



**NOTICE OF TELECONFERENCE LICENSING &
CONTINUING EDUCATION COMMITTEE MEETING**

November 6, 2020
12 p.m. to 2 p.m.
or until completion of business

Notice of Teleconference Meeting Held Under Executive Order N-29-20 (3/17/20)

FOR PUBLIC COMMENT, PLEASE LOG ON TO THIS WEBSITE

<https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=e5fb18447c3361477dca6b43a5ec9b4dd>

The preferred audio connection is via mobile phone. The phone number and access code will be provided as part of your connection to the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier, such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment. Public comments will be limited to 2 minutes per person unless, in the discretion of the Board, circumstances require a shorter period. Members of the public will not be permitted to "yield" their allotted time to other members of the public to make comments.

Important Notices to the Public: The Board of Chiropractic Examiners will hold this meeting via WebEx – access information is provided above. General instructions for using WebEx are attached to the agenda. 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.

AGENDA

- 1. Call to Order & Establishment of a Quorum**
- 2. Approval of September 18, 2020, Meeting Minutes**
- 3. Discussion on Definitions to Classroom Courses and Distance Learning Courses**
- 4. Review, Discussion and Possible Action to Section 364 (e): Medical Waiver**
- 5. Public Comment for 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.

6. 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.]

7. Adjournment

In accordance with Executive Order N-29-20, no physical location is available for observation and public comment, so please plan to attend the meeting telephonically. 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.

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.

HOW TO – Join – DCA WebEx Event

The following contains instructions to join a WebEx event hosted by the Department of Consumer Affairs (DCA).

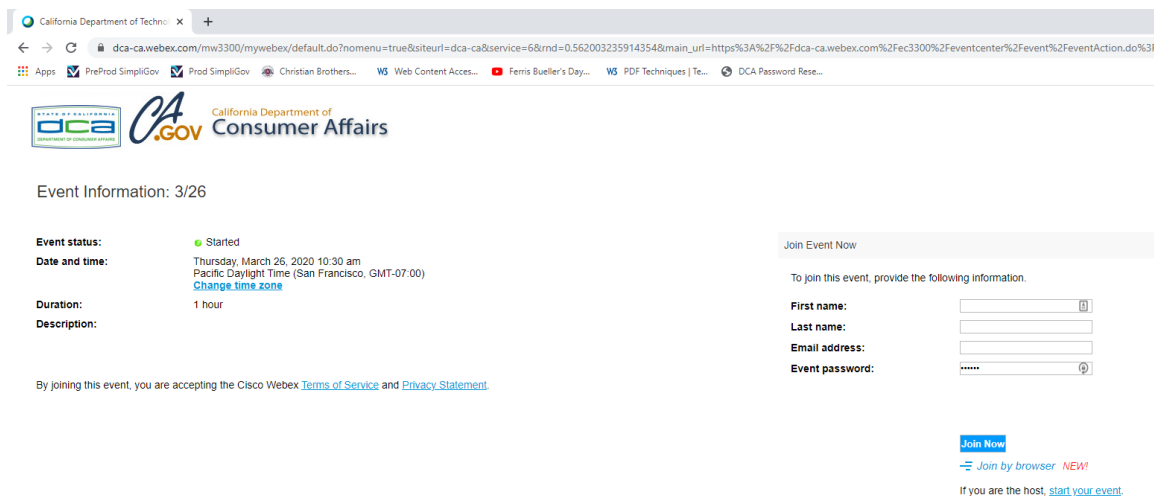
NOTE: The preferred audio connection to our event is via telephone conference and not the microphone and speakers on your computer. Further guidance relevant to the audio connection will be outlined below.

1. Navigate to the WebEx event link provided by the DCA entity (an example link is provided below for reference) via an internet browser.

Meeting Link: <https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=e5fb18447c3361477dca6b43a5ec9b4dd>

Event / Meeting Number: 146 520 7578

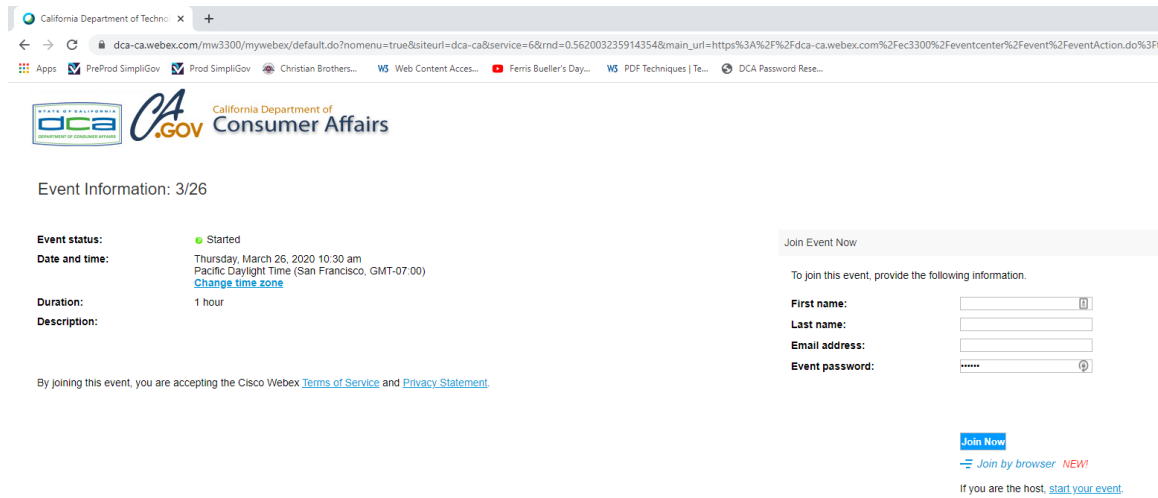
Password: BCE110620



2. The details of the event are presented on the left of the screen and the required information for you to complete is on the right.

NOTE: If there is a potential that you will participate in this event during a Public Comment period, you must identify yourself in a manner that the event Host can then identify your line and unmute it so the event participants can hear your public comment. The 'First name', 'Last name' and 'Email address' fields do not need to reflect your identity. The department will use the name or moniker you provide here to identify your communication line should you participate during public comment.

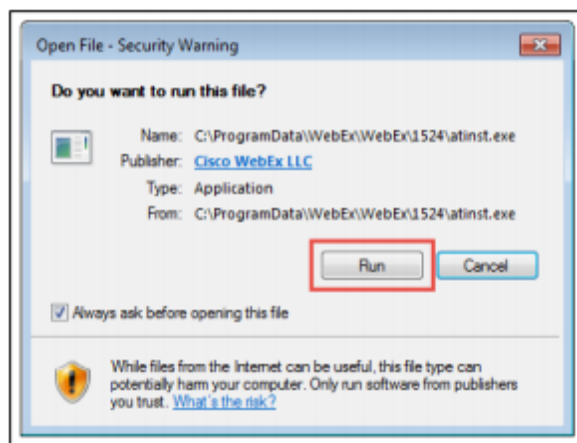
HOW TO – Join – DCA WebEx Event



3. Click the 'Join Now' button.

NOTE: The event password will be entered automatically. If you alter the password by accident, close the browser and click the event link provided again.

4. If you do not have the WebEx applet installed for your browser, a new window may open, so make sure your pop-up blocker is disabled. You may see a window asking you to open or run new software. Click 'Run'.



Depending on your computer's settings, you may be blocked from running the necessary software. If this is the case, click 'Cancel' and return to the browser tab that looks like the window below. You can bypass the above process.

HOW TO – Join – DCA WebEx Event

Starting Webex...



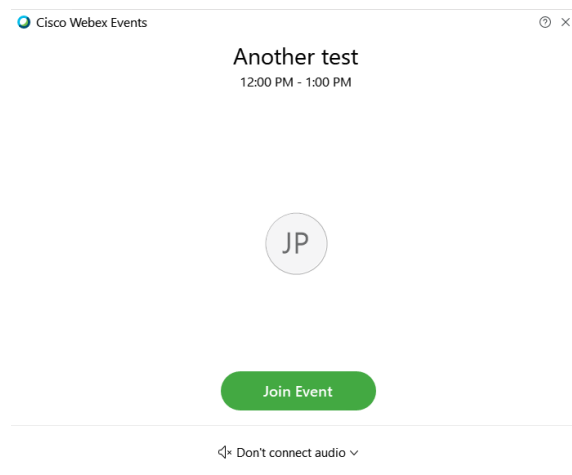
Still having trouble? [Run a temporary application](#) to join this meeting immediately.

5. To bypass step 4, click 'Run a temporary application'.
6. A dialog box will appear at the bottom of the page, click 'Run'.



The temporary software will run, and the meeting window will open.

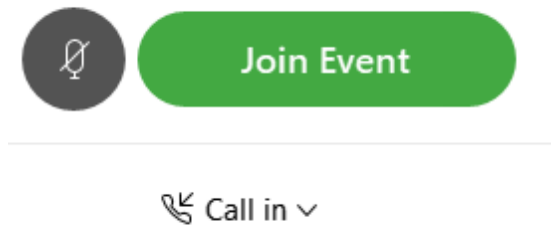
7. Click the audio menu below the green 'Join Event' button.



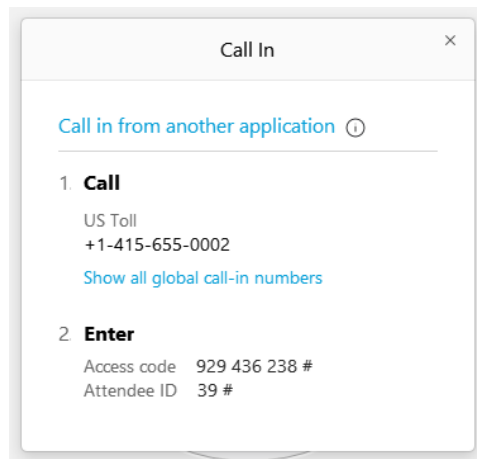
8. When the audio menu appears click 'Call in'.

HOW TO – Join – DCA WebEx Event

9. Click 'Join Event'. The audio conference call in information will be available after you join the Event.



10. Call into the audio conference with the details provided.

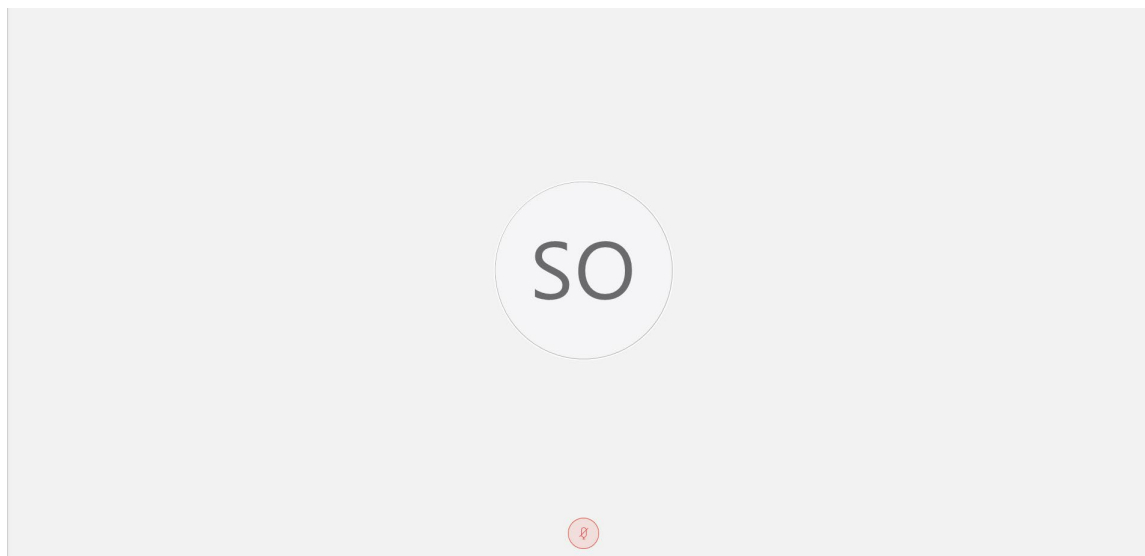


NOTE: The audio conference is the preferred method. Using your computer's microphone and speakers is not recommended.

HOW TO – Join – DCA WebEx Event

Once you successfully call into the audio conference with the information provided, your screen will look like the screen below and you have joined the event.

Congratulations!

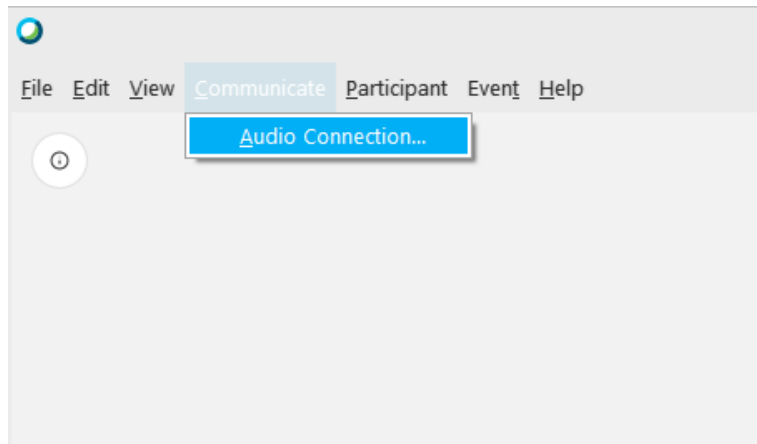


NOTE: Your audio line is muted and can only be unmuted by the event host.

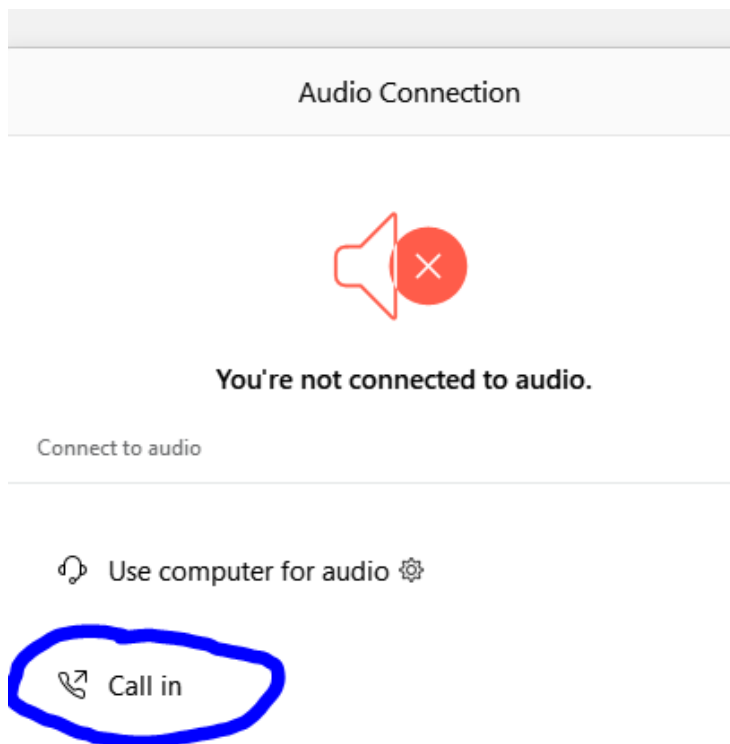
If you join the meeting using your computer's microphone and audio, or you didn't connect audio at all, you can still set that up while you are in the meeting.

Select 'Communicate' and 'Audio Connection' from top left of your screen.

HOW TO – Join – DCA WebEx Event



The 'Call In' information can be displayed by selecting 'Call in' then 'View'



You will then be presented the dial in information for you to call in from any phone.

HOW TO – Join – DCA WebEx Event Participating During a Public Comment Period

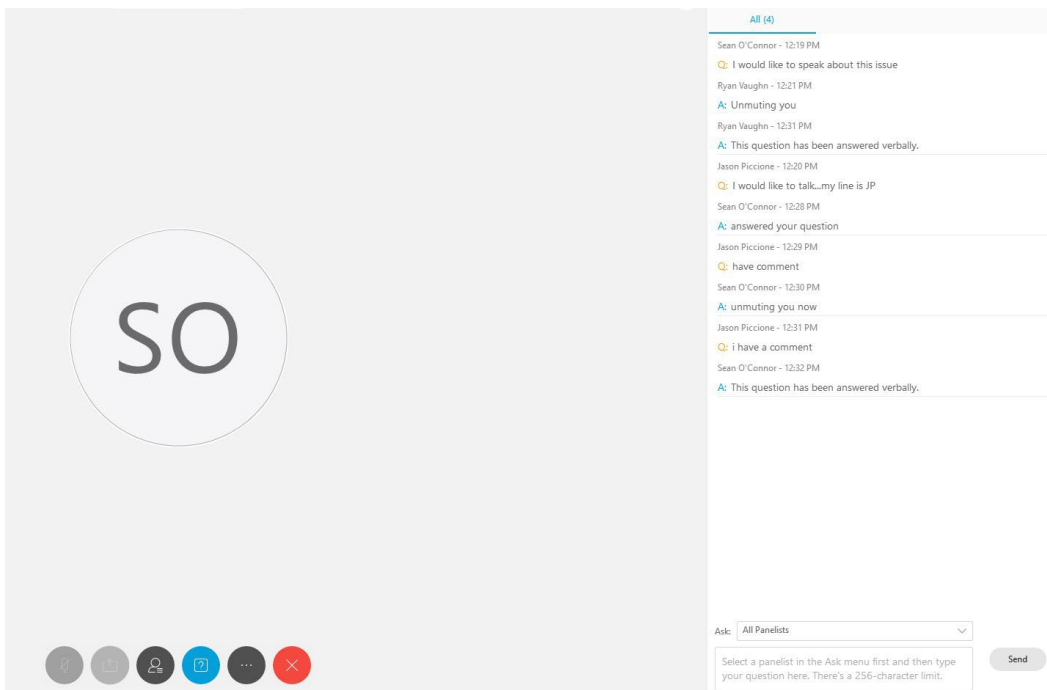
At certain times during the event, the facilitator may call for public comment. If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.



This will bring up the 'Q and A' chat box.

NOTE: The 'Q and A' button will only be available when the event host opens it during a public comment period.

HOW TO – Join – DCA WebEx Event



To request time to speak during a public comment period, make sure the 'Ask' menu is set to 'All panelists' and type 'I would like to make a public comment'.

Attendee lines will be unmuted in the order the requests were received, and you will be allowed to present public comment.

NOTE: Your line will be muted at the end of the allotted public comment duration. You will be notified when you have 10 seconds remaining.



**Agenda Item 2
November 6, 2020**

Approval of September 18, 2020 Committee Meeting Minutes

Purpose of the item

The Licensing and Continuing Education Committee will review the September 18th, 2020 Committee Meeting minutes.

Action(s) requested

The Committee will be asked to make a motion to approve the September 18th, 2020 Committee Meeting minutes.

Background

N/A

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

- Meeting minutes from the September 18th, 2020 Licensing & Continuing Education Committee Meeting.

**Board of Chiropractic Examiners
TELECONFERENCE MEETING MINUTES
Licensing & Continuing Education Committee
September 18, 2020**

Teleconference Meeting

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
Dixie Van Allen, Licensing and Continuing Education Manager I
Natalie Boyer, Continuing Education Analyst
Tammi Pitto, Enforcement Analyst
Amanda Campbell, Continuing Education Analyst
Michael Kanotz, Senior Attorney
Clay Jackson, Regulations Attorney III

Call to Order

Dr. McClain called the meeting to order at 12:03 p.m.

Roll Call

Dr. Dehn called roll. All members were present. A quorum was established.

Approval of October 10th, 2019 Committee Meeting Minutes

MOTION: DR. DEHN MOVED TO APPROVE THE MINUTES OF THE OCTOBER 10th, 2019 LICENSING & CONTINUING EDUCATION COMMITTEE MEETING.

SECOND: DR. PARIS SECONDED THE MOTION.

Discussion: Dr. McClain inquired if she was required to vote on the meeting minutes, as she was not present at the last Committee meeting.

Mr. Kanotz responded that Dr. McClain may vote if she wished but was not required to do so.

Dr. McClain inquired if research would be presented that had been discussed at the previous meeting, regarding distance learning course technology for timekeeping and recording keeping.

Ms. Boyer responded that potential technology requirements and the corresponding research were still pending for the Committee to review at a later date.

Public Comment: Dr. Marcus Strutz, chiropractor and continuing education provider with Back to Chiropractic Seminars, wished to share his experiences with a distance learning technology platform that he had recently procured.

Ms. Boyer suggested saving Dr. Strutz' comment for Agenda Item 4, when the Committee will be discussing distance learning courses.

Dr. McClain agreed to hold the comment for that time.

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

Discussion on Potential Changes to Mandatory Continuing Education Competency 5 – Professional Ethics and Jurisprudence

Dr. McClain shared that both Competency 5: Professional Ethics and Jurisprudence and the continuing education (CE) regulatory language had been updated to include several course topics for a professional boundaries course. Competency 5 would include content related to ethics, federal and state laws, the Board of Chiropractic Examiners (Board) "Top Enforcement Violations" document, and sexual harassment and bullying prevention.

Dr. Paris began the discussion by supporting the inclusion of the Top Enforcement Violations document. Dr. Paris went on to question the need to include four hours of mandatory credit in Competency 7: Chiropractic Adjustment/Manipulation, in Section 361 (e) (4).

Dr. Dehn responded that she was in favor of the four hour requirement as it was critical to what the profession does on a daily basis.

Dr. Paris agreed that the mandatory subject area was important but felt that two hours might be more appropriate.

Dr. McClain shared that the Board saw a lot of disciplinary action related to poorly trained practitioners and felt that in protecting and maintaining the adequacy of technique, it was important to mandate the four hours.

Dr. Dehn added that technique seminars seemed very busy and full of information, if the hours were reduced, it would be unlikely that all the content would be satisfactorily covered.

Dr. Paris suggested expanding the topic to include manual therapy techniques in addition to chiropractic adjustment techniques, to allow licensees a more expansive list of topics to choose from. He was concerned that this topic would become a repetitive mandat and lose its effectiveness.

Dr. Dehn responded that in the past the subject area had not been extremely flexible about allowing for evaluation or diagnosis content within the approved hours for adjustive technique. Likewise, it had been challenging to strictly define chiropractic adjustive techniques separate from other manual therapies. Dr. Dehn suggested further defining this competency area.

Mr. McCarther reminded the Committee of the exhaustive list of techniques that had been gathered from all the Board approved chiropractic colleges and suggested returning to that list if it would provide clarity for the content that could be included in Competency 7.

Dr. Dehn recalled the list but had been referring to whether the assessment of the patient should be included into the adjustive technique subject matter.

Dr. McClain recalled that the Committee had determined not to include manual therapies as part of the adjustive technique subject area to deter licensees from taking mandatory hours in topics other than the core principles of chiropractic adjustive techniques. Dr. McClain expressed the importance of ensuring those techniques remained contemporary for the practicing chiropractor.

Mr. McCarther responded that the Committee would need to provide policy guidance, as technical experts, on whether patient assessments should be included under adjustive technique mandatory hours. Staff would follow the determination of the Committee's decision on the topic.

Ms. Boyer stated that in the proposed new competency model both Competency 7: Chiropractic Adjustment/Manipulation and Competency 1: Assessment and Diagnosis had five curricular objectives that a CE provider could choose from when designing their course. There could potentially be a wide breadth of content that a provider could speak to on either topic.

Mr. Puleo added that under the new competency model it would be the responsibility of the provider to ensure participants were meeting the curricular objectives that providers identified in their application.

Dr. Dehn stated she was able to review the curricular objectives in Competency 7 and was still in favor of requiring four hours.

Dr. Paris shared his concern that the regulations over emphasized the need to complete four hours in low risk procedures that the profession accomplished with most patient visits throughout their work day.

Dr. McClain stated that these regulations were designed in mind for the chiropractic population that needed to revisit technique protocols and that those who were up to date on their profession should also be able to glean new sources of information for their practices. Dr. McClain went on to state this topic had been presented to the full Board and the determination had been to require four hours of CE in this particular subject area.

Dr. McClain requested moving forward with the agenda topic.

Dr. McClain went on to request the language of Curricular Objective D, under Competency 5, be revisited as it needed to be reworded.

Ms. Boyer introduced the changes to Competency 5 and section 361 (e), that came from combining topics from the Enforcement Unit cases and from the previous CE subject area of Ethics and Law. Ms. Boyer went on to highlight the example CE Event Application that had been included as a means to express the possibilities of content a provider could cover under Competency 5.

Dr. Paris and Dr. Dehn appreciated the example for Competency 5.

Dr. McClain posed a question regarding the Instructor Attestation form, question three, why had staff chosen to include 'five years' versus another time period.

Ms. Boyer responded that five years was consistent with her research from PACE and other state licensing boards.

Ms. Boyer also wished to acknowledge Dr. Dehn's previous request to include a question regarding an instructors' potential dismissal from a healthcare or insurance group had not been overlooked but required additional research.

Dr. Dehn appreciated the acknowledgment.

Mr. Puleo added that five years was consistent with the initial licensure application, when assessing an applicant's potential convictions or violations.

Dr. Paris inquired if the Board's legal counsel had been able to review the questions for viability.

Ms. Boyer responded that a review by legal counsel was still pending as there was still interest in potentially including more questions into the attestation.

Mr. Kanotz shared that he had reviewed the document at previous meetings and was comfortable with the statements and direction of the attestation.

Ms. Boyer reviewed the proposed changes in Section 361 (e) 1-4, that would require licensees to take four hours of CE courses under Competency 5. The annual requirement would be; two one-hour courses on topics of the licensees' choosing, one one-hour course required on professional boundaries and one one-hour course required on the Top Enforcement Violations document provided by the Board.

The Committee agreed with the changes.

Dr. Paris shared some confusion over the language, whether there would be a Top Enforcement Violations document provided by the Board or if the training was created and presented by the Board.

Mr. McCarther clarified that the Board would not have the resources to develop a course at this time. The content prescribed by the Board would be related to statistical information from the Enforcement Unit.

The Committee acknowledged some confusion in the wording of this section.

Mr. Kanotz suggested “utilized information provided by the Board” be included into the language under Section 361 (e) (3).

Dr. McClain concluded the discussion by opening the topic for public comments.

Public Comment: Dr. Marcus Strutz shared the importance of maintaining the required hours for chiropractic adjustive technique as many licensees in his seminars have admitted to a gap in their knowledge or of new material they had learned from a course. Dr. Strutz also affirmed teaching the top violations as a positive action by the Board.

Public Comment: Ms. Laurie Isenberg, Director of Postgraduate & Continuing Education at Life Chiropractic College West, had a question about whether Competency 5: Professional Ethics and Jurisprudence included cultural sensitivity and LGBTQ challenges. Ms. Isenberg went on to state that she felt the number of categories for the 14 mandatory hours were excessive, including four hours in ethics topics.

Dr. Dehn responded to Ms. Isenberg, that LGBTQ awareness would be appropriate under Competency 4: Communication and Record Keeping.

Discussion on Definitions to Classroom Courses and Distance Learning Courses

Ms. Boyer moved to agenda item 4 by introducing the challenges faced by licensees due to the Covid-19 outbreak, the current regulations had some deficiencies and licensees were not able to meet the CE requirements. The Committee needed to define the difference between classroom courses and distance learning courses in this section to clarify the language against any unforeseen events.

Ms. Boyer went on to share the proposed definitions were to maintain that a distance learning course was one where the student and instructor were physically separated and content was transmitted through technology such as the internet, audio conferencing, and one or two-way transmissions. A classroom course would be where the student and instructor are physically present in the same environment. Ms. Boyer asked for feedback from the Committee.

Dr. Paris shared a concern that the definition of distance learning did not emphasize whether it would include courses that were interactive or synchronous.

Ms. Boyer supplied that the definitions presented were focusing on the physical distance between the participants and instructors, the synchronous or asynchronous aspect of the content had not been included in these definitions.

Dr. Dehn stated that the physical distance portion was an adequate and simplified definition for the two course types.

Dr. McClain asked for opinions from the other Committee members, whether they wanted the definitions to include the synchronous and asynchronous components.

Dr. Paris felt that a more specific definition should be supplied, one with sub categories for the types of distance learning platforms that could be used by providers.

Ms. Van Allen offered that many providers were in favor of allowing synchronous, interactive courses to count as classroom credit, despite the technology they are presented through. Ms. Van Allen went on to ask the Committee if they agreed that classroom courses should be clearly defined as synchronous and distance learning courses defined as asynchronous.

Dr. Dehn shared that she felt that even a synchronous class, like Zoom, should still be considered distance learning. She went on to state that the upcoming agenda item would cover some CE exceptions that she was very supportive of, specifically authorizing the Board to change CE requirements in an emergency situation.

Dr. McClain agreed that distance learning should stay as defined and the exemptions offered by the Board would assist during any future emergency situations. Dr. McClain shared some concerns with distance learning platforms and the ability to keep participants accountable.

Dr. Paris was concerned by some of the technology examples that had been included in the definition of distance learning courses. He felt further information needed to be supplied and potentially sub categories needed to be created for all types of distance learning platforms that could be used by providers.

Dr. McClain responded that there was a fine line between being overly prescriptive on the type of technology available and potentially not having our regulations be future-proof.

Dr. McClain inquired whether this topic could be revisited with staff creating a definition that was more specific without being too restrictive.

Ms. Van Allen responded that the policy issue that needed to be answered by the Committee was whether synchronous learning via the internet and webinars should be considered as classroom or distance learning. Once that was determined, staff could draft language for the definitions.

Dr. McClain summarized that it seemed the other Committee members were in agreement that synchronous content should be considered distance learning.

Dr. Dehn and Dr. Paris agreed.

Dr. McClain concluded that this topic would be revisited now that staff had further clarification on the Committee's stance on distance learning courses and classroom courses.

Public Comment: Dr. Cliff Tao, chiropractor and CE course provider, showed support for an exemption to allow distance learning courses to include a questions and answer period for all attendees, this could assist with engagement in distance learning platforms for verification of attendees.

Public Comment: Dr. Marcus Strutz shared that he had integrated a system into his distance learning courses, where participants could view the presenter and have an ongoing quiz, the system also had a time stamp for participants activity that directly correlated to their completion certificate. Dr. Strutz went on to share that a quiz portion to a classroom course would be equally beneficial, as many participants during an in-person course are often not paying attention to the presentation. Dr. Strutz encouraged the Committee to not overlook internet-based courses as a powerful platform to deliver CE content.

Public Comment: Dr. Scott Randolph, chiropractor and President of the Alumni Association Board of Directors at the Southern California University of Health Sciences, shared that through a recent survey of the alumni, participants responded in favor to more opportunities to connect with their fellow chiropractors. The second item uncovered by the survey was that participants wished to have the option to do all CE credit online. Dr. Randolph wished to highlight three important factors on behalf of the Board of Directors: 1) the majority of the alumni requested that all online CE be made an option, 2) the global Covid-19 pandemic had created a unique environment where our lives have moved online and the software to make this necessary had increased in quality and created greater accountability of use, 3) the next generation of chiropractors were extremely tech savvy and ready for the change in CE delivery. Dr. Randolph beseeched the Committee to consider making all online CE an option for licensees.

Public Comment: Ms. Dawn Benton, Executive Director of Calchiro, encouraged the Committee to include an interactive component as a portion of the distance learning definition, she also advised the Committee that California had many rural practicing chiropractors that found it difficult to travel for classroom CE courses. Ms. Benton went on to suggest considering the model where one speaker could virtually present to several physical classroom settings at one time. Ms. Benton encouraged the Committee to consider two-way communication software as a means to earn CE credit.

Public Comment: Dr. Tao wished to reiterate the need for urgency to develop a solution for practicing chiropractors. Dr. Tao also affirmed Dr. Strutz' position of requiring quizzes for all CE courses to curb participants who do not pay attention. Dr. Tao finally spoke on behalf of California licensees who lived out of the state and country and had difficulty in completing their CE requirements.

Public Comment: Dr. Ana Facchinato, Dean of Southern California University of Health Sciences, wished to support the suggestion that all CE be made available through online means. She also offered her support and knowledge for distance learning platform research.

Public Comment: Ms. Benton encouraged the Board to review the education requirements from the Accreditation Council for Pharmacy Education.

Review, Discussion and Possible Action on Proposed Language to Continuing Education Regulations: Sections 364-366

Ms. Boyer reviewed the proposed changes for Sections 364-366.

Dr. Dehn inquired if Section 364 (f) had been moved to another section of the regulations.

Ms. Boyer affirmed that the content had been moved to Section 361, where it was more appropriate.

Dr. McClain noted a typo in the new language for Section 364 (f), 'licenses' should be 'licensees'.

Dr. Paris brought the Committee's focus to Section 366, the final paragraph and whether there would be an option to create a link on the Board's website where course participants could leave feedback regarding their CE courses.

Mr. McCarther responded that the regulation would require the provider to administer the evaluation but a simple link could be set up on the website to capture any feedback that a participant wished to leave away from the class setting.

The Committee agreed.

Dr. Paris went on to suggest that the form allow the participant to remain anonymous from the CE provider and instructor but not from the Board for the review of the feedback.

Mr. Puleo suggested allowing individuals to remain anonymous as they might fear that their CE credits would be in jeopardy. Although the Board's ability to respond to a complaint against a CE provider or course would be limited without being able to communicate with the complainant.

Mr. Jackson suggested including 'federal declarations of natural disasters' to the proposed changes in Section 364 (f).

Public Comment: Dr. Tao wished the Committee to review potential changes for full disclosure of potential conflicts of interests from CE course speakers and providers.

Public Comment on Items Not on the Agenda

There was none.

Future Agenda Items

There was none.

Adjournment

Dr. McClain adjourned the meeting at 2:13 p.m.



Agenda Item 3 November 6, 2020

Discussion on Definitions to Classroom Courses and Distance Learning Courses

Purpose of the item

The Committee will review and discuss the proposed definitions for continuing education topics of classroom courses and distance learning courses.

Action(s) requested

Staff requests an exploratory discussion regarding policy topics and regulatory language changes.

Background

At the September 18th, 2020 Licensing & Continuing Education (CE) Committee Meeting, the Committee Members determined that asynchronous and synchronous learning should both be delineated as distance learning courses. The Committee requested an updated definition to both distance learning courses and classroom courses to further clarify the regulation.

Following the Committee Meeting, the Department of Consumer Affairs (DCA) issued a waiver (DCA-20-63) allowing all chiropractic licensees to take an additional 12 hours of continuing education credit as distance learning but specified that the courses must be through interactive video conferencing platforms. This eliminated the need for licensees to complete in-person classroom courses during the Covid-19 public health crisis. Staff would like to revisit the discussion between synchronous and asynchronous learning, considering the recent changes to CE requirements.

Staff have prepared a series of definitions from continuing education sources to assist in the discussion and decision making for the continuing education regulatory language.

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

- Draft Definitions for Classroom Courses and Distance Learning Courses
- [Waiver DCA-20-63](#)

Board of Chiropractic Examiners
Definitions for Classroom Courses and Distance Learning Courses

§363.1. Distance Learning Courses.

Distance learning education shall be considered as synchronous and asynchronous learning through technologies such as:

(a) One-way and two-way transmissions utilizing internet technologies, audio conferencing, physical multi-media platforms, or emergency technology modalities.

Definition Examples:

Federation of Chiropractic Licensing Boards – Providers of Approved Continuing Education (FCLB – PACE):

“Continuing education courses offered as distance learning may include journal articles, manuals, CDs, DVDs, audio and video tapes, research projects, computer or Internet courses, and other emerging formats.”

<https://pacex.fclb.org/Portals/3/PACE%20Governing%20Documents%20Current.pdf> pg 22

Florida Board of Chiropractic Medicine:

“Online attendance continuing education course” means a competency based learning course presented through live, synchronous technology or through prerecorded video coupled with a means for course attendees to ask questions of the instructor(s) and receive responses in a timely manner. Such courses may be presented through video conferencing technologies or interactive computer based applications.”

<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=64B2-13>

Ohio State Chiropractic Board

Section 4734-7-02 - Standards and requirements for continuing education

(B) Definitions

(1) CE, other than online CE, is defined as programs at which attendees interact with the instructor and the instructor can speak directly with the participants. A program may be conducted via teleconference so long as the instructor can speak directly with and interact with attendees.

(2) Online CE is defined as interactive online learning in which the user registers, logs in, and is tracked and timed in a database where all aspects of attendance is monitored.

<https://casetext.com/regulation/ohio-administrative-code/title-4734-state-chiropractic-board/chapter-4734-7-license-renewal-and-restoration/section-4734-7-02-standards-and-requirements-for-continuing-education>

American Medical Association:

“What types of CME activities may be certified for AMA PRA Category 1 Credit™ through an accredited CME provider?”

The types of CME activities certified by U.S.-based accredited CME providers include the following:

- Live activities - CME activity that occurs at a specific time as scheduled by the accredited CME provider. Participation may be in person or remotely as is the case of teleconferences or live Internet webinars. These may be offered through a variety of delivery mechanisms; examples include, but are not limited to, national, regional or local conferences, workshops, seminars, regularly scheduled conferences, journal clubs, simulation workshops, structured learning activities presented during a committee meeting and live Internet webinars.”

<https://www.ama-assn.org/sites/ama-assn.org/files/corp/media-browser/public/physicians/cme/physician-faq.pdf>

§363. Approval of Continuing Education Courses.

Classroom education is synchronous learning where course content and learning materials are taught when the student is physically present with fellow participants and the instructor.

(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~~ competencies as defined in Section 361(g) (1) and given by an approved Provider.

(c) Physical activities conducted during classroom education must support the curricular objectives of the course. Unrelated physical activities will not be approved for continuing education credit.



**Agenda Item 4
November 6, 2020**

Review, Discussion and Possible Action to Section 364 (e): Medical Waiver

Purpose of the item

The Licensing and Continuing Education (CE) Committee will review and discuss the proposed regulatory language changes to the CE regulations, California Code of Regulations (CCR) Article 6 – Continuing Education, Section 364 (e).

Action(s) requested

Staff requests an exploratory discussion regarding policy topics and regulatory language changes.

Background

The Licensing and CE Committee reviewed Section 364 at the September 18th Committee Meeting; however, staff withheld discussions regarding medical waivers, Sections 364 (e), for a standalone discussion.

Board staff has experienced an increase in requests from licensees for medical exemptions from completing 12 hours of in-person CE credit. The Board traditionally received an average of 5 requests per month for CE medical exemptions. The summer of 2020 Board staff experienced a significant increase in licensees requesting medical exemptions, potentially to avoid in person CE courses and ultimately risk and potential exposure to Covid-19. At the height of request, Board staff received 29 medical exemption requests in one month.

The Department of Consumer Affairs has issued waiver DCA-20-63 on September 23rd, 2020, allowing an additional 12 hours of CE credits to be completed online through interactive video conferencing platforms. This has eliminated the need for licensees to attend in-person CE courses during the public health crisis. In October, the Board received one medical waiver request.

Recommendation(s)

Board staff has prepared proposed changes to Section 364 (e) that would prevent misuse of a medical exemption.

Next Step

N/A

Attachment(s)

- Draft Language for CCR Section 364

Board of Chiropractic Examiners
Draft Language: Section 364 (e): Medical Waiver

§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.

1) The exemption to the continuing education requirement may only be granted for the renewal period in which the licensee is requesting the exemption. If a medical condition persists, licensees must request the exemption for each subsequent renewal period.

~~(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.~~

(f) Instances of natural disaster or a Governor declared state of emergency, the Board has the authority to authorize completion of 24 hours of continuing education through distance learning courses or waive the continuing education requirements for the period of the license renewal. Licensee shall request a waiver from the Board in writing and provide documentation of the mitigating circumstances affecting their renewal requirements.

(g) 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 for any renewal cycle in which the licensee served as a Board Member.

(h) ~~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 for any renewal cycle in which the licensee served on active duty.