

**AVAILABILITY OF MODIFIED TEXT AND DOCUMENTS
ADDED TO THE RULEMAKING FILE**

Pursuant to the requirements of Government Code section 11346.8(c) and section 44 of Title 1 of the California Code of Regulations, the Board of Chiropractic Examiners (hereafter "Board") is providing notice of changes made to proposed regulation section 309.1 in Title 16, California Code of Regulations. A hearing was not scheduled for this regulatory proposal, nor was one requested. A copy of the modified text, including any document incorporated by reference, is enclosed and is also available on the Board's web site at www.chiro.ca.gov.

Pursuant to the requirements of Government Code sections 11346.8(d), 11346.9(a)(1), and 11347.1, the Board of Chiropractic Examiners is providing notice that documents and other information which the agency has relied upon in adopting the proposed Sponsored Free Health Care Events regulations, sections 309, 309.1, 309.2, 309.3, and 309.4, in Title 16, California Code of Regulations, have been added to the rulemaking file and are available for public inspection.

1. Addendum to the Initial Statement of Reasons
2. Fiscal Impact Estimates
3. "Registration of Sponsoring Entity Under Business & Professions Code Section 901", Form 901-A (DCA/2014 – revised)

These documents are available for public inspection at the Board's office located at 901 P Street, Suite 142A, Sacramento, CA from June 27, 2014 through July 11, 2014 between the hours of 8:00 a.m. and 5:00 p.m. Copies of these documents are enclosed and are also available on the Board's web site at www.chiro.ca.gov. Any person who wishes to comment on the proposed modifications to the text or the documents added to the rulemaking file may do so by submitting written comments on or before **July 11, 2014** by 5:00 p.m. to the following person:

Contact Person:	Dixie Van Allen
Agency Name:	Board of Chiropractic Examiners
Address:	901 P Street, Suite 142A Sacramento, CA 95814
Telephone:	(916) 263-5355
Fax:	(916) 327-0039
Email:	Dixie.vanallen@dca.ca.gov

All written comments received by **July 11, 2014**, which pertain to the modified text and/or documents added to the rulemaking file, will be reviewed and responded to by the Board's staff as part of the compilation of the rulemaking file. Please limit your comments to the modifications to the text and/or documents added to the rulemaking file.

Dated: June 27, 2014

A handwritten signature in black ink, appearing to read 'R. Puleo', with a long horizontal stroke extending to the right.

ROBERT PULEO, Executive Officer
Board of Chiropractic Examiners

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Modified text during the 45-day comment period: Additions are shown in underline.
Deletions are shown in ~~single-strikeout~~.

Modified text during the 1st 15-day comment period: Proposed additions are shown in **bold, double underline**. Proposed deletions are shown in ~~double-strikeout~~.

Article 1.5. Sponsored Free Health Care Events – Requirements for Exemption.

§309. Definitions.

For the purposes of section 901 of the Business and Professions Code:

- (a) “Community-based organization” means a public or private nonprofit organization that is representative of a community or a significant segment of a community, and is engaged in meeting human, educational, environmental, or public safety community needs.

- (b) “Out-of-state practitioner” means a person who is not licensed in California to engage in the practice of chiropractic but who holds a current, active and valid license in good standing in another state, district, or territory of the United States to practice chiropractic.

- (c) The term “in good standing” means that a person:
 - (1) Is not currently the subject of any investigation by any governmental entity or has not been charged with an offense for any act substantially related to the practice of chiropractic by any public agency;

 - (2) Has not entered into any consent agreement or been subject to an administrative decision that contains conditions placed by an agency upon the person’s professional conduct or practice of chiropractic, including any voluntary surrender of license; or,

 - (3) Has not been the subject of an adverse judgment resulting from the practice of chiropractic that the board determines constitutes evidence of a pattern of incompetence or negligence.

NOTE: Authority cited: Sections 901, Business and Professions Code, Section 1000-4(b) Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923 p. 1xxxviii). Reference: Section 901, Business and Professions Code.

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§309.1. Sponsoring Entity Registration and Recordkeeping Requirements.

- (a) Registration. A sponsoring entity that wishes to provide, or arrange for the provision of, health care services at a sponsored event under section 901 of the Business and Professions Code shall register with the board not later than 90 calendar days prior to the date on which the sponsored event is scheduled to begin. A sponsoring entity shall register with the board, or its delegatee, by submitting to the board a completed "Registration of Sponsoring Entity Under Business & Professions Code Section 901", Form 901-A (DCA/~~2011~~ **2014 - revised**), which is hereby incorporated by reference.
- (b) Determination of Completeness of Form. The board may, by resolution, delegate to the Department of Consumer Affairs the authority to receive and process "Registration of Sponsoring Entity Under Business and Professions Code Section 901", Form 901-A (DCA/~~2011~~ **2014 - revised**) on behalf of the board. The board, or its delegatee, shall inform the sponsoring entity within 15 calendar days of receipt of Form 901-A (DCA/~~2011~~ **2014 - revised**) in writing that the form is either complete and the sponsoring entity is registered or that the form is deficient and what specific information or documentation is required to complete the form and be registered. The board, or its delegatee, shall reject the registration if all of the identified deficiencies have not been corrected at least 30 days prior to the commencement of the sponsored event.
- (c) Recordkeeping Requirements. Regardless of where it is located, a sponsoring entity shall maintain at a physical location in California a copy of all records required by Business and Professions Code section 901 as well as a copy of the authorization for participation issued by the board to an out-of-state practitioner. The sponsoring entity shall maintain these records for a period of at least 5 years after the date on which a sponsored event ended. The records may be maintained in either paper or electronic form. The sponsoring entity shall notify the board at the time of registration as to the form in which it will maintain the records. In addition, the sponsoring entity shall keep a copy of all records required by section 901(g) of the Business and Professions Code at the physical location of the sponsored event until that event has ended. These records shall be available for inspection and copying during the operating hours of the sponsored event upon request of any representative of the board. In addition, the sponsoring entity shall provide copies of any record required to be maintained by section 901 of the Business and Professions Code to any representative of the board within 15 calendar days of the request.
- (d) Requirement for Prior Board Approval of Out-of-State Practitioner. A sponsoring entity shall not permit an out-of-state practitioner to participate in a sponsored event unless and until the sponsoring entity has received written approval of such practitioner from the board.

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(e) Report. Within 15 calendar days after a sponsored event has concluded, the sponsoring entity shall file a report with the board summarizing the details of the sponsored event. This report may be in a form of the sponsoring entity's choosing, but shall include, at a minimum, the following information:

(1) The date(s) of the sponsored event;

(2) The location(s) of the sponsored event;

(3) The type(s) and general description of all health care services provided at the sponsored event; and

(4) A list of each out-of-state practitioner granted authorization pursuant to this article who participated in the sponsored event, along with the license number of that practitioner.

NOTE: Authority Cited: Sections 901, Business and Professions Code, Section 1000-4(b) Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923 p. 1xxxviii). Reference: Section 901, Business and Professions Code.

§309.2. Out-of-State Practitioner Authorization to Participate in Sponsored Event.

(a) Request for Authorization to Participate. An out-of-state practitioner ("applicant") may request authorization from the board to participate in a sponsored event and provide such health care services at the sponsored event as would be permitted if the applicant were licensed by the board to provide those services. Authorization shall be obtained for each sponsored event in which the applicant seeks to participate.

(1) An applicant shall request authorization by submitting to the board a completed "Request for Authorization to Practice Without a License at a Registered Free Health Care Event", Form 901-B (BCE/2013), which is hereby incorporated by reference, accompanied by a non-refundable processing fee of \$59.00.

(2) The applicant shall also furnish either a full set of fingerprints or submit a Live Scan inquiry to establish the identity of the applicant and to permit the board to conduct a criminal history record check. The applicant shall pay any costs for furnishing the fingerprints and conducting the criminal history record check. This requirement shall apply only to the first application for authorization that is submitted to the board by the applicant.

(b) Response to Request for Authorization to Participate. Within 20 calendar days of receiving a completed request for authorization, the board shall notify the sponsoring entity and the applicant whether that request is approved or denied.

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(c) Denial of Request for Authorization to Participate.

(1) The board shall deny a request for authorization to participate if:

- (A) The submitted Form 901-B (BCE/2013) is incomplete and the applicant has not responded within 7 calendar days to the board's request for additional information;
- (B) The applicant does not possess a current, active and valid license in good standing;
- (C) The applicant has failed to comply with a requirement of this article or has committed any act that would constitute grounds for denial under section 480 of the Business and Professions Code of an application for licensure by the board;
- (D) The applicant has a current physical or mental impairment related to drugs or alcohol;
- (E) The applicant has not graduated from a chiropractic college approved or recognized by the board;
- (F) The board has been unable to obtain a timely report of the results of the criminal history check.

(2) The board may deny a request for authorization to participate if:

- (A) The request is received less than 20 calendar days before the date on which the sponsored event will begin;
- (B) The applicant has been previously denied a request for authorization by the board to participate in a sponsored event;
- (C) The applicant has previously had an authorization to participate in a sponsored event terminated by the board; or
- (D) The applicant has participated in 3 sponsored events during the 12 month period immediately preceding the current application.

(d) Appeal of Denial. An applicant requesting authorization to participate in a sponsored event may appeal the denial of such request by following the procedures set forth in Business and Professions Code section 309.3(d).

NOTE: Authority cited: Sections 1000-4(b) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923 p. 1xxxviii) and Section 901, Business and Professions Code. Reference: Sections 1000-4(b) and 1000-10.

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Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923 p. 1xxxviii), Sections 480 and 901, Business and Professions Code, Section 11105, Penal Code, and Sections 317 and 321.1 of Title 16 of the California Code of Regulations.

§309.3. Termination of Authorization and Appeal.

- (a) Grounds for Termination. The board may terminate an out-of-state practitioner's authorization to participate in a sponsored event for any of the following reasons:
- (1) The out-of-state practitioner has failed to comply with any applicable provision of this article, or any applicable practice requirement or regulation of the board.
 - (2) The out-of-state practitioner has committed an act that would constitute grounds for discipline if done by a licensee of the board.
 - (3) The board has received a credible complaint indicating that the out-of-state practitioner is unfit to practice at the sponsored event or has otherwise endangered consumers of the practitioner's services.
- (b) Notice of Termination. The board shall provide both the sponsoring entity and the out-of-state practitioner with a written notice of the termination, including the basis for the termination. If the written notice is provided during a sponsored event, the board may provide the notice to any representative of the sponsored event on the premises of the event.
- (c) Consequences of Termination. An out-of-state practitioner shall immediately cease his or her participation in a sponsored event upon receipt of the written notice of termination.
- Termination of authority to participate in a sponsored event shall be deemed a disciplinary measure reportable to the national practitioner data banks. In addition, the board shall provide a copy of the written notice of termination to the licensing authority of each jurisdiction in which the out-of-state practitioner is licensed.
- (d) Appeal of Termination. An out-of-state practitioner may appeal the board's decision to terminate an authorization in the manner provided by section 901(j)(2) of the Business and Professions Code. The request for an appeal shall be considered a request for an informal hearing under the Administrative Procedure Act (commencing with section 11445.10 of the Government Code).
- (e) Informal Conference Option. In addition to requesting a hearing, the out-of-state practitioner may request an informal conference with the Executive Officer regarding the reasons for the termination of authorization to participate. The

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Executive Officer shall, within 30 days from receipt of the request, hold an informal conference with the out-of-state practitioner. At the conclusion of the informal conference, the Executive Officer may affirm or dismiss the termination of authorization to participate. The Executive Officer shall state in writing the reasons for his or her action and mail a copy of his or her findings and decision to the out-of-state practitioner within 10 (ten) days from the date of the informal conference. The out-of-state practitioner does not waive his or her request for a hearing to contest a termination of authorization by requesting an informal conference. If the termination is dismissed after the informal conference, the request for a hearing shall be deemed to be withdrawn.

NOTE: Authority cited: Sections 1000-4(b) Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923 p. 1xxxviii) and Section 901 of the Business and Professions Code. Reference: Section 901 of the Business and Professions Code.

§309.4 Additional Practice Requirements for Out-of-State Practitioners Authorized to Participate in Sponsored Free Health Care Events.

- (a) Each out-of-state practitioner authorized to participate in a sponsored event and provide chiropractic services at the sponsored event pursuant to Section 309.2 shall post a notice visible to patients or prospective patients at every station that patients will be seen. This notice shall be in at least 48 point Arial font and include the following information:

NOTICE

I hold a current valid license to practice chiropractic in a state other than California. I have been authorized by the California Board of Chiropractic Examiners to provide chiropractic services in California only at this specific health fair.

California Board of Chiropractic Examiners
(800) 735-2929
www.chiro.ca.gov

NOTE: Authority cited: Sections 1000-4(b) Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923 p. 1xxxviii) and Section 901 of the Business and Professions Code. Reference: Section 901 of the Business and Professions Code.



SPONSORED FREE HEALTH CARE EVENTS

REGISTRATION OF SPONSORING ENTITY UNDER BUSINESS & PROFESSIONS CODE SECTION 901

In accordance with California Business and Professions Code section 901(d), a non-government organization administering an event to provide health-care services to uninsured and underinsured individuals at no cost, may include participation by certain health-care practitioners licensed outside of California if the organization registers with the California licensing authorities having jurisdiction over those professions. This form shall be completed and submitted by the sponsoring organization **at least 90 calendar days prior to the sponsored event.** *Note that the information required by Business and Professions Code section 901(d) must also be provided to the county health department having jurisdiction in each county in which the sponsored event will take place.*

PART 1 – ORGANIZATIONAL INFORMATION

1. Organization Name: _____

2. Organization Contact Information (*use principal office address*):

Address Line 1 _____

Phone Number of Principal Office _____

Address Line 2 _____

Alternate Phone _____

City, State, Zip _____

Website _____

County _____

Organization Contact Information in California (*if different*):

Address Line 1 _____

Phone Number _____

Address Line 2 _____

Alternate Phone _____

City, State, Zip _____

County _____

3. Type of Organization:

Is the organization operating pursuant to section 501(c)(3) of the Internal Revenue Code? Yes No

If not, is the organization a community-based organization*?

____ Yes ____ No

Organization's Tax Identification Number _____

If a community-based organization, please describe the mission, goals, and activities of the organization (*attach separate sheet(s) if necessary*): _____

* A "community-based organization" means a public or private nonprofit organization that is representative of a community or a significant segment of a community, and is engaged in meeting human, educational, environmental, or public safety community needs.

PART 2 – RESPONSIBLE ORGANIZATION OFFICIALS

Please list the following information for each of the principal individual(s) who is the officer(s) or official(s) of the organization responsible for operation of the sponsoring entity.

Individual 1:

Name

Address Line 1

Address Line 2

City, State, Zip

County

Title

Phone

Alternate Phone

E-mail address

Individual 2:

Name

Address Line 1

Address Line 2

City, State, Zip

County

Title

Phone

Alternate Phone

E-mail address

Individual 3:

Name

Address Line 1

Address Line 2

City, State, Zip

County

Title

Phone

Alternate Phone

E-mail address

(Attach additional sheet(s) if needed to list additional principal organizational individuals)

PART 3 – EVENT DETAILS

1. Name of event, if any: _____

2. Date(s) of event (not to exceed ten calendar days): _____

3. Location(s) of the event (be as specific as possible, including address):

4. Describe the intended event; including a list of all types of healthcare services intended to be provided (*attach additional sheet(s) if necessary*): _____

5. Attach a list of all out-of-state health-care practitioners who you currently believe intend to apply for authorization to participate in the event. The list should include the name, profession, and state of licensure of each identified individual.

____ Check here to indicate that list is attached.

Note:

- Each individual out-of-state practitioner must request authorization to participate in the event by submitting an application to the applicable licensing Board or Committee.
- The organization will be notified in writing whether authorization for an individual out-of-state practitioner has been granted.

This form, any attachments, and all related questions shall be submitted to:

Department of Consumer Affairs
Attn: Sponsored Free Health-Care Events
~~Legislative and Policy Review Division~~ Complaint Resolution Program
1625 North Market Blvd., Ste. S-204202
Sacramento, CA 95834

Tel: (916) 574-78007950
Fax: (916) 574-86558676
E-mail: ~~lprdivision@dca.ca.gov~~ CRP2@dca.ca.gov

- I understand that I must maintain records in either electronic or paper form both at the sponsored event and for five (5) years in California, per the recordkeeping requirements imposed by California Business and Professions Code section 901 and the applicable sections of Title 16, California Code of Regulations, for the regulatory bodies with jurisdiction over the practice to be engaged in by out-of-state practitioners
- I understand that our organization must file a report with each applicable Board or Committee within fifteen (15) calendar days of the completion of the event.

I certify under penalty of perjury under the laws of the State of California that the information provided on this form and any attachments is true and current, and that I am authorized to sign this form on behalf of the organization:

Name Printed

Title

Signature

Date

PERSONAL INFORMATION COLLECTION, ACCESS AND DISCLOSURE

Disclosure of your personal information is mandatory. The information on this form is required pursuant to Business and Professions Code section 901. Failure to provide any of the required information will result in the form being rejected as incomplete. The information provided will be used to determine compliance with the requirements promulgated pursuant to Business and Professions Code section 901. The information collected may be transferred to other governmental and enforcement agencies. Individuals have a right of access to records containing personal information pertaining to that individual that are maintained by the applicable Board or Committee, unless the records are exempted from disclosure by section 1798.40 of the Civil Code. An individual may obtain information regarding the location of his or her records by contacting the ~~Deputy Director of the Legislative and Policy Review Division~~ Complaint Resolution Program at the address and telephone number listed above.

**TITLE 16, DIVISION 4. BOARD OF CHIROPRACTIC EXAMINERS
DEPARTMENT OF CONSUMER AFFAIRS**

ADDENDUM TO THE INITIAL STATEMENT OF REASONS

HEARING DATE: None scheduled nor requested.

SUBJECT MATTER OF PROPOSED REGULATIONS: Sponsored Free Health Care Events

SECTION(S) AFFECTED: Title 16, Division 4, California Code of Regulations, sections 309, 309.1, 309.2, 309.3 and 309.4.

UPDATED INTRODUCTION:

The introduction is updated as follows:

Subsequent to posting and mailing the 45-day Notice for this rulemaking package, the Department of Consumer Affairs made technical changes to the "Registration of Sponsoring Entity Under Business and Professions Code Section 901", Form 901-A (DCA/2014 – revised). Changes to the form include:

- Letterhead Agency Name
- Revision Date
- Contact Information of Program to Receive and Process Form 901-A (DCA/2014 – revised)

Additionally, DCA's Budget Office recommended the Economic Impact Assessment to include a summary of the range of fees an out of state applicant

UPDATED SPECIFIC PURPOSE OF EACH ADOPTION OR AMENDMENT:

The Board of Chiropractic Examiners (Board), proposed changes are updated as follows:

Section 309.1(a) – Registration:

This section would establish a timeframe of not less than 90 calendar days prior to the event for submission of a sponsoring entity's registration form and incorporates by reference Form 901-A (DCA/2014 - revised), "Registration of Sponsoring Entity Under Business and Professions Code Section 901", used for this purpose. This section would also allow the Board to delegate authority to DCA for purposes of reviewing and approving Form 901-A (DCA/2014 - revised).

Factual Basis/Rationale:

Sponsoring entities are required under BPC section 901(d) to register with the board if they will have out-of-state practitioners participating in their sponsored event. This section sets a deadline for sponsoring entities to submit a registration request of not less than 90 calendar days prior to the date on which the sponsored event will begin. This deadline will allow sufficient time for staff review of the registration information and

to have the registration in place prior to receipt of participation authorization requests from individual out-of-state practitioners.

The proposed regulation would implement the statute by prescribing a form that sponsoring entities can use to meet this requirement. In 2011, upon review of a Medical Board of California filing, the Office of Administrative Law raised concerns that there was not one common form with a uniform set of regulatory requirements which would, with certainty, allow for the filing of a "single, common form" that meets the regulatory requirements for all healing arts boards at DCA who are subject to BPC section 901. In response, DCA's healing arts boards have adopted Form 901-A (DCA/2011) as the common form used for the purpose of registering entities who wish to sponsor free health care events pursuant to Section 901. Therefore, on October 29, 2013, this Board voted to adopt a Resolution to formally delegate authority to DCA to receive and process Form 901-A (DCA/2011) so that the sponsoring entity would be required to submit only one form for registration of a sponsored event rather than individual forms to each healing arts board or committee. Subsequent to the posting and mailing of the 45-day Notice for this proposal, Form 901-A (DCA/2011) was revised by DCA with technical changes to the agency name listed on the letterhead, the revision date, and the name and contact information of the DCA program responsible for receiving and processing this form, now known as Form 901-A (DCA 2014 – revised), and incorporated by reference in this regulatory proposal. The form includes space for all of the information required to be submitted under the statute. The "Registration of Sponsoring Entity Under Business and Professions Code Section 901", Form 901-A (DCA/2014 - revised) would:

- Part 1 – Require the applicant to disclose the organization name, contact information, type of organization, and tax identification number. This portion would also request the organization to disclose whether it is community-based, its mission, goals and activities.
- Part 2 – Require the applicant to provide a list of responsible organization officials, including their name(s), address(es), title(s), phone number(s), and e-mail address(es).
- Part 3 – Require the applicant to disclose event details including the name of the event; date(s) of the event; location(s) of the event; description of the event; and a list of all out-of-state health care practitioners the organization currently intends to apply for the event (name, profession, and state of licensure).
- Provide a notice regarding collection and use of personal information provided on the application.
- Provide notice regarding requirements for each out-of-state practitioner practicing at the event, including submission of the required authorization to participate to the applicable licensing board or committee in advance of the event.
- Provide notice of the requirements for the maintenance of records for 5 years in California and for filing a report with the Board within 15 calendar days of completion of the event.
- Require the applicant to certify their statements under penalty of perjury and attest that the individual is authorized to sign on behalf of the organization.

- Require the applicant to submit its application for registration to the Department of Consumer Affairs for processing.

The foregoing form is necessary to create a process for the Board, and its delegatee (the DCA), to implement the requirements of BPC section 901 related to sponsoring entities, and to assist with providing detailed information to sponsoring entity applicants regarding the requirements for seeking and maintaining registration. The certification and disclosure requirements also assist in ensuring accurate, timely and complete information is being provided to the board, and its delegatee, prior to making a decision to grant or deny registration.

Section 309.1 (b) (Determination of Completeness of Form) -

This subsection would allow the Board to, by resolution, delegate to DCA the authority to receive and process "Registration of Sponsoring Entity Under Business and Professions Code Section 901", Form 901-A (DCA/2014 -revised) on behalf of the Board. This subsection would also specify that the Board shall inform the sponsoring entity within 15 days of receipt that the entity is registered or that the form is deficient and what specific information or documentation is required. The proposed subsection would allow the Board or its delegatee to reject the registration if all of the identified deficiencies have not been corrected at least 30 days prior to the event.

Factual Basis/Rationale:

Sponsoring entities are required, under BPC section 901(d), to register with the Board. This proposal would allow the Board to delegate the responsibility of receiving and processing requests for registration from sponsoring entities to DCA, thereby allowing the sponsoring entity to submit one registration form for each sponsored event and avoid duplication efforts by healing arts boards in processing these registration requests. Subsequent to the posting and mailing of the 45-day Notice for this proposal, Form 901-A (DCA/2011) was revised by DCA with technical changes to the agency name listed on the letterhead, the revision date, and the name and contact information of the DCA program responsible for receiving and processing this form, now known as Form 901-A (DCA 2014 – revised), and incorporated by reference in this regulatory proposal.

This subsection would also specify timelines for written notification to the sponsoring entity regarding receipt of their registration form and whether the registration was granted or insufficient and the means of correction. These timelines would provide the sponsoring entity with clear timelines and require DCA or the Board to give adequate notice to the entity with clear instruction for completion of insufficient registration forms in a timely manner. The proposed regulation specifies that deficient registration requests will be rejected if the deficiencies are not corrected by the sponsoring entity at least 30 days prior to the commencement of the sponsored health care event. This proposal would provide staff sufficient time to process completed applications, while giving sponsoring entities adequate time to respond to written notification of deficiencies.

The Registration of Sponsoring Entity Under Business and Professions Code Section 901, Form 901-A (DCA/2014 - revised), and the Request for Authorization to Practice Without a License at a Registered Free Health Care Event, Form 901-B (BCE/2013), are incorporated by reference in the proposed regulations. It would be cumbersome, unduly expensive and otherwise impractical to publish the documents in the California Code of Regulations. These forms will be available on the Board's web site and may also be mailed upon request.

UPDATED UNDERLYING DATA:

As noticed in the "Availability of Modified Text and Documents Added to the Rulemaking File", the Board updates the list of underlying data as follows:

- Assembly Bill 2699 (Chapter 270, Statutes of 2010)
- Assembly Bill 512 (Chapter 111, Statutes of 2013)
- Title 20 USC Section 7801
- Oct. 29, 2013 Board of Chiropractic Examiners Meeting Minutes (Draft)
- Registration of Sponsoring Entity Under Business & Professions Code Section 901, Form 901-A (DCA/2011)
- Request for Authorization to Practice Without a License at a Registered Free Health Care Event, Form 901-B (BCE/2013)
- Board of Chiropractic Examiners Resolution: Delegation to Department of Consumer Affairs for the Review and Registration of Sponsoring Entities
- Office of Administrative Law Decision of Disapproval of Regulatory Action In Re: Medical Board of California Proposed Regulations to Adopt Cal. Code of Regs., Title 16, Sections 1333, 1333.1, 1333.2, and 1333.3
- Table A: Data Supporting Application Fee for Out-of-State Practitioner Authorization to Participate in a Sponsored Free Health Care Event
- Registration of Sponsoring Entity Under Business and Professions Code Section 901, Form 901-A (DCA/2014 – revised)
- Fiscal Impact Estimates

UPDATED ECONOMIC IMPACT ASSESSMENT:

Following the posting and mailing of the 45-day Notice, DCA requested that the Board amend the Economic Impact Assessment to show the range of fees that may be incurred by an out-of-state licensee, rather than an average fee. As noticed in the "Availability of Modified Text and Documents Added to the Rulemaking File", the Board has added a document titled, "Fiscal Impact Estimates", which shows the range of fees an out-of-state licensee may incur. Based on this information, a portion of the Economic Impact Assessment has been amended as follows:

- **Implementation Costs for Out-of-State Practitioners:**

It is unknown how many applications will be received from sponsors of free health care events and out-of-state practitioner volunteers. Since the enactment of BPC section 901, the Board has not received any inquiries from out-of-state doctors of chiropractic regarding participation in such events. The statute includes doctors of chiropractic as practitioners who are able to participate in these events; therefore, the Board anticipates

approximately 5 applications from out-of-state practitioners seeking approval to participate during the first year of implementation of this proposal. A cost analysis of tasks associated with processing a request for authorization from an out-of-state practitioner was conducted in order to determine the application cost and is illustrated in Table A: Data Supporting Application Fee for Out-of-State Practitioner Authorization to Participate in Sponsored Event. Out-of-state doctors of chiropractic seeking authorization from the Board to participate in a sponsored free health care event would incur a \$59 fee for application processing. Additionally, applicants would incur costs associated with furnishing fingerprints for the purpose of allowing the Board to conduct a criminal history check. The range of costs per applicant for fingerprinting via Live Scan is \$49 to \$121 (\$17 FBI +\$32 DOJ + \$0-\$72 rolling fee assessed by the Live Scan Facility). Based on these figures, an out-of-state applicant who chooses to fulfill the fingerprint requirements using the Live Scan process can expect to incur initial costs ranging from \$108 to \$180. The Live Scan process requires the applicant to visit a Live Scan facility in California. For applicants who are unable to submit their fingerprints via Live Scan in California, fingerprint "ink on cards" must be submitted to the Board with a \$49 processing fee (\$17 FBI +\$32 DOJ), which is a direct cost determined by and paid to the Department of Justice for conducting the criminal history check. It is more likely that out-of-state applicants will submit "ink on cards" to fulfill the fingerprint requirement. The projected initial cost incurred by each applicant in this scenario is \$108. The fingerprint requirement only applies to the first application submitted by the applicant to the Board. These fees may be covered by sponsoring entities, who will also incur minor costs associated with maintaining records for their volunteers, reporting to the Board after events and filing a request for registration. These costs are necessary to cover the costs associated with staff time and resources to process applications for registration of sponsored events and volunteer out-of-state practitioners to ensure applicants are qualified to provide these services to the public within a strict timeframe specified in BPC Section 901.

Fiscal Impact Estimates
Projected Initial Costs for Out-of-State-Applicants*
Sponsored Free Health Care Events

Projected Costs Incurred by Out-of-State-Applicants (Live Scan)

• Application Fee	\$59
• Dept. of Justice (DOJ):	\$32
• Federal Bureau of Investigation (FBI):	\$17
• <u>Rolling Fee (range):</u>	<u>\$0 - \$72</u>
Total Cost Range:	\$108-\$180

Projected Costs Incurred by Out-of-State Applicants (Ink on Card) – Most Likely Scenario

• Application Fee:	\$59
• Dept. of Justice (DOJ):	\$32
• <u>Federal Bureau of Investigation (FBI):</u>	<u>\$17</u>
Total Cost:	\$108

*Fees are only applicable to out-of-state applicants as they have not undergone a background check by the Board and are not licensed to practice chiropractic in California.