BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

BCE Government Affairs Committee

Meetings Update

Exhibit 14

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

Agenda Item 14
January 28, 2016

BCE Government Affairs & Strategic Planning Committee Update

Purpose of the item

The Government Affairs & Strategic Planning Committee Chair will provide the Board with an update from the January 14, 2016 meeting.

Action(s) requested

The Board may take action on any item on Government Affairs & Strategic Planning Committee meeting agenda.

Background

Agenda items discussed at the January 14, 2016 Government Affairs & Strategic Planning Committee meeting:

- Presentation and Discussion of the Upcoming 2016 Strategic Planning Process
- Review and Discussion of BCE Strategic Plan Goals Assigned to the Government Affairs & Strategic Plan Committee
    - Goal 4 – Organizational Effectiveness
    - Goal 7 - Government Affairs
- Review and Possible Action Regarding the Board Member Administrative Manual
- Review of the BCE Legislative Bill Tracking Manual
- Review of the 2016 Legislative Calendar
- 2015 Legislative Update

Recommendation(s)

Staff has no recommendation at this time.

Next Step(s)

N/A

Attachment(s)

- Board Member Administrative Manual
- BCE Legislative Bill Tracking Manual

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

NOTICE OF PUBLIC MEETING

TELECONFERENCE - GOVERNMENT AFFAIRS & STRATEGIC PLANNING COMMITTEE

January 14, 2016, 10:00 a.m.

One or more Committee Members will participate in this meeting at the teleconference sites listed below. Each teleconference location is accessible to the public and the public will be given an opportunity to address the Government Affairs and Strategic Planning Committee at each teleconference location. The public teleconference sites for this meeting are as follows:

Teleconference Meeting Locations:

Dionne McClain, D.C.
McClain Sports & Wellness Inc.
6360 Wilshire Blvd. #410
Los Angeles, CA 90048
(323) 653-1014

Julie Elginer, Ph.D.
Board of Chiropractic Examiners
901 P Street, Suite 142A
Sacramento, CA 95814
(916) 263-5355

Frank Ruffino
Veterans Home of California, Chula Vista
700 East Naples Court
Chula Vista, CA 91911
(619) 482-6010

AGENDA

1. **Call To Order & Establishment Of A Quorum**

2. **Approval of Minutes**
   - October 22, 2015

3. **Presentation and Discussion of the Upcoming 2016 Strategic Planning Process**

4. **Review and Discussion of BCE Strategic Plan Goals Assigned to the Government Affairs & Strategic Plan Committee**
   - Goal 4 – Organizational Effectiveness
   - Goal 7 - Government Affairs

5. **Review and Possible Action Regarding the Board Member Administrative Manual**

6. **Review of the BCE Legislative Bill Tracking Manual**

7. **Review of the 2016 Legislative Calendar**

8. 2015 Legislative Update

- AB 12 (Cooley) State Government: administrative regulations: review
- AB 19 (Chang)
- AB 41 (Chau) Health care coverage: discrimination
- AB 611 (Dahle) Controlled Substances: prescriptions: reporting
- AB 750 (Low) Business and professions: licenses
- AB 85 (Wilk) Open Meetings
- AB 12 (Cooley) State Government: administrative regulations: review
- AB 179 (Bonilla) Healing Arts
- AB 333 (Melendez) Healing Arts: continuing education
- AB 410 (Obernolte) Documents Submitted to Legislative Committees
- SB 467 (Hill) Professions and vocations

9. Public Comment For Items Not On The Agenda

Note: The Committee may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a).] Public comment is encouraged; however, if time constraints mandate, comments may be limited at the discretion of the Chair.

10. Future Agenda Items

11. Adjournment

GOVERNMENT AFFAIRS COMMITTEE
Julie Elginer, Ph.D., Chair, Public Member
Dionne McClain, D.C., Licensee
Frank Ruffino, Public Member

The Board of Chiropractic Examiners' paramount responsibility is to protect the health, welfare, and safety of the public through licensure, education, and enforcement in chiropractic care.

Committee Meetings of the Board of Chiropractic Examiners are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. Public comments will be taken on agenda items at the time the specific item is raised. The Committee may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at **www.chiro.ca.gov.**

The meeting facilities are accessible to individuals with physical disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Marlene Valencia at (916) 263-5355 ext. 5363 or e-mail marlene.valencia@dca.ca.gov or send a written request to the Board of Chiropractic Examiners, 901 P Street, Ste. 142A Sacramento, CA 95814. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

State of California

BOARD OF CHIROPRACTIC EXAMINERS
BOARD MEMBER
ADMINISTRATIVE PROCEDURE MANUAL

Adopted October 2007
Revised January ~~2016~~2016

Edmund G. Brown Jr., Governor
State of California

MISSION STATEMENT

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

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

Members of the Board

Sergio Azzolino, D.C., Chair
Heather Dehn, D.C., Vice Chair
Julie A. Elginer, ~~Dr.PH~~DrPH, Secretary
Dionne McClain, D.C.
John Roza, D.C.
Corey Lichtman, D.C.
Frank Ruffino, Public Member

Executive Officer
Robert C. Puleo

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

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

BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

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CHAPTER 1. Introduction

Overview

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

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

The powers and authority of the Board is 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.

Acronyms

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

General Rules of Conduct

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

- Board Members are part of a state regulatory board and your 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 EO prior to making any statement or press release. When possible, only the Chair or EO will make public statements or press statements.
- Board Members shall not privately or publicly lobby for, publicly endorse, or otherwise engage in any personal efforts that would tend to promote their own personal or political views or goals, as it pertains to issues related to jurisdiction of the Board, when those views or goals are in direct opposition to 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 BCE Member.
- Board Members should avoid discussion of confidential Board business with petitioners, licensees or persons not authorized to receive confidential and restricted enforcement information. Failure to do so may result in the Board Member having to recuse him/herself due to conflict of interest issues. All consumers, applicants and licensees with enforcement related questions, concerns or complaints should be referred to the EO or Chair.
- 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.
- BCE 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.

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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.

Board Meetings and Offices
(§6 Initiative Act)

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

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

The Board complies with the provisions of the Government Code Section 11120, et seq., commonly referred to the Bagley-Keene Open Meeting Act 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 so as 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 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 Attendance at Board 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, he or she must contact the Board Chair or the Executive Officer, 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 which 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 Executive Officer 21days 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. The Board Secretary will work with the Executive Officer to finalize the agenda.

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

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

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

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

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 his or her 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. The Executive Officer shall notify the Board Chair if a Board Member fails to meet the required minimum standard for email ballot review. If it is the Board Chair that fails to meet the review standard, the Executive Officer will notify the Board Vice Chair.

Holding Disciplinary Cases for Board Meetings
(Board Policy)

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

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

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

If the Board Member is comfortable voting on the matter, but wishes to discuss the policy behind the decision or case, the ballot should be marked

"Policy Issue for Discussion. I have voted above. Issue: _____." The Executive Officer 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)

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

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

Recording
(Government Code Section 11124.1(b))

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

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

Meeting Rules
(Board Policy)

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

Public Comment
(Board Policy)

Public comment is always encouraged and allowed, however, if time constraints mandate, time limits may be imposed at the discretion of the

Chair. Due to the need for the Board to maintain fairness and neutrality when performing its adjudicative function, the Board shall not receive any information from a member of the public regarding matters that are currently under or subject to investigation, or involve a pending or criminal administrative action.

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

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 BCE, 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 Executive Officer. Expenses and per diem reimbursement are provided to Board members in accordance with established State travel reimbursement rules.

Travel Arrangements
(Board Policy)

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

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

Out-of-state travel for all persons representing the state of California is controlled and must be approved by the Governor's Office. Permission for out-of-state travel must be obtained through the Executive Officer. 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 Liaison maintains these forms and completes them as needed.

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

It is advisable for Board Members to submit their travel expense forms immediately 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)

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

Salary Per Diem
(Board Policy)

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

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

   Attendance at gatherings, events, hearings, conferences or meetings other than official Board or committee meetings shall be approved by the Board Chair & Executive Officer 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 Executive Officer. However, Board Members should recognize that even when representing themselves as "individuals," their positions might be misconstrued as that of the Board and a BCE Member must use their best effort to continue to clarify this separation.

CHAPTER 4. Board Officers & Committees

Officers of the Board
(§3 Initiative Act)

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

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 their 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 elections.

Communication Between Officers
(Board Policy)

The Chair, Vice-Chair and Secretary must have timely and effective communication for the efficient operation of the BCE. 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 can not be resolved, the Chair may agendize the ongoing concern and, if necessary, call for a special election at the next full Board Meeting.

Committee Appointments
(Board Policy)

The Chair shall establish committees, whether standing or special, as he or she deems necessary.

The composition of the committees and the appointment of the Members shall be determined by the Board Chair. The Chair may consult with the Vice Chair or Secretary and the Executive Officer. 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.

Standing Committees
(Board Policy)

The Board has three standing committees:

1. **Licensing, Continuing Education, and Public Relations Committee**
   The Committee proposes policies and standards regarding chiropractic colleges, doctors of chiropractic, satellite offices, corporation registration, and continuing education providers and courses. The Committee also develops strategies to communicate with the public through various forms of media.

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

3. **Government Affairs and Strategic Planning Committee**
   The Committee proposes and reviews policies, procedures, to address audit and sunset review deficiencies.

   The Committee works directly with the Executive Officer and staff to monitor budget expenditures, trends, and the Contingent Fund levels.

   The Committee shall monitor individual line item expenditure and look for anomalies with a three year pattern for purposes of preparing a budget change proposal to correct either an under or over expenditure.

   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 BCE "Legislative Bill Tracking" manual.

   The Committee oversees all administrative issues regarding BCE operations.

   This Committee develops draft strategic plans and monitors the Board's progress in achieving goal and objectives. The Board must develop a strategic plan once every three years. The Committee must report progress on the strategic plan annually beginning in 2013.

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 Board Chair designates one member of each committee as the committee's chairperson.

The committee chair will work with the Executive Officer and the Board Chair to set the committee's goals and meeting agendas. The Committee Chair coordinates the committee's work, ensures progress toward the Board's priorities, and presents reports at each meeting.

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, Executive Officer, and Board Chair.

Board Members who are not members of the committee which is 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 Executive Officer to assure that 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 addresses and telephone numbers are confidential and shall not be released to the public without expressed authority of the individual Board Member. A roster of Board Members is maintained for public distribution on the Board's web site using the Board's address and telephone number.

Request for DMV Confidential Status may be submitted on the completed DMV form to the Executive Officer, who will sign the form

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 Executive Officer. The Executive Officer will reproduce and distribute the document and a copy in a chronological file.

Request to Access Licensee or Applicant Records
(Board Policy)

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

Communications with Other Organizations & Individuals
(Board Policy)

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

All communications relating to any Board action or policy to any individual or organization shall be made only by the Chair of the Board, his or her designee, or the Executive Officer.

The Board has an "Ambassador at Large" program ~~allowing~~whereby the public can request a Board ~~Members~~Representative to speak at public or private functions.

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

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

Press Statements and Contacts
(Board Policy)

Members shall direct press inquiries to the Executive Officer who will work in conjunction with DCA Public Affairs Office to respond. Only the Board Chair or Executive Officer are authorized to publically represent the Board to the press or news agents, reporters or agencies.

Business Cards
(Board Policy)

Business cards will be provided to each Board Member with the Board Member's name and official BCE 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 BCE Member.

BCE Identification Cards
(Board Policy)

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

CHAPTER 6. Board Administration & Staff

Executive Officer
(§3 Initiative Act)

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

The Executive Officer is responsible for the financial operations and integrity of the Board, and is the official custodian of records. The Executive Officer 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 first Board meeting of each fiscal year or at any time thereafter as determined by the Board, the Board evaluation of the Executive Officer is presented by the Board Chair, or his/her Board Member designee, during a closed session. Board Members provide information to the Chair on the Executive Officer's performance in advance of this meeting. If the Board members have concerns with an Executive Officer's performance, the Board members should consult with the Deputy Director of DCA's Legal Affairs Office.

Board Administration
(Board Policy)

Strategies for the day-to-day management of programs and staff shall be the responsibility of the Executive Officer as an instrument of the Board. The Executive Officer 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 Executive Officer, 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 Executive Officer as an instrument of the Board.

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

Board Budget
(Board Policy)

One member of the Board, designated by the Board Chair, and the Executive Officer or the Executive Officer's designee will attend and testify at legislative budget hearings to communicate all budget issues to the Administration and Legislature. The Executive Officer or his/her designee 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 once every three years, beginning in 2013. The Government Affairs Committee shall have overall responsibility for the Board's strategic planning process and shall assist staff in the monitoring and reporting of the strategic plan to the Board.

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 liaisons to the following ~~entities~~:

- FCLB
- NBCE
- ~~Continuing Education Audits~~
- Ambassador at Large Presentations
- Lectures
- Attend Meetings of Other Regulatory Boards
- Meetings with ~~EO,~~ Colleges~~,~~ and State Associations

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

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, the Chair may agendize the matter at the next Board meeting.

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

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

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

No person shall serve more than two consecutive terms on the Board nor be eligible for appointment thereafter until the expiration of four years from the expiration of such second consecutive term, effective January 2, 1974. 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 required by state law. A copy of this letter shall also be sent to the Board Chair and the Executive Officer.

Resignation of Board Members
(Board Policy)

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In the event that a Board Member chooses to resign, the Board Member or the Executive Officer 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 into a situation where there is a potential for a conflict of interest should immediately consult the Executive Officer 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 should 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 should not discuss pending disciplinary matters with any parties to such matters, including the respondent, his/her attorney, BCE enforcement staff, and DAGs. If a Board Member is contacted by a party to a disciplinary matter, the Board Member should refer the individual to the Executive Officer. When in doubt, the Board Member should seek advice from the Executive Officer or the Board's Legal Counsel.

Service of Legal Documents
(Board Policy)

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

Request for Grants
(Board Policy)

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

Any requests for grants outside of Board business or projects must be made by the Executive Officer at the Chair's direction. If a Board Member makes an individual request, a copy of the request shall be forwarded to the Executive Officer as soon as possible.

The mechanism for receipt, management, and dispersal of funds shall be pre-arranged and approved by the Board.

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 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 should reseal the documents and send them to the Executive Officer.

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 should immediately tell the person they cannot speak to them about the matter and inform the Executive Officer and the Board's legal counsel.

If the person insists on discussing the case, he or she should be told 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 Executive Officer and the Board's legal counsel.

The Honoraria Prohibition
(Government Code Section 89503)
(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, Members should report all offers of honoraria to the Board Chair so that he or she, in consultation with the Executive Officer and staff counsel, may determine whether the potential for conflict of interest exists.

Board Member Orientation
(Business & Professions Code Section 453 and Board Policy)

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

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

It is the BCE'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.

Injury to a Board Member
(Labor Code Section 4600)

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

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

Addendums

Applicable provisions of the following:

- Executive Order 66-2
- Government Code
- State Administrative Manual
- Bagley-Keene Open Meeting Act
- Business and Professions Code
- Initiative Act
- Labor Code

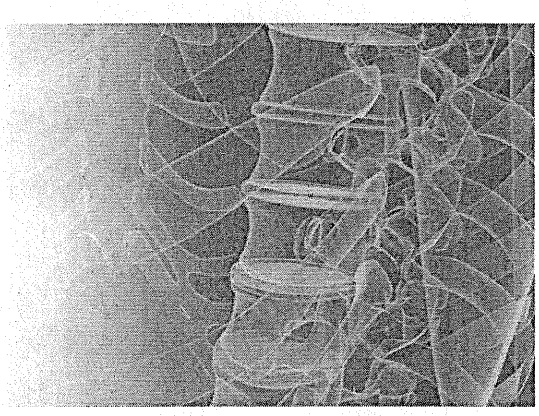
Legislative Bill Tracking Manual

Board of Chiropractic Examiners
January 2016

Purpose of this Manual:

The purpose of this manual is to provide Board Members with a comprehensive framework to understand the legislative process and their part in it. The manual will provide Board Members with the tools necessary to understand a BCE bill analysis.

BOARD *of* CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA



Section 1: Overview Of Legislative Process[1]

The process of government by which bills are considered and laws enacted is commonly referred to as the Legislative Process. The California State Legislature is made up of two houses: the Senate and the Assembly. There are 40 Senators and 80 Assembly Members representing the people of the State of California. The Legislature has a legislative calendar containing important dates of activities during its two-year session.

Idea

All legislation begins as an idea or concept. Ideas and concepts can come from a variety of sources. The process begins when a Senator or Assembly Member decides to author a bill.

The Author

A Legislator sends the idea for the bill to the Legislative Counsel where it is drafted into the actual bill. The draft of the bill is returned to the Legislator for introduction. If the author is a Senator, the bill is introduced in the Senate. If the author is an Assembly Member, the bill is introduced in the Assembly.

First Reading/Introduction

A bill is introduced or read the first time when the bill number, the name of the author, and the descriptive title of the bill is read on the floor of the house. The bill is then sent to the Office of State Printing. No bill may be acted upon until 30 days has passed from the date of its introduction.

Committee Hearings

The bill then goes to the Rules Committee of the house of origin where it is assigned to the appropriate policy committee for its first hearing. Bills are assigned to policy committees according to subject area of the bill. For example, a Senate bill dealing with health care facilities would first be assigned to the Senate Health and Human Services Committee for policy review. Bills that require the expenditure of funds must also be heard in the fiscal committees: Senate Appropriations or Assembly Appropriations. Each house has a number of policy committees and a fiscal committee. Each committee is made up of a specified number of Senators or Assembly Members.

During the committee hearing the author presents the bill to the committee and testimony can be heard in support of or opposition to the bill. The committee then votes by passing the bill, passing the bill as amended, or defeating the bill. Bills can be amended several times. Letters of support or opposition are important and should be mailed to the author and committee members before the bill is scheduled to be heard in committee. It takes a majority vote of the full committee membership for a bill to be passed by the committee.

Each house maintains a schedule of legislative committee hearings. Prior to a bill's hearing, a bill analysis is prepared that explains current law, what the bill is intended to do, and some background information. Typically the analysis also lists organizations that support or oppose the bill.

[1] http://www.leginfo.ca.gov/bil2lawx.html

Second and Third Reading
Bills passed by committees are read a second time on the floor in the house of origin and then assigned to third reading. Bill analyses are also prepared prior to third reading. When a bill is read the third time it is explained by the author, discussed by the Members and voted on by a roll call vote. Bills that require an appropriation or that take effect immediately, generally require 27 votes in the Senate and 54 votes in the Assembly to be passed. Other bills generally require 21 votes in the Senate and 41 votes in the Assembly. If a bill is defeated, the Member may seek reconsideration and another vote.

Repeat Process in other House
Once the bill has been approved by the house of origin it proceeds to the other house where the procedure is repeated.

Resolution of Differences
If a bill is amended in the second house, it must go back to the house of origin for concurrence, which is agreement on the amendments. If agreement cannot be reached, the bill is referred to a two house conference committee to resolve differences. Three members of the committee are from the Senate and three are from the Assembly. If a compromise is reached, the bill is returned to both houses for a vote.

Governor
If both houses approve a bill, it then goes to the Governor. The Governor has three choices. The Governor can sign the bill into law, allow it to become law without his or her signature, or veto it. A governor's veto can be overridden by a two thirds vote in both houses. Most bills go into effect on the first day of January of the next year. Urgency measures take effect immediately after they are signed or allowed to become law without signature.

California Law
Bills that are passed by the Legislature and approved by the Governor are assigned a chapter number by the Secretary of State. These Chaptered Bills (also referred to as Statutes of the year they were enacted) then become part of the California Codes. The California Codes are a comprehensive collection of laws grouped by subject matter.

The California Constitution sets forth the fundamental laws by which the State of California is governed. All amendments to the Constitution come about as a result of constitutional amendments presented to the people for their approval.

Section 2 – Understanding a Legislative Bill:

This section illustrates the various components of a Legislative Bill. Understanding the components of a bill will help to identify key information quickly. The first page of a bill, as shown on the Anatomy of a Bill attachment, contains the amendment date of the bill, the bills house of origin, bill number, bill author/s, and the bill's date of introduction. The first page will usually identify the date the bill was introduced, code section being added or amended, Legislative Counsel written bill summary, the vote requirement, the bill's fiscal implications, and whether there is any State-mandated local cost. Finally, the bill text is included at the end.

2.1 Anatomy of a Bill:

THE ANATOMY OF A BILL

Date noted each time Bill is amended. →

AMENDED IN SENATE APRIL 20, 2005

Indicates house of origin. →

SENATE BILL No. 861

==========

← Bills are introduced in sequential order

Author(s) → Co-authors listed here.

Introduced by Senator Speier

February 22, 2005

← Date introduced

==========

Code Section being added or amended. →

An act to amend Section 14105.7 of the Welfare and Institutions Code, relating to Medi-Cal.

Legislative Counsel drafts legislation and writes a summary. ←

LEGISLATIVE COUNSEL'S DIGEST

SB861, as amended, Speier. Medi-Cal: allowable drug product prices: updates.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits. Existing law requires the director to update allowable drug product prices no less often than every 30 days, with these updates to include any prior change in drug product price of which the director has received notice.

Italics indicate amending language. ~~Strikeouts~~ show deletion.

This bill would, instead, require the director to update allowable drug product prices within ~~48 hours~~ 7 days of receiving notice of a drug product price change.

Most bills require a majority vote. An urgency or fiscal measure requires a 2/3rds vote. → State mandated local cost. →

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the Sate of California do enact as follows:

Bills which affect State spending are "appropriation" measures and require 2/3rds vote.

SECTION 1. Section 14105.7 of the Welfare and Institutions Code is amended to read:

14105.7. (a) In order to fairly reimburse pharmacies for the furnishing of prescription drugs to Medi-Cal beneficiaries, the director shall update allowable drug product prices within ~~48~~

↑

This is actual language which would have become part of the Welfare and Institutions Code had the bill not been amended several more times before being enacted. The rest of the bill language continued on subsequent pages. The text of the bill could contain "intent" or "statutory" language.

2.3 Identifying Bills that Impact BCE

Staff gathers information from various places in order to identify bills that may impact BCE. First, staff searches a variety of sources such as the internet and legislative databases using keywords related to chiropractic and the healing arts professions. Next, staff periodically meet with and discuss current and possible legislation with staff from the Chiropractic Associations.

Further, staff communicates with DCA about pending and possible legislation. Throughout the legislative session, the Department provides Board's with updated lists of bills they are tracking. The Department also provides monthly legislative alters to the Boards and hosts legislative roundtables with the Board and Bureaus to provide an open forum to discuss legislation, including fiscal, legal, and information technology impacts bills may have on the various programs.

Finally, staff monitors other resources such as local and statewide newspapers and other multi-media publications for information regarding current, pending, or future legislation.

Examples of Keywords to search

- Adjustment(s)
- Chiropractic
- Chiropractor
- Healing arts
- Manipulation
- Medical
- Physical therapy
- Physical therapist
- Physiotherapy
- Physiotherapist
- Subluxation(s)

Section 3: Legislative Bill Analyses Process:

This section includes a brief description of the various sections of a bill analysis, descriptions of the different positions Board members may take on legislation and other considerations for inclusion in the bill analysis. (An analysis checklist and sample bill analysis has been included for review)

BCE staff produce bill analyses in order to evaluate the impact proposed legislation might have on the chiropractic profession, the public, and Board operations and staff. The analyses are necessary to identify the necessity of the bill or why the change in law is useful, to assess the fiscal impact a bill could have on the Board, and may provide suggestions to improve current or pending legislation. Additionally, a bill analysis may contain key components which assist the Board members in deciding the appropriate action to take on a bill.

3.1: Components of a Bill Analysis:

The key components of a bill analysis are as follows:

- **Bill Number**
- **Author**
- **Bill Version (Date)**
- **Subject** – Title of Bill
- **Sponsor**
- **Status of Bill** – Did the bill pass from one committee to another? The date and results of the most recent vote and by whom and where the bill was referred following the vote is included.
- **Summary** – Brief summary of the purpose of bill.
- **Existing Law** – Specific provisions affected by the bill and their current purpose
- **This Bill Would:** – Summary of how the bill changes current law, the bill's intent and major provisions. (Does the bill impose reporting requirements, change existing programs, implement a new program, or require coordinated implementation with multiple agencies?)
- **Background** – Brief description of the need for the bill and how it proposes to address the issue(s).
- **Fiscal Impact** – Specifies the bill's operational and fiscal impact on the BCE (and other stakeholders). Defines whether the bill will increase revenue, change/impose fines or penalties, repeal/reduce/add fees, and identifies resources needed by affected parties and the BCE to implement and comply with the provisions in the bill.
- **Support/Opposition** – List of parties/interested persons/organizations who have taken a formal position on the bill.
- **Arguments** (Pro/Con) – This portion should contain arguments raised by both support and opposition the bill, as well as arguments made by the Board.
- **Staff Recommended Position** – The recommendation will be based on all the arguments discussed with the Executive Officer prior to distribution to the Board members for a vote.

3.2: Purpose of an Analysis

- A bill analysis should provide Board members with a deeper understanding of the bill and the author's intent.
- Reading through a bill analysis should allow Board members to determine the following:
  - The bill's intent
  - How the bill changes existing law
  - Estimated fiscal impact
  - Recommendations

Board of Chiropractic Examiners
Sample Bill Analysis

Bill Number: SB 541
Author: Senator Curren Price
Bill Version: Amended April 13, 2011
Subject: Contractors' State License Regulatory boards: expert consultants
Sponsor: Contractors State License Board
Medical Board of California

STATUS OF BILL: Passed Senate Committee on B. P. & E.D (8-0), referred to Committee on Appropriations.

SUMMARY:
This bill would allow boards and bureaus within the Department of Consumer Affairs, the State Board of Chiropractic Examiners and the Osteopathic Medical Board of California to utilize expert reviewers, without going through a formal contracting process.

EXISTING LAW:
- Provides for the licensure and regulation of various professions and businesses within the Department of Consumer Affairs
- The Chiropractic Initiative Act of California provides for the licensure and regulation of the chiropractors.
- The Osteopathic Act provides for the licensure and regulation of osteopathic physicians and surgeons.
- Requires persons who apply for licensure under the various licensing acts to pass an examination approved by the board/bureau and investigate complaints and violations of the law, as well as take disciplinary action against licensees for violations of the law.
- Establishes standards relating to personal service contracts in state employment.

THIS BILL WOULD:
- Authorize these boards and bureaus to enter into an agreement with an expert consultant, subject to the standards regarding personal service contracts, to provide enforcement and examination assistance.
- Require each board/bureau to establish policies and procedures for the selection of these consultants.
- Declare that it is an urgency statute and is to take effect immediately.

BACKGROUND:
According to the sponsors, Public Contract Code requires state agencies to go through the formal contracting process for utilization of consultants. The boards and bureaus named in this bill utilize consultants for critical components of their regulatory authority including enforcement and examinations. Going through the formal contracting process would create a backlog for the boards and bureaus which would significantly impact the time required to complete the initial review and investigate complaints filed with boards/bureaus. This process would severely limit a board's/bureau's ability to take disciplinary actions against licensees and the delay imposed by this process could also result in losing cases due to expiration of the statute of limitations.

FISCAL IMPACT:

This bill will have a positive fiscal impact upon our Board, if any. The number of cases referred to experts and the amount paid to experts would not change as a result of this bill. However, if this bill does not take effect, the board will have to start entering into formal contracts with the 35 consultants it utilizes. Some of these consultants are only utilized on rare occasion due to their geographical location and/or area of expertise. Nonetheless, the board would have to spend significant time and resources preparing and executing a formal contract. If this bill is not enacted, the board will likely need additional funding and staff to absorb the increased workload.

SUPPORT & OPPOSITION:

Support:

Contractors State License Board
Medical Board of California
Court Reporters Board of California

Opposition:

None on record

ARGUMENTS:

Pro:

The proponents argue that:

- This bill will enable licensing and regulatory boards/bureaus to continue enlisting the expertise of their licensees to assist with evaluation of investigation documents, applications, educational and examination materials on an as-needed basis, primarily based on an hourly fee for services rendered.
- This bill will exempt specific boards and bureaus from formal contract requirements, which are laborious, cumbersome and time-consuming to execute.
- This bill will protect consumers by reducing the delays in enforcement cases by allowing these boards/bureaus to enter into an agreement directly with the consultant.
- Consultants are utilized for various purposes which depend greatly upon their area of expertise and the types of enforcement cases; therefore, it is difficult for a board/bureau to estimate a dollar amount for execution of a contract for each consultant.
- It is difficult to anticipate the extent to which the board will utilize an individual expert, and, therefore, the contract amount for each expert may not meet the board's needs. Under current law, the board will need to enter into a contract for a specified dollar amount with each expert without yet knowing the frequency with which we'll need the expert or the difficulty of the cases that will be referred to the expert. If the board underestimates the contract amount, we will have to cease utilizing an individual expert or go through the time-consuming process of amending the contract. If the board overestimates the contract, we will be encumbering funds that are needed for other essential board functions.

Con:

None

STAFF RECOMMENDED POSITION: SUPPORT (As Introduced/Amended on _____)

BCE Committee Recommended position of SUPPORT on _____
Full Board Voted to Take Position of SUPPORT on _____

Also include the text of the bill with the

- **Bill Analysis**

Section 4 – Possible Board Action on Bills:

This section includes a description of the positions Board members can take on legislation and other actions the Board may take in regard to legislation.

As part of the normal legislative cycle, the Board members take positions on specific bills that address issues within the BCE's purview or that would have a fiscal or programmatic impact on the BCE. Legislation affecting the chiropractic scope, consumer safety or BCE funding, resources and workload are of particular interest to the BCE. For time sensitive legislation, the Government Affairs Committee reserves the right to call an emergency meeting if action is required.

In order to ensure the positions and concerns of the Board are heard throughout the legislative session, the Board has a letter writing process to inform the Legislature and Governor's Office of positions the Board has taken.

4.1 Board Motions:

In order to make an informed decision on a legislative bill, staff should provide the Board with multiple pieces of information. An analysis, bill impact assessment checklist and complete text of a bill should be presented to the Board for consideration at a Government Affairs Committee meeting. The Committee will present their recommendations for a vote at a Board meeting to take one of the following positions:

- **Support** – This bill has favorable fiscal or operation impact upon the BCE and is consistent with the Board's laws, regulations or policies.
- **Support if Amended** – This bill is generally beneficial, but would be improved if amended. The bill analysis and letter to author should include recommended amendments.
- **Oppose** – The bill mandates unjustified costs, interferes with efficient administration or operation of the BCE, or is in conflict with the policies, laws or regulations of the BCE.
- **Oppose Unless Amended** – This bill is undesirable as written, but can be made palatable by amendment. The bill analysis and letter to author should included recommended amendments.
- **Neutral** – The bill has no significant effect on the BCE; however this bill may be of interest to the board members. A letter to the author is not needed in this case.
- **Watch** – The bill has no significant effect on the BCE; however, there may be components which are likely to change and may impact the BCE in the future. This is not a formal position; therefore, a letter to the author is not needed at this time.

4.2 Board Position Letters:

Once the full board has taken a formal position on a legislative bill, the Executive Officer or staff should draft a letter to the author of the bill for the Executive Officer or Board Chair's signature. The letter should identify the version of the bill and explain the BCE's position, including a summary of the reasons which led to the position and specific changes if amendments are recommended. A letter should also be sent to the Chair and Members of each legislative committee in which the bill will be subsequently heard.

Example provided below:

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

August 18, 2015

The Honorable Scott Wilk
California State Assembly
P.O. Box 942849, Room 4158
Sacramento, California 94249-0038

RE: **AB 85 - OPPOSE**

Dear Assembly Member Wilk:

The Board of Chiropractic Examiners (BCE) respectfully wishes to inform you that at a Board Meeting on July 30, 2015, the BCE unanimously voted to take a position of oppose on your bill, AB 85, which would clarify that under the Bagley-Keene Act, a two-member advisory committee of a state body is a "state body" if a member of that state body sits on the advisory committee and the committee receives funds from the state body.

The BCE fully supports transparency and access to the public; however, the BCE believes this interpretation of a "state body" is onerous, counter-productive and cost-prohibitive to state agencies. This interpretation of a "state body" would require the Board to send a public notice and provide public access for all tasks, research, or discussions between two Board members. Under current law, the recommendations of two-member advisory committees are vetted and voted upon in public committees and Board meetings. Enforcing additional public notices and access will increase costs to state agencies for sending public notices as well as securing a venue accessible to the public. Requiring public notices for such interactions will also extend timeframes for completion of tasks by limiting the frequency by which an advisory committee can meet.

Additionally, this interpretation of a "state body" would require a public notice and access when one Board member sits on an advisory committee on behalf of a state agency, such as a national advisory committee, because dues are paid by the state agency to be a member. This interpretation would require members who are state agencies to secure access for the public to attend such events, which are held in various places throughout the United States. The national advisory committee plans the agenda, secures the venue and sets registration fees for attendance. In this instance, it is unclear whether a state agency would be able to comply.

Please contact me at (916) 263-5359 if you have any questions regarding the BCE's position on this bill. Thank you for your consideration.

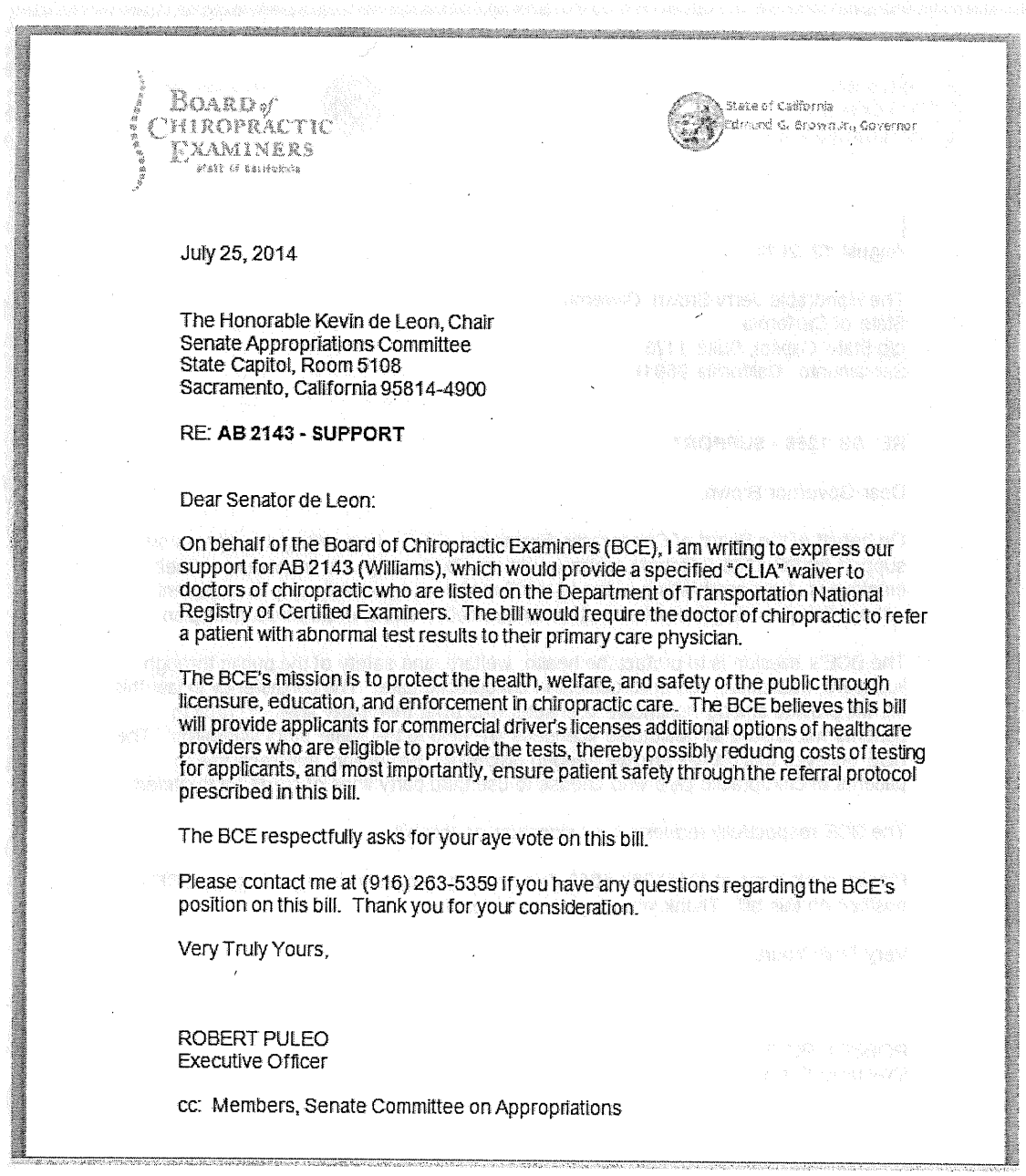
Very Truly Yours,

ROBERT PULEO
Executive Officer

4.3 Letters to the Floor

Once a bill of interest has passed out of committee and has been placed one or both legislative floor calendars, the Executive Officer or staff should draft a letter to each member of the legislature for the Executive Officer or Board Chair's signature. Once on the floor, a bill can be passed, defeated, or amended. Timing is critical and any communications should arrive as close to the time of voting as possible. The letter should identify the version of the bill and explain the BCE's position, including a summary of the reasons which led to the position and specific changes if amendments are recommended.

Example provided below:



BOARD of CHIROPRACTIC EXAMINERS
State of California

State of California
Edmund G. Brown Jr., Governor

July 25, 2014

The Honorable Kevin de Leon, Chair
Senate Appropriations Committee
State Capitol, Room 5108
Sacramento, California 95814-4900

RE: **AB 2143 - SUPPORT**

Dear Senator de Leon:

On behalf of the Board of Chiropractic Examiners (BCE), I am writing to express our support for AB 2143 (Williams), which would provide a specified "CLIA" waiver to doctors of chiropractic who are listed on the Department of Transportation National Registry of Certified Examiners. The bill would require the doctor of chiropractic to refer a patient with abnormal test results to their primary care physician.

The BCE's mission is to protect the health, welfare, and safety of the public through licensure, education, and enforcement in chiropractic care. The BCE believes this bill will provide applicants for commercial driver's licenses additional options of healthcare providers who are eligible to provide the tests, thereby possibly reducing costs of testing for applicants, and most importantly, ensure patient safety through the referral protocol prescribed in this bill.

The BCE respectfully asks for your aye vote on this bill.

Please contact me at (916) 263-5359 if you have any questions regarding the BCE's position on this bill. Thank you for your consideration.

Very Truly Yours,

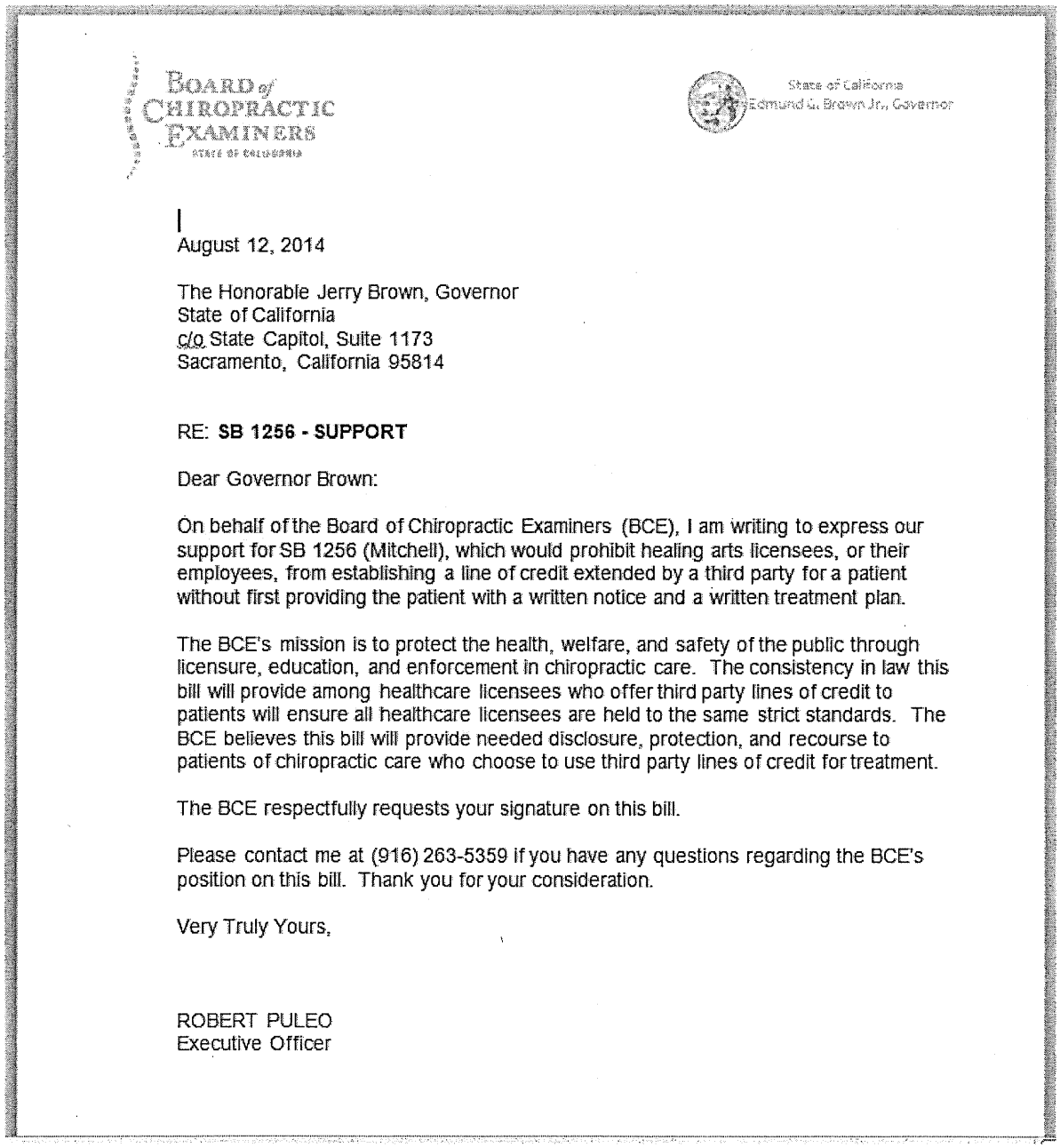
ROBERT PULEO
Executive Officer

cc: Members, Senate Committee on Appropriations

4.4 Sign/Veto letter to the Governor

Once an enrolled bill is sent from the Legislature to the Governor for review, the Executive Officer or staff should draft a letter to the Governor for the Executive Officer or Board Chair's signature. The letter should include a recommendation to sign or veto the bill. Finally, the letter should explain the BCE's position on the bill and include a summary of the reasons which led to the position.

Example provided below:



BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

August 12, 2014

The Honorable Jerry Brown, Governor
State of California
c/o State Capitol, Suite 1173
Sacramento, California 95814

RE: **SB 1256 - SUPPORT**

Dear Governor Brown:

On behalf of the Board of Chiropractic Examiners (BCE), I am writing to express our support for SB 1256 (Mitchell), which would prohibit healing arts licensees, or their employees, from establishing a line of credit extended by a third party for a patient without first providing the patient with a written notice and a written treatment plan.

The BCE's mission is to protect the health, welfare, and safety of the public through licensure, education, and enforcement in chiropractic care. The consistency in law this bill will provide among healthcare licensees who offer third party lines of credit to patients will ensure all healthcare licensees are held to the same strict standards. The BCE believes this bill will provide needed disclosure, protection, and recourse to patients of chiropractic care who choose to use third party lines of credit for treatment.

The BCE respectfully requests your signature on this bill.

Please contact me at (916) 263-5359 if you have any questions regarding the BCE's position on this bill. Thank you for your consideration.

Very Truly Yours,

ROBERT PULEO
Executive Officer

Section 5: Bill Impact Assessment Checklist

A bill impact assessment checklist has been included for review.

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

BILL IMPACT ASSESSMENT CHECKLIST

Bill Number: _____ Author: _____ Version (Date): _____
Recommended Position:

_____ Analyst: _____

BACKGROUND

☐ Previously introduced ☐ Similar to other current bills ☐ New Bill
☐ Clean-up ☐ Extends or repeals sunset ☐ Has Urgency Clause
☐ Amends Existing Law: Code and Section Reference _____

IMPACT OF DEPARTMENT

☐ Consistent w/Department's mission ☐ Acts on strategic issue
☐ Changes or repeals existing programs ☐ Implements new program
☐ Enhances protection efforts ☐ Weakens protection efforts

FISCAL IMPACT ☐ UNFUNDED MANDATE

☐ Added Revenue ☐ Cost savings ☐ Additional costs ☐ Neutral
☐ Changes fines/penalties ☐ Proposes new or increased fees to offset costs
☐ Repeals or reduces fees ☐ Includes appropriation
☐ Funding source: _____

REPORTING REQUIREMENTS

☐ Requires one-time report ☐ Requires annual report
☐ Requires new operating procedures ☐ Requires new forms
☐ Requires change to existing procedures ☐ Requires amended forms
☐ Requires new or amended contract ☐ Requires new study

LEGAL/ENFORCEMENT IMPLICATIONS

☐ Consistent w/Department's mission ☐ Acts on strategic issue
☐ Changes or repeals existing programs ☐ Implements new program
☐ Enhances protection efforts ☐ Weakens protection efforts

COORDINATING REQUIREMENTS

☐ Requires coordinated implementation with other boards and/or state agencies:

RECOMMENDATIONS

☐ Amendments Proposed

Section 6: California Legislative Resources:

- The Official California Legislative Information (Leg Info) websites are:
  - The two websites are maintained by the Office of Legislative Counsel. The website provides bill language, status, history, votes, analyses and a bill subscription service to help track specific bills. Additionally, the Legislature provides access to electronic links to its publications.
  - The California Legislative Information website allows the user to subscribe to bills of interest and receive e-mail notification whenever there is legislative action on a subscribed bill for the current session.
  - When searching the website, using keywords such as chiropractor, chiropractic, manipulation, healing arts, etc., will aid in locating bills specific to the chiropractic profession.
    - (http://www.leginfo.legislature.ca.gov) – Information on legislative sessions beginning 1999 to present
    - (http://www.leginfo.ca.gov) – Information on legislative sessions prior to 1999
    - (http://www.leginfo.ca.gov/legpubs.html) – Links to Legislative publications

- California Legislative Committees
  - These committees have jurisdiction over issues that impact the chiropractic profession. Also, these committees hear legislation relevant to the BCE.
    - The Senate Business and Professions Committee and Economic Development (http://sbp.senate.ca.gov/)
    - The Assembly Business and Professions and Consumer Protection Committee (http://abp.assembly.ca.gov/)
    - The Senate Health Committee (http://shea.senate.ca.gov/)
    - The Assembly Health Committee (http://ahea.assembly.ca.gov/)
    - The Senate Committee on Appropriations (http://sapro.senate.ca.gov/)
    - The Assembly Committee on Appropriations (http://apro.assembly.ca.gov/)

- The Governor's website
  - The website contains bill signing information and bill veto messages.
    - (http://www.governor.ca.gov/state/govsite/gov_homepage.jsp)

- DCA: Division of Legislative and Regulatory Review
  - The Division provides a number of direct legislative and regulatory services to the Boards and Bureaus of the Department. Each board has an analyst assigned to them in the Division who can be contacted for assistance.

- DCA: Budget Office
  - The Budget Office frequently contacts the BCE to obtain information on the fiscal impact of bills upon the BCE. Oftentimes, these bills affect multiple regulatory boards such as those related to health care, healing arts, etc. It is important to note whether these bills pertain to the BCE and whether the bill conflicts with the BCE's Initiative Act. (i.e. legislation requires a temporary or special license)

- *Professional Associations*
  - Professional associations, such as the California Chiropractic Association (CCA) and the International Chiropractors Association of California (ICAC) track legislative bills that affect the profession and provide a list of bills and their position on their websites.
    - CCA - http://capwiz.com/calchiroassn/issues/bills/
    - ICAC - http://www.icacweb.com/