monitors monthly caseload statistics, monitors success of Expert Consultant program, reviews AG billing statements for accuracy.

Enforcement Analyst (620-110-5393-002) - Reviews and investigates complex complaints, drafts recommendations for complaints including referral of complaints to the AG's office, prepares packets for Petitioner hearings, evaluates administrative cases, and proposed decisions, stipulations and default decisions for adherence to the Admin. Procedures Act and Disciplinary Guidelines, develops settlement and probationary terms for the Executive Officer's approval.

Probation Monitor (620-110-5393-005) – Monitors probationers for compliance with conditions and terms of probation, sends letters to probationers who are out of compliance with their terms of probation, coordinates site inspection or suspension visits with field staff, schedules probation interviews, refers cases to Board experts, consults with the AG's office and makes recommendations to management on cases ready for petition to revoke or accusation referral due to non-compliance issues, tracks cases waiting to be heard at Office of Administrative Hearings, recommends settlement or probationary terms for management approval, prepares stay of decision, reviews and investigates complex complaints, drafts recommendations for complaints including referral of complaints to the AG's office. Serves as coordinator for the Enforcement Committee.

Board of Chiropractic Examiners Staff Functions

Enforcement Analyst (620-110-5157-009) - Assists the public with inquiries about the complaint process, performs intake and assignment of consumer complaints and CE audits, requests court documents for subsequent arrest reports, requests Interim Suspension Orders or Penal Code 23 assistance, reviews and investigates routine consumer complaints, drafts recommendations for complaints including referral of complaints to the AG's office, reviews administrative cases and proposed decisions, stipulations and default decisions for adherence to the Admin. Procedures Act and Disciplinary Guidelines, tracks proposed decisions received and cases awaiting hearing at the Office of Administrative Hearings. Responds to subpoenas and enforcement related Public Record Act requests. Maintains enforcement files according to retention schedule. Serves as back-up to the probation monitor.

Enforcement Analyst (620-110-5393-800) - Reviews and investigates complex complaints, drafts recommendations for complaints including referral of complaints to the AG's office, prepares packets for Petitioner hearings, evaluates administrative cases, and proposed decisions, stipulations and default decisions for adherence to the Admin. Procedures Act and Disciplinary Guidelines, develops settlement and probationary terms for the Executive Officer's approval.

Enforcement Analyst (620-110-5157-004) – Assists the public with inquiries about the complaint process, performs intake and assignment of consumer complaints, requests court documents for subsequent arrest reports, requests Interim Suspension Orders or Penal Code 23 assistance, reviews and investigates routine consumer complaints, drafts recommendations for complaints including referral of complaints to the AG's office, reviews administrative cases and proposed decisions, stipulations and default decisions for adherence to the Admin. Procedures Act and Disciplinary Guidelines, tracks proposed decisions received and cases awaiting hearing at the Office of Administrative Hearings. Serves as the contact for the National Data Bank reporting.

Licensing, CE, Administration Manager (620-110-4800-008) - Manages and supervises licensing, continuing education, and administrative programs and staff, compiles and analyzes licensing workload statistics, assists applicants and licensees with licensing issues, reviews staff recommendations regarding licensure and continuing education applications and grants or denies approval, monitors development and administration of the California Law and Professional Practices Examination, attends Board and committee meetings, assists AEO and EO with preparation of special reports or projects.

Policy Analyst (620-110-5393-003) – Prepares and compiles rulemaking documents for the repeal, amendment or adoption of regulations. Identifies, tracks and analyzes legislative bills impacting the Board, acts as the back-up Personnel Liaison for Board staff, assists management with research and special projects. Acts as coordinator for the Government Affairs committee. Attends Board and committee meetings.

Retired Annuitant Policy Analyst (620-110-5393-907) – Prepares and compiles rulemaking documents for the repeal, amendment or adoption of regulations.

Administrative Assistant (620-110-5278-001) – Performs administrative tasks for the EO (responds to information requests, emails and telephone inquiries), compiles program statistical reports for EO's report at Board meetings, performs special projects assigned by EO, prioritizes EO's workload and maintains EO's calendar, coordinates EO's travel arrangements and processes travel claims.

Board of Chiropractic Examiners Staff Functions

Prepares Board meeting packets, Board meeting minutes, and operates webcasting equipment at Board and Committee meetings, identifies action items and prepares a prioritized list to the EO and management, recommends agenda items for future board meetings. Coordinates travel arrangements and travel claims for Board members, establishes contracts for meeting accommodations, provides back-up support to Licensing technicians, responds to subpoenas and public records requests, performs fleet management responsibilities, assist with preparation of contracts and interagency agreements for equipment maintenance work.

Licensing Analyst (620-110-5157-008) – Processes reciprocal and initial applications for a Chiropractic License including all supplemental documents relating to background, education and discipline, prepares deficiency and eligibility letters to applicants, restoration of cancelled and forfeited licenses, corporation applications, and inactive to active requests. Prepares contracts and interagency agreements for equipment maintenance work, supplies and training. Responds to telephone and written inquiries regarding application status, licensing requirements or processes, makes determinations and recommendations regarding licensure and denial of applicants. Refers cases to the AG's office for a Statement of Issues for applicants whose licensure was denied and decisions were appealed, prepares mail vote ballots to Board members, distributes decision to all parties once adopted by the Board. Serves as the recruitment coordinator for Examination Subject Matter Experts.

Licensing Analyst (620-110-5157-007) – Processes reciprocal and initial applications for a Chiropractic License including all supplemental documents relating to background, education and discipline, prepares deficiency and eligibility letters to applicants. Makes determinations and recommendations regarding licensure or denial of applicants. Prepares statistical reports to management, refers cases to the AG's office for a Statement of Issues for applicants whose licensure was denied and decisions were appealed, researches and responds to questions by the assigned Deputy Attorney General, prepares and mails vote ballots to Board members, distributes decision to all parties once adopted by the Board. Processes applications for Chiropractic Referral Services, approves licensees for the preceptor program, prepares information on newly licensed applicants for ratification at Board meetings. Acts as the HR Liaison for the Board and responds to inquiries on chiroinfo.

Licensing Technician (620-110-1139-008) – Processes Satellite Office certificates, renewals, license verifications and name and address changes. Answers telephones, maintains equipment and inventory of office supplies, compiles board meeting packets, and obtains approval for payment of bills.

Licensing Technician (620-110-1139-009) – Cashiers all monies received by the Board, requests refunds for overpayments, sends underpayment notices to licensees, performs Continuing Education audits, audits renewal statements for practicing with an expired license, updates CAS with information from death certificates, provides front counter support, answers telephones, greets visitors, receives and distributes mail.

CE/Licensing Analyst (620-110-5157-005) – Reviews and processes continuing education provider applications and continuing education course applications for submittal to manager for approval, maintains database of CE providers and courses, prepares information on CE providers for ratification at Board meetings, prepares approval letters for CE providers and CE courses, prepares

Board of Chiropractic Examiners Staff Functions

monthly statistical reports for the licensing manager. Acts as the Board's webmaster, maintains content on the Board's social media accounts, acts as the Liaison for the Licensing & Continuing Education Committee as well as the Board meetings.

0152 - Board of Chiropractic Examiners
Analysis of Fund Condition

Prepared 1.30.19

(Dollars in Thousands)

NOTE: \$1.448 Million VIRF Loan Balance

2019-20 Governor's Budget

	PY 2017-18	CY 2018-19	BY 2019-20	BY +1 2020-21	BY +2 2021-22
BEGINNING BALANCE	\$ 2,022	\$ 1,285	\$ 690	\$ 572	\$ 348
Prior Year Adjustment	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 2,022	\$ 1,285	\$ 690	\$ 572	\$ 348
REVENUES AND TRANSFERS					
Revenues:					
4121200 Delinquent fees	\$ 33	\$ 23	\$ 22	\$ 22	\$ 22
4127400 Renewal fees	\$ 3,506	\$ 3,664	\$ 4,108	\$ 4,108	\$ 4,108
4129200 Other regulatory fees	\$ 12	\$ 68	\$ 91	\$ 91	\$ 91
4129400 Other regulatory licenses and permits	\$ 165	\$ 259	\$ 354	\$ 354	\$ 354
4143500 Income from surplus money investments	\$ 9	\$ 21	\$ 20	\$ 5	\$ -
4172500 Miscellaneous revenues	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1
Totals, Revenues	\$ 3,726	\$ 4,036	\$ 4,596	\$ 4,581	\$ 4,576
Totals, Resources	\$ 5,748	\$ 5,321	\$ 5,286	\$ 5,153	\$ 4,924
EXPENDITURES					
Disbursements:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 4,217	\$ 4,328	\$ 4,371	\$ 4,458	\$ 4,548
8880 Financial Information System for California (State Operations)	\$ 6	\$ -	\$ (1)	\$ -	\$ -
9892 Supplemental Pension Payment (State Operations)	\$ -	\$ 41	\$ 85	\$ 85	\$ 85
9800 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 240	\$ 262	\$ 259	\$ 262	\$ 262
Total Disbursements	\$ 4,463	\$ 4,631	\$ 4,714	\$ 4,805	\$ 4,895
FUND BALANCE					
Reserve for economic uncertainties	\$ 1,285	\$ 690	\$ 572	\$ 348	\$ 29
Months in Reserve	3.3	1.8	1.4	0.9	\$ 0.1

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.
- B. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR BEGINNING IN BY+1.
- C. ASSUMES INTEREST RATE AT 1.5%.
- D. ASSUMES NO PAYMENT TO THE VIRF LOAN
- E. OUTSTANDING VIRF LOAN BALANCE OF \$1,448,000.

**BOARD OF CHIROPRACTIC EXAMINERS
LICENSING TRENDS
FY 2018-19**

Total Population of Clear Chiropractic Licenses

Month	Total Licenses
July	13,029
August	13,066
September	13,043
October	13,010
November	12,991
December	12,956

New Chiropractic License Issued

Month	Received	Issued
July	32	7
August	34	28
September	23	20
October	38	14
November	9	32
December	50	22

Number of Restored Cancelled Licenses

Month	Received	Issued
July	1	0
August	3	3
September	3	0
October	2	1
November	1	1
December	3	3

New Satellite Office Certificates Issued

Month	Received	Issued
July	84	102
August	135	168
September	123	84
October	120	135
November	87	148
December	96	89

Corporation Registrations Issued

Month	Received	Issued
July	9	10
August	8	7
September	4	4
October	10	6
November	4	5
December	7	6

Licensing Population as of December 31, 2018

License Type	Clear Licenses
Chiropractors	12,956
Satellite Offices	4,360
Corporation Registrations	1,352

Applications Received and Processed – July 1, 2018 through December 31, 2018

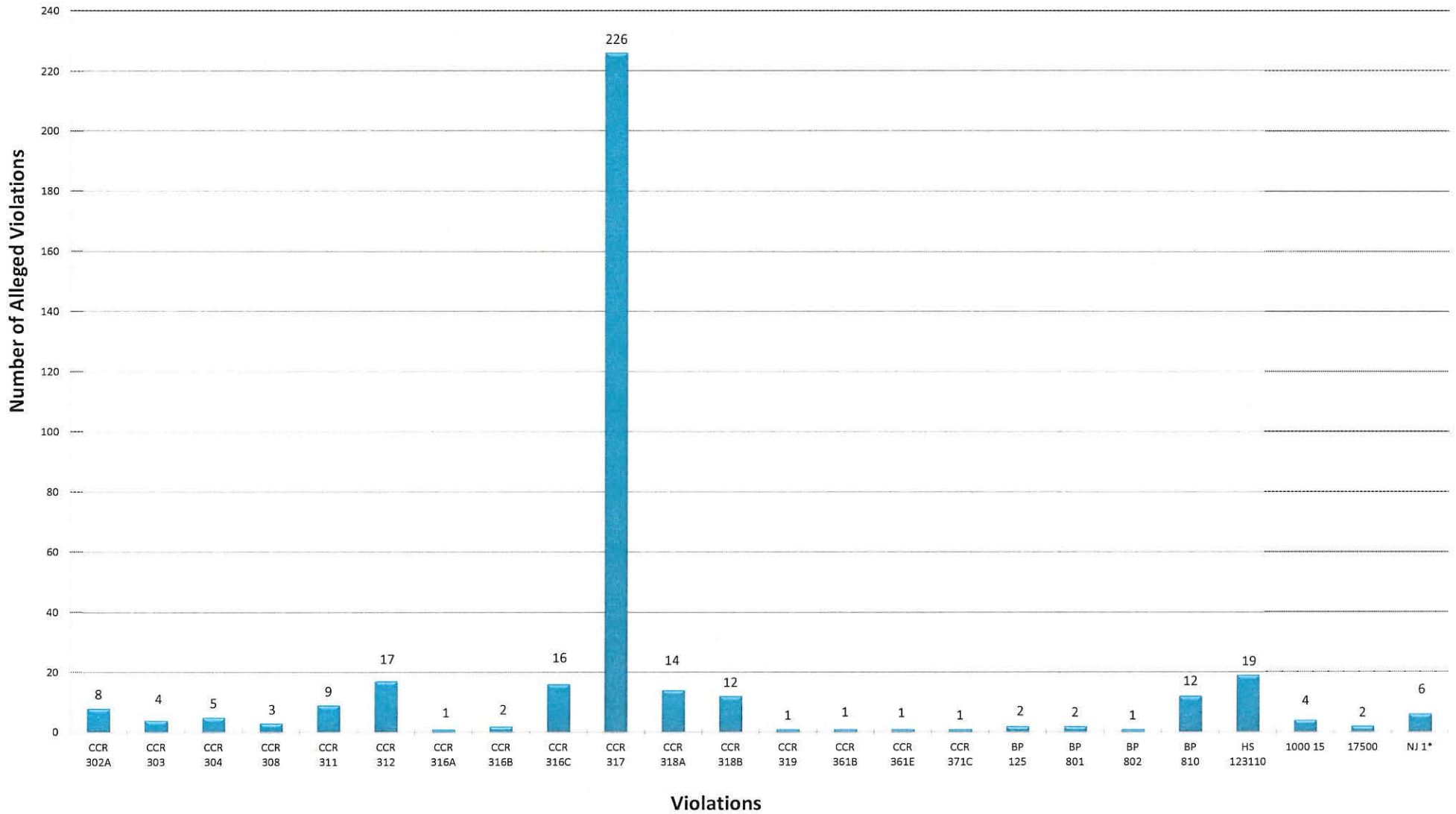
Application Type	Received	Issued	Denied	Pending
Initial Chiropractic	186	123	1	124
Reciprocal	9	1	0	6
Restorations (Cancelled & Forfeiture)	60	52	0	13
Corporation	42	38	0	7

ENFORCEMENT UNIT STATS

Fiscal Year	14/15	15/16	16/17	17/18	*18/19
<u>COMPLAINTS</u>					
Received	557	581	490	479	150
Pending	270	232	183	235	279
Closed with Insufficient Evidence	57	127	79	72	38
Closed with No Violation	100	97	75	75	26
Closed with Merit	220	235	184	214	32
Letter of Admonishment	3	4	4	17	42
Citations and Fines Issued (Total Fine Amount)	16(\$12,400)	17(\$11,600)	26(\$36,900)	25(\$24,650)	16(\$10,000)
<u>ACCUSATIONS</u>					
Filed	22	31	35	34	14
Pending	64	66	65	55	50
Revoked	9	3	10	9	9
Revocation Stayed: Probation	7	13	11	15	9
Revocation Stayed: Suspension and Probation	2	4	5	1	0
Suspension	0	0	0	0	0
Suspension Stayed: Probation	0	0	0	0	0
Suspension and Probation	0	0	0	0	0
Voluntary Surrender of License	8	9	14	9	6
Dismissed/Withdrawn	3	2	6	0	0
<u>STATEMENT OF ISSUES</u>					
Filed	2	0	1	2	0
Denied	1	0	0	0	0
Probationary License	2	1	0	0	0
Withdrawn	1	0	0	0	0
Granted	1	0	0	0	0
<u>PETITION FOR RECONSIDERATION</u>					
Filed	0	1	0	0	0
Granted	0	0	0	0	0
Denied	0	1	0	0	0
<u>PETITION FOR REINSTATEMENT OF LICENSE</u>					
Filed	8	7	6	6	2
Granted	1	0	0	0	0
Denied	4	7	3	3	2
<u>PETITION FOR EARLY TERMINATION OF PROBATION</u>					
Filed	4	8	3	2	0
Granted	0	1	0	0	0
Denied	5	2	2	5	1
<u>PETITION FOR MODIFICATION OF PROBATION</u>					
Filed	2	3	0	1	0
Granted	1	1	0	1	0
Denied	1	0	0	0	0
<u>PETITION BY BOARD TO REVOKE PROBATION</u>					
Filed	5	8	5	6	5
Revoked	2	3	10	9	9
<u>PROBATION CASES</u>					
Active	123	104	92	90	80

Fiscal Year 2018/2019
 July 1, 2018 - December 31, 2018
Total Number of Complaints Opened - 150
Total Number of Alleged Violations - 369

(A complaint may contain multiple violations)

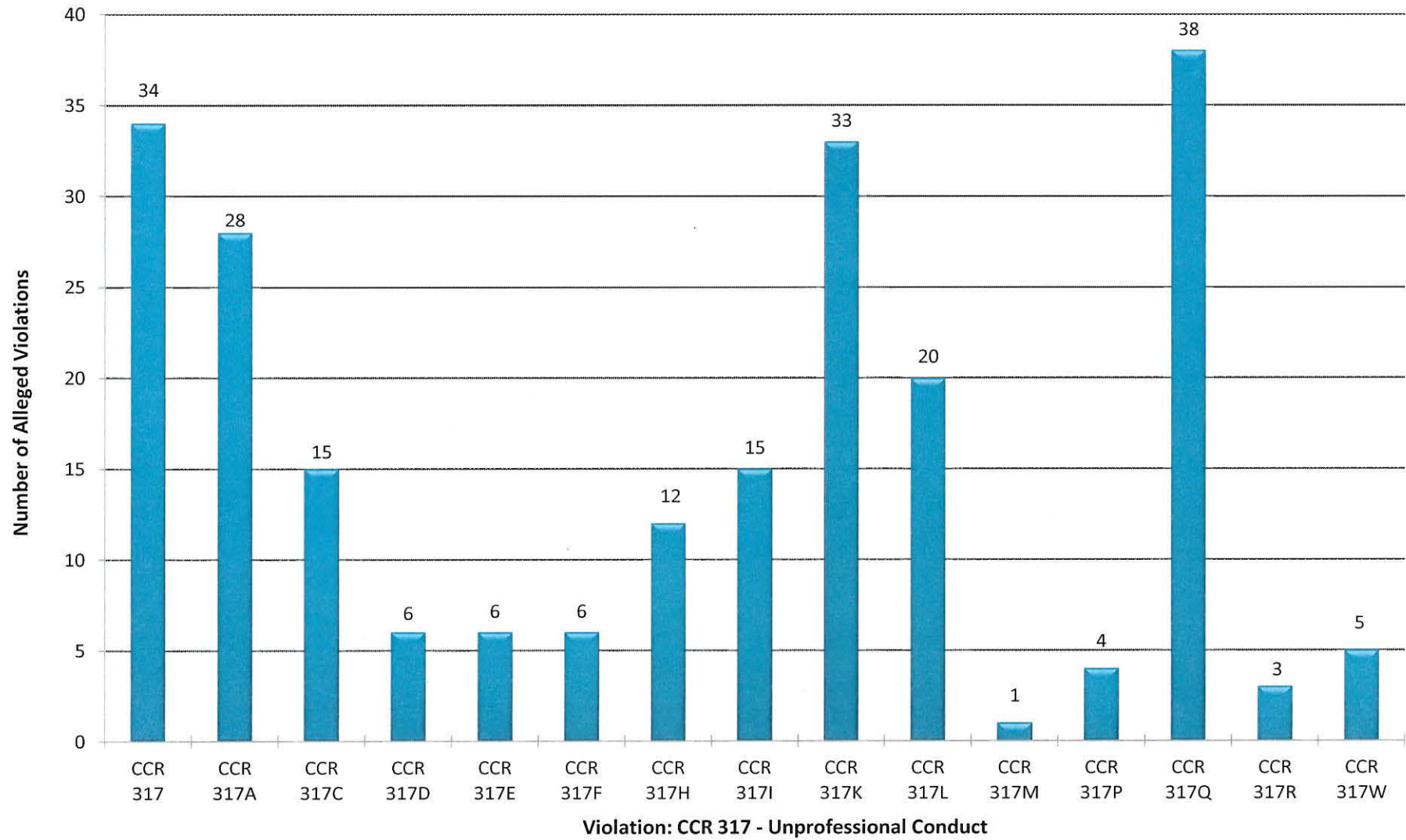


Unprofessional Conduct/Violation Codes/Descriptions

California Code of Regulations (CCR) Section 317 – Unprofessional Conduct:

- (a) Gross Negligence
- (b) Repeated Negligent Acts
- (c) Incompetence
- (d) Excessive Treatment
- (e) Conduct Endangering Public
- (f) Administering to Oneself Drugs/Alcohol
- (g) Conviction of a Crime Related to Chiropractic Duties
- (h) Conviction of a Crime Involving Moral Turpitude/Physical Violence/etc.
- (i) Conviction of a Crime Involving Drugs or Alcohol
- (j) Dispensing Narcotics/Dangerous Drugs/etc.
- (k) Moral Turpitude/Corruption/etc.
- (l) False Representation
- (m) Violation of the ACT/Regulations
- (n) False Statement Given in Connection with an Application for Licensure
- (o) Impersonating an Applicant
- (p) Illegal Advertising related to Violations of Section 17500 BP
- (q) Fraud/Misrepresentation
- (r) Unauthorized Disclosure of Patient Records
- (s) Employment/Use of Cappers or Steerers
- (t) Offer/Receive Compensation for Referral
- (u) Participate in an Illegal Referral Service
- (v) Waiving Deductible or Co-Pay
- (w) Fail to Refer Patient to Physician/Surgeon/etc.
- (x) Offer or Substitution of Spinal Manipulation for Vaccination

Fiscal Year 2018/2019
July 1, 2018 - December 31, 2018
Number of Complaints Opened Alleging Violation of CCR 317= 226
(A complaint may contain multiple violations)



Violation Codes/Descriptions

The Chiropractic Initiative Act of California (ACT):

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

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
- 315 – Mental Illness
- 316 (a) – Responsibility for Conduct on Premises
- 316 (b) – Sexual Misconduct on Premises
- 316 (c) – Sexual Misconduct/Relations
- 317 – Unprofessional Conduct
- 318 – Chiropractic Patient Records/Accountable Billing
- 319 – Free or Discount Services
- 319.1 – Informed Consent
- 321.1(c) – Fingerprint Submission
- 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

Business and Professions Code (BP):

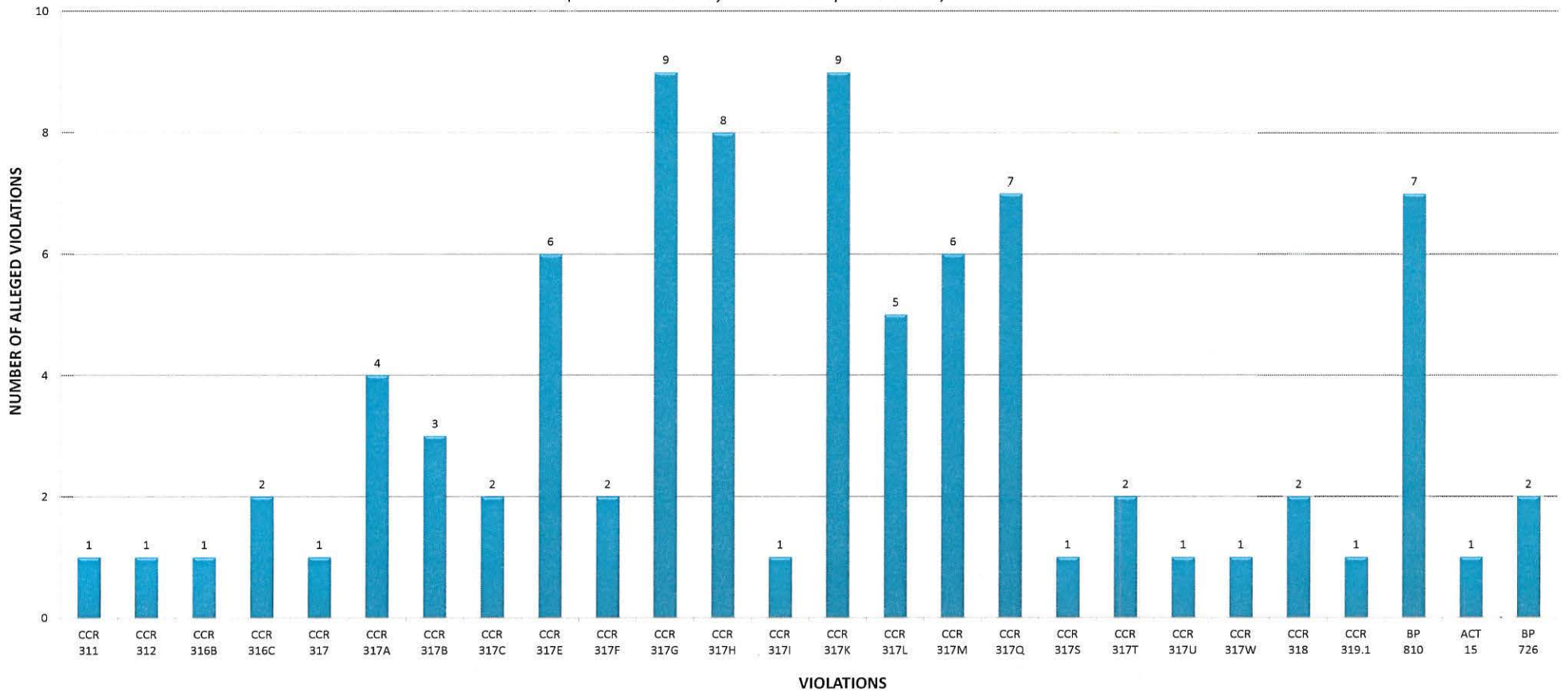
- 125 – Aiding/Abetting Unlicensed Activity
- 801(a) – Professional Reporting Requirements (Ins-malpractice settlements)
- 802(a) – Professional Reporting Requirements (Lic-malpractice settlements)
- 810 – Insurance Fraud
- 1051 – Apply for a Corporation with the Board
- 1054 – Name of Chiropractic Corporation
- 17500 – Unlawful Advertising

Health and Safety Code (HS):

- 123110 – Patient Access to Health Records

Fiscal Year 2018/2019
 July 1, 2018 - December 31, 2018
 Number of Accusations Filed - 14
 Total Number of Alleged Violations - 86

(An Accusation may contain multiple violations)





State of California
Edmund G. Brown Jr., Governor

October 2018

ACCUSATIONS FILED

Name and City	License No.	Date Filed	Alleged Violations
Booth, Vincent S. Bakersfield, CA	DC 14320	10/9/2018	Unprofessional conduct/gross negligence; unprofessional conduct/ repeated negligent acts failure to comply with the terms and conditions of probation.
Nguyen, David Cuong M. Westminster, CA	DC 22241	10/24/2018	Conviction of a crime which is substantially related to the duties of a chiropractor; conviction of a crime involving moral turpitude, dishonesty, physical violence or corruption; unprofessional conduct/commission of acts involving moral turpitude, dishonesty or corruption; knowingly making or signing a document related to the practice of chiropractic, which falsely represents the facts violations of any provision or term of the ACT or the Regulations by the Board; participation in the act of fraud/misrepresentation; illegal referral of patients for compensation; participation in illegal referral service, not in compliance with chiropractic referral service regulation; insurance fraud.

STATEMENT OF ISSUES

Name and City	License No.	Date Filed	Action	Effective Date	Violations
No Data to Report					

DISCIPLINARY ACTIONS

Name and City	License No.	Action	Effective Date	Violations
Chacon, Manuel D. Los Angeles, CA	DC 10580	Voluntary Surrender	10/4/2018	Conviction of a crime which is substantially related to the duties of a chiropractor; conviction of a crime involving moral turpitude, dishonesty, physical violence or corruption; unprofessional conduct/commission of acts involving moral turpitude, dishonesty or corruption; acts of sexual misconduct with a patient; sexual acts involving patients on premises; unprofessional conduct/ endangering the health, welfare or safety of the public; violations of any provision or term of the ACT or the Regulations by the Board.
Scruggs, William K. Jr. Toluca Lake, CA	DC 29843	Revoked	10/4/2018	Conviction of a crime which is substantially related to the duties of a chiropractor; failure to comply with the terms and conditions of probation.

Wilson, Rustin C. Lawndale, CA	DC 32429	Voluntary Surrender	10/4/2018	Conviction of a crime which is substantially related to the duties of a chiropractor; conviction of a crime involving moral turpitude, dishonesty, physical violence or corruption; unprofessional conduct/ endangering the health, welfare or safety of the public
Aun, Bryan Orange, CA	DC 26948	Revoked, stayed, suspension (until completion of Ethics Boundaries Examination & California Chiropractic Law Examination), 5 yrs. probation	10/26/2018	Unprofessional conduct/gross negligence; unprofessional conduct/ repeated negligent act; unprofessional conduct/ incompetence; conspiring to violate provisions of the ACT or regulations; unprofessional conduct/commission of acts involving moral turpitude, dishonesty, physical violence or corruption; knowingly making or signing a document related to the practice of chiropractic, which falsely represents the facts participation in fraud/misrepresentation/health insurance fraud; failure to refer patient to a physician, surgeon or other licensed health care provider.

REINSTATEMENT OF LICENSE

Name and City	License No.	Date Filed	Action	Effective Date	Violations
No Data to Report					

FINAL CITATIONS ISSUED

Name and City	License Number	Fine Amount	Date Issued	Violations
Farr, Lorin G. Cameron Park, CA	DC 12401	\$500.00	10/1/2018	Unprofessional conduct; failure to maintain patient records/required content; failure to obtain informed consent from patient.

PETITION FOR REINSTATEMENT

Name and City	License No.	Revocation Date	Action
Painter, Michael J. Oakley, CA	DC 15103	9/28/2013	Petition denied effective 10/31/2018
Nguyen, Andy H. San Jose, CA	DC 30002	10/28/2012	Petition denied effective 10/31/2018

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

PETITION FOR EARLY TERMINATION OF PROBATION

Name and City	License Number	Probation End Date	Action
McMillan, Michelle E. Santa Monica, CA	DC 22770	5/13/2019	Petition denied effective 10/31/2018

PETITION FOR MODIFICATION OF PROBATION

Name and City	License Number	Probation End Date	Action
No Data to Report			

November 2018

ACCUSATIONS FILED

Name and City	License No.	Date Filed	Alleged Violations
Eoh, Na Young Bakersfield, CA	DC 28688	11/16/2018	Conviction of a crime which is substantially related to the duties of a chiropractor; insurance fraud; conviction of a crime involving moral turpitude, dishonesty, physical violence or corruption; unprofessional conduct / commission of acts involving moral turpitude, dishonesty or corruption; knowingly making or signing a document related to the practice of chiropractic, which falsely represents the facts; violations of any provision or term of the ACT or the Regulations by the Board; participation in the act of fraud/misrepresentation.
Hau, Spencer R. Cupertino, CA	DC 32692	11/26/2018	Acts of sexual misconduct with a patient; sexual acts involving patients on premises; engaging in sexual relations with a patient on premises and other locations; unprofessional conduct / endangering the health, welfare or safety of the public; unprofessional conduct.
Khan, Amir O. Orange, CA	DC 20662	11/29/2018	Insurance fraud; conviction of a crime which is substantially related to the duties of a chiropractor; illegal referral of patients for compensation; conviction of a crime involving moral turpitude, dishonesty, physical violence or corruption; unprofessional conduct/commission of acts involving moral turpitude, dishonesty or corruption.

STATEMENT OF ISSUES

Name and City	License No.	Date Filed	Action	Effective Date	Violations
No Data to Report					

DISCIPLINARY ACTIONS

Name and City	License No.	Action	Effective Date	Violations
Kong, David Menlo Park, CA	DC 28973	Revoked	11/2/2018	Health Care insurance fraud; participation in the act of fraud/misrepresentation; conviction of a crime which is substantially related to the qualifications, functions and duties of a chiropractor; conviction of a crime involving moral turpitude, dishonesty, physical violence or corruption; unprofessional conduct /commission of acts involving moral turpitude, dishonesty or corruption; knowingly making or signing a document related to the practice of chiropractic, which falsely represents the facts; violations of any provision or term of the ACT and/or the Regulations by the Board.

Seals, Carlos V Fontana, CA	DC 16052	Revoked	11/23/2018	Failure to comply with the terms and conditions of probation; practicing outside the scope of chiropractic; failure to file practice address; failure to display or obtain Satellite Office Certificate; unprofessional conduct / gross negligence; unprofessional conduct / repeated negligent acts; unprofessional conduct / incompetence; unprofessional conduct / endangering the health, welfare and safety of the public; unprofessional conduct /commission of acts involving moral turpitude, dishonesty, physical violence or corruption; participation in fraud/ misrepresentation; failure to obtain patient's written informed consent.
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REINSTATEMENT OF LICENSE

Name and City	License No.	Date Filed	Action	Effective Date	Violations
No Data to Report					

FINAL CITATIONS ISSUED

Name and City	License Number	Fine Amount	Date Issued	Violations
Campise, John B. Fresno, CA	DC 27590	\$200.00	11/1/2018	Failure to complete the Board's continuing education course requirement of twenty-four (24) hours; failure to complete continuing education requirements prior to the expiration date of the license; licensees shall complete mandatory continuing education requirement within renewal period.

PETITION FOR REINSTATEMENT

Name and City	License No.	Revocation Date	Action
No Data to Report			

PETITION FOR EARLY TERMINATION OF PROBATION

Name and City	License Number	Probation End Date	Action
No Data to Report			

PETITION FOR MODIFICATION OF PROBATION

Name and City	License Number	Probation End Date	Action
No Data to Report			



December 2018

ACCUSATIONS FILED

Name and City	License No.	Date Filed	Alleged Violations
Papa, Lauren M. Van Nuys, CA	DC 25778	12/13/2018	Conviction of a crime which is substantially related to the duties of a chiropractor; insurance fraud; conviction of a crime involving moral turpitude, dishonesty, physical violence or corruption; unprofessional conduct/commission of acts involving moral turpitude, dishonesty or corruption; knowingly making or signing a document related to the practice of chiropractic, which falsely represents the facts; violations of any provision or term of the ACT or the Regulations by the Board; participation in an act of fraud/misrepresentation.
Hetrick, Douglas P. Leucadia, CA	DC 13329	12/13/2018	Unprofessional conduct/gross negligence; unlicensed practice; unprofessional conduct/ endangering the health, welfare or safety of the public; administration of controlled substance in a manner dangerous to the safety of oneself and the public.
Cortes, Jude J. La Mesa, CA	DC 28938	12/19/2018	Conviction of a crime which is substantially related to the duties of a chiropractor; unprofessional conduct/ endangering the health, welfare or safety of the public; use of alcohol in a manner dangerous to the safety of oneself and the public; conviction of more than one misdemeanor involving the dangerous use of alcohol.
Danesh, Bahar G. Reseda, CA	DC 28361	12/19/2018	Conviction of a crime which is substantially related to the duties of a chiropractor; insurance fraud; conviction of a crime involving moral turpitude, dishonesty, physical violence or corruption; unprofessional conduct/commission of acts involving moral turpitude, dishonesty or corruption; knowingly making or signing a document related to the practice of chiropractic, which falsely represents the facts; participation in an act of fraud/misrepresentation.

STATEMENT OF ISSUES

Name and City	License No.	Date Filed	Action	Effective Date	Violations
No Data to Report					

DISCIPLINARY ACTIONS

Name and City	License No.	Action	Effective Date	Violations
Nguyen, Diem Elk Grove, CA	DC 27710	Stipulated Surrender	12/1/2018	Unprofessional conduct/gross negligence; unprofessional conduct/ incompetence; exceeding scope of practice; failure to maintain patient records/required content; violations of any provision or term of the ACT or the Regulations by the Board; failure to refer patient to a physician, surgeon or other licensed health care provider appropriate for patient medical condition; unprofessional conduct/ endangering the health, welfare or safety of the public; conviction of a crime which is substantially related to the duties of a chiropractor; conviction of a crime involving moral turpitude, dishonesty, physical violence or corruption; unprofessional conduct / commission of acts involving moral turpitude, dishonesty or corruption; false and misleading advertisements
Weathersby, Leon P., Jr. Upland, CA	DC 22887	Stipulated Surrender	12/16/2018	Unprofessional conduct; unprofessional conduct/gross negligence; unprofessional conduct/ repeated negligent acts; unprofessional conduct/commission of acts involving moral turpitude, dishonesty or corruption; participation in fraud / misrepresentation; failure to comply with the terms and conditions of probation.
Huynh, Jack S. Milpitas, CA	DC 29130	Revoked, stayed, 5 yrs. probation	12/20/2018	Insurance fraud; conviction of a crime which is substantially related to the duties of a chiropractor; conviction of a crime involving moral turpitude, dishonesty, physical violence or corruption; unprofessional conduct/commission of acts involving moral turpitude, dishonesty or corruption; participation in an act of fraud / misrepresentation.
Vernon, Ronald R. Pleasanton, CA	DC 25817	Revoked	12/20/2018	Act of sexual abuse, misconduct, or relations with a patient; acts of sexual misconduct with a patient; conviction of a crime which is substantially related to the qualifications, functions and duties of a chiropractor; conviction of a crime involving moral turpitude, dishonesty, physical violence or corruption; unprofessional conduct/commission of acts involving moral turpitude, dishonesty or corruption; unprofessional conduct/ endangering the health, welfare or safety of the public; conviction of more than one misdemeanor involving the use of alcohol.

REINSTATEMENT OF LICENSE

Name and City	License No.	Date Filed	Action	Effective Date	Violations
No Data to Report					

FINAL CITATIONS ISSUED

Name and City	License Number	Fine Amount	Date Issued	Violations
Carvin, Stephen D. Union City, CA	DC 23614	\$250.00	12/11/2018	Failure to complete the Board's continuing education course requirement of twenty-four (24) hours; failure to complete continuing education requirements prior to the expiration date of the license; failure to complete mandatory continuing education requirement within renewal period.

PETITION FOR REINSTATEMENT

Name and City	License No.	Revocation Date	Action
No Data to Report			

PETITION FOR EARLY TERMINATION OF PROBATION

Name and City	License Number	Probation End Date	Action
No Data to Report			

PETITION FOR MODIFICATION OF PROBATION

Name and City	License Number	Probation End Date	Action
No Data to Report			

12. Bagley Keene Presentation by Kenneth Swenson, Legal Counsel

Will be provided as a supplemental handout at the Board meeting.

**Agenda Item 13
February 15, 2019**

**Update, Discussion and Possible Action on the
Government & Public Affairs Committee Meeting Agenda**

Purpose of the item

The Board will receive an update from the December 11th, 2018 Government & Public Affairs Committee Meeting.

Action(s) requested

The Board will be asked to review and approve the most recent proposed changes to the Board Member Administrative Procedure Manual (BMAPM).

Background

Annually, the Board completes a comprehensive review of the BMAPM.

The BMAPM was created to serve as a reference guide regarding the functions of the Board and its committees, roles of Board members and general information on operating procedures, administration and staff policies.

At the May 21st, 2018 Committee meeting, Committee Members discussed the inclusion of sections into the BMAPM referring to the role of Board Officers, Bagley-Keene Open Meeting Act, periodic fee audits, and clarification regarding when strategic planning should take place.

At the August 9th, 2018 Board meeting, the Board completed a comprehensive review of the proposed revisions to the BMAPM and approved the inclusion of the aforementioned sections and changes to the language recommended by the Committee. Additionally, the Board approved new procedures regarding the nomination and election of Board Officers.

At the December 11th, 2018 meeting, the Committee reviewed the most recent revisions to the BMAPM and proposed additional changes to the section on Vice-Chair duties regarding the Executive Officer's Annual Evaluation.

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

- Government & Public Affairs Committee Agenda
- Board Member Administrative Procedure Manual

NOTICE OF TELECONFERENCE
GOVERNMENT & PUBLIC AFFAIRS COMMITTEE MEETING

December 11, 2018

10:30 a.m. to 11:30 a.m. or until completion of business

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
(916) 263-5355
(Board Staff)

Thyonne Gordon, Ph.D., Chair
The Metaphor Club
4333 Crenshaw Boulevard
Los Angeles, CA 90008
(716) 771-2745

Corey Lichtman, D.C.,
Solana Beach Family and
Sports Chiropractic
538 Stevens Avenue
Solana Beach, CA 92075
(858) 876-6300

AGENDA

- 1. Call to Order**
- 2. Review, Discussion and Possible Action to Recommend to the Full Board Revisions to the Board Member Administrative Procedure Manual**

3. 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, 122507(a).] Public comment is encouraged; however, if time constraints mandate, comments may be limited at the discretion of the Chair.

4. 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.]

5. Adjournment

Meetings of the Board of Chiropractic Examiners' Committee 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's Committee 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.

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 the Board at (916) 263-5355 ext. 5362 or e-mail chiro.info@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.

State of California

BOARD OF CHIROPRACTIC EXAMINERS BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

Adopted October 2007
Revised January 2019



Edmund G. Brown Jr., Governor
State of California

MISSION STATEMENT

To protect the health, welfare, and safety of the public through licensure, education and enforcement in chiropractic care.

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

Members of the Board

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.

Executive Officer

Robert C. Puleo

This procedure manual is a general reference including a review of some important laws, regulations, and these basic Board policies in order to guide the actions of the Board Members and ensure Board effectiveness and efficiency. The Chiropractic Initiative Act of 1922 (the Act) will be referenced and summarized throughout this procedure manual.

This Administrative Procedure Manual, regarding Board Policy, can be amended by four affirmative votes of any current or future Board.

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

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BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

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BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

CHAPTER 1. Introduction

Overview

The Board of Chiropractic Examiners (**Board**) was created on December 21, 1922, through an initiative measure approved by the electors of California on November 7, 1922.

The Act states it is... “An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the State Board of Chiropractic Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith...”

The powers and authority of the Board is specifically defined in Section 4 of the Act. In general, the board is a policy-making and administrative review body comprised pursuant to the provisions of Section 1 to 20 of the Act. The Board, when full, is comprised of seven Members, five professional and two public, each appointed by the Governor. The Board’s paramount purpose is to protect California consumers through the enforcement of the Act, other applicable laws and the California Code of Regulations related to the Practice of Chiropractic, identified herein as the Board’s regulations. The Board is also mandated by the Initiative to supervise licensees, chiropractic colleges, and continuing education for relicensing.

State of California Acronyms

ALJ	Administrative Law Judge
AG	Office of the Attorney General
APA	Administrative Procedure Act
BCE	Board of Chiropractic Examiners
B&P	Business and Professions Code
CalHR	California Department of Human Resources
CATS	Computer Assisted Testing Service
CCCP	California Code of Civil Procedure
CCR	California Code of Regulations
CE	Continuing Education
CLEAR	Council on Licensure Enforcement & Regulations
DAG	Deputy Attorney General
DCA	Department of Consumer Affairs
DOF	Department of Finance
DOI	Department of Insurance
DWC	Division of Workers Compensation
EO	Executive Officer
FCLB	Federation of Chiropractic Licensing Boards
NBCE	National Board of Chiropractic Examiners
SAM	State Administrative Manual
SCIF	State Compensation Insurance Fund
VCGCB	Victim Compensation and Government Claims Board

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

General Rules of Conduct

All Board Members shall act in accordance with their oath of office, and shall conduct themselves in a courteous, professional and ethical manner at all times. The Board serves at the pleasure of the governor, and shall conduct their business in an open manner, so that the public that they serve shall be both informed and involved, consistent with the provisions of the Bagley-Keene Open Meeting Act and all other governmental and civil codes applicable to similar boards within the State of California.

- ❖ Board Members are part of a state regulatory board and your individual rights to make independent public comments or statements takes a second place to supporting a uniform public presentation of a cohesive board.
- ❖ Board Members shall comply with all provisions of the Bagley-Keene Open Meeting Act and other applicable rules, regulations, codes and laws governing public employees.
- ❖ Board Members shall not speak or act for the Board without proper preauthorization from the Chair and/or **Executive Officer (EO)** prior to making any statement or press release. When possible, the Board Chair, in consultation with the Vice Chair, shall determine which Board members have expertise in respective areas to act as spokesperson for the Board.
- ❖ Board Members shall not privately or publicly lobby for, publicly endorse, or otherwise engage in any personal efforts that would tend to promote their own personal or political views or goals, as it pertains to issues related to jurisdiction of the Board, when those views or goals are in direct opposition to an official position adopted by the Board.
- ❖ Board Members shall not accept gifts from applicants, licensees, or members of the profession while serving on the Board. All Fair Political Practices Act Rules shall be followed.
- ❖ Board Members shall maintain the confidentiality of confidential documents and information related to Board business. Always confirm with the EO whether information is public and may be disclosed. The public's access should be from a source other than a **Board Member**.
- ❖ Board Members should avoid discussion of confidential Board business with petitioners, licensees or persons not authorized to receive confidential and restricted enforcement information. Failure to do so may result in the Board Member having to recuse him/herself due to conflict of interest issues. All consumers, applicants and licensees with enforcement related questions, concerns or complaints should be referred to the EO or Chair.

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

- ❖ Board Members shall commit adequate time to prepare for their Board responsibilities including the reviewing of Board meeting notes, administrative cases to be reviewed and discussed, and the review of any other materials provided to the Board Members by staff, related to official Board business.
- ❖ Submission of votes have time requirements that are critical to meeting legal timeframe constraints. Board members shall make every attempt to meet the deadlines identified by Board staff and meet the vote submission requirement established by the Board.
- ❖ **Board BCE** Members shall submit reimbursement records each month to facilitate timely reimbursement.
- ❖ All travel for Board related business, other than routine Board meetings and Committee Meetings, must be submitted in writing and preapproved by the Chair and EO before travel.
- ❖ Board Members shall recognize the equal role and responsibilities of all other Board Members and interact with one another in a polite and professional manner.
- ❖ Board Members shall act fairly, be nonpartisan, impartial, and unbiased in their role of protecting the public and enforcing the Chiropractic Initiative Act.
- ❖ Board Members shall uphold the principle that the Board's primary mission is to protect the public.
- ❖ Board Members shall follow the guidelines set forth in Executive Order 66-2.
- ❖ Board Members shall comply with all State, Department, and Board required trainings.

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

CHAPTER 2. Board Members & Meeting Procedures

Membership (§1 Initiative Act)

Board Members are appointed and serve in accordance with Section 1 of the Initiative Act.

Role of Board Officers (Board Policy)

Board Chair

- The Chair may consult with the Vice Chair **or** Secretary **or** another Board Member and the **EO Executive Officer**. However, all conversations must be consistent with Bagley Keene Open Meeting Act restrictions, which mandate that no more than two Members can actively discuss Board business.
- **Determines, in after consultation with with the consent of** the Vice Chair and EO, which Board Members have expertise in respective areas to act as spokesperson for the Board of Chiropractic Examiners (attends legislative hearings and testifies on behalf of the Board, attends meetings with stakeholders and Legislators on behalf of Board, talks to the media on behalf of the Board. **Assigns the The** most qualified Board Member **shall be assigned** the task at hand.
- Signs letters on behalf of the Board.
- Meets and/or communicates with the **EO Executive Officer** and the Vice Chair on a regular basis.
- Provides oversight to the **EO Executive Officer** in performance of **his or her the EO duties**.
- Verifies accuracy and approves timesheets, approves travel and signs travel expense claims for the EO **and Board Members**.
- In consultation with the Vice Chair and EO, establishes committees including, but not limited, to two-person committees/subcommittees and/or task forces to research policy questions when necessary.
- The composition of the committees **and the appointment of the Members** shall be determined by the Board Chair.
- Communicates with other Board Members for Board business in compliance with the Open Meeting Act.
- Approves Board Meeting agendas.
- Chairs and facilitates Board Meetings.
- Signs specified full board enforcement approval orders.

Vice Chair

- Is **back-up Back-up** for the above-referenced duties in the Chair's absence.

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- Coordinates the EO annual evaluation process including requesting staff including contacting DCA Office of Human Resources or to obtain a copy of the EO's Executive Officer Performance Evaluation Form and distribute the evaluation form to Members. distributes the evaluation form to members. Additionally, the Vice Chair shall request that legal counsel collates and to collates the ratings and comments for discussion.
- In consultation with the Chair and EO, establishes committees, including, but not limited to, two-person committees/subcommittees and/or task forces to research policy questions when necessary.
- In consultation with the Chair, oversees assignment of Board Members to serve as liaison to the organizations listed in Ch. 7. Other Policies & Procedures.

Secretary

- Calls the roll at each Board meeting and reports that a quorum has been established.
- Calls the roll for each action item.
- In consultation with the Chair and EO, approves Board meeting agendas.

Committee Chair

- Approves Committee agendas.
- Chairs and facilitates Committee meetings.
- Reports the activities of the Committee to the full Board.

Board Meetings and Offices (§6 Initiative Act)

Board meetings must be consistent with the Initiative Act and follow the terms and provisions of the Bagley-Keene Open Meeting Act.

Board Meetings (Government Code Section 11120 et seq. - Bagley-Keene Open Meeting Act)

The Board complies with the provisions of the Government Code Section 11120, et seq., commonly referred to the Bagley-Keene Open Meeting Act Robert's Rules of Order, as long as there is no conflict with any superseding codes, laws or regulations.

All Meetings shall follow the provisions of the Bagley-Keene Open Meeting Act.

Any meetings deviating from a standard public meeting may be called, when required, in accordance with the Bagley-Keene Open Meeting Act, Government Code Section 11125.4

Whenever practical and appropriate, the Board should utilize available technology to conduct meetings so as to minimize the time and expenditures

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associated with staff and Board Member travel as well as the cost of renting meeting space.

Quorum (§3 Initiative Act)

A majority of the Board (four Members) is required to constitute a quorum. The Board shall follow the provisions of §3 of the Initiative Act requiring a quorum of four (4) Members to carry any motion or resolution, to adopt any rule or disciplinary action, or to authorize the issuance of any license provided for within the Act.

Board Member Attendance at Board and Committee Meetings (Board Policy)

Being a Member of the Board is a serious commitment of time and effort to the governor, and the people of the State of California. Board Members shall attend a minimum of 75% of all scheduled committee meetings and scheduled Board meetings. In extraordinary circumstances, the Chair may excuse a Board Member from this obligation. If a Member is unable to attend a Board Meeting, he or she must contact the Board Chair or the EO Executive Officer, and provide a verbal notice followed by a written explanation of their absence as soon as possible thereafter.

Public Attendance at Board Meetings (Government Code Section 11120 et seq.)

Meetings are subject to all provisions of the Bagley-Keene Open Meeting Act. This Act governs meetings of the state regulatory Boards and meetings of committees of those Boards where the committee consists of more than two Members. It specifies meeting notice, agenda requirements, and prohibits discussing or taking action on matters not included on the agenda. If the agenda contains matters that which are appropriate for closed session, the agenda shall cite the particular statutory section and subdivision authorizing the closed session.

Agenda Items (Board Policy)

Board Members may submit agenda items for a future Board meeting during the "Future Agenda Items" section of a Board meeting or directly to the EO Executive Officer 21 days prior to a Board meeting.

Agenda item requests shall be placed on the Board or Committee meeting agenda within two meetings from receipt of the original request.

In the event of a conflict in scheduling an agenda topic, the Board Secretary will discuss the proposed agenda item with the Board Chair, and the Board

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Chair shall make the final decision to schedule the item at the upcoming or following Board Meeting. The Board Secretary will work with the **EO Executive Officer** to finalize the agenda.

Notice of Meetings

(Government Code Section 11120 et seq.)

Meeting notices, including agendas, for Board meetings will be sent to persons on the Board's mailing list at least 10 calendar days in advance, as specified in the Bagley-Keene Open Meeting Act. The notice shall include a staff person's name, work address, and work telephone number who can provide further information prior to the meeting.

Notice of Meetings Posted on the Internet

(Government Code Section 11125 et seq.)

Meeting notices shall be posted on the Board's website 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.

Bagley-Keene Open Meeting Act

(Board Policy)

The Bagley-Keene Open Meeting Act prohibits more than two members of the Board from discussing, deliberating or taking action on any board business outside of a public meeting of the board. **(Gov. Code § 11122.5, subdivision (b) (1). (Gov. Code § 11121.5, subdivision (b) (1).)**

If Board Members have concern regarding the nature of a communication, questions should be directed to the **EO Executive Officer** or Legal Counsel.

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

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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.

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 have been cast on a decision). Instead the case is scheduled for a discussion during a closed session at the next Board meeting.

If the matter is held for discussion, staff counsel will preside over the closed session to assure compliance with the Administrative Procedure Act and Open Meeting Act.

If the Board Member is comfortable voting on the matter but wishes to discuss the policy behind the decision or case, the ballot should be marked "Policy Issue for Discussion. I have voted above. Issue: _____." The **EO Executive Officer** will respond directly to the Member. If still unresolved or if the matter is to be referred to the Board, the policy issue will be placed on the agenda for discussion at the next Enforcement Committee Meeting.

Any time a Member votes to "hold for discussion" the Chair, EO and Legal Counsel will discuss the Member's concern(s) for educational purposes and to evaluate if any administrative policy modifications should be proposed.

Record of Meetings (Board Policy)

All original video and audio recordings are to be maintained and archived indefinitely and never destroyed. The typed minutes are only a summary, not a transcript, of each Board meeting. They shall be prepared by Board staff and submitted for review by Board Members before the next Board meeting.

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Board minutes must be approved or disapproved at the next scheduled meeting of the Board. When approved, the minutes shall serve as the official record of the meeting. The minutes of each Board meeting shall be maintained for 27 years per the Board's retention schedule.

Recording

(Government Code Section 11124.1(b))

The meeting may be audio and video recorded by the public or any other entity in accordance with the Bagley-Keene Open Meeting Act, the members of the public may tape record, videotape or otherwise record a meeting unless they are disruptive to the meeting and the Chair has specifically warned them of their being disruptive, then the Chair may order that their activities be ceased.

The Board may place audio and video recorded public board meetings on its web site at www.chiro.ca.gov.

Meeting Rules

(Board Policy)

The Board will use Robert's Rules of Order, to the extent that it does not conflict with state law (e.g., Bagley-Keene Open Meeting Act or other state laws or regulations), as a guide when conducting the meetings. Questions of order are clarified by the Board's legal counsel.

Public Comment

(Board Policy)

Public comment is always encouraged and allowed, however, if time constraints mandate, time limits may be imposed at the discretion of the Chair. Due to the need for the Board to maintain fairness and neutrality when performing its adjudicative function, the Board shall not receive any information from a member of the public regarding matters that are currently under or subject to investigation, or involve a pending or criminal administrative action.

1. If, during a Board meeting, a person attempts to provide the Board with any information regarding matters that are currently under or subject to investigation or involve a pending administrative or criminal action, the person shall be advised that the Board cannot properly consider or hear such substantive information and the person must be instructed to refrain from making such comments.
2. If, during a Board meeting, a person wishes to address the Board concerning alleged errors of procedure or protocol or staff misconduct involving matters that are currently under or subject to investigation or

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involve a pending administrative or criminal action, the Board will address the matter as follows:

- a. Where the allegation involves errors of procedure or protocol, the Board may designate either its **EO Executive Officer** or a Board employee to review whether the proper procedure or protocol was followed and to report back to the Board.
 - b. Where the allegation involves significant staff misconduct, the Board shall direct the **EO Executive Officer** to review the allegation and to report back to the Board.
3. The Board may deny a person the right to address the Board and have the person removed if such person becomes disruptive at the Board meeting. The Board accepts the conditions established in the Bagley-Keene Open Meeting Act and appreciates that at times the public may disapprove, reprimand, or otherwise present an emotional presentation to the Board, and it is the Board's duty and obligation to allow that public comment, as provided by law.

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CHAPTER 3. Travel & Salary Policies & Procedures

Board related travel incurs additional expenses and potential liabilities. The State incurs liability risk any time a Board member travels to represent the **Board BCE**, regardless of whether the Board member pays for their own travel expenses. Board Members must complete the appropriate paperwork and follow established policies and procedures for timely reimbursement of travel claims.

Travel Approval (Board Policy)

Travel arrangements for regularly scheduled Board meetings and committee meetings do not require prior approval. Any other Board related travel requires preapproval by the Board Chair and **EO Executive Officer**. Expenses and per diem reimbursement are provided to Board Members in accordance with established State travel reimbursement rules.

Travel Arrangements (Board Policy)

Board Members who prefer to make their own travel arrangements are encouraged to coordinate with the Staff Travel Liaison on lodging accommodations. You need to obtain an original receipt to submit for reimbursement. Always seek hotels that charge the state rate. Preauthorization is required if the state rate is to be exceeded.

Out-of-State Travel (SAM Section 700 et seq.)

Out-of-state travel for all persons representing the state of California is controlled and must be approved by the Governor's Office. Permission for out-of-state travel must be obtained through the **EO Executive Officer**. Individual Board Members can not authorize out-of-state travel. Board Members will be reimbursed for actual lodging expenses, supported by vouchers, and will be reimbursed for meal and supplemental expenses. Keep all original receipts and submit with your travel expense claim.

Travel Claims (SAM Section 700 et seq.)

Rules governing reimbursement of travel expenses for Board Members are the same as for management-level state staff. All expenses shall be claimed on the appropriate travel expense claim forms. The Board Liaison maintains these forms and completes them as needed.

The **EO Executive Officer's** travel and per diem reimbursement claims shall be submitted to the Board Chair for approval.

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It is advisable for Board Members to submit their travel expense forms immediately after returning from a trip and not later than thirty days following the trip.

Salary Per Diem

(§1 Initiative Act and B&P Code Section 103)

Compensation in the form of salary per diem and reimbursement of travel and other related expenses for Board Members is regulated by the B&P Code Section 103. Board Members are paid out of the funds of the Board, as provided for within the Chiropractic Initiative Act.

Salary Per Diem

(Board Policy)

Accordingly, the following general guidelines shall be adhered to in the payment of salary per diem or reimbursement for travel:

1. A salary per diem or reimbursement for travel-related expenses shall be paid to Board Members for attendance at official Board or committee meetings.

Attendance at gatherings, events, hearings, conferences or meetings other than official Board or committee meetings shall be approved by the Board Chair & **EO Executive Officer** prior to the Board Member's travel and attendance.

The term "day actually spent in the discharge of official duties" shall mean such time as is expended from the commencement of a Board or committee meeting until that meeting is adjourned.

2. For Board-specified work, Board Members will be compensated for actual time spent performing work authorized by the Board Chair. This may also include, but is not limited to, authorized attendance at other gatherings, events, meetings, hearings, or conferences, such as the FCLB, NBCE, CE, Ambassador at Large, Lectures, etc... Work also includes preparation time for Board or committee meetings and reading and deliberating mail ballots for disciplinary actions.
3. Reimbursable work does not include miscellaneous reading and information gathering unrelated to Board business and not related to any meeting, preparation time for a presentation and participation at meetings not related to official participation of the Members duties with the Board.
4. Board Members may participate on their own (i.e., as a citizen or professional) at an event or meeting but not as an official Board representative unless approved in writing by the Chair. Requests must

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be submitted in writing to the Chair for approval and a copy provided to the ~~EO Executive Officer~~. However, Board Members should recognize that even when representing themselves as “individuals,” their positions might be misconstrued as that of the Board and a ~~Board BCE~~ Member must use their best effort to continue to clarify this separation.

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CHAPTER 4. Board Officers & Committees

Officers of the Board (§3 Initiative Act)

The Board shall elect at the first meeting of each year a Chair, Vice Chair and Secretary from the Members of the Board as specified in the Initiative Act.

Nomination of Officers **(Board Policy)**

The Board shall nominate officers at the last meeting of the year. Nominations shall occur by roll call order, with the Chair announcing his/her nomination last. Board Members may self-nominate or nominate other Members. Nominees shall provide their statement of qualifications to the Board at the first meeting of the year, in which elections shall take place.

Election of Officers **(Board Policy)**

The election of officers shall occur in the following order: a) Chair, b) Vice Chair, and c) Secretary. Voting shall be held in alphabetical roll call order, with the Chair voting last.

Officer Vacancies (Board Policy)

The chain of administrative protocol starts with the Chair. If unavailable or recused, the Vice Chair shall take over the duties of the Chair until the Chair returns. If the Vice Chair is unavailable, the Secretary shall take over the duties of the Chair until the Vice Chair or Chair returns.

If the Chair becomes unable to fulfill their duties, the Vice Chair will become the Chair until the next scheduled election. The new Chair may appoint **his or her** choice of Vice Chair. The Secretary will remain the same. If any other officer (Vice Chair or Secretary) becomes unavailable, the Chair shall appoint a replacement until the next general election.

Communication Between Officers (Board Policy)

The Chair, Vice Chair and Secretary must have timely and effective communication for the efficient operation of the **Board BCE**. Failure to respond to email correspondences or failing to address specific topics is inconsistent with professionalism and if a repetitive failure to communicate persists, this will be discussed in a meeting with that officer the Chair and EO to resolve the concern. If all parties agree that communication cannot be

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resolved, any Board Member may agendaize the ongoing concern for the next full Board Meeting and/or notify the Board's appointing authority when necessary.

Committee Appointments (Board Policy)

The composition of the committees ~~and the appointment of the Members~~ shall be determined by the Board Chair in consultation with the Vice Chair and the EO. The Chair should attempt to refrain from serving on multiple committees unless no other Board Member is available to serve.

Committee members shall appoint the Chair of their respective committee. If a disagreement arises, the Committee members shall consult with the Board Chair, the Vice Chair and the EO.

All conversations must be consistent with Bagley Keene Open Meeting Act restrictions which mandate that no more than two Board Members can actively discuss Board business.

Standing Committees (Board Policy)

The Board has three standing committees:

1. Licensing, Continuing Education and Public Relations Committee

The Committee proposes policies and standards regarding chiropractic colleges, doctors of chiropractic, satellite offices, corporation registration, and continuing education providers and courses. ~~The Committee also develops strategies to communicate with the public through various forms of media.~~

2. Enforcement and Scope of Practice Committee

The Committee proposes regulations, policies, and standards to ensure compliance with chiropractic law and regulations. The Committee continuously seeks ways to improve the Board's enforcement activities.

3. Government and Public Affairs Committee and Strategic Planning Committee

The Committee proposes and reviews policies, procedures, to address audit and sunset review deficiencies.

The Committee works directly with the ~~Executive Officer~~ EO and staff to monitor budget expenditures, trends, and the contingent fund levels.

~~The Committee shall monitor individual line item expenditure and look for anomalies with a three-year pattern for purposes of preparing a budget change proposal to correct either an under or over expenditure.~~

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The committee will review and recommend positions on legislative bills that affect the Board. The guidelines for identifying, tracking, analyzing, taking positions on proposed legislation are set forth in the Board's BCE "Legislative Bill Tracking" manual.

The Committee develops strategies to communicate with the public through various forms of media.

The Committee oversees all administrative issues regarding Board BCE operations.

The Committee develops draft strategic plans and monitors the Board's progress in achieving goal and objectives. The Board must develop a strategic plan in the year of the Joint Sunset Review Oversight Hearings once every three years. The Committee must report progress on the strategic plan annually beginning in 2013.

Committee Meetings (Board Policy)

Each of these committees is comprised of at least two Board Members. Staff provides technical and administrative input and support. The committees are an important venue for ensuring that staff and Board Members share information and perspectives in crafting and implementing the Board's objectives and goals.

The Board's committees allow Board Members, the public, stakeholders and staff to discuss and conduct problem solving on issues related to the Board's objective and goals.

The committees are charged with coordinating Board efforts to reach the Board's objective and goals and achieving positive results on its performance measures.

Committee members shall appoint the Chair of their respective committee.

The committee Chair will work with the EO Executive Officer and the ~~Board Chair~~ to set the committee's goals and meeting agendas. The committee Chair coordinates the committee's work, ensures progress toward the Board's priorities, and presents reports at each meeting.

During any public committee meeting, comments from the public are encouraged, and the meetings themselves are frequently public forums on specific issues before a committee. Committees shall comply with the Bagley-Keene Open Meeting Act.

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Attendance at Committee Meetings

(Board Policy and Government Code Section 11122.5 et seq.)

If a Board Member wishes to attend a meeting of a committee of which he or she is not a member, the Board Member must notify the committee chair, EO Executive Officer, and Board Chair.

Board Members, who are not members of the committee holding a which is meeting, cannot sit at the dais, make any comment, or ask or answer any questions. Only committee members may vote during the committee meeting.

The Board's legal counsel works with the EO Executive Officer to assure that all meetings meet the requirements for a public meeting and are properly noticed.

Whenever possible, the Board's legal counsel shall attend committee meetings.

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CHAPTER 5. General Operating Procedures

Board Member Addresses

(Board Policy)

Board Member home addresses and personal telephone numbers are considered confidential. However, this information may have to be disclosed in response to a subpoena or records request. A roster of Board Members is maintained for public distribution on the Board's web site using the Board's address and telephone number.

Board Member Written Correspondence and Mailings

(Board Policy)

All correspondence, press releases, articles, memoranda or any other communication written by any Board Member in his or her official capacity must be approved by the Board Chair and EO Executive Officer. The EO Executive Officer will reproduce and distribute the document and a copy in a chronological file.

Request to Access Licensee or Applicant Records

(Board Policy)

Board Members shall not access a licensee's, or applicant's file without the EO's Executive Officer's knowledge and approval. Records or copies of records shall not be removed from the Board's office at any time.

Communications with Other Organizations & Individuals

(Board Policy)

All communications relating to any Board action or policy to any individual or organization shall be made only by the Chair of the Board, the Vice Chair his or her designee, or the EO Executive Officer.

The Board has an "Ambassador at Large" program allowing Board Members to speak at public or private functions.

Any Board Member who is contacted by any of the above should inform the Board Chair or EO Executive Officer of the contact immediately.

All correspondence shall be issued on the Board's standard letterhead and will be disseminated by the EO Executive Officer.

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Press Statements and Contacts (Board Policy)

Board Members shall not speak or act for the Board without proper preauthorization from the Chair and/or EO prior to making any statement or press release. When possible, the Board Chair, in consultation with the Vice Chair, ~~shall will~~ determine which Board Members have expertise in respective areas to act as spokesperson for the Board ~~Board of Chiropractic Examiners~~.

Business Cards (Board Policy)

Business cards will be provided to each Board Member with the Board Member's name and official Board BCE e-mail address. The business cards will provide the Board office address, telephone and fax numbers, and website address.

Board Members' personal business cards shall not reference or list their appointment as a Board BCE Member.

BCE Identification Cards (Board Policy)

~~Board BCE~~ Members shall be issued an identification card from the Board BCE that states they are appointed, commissioned and duly sworn, and if an officer of the Board BCE, that shall be stated.

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CHAPTER 6. Board Administration & Staff

Executive Officer (§3 Initiative Act)

The Board employs an **EO Executive Officer** and establishes his/her salary in accordance with the State law.

The **EO Executive Officer** is responsible for the financial operations and integrity of the Board and is the official custodian of records. The **EO Executive Officer** is an “exempt” employee, who serves at the pleasure of the Board, and may be terminated, in accordance with the provisions of the Bagley-Keene Open Meeting Act.

Executive Officer Evaluation (Board Policy)

At the first **last** Board meeting of each fiscal year or at any time thereafter as determined by the Board, the Board evaluation of the **EO Executive Officer** is presented by the Board Chair, or **Vice-Chair** ~~his/her Board Member designee~~, during a closed session. Board Members provide information to the Chair on the **EO's Executive Officer's** performance in advance of this meeting. If the Board Members have concerns with an **EO's Executive Officer's** performance, the Board Members should consult with the **Deputy Director of DCA's Legal Affairs Office and Board and Bureau Relations Office.**

Board Administration (Board Policy)

Strategies for the day-to-day management of programs and staff shall be the responsibility of the **EO Executive Officer** as an instrument of the Board. The **EO Executive Officer** supervises and administers the staff. Board Members shall not directly discipline, reprimand, or otherwise supervise staff.

Board Staff (§4 Initiative Act)

Employees of the Board, with the exception of the **EO Executive Officer**, are civil service employees. Their employment, pay, benefits, discipline, termination, and conditions of employment are governed by myriad civil service laws and regulations and often by collective bargaining labor agreements.

Because of this complexity, the Board delegates this authority and responsibility for management of the civil service staff to the **EO Executive Officer** as an instrument of the Board.

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Board Members may express any staff concerns to the ~~EO Executive Officer~~ but shall refrain from involvement in any civil service matters. Board Members shall not become involved in the personnel issues of any state employee.

Board Budget (Board Policy)

One member of the Board, designated by the Board Chair, and the ~~EO Executive Officer~~ or the ~~Assistant Executive Officer Executive Officer's designee~~ will attend and testify at legislative budget hearings to communicate all budget issues to the Administration and Legislature. The ~~EO Executive Officer~~ or the ~~Assistant Executive Officer his/her designee~~ shall communicate regularly with DCA's Budget Office and report all issues to the Board.

Strategic Planning (Board Policy)

The Board must develop a strategic plan ~~in the year of the Joint Sunset Review Oversight Hearings~~. The Government & Public Affairs Committee shall have overall responsibility for the Board's strategic planning process and shall assist staff in the monitoring and reporting of the strategic plan to the Board.

Periodic Fee Audit (Board Policy)

The Board shall periodically conduct a fee audit to determine if the revenue earned from current fees is sufficient to maintain the Board's reserve and solvency into the future. The Board shall conduct the fee analysis every three to five years using the 2017 methodology. Finally, at the Board Meeting preceding the completion of the report, the results of the fee audit shall be provided to the Board for review.

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CHAPTER 7. Other Policies & Procedures

Various Other Tasks and Responsibilities

(Board Policy)

Promotion of public safety is enhanced with goal orientation and focus. The Board shall also assign Board Members and/or staff to serve as liaison to the following:

- FCLB
- NBCE
- Ambassador at Large Presentations
- Lectures
- Attend Meetings of Other Regulatory Boards
- Meetings with Colleges and State Associations

This process shall be overseen by the Vice Chair in consultation with the Chair.

Board Member Disciplinary Actions

(Board Policy)

If a Board Member violates any provision of the Administrative Procedure Manual, the Chair will either telephone or write to that Member identifying the concern. If the matter is not resolved, any Board Member may agendize the matter **for discussion** at the next Board meeting and/or notify the Board's appointing authority when necessary.

If the violation concerns the Chair's conduct, the Vice Chair will handle the matter until it is resolved.

Terms and Removal of Board Members

(§2 Initiative Act)

The Governor shall appoint the Members of the Board. Each appointment shall be for the term of four years, except that an appointment to fill a vacancy shall be for the unexpired term only. Each Member shall serve until his successor has been appointed and qualified or until one year has elapsed since the expiration of his term whichever first occurs.

No person shall serve more than two consecutive terms on the Board nor be eligible for appointment thereafter until the expiration of four years from the expiration of such second consecutive term, effective January 2, 1974. The Governor may remove a Member from the Board after receiving sufficient proof of the inability or misconduct of said Member.

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Resignation of Board Members (Government Code Section 1750 (b))

In the event that a Board Member chooses to resign, a letter shall be sent to the Governor's Office with the effective date of the resignation. Written notification is required by state law. A copy of this letter shall also be sent to the Board Chair and the **EO Executive Officer**.

Resignation of Board Members (Board Policy)

In the event that a Board Member chooses to resign, the Board Member and the **EO Executive Officer** should notify the Governor's Office of Appointments.

Conflict of Interest (Government Code Section 87100)

Board Members are responsible for complying with the California Political Reform Act (Government Code Sections 81000-91014).

Board Members must file a Statement of Economic Interest (Form 700) upon appointment to office, upon leaving office, and on an annual basis in between.

No Board Member may make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest.

Any Board Member who has a financial interest shall disqualify him or herself from making or attempting to use his or her official position to influence the decision.

Any Board Member who feels he or she is entering into a situation where there is a potential for a conflict of interest should immediately consult the **EO Executive Officer** or the Board's legal counsel.

Contact with Licensees and Applicants (Board Policy)

Board Members shall not intervene on behalf of a licensee or applicant for licensure for any reason. They should forward all correspondence, contacts or inquiries to the Executive Officer.

Contact with Respondents (Board Policy)

Board Members **shall should** not directly participate in complaint handling and resolution or investigations. To do so would subject the Board Member to disqualification in any future disciplinary action against the licensee.

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Board Members ~~shall~~ ~~should~~ not discuss pending disciplinary matters with any parties to such matters, including the respondent, his/her attorney, ~~Board BCE~~ enforcement staff, and DAGs. If a Board Member is contacted by a party ~~regarding to~~ a disciplinary matter, the Board Member ~~shall~~ ~~should~~ refer the individual to the ~~EO Executive Officer~~. When in doubt, the Board Member ~~shall~~ ~~should~~ seek advice from the ~~EO Executive Officer~~ or the Board's Legal Counsel.

Service of Legal Documents (Board Policy)

If a Board Member is personally served, as a party in any legal proceeding related to his or her capacity as a Board Member, he or she must contact the ~~EO Executive Officer~~ immediately.

Serving as an Expert Witness (Executive Order 66.2)

Pursuant to Executive Order 66-2, no employment, activity, or enterprise shall be engaged in ~~by~~ any gubernatorial appointee which might result in, or create the appearance of resulting in any of the following:

1. Using the prestige or influence of a State office for the appointee's private gain or advantage.
2. Using state time, facilities, equipment, or supplies for the appointee's private gain or advantage, or the private gain or advantage of another.
3. Using confidential information acquired by virtue of State involvement for the appointee's private gain or advantage, or the private gain or advantage of another.
4. Receiving or accepting money or any other consideration from anyone other than the State for the performance of an act which the appointee would be required or expected to render in the regular course of hours of his or her State employment or as a part of the appointee's duties as a State officer.

Request for Grants (Board Policy)

All requests for funding allocations to Board specific projects shall be approved by the Board during a regularly scheduled meeting.

Any requests for grants outside of Board business or projects must be made by the ~~EO Executive Officer~~ at the Chair's direction. If a Board Member makes an individual request, a copy of the request shall be forwarded to the ~~EO Executive Officer~~ as soon as possible.

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

The mechanism for receipt, management, and dispersal of funds shall be pre-arranged and approved by the Board.

Gifts from Licensees and Applicants (Board Policy)

Gifts of any kind create potential obligations or conflicts of interest and should therefore be declined or reported pursuant to the California Political Reform Act.

Ex Parte Communications (Government Code Section 11430.10 et seq.)

The Government Code contains provisions prohibiting ex parte communications. An “ex parte” communication is a communication to the decision-maker made by one party to an enforcement action without participation by the other party. While there are specified exceptions to the general prohibition, the key provision is found in subdivision (a) of section 11430.10, which states:

“While the proceeding is pending, there shall be no communication, direct or indirect, regarding any issue in the proceeding to the presiding officer from an employee or representative of an agency that is a party or from an interested person outside the agency, without notice and an opportunity for all parties to participate in the communication.”

Board Members are prohibited from an ex parte communication with Board enforcement staff, a licensee or a respondent while a proceeding is pending.

Occasionally, an applicant who is being formally denied licensure, or a licensee against whom disciplinary action is being taken, will attempt to directly contact Board Members. If the communication is written, the person should read only far enough to determine the nature of the communication. Once he or she realizes it is from a person against whom an action is pending, they ~~shall~~ ~~should~~ reseal the documents and send them to the **EO Executive Officer**.

If a Board Member receives a telephone call from an applicant under any circumstances or licensee against whom an action is pending, he or she ~~shall~~ ~~should~~ immediately inform the caller that communication on this matter is prohibited by law ~~tell the person they cannot speak to them about the matter~~ and notify ~~inform~~ the **EO Executive Officer** and the Board’s legal counsel.

If the person insists on discussing the case, he or she ~~shall be informed~~ ~~should be told~~ that the Board Member will be required to recuse him or herself from any participation in the matter. Therefore, continued discussion is of no benefit to the applicant or licensee.

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

If a Board Member believes that he or she has received an unlawful ex parte communication, he or she should contact the **EO Executive Officer** and the Board's legal counsel.

The Honoraria Prohibition (Government Code Section 89503) (FPPC Regulations, Title 2, Division 6)

As a general rule, Members of the Board should decline honoraria for speaking at, or otherwise participating in, professional association conferences and meetings. A Member of a state Board is precluded from accepting an honorarium from any source, if the Member would be required to report the receipt of income or gifts from that source on his or her statement of economic interest.

Board Members are required to report income from, among other entities, professional associations and continuing education providers. Therefore, a Board Member should decline all offers for honoraria for speaking or appearing before such entities.

There are limited exceptions to the honoraria prohibition. The acceptance of an honorarium is not prohibited under the following circumstances: (1) when a honorarium is returned to the donor (unused) within 30 days; (2) when an honorarium is delivered to the State Controller within thirty days for donation to the General Fund (for which a tax deduction is not claimed); and (3) when an honorarium is not delivered to the Board Member, but is donated directly to a bona fide charitable, educational, civic, religious, or similar tax exempt, non-profit organization.

In light of this prohibition, Board Members should report all offers of honoraria to the Board Chair so that he or she, in consultation with the **EO Executive Officer** and staff counsel, may determine whether the potential for conflict of interest exists.

Board Member Orientation (Business & Professions Code Section 453 and Board Policy)

B&P Section 453 requires every newly appointed Board Member, within one year of assuming office, to complete a training and orientation program offered by DCA regarding, among other things, his or her functions, responsibilities, and obligations as a Member of a Board.

Per DCA Legal Opinion, Board Member Orientation Training is required for newly appointed Board Members and reappointed Board Members as every appointment is considered a new appointment.

It is the **Board's BCE's** policy that new Board Members shall, to the extent possible complete the orientation training within six months of assuming

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

office. Additional training shall be provided at the request of the Board or individual Board Members.

Ethics Training

(Government Code Section 11146)

California law requires all appointees to take an ethics orientation within the first six months of their appointment and to repeat this ethics orientation every two years throughout their term.

Sexual Harassment Prevention Training

(Government Code Section 12950.1)

Board Members are required to undergo sexual harassment prevention training and education once every two years. Staff will coordinate the training.

Board Member Onboarding and Orientation

(Board Policy - 2013 BCE Strategic Plan)

Within six months of initial appointment, each new Board Member shall travel to the Board office in Sacramento for orientation and onboarding meetings with the **EO Executive Officer** and one Board Member (as assigned by the Board Chair). Prior to the orientation, the new Board Member shall review their Board Member binder (provided by Board staff) and prepare questions for discussion. Items to be covered in this meeting include introductions to Board staff, review of staff roles and responsibilities, administrative processes, historical information about the Board, collaboration between staff and Board Members and overall expectations. **EO Executive Officer** shall notify the Board Chair once the meeting has occurred.

Injury to a Board Member

(Labor Code Section 4600)

If you are or believe you may have been injured, notify the **EO Executive Officer**. Injuries are required to be reported and this assists the **EO Executive Officer** in remaining compliant with the Labor Code Rules and Regulations. The reported injury will be reviewed by State Compensation Insurance Fund. They have the option to either accept or deny that claim. If the claim is denied, and you believe you have a legitimate claim, you should consult with an attorney. If the claim of injury is accepted by the insurance carrier, then treatment is provided in accordance with the California Labor Code (L.C.). Specifically:

L.C. 4600(a) Medical, surgical, chiropractic, acupuncture, and hospital treatment, including nursing, medicines, medical and surgical supplies, crutches, and apparatuses, including orthotic and prosthetic devices and services, that is reasonably required to cure or relieve the injured worker from the effects of his or her injury shall be provided by the employer.

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

If You Have Additional Questions: Ask the **EO Executive Officer** or Staff Counsel. You can also call the Department of Industrial Relations, Division of Workers Compensation at (800) 736-7401 or go to the DWC web site at <http://www.dir.ca.gov/dwc>.

Addendums

Applicable provisions of the following:

- Executive Order 66-2
- Government Code
- State Administrative Manual
- Bagley-Keene Open Meeting Act
- Business and Professions Code
- Initiative Act
- Labor Code

**Agenda Item 14
February 15, 2019**

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

Purpose of the item

The Board will receive an update from the December 17th, 2018 Licensing & Continuing Education (CE) Committee Meeting.

Action(s) requested

No action required

Background

The Licensing & CE Committee met on December 17th, 2018 to review and discuss the CE provider focus group meeting held on December 14th, discuss pursuing a rulemaking action solely for the CE Provider Application, discuss Oregon CE regulations and review the list of chiropractic adjustive techniques provided by Board approved chiropractic colleges.

CE Provider Application regulations

During the November 8th, 2018 full Board Meeting, the CE Committee had been assigned to explore the possibility of solely focusing on regulatory changes to the CE Provider Application.

The Executive team shared their concerns over conflicting staff projects and time constraints that could potentially interfere with separating CE regulations into two individual regulatory packages. There were also several suggestions for the application that might not be possible based on rulemaking criteria from Office of Administrative Law. The CE Committee agreed to receive input from the full Board regarding the Board's interest in pursuing regulations for the CE Provider Application separate from the full CE regulatory package. Staff also requested the full Board prioritize regulatory projects for staff members.

CE Provider Focus Group

The Committee received an update on the CE provider focus group that was held on December 14th, 2018. Board staff convened a stakeholder focus group as an information gathering activity, to discuss the proposed changes to CE regulations.

Staff provided an update on topics discussed surrounding the CE Provider Application, mandatory subject areas and hours, distance learning requirements, and fee structure for CE courses.

Oregon CE regulations

The Committee reviewed Oregon's CE regulation, OAR 811-015-0025, that states the Oregon Chiropractic Board may require a specific CE course as mandatory for a chiropractic licensure renewal period. The Committee discussed the possibility of pursuing similar regulations for California. The Oregon regulation, while vague, was felt to be of interest to Committee Members and warrants further research to create similar regulations for California licensees.

List of Chiropractic Adjustive Techniques Provided by Board Approved Chiropractic Colleges

At the September 25th, 2018 CE Committee meeting, Committee Members asked for an expansion to the list of chiropractic adjustive techniques as provided by the Board approved California chiropractic colleges. At the December 17th, 2018 CE Committee meeting, staff presented a comprehensive list of chiropractic adjustive techniques provided from all Board approved chiropractic colleges. Committee Members agreed that the list provided needed to be thoroughly vetted, as not all adjustive techniques recorded were weighted equally by colleges.

Board staff is continuing to work on compiling a list of chiropractic adjustive techniques recognized through national Specialty Boards, although, to date, the consistent response from the specialty boards is that they do not maintain a list or recognize chiropractic adjustive techniques in any particular way.

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

- Licensing & Continuing Education Committee Meeting Agenda

NOTICE OF TELECONFERENCE
LICENSING & CONTINUING EDUCATION COMMITTEE MEETING

December 17, 2018

12:00 p.m. – 1:30 p.m. or until completion of business

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 Licensing, Continuing Education and Public Relations 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
(Board Staff)

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

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

AGENDA

- 1. Call to Order & Establishment of a Quorum**
- 2. Approval of September 25, 2018 Committee Meeting Minutes**
- 3. Update, Discussion, and Possible Action on Continuing Education Focus Group**
- 4. Review, Discussion and Possible Action on potential CE Provider Application regulations**
- 5. Review, Discussion and Possible Action on Oregon regulation OAR 811-015-0025**
- 6. Review, Discussion and Possible Action on List of Chiropractic Adjustive Techniques Provided by National Chiropractic Colleges**
- 7. Public Comment on Items Not on the Agenda**
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.
- 8. Future Agenda Items**
Note: The Committee may not discuss or take action on any matter raised during this future agenda items 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

Meetings of the Board of Chiropractic Examiners' Committee 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's Committee 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.

The meeting facilities are accessible to individuals with physical disabilities. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting the Board at (916) 263-5355 or e-mail chiroinfo@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.

BCE List of Prioritized Proposed Regulatory Changes

Group A – Legislatively Mandated		Status
1	Denial of Application - Convictions & Revocation or Suspension of Licensure (CCR Sections 304, 317, 321 and 326)	Not commenced
2	Probation Status Disclosure (CCR Section 384)	Not commenced
3	Consumer Protection Enforcement Initiative	Legal counsel informed the Board that the initial review of the rulemaking file is complete. Package will be returned to the Board for further revisions.
4	Revisions to BCE Disciplinary Guidelines & Uniform Standards for Substance Abusing Licensees	Package under development at the Board.
5	Sponsored Free Health Care Events - Repeal CCR Article 1.5 (Sections 309-309.4)	Not commenced
Group B		Status
1	Revisions to Curriculum requirements and approval of programs (CCR Article 4, Sections 330 – 331.16)	Curriculum Committee is working with stakeholders to develop this package. Chiropractic Colleges have submitted recommended changes regarding this regulatory proposal.
2	Continuing Education Requirements (CE Provider and Course Approval) / Mandatory Cardiopulmonary Resuscitation (CPR) Certification for all licensees	Package under development at the Board. Committee is currently working through policy issues regarding this regulatory proposal.
3	Delegation of Authority to the Assistant Executive Officer	Legal counsel informed the Board that the initial review of the rulemaking file is complete. Package will be returned to the Board for further revisions.
Group C		Status
1	Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice or Death/Incapacity of Licensee	Approved rulemaking process 4/16/15
2	Amend or Repeal CCR Section 354 - Successful Examination (Obsolete provision)	Not commenced

BCE List of Prioritized Proposed Regulatory Changes

<u>Proposed Regulation</u>	<u>Proposed Change(s)</u>
Denial of Application - Convictions & Revocation or Suspension of Licensure (CCR Sections 304, 317, 321 and 326)	Effective July 1, 2020, the BCE's application for licensure, as well as other existing regulations, will be amended to comply with new legislation, AB 21381 ¹ , which will limit the Board's discretion in using prior criminal history (convictions or underlying acts) as grounds for licensing determinations and establish new prohibitions relating to the denial, suspension, and revocation of licensure. Additionally, the BCE will need to develop denial criteria, review and possibly amend existing rehabilitation criteria.
Probation Status Disclosure (CCR Section 384)	Effective July 1, 2019, a new statute, SB 1448 ² , requires licensees placed on probation to notify all patients of their probationary status. The BCE's proposed regulation would add CCR section 325.2 requiring licensees on probation to provide a patient notification form developed by the BCE to all patients, which would ensure greater consumer protection and consistency with the provisions of BPC, section 1007 (a).
Consumer Protection Enforcement Initiative	The proposed changes would add or amend 12 sections within the California Code of Regulations that would establish stricter reporting and disclosure requirements by licensees and applicants and increase the BCE's enforcement authority and access to critical information for use in investigations.
Revisions to BCE Disciplinary Guidelines & Uniform Standards for Substance Abusing Licensees	The BCE's Disciplinary Guidelines are being revised to streamline the enforcement process and provide greater protection to consumers. Additionally, the BCE will need to review and possibly amend the SB 1441 Uniform Standards for Substance Abusing Licensees. Ultimately, the Uniform Standards will be incorporated by reference into the Board's Disciplinary Guidelines.
Sponsored Free Health Care Events - Repeal CCR Article 1.5, Sections 309-309.4	AB 512 (Rendon): Licensure Exemption, which was enacted as Stats. 2013, ch. 111, ceased having effect January 1, 2018. No further legislation action has been taken to extend this law. The Board will need to repeal CCR Article 1.5 Sponsored Free Health Care Events
Revisions to Curriculum requirements and approval of programs (CCR Article 4, Sections 330 – 331.16)	
CE Requirements (CE Provider and Course Approval)	
Delegation of Authority to the Assistant Executive Officer	The proposed regulation would delegate to the Board's Assistant Executive Officer the authority to approve settlement agreements for revocation, surrender, and interim suspension of a license, or allow the Executive Officer to delegate this function to another designee.
Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice or Death/Incapacity of Licensee (Amendment to CCR Sections 312.2 and 318)	
Amend or Repeal CCR Section 354 - Successful Examination (Obsolete provision)	

¹ Assembly Bill 2138 (Chiu/Low – Licensing Boards: Denial of Application: Revocation or Suspension of Licensure: Criminal Conviction). This bill was enacted as Stats. 2018, ch. 995

² Senate Bill 1448 (Hill – Healing Arts Licensees: Probation Status: Disclosure) This bill was enacted as Stats. 2018, ch. 570

BCE List of Prioritized Proposed Regulatory Changes

**Agenda Item 15
February 15, 2019**

Update, Discussion and Possible Action on Pending Rulemaking

Purpose of the item

The Board will receive a status update on pending regulatory proposals.

Action(s) requested

No action requested.

Background

The Board currently has ten regulatory proposals in various stages of completion.

Following recent changes in California law, as a result of AB 2138 ¹ and SB 1448 ², the Board will develop regulations that conform to new statutory mandates.

Additionally, staff are actively working on changes to the CE, Curriculum, and the Uniform Standards and Disciplinary Guidelines regulations. Legal counsel informed the Board that the initial review of the Delegation of Authority and Consumer Protection Enforcement Initiative regulation packages is completed. The rulemaking files will be returned to the Board for further revisions.

Recommendation(s)

No recommendations.

Next Step

N/A

Attachment(s)

1. BCE regulation tracking sheet
2. BCE regulation summary sheet

¹ Assembly Bill 2138 (Chiu/Low) – Denial of Application: Revocation or Suspension Licensure: Criminal Conviction. This bill was enacted as Stats. 2018, ch. 995

² Senate Bill 1448 (Hill) – Probation Status: Disclosure. This bill was enacted as Stats. 2018, ch. 570