



## **NOTICE OF TELECONFERENCE BOARD MEETING**

### **Board Members**

Dionne McClain, D.C., Chair  
David Paris, D.C., Vice Chair  
Laurence Adams, D.C.  
Janette N.V. Cruz  
Pamela Daniels, D.C.  
Rafael Sweet

**The Board of Chiropractic Examiners (Board) will meet by teleconference on:**

**Tuesday, January 25, 2022**

**9:00 a.m. to 4:00 p.m.**

(or until completion of business)

**The Board may take action on any agenda item.**

**Note:** Pursuant to the statutory provisions of Government Code section 11133, neither a public location nor teleconference locations are provided. Due to potential technical difficulties or time constraints, members of the public may also submit written comments to the Board on any agenda item by Friday, January 21, 2022. Written comments should be directed to [chiro.info@dca.ca.gov](mailto:chiro.info@dca.ca.gov) for Board consideration.

**Important Notice to the Public:** The Board will hold a public meeting via Webex Events. To access and participate in the meeting, please click on, or copy and paste into a URL field, the link below:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=mf73cda2f7da872dcb8580d35a159065d>

### **If joining using the link above**

Event number: 2499 368 1206

Event password: BCE01252022

### **If joining by phone**

+1-415-655-0001 US Toll

Access code: 249 936 81206

Passcode: 22301252

Instructions to connect to the meeting can be found at the end of this agenda.

## **AGENDA**

- 1. Open Session – Call to Order / Roll Call / Establishment of a Quorum**
- 2. Hearing Regarding Petition for Reinstatement of Surrendered License**
  - Daniel Hanania Dahan, License No. DC 19744, Case No. 2014-997

3. **Hearing Regarding Petitions for Early Termination of Probation**
  - A. Mark Steven Kimes, D.C., License No. DC 17504, Case No. AC 2019-1233
  - B. Michael John Foli, D.C., License No. DC 17135, Case No. AC 2018-1206
4. **Closed Session – The Board will meet in Closed Session to:**
  - Deliberate and Vote on Disciplinary Matters, including the Above Petitions for Reinstatement of Surrendered License and Early Termination of Probation, Pursuant to Government Code Section 11126, subd. (c)(3)

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**1-Hour Lunch Break**

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5. **Reconvene To Open Session**
6. **Update from the Department of Consumer Affairs (DCA) – DCA Board and Bureau Relations**
7. **Board Chair’s Report**
8. **Acting Executive Officer’s Report – Update on:**
  - A. Administration, Continuing Education, Enforcement, and Licensing Programs
  - B. Board’s Budget and Fund Condition
  - C. Business Modernization Project and Implementation of Connect System
  - D. Status of Board’s Pending Rulemaking Packages
9. **Discussion and Possible Action by the Board to Weigh Available Options in Response to the January 11, 2022 Waiver Issued by the Director of the Department of Consumer Affairs [DCA Waiver DCA-22-209 Order Extending DCA-20-63, Order Waiving Restrictions on Internet-Based Continuing Education Training for Chiropractors and Naturopathic Doctors](#)**

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**15-Minute Break**

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10. **Election of Board Officers for 2022 – The Board will vote for the following officer positions:**
  - A. Chair
  - B. Vice Chair
  - C. Secretary
11. **Remarks from the Newly Elected Board Chair**
12. **Review and Approval of December 16, 2021 Board Meeting Minutes**
13. **Ratification of Approved License Applications**
14. **Ratification of Approved Continuing Education Providers**
15. **Review, Discussion, and Possible Action on the Board’s 2022 Meeting Calendar and the Scheduling of a Strategic Planning Session**

## 16. Public Comment for Items Not on the Agenda

Note: Members of the public may offer public comment for items not on the agenda. However, 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).]

## 17. Future Agenda Items

Note: Members of the Board and the public may submit proposed agenda items for a future Board meeting. However, the Board may not discuss or take action on any proposed matter except to decide whether to place the matter on the agenda of a future meeting. [Government Code Section 11125.]

## 18. Adjournment

This agenda can be found on the Board's website at [www.chiro.ca.gov](http://www.chiro.ca.gov). The time and order of agenda items are subject to change at the discretion of the Board Chair and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public.

The Board plans to webcast this meeting. To view the webcast, please visit <https://thedcapage.wordpress.com/webcasts/>. Webcast availability cannot be guaranteed due to limitations on resources or technical difficulties. The meeting will not be canceled if webcast is not available. Meeting adjournment may not be webcast if adjournment is the only item that occurs after a closed session.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to it taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Board, but the Board Chair may, at their discretion, apportion available time among those who wish to speak. Members of the public will not be permitted to yield their allotted time to other members of the public to make comments. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125 and 11125.7(a)).

This meeting is being held via Webex Events. The meeting is accessible to individuals with disabilities. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting the Board at:

**Telephone:** (916) 263-5355

**Email:** [chiro.info@dca.ca.gov](mailto:chiro.info@dca.ca.gov)

**Telecommunications Relay Service:** Dial 711

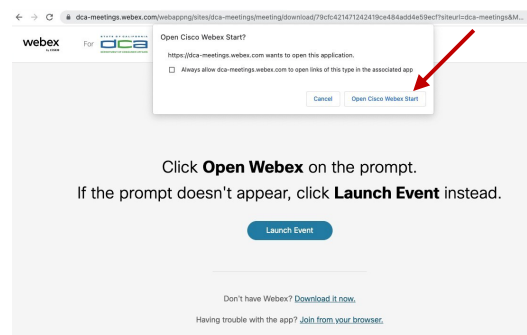
**Mailing Address:**

Board of Chiropractic Examiners  
1625 N. Market Blvd., Suite N-327  
Sacramento, CA 95834

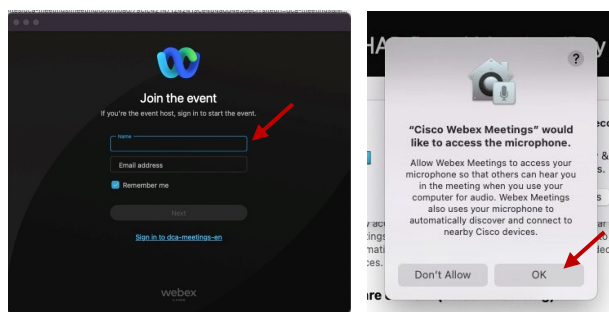
Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

### If joining using the meeting link

- 1 Click on the meeting link. This can be found in the meeting notice you received.
- 2 If you have not previously used Webex on your device, your web browser may ask if you want to open Webex. Click “Open Cisco Webex Start” or “Open Webex”, whichever option is presented. DO NOT click “Join from your browser”, as you will not be able to participate during the meeting.



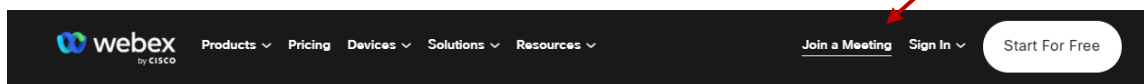
- 3 Enter your name and email address. Click “Join as a guest”. Accept any request for permission to use your microphone and/or camera.



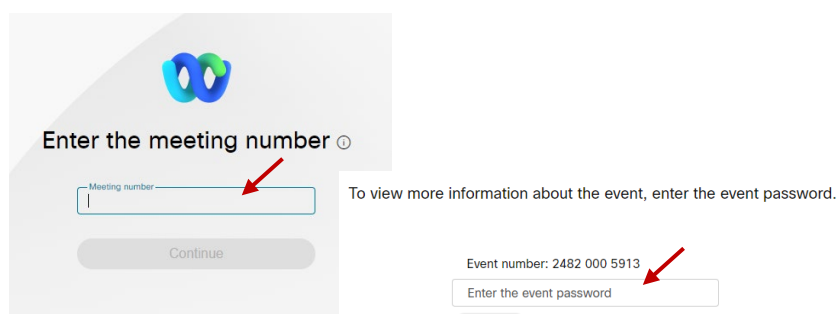
OR

### If joining from Webex.com

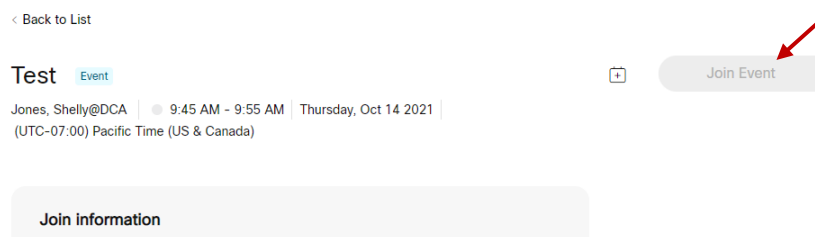
- 1 Click on “Join a Meeting” at the top of the Webex window.



- 2 Enter the meeting/event number and click “Continue”. Enter the event password and click “OK”. This can be found in the meeting notice you received.



- 3 The meeting information will be displayed. Click “Join Event”.



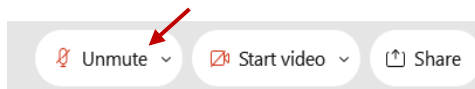
OR

### Connect via telephone:

You may also join the meeting by calling in using the phone number, access code, and passcode provided in the meeting notice.

### Microphone

Microphone control (mute/unmute button) is located on the command row.

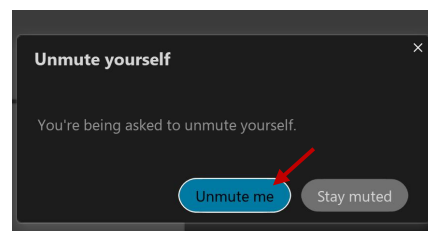


Green microphone = Unmuted: People in the meeting can hear you.



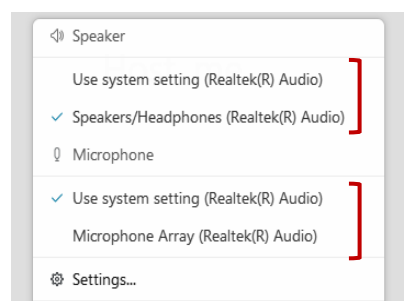
Red microphone = Muted: No one in the meeting can hear you.

*Note: Only panelists can mute/unmute their own microphones. Attendees will remain muted unless the moderator enables their microphone at which time the attendee will be provided the ability to unmute their microphone by clicking on “Unmute Me”.*



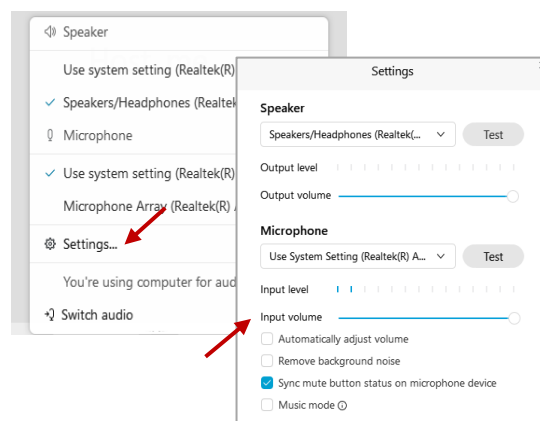
### If you cannot hear or be heard

- 1 Click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window, select a different:
  - Microphone option if participants can't hear you.
  - Speaker option if you can't hear participants.



### If your microphone volume is too low or too high

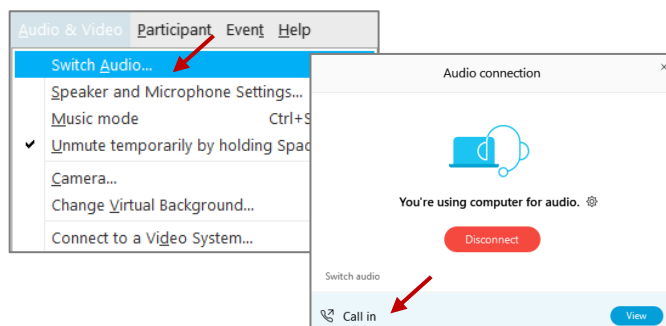
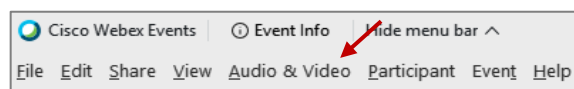
- 1 Locate the command row – click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window:
  - Click on “Settings...”:
  - Drag the “Input Volume” located under microphone settings to adjust your volume.



### Audio Connectivity Issues

If you are connected by computer or tablet and you have audio issues or no microphone/speakers, you can link your phone through webex. Your phone will then become your audio source during the meeting.

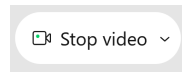
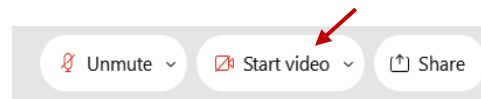
- 1 Click on “Audio & Video” from the menu bar.
- 2 Select “Switch Audio” from the drop-down menu.
- 3 Select the “Call In” option and following the directions.



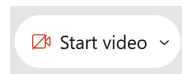
### Web Camera

Only panelists (e.g. staff, board members, presenters) can access the web camera feature.

Camera control (Start Video/Stop Video button) is located on the command row.



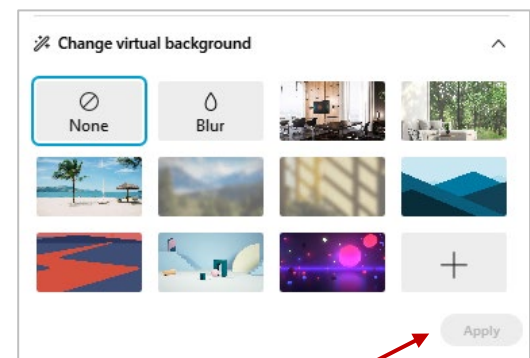
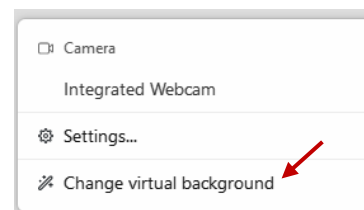
Green dot in camera = Camera is on: People in the meeting can see you.



Red dot in camera = Camera is off: No one in the meeting can see you.

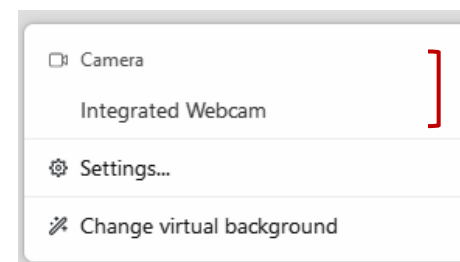
### Virtual Background

- 1 To access virtual backgrounds, click on the bottom facing arrow located on the video button.
- 2 Click on "Change Virtual Background".
- 3 From the pop-up window, click on any of the available images to display that image as your virtual background and click "Apply".



### If you cannot be seen

- 1 Locate the command row – click on the bottom facing arrow located on the video button.
- 2 From the pop-up window, select a different camera from the list.





**Agenda Item 8  
January 25, 2022**

## **Acting Executive Officer's Report**

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### **Purpose of the Item**

The Acting Executive Officer and Board staff will provide the Board with an update on:

- A. Administration, Continuing Education, Enforcement, and Licensing Programs**
- B. Board's Budget and Fund Condition**
- C. Business Modernization Project and Implementation of Connect System**
- D. Status of Board's Pending Rulemaking Packages**

### **Action Requested**

This agenda item is informational only and provided as a status update to the Board. No Board action is required at this time.

### **Attachments**

1. Acting Executive Officer's January 14, 2022 Memo to Board Members
2. Board's Organizational Chart (as of January 3, 2022)
3. Licensing Program Statistics (as of December 31, 2021)
4. Enforcement Program Statistics (as of December 31, 2021)
  - a. Enforcement Statistics Tables
  - b. Chart of Complaints Received in FY 2021/22 by Case Category
  - c. Chart of Accusations Filed in FY 2021/22 by Alleged Violation
  - d. December 2021 Enforcement Actions
5. Analysis of Board's Fund Condition Prepared January 11, 2022
6. Regulation Tracking Sheet with an Overview of the Regulation Review Process



# MEMORANDUM

## Agenda Item 8 Attachment 1

<b>DATE</b>	January 14, 2022
<b>TO</b>	Members of the Board of Chiropractic Examiners
<b>FROM</b>	Kristin Walker, Acting Executive Officer
<b>SUBJECT</b>	<b>Acting Executive Officer's Report - January 25, 2022 Meeting</b>

This report provides an overview of recent Board of Chiropractic Examiners (BCE) activities as of January 14, 2022.

### Administration

#### **Board Meetings**

The following Board meeting dates have been scheduled for 2022:

- Tuesday, January 25, 2022
- Friday, April 22, 2022
- Friday, August 19, 2022
- Thursday, October 27, 2022

#### **Budget, Fund Condition, and Results of Fee Study**

BCE management met with the Department of Consumer Affairs (DCA) Budget Office on January 14, 2022, to discuss the Board's budget and fund condition.

BCE's current budget is structurally imbalanced. Despite BCE's ongoing efforts to closely monitor and limit BCE's expenses, BCE's increasing operating costs (i.e., employee compensation and benefits, statewide and departmental pro rata, enforcement costs, etc.) continue to outpace the annual revenue received through licensing and regulatory fees.

Based on current projections, BCE will have a one-month reserve balance at the end of FY 2022/23, and without an increase in revenue, BCE is at risk of becoming insolvent in FY 2023/24. To avoid insolvency, BCE needs to increase fees in FY 2022/23.

In order to substantiate budget concerns and determine a factual basis for the increase in fees charged to licensees, BCE contracted with Matrix Consulting Group to conduct a



**Acting Executive Officer's Report**  
**January 25, 2022 Board Meeting**  
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fee analysis, assess the current fees charged, and determine what the fees should be based on actual workload and expenditures. Matrix presented their findings to the Board at the December 16, 2021 meeting.

**Business Modernization Project/Implementation of the Connect System**

BCE is currently collaborating with DCA's Office of Information Services (OIS) and three other programs (California Acupuncture Board; Board for Professional Engineers, Land Surveyors, and Geologists; and Bureau for Private Postsecondary Education) in the first cohort of a Business Modernization Project to develop and implement a new application, licensing, and enforcement system known as "Connect".

Through three phased software releases from September 2020 through June 2021, BCE implemented these licensing functions:

- Initial license applications (doctor of chiropractic and satellite certificates)
- License renewals (doctor of chiropractic and satellite certificates)
- Address changes and cancellation of satellite certificates
- Online payment for all other paper applications

In addition, BCE developed a system-integrated online complaint form for consumers and transitioned all new complaints and investigations to the Connect system effective July 1, 2021, to streamline the complaint intake and investigation process. Through an additional software release in November 2021, BCE added the cite and fine, discipline, and probation monitoring processes to the Connect system.

BCE continues to work directly with OIS and the vendor to implement continuing education provider and course applications and other system refinements during the final project phase that is planned to be completed in late 2022.

**Office Relocation**

On December 1, 2021, BCE relocated from its downtown Sacramento office space to a suite within the DCA headquarters building in Natomas. The office move resulted in a cost savings of approximately \$1,600 per month and provides BCE with convenient access to all DCA resources and services.

**Proposed Regulations**

**Approval of Chiropractic Schools and Educational Requirements (California Code of Regulations [CCR], Title 16, Sections 330-331.16):** This regulatory proposal will amend curriculum standards to ensure chiropractic colleges are aligned with the metrics identified by the accrediting body, the Council on Chiropractic Education, as well as

eliminating any unduly prescriptive content that could be restrictive to the evolving nature of higher education. This rulemaking file is currently being developed by staff.

**Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice or Death/Incapacity of Licensee:** This regulatory proposal will amend BCE's minimum record keeping requirements to specify the retention period and disposition of patient records. This proposal is being developed by staff.

**Consumer Protection Enforcement Initiative (CPEI):** This regulatory proposal will add or amend 12 sections of BCE's regulations to establish stricter reporting and disclosure requirements for licensees and applicants and increase BCE's enforcement authority. Staff has been working on the CPEI regulation package and has determined that additional changes are necessary to portions of the proposed language prior to proceeding with the regulatory process. To expeditiously move this proposal forward, BCE is dividing it into six smaller regulation packages grouped by general topic. Staff plans to work with DCA regulatory legal counsel to develop and update proposed language for each of the regulation packages and present them to the Enforcement Committee, and ultimately the Board, for review and discussion at future meetings in 2022.

**Continuing Education Requirements and Mandatory Cardiopulmonary Resuscitation (CPR) Certification for All Licensees (CCR, Title 16, Sections 361-366):** This proposal will establish minimum requirements for continuing education providers, establish parameters for continuing education course approvals, and mandate CPR certification for all licensees. The goal is to protect patients by expanding the background check for continuing education providers and by aligning the mandatory course categories with the core competencies necessary for a doctor of chiropractic to safely practice in California. This proposal is currently being developed by the Licensing and Continuing Education Committee.

**Delegation of Authority to the Assistant Executive Officer and Citation Program (CCR, Title 16, Sections 306, 389, 390, 390.3, 390.4, and 390.5):** This regulatory proposal will delegate to the Assistant Executive Officer the authority to expedite enforcement and administrative functions on behalf of the Executive Officer. Additionally, this proposal will ensure consistency with Business and Professions Code section 125.9 regarding BCE's citation program and criteria established for evaluating compliance with a citation and order of abatement. BCE plans to notice this package in FY 2022/23.

**Disciplinary Guidelines and Uniform Standards for Substance Abusing Licensees (CCR, Title 16, Section 384):** Staff has been developing a regulatory proposal to update the *Disciplinary Guidelines and Model Disciplinary Orders* and implement the Uniform Standards for Substance Abusing Licensees, and has determined that additional changes are necessary prior to proceeding with the regulatory process. Staff plans to collaborate with DCA regulatory legal counsel to make necessary updates and

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**January 25, 2022 Board Meeting**  
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revisions to BCE's *Disciplinary Guidelines* and present proposed language to amend CCR, title 16, section 384, incorporate the revised *Disciplinary Guidelines* by reference, and implement the Uniform Standards to the Enforcement Committee, and ultimately the Board, for review and discussion at future meetings in 2022.

**Record Keeping Requirements for Chiropractic Patient Records (CCR, Title 16, Section 318):** This proposal will update the record keeping requirements to specify the necessary documentation for the patient history, complaint, diagnosis/analysis, and treatment and to differentiate between an initial patient encounter and an established patient visit. Staff will work with DCA regulatory legal counsel on proposed language to amend this section and will present it to the Enforcement Committee for review at a future meeting in 2022.

### **Staff Updates**

Former Executive Officer Robert Puleo and former Special Investigator Maria Martinez retired from state service effective December 30, 2021, and December 31, 2021, respectively.

Susan Glover-Smith was selected to fill the new Enforcement Technician position in the Enforcement Unit. Her first day at BCE was January 3, 2022.

BCE currently has six vacant staff positions: the Executive Officer; the Enforcement Manager; a Special Investigator; an Associate Governmental Program Analyst; and two Office Technicians. BCE management is actively recruiting candidates for the Enforcement Manager and Office Technician (cashier) positions.

### **Strategic Plan**

On January 13, 2022, management met with DCA SOLID Training and Planning Solutions to begin preliminary work on the Board's next strategic plan. The next step is to conduct the environmental scan/analysis, which includes the stakeholder survey, Board member interviews, staff focus group, and analysis of results. SOLID will then facilitate a strategic planning session with Board members and draft a strategic plan to be adopted by the Board.

### **Sunset Review**

BCE's [2021 Sunset Review Report](#) was submitted to the Assembly Committee on Business and Professions and the Senate Committee on Business, Professions and Economic Development on January 5, 2022. The hearing will be scheduled in spring 2022.

**Continuing Education**

**Audits**

In fiscal years 2017/18 through 2019/20, staff conducted a total of 3,456 continuing education (CE) audits and found 531 cases, or 15.4%, where licensees had failed to comply with the annual requirement. Staff temporarily suspended the CE audits beginning in FY 2020/21 based on the CE waivers that were issued by DCA due to the ongoing COVID-19 pandemic. Staff plans to resume conducting CE audits in spring 2022.

**Continuing Education Course and Provider Applications**

CE Course Applications

	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Total
<b>Received</b>	145	177	168	82	75	352	999
<b>Approved</b>	238	124	163	164	91	55	835
<b>Denied</b>	1	3	3	0	0	0	7
<b>Pending</b>	136	186	188	106	90	387	182*

CE Provider Applications

	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Total
<b>Received</b>	1	0	2	1	1	2	7
<b>Approved</b>	4	0	0	0	0	5	9
<b>Denied</b>	0	0	0	0	0	0	0
<b>Pending</b>	1	1	3	4	5	2	3*

\*Depicts a monthly average of pending applications.

**Waiver Information**

On January 11, 2022, the DCA Director issued [DCA Waiver DCA-22-209 Order Extending DCA-20-63, Order Waiving Restrictions on Internet-Based Continuing Education Training for Chiropractors and Naturopathic Doctors](#).

This order extends [DCA Waiver DCA-20-63](#) to March 31, 2022, which allows licensees to complete their CE hours through distance learning, subject to the condition that distance learning in excess of 12 hours must consist of Internet- or web-based courses that allow participants to concurrently interact with instructors or presenters while they observe the courses.

**Enforcement**

**Complaints and Investigations**

	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Total
<b>Received</b>	36	56	39	32	37	41	241
<b>Avg. Days at Intake</b>	1	6	19	6	15	12	10*
<b>Closed</b>	95	84	43	54	34	20	330
<b>Avg. Days to Close</b>	394	413	383	251	449	361	378*
<b>Pending</b>	454	426	422	400	403	424	422*
<b>Avg. Age of Pending</b>	430	409	404	424	413	406	414*

\*Depicts a monthly average of aging or pending caseload.

**Disciplinary Cases**

	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Total
<b>Accusations Filed</b>	7	5	4	2	5	8	31
<b>Final Decisions</b>	6	6	2	2	1	4	21
<b>Pending Cases</b>	110	112	112	113	118	115	113*

\*Depicts a monthly average of pending caseload.

**Expert Recruitment**

The Enforcement Committee worked with staff to enhance BCE's expert witness selection criteria, standards, process, training materials, and application. Staff also compiled a sample case and obtained sample reports from three experts, and plans to use this information to create an expert report template and as a baseline to evaluate the writing samples that will be submitted by applicants. In January 2022, BCE will begin the recruitment process for additional expert witnesses for the Enforcement

**Acting Executive Officer's Report  
January 25, 2022 Board Meeting  
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Program with plans to finalize the selections, execute contracts with selected applicants, and conduct a training session in spring 2022.

**Licensing**

**California Chiropractic Law Examination (CCLE)**

The pass rates for applicants who took the CCLE from July 1, 2021 through December 31, 2021, are depicted in the following table:

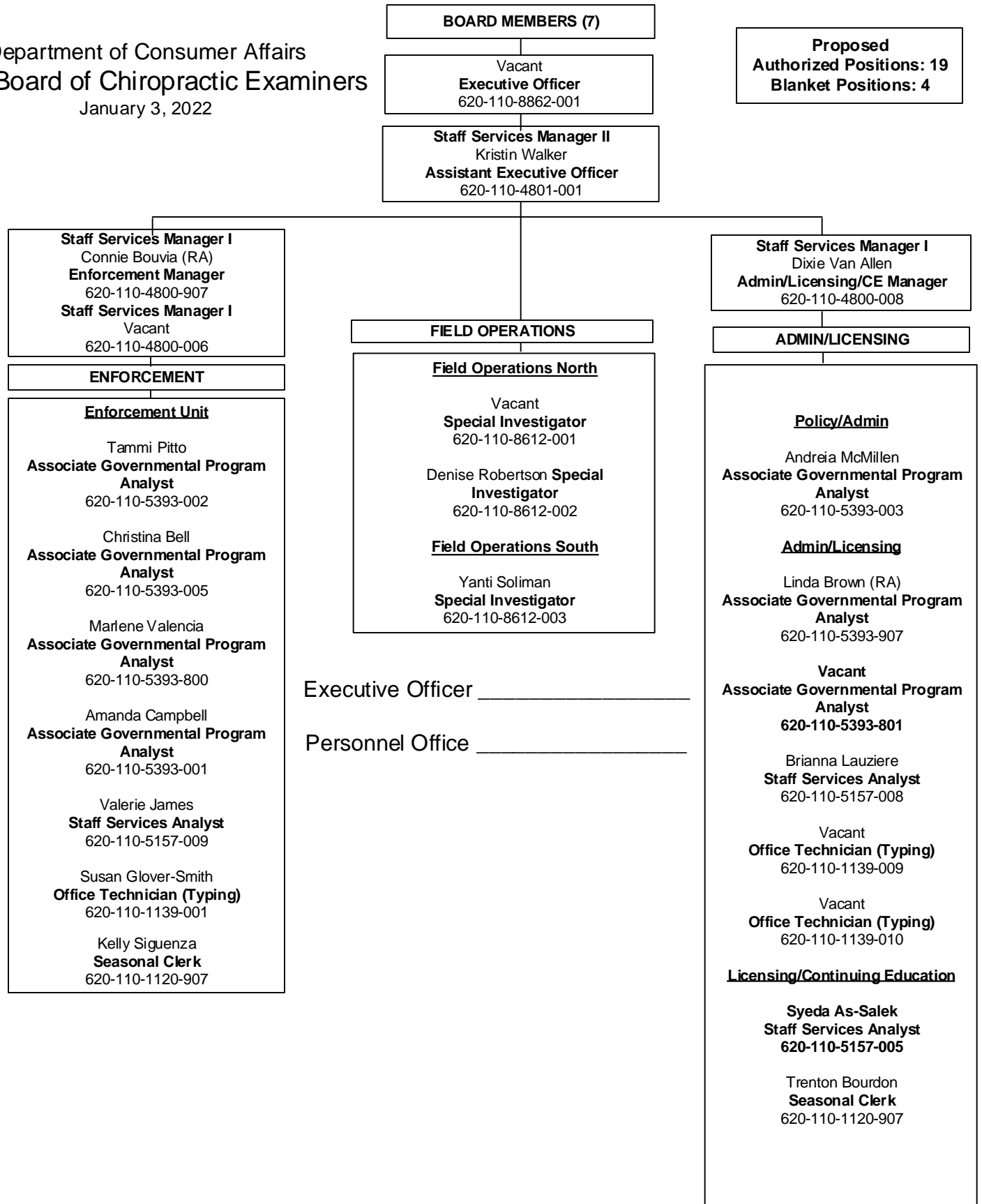
	<b>Pass</b>	<b>% Pass</b>	<b>Fail</b>	<b>% Fail</b>	<b>Total</b>	<b>% Total</b>
<b>First-Time</b>	108	66.3%	27	16.5%	135	82.8%
<b>Repeat</b>	21	12.9%	7	4.3%	28	17.2%
<b>Total</b>	129	79.2%	34	20.8%	163	100%

**License Performance Measure Data – FY 2021/22 Q1**

	<b>Complete Applications</b>	<b>Incomplete Applications</b>	<b>Total Applications Processed</b>	<b>Processing Time (Complete)</b>	<b>Processing Time (Incomplete)</b>
<b>Doctor of Chiropractic</b>	18	1	19	11 days	46 days
<b>Satellite Certificates</b>	343	59	402	4 days	--
<b>Corporation</b>	25	37	62	12 days	--
<b>Referral Service</b>	0	0	0	--	--
<b>Total</b>	386	97	483	5 days	--

Department of Consumer Affairs  
State Board of Chiropractic Examiners  
January 3, 2022

**Proposed  
Authorized Positions: 19  
Blanket Positions: 4**



Executive Officer \_\_\_\_\_

Personnel Office \_\_\_\_\_

**BOARD OF CHIROPRACTIC EXAMINERS  
LICENSING TRENDS  
FY 2021-22**

**New Chiropractic Licenses Issued**

Month	Received	Issued
July	23	24
August	22	27
September	36	10
October	24	18
November	15	25
December	58	17
January		
February		
March		
April		
May		
June		

**Total Population of Clear Chiropractic Licenses**

Month	Total Licenses
July	12,568
August	12,527
September	12,497
October	12,481
November	12,456
December	12,423
January	
February	
March	
April	
May	
June	

**Number of Restored Cancelled Licenses**

Month	Received	Issued
July	3	3
August	2	3
September	1	2
October	5	4
November	1	3
December	1	2
January		
February		
March		
April		
May		
June		

**New Satellite Office Certificates Issued**

Month	Received	Issued
July	119	109
August	146	129
September	82	57
October	83	116
November	58	81
December	106	77
January		
February		
March		
April		
May		
June		

**Corporation Registrations Issued**

Month	Received	Issued
July	11	4
August	11	10
September	14	11
October	8	9
November	7	9
December	12	4
January		
February		
March		
April		
May		
June		

**Licensing Population as of December 30, 2021**

License Type	Clear Licenses
Doctor of Chiropractic	12,423
Satellite Offices	4,296
Corporations	1,399
Referral Services	31



**Applications Received and Processed – July 1, 2021 through November 30, 2021**

<b>Application Type</b>	<b>Received</b>	<b>Issued</b>	<b>Denied</b>	<b>Pending</b>
Initial Chiropractic	178	121	0	130
Reciprocal	5	4	0	3
Restorations (Cancelled & Forfeiture)	87	86	0	23
Corporation	63	47	0	19

**BOARD OF CHIROPRACTIC EXAMINERS  
ENFORCEMENT STATISTICS**

**COMPLAINTS**

Description	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22*
Complaints Received	479	642	785	474	241
Pending Complaints	235	592	594	511	424
Closed: No Violation	75	38	115	36	25
Closed: Insufficient Evidence	72	63	76	106	105
Closed with Merit	214	56	65	45	18
Closed: Letter of Admonishment	17	62	279	6	9

**CITATIONS**

Description	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22*
Citations Issued	25	28	111	34	13
Total Fines Assessed	\$24,650	\$25,200	\$71,850	\$48,250	\$17,500
Total Fines Collected	\$29,646	\$29,104	\$64,820	\$35,635	\$16,076

**ACCUSATIONS**

Description	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22*
Accusations Filed	34	23	19	28	31
Pending Cases	55	47	59	97	115

**DISCIPLINARY CASES CLOSED**

Description	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22*
License Revoked	9	13	4	4	7
Revocation Stayed: Probation	15	14	2	8	7
Rev. Stayed: Susp. / Probation	1	0	1	1	0
Voluntary Surrender of License	9	15	5	5	7
Dismissed/Withdrawn	0	2	0	1	0

**STATEMENTS OF ISSUES**

Description	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22*
SOI Filed	2	1	0	2	0
Withdrawn	0	2	0	1	0
Denied	0	1	1	1	0
Granted	0	0	0	0	0
Probationary License Issued	0	1	0	0	0

**PETITIONS FOR RECONSIDERATION**

Description	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22*
Filed	0	1	3	0	1
Granted	0	0	0	0	0
Denied	0	1	3	0	1

**PETITIONS FOR REINSTATEMENT OF LICENSE**

Description	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22*
Filed	6	3	8	5	3
Granted	0	0	2	0	1
Denied	3	8	5	1	3

**PETITIONS FOR EARLY TERMINATION OF PROBATION**

Description	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22*
Filed	2	1	1	1	2
Granted	0	0	0	0	0
Denied	5	1	2	1	1

**PETITIONS FOR MODIFICATION OF PROBATION**

Description	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22*
Filed	1	0	2	1	0
Granted	1	0	2	1	0
Denied	0	0	0	0	1

**PETITIONS BY BOARD TO REVOKE PROBATION**

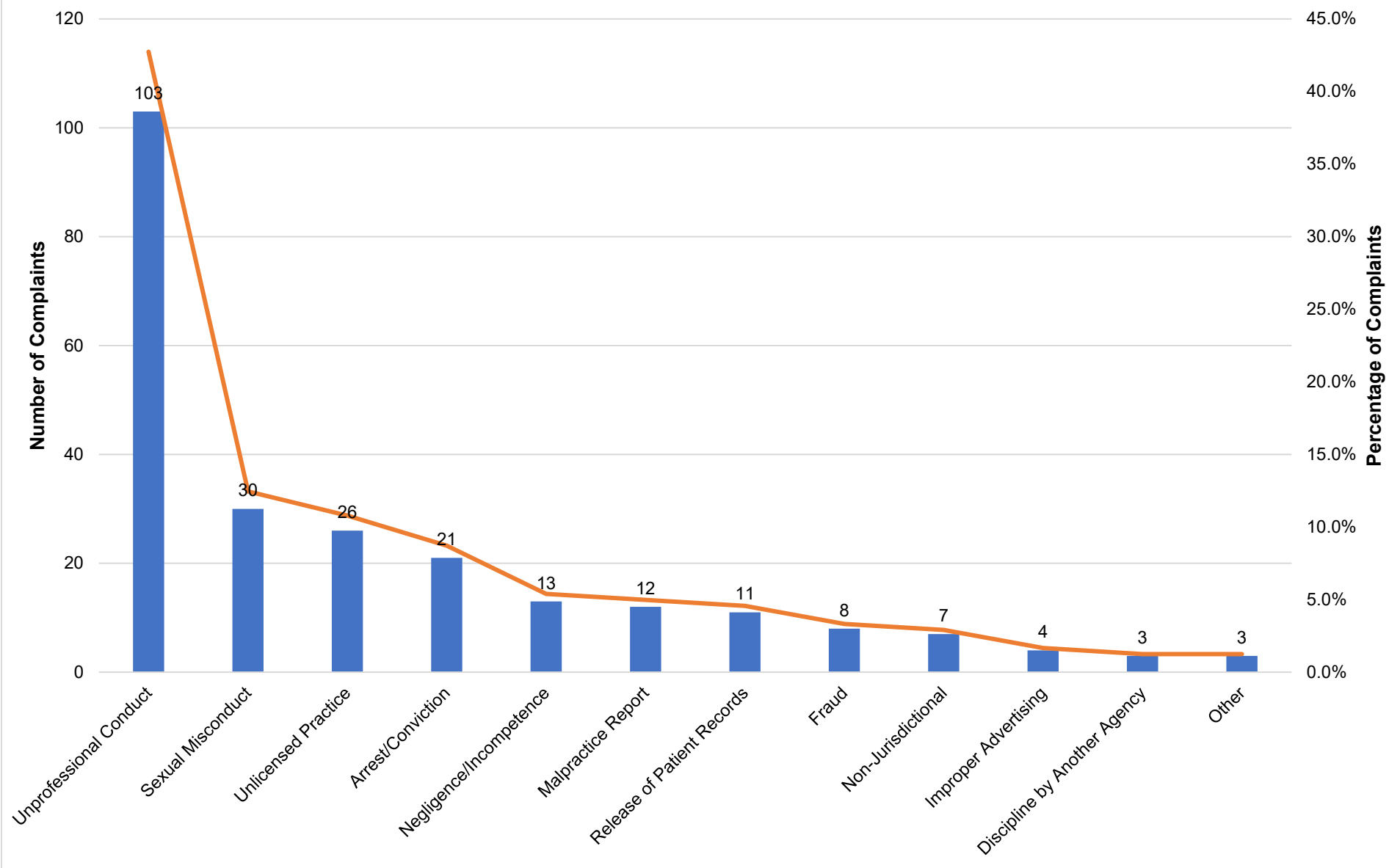
Description	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22*
Filed	6	7	2	1	1
License Revoked	9	4	2	1	0

**PROBATION CASES**

Description	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22*
Active Probationers	90	80	67	61	61

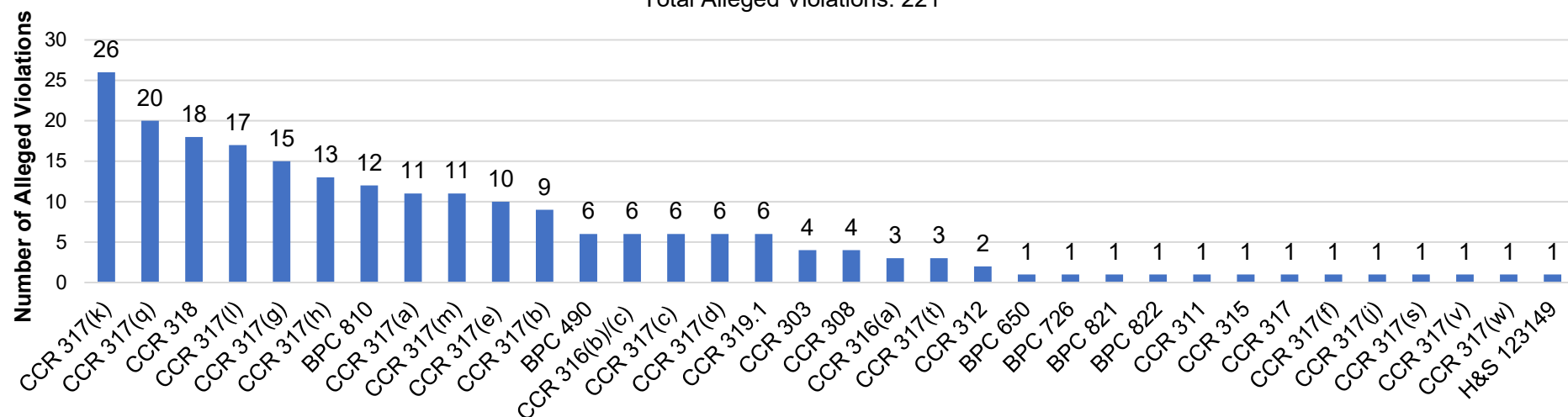
### Complaints Received July 1, 2021 - December 31, 2021

(Total Number Received: 241)



## Accusations Filed July 1, 2021 - December 31, 2021

Number of Accusations Filed: 31  
Total Alleged Violations: 221



### Violation Codes/Descriptions

- |   |   |
|---|---|
| BPC 490 – Conviction of a Substantially Related Crime     | CCR 317(e) – Endangering the Health, Welfare, or Safety of Public   |
| BPC 650 – Unlawful Referral of Patients                   | CCR 317(f) – Dangerous Use of Alcoholic Beverages   |
| BPC 726 – Sexual Misconduct                               | CCR 317(g) – Conviction of Substantially Related Crime  |
| BPC 810 – Insurance Fraud                                 | CCR 317(h) – Conviction Involving Moral Turpitude, Dishonesty, Etc.   |
| BPC 821 – Failure to Comply with Examination Order        | CCR 317(j) – Violation of Any Provisions of Law Regulating Dispensing or Administration of Narcotics, Dangerous Drugs, or Controlled Substances |
| BPC 822 – Impairment Due to Mental or Physical Illness    | CCR 317(k) – Act of Moral Turpitude, Dishonesty, or Corruption  |
| CCR 303 – Filing of Addresses                             | CCR 317(l) – False Representation   |
| CCR 308 – Display of License                              | CCR 317(m) – Violation of Act or Board Regulations  |
| CCR 311 – False or Misleading Advertising                 | CCR 317(q) – Participation in Fraud or Misrepresentation  |
| CCR 312 – Unlicensed Practice                             | CCR 317(s) – Employment or Use of Cappers or Steerers   |
| CCR 315 – Mental Illness That Affects Ability to Practice | CCR 317(t) – Compensation or Inducement for Referring Patients  |
| CCR 316(a) – Responsibility for Conduct on Premises       | CCR 317(v) – Waiver of Copayment Without Notifying Insurer  |
| CCR 316(b)/(c) – Sexual Misconduct                        | CCR 317(w) – Failure to Refer Patient   |
| CCR 317 – Unprofessional Conduct                          | CCR 318 – Chiropractic Patient Records/Accountable Billings   |
| CCR 317(a) – Gross Negligence                             | CCR 319.1 – Informed Consent  |
| CCR 317(b) – Repeated Negligent Acts                      | H&S 123149 – Failure to Secure Electronic Records   |
| CCR 317(c) – Incompetence                                 |   |
| CCR 317(d) – Excessive Treatment                          |   |



**Agenda Item 8  
 Attachment 4d**

**DECEMBER 2021 ENFORCEMENT ACTIONS**

**ACCUSATIONS FILED**

Name and City	License No.	Date Filed	Alleged Violation(s)
<b>Mehrabani, Neda</b> Tarzana, CA	DC 25902	12/3/2021	<ul style="list-style-type: none"> <li>• CCR 303 – Failure to File Current Place of Practice</li> <li>• CCR 308(b) and (c) – Failure to Display Active License</li> <li>• CCR 317(b) – Unprofessional Conduct: Repeated Acts of Negligence</li> <li>• CCR 317(k) – Unprofessional Conduct: Acts Involving Moral Turpitude, Dishonesty, or Corruption</li> <li>• CCR 317(l) – Unprofessional Conduct: Knowingly Falsifying Records</li> <li>• CCR 317(m) – Unprofessional Conduct: Violating Any Term of the Chiropractic Act</li> <li>• CCR 317(q) – Unprofessional Conduct: Fraud or Misrepresentation</li> <li>• CCR 318(a) – Failure to Adequately Maintain Records</li> <li>• CCR 318(b) – Failure to Maintain Accountable Billings and Repay Erroneous Billing</li> <li>• CCR 319.1 – Failure to Provide Consent to Treat Form</li> <li>• BPC 810 – Insurance Fraud</li> <li>• H&amp;S 123149 – Failure to Secure Electronic Record-Keeping</li> </ul>

Name and City	License No.	Date Filed	Alleged Violation(s)
<b>Lee, Dae Sup</b> Murrieta, CA	DC 27623	12/15/2021	<ul style="list-style-type: none"> <li>• CCR 317(m) – Unprofessional Conduct: Failure to Comply with the Following Board Regulations: <ul style="list-style-type: none"> <li>○ CCR 316(a) – Failure to Ensure That All Conduct at Practice Conformed to All Laws and Regulations</li> <li>○ CCR 312(b) and (c) – Unlicensed Activities Performed at Practice</li> <li>○ CCR 318(a)(3) – No Signature or Initials of Provider in Chiropractic Patient Records</li> <li>○ CCR 318(b) – Inaccurate Billing Records</li> </ul> </li> <li>• CCR 317(k) – Unprofessional Conduct: Act Involving Moral Turpitude, Dishonesty, or Corruption</li> <li>• CCR 317(l) – Unprofessional Conduct: False Statements</li> <li>• CCR 317(q) – Unprofessional Conduct: Participation in Act of Fraud or Misrepresentation</li> <li>• CCR 317(a) – Unprofessional Conduct</li> </ul>
<b>Sawyer, Scott</b> Santa Cruz, CA	DC 25272	12/15/2021	<ul style="list-style-type: none"> <li>• CCR 317(k) – Unprofessional Conduct: Act Involving Moral Turpitude, Dishonesty, or Corruption</li> <li>• CCR 317(l) – Unprofessional Conduct: Knowingly Making or Signing a Document Falsely Representing Facts</li> <li>• CCR 317(v) – Unprofessional Conduct: Waiver of Co-Payment Amount or Discount</li> <li>• CCR 317 – Unprofessional Conduct</li> <li>• CCR 319.1 – Lack of Written Informed Consent</li> </ul>
<b>Han, Vincent</b> Garden Grove, CA	DC 26872	12/16/2021	<ul style="list-style-type: none"> <li>• CCR 317(g) – Unprofessional Conduct: Conviction of Substantially Related Crimes (Multiple Felony Sex Crimes Involving a Child)</li> <li>• CCR 317(h) – Unprofessional Conduct: Criminal Conviction Involving Moral Turpitude and Physical Violence</li> <li>• CCR 317(k) – Unprofessional Conduct: Commission of Acts of Moral Turpitude</li> <li>• CCR 317(e) – Unprofessional Conduct: Commission of Acts Endangering Public Health, Safety, and Welfare</li> </ul>
<b>Stephano, Joseph Michael</b> Oakley, CA	DC 25387	12/16/2021	<ul style="list-style-type: none"> <li>• CCR 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime (Driving with Excessive Blood Alcohol Level)</li> <li>• CCR 317(f) – Unprofessional Conduct: Dangerous Use of Alcohol</li> <li>• CCR 317(e) – Unprofessional Conduct: Conduct Endangering the Public</li> </ul>

Name and City	License No.	Date Filed	Alleged Violation(s)
<b>Zelinsky, Robert Marc</b> Woodland Hills, CA	DC 29110	12/16/2021	<ul style="list-style-type: none"> <li>• CCR 311 – False and Misleading Advertising</li> <li>• CCR 317(a) – Unprofessional Conduct: Gross Negligence</li> <li>• CCR 317(b) – Unprofessional Conduct: Repeated Acts of Negligence</li> <li>• CCR 317(c) – Unprofessional Conduct: Incompetence</li> <li>• CCR 317(m) and CCR 318(a) – Unprofessional Conduct: Violating Board Regulation Regarding Patient Records</li> <li>• CCR 316(c) – Committed Acts of Sexual Abuse and/or Misconduct with Patient</li> <li>• CCR 317(e) – Unprofessional Conduct: Engaged in Conduct Which Endangered the Health, Safety, or Welfare of the Public</li> <li>• CCR 317(d) – Unprofessional Conduct: Excessive Administration of Treatment</li> <li>• CCR 319.1 – Lack of Written Consent</li> <li>• CCR 317(k) – Unprofessional Conduct: Acts of Dishonesty and Moral Turpitude</li> <li>• CCR 317(q) – Unprofessional Conduct: Fraud or Misrepresentation</li> </ul>
<b>Holmes, Bruce William</b> Burbank, CA	DC 15242	12/21/2021	<ul style="list-style-type: none"> <li>• CCR 317(a) – Unprofessional Conduct: Gross Negligence</li> <li>• CCR 317(b) – Unprofessional Conduct: Repeated Negligent Acts</li> <li>• CCR 317(c) – Unprofessional Conduct: Incompetence</li> <li>• CCR 317(d) – Unprofessional Conduct: Excessive Treatment</li> <li>• CCR 317(e) – Unprofessional Conduct: Conduct That Endangered the Health, Welfare, or Safety of the Public</li> <li>• CCR 317(k) – Unprofessional Conduct: Dishonest Acts</li> <li>• CCR 317(l) – Unprofessional Conduct: Knowing False Representation of Facts</li> <li>• CCR 317(q) – Unprofessional Conduct: Acts of Fraud or Misrepresentation</li> <li>• CCR 317(w) – Unprofessional Conduct: Failure to Refer</li> <li>• CCR 318(b) – Failure to Maintain Accountable Billings</li> <li>• CCR 319.1 – Failure to Include Written Informed Consent in Patient’s Record</li> <li>• BPC 810 – Insurance Fraud</li> </ul>



Name and City	License No.	Date Filed	Alleged Violation(s)
<b>Tran, Jennifer</b> San Jose, CA	DC 32694	12/31/2021	<ul style="list-style-type: none"> <li>• CCR 317(l) and/or (q) – Unprofessional Conduct: Falsification of Records, Fraud, and/or Misrepresentation</li> <li>• CCR 317(m) and 318(b) – Unprofessional Conduct: Failure to Ensure Accurate Billing</li> <li>• CCR 317(m), 318(a)(7), and/or 319.1 – Unprofessional Conduct: Failure to Procure Informed Consent</li> <li>• CCR 317(k) – Unprofessional Conduct: Dishonesty</li> <li>• CCR 317(a), (b), and/or (c) – Unprofessional Conduct: Gross Negligence, Repeated Acts of Negligence, and/or Incompetence</li> </ul>

## DISCIPLINARY ACTIONS

Name and City	License No.	Action	Effective Date	Violation(s)
<b>Cohen, Robert Bernard</b> Oceanside, CA	DC 27662	Revoked	12/12/2021	<ul style="list-style-type: none"> <li>• BPC 490 and CCR 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime (Conspiracy)</li> <li>• CCR 317(h) and (k) – Unprofessional Conduct: Conviction of Offenses/Acts Involving Moral Turpitude, Dishonesty, or Corruption</li> <li>• CCR 317(l) – Unprofessional Conduct: False Representation of Facts</li> <li>• CCR 317(q) – Unprofessional Conduct: Fraud</li> </ul>
<b>Rothman, Yariv E.</b> Santa Monica, CA	DC 25498	Revoked	12/12/2021	<ul style="list-style-type: none"> <li>• BPC 726 and CCR 316(b) – Sexual Acts or Erotic Behavior with a Patient on the Premises</li> <li>• BPC 726 and CCR 316(c) – Sexual Misconduct</li> <li>• CCR 317(k) – Unprofessional Conduct: Moral Turpitude and Dishonest Acts</li> <li>• CCR 317(q) – Unprofessional Conduct: Fraud or Misrepresentation</li> <li>• CCR 317(a) – Unprofessional Conduct: Gross Negligence</li> <li>• CCR 317(b) – Unprofessional Conduct: Repeated Acts of Negligence</li> </ul>

Name and City	License No.	Action	Effective Date	Violation(s)
<b>Shott, Heather</b> Laguna Hills, CA	DC 31025	Revoked	12/12/2021	<ul style="list-style-type: none"> <li>• CCR 317(g) – Unprofessional Conduct: Conviction of Substantially Related Crimes (Violation of Restraining Order and Battery)</li> <li>• CCR 317(e) – Unprofessional Conduct: Conduct Which Has Endangered or is Likely to Endanger the Health, Welfare, or Safety of the Public</li> <li>• CCR 317(h) – Unprofessional Conduct: Conviction of a Misdemeanor Crime Involving Physical Violence</li> </ul>
<b>Gilden, Ken W.</b> San Diego, CA	DC 24958	Stayed Revocation, 5 Years' Probation	12/22/2021	<ul style="list-style-type: none"> <li>• CCR 317(a) – Unprofessional Conduct: Gross Negligence</li> <li>• CCR 317(b) – Unprofessional Conduct: Repeated Negligent Acts</li> <li>• CCR 317(c) – Unprofessional Conduct: Incompetence</li> <li>• CCR 317(d) – Unprofessional Conduct: Excessive Treatment</li> <li>• CCR 317(e) – Unprofessional Conduct: Conduct Which is Likely to Endanger Health, Welfare, or Safety of Public</li> <li>• CCR 317(m) – Unprofessional Conduct: Failure to Obtain Patient History and Conduct Physical Examination Prior to Treatment</li> <li>• CCR 317(m) and 318 – Unprofessional Conduct: Failure to Maintain Required Chiropractic Records</li> <li>• CCR 317(m) and 319.1 – Unprofessional Conduct: Failure to Obtain Informed Consent Prior to Initiating Treatment</li> </ul>

## FINAL CITATIONS

*No Data to Report*

## PETITIONS FOR REINSTATEMENT OF LICENSE

*No Data to Report*

ACT: Chiropractic Initiative Act  
 BPC: Business and Professions Code  
 CCR: California Code of Regulations, Title 16  
 H&S: Health and Safety Code

**PETITIONS FOR EARLY TERMINATION OR MODIFICATION OF PROBATION**

*No Data to Report*

**STATEMENT OF ISSUES**

*No Data to Report*

**0152 - Board of Chiropractic Examiners  
Analysis of Fund Condition**

(Dollars in Thousands)

**2022-23 Governor's Budget**

**FM 05 Expenditure and Revenue Projections**

		<b>Governor's Budget</b>		
	<b>ACTUAL</b>	<b>CY</b>	<b>BY</b>	<b>BY +1</b>
	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>
<b>BEGINNING BALANCE</b>				
Prior Year Adjustment	\$ 2,364	\$ 2,168	\$ 1,185	\$ 450
Adjusted Beginning Balance	<u>\$ -86</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
	<u>\$ 2,278</u>	<u>\$ 2,168</u>	<u>\$ 1,185</u>	<u>\$ 450</u>
 <b>REVENUES AND TRANSFERS</b>				
Revenues:				
4121200 Delinquent fees	\$ 75	\$ 57	\$ 24	\$ 24
4127400 Renewal fees	\$ 4,035	\$ 4,002	\$ 3,892	\$ 3,892
4129200 Other regulatory fees	\$ 132	\$ 117	\$ 78	\$ 78
4129400 Other regulatory licenses and permits	\$ 401	\$ 371	\$ 339	\$ 339
4163000 Income from surplus money investments	\$ 14	\$ 4	\$ 16	\$ -
4171400 Escheat of unclaimed checks and warrants	\$ 1	\$ 3	\$ 3	\$ 3
4172500 Miscellaneous revenues	\$ 1	\$ 1	\$ 1	\$ 1
4173500 Settlements and Judgments - Other	<u>\$ 3</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
Totals, Revenues	<u>\$ 4,662</u>	<u>\$ 4,555</u>	<u>\$ 4,353</u>	<u>\$ 4,337</u>
Totals, Revenues and Transfers	<u>\$ 4,662</u>	<u>\$ 4,555</u>	<u>\$ 4,353</u>	<u>\$ 4,337</u>
Totals, Resources	<u>\$ 6,940</u>	<u>\$ 6,723</u>	<u>\$ 5,538</u>	<u>\$ 4,787</u>
 <b>EXPENDITURES</b>				
Disbursements:				
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 4,453	\$ 5,156	\$ 4,624	\$ 4,763
9892 Supplemental Pension Payment (State Operations)	\$ 85	\$ 85	\$ 85	\$ 85
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	<u>\$ 234</u>	<u>\$ 297</u>	<u>\$ 379</u>	<u>\$ 379</u>
Total Disbursements	<u>\$ 4,772</u>	<u>\$ 5,538</u>	<u>\$ 5,088</u>	<u>\$ 5,227</u>
 <b>FUND BALANCE</b>				
Reserve for economic uncertainties	\$ 2,168	\$ 1,185	\$ 450	\$ -440
 <b>Months in Reserve</b>	4.7	\$ 2.8	1.0	-1.0

NOTES:

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

**Regulation Tracking Sheet**

<b>Group A – Legislatively Mandated</b>		<b>DCA &amp; BCE Review Process</b>	<b>Status</b>
1	<b>Consumer Protection Enforcement Initiative</b> (16 CCR Sections 303, 304, 306.3, 308, 308.1, 312, 314, 317.3, 321.1, 384.1, 390.7, and 390.8)	<b>Step 7 Initial Phase</b>	DCA Legal review completed. Rulemaking file is with the Board for further revisions.
2	<b>Revisions to BCE Disciplinary Guidelines &amp; Uniform Standards for Substance Abusing Licensees</b> (16 CCR Section 384)	<b>Step 2 Initial Phase</b>	Rulemaking file under development at the Board.
<b>Group B</b>			<b>Status</b>
1	<b>Revisions to Curriculum Requirements and Approval of Programs</b> (16 CCR Sections 330 – 331.16)	<b>Step 3 Initial Phase</b>	Rulemaking file under development at the Board. Language approved on 7.16.20.
2	<b>Continuing Education Requirements (CE Provider and Course Approval) / Mandatory Cardiopulmonary Resuscitation (CPR) Certification for all licensees</b> (16 CCR Sections 361 –366)	<b>Step 2 Initial Phase</b>	Rulemaking file under development at the Board. Committee is currently working through policy issues regarding this regulatory proposal.
3	<b>Delegation of Authority to the Assistant Executive Officer / Compliance with Citation and Order of Abatement</b> (16 CCR Sections 306, 389, 390, 390.3, 390.4 and 390.5)	<b>Step 7 Initial Phase</b>	DCA Legal review completed. Rulemaking file is with the Board for further revisions.
<b>Group C</b>			<b>Status</b>
1	<b>Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice or Death/Incapacity of Licensee</b> (16 CCR Section 312.2 and 318)	<b>Step 2 Initial Phase</b>	Approved rulemaking process 4.16.15
2	<b>Amend or Repeal 16 CCR Section 354 - Successful Examination (Obsolete provision)</b>		Not commenced

## Regulation Summary Sheet

Proposed Regulation(s)	Proposed Change(s)
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	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	TBD
Amend or Repeal CCR Section 354 Successful Examination (Obsolete provision)	TBD

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

<b>Step</b>	<b>Responsible Person/Entity</b>	<b>Required Action</b>
1	<b>BCE Staff &amp; DCA Legal Counsel</b>	Work together on proposed regulation text that is subject to EO's initial approval
2	<b>BCE Board Members</b>	Vote on proposed text and direct staff to begin regulation process.
3	<b>DCA Legal Counsel</b>	Reviews regulation documents and returns to BCE Staff with approval or suggested changes. Legal Affairs notifies the DCA Regulations Coordinator of the status.
4	<b>BCE Staff</b>	Compile four complete hard copy sets of the regulation package and submit to DCA Regulations Coordinator.
5	<b>DCA Regulations Coordinator</b>	Begins DCA initial review process
6	<b>DCA Legal Affairs Division, Legislative Affairs Division, and Budget Office</b>	Review regulation documents.
7	<b>DCA Legal Affairs Division</b>	Chief Counsel Reviews regulation documents
8	<b>DCA Legislative Affairs Division</b>	Deputy Director reviews regulation documents
9	<b>DCA Executive Office</b>	Director reviews regulation documents.
10	<b>Business, Consumer Services, &amp; Housing Agency</b>	Agency Secretary reviews regulation documents.
11	<b>DCA Regulations Coordinator</b>	Logs return of proposed regulation documents from Agency and notifies BCE of approval or concerns & suggested changes
12	<b>BCE Staff</b>	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	<b>BCE Staff</b>	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	<b>BCE Staff &amp; Board Members</b>	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 <b>or</b> 2) adopt the proposed text.
2	<b>BCE Staff</b>	Upon adoption of language, staff completes final rulemaking binder and delivers to DCA Legal.
3	<b>DCA Legal Affairs Division</b>	Rulemaking binder is logged and forwarded to BCE's Assigned Legal Counsel
4	<b>DCA Regulations Coordinator</b>	Facilitates review by DCA's Budget Office and the Department of Finance
5	<b>DCA Legal Affairs Division</b>	Binder reviewed by Assistant Chief Legal Counsel
6	<b>DCA Legislative Affairs Division</b>	Binder reviewed by Deputy Director
7	<b>DCA Executive Office</b>	Binder reviewed by Director
8	<b>Business, Consumer Services, &amp; Housing Agency</b>	Binder reviewed by Agency Secretary
9	<b>DCA Regulations Coordinator</b>	Completes closing paperwork and returns binder to BCE with final approval
10	<b>BCE Staff</b>	Submits final rulemaking file to the Office of Administrative Law for review.
11	<b>Office of Administrative Law</b>	Reviews rulemaking file for: 1) Necessity; 2) Authority; 3) Clarity; 4) Consistency; 5) Reference; and, 6) Nonduplication.
12	<b>BCE</b>	<b>If approved:</b> Rulemaking is complete; language takes effect on next effective date or date requested. <b>If disapproved:</b> Board Members decide whether to amend and resubmit or withdraw the regulatory package.





**Agenda Item 9  
January 25, 2022**

**Discussion and Possible Action by the Board to Weigh Available Options in Response to the January 11, 2022 Waiver Issued by the Director of the Department of Consumer Affairs [DCA Waiver DCA-22-209 Order Extending DCA-20-63, Order Waiving Restrictions on Internet-Based Continuing Education Training for Chiropractors and Naturopathic Doctors](#)**

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**Purpose of the Item**

The Board will discuss available options in response to the January 11, 2022 waiver issued by the Director of the Department of Consumer Affairs (DCA), which extends [DCA Waiver DCA-20-63 Order Waiving Restrictions on Internet-Based Continuing Education Training for Chiropractors and Naturopathic Doctors](#) through March 31, 2022.

**Action Requested**

The Board will be asked to discuss this matter and consider making a motion.

**Background**

**Board's Continuing Education Requirements**

The Board's continuing education (CE) requirements are listed in California Code of Regulations (CCR), title 16, section 361. To renew a doctor of chiropractic license in active status, licensees must complete 24 hours of CE, including a minimum of two hours in subdivision (g)(11) - Ethics and Law, and a minimum of four 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.

The remaining 18 hours of CE may be met by taking Board-approved courses in any subject area(s) and/or completing courses that are approved by the California Department of Industrial Relations Division of Workers Compensation, or any healing arts board or bureau within Division 2 of the Business and Professions Code, or approved by any organization authorized to approve CE by any healing arts board or bureau.

CCR, title 16, section 361, subdivision (c), limits licensees to a maximum of 12 hours that may be completed through distance learning as defined in CCR, title 16, section 363.1, which identifies distance learning formats as "including, but not limited to, computer, Internet, manuals, compact disks, digital video, versatile discs, and audio and video tapes."

### **Waivers Issued by the Department of Consumer Affairs**

On September 23, 2020, the DCA Director issued [DCA Waiver DCA-20-63](#), which waives CCR, title 16, section 361, subdivision (c), to the extent it limits to 12 hours the maximum number of CE hours that may be completed through distance learning, subject to the condition that distance learning in excess of 12 hours consists of Internet- or web-based courses that allow participants to concurrently interact with instructors or presenters while they observe the courses.

On November 22, 2021, the DCA Director issued [DCA Waiver DCA-21-203 Order Terminating DCA-20-63, Order Waiving Restrictions on Internet-Based Continuing Education Training for Chiropractors and Naturopathic Doctors](#), which terminated the September 23, 2020 Order on December 31, 2021.

On January 11, 2022, the DCA Director issued [DCA Waiver DCA-22-209](#), which withdrew and superseded the November 22, 2021 Order and set a termination date of March 31, 2022 for DCA Waiver DCA-20-63.

DCA continues to encourage boards and bureaus to look at laws and regulations that were waived, determine if statutory or regulatory changes are needed in the future, and move forward with such changes.

### **Attachments**

1. Board's Current Continuing Education Regulations (California Code of Regulations, title 16, sections 360-366)
2. DCA Waiver DCA-20-63 Order Waiving Restrictions on Internet-Based Continuing Education Training for Chiropractors and Naturopathic Doctors
3. DCA Waiver DCA-22-209 Order Extending DCA-20-63, Order Waiving Restrictions on Internet-Based Continuing Education Training for Chiropractors and Naturopathic Doctors

**Board of Chiropractic Examiners Continuing Education Regulations  
(California Code of Regulations, Title 16, Sections 360-366)**

**§ 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.

Note: Authority cited: Sections 1000-4(b) and 1000-4(e), Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii). Reference: Sections 1000-4(b) and 1000-10(a), Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii).

**§ 361. Continuing Education Requirements.**

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

(f) With the exception of the mandatory hours referenced in subdivision (e), the remaining eighteen (18) hours of additional continuing education requirements may be met by taking courses in any of the subject areas listed in subdivision (g) or courses taken pursuant to subdivision (h). The eighteen (18) hours may include any combination of continuing education courses in subject areas specified in either subdivision (g) or approved by agencies specified in subdivision (h). By way of example, a licensee may take eight (8) 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:

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.

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

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:

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

(2) 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.

(i) 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, 363, and 363.1.

Note: Authority cited: Sections 1000-4(b) and 1000-4(e), Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii). Reference: Sections 1000-4(b) and 1000-10(a), Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii).

### **§ 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 to appeal the denial. The Executive Officer shall schedule the requested hearing at a future board meeting but not later than 180 days following receipt of the request. Within 10 days of the hearing before the board, the Executive Officer shall provide written notification of the board's decision to the applicant. The board's decision shall be the final order in the matter.

(b) As used in this section, a provider is an individual, partnership, corporation, professional association, college 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.

(c)(1) To apply to become an approved provider, an applicant shall complete and submit a "Continuing Education Provider Application" form (Revision date 02/10) which is hereby incorporated by reference, and pay the fee specified in Section 360(a). 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) 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 Provider Application" form (Revision date 02/10) and fee specified in Section 360(b).

(3) Providers who were approved by the board prior to the effective date of this regulation shall renew their provider status two years from June 8, 2011 by filing of

the "Continuing Education Provider Application" form (Revision date 02/10) and fee specified in Section 360(b).

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

(d) Providers shall:

(1) Identify an individual responsible for overseeing all continuing education activities of the provider.

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

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

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

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

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

(A) Name and address of provider.

(B) Course title.

(C) Course approval number.

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

(E) Licensee name.

(F) License number.

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

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

(e) The Executive Officer, after notification, may withdraw approval of any continuing education provider for good cause, including, but not limited to, violations of any provision of the regulation or falsification of information, and shall provide written notification of such action to the provider. The provider may request an informal hearing with the Executive Officer regarding the reasons for withdrawal of approval stated in the Executive Officer's notification. The appeal must be filed within 30 days of the date of the notification. The Executive Officer shall schedule the informal hearing within 30 days of receipt of the appeal request. Within 10 days following the informal hearing, the Executive Officer shall provide written notification of his or her decision to the provider. If the Executive Officer upholds his or her decision under this subsection, the provider may, within 30 days of the date of the Executive Officer's notification, request a hearing before the board to appeal the Executive Officer's decision. The Executive Officer shall schedule the requested hearing at a future board meeting but not later than 180 days following receipt of the request. Within 10 days of the hearing before the board, the Executive Officer shall provide written notification of the board's decision to the provider. The board's decision shall be the final order in the matter.

Note: Authority cited: Sections 1000-4(b) and 1000-4(e), Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii). Reference: Sections 1000-4(b) and 1000-10(a), Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii).

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

(a) Providers must complete and submit a "Continuing Education Course Application" form (Revision date 02/10) which is hereby incorporated by reference, and pay the non-refundable application fee as provided by Section 360(c) at least 45 days prior to the date of the course. Providers shall submit and complete one application for each continuing education course being offered.

(b) A "course" is defined as an approved program of coordinated instruction in any one of the subject areas as defined in Section 361(g) and given by an approved Provider. Once approved, a course may be given any number of times for one year following approval, with the single continuing education course fee paid one time annually by the provider. A course may not consist of more than one subject area as defined in Section 361(g).

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

(1) An hourly breakdown of the continuing education course;

(2) 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;

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

(4) A curriculum vitae for each instructor including the instructor's name and address; the type of educational degree including the name of the college and year the degree was received; license information including status and name of licensing agency; certification including status and name of certifying agency; the type, location and years of practical experience; the type, location and years of teaching experience; the type, location and years of research experience; the type, location and years of other relevant experience; and the title, journal, and date of publications.

(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 to appeal the denial. The Executive Officer shall schedule the requested hearing at a future board meeting but not later than 180 days following receipt of the request.

Within 10 days of the hearing before the board, the Executive Officer shall provide written notification of the board's decision to the applicant. The board's decision shall be the final order in the matter.

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

(1) 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) 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 a sign-in sheet 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. Furthermore, the form shall state that a licensee by signing their name on that sheet, is declaring under penalty of perjury, that they 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" 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 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) The board shall not approve the following subjects for continuing education courses: financial management, income generation, practice building, collections, self-motivation, and patient recruitment.

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

(h) The Executive Officer, after notification, may withdraw approval of any continuing education course for good cause, including, but not limited to, violations of any provision of this regulation or falsification of information and shall provide written notification of such action to the provider. The provider may request an informal hearing with the Executive Officer regarding the reasons for withdrawal of approval stated in the Executive Officer's notification. The appeal must be filed within 30 days of the date of the notification. The Executive Officer shall schedule the informal hearing within 30 days of receipt of the appeal request. Within 10 days following the informal hearing, the Executive Officer shall provide written notification of his or her decision to the provider. If the Executive Officer upholds his or her decision under this subsection, the provider may, within 30 days of the date of the Executive Officer's notification, request a hearing before the board to appeal the Executive Officer's decision. The Executive Officer shall schedule the requested hearing at a future board meeting but not later than 180 days following receipt of the request. Within 10 days of the hearing before the board, the Executive Officer shall provide written notification of the board's decision to the provider. The board's decision shall be the final order in the matter.

Note: Authority cited: Sections 1000-4(b) and 1000-(4)(e), Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii). Reference: Sections 1000-4(b) and 1000-10(a), Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii).

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

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

(a) Disclose course instructors' curriculum vitae or resumes.

(b) Explain the appropriate level of technology required for a student licensee to successfully participate in the course.

(c) Make available technical assistance as appropriate to the format.

(d) Contain security measures to protect the learner's identity, course and related content from unauthorized access.

(e) Establish a deadline for completion.

(f) Review instructional materials annually to ensure the content is current and relevant.

(g) 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.

Note: Authority cited: Sections 1000-4(b) and 1000-4(e), Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii). Reference: Section 1000-4(b) and 1000-10(a), Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii).

### **§ 364. Exemptions and Reduction of Requirement.**

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

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

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

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

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

(e) Notwithstanding Section 361(c), a licensee who is unable to attend continuing education courses due to a physical disability and provides written certification from a primary health care provider may earn all 24 hours of continuing education credits for the period of the license renewal through Board-approved distance learning courses as defined in Section 363.1.

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

(g) A licensee who participates in the entire two-day workshop as a Subject Matter Expert for the purpose of exam development of the California Law and Professional Practice Examination will receive one hour of CE credit for each hour volunteered, up to a maximum of sixteen hours, which includes eight (8) hours in the Ethics and Law and eight (8) hours in the Principles of Practice subject areas as defined in sections 361(g)(11) and 361(g)(16)(A), respectively.

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

(i) A licensee on active duty with a branch of the armed forces of the United States 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.

Note: Authority cited: Sections 114.3 and 135.5, Business and Professions Code; and Section 1000-4(b), Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii). Reference: Sections 114.3 and 135.5, Business and Professions Code; and Sections 1000-4(b), 1000-4(e) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii).

### **§ 365. Revoked Licenses.**

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

Note: Authority cited: Section 1000-4(b), Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii). Reference: Sections 1000-4(b), 1000-4(e) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii).

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

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

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

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

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

The board, at its discretion, may contact attendees after a continuing education course as part of the board's auditing process to obtain information regarding the quality and content of the course.

Note: Authority cited: Section 1000-4(b), Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii). Reference: Sections 1000-4(b), 1000-4(e) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii).

**Executive Office**

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## **Order Waiving Restrictions on Internet-Based Continuing Education Training for Chiropractors and Naturopathic Doctors**

On March 4, 2020, the Governor proclaimed a [State of Emergency](#) to exist in California as a result of the impacts of COVID-19 to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare to respond to an increasing number of individuals requiring medical care and hospitalization as a result of a broader spread of COVID-19.

Pursuant to the Governor's Executive Order [N-39-20](#), during the State of Emergency, the Director of the California Department of Consumer Affairs may waive any statutory or regulatory renewal requirement pertaining to individuals licensed pursuant to Division 2 of the Business and Professions Code.

Accordingly, for chiropractors, the Director waives California Code of Regulations, title 16, section 361, subdivision (c), to the extent it limits to 12 hours the maximum number of continuing education hours that may be completed through distance learning, subject to the condition that distance learning in excess of 12 hours consists of Internet- or web-based courses that allow participants to concurrently interact with instructors or presenters while they observe the courses.

For naturopathic doctors, the Director waives Business and Professions Code section 3635, subdivision (a)(2), to the extent it limits to 15 hours the maximum number of continuing education hours that may be completed through computer-assisted instruction, subject to the condition that such instruction consists of Internet- or web-based courses that allow participants to concurrently interact with instructors or presenters while they observe the courses.

This order is effective immediately but may be amended as circumstances require.

Dated: September 23, 2020

### **Signature on File**

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Kimberly Kirchmeyer  
Director

**Executive Office**

1625 North Market Boulevard, Suite N-308, Sacramento, CA 95834

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**Agenda Item 9  
Attachment 3**

**Order Extending Order Waiving Restrictions on Internet-Based Continuing Education Training for Chiropractors and Naturopathic Doctors**

On March 4, 2020, the Governor proclaimed a [State of Emergency](#) to exist in California as a result of the impacts of COVID-19 to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare to respond to an increasing number of individuals requiring medical care and hospitalization as a result of a broader spread of COVID-19.

Pursuant to the Governor's Executive Order [N-39-20](#), during the State of Emergency, the Director of the California Department of Consumer Affairs may waive any statutory or regulatory renewal requirement pertaining to individuals licensed pursuant to Division 2 of the Business and Professions Code.

On September 23, 2020, the Director issued an Order Waiving Restrictions on Internet-Based Continuing Education Training for Chiropractors and Naturopathic Doctors. The Director hereby extends the September 23, 2020, Order Waiving Restrictions on Internet-Based Continuing Education Training for Chiropractors and Naturopathic Doctors. The Order now terminates on March 31, 2022.

On November 22, 2021, the Director issued an Order Terminating Order Waiving Restrictions on Internet-Based Continuing Education Training for Chiropractors and Naturopathic Doctors. The November 22, 2021, Order is hereby withdrawn and superseded.

This order is effective immediately but may be amended as circumstances require.

Dated: January 11, 2022

**Signature on File**

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Kimberly Kirchmeyer  
Director



**Agenda Item 10**  
**January 25, 2022**

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**Election of Board Officers for 2022**

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**Purpose of the Item**

The Board will vote for the following officer positions:

- A. Chair
- B. Vice Chair
- C. Secretary

**Action Requested**

The Board will be asked to elect a chair, vice chair, and secretary for 2022.

**Background**

Section 3 of the Chiropractic Initiative Act directs the Board to annually elect members of the Board to serve as chair, vice chair, and secretary, at the January meeting.

During the December 16, 2021 Board meeting, the following Board members were nominated for consideration to serve as Board officers in 2022:

- **Chair:** David Paris, D.C. and Dionne McClain, D.C.
- **Vice Chair:** Laurence Adams, D.C. and David Paris, D.C.
- **Secretary:** Rafael Sweet

At this meeting, the Board will elect the officer positions for 2022 pursuant to the attached election procedures.

**Attachments**

1. Procedures for Election of Board Officer Positions
2. Roll Call for Election of Officers



# Public Board Meeting

## Procedures for Electing Board Officers as Voted on by the Full Board

January 25, 2022

### **Election:**

- Legal counsel will preside over the Election of Board Officers.
- For those not currently nominated, Board Members will be asked if they would like to be considered for a Board Officer position.
- Prior to electing a Board Officer, nominees will have the opportunity to provide their Statements of Interest for the Board Officer positions.
- Voting will take place one position at a time, allowing individuals nominated for multiple positions to have their intentions known.
- Elections will occur by officer position; starting with the Chair, Vice Chair and then Secretary.
- Voting will be held in roll call order with the Chair voting last.

## Public Board Meeting

### Roll Call for the Election of Officers

January 25, 2022

- Laurence Adams, D.C.
- Janette N.V. Cruz
- Pamela Daniels, D.C.
- David Paris, D.C., Vice Chair
- Rafael Sweet
- Dionne McClain, D.C., Chair



**Agenda Item 12**  
**January 25, 2022**

**Review and Approval of December 16, 2021 Board Meeting Minutes**

**Purpose of the Item**

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

**Action Requested**

The Board will be asked to make a motion to approve the December 16, 2021 Board meeting minutes.

**Attachment**

- December 16, 2021 Board Meeting Minutes (Draft)

**BOARD OF CHIROPRACTIC EXAMINERS  
PUBLIC SESSION MINUTES**

December 16, 2021  
Teleconference

**Board Members Present**

Dionne McClain, D.C., Chair  
David Paris, D.C., Vice Chair  
Laurence Adams, D.C.  
Pamela Daniels, D.C.  
Janette Nunez-Villar Cruz  
Rafael Sweet

**Staff Present**

Robert Puleo, Executive Officer  
Kristin Walker, Assistant Executive Officer  
Jason Hurtado, Attorney  
Connie Bouvia, Enforcement Manager  
Amanda Campbell, Enforcement Analyst  
Valerie James, Enforcement Analyst  
Andreia McMillen, Policy Analyst  
Tammi Pitto, Enforcement Analyst

**1. Call to Order**

Dr. McClain called the meeting to order at 9:00 a.m.

**Roll Call**

Dr. Paris called the roll. All members were present and a quorum was established.

**2. Hearing Re: Petition for Reinstatement of Revoked License**

Administrative Law Judge, Jessica Wall, presided over and Deputy Attorney General, Seth Curtis, appeared on behalf of the people of the State of California on the following hearings:

- |                         |                      |
|-------------------------|----------------------|
| A. Reza Aliakbar        | Case No. AC 2007-592 |
| B. Jeffrey Nabatmama    | Case No. AC 2003-332 |
| C. Phillip Jung-Wan Kim | Case No. AC 2013-949 |

### **3. Closed Session**

The Board met in Closed Session to:

- A. Deliberate and vote on Disciplinary Matters, including the above Petitions for Reinstatement pursuant to California Government Code Section 11126, subd. (c)(3)
- B. Discuss and possibly take action regarding the preparation, approval, grading, or administration of examinations pursuant to Government Code Section 11126, subd. (c)(1)
- C. Discuss and possibly take action on the Selection Process and Appointment of an Interim Executive Officer pursuant to Government Code Section 11126, subd. (a)(1)

### **4. Open Session**

The Board went back into Open Session.

### **5. Chair's Report**

Dr. McClain thanked Mr. Ruffino for his service, dedication, and experience granted to the Board. Mr. Ruffino's term ended in November of 2021. Dr. McClain welcomed two new members to the Board of Chiropractic Examiners (Board) who were recently appointed by Governor Newsom; Ms. Janette N.V. Cruz and Dr. Pamela Daniels, D.C.

Dr. McClain congratulated Mr. Puleo on his retirement which will become effective on December 30, 2021. Dr. McClain noted that the Board began the recruitment process for a new Executive Officer (EO) at the meeting on November 22, 2021.

Dr. McClain notified the stakeholders that the Board's office location has moved to the Department of Consumer Affairs' (DCA) headquarters in Natomas, about ten minutes from its previous location in downtown Sacramento.

Dr. McClain remarked that the business modernization project, now known as Connect, which began in June 2021, has allowed the Board to implement online licensing functions including initial license applications, license renewals, address changes, cancellation of satellite certificates, and online payment for all paper applications. As of July 2021, an online complaint form has been made available for consumers and will streamline the Board's investigative processes. An update released in November 2021 has added the remaining enforcement processes of cite and fine, discipline, and probation monitoring.

Dr. McClain stated that the Enforcement Committee recently met to discuss the recruitment process for subject matter experts (SMEs) and how to enhance the expert witness selection criteria standards, materials, and applications.

Dr. McClain noted that the Licensing and Continuing Education Committee Meeting continues to navigate the waivers issued as a result of the COVID-19 pandemic while working to improve standards through updates to the regulations.

#### **6. Approval of July 16, 2021 Meeting Minutes**

**MOTION: DR. ADAMS MOVED TO APPROVE THE MINUTES OF THE JULY 16, 2021 BOARD MEETING.**

**SECOND: MR. SWEET SECONDED THE MOTION.**

**Discussion:** Dr. Adams noted a correction to page two of the minutes. He confirmed that he attended a Part IV Exam at Palmer College of Chiropractic, West, not at Logan University.

**VOTE: 6-0, (DR. MCCLAIN-AYE, DR. PARIS-AYE, DR. ADAMS-AYE, DR. DANIELS-AYE; MS. CRUZ-AYE; MR. SWEET-AYE).**

**MOTION: CARRIED.**

Public Comment: None.

#### **7. Approval of November 22, 2021 Meeting Minutes**

**MOTION: MR. SWEET MOVED TO APPROVE THE MINUTES OF THE NOVEMBER 22, 2021 BOARD MEETING.**

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

**Discussion:** None.

**VOTE: 5-0, (DR. MCCLAIN-AYE, DR. PARIS-AYE, DR. ADAMS-ABSTAIN, DR. DANIELS-AYE; MS. CRUZ-AYE; MR. SWEET-AYE).**

**MOTION: CARRIED.**

Public Comment: None.

#### **8. Ratification of Approval of License Applications**

**MOTION: DR. ADAMS MOVED TO RATIFY THE APPROVED LICENSE APPLICATIONS.**

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

**Discussion:** None

**VOTE: 6-0, (DR. MCCLAIN-AYE, DR. PARIS-AYE, DR. ADAMS-AYE, DR. DANIELS-AYE; MS. CRUZ-AYE; MR. SWEET-AYE).**

**MOTION: CARRIED.**

Public Comment: None

### **9. Ratification of Denied License Applications in Which the Applicants Did Not Request a Hearing**

There were none.

### **10. Ratification of Approved Continuing Education Providers**

***MOTION: DR. PARIS MOVED TO RATIFY THE APPROVED CONTINUING EDUCATION PROVIDERS.***

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

**Discussion:** None.

***VOTE: 6-0, (DR. MCCLAIN-AYE, DR. PARIS-AYE, DR. ADAMS-AYE, DR. DANIELS-AYE; MS. CRUZ-AYE; MR. SWEET-AYE).***

***MOTION: CARRIED.***

Public Comment: None

### **Moved to Agenda Item 13 – Review, Discussion and Possible Action Regarding Fee Analysis Report**

Courtney Ramos, Vice President of Matrix Consulting Group, presented the Fee Analysis Report to the Board. Ms. Ramos identified that the total cost of the Board's functions is \$6 million per fiscal year with the Board recovering \$4.6 million; therefore, it is under recovering its cost by approximately \$1.4 million. Ms. Ramos stated that the largest deficit is due to continuing education (CE) which is under recovering its costs by \$1 million.

Ms. Ramos identified the reason as the Board's current fee structure of charging a flat fee per CE course application. She provided the example that a 10-hour course and a two-hour course would have the same fee charged, but the 10-hour course would take longer to review and therefore creates an imbalance. Ms. Ramos informed the Board that a "per hour" fee for a CE course application would be more equitable.

Dr. McClain asked Mr. Puleo if there was any flexibility in postponing the repayment of the loan to the Bureau of Automotive Repair (BAR).

Mr. Puleo affirmed that there was some flexibility but noted that the Board needed to do its best to honor its commitment to repay the loan as timely as possible as the Board has put off repayment for a while. He noted that the Board still has six months left in the

fiscal year and that the Board could hold off on repayment if it is looking dire by the end of the fiscal year.

Dr. McClain asked if the Board could request a temporary reduction of the loan repayment for the year.

Mr. Puleo confirmed that it was a possibility.

Dr. Daniels asked Ms. Ramos if the best way to promote a positive change to the budget is to make a change to CE.

Ms. Ramos affirmed that CE accounts for two-thirds to three-quarters of the subsidy and a change from a flat fee to a per hour fee could have an impact, but also noted that realigning the fees to be closer to the cost of service is needed to address the imbalance.

Public Comment: Marcus Strutz, a CE Provider, stated that he would like the Board to consider approving CE courses for up to five years as opposed to annually as some courses are identical every year.

### **Agenda Item 11 – Executive Officer’s Report**

Moved to B. Budget – Fund Condition Update

Robert de los Reyes, a Budget Officer for the DCA, added to a previous question regarding the repayment of the loan from the BAR. He stated that the loan has broad terms and the payment can be amended each year so long as the Board ultimately fulfills its obligation.

Mr. de los Reyes informed the Board that there was a slight increase in revenue and the Board did not schedule a repayment to the BAR for the fiscal year so that has alleviated some of the pressure and will allow the Board sufficient time to move forward with a legislative fee increase next year to address the incoming insolvency in fiscal year 2023/2024. Mr. de los Reyes also noted a 4.5 percent increase to staff salaries.

Mr. de los Reyes added that the Budget Office has been working with the Department of Finance to estimate the ongoing expenditure reduction that is related to the ongoing efficiencies through the advancement of remote work. He provided the example of teleconference Board meetings where the Board is not obligated to pay for travel costs for Board members or Board staff. The Board will be reimbursed for the staff member who was reassigned to COVID-19 contact tracing during the pandemic. The Board is estimated to receive roughly \$60,000 which is not reflected in the fund condition.

Dr. McClain asked if the Board was reimbursed, or would be reimbursed, for the IT transition to BreZE which did not come to fruition.



Mr. de los Reyes stated that there are currently no discussions regarding a reimbursement because the related IT costs were associated with efficiency gains which aided in the Business Modernization effort, also known as “BizMod” or Connect, due to the knowledge gained through BreZE.

A. Administration - Board staffing/organizational chart

Mr. Puleo informed the Board of two vacancies that will be filled shortly.

C. Licensing – Statistical Trends

Mr. Puleo advised that the trend of a decline in the total license population has continued.

D. Enforcement – Statistical Trends

Ms. Bouvia noted that the total number of pending complaints has decreased due to the hard work of the staff.

E. Information Technology (IT) Update

Ms. Walker informed the Board of the two most recent updates to the online system, Connect. The launch of the online complaint form and transitioning all new complaints and investigations to the system went into effect on July 1, 2021. On November 22, 2021, the remaining enforcement processes were added to Connect: cite and fine; discipline; and probation monitoring. Staff are continuing to work with the Office of Information Services (OIS) and the vendor to incorporate CE provider and course applications into Connect which is expected to be completed in late 2022.

Public Comment: None.

**12. Update, Review, Discussion and Possible Action on Enforcement Committee  
December 3, 2021, Meeting Agenda**

Ms. Walker updated the Board on the Enforcement Committee meeting from December 3, 2021. The Committee discussed amending the record keeping requirements for chiropractic patient records (16 CCR Section 318). Ms. Walker identified that the current regulations outline the minimum requirements but do not specify the necessary documentation that must be included in the patient history, complaint, diagnosis, analysis, and treatment; nor does it differentiate between an initial patient encounter and an established patient visit. Staff will work with DCA regulatory counsel on proposed language to amend the regulations and plans to present it to the Committee for review and discussion at a future meeting in 2022.

Ms. Walker had updated the Committee on the regulatory proposal to amend CCR, title 16, section 384, to incorporate the Board’s revised *Disciplinary Guidelines and Model*

*Disciplinary Orders* by reference, and implement the Uniform Standards for Substance Abusing Licensees. Staff has determined additional changes are necessary prior to proceeding with the regulatory process. Ms. Walker informed the Board that staff will work with DCA regulatory legal counsel to make necessary updates and revisions to the Board's *Disciplinary Guidelines* and present proposed language to the Committee for review and discussion at a future meeting in 2022.

Ms. Walker and staff had requested authorization from the Committee to initiate the recruitment process for new Subject Matter Experts for the Board's Enforcement Program based on a proposed timeline.

**Ms. Walker advised that the Committee voted to recommend that the Board authorize staff to initiate the recruitment process for Subject Matter Experts (SME) for the Board's Enforcement Program in January 2022.**

**Discussion:** Dr. Paris supported the suggested timeframe.

Public Comment: None.

**VOTE: 6-0, (DR. MCCLAIN-AYE, DR. PARIS-AYE, DR. ADAMS-AYE, DR. DANIELS-AYE; MS. CRUZ-AYE; MR. SWEET-AYE).**

**MOTION: CARRIED.**

Ms. Walker notified the Board that the Committee discussed strengthening the consumer protection provided by Senate Bill 1448 (Hill, Chapter 570, Statutes of 2018), known as the Patient's Right to Know Act of 2018. Business and Professions Code (BPC) section 1007, subdivision (c), specifies exemptions to this patient notification requirement. She noted that some of these exemptions are not applicable to doctors of chiropractic and can be misused by licensees to avoid notifying patients of their probationary status. Staff recommended the Committee consider proposed statutory language to remove the following exemptions from this requirement:

- The visit occurs in an urgent care facility or the visit is unscheduled, including consultations in inpatient facilities; and
- The licensee who will be treating the patient during the visit is not known to the patient until immediately prior to the start of the visit.

**Ms. Walker advised that the Committee voted to recommend that the Board include this proposal to amend BPC section 1007, subdivision (c), in the New Issues section of the Board's Sunset Review Report.**

**Discussion:** None.

Public Comment: None.

**VOTE: 6-0, (DR. MCCLAIN-AYE, DR. PARIS-AYE, DR. ADAMS-AYE, DR. DANIELS-AYE; MS. CRUZ-AYE; MR. SWEET-AYE).**

**MOTION: CARRIED.**

Public Comment: Kimberly Kirchmeyer, Director of the Department of Consumer Affairs, presented Mr. Puleo with a legislative resolution signed by California Assembly Member, Evan Low, to extend to him special recognition and commendations for his distinguished civil service over the course of more than three decades. Ms. Kirchmeyer congratulated Mr. Puleo on his retirement on December 30, 2021.

Ms. Walker informed the Board that additional changes to the Consumer Protection Enforcement Initiative (CPEI) are necessary to portions of the proposed language prior to proceeding with the regulatory process. To expeditiously move this proposal forward, staff recommended the Committee divide the regulation package into six packages.

**Ms. Walker advised that the Committee voted to recommend that the CPEI regulation package be divided into six packages grouped by topic and that staff be directed to work with DCA regulatory legal counsel to develop and update the proposed language for each of the regulation packages and present them to the Committee for review and discussion at a future meeting.**

**Discussion:** None.

Public Comment: None.

**VOTE: 6-0, (DR. MCCLAIN-AYE, DR. PARIS-AYE, DR. ADAMS-AYE, DR. DANIELS-AYE; MS. CRUZ-AYE; MR. SWEET-AYE).**

**MOTION: CARRIED.**

### **Moved to Agenda Item 18 - Review, Discussion and Possible Action Regarding the Proposed 2022 Board Meeting Schedule**

The Board selected the following dates for its 2022 Board Meetings:

- January 25, 2022 – Teleconference Meeting
- April 22, 2022 – Location TBD
- August 19, 2022 – Location TBD
- October 27, 2022 – Location TBD

#### **14. Review, Discussion and Possible Action Regarding Sunset Review Report**

Mr. Puleo apologized for the late submission of the report to the Board members and noted the report was still in a draft form and if staff needed to make changes in the next week or two, it can be done. He added that the report must be submitted to legislature by January 5, 2022.

The Board discussed options for submitting proposed changes to staff.

Mr. Hurtado suggested that the Board refer any proposed changes to the Board's legislative committee to incorporate.

***MOTION: DR. ADAMS MOVED TO REFER ANY PROPOSED CHANGES OF THE SUNSET REPORT TO THE GOVERNMENT AND PUBLIC AFFAIRS COMMITTEE FOR INCORPORATION.***

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

**Discussion:** None.

**Public Comment:** None.

***VOTE: 6-0, (DR. MCCLAIN-AYE, DR. PARIS-AYE, DR. ADAMS-AYE, DR. DANIELS-AYE; MS. CRUZ-AYE; MR. SWEET-AYE).***

***MOTION: CARRIED.***

#### **15. Update, Discussion, and Possible Action on Pending Rulemaking**

Ms. McMillen updated the Board on the status of various rulemaking packages. The rulemaking package for the Denial of Application, Revocation or Suspension of Licensure (CCR Sections 316.5, 321, 326 and 327) was approved by the Office of Administrative Law (OAL) and went into effect on November 22, 2021. The rulemaking package for the Revisions to Curriculum Requirements and Approval of Programs (CCR Article 4, Sections 330 – 331.16) has been completed and will be submitted to DCA for initial review in the near future.

**Public Comment:** None.

#### **16. Update, Discussion, and Possible Action on the Use of a Satellite Certificate and a Pocket License (16 CCR Section 308).**

Dr. Paris stated that he and staff received questions from licensees regarding how 16 CCR Section 308 (Display of License) applies to mobile clinics, sporting events, coverage, etc.

**MOTION: DR. PARIS MOVED TO REFER THE DISCUSSION OF A REGULATORY CHANGE TO CLARIFY THE USE OF SATELLITE CERTIFICATE AND POCKET LICENSE TO THE LICENSING AND CONTINUING EDUCATION COMMITTEE. SECOND: DR. MCCLAIN SECONDED THE MOTION.**

**Discussion:** None.

Public Comment: None.

**VOTE: 6-0, (DR. MCCLAIN-AYE, DR. PARIS-AYE, DR. ADAMS-AYE, DR. DANIELS-AYE; MS. CRUZ-AYE; MR. SWEET-AYE).**

**MOTION: CARRIED.**

**17. Nomination of Board Officers for 2021. The Board will Initiate Nomination Procedures for Board Officer Positions: Chair, Vice Chair, and Secretary.**

Dr. Paris called the roll for nominees for each position.

Nominees for Chair:

- Dr. Adams – Dr. Paris.
- Dr. Daniels – Dr. Paris.
- Ms. Nunez-Villar Cruz – Dr. Paris.
- Dr. Paris – Self-nominated.
- Mr. Sweet – Dr. Paris.
- Dr. McClain – Self-nominated.

**Dr. Paris and Dr. McClain both accepted the nomination.**

Nominees for Vice Chair:

- Dr. Adams – Self-nominated.
- Dr. Daniels – Dr. Adams.
- Ms. Nunez-Villar Cruz – Dr. Adams.
- Dr. Paris – Dr. Adams.
- Mr. Sweet – No nomination.
- Dr. McClain – Dr. Paris.

**Dr. Adams and Dr. Paris both accepted the nomination.**

Nominees for Secretary:

- Dr. Adams – Mr. Sweet.
- Dr. Daniels – Mr. Sweet.
- Ms. Nunez-Villar Cruz – Mr. Sweet.
- Dr. Paris – Mr. Sweet.
- Mr. Sweet – No nomination.
- Dr. McClain – No nomination.

**Mr. Sweet accepted the nomination.**

Public Comment: None.

**19. Public Comment for Items Not on the Agenda**

There were none.

**20. Future Agenda Items**

Public Comment: None.

Dr. Adams requested the Board discuss at the next meeting the survey information the Licensing and Continuing Education Committee received regarding Continuing Education (CE) and Interactive Video Conferences.

Dr. Adams requested that the Board discuss options for requesting an emergency waiver as a result of the termination of DCA Waiver 20-63 on December 31, 2021 which allowed licensees to attend an Interactive Video Conference in replacement of their mandatory in person CE hours which was in place due to the COVID-19 pandemic.

Dr. Daniels agreed that the Board needed to discuss options for Interactive Video Conferencing.

**21. Adjournment**

Dr. McClain adjourned the meeting at 4:45 p.m.

**(Attachment A)**

Approval by Ratification of Formerly Approved License Applications  
between July 1, 2021 and November 19, 2021.

<b>Name (First, Middle, Last)</b>			<b>Date Issued</b>	<b>DC#</b>
Mikah	Lyn	Cook	7/15/2021	35080
Jenna	Michelle	Swaffer	7/15/2021	35081
Maria-Magdalena	Nikolaeva	Tchernogorova	7/15/2021	35082
Anthony	Steven	Crifase	7/28/2021	35083
Anne	Nzekellang MBU	Etonga	7/28/2021	35084
Jae	Ho	Roh	7/28/2021	35085
Guillermo	Enrique	Hernandez	7/28/2021	35086
Olivia	Lynette	Andries	8/20/2021	35087
Melissa		Rodriguez	8/20/2021	35088
Ana	L	Jimenez-Ng	8/20/2021	35089
Kevin		Mansour	8/30/2021	35090
Randi	Gayle	Christ	8/30/2021	35091
Ryota		Fujii	9/15/2021	35092
Lyle	Robert	Pipher	9/15/2021	35093
Mark	Edwin	Mccullough	9/15/2021	35094
Binny	Jayesh	Bhakta	9/29/2021	35095
Alexis		Sanchez	10/15/2021	35096
Justin	Tam	Huang	10/15/2021	35097
Austyn	Lynn	Yarbrough	11/2/2021	35098
Andrea	Dee	Gardner	11/2/2021	35099
Yelizaveta		Gyeryen	11/2/2021	35100
Jaclyn	Denise	Quintanilla	11/17/2021	35101
Corinna		Romero-Hernandez	11/17/2021	35102
Thomas	Joseph	Parliament	11/17/2021	35103
Brandon	S	Osborne	11/17/2021	35104
Hannah		Sisson	7/23/2021	36123
Carlos	Horacio	Leyva	7/23/2021	36124
Kamran	P	Mondegari	7/23/2021	36125
Lanny	Craig	Crockett	7/23/2021	36126
Alyssa	Ann	Romero	7/23/2021	36127
Mahsa		Etesam	7/23/2021	36128
John		Bellicitti	7/23/2021	36129
Justin	Ryan	Martinson	7/23/2021	36130
Yang		Zhang	7/23/2021	36131

BCE Board Meeting Minutes  
December 16, 2021

Sarah	Elizabeth	Uptmor	7/23/2021	36132
Eric	Scott	Smith	7/23/2021	36133
Madeline		Netley	7/23/2021	36134
Casey		Campbell	7/23/2021	36135
Albert		Rovero	8/11/2021	36136
Domingo		Silva	8/11/2021	36137
Kaitlin	Ellen	Dick	8/11/2021	36138
Riley		Bransteter	8/11/2021	36139
Junsik		Kim	8/11/2021	36140
Jackson		Bates	8/11/2021	36141
Joshua		Adams	8/11/2021	36142
Linh	Le	Smit	8/11/2021	36143
John		Thai	8/11/2021	36144
Antioco		Hidalgo	8/11/2021	36145
Paul	Howard	Hamilton	8/11/2021	36146
Ankur		Tayal	8/11/2021	36147
Navid		Saadati	8/11/2021	36148
Qasim	Ali	Sheikh	8/11/2021	36149
Anurag	Singh	Cheema	8/12/2021	36150
Robert		Renkin	8/12/2021	36151
Lorryn		Johnson	8/12/2021	36152
Blake	Marquis	Kastl	8/16/2021	36153
Brendan		Collins-Bride	8/16/2021	36154
Anthony		Mossuto	8/25/2021	36155
Mikaela		Phillips	8/25/2021	36156
Chamith		Ameresekere	8/26/2021	36157
Jeremy		Wroten	9/1/2021	36158
Riley		Hunt	9/7/2021	36159
Zeina		Abouakl	9/10/2021	36160
Jennifer		Tran	9/10/2021	36161
Alex		Kha	9/15/2021	36162
Jeffery	Michael	Deatherage	9/29/2021	36163
Stanton		Wong	10/11/2021	36164
Gabriellee		Cailing	10/11/2021	36165
Daniel		Rossi	10/11/2021	36166
Marylou		Garcia	10/11/2021	36167
Danielle	Jasmine	Martinez	10/11/2021	36168
Jungtae		Kim	10/11/2021	36169
Roger	Joseph	Casillas	10/11/2021	36170
Austin	Ryan	Martinez	10/12/2021	36171



BCE Board Meeting Minutes  
December 16, 2021

Jacob	Jesus	Castrejon	10/12/2021	36172
Jeremy		Gopiao	10/25/2021	36173
Micah		Johnsrud	10/25/2021	36174
James		Yu	10/25/2021	36175
Brad	Thomas	Foote	10/25/2021	36176
Richardo	Alonso	Rivas	10/25/2021	36177
Neil	Patrick	De Quant	10/25/2021	36178
Tony		Lam	10/25/2021	36179
Michael	Anthony	Combs	11/9/2021	36180
Angela	Mary	Erdmann	11/9/2021	36181
Alexander	Ito	Greene	11/9/2021	36182
John		Morgenstern	11/9/2021	36183
Nikki	Rose	Nguyen	11/9/2021	36184
Grace		Konstanzer	11/9/2021	36185
Molly		Moreira	11/9/2021	36186
Cheyenne	Summer	Lewis	11/9/2021	36187
Hirsa		Azizi	11/9/2021	36188
Daniel	Brian	Bogert	11/9/2021	36189
David		Frank	11/9/2021	36190
Hommed		Minaei	11/9/2021	36191
Jennifer		Tave	11/10/2021	36192
Lauren	Ashley	Cruz	11/10/2021	36193
Nina	Shuanee	Green	11/15/2021	36194
Ian	Matthew	Antovich	11/17/2021	36195
Sara	Louise	Parsons	11/17/2021	36196
Andrew		Lane	11/18/2021	36197

**\*DC's starting with 36123 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><b>Provider Name:</b> American Academy of Motor Vehicle Injuries, Inc.</p> <p><b>CE Oversight Contact Person:</b> Bill Gallagher, D.C.</p> <p><b>Provider Status:</b> Corporation</p>	<p><b>Provider Name:</b> CCEDSeminars</p> <p><b>CE Oversight Contact Person:</b> Monte Horne, D.C.</p> <p><b>Provider Status:</b> Individual</p>
<p><b>Provider Name:</b> DOnline</p> <p><b>CE Oversight Contact Person:</b> Kristin Berkheimer</p> <p><b>Provider Status:</b> Corporation</p>	<p><b>Provider Name:</b> Michael Rintala, D.C.</p> <p><b>CE Oversight Contact Person:</b> Michael Rintala, D.C.</p> <p><b>Provider Status:</b> Corporation</p>
<p><b>Provider Name:</b> Rebecca Sanders, D.C.</p> <p><b>CE Oversight Contact Person:</b> Rebecca Sanders, D.C.</p> <p><b>Provider Status:</b> Corporation</p>	



**Agenda Item 13**  
**January 25, 2022**

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**Ratification of Approved License Applications**

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**Purpose of the Item**

The Board will review and ratify the attached list of approved applications for initial doctor of chiropractic licenses.

**Action Requested**

The Board will be asked to make a motion to ratify the attached list of approved license applications.

**Background**

Staff reviewed and confirmed that the applicants on the attached list of approved applications for initial doctor of chiropractic licenses met all statutory and regulatory requirements for licensure.

**Attachment**

- List of Approved Applications for Initial Doctor of Chiropractic Licenses Issued from November 20, 2021 to December 31, 2021

**List of Approved Applications for Initial Doctor of Chiropractic Licenses  
Issued from November 20, 2021 to December 31, 2021**

<b>First Name</b>	<b>Middle Name</b>	<b>Last Name</b>	<b>License No.*</b>	<b>Date Issued</b>
Kimberly		Delen-Briones	<b>DC 35105</b>	12/21/2021
Navjot	Kaur	Randhawa	<b>DC 35106</b>	12/21/2021
Jessica	Mee-Lynn	Bentley	<b>DC 35107</b>	12/21/2021
John	David	Stowe	<b>DC 36198</b>	12/14/2021
Cale		Fahringer	<b>DC 36199</b>	12/14/2021
Ashley	Claire	Davies	<b>DC 36200</b>	12/14/2021
Matthew		Heisig	<b>DC 36201</b>	12/14/2021
Diana	Cristina	Ramos Infante De McCune	<b>DC 36202</b>	12/14/2021
Austin	Lee	Applegate	<b>DC 36203</b>	12/14/2021
Gholamreza		Shahba	<b>DC 36204</b>	12/14/2021
Mario		Huerta Roman	<b>DC 36205</b>	12/14/2021
James		Punghorst	<b>DC 36206</b>	12/14/2021
AJ	Chia-Yuen	Zavala	<b>DC 36207</b>	12/14/2021
Ashley		Landof	<b>DC 36208</b>	12/14/2021
Nicholas	Conrad	Recupero	<b>DC 36209</b>	12/14/2021
Nicole		Chambers	<b>DC 36210</b>	12/14/2021

**\*License numbers beginning with DC 36198 were issued through the Board's new Connect system.**



**Agenda Item 14  
January 25, 2022**

**Ratification of Approved Continuing Education Providers**

**Purpose of the Item**

The Board will review and ratify the applications for new continuing education (CE) providers.

**Action Requested**

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

<p><b>Provider Name:</b> Paolo Tresoldi</p> <p><b>CE Oversight Contact Person:</b> Paolo Tresoldi</p> <p><b>Provider Status:</b> Individual</p>	<p><b>Provider Name:</b> The Vitalist's Academy of Biomagnetic Adjustment</p> <p><b>CE Oversight Contact Person:</b> Jena Lowe</p> <p><b>Provider Status:</b> Corporation</p>
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**Background**

Staff reviewed and confirmed that the above CE provider applications meet all regulatory requirements for approval.

**Attachment(s)**

N/A – To maintain compliance with Assembly Bill 434 (Baker, Chapter 780, Statutes of 2017) [State Web accessibility: standard and reports], the Board is unable to provide scanned documents on its website. To obtain a copy of the CE provider applications through a California Public Records Act request, please email [chiro.info@dca.ca.gov](mailto:chiro.info@dca.ca.gov) or send a written request to the Board's office at the address above.



## Agenda Item 15 January 25, 2022

### **Review, Discussion, and Possible Action on the Board's 2022 Meeting Calendar and the Scheduling of a Strategic Planning Session**

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#### **Purpose of the Item**

The Board will review the current 2022 Board meeting calendar and schedule an additional full-day meeting to conduct a strategic planning session with facilitators from the Department of Consumer Affairs (DCA) SOLID Training and Planning Solutions.

#### **Action Requested**

The Board will be asked to schedule a full-day strategic planning session in June, July, or August 2022.

#### **Background**

The Board adopted its [2017-2019 Strategic Plan](#) in October 2016 and typically completes a new strategic plan every three years.

Due to multiple Board member vacancies and the ongoing COVID-19 pandemic, which shifted resources from DCA's SOLID Training and Planning Solutions to online meeting facilitation, the Board had to postpone development of its next strategic plan in 2020.

Now that the Board is almost fully appointed and SOLID's strategic planning facilitation services have resumed, the Board is ready to create its next strategic plan.

The development activities and estimated timeline for the new strategic plan are as follows:

- Preliminary Work (SOLID and Board staff): January 2022
- Environmental Scan/Analysis (includes the stakeholder survey, Board member interviews, staff focus group, and analysis of results): February to May 2022
- Strategic Planning Session with Board Members: Summer 2022
- Strategic Plan Adopted by the Board: October 2022 Board Meeting
- Action Planning Session and Action Plan (SOLID and Board staff): TBD

**BCE Scheduling of a Strategic Planning Session**  
**January 25, 2022**  
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At the December 16, 2021 meeting, Board members selected the following 2022 Board meeting dates:

- Tuesday, January 25, 2022
- Friday, April 22, 2022
- Friday, August 19, 2022
- Thursday, October 27, 2022

At this meeting, the Board is asked to identify an additional meeting date to conduct a full-day strategic plan development session with SOLID facilitators. During this session, SOLID will facilitate a review of the trends identified in the environmental analysis and the development of objectives for the new strategic plan.

**Staff suggests that the Board consider the following options for scheduling the strategic planning session:**

1. Make the August 2022 Board meeting a two-day meeting, with regular Board business occurring on Thursday, August 18, 2022, followed by a full-day strategic planning session on Friday, August 19, 2022; or
2. Schedule an additional full-day Board meeting in June or July 2022 to conduct the strategic planning session.

**Attachment(s)**

N/A