



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

March 25, 2021  
1 p.m. to 3 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=eadda73ba705749729c41bc674d8b3931>

***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](mailto: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 November 6, 2020, Meeting Minutes**
- 3. Discussion and Possible Action Regarding the Federation of Chiropractic Licensing Boards – Providers of Approved Continuing Education Presentation from the January 28, 2021, Board Meeting**
- 4. Review, Discussion and Possible Action to Article 6. Continuing Education Sections 361 – 366.**

**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**

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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](http://www.chiro.ca.gov).

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# 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.

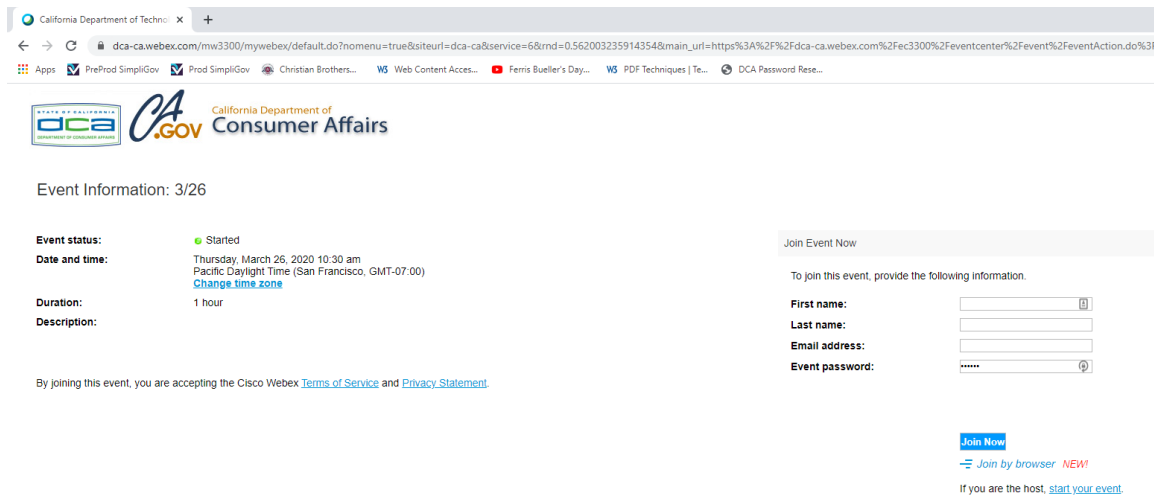
1. Navigate to the WebEx event link provided by the DCA entity (an example link is provided below for reference) via an internet browser.

Meeting Link:

<https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=eadda73ba705749729c41bc674d8b3931>

Event / Meeting Number: 187 106 4542

Password: BCE32521

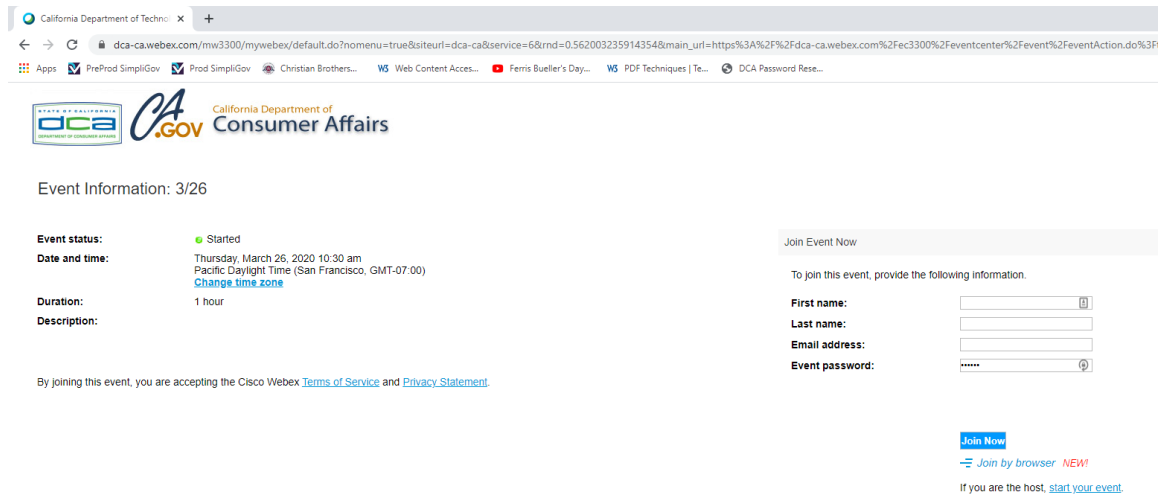


2. The details of the event are presented on the left of the screen and the required information for you to complete is on the right.

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.

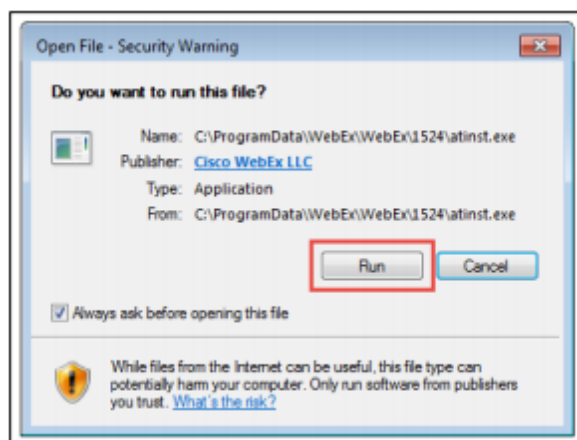
## HOW TO – Join – DCA WebEx Event



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...



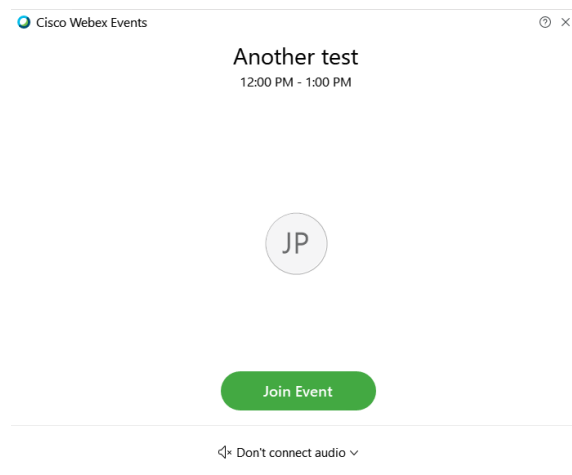
Still having trouble? [Run a temporary application](#) to join this meeting immediately.

- 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.

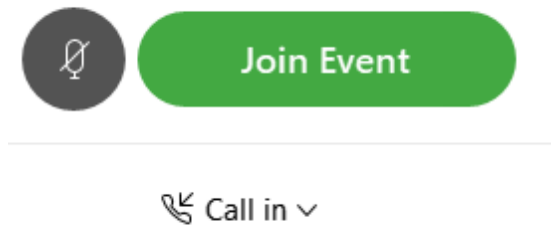
- 7. Click the audio menu below the green 'Join Event' button.



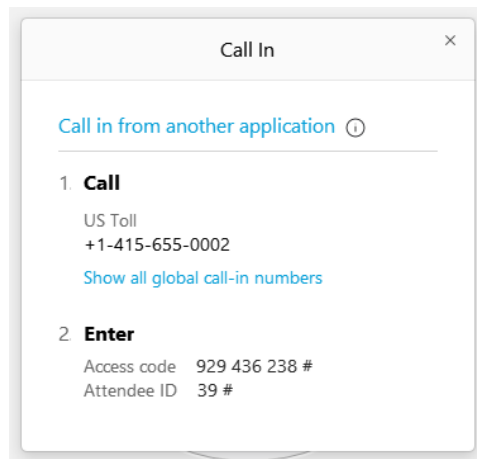
- 8. When the audio menu appears click 'Call in'.

## 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.

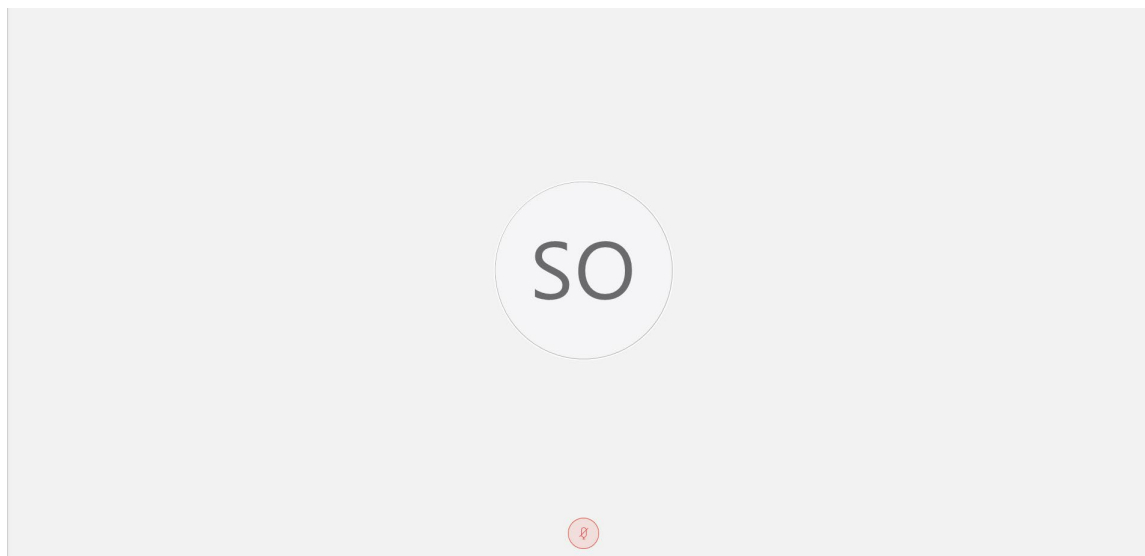


**NOTE:** The audio conference is the preferred method. Using your computer's microphone and speakers is not recommended.

## 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!

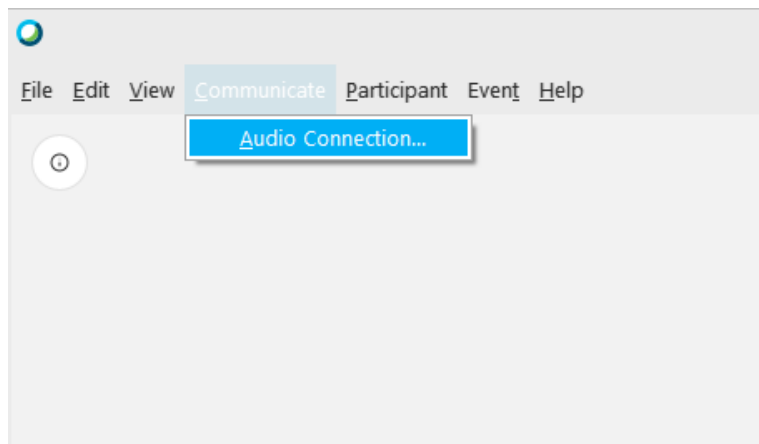


**NOTE:** Your audio line is muted and can only be unmuted by the event host.

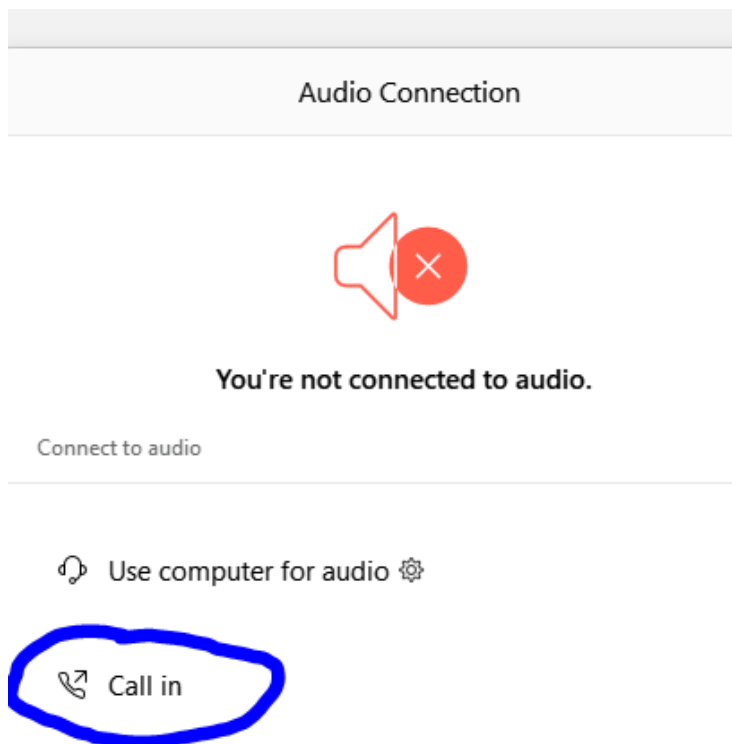
If you join the meeting using your computer's microphone and audio, or you didn't connect audio at all, you can still set that up while you are in the meeting.

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



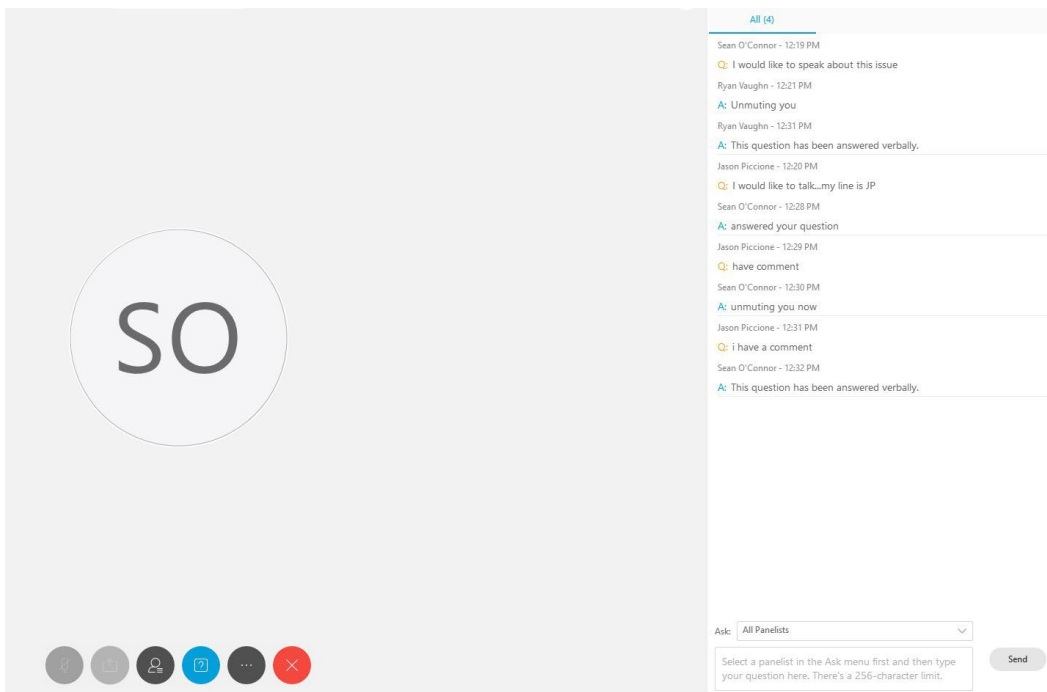
At certain times during the event, the facilitator may call for public comment. If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.



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  
March 25, 2021**

**Approval of November 6, 2020, Meeting Minutes**

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**Purpose of the item**

The Licensing and Continuing Education Committee will review the November 6<sup>th</sup>, 2020 Committee Meeting minutes.

**Action(s) requested**

The Committee will be asked to make a motion to approve the November 6<sup>th</sup>, 2020 Committee Meeting minutes.

**Background**

N/A

**Recommendation(s)**

N/A

**Next Step**

N/A

**Attachment(s)**

- Meeting minutes from the November 6<sup>th</sup>, 2020 Licensing & Continuing Education Committee Meeting.



**Board of Chiropractic Examiners  
TELECONFERENCE MEETING MINUTES  
Licensing & Continuing Education Committee  
November 6, 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  
Dixie Van Allen, Staff Services Manager I  
Kristin Walker, Staff Services Manager I  
Natalie Boyer, Continuing Education Analyst  
Amanda Campbell, Continuing Education Analyst  
Clay Jackson, Regulations Attorney III

**1. Call to Order & Establishment of a Quorum**

Dr. McClain called the meeting to order at 12:05 p.m.

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

**2. Approval of September 18, 2020, Meeting Minutes**

**MOTION: DR. DEHN MOVED TO APPROVE THE MINUTES OF THE SEPTEMBER 18<sup>th</sup>, 2020 LICENSING & CONTINUING EDUCATION COMMITTEE MEETING.**

**SECOND: DR. PARIS SECONDED THE MOTION.**

Discussion: Dr. McClain provided a grammatical correction on the second page in the final sentence, the word "mandate" was misspelled.

Public Comment: There was none.

**VOTE: 3 - 0, (DR. PARIS – AYE, DR. MCCLAIN – AYE, DR. DEHN – AYE)  
MOTION CARRIED.**

### 3. Discussion on Definitions to Classroom Courses and Distance Learning Courses

Ms. Boyer provided a synopsis of the Licensing & Continuing Education (CE) Committee's discussion from the September 18<sup>th</sup> Committee Meeting. The Committee had agreed that synchronous and asynchronous learning should both count as distance learning credit. Following this meeting the Department of Consumer Affairs (DCA) issued a waiver allowing chiropractic licensees to complete an additional 12 hours of distance learning credit, so long as the courses were offered through an interactive video conference platform. These new learning opportunities could potentially reframe what the Committee had previously determined.

Dr. Dehn inquired if it was appropriate for the Committee to decide if they wished to include the new interactive CE platforms as distance learning or classroom learning credit.

Ms. Boyer agreed that the Committee needed to make this determination and that some of the examples provided on page 22 of the Committee materials packet could assist them.

Dr. Dehn stated that the regulatory language provided from the Ohio State Chiropractic Board was most in line with her ideas surrounding distance learning CE.

Ms. Boyer shared that the proposed language changes to the definition stated that both synchronous and asynchronous learning, offered through any technology platform, would be considered as distance learning.

Dr. McClain clarified that these learning methods would not count as live classroom credit per the definition.

Ms. Boyer agreed.

Dr. Paris inquired if the Committee had settled on considering synchronous, two-way interaction as only distance learning and not a version of classroom credit. Dr. Paris could not recall if the Committee entertained the idea of allowing interactive video conference platforms as a method to classroom credit.

Ms. Boyer responded that she had interpreted from the previous Committee Meeting that it was the Committee's wish to have interactive video conferencing courses to only count as distance learning credit and participants would not receive in-person CE credit.

Dr. Dehn stated that with the new information available to the Committee, regarding the DCA waiver and the feedback from licensees, she felt the Committee needed to revisit the discussion.

Dr. Paris agreed and went on to state that he had the opportunity to participate in some interactive video conference courses and his opinions had evolved on the subject matter.

Dr. McClain asked the Committee, whether they consider interactive video conferences to be synchronous learning, such that it would be in the same category as face-to-face classroom courses.

Dr. Dehn agreed that interactive platforms would count as classroom learning, with the exception of adjustive technique, which should only be taught in live classroom courses.

Dr. McClain concurred.

Dr. Dehn stated that it would be important to distinguish if the regulation would allow only visual technology versus audio only learning platforms such as a teleconference calls.

Dr. Paris agreed that some examples in the Committee materials packet allowed for teleconference calls to be considered as in-person credit without the visual component. Dr. Paris went on to share his concerns over allowing audio calls as part of the in-person classroom credit category.

Dr. Dehn agreed that courses that did not include a live visual component could not be considered as part of the in-person classroom learning definition. She referred back to the Ohio licensing board's regulatory language as a good example, so long as the reference to teleconference courses was removed.

Dr. McClain agreed that Zoom type platforms would not count as classroom credit without the video component utilized during the course.

Dr. Paris shared that he was not in favor of participants emailing questions regarding the course to the instructor and then the instructor could, at some point in the future, respond back. He did not feel that that model should constitute as live classroom course credit, as it eliminates the immediate two-way communication.

Dr. Dehn and Dr. McClain agreed that a CE model such as that would remain as traditional distance learning.

Dr. Dehn went on to point out that she liked how the Ohio State Chiropractic Board itemized the requirements for a traditional online course.

Dr. McClain affirmed her interest in requiring timed tracking of participants logging in and out and answering course questions to ensure participants were engaged.

Ms. Van Allen sought clarification, if a participant turned off their camera during a Zoom CE course, would that preclude them from receiving in-person classroom credit.

Dr. McClain and the Committee agreed with Ms. Van Allen's statement.

Dr. Paris wanted to ensure that the regulatory language didn't exclude CE courses that used both video platforms and telephone audio features from being included for classroom credit, as many software systems offered both during webinars.

Dr. McClain directed staff to utilize the Ohio State Chiropractic Board language as a model for further updating the definition language surrounding classroom courses and distance learning courses, including interactive video conference courses as part of the classroom course options.

Ms. Boyer added that an exemption would also be included to exclude adjustive technique from interactive video courses. Ms. Boyer went on to inquire if the Committee was interested in excluding this competency from traditional distance learning courses.

Dr. Dehn responded that the adjustive technique competency should only be approved as an in-person classroom course.

Dr. Paris wished to have a future conversation surrounding which competencies should be excluded from particular learning modalities.

Dr. McClain went on to suggest that competency exclusions should be included in this portion of the regulations or if it was determined to go elsewhere, then clear footnotes needed to be included so licensees understood what could and could not be taken under specific course types.

Ms. Boyer stated that she would review the full CE regulations document and determine which section would be most appropriate to include exclusions.

Dr. Paris inquired whether the Committee could move to Section 363 on page 23 of the Committee materials packet.

Ms. Boyer reviewed the definition for classroom CE courses, stating that the participants physical presence was a substantial piece of the definition.

Dr. Paris agreed that the definition was clear. Dr. Paris went on to inquire if additional language could be added to Section 363 (c), to substantiate that physical activities performed as part of a course must support the curricular objectives of the course but also support the learning environment.

Dr. Dehn inquired if Dr. Paris was referring to learning activities that could be distracting to the participant's learning.

Dr. Paris agreed, he was concerned that certain activities during a course, while they could meet the curricular objectives of the course, would not constitute as an environment for concentration and learning but instead be very distracting and interruptive.

Ms. Boyer shared a concern that the Committee would then have to define 'learning environment' for the regulations, which could be challenging as it was such a vague concept. The curricular objectives had already been itemized in the regulations as they were a part of the competency model set forth by the Council on Chiropractic Education (CCE).

Mr. Jackson joined the discussion and stated that in Section 363, he was concerned with the term 'physically present' as many higher education institutions were not currently offering

physically present classes and the Committee should not be too specific as it eliminated a lot of CE models.

Dr. Paris mentioned that the Committee had seen examples that could make a good argument that the physical activities conducted during class could relate to one of the curricular objectives but the learning environment, on the golf course for example, would be very disruptive and not conducive for learning. He went on to ask if it was problematic in Section 363 (c) to mention 'learning environment' in the language and not robustly define it.

Mr. Jackson agreed and suggested that "participatory" be included as part of the language to ensure participants were engaged in the learning.

Dr. Paris inquired if including 'learning environment' into the language would be legally problematic, or if by adding the language the Committee or staff could have discretion to identify physical activities that they didn't think were appropriate or supportive to a learning environment.

Mr. Jackson stated it was a regulatory issue, especially in the second sentence of Section 363 (c), as it was somewhat vague. The Office of Administrative Law (OAL) was very strict on clarity within regulations and as presently written that sentence was very subjective to identify what 'unrelated physical activities' meant.

Dr. Paris went on to state that an unrelated and disruptive physical activity for a CE course would be one that intermittently interrupted learning every 5 to 10 minutes for a new physical activity. It wouldn't necessarily be the physical activity that was incongruous with the learning objective but the environment itself.

Mr. Jackson responded with his concern regarding who would be the gatekeeper to determine the relationship between each physical activity and if it would be approved for CE.

Ms. Van Allen inquired how the regulations could stop providers from offering courses with physical activities when the course competency had no relation to it, such as running a marathon while learning about ethics and law.

Mr. Jackson felt that including 'participatory' within the language might be helpful to create a statement that a certain percentage of courses taken shall include participatory learning.

Dr. McClain stated that the regulations needed to provide staff with the tools necessary to properly review courses, to prevent any meagre courses from being approved and doing a disservice to licensees. Dr. McClain went on to suggest presenting this topic to the full Board to allow them to provide their feedback on language that would distinguish the learning environment without defining it too much and hemming the regulations in.

Dr. McClain inquired if Mr. Jackson could explore ideas of how the Committee could regulate the learning environment of CE courses, without being overly strict, and present findings at a later meeting.



Dr. Paris added that he was very supportive of alternative classroom environments that engage learners, but the boundaries of alternative classrooms needed to be defined in the regulations to ensure quality CE was being offered.

Mr. Jackson responded that in Section 361 (g), it might be possible to state which competencies were acceptable in what manner of education setting.

Ms. Boyer added that she had a sense of what the Committee wished to accomplish and suggested returning to this topic at a later date.

Dr. McClain agreed.

Public Comment: Dr. Marcus Strutz, chiropractor and continuing education provider with Back to Chiropractic Seminars, shared his support for interactive video conferences, his experience with his Zoom courses have been very effective at engaging participants. He mentioned that he disagreed that adjustive technique be excluded from distance learning models as participants were able to see his actions far clearer and up close than in a traditional classroom setting. He went on to urge the Committee to reconsider that opinion. Dr. Strutz also shared his experiences with tracking participant attendance and engagement in the Zoom platform, supporting the decision to only allow credit for participants who maintain their video connection throughout the course.

Public Comment: Ms. Dawn Benton, Executive Director of CalChiro, shared her concern with the decision that participants would need to maintain video connection during a course, presently CalChiro did not have the ability to track whether participants kept their cameras on for the duration of the CE course.

#### **4. Review, Discussion and Possible Action to Section 364 (e): Medical Waiver**

Ms. Boyer moved to the following agenda item and shared that during the summer of 2020 the Board experienced an influx in licensees requesting medical waivers per Section 364 (e). Once the DCA waiver 20-63 was issued the requests severely dropped, as licensees had another route to complete all their CE requirements online. Section 364 (f) had been changed during the September 6<sup>th</sup> Committee Meeting, giving the Board the authority to waive or change the CE requirements during a federal or local state of emergency. Ms. Boyer opened the discussion up to the Committee to see if they wished for more to be done to restrict potential CE exemptions in the regulations.

Dr. Dehn inquired if there was a need to include an exemption for medical reasons, now that the Committee agreed to include interactive video courses as a pathway to in-person classroom CE credit.

Ms. Boyer agreed, in light of the Committee's recent decision there might not be a need to create strict parameters for a medical exemption.

Dr. McClain suggested someone with severe head trauma, with concentration issues, could benefit from these provisions in the regulations.

Dr. Dehn inquired about the process for individuals requesting exemptions.

Ms. Boyer responded that under the current model, staff were only able to approve licensees taking 24 hours of online CE credit. Ms. Boyer went on to state that in the proposed changes to 364 (f), the Board would be authorized to waive the CE credit for the entire renewal period, such as in the instance of severe fire damage to a county.

Dr. McClain found benefit in including an exemption such as the one featured in 364 (f), even if there would be limited opportunity for individuals to utilize it, considering the changes the Committee recently proposed to in-person classroom requirements.

Dr. Paris agreed with the Committee's determination, he went on to inquire if the Committee could have a further discussion on the exemptions in Sections 364 (b-d) and whether those individuals should still be required to complete mandatory CE hours.

Dr. McClain responded that she was not as concerned with requiring all mandated CE competencies, as she was for specific ones like ethics and cardiopulmonary resuscitation.

Dr. Paris suggested the Committee revisit this topic at a later date to determine which competencies every licensee should be required to take.

Public Comment: Dr. Strutz shared that he knew several chiropractors with light and technology sensitivity that had requested paper handouts for seminars and that might be another example of someone requesting a medical waiver.

## **5. Public Comment on Items Not on the Agenda**

Public Comment: Dr. Strutz requested that the Committee review the amount of hours needed for adjustive technique, he suggested requiring six to eight hours rather than four hours as the requirement.

## **6. Future Agenda Items**

Public Comment: Dr. Strutz would like the Committee to revisit the decision of allowing licensees to earn 12 hours of CE in one day, he strongly recommended reducing the requirement to six hours of CE in a day.

## **7. Adjournment**

Dr. McClain adjourned the meeting at 1:49 p.m.



**Agenda Item 3  
March 25, 2021**

**Discussion and Possible Action Regarding the Federation of Chiropractic  
Licensing Boards – Providers of Approved Continuing Education Presentation  
from the January 28, 2021, Board Meeting**

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**Purpose of the item**

The Committee will take possible action on including Federation of Chiropractic Licensing Boards (FCLB) - Providers of Approved Continuing Education (PACE) in the California Code of Regulations as a method to approving continuing education (CE) credit.

**Action(s) requested**

Review PACE pre-check application, as well as language utilized by other state's regulatory Boards to determine the best course of action for California.

Staff has compiled two examples to demonstrate the two possibilities of partnering with PACE. Oklahoma Board of Chiropractic Examiners is utilizing the PACE Pre-check model and, in 2020, the New Hampshire Office of Professional Licensure and Certification has adopted regulation to accept all PACE providers and courses.

**Background**

At the January 28<sup>th</sup>, 2021 Board Meeting, Dr. Jon Schwartzbauer, Executive Director and Ms. Kelly Webb, PACE Coordinator, provided an informational presentation regarding PACE's various CE services for chiropractic regulatory boards. Board Members had the opportunity to engage and ask questions of the presenters.

There are two current models available to incorporate PACE approval into a board CE process. Regulatory boards can accept all PACE approved providers and CE courses as part of the renewal requirements for their licensees. The board would not need to review course material as PACE provides a review process prior to initially approving the provider. The second option is to recognize PACE providers, but continue to require providers to submit a CE course application for staff review and approval. An alternate application, the PACE Pre-Check Application, is utilized by regulatory boards who utilize this method.

**Recommendation(s)**

N/A

### **Next Step**

Depending on the Committee's recommendation, staff can include language into the California regulations to include or omit PACE as a method to offer CE courses.

### **Attachment(s)**

- "PACE at a Glance" handout provided at the January 28<sup>th</sup>, 2021 Board Meeting by FCLB – PACE.
- [Oklahoma Chiropractic Practice Act: 140:10-5-1 \(f\), pg 39-40](#)
- [Oklahoma PACE Pre-Check Application](#)
- [New Hampshire Administrative Rules Ch. 404.01 \(c\) 1 d](#)
- To maintain compliance with AB 434 (Baker) State Web accessibility: standard and reports, we are no longer able to provide scanned documents on our website. A copy of the "PACE at a Glance" handout may be requested via a Public Records Request, please email [chiro.info@dca.ca.gov](mailto:chiro.info@dca.ca.gov).



**Agenda Item 4  
March 25, 2021**

**Review, Discussion and Possible Action to Article 6. Continuing Education  
Sections 361 – 366**

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**Purpose of the item**

The Committee will review and discuss the proposed changes to Article 6. Continuing Education Sections 361-366.

**Action(s) requested**

N/A

**Background**

Over the past year and a half, the Licensing & Continuing Education (CE) Committee has done a section by section review of proposed changes to regulatory language and policy. Staff has compiled the entire regulatory document, including any updated applications and forms, for the Committee's holistic review.

**Recommendation(s)**

N/A

**Next Step**

N/A

**Attachment(s)**

- DRAFT Article 6. Continuing Education Sections 361-366
- DRAFT Continuing Education Competencies
- DRAFT Continuing Education Provider Application
- DRAFT Continuing Education Event Application
- DRAFT Post Continuing Education Evaluation Form

**Board of Chiropractic Examiners DRAFT language**  
**Article 6. Continuing Education**

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**§360. Continuing Education Fees.**

The following represents fees for continuing education:

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

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

**§361. Continuing Education Requirements for Chiropractic Licensees.**

- (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 courses as defined in Section 363.1. ~~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 ~~b~~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:
  - (1) A minimum of four (4) hours in Competency 1: Assessment and Diagnosis,

- (2) A minimum of four (4) hours in Competency 2: Chiropractic Adjustment/Manipulation.
- (3) A minimum of two (2) hours in Competency 3: Communication and Record Keeping,
- (4) A minimum of four (4) hours in Competency 4: Professional Ethics and Jurisprudence, which shall include one (1) hour completed annually in professional boundaries content and one (1) hour completed annually in “Top Enforcement Violations” document which shall be provided by the Board,

(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~~ 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~~ competencies specified in either subdivision (g) or approved by agencies specified in subdivision (h). ~~By way of example, a licensee may take eight (8) hours of continuing education courses in subject areas listed in subdivision (g), that are approved by the board, and ten (10) 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 Board approved continuing education event in Competencies 1 through 8, identified in the “Continuing Education Competencies” document (Revision date “DATE”), which is hereby incorporated by reference. No more than twelve (12) hours of continuing education credit shall be awarded to an individual licensee for coursework completed on a specific date.

Licensees may take twelve (12) hours of continuing education credit as in-person classroom courses including two-way video conferencing courses and twelve (12) hours of continuing education credit as distance learning courses.

(A) The following competencies are restricted to specified education formats:

(i) Hours taken in Competency 2 – Chiropractic Adjustment/Manipulation may only be taken as an in-person classroom event, Competency 2 is excluded from two-way video conferencing and distance learning platforms.

~~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 ~~h~~Board meeting on the same day in which said petitioner's hearing is conducted. The attendance of a licensee at a ~~h~~Board meeting under this subparagraph shall be monitored and confirmed by ~~h~~Board staff designated by the Executive Officer.

(3) Complete a PACE-approved course through a PACE accredited provider in a qualifying competency area.

(4) A licensee who participates in the entire two (2) day workshop as a Subject Matter Expert for the purpose of exam development of the California Law and Professional Practice Examination will receive one (1) hour of CE credit for each hour volunteered, up to a maximum of sixteen (16) hours.

(5) A licensee who participates as an examiner for the entire Part IV portion of the National Board of Chiropractic Examiners (NBCE) examinations shall receive a maximum of six (6) hours of general 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.

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) 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:

i. The California Department of Industrial Relations, Division of Workers Compensation.

ii. 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.

iii. 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 363.1.

**§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 Provider's 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 thirty (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 substantial changes, including but not limited to: the date, time, instructor or location of the course, and provide changed advertising or marketing material for the course. The Board shall have fourteen (14) days to process and approve or deny the submitted changes, the provider may not enact changes without the Board's written approval. A new application may be required as determined by the Executive Officer.

(6) Provide a certificate of completion to licensees within thirty (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, the qualifying competency satisfied~~ and whether the hours were obtained ~~in~~ as in-person classroom instruction, two-way video conferencing or distance learning.

**§362.2. Continuing Education Providers Notice of Violation.**

(a) Failure to comply with the duties and responsibilities outlined in Section 362.1 may result in a 'notice of violation' to the provider.

(1). The 'notice of violation' to the provider shall consist of the provider's business name, the responsible party's contact name, identify the violation and the timeframe the violation may be made available to the public.

(2) The notice will be disclosed to the public through the Board's website for the duration of the provider's approval timeframe and/or no less than one year.

**§362.3. Continuing Education Providers Cause for Withdrawal of Approval.**

(a) The Board may withdraw its approval of a provider status for causes that include, but are not limited to, the following:

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

(2). Failure to submit a course roster upon written request, by the Board, within thirty (30) days;

(3). Failure to administer business responsibilities; including failure to notify the Board of substantial changes to the course date, time, instructor or location, changes to marketing materials, maintaining attendance records and/or creating and maintaining course completion certificates.

**§362.4. Continuing Education Providers Cause for Denial.**

(a) The Board may deny a provider application for causes that include, but are not limited to, the following:

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

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

(3). Failure to administer business responsibilities; including failure to notify the Board of substantial changes to the course date, time, instructor or location, changes to marketing materials, maintaining attendance records and/or creating and maintaining course completion certificates.

### **§362.5. Continuing Education Providers Appeal Process.**

~~(e)~~(1). The Executive Officer, after notification, may withdraw approval of any continuing education provider for ~~good cause, including, but not limited to, a~~ violations of any provision of the regulation identified in Section 362.1 and 362.3 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~~ If an appeal is sought, it must be filed within thirty (30) days of the date of the notification. The Executive Officer shall schedule the informal hearing within thirty (30) days of receipt of the appeal request. Within ten (10) days following the informal hearing, the Executive Officer shall provide written notification of his or her the decision to the provider. If the Executive Officer upholds his or her the decision under this subsection, the provider may, within thirty (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 Review Committee shall be made up of the standing members in the Licensing & Continuing Education Committee. The Executive Officer shall schedule the requested hearing at a future board meeting but not no later than one hundred and eighty (180) days following receipt of the request. Within ten (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.

### ~~(e) CONTINUING EDUCATION PROVIDER DENIAL AND APPEAL PROCESS:~~

(2). 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 appeal hearing with the Executive Officer regarding the reasons stated in the denial notification. The appeal must be filed within thirty (30) days of the date of the denial notification. The Executive Officer shall schedule the informal appeal hearing within thirty (30) days of receipt of the appeal request. Within ten (10) days following the informal appeal hearing, the Executive Officer shall provide written notification of the decision to the denied applicant. If the Executive Officer upholds a denial under this section, the applicant may, within thirty (30)

days of the date of the Executive Officer's denial notification, request a meeting before the Board's Review Committee to appeal the denial. The Review Committee shall be made up of the standing members in the Licensing & Continuing Education Committee.

The Executive Officer shall schedule the requested meeting with the Review Committee no later than one hundred and eighty (180) days following receipt of the request. Within ten (10) days of the meeting with the Review Committee, the Executive Officer shall provide written notification of the Review Committee's decision to the applicant. The Review Committee's decision shall be the final order in the matter.

### **§363. Approval of Continuing Education Courses.**

Classroom courses are events in which attendees interact with the instructor and the instructor can speak directly with the participants in real time. Courses offered through two-way video conferencing technology will be approved as classroom course credit, so long as the participant maintains a video connection for the entirety of the continuing education event.

(a) Providers must complete and submit a "Continuing Education Course— (CE) 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 forty-five (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 (1) of the subject areas competencies as defined in Section 361(g) (1) and given by an approved Pprovider.

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

(d) Once approved, a course may be given any number of times for one (1) year following approval, with the single continuing education course fee paid one time annually by the provider. A course, and its corresponding application, may not consist of more than one (1) subject area competency as defined in Section 361(g) (1).

(e) The following documentation shall be submitted with each "Continuing Education Course (CE) Event Application":

(1) A course description, including the explicit competencies, course objectives and participant outcomes, based on the "Continuing Education Competencies" document;

(2) A detailed hourly breakdown of the continuing education course content, identifying the 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 include 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 course examinations, to be administered during or at the conclusion of the course event;

(9) Example of the course completion certificate, required identified in Section 362.1 (6) (A-H);

(10) The "Post Continuing Education (CE) Evaluation Form" (Revision date "DATE"), 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 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) Only those courses that meet the following shall be approved:~~

~~(1) (g) No more than twelve (12) hours of continuing education credit shall be awarded to an individual licensee for coursework completed on a specific date.~~

~~(2) (h) 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 monitors attendance throughout the event. Providers shall maintain attendance records that contains the course date(s), each licensee's name, license number, and designated space for each licensee to sign in at the beginning and conclusion of the course each day acknowledgement of the participants attendance (date stamp, wet signature, or digital signature). Furthermore, the form shall state that a licensee by signing their name on that sheet, is declaring under penalty of perjury, that they reporting their attendance, attests 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" reporting 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) (i) The bBoard shall not approve the following subjects for continuing education events that contain the following 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, and topics outside the scope of chiropractic as defined in Section 302.~~

~~(g) (j) If a provider makes a substantive change in content, the amount of hours, course marketing material, date, instructor or location of an approved course, he or she they shall notify the bBoard as soon as possible of the changes prior to giving the course. The Board shall have fourteen (14) days to process and approve or deny the submitted changes, the provider may not enact changes without the Board's written approval. A new application may be required as determined by the Executive Officer.~~

~~(k) Events offered in Competency 2 – Chiropractic Adjustment/Manipulation may only be offered as an in-person classroom event, Competency 2 is excluded from two-way video conferencing and distance learning platforms.~~



### **§363.1. Distance Learning Courses.**

Distance learning education shall be considered as asynchronous learning offered on demand through the internet.

In addition to the applicable requirements of Sections 362, 362.1 and 363, providers of continuing education courses ~~offereding through distance learning formats, including, but not limited to, computer, Internet, manuals, compact disks, digital video, versatile discs, and audio and video tapes~~ distance learning courses, 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.~~

### **§363.2. Continuing Education Course Cause for Withdrawal.**

(a) The Board may 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 of any documents required to be submitted to the Board by the instructor or provider and/or any misrepresentation by an instructor during the course of a continuing education event.

### **§363.3. Continuing Education Course Cause for Denial.**

(a) The Board may deny a Continuing Education (CE) Event Application 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 of any documents required to be submitted to the Board by the instructor or provider.

### **§363.4. Continuing Education Course Appeal Process.**

~~(h)~~ (a). The Executive Officer, after notification, may withdraw approval of any continuing education course for ~~good cause, including, but not limited to,~~ a 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~~ If an appeal is sought, it must be filed with the Board within thirty (30) days of the date of the notification. The Executive Officer shall schedule the informal hearing within thirty (30) days of receipt of the appeal request. Within ten (10) days following the informal hearing, the Executive Officer shall provide written notification of his or her the decision to the provider. If the Executive Officer upholds his or her the decision under this subsection, the provider may, within thirty (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 Review Committee shall consist of the standing members in the Licensing & Continuing Education Committee. The Executive Officer shall schedule the requested hearing at a future board meeting meeting but not no later than one hundred and eighty (180) days following receipt of the request. Within ten (10) days of following 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.

(b). 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. An appeal must be filed within thirty (30) days of the date of the denial notification. The Executive Officer shall schedule the informal hearing within thirty (30) days of receipt of the appeal request. Within ten (10) days following the informal hearing, the Executive Officer shall provide written notification of the decision to the denied applicant. If the Executive Officer upholds a denial under this section, the applicant may, within thirty (30) days of the date of the Executive Officer's denial notification, request a meeting with the Board's Review Committee to appeal the denial. The Review Committee shall consist of the standing members in the Licensing & Continuing Education Committee. The Executive Officer shall schedule the requested meeting no later than one hundred and eighty (180) days following receipt of the request. Within ten (10) days following the meeting before the Review Committee, the Executive Officer shall provide written notification of the Review Committee's decision to the applicant. The Review Committee's decision shall be the final order in the matter.

#### **§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 ~~b~~Board -approved continuing education course may earn one (1) hour of continuing education credit for each hour of lecture up to twenty-four (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 twenty-four (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 periods.

~~(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) During instances of natural disaster, a state or federal declared state of emergency, the Board has the authority to authorize completion of twenty-four (24) hours of continuing education through distance learning courses or waive the continuing education requirements for the period of the license renewal. The 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 bBoard member who has served one (1) 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(c), 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.

### **§365. Revoked Licenses.**

Any person ~~making application applying~~ making application applying 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 ~~bBoard~~ Board deems appropriate.

### **§366. Continuing Education Audits.**

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

Licenses who fail to retain certificates of completion shall obtain duplicate certificates, from approved Continuing Education providers, who shall issue duplicates only to licenses 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).

Licenses 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~~ Review Committee's ruling, as described in Section ~~362(e)~~ 362.4 (a), shall be the final order on the matter.

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

~~The b~~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 Continuing Education (CE) Evaluation Form" to all course participants. These forms shall 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 Competencies

### 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~~ nervous systems, musculoskeletal systems 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.

### COMPETENCY 2 - 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, including neurological aspects.
- 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.

### **COMPETENCY 3 - 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 intraoffice policies and procedures and provide adequate resources for training, prevention and investigation of reports of inappropriate behavior by staff or chiropractors.
- D. Create and maintain accurate, appropriate and legible records.
- E. Comply with regulatory standards and responsibilities for patient and business records.

- F. Comply with state and federal laws for billing and coding, including appropriate documentation.
- G. Maintain ethical standards for billing and coding, of necessary and appropriate care.

## **COMPETENCY 4 - PROFESSIONAL ETHICS AND JURISPRUDENCE**

**Professionals are expected to comply with state and federal 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~~ appropriate professional conduct with staff and patients.
- D. Apply sensitivity in interaction with staff and patients in regards to bullying, sexual impropriety and relationship boundary transgressions.

## **COMPETENCY 5 - 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.

## **COMPETENCY 6 - 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.

## **COMPETENCY 7 – 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, and critically appraise and the use of relevant peer reviewed scientific literature and other evidence.

## **COMPETENCY 8 – INTER-PROFESSIONAL EDUCATION**

**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.

## Continuing Education (CE) Provider Application Information Sheet

**Application** (Provider approval shall expire two years following the approval date):

Providers shall submit the CE Provider Application along with a non-refundable fee, please include a check or money order made payable to “BOCE”.

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

### General Information:

Please review California Code of Regulations Section 362 and 362.1.

Provider's shall:

- Identify a primary and secondary individual responsible for overseeing all continuing education activities of the provider.
- Provide a course roster to the board, within thirty (30) days, upon written request. Course rosters shall include the names of all licensees, license numbers, and e-mail addresses if available. Providers shall maintain the course roster for four (4) years from the date of completion of the course.
- Maintain course instructor curriculum vitae or resumes for four (4) years.
- 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.
- Inform the board in writing immediately of any substantial changes, including but not limited to: the date, time, instructor or location of the course. and provide changed advertising or marketing material for the course. The board shall have fourteen (14) days to process and approve or deny the submitted changes, the provider may not enact changes without the Board's written approval. A new application may be required as determined by the Executive Officer.

- Provide a certificate of completion to licensees within thirty (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:
  - Name and address of provider.
  - Course title.
  - Course approval number.
  - Date(s) and location of course.
  - Licensee name.
  - License number.
  - Printed name and signature of the provider's designated representative.
  - Number of hours the licensee earned in continuing education, the qualifying competency satisfied and whether the hours were obtained as in-person classroom instruction, two-way video conferencing or distance learning.

SAMPLE



### Continuing Education (CE) Provider Application

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

#### Provider Status

- Individual\*  \_\_\_\_\_ University/ College
- Corporation\*  \_\_\_\_\_ Government Agency
- Partnership\*  \_\_\_\_\_ Professional Agency
- Health Facility

\*Please provide names of all responsible parties.

<b>Provider Business Name:</b>	
<b>*Business Owner (Financial Responsible Party):</b>	
<b>Address:</b>	
<b>Telephone Number:</b>	<b>Email address:</b>
<b>Name of responsible party for all CE communication (include license number if applicable):</b>	
<b>Second responsible party:</b>	
<b>Type of courses to be offered:</b>	
<b>Classroom Courses</b> <input type="checkbox"/>	<b>Video Conference Courses</b> <input type="checkbox"/>
<b>Distance Learning Courses</b> <input type="checkbox"/>	

**Please answer the following questions in full, provide supplemental documentation as needed.**

Conflict of Interest statements:

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Examples of digital record keeping system (compliance with provider four-year record retention requirements, i.e. course registration information, course completion confirmation). Examples should be safe, retrievable and replicable:

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Provide an example of your course completion certificate:

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Methods/Procedure of attendance tracking for specific course environment (classroom courses vs. distance learning) and examples:

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Grievance procedures:

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Transfer of records procedures (in case of business closure and process for notifying the Board):

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Procedure for vetting and approving appropriately credentialed instructors:

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**To be completed by the all individuals listed in a responsible party capacity on page 1 of the application.**

Have any of the above-referenced individuals been previously denied approval to offer CE courses by the Board of Chiropractic Examiners or by any other Department of Consumer Affairs Boards? If yes, attach an explanation.

YES  NO

Are the above-referenced individuals currently in good standing with each licensing jurisdiction in which they hold or have held a license? If no, attach an explanation identifying the licensing entity and reason the individual is not in good standing.

YES  NO

Are any of the above-referenced individuals under investigation by a regulatory agency? If yes, attach an explanation identifying the licensing entity and the nature and status of the investigation.

YES  NO

Have any of the above-referenced individuals had a license placed on probation or restricted within the past five years in this or any other jurisdiction? If yes, attach an explanation.

YES  NO

Are any of the above-referenced individuals under investigation for or been charged with a criminal offense? If yes, attach an explanation identifying the individual, the nature and status of the investigation and all relevant police records.

YES  NO

Have any of the above-referenced individuals been convicted of a misdemeanor involving moral turpitude or a felony in this or any other jurisdiction? If yes, attach an explanation identifying the individual, the nature of the crime, the dates of arrest and conviction, the law enforcement agency and court having jurisdiction and all relevant police and court documents.

YES  NO

I hereby certify that the information provided is true, correct and complete to the best of my knowledge. I also certify that I personally read and completed this application and have read the instructions.

\_\_\_\_\_  
Signature of Authorized Agent

\_\_\_\_\_  
Date

SAMPLE





### Continuing Education (CE) Event Application

All questions on this application must be answered. Please submit the completed application, supporting documentation and a check or money order in the amount of \$56.00 for the application fee at least forty-five 45 days prior to the first scheduled course date. When space provided is insufficient, attach additional sheets of paper. All attachments are considered part of the application. Incomplete applications or applications with incorrect fees will be returned to the provider during the initial review process.

Only Providers who have been previously approved by the Board of Chiropractic Examiners may submit CE Event applications for review.

<b>Provider Name:</b>	
<b>Name of responsible party for all continuing education communication:</b>	
<b>Address:</b>	
<b>Telephone Number:</b>	<b>Email address:</b>

<b>Title of Event:</b>
<b>Type of program:</b>
<b>Classroom Course:</b> <input type="checkbox"/> <b>Video Conference:</b> <input type="checkbox"/> <b>Distance Learning Course:</b> <input type="checkbox"/>
<b>Has this course received Board approval previously?</b>
<b>Yes</b> <input type="checkbox"/> <b>Approval Number:</b> _____ <b>No</b> <input type="checkbox"/>
<b>Has any content been changed within the course?</b>
<b>Yes</b> <input type="checkbox"/> <b>No</b> <input type="checkbox"/>

Office Use Only	
Receipt Number _____	Date Cashiered _____

Please review California Code of Regulations Sections 363 – 363.4.

### **REQUIRED DOCUMENTATION**

- A course description, including the explicit competencies, course objectives and participant outcomes, based on the “Continuing Education Competencies” (Revision date “DATE”) document;
- A detailed hourly breakdown of the continuing education course content, identifying the competencies and instructor for each hour of instruction;
- A final copy of the syllabus/course schedule including seminar name, date and location of seminar, instructor(s) name, teaching methods, recommended reading, disclosure of expenses underwritten or subsidized by vendors of any goods, supplies or services;
- Name and contact details of certifying attendance official;
- Promotional materials for courses;
- Instructor’s CV, exemplifying appropriate certifications and qualifications for the competency the application is listed under. When applicable, professional license number;
- Attestation form completed by the instructor. If the course is a hands-on chiropractic adjustive technique workshop taking place in California, the instructor must be a California licensed chiropractor;
- Example of a course completion certificate;
- Examples of course examinations, to be administered during or at the conclusion of the event;
- The Post Course Evaluation Form.

### **Video Conference Course:**

All above documentation is needed in addition to documentation or a statement providing the following:

- Verification that participants have their video cameras turned on and are present throughout the CE event in order to receive full classroom credit.

### **Distance Learning Courses:**

All above documentation is needed in addition to documentation or a statement providing the following:

- Explanation of the appropriate level of technology required for a student licensee to successfully participate in the course;
- Available technical assistance as appropriate to the format;
- A statement containing the security measures to protect the learner's identity, course and related content from unauthorized access;
- Timekeeping mechanism to confirm licensee’s participation and completion of the course.

Please complete bottom form for each instructors.

<b>Lecture Title:</b>
<b>Instructor Name and License Number (if applicable):</b>
<b>Course Date:</b> <b>Location:</b> <b>Hours of course:</b> <b>Competency:</b> <b>Curricular Objective:</b>
<b>Certifying Attendance Official:</b> <b>Contact Details:</b>

<b>Lecture Title:</b>
<b>Instructor Name and License Number (if applicable):</b>
<b>Course Date:</b> <b>Location:</b> <b>Hours of course:</b> <b>Competency:</b> <b>Curricular Objective:</b>
<b>Certifying Attendance Official:</b> <b>Contact Details:</b>

<b>Lecture Title:</b>
<b>Instructor Name and License Number (if applicable):</b>
<b>Course Date:</b> <b>Location:</b> <b>Hours of course:</b> <b>Competency:</b> <b>Curricular Objective:</b>
<b>Certifying Attendance Official:</b> <b>Contact Details:</b>

Total hours/competencies requesting approval: \_\_\_\_\_

## Instructor Attestation Form

An attestation form must be completed by each course instructor.

<b>Provider Name:</b>	
<b>Instructor Name:</b>	<b>Course Title:</b>
<b>License Number:</b>	

Are you currently in good standing with each licensing jurisdiction in which you hold or have held a license? If no, attach an explanation identifying the licensing entity and reason the license is not in good standing.

YES  NO

Are you currently under investigation by a regulatory agency? If yes, attach an explanation identifying the licensing entity and the nature and status of the investigation.

YES  NO

Have you had a license placed on probation or restricted within the past five years in this or any other jurisdiction? If yes, attach an explanation.

YES  NO

Have you had a license suspended, surrendered or revoked in this or any other jurisdiction. If yes, attach an explanation identifying the licensing entity and the date and nature of the sanction.

YES  NO

Have you had an initial or renewal license application denied for unprofessional conduct? If yes, attach an explanation identifying the licensing entity and the date of and reason for the denial.

YES  NO

Are you under investigation for or have been charged with a criminal offense? If yes, attach an explanation identifying the nature and status of the investigation and all relevant police records.

YES  NO

Have you been convicted of a misdemeanor involving moral turpitude or a felony in this or any other jurisdiction? If yes, attach an explanation of the nature of the crime, the dates of arrest and conviction, the law enforcement agency and court having jurisdiction and all relevant police and court documents.

YES  NO

I hereby certify that the information provided is true, correct and complete to the best of my knowledge. I also certify that I personally read and completed this application and have read the instructions.

\_\_\_\_\_  
Signature of Course Instructor

\_\_\_\_\_  
Date



### Post Continuing Education (CE) Evaluation Form

**1. Did this CE event meet your educational expectations?**

- Exceeded  Met  Did not meet  
 Exceeded  Met  Did not meet

**2. Were the continuing education competencies clear to you?**

- Yes  No

**3. Please answer the following:**

	Completely	Partially	Not at all
Were the learning objectives adequately addressed?			
Was the content relevant to your clinical practice?			
	Yes	No	Uncertain
Did this CE event contain information that was new to you?			
Will you make any changes in your practice as a result of participating in this CE event?			

**5. Was the content of the program free of commercial bias or influence?**

- Yes  No

If, No, please describe:

Please provide any comments, feedback or suggestions for improvement for this course:

If you wish to provide your comments directly to the Board, please email [chiro.info@dca.ca.gov](mailto:chiro.info@dca.ca.gov). The Board will not impact the CE credits you received for providing a negative or unsatisfactory review of a CE provider or event.