



NOTICE OF TELECONFERENCE BOARD MEETING

July 16, 2021
9:00 a.m. to 4 p.m.
or until completion of business

Notice of Teleconference Meeting Held Under Executive Order N-08-21 (6/11/21)

FOR PUBLIC COMMENT, PLEASE LOG ON TO THIS WEBSITE:

<https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=e41e3f259136439f7ee061c47e66a3084>

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 two 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-mailing chiro.info@dca.ca.gov, or sending 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.

The Board may take action on any agenda item.

AGENDA

- 1. Open Session – Call to Order & Establishment of a Quorum**
Dionne McClain, D.C., Chair
David Paris, D.C., Vice Chair
Frank Ruffino, Secretary
Laurence Adams, D.C.
Rafael Sweet
- 2. Chair's Report**
Update on the Chair's Activities and Board's accomplishments and/or goals
- 3. Approval of April 22, 2021, Board Meeting Minutes**
- 4. Approval of May 20, 2021, Board Meeting Minutes**
- 5. Approval of June 4, 2021, Board Meeting Minutes**

- 6. Ratification of Approval of License Applications**
- 7. Ratification of Denied License Applications in Which the Applicants Did Not Request a Hearing**
- 8. Ratification of Approved Continuing Education Providers**
- 9. Executive Officer's Report**
 - A. Administration - Board staffing/organizational chart
 - B. Budget - Fund condition update
 - C. Licensing - Statistical trends
 - D. Enforcement - Statistical trends
 - E. Information Technology (IT) Update

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

- 10. Review, Discussion and Possible Action Regarding Fee Analysis Report**
- 11. Update, Review, Discussion and Possible Action on Licensing & Continuing Education Committee May 7, 2021, and June 17, 2021, Meeting Agendas**

The Board may act on any item on the attached Licensing & Continuing Education Committee meeting agendas.
- 12. Update, Review, Discussion and Possible Action on Government & Public Affairs Committee April 13, 2021, and June 28, 2021, Meeting Agendas**

The Board may act on any item on the attached Government & Public Affairs Committee meeting agendas.
- 13. Update, Discussion and Possible Action on Pending Rulemaking:**
 - A. Denial of Application: Revocation or Suspension of Licensure
 - B. Revisions to Curriculum Requirements and Approval of Programs (16 CCR Sections 330 through 331.16)
 - C. Continuing Education Requirements (CE Provider and Course Approval)/Mandatory Cardiopulmonary Resuscitation (CPR) Certification for All Licensees
 - D. Delegation of Authority to the Assistant Executive Officer/Compliance with Citation and Order of Abatement
 - E. Consumer Protection Enforcement Initiative (CPEI)
 - F. Revisions to BCE Disciplinary Guidelines & Uniform Standards for Substance Abusing Licensees
 - G. Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice on Death/Incapacity of Licensee
 - H. Amend or Repeal 16 CCR Section 354: Successful Examination (Obsolete provision)

14. Public Comment for Items Not on the Agenda

Note: The Board may not discuss or take action on any matter raised during this public comment section 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.

15. Future Agenda Items

Note: The Board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Section 11125.]

16. Closed Session

The Board will meet in Closed Session to:

- A. Deliberate on Disciplinary Decisions Pursuant to California Government Code Section 11126(c)(3)
- B. Discuss the Preparation and Administration of Examinations Pursuant to Government Code Section 11126(c)(1)
- C. Confer with or Receive Advice from Legal Counsel Pursuant to Government Code Section 11126(e) Regarding *Elizabeth Acosta v. Board of Chiropractic Examiners*, Los Angeles County Superior Court, Case No. BC698162 and *Elizabeth Acosta v. State of California, et al.*, Los Angeles County Superior Court, Case No. 19STCV06136

17. Reconvene Open Session

18. Adjournment

In accordance with Executive Order N-29-20, no physical location is available for observation and public comment, so please plan to attend the meeting telephonically. Meetings of the Board of Chiropractic Examiners are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. Public comments will be taken on agenda items at the time the specific item is raised. The Board may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board’s Web Site at www.chiro.ca.gov.

A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting the Board at (916) 263-5355, or e-mailing chiro.info@dca.ca.gov, or sending a written request to the Board of Chiropractic Examiners, 901 P Street, Suite 142A, Sacramento, CA 95814. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

HOW TO – Join – DCA WebEx Event

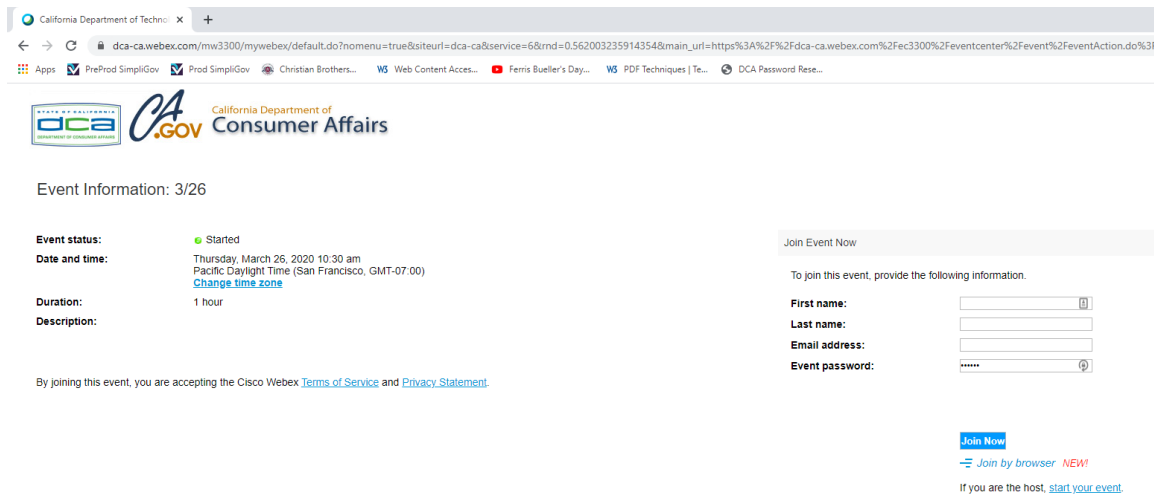
The following contains instructions to join a WebEx event hosted by the Department of Consumer Affairs (DCA).

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

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

Meeting link: <https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=e41e3f259136439f7ee061c47e66a3084>

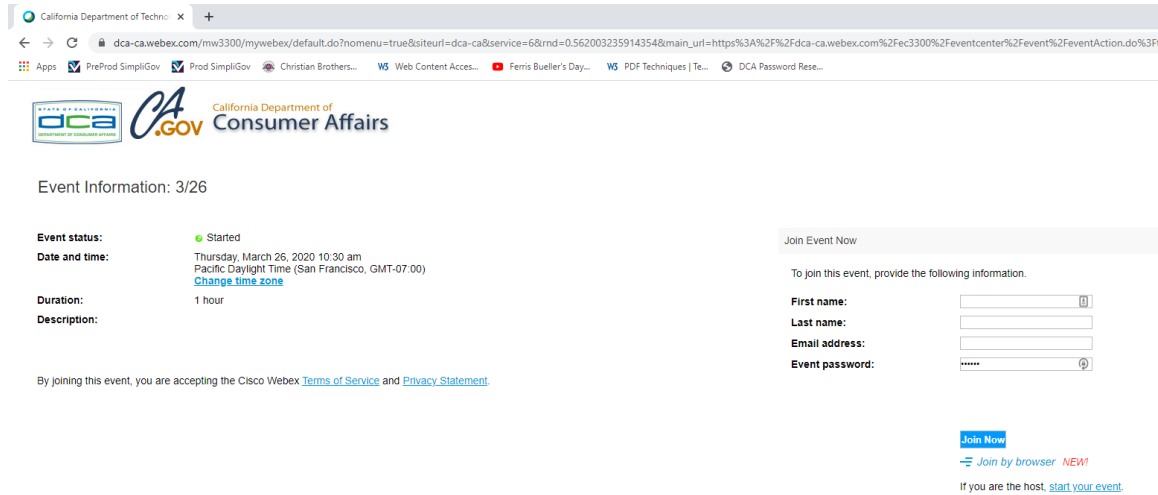
Event number: 146 173 4564
Event password: BCE07162021
Audio conference: +1-415-655-0001 (Access code: 146 173 4564)



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.

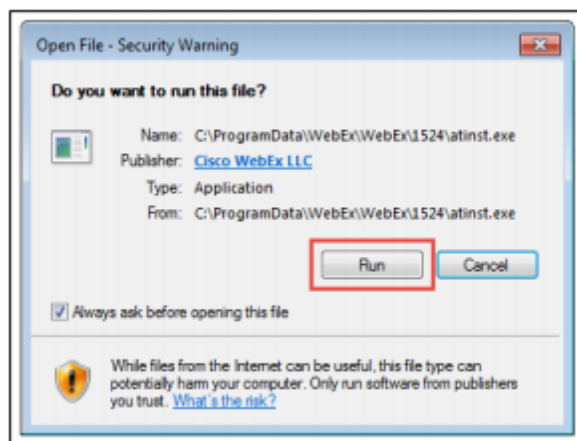
HOW TO – Join – DCA WebEx Event



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...



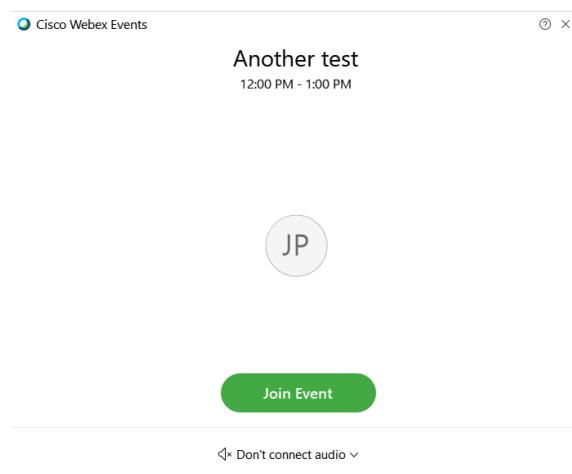
Still having trouble? [Run a temporary application](#) to join this meeting immediately.

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.

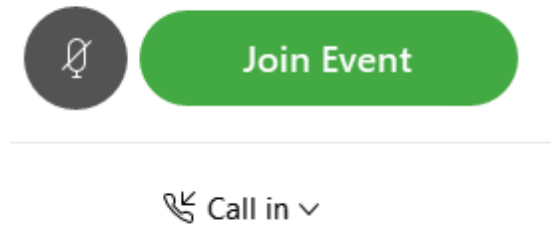
7. Click the audio menu below the green 'Join Event' button.



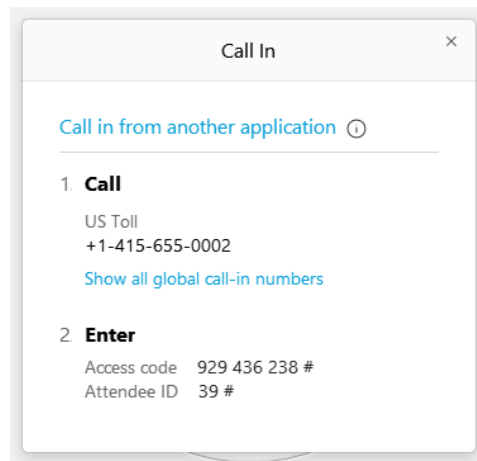
8. When the audio menu appears click 'Call in'.

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.

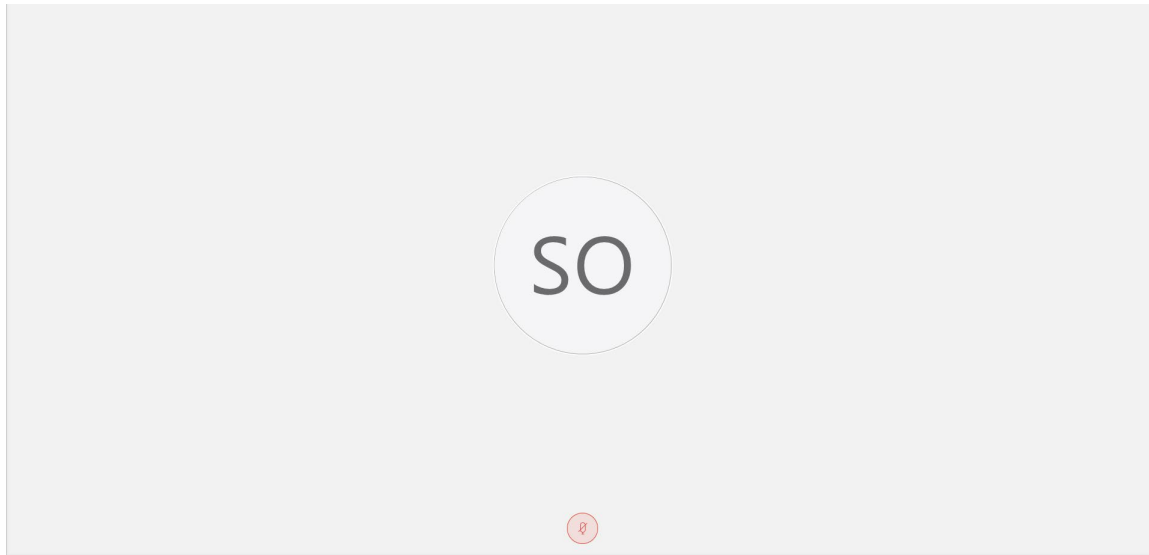


NOTE: The audio conference is the preferred method. Using your computer's microphone and speakers is not recommended.

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!

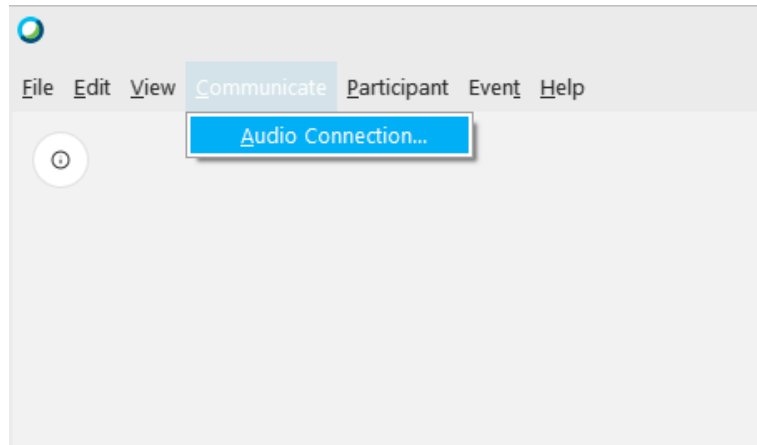


NOTE: Your audio line is muted and can only be unmuted by the event host.

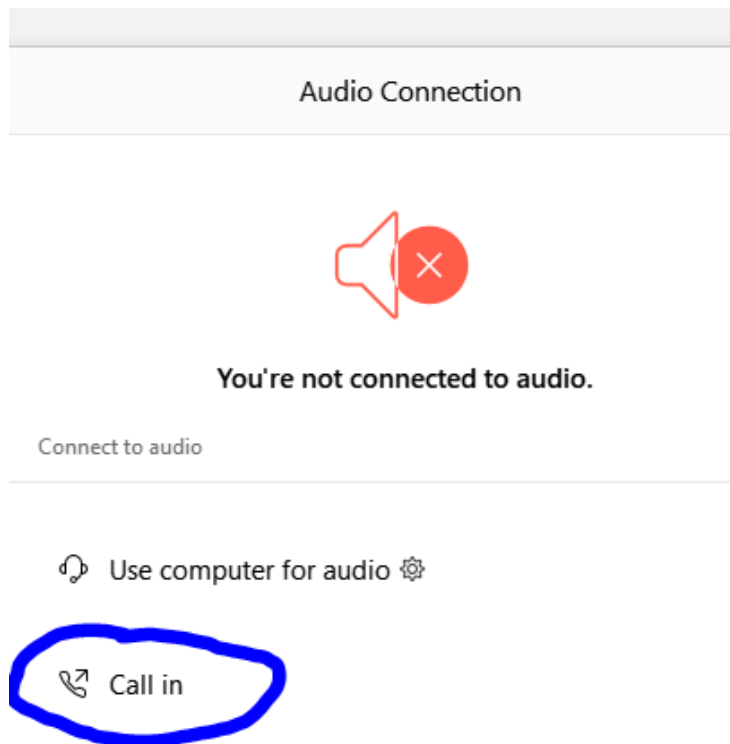
If you join the meeting using your computer's microphone and audio, or you didn't connect audio at all, you can still set that up while you are in the meeting.

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

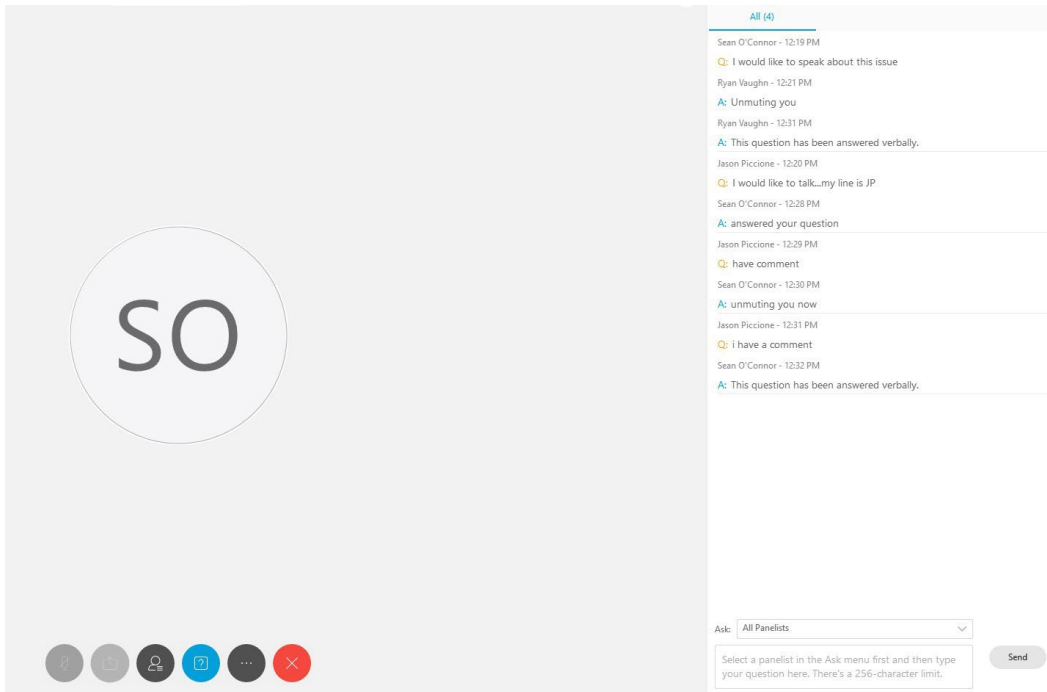
At certain times during the event, the facilitator may call for public comment. If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.



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.

Approval of Minutes
April 22, 2021

Purpose of the item

The Board will review and approve the Board meeting minutes of the previous Board meeting.

Action(s) requested

The Board will be asked to make a motion to approve the April 22, 2021 Board Meeting minutes.

Background

N/A

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

- Meeting minutes from the April 22, 2021 Board meeting.



BOARD OF CHIROPRACTIC EXAMINERS PUBLIC SESSION MINUTES

April 22, 2021
Teleconference

Board Members Present

Dionne McClain, D.C., Chair
David Paris, D.C., Vice Chair
Frank Ruffino, Secretary
Laurence Adams, D.C.
Rafael Sweet

Staff Present

Robert Puleo, Executive Officer
Kristin Walker, Assistant Executive Officer
Michael Kanotz, Senior Attorney
Heather Hoganson, Attorney
Dixie Van Allen, Licensing and Continuing Education Manager
Natalie Boyer, Licensing Analyst
Amanda Campbell, Licensing Analyst
Andreia McMillen, Policy Analyst
Tammi Pitto, Enforcement Analyst
Emily Lopez, Seasonal Clerk
Kelly Sigeunza, Seasonal Clerk

1. Call to Order

Dr. McClain called the meeting to order at 9:12 a.m.

Roll Call

Mr. Ruffino called the roll. All members were present and a quorum was established.

2. Chair's Report

Dr. McClain welcomed Mr. Rafael Sweet to the Board of Chiropractic Examiners.

Mr. Sweet stated that he was honored to be appointed to the Board and is looking forward to working with the Board and its staff.

Dr. McClain acknowledged Board staff and Mr. Puleo for their tremendous hard work.

Dr. McClain added that a testament to this hard work is that this meeting will be the first time in history that the Board will ratify licensees who applied for licensure online.

Dr. McClain notified the public that there are currently two waivers in place regarding continuing education (CE). Waiver 21-134 postponed the due date for CE. Licensees with expiration months between March 2020 and May 2021 have until September 30, 2021 to complete their CE. Waiver 20-63 allows all licensees the ability to take 12 hours of two-way interactive video conferencing in replacement of the in-person hours. Dr. McClain added that there is a possibility of the Department granting additional waivers.

Dr. McClain added that the Board welcomes all constructive, meaningful input and professional discourse, but will not tolerate anyone being disrespectful, confrontational, or condescending. Dr. McClain asked that those who would like to participate in the meeting be positive and respectful.

Public Comment: None

3. Presentation and Discussion on Presentation from Dr. Jason Jaeger, National Board of Chiropractic Examiners, on Specialty, Jurisprudence, and Ethics and Boundaries Assessment Services (EBAS) Examination Products

Dr. Jaeger informed the Board of the newly reinvigorated products that the National Board of Chiropractic Examiners (NBCE) offers. The Specialty Examination allows licensees to demonstrate proficiency in a subject area, the Jurisprudence Examination tests licensees on their state's rules and regulations, and the EBAS Examination is a profession-specific computerized essay exam that assesses a licensee's understanding of ethics and boundaries in a professional setting.

Public Comment: None

4. Approval of December 11, 2020 Board Meeting Minutes

MOTION: MR. RUFFINO MOVED TO APPROVE THE MINUTES OF THE DECEMBER 11, 2020 BOARD MEETING.

SECOND: DR. PARIS SECONDED THE MOTION.

Discussion: Dr. McClain noted a spelling correction on page two.

VOTE: 5-0, (DR. MCCLAIN-AYE, DR. PARIS-AYE, MR. RUFFINO-AYE, DR. ADAMS-AYE, MR. SWEET-AYE).

MOTION: CARRIED.

Public Comment: None

5. Approval of January 28, 2021 Board Meeting Minutes

MOTION: MR. RUFFINO MOVED TO APPROVE THE MINUTES OF THE JANUARY 28, 2021 BOARD MEETING.

SECOND: DR. ADAMS SECONDED THE MOTION.

Discussion: None.

VOTE: 5-0, (DR. MCCLAIN-AYE, DR. PARIS-AYE, MR. RUFFINO-AYE, DR. ADAMS-AYE, MR. SWEET-AYE).

MOTION: CARRIED.

Public Comment: None

6. Ratification of Approval of License Applications

MOTION: MR. RUFFINO MOVED TO RATIFY THE APPROVED LICENSE APPLICATIONS.

SECOND: DR. ADAMS SECONDED THE MOTION.

Discussion: None

VOTE: 5-0, (DR. MCCLAIN-AYE, DR. PARIS-AYE, MR. RUFFINO-AYE, DR. ADAMS-AYE, MR. SWEET-AYE).

MOTION: CARRIED.

Public Comment: None

7. Ratification of Denied License Applications in Which the Applicants Did Not Request a Hearing

There were none.

8. Ratification of Approved Continuing Education Providers

MOTION: MR. RUFFINO MOVED TO RATIFY THE APPROVED CONTINUING EDUCATION PROVIDERS.

SECOND: DR. PARIS SECONDED THE MOTION.

Discussion: None.

VOTE: 5-0, (DR. MCCLAIN-AYE, DR. PARIS-AYE, MR. RUFFINO-AYE, DR. ADAMS-AYE, MR. SWEET-AYE).

MOTION: CARRIED.

Public Comment: None

9. Executive Officer's Report

A. Administration - Board staffing/organizational chart

Mr. Puleo notified the Board of the current vacancies; the Enforcement unit has three positions available; a manager, analyst, and clerical position. He stated that staff have begun recruiting for these vacancies and that they hope to fill the Enforcement manager position with an experienced retired annuitant as a temporary assignment. He expects that some of these positions will be filled by the next meeting.

The Board discussed the merits of hiring a retired annuitant with managerial and enforcement experience.

B. Budget - Fund Condition Update

Mr. Puleo stated that there are no significant changes to report to the Fund Condition since the last meeting. Staff are in the process of working with an independent consultant for the fee analysis. The fund is currently low, and the Board will be in a deficit in the next couple of years; The Board will need to introduce a fee bill in the next legislative session.

C. Licensing - Statistical Trends

Ms. Van Allen informed the Board that the licensing statistics remain fairly consistent and that the slight increase over the past few months in the number of chiropractic licenses has continued.

D. Enforcement - Statistical trends

Ms. Walker notified the Board that the statistics are fairly consistent with what the Board would expect with a couple notable exceptions. The number of accusations has steadily increased to 23, which will continue to climb, as cases referred to the Attorney General's office make their way through the process. The number of pending cases under accusations is also high at 67; this is primarily due to the COVID-19 pandemic and the Office of Administrative Hearings not holding in person hearings which has led to many requesting extensions instead of participating in a video hearing.

The Board and staff then discussed enforcement processes.

E. Information Technology (IT) Update

Ms. Walker stated that staff are continuing to work with the Department of Consumer Affairs' (DCA) Office of Information Services (OIS) and the vendor on the development and implementation of the new Connect system. The current system includes license applications, license renewals, address changes, submittal of other paper applications, and satellite applications, renewals, and cancellations. The current project is developing the enforcement functionality which will include everything from a front facing website for the public to be able to file complaints online and then all the back office functionality for staff to be able to work through the complaint investigative and disciplinary process. The next update will include adding CE course and provider applications and corporation certificates.

Public Comment: None

10. Update, Review, Discussion and Possible Action on Licensing & Continuing Education Committee March 25, 2021, Meeting Agenda

Dr. McClain updated the Board with information from the Licensing & CE Committee. The Committee met to discuss the presentation from the Federation of Chiropractic Licensing Boards (FCLB) - Providers of Approved Continuing Education (PACE) from the January 2021 full Board Meeting. The Committee had the opportunity to discuss any concerns, raise questions, and review the two options possible when developing a PACE partnership.

Dr. McClain informed the Board that there are two models available to incorporate PACE approval into the Board's CE process. The first option is that regulatory boards can accept all PACE approved providers and any CE courses those providers offer. The Board would not review course material, as PACE provides a 25-category review of the provider and certifies them as PACE approved.

Dr. McClain stated that the second option is to recognize PACE providers but retain control over reviewing and approving CE course content. An alternate application, the PACE Pre-Check Application is utilized by regulatory boards, the CE course fee is set by the Board, and the review is subject to that state's CE course approval requirements.

Dr. McClain proclaimed that after reviewing two examples provided by staff and posing questions to both Board staff and Ms. Kelly Webb of PACE, the Licensing & CE Committee passed a motion to recommend including the PACE Pre-Check model into the California Code of Regulations Article 6. Continuing Education regulations.

Dr. McClain added that while the Committee also began the review process for the proposed changes to the regulatory document, Article 6. Continuing Education Sections 361-366, including all supplemental forms and applications, the Committee was unable to complete the review process in the time allotted. They will resume this topic at the next Licensing & CE Committee Meeting.

Dr. McClain stated that the Committee recommends the full Board adopt language to the CE regulations by including approval of PACE certified providers, while retaining the authority to review and approve CE courses through the PACE Pre-Check application.

**MOTION: MR. RUFFINO MOVED THAT THE BOARD ADOPT LANGUAGE INTO THE CE REGULATIONS TO ACCEPT PACE CERTIFIED PROVIDERS, WHILE MAINTAINING CONTROL OVER THE REVIEW AND APPROVAL OF CE COURSES THROUGH USE OF THE PACE PRE-CHECK APPLICATION AS RECOMMENDED BY THE LICENSING & CE COMMITTEE.
SECOND: DR. PARIS SECONDED THE MOTION.**

Discussion: Dr. Paris asked how instructors of courses would be vetted in circumstances where the provider was not the instructor of a PACE approved course.

Mr. Puleo stated that PACE doesn't approve the courses individually but does perform audits of courses and will address issues or concerns raised during that process. He affirmed that the PACE pre-check is the best option for the Board as it gives control over course approval to the Board.

Ms. Boyer added that to become a PACE approved provider, one of the criteria for review is the provider's hiring standards and process for credentialing of instructors.

Dr. McClain stated that the provider is held responsible for their instructors, and if there is an issue, PACE has a system to perform an investigation and rectify the situation.

Dr. Adams asked if CE providers will continue to have the option of becoming an approved provider through our Board directly and will not be required to become approved through PACE.

Ms. Boyer confirmed that his statement was accurate.

Dr. Adams asked if we had received the list of states that are currently accepting PACE pre-checks that was requested at the last meeting.

Ms. Boyer stated that they are Alabama, Arizona, Florida, Georgia, Kentucky, Louisiana, New Mexico, Oklahoma, Tennessee, and Texas. Texas has a stipulation that theirs is only for Council of Chiropractic Education accredited colleges.

Public Comment: Laurie Isenberg, Director of Postgraduate & Continuing Education of Life Chiropractic College West, asked if the Board will still be approving each course application.

Mr. Puleo answered in the affirmative.

VOTE: 5-0, (DR. MCCLAIN-AYE, DR. PARIS-AYE, MR. RUFFINO-AYE, DR. ADAMS-AYE, MR. SWEET-AYE).

MOTION: CARRIED.

Dr. Adams asked if it would be possible to request written input on the proposed changes to CE regulations from the current CE providers.

Dr. McClain answered that the process of making changes to CE regulations has been lengthy and has continuously involved input from stakeholders, such as CE providers.

Dr. Adams asked if it would be possible to request additional participation given the recent changes. He stated his willingness to coordinate a stakeholder meeting or request this information.

Dr. McClain and Mr. Puleo agreed that it would be best to discuss the logistics of this process to ensure equal opportunity for submitting feedback.

Public Comment: Ms. Isenberg agreed that requesting additional feedback, even in a late stage of the process, would be useful. She noted that she has always felt welcome to submit feedback.

11. Update, Discussion and Possible Action on Pending Rulemaking.

Ms. McMillen reported that staff have been working on the following draft rulemaking files:

- Curriculum
- Continuing Education Requirements

Additionally, Ms. McMillen reported that at the October 29, 2020 Board meeting, the Board approved regulatory text for the Denial of Application, Revocation or Suspension of Licensure regulation. Following the end of the 45- Day comment period, the Board did not receive any comments from the public.

Staff recommended the Board makes a motion to adopt the proposed text and direct staff to finalize the rulemaking file for submission to Office of Administrative Law (OAL).

**MOTION: MR. RUFFINO MOVED TO ADOPT THE PROPOSED REGULATORY TEXT FOR TITLE 16, CCR SECTIONS 316.5, 326, AND 327, AND DIRECT STAFF TO PREPARE THE RULEMAKING FILE FOR DCA'S FINAL REVIEW AND APPROVAL BY THE OFFICE OF ADMINISTRATIVE LAW.
SECOND: DR. MCCLAIN SECONDED THE MOTION.**

Discussion: There was none.

VOTE: 5-0, (DR. MCCLAIN-AYE, DR. PARIS-AYE, MR. RUFFINO-AYE, DR. ADAMS-AYE, MR. SWEET-AYE).

MOTION: CARRIED.

Public Comment: None

12. Review, Discussion and Possible Action Regarding the Proposed Board Meeting Schedule for the Remainder of 2021

The Board discussed their schedule for the upcoming year and decided upon the following dates for Board meetings:

- July 16, 2021, 9:00am-4:00pm (full Board meeting)
- September 23, 2021, 9:00am-2:00pm (meeting to conduct petitioner hearings)
- November 12, 2021, 9:00am-4:00pm (full Board meeting)

Mr. Puleo suggested that at the end of committee meetings, the committee should discuss the scheduling of the next meeting to aid staff in this process.

Public Comment: None.

13. Public Comment for Items Not on the Agenda

Public Comment: None.

14. Future Agenda Items

There were none.

Public Comment: None.

15. Closed Session

The Board went into Closed Session for deliberation and determinations regarding:
A. Deliberate on Disciplinary Decisions Pursuant to California Government Code Section 11126(c)(3)

16. Reconvene Open Session

The Board returned to Open Session.

17. Adjournment

Dr. McClain adjourned the meeting at 1:19 p.m.

(ATTACHMENT A)

Approval by Ratification of Formerly Approved License Applications
 between January 1, 2021 and March 31, 2021.

Name (First, Middle, Last)			Date Issued	DC#
Josefina	Danielle	Smith	1/14/2021	34992
Jimmy		Meas	1/14/2021	34993
Zachary	Ikaika	Bonte	1/14/2021	34994
Banafsheh	B	Beheshti	1/14/2021	34995
Sarah	Yuin Shan	Li	1/14/2021	34996
Jennifer	Christine	Rauscher	2/4/2021	34997
Jake	Hamilton	Hart	2/4/2021	34998
Hannah	Olivia	Zitlaw	2/4/2021	34999
Yecenia	Veronica	Lopez	2/4/2021	35000
Monica	Nabil	Rizkalla	2/4/2021	35001
Sarah	Anne	Davidson	2/4/2021	35002
Amy	Talei	Bonte	2/4/2021	35003
Landon	Daniel	Poling	2/4/2021	35004
Joseph	Ryan	Bower	2/4/2021	35005
Yu-King		Wong	2/4/2021	35006
Erika		Mizuyama	2/4/2021	35007
Jade	Elizabeth	Viegas	2/4/2021	35008
Jerald	Anat	Chavez	2/5/2021	35009
Sabena	Kaur	Mangat	2/5/2021	35010
Natasha	Whittaker	Debons	2/5/2021	35011
Ryan	Young	Suen	2/5/2021	35012
Jarod	Matthew	Ward	2/11/2021	35013
Cinderella		Taroma	2/11/2021	35014
Daniel	Lee	Cagape Jr.	2/11/2021	35015
Shivani	Jignesh	Bhakta	2/11/2021	35016
Sophia	Boyee	Chang	2/11/2021	35017
Dennis	James	Lopez	2/11/2021	35018
Emery	Taylor	Lipp	2/17/2021	35019
George	Steven	Martinez	2/17/2021	35020
Gerardo		Rodriguez	2/17/2021	35021
Luke	Jesse	Roller	2/23/2021	35022
John	Maxwell	Gooing	2/23/2021	35023
Diane		Tran	2/23/2021	35024
Noe		Lum	2/23/2021	35025
Seth	Lionel	Bugg	2/23/2021	35026
Thomas	Ambrose	Koll	2/24/2021	35027

BCE Board Meeting Minutes
April 22, 2021

Rachel Pauline	Moral	Hernal	2/24/2021	35028
Cassandra	Mae	Walker	2/24/2021	35029
Jose	Refugio	Garcia Robles	2/24/2021	35030
Nicole		Kielkowicz	2/24/2021	35031
Kevin		So	3/11/2021	35032
Khalid	Ali	Al-Ashi	3/11/2021	35033
Alan	Marcus	Bertolero	3/11/2021	35034
Janelle	Christine	Provost	3/11/2021	35035
Korina		Gov	3/11/2021	35036
Katherine	Shiel	Okyle	3/17/2021	35037
Jason Brent	Ramirez	Davis	3/17/2021	35038
Christian	Gabriel	Romero	3/17/2021	35039
Nathan	Louis	Oliveira	3/17/2021	35040
Shanna	Elizabeth	Buller	3/18/2021	35041
Jonathan	David	Zuchowski	3/18/2021	35042
David	Alexandro	Lopez	3/18/2021	35043
Bokyoung		Sim	3/18/2021	35044
Jared	Antranig	Avakian	3/18/2021	35045
Ivy	Ngocyen	Nguyen	3/18/2021	35046
Saeideh		Parham	3/18/2021	35047
Amy	Lynne	Gjakova	3/18/2021	35048
William		Raines	1/13/2021	36015*
Jeffrey	Scott Tyson Mix	Sweet	1/13/2021	36016
Cameron		Mizeracki	1/20/2021	36017
Jordan		Maxwell	2/3/2021	36021
Neville		Lambourne	2/3/2021	36022
Sungsik		Kim	2/3/2021	36018
Takashi	Kumagai	Huynh	2/3/2021	36020
Hoang	Dai	Nguyen	2/3/2021	36019
Alexandra		Barone	2/10/2021	36026
Anthony		Ponce de Leon	2/10/2021	36025
Haechan		Chung	2/10/2021	36023
Jori	Rose	Berman	2/10/2021	36024
Mikal		Barchenger	2/10/2021	36031
Danielle	Rebecca	Jordan	2/10/2021	36027
Errol	Gellerman	Levine	2/10/2021	36028
Alyssa		Puorro	2/10/2021	36030
Joshua	Adam	Pickell	2/10/2021	36029
Yi		Ru	2/17/2021	36034
Mandy	Ann	Boyle	2/17/2021	36033
Daniel	Jay	Elnatan	2/17/2021	36032

Tyler		Marderosian	2/19/2021	36035
Damon	Henry	Tong	2/19/2021	36036
Hang	Thai	Pham	2/22/2021	36037
Jeffrey-John		Rosell	2/22/2021	36038
Mankaranpreet		Singh	2/22/2021	36039
Derek		Tenckhoff	2/23/2021	36040
Daniel	Gallacher	Parker	2/23/2021	36041
Adrian		Galindo	2/22/2021	36042
Richard	Prabhash	Sharma	2/22/2021	36043
Parisa		Hosseini	3/2/2021	36044
Jamie	Wittwer	Buehler	3/2/2021	36045
Amanda		Leon	3/2/2021	36046
Nolan	Stephen	Lewis	3/3/2021	36047
Thao		Adejumobi	3/3/2021	36048
Labib	Chafic	Damouni	3/15/2021	36049
Rebecca	Kathleen Kalahela	Hogan	3/15/2021	36050
Roxanne		Rodriquez	3/17/2021	36051
Kenslie	Elizabeth	McOmbler	3/17/2021	36052
Rhodel	Matthew	Manzano	3/18/2021	36053
Robert	James Ramos	Garcia	3/18/2021	36054
Ghazal		Eslamy	3/22/2021	36055
Sarah	Jessica	Fermor	3/22/2021	36056
Jiwon		Bae	3/22/2021	36057
Hector	Daniel	Garcia	3/22/2021	36058
Michael	Anthony	Krufka	3/22/2021	36059
Luke	James	Sparaccio	3/22/2021	36060
Bailey	Ann	Lester	3/22/2021	36061
Jake		Belabin	3/22/2021	36062
Kiarash		Kianihassanabadi	3/22/2021	36063
Hannah		Whitney	3/22/2021	36037
Sharlene		Swanberg	3/22/2021	36065
Ashley		Yenke	3/22/2021	36066
Robert	John	Butler	3/23/2021	36067
Erika	Marie	Rose	3/23/2021	36068
Michael	Kent	O'Hern	3/23/2021	36069

***DC's starting with 36015 are online applicants that have been issued a license through our new online portal.**

(ATTACHMENT B)

Pending Ratification to Approve New Continuing Education Providers

<p>Provider Name: Anthony Pirritano, DC</p> <p>CE Oversight Contact Person: Rachel Spiegel</p> <p>Provider Status: Individual</p>	<p>Provider Name: Ethan D. Feldman, DC</p> <p>CE Oversight Contact Person: Ethan D. Feldman, DC</p> <p>Provider Status: Individual</p>
<p>Provider Name: KMenterprises/The Supply Center</p> <p>CE Oversight Contact Person: Kevin McNamee</p> <p>Provider Status: Corporation</p>	<p>Provider Name: Pacific College of Health and Science</p> <p>CE Oversight Contact Person: Todd Luger</p> <p>Provider Status: University/College</p>

DRAFT

**Approval of Minutes
May 20, 2021**

Purpose of the item

The Board will review and approve the Board Meeting minutes of the previous Board meetings.

Action(s) requested

The Board will be asked to make a motion to approve the May 20, 2021 Board meeting minutes.

Background

N/A

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

- Meeting minutes from the May 20, 2021 Board meeting.

**BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES**

May 20, 2021
Teleconference

Board Members Present

Dionne McClain, D.C., Chair
David Paris, D.C., Vice Chair
Frank Ruffino, Secretary
Laurence Adams, D.C.
Rafael Sweet

Staff Present

Robert Puleo, Executive Officer
Kristin Walker, Assistant Executive Officer
Michael Kanotz, Senior Attorney
Connie Bouvia, Enforcement Manager
Dixie Van Allen, Licensing and Continuing Education Manager
Amanda Campbell, Licensing Analyst
Andreia McMillen, Policy Analyst
Tammi Pitto, Enforcement Analyst
Emily Lopez, Seasonal Clerk
Kelly Siguenza, Seasonal Clerk

1. Call to Order

Dr. McClain called the meeting to order at 1:01 p.m.

Roll Call

Mr. Ruffino called the roll. All members were present and a quorum was established.

2. Public Comment for Items Not on the Agenda

Public Comment: None.

3. Future Agenda Items

There were none.

Public Comment: None.

4. Hearing Re: Petition for Reinstatement of Revoked License

Administrative Law Judge, Danette Brown, presided over and Deputy Attorney General, Joshua Eisenberg, appeared on behalf of the people of the State of California on the following hearings:

- A. Nosrat N. Ghodousi Case No. AC 2014-1005
- B. Homan Dibagohar Case No. AC 2016-1068

5. Hearing Re: Petition for Early Termination of Probation

Administrative Law Judge, Danette Brown, presided over and Deputy Attorney General, Joshua Eisenberg, appeared on behalf of the people of the State of California on the following hearings:

- A. Mohamed El-Shimey Case No. AC 2016-1067

6. Closed Session

The Board went into Closed Session for deliberation and determinations regarding:

- A. Deliberate on Disciplinary Decisions and the Above Petitions Pursuant to California Government Code Section 11126(c)(3)

7. Adjournment

Dr. McClain adjourned the meeting at 4:14 p.m.

**Approval of Minutes
June 4, 2021**

Purpose of the item

The Board will review and approve the Board Meeting minutes of the previous Board meetings.

Action(s) requested

The Board will be asked to make a motion to approve the June 4, 2021 Board meeting minutes.

Background

N/A

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

- Meeting minutes from the June 4, 2021 Board meeting.

**BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES**

June 4, 2021
Teleconference

Board Members Present

Dionne McClain, D.C., Chair
David Paris, D.C., Vice Chair
Frank Ruffino, Secretary
Rafael Sweet

Staff Present

Robert Puleo, Executive Officer
Kristin Walker, Assistant Executive Officer
Michael Kanotz, Senior Attorney
Connie Bouvia, Enforcement Manager
Dixie Van Allen, Licensing and Continuing Education Manager
Amanda Campbell, Licensing Analyst
Tammi Pitto, Enforcement Analyst

1. Call to Order

Dr. McClain called the meeting to order at 1:10 p.m.

Roll Call

Mr. Ruffino called the roll. Dr. Adams was absent. All other members were present, and a quorum was established.

2. Public Comment for Items Not on the Agenda

Public Comment: None.

3. Future Agenda Items

There were none.

Public Comment: None.

4. Hearing Re: Petition for Reinstatement of Revoked License

Administrative Law Judge, Wilbert E. Bennett, presided over and Deputy Attorney General, Jeff Stone, appeared on behalf of the people of the State of California on the following hearings:

- A. Dean Hankins Case No. AC 2015-1039
- B. Ryan Hallmark Case No. AC 2009-728

5. Hearing Re: Reduction of Penalty

Administrative Law Judge, Wilbert E. Bennett, presided over and Deputy Attorney General, Jeff Stone, appeared on behalf of the people of the State of California on the following hearings:

- A. Jude Cortes Case No. AC 2018-1203

6. Closed Session

The Board went into Closed Session for deliberation and determinations regarding:

- A. Deliberate on Disciplinary Decisions and the Above Petitions Pursuant to California Government Code Section 11126(c)(3)

7. Adjournment

Dr. McClain adjourned the meeting at 4:57 p.m.



State of California
Gavin Newsom, Governor

Agenda Item #6
July 16, 2021

Ratification of Approved License Applications

Purpose of the item

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

Action(s) requested

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

Background

Between April 1, 2021 and June 30, 2021, staff reviewed and confirmed that the applicants met all statutory and regulatory requirements.

Recommendation(s)

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

Next Step

N/A

Attachment(s)

- List of formerly approved license applications issued between April 1, 2021 and June 30, 2021.

Name (First, Middle, Last)			Date Issued	DC#
Firouzeh		Harounian	4/8/2021	35049
Tod	Michael	Williams	4/8/2021	35050
Hyungsoo		Kim	4/8/2021	35051
Richard	Louis	Baez	4/8/2021	35052
Paul	Phillip	Thenard	4/8/2021	35053
Andrew	Todd	Messerschmitt	4/8/2021	35054
Richard	Terrance	Montigny	4/8/2021	35055
Kristin	Louise Hamilton	Ochs	4/8/2021	35056
Jodie	Paige	Gibson	4/22/2021	35057
Jonathan	Charles	Hooker	4/22/2021	35058
David	John	Yamamoto	4/22/2021	35059
Angelica		Wroblewski	4/22/2021	35060
Aaron	Jonathan	Gootzeit	5/18/2021	35061
Bronston	Joseph Benham	Kopala	5/18/2021	35062
Ruth	Ann	Sanftner	5/18/2021	35063
Carrie	Ann	Silveira	5/18/2021	35064
Jason Keith	L	Gan	5/18/2021	35065
Danilo	Alves dos Santos	Veloz0	5/18/2021	35066
Rebecca	Hayes	Harris	5/18/2021	35067
Claire	Diane	Reinecke	5/18/2021	35068
Brandon	Nicholas	Gessert	5/19/2021	35069
Rachel	Katherine	Nemy	5/19/2021	35070
Nicholas	P	Saviano	6/1/2021	35071
Andrew	Reid	Veech	6/1/2021	35072
Seohyun		Kwon	6/1/2021	35073
Forrest	Patrick	Granzotto	6/16/2021	35074
Brian	Thomas	Dovorany	6/16/2021	35075
Sintia		Matavoosian	6/16/2021	35076
Jonathan		Houshanian	6/23/2021	35077
Casey	Andrew	Wood	6/30/2021	35078
Abigail	Susan	Mitchell	6/30/2021	35079
Firouzeh		Harounian	4/8/2021	35049
Tod	Michael	Williams	4/8/2021	35050
Hyungsoo		Kim	4/8/2021	35051
Richard	Louis	Baez	4/8/2021	35052
Paul	Phillip	Thenard	4/8/2021	35053
Andrew	Todd	Messerschmitt	4/8/2021	35054
Richard	Terrance	Montigny	4/8/2021	35055

BCE Ratification of Approved License Applications

July 16, 2021

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Kristin	Louise Hamilton	Ochs	4/8/2021	35056
Jodie	Paige	Gibson	4/22/2021	35057
Jonathan	Charles	Hooker	4/22/2021	35058
David	John	Yamamoto	4/22/2021	35059
Angelica		Wroblewski	4/22/2021	35060
Aaron	Jonathan	Gootzeit	5/18/2021	35061
Bronston	Joseph Benham	Kopala	5/18/2021	35062
Ruth	Ann	Sanftner	5/18/2021	35063
Carrie	Ann	Silveira	5/18/2021	35064
Jason Keith	L	Gan	5/18/2021	35065
Danilo	Alves dos Santos	Veloz0	5/18/2021	35066
Rebecca	Hayes	Harris	5/18/2021	35067
Claire	Diane	Reinecke	5/18/2021	35068
Brandon	Nicholas	Gessert	5/19/2021	35069
Rachel	Katherine	Nemy	5/19/2021	35070
Nicholas	P	Saviano	6/1/2021	35071
Andrew	Reid	Veech	6/1/2021	35072
Seohyun		Kwon	6/1/2021	35073
Forrest	Patrick	Granzotto	6/16/2021	35074
Michael	Anthony	Velasco	4/1/2021	36070*
Larissa	Anne	Armstrong-Kager	4/1/2021	36071
Jordan		Abbass	4/9/2021	36072
Whitaker	Guenther	Voss	4/9/2021	36073
Arman		Fathi	4/9/2021	36074
Carli		Broadbent	4/9/2021	36075
Allexandra		Walters	4/9/2021	36076
Kirsten	Anastasia	Sparley	4/9/2021	36077
Javier		Munoz-Laguna	4/9/2021	36078
Hayley	Alyssa	Thomas	4/15/2021	36079
Kevin	Edward	Maggs	4/15/2021	36080
Paul	Thomas	Wehrman Jr.	4/15/2021	36081
Julie	E	Kotiw	4/16/2021	36082
Samuel		Newsome	5/5/2021	36083
Whitney	Lynn	Marsh	5/5/2021	36084
Christopher	Alan	Saincome	5/5/2021	36085
Cheyenne	Nichole	McCarthy	5/5/2021	36086
Malcolm	Bernard	Young	5/5/2021	36087
Brett	Michael	Judson	5/5/2021	36088
Stephanie		Harn	5/5/2021	36089
Travis		Byrne	5/5/2021	36090

BCE Ratification of Approved License Applications

July 16, 2021

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Kenton		Hauber	5/5/2021	36091
Marisol	Guadalupe	Dominguez	5/5/2021	36092
Scott	G	Duke	5/6/2021	36093
Marium		Garber	5/6/2021	36094
William	Jennings	Faulk	5/6/2021	36095
Diana	Katerina Agnese	Fenstermacher Ritchie	5/11/2021	36096
Nammy		Do	5/11/2021	36097
Richa		Gandhi	5/20/2021	36098
Joseph	Aaron	Khankhanian	5/20/2021	36099
Claudia		Catalan	5/20/2021	36100
Alexia	Michelle	Hampton	5/20/2021	36101
Jimmy	Canosa	Ramil Jr.	5/25/2021	36102
Diljot	Kaur	Virdi	5/25/2021	36103
Chia-Hua		Chan	5/25/2021	36104
Denny		Huang	5/25/2021	36105
Madison		Thompson	5/26/2021	36106
Ashley		Gonzales	5/26/2021	36107
Romeo-Paolo		Perfecto	6/8/2021	36108
Cassidy	Danielle	Bleich	6/8/2021	36109
Margaret	Catherine	Sels	6/8/2021	36110
Anh	Lan	Bui	6/8/2021	36111
Talia	Sophia	Zuniga	6/8/2021	36112
Kyle		Murray	6/8/2021	36113
Ricky		Nguyen	6/8/2021	36114
Samuel		Goldeen	6/24/2021	36115
Lane		O'Dea	6/24/2021	36116
Gurpreet		Toor	6/24/2021	36117
Mercedes		Antonini	6/24/2021	36118
David	Boyd	Wach	6/24/2021	36119
John	David	Madrid	6/24/2021	36120
Evan		Hamilton	6/24/2021	36121
Karla		Garcia Portalatin	6/24/2021	36122
Michael	Anthony	Velasco	4/1/2021	36070
Larissa	Anne	Armstrong-Kager	4/1/2021	36071

***DC's starting with 36070 are online applicants that have been issued a license through our new online portal.**



State of California
Gavin Newsom, Governor

**Agenda Item #7
July 16, 2021**

Ratification of Denied License Applications

Purpose of the item

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

Action(s) requested

No action requested at this time.

Background

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

Recommendation(s)

During the period of April 1, 2021 and June 30, 2021, staff has reviewed and confirmed that applicants met all statutory and regulatory requirements for licensure. There were no denials or appeals during this time period.

At this time, no ratification is necessary.

Next Step

N/A

Attachment(s)

N/A

**Agenda Item #8
July 16, 2021**

Ratification to Approve Continuing Education Providers

Purpose of the item

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

Action(s) requested

The Board will be asked to ratify the following new CE providers:

<p>Provider Name: Complete Concussion Management</p> <p>CE Oversight Contact Person: Joseph Alejandria</p> <p>Provider Status: Corporation</p>	<p>Provider Name: Kim Sperry Consulting</p> <p>CE Oversight Contact Person: Kim Sperry</p> <p>Provider Status: Corporation</p>
<p>Provider Name: Northeast College of Health Sciences</p> <p>CE Oversight Contact Person: Katrina Andre</p> <p>Provider Status: University/College</p>	<p>Provider Name: University of California, San Francisco Department of Sports Medicine</p> <p>CE Oversight Contact Person: Gina Biviano</p> <p>Provider Status: Health Facility</p>

Background

N/A

Recommendation(s)

Staff requests the Board approve the new CE provider applicants.

Next Step

N/A

Attachment(s)

- 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. Copies of the CE provider applications can be requested via a Public Records Request, please email chiro.info@dca.ca.gov for a copy of the CE provider applications.

Executive Officer's Report

Purpose of the item

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

Action(s) requested

No action requested at this time.

Background

A. Administration

- The Executive Officer, Robert Puleo, will discuss staffing, including current vacancies, new hires, and pending recruitment efforts. He will also provide an overview of operational changes implemented in response to current state of emergency.

B. Budget

- The Budget Manager for the Department of Consumer Affairs, Renee Milano, will provide an overview of the Board's current fund condition status.

C. Licensing

- The Licensing Manager, Dixie Van Allen, will provide an overview of the attached licensing program data.

D. Enforcement

- The Enforcement Manager, Connie Bouvia, will provide an overview of the attached enforcement program data.

E. IT Update

- The Assistant Executive Officer, Kristin Walker, will provide an update on the Board's various information technology projects.

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

- Organizational Chart
- Current Fund Condition
- Licensing Statistics
- Enforcement Statistics

Department of Consumer Affairs
 State Board of Chiropractic Examiners
 May 2021
 Organization Chart

Board Members (7)

Robert Puleo
Executive Officer
 620-110-8862-001

Staff Services Manager II
 Kristin Walker
Assistant Executive Officer
 620-110-4801-001

Current
Authorized Positions: 19
Blanket Positions: 2

Staff Services Manager I
 Connie Bouvia
Enforcement Manager
 620-110-4800-907

ENFORCEMENT

Enforcement Unit

Tammi Pitto
 Associate Governmental Program Analyst
 620-110-5393-002

Christina Bell
 Associate Governmental Program Analyst
 620-110-5393-005

Marlene Valencia
 Associate Governmental Program Analyst
 620-110-5393-800

Amanda Campbell
 Associate Governmental Program Analyst
 620-110-5393-001

Valerie James
 Staff Services Analyst
 620-110-5157-009

Vacant
Office Technician (Typing)
620-110-1139-XXX

Kelly Siguenza
 Seasonal Clerk
 620-110-1120-907

FIELD OPERATIONS

Field Operations North

Maria Martinez
Special Investigator
 620-110-8612-001

Denise Robertson
Special Investigator
 620-110-8612-002

Field Operations South

Yanti Soliman
Special Investigator
 620-110-8612-003

Executive Officer _____

Personnel Office _____

Staff Services Manager I
 Dixie Van Allen
Admin/Licensing/CE Manager
 620-110-4800-008

ADMIN/LICENSING

Policy/Admin

Andrea McMillen
 Associate Governmental Program Analyst
 620-110-5393-003

Admin/Licensing

Vacant
Associate Governmental Program Analyst
620-110-5393-801

Brianna Lauziere
 Staff Services Analyst
 620-110-5157-008

Alyssa Vasquez
 Office Technician (Typing)
 620-110-1139-009

Estralita Jennings
 Office Technician (Typing)
 620-110-1139-010

Licensing/Continuing Education

Vacant
Staff Services Analyst
620-110-5157-005

Emily Lopez
 Seasonal Clerk
 620-110-1120-907

0152 - Board of Chiropractic Examiners

Analysis of Fund Condition

Prepared 7.1.2021

(Dollars in Thousands)

2021-22 Governor's Budget

Based on FY 2019-20 Actuals, FM 11 Projections for FY 2020-21, CY AG/OAH adjustments for 2020-21, and proposed SFLs for 2021-22

	ACTUAL 2018-19	Actual 2019-20	CY 2020-21	Governor's Budget BY 2021-22	BY +1 2022-23
BEGINNING BALANCE					
Prior Year Adjustment	\$ 1,285	\$ 2,151	\$ 2,364	\$ 1,555	\$ 1,008
Adjusted Beginning Balance	\$ 876	\$ -65	\$ -	\$ -	\$ -
	\$ 2,161	\$ 2,086	\$ 2,364	\$ 1,555	\$ 1,008
REVENUES AND TRANSFERS					
Revenues:					
4121200 Delinquent fees	\$ 37	\$ 39	\$ 76	\$ 35	\$ 35
4127400 Renewal fees	\$ 3,556	\$ 4,086	\$ 3,881	\$ 3,859	\$ 3,859
4129200 Other regulatory fees	\$ 57	\$ 132	\$ 129	\$ 69	\$ 69
4129400 Other regulatory licenses and permits	\$ 260	\$ 361	\$ 397	\$ 385	\$ 385
4163000 Income from surplus money investments	\$ 51	\$ 38	\$ 13	\$ 7	\$ 5
4171400 Escheat of unclaimed checks and warrants	\$ -	\$ 1	\$ -	\$ -	\$ -
4172500 Miscellaneous revenues	\$ 1	\$ 2	\$ -	\$ 1	\$ 1
4173500 Settlements and Judgments - Other	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues	\$ 3,962	\$ 4,659	\$ 4,496	\$ 4,356	\$ 4,354
Totals, Revenues and Transfers	\$ 3,962	\$ 4,659	\$ 4,496	\$ 4,356	\$ 4,354
Totals, Resources	\$ 6,123	\$ 6,745	\$ 6,860	\$ 5,911	\$ 5,362
EXPENDITURES					
Disbursements:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 3,669	\$ 4,038	\$ 4,986	\$ 4,521	\$ 4,657
8880 Financial Information System for California (State Operations)	\$ -	\$ -1	\$ -	\$ -	\$ -
9892 Supplemental Pension Payment (State Operations)	\$ 41	\$ 85	\$ 85	\$ 85	\$ 85
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 262	\$ 259	\$ 234	\$ 297	\$ 297
Total Disbursements	\$ 3,972	\$ 4,381	\$ 5,305	\$ 4,903	\$ 5,039
FUND BALANCE					
Reserve for economic uncertainties	\$ 2,151	\$ 2,364	\$ 1,555	\$ 1,008	\$ 323
Months in Reserve	5.9	5.3	3.8	\$ 2.4	0.7

NOTES:

- ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.
- ASSUMES APPROPRIATION GROWTH OF 3% PER YEAR BEGINNING IN BY+1.
- ASSUMES INTEREST RATE AT 1.5%.
- ASSUMES NO PAYMENT TO THE VIRF LOAN
- OUTSTANDING VIRF LOAN BALANCE OF \$1,448,000.

**BOARD OF CHIROPRACTIC EXAMINERS
LICENSING TRENDS
FY 2020-21**

New Chiropractic Licenses Issued

Month	Received	Issued
July	12	34
August	37	19
September	37	14
October	21	38
November	52	19
December	69	6
January	37	7
February	15	57
March	18	52
April	20	26
May	23	35
June	22	25

Total Population of Clear Chiropractic Licenses

Month	Total Licenses
July	12,775
August	12,742
September	12,715
October	12,598
November	12,604
December	12,621
January	12,595
February	12,598
March	12,603
April	12,596
May	12,591
June	12,579

Number of Restored Cancelled Licenses

Month	Received	Issued
July	1	2
August	1	0
September	1	1
October	2	2
November	3	4
December	2	3
January	2	2
February	1	1
March	2	4
April	1	1
May	1	0
June	2	2

New Satellite Office Certificates Issued

Month	Received	Issued
July	110	35
August	103	37
September	108	161
October	110	133
November	59	27
December	108	150
January	116	94
February	94	105
March	128	132
April	92	89
May	61	69
June	103	104

Corporation Registrations Issued

Month	Received	Issued
July	4	6
August	9	5
September	11	8
October	8	8
November	7	6
December	6	6
January	2	2
February	1	1
March	18	5
April	10	16
May	7	5
June	8	14

Licensing Population as of June 30, 2021

License Type	Clear Licenses
Doctor of Chiropractic	12,579
Satellite Offices	4,194
Corporations	1,379
Referral Services	31

Applications Received and Processed – July 1, 2020 through June 30, 2021

Application Type	Received	Issued	Denied	Pending
Initial Chiropractic	221	269	2	87
Reciprocal	1	1	0	0
Restorations (Cancelled & Forfeiture)	112	111	0	22
Corporation	103	73	0	13

**BOARD OF CHIROPRACTIC EXAMINERS
ENFORCEMENT STATISTICS**

COMPLAINTS

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21
Complaints Received	490	479	641	783	474
Pending Complaints	183	235	613	591	510
Closed: No Violation	75	75	38	115	36
Closed: Insufficient Evidence	79	72	63	76	106
Closed with Merit	184	214	56	65	45
Closed: Letter of Admonishment	4	17	62	279	6

CITATIONS

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21
Citations Issued	26	25	27	110	33
Total Fines Assessed	\$36,900	\$24,650	\$25,200	\$71,850	\$48,750
Total Fines Collected	\$24,750	\$29,646	\$29,104	\$64,820	\$33,985

ACCUSATIONS

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21
Accusations Filed	35	34	21	15	28
Pending Cases	65	55	38	51	79

DISCIPLINARY CASES CLOSED

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21
License Revoked	10	9	13	5	5
Revocation Stayed: Probation	11	15	14	2	9
Rev. Stayed: Susp. / Probation	5	1	0	1	1
Voluntary Surrender of License	14	9	15	5	9
Dismissed/Withdrawn	6	0	2	0	1

STATEMENTS OF ISSUES

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21
SOI Filed	1	2	1	0	2
Withdrawn	0	0	1	0	1
Denied	0	0	0	0	1
Granted	0	0	0	0	0
Probationary License Issued	0	0	1	0	0

PETITIONS FOR RECONSIDERATION

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21
Filed	0	0	1	3	0
Granted	0	0	0	0	0
Denied	0	0	1	3	0

PETITIONS FOR REINSTATEMENT OF LICENSE

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21
Filed	6	6	3	8	5
Granted	0	0	0	2	0
Denied	3	3	8	5	1

PETITIONS FOR EARLY TERMINATION OF PROBATION

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21
Filed	3	2	1	1	1
Granted	0	0	0	0	0
Denied	2	5	1	2	1

PETITIONS FOR MODIFICATION OF PROBATION

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21
Filed	0	1	0	2	1
Granted	0	1	0	2	1
Denied	0	0	0	0	0

PETITIONS BY BOARD TO REVOKE PROBATION

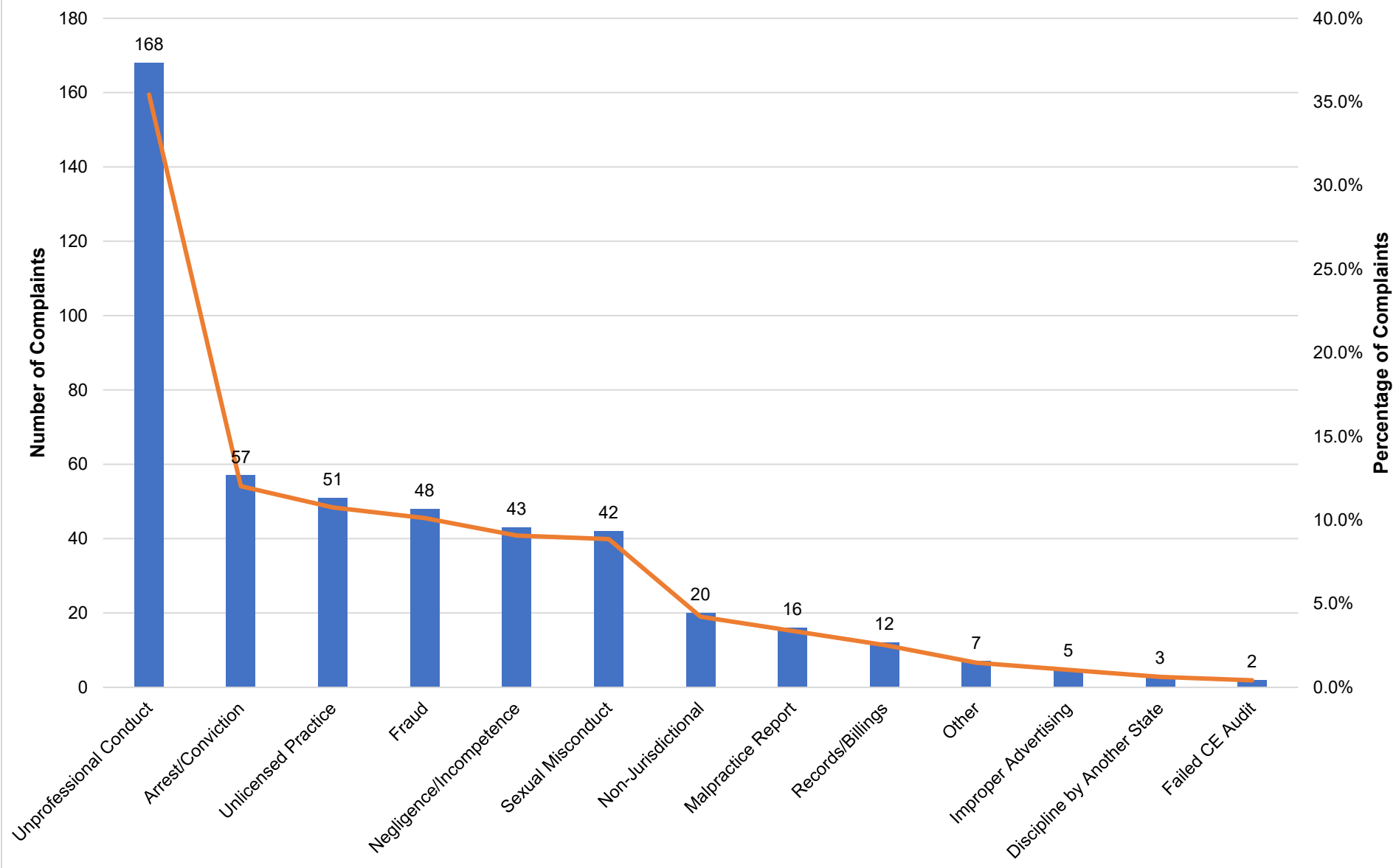
Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21
Filed	5	6	7	2	1
License Revoked	10	9	4	2	1

PROBATION CASES

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21
Active Probationers	92	90	80	67	61

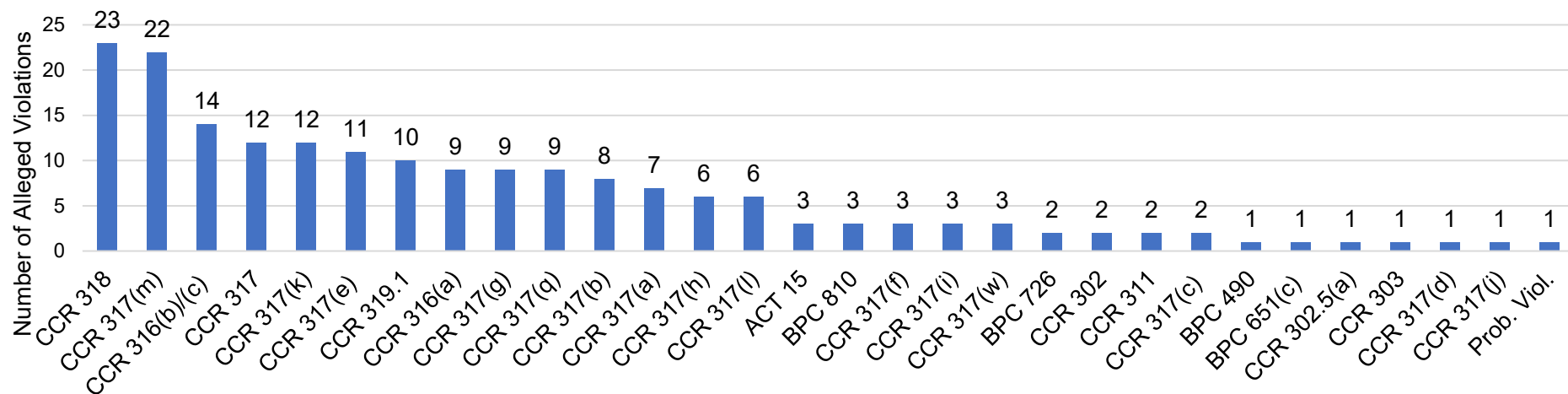
Complaints Received FY 2020/2021

(Total Number Received: 474)



Accusations Filed FY 2020/2021

Number of Accusations Filed: 28
Total Alleged Violations: 188



Violation Codes/Descriptions

ACT 15 – Noncompliance with and Violations of Act
 BPC 490 – Conviction of a Substantially Related Crime
 BPC 651 – Price Advertising and Discounts
 BPC 726 – Sexual Misconduct
 BPC 810 – Insurance Fraud
 CCR 302 – Scope of Practice
 CCR 302.5(a) – Use of Unapproved Lasers
 CCR 303 – Filing of Addresses
 CCR 311 – Advertisements
 CCR 316(a) – Responsibility for Conduct on Premises
 CCR 316(b)/(c) – Sexual Misconduct
 CCR 317 – Unprofessional Conduct
 CCR 317(a) – Gross Negligence
 CCR 317(b) – Repeated Negligent Acts
 CCR 317(c) – Incompetence
 CCR 317(d) – Excessive Treatment
 CCR 317(e) – Endangering the Health, Welfare, or Safety of Public

CCR 317(f) – Dangerous Use of Drugs or Alcoholic Beverages
 CCR 317(g) – Conviction of Substantially Related Crime
 CCR 317(h) – Conviction Involving Moral Turpitude, Dishonesty, Etc.
 CCR 317(i) – Conviction of More Than One Misdemeanor or a Felony Involving Drugs or Alcoholic Beverages
 CCR 317(j) – Violation of Any Provisions of Law Regulating Dispensing or Administration of Narcotics, Dangerous Drugs, or Controlled Substances
 CCR 317(k) – Act of Moral Turpitude, Dishonesty, or Corruption
 CCR 317(l) – False Representation
 CCR 317(m) – Violation of Act or Board Regulations
 CCR 317(q) – Participation in Fraud or Misrepresentation
 CCR 317(w) – Failure to Refer Patient to Health Care Provider
 CCR 318 – Chiropractic Patient Records/Accountable Billing
 CCR 319.1 – Informed Consent
 Prob. Viol. – Failure to Comply with Board’s Probation Program

APRIL 2021 ENFORCEMENT ACTIONS

DISCIPLINARY ACTIONS

Name and City	License No.	Action	Effective Date	Violation(s)
Mullen, Susan Berkeley, CA	DC 25356	Revocation Stayed, 5 Years' Probation	4/25/2021	<ul style="list-style-type: none"> • CCR 317(a) – Unprofessional Conduct: Gross Negligence • CCR 317(b) – Unprofessional Conduct: Repeated Negligent Acts • CCR 317(c) – Unprofessional Conduct: Incompetence • CCR 317(e) – Unprofessional Conduct: Conduct That Endangers the Health, Welfare, or Safety of the Public • CCR 317(m) and 318(a)(2) and (3) – Failure to Maintain Complete Chiropractic Patient Records • CCR 317(w) – Unprofessional Conduct: Failure to Refer Patient to Physician

FINAL CITATIONS

Name and City	License No.	Fine Amount	Date Final	Violation(s)
Belove, Daniel Jonathan Newport Beach, CA	DC 15864	\$500	4/5/2021	<ul style="list-style-type: none"> • CCR 361(b) – 24-Hour CE Requirement • CCR 361(e) – Mandatory CE Categories • CCR 371(c) – Renewal CE Requirement
Eilert, Donald R. Fairfield, CA	DC 11297	\$500	4/20/2021	<ul style="list-style-type: none"> • CCR 361(b) – 24-Hour CE Requirement • CCR 361(e) – Mandatory CE Categories • CCR 371(c) – Renewal CE Requirement

ACCUSATIONS FILED

No Data to Report

PETITIONS FOR REINSTATEMENT OF LICENSE

No Data to Report

PETITIONS FOR EARLY TERMINATION OR MODIFICATION OF PROBATION

No Data to Report

STATEMENT OF ISSUES

No Data to Report



MAY 2021 ENFORCEMENT ACTIONS

ACCUSATIONS FILED

Name and City	License No.	Date Filed	Alleged Violation(s)
White, Heather Westlake Village, CA	DC 30070	5/5/2021	<ul style="list-style-type: none"> • CCR 317(a) – Unprofessional Conduct: Gross Negligence • CCR 316(c) – Sexual Misconduct • CCR 317(e) – Unprofessional Conduct: Conduct That Endangers or is Likely to Endanger the Public • CCR 319.1 – Lack of Informed Consent • CCR 317(k) – Unprofessional Conduct: Acts Involving Dishonesty • CCR 318 – Failure to Maintain Complete Chiropractic Patient Records • BPC 810 – Insurance Fraud • CCR 302 – Exceeding the Scope of Practice
Higier, Benjamin Los Angeles, CA	DC 24408	5/12/2021	<ul style="list-style-type: none"> • CCR 317 – Unprofessional Conduct • CCR 317(b) – Unprofessional Conduct: Repeated Acts of Negligence • CCR 317(m) and 318(a) – Unprofessional Conduct: Failure to Maintain Chiropractic Patient Records • CCR 317(m) and 318(b) – Unprofessional Conduct: Failure to Ensure Accurate Billings • CCR 317(m) and 312.1 – Unprofessional Conduct: Aid/Assist Unlicensed Practice • CCR 317(q) – Unprofessional Conduct: Participation in Act of Fraud or Misrepresentation • CCR 317(k) – Unprofessional Conduct: Act Involving Moral Turpitude, Dishonesty, or Corruption • CCR 317(l) – Unprofessional Conduct: False Representation of Facts • BPC 810 – Violation of Penal Code Section 550
Cox, Leland Edward Lindsay, CA	DC 23230	5/17/2021	<ul style="list-style-type: none"> • CCR 317(g) – Unprofessional Conduct: Conviction of Crimes Substantially Related to the Practice of Chiropractic

Name and City	License No.	Date Filed	Alleged Violation(s)
Andrus, John Phillip La Jolla, CA	DC 26838	5/26/2021	<ul style="list-style-type: none"> • CCR 317(a) – Unprofessional Conduct: Gross Negligence • CCR 317(b) – Unprofessional Conduct: Repeated Acts of Negligence • CCR 317(c) – Unprofessional Conduct: Incompetence • CCR 317(e) – Unprofessional Conduct: Conduct Endangering or Likely to Endanger Health, Welfare, or Safety • CCR 317(w) – Unprofessional Conduct: Failure to Refer • CCR 318(a)(2) and (3) – Billing for Services Not Documented/Failure to Maintain Accurate Patient Records • CCR 319.1 – Informed Consent

DISCIPLINARY ACTIONS

Name and City	License No.	Action	Effective Date	Violation(s)
Linzey, Kevin Barkley Walnut Creek, CA	DC 31857	Revoked	5/20/2021	<ul style="list-style-type: none"> • CCR 303 and 317(m) – Failure to Notify Board of Address • CCR 317 – Unprofessional Conduct • CCR 316 and 317 – Sexual Abuse of Patient • CCR 317(m) and 318(a) – Inadequate Record Keeping • CCR 319.1 – Lack of Informed Consent • CCR 317(m) and 318 – Failure to Maintain Patient Records and Provide Patient Records to the Board
Hammond, Christopher Douglas Huntington Beach, CA	DC 23267	Revoked	5/21/2021	<ul style="list-style-type: none"> • CCR 317(g) – Unprofessional Conduct: Conviction of Crimes Substantially Related to the Practice • CCR 317(h) and (k) – Unprofessional Conduct: Convictions and Acts Involving Moral Turpitude • CCR 317(e) – Unprofessional Conduct: Public Endangerment

Name and City	License No.	Action	Effective Date	Violation(s)
Fisette, Bruce Wayne Newport Beach, CA	DC 26387	Stipulated Surrender of License	5/22/2021	<ul style="list-style-type: none"> • CCR 317(c) – Unprofessional Conduct: Incompetence • CCR 317(a) – Unprofessional Conduct: Gross Negligence • CCR 317(b) – Unprofessional Conduct: Repeated Acts of Negligence • CCR 317(k) – Unprofessional Conduct: Moral Turpitude or Dishonesty • CCR 317(q) – Unprofessional Conduct: Fraud or Misrepresentation • CCR 318(b) – Failure to Submit Accountable Billings as Required • BPC 810 – Insurance Fraud • CCR 319.1 – Failure to Obtain Informed Consent
Migotti, Keith T. Salinas, CA	DC 16744	Revocation Stayed, 3 Years' Probation	5/22/2021	<ul style="list-style-type: none"> • CCR 317 and 390.5 – Unprofessional Conduct: Failure to Comply with Terms of Citation Issued by the Board

FINAL CITATIONS

Name and City	License No.	Fine Amount	Date Final	Violation(s)
Bolton, David Lowell Glendora, CA	DC 29572	\$500	5/2/2021	<ul style="list-style-type: none"> • CCR 317(e) – Unprofessional Conduct: Conduct That Endangered the Health, Welfare, or Safety of the Public • CCR 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime • CCR 317(i) – Unprofessional Conduct: Conviction of More Than One Misdemeanor Involving Alcoholic Beverages
Piranio, Frank Anthony San Diego, CA	DC 25486	\$1,000	5/16/2021	<ul style="list-style-type: none"> • CCR 317 – Unprofessional Conduct
Thayer, Ace Sokuey Costa Mesa, CA	DC 24008	\$1,000	5/16/2021	<ul style="list-style-type: none"> • CCR 317(m) – Unprofessional Conduct: Violation of Board Regulations • CCR 318(a)(7) – Chiropractic Patient Records: Required Content • CCR 319.1 – Informed Consent

Name and City	License No.	Fine Amount	Date Final	Violation(s)
De Napoli, Michael S. Pasadena, CA	DC 20563	\$1,500	5/20/2021	<ul style="list-style-type: none"> • CCR 317(l) – Unprofessional Conduct: False Representation • CCR 317(m) – Unprofessional Conduct: Violation of Board Regulations • CCR 318(a)(3) and (5) – Chiropractic Patient Records: Required Content
Mein, Carolyn L. Rancho Santa Fe, CA	DC 16629	\$2,500	5/20/2021	<ul style="list-style-type: none"> • CCR 302(a)(7) – Failure to Practice a System of Chiropractic • CCR 317(a) – Unprofessional Conduct: Gross Negligence • CCR 317(l) – Unprofessional Conduct: False Representation • CCR 317(m) – Unprofessional Conduct: Violation of Board Regulations • CCR 318(a)(7) – Chiropractic Patient Records: Required Content • CCR 319.1 – Informed Consent
O’Regan, Timothy Shannon San Diego, CA	DC 29815	\$2,000	5/20/2021	<ul style="list-style-type: none"> • CCR 317(d) – Unprofessional Conduct: Excessive Treatment • CCR 317(m) – Unprofessional Conduct: Violation of Board Regulations • CCR 317(w) – Unprofessional Conduct: Failure to Refer Patient • CCR 318(a)(3) – Chiropractic Patient Records: Required Content
Wheeler, Gregory Alan San Diego, CA	DC 16227	\$2,000	5/20/2021	<ul style="list-style-type: none"> • CCR 317(d) – Unprofessional Conduct: Excessive Treatment • CCR 317(m) – Unprofessional Conduct: Violation of Board Regulations • CCR 317(w) – Unprofessional Conduct: Failure to Refer Patient • CCR 318(a)(3) – Chiropractic Patient Records: Required Content
Weyman, Terry Leo Westlake, CA	DC 20840	\$1,000	5/22/2021	<ul style="list-style-type: none"> • CCR 316(a) – Responsibility for Conduct on Premises

PETITIONS FOR REINSTATEMENT OF LICENSE

No Data to Report

PETITIONS FOR EARLY TERMINATION OR MODIFICATION OF PROBATION

No Data to Report

STATEMENT OF ISSUES

No Data to Report



JUNE 2021 ENFORCEMENT ACTIONS

ACCUSATIONS FILED

Name and City	License No.	Date Filed	Alleged Violation(s)
Do, Vincent Hoai San Jose, CA	DC 28059	6/8/2021	<ul style="list-style-type: none"> • CCR 317(g) – Unprofessional Conduct: Conviction of Substantially Related Crime • CCR 317(h) – Unprofessional Conduct: Conviction of Crime Involving Moral Turpitude, Dishonesty, Physical Violence, or Corruption • CCR 317(e) – Unprofessional Conduct: Conduct Endangering Public Health, Welfare, and Safety • CCR 317(w) – Unprofessional Conduct: Failure to Refer Patient for Appropriate Health Care Management

DISCIPLINARY ACTIONS

Name and City	License No.	Action	Effective Date	Violation(s)
Chung, Richard Hoon Beverly Hills, CA	DC 25556	Stipulated Surrender of License	6/6/2021	<ul style="list-style-type: none"> • BPC 490 and CCR 317(g) – Unprofessional Conduct: Criminal Conviction: Wire Fraud • BPC 810 – Insurance Fraud • CCR 317(h) – Unprofessional Conduct: Conviction of a Crime Involving Moral Turpitude, Dishonesty, or Corruption • CCR 317(k) – Unprofessional Conduct: Acts Involving Moral Turpitude, Dishonesty, or Corruption • CCR 317(l) – Unprofessional Conduct: Knowingly Making False Statement of Fact • CCR 317(q) – Unprofessional Conduct: Participation in Acts of Fraud or Misrepresentation

Name and City	License No.	Action	Effective Date	Violation(s)
Spencer, Adam Robert Lodi, CA	DC 29150	Stipulated Surrender of License	6/6/2021	<ul style="list-style-type: none"> • CCR 317(g) – Unprofessional Conduct: Conviction of Substantially Related Crimes • CCR 317(h) – Unprofessional Conduct: Conviction of Crime Involving Moral Turpitude, Dishonesty, Physical Violence, or Corruption • CCR 317(e) – Unprofessional Conduct: Conduct Endangering Public Health, Welfare, and Safety • CCR 316(c) – Sexual Abuse, Sexual Misconduct, or Sexual Relations with a Patient • BPC 731(a) – Violation of Penal Code Section 647(a) in the Work Premises
Robinson, Casey Dean San Diego, CA	DC 26803	Stipulated Surrender of License	6/26/2021	N/A – Voluntary surrender of license while on probation for Case No. 2004-407
Wignall, Charleen Patrice Calistoga, CA	DC 24243	Stipulated Surrender of License	6/26/2021	<ul style="list-style-type: none"> • CCR 317(g) – Unprofessional Conduct: Substantially Related Convictions • CCR 317(i) – Unprofessional Conduct: Multiple Convictions Involving Alcohol • CCR 317(f) – Unprofessional Conduct: Dangerous Use of Alcohol and/or Drugs • CCR 317(e) – Unprofessional Conduct: Dangerous Conduct

FINAL CITATIONS

Name and City	License No.	Fine Amount	Date Final	Violation(s)
Egan, Monica Brooke Novato, CA	DC 31715	\$500	6/4/2021	<ul style="list-style-type: none"> • CCR 317 – Unprofessional Conduct • CCR 317(e) – Unprofessional Conduct: Endanger the Health, Welfare, or Safety of the Public

Name and City	License No.	Fine Amount	Date Final	Violation(s)
Orpelli, Aaron Joseph Los Angeles, CA	DC 24545	\$2,500	6/5/2021	<ul style="list-style-type: none"> • CCR 311 – False Advertising • CCR 317(a) – Unprofessional Conduct: Gross Negligence • CCR 317(c) – Unprofessional Conduct: Incompetence • CCR 317(e) – Unprofessional Conduct: Endanger the Health, Welfare, or Safety of the Public • CCR 317(k) – Unprofessional Conduct: Moral Turpitude or Dishonesty • CCR 317(q) – Unprofessional Conduct: Fraud or Misrepresentation
Lane, Gregory Allen Henderson, NV	DC 19186	\$500	6/10/2021	<ul style="list-style-type: none"> • CCR 361(b) – 24-Hour CE Requirement • CCR 361(e) – Mandatory CE Categories • CCR 366 – Failure to Retain CE Certificates of Completion for 4 Years • CCR 371(c) – Renewal CE Requirement
Janan-Matinfar, Leila Los Angeles, CA	DC 30365	\$1,000	6/10/2021	<ul style="list-style-type: none"> • CCR 317(m) – Unprofessional Conduct: Violation of Board Regulations • CCR 361(b) – 24-Hour CE Requirement • CCR 361(e) – Mandatory CE Categories • CCR 366 – Failure to Respond to CE Audit • CCR 371(c) – Renewal CE Requirement
Palmer, Jeffrey Toluca Lake, CA	DC 28993	\$750	6/10/2021	<ul style="list-style-type: none"> • CCR 361(b) – 24-Hour CE Requirement • CCR 361(e) – Mandatory CE Categories • CCR 366 – Failure to Retain CE Certificates of Completion for 4 Years • CCR 371(c) – Renewal CE Requirement
Leahy, Joseph P. Los Gatos, CA	DC 15285	\$1,000	6/16/2021	<ul style="list-style-type: none"> • CCR 361(b) – 24-Hour CE Requirement • CCR 361(e) – Mandatory CE Categories • CCR 371(c) – Renewal CE Requirement

Name and City	License No.	Fine Amount	Date Final	Violation(s)
Walton, Paul Dwight Orinda, CA	DC 16583	\$1,500	6/25/2021	<ul style="list-style-type: none"> • CCR 317(m) – Unprofessional Conduct: Violation of Board Regulations • CCR 318(a)(3) – Chiropractic Patient Records: Required Content
Giessman, Dale Anthony Brentwood, CA	DC 20601	\$2,000	6/27/2021	<ul style="list-style-type: none"> • CCR 317(e) – Unprofessional Conduct: Conduct That Endangered the Health, Welfare, or Safety of the Public • CCR 317(f) – Unprofessional Conduct: Use of Alcoholic Beverages in a Manner to be Dangerous to Oneself and the Public • CCR 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime • CCR 317(i) – Unprofessional Conduct: Conviction of More Than One Misdemeanor Involving Alcoholic Beverages

PETITIONS FOR REINSTATEMENT OF LICENSE

No Data to Report

PETITIONS FOR EARLY TERMINATION OR MODIFICATION OF PROBATION

No Data to Report

STATEMENT OF ISSUES

No Data to Report

Review, Discussion and Possible Action Regarding Fee Analysis Report

Purpose of the item

The Board will receive a presentation on the Fee Analysis Report from Courtney Ramos, Vice President of Matrix Consulting Group. Additionally, the Board will have the opportunity to ask questions and direct staff to take action should it be deemed necessary.

Action(s) requested

No action requested at this time.

Background

The Board's current budget is structurally imbalanced. The Board's expenditures outpace the revenue received. If expenditures continue with no increase and revenue does not increase, the Board will become insolvent in 2023-24 and projected to have a -0.1 month in reserve balance at the end of 2022-23. The Board's depleted fund condition is due to a number of factors, including but not limited to, an increase in departmental and statewide pro-rata, increased overhead costs, unanticipated one-time expenses, and a slight decrease in revenue due to a gradual decline in the licensee population.

In order to substantiate budget concerns and determine a factual basis for any future increase in fees charged to licensees, the Board contracted with Matrix Consulting Group. They were tasked with conducting a fee audit to assess the current fees charged and determining what the fees should be based upon actual workload incurred by staff. Finally, they were asked to provide a presentation to the Board of their findings at the July 16, 2021, Board Meeting.

Factors contributing to the Board's current funding situation include past and projected future increases in employee compensation, business modernization costs, increased hourly rate charged by the Attorney General's Office, and increased DCA and statewide pro rata fees. Other contributing factors include:

- Repayment of the \$2.698 million the loan received from Bureau of Automotive Repair in 2014. The board made an initial repayment of approximately one half in the ensuing year with the remaining balance still outstanding. The Board plans to initiate this outstanding obligation repayment of \$250,000 per year effective 2021-22 until the loan is paid back w/ interest.

- The Board will be moving its office location from downtown Sacramento to DCA Headquarters in Natomas with an estimated one-time move cost at \$179,000. The move has been approved and is moving forward with an impact occurring in 2021-22.

The Board experienced past budget reversions, however, the cost of Business Modernization has eliminated significant future reversions.

The Board will likely become insolvent in 2023-24 regardless of Loan repayment if the statutory fee increase does not occur and become effective July 1, 2023.

The Board is projected to generate more revenue than originally anticipated in current year 2020-21, which will provide some relief but is not able to fully mitigate the fund shortfall.

Recommendation(s)

No recommendations at this time.

Next Step

N/A

Attachment(s)

- Matrix Consulting Group's Fee Analysis Report



State of California
Gavin Newsom, Governor

The Fee Analysis Report will be uploaded prior to the meeting.

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

Purpose of the item

The Board will receive an update from the May 7th, 2021 and June 17th, 2021 Licensing & Continuing Education (CE) Committee Meetings.

Action(s) requested

N/A

Background

The Licensing & CE Committee met on May 7, 2021 to review policy and language changes to the CE regulations for Sections 360-363. The Committee also reviewed the draft documents created for the CE provider applications and the CE Event application. The Committee continued to discuss potential definition options for the use of 'course' in regulations. The Committee did determine that a CE course fee should be assessed per hour of instruction requested.

The Committee is hoping to receive additional feedback regarding the proposed changes to the regulatory language from chiropractic colleges and CE providers, they have requested this information be submitted to the Committee in writing.

The Committee met again on June 17, 2021 to continue the review of CE regulations and discussed Sections 363.1-366. The Committee considered amending the language of Sections 363.2 and 363.3 to include providers who are licensees. It was ultimately decided to reexamine these sections alongside Sections 362.3 and 362.4 at the next Committee meeting.

The Committee decided to reevaluate Sections 360-363 in their entirety given the feedback received from stakeholders and because it would be prudent to discuss adding language to these sections that provides a timeframe and process for CE provider applicants to reapply if denied.

The Committee also reviewed the CE Course Evaluation Form and decided to amend the proposed language of Section 366 so that the form is not required to be submitted to the Board until such time that it can be automated. The language of the regulation should still require that a CE course evaluation be provided to attendees and that this should be submitted to the Board upon request.

The Committee took public comments at both meetings from:

- Dr. Marcus Strutz, chiropractor and CE provider with Back to Chiropractic CE Seminars,
- Ms. Laurie Isenberg, Director of Postgraduate & Continuing Education at Life Chiropractic College West.

Recommendation(s)

N/A

Next Step

The Committee will continue the review process at the August 13th, 2021 Licensing & Continuing Education Committee Meeting.

Attachment(s)

- Licensing & Continuing Education Committee Meeting Agenda – May 7, 2021
- Licensing & Continuing Education Committee Meeting Agenda – June 17, 2021
- DRAFT Article 6. Continuing Education Sections 361 – 366



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

May 7, 2021
10 a.m. to 1 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=e9732196b9b95dca640d55ff61ac0eb94>

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 3 minutes per person unless, in the discretion of the Board, circumstances require a shorter period. Members of the public will not be permitted to "yield" their allotted time to other members of the public to make comments.

Important Notices to the Public: The Board of Chiropractic Examiners will hold this meeting via WebEx – access information is provided above. General instructions for using WebEx are attached to the agenda. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting the Board at (916) 263-5355 or e-mail chiro.info@dca.ca.gov or send a written request to the Board of Chiropractic Examiners, 901 P Street, Suite 142A, Sacramento, CA 95814. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

AGENDA

- 1. Call to Order & Establishment of a Quorum**
- 2. Approval of March 25, 2021, Meeting Minutes**
- 3. 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.

- 4. Review, Discussion and Possible Action to Article 6. Continuing Education Sections 361 – 363**
- 5. Review, Discussion and Possible Action on Committee’s Activities to Solicit Stakeholder Participation in Promulgating Continuing Education Regulations**
- 6. Review, Discussion and Possible Action on Scheduling Future Committee Meetings**
- 7. 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.
- 8. Future Agenda Items**
Note: The Committee may not discuss or take action on any matter raised during this future agenda Items section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125.]
- 9. Adjournment**

In accordance with Executive Order N-29-20, no physical location is available for observation and public comment, so please plan to attend the meeting telephonically. Meetings of the Board of Chiropractic Examiners are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. Public comments will be taken on agenda items at the time the specific item is raised. The Board may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board’s Web Site at www.chiro.ca.gov.

A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting the Board at (916) 263-5355 or e-mail chiro.info@dca.ca.gov or send a written request to the Board of Chiropractic Examiners, 901 P Street, Suite 142A, Sacramento, CA 95814. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.



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

June 17, 2021
10 a.m. to 1 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=e77e76a88fd99c996d6e5065fed1cca35>

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 3 minutes per person unless, in the discretion of the Board, circumstances require a shorter period. Members of the public will not be permitted to "yield" their allotted time to other members of the public to make comments.

Important Notices to the Public: The Board of Chiropractic Examiners will hold this meeting via WebEx – access information is provided above. General instructions for using WebEx are attached to the agenda. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting the Board at (916) 263-5355 or e-mail chiro.info@dca.ca.gov or send a written request to the Board of Chiropractic Examiners, 901 P Street, Suite 142A, Sacramento, CA 95814. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

The Board may take action on any agenda item.

AGENDA

1. Call to Order & Establishment of a Quorum

2. Approval of May 7, 2021, Meeting Minutes

3. 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.

4. Review, Discussion and Possible Action to Article 6. Continuing Education Sections 363.1 – 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

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. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at www.chiro.ca.gov.

A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting the Board at (916) 263-5355 or e-mail chiro.info@dca.ca.gov or send a written request to the Board of Chiropractic Examiners, 901 P Street, Suite 142A, Sacramento, CA 95814. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

Board of Chiropractic Examiners DRAFT language
Article 6. Continuing Education

§360. Continuing Education Fees.

The following represents fees for continuing education:

- (a) ~~Continuing Education Provider Application Fee: \$75~~
- (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) 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 continuing education credit for each hour volunteered, up to a maximum of sixteen (16) hours.

(4) 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.~~

~~(b) The Board recognizes the Federation of Chiropractic Licensing Boards Providers of Approved Continuing Education (FCLB PACE) Recognized Providers as satisfying the requirements of the Board for continuing education provider approval. The Board, however, reserves the approval authority for all continuing education events, based requirements identified in Section 363 and 363.1.~~

~~(c)(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) (d) 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)~~ (e) Providers who were approved by the ~~b~~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)~~ (f) The ~~b~~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 ~~b~~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 ~~b~~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.

(b) A provider may reapply for Board approval five (5) years following a withdrawn continuing education provider status.

§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.

(b) A provider may reapply for Board approval five (5) years following a denied continuing education provider application.

§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.

~~(c) 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, also known as synchronous learning. Courses offered through two-way video conferencing technology will be approved as classroom course credit, as 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.~~ The application fee is assessed as \$ per hour of instruction requested by the provider.

(1) FCLB PACE Recognized Providers must complete and submit a "PACE Pre-Check Application" form which is hereby incorporated by reference and pay the non-refundable application fee as referenced by 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 event.

(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. The Continuing Education (CE) Event Application may consist of multiple courses to constitute the continuing education event. One (1) approval number will be issued by the Board for each approved Continuing Education (CE) Event Application.

(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 may not consist of more than one subject area as defined in Section 361(g).~~

(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) ~~An~~ 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 Board 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 offered eding 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. Approval of the medical waiver grants the licensee the opportunity to complete a course in Competency 2: Chiropractic Adjustment/Manipulation through distance learning modalities.

- 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 ~~b~~Board 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 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 ~~b~~Board deems appropriate.

§366. Continuing Education Audits.

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

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

Licensees who furnish false or misleading information to the Board regarding their ~~C~~continuing ~~E~~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).

DRAFT

Agenda Item #12
July 16, 2021

**Update, Review, Discussion and Possible Action on Government & Public Affairs
Committee Meeting Agendas**

Purpose of the item

The Board will receive an update from the April 13th, 2021 and June 28th, 2021 Government and Public Affairs Committee Meetings.

Action(s) requested

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

Additionally, the Board will be asked to review and discuss AB 305 (Maienschein), SB 607 (Roth), and SB 731 (Durazo). If necessary, the Board will have an opportunity to take a position these bills.

Background

The Government and Public Affairs Committee has conducted two meetings since the January 28th, 2021 Board meeting. The meetings were held on April 13th and June 28th, 2021. The highlights of these meetings included discussions on the Board Member Administrative Manual Procedure, the BCE Legislative Bill Tracking Manual and unreviewed legislation.

Board Member Administrative Procedure Manual (BMAPM)

The BCE Administrative Manual was created to serve as a reference guide regarding the functions of the Board and its committees, roles of Board Members, BCE leadership and Committee Members, and procedures for BCE and Committee Meetings. The Administrative Manual also provides general information regarding Board operations procedures, Board administration and staff, and other policies and procedures.

At the April 13th, 2021 Committee meeting, members approved the inclusion of DCA's Travel Guide and EO Performance Appraisal process and guidelines as attachments to the BMAPM. The Committee reviewed proposed language clarifying board policy on committee appointments and general rules of conduct, including the role of Board Members and EO. Also, the Committee discussed and approved the removal of sections referring to the Bagley-Keene Open Meetings Act, request to access license or applicant records and request for grants.

BCE Legislative Bill Tracking Manual

The BCE Bill Tracking Manual was created to provide Board Members with a comprehensive framework to understand the legislative process and their part in it.

At the April 13th, 2021 Committee meeting, members reviewed proposed language amending the Bill Tracking Manual, to include updated references to California Legislative resources and key words when searching for legislation pertaining to the Board.

2021 Legislative Update and Possible Action

Board staff have been monitoring several bills that were introduced during the 2021 legislative session. Most of the bills discussed at the April 13th, 2021 Committee meeting died in the legislature. The bills remaining active would have a potential minor but absorbable programmatic impact and raise no significant policy issues.

The Committee met on June 28th to discuss the following bills:

- AB 305 (Maienschein) would require that specified state agencies inquire as to veteran status on application forms and request permission to transmit the applicant's information to the Department of Veterans Affairs. **The Committee did not take an official position on this bill as it no longer pertains to boards and bureaus under DCA.**
- SB 607 (Roth) would require a board under DCA to waive all fees associated with the application and initial license for an applicant who meets these expedited licensing requirements. **The Committee took a neutral position on this bill.**
- SB 731 (Durazo) would implement a system to prospectively and retroactively seal conviction and arrest records. Specifically, this bill would expand the automatic review and granting of "record relief" to felony arrest records and additional felony convictions, as specified. It also would expand conviction relief by way of petition to all felony convictions. **The Committee took a watch position on this bill.**

Recommendation(s)

Staff does not have any recommendations at this time.

Next Step

N/A

Attachment(s)

- Government & Public Affairs Committee Meeting Agenda – April 13, 2021
- Government & Public Affairs Committee Meeting Agenda – June 28, 2021
- Board Member Administrative Procedure Manual
- 2021 BCE Legislation Tracking Sheet
- AB 305 bill analysis
- SB 607 bill analysis
- SB 731 bill analysis

NOTICE OF TELECONFERENCE
GOVERNMENT & PUBLIC AFFAIRS COMMITTEE MEETING

April 13, 2021
2 p.m. until 4 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=ede32c5c9370ca311bb0df565f7aec3cc>

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

Important Notices to the Public: The Board of Chiropractic Examiners will hold this meeting via WebEx – access information is provided above. General instructions for using WebEx are attached to the agenda. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting the Board at (916) 263-5355 or e-mail chiro.info@dca.ca.gov or send a written request to the Board of Chiropractic Examiners, 901 P Street, Suite 142A, Sacramento, CA 95814. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

AGENDA

1. Call to Order & Establishment of a Quorum

2. 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.

3. Approval of Meeting Minutes

May 21, 2018
March 26, 2019
August 27, 2019

4. Review, Discussion and Possible Action Regarding the Board Member Administrative Procedure Manual

5. Review, Discussion and Possible Action Regarding the Legislative Bill Tracking Manual

6. Review, Discussion and Possible Action Regarding AB 29 (Cooper) State Agencies: Meetings

7. Review, Discussion and Possible Action Regarding AB 339 (Lee) State and Local Government: Open Meetings

8. Review, Discussion and Possible Action Regarding AB 646 (Low) Department of Consumer Affairs: Boards: Expunged Convictions

9. Review, Discussion and Possible Action Regarding AB 1236 (Ting) Healing Arts: Data Collection

10. Review, Discussion and Possible Action Regarding AB 1386 (Cunningham) License Fees: Military Partners and Spouses

11. Review, Discussion and Possible Action Regarding AB 1468 (Cunningham) Prior Authorization

12. Review, Discussion and Possible Action Regarding SB 772 (Ochoa-Bogh) Professions and Vocations: Citations: Minor Violations

13. 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.]

14. Adjournment

In accordance with Executive Order N-29-20, no physical location is available for observation and public comment, so please plan to attend the meeting telephonically. Meetings of the Board of Chiropractic Examiners are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. Public comments will be taken on agenda items at the time the specific item is raised. The Board may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at www.chiro.ca.gov.

A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting the Board at (916) 263-5355 or e-mail chiro.info@dca.ca.gov or send a written request to the Board of Chiropractic Examiners, 901 P Street, Suite 142A, Sacramento, CA 95814. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

NOTICE OF TELECONFERENCE
GOVERNMENT & PUBLIC AFFAIRS COMMITTEE MEETING

June 28, 2021
2 p.m. until 4 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=e6b5bdeb65fd16268aae6c821a75e3028>

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

Important Notices to the Public: The Board of Chiropractic Examiners will hold this meeting via WebEx – access information is provided above. General instructions for using WebEx are attached to the agenda. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting the Board at (916) 263-5355 or e-mail chiro.info@dca.ca.gov or send a written request to the Board of Chiropractic Examiners, 901 P Street, Suite 142A, Sacramento, CA 95814. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

The Board may take action on any item listed on the agenda.

AGENDA

1. Call to Order & Establishment of a Quorum

2. 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.

3. Approval of Meeting Minutes

April 13, 2021

4. Update, Discussion and Possible Action Regarding Legislation

- a. AB 29 (Cooper) State Bodies: Meetings
- b. AB 305 (Maienschein) Veteran Services: Notice
- c. AB 646 (Low) Department of Consumer Affairs: Boards: Expunged Convictions

- d. AB 885 (Quirk) Bagley-Keene Open Meeting Act: Teleconferencing.
- e. AB 1026 (Smith) Business Licenses: Veterans
- f. AB 1236 (Ting) Healing Arts: Data Collection
- g. AB 1386 (Cunningham) License Fees: Military Partners and Spouses
- h. AB 1468 (Cunningham) Prior Authorization
- i. SB 607 (Roth) Professions and Vocations.
- j. SB 731 (Durazo) Criminal records: relief.
- k. SB 772 (Ochoa-Bogh) Professions and Vocations: Citations: Minor Violations

5. Discussion of Dates for Future Committee Meetings

6. Future Agenda Items

Note: The Committee may not discuss or take action on any matter raised during this future agenda Items section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125.]

7. Adjournment

In accordance with Executive Order N-29-20, no physical location is available for observation and public comment, so please plan to attend the meeting telephonically. Meetings of the Board of Chiropractic Examiners are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. Public comments will be taken on agenda items at the time the specific item is raised. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at www.chiro.ca.gov.

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State of California

BOARD OF CHIROPRACTIC EXAMINERS BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

Adopted October 2007
Revised March 2019



Gavin Newsom, Governor
State of California

MISSION STATEMENT

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

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BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

Members of the Board

Dionne McClain, D.C., Chair
David Paris, D.C., Vice Chair
Frank Ruffino, Secretary
Laurence Adams, D.C., DACNB
Rafael Sweet, Esq.
David Paris, D.C.

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Executive Officer

Robert C. Puleo

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

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

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

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BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

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BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

CHAPTER 1. Introduction

Overview

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

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

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

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State of California Acronyms

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

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BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

General Rules of Conduct

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

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❖ Board Members are part of a state regulatory board and ~~your your their~~ individual rights to make independent public comments or statements takes a second place to supporting a uniform public presentation of a cohesive board.

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❖ Board Members shall comply with all provisions of the Bagley-Keene Open Meeting Act and other applicable rules, regulations, codes and laws governing public employees.

❖ Board Members shall not speak or act for the Board without proper preauthorization from the Chair and/or Executive Officer (EO) prior to making any statement or press release. When possible, the Board Chair, in consultation with the Vice Chair, and EO, shall determine which Board members have expertise in respective areas to act as spokesperson for the Board.

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❖ Board Members shall not privately or publicly lobby for, publicly endorse, or otherwise engage in any personal efforts that would tend to promote their own personal or political views or goals, as it pertains to issues related to jurisdiction of the Board, when those views or goals ~~are in direct opposition to~~ are in direct opposition to ~~contradict~~ an official position adopted by the Board.

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❖ Board Members shall not accept gifts from applicants, licensees, or members of the profession while serving on the Board. All Fair Political Practices Act Rules shall be followed.

❖ Board Members shall maintain the confidentiality of confidential documents and information related to Board business. Always confirm with the EO whether information is public and may be disclosed. The public's access should be from a source other than a Board Member.

❖ Board Members should avoid discussion of confidential Board business with petitioners, licensees or persons not authorized to receive confidential and restricted enforcement information. Failure to do so may result in the Board Member having to recuse him/herself due to conflict of interest issues. All consumers, applicants and licensees with enforcement related questions, concerns or complaints should be referred to the EO ~~or Chair~~ or Chair.

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BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

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

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

CHAPTER 2. Board Members & Meeting Procedures

Membership (§1 Initiative Act)

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

Role of Board Officers (Board Policy)

Board Chair

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

Vice Chair

- Is back-up for the above-referenced duties in the Chair's absence.
- Coordinates, in consultation with DCA's Office of Human Resources, and in accordance with the EO Annual Performance Appraisal Process, the EO annual evaluation process annual evaluation process including

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BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

requesting staff to obtain a copy of the EO's Performance Evaluation Form and distribute the evaluation form to Members. Additionally, the Vice Chair shall request that legal counsel collates the ratings and comments for discussion.

- In consultation with the Chair and EO, establishes committees, including, but not limited to, two-person committees/subcommittees and/or task forces to research policy questions when necessary.
- In consultation with the Chair, oversees assignment of Board Members to serve as liaison to the organizations listed in Ch. 7. Other Policies & Procedures.

Secretary

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

Committee Chair

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

Board Meetings and Offices (§6 Initiative Act)

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

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

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

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

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

Whenever practical and appropriate, the Board should utilize available technology to conduct meetings ~~se as~~ to minimize the time and expenditures associated with staff and Board Member travel as well as the cost of renting meeting space.

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BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

Quorum (§3 Initiative Act)

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

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

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

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

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

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Agenda Items (Board Policy)

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

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

In the event of a conflict in scheduling an agenda topic, the Board Secretary will discuss the proposed agenda item with the Board Chair, and the Board Chair shall make the final decision to schedule the item at the upcoming or following Board Meeting. ~~The Board Secretary will work with the EO Executive Officer to finalize the agenda.~~

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BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

Notice of Meetings

(Government Code Section 11120 et seq.)

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

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Notice of Meetings Posted on the Internet

(Government Code Section 11125 et seq.)

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

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Board Meeting Locations

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

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

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~~Bagley-Keene Open Meeting Act~~

~~(Board Policy)~~

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

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

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Commented [PR5]: This is redundant. We already address this under other headings. Furthermore, this is State Law, not Board Policy.

E-Mail Ballots

(Government Code Section 11526 and Board Policy)

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

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

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BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

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

Holding Disciplinary Cases for Board Meetings (Board Policy)

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

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

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

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

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

Record of Meetings

(Board Policy [and Government Code Section 11124.1\(b\)](#))

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

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

The meeting may be audio and video recorded by the public or any other entity in accordance with the Bagley-Keene Open Meeting Act, the members of the public

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Commented [PR7]: Is this consistent with our Retention Schedule?

Commented [MA8R7]: Although the retention of records is at the Board’s discretion, we’re unable to maintain and archive such records indefinitely. Other DCA programs have retained video recordings of meetings for 75 years. Another option is to retain active until superseded.

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BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

may tape record, videotape or otherwise record a meeting unless they are disruptive to the meeting and the Chair has specifically warned them of their being disruptive, then the Chair may order that their activities be ceased.

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

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

Recording-

(Government Code Section 11124.1(b))

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

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

Meeting Rules (Board Policy)

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

Public Comment (Board Policy)

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

1. If, during a Board meeting, a person attempts to provide the Board with any information regarding matters that are currently under or subject to investigation or involve a pending administrative or criminal action, the person shall be advised that the Board cannot properly consider or hear such substantive

Commented [PR9]: Is this consistent with our Retention Schedule?

Commented [MA10R9]: Although the retention of records is at the Board's discretion, we're unable to maintain and archive such records indefinitely. Other DCA programs have retained video recordings of meetings for 75 years. Another option is to retain active until superseded.

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Commented [PR11]: This probably belongs under the prior heading. We need to make sure this is consistent with Gov Code Section 11124.1. As far as I know, we don't post audio/video recorded by the public. We do, however, post Board Meeting videos recorded by our staff.

Commented [MA12R11]: It appears that this provision is not referenced under Gov Code Section 11124. It's board policy and not a requirement. If this is confusing, we could either remove this provision or make it specific to DCA's Office of Public Affairs, "The Board may place audio and video of board meetings recorded by DCA's Office of Public Affairs on its website."

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BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

information and the person must be instructed to refrain from making such comments.

2. If, during a Board meeting, a person wishes to address the Board concerning alleged errors of procedure or protocol or staff misconduct involving matters that are currently under or subject to investigation or involve a pending administrative or criminal action, the Board will address the matter as follows:
 - a. Where the allegation involves errors of procedure or protocol, the Board may designate either its EO or a Board employee to review whether the proper procedure or protocol was followed and to report back to the Board.
 - b. Where the allegation involves significant staff misconduct, the Board shall direct the EO to review the allegation and to report back to the Board.
3. The Board may deny a person the right to address the Board and have the person removed if such person becomes disruptive at the Board meeting. The Board accepts the conditions established in the Bagley-Keene Open Meeting Act and appreciates that at times the public may disapprove, reprimand, or otherwise present an emotional presentation to the Board, and it is the Board's duty and obligation to allow that public comment, as provided by law.

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BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

CHAPTER 3. Travel & Salary Policies & Procedures

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

Travel Approval (Board Policy)

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

Travel Arrangements (Board Policy)

All travel arrangements shall be made in accordance with DCA Travel Guidelines.

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

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

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

Travel Claims (SAM Section 700 et seq.)

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

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

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Commented [PR13]: This should be updated to reference DCA's Travel Guide: [attached](#) All travel and reimbursement must comply with these guidelines.

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BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

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

Salary Per Diem

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

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

Salary Per Diem

(~~Board Policy~~)

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

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

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

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

2. For Board-specified work, Board Members will be compensated for actual time spent performing work authorized by the Board Chair. This may also include, but is not limited to, authorized attendance at other gatherings, events, meetings, hearings, or conferences, such as the FCLB, NBCE, CE, Ambassador at Large, Lectures, etc... Work also includes preparation time for Board or committee meetings and reading and deliberating mail ballots for disciplinary actions.

3. Reimbursable work does not include miscellaneous reading and information gathering unrelated to Board business and not related to any meeting, preparation time for a presentation and participation at meetings not related to official participation of the Members duties with the Board.

4. Board Members may participate on their own (i.e., as a citizen or professional) at an event or meeting but not as an official Board representative unless approved in writing by the Chair. Requests must be submitted in writing to the Chair for approval and a copy provided to the EO. However, Board Members should recognize that even when representing themselves as "individuals," their

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BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

positions might be misconstrued as that of the Board and a Board Member must use their best effort to continue to clarify this separation.

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BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

CHAPTER 4. Board Officers & Committees

Officers of the Board (§3 Initiative Act)

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

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Nomination of Officers (Board Policy)

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

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Election of Officers (Board Policy)

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

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Officer Vacancies (Board Policy)

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

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

Communication Between Officers (Board Policy)

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

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BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

concern for the next full Board Meeting and notify the Board's appointing authority when necessary.

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Committee Appointments (Board Policy)

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

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

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

Standing Committees (Board Policy)

The Board has three standing committees:

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1. Licensing, Continuing Education Committee

The Committee proposes regulations, policies and standards regarding chiropractic colleges, doctors of chiropractic, satellite offices, corporation registration, and continuing education providers and courses.

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2. Enforcement and Scope of Practice Committee

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

3. Government and Public Affairs Committee

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

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

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

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

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

The Committee oversees all administrative issues regarding Board operations.

The Committee develops draft strategic plans and monitors the Board's progress in achieving goal and objectives. The Board must develop a strategic plan in the year of the Joint Sunset Review Oversight Hearings. The Committee ~~must~~ ~~must~~ ~~shall~~ report progress on the strategic plan ~~annually beginning in 2013, to the full Board annually beginning in 2013 annually or as needed at Board Meetings.~~

Committee Meetings (Board Policy)

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

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

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

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

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

Attendance at Committee Meetings (Board Policy and Government Code Section 11122.5 et seq.)

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

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

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

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BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

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

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BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

CHAPTER 5. General Operating Procedures

Board Member Addresses (Board Policy)

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

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Board Member Written Correspondence and Mailings (Board Policy)

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

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Request to Access Licensee or Applicant Records (Board Policy)

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

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Communications with Other Organizations & Individuals (Board Policy)

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

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

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

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

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BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

Press Statements and Contacts (Board Policy)

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

Business Cards (Board Policy)

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

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

BCE Identification Cards (Board Policy)

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

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BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

CHAPTER 6. Board Administration & Staff

Executive Officer (§3 Initiative Act)

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

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

Executive Officer Evaluation (Board Policy)

At the last Board meeting of each ~~fiscal fiscal~~ calendar year or at any time thereafter ~~thereafter~~ as determined by the Board, the ~~Board evaluation~~ Performance Appraisal of the EO is presented by the Board Chair, or Vice-Chair, during a closed session. ~~Board Members provide information to the Chair on the EO's performance in advance of this meeting. If the Board Members have concerns with an EO's performance, the Board Members should consult with the Deputy Director of DCA's Legal Affairs Office and Board and Bureau Relations Office.~~ The EO performance evaluation shall be conducted in consultation with DCA's Office of Human Resources, and in accordance with the Annual Executive Officer Performance Appraisal Process.

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Board Administration (Board Policy)

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

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Board Staff (§4 Initiative Act)

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

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BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

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

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

Board Budget (Board Policy)

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

Strategic Planning (Board Policy)

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

Periodic Fee ~~Audit~~ ~~Audit~~ ~~Analysis~~ (Board Policy)

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

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BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

CHAPTER 7. Other Policies & Procedures

Various Other Tasks and Responsibilities (Board Policy)

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

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

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

Board Member Disciplinary Actions (Board Policy)

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

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

Terms and Removal of Board Members (§2 Initiative Act)

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

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

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BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

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

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

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Resignation of Board Members (Board Policy)

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

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Commented [PR20]: Does the Administration have a protocol we should follow when a Board Member resigns? If so, we should reference that here.

Conflict of Interest (Government Code Section 87100)

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

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

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

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

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

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Contact with Licensees and Applicants (Board Policy)

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

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Contact with Respondents (Board Policy)

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

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BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

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

Service of Legal Documents (Board Policy)

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

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Serving as an Expert Witness (Executive Order 66.2)

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

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

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~~Request for Grants~~ (Board Policy)

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

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~~Any requests for grants outside of Board business or projects must be made by the EO at the Chair's direction. If a Board Member makes an individual request, a copy of the request shall be forwarded to the EO as soon as possible. The mechanism for receipt, management, and dispersal of funds shall be pre-arranged and approved by the Board.~~

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BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

Gifts from Licensees and Applicants (Board Policy)

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

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

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

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

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

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

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If a Board Member receives a telephone call from an applicant under any circumstances or licensee against whom an action is pending, he or she shall immediately inform the caller that communication on this matter is prohibited by law and notify the EO and the Board's ~~legal counsel~~ ~~legal counsel~~ Legal Counsel.

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

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

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BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

The Honoraria Prohibition

(Government Code Section ~~89503~~, 89502)
(FPPC Regulations, Title 2, Division 6)

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

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

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

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

Board Member Orientation

(Business & Professions Code Section 453 and Board Policy)

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

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

It is the Board's policy that new Board Members shall, to the extent possible complete the orientation training within six months of assuming office. Additional training shall be provided at the request of the Board or individual Board Members.

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BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

Ethics Training

(Government Code Section 11146)

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

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Sexual Harassment Prevention Training

(Government Code Section 12950.1)

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

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Board Member Onboarding and Orientation

(Board Policy - 2013 BCE Strategic Plan)

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

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Injury to a Board Member

(Labor Code Section 4600)

If you are or believe you may have been injured, notify the EO. Injuries are required to be reported and this assists the EO in remaining compliant with [DCA's policy for reporting injuries](#), the Labor Code Rules and Regulations. ~~The reported injury will be reviewed by State Compensation Insurance Fund. They have the option to either accept or deny that claim. If the claim is denied, and you believe you have a legitimate claim, you should consult with an attorney. If the claim of injury is accepted by the insurance carrier, then treatment is provided in accordance with the California Labor Code (L.C.). Specifically: L.C. 4600(a) Medical, surgical, chiropractic, acupuncture, and hospital treatment, including nursing, medicines, medical and surgical supplies, crutches, and apparatuses, including orthotic and prosthetic devices and services, that is reasonably required to cure or relieve the injured worker from the effects of his or her injury shall be provided by the employer.—~~

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

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BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

Addendums

Applicable provisions of the following:

- Executive Order 66-2
- Government Code
- State Administrative Manual
- Bagley-Keene Open Meeting Act
- Business and Professions Code
- Initiative Act
- Labor Code
- BCE Legislative Bill Tracking Manual
- Department of Consumer Affairs Travel Guide
- Annual Executive Officer Performance Appraisal Process
- Executive Officer Perform Appraisal Form

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**Board of Chiropractic Examiners - 2021 Legislation Tracker
July 2021**

Watch

Bill	Author	Title	Status	Committee Position
AB 29	Cooper	State Bodies: Meetings	Dead: 5/20/21, held in Asm. APPR. committee; under submission.	Watch
AB 646	Low	Department of Consumer Affairs: Boards: Expunged Convictions	Dead: 5/20/21, held in Asm. APPR. committee; hearing postponed.	Watch
AB 1236	Ting	Healing Arts: Licensees: Data Collection	Dead: Ordered to inactive file at the request of author.	Watch
AB 1386	Cunningham	License Fees: Military Partners and Spouses	Dead: 5/20/21, held in Asm. APPR. committee and under submission.	Watch
AB 1468	Cunningham	Prior Authorization	Dead: 5/20/21, held in Asm. APPR. committee and under submission.	Watch
SB 731	Durazo	Criminal Records: Relief	Active: Referred to Asm. APPR committee on 6/23/21.	Watch

Neutral

Bill	Author	Title	Status	Position
SB 607	Roth	Professions and Vocations	Active: Referred to Asm. B&P committee on 6/17/21.	Neutral

**Board of Chiropractic Examiners - 2021 Legislation Tracker
July 2021**

No Position

Bill	Author	Title	Status	Position
AB 305	Maienschein	Veteran Services: Notice	Active: Referred to Sen. APPR committee on 6/30/21.	
AB 885	Quirk	Bagley-Keene Open Meeting Act: Teleconferencing	Dead: Re-referred to Asm. G.O. committee. No further action from committee.	
AB 1026	Smith	Business Licenses: Veterans	Dead: 5/20/21, held in Asm. APPR. committee; under submission.	

Oppose

Bill	Author	Title	Status	Position
SB 772	Ochoa Bogh	Professions and vocations: citations: minor violations	Dead: In Sen. B&P committee. 04/19/21 hearing canceled at the request of Author.	Comm: Oppose

Board of Chiropractic Examiners - 2021 Legislation Tracker July 2021

Summary of Bills

	Author	Summary	Amended
AB 29	Cooper	This bill would require the materials for a public meeting to be provided to the public at the same time they are provided to board members or at least 72 hours in advance of the meeting, whichever is earlier.	12/7/2020
AB 305	Maienschein	This bill would require that specified state agencies inquire as to veteran status on their application forms and request permission to transmit the applicant's information to the Department of Veterans Affairs. This bill is no longer applicable to BCE.	6/15/2021
AB 339	Lee	This bill would allow for continued remote participation in state meetings and expand language access, allowing for more people to participate in government meetings and decisions. This bill has been amended to remove the provision applicable to state agencies and it no longer applies to BCE.	4/15/21
AB 646	Low	This bill would require a board under DCA that posts information on its website about a revoked license due to a criminal to update or remove such information within 90 days of receipt of an expungement order related to the conviction.	4/14/2021
AB 885	Quirk	This bill would amend the teleconferencing statutes of the Bagley-Keene Act to require public meetings held via teleconference to be both audibly and visually observable to the public.	3/24/2021
AB 1026	Smith	This bill would require boards and bureaus to reduce initial licensing fees for honorably-discharged veterans by 50 percent.	2/18/2021
AB 1236	Ting	This bill would require healing arts boards within DCA to collect specified demographic information relating to their licensees and	4/29/2021
AB 1386	Cunningham	This bill would require boards and bureaus to waive initial license	4/28/2021

Board of Chiropractic Examiners - 2021 Legislation Tracker
July 2021

		fees for military partners or spouses, as specified.	
AB 1468	Cunningham	This bill would prohibit a health care service plan or health insurer that provides coverage for specified services, including chiropractic, from requiring prior authorization for the initial 12 treatment visits within a new episode of care.	4/29/2021
SB 607	Roth	This bill would require the Board to waive all fees associated with the application and initial license for military partners or spouses.	5/20/2021
SB 731	Durazo	This bill would implement a system to prospectively and retroactively seal conviction and arrest records.	5/20/2021
SB 772	Ochoa-Bogh	This bill would prohibit the assessment of a citation fine for a minor violation and specifies that a violation is minor if specified criteria are met, including that a violation did not pose a serious health or safety threat.	2/19/2021

**Board of Chiropractic Examiners
Bill Analysis**

Bill Number: AB 305
Author: Assembly member Brian Maienschein
Bill Version: Amended June 15, 2021
Subject: Veteran Services: Notice
Sponsor: Author
Status of Bill: Referred to Senate committees on Governmental Organization and Military & Veterans Affairs on June 15, 2021.

Summary:

This bill would require that specified state agencies inquire as to veteran status on application forms and request permission to transmit the applicant's information to the Department of Veterans Affairs.

Existing Law:

Requires every state agency that requests on any written form or written publication, or through its internet website, whether a person is a veteran, to request that information in a specified manner.

This Bill Would:

- Require the following 13 state agencies to include questions on their intake and application forms that are intended to determine whether an applicant is a veteran of the U.S. Armed Forces:
 1. CA Community Colleges
 2. CA State University
 3. Board of Governors of the California Community Colleges
 4. Department of Aging
 5. Department of Developmental Services
 6. Department of Fish and Wildlife
 7. Department of Motor Vehicles
 8. Department of Rehabilitation
 9. Employment Development Department
 10. Department of Health Care Services
 11. Department of Social Services (CDSS)
 12. Housing Finance Agency
 13. University of California (UC)
- Specifically, those state agencies would be required to include the following on any intake or application form:

a) An option for a person to indicate they are affiliated with the Armed Forces of the United States by asking both of the following:

i) "Have you ever served in the United States military?"

ii) "Are you the spouse, legal partner, parent, or child of a person who is serving in or who has served in the United States military?"

b) An option for a person who identifies as being military affiliated to give their consent to be contacted regarding eligibility for state or federal veterans' benefits.

- Require each intake or application form to also include a statement of potential eligibility to receive state and federal services, with contact information for California Department of Veterans Affairs (CalVet).
- Requires each agency named above to electronically transmit certain information to CalVet, if provided, for each person who has identified they or a family member has served in the armed forces and has consented to be contacted about benefits.

Background:

According to the author's office:

Approximately 1.8 million veterans reside in California- more than in any other state. However, gaps exist in identifying veterans and connecting them with services. In various surveys, veterans indicated one of the top barriers to receiving services was that "they do not feel understood by the providers who serve them." Opportunities to help veterans and their families are often lost simply because the connection is not made.

"Ensuring that our veteran population is provided with the information and resources they need to find the benefits that best suit them should be a priority in California. Closing the disconnect between service providers and service members is just one step we can take to ensure that our veterans are treated with the respect they deserve."

Fiscal Impact:

This bill would not have a fiscal impact upon the BCE.

Support & Opposition:

Support:

U.S. Department of Defense
Military Services in California
San Diego Military Advisory Council

Opposition: None on file

Arguments:

Pro:

- The Department of Defense states that this bill is “designed to assist service providers in identifying veterans and families in order to provide better care. In various surveys, veterans have indicated that one of the top barriers to receiving care was that they "do not feel understood by the providers who serve them". This initiative encourages states to engage all helping agencies (including healthcare, social services, housing, and education) to join in the effort in supporting those who have served our country.

Service providers in various state agencies have a profound impact on these heroes and their care by connecting them to services and care through asking the simple question: 'Have you or a family member ever served in the U.S. military?' By asking this question, providers may ask additional questions that would lead to improved identification of challenges and needs. Additionally, connecting service members, veterans and their families to the appropriate state Veterans Services agencies may increase their access to federal funding and support services to provide that care rather than relying solely on limited state funding."

Con: None on file.

Staff Recommended Position: NEUTRAL

Staff is supportive of the sponsor’s intent to increase awareness of services and benefits available to veterans and their families in California. However, amendments made to this bill on June 15, 2021 removed the provision to repeal current law requiring that every state agency inquires as to veteran status in a specific format, as defined. Therefore, AB 305 does not impact BCE licensees or board operations. Staff recommend a “Neutral” position.

Board of Chiropractic Examiners Bill Analysis

Bill Number: SB 607
Author: Senator Richard Roth
Bill Version: Amended June 17, 2021
Subject: Professions and Vocations
Sponsor: Author
Status of Bill: Referred to Assembly Committee on Business and Professions.

Summary:

This bill would, among other proposals, require a Board to waive all fees associated with the application and initial license for military partners or spouses.

Existing Law:

- Provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs.
- Authorizes a board to charge fees for the reasonable regulatory cost of administering the regulatory program for the profession or vocation.
- Requires a board within the department to expedite the licensure process for an applicant who holds a current license in another jurisdiction in the same profession or vocation and who supplies satisfactory evidence of being married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders.

This Bill Would:

- Require a board to waive all fees associated with the application and initial license for an applicant who meets these expedited licensing requirements.

Background:

Due to the potential hardships of licensing on military applicants, veterans, and their families, the Legislature has passed, and the DCA boards have implemented, several policies to ease the burdens on military applicants, spouses, and licensees. For instance, Business and Professions Code(BPC) Section 114 exempts licensees from penalties for reinstating a retired license if called to active duty. BPC Section 114.3 requires boards under the DCA to waive renewal fees, continuing education requirements, and other requirements for military licensees as long as specified requirements are met. In addition, BPC Section 115.4 requires boards under the DCA to expedite the initial licensure process for applicants who are honorably discharged veterans. Although the license application may be expedited, hardships associated with a transition to

California remain and as such, this bill waives initial licensing fees for military spouses who are currently subject to the expedited application processing.

Fiscal Impact:

The Board receives approximately 5 applications from military partners and spouses each year. Currently, an applicant is required to pay \$371 to cover costs of processing the application. Once the applicant is eligible for a license, they are required to pay \$ 186 for the initial license fee to cover costs of issuing the license.

This bill would require the Board to waive initial license fees for those individuals, thereby resulting in a revenue loss of \$2,785 annually.

Support & Opposition:

Support:

- California Board of Accountancy
- Dental Board of California
- Foundation for Allied Dental Education
- SureTec Insurance
- Tokio Marine HCC

Opposition: None on file

Arguments:

Pro:

- The author states this bill seeks to ease some of the burden placed on military families following a service-related relocation.
- The California Board of Accountancy (CBA) states SB 607 is consistent with CBA's continued practice of assisting members of the military and their families.

Con:

- This bill would result in a minor reduction in the Board's revenue.

Staff Recommended Position: NEUTRAL

While this bill will result in a slight reduction in the Board's revenue, it will assist military personnel and their families who are relocated to California.

Board of Chiropractic Examiners Bill Analysis

Bill Number: SB 731

Author: Senator Maria Elena Durazo

Bill Version: Amended June 23, 2021

Subject: Criminal Records: Relief

Sponsor: Californians for Safety and Justice

Status of Bill: In Assembly Committee on Public Safety. Hearing Date: June 29, 2021

Summary:

This bill would expand automatic arrest records relief to include arrests for felonies punishable by state prison, as specified. SB 731 would also expand conviction relief to include felonies where the defendant was not granted probation and did not complete probation without revocation. However, this bill excludes serious and violent felonies and felonies requiring sex registration.

Existing Law:

- Provides that on a monthly basis the Department of Justice (DOJ) shall review the records in the statewide criminal databases and shall identify persons with records of arrest that are eligible for arrest record relief, with no requirement that the person file a motion seeking relief. A person is eligible for relief if the arrest occurred on or after January 1, 2021 and meets any of the following conditions:
 - a) The arrest was for a misdemeanor and the charge dismissed.
 - b) The arrest was for a misdemeanor and no criminal proceedings have been initiated one year from the date of the arrest.
 - c) If the arrest was for a jail felony, punishable by 8 or more years and no proceedings have been initiated 3 years after the date of the arrest, and no conviction occurred, or the arrestee was acquitted of the charges.
 - d) If the person successfully completed a specified diversion program.
- Provides that automatic arrest record relief is subject to the following conditions:

It does not relieve a person of an obligation to disclose an arrest in an application for employment as a peace officer.

 - a) It does not limit the ability of a criminal justice agency to access the arrest information.
 - b) It does not limit the ability of a district attorney to prosecute for the offense if it is within the statute of limitations.
 - c) It does not impact a person's authorization to own or possess a firearm
 - d) It does not impact any prohibition on holding public office.
 - e) It does not impact licensing for foster homes and similar facilities.
 - f) It does not limit other motions for relief. (Penal Code Section 851.93)
- Provides that if a person is sentenced to jail due to a felony, the court, in its discretion, may allow a person to withdraw their guilty plea (and enter a plea of not guilty) and dismiss the

accusations or information against the defendant when specified conditions are met. (Penal Code Section 1203.41)

- Provides that on a monthly basis (commencing July 1, 2022), the DOJ shall review records in the statewide criminal justice databases and shall identify person with convictions that meet specified criteria and are eligible for automatic conviction relief. A person is eligible for relief if they meet all of the following conditions:
 1. The person is not required to register as a Sex Offender.
 2. The person does not have an active record for local, state, or federal supervision in the Supervised Release file.
 3. Based on the information available, it does not appear the person is currently serving a sentence for an offense and there is no indication of pending criminal charges.
 4. There is no indication that the conviction resulted in a sentence of incarceration in state prison.
 5. The conviction occurred on or after January 1, 2021 and the defendant either was sentenced to probation and appears to have completed their term of probation without revocation or, the defendant was convicted of an infraction or misdemeanor, was not granted probation, and at least one calendar year has passed since the date of judgement. (Penal Code Section 1203.425(a)(1))

- Provides that automatic conviction record relief is subject to the following conditions:
 1. It does not relieve a person of the obligation to disclose a conviction when applying to be a peace officer.
 2. It does not relieve a person of the obligation to disclose the conviction in response to a direct question contained in a questionnaire for public office or for contracting with the California State Lottery Commission
 3. It does not affect a person's authorization to own, possess, etc. a firearm.
 4. It does not affect a prohibition from holding public office that would otherwise apply as a result of the conviction.
 5. It does not affect the authority to receive, or take action based on, criminal history information including the authority to receive certified court records.
 6. It does not make eligible a person otherwise ineligible to provide in-home supportive services.
 7. It may still act as a prior for future arrests and convictions. (Penal Code Section 1203.425(a)(3)).

This Bill Would:

- Authorize a person to be eligible for arrest record relief if the criminal proceeding has been initiated at least 3 years after the arrest eligible for relief.
- Provide that if the arrest was for a jail or prison felony with a sentence of 8 or more years shall be eligible for relief when no criminal proceedings have happened 6 years after the arrest.
- Provide that if a defendant is sentenced to jail due to a felony, the court, in its discretion, may allow the defendant to withdraw their guilty plea and enter a plea of not guilty, and expand the

relief of penalties for all felonies. Therefore, relief would be available to a defendant who has been convicted of any felony.

- Delete the prohibition on granting relief if the person was incarcerated in the state prison.
- Provide, in addition, that relief granted does not release the defendant from the terms and conditions of any unexpired criminal protective orders.
- Add the following criteria for automatic conviction relief:
 - a) The conviction occurred on or after January 1, 2005
 - b) The defendant was convicted of a felony other than one for which the defendant completed probation without revocation
 - c) The defendant appears to have completed all terms of incarceration, probation, mandatory supervision, post release supervision, and parole and a period of four years has elapsed during which the defendant was not convicted of a new felony. This does not apply to a serious or violent felony as defined in the Penal Code or an offense for which a person must register as a sex offender.

Background:

According to the author's office:

"Nationally, an estimated 70 million people (nearly one in three adults, and 8 million people in California alone) have a past arrest or conviction on their record. The vast majority of people with convictions have long finished their sentence in prison, jail, parole or probation and exited the 'deepest end' of the justice system.

Despite the data on recidivism, California still maintains these records until the person reaches 100 years of age. Due to widespread usage of background checks in today's society, the availability of these records present thousands of barriers for one quarter of the state's population resulting in chronic housing insecurities, long-term unemployment, and widespread constraints on civic participation. These collateral consequences disproportionately impact Black and Latino communities and have become one of the leading drivers of multi-generational poverty."

Fiscal Impact:

This bill would likely have minimal fiscal impact on the BCE.

Support & Opposition:

Support:

Over 50 professional organizations support this bill, including the following:

- Californians for Safety and Justice (Sponsor)
- California Labor Federation, Afl-cio

- California Attorneys for Criminal Justice
- California Immigrant Policy Center
- California Coalition for Women Prisoners
- Family Reunification, Equity & Empowerment
- Law Enforcement Action Partnership
- Legal Services for Prisoners with Children
- Starting Over INC
- Time for Change Foundation
- Underground Scholars Initiative Berkeley
- We the People – San Diego

Opposition:

- California Association of Licensed Investigators
- California Board of Psychology
- California District Attorneys Association
- California Statewide Law Enforcement Association
- Peace Officers Research Association of California (PORAC)

Arguments:

Pro:

- The bill’s sponsor, Californians for Safety and Justice (CFJ) states that “[n]ationally, an estimated 70 million people nearly one in three adults, and 8 million people in California alone) have a past arrest or conviction on their record. California still maintains these records until the person reaches 100 years of age.” Due to widespread usage of background checks in today’s society, the availability of these records present thousands of barriers for individuals with prior criminal history.

Additionally, SB 731 proposes a structured, automated approach to sunseting criminal records: 1) Automated sealing of all records that do not result in conviction; and 2) Phased relief for convictions records, thereby expanding record sealing to all sentences following completion of terms of incarceration, post-release supervision, and an additional period of time - provided the person has completed their sentence without any new felony convictions and has no new charges pending.

Con:

- Peace Officers Research Association of California (PORAC) of California states “... by expanding the relief of penalties for all felonies, we are placing our communities at risk. Oftentimes, felony crimes are violent and leave behind innocent victims whose lives will never be the same.

By allowing violent criminals back on the street, with their record dismissed, they will have less deterrent to commit another crime. Thus, leaving more victims in their wake. If the author is willing to amend the bill to exclude violent criminals, we would be inclined to remove our opposing.”

- The California Board of Psychology argues that “this bill would significantly diminish the Board’s ability to adequately protect the health and safety of consumers by removing the Board’s ability to review and evaluate a current licensee’s arrest and conviction information for the purposes of approving an application for licensure. Such records have provided a comprehensive proof of an applicant’s ability to practice without harm to the public.”

For example, an initial arrest record has revealed instances of domestic violence the might not have been shared with the Board previously. While these types of arrest warrants are usually dropped, some arrest reports include information regarding substance abuse or cognitive issues. These types of reports provide a holistic view of an applicant in the context of consumer protection and are vital to our vetting process.”

Staff Recommended Position: WATCH

This bill would expand upon recent criminal justice reforms by creating further mechanisms for conviction dismissal. While the bill will limit the criminal history information a regulatory board will have access to, it will remove barriers that currently prevent individuals with prior criminal histories from obtaining employment and becoming productive members of their communities.

**Agenda Item #13
July 16, 2021**

Update, Discussion and Possible Action on Pending Rulemaking

Purpose of the item

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

Action(s) requested

N/A

Background

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

Staff are actively working on changes to the Continuing Education and Curriculum regulations.

Legal counsel informed the Board that the initial review of the Consumer Protection Enforcement Initiative regulation package has been completed. Staff will now make necessary changes and assemble the file for submission to DCA's Executive Office.

Recommendation(s)

N/A

Attachment(s)

1. BCE Regulation Tracking sheet
2. BCE Regulation Summary sheet
3. DCA Regulation Review Process sheet

Regulation Tracking Sheet

	Group A – Legislatively Mandated	DCA & BCE Review Process	Status
1	Denial of Application, Revocation or Suspension of Licensure (CCR Sections 316.5, 321, 326 and 327)	Step 8 Final Phase	Rulemaking file submitted to Agency for final review.
2	Consumer Protection Enforcement Initiative	Step 7 Initial Phase	DCA Legal review completed. Rulemaking file is with the Board for further revisions.
3	Revisions to BCE Disciplinary Guidelines & Uniform Standards for Substance Abusing Licensees	Step 2 Initial Phase	Rulemaking file under development at the Board.
	Group B		Status
1	Revisions to Curriculum requirements and approval of programs (CCR Article 4, Sections 330 – 331.16)	Step 2 Initial Phase	Rulemaking file under development at the Board. Language approved on 7.16.20.
2	Continuing Education Requirements (CE Provider and Course Approval) / Mandatory Cardiopulmonary Resuscitation (CPR) Certification for all licensees	Step 2 Initial Phase	Rulemaking file under development at the Board. Committee is currently working through policy issues regarding this regulatory proposal.
3	Delegation of Authority to the Assistant Executive Officer / Compliance with Citation and Order of Abatement	Step 7 Initial Phase	DCA Legal review completed. New language approved on 12.11.20.
	Group C		Status
1	Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice or Death/Incapacity of Licensee	Step 2 Initial Phase	Approved rulemaking process 4.16.15
2	Amend or Repeal CCR Section 354 - Successful Examination (Obsolete provision)		Not commenced

Regulation Summary Sheet

Proposed Regulation	Proposed Change(s)
Denial of Application, Revocation or Suspension of Licensure (CCR Sections 316.5, 321, 326 and 327)	Effective July 1, 2020, the BCE's application for licensure, as well as other existing regulations, will be amended to comply with new legislation, AB 2138 (Chiu, Licensing Boards: Denial of Application: Revocation or Suspension of Licensure: Criminal Conviction - Stats. 2018, Ch. 995), which will limit the Board's discretion in using prior criminal history (convictions or underlying acts) as grounds for licensing determinations and establish new prohibitions relating to the denial, suspension, and revocation of licensure. Additionally, the BCE will need to develop denial criteria, review and possibly amend existing rehabilitation criteria.
Consumer Protection Enforcement Initiative	The proposed changes would add or amend 12 sections within the California Code of Regulations that would establish stricter reporting and disclosure requirements by licensees and applicants and increase the BCE's enforcement authority and access to critical information for use in investigations.
Revisions to BCE Disciplinary Guidelines & Uniform Standards for Substance Abusing Licensees	The BCE's Disciplinary Guidelines are being revised to streamline the enforcement process and provide greater protection to consumers. Additionally, the BCE will need to review and possibly amend the SB 1441 Uniform Standards for Substance Abusing Licensees. Ultimately, the Uniform Standards will be incorporated by reference into the Board's Disciplinary Guidelines.
Revisions to Curriculum requirements and approval of programs (CCR Article, Sections 330 - 331.16)	Language presented to full Board for review and vote on 7.16.20.
CE Requirements (CE Provider and Course Approval)	TBD
Delegation of Authority to the Assistant Executive Officer	The proposed regulation would delegate to the Board's Assistant Executive Officer the authority to approve settlement agreements for revocation, surrender, and interim suspension of a license, or allow the Executive Officer to delegate this function to another designee.
Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice or Death/Incapacity Licensee (Amendment to CCR Sections 312.2 and 318)	TBD
Amend or Repeal CCR Section 354 Successful Examination (Obsolete provision)	TBD

**Department of Consumer Affairs - Regulation Review Process
INITIAL PHASE**

Step	Responsible Person/Entity	Required Action
1	BCE Staff & DCA Legal Counsel	Work together on proposed regulation text that is subject to EO's initial approval
2	BCE Board Members	Vote on proposed text and direct staff to begin regulation process.
3	DCA Legal Counsel	Reviews regulation documents and returns to BCE Staff with approval or suggested changes. Legal Affairs notifies the DCA Regulations Coordinator of the status.
4	BCE Staff	Compile four complete hard copy sets of the regulation package and submit to DCA Regulations Coordinator.
5	DCA Regulations Coordinator	Begins DCA initial review process
6	DCA Legal Affairs Division, Legislative Affairs Division, and Budget Office	Review regulation documents.
7	DCA Legal Affairs Division	Chief Counsel Reviews regulation documents
8	DCA Legislative Affairs Division	Deputy Director reviews regulation documents
9	DCA Executive Office	Director reviews regulation documents.
10	Business, Consumer Services, & Housing Agency	Agency Secretary reviews regulation documents.
11	DCA Regulations Coordinator	Logs return of proposed regulation documents from Agency and notifies BCE of approval or concerns & suggested changes
12	BCE Staff	Submits Rulemaking File to the Office of Administrative Law for Notice/PUBLICATION. (If any changes to language last approved by the Board are needed, a vote by the Board may be necessary). 45-Day Public Comment Period begins on date of PUBLICATION.
13	BCE Staff	Receives written comments submitted during the 45-Day Public Comment Period; schedules Public Hearing if requested.

**Department of Consumer Affairs - Regulation Review Process
FINAL PHASE**

Step	Responsible Person/Entity	Required Action
1	BCE Staff & Board Members	Staff review and summarize comments received during 45-day public comment period/hearing. Board Members discuss comments at a public Board Meeting and determine whether to 1) amend the language and issue 15-day public comment period or 2) adopt the proposed text.
2	BCE Staff	Upon adoption of language, staff completes final rulemaking binder and delivers to DCA Legal.
3	DCA Legal Affairs Division	Rulemaking binder is logged and forwarded to BCE's Assigned Legal Counsel
4	DCA Regulations Coordinator	Facilitates review by DCA's Budget Office and the Department of Finance
5	DCA Legal Affairs Division	Binder reviewed by Assistant Chief Legal Counsel
6	DCA Legislative Affairs Division	Binder reviewed by Deputy Director
7	DCA Executive Office	Binder reviewed by Director
8	Business, Consumer Services, & Housing Agency	Binder reviewed by Agency Secretary
9	DCA Regulations Coordinator	Completes closing paperwork and returns binder to BCE with final approval
10	BCE Staff	Submits final rulemaking file to the Office of Administrative Law for review.
11	Office of Administrative Law	Reviews rulemaking file for: 1) Necessity; 2) Authority; 3) Clarity; 4) Consistency; 5) Reference; and, 6) Nonduplication.
12	BCE	If approved: Rulemaking is complete; language takes effect on next effective date or date requested. If disapproved: Board Members decide whether to amend and resubmit or withdraw the regulatory package.