BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

NOTICE OF TELECONFERENCE
GOVERNMENT AFFAIRS COMMITTEE MEETING

January 10, 2013
1:00 p.m.
2525 Natomas Park Drive, Suite 260
Sacramento, CA 95833
(916) 263-5355

Teleconference Locations with Public Access
Julie Elginer, Dr.PH
Calabasas Public Library
200 Civic Center Way
Calabasas, CA 91302
(818) 225- 7616

AGENDA

1. **PUBLIC SESSION** – Call to Order & Establishment of a Quorum
   Julie Elginer, Dr.PH, Chair
   Heather Dehn, D.C.
   Hugh Lubkin, D.C.
2. **PUBLIC COMMENT**
3. **Approval of Minutes**
   August 30, 2012
4. **Review Proposed Legislative Process / Tracking Procedures**
5. **Review / Revise Board Member Administrative Manual**
6. **Developing a Board of Chiropractic Examiners' Strategic Plan**
7. **Adjournment**

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

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@chiro.ca.gov or send a written request to the Board of Chiropractic Examiners, 2525 Natomas Park Drive, Suite 260, Sacramento, CA 95833. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

Board of Chiropractic Examiners
MEETING MINUTES
Government Affairs Committee
August 30, 2012
2525 Natomas Park Drive, Suite 120
Sacramento, CA 95833

DRAFT

Committee Members Present

Hugh Lubkin, D.C., Chair
Julie Elginer, Dr.PH
Heather Dehn, D.C.

Staff Present

Robert Puleo, Executive Officer
Spencer Walker, Staff Counsel
Sandra Walker, Compliance Manager
Linda Shaw, Licensing/CE Manager
Dixie Van Allen, Associate Governmental Program Analyst
Ray Delaney, Management Services Technician

Call to Order

Dr. Lubkin called the meeting to order at 1:34 p.m.

Roll Call

Dr. Dehn called the roll. All committee members were present.

Physical Therapy: Direct Access: Other States' Laws

Dr. Lubkin spoke on SB 924 Physical Therapy: Direct Access.

Kassie Donoghue, D.C. representing the California Chiropractic Association (CCA) came forward to speak on SB 924.

The Committee had a lengthy discussion on the bill.

BCE Mission Statement

Dr. Elginer suggested holding off providing the mission statement until the strategic plan is in place.

MOTION: DR. ELGINER MOVED TO REVISE THE BCE MISSION STATEMENT IN CONCERT WITH THE DEVELOPEMENT OF THE STRATEGIC PLAN
SECOND: DR. LUBKIN SECONDED THE MOTION
VOTE: 3-0
MOTION CARRIED

Government Relations: Strategic Plan

Dr. Elginer suggested beginning the strategic plan prior to the Sunset Review process. Mr. Puleo will check with the Department of Consumer Affairs on facilitating the process and follow up with Dr. Elginer. Dr. Elginer indicated that she can take the role of facilitating the strategic planning process for the Board. The Committee would like to place this item on the agenda of the next Board meeting.

Legislative Bill Tracking

The Committee discussed tracking pertinent legislative bills. Dr. Elginer discussed the tough task of identifying key legislation and then comes the task of tracking the bill.

Mr. Puleo indicated that he and Dixie Van Allen identify and track bills with key word searches on the Legislative Counsel's website at the beginning of each session. He indicated that key word searches are not always reliable.

Dr. Dehn suggested using CCA and the International Chiropractic Association of California (ICAC) as resources to assist identify and track bills.

Dr. Elginer would like a formal process put in place to identify and track legislative bills.

Policies and Procedures for Preparing Legislative Bill Analyses

Dr. Elginer suggested developing a standard form for conducting bill analyses to ensure consistency. Mr. Puleo will draft a form for review at the next Government Affairs Committee meeting.

Policies and Procedures for Determining Positions and Testifying on Legislation

Dr. Elginer indicated that there is no procedure in place for identifying, tracking, or analyzing legislation. She will work on developing procedures and will bring to the next Government Affairs Committee meeting.

DRAFT

BCE's Attendance at Other Boards' Meetings

Dr. Lubkin would like the Board to attend other Board meetings and extend the invitation to them for attendance to our meetings. Mr. Puleo will also identify other health care Board's upcoming meetings..He can send out notifications to the other Boards of our meetings and will draft a letter for the Chair's signature.

BCE Interest in Having Presentations at Board Meetings by State Associations and Colleges

Dr. Lubkin would like associations and colleges to make presentations at Board meetings. He requested to put this as a item on the Board meeting agenda.

BCE Interest in Issuing Proclamations to Recognize Individuals for Their Achievements Consistent with the Board's Consumer Protection Mission

Dr. Lubkin would like to provide educators, legislators and/or Chiropractors achievement proclamations publicly at Board meetings. The criteria will be based on the public safety aspect.

Mr. Walker stated his concerns that Section 4 of the Initiative Act does not allow the issuance of proclamations. Secondly, the fees for design and framing will come out the of Board's budget, which is funded by licensing fees and could be deemed an inappropriate use of these fees..

Dr. Lubkin tabled this item.

Public Comment

No comments were brought forward.

Future Agenda Items

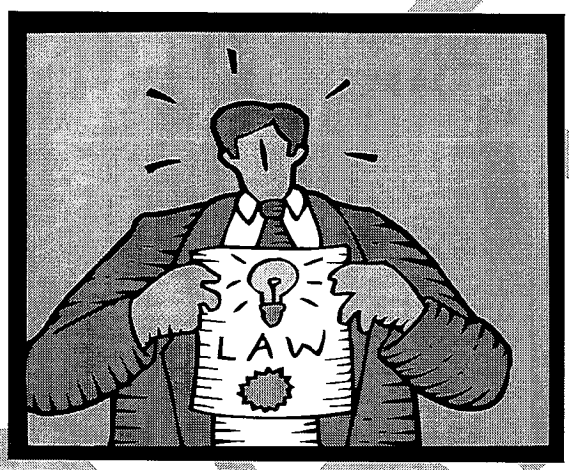
Mr. Puleo stated that the Board Member Administrative Manual needs to be updated.

Adjournment

Dr. Lubkin adjourned the meeting at 2:37 p.m.

DRAFT

Legislative Bill Tracking



DRAFT

Board of Chiropractic Examiners

November 2012

Board of Chiropractic Examiners

November 2012

Tracking State legislation, which may impact the California Board of Chiropractic Examiners (BCE), entails identification of legislative bills, bill analyses, and a board decision on whether or not to take action. This is an interactive process between the staff tracking the legislation, the Executive Officer and the Board Members throughout the life of the bill.

1.0 Legislative Program Overview:

This manual is designed to help you:

- Understand the State legislative processes.
- Learn how to analyze legislation.

State legislation can affect the BCE in a number of ways, such as:

- Changing governmental roles or functions.
- Changing the governance of the BCE.
- Changing the level of resources available or conditions of operation, reducing or expanding the functions or procedures of the BCE.

2.0 Development and Implementation of the BCE's Legislative Process:

The State legislative process requires the BCE to be responsive to changing circumstances and concerns throughout the life of a bill. Thus, it is imperative that the BCE have a process to present new information to the Board Members for action. BCE staff and the Executive Officer utilizes a number of sources, including, but not limited to the following sources to track and update its legislative agenda:

DRAFT

- The Official California Legislative Information website (http://www.leginfo.ca.gov), maintained by the Office of Legislative Counsel, provides bill language, status, history, votes, analyses and a bill subscription service to help track specific bills. Using keywords such as chiropractor, chiropractic, manipulation, healing arts, etc., will aid in locating bills specific to the chiropractic profession.
- A Legislative Index and a Table of Sections Affected (http://www.leginfo.ca.gov/legpubs.html) allows a bill to be searched by subject matter and California Codes.
- The Department of Consumer Affairs' (DCA) 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)
- The Department of Consumer Affair's Legislative & Policy Review Office tracks legislation impacting entities under the auspice of the department.
- 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.
    1. CCA - http://capwiz.com/calchiroassn/issues/bills/
    2. ICAC - http://www.icacweb.com/
- The Governor's web page (http://www.governor.ca.gov/state/govsite/gov_homepage.jsp) contains bill signing and bill veto messages.
- Legislative Committees that hear legislation relevant to the BCE.
    1. The Senate Business and Professions Committee and Economic Development (http://sbp.senate.ca.gov/)
    2. The Assembly Business and Professions and Consumer Protection Committee (http://abp.assembly.ca.gov/)
    3. The Senate Health Committee (http://shea.senate.ca.gov/)
    4. The Assembly Health Committee (http://ahea.assembly.ca.gov/)

3.0 Legislative Bill Analyses:

This section illustrates how to read and analyze a bill using the following steps:

- Understanding the anatomy of a bill.
- Identifying intent.
- Indentifying the prohibition, permission, or requirement statements.
- Understanding the bill's context.

DRAFT

- Identifying changes in existing law.
- Estimating impact.
- Developing recommendations.

This section includes a description of the choices for positions on legislation and other considerations for inclusion in the bill analysis. (An, analysis checklist, and sample bill analysis are included as Attachments 1 and 2, respectively.) The bill analysis may also contain key components which assist the Board members in deciding the appropriate action to take on a bill.

3.1 Anatomy of a Bill:

Understanding the components of a bill will help in identifying key information quickly. The first page of a bill, as shown on the next page (Anatomy of a Bill), contains the date of introduction, the date of each amendment, including the last amendment, the added or amended code sections, the vote requirement, the bill's fiscal implications, and whether there is any State-mandated local cost. Bill analyses should always be based on the most current version of the bill. Additionally, the "PDF" format should be used, rather than the "HTML" format, as it will provide an exact copy of the document as officially printed.

DRAFT

3.2 Bill Analysis:

A bill impact assessment checklist and a sample BCE bill analysis are provided as attachments at the end of this document. The key components of a bill analysis are:

- **Bill Number -**
- **Author**
- **Bill Version (Date)**
- **Subject** – Title of Bill
- **Sponsor**
- **Status of Bill** – Did it pass from one committee to another? Provide the date and results of the most recent vote and by whom and where the bill was referred following the vote.
- **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 purpose of the bill addresses and how it addresses the issues(s).
- **Fiscal Impact** – Specifies the bill's operational and fiscal impact on the BCE (and other significant 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 the BCE's arguments based on the bill's effect and the fiscal impact.
- **Staff Recommended Position** – The recommendation should be based on all the arguments discussed with the Executive Officer prior distribution to the Board members for a vote.

Analyses may be required numerous times throughout the life of a bill as the content can change significantly from one draft to the next. Furthermore, spot bills may be introduced which may not have any significant effect upon its inception and become highly controversial as the content is changed throughout its life. The California Legislative Information website allows the user to subscribe to bills of interest and

DRAFT

receive e-mail notification whenever there is legislative action on a subscribed bill for the current session. It is also advisable to periodically contact the author and/or sponsor of a bill to enquire about the status of the bill and whether any amendments are forthcoming.

4.0 Board Action on Bills:

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.

4.1 Board Motions:

An analysis and complete text of a bill should be presented to the board members 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 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, is in conflict with the policies, laws or regulations of the BCE, and/or raises concerns about consumer protection/safety.
- **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.

DRAFT

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 Board Chair's signature. The letter should 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 committee in which the bill will be subsequently heard.

DRAFT

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

T (916) 263-5355
F (916) 263-5369
TT/TDD (800) 735-2929
Consumer Complaint Hotline
(866) 543-1311

Board of Chiropractic Examiners
2525 Natomas Park Drive, Suite 260
Sacramento, California 95833-2931
www.chiro.ca.gov

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.

DRAFT

- 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.

LEGISLATIVE HISTORY:

[Have any related or similar bills been introduced in the current or prior sessions? What is the status of these bills (e.g., "Failed passage in Assembly Appropriations Committee," "Vetoed by Governor," etc)]

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

DRAFT

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 _____

DRAFT

State of California

BOARD OF CHIROPRACTIC EXAMINERS
BOARD MEMBER
ADMINISTRATIVE MANUAL

Adopted October 2007
Revised April 23, 2009

Arnold Schwarzenegger, Governor
State of California

MISSION STATEMENT

The Board of Chiropractic Examiners' paramount responsibility is to protect California consumers from the fraudulent, negligent, or incompetent practice of chiropractic care.

Members of the Board

Hugh Lubkin, D.C., Chair
Heather Dehn, D.C., Vice Chair
Francesco Columbu, D.C., Secretary
Julie A. Elginer, Dr.PH, Public Member
Sergio Azzolino, D.C.

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.

TABLE OF CONTENTS

CHAPTER 1. Introduction — Page

Overview 5
State of California Acronyms 5
General Rules of Conduct 6

CHAPTER 2. Board Members & Meeting Procedures

Membership 8
Board Meetings and Offices 8
Board Meetings 8
Quorum 9
Board Member Attendance at Board Meetings 9
Public Attendance at Board Meetings 9
Agenda Items 9
Notice of Meetings 10
Notice of Meetings Posted on the Internet 10
Mail Ballots 10
Holding Disciplinary Cases for Board Meetings 10
Record of Meetings 11
Tape Recording 11
Meeting Rules 11
Public Comment 12

CHAPTER 3. Travel & Salary Policies & Procedures

Travel Approval 13
Travel Arrangements 13
Out-of-State Travel 13
Travel Claims 13
Salary Per Diem 13

CHAPTER 4. Selection of Officers & Committees

Officers of the Board 16
Election of Officers 16
Officer Vacancies 16
Board Member Addresses 16

TABLE OF CONTENTS

CHAPTER 4. (continued) **Page**

Board Member Written Correspondence and Mailings 16
Request to Access Licensee or Applicant Records 17
Communications: Other Organizations/Individuals/Media 17
Committee Appointments 17
Standing Committees 17
Committee Meetings 19
Attendance at Committee Meetings 19

CHAPTER 5. Board Administration & Staff

Executive Officer 21
Board Administration 21
Executive Officer Evaluation 21
Board Staff 21
Board Budget 22
Strategic Planning 22
Communications with Organizations & Individuals 22
Business Cards 22

CHAPTER 6. Other Policies & Procedures

Board Member Disciplinary Actions 23
Terms and Removal of Board Members 23
Resignation of Board Members 23
Conflict of Interest 24
Contact with Licensees and Applicants 24
Contact with Respondents 24
Service of Legal Documents 24
Serving as an Expert Witness 24
Request for Grants 25
Gifts from Licensees and Applicants 25
Ex Parte Communications 25
The Honoraria Prohibition 26
Board Member Orientation 27
Ethics Training 27
Sexual Harassment 27
Addendums 27

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 of the Act, 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.

State of California Acronyms

ALJ	Administrative Law Judge
AG	Office of the Attorney General
APA	Administrative Procedure Act
B&P	Business and Professions Code
CATS	Computer Assisted Testing Service
CCCP	California Code of Civil Procedure
CCR	California Code of Regulations
CLEAR	Council on Licensure Enforcement and Regulations
DAG	Deputy Attorney General
DOF	Department of Finance
DOI	Department of Insurance
DPA	Department of Personnel Administration
SAM	State Administrative Manual
SCIF	State Compensation Insurance Fund
SPB	State Personnel Board
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 shall comply with all provisions of the Bagley-Keene Open Meeting Act.
- Board members shall not speak or act for the Board without proper authorization.
- Board members shall not privately or publicly lobby for or publicly endorse, or otherwise engage in any personal efforts that would tend to promote their own personal or political views or goals, when those are in direct opposition to an official position adopted by the Board.
- Board members shall not discuss personnel or enforcement matters outside of their official capacity in properly noticed and agendized meetings or with members of the public or the profession.
- Board members shall never accept gifts from applicants, licensees, or members of the profession while serving on the Board.
- Board members shall maintain the confidentiality of confidential documents and information related to board business.
- Board members shall commit the time and prepare for 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, which is related to official board business.
- Board members shall recognize the equal role and responsibilities of all Board members.
- 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 treat all consumers, applicants and licensees in a fair, professional, courteous and impartial manner.

- Board members' actions shall serve to uphold the principle that the Board's primary mission is to protect the public.

- Board members shall not use their positions on the Board for personal, familial, or financial gain. Any employment subsequent to employment as a board member shall be consistent with Executive Order 66-2.

CHAPTER 2. Board Members & Meeting Procedures

Membership
(§1 Initiative Act)

The Board consists of seven members appointed by the Governor. Each member must be a citizen of the United States and have been a resident of California for five years. Two members must be public members. Each licensee member must have at least five years of licensure in this state prior to appointment. Each licensee member must have pursued a resident course in an approved chiropractic school or college, and must be a graduate thereof and hold a diploma therefrom.

No more than two persons can serve simultaneously as members of the Board whose first diplomas were issued by the same school or college of chiropractic. Nor can more than two members be residents of any one county of the state. No person is eligible for appointment to the Board who is currently or within one year of holding a position as an administrator, policy Board member, or a paid employee of any chiropractic school or college.

Board Meetings and Offices
(§6 Initiative Act)

The full Board must meet at least twice each calendar year.

The Board's office is located in Sacramento. The Board may establish additional offices in Los Angeles and San Francisco.

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

The Board, as a statement of policy, shall comply with the provisions of the Bagley-Keene Open Meeting Act, and conduct their business in accordance with Robert's Rules of Order, as long as that does not conflict with any superseding laws or regulations.

Due notice of each meeting and the time and place thereof must be given to each member in the manner provided by the Bagley-Keene Open Meeting Act.

The Board may call a special meeting at any time in the manner provided by the Bagley-Keene Open Meeting Act, Government Code Section 11125.4.

Quorum
(§3 Initiative Act)

A majority of the Board (four members) will constitute a quorum. An affirmative vote of four members of the Board is required to carry any motion or resolution, to adopt any rule, or to authorize the issuance of any license provided for in the Act.

Board Member Attendance at Board Meetings
(Board Policy)

Being a member of the Board is a serious commitment to the governor, and the people of the State of California. Board members shall attend a minimum of 75% of all scheduled assigned committee meetings and full session Board meetings. In extraordinary circumstances, the Chair may excuse a Board member from this obligation. If a member is unable to attend, he or she must contact the Board Chair or the Executive Officer, and provide a written explanation of their absence.

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 the Board Secretary 15 days prior to a Board meeting. To the extent possible, the Board Secretary will calendar each Board member's request on a future Board meeting.

In the event of a conflict, the Board Secretary will discuss the proposed agenda item with the Board Chair, and the Board Chair shall make the final decision. The Board Secretary will work with the Executive Officer to finalize the agenda.

If a Board member requests an item be placed on the agenda, and that request can not be complied with at the immediate upcoming meeting, then

the requested agenda item shall be placed on the next regularly scheduled meeting or into committee and shall never be postponed more than two meetings prior from being placed on the agenda and open for discussion by the Board *or* Committee.

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.

Mail Ballots
(Government Code Section 11500)

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

Holding Disciplinary Cases for Board Meetings
(Board Policy)

When voting on 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 ballot. This allows staff the opportunity to prepare information being requested.

If two votes are 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.

Record of Meetings
(Board Policy)

The minutes are 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 recordings of each board meeting shall be maintained and not destroyed.

Tape Recording
(Government Code Section 11124.1(b))

The meeting may be audio and video tape 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, the comments may be limited to three minutes per person. 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 may designate one of its members 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

Travel Approval
(Board Policy)

Board members shall receive Executive Officer approval for all travel and salary or per diem reimbursement, except for regularly scheduled Board, committee, and conference meetings to which a Board member is assigned.

Travel Arrangements
(Board Policy)

Board members should attempt to make their own travel arrangements and are encouraged to coordinate with the Board liaison on lodging accommodations.

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

For 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. Out-of-state travel for all persons representing the state of California is controlled and must be approved by the Governor's Office.

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)

Each member of the Board shall receive a per diem in the amount provided in Section 103 of the Business and Professions (B&P) Code. Board members fill non-salaried positions, but are paid $100 per day for each meeting day and are reimbursed travel expenses.

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.

In relevant part, B&P Code Section 103 provides for the payment of salary per diem for Board members "for each day actually spent in the discharge of official duties," and provides that the Board member "shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties."

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. No salary per diem or reimbursement for travel-related expenses shall be paid to Board members except for attendance at official Board or committee meetings, unless a substantial official service is performed by the Board member.

   Attendance at gatherings, events, hearings, conferences or meetings other than official Board or committee meetings in which a substantial official service is performed the Executive Officer shall be notified and approval shall be obtained from the Board Chair prior to Board member's attendance.

2. 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.

   If a member is absent for a portion of a meeting, hours are then reimbursed for time actually spent. Travel time is not included in this component.

3. 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 Federation of Chiropractic Licensing Boards (FCLB). Work also includes preparation time for Board or committee meetings and reading and deliberating mail ballots for disciplinary actions.

4. Reimbursable work does not include miscellaneous reading and information gathering unrelated 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.

5. 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.

CHAPTER 4. Selection of 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.

Election of Officers
(§3 Initiative Act)

Elections of the officers shall occur annually at the January meeting of the Board.

Officer Vacancies
(Board Policy)

If an office becomes vacant during the year, the Chair may appoint a member to fill the vacancy for the remainder of the term until the next annual election.

If the office of the Chair becomes vacant, the Vice Chair shall assume the office of the Chair. Elected officers shall then serve the remainder of the term.

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.

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 provided to the Executive Officer for reproduction and distribution. The Executive Officer will retain a copy in a chronological file and distribute the written material.

Request to Access Licensee or Applicant Records
(Board Policy)

No Board member may access a licensee's, or applicant's file without the Executive Officer's knowledge and approval of the conditions of access. Records or copies of records shall not be removed from the Board's office at any time.

Communications: Other Organizations/Individuals/Media
(Board Policy)

All communications relating to any Board action or policy to any individual or organization, or a representative of the media shall be made only by the Board Chair, his or her designee, or the Executive Officer. Any Board member who is contacted by any of the above should inform the Board Chair or Executive Officer of the contact.

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 in consultation with the Vice Chair, Secretary, and the Executive Officer.

Standing Committees
(Board Policy)

The Board has eight standing committees:

1. **Continuing Education Committee**
   The Committee recommends regulations for mandatory continuing education and overseeing the Continuing Education Program, which includes program administration, continuing education providers' evaluation, waiver requests review, and conducting regular at-random and continuing education audits.

2. **Enforcement 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 Relations Committee**
The Committee continually reviews policies, procedures, budget, personnel, accounting, and departmental issues. The Committee proposes polices 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.

4. **Legislative/Regulation Committee**
The Committee proposes regulations that enhance the Board's role as a regulatory agency that protects the public.

The committee will review and recommend positions on bills that affect the Board.

The following classification system will be used by the committee in recommending Board positions:

1. **Support:** The Board supports the current version of the bill.

2. **Support if Amended:** The Board generally supports the concept or intent of the bill.

3. **Oppose:** The Board is opposed to the current version of the bill.

4. **Oppose Unless Amended:** The Board is opposed to the bill but is willing to work with the author and sponsor of the bill to resolve the Board's concerns.

5. **Watch:** The Board has some interest in the bill because it potentially may affect the work of the Board.

5. **Licensing Committee:**
The Committee proposes policies and standards regarding chiropractic colleges, doctors of chiropractic, and satellite offices.

6. **Public Relations:**
The Committee develops strategies to communicate with the public through various forms of media.

7. **Scope of Practice:**
   The Committee reviews and proposes positions on scope of practice issues.

8. **Strategic Planning:**
   The Committee develops draft strategic plans and monitors the Board's progress in achieving goal and objectives.

Committee Meetings
(Board Policy)

Each of these committees is comprised of at least two Board members and staff, who provide 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 strategic objectives.

The Board's committees allow Board members, stakeholders and staff to discuss and conduct problem solving on issues related to the Board's strategic goals. They also allow the Board to consider options for implementing components for the strategic plan.

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

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

The chairperson 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. These meetings shall also be run in accordance 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 obtain permission from the Board Chair to attend and must notify the committee chair and staff.

Board members who are not members of the committee that is meeting cannot vote during the committee meeting.

If there is a quorum of the Board at a committee meeting, Board members who are not members of the committee must sit in the audience and cannot participate in committee deliberations.

It is also important to note that any time more than two Board members attend a Board committee meeting, that committee must have been publicly noticed.

The Board's legal counsel works with the Executive Officer to assure any meeting that fits the requirements for a public meeting is appropriately noticed.

CHAPTER 5. 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 at will employee, who serves at the pleasure of the Board, and may be terminated, with or without cause, in accordance with the provisions of the Bagley-Keene Open Meeting Act.

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.

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 Executive Officer is evaluated by the Board Chair during a closed session. Board members provide information to the Chair on the Executive Officer's performance in advance of this meeting.

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 a myriad of 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)

The Executive Officer or the Executive Officer's designee will attend and testify at legislative budget hearings and shall communicate all budget issues to the Administration and Legislature.

Strategic Planning
(Board Policy)

The Administrative 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.

Communications with Other Organizations & Individuals
(Board Policy)

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

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's office.

Business Cards
(Board Policy)

Business cards will be provided to each Board member with the Board's name, address, telephone and fax number, and website address.

CHAPTER 6. Other Policies & Procedures

Board Member Disciplinary Actions
(Board Policy)

If a board member violates any provision of the Administrative Procedure Manual, the Chair will provide in writing, notice to the member of the violation. If the member disagrees with the notice, the board member must provide a reply in writing. After giving the board member an opportunity to respond to the notice, the Chair, at his/her discretion may meet in person or discuss by telephone with the board member to discuss the violation. The Chair may ask a third person to be present during the meeting. If the matter is not resolved at the end of the meeting or it is resolved but the board member continues to violate the procedures in the manual, the Chair may agendize at the next board meeting an item asking for censure of the board member.

If the violation concerns the Chair's conduct, the Vice-Chair will handle the matter.

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 it becomes necessary for a Board member 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.

Conflict of Interest
(Government Code Section 87100)

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 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. If a Board member is contacted by a respondent or his/her attorney, the Board member should refer the individual to the Executive Officer.

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 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

All requests for funding/contributions to Board projects shall be approved by the Board Chair.

Requests for such grants 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)

A gift of any kind to Board members from licensees, applicants for licensure, continuing education providers or approved schools is not permitted. Gifts must be returned immediately.

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 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
(Board Policy)

The Board member orientation session shall be given to new Board members within one year of assuming office.

Ethics Training

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 Training
(Government Code Section 12950.1)

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

Addendums

Applicable provisions of the following:

Executive Order 66-2
Government Code
State Administrative Manual