



NOTICE OF TELECONFERENCE
LICENSING & CONTINUING EDUCATION COMMITTEE MEETING

June 28, 2019

12:00 p.m. – 2:00 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 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
4343 Marconi Ave., #5
Sacramento, CA 95821
(916) 488-0202

David Paris, D.C.
VA Health Administration in Redding
760 Cypress Ave.
Redding, CA 96001
(530) 244-8806

AGENDA

- 1. Call to Order & Establishment of a Quorum**
- 2. Approval of April 16, 2019 Committee Meeting Minutes**
- 3. Review, Discussion and Possible Action on proposed language to CE regulations**
- 4. 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.
- 5. 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.]
- 6. 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 2
June 28, 2019**

Approval of April 16, 2019 Committee Meeting Minutes

Purpose of the item

The Licensing and Continuing Education Committee will review the April 16th, 2019 Committee Meeting minutes.

Action(s) requested

The Committee will be asked to make a motion to approve the April 16th, 2019 Committee Meeting minutes.

Background

N/A

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

- Meeting minutes from the April 16th, 2019 Licensing & Continuing Education Committee Meeting.



**Board of Chiropractic Examiners
TELECONFERENCE MEETING MINUTES
Licensing & Continuing Education Committee
April 16, 2019**

Teleconference Meeting Locations:

Board of Chiropractic Examiners
901 P Street, Ste 142A
Sacramento, CA 95814
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David Paris, D.C.
VA Health Administration in Redding
760 Cypress Ave.
Redding, CA 96001
(530) 244-8806

Committee Members Present

Dionne McClain, D.C., Chair

Heather Dehn, D.C.

David Paris, D.C.

Staff Present

Robert Puleo, Executive Officer

Marcus McCarther, Assistant Executive Officer

Kenneth Swenson, Attorney III

Michael Kanotz, Senior Attorney

Dixie Van Allen, Staff Services Manager

Natalie Boyer, Continuing Education Analyst

Andreia McMillen, Policy Analyst

Call to Order

Dr. McClain called the meeting to order at 12:07 p.m.

Roll Call

Dr. Dehn called roll. All members were present. Due to a recent office move, Dr. Dehn was not present at the location identified on the agenda. Dr. Dehn excused herself from the first portion of the meeting to move locations, the agenda items were taken out of order.

Approval of Minutes

The Committee postponed the approval of the December 17th, 2018 Committee Meeting minutes. Neither Dr. McClain nor Dr. Paris had edits to the December Committee Meeting minutes.

Review and Discussion of Strategic Plan Goal 1

Ms. Boyer introduced the Strategic Plan Goal 1 to the Committee Members, this was a progress update from the previous time the Committee reviewed the document, during the June 2018 meeting. Most items identified in the Strategic Plan had been noted as being 'in progress'.

Dr. McClain posed a question regarding item 1.4.4, on the Strategic Plan document, and if there were any updates regarding the use of Breeze technology.

Mr. Puleo responded that the Board had already entered the project approval cycle for a new IT platform, but realistically it would still be a year before a new system could be in place for staff.

Mr. McCarther added that for items 1.4.4 and 1.4.5, the Board was entering into the third phase of the IT procurement process and that by the end of the year, the Board would have a clear idea of which system they would be implementing.

Dr. Paris also had several questions regarding the Strategic Plan. Dr. Paris was curious about item 1.1.2 and what the conversation between the Board and the Council on Chiropractic Education (CCE) had resulted in. He was also curious whom from CCE participated in meetings with the Board.

Mr. Puleo responded that Dr. Craig Little, CCE Executive Director, had participated in meetings with the Board, but ultimately, there were no proposed actions from these meetings to alter national entrance requirements for chiropractic colleges.

Let the record show that Dr. Dehn rejoined the Committee Meeting at 12:23pm.

Dr. Paris moved to his questions regarding item 1.3, developing and implementing a Continuing Education (CE) course auditing process, he was curious if the auditing checklist had been made available to the Committee Members.

Mr. McCarther responded that item 1.3 was the impetus for considering changes to the CE regulations, in order to have a stricter quality control of CE courses approved by the Board. Ultimately it was determined that the Board did not have the resources necessary to conduct a large amount of in-person CE audits. The Board will, however, have a future IT system in place that will require full compliance by all licensees for CE requirements.

Mr. Puleo added that the Board had also considered implementing a mandatory evaluation tool that course participants would have to complete following a CE course and submit to the

Board.

Dr. Dehn added that the Board's desire was to have a pool of subject matter experts to audit CE courses but ultimately doing so was not specified in the current CE regulations.

Mr. Puleo also added that the cost of in-person CE auditing was somewhat prohibitive and the Board had limited resources for that effort.

Dr. McClain inquired if staff could recommend adding language to the proposed regulations that would create more disciplinary actions for CE providers who failed a CE audit.

Mr. Puleo agreed that this was very much in line with staff's goals for CE regulations.

Mr. McCarther added that this topic would be addressed at a later point in the agenda but that the Committee would need to spend a substantial time determining what processes should be adopted for approval and denial of CE courses.

Dr. Paris asked for an update regarding item 1.6, developing and implementing a CE course regarding Board laws.

Mr. Puleo responded that staff had developed the 'Top Ten Violations' document that had been distributed to the chiropractic colleges and providers to share with their course participants. Additionally, staff had also been in communication with the Department of Consumer Affairs (DCA) SOLID training division, to assist in developing an online course for licensees.

Mr. McCarther included that currently the Enforcement Committee had a desire to tease out specific trends from enforcement violations, in order to educate licensees through an ethics and law course.

Public Comment: Ms. Laurie Isenberg, Director of Postgraduate & Continuing Education at Life Chiropractic College West, offered that Life Chiropractic College West had developed an ethics and law course specifically around the Top Ten Violations in California and would be making it available starting in June.

Dr. Paris questioned what the Licensing & CE Committee's involvement would be in developing content for the ethics and law course.

Mr. McCarther stated that the content development would go through the Enforcement Committee and ultimately to the full Board for final approval.

Return to Approval of Minutes

The full Committee was present and able to return to reviewing the December 17th, 2018 Committee Meeting minutes.

MOTION: DR. DEHN MOVED TO APPROVE THE MINUTES OF THE DECEMBER 17th, 2018 LICENSING & CONTINUING EDUCATION COMMITTEE MEETING.

SECOND: DR. MCCLAIN SECONDED THE MOTION.

Discussion: Dr. Dehn pointed out that on the third page, seventh paragraph “where” should be changed to “were”.

VOTE: 2-0, 1 - Abstained (DR. DEHN– AYE, DR. PARIS – ABSTAIN, DR. MCCLAIN – AYE)
MOTION CARRIED.

Review, Discussion and Possible Action on proposed amendments to CE regulations

Mr. Puleo was curious if the Committee wished to receive highlights of what had already been discussed, considering there was a new addition to the Committee.

Dr. McClain asked for clarification regarding bullet point number five, on the first page of the Major Policy Issues document, she was curious why the underlined passage had been included into the definition of chiropractic adjustive techniques.

Ms. Boyer responded that this passage was included after the September 2018 Committee Meeting, when it was determined that a provider offering a course on an adjustive technique, that was not taught at a CCE approved college, would be prevented from offering the course to the profession. This provision would place the burden of proof on the provider to seek acceptance from a CCE accredited college and then provide documentation for their course to the Board for review.

Mr. McCarther added that the burden of proof would be on the provider and that Board staff would not be conducting extensive research to validate proposed techniques.

Dr. McClain felt that the instructions to the provider were unclear in this passage, it needed to be more clear on what processes the provider should take to seek approval from the college and the Board.

Mr. Puleo agreed and stated that the language in the document still had many revisions forthcoming prior to the content being approved by the Board.

Dr. McClain inquired of the Alternate Pathways section and whether CE course providers were able to earn CE hours for instruction.

Staff shared what was currently in regulation for exemptions for CE instructors. But, ultimately, the Committee had not discussed all the possible exemptions that should be included for CE.

Mr. McCarther called upon Dr. Paris, as he was new to the Committee, to share any high-level observations, concerns or questions regarding the CE policy document.

Dr. Paris thanked the Committee and responded that for the Qualifying Subject Areas, as they were based on core competencies, he was curious if these could be directly related to the

meta-competencies from CCE's accreditation standards. It could be potentially easier to have these two lists match and still meet the Board's desire to have CE courses as a consumer protection safeguard.

Dr. Dehn agreed with Dr. Paris' sentiments. Dr. Dehn inquired if the descriptions in the meta-competencies would prove helpful to staff when reviewing CE course applications.

Ms. Boyer responded that they would, as it already contained the definition to some of the more challenging subject areas, it would also be more prescriptive for providers and have a quasi-template when reviewing CE course applications.

Ms. Van Allen asked how frequently CCE updated their accreditation standards, as to stay current with content, the Board would be required to updated their regulations frequently.

Mr. McCarther responded that the most recent update was in 2018 and, prior to that, it had been several years since their last update. Mr. McCarther went on to state that the Board would not be adopting the CCE standards out right, but rather incorporating their core ideas into the CE regulations.

Dr. Dehn and Dr. McClain agreed that many of the meta-competencies translated accurately to the Qualified Subject List that the Committee had previously developed.

Dr. Dehn inquired if Dr. Paris felt the same, if the 14 items on the Qualified Subject List were appropriate considering the CCE's accreditation standards and meta-competencies.

Dr. Paris responded that there were similarities but the current drafted subject areas were vague and that the meta-competencies could assist the CE providers by creating clear parameters for subject areas, objectives and outcomes.

Dr. Dehn followed up with an additional question of whether the Committee should determine which of the 14 drafted subject areas were identified in the eight meta-competencies and which were not and if the Committee should decide to keep any subject areas not compatible with the meta-competencies.

Dr. Paris agreed.

Dr. Dehn asked Ms. Boyer and Ms. Van Allen for input regarding any areas of concern or possible misinterpretation of the meta-competencies by CE providers when submitting CE courses.

Ms. Van Allen responded that Meta-Competency 2, objective D: "determine the need for change in patient behavior and activities of daily living" could include yoga courses that the Board may not wish to approve.

Mr. Puleo responded that the objective would not be able to be taken out of context and that the provider would need to show justification to the meta-competency definition and outcomes for the course.

Ms. Boyer added that Meta-Competency 4, Communication and Record Keeping, which included patient communication, might be interpreted to include practice building techniques through social media platforms.

Dr. Dehn agreed that continuing to have a prohibited subject area list would be important in any CE regulations.

Ms. Boyer went on to point out that Meta-Competency 6, Information and Technology Literacy, would be a new subject area for the Board and that she had seen some providers submit CE courses on how to submit research articles to scientific journals, which would potentially not be approved by the Board considering the objectives of the meta-competency.

Dr. Paris agreed that the objectives and outcomes of each meta-competency would hopefully keep providers from submitting content similar to the examples provided.

Mr. Puleo suggested asking the chiropractic colleges for their interpretation and examples of their courses using these meta-competencies.

Dr. McClain agreed and stated that these meta-competencies would also be reflective of DCA's overarching mission for consumer protection.

The Committee continued to review the document Major Policy Issues.

Dr. Paris inquired if any of the other DCA Boards or Bureaus mandated CE courses for sexual boundaries.

Mr. Puleo responded that he wasn't certain but staff could look into it.

Dr. McClain inquired if there were any questions surrounding the Provider Qualifications and Responsibilities section.

Ms. Boyer volunteered that the live scan results portion of this section would need to be removed, considering the legal advice received at the December 2018 Committee Meeting.

Dr. McClain asked Ms. Van Allen and Ms. Boyer for examples of CE courses that were problematic, considering the proposed definition of a 'course'.

Ms. Boyer provided an example of a distance learning course where a provider submitted an application for 30 hours but each hour was an individual module that could be purchased and completed separately from the 30 hours.

The Committee discussed the example provided and several others as problematic.

Additionally, the Committee discussed the possibility of charging per CE course or per CE unit requested.

Dr. Paris agreed that the most equitable potential solution was to move to a unit hour method. Evaluation and fee would be assigned per hour requested.

Ms. Van Allen also shared an example of weekend long seminars that have multiple course programming occurring simultaneously throughout the day with different instructors for each lecture. This proved challenging as the provider was requesting a larger amount of CE credit than any one licensee could earn in a single day.

Dr. McClain inquired what the difference in pricing would be between the current regulation requirements and an application that would charge per hour.

Public Comment: Ms. Isenberg responded that currently the CA Board charges \$56. She went on to state that there is currently one state, Arkansas, that she is aware of that charges per unit hour.

Mr. Puleo assured the Committee that staff would need to research this topic to determine whether charging per unit hour would be feasible.

Dr. McClain called for any other questions or input on the Definition of a "Course" section.

Public Comment: Ms. Isenberg offered that she proposed changing the requirement of a '60-minute hour' to a 50-minute hour, as that is what most states went by. Additionally, she would like to request maintaining the 12-hour limit of instruction per day, versus the 8-hours proposed in the document.

The Committee agreed.

Dr. McClain moved the discussion to the Denial and Appeal Processes section.

Ms. Boyer pointed out that the language presented was merely suggested and inspired by the Acupuncture Board's regulations.

Dr. McClain inquired about the provider denial process and requirements in the current CE regulations.

Mr. Puleo responded that there was not current language regarding denying CE providers. There were no current qualifications for providers that could pose as grounds for denial.

Ms. Van Allen pointed out while there were not current denial grounds for an initial CE provider application, there were areas for denial if the provider did not comply with portions of the regulations.

Mr. Swenson offered that, previously, regulations did not include any criteria for providers to support a denial but as the Committee was developing qualifications for providers and criteria for a denial and appeal processes, there would be more opportunity in the future to scrutinize providers.

Dr. Dehn inquired about the last sentence in the last paragraph under this section. She did not feel like it was perfectly clear to the reader. She advised some additional language be added to that section to ensure clarity.

Mr. McCarther agreed that staff would be taking the lead on developing language for the proposed CE regulations and would be updating the Committee as necessary on any policy issues.

Public Comment: Ms. Isenberg inquired what Dr. Paris thought of the proposed mandatory hours. Considering that many licensees find the current model for mandatory hours confusing and burdensome.

Dr. Paris agreed that it was a valid concern but as licensees received a doctorate education they should be able to manage calculating additional or changing mandatory hours and subject areas.

The Committee discussed several ideas that had been brought up previously at the CE provider focus group.

The Committee took a 5-minute break and reconvened the meeting at 2:30pm.

The Committee continued the discussion surrounding the Major Policy Issues for CE document and compliance for CE audits.

Dr. McClain brought the Committee's attention to the Sample CE Provider Application.

Ms. Boyer went over some of the changes to the document.

Dr. McClain inquired if it would be appropriate to include a statement excluding P.O. Boxes.

Mr. Swenson advised that a statement such as this would require a showing of necessity of why a P.O. Boxes should be excluded.

Mr. Puleo stated that the language should be similar to what was expected of a licensee, in terms of the type of contact details and physical addresses requested.

Dr. McClain inquired if a statement could be included regarding the instructors.

Ms. Boyer responded that she was working on an internal document for the CE course application, which would include a specific attestation for each CE instructor.

The Committee agreed that the sample CE provider application was enough to move forward.

Dr. Dehn reminded the Committee of Dr. McClain's previous suggestion to include a statement asking the CE providers to take full responsibility for the actions of their staff and instructors.

Mr. Swenson shared his concern that the Board would be exceeding their jurisdiction to regulate the business relationship between the CE providers and their employees.

Ms. Van Allen suggested including a statement for the CE course application that ‘everything included within the application is a true and accurate representation of what the course entails’.

Mr. Puleo agreed and also suggested that course denials would be an avenue to reprimand CE providers.

Dr. McClain inquired if a simple statement was possible.

Mr. Puleo responded that staff could look into the possibility.

Mr. Swenson inquired if the intent for the statement was to make the provider responsible for the violation by the instructor or because the provider departed from the curriculum.

Dr. Dehn and Dr. McClain agreed that it was on both accounts.

Selection of Committee Chair

Dr. McClain opened the floor for nominations or self-nominations for the position of Licensing & CE Committee Chair.

Dr. Dehn nominated Dr. Paris for the Committee Chair position.

Dr. Paris accepted the nomination.

Dr. McClain nominated herself for the Committee Chair position.

Dr. McClain asked for statements from individuals nominated for the Chair position.

Dr. Paris shared his experiences with CE and working with CCE.

Dr. McClain called for the vote for the Committee Chair position.

Dr. Paris voted for Dr. McClain.

Dr. Dehn voted for Dr. Paris.

Dr. McClain voted for herself.

Dr. McClain has been voted as the Chair for the Licensing & CE Committee.

Public Comment

No public comment.

Future Agenda Items

None.

Adjournment

Dr. McClain adjourned the meeting at 2:34 p.m.



**Agenda Item 3
June 28, 2019**

**Review, Discussion and Possible Action on
proposed language to CE regulations**

Purpose of the item

The Committee will review and discuss the proposed regulatory language changes to the Continuing Education (CE) regulations, California Code of Regulations (CCR) Articles 6 – Continuing Education, Sections 360 - 366.

Action(s) requested

Staff requests an exploratory discussion regarding policy topics and regulatory language changes, the Committee does not need to make a motion to the full Board at this time.

Background

The Licensing & CE Committee have been working diligently to develop policy solutions within the CE regulations. The Major Policy Issues for Consideration by the Licensing & Continuing Education Committee document has chronicled many of the iterations and changes occurring during these discussions. At the April 16th, 2018 Committee Meeting, Dr. Paris introduced the idea to utilize the Council on Chiropractic Education's (CCE) accreditation standards and meta-competencies as a roadmap for additional changes to the course content subject areas.

Staff has utilized both the meta-competency framework and content from the previous major policy discussions to draft language for CCR sections 360-366.

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

- Major Policy Issues for Consideration by the Licensing & Continuing Education Committee
- Draft Language for CCR Sections 360-366
- Continuing Education Meta-Competencies

Major Policy Issues for Consideration by the Licensing & Continuing Education Committee

Proposed Amendments to BCE's Continuing Education Regulations

Qualifying Subject Areas

Staff strongly recommends refining the subject areas for which the Board will grant CE Credit. The Board should consider eliminating subjects which are vague or overly comprehensive, such as: Philosophy of Chiropractic; Principles of Practice; Wellness; etc. Providers regularly submit applications for courses that use these titles to describe topics that aren't focused in any substantive way on knowledge and competencies related to patient care.

Narrowing the list to specific, well-defined topics will clarify the law and streamline the course review process by establishing parameters for determining whether a course meets the requirements for approval. More importantly, these topics will ensure that training required by the Board is consistent with our Consumer Protection Mandate.

Following are suggestions for subjects directly related to core competencies and patient care.

1. Assessment and diagnostic procedures to include physical examination, orthopedic, neurological, and cardiovascular examination. ***MC1**
2. Radiology including diagnostic imaging and interpretation. ***MC1**
3. Interpretation of blood and urinalysis test results. ***MC1**
4. Evidence-based peer reviewed interventions. ***MC6**
5. Chiropractic adjustive techniques or chiropractic manipulation techniques as taught in Council of Chiropractic Education (CCE) accredited colleges or specialty boards accredited by American Board of Chiropractic Specialties. For any Provider who wishes to teach chiropractic adjustive techniques, not taught in CCE accredited schools, the burden of proof would fall on the CE Provider to determine if the technique would be accepted by a CCE college. Documentation supporting this fact would be presented to the Board along with the CE Course Application. ***MC7**
6. Physical medicine modalities and therapeutic procedures.
7. Current Issues in Public Health. ***MC3**
8. Nutrition. ***MC3**
9. Diverse/cross-cultural sensitivity as it relates to patient care. ***MC4/*MC8**
10. Proper and ethical billing and coding, including accurate and effective record keeping. Documentation of evaluation, treatment and progress of a patient; including electronic and paper SOAP notes. This is not to include practice building or patient recruitment/retention or business techniques or principles that teach concepts to increase patient visits or patient fees per case or courses primarily focused on billing and coding. ***MC2/*MC8**

11. Ethics and law: including but not limited to: truth in advertising; professional boundaries; mandatory reporting requirements for child abuse/neglect, elder abuse/neglect, and cohabitant abuse/neglect; and review of the specific laws, rules and regulations related to the practice of chiropractic in the State of California. ***MC5**
12. Sexual harassment and conduct prevention between doctors and patients, including but not limited to sexual boundaries, misconduct or harassment between a licensee, patient, and/or staff. ***MC5**
13. Cardiopulmonary resuscitation, basic life support and use of an automated external defibrillator (*Note: This will be addressed elsewhere in the CE Regs).
14. Instruction of basic sciences of anatomy, neurology, physiology, kinesiology and medical sciences as related to clinical practice.

Mandatory Hours

To ensure all licensees receive ongoing training in areas critical to quality of care and patient safety, the Board should identify those subject areas that are essential to the safe practice of chiropractic. Staff recommends requiring annual training, as quantified, in each of the following subject areas (14 hours total):

- Four (4) hours of continuing education in assessment and diagnostic procedures (as specified in Qualifying Subject Areas #1-#3).
- Four (4) hours in Chiropractic adjustive techniques and/or chiropractic manipulation techniques (as specified in Qualifying Subject Areas #5).
- Two (2) hours in ethics and law (as specified in Qualifying Subject Areas #11).
- Two (2) hours in sexual boundaries (as specified in Qualifying Subject Areas #12). Completed every two years.
- Two (2) hours in Record Keeping (as specified in Qualifying Subject Area #10)
 - Committee Topic: frequency of mandatory course – 6 hours in these three topics is excessive. Purposed one hour every year.

The remaining 10 hours may be satisfied through any of the eight other Qualifying Subject Areas.

Authorized Pathways

For purposes of clarity, the Board should establish two “pathways” by which a licensee may obtain CE credits for non-mandatory hours – Traditional and Alternate.

- “Traditional Pathway” would be limited to BCE-approved courses (including distance-learning courses) in a Qualifying Subject Area received from a BCE-approved provider.
- “Alternate Pathway” would be credit obtained through an entity other than a BCE-approved provider. This would include credit obtained through any of the following pathways:
 - Serving as a NBCE Examiner,
 - Taking a CE Course approved by another healing arts board or the Division of Workers’ Comp,
 - Completing a PACE-approved course through a PACE accredited provider in a qualifying subject area,
 - Completing a CPR course or CPR certification renewal approved by the American Heart Association/American Red Cross,
 - Credit received by attending a BCE Board Meeting.
 - Credit for participating as an Occupational Analyst, as a subject matter expert for the purpose of Exam Development of the California Law and Professional Practice Examination, pursuant to CCR 364, or for other Special Projects approved by the full Board.

Provider Qualifications and Responsibilities

The Board needs to establish minimum qualifications for determining an applicant’s ability to deliver defensible continuing education courses and programs. Current regulations require little more than name of a contact person and provide the Board with virtually no authority to deny an applicant.

At a minimum, the Board should specify causes for denial, such as prior withdrawal of the provider’s approval. The Board should also establish a process for reinstatement of approval.

Potential qualifications:

- ~~Mission statement of organization~~
- Listed responsible party
- Example of record keeping system, including assessment tool result
- Methods/Procedure of attendance tracking and examples
- Grievance procedures, notification requirements (Board contact information)
- Conflict of Interest statements

- Transfer of records notice (in case of business closure and notification to the Board)
- Procedures for vetting and approving appropriately credentialed instructors
- ~~Live scan results~~

Definition of “Course”

Providers and Board Staff consistently disagree on the definition of a “course” and the existing regulations provide very little clarification. The regulations do not specify limitations on the number of hours, subject areas, or CE credits for an individual course, which has resulted in providers submitting applications for “courses” being presented over several days, covering multiple subjects, taught by a variety of providers. The provider’s who do this are apparently attempting to avoid paying more than one course application fee for what in reality is a seminar offering a variety of courses and as many as 24 CE Credits.

In addition to specifying the minimum requirements for each course, the Board should specify the limits for what may qualify as an individual course.

Potential course suggestions:

- Applications consist of a planned program of continuing education activities. Applications can include multiple subject areas and are evaluated per unit hour and per subject matter.
- No limitation on how many hours submitted for given application. Licensees should be limited in taking 8 12 hours of instruction per day.
- ~~Hour~~ Credit should be based on 60-50-minute hour.
- Required to submit:
 - Learning objectives (meta-competencies, objectives and course outcomes)
 - Hourly breakdown of instruction, identifying meta-competency and instructor per hour of content
 - Assessment of learning tool; the evaluation method is appropriate to the course objectives and educational methods and measures the extent to which the objectives were accomplished. Potentially created by the Board.
 - Instructor CV, exemplifying appropriate certifications and qualifications for the subject matter the application is listed under
 - Attestation form for each instructor listed, to be completed by each instructor
 - Potentially to include professional license number
 - Course brochure and marketing material

- Name and contact details of the certifying attendance official
- Example of a certificate of completion

Denial and Appeal Processes

For purposes of clarity, the Board should establish separate and distinct sections outlining the Denial and Appeal Processes for Provider Applications and the Denial and Appeal Processes for Course Applications. Currently, these provisions are buried in the sections related to the approval of the respective application, which makes them confusing and difficult to find. In addition, the denial/appeal process for providers and courses aren't consistent, which leads to further confusion for staff and providers.

Potential suggestions:

- The board may deny a provider application or withdraw its approval of a provider for causes that include, but are not limited to, the following:
 - The provider or applicant has been convicted of a crime substantially related to the activities of a provider or licensee;
 - The provider or applicant has had a license revoked, suspended, placed on probation, voluntarily surrendered or otherwise disciplined by the board.
- The board may suspend review and approval of an application if an administrative action is pending against an applicant's license.
- Any material misrepresentation of fact by a provider or applicant in any information required to be submitted to the board is grounds for withdrawal or denial of an application.
- The board may withdraw its approval of a provider or a course after giving the provider written notice setting forth its reasons for withdrawal and after giving the provider a reasonable opportunity to be heard by the board or its designee.

Appeal process:

Should the board deny approval of a provider or a course request, the applicant may appeal the action by submitting to the board, a letter stating the reason(s) for the appeal. The letter of appeal shall be filed with the board within ten (10) days of the mailing of the applicant's notification of the board's denial. The appeal shall be considered by the board or its designee. In the event that the board or its designee grants the appeal after the date of the course for which the appeal is being made, the board will accept continuing education hours from its licensees who completed the course.

Licensee Reporting Requirements

To facilitate the auditing of a licensee's compliance with the annual CE requirements, the Board should consider requiring licensees to disclose at the time of license renewal specific information regarding the credits obtained in the preceding year.

Specifically, licensees should provide a certificate containing the following information for each qualifying course they completed:

- Course Title
- Approval Number
- Date of Completion,
- Name of CE Provider
- Method of Study (e.g., live presentation, online course, etc).
- Number of credits earned
- Qualifying subject areas satisfied
- Any additional information applicable to CE Credits earned through an alternate pathway.
- Additionally, a form must be completed at the time of license renewal, identifying all courses completed and including pertinent details.

Board of Chiropractic Examiners DRAFT language

Article 6. Continuing Education

§360. Continuing Education Fees.

The following represents fees for continuing education:

- (a) Continuing Education Provider Application Fee: ~~\$75~~ \$84
- (b) Biennial Continuing Education Provider Renewal Fee: ~~\$50~~ \$56
- (e) Continuing Education Course Event Application Fee: ~~\$50~~ \$56 per course. A course is defined in Section 363.

For fees related to continue education applications, reference Division 2, Chapter 2, Article 1, Section 1006.5 of the Business and Professions Code.

§361. Continuing Education Requirements.

- (a) For purposes of this section, "implementation date" means ~~two years following June 8, 2011~~ one year following "DATE".
- (b) For license renewals that expire on or after the implementation date, the number of required hours of continuing education courses shall be twenty-four (24). ~~For license renewals that expire prior to the implementation date, the number of required hours of continuing education courses shall be twelve (12).~~
- (c) For license renewals that expire on or after the implementation date, a maximum of twelve (12) continuing education hours may be completed through distance learning as defined in Section 363.1.2. ~~For license renewals that expire prior to the implementation date, a maximum of six (6) continuing education hours may be completed through distance learning as defined in Section 363.1.~~
- (d) Any continuing education hours accumulated before ~~June 8, 2011~~ "DATE" that meet the requirements in effect on the date the hours were accumulated, will be accepted by the board for license renewals.
- (e) On or after the implementation date, licensees shall complete ~~a minimum of two (2) hours in subdivision (g)(11) – Ethics and Law, a minimum of four (4) hours in any one of, or a combination of, the subject areas specified in subdivision (g)(3) – History Taking and Physical Examination Procedures, subdivision (g)(5) – Chiropractic Adjustive Techniques or Chiropractic Manipulation Techniques, or subdivision (g)(10) – Proper and Ethical Billing and Coding.~~ fourteen (14) mandatory hours in the following areas: a minimum of four (4)

hours in meta-competency one (1) “Assessment and Diagnosis”, a minimum of four (4) hours in meta-competency seven (7) “Chiropractic Adjustment/Manipulation”, a minimum of four (4) hours in meta-competency five (5) “Professional Ethics and Jurisprudence” and a minimum of two (2) hours in meta-competency four (4) “Communication and Record Keeping”.

(f) With the exception of the mandatory hours referenced in subdivision (e), the remaining ~~eighteen (18)~~ ten (10) hours of additional continuing education requirements may be met by taking courses in any of the ~~subject areas~~ meta-competencies listed in subdivision (g) or courses taken pursuant to subdivision (h). The ~~eighteen (18)~~ ten (10) hours may include any combination of continuing education courses in subject areas specified in either subdivision (g) or approved by agencies specified in subdivision (h). By way of example, a licensee may take ~~eight (8)~~ four (4) hours of continuing education courses in subject areas listed in subdivision (g), that are approved by the board, and ~~ten (10)~~ six (6) hours of continuing education courses that are approved by the California Department of Industrial Relations, Division of Workers Compensation pursuant to subparagraph (1) of subdivision (h).

(g) ~~Courses approved by the board shall be limited to the following subject areas:~~ The following are methods to earn continuing education credit:

- ~~1. Philosophy of chiropractic, including the historical development of chiropractic as an art and science and health care approach; the vertebral subluxation complex and somato-visceral reflexes including their relationships between disease and health; and other chiropractic theory and philosophy.~~
- ~~2. Instruction in basic sciences of anatomy, histology, neurology, physiology, nutrition, pathology, biochemistry or toxicology.~~
- ~~3. Instruction in various basic to comprehensive history taking and physical examination procedures, including but not limited to orthopedic, neurological and general diagnosis related to evaluation of the neuro-musculoskeletal systems, and includes general diagnosis and differential diagnosis of all conditions that affect the human body.~~
- ~~4.—Diagnostic testing procedures, interpretation and technologies that aid in differential diagnosis of all conditions that affect the human body.~~
- ~~5.—Chiropractic adjustive techniques or chiropractic manipulation techniques.~~
- ~~6.—Pain management theory, including, but not limited to, current trends in treatment and instruction in the physiology and anatomy of acute, sub-acute and chronic pain.~~
- ~~7.—Physiotherapy.~~
- ~~8.—Instruction in Manipulation Under Anesthesia including the safe handling of patients under anesthesia.~~

~~9. — Instruction in the aspects of special population care, including, but not limited to, geriatric, pediatric, and athletic care as related to the practice of chiropractic.~~

~~10. — Instruction in proper and ethical billing and coding, including accurate and effective record keeping and documentation of evaluation, treatment and progress of a patient. This is not to include practice building or patient recruitment/retention or business techniques or principles that teach concepts to increase patient visits or patient fees per case.~~

~~11. — Ethics and law: including but not limited to: truth in advertising; professional boundaries; mandatory reporting requirements for child abuse/neglect, elder abuse/neglect; spousal or cohabitant abuse/neglect; sexual boundaries between patient and doctors; review of the specific laws, rules and regulations related to the practice of chiropractic in the State of California.~~

~~12. — Adverse event avoidance, including reduction of potential malpractice issues.~~

~~13. — Pharmacology, including side effects, drug interactions and the pharmacodynamics of various commonly prescribed and over the counter drugs; drug reactions and interactions with herbs, vitamins and nutritional supplements; blood and urinalysis testing used in the diagnosis and detection of disease, including use of and interpretation of drug testing strips or kits utilizing urinalysis, saliva, hair and nail clippings.~~

~~14. — A licensee may earn up to a maximum of two (2) hours of continuing education credit in cardiopulmonary resuscitation, basic life support or use of an automated external defibrillator.~~

1. Attend a continuing education event in Meta-competencies one (1) through eight (8), identified in the “Continuing Education Meta-Competencies” document, which is hereby incorporated by reference.

15. 2. Attend a Board Meeting: A licensee may earn a maximum of four (4) hours of continuing education credit per renewal period for attending a full board meeting that includes the hearing of cases related to petitioners seeking the reinstatement of revoked licenses or early termination of probationary licenses. A petitioner may not earn any continuing education hours for attending a board meeting on the same day in which said petitioner's hearing is conducted. The attendance of a licensee at a board meeting under this subparagraph shall be monitored and confirmed by board staff designated by the Executive Officer.

3. Completing a PACE-approved course through a PACE accredited provider in a qualifying meta-competency area.

4. A licensee who participates in the entire two-day workshop as a Subject Matter Expert for the purpose of exam development of the California Law and Professional Practice Examination will receive one hour of CE credit for each hour volunteered, up to a maximum

of sixteen hours, which includes eight (8) hours in the Meta-Competency 5 and eight (8) hours in the **Principles of Practice subject area**.

5. A licensee who participates as an examiner for the entire part four portion of the National Board of Chiropractic Examiners (NBCE) examinations shall receive a maximum of six (6) hours of continuing education credit for each examination period conducted by the NBCE during the license renewal period. The licensee must provide written certification from the NBCE confirming the licensee has met the requirements of this subsection.

6. A licensee is required to maintain current certification in cardiopulmonary resuscitation (CPR) and basic life support (BLS) and may earn a maximum of four (4) hours of continuing education credit within the year the certification is achieved, per Section 361.1.

16. Any of the following as related to the practice of chiropractic:

~~(A) Principles of practice.~~

~~(B) Wellness. (prevention, health maintenance)~~

~~(C) Rehabilitation.~~

~~(D) Public health.~~

~~(h) 4.~~ With the exception of the mandatory courses specified in subdivision (e), the remaining continuing education requirements may be met by taking continuing education courses, including distance learning, that are approved by either of the following:

~~(1) A.~~ The California Department of Industrial Relations, Division of Workers Compensation.

~~(2) B.~~ Any Healing Arts Board or Bureau within Division 2 of the Business and Professions Code or approved by any organization authorized to approve continuing education by any Healing Arts Board or Bureau in Division 2 of the Business and Professions Code.

~~(3) C.~~ The continuing education providers and courses referenced in subdivision (h) do not need to be approved by the Board for credit to be granted nor do they need to meet the requirements contained in Sections 362, 362.1, 363, and 363.42.

§361.1. Cardiopulmonary Resuscitation/Basic Life Support Training

(a). As a condition of license renewal, all licensees are required to maintain current certification in cardiopulmonary resuscitation (CPR) and basic life support (BLS), provided by the American Red Cross (ARC), American Heart Association (AHA), equivalent organization, or an instructor certified by the above organizations.

(b). The course must be at least four hours of instruction, provided by an ARC, AHA or equivalent certified instructor and the course must include a live, in-person skills practice session, a skills test and a competency examination consistent with testing methods of ARC, AHA or equivalent organization. Continuing Education credit will not be granted for an online CPR/BLS course.

(c). A licensee may earn a maximum of four hours of Continuing Education credit for completion of the CPR/BLS course, within the year the certification is achieved.

§362. Continuing Education Provider Approval, Duties, and Responsibilities.

~~(a) CONTINUING EDUCATION PROVIDER DENIAL AND APPEAL PROCESS: If an application is denied under this section, the applicant shall be notified in writing of the reason(s) for the denial. The applicant may request an informal hearing with the Executive Officer regarding the reasons stated in the denial notification. The appeal must be filed within 30 days of the date of the denial notification.~~

~~The Executive Officer shall schedule the informal hearing within 30 days of receipt of the appeal request. Within 10 days following the informal hearing, the Executive Officer shall provide written notification of his or her decision to the denied applicant. If the Executive Officer upholds a denial under this section, the applicant may, within 30 days of the date of the Executive Officer's denial notification, request a hearing before the board the Board's Review Committee to appeal the denial.~~

~~The Executive Officer shall schedule the requested hearing at a future board meeting meeting with the Review Committee no but not later than 180 days following receipt of the request. Within 10 days of the hearing before the board meeting with the Review Committee, the Executive Officer shall provide written notification of the board's Committee's decision to the applicant. The board's Committee's decision shall be the final order in the matter.~~

~~(b) (a) As used in this section, a provider is an individual, partnership, corporation, professional association, college, health facility, government agency or any other entity approved by the board to offer board approved continuing education courses to licensees to meet the annual continuing education requirements set forth in Section 361 of these regulations.~~

~~(e)(b)(1) To apply to become an approved provider, an applicant shall complete and submit a "Continuing Education (CE) Provider Application" form (Revision date ~~02/10~~ "DATE") which is hereby incorporated by reference, and pay the fee specified in Section 360(a) Division 2, Chapter 2, Article 1, Section 1006.5 of the Business and Professions Code. Applications for approval shall be submitted to the board office at least 30 days prior to a scheduled board meeting. Providers with applications that are incomplete will be notified of the deficiencies in writing within three (3) weeks from the date of receipt. Complete applications will be reviewed at the scheduled board meeting and notification of the board's decision will be provided in writing within two (2) weeks following the board meeting.~~

~~(2)~~ (c) The approval of the provider shall expire two (2) years after it is issued ~~by the board~~ and may be renewed upon the filing of the "Continuing Education (CE) Provider Application" form (Revision date ~~02/10~~ "DATE") and fee specified in ~~Section 360(b)~~ Division 2, Chapter 2, Article 1, Section 1006.5 of the Business and Professions Code.

~~(3)~~ (d) Providers who were approved by the board prior to the effective date of this regulation shall renew their provider status two years from ~~June 8, 2011~~ "DATE" by filing of the "Continuing Education (CE) Provider Application" form (Revision date ~~02/10~~ "DATE") and fee specified in ~~Section 360(b)~~ Division 2, Chapter 2, Article 1, Section 1006.5 of the Business and Professions Code.

(4) (e) The board will not process incomplete applications nor applications that do not include the correct application fee.

§362.1 Continuing Education Provider Duties and Responsibilities.

~~(d)~~ (a) As part of a Providers duties and responsibilities, they shall:

(1) Identify a primary and secondary individual responsible for overseeing all continuing education activities of the provider.

(2) Provide a course roster to the board, within 30 days, upon written request. Course rosters shall include the names of all licensees, license numbers, and e-mail addresses if available. ~~Failure to submit the roster upon written request within thirty (30) days may result in the withdrawal or denial of previous course approval and withdrawal of provider status.~~ Providers shall maintain the course roster for four (4) years from the date of completion of the course.

(3) Maintain course instructor curriculum vitae or resumes for four (4) years.

(4) Disclose to prospective participants the names of the individuals or organizations, if any, who have underwritten or subsidized the course. Providers may not advertise, market, or display materials or items for sale inside the room while the actual instruction is taking place. Nothing in this section shall be interpreted to prohibit a provider from mentioning a specific product or service solely for educational purposes.

(5) Inform the board in writing immediately of any change to the date, time, instructor or location of the course.

(6) Provide a certificate of completion to licensees within 30 days following completion of the continuing education course. Providers shall retain records of course completion for four (4) years from the date of completion and provide records of completion to the Board within thirty (30) days, upon written request. The certificate shall include the following information:

(A) Name and address of provider.

(B) Course title.

(C) Course approval number.

(D) Date(s) and location of course.

(E) Licensee name.

(F) License number.

(G) Printed name and signature of the provider's designated representative.

(H) Number of hours the licensee earned in continuing education, ~~including the type of mandatory hours, qualifying meta-competency satisfied,~~ and whether the hours were obtained in classroom instruction or distance learning.

§362.2. Continuing Education Providers Denial and Appeal Process.

(a) The board may deny a provider application or withdraw its approval of a provider for causes that include, but are not limited to, the following:

(1). The provider or applicant has been convicted of a crime substantially related to the activities of a provider or licensee;

(2). The provider or applicant has had a license revoked, suspended, placed on probation, voluntarily surrendered or otherwise disciplined by the board or by the jurisdiction the provider or applicant holds their license;

(3). If an administrative action is pending against an applicant's license;

(4). Any material misrepresentation of fact by a provider or applicant of any information required to be submitted to the board;

(5). Failure to submit a course roster upon written request, by the board, within thirty (30) days.

(b) Categories of recommended penalties:

(1). Issue of 'notice of violation' to the provider. This violation will also be made available to licensees through the board's website.

(2). The Executive Officer, after notification, may withdraw approval of any continuing education provider for ~~good cause, including, but not limited to,~~ violations of any provision of the regulation ~~identified in Section 362.1 (a) or falsification of information,~~ and shall provide written notification of such action to the provider. The provider may request an informal hearing with the Executive Officer regarding the reasons for withdrawal of approval stated in the

Executive Officer's notification. The appeal must be filed within 30 days of the date of the notification. The Executive Officer shall schedule the informal hearing within 30 days of receipt of the appeal request. Within 10 days following the informal hearing, the Executive Officer shall provide written notification of his or her decision to the provider. If the Executive Officer upholds his or her decision under this subsection, the provider may, within 30 days of the date of the Executive Officer's notification, request ~~a hearing before the board~~ a meeting before the Board's Review Committee to appeal the Executive Officer's decision. The Executive Officer shall schedule the requested ~~hearing at a future board meeting~~ meeting but not no later than 180 days following receipt of the request. Within 10 days of the ~~hearing before the board~~ Review Committee's meeting, the Executive Officer shall provide written notification of the ~~board's~~ Committee's decision to the provider. The ~~board's~~ Review Committee's decision shall be the final order in the matter.

~~(c) CONTINUING EDUCATION PROVIDER DENIAL AND APPEAL PROCESS:~~

(3). If an application is denied under this section, the applicant shall be notified in writing of the reason(s) for the denial. The applicant may request an informal hearing with the Executive Officer regarding the reasons stated in the denial notification. The appeal must be filed within 30 days of the date of the denial notification. The Executive Officer shall schedule the informal hearing within 30 days of receipt of the appeal request. Within 10 days following the informal hearing, the Executive Officer shall provide written notification of his or her decision to the denied applicant. If the Executive Officer upholds a denial under this section, the applicant may, within 30 days of the date of the Executive Officer's denial notification, request a hearing meeting before the board the board's Review Committee to appeal the denial. The Executive Officer shall schedule the requested hearing at a future board meeting meeting with the Review Committee no but not later than 180 days following receipt of the request. Within 10 days of the hearing before the board meeting with the Review Committee, the Executive Officer shall provide written notification of the board's Committee's decision to the applicant. The board's Committee's decision shall be the final order in the matter.

§363. Approval of Continuing Education Courses.

(a) Providers must complete and submit a "Continuing Education ~~Course~~ Event Application" form (Revision date ~~02/10~~ "DATE") which is hereby incorporated by reference, and pay the non-refundable application fee as ~~provided~~ referenced by ~~Section 360(e)~~ Division 2, Chapter 2, Article 1, Section 1006.5 of the Business and Professions Code, at least 45 days prior to the date of the course event. ~~Providers shall submit and complete one application for each continuing education course being offered.~~

(b) A "course" is defined as an approved program of coordinated instruction in any one of the subject areas as defined in Section 361(g) and given by an approved Provider. Once approved, a course may be given any number of times for one year following approval, with

the single continuing education course fee paid one time annually by the provider. A course may not consist of more than one subject area as defined in Section 361(g).

(c) The following documentation shall be submitted with each Continuing Education ~~Course~~ Event Application:

(1) A course description, including the explicit meta-competencies, course objectives and participant outcomes, based on the “Continuing Education Meta-Competencies” document;

(2) A ~~n~~-detailed hourly breakdown of the continuing education course content, identifying the meta-competencies and instructor for each hour of instruction;

(3) A final copy of the syllabus/course schedule including seminar name, date and location of seminar, instructor(s) name, ~~course description, educational objectives,~~ teaching methods, ~~course schedule/outline,~~ recommended reading, disclosure of expenses underwritten or subsidized by vendors of any goods, and supplies or services;

(4) Name and contact details of the provider’s certifying attendance official;

(5) A copy of the course brochure and all other promotional material to be used;

(6) A curriculum vitae for each instructor demonstrating an appropriately credentialed individual based on the content of the course, the CV is to including the instructor's name and address; the type of educational degree including the name of the college and year the degree was received; license information including status and name of licensing agency; certification including status and name of certifying agency; the type, location and years of practical experience; the type, location and years of teaching experience; the type, location and years of research experience; the type, location and years of other relevant experience; and the title, journal, and date of publications;

(7) Attestation form for each instructor, completed by the instructor, listed in the application;

(8) Examples of the course completion certificate;

(9) The “Post Course Evaluation Form”, which is hereby incorporated by reference.

~~(d) DENIAL AND APPEAL PROCESS: If a course application is denied under this section, the applicant shall be notified in writing of the reason(s) for the denial. The applicant may request an informal hearing regarding the reasons stated in their denial notification, with the Executive Officer. The appeal must be filed within 30 days of the date of the denial notification.~~

~~The Executive Officer shall schedule the informal hearing within 30 days of receipt of the appeal request. Within 10 days following the informal hearing, the Executive Officer shall provide written notification of his or her decision to the denied applicant. If the Executive Officer upholds a denial under this section, the applicant may, within 30 days of the date of~~

~~the Executive Officer's denial notification, request a hearing before the board meeting with the Board's Review Committee to appeal the denial. The Executive Officer shall schedule the requested hearing at a future board meeting but not no later than 180 days following receipt of the request. Within 10 days of the hearing before the board meeting before the Review Committee, the Executive Officer shall provide written notification of the board's Committee's decision to the applicant. The board's Committee's decision shall be the final order in the matter.~~

~~(e)~~ (d) Only those courses that meet the following shall be approved:

(1) "Continuing Education Event Application" form completed in full

(2) No more than twelve (12) hours of continuing education credit shall be awarded to an individual licensee for coursework completed on a specific date.

(3) Each hour of continuing education credit shall be based on at least fifty (50) minutes of participation in an organized learning experience. Class breaks shall be at the discretion of the instructor and shall not count towards a course hour. Providers shall ~~furnish~~ administer an sign-in sheet attendance tracking method that contains the course date(s), each licensee's name, license number, and ~~designated space for each licensee to sign in an opportunity for licensee's attendance to be tracked~~ at the beginning and conclusion of the course each day. Furthermore, the form shall state that a licensee by signing their name on that sheet, is declaring under penalty of perjury tracking their attendance, that they attest to having personally attended the stated course, on the listed date(s) and they personally attended the listed hours of course work. Each licensee shall be responsible for signing the "sign-in sheet" tracking their attendance with the provider at the start and conclusion of each day's coursework, and failure to do so may invalidate credit for that day's coursework. Providers shall retain sign-in sheets attendance records for four (4) years from the date of course completion and shall provide copies to the Board within thirty (30) days upon written request.

~~(f)~~ (e) The board shall not approve the following subjects for continuing education courses: financial management, income generation, practice building, collections, self-motivation, business techniques or principles that teach concepts to increase patient visits or patient billings per visit, and patient recruitment.

~~(g)~~ (f) If a provider makes a substantive change in content, the amount of hours, instructor or location of an approved course, he or she shall notify the board as soon as possible of the changes prior to giving the course. A new application may be required as determined by the Executive Officer.

363.1. Continuing Education Course Denial and Appeal Process.

(a) The board may deny a Continuing Education Event Application or withdraw its approval from a course for causes that include, but are not limited to, the following:

(1). The instructor has been convicted of a crime substantially related to the activities of a provider or licensee;

(2). The instructor has had a license revoked, suspended, placed on probation, voluntarily surrendered or otherwise disciplined by the board or by the jurisdiction the provider or applicant holds their license;

(3). If an administrative action is pending against an instructor's license;

(4). Any material misrepresentation of fact by an instructor during the course of a CE event or of any information required to be submitted to the board by the instructor or provider;

(b) Categories of recommended penalties:

~~(h)~~ (1). The Executive Officer, after notification, may withdraw approval of any continuing education course for good cause, including, but not limited to, violations of any provision of this regulation or falsification of information and shall provide written notification of such action to the provider. The provider may request an informal hearing with the Executive Officer regarding the reasons for withdrawal of approval stated in the Executive Officer's notification. The appeal must be filed within 30 days of the date of the notification. The Executive Officer shall schedule the informal hearing within 30 days of receipt of the appeal request. Within 10 days following the informal hearing, the Executive Officer shall provide written notification of his or her decision to the provider. If the Executive Officer upholds his or her decision under this subsection, the provider may, within 30 days of the date of the Executive Officer's notification, request a ~~hearing before the board~~ meeting before the Board's Review Committee to appeal the Executive Officer's decision. The Executive Officer shall schedule the requested ~~hearing at a future board meeting~~ meeting but not ~~no~~ later than 180 days following receipt of the request. Within 10 days of the ~~hearing before the board~~ meeting before the Review Committee, the Executive Officer shall provide written notification of the ~~board's~~ Committee's decision to the provider. The ~~board's~~ Committee's decision shall be the final order in the matter.

(2). If a course application is denied under this section, the applicant shall be notified in writing of the reason(s) for the denial. The applicant may request an informal hearing regarding the reasons stated in their denial notification, with the Executive Officer. The appeal must be filed within 30 days of the date of the denial notification. The Executive Officer shall schedule the informal hearing within 30 days of receipt of the appeal request. Within 10 days following the informal hearing, the Executive Officer shall provide written notification of his or her decision to the denied applicant. If the Executive Officer upholds a denial under this section, the applicant may, within 30 days of the date of the Executive Officer's denial notification, request a ~~hearing before the board~~ meeting with the Board's Review Committee to appeal the denial. The Executive Officer shall schedule the requested ~~hearing at a future board meeting~~ meeting but not ~~no~~ later than 180 days following receipt of the request. Within 10 days of the ~~hearing before the board~~ meeting before the Review Committee, the Executive

Officer shall provide written notification of the board's Committee's decision to the applicant. The board's Committee's decision shall be the final order in the matter.

§363.1.2. Distance Learning Courses.

In addition to the applicable requirements of Sections 362, 362.1 and 363, providers of continuing education courses offered through ~~distance learning formats, including, but not limited to, computer, Internet, manuals, compact disks, digital video, versatile discs, and audio and video tapes~~ multi-media platforms, shall meet all of the following:

- ~~(a)~~ Disclose course instructors' curriculum vitae or resumes.
- ~~(b)~~ (a) Explain the appropriate level of technology required for a student licensee to successfully participate in the course.
- ~~(c)~~ (b) Make available technical assistance as appropriate to the format.
- ~~(d)~~ (c) Contain security measures to protect the learner's identity, course and related content from unauthorized access.
- ~~(e)~~ Establish a deadline for completion.
- ~~(f)~~ (d) Establish a timekeeping mechanism to confirm licensee's participation and completion of the course
- ~~(g)~~ (e) Review instructional materials annually to ensure the content is current and relevant.
- ~~(h)~~ (f) The continuing education provider shall notify the licensee when he or she is leaving a continuing education site and directed to a promotional or sponsored site. Course material may not endorse manufacturers, distributors, or other sellers of chiropractic products or services. Nothing in this section shall be interpreted to prohibit a provider from mentioning a specific product or service solely for educational purposes.

§364. Exemptions and Reduction of Requirement.

A licensee may qualify for a full or partial exemption, from the continuing education requirements of Section 361 if a licensee meets any of the criterion listed below:

- (a) A licensee who holds a license on inactive status is not required to complete continuing education on an annual basis; however, they must provide proof of completion of the required continuing education hours prior to activating their license as specified in Section 371(f);

(b) A new licensee is exempt from continuing education requirements in the year of initial licensure;

(c) An instructor who has taught for one (1) year and currently teaches core curriculum courses for more than eight (8) credit hours per week at any Council on Chiropractic Education accredited college for at least six (6) months during any license renewal period year shall be exempt from continuing education.

(d) A licensee who teaches a board-approved continuing education course may earn one (1) hour of continuing education credit for each hour of lecture up to 24 hours per year.

(e) Notwithstanding Section 361(c), a licensee who is unable to attend continuing education courses due to a physical disability and provides written certification from a primary health care provider may earn all 24 hours of continuing education credits for the period of the license renewal through Board-approved distance learning courses as defined in Section 363.1.2..

~~(f) A licensee who participates as an examiner for the entire part four portion of the National Board of Chiropractic Examiners (NBCE) examinations shall receive a maximum of six (6) hours of continuing education credit for each examination period conducted by the NBCE during the license renewal period. The licensee must provide written certification from the NBCE confirming the licensee has met the requirements of this subsection.~~

~~(g)~~ (f) An active Board Member. A professional board member who has served one full year on the Board of Chiropractic Examiners shall be exempt from the continuing education requirement in each year of board member service.

~~(h)~~ (g) Notwithstanding Section 361(e), a A licensee on active duty with a branch of the armed forces of the United States shall be permitted to take all twenty four (24) hours of required continuing education through board approved distance learning courses as defined in Section 363.1. or the California National Guard who meets the exemption requirements specified in Business and Professions Code section 114.3 shall be exempt from continuing education requirements.

§365. Revoked Licenses.

Any person making application for reinstatement or restoration of a license which has been revoked shall be required to fulfill the continuing education requirements for each year the license was revoked and may be required to complete an approved course of continuing education, or to complete such study or training as the board deems appropriate.

§366. Continuing Education Audits.

The Board shall conduct random audits to verify compliance with Continuing Education requirements of active licensees. Licensees shall secure and retain certificates of completion issued to them at the time of attendance of approved Continuing Education courses for a period of four (4) years from their last renewal and shall forward these documents to the Board upon request.

Licensees who fail to retain certificates of completion shall obtain duplicate certificates, from approved Continuing Education providers, who shall issue duplicates only to licensees whose names appear on the providers' rosters of course attendees. The certificates of completion shall be clearly marked "duplicate" and shall contain the information specified in Section ~~362(d)(6)~~ 362.1(a)(6).

Licensees who furnish false or misleading information to the Board regarding their Continuing Education hours shall be subject to disciplinary action. Providers who provide false or inaccurate verification of a licensee's participation may lose their provider status for up to ten (10) years, at the discretion of the Executive Officer. The full board's ruling, as described in Section ~~362(e)~~ 362.2, shall be the final order on the matter.

The board or its designee shall not be restricted from inspecting, observing, or auditing any approved chiropractic course in progress, at no charge.

The board, ~~at its discretion, may contact attendees after a continuing education course as part of the board's auditing process to obtain information regarding the quality and content of the course.~~ requires Continuing Education providers to administer the "Post Course Evaluation Form" to all course participant. These forms will be sent directly to the board.

NOTE: Authority cited: Section 1000-4(b), Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii).

Continuing Education Meta-Competencies

Meta-Competency 1: Assessment and Diagnosis

Assessment and diagnosis require developed clinical reasoning skills. Clinical reasoning consists of data gathering and interpretation, hypothesis generation and testing, and critical evaluation of diagnostic strategies. This dynamic process includes the collection and assessment of data through history, physical examination, imaging, laboratory tests and case-related clinical services.

CURRICULAR OBJECTIVES:

- A. Compile a case-appropriate history that evaluates the patient's health status, including a history of any present illness, systems review, and review of past, family and psychosocial histories for the purpose of constructing a differential diagnosis and directing clinical decision-making.
- B. Determine the need for and availability of external health records.
- C. Perform case-appropriate examinations that include evaluations of body regions and organ systems, including the spine and any subluxation/segmental dysfunction that assist the clinician in developing the diagnosis/es.
- D. Perform and utilize diagnostic studies and consultations when appropriate, inclusive of imaging, clinical laboratory, and specialized testing procedures, to obtain objective clinical data.
- E. Formulate a diagnosis/es supported by information gathered from the history, examination, and diagnostic studies.

META-COMPETENCY 2 - MANAGEMENT PLAN

Management involves the development, implementation and monitoring of a patient care plan for positively impacting a patient's health and well-being, including specific healthcare goals and prognoses. It may include case follow-up, referral, and/or collaborative care.

CURRICULAR OBJECTIVE:

- A. Develop a management plan appropriate to the diagnosis/es, the patient's health status, obstacles to improvement, specific goals, and prognoses, while incorporating patient values and expectations of care.
- B. Determine the need for chiropractic adjustment/manipulation or other forms of passive care.
- C. Determine the need for active care.
- D. Determine the need for changes in patient behavior and activities of daily living.
- E. Determine the need for emergency care, referral and/or collaborative care.
- F. Provide information to patients of risks, benefits, natural history and alternatives to care regarding the proposed management plan.
- G. Obtain informed consent.
- H. Monitor patient progress and alter management plans accordingly.
- I. Recognize the point of a patient's maximum improvement and release the patient from care, or determine rationales for any ongoing care.

META-COMPETENCY 3 - HEALTH PROMOTION AND DISEASE PREVENTION

Health promotion and disease prevention requires an understanding and application of epidemiological principles regarding the nature and identification of health issues in diverse populations and recognition of the impact of biological, chemical, behavioral, structural, psychosocial and environmental factors on general health.

CURRICULAR OBJECTIVE:

- A. Identify appropriate hygiene in a clinical environment.
- B. Explain health risk factors, leading health indicators and public health issues to patients.
- C. Identify public health issues in diverse populations.
- D. Understand their reporting responsibility regarding public health risks and issues.

META-COMPETENCY 4 - COMMUNICATION AND RECORD KEEPING

Effective communication includes oral, written and nonverbal skills with appropriate sensitivity, clarity and control for a wide range of healthcare related activities, to include patient care, professional communication, health education, record keeping and reporting.

CURRICULAR OBJECTIVE:

- A. Communicate effectively, accurately and appropriately, in writing and interpersonally with diverse audiences.
- B. Acknowledge the need for, and apply cultural sensitivity in, communications with patients and others.
- C. Create and maintain accurate, appropriate and legible records.
- D. Comply with regulatory standards and responsibilities for patient and business records.

META-COMPETENCY 5 - PROFESSIONAL ETHICS AND JURISPRUDENCE

Professionals are expected to comply with the law and exhibit ethical behavior.

CURRICULAR OBJECTIVE:

- A. Apply knowledge of ethical principles and boundaries.
- B. Apply knowledge of applicable health care laws and regulations.
- C. Apply knowledge of expected professional conduct.

META-COMPETENCY 6 - INFORMATION AND TECHNOLOGY LITERACY

Information literacy is a set of abilities, including the use of technology, to locate, evaluate and integrate research and other types of evidence to manage patient care.

CURRICULAR OBJECTIVE:

- A. Locate, critically appraise and use relevant scientific literature and other evidence.

META-COMPETENCY 7 – CHIROPRACTIC ADJUSTMENT/MANIPULATION

Doctors of chiropractic employ the adjustment/manipulation to address joint and neurophysiologic dysfunction. The adjustment/manipulation is a precise procedure requiring the discrimination and identification of dysfunction, interpretation and application of clinical knowledge; and the use of cognitive and psychomotor skills.

CURRICULAR OBJECTIVE:

- A. Assess normal and abnormal structural, neurological and functional articular relationships.
- B. Evaluate the clinical indications and rationale for selecting a particular chiropractic adjustment/manipulation.
- C. Determine, based on clinical indications and risk factors, the appropriateness of delivering chiropractic adjustment/manipulation.
- D. Demonstrate the knowledge, mechanical principles, and psychomotor skills necessary to safely perform chiropractic adjustment/manipulation.
- E. Assess the patient outcome(s) of the chiropractic adjustment/manipulation.

META-COMPETENCY 8 – INTER-PROFESSIONAL EDUCATION

Students have the knowledge, skills and values necessary to function as part of an inter-professional team to provide patient-centered collaborative care. Inter-professional teamwork may be demonstrated in didactic, clinical or simulated learning environments.

CURRICULAR OBJECTIVE:

- A. Work with other health professionals to maintain a climate of mutual respect and shared values, placing the interests of patients at the center of inter-professional health care delivery.
- B. Use the knowledge of one's own role and other professions' roles to effectively interact with team members.
- C. Understand different models of inter-professional care, organizational and administrative structures, and the decision-making processes that accompany them.
- D. Understand the principles of team dynamics to perform effectively on an inter-professional team influencing patient-centered care that is safe, timely, efficient, effective and equitable.
- E. Organize and communicate with patients, families, and healthcare team members to ensure common understanding of information, treatment and care decisions.