



NOTICE OF TELECONFERENCE **GOVERNMENT AND PUBLIC AFFAIRS COMMITTEE MEETING**

Committee Members

Janette N.V. Cruz, Chair
Rafael Sweet

The Board of Chiropractic Examiners' (Board) Government and Public Affairs Committee will meet by teleconference on:

Monday, December 5, 2022
11:00 a.m. to 1:00 p.m.
(or until completion of business)

The Committee may take action on any agenda item.

Teleconference Instructions: The Government and Public Affairs Committee will hold a public meeting via Webex Events. Pursuant to the statutory provisions of Government Code section 11133, neither a public location nor teleconference locations are provided.

To access and participate in the meeting via teleconference, attendees will need to click on, or copy and paste into a URL field, the link below and enter their name, email address, and the event password, or join by phone using the access information below:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m00a3a68bcd57eac0348dc06232d6362f>

If joining using the link above

Webinar number: 2480 158 7742
Webinar password: BCE12052022

If joining by phone

+1-415-655-0001 US Toll
Access code: 248 015 87742
Passcode: 22312052

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

Members of the public may, but are not obligated to, provide their names or personal information as a condition of observing or participating in the meeting. When signing into the Webex platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier, such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make a public comment. Participants who choose not to provide their email address may utilize a fictitious email address in the following sample format: XXXXXX@mailinator.com.

Note: Members of the public may also submit written comments to the Committee on any agenda item by Thursday, December 1, 2022. Written comments should be directed to chiro.info@dca.ca.gov for Committee consideration.

AGENDA

- 1. Call to Order / Roll Call / Establishment of a Quorum**
- 2. Review and Possible Approval of October 4, 2022 Committee Meeting Minutes**
- 3. Update on Board's Administration Program, Including Budget and Fund Condition, Business Modernization and Implementation of Connect System, and Status of Board's Pending Rulemaking Packages**
- 4. Update and Discussion on [New Issues and Recommendations from the Board's 2022 Sunset Review](#)**
- 5. Review, Discussion, and Possible Recommendation Regarding the Onboarding Process for New Board Members**
- 6. Review, Discussion, and Possible Recommendation Regarding Proposed Updates to the Board Member Administrative Procedure Manual**
- 7. 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 Committee may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a).]
- 8. Future Agenda Items**

Note: Members of the Committee and the public may submit proposed agenda items for a future Committee meeting. However, the Committee 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.]
- 9. Schedule 2023 Committee Meetings**
- 10. Adjournment**

This agenda can be found on the Board's website at www.chiro.ca.gov. The time and order of agenda items are subject to change at the discretion of the Committee 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 at <https://thedcapage.wordpress.com/webcasts/>. Webcast availability cannot, however, be guaranteed due to limitations on resources or other technical difficulties that may arise. The meeting will not be canceled if webcast is not

available. If you wish to participate or to have a guaranteed opportunity to observe, please attend the meeting via Webex Events.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Committee 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 Committee, but the Committee 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 Committee to discuss items not on the agenda; however, the Committee 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

Telecommunications Relay Service: Dial 711

Mailing Address:

Board of Chiropractic Examiners

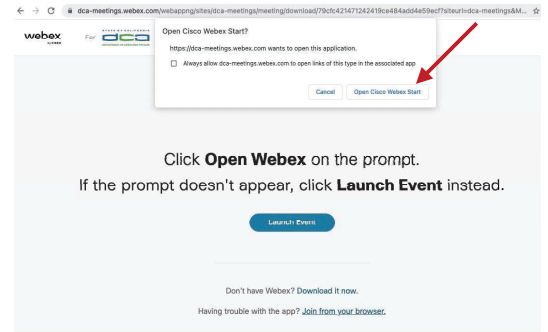
1625 N. Market Blvd., Suite N-327

Sacramento, CA 95834

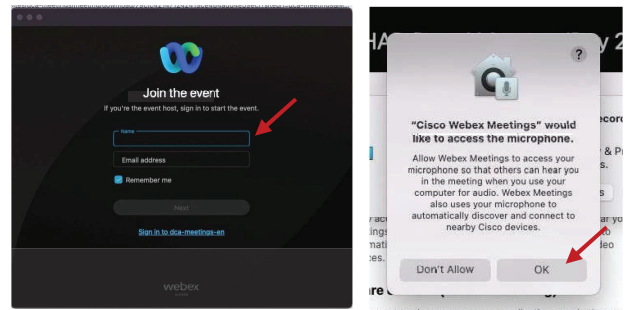
Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

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.



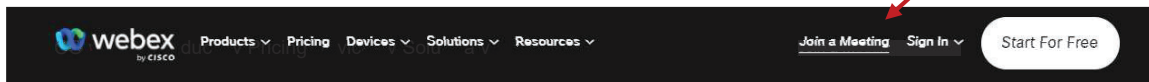
- 3 Enter your name and email address. Click "Join as a guest". Accept any request for permission to use your microphone and/or camera.



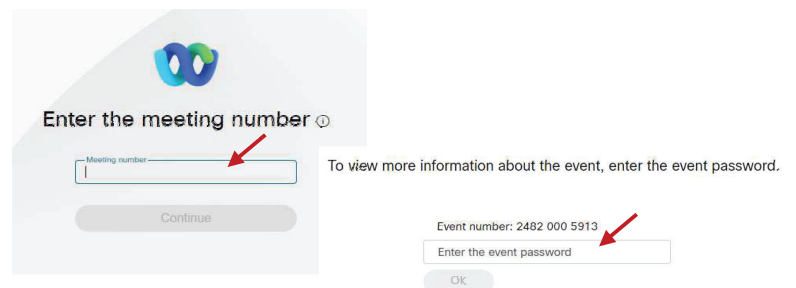
OR

If joining from Webex.com

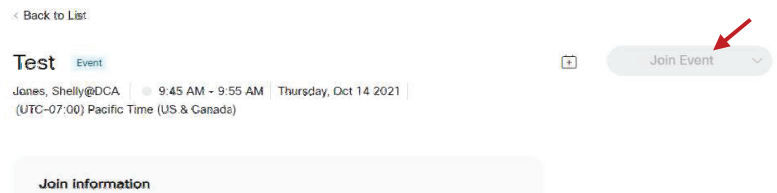
- 1 Click on "Join a Meeting" at the top of the Webex window.



- 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".



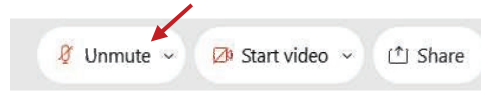
OR

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.

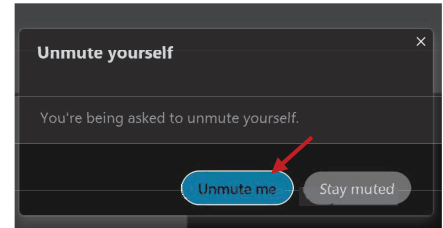


Green microphone = Unmuted: People in the meeting can hear you.



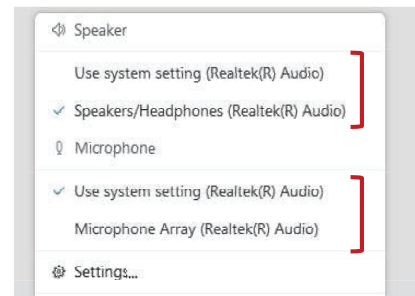
Red microphone = Muted: No one in the meeting can hear you.

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".



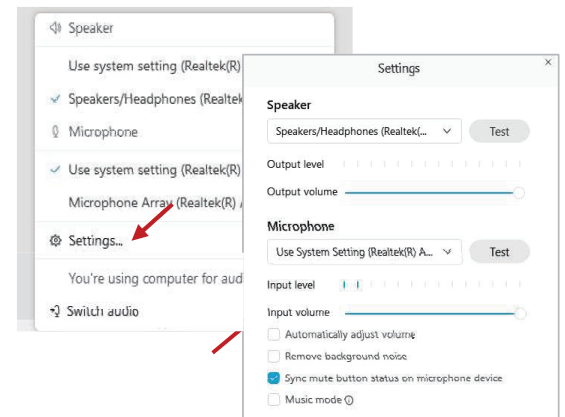
If you cannot hear or be heard

- 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

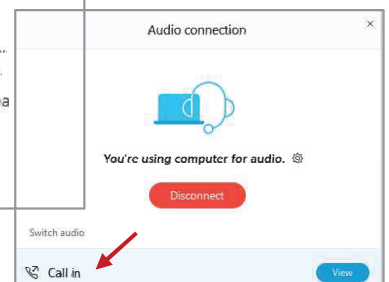
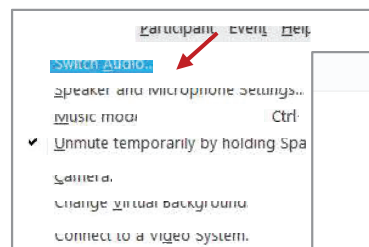
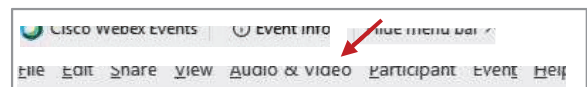
- 1 Locate the command row – click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window:
 - Click on "Settings...":
 - Drag the "Input Volume" located under microphone settings to adjust your volume.



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.

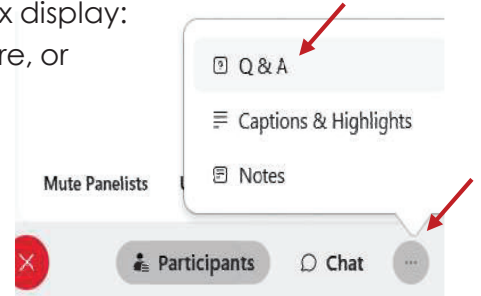
- 1 Click on "Audio & Video" from the menu bar.
- 2 Select "Switch Audio" from the drop-down menu.
- 3 Select the "Call In" option and following the directions.



The question-and-answer feature (Q&A) is utilized for questions or comments. Upon direction of the meeting facilitator, the moderator will open the Q&A panel for meeting participants to submit questions or comments. *NOTE: This feature is not accessible to those joining the meeting via telephone.*

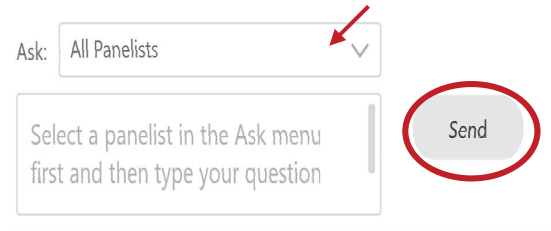
1 Access the Q&A panel at the bottom right of the Webex display:

- Click on the icon that looks like a “?” inside of a square, or
- Click on the 3 dots and select “Q&A”.



2 In the text box:

- Select “All Panelists” in the dropdown menu,
- Type your question/comment into the text box, and
- Click “Send”.



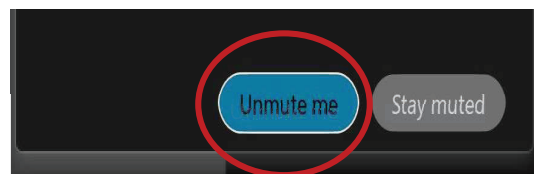
OR

If connected via telephone:

- Utilize the raise hand feature by pressing *6 to raise your hand.
- Repeat this process to lower your hand.

3 The moderator will call you by name and indicate a request has been sent to unmute your microphone. Upon hearing this prompt:

- Click the **Unmute me** button on the pop-up box that appears.

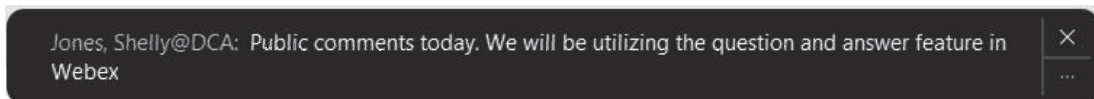


OR

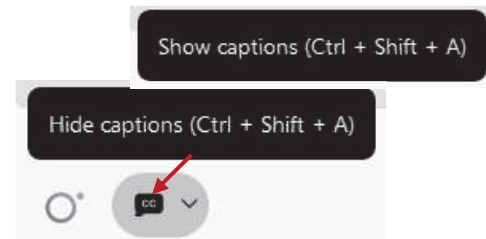
If connected via telephone:

- Press *3 to unmute your microphone.

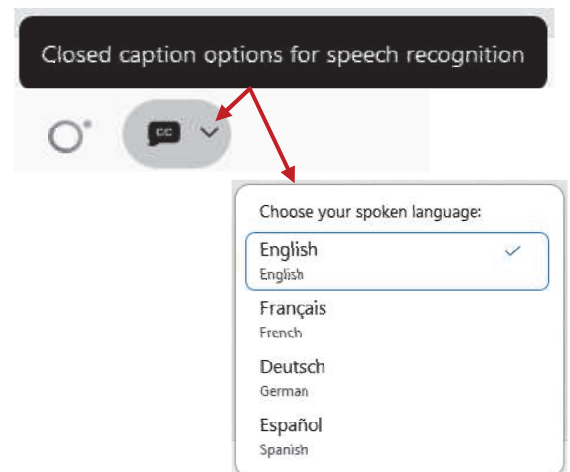
Webex provides real-time closed captioning displayed in a dialog box on your screen. The captioning box can be moved by clicking on the box and dragging it to another location on your screen.



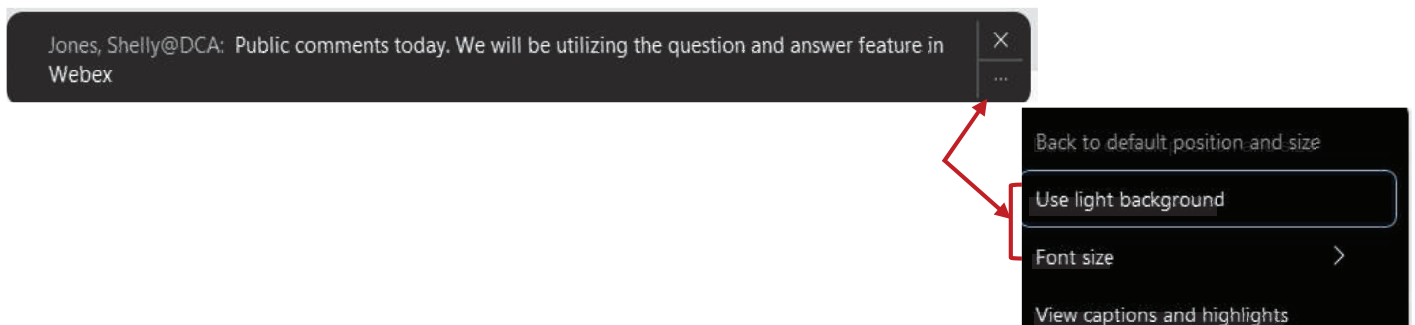
The closed captioning can be hidden from view by clicking on the closed captioning icon. You can repeat this action to unhide the dialog box.



You can select the language to be displayed by clicking the drop-down arrow next to the closed captioning icon.



You can view the closed captioning dialog box with a light or dark background or change the font size by clicking the 3 dots on the right side of the dialog box.





BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
DEPARTMENT OF CONSUMER AFFAIRS • CALIFORNIA BOARD OF CHIROPRACTIC EXAMINERS
1625 N. Market Blvd., Suite N-327, Sacramento, CA 95834
P (916) 263-5355 | Toll-Free (866) 543-1311 | F (916) 327-0039 | www.chiro.ca.gov



**Agenda Item 1
December 5, 2022**

Call to Order, Roll Call, and Establishment of a Quorum

Purpose of the Item

Janette N.V. Cruz, Chair of the Board's Government and Public Affairs Committee, will call the meeting to order. Roll will be called by Rafael Sweet.

Committee Members

Janette N.V. Cruz, Chair
Rafael Sweet



**Agenda Item 2
December 5, 2022**

Review and Possible Approval of October 4, 2022 Committee Meeting Minutes

Purpose of the Item

The Committee will review and possibly approve the minutes of the previous meeting.

Action Requested

The Committee will be asked to make a motion to approve the October 4, 2022 Committee meeting minutes.

Attachment

- October 4, 2022 Government and Public Affairs Committee Meeting Minutes (Draft)



**BOARD OF CHIROPRACTIC EXAMINERS
GOVERNMENT AND PUBLIC AFFAIRS COMMITTEE
MEETING MINUTES
October 4, 2022**

In accordance with the statutory provisions of Government Code section 11133, the Government and Public Affairs Committee (Committee) of the Board of Chiropractic Examiners (Board) met via teleconference/Webex Events with no physical public locations on October 4, 2022.

Committee Members Present

Janette N.V. Cruz, Chair
Rafael Sweet

Staff Present

Kristin Walker, Executive Officer
Dixie Van Allen, Licensing & Administration Manager
William Walker III, Enforcement Manager
Amanda (Campbell) Ah Po, Enforcement Analyst
Sabina Knight, Board Counsel, Attorney III, Department of Consumer Affairs (DCA)

1. Call to Order / Roll Call / Establishment of a Quorum

Ms. Cruz called the meeting to order at 11:01 a.m. Mr. Sweet called the roll. All members were present, and a quorum was established.

2. Review and Possible Approval of June 28, 2021 Committee Meeting Minutes

Motion: Mr. Sweet moved to approve the June 28, 2021 Committee Meeting Minutes.

Second: Ms. Cruz seconded the motion.

Public Comment: None.

Vote: 2-0 (Ms. Cruz-AYE and Mr. Sweet-AYE).

Motion: Carried.

3. Update on Board's Administration Program, Including Budget and Fund Condition, Business Modernization and Implementation of Connect System, and Status of Board's Pending Rulemaking Packages

Ms. Walker provided an overview of and update on the Board's Administration Program. Ms. Walker and Board Chair David Paris, D.C. represented the Board at the regional meeting of the Federation of Chiropractic Licensing Boards (FCLB) and participated in

discussions with representatives from other states regarding administrative, licensing, continuing education, and enforcement issues. Ms. Walker and Dr. Paris also participated in a Chiropractic Roundtable hosted by the California Chiropractic Association (CalChiro) with representatives from California's chiropractic colleges, CalChiro, and the Foundation for Chiropractic Progress (F4CP).

Ms. Walker updated the Committee on the Business Modernization Project, also known as Connect. On July 1, 2022, the Board added functionality to the system to waive the application and initial license fees for spouses of active-duty members of the military who are assigned to a duty station in California and hold a current license to practice in another state, as required by Business and Professions Code (BPC) section 115.5. In August 2022, the Board implemented the Department of Health Care Access and Information (HCAI) health workforce data survey for licensees to complete during their electronic license renewal process, as required by BPC section 502.

Ms. Walker explained the Board is currently in the maintenance and operations phase of this project and has been focusing on system enhancements to: increase the system utilization rate; simplify the online renewal process for doctor of chiropractic licenses; make the applicant and licensee dashboards easier and more intuitive for users to navigate; provide the ability for licensees to maintain and store their continuing education (CE) course records in the system; and prominently display a list of Board links and resources and direct contact information for each of Board's units on the user dashboard. These enhancements are expected to be released in fall 2022, and after they have been implemented, Board staff will work on the development of the CE provider and course approval processes in the system. Ms. Cruz asked how licensees would be notified of the updates to the Connect system to improve utilization.

Ms. Walker replied the primary point of contact is sharing information via Listserv, the website, and social media.

Ms. Walker stated Board staff has been conducting a comprehensive review of its existing paper-based licensing and CE processes to identify and remove any duplicative or unnecessary steps, improve processing timeframes, and prepare for the integration of these processes into the Connect system. In addition, staff from each of Board's units have been cross trained on most of the licensing functions to better assist applicants, licensees, and members of the public who contact the Board. The Board's Enforcement Unit also began a project with DCA's Organizational Improvement Office (OIO) to evaluate the complaint intake, desk investigation, and field investigation processes and to identify strategies that will improve productivity, reduce investigation timeframes, and provide excellent customer service to those involved in the consumer complaint process. The recommendations from this project are expected to be fully implemented throughout fiscal year 2022-23.

Ms. Walker informed the Committee that all pending regulatory proposals are in an internal review process with staff and/or committees. Board staff recently met with regulatory counsel to discuss the status of each proposal and develop a plan for moving

them forward. The packages for Delegation of Authority to the Assistant Executive Officer and amendments to CE distance learning requirements are planned to be submitted for legal review soon.

Ms. Cruz asked if the regulatory package regarding California Code of Regulations (CCR), title 16, section 384 had defined “natural disaster.” Ms. Walker stated she would need to verify, but believed natural disaster was defined by reference to a statute. Ms. Walker noted this proposal is planned to be returned to the CE Committee for further discussion in December 2022.

Ms. Walker indicated the draft strategic plan will be presented to the Board for adoption at the October 27, 2022 Board meeting. On September 13, 2022, Governor Newsom issued an executive order that requires strategic plans in effect after July 2023 to be updated to more effectively advance equity and drive outcomes that increase opportunity for all. DCA is evaluating its strategic planning processes and will be working with boards and bureaus in early 2023 on updates to current plans. DCA has requested the Board proceed with the current strategic plan scheduled to be adopted at the October meeting and the Committee will work with DCA next year to make any necessary updates.

Ms. Walker updated the Committee on the budget. She stated the current revenue projections are based on conservative estimates of the amount of applications received under the new fee amounts. She noted Senate Bill (SB) 1434 (Roth, Chapter 623, Statutes of 2022) gives the Board the authority to raise the license renewal fee further through regulation, if necessary.

Public Comment: None.

4. Update and Discussion on Legislation:

- A. [Assembly Bill \(AB\) 1102 \(Low, Chapter 684, Statutes of 2022\)](#) Telephone medical advice services.
- B. [AB 1604 \(Holden, Chapter 313, Statutes of 2022\)](#) Civil service: the Upward Mobility Act of 2022.
- C. [SB 731 \(Durazo, Chapter 814, Statutes of 2022\)](#) Criminal records: relief.
- D. [SB 1237 \(Newman, Chapter 386, Statutes of 2022\)](#) Licenses: military service.
- E. [SB 1434 \(Roth, Chapter 623, Statutes of 2022\)](#) State Board of Chiropractic Examiners.

Ms. Ah Po provided the Committee with an update on legislation affecting the Board. AB 1102 (Low) was signed by Governor Newsom on September 28, 2022, and clarifies that telephone medical advice services are required to ensure all health care professionals who provide telephone medical advice from an out-of-state location are operating consistent with the laws governing their respective licenses. This bill also specifies that a telephone medical advice service is required to comply with all directions and requests for information made by the respective healing arts licensing

boards. In addition, this bill removes the requirement that a telephone medical advice service notify DCA of changes in their contact information, as specified.

Ms. Ah Po stated AB 1604 (Holden) was signed by Governor Newsom on September 13, 2022, and establishes the Upward Mobility Act of 2022. AB 1604 initially contained specified diversity requirements for volunteer members of state boards and commissions; however, these provisions were removed through amendments in the Senate on August 11, 2022. This bill no longer has direct impacts on the Board but will affect the recruitment and hiring of state employees.

Ms. Ah Po continued with SB 731 (Durazo) which was signed by Governor Newsom on September 29, 2022. This bill expands automatic arrest record and conviction relief to additional felony offenses, as long as that conviction does not require registration as a sex offender. This bill also expands discretionary expungement relief to include felonies where the defendant was sentenced to state prison. However, this relief will not release the individual from the terms and conditions of unexpired criminal protection orders.

Ms. Cruz asked if there were any staff concerns regarding SB 731. Ms. Walker stated this bill will potentially impact the license application process and the Board's ability to deny licenses based on criminal history information.

Ms. Ah Po addressed that SB 1237 (Newman) was signed by Governor Newsom on September 17, 2022. SB 1237 clarifies the definition of "active duty" to include active duty in the United States Armed Forces and "on duty" in the California National Guard.

Lastly, Ms. Ah Po updated the Board on its Sunset Review bill, SB 1434 (Roth) which was signed by Governor Newsom on September 27, 2022. This bill requires the Board to be subject to the Sunset Review process as if the Act were scheduled to be repealed on January 1, 2027, requires the Board to include the telephone numbers and email addresses of licensees in the Board's directory, and requires licensees to immediately notify the Board of a change in contact information. SB 1434 removes specified exemptions from the probation status disclosure requirement for licensees placed on probation by the Board and includes an updated fee schedule. This bill also requires the Board to submit a report to the Legislature that includes an update on the Board's license fee structure and whether the Board needs to consider plans for restructuring its license fees by January 1, 2027. This bill will require action by the Board in many ways, including:

- The Board will need to begin collecting telephone numbers and email addresses from all licensees beginning January 1, 2023. Staff will be working with DCA's Office of Information Services to update the renewal form to request this information at the time of renewal. In addition, some updates may be needed to the Board's legacy database to store the email addresses.
- Enforcement staff will be working with the Attorney General's office to ensure the updated probation status disclosure requirement is included in future stipulated

settlements. In addition, this requirement will be incorporated in the updates to the *Disciplinary Guidelines* that are currently being developed by the Board's Enforcement Committee.

- Staff will be working with the Government and Public Affairs Committee to develop the required report to the Legislature on the Board's license fee structure and whether the Board needs to consider plans for restructuring its fees.

Ms. Cruz asked for a timeline for the Committee to develop the report to the Legislature regarding the Board's license fee structure. Ms. Walker stated the Committee will continue to monitor the budget at each of its meetings and will begin evaluating data regarding the impacts of the fee increase by January 2024.

Public Comment: None.

5. Review, Discussion, and Possible Recommendation Regarding Proposed Changes to the Board's Records Retention Schedule

Ms. Walker presented Board staff's proposed changes to its records retention schedule. The Board is required to manage its records in accordance with the policies and procedures established by DCA and the California Records and Information Management Program (CalRIM). The maintenance, retention, preservation, and disposal of state records are accounted for by maintaining a current records retention schedule. The Board's most recent records retention schedule, Schedule No. 2014-01, was filed with CalRIM on April 18, 2014, expired on April 22, 2019, and must be updated. Most of the necessary updates to the schedule are administrative in nature, such as adding records from the Connect system, accounting for additional electronic records, and ensuring the types of records within each of the Board's units are accurately reflected in the schedule.

Ms. Walker informed the Committee that the last schedule specified the retention of Board meeting minutes for a total of 27 years. Due to the fact that meeting minutes provide a historical record of all formal action taken by the Board, staff recommends increasing this retention period and maintaining these records for 100 years.

Ms. Walker established that the last schedule specified the retention of continuing education records for just one year. Staff recommends increasing this retention period to five years to align it with the Board's auditing period for licensees' continuing education records. This change will ensure staff is able to cross-reference the approved course records when conducting audits of licensees' course completion records.

Ms. Walker stated the previous schedule specified the retention of disciplinary case files (identified as "administrative cases" in the schedule), including cases resulting in the revocation or surrender of a license, for a total of 25 years. This timeframe is problematic as a former licensee could potentially file a new application for licensure or petition the Board for reinstatement of their revoked or surrendered license after the

disciplinary case file has been destroyed. Therefore, staff recommends raising the retention period for disciplinary case files that result in the revocation or surrender of a license from 25 years to 75 years.

Ms. Cruz asked why 100 years was specified for the Board meeting minutes. Ms. Walker stated 100 years is the maximum amount of time a document could be retained, and the meeting minutes should be retained for the maximum length of time possible due to their historical relevance.

Mr. Sweet inquired if electronic storage could be utilized as opposed to a storage facility. Ms. Walker stated that this is the long-term goal for the Board's records and noted the Connect system allows for records to be stored electronically. For remediation of older documents, the current departmental system utilized does not meet all of the requirements specified by law so the Board cannot completely purge underlying paper files at this time, but Board staff are exploring potential software solutions.

Mr. Sweet asked if there would be an added financial burden by increasing the retention schedule. Ms. Walker stated there is a nominal fee each month when records are stored at the State Records Center but noted it would not significantly affect the Board's expenses.

Ms. Cruz asked if the Board would be working with a third party for the electronic records storage. Ms. Walker stated it would involve the Board working with DCA to identify a software platform that meets the applicable requirements, and it would likely be a third-party contract. This will aid the Board's efforts to go paperless.

Ms. Cruz asked if the move to electronic records was an agency-wide approach or if it was specific to the Board. Ms. Walker stated it is specific to each of the programs and there are other boards and bureaus that utilize electronic records storage software.

Motion: Mr. Sweet moved to recommend to the Board that the records retention schedule be amended to retain meeting minutes for 100 years, continuing education records for five years, and disciplinary case files resulting in revoked or surrendered licenses for 75 years.

Second: Ms. Cruz seconded the motion.

Public Comment: None.

Vote: 2-0 (Ms. Cruz-AYE and Mr. Sweet-AYE).

Motion: Carried.

6. Review, Discussion, and Possible Recommendation Regarding the Onboarding Process for New Board Members

Ms. Ah Po provided an overview of the current onboarding process for new Board members. The Board Member Administrative Procedure Manual states that within six months of appointment, the new Board member shall travel to the Board office in Sacramento for orientation with the Executive Officer and one Board member assigned by the Board Chair. Items to be covered should include introductions to staff, review of staff roles and responsibilities, administrative processes, historical information, and overall expectations. Ms. Ah Po asked the Committee whether changes to this process are necessary in order to better support new Board members.

Ms. Walker asked Ms. Cruz and Mr. Sweet to reflect on their experiences as new Board members, as staff want to ensure the onboarding process is effective.

The Committee discussed ideas for improving the onboarding process, including the following:

- Providing a meet-and-greet with the Executive Officer and Board Chair prior to an orientation.
- Covering Board member roles and responsibilities and Board functions during a structured orientation session with the Executive Officer, an existing Board member, and legal counsel.
- Assigning an existing Board member to act as a mentor and point-of-contact for the new Board member.
- Including the option to conduct the meet-and-greet and orientation session virtually.
- Preparing and providing a comprehensive binder of materials on Board functions, committees and their roles, pertinent laws and regulations (i.e., the Bagley-Keene Open Meetings Act), chiropractic colleges, and the other agencies or associations involved with the Board (i.e., the Department of Consumer Affairs, the Federation of Chiropractic Licensing Boards, state and national associations, etc.).
- Designating a Board staff member as the single point-of-contact and creating a clear list of the deadlines for onboarding paperwork and training requirements.

Public Comment: None.

7. Public Comment for Items Not on the Agenda

Public Comment: None.

8. Future Agenda Items

Public Comment: None.

9. Adjournment

Ms. Cruz adjourned the meeting at 12:21 p.m.

DRAFT



**Agenda Item 3
December 5, 2022**

Update on Board's Administration Program, Including Budget and Fund Condition, Business Modernization and Implementation of Connect System, and Status of Board's Pending Rulemaking Packages

Purpose of the Item

The Executive Officer and Board staff will provide the Committee with an update on the Board's Administration Program activities, including:

- Budget and Fund Condition
- Business Modernization and Implementation of the Connect System
- Status of the Board's Pending Rulemaking Packages

Action Requested

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

Attachment

- Executive Officer's November 30, 2022 Memo to Committee Members Regarding Administration Program Activities



MEMORANDUM

Agenda Item 3 Attachment

DATE	November 30, 2022
TO	Members of the Board of Chiropractic Examiners' Government and Public Affairs Committee
FROM	Kristin Walker, Executive Officer
SUBJECT	Update on Board's Administration Program

This report provides an overview of recent Board of Chiropractic Examiners' (BCE) Administration Program activities.

BCE Board and Committee Meetings

The following meetings have been scheduled:

- December 2, 2022 – Continuing Education Committee
- December 5, 2022 – Government and Public Affairs Committee
- December 9, 2022 – Licensing and Enforcement Committees
- January 4, 2023 – Continuing Education Committee
- January 20, 2023 – Board
- April 20-21, 2023 – Board
- July 20, 2023 – Board
- October 19-20, 2023 – Board

Business Modernization Project and Implementation of the Connect System

BCE continues to collaborate with the Department of Consumer Affairs (DCA) Office of Information Services 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

On July 1, 2022, BCE added functionality to the system to waive the application and initial license fees for spouses of active duty members of the military who are assigned to a duty station in California and hold a current license to practice in another state, as required by [Business and Professions Code \(BPC\) section 115.5](#).

In August 2022, BCE implemented the Department of Health Care Access and Information (HCAI) health workforce data survey for licensees to complete during their electronic license renewal process, as required by [BPC section 502](#).

BCE is currently in the maintenance and operations phase of this project and has been focusing on system enhancements to:

- Fully implement cashiering functionality in the system for all business processes
- Increase utilization of the system by BCE licensees
- Simplify the online renewal process for doctor of chiropractic licenses
- Make the applicant and licensee dashboards easier and more intuitive for users to navigate
- Provide the ability for licensees to maintain and store their continuing education course records in the system
- Prominently display a list of BCE links and resources and direct contact information for each of BCE's units on the user dashboard

These enhancements are expected to be released in early 2023, and after they have been implemented, BCE will work on the development of the continuing education provider and course approval processes in the system.

Legislation Affecting the Board

[Senate Bill 1434 \(Roth, Chapter 623, Statutes of 2022\)](#) State Board of Chiropractic Examiners. This bill requires the Board to: 1) be subject to review by the appropriate policy committees of the Legislature as if the practice act was scheduled to be repealed on January 1, 2027; and 2) include the telephone numbers and email addresses of licensees in the Board's directory and require licensees to immediately notify the Board of a change of contact information. In addition, this bill removes specified exemptions from the probation status disclosure requirement for licensees placed on probation by

the Board. This bill also implements an updated fee schedule for the Board and directs the Board to submit a report to the Legislature that contains an update on the status of the Board's license fee structure and whether the Board needs to consider plans for restructuring its license fees.

Proposed Regulations

Annual Continuing Education Requirements for Licensees and Continuing Education Course Approval Process (Amend California Code of Regulations [CCR], Title 16, Sections 360-364): This proposal will amend the annual continuing education (CE) requirements for licensees, establish five course competency areas that will be approved by the Board, define the three recognized learning formats for CE courses, update the CE course review and approval process, and create a re-approval process for CE courses that have been previously approved by the Board. This proposal will be discussed by the Continuing Education Committee at its December 2, 2022 and January 4, 2023 meetings.

Approval of Chiropractic Schools and Educational Requirements (Amend 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 eliminate any unduly prescriptive content that could be restrictive to the evolving nature of higher education. This rulemaking file is being developed by staff.

Basic Life Support Certification for All Licensees (Amend CCR, Title 16, Section 371 and Add CCR, Title 16, Section 371.1): This proposal will mandate the maintenance of basic life support certification, including cardiopulmonary resuscitation (CPR), for all licensees as a condition of licensure in active status. This proposal is being developed by staff.

CE Exemptions and Reduction of Requirements (Add CCR, Title 16, Section 364.1): This proposal will create a process for granting an exemption from the annual CE requirement for a licensee who provides satisfactory proof to the Board that they have been adversely affected by a natural disaster or a state or federal declared state of emergency. This proposal is being developed by staff and is planned to be presented to the Continuing Education Committee for further discussion at a future meeting.

CE Provider Approval Process and Appeal Process for Denial of CE Courses and Providers: This proposal will establish minimum requirements for approval of CE providers and update the process for appealing the denial of a CE course or provider application. This proposal is currently being developed by the Continuing Education Committee and staff.

Delegation of Authority to the Assistant Executive Officer and Citation Program (Amend 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 (Amend 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 is developing necessary updates and revisions to BCE's *Disciplinary Guidelines* and the proposed language to amend CCR, title 16, section 384, incorporate the revised *Disciplinary Guidelines* by reference, and implement the Uniform Standards. Staff will present this proposal to the Enforcement Committee, and ultimately the Board, for review and discussion at future meetings.

Proposals Related to Consumer Protection Enforcement Initiative (CPEI): These regulatory proposals 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 had been working on a single CPEI regulation package and 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 has divided this proposal into six smaller regulation packages grouped by general topic. Staff is developing proposals for presentation to the Licensing Committee or Enforcement Committee, and ultimately the Board, for review and discussion at future meetings.

Record Keeping Requirements for Chiropractic Patient Records, Including Retention and Disposition of Records Upon Closure of Practice or Death/Incapacity of Licensee (Amend 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. In addition, this proposal will specify the retention period and requirements for the disposition of patient records. Staff is working with the Enforcement Committee to develop this proposal.

Records Retention Schedule

At the October 27, 2022 Board meeting, the Board approved the Government and Public Affairs Committee's recommendation to retain meeting minutes for 100 years, continuing education records for five years, and disciplinary case files resulting in revoked or surrendered licenses for 75 years. BCE staff is compiling an inventory of its current paper and electronic records and will work with DCA's records management coordinator to implement an updated records retention schedule in early 2023.

Review of Existing Licensing, CE, and Enforcement Processes

BCE staff has been conducting a comprehensive review of its existing paper-based licensing and CE processes to identify and remove any duplicative or unnecessary steps, improve processing timeframes, and prepare for the integration of these processes into the Connect system.

In addition, staff from each of BCE's units have been cross-trained on most of the licensing functions to better assist applicants, licensees, and members of the public who contact BCE.

BCE's Enforcement Unit also began a project with DCA's Organizational Improvement Office (OIO) to evaluate BCE's complaint intake, desk investigation, and field investigation processes and to identify strategies that will improve productivity, reduce investigation timeframes, and provide excellent customer service to those involved in the consumer complaint process. The recommendations from this project are expected to be fully implemented throughout fiscal year 2022-23.

Strategic Plan

BCE management worked with DCA's SOLID Training and Planning Solutions on preliminary activities for the development of the Board's 2022–2026 strategic plan. In March 2022, BCE distributed a survey to its external stakeholders to gather input and perspectives about BCE's performance and environment. In addition, SOLID conducted staff focus groups and interviewed Board members and leadership to help shape the framework and agenda for the Board's strategic planning session.

SOLID compiled and analyzed the results of the survey, focus groups, and interviews and prepared an environmental scan document to assist the Board in identifying and developing objectives for its next strategic plan. On August 18, 2022, SOLID facilitated and guided a strategic planning session for Board members.

At the October 27, 2022 meeting, the Board adopted its 2022–2026 strategic plan. On November 29-30, 2022, BCE staff participated in action planning sessions with SOLID to identify the specific tasks and actions that staff will take to implement each objective within the strategic plan.



Agenda Item 4 December 5, 2022

Update and Discussion on [New Issues and Recommendations from the Board's 2022 Sunset Review](#)

Purpose of the Item

The Committee will receive an update from staff and discuss the Board's progress on addressing the new issues and recommendations that were identified during the 2022 Sunset Review process.

Action Requested

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

Background

Board's 2021 Sunset Review Report and 2022 Joint Sunset Review Oversight Hearing

The Board'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 (Committees) on January 5, 2022.

On March 1, 2022, the Board received the [Background Paper](#) from Committee staff identifying issues and recommendations for the Board based on the Sunset Review Report. On March 7, 2022, Board Chair David Paris, D.C. and Acting Executive Officer Kristin Walker participated in the Joint Sunset Review Oversight Hearing held by the Committees. The Board's initial written responses to the new issues identified during the Sunset Review process were subsequently submitted to the Committees on April 6, 2022 (Attachment).

Following the 2022 Sunset Review process, the Board's policy committee review date was extended by four years until January 1, 2027, through [Senate Bill \(SB\) 1434 \(Roth, Chapter 623, Statutes of 2022\)](#).

Status Update on Progress in Addressing New Issues Identified During the 2022 Sunset Review Process

Over the next three years, the Board will focus on further addressing the 13 new issues that were identified during the 2022 Sunset Review process through strategic plan objectives and/or assignments to specific committees or the Executive Officer.

The table below contains a status update on each new issue identified:

Identified Issue	Assigned To	Current Status
<p>ISSUE #1: (BOARD COMPOSITION) Does BCE’s composition need to be updated to include additional members of the public or non-chiropractic medical professionals?</p>	<p>Government and Public Affairs Committee</p>	<p>The Board does not currently have an official position on this issue.</p> <p>Staff will gather information on the composition of other DCA healing arts boards and chiropractic boards in other states, and present that information to the Committee for an initial discussion of this issue at a future meeting.</p>
<p>ISSUE #2: (REGULATIONS) What is the current timeframe for BCE regulatory packages to be approved and finalized?</p> <p>Strategic Plan Objective 4.1: Increase efficiency in rulemaking processes to move pending regulatory packages forward, prevent a backlog of packages, and improve staff and Board effectiveness.</p>	<p>Executive Officer</p>	<p>Staff is working with regulatory counsel to identify strategies to move the pending regulatory proposals forward.</p> <p>In addition, new training requirements on the regulatory process are being implemented for staff.</p>
<p>ISSUE #3: (STRATEGIC PLAN) What is the status of the BCE’s strategic plan? In addition, what will be the priorities for upcoming strategic planning sessions?</p>	<p>Executive Officer</p>	<p>The Board adopted its 2022–2026 Strategic Plan on October 27, 2022, and staff participated in action planning with SOLID on November 29-30, 2022.</p> <p>No further is necessary on this issue at this time.</p>

Identified Issue	Assigned To	Current Status
<p>ISSUE #4: (FUND CONDITION AND FEES) BCE states the need for a statutory fee increase based on the result of a recent fee audit. Does the Board anticipate the need to further increase fees proposed by the fee study? What is causing the need for multiple fee increases over such a short period of time?</p> <p>Strategic Plan Objective 1.4: Continue to monitor the Board’s license fee structure to ensure the Board’s financial stability, maintain access to the Board’s services, and determine whether the Board needs to consider plans for restructuring its fees.</p>	<p>Government and Public Affairs Committee</p>	<p>SB 1434 implements an updated fee schedule for the Board effective January 1, 2023.</p> <p>Staff and the Committee will continue to closely monitor the Board’s fund condition and the impact of the new fee schedule.</p> <p>In early 2024, staff and the Committee will begin developing the required report to the Legislature on the Board’s license fee structure.</p>
<p>ISSUE #5: (FEE INCREASES AND BARRIERS TO CHIROPRACTIC PROFESSIONALS) With the need for statutory fee increases, has BCE considered how to minimize the impact of these fee increases on early-career chiropractic professionals or on underrepresented chiropractic professionals?</p>	<p>Licensing Committee</p>	<p>The Board is reducing the initial cost of licensure for new applicants through the updated fee schedule.</p> <p>In addition, the Licensing Committee will discuss the impacts of licensing fees and potential barriers to licensure at a future meeting.</p>

Identified Issue	Assigned To	Current Status
<p>ISSUE #6: (RECIPROCAL LICENSE REQUIREMENTS) BCE requires applicants that hold active licenses from other states and are seeking license reciprocity in California to have completed training and evaluation equivalent to California requirements. How do California licensing requirements compare to other states? Has the BCE considered revising license reciprocity requirements for candidates holding chiropractic licenses in other states or allow reciprocity with candidates who are licensed in other countries?</p> <p>Strategic Plan Objective 1.3: Review reciprocity requirements to minimize barriers to licensure in California.</p>	<p>Licensing Committee</p>	<p>The Committee will begin its discussion of the Board’s current reciprocity requirements at its December 9, 2022 meeting.</p> <p>In 2023, staff will research and compile detailed information on the chiropractic licensure requirements in other states and reciprocity requirements for related DCA healing arts boards and present that information to the Committee for consideration.</p>

Identified Issue	Assigned To	Current Status
<p>ISSUE #7: (CE) What accountability metrics are in place to ensure CE earned through distance learning is appropriate? Are licensees complying with CE requirements, as demonstrated in ongoing audits BCE staff conducts to determine CE was actually completed?</p> <p>Strategic Plan Objective 1.1: Complete comprehensive updates to the Board’s continuing education program and regulations to provide clarity and accessibility, and to ensure continuing licensee competency and public protection.</p>	<p>Continuing Education Committee</p>	<p>The Committee is developing a regulatory proposal to update the annual CE requirements for licensees and the approval process for CE courses.</p> <p>In addition, staff will resume audits of licensees’ CE records in December 2022, beginning with licenses renewed in July through September 2022, and provide updates to the Committee on the licensee compliance rate and observations from the audit process.</p>
<p>ISSUE #8: (PERFORMANCE-BASED ASSESSMENT OF LICENSEE COMPETENCY) Has the Board considered adding performance-based assessment of licensee competency in addition to or in lieu of CE coursework?</p>	<p>Continuing Education Committee</p>	<p>This issue will be discussed at a future Committee meeting.</p> <p>Staff is researching similar competency assessments by other boards.</p>

Identified Issue	Assigned To	Current Status
<p>ISSUE #9: (ENFORCEMENT TIMEFRAMES) Since the last sunset review, the BCE has reduced the time required to complete formal discipline, but it still has not been able to meet the target timeframes set by the BCE and DCA. Has the Board considered implementing additional measures to reduce enforcement timeframes?</p> <p>Strategic Plan Objective 2.2: Streamline internal enforcement processes and standards, including complaint intake, investigations, and case management activities, to increase efficiency and ensure timely action.</p>	<p>Executive Officer</p>	<p>The Enforcement Unit participated in a project with DCA's Organizational Improvement Office to evaluate the complaint intake, desk investigation, and field investigation processes and identify strategies to reduce timeframes. The recommendations from the project and other process improvements are being implemented throughout fiscal year 2022-23.</p>
<p>ISSUE #10: (PRACTICE VIOLATIONS) Has the Board sought additional enforcement measures to curb the spread of medical misinformation within the chiropractic community?</p>	<p>Executive Officer</p>	<p>The Board continues to encourage licensees and the public to report any misinformation within the chiropractic profession so the Enforcement Unit can investigate and take appropriate action.</p> <p>Staff continues to track enforcement actions taken related to this issue.</p>

Identified Issue	Assigned To	Current Status
ISSUE #11: (ENFORCEMENT DISCLOSURES) The Patient's Right to Know Act requires BCE licensees to disclose probationary status to patients. The BCE recommended in their report that two exemptions be removed from this Act (BPC § 1007 subdivision (c)) to strengthen consumer protection. Are there any additional measures that can be taken to ensure consumers are aware of the probationary status of licensees?	Enforcement Committee	Staff will develop recommendations on additional measures to ensure consumers are aware of licensees' probationary status and present those recommendations to the Committee for discussion at a future meeting.

Identified Issue	Assigned To	Current Status
<p>ISSUE #12: (IMPACTS OF THE COVID-19 PANDEMIC) Since March 2020, there have been a number of waivers issued through Executive Orders that impact BCE operations, BCE licensees, providers, and patients throughout the state. Do any of these waivers warrant an extension or statutory changes? How has the BCE addressed issues resulting from the pandemic and how does the Board aim to continue to address these issues as the pandemic endures?</p>	<p>Government and Public Affairs Committee</p>	<p>This issue will be discussed by the Committee at a future meeting.</p>
<p>ISSUE #13: (TECHNICAL CHANGES MAY IMPROVE EFFECTIVENESS OF BCE OPERATIONS) There are amendments to BCE’s Practice Act that are technical in nature but may improve BCE operations and the enforcement of the Act.</p>	<p>Government and Public Affairs Committee</p>	<p>This issue, including potential challenges, will be discussed by the Committee at a future meeting.</p>

Attachment

- Board of Chiropractic Examiners’ Responses to Identified Issues and Staff Recommendations in Background Paper, April 2022

CALIFORNIA BOARD OF CHIROPRACTIC EXAMINERS' RESPONSES TO IDENTIFIED ISSUES AND STAFF RECOMMENDATIONS IN BACKGROUND PAPER

**Joint Sunset Review Oversight Hearing, March 7, 2022
Senate Committee on Business, Professions, and Economic Development
and Assembly Committee on Business and Professions**

BCE ADMINISTRATION ISSUES

ISSUE #1: (BOARD COMPOSITION) Does BCE's composition need to be updated to include additional members of the public or non-chiropractic medical professionals?

Staff Recommendation: *The Committees should discuss whether a proposal to alter the BCE's composition may be beneficial to the Board, patients, and the public.*

BCE Response: The Board of Chiropractic Examiners' ("BCE" or "Board") mission is to protect the health, welfare, and safety of the public through licensure, education, and enforcement in chiropractic care. The seven Board member positions, including two public members, are appointed by the Governor and are held accountable by the Governor's administration. The Board conducts its business transparently through open public meetings consistent with its duty to protect and serve the public, not the chiropractic profession.

During prior sunset reviews, the Board expressed its receptivity to the idea of increasing public representation on the Board, as the Board recognizes the beneficial perspectives gained by public members on the issues that face consumers and the profession. However, the fiscal concerns related to amending the Chiropractic Initiative Act through the ballot initiative process remain a deterrent to updating the composition of the Board.

The current Board has not discussed and does not have an official position on the issue of adding non-chiropractic medical professionals to the Board. The Board plans to consider this recommendation during the strategic planning session in August 2022.

ISSUE #2: (REGULATIONS) What is the current timeframe for BCE regulatory packages to be approved and finalized?

Staff Recommendation: *BCE should provide the Committees with an update on pending regulations and the current timeframes for regulatory packages. In addition, the BCE should inform the Committees of any achieved efficiencies in promulgating regulations in recent years.*

BCE Response: BCE is pleased to report that the creation of the new Regulations Unit within the Department of Consumer Affairs (DCA) Office of Legal Affairs has reduced the timeframes for reviewing regulatory packages and provides valuable support to BCE

in developing and promulgating regulations. During this reporting period, BCE's average timeframe for completing the entire regulatory process was about two years, and through collaboration with DCA's Regulations Unit, BCE plans to achieve further efficiencies in completing its regulatory workload during the next reporting period.

The primary issue facing BCE's regulatory program is the workload that remains in the concept development phase prior to the formal departmental and agency regulatory review process. Below is the status of BCE's pending 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 (CCE), as well as eliminate any unduly prescriptive content that could be restrictive to the evolving nature of higher education. This rulemaking file is currently being developed by staff and is planned to be noticed in fiscal year 2022-23.
- **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 for review and discussion by the Board's Enforcement Committee.
- **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. BCE staff has been working on the CPEI regulation package and determined that additional changes are necessary prior to proceeding with the regulatory process. To expeditiously move this proposal forward, BCE divided it into six smaller regulation packages grouped by general topic. BCE staff is working with DCA Regulations Unit legal counsel to develop and update proposed language for each of the regulation packages and will 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 regulatory 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 Board's Licensing & 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 fiscal year 2022-23.
- **Disciplinary Guidelines and Uniform Standards for Substance Abusing Licensees (CCR, Title 16, Section 384):** BCE 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. Through collaboration with DCA regulatory legal counsel, staff is making necessary updates and revisions to BCE’s *Disciplinary Guidelines* and will 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. BCE staff will work with DCA regulatory legal counsel on proposed language to amend this regulation and will present it to the Board’s Enforcement Committee for review at a future meeting.

Currently, BCE has only one staff position dedicated to completing regulatory and policy work for the Board, and due to staff vacancies, this position is often redirected to assist with performing BCE’s essential business functions, such as licensing and enforcement work. BCE management has made these pending regulatory proposals the top priority for this year and is actively working to move these concepts forward. To make that happen, and as part of a broader effort to make BCE’s internal operations more efficient, BCE management is working closely with DCA’s Office of Human Resources on a reorganization plan to separate the existing “Administrative/Licensing Unit” into two distinct units and reclassify and redirect an existing vacant position to the Administrative Unit to assist with BCE’s regulatory workload.

ISSUE #3: (STRATEGIC PLAN) What is the status of the BCE’s strategic plan? In addition, what will be the priorities for upcoming strategic planning sessions?

Staff Recommendation: BCE should provide the Committees with an update on the status of upcoming meetings for the BCE strategic plan. The Board should also inform the Committees the Board’s priorities for the strategic plan.

BCE Response: The Board is currently working with DCA's SOLID Training and Planning Solutions (SOLID) to develop its next strategic plan. This process began in January 2022 with preliminary work by BCE staff and SOLID to establish a timeline and plan for the activities needed to create the next strategic plan. On March 1, 2022, BCE distributed a survey to its external stakeholders to gather important input and perspectives on how the Board is doing by identifying strengths, weaknesses, opportunities, and threats for the future direction of the Board. In addition, SOLID conducted staff focus groups and interviewed Board members and leadership to help shape the framework and agenda for the Board's strategic planning session. In spring 2022, SOLID will compile and analyze the results from the survey, focus groups, and interviews into an environmental scan document to be discussed during strategic planning.

During the Board's all-day strategic planning session on August 18, 2022, the Board will focus on the trends identified through the environmental scan, as well as this sunset review, and develop objectives for the new strategic plan in the areas of licensing and professional qualifications, enforcement, public relations and outreach, laws and regulations, and organizational development. SOLID will then use the information gathered at the planning session to draft BCE's next strategic plan for review and approval by the Board during the October 27, 2022 meeting. After the strategic plan has been adopted by the Board, SOLID will develop a comprehensive action plan for BCE to guide the completion of the strategic plan objectives by identifying major tasks, assigning responsible parties, and establishing due dates.

BUDGET ISSUES

ISSUE #4: (FUND CONDITION AND FEES) BCE states the need for a statutory fee increase based on the result of a recent fee audit. Does the Board anticipate the need to further increase fees proposed by the fee study? What is causing the need for multiple fee increases over such a short period of time?

Staff Recommendation: *BCE should provide an update on the status of discussions with licensees and the Department of Finance to assist the Legislature in charting a course forward that allows BCE to have the resources to conduct its important work. This should include discussions of cost-saving measures, fee increases, and long-term plans to bolster the reserve balance to sustainable levels.*

BCE Response: As a special fund entity, BCE's annual budget is funded exclusively by the chiropractic profession through licensing and other regulatory fees. Despite ongoing efforts to closely monitor and limit BCE's expenses, increasing operating and enforcement costs continue to outpace the annual revenue received through licensing and regulatory fees. Without an increase in revenue, BCE's fund is projected to become insolvent by fiscal year 2023-24.

In order to determine the level to set its fees, BCE contracted with Matrix Consulting Group to conduct a fee analysis, assess the current fees charged, and determine what the fees should be based on actual workload and expenditures. As a result of this analysis, Matrix Consulting Group concluded BCE is under-recovering its costs by approximately \$1.4 million and the majority of these costs relate to BCE's Continuing Education (CE) Program.

BCE is seeking to realign its fees with the actual costs associated with providing specific services, and is working with DCA's Budget Office to develop a final proposed fee schedule that will equitably distribute BCE's operational costs between applicants, licensees, and CE providers based on their utilization of BCE's services and provide long-term stability for BCE's fund. The Board will review and discuss the final fee proposal during its April 22, 2022 meeting.

The prior fee study that provided the basis for the last fee increase by BCE did not account for costs associated with the Business Modernization IT Project, repayment of the \$2.689 million loan obtained from the Bureau of Automotive Repair (BAR), or the unanticipated and substantial rate increase for legal services provided to the Board by the Attorney General's Office. The current fee study by Matrix Consulting Group takes these factors into account, along with a future growth factor to rebuild six months of reserves within five years.

Despite BCE's efforts to control costs and delay purchases, the increases in state employee compensation and the Attorney General's Office billing rates, along with the factors that were not considered during the prior fee study, have created the need for an additional fee increase for BCE to avoid insolvency, as there are currently no alternative mechanisms to fund BCE's administrative and enforcement expenses.

The Board expects to achieve some savings in its operational expenses through increased use of the new Connect system to automate licensing functions and reduced travel costs with the use of videoconferencing technology to conduct meetings and interviews. In addition, after BCE has repaid the BAR loan, the Board will reassess its fund condition to determine if a portion of its fees can be reduced.

ISSUE #5: (FEE INCREASES AND BARRIERS TO CHIROPRACTIC PROFESSIONALS) With the need for statutory fee increases, has BCE considered how to minimize the impact of these fee increases on early-career chiropractic professionals or on underrepresented chiropractic professionals?

Staff Recommendation: *BCE should update the Committees on the impacts of proposed fee increases on current and future licensees.*

BCE Response: BCE used a prior fee study as the basis for setting the initial license application fees that are currently being charged to applicants. The latest fee study conducted by Matrix Consulting Group revealed how efficiencies gained in the initial license process through increased use of BCE's new Connect system have reduced the overall costs for obtaining initial licensure as a doctor of chiropractic in California.

Through BCE's new fee proposal, the Board is seeking to realign its fees with the actual cost of providing those fee-based services and will reduce the initial cost of licensure for new applicants from \$557 to \$482.

Although the National Board of Chiropractic Examiners' [Practice Analysis of Chiropractic 2020](#) indicates diversity is increasing in the chiropractic profession, the Board recognizes women and racial minorities are underrepresented in the chiropractic community. The Board notes that the proposed increase of in the annual license renewal fee is marginal compared to the other significant barriers facing new graduates and those who may be interested in entering the chiropractic profession, such as the cost of a chiropractic education program, including student loan debt payments, and the expenses incurred while establishing a new chiropractic practice. Although doctors of chiropractic are increasingly working in integrated health care settings, the majority of licensees still practice independently in solo practice or with associate licensees in the same office. Licensees are primarily self-employed and in addition to patient care, they face the challenges of managing their own practice – starting a small business, acquiring and maintaining the physical space and equipment needed to practice, and supervising office and support staff.

The Board has not formally studied the impacts of licensing fees or these other challenges on early-career or underrepresented professionals and plans to discuss this topic during the strategic planning session for inclusion in the Board's next strategic plan.

BCE LICENSING ISSUES

ISSUE #6: (RECIPROCAL LICENSE REQUIREMENTS) BCE requires applicants that hold active licenses from other states and are seeking license reciprocity in California to have completed training and evaluation equivalent to California requirements. How do California licensing requirements compare to other states? Has the BCE considered revising license reciprocity requirements for candidates holding chiropractic licenses in other states or allow reciprocity with candidates who are licensed in other countries?

Staff Recommendation: BCE should provide the Committees with information about reciprocity requirements and whether statutory updates are necessary.

BCE Response: To be eligible for licensure as a doctor of chiropractic in California through interstate reciprocity, an applicant must:

- Have graduated from a Board-approved chiropractic college and completed the minimum number of hours and subjects as were required by California law at the time the applicant's license was issued.
- Completed equivalent successful examination in each of the subjects examined in California in the same year as the applicant was issued a license in the state from which they are applying.

- Hold a valid and up-to-date license in the state from which they are reciprocating and that state must reciprocate with California.
- Have five years of chiropractic practice.
- Take and pass the California Chiropractic Law Examination.
- Pay the non-refundable application fee and the initial licensure fee, if licensure is granted.

If an applicant is unable to meet these requirements, they must apply through the standard initial license application process. Currently, the processes and requirements for both pathways to licensure in California are very similar, except reciprocity allows for licensure under prior formats of the national examination and requires at least five years of licensure in another state.

California's licensing requirements are generally comparable to other states, as applicants must complete pre-chiropractic education, graduate from an approved chiropractic college, submit fingerprints for a background check, and pass a national examination and state-specific jurisprudence examination.

The Board shares the Committees' interest in developing efficient pathways to licensure as a doctor of chiropractic in California through interstate and international reciprocity and plans to consider this issue during its strategic planning session in August 2022.

ISSUE #7: (CE) What accountability metrics are in place to ensure CE earned through distance learning is appropriate? Are licensees complying with CE requirements, as demonstrated in ongoing audits BCE staff conducts to determine CE was actually completed?

Staff Recommendation: BCE should address how it will ensure that chiropractors across the state can continue to access required CE training, the accountability for those courses, and the status of CE evaluation and discussions.

BCE Response: BCE ensures the quality of CE instruction by conducting a thorough review and approval of CE providers and the courses they offer to California licensees to fulfill the annual CE requirement. In addition to providing the course content, instructor's background, and advertisements for BCE review, providers of CE courses offered through distance learning must also: explain the appropriate level of technology required for a licensee to successfully participate in the course; make technical assistance available to participants; include security measures to protect the participant's identity and course content from unauthorized access; and establish a deadline for completion of the course. BCE holds CE providers accountable for their courses through random audits of course content and attendance records.

The Board's Licensing & Continuing Education Committee is developing comprehensive changes to BCE's CE requirements to expand the background check and minimum requirements for CE providers and to align the course categories with the core competencies necessary for licensees to safely practice in California. The Committee

recognizes the benefits of live, interactive online learning, including the accessibility it provides to licensees located in remote areas of the state. In response to the expiration of the CE waivers, the Committee made a motion to move forward with a regulatory proposal to narrow the definition of distance learning to asynchronous coursework, thereby giving coursework completed via live, interactive videoconferencing platforms the same standing as the traditional in-person classroom learning environment, with the exception of chiropractic adjustive technique courses, which must be held in-person due to the hands-on nature of the instruction on this subject matter. This proposal would also provide the Board with the authority to grant exemptions to the continuing education requirements in cases where licensees have been affected by a state of emergency, such as a pandemic or wildfire. The Board is scheduled to consider this proposal during its April 22, 2022 meeting.

As noted in the Board's report, in fiscal years 2017-18 through 2019-20, BCE audited CE records of 3,456 licensees and found 531 cases, or 15.4%, where licensees had failed to comply with the annual CE requirement. Of the 531 failed audits, BCE found 101 cases (2.9%) where licensees had failed to take any CE during the license renewal period which was audited, 107 cases (3.1%) where licensees failed to respond to BCE's audit notices, and 323 cases (9.4%) where licensees completed CE but were missing some of the required hours or mandatory topic areas. BCE took appropriate enforcement action against these licensees by issuing letters of admonishment or citations and fines for these failed audits.

Beginning in fiscal year 2020-21, BCE temporarily paused the CE audits due to the waivers issued by DCA that allowed licensees additional time to comply with the CE requirement. BCE is preparing to resume the CE audits in May 2022 at an initial rate of 10% and will be closely monitoring the results of the audits to ensure licensees are complying with the annual CE requirement.

Also, through BCE's Business Modernization IT Project, BCE is working with DCA's Office of Information Services and the software vendor to implement CE provider and course applications and records in the Connect system. As part of this project, BCE is planning to integrate primary source verification of CE records by Board-approved CE providers and incorporate that data into licensees' records in the system with a goal of achieving 100% licensee compliance with the Board's CE requirements at the time of license renewal.

ISSUE #8: (PERFORMANCE-BASED ASSESSMENT OF LICENSEE COMPETENCY)
Has the Board considered adding performance-based assessment of licensee competency in addition to or in lieu of CE coursework?

Staff Recommendation: The Board should provide information about the positive and negative impacts that could arise from utilizing performance-based assessment of licensee competency, either in addition to or in lieu of CE coursework, and whether the BCE has considered this possibility for the future.

BCE Response: The Board has not discussed utilizing performance-based assessments of licensee competency in lieu of, or in addition to, the annual CE requirement for license renewal. The Board plans to discuss this issue during the strategic planning session in August 2022.

However, the Board's Licensing & Continuing Education Committee has discussed requiring examinations and course evaluations in Board-approved CE courses as part of the comprehensive updates to the Board's CE requirements. In addition, concerns regarding a licensee's competency are often brought to the Board's attention through the complaint, investigation, and disciplinary process. The Board is committed to consumer protection and safety, and routinely orders ethics and boundaries assessments, post-licensure examinations for assessing clinical competency, and mental and physical evaluations in cases where the Board questions a licensee's continued ability and fitness to practice chiropractic.

BCE ENFORCEMENT ISSUES

ISSUE #9: (ENFORCEMENT TIMEFRAMES) Since the last sunset review, the BCE has reduced the time required to complete formal discipline, but it still has not been able to meet the target timeframes set by the BCE and DCA. Has the Board considered implementing additional measures to reduce enforcement timeframes?

Staff Recommendation: *The BCE should provide an update on enforcement timeframes and efforts for efficiency and swift resolution of disciplinary cases.*

BCE Response: BCE is committed to protecting consumers through its robust Enforcement Program and previously set an aggressive goal of closing investigations within an average of 120 days, as well as imposing discipline within the DCA-wide standard timeframe of 540 days. By leveraging technology and reorganizing existing staff duties, BCE expects to achieve these targets within the next few years.

Technological Changes

BCE has been collaborating with DCA's Office of Information Services and three other programs to develop and implement a new application, licensing, and enforcement system known as "Connect." Through this effort, BCE created a system-integrated complaint form for the public and transitioned all new complaints and investigations to the Connect system effective July 1, 2021, to streamline the complaint intake and investigation process. In November 2021, BCE added its remaining enforcement processes – citation and fine, discipline, and probation monitoring – to the Connect system.

In addition, as a direct result of the COVID-19 pandemic, BCE's enforcement staff began using remote videoconferencing technology to conduct interviews of

complainants, licensees, other witnesses, and probationers, which resulted in a significant reduction in staff time and travel expenses.

BCE is currently working on refinements to the Connect system to enhance the reporting tools and provide more comprehensive data to allow the Board to identify and track emerging and trending consumer protection issues, as well as measure effects of the Board's policy and regulatory changes on enforcement cases. Also, as noted in BCE's report, some contributing factors to case aging that are outside of BCE's control include the amount of time it takes for licensee arrests to eventually result in convictions, hearing scheduling with the Office of Administrative Hearings, licensee requests for hearing continuances, and witness availability for hearings. BCE is seeking the ability to use data from the Connect system to differentiate between the "active" investigation and "inactive" waiting phases of its enforcement cases to better identify specific areas where BCE can improve its enforcement processes.

Reorganization of BCE's Enforcement Unit

In addition to technological improvements, BCE has also been focusing on a reorganization of its staff to achieve further efficiencies in its internal operations. In January 2022, BCE added a clerical position to the Enforcement Unit to perform complaint intake activities, provide general information to the public, and support the existing analyst and investigator positions. BCE is also working with DCA's Office of Human Resources to separate the duties of the analysts within the Enforcement Unit. Currently, these analysts are responsible for cases from receipt through closure, including the disciplinary process. BCE is planning to designate a few staff positions to primarily perform desk investigations of complaints received while other staff focus on case management activities, such as mediating minor complaints, tracking arrest and conviction cases, issuing citations and fines, carrying out the discipline process, and monitoring licensees placed on probation. Through this increased specialization of duties performed by the enforcement analysts, BCE expects to reduce overall timeframes for its investigations and disciplinary cases.

ISSUE #10: (PRACTICE VIOLATIONS) Has the Board sought additional enforcement measures to curb the spread of medical misinformation within the chiropractic community?

Staff Recommendation: *BCE should provide an update on efforts to prevent the spread of medical misinformation within the chiropractic community, particularly in regard to the COVID-19 pandemic. In addition, BCE should describe how it plans to address unlicensed activity and professional conduct violations in regard to chiropractors providing services or medical advice beyond the scope of their training or legal practice.*

BCE Response: Consistent with the Board's mission to protect the health, welfare, and safety of the public, the Board has urged licensees to follow all public health guidelines issued by the Centers for Disease Control and Prevention and the California Department of Public Health.

Since March 2020, BCE has received a total of 132 complaints against licensees regarding the content of their advertising or the spread of misinformation about the ongoing COVID-19 pandemic. BCE was unable to substantiate the allegations or meet its burden of proof to be able to take action in 82 (62.1%) of those cases, as many of the complaints were filed anonymously or with limited information on the alleged violation.

BCE found 33 cases (25%) where licensees were advertising or inferring that chiropractic care and/or nutritional supplements could help patients reduce their risk of COVID-19 infection. In many cases, BCE found misleading information on licensees' websites with claims about the "immune boosting" effects of chiropractic along with general health, nutritional, and wellness advice. BCE took an educational approach to these investigations by notifying the licensees of the complaints, reviewing their responses, and closing the cases after the questionable or unsupported claims were removed from the licensees' websites or other advertisements. BCE also issued two citations and referred one egregious case for disciplinary action, and 14 complaints remain under investigation at this time.

The Board continues to encourage licensees and the public to report any misinformation within the chiropractic profession so BCE's Enforcement Unit can investigate and take appropriate action.

ISSUE #11: (ENFORCEMENT DISCLOSURES) The Patient's Right to Know Act requires BCE licensees to disclose probationary status to patients. The BCE recommended in their report that two exemptions be removed from this Act (BPC § 1007 subdivision (c)) to strengthen consumer protection. Are there any additional measures that can be taken to ensure consumers are aware of the probationary status of licensees?

Staff Recommendation: BCE should provide information on the impacts of amending the Patient's Right to Know Act.

BCE Response: Business and Professions Code (BPC) section 1007 requires licensees placed on probation on or after July 1, 2019, to provide a separate disclosure that includes the licensee's probation status, the length of the probation, the probation end date, all practice restrictions placed on the licensee by the Board, the Board's telephone number, and an explanation of how the patient can find further information on the licensee's probation on the licensee's profile page on the Board's online license information website, and obtain a signed copy of that disclosure from the patient, or the patient's guardian or health care surrogate, except under the conditions specified in subdivision (c).

BCE's Enforcement Unit conducts detailed intake interview sessions with each licensee placed on probation to ensure they understand and will comply with the terms and conditions of their probation. Since this notification requirement became effective, BCE staff has been consistently receiving questions from probationers related to the exemptions specified in BPC section 1007, subdivision (c), for "unscheduled visits" and

when “the licensee is not known to the patient until immediately prior to the start of the visit,” presumably in an attempt to find an avenue to circumvent this important patient notification requirement.

The Board finds this troubling as these two scenarios – unplanned visits and an unknown licensee providing treatment – illustrate situations where it is imperative that patients be informed of the licensee’s probationary status by the licensee, as the patients may not have had the opportunity to independently research the licensee’s background using BCE’s license search system prior to the visit.

Removing these two exemptions from BPC section 1007, subdivision (c), will protect the health, welfare, and safety of California chiropractic patients by ensuring they are properly notified of a licensee’s probationary status and can make informed decisions prior to receiving chiropractic care. These proposed amendments to this statute may negatively impact licensees placed on probation by the Board, particularly those who currently may be using these exemptions to avoid notifying their patients of their probationary status, but the Board believes the increased consumer protection provided through these proposed changes outweighs any potential negative impact to licensees who have been disciplined and placed on probation by the Board.

As an additional measure to ensure consumers are aware of the probationary status of licensees, BCE will continue to emphasize the importance for the public to use BCE’s online license search system to check the license status, background, and disciplinary records of a doctor of chiropractic prior to seeking care from that provider. This valuable online search tool allows the public to directly access up-to-date information regarding citations, accusations, and disciplinary actions against BCE licensees from their smartphone, tablet, or computer.

COVID-19

ISSUE #12: (IMPACTS OF THE COVID-19 PANDEMIC) Since March 2020, there have been a number of waivers issued through Executive Orders that impact BCE operations, BCE licensees, providers, and patients throughout the state. Do any of these waivers warrant an extension or statutory changes? How has the BCE addressed issues resulting from the pandemic and how does the Board aim to continue to address these issues as the pandemic endures?

Staff Recommendation: BCE should update the Committees on the impact to licensees and patients stemming from the pandemic and potential challenges for future doctors of chiropractic. BCE should discuss any statutory changes that are warranted as a result of the pandemic.

BCE Response: As portal-of-entry health care providers, doctors of chiropractic are members of the essential workforce and have continued to provide direct patient care and treatment throughout the COVID-19 pandemic.

The Board has not formally studied the impacts of the ongoing pandemic on licensees and chiropractic patients but plans to consider this issue during its upcoming strategic planning session in August 2022. The Board is aware that many doctors of chiropractic in California have experienced revenue losses due to decreased patient visits and higher costs to maintain their practices.

The Board also continues to monitor the increased use of telehealth in the chiropractic profession and will discuss any potential need for statutory or regulatory changes during its strategic planning session. Licensees who currently utilize telehealth in their practices must comply with existing laws and regulations relating to chiropractic care and BCE has not observed an increase in complaints relating to telehealth visits.

In response to the expiration of the waivers that were issued by the DCA Director, the Board is pursuing regulatory changes to provide permanent solutions to address the underlying need for the waivers. For example, BCE has developed a regulatory proposal to amend CCR, title 16, sections 330 through 331.16 (Approval of Chiropractic Schools and Educational Requirements) to align the curriculum standards for chiropractic colleges with the metrics identified by the accrediting body, the Council on Chiropractic Education (CCE), and eliminate any unduly prescriptive content that could be restrictive to the evolving nature of higher education. BCE plans to notice this package in fiscal year 2022-23.

In addition, as noted in response to Issue #7, the Board's Licensing & Continuing Education Committee recently voted to move forward with a regulatory proposal to narrow the definition of distance learning to asynchronous coursework, thereby giving coursework completed via live, interactive videoconferencing platforms the same standing as the traditional in-person classroom learning environment, with the exception of chiropractic adjustive technique courses, which must be held in-person due to the hands-on nature of the instruction on this subject matter. This proposal would also provide the Board with the authority to grant exemptions to the continuing education requirements in cases where licensees have been affected by a state of emergency, such as a pandemic or wildfire. The Board is scheduled to consider this proposal during its April 22, 2022 meeting.

BCE continues to support telework opportunities for its employees and recently upgraded its telephone and fax services to allow staff to utilize those services while they are teleworking or in the office. BCE has also increased its use of teleconferencing and collaboration tools and has been developing its new licensing and enforcement processes in the Connect system to support both office and remote work environments. However, BCE's current fund condition has prevented BCE from being able to purchase the necessary IT equipment to allow staff to effectively telework in a remote-centered environment on a full-time basis. As a result, BCE currently offers up to two days per week of remote work for its analytical staff and clerical support staff must perform their duties in the office.

TECHNICAL CHANGES

ISSUE #13: (TECHNICAL CHANGES MAY IMPROVE EFFECTIVENESS OF BCE OPERATIONS) There are amendments to BCE's Practice Act that are technical in nature but may improve BCE operations and the enforcement of the Act.

Staff Recommendation: *The Committees may wish to amend the Act to include technical clarifications.*

BCE Response: At this time, the Board does not have any recommended revisions to the Chiropractic Initiative Act. The Board plans to discuss this issue, including potential challenges with amending the Act, during its strategic planning session in August 2022 for consideration as a possible objective in BCE's next strategic plan.

CONTINUED REGULATION OF THE PROFESSION BY THE CURRENT PROFESSION BY THE BOARD OF CHIROPRACTIC EXAMINERS

ISSUE #14: (REGULATORY REVIEW) Review of the regulatory functions of the BCE.

Staff Recommendation: *BCE should be reviewed again on a future date to be determined.*

BCE Response: The Board agrees with the recommendation and thanks the Committees for this review.



Agenda Item 5 December 5, 2022

Review, Discussion, and Possible Recommendation Regarding the Onboarding Process for New Board Members

Purpose of the Item

The Committee will review, discuss, and provide feedback on planned improvements to the onboarding and orientation process for new Board members.

Action Requested

The Committee will be asked to provide feedback to staff on the proposed changes to the onboarding and orientation process.

Background

Strategic Plan Objective

The Board's 2022–2026 Strategic Plan contains an objective to re-design the board member onboarding procedures and orientation process to create effective board members.

Current Onboarding Policy

The Board Member Administrative Procedure Manual provides the following policy regarding the onboarding and orientation process for new Board members:

Board Member Onboarding and Orientation (Board Policy - 2013 BCE Strategic Plan)

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

Improvements Previously Discussed by the Committee

During the October 4, 2022 meeting, the Committee reflected on their onboarding experiences and discussed ideas for improving this onboarding process, including:

New Board Member Onboarding Process

December 5, 2022

Page 2

- Providing an initial meet-and-greet with the Executive Officer and Board Chair prior to an orientation.
- Covering Board member roles and responsibilities and Board functions during a structured orientation session with the Executive Officer, an existing Board member, and legal counsel.
- Assigning an existing Board member to act as a mentor and point-of-contact for the new Board member.
- Including the option to conduct the meet-and-greet and orientation session virtually.
- Preparing and providing a comprehensive binder of materials on Board functions, committees and their roles, pertinent laws and regulations, chiropractic colleges, and the other agencies and associations involved with the Board.

Proposed Changes to Onboarding and Orientation Process

Based on the Committee's discussion and feedback, staff recommends developing and implementing the following onboarding and orientation process:

During the First Week of Appointment

- The Executive Officer places an introductory call to the new member, explains the oath of office completion requirement, confirms the member's availability to participate in the next scheduled Board meeting and their preferred contact information (phone, email, and mailing address), informs them that a welcome package will be sent to them, and schedules an initial meet-and-greet session.
- The Board Liaison emails and ships a welcome package, consisting of a letter from the Board Chair, all mandatory paperwork and training information, and the Board Member Resource Binder, to the new member.

Within Two Weeks

- The Executive Officer hosts an initial meet-and-greet session for the new member. Participants include the Board Chair, Executive Officer, Assistant Executive Officer, and Board Liaison. Following introductions, the group will discuss the new member's goals and interests.
- Following the meet-and-greet session, the Board Chair will identify a current Board member to act as a mentor to the new member. The Executive Officer will facilitate the introduction of the mentor and new member.

New Board Member Onboarding Process

December 5, 2022

Page 3

- The Board Chair will also identify committee assignment(s) for the new member. The Executive Officer will facilitate the introduction of the new member to the committee chair(s).
- The Executive Officer and Board Liaison will assist the new member with any questions regarding the mandatory paperwork, ensure all deadlines are met, and submit the completed forms to the Department of Consumer Affairs (DCA) Office of Human Resources and Board and Bureau Relations.
- The Executive Officer and Board Liaison will coordinate and schedule an orientation session with the new member and also encourage the new member to sign up for the next available Board Member Orientation Training (BMOT) session offered by DCA.

Within 30-45 Days

- The Executive Officer conducts an orientation session with the new member at the Board's office or via videoconference. Participants include the Executive Officer, Assistant Executive Officer, Board Liaison, Board's legal counsel, and the mentor, if available.

Before the New Member's First Board Meeting

- The Executive Officer schedules a meeting with the new member and the mentor to review and discuss the meeting agenda and materials and answer any questions the new member may have prior to their first meeting.

As Needed (At Least Annually)

- The Board Liaison distributes a copy of any new or updated policies, procedures, or guidance documents to the Board for inclusion in their Board Member Resource Binder. The documents will also be posted in a shared cloud folder for electronic access by Board members.

At this meeting, the Committee is asked to review and discuss the proposed changes to the onboarding and orientation process and provide feedback to staff.



**Agenda Item 6
December 5, 2022**

**Review, Discussion, and Possible Recommendation Regarding Proposed
Updates to the Board Member Administrative Procedure Manual**

Purpose of the Item

The Committee will review and discuss potential updates to the Board Member Administrative Procedure Manual.

Action Requested

The Committee will be asked to review the proposed technical changes to the manual and consider whether any additional changes may be necessary.

Background

The Board Member Administrative Procedure Manual was initially adopted by the Board in October 2007 and was last revised in July 2021. The manual was created to serve as a reference guide regarding the functions of the Board and its committees, the roles of Board members, and procedures for Board and committee meetings. The manual also provides general information regarding policies, procedures, and training.

Staff made technical updates to the manual to reflect recent changes to the Board's mission statement, Board composition, and standing committees. These changes are indicated by underline and ~~strikeout~~ in the attached manual.

At this meeting, the Committee is asked to discuss the Board Member Administrative Procedure Manual and whether any additional changes to the Board policies within the manual should be considered.

Attachment

- Board of Chiropractic Examiners' Board Member Administrative Procedure Manual, Rev. July 2021 (with edits noted)

State of California

BOARD OF CHIROPRACTIC EXAMINERS BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

Adopted October 2007
Revised ~~July 2024~~ (DATE)



Gavin Newsom, Governor
State of California

MISSION STATEMENT

Our mission is ~~To~~ protect the health, welfare, and safety of the public through licensure, education, engagement, and enforcement in chiropractic care.

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

Members of the Board

~~Dionne McClain~~ David Paris, D.C., Chair
~~David Paris~~ Laurence Adams, D.C., Vice Chair
~~Frank Ruffino~~ Rafael Sweet, J.D., Secretary
~~Laurence Adams, D.C., DACNB~~ Janette N.V. Cruz, MBA
~~Rafael Sweet, Esq.~~ Pamela Daniels, D.C.

Executive Officer

~~Robert C. Puleo~~ Kristin Walker

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

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

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

TABLE OF CONTENTS

CHAPTER 1. Introduction	<u>Page</u>
Overview.....	5
State of California Acronyms.....	5
General Rules of Conduct.....	6-7
CHAPTER 2. Board Members & Meeting Procedures	
Membership.....	8
Role of Board Officers.....	8-9
Board Meetings and Offices.....	9
Quorum.....	10
Board Member Attendance at Board and Committee Meetings.....	10
Public Attendance at Board Meetings.....	10
Agenda Items.....	10
Notice of Meetings.....	10
Notice of Meetings Posted on the Internet.....	11
Board Meeting Locations.....	11
E-Mail Ballots.....	11
Holding Disciplinary Cases for Board Meetings.....	11-12
Record of Meetings.....	12
Meeting Rules.....	12
Public Comment.....	13
CHAPTER 3. Travel & Salary Policies & Procedures	
Travel Approval.....	14
Travel Arrangements.....	14
Out-of-State Travel.....	14
Travel Claims.....	14-15
Salary Per Diem.....	15
CHAPTER 4. Board Officers & Committees	
Officers of the Board.....	16
Nomination of Officers.....	16
Election of Officers.....	16
Officer Vacancies.....	16
Communication Between Officers.....	16
Committee Appointments.....	17
Standing Committees.....	17-18
Committee Meetings.....	18
Attendance at Committee Meetings.....	18-19

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

CHAPTER 5. General Operation Procedures

Board Member Addresses.....	19
Board Member Written Correspondence & Mailings.....	19
Communication with other Organizations & Individuals.....	19
Press Statements and Contacts.....	19
Business Cards.....	20
BCE Identification Cards.....	20

CHAPTER 6. Board Administration & Staff

Executive Officer.....	21
Executive Officer Evaluation.....	21
Board Administration.....	21
Board Staff.....	21
Board Budget.....	22
Strategic Planning.....	22
Periodic Fee Analysis.....	22

CHAPTER 7. Other Policies & Procedures

Various Other Tasks & Responsibilities.....	23
Board Member Disciplinary Actions.....	23
Terms and Removal of Board Members.....	23
Resignation of Board Members.....	23-24
Conflict of Interest.....	24
Contact with Licensees and Applicants.....	24
Contact with Respondents.....	24
Service of Legal Documents.....	25
Serving as an Expert Witness.....	25
Gifts from Licensees and Applicants.....	25
Ex Parte Communications.....	25-26
The Honoraria Prohibition.....	26
Board Member Orientation.....	27
Ethics Training.....	27
Sexual Harassment Prevention Training.....	27
Board Member Onboarding and Orientation.....	27
Injury to a Board Member.....	28
Addendums.....	28

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

CHAPTER 1. Introduction

Overview

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

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

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

State of California Acronyms

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

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

VCGCB

Victim Compensation and Government
Claims Board

General Rules of Conduct

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

- ❖ Board Members are part of a state regulatory board and their individual rights to make independent public comments or statements takes a second place to supporting a uniform public presentation of a cohesive board.
- ❖ Board Members shall comply with all provisions of the Bagley-Keene Open Meeting Act and other applicable rules, regulations, codes and laws governing public employees.
- ❖ Board Members shall not speak or act for the Board without proper preauthorization from the Chair and/or Executive Officer (EO) prior to making any statement or press release. When possible, the Board Chair, in consultation with the Vice Chair and EO, shall determine which Board members have expertise in respective areas to act as spokesperson for the Board.
- ❖ Board Members shall not privately or publicly lobby for, publicly endorse, or otherwise engage in any personal efforts that would tend to promote their own personal or political views or goals, as it pertains to issues related to jurisdiction of the Board, when those views or goals contradict an official position adopted by the Board.
- ❖ Board Members shall not accept gifts from applicants, licensees, or members of the profession while serving on the Board. All Fair Political Practices Act Rules shall be followed.
- ❖ Board Members shall maintain the confidentiality of confidential documents and information related to Board business. Always confirm with the EO whether information is public and may be disclosed. The public's access should be from a source other than a Board Member.
- ❖ Board Members should avoid discussion of confidential Board business with petitioners, licensees or persons not authorized to receive confidential and restricted enforcement information. Failure to do so may result in the Board Member having to recuse him/herself due to conflict of interest issues. All

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

consumers, applicants and licensees with enforcement related questions, concerns or complaints should be referred to the EO.

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

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

CHAPTER 2. Board Members & Meeting Procedures

Membership (§1 Initiative Act)

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

Role of Board Officers (Board Policy)

Board Chair

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

Vice Chair

- Is back-up for the above-referenced duties in the Chair's absence.
- Coordinates the EO performance evaluation, in consultation with DCA's Office of Human Resources and in accordance with the EO Annual Performance Appraisal Process. In consultation with the Chair and EO, establishes committees, including, but not limited to, two-person

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

committees/subcommittees and/or task forces to research policy questions when necessary.

- In consultation with the Chair, oversees assignment of Board Members to serve as liaison to the organizations listed in Ch. 7. Other Policies & Procedures.

Secretary

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

Committee Chair

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

Board Meetings and Offices (§6 Initiative Act)

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

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

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

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

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

Quorum (§3 Initiative Act)

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

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

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

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

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

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

Agenda Items (Board Policy)

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

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

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

Notice of Meetings (Government Code Section 11120 et seq.)

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

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

Notice of Meetings Posted on the Internet (Government Code Section 11125 et seq.)

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

Board Meeting Locations (Board Policy)

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

E-Mail Ballots (Government Code Section 11526 and Board Policy)

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

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

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

Holding Disciplinary Cases for Board Meetings (Board Policy)

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

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

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

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

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

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

Record of Meetings

(Board Policy and Government Code Section 11124.1(b))

Board minutes must be approved or disapproved at the next scheduled meeting of the Board. When approved, the minutes shall serve as the official record of the meeting. The minutes of each Board meeting shall be maintained for ~~27~~ 100 years per the Board's retention schedule.

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

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

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

Meeting Rules

(Board Policy)

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

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

Public Comment (Board Policy)

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

1. If, during a Board meeting, a person attempts to provide the Board with any information regarding matters that are currently under or subject to investigation or involve a pending administrative or criminal action, the person shall be advised that the Board cannot properly consider or hear such substantive information and the person must be instructed to refrain from making such comments.
2. If, during a Board meeting, a person wishes to address the Board concerning alleged errors of procedure or protocol or staff misconduct involving matters that are currently under or subject to investigation or involve a pending administrative or criminal action, the Board will address the matter as follows:
 - a. Where the allegation involves errors of procedure or protocol, the Board may designate either its EO or a Board employee to review whether the proper procedure or protocol was followed and to report back to the Board.
 - b. Where the allegation involves significant staff misconduct, the Board shall direct the EO to review the allegation and to report back to the Board.
3. The Board may deny a person the right to address the Board and have the person removed if such person becomes disruptive at the Board meeting. The Board accepts the conditions established in the Bagley-Keene Open Meeting Act and appreciates that at times the public may disapprove, reprimand, or otherwise present an emotional presentation to the Board, and it is the Board's duty and obligation to allow that public comment, as provided by law.

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

CHAPTER 3. Travel & Salary Policies & Procedures

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

Travel Approval (Board Policy)

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

Travel Arrangements (Board Policy)

All travel arrangements shall be made in accordance with DCA Travel Guidelines. Board Members who prefer to make their own travel arrangements are encouraged to coordinate with the Staff Travel Liaison on lodging accommodations. Always seek hotels that charge the state rate. Preauthorization is required if the state rate is to be exceeded.

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

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

Travel Claims (SAM Section 700 et seq.)

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

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

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

Board Members shall submit their travel expense forms as soon as possible after returning from a trip and not later than thirty days following the trip.

Salary Per Diem

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

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

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

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

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

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

2. For Board-specified work, Board Members will be compensated for actual time spent performing work authorized by the Board Chair. This may also include, but is not limited to, authorized attendance at other gatherings, events, meetings, hearings, or conferences, such as the FCLB, NBCE, CE, Ambassador at Large, Lectures, etc... Work also includes preparation time for Board or committee meetings and reading and deliberating mail ballots for disciplinary actions.
3. Reimbursable work does not include miscellaneous reading and information gathering unrelated to Board business and not related to any meeting, preparation time for a presentation and participation at meetings not related to official participation of the Members duties with the Board.
4. Board Members may participate on their own (i.e., as a citizen or professional) at an event or meeting but not as an official Board representative unless approved in writing by the Chair. Requests must be submitted in writing to the Chair for approval and a copy provided to the EO. However, Board Members should recognize that even when representing themselves as "individuals," their positions might be misconstrued as that of the Board and a Board Member must use their best effort to continue to clarify this separation.

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

CHAPTER 4. Board Officers & Committees

Officers of the Board (§3 Initiative Act)

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

Nomination of Officers (Board Policy)

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

Election of Officers (Board Policy)

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

Officer Vacancies (Board Policy)

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

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

Communication Between Officers (Board Policy)

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

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

Committee Appointments (Board Policy)

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

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

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

Standing Committees (Board Policy)

The Board has ~~three~~ four standing committees:

1. ~~Licensing, Continuing Education Committee~~

~~The Committee proposes regulations, policies and standards regarding chiropractic colleges, doctors of chiropractic, satellite offices, corporation registration, and continuing education providers and courses. oversees staff's auditing of annual continuing education, and monitors and assesses the continuing education requirements to ensure they reflect the current knowledge and skills necessary for competent practice of the chiropractic profession.~~

2. ~~Enforcement and Scope of Practice Committee~~

~~The Committee proposes regulations, policies, and standards to ensure compliance with chiropractic law and regulations. The Committee protect the health, welfare, and safety of the public and continuously seeks ways to improve the Board's enforcement activities and ensure public safety.~~

3. ~~Government and Public Affairs Committee~~

~~The Committee proposes and reviews policies and procedures to address sunset review issues, monitors the Board's budget, reviews and recommends positions on legislative bills, develops strategies to communicate with the public through various forms of media, oversees all administrative issues regarding the Board's operations, and monitors the Board's progress in achieving strategic plan goals and objectives.~~

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

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

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

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

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

~~The Committee oversees all administrative issues regarding Board operations.~~

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

4. Licensing Committee

The Committee proposes regulations, policies, and standards regarding chiropractic colleges, the licensure of doctors of chiropractic, and the registration of satellite offices and chiropractic corporations.

Committee Meetings (Board Policy)

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

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

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

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

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

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

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

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

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

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

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

CHAPTER 5. General Operating Procedures

Board Member Addresses (Board Policy)

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

Board Member Written Correspondence and Mailings (Board Policy)

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

Communications with Other Organizations & Individuals (Board Policy)

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

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

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

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

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

Press Statements and Contacts (Board Policy)

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

Business Cards (Board Policy)

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

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

BCE Identification Cards (Board Policy)

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

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

CHAPTER 6. Board Administration & Staff

Executive Officer (§3 Initiative Act)

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

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

Executive Officer Evaluation (Board Policy)

At the last Board meeting of each calendar year or at any time as determined by the Board, the Performance Appraisal of the EO is presented by the Board Chair, or Vice-Chair, during a closed session. The EO performance evaluation shall be conducted in consultation with DCA’s Office of Human Resources, and in accordance with the Annual Executive Officer Performance Appraisal Process.

Board Administration (Board Policy)

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

Board Staff (§4 Initiative Act)

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

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

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

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

Board Budget (Board Policy)

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

Strategic Planning (Board Policy)

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

Periodic Fee Analysis (Board Policy)

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

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

CHAPTER 7. Other Policies & Procedures

Various Other Tasks and Responsibilities

(Board Policy)

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

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

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

Board Member Disciplinary Actions

(Board Policy)

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

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

Terms and Removal of Board Members

(§2 Initiative Act)

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

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

Resignation of Board Members

(Government Code Section 1750 (b))

In the event that a Board Member chooses to resign, a letter shall be sent to the Governor's Office with the effective date of the resignation. Written notification is

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

required by state law. A copy of this letter shall also be sent to the DCA Director, Board Chair and the EO.

Resignation of Board Members (Board Policy)

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

Conflict of Interest (Government Code Section 87100)

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

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

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

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

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

Contact with Licensees and Applicants (Board Policy)

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

Contact with Respondents (Board Policy)

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

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

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

Service of Legal Documents (Board Policy)

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

Serving as an Expert Witness (Executive Order 66.2)

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

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

Gifts from Licensees and Applicants (Board Policy)

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

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

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

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

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

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

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

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

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

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

The Honoraria Prohibition (Government Code Section 89502) (FPPC Regulations, Title 2, Division 6)

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

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

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

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

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

Board Member Orientation

(Business & Professions Code Section 453 and Board Policy)

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

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

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

Ethics Training

(Government Code Section 11146)

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

Sexual Harassment Prevention Training

(Government Code Section 12950.1)

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

Board Member Onboarding and Orientation

(Board Policy - 2013 BCE Strategic Plan)

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

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

Injury to a Board Member

If you are or believe you may have been injured, notify the EO. Injuries are required to be reported and this assists the EO in remaining compliant with DCA's policy for reporting injuries.

If you have additional questions, ask the EO or Staff Counsel.

Addendums

Applicable provisions of the following:

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



**Agenda Item 7
December 5, 2022**

Public Comment for Items Not on the Agenda

Purpose of the Item

At this time, members of the public may offer public comment for items not on the meeting agenda.

The Committee may not discuss or take action on any matter raised during this public comment section that is not included on the agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7, subd. (a).]



**Agenda Item 8
December 5, 2022**

Future Agenda Items

Purpose of the Item

At this time, members of the Committee and the public may submit proposed agenda items for a future Committee meeting.

The Committee 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.]



**Agenda Item 9
December 5, 2022**

Schedule 2023 Committee Meetings

Purpose of the Item

The Committee will schedule its meetings for 2023.

Action Requested

The Committee will be asked to schedule meetings in spring, summer, and fall 2023.

Background

The Board is scheduled to meet on the following dates in 2023:

- Friday, January 20, 2023
- Thursday, April 20, 2023 through Friday, April 21, 2023
- Thursday, July 20, 2023
- Thursday, October 19, 2023 through Friday, October 20, 2023

During this meeting, the Committee will be asked to schedule meetings prior to the April, July, and October 2023 Board meetings.

Please note the following dates are state holidays:

- Monday, February 20, 2023 – Presidents' Day
- Friday, March 31, 2023 – Cesar Chavez Day
- Monday, May 29, 2023 – Memorial Day
- Tuesday, July 4, 2023 – Independence Day
- Monday, September 4, 2023 – Labor Day



BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
DEPARTMENT OF CONSUMER AFFAIRS • CALIFORNIA BOARD OF CHIROPRACTIC EXAMINERS
1625 N. Market Blvd., Suite N-327, Sacramento, CA 95834
P (916) 263-5355 | Toll-Free (866) 543-1311 | F (916) 327-0039 | www.chiro.ca.gov



Agenda Item 10
December 5, 2022

Adjournment

Time: _____