STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, Governor

Board of Chiropractic Examiners
2525 Natomas Park Drive, Suite 260
Sacramento, California 95833-2931
Telephone (916) 263-5355 FAX (916) 263-5369
CA Relay Service TT/TDD (800) 735-2929
Consumer Complaint Hotline (866) 543-1311
www.chiro.ca.gov

NOTICE OF PUBLIC MEETING

May 13, 2010
10:00 a.m.
Crowne Plaza SFO
1177 Airport Blvd.
Burlingame, CA 94010
(650) 342-9200

AGENDA

1. **OPEN SESSION** – Call to Order & Establishment of a Quorum
   Frederick Lerner, D.C. Chair
   Hugh Lubkin, D.C., Vice Chair
   Francesco Columbu, D.C., Secretary
   Jeffrey Steinhardt, D.C.
   Richard Tyler, D.C.

2. **Chair's Report**

3. **Federation of Chiropractic Licensing Boards Annual Conference – Outstanding Chiropractic Licensing Board Award**

4. **Approval of Minutes**
   March 18, 2010 Board Meeting

5. **Public Comment**

6. **Board Member Training on the Bagley-Keene Open Meetings Act and Other Relevant Laws**

7. **Interim Executive Officer's Report**
   A. Administration
   B. Budget
   C. Licensing
   D. Enforcement

8. **Ratification of Approved License Applications**

9. **Ratification of Approved Continuing Education Providers**

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

11. **Recommendation to Waive Two Year Requirement to Restore a Cancelled License**

12. **Enforcement Committee Meeting Update** – Board may take action on any item on the attached Enforcement Committee meeting agenda.

13. Legislative Update

A. SB1111 (Negrete McLeod)
B. AB1996 (Hill)
C. SB1413 (Leno)
D. SB1255 (Padilla)
E. AB2705 (Hall)
F. Any Other Bills of Interest to the Board

14. Proposed Regulations Update

A. Continuing Education
B. Fingerprint Submissions
C. California Code of Regulations Section 341 (Law Violators)

15. Cost Recovery for Petitioner Hearings

16. Public Comment

17. Future Agenda Items

18. Hearings Re: Petition for Reinstatement of Revoked License

A. Robert Bostock
B. Richard Warner
C. Linda Powers

19. Closed Session

A. Pursuant to California Government Code Section 11126(e)
   1) Catherine Hayes v. Board of Chiropractic Examiners
      Sacramento County Superior Court, Case No. 34-2008-0000647
   2) David Hinchee v. Board of Chiropractic Examiners
      Sacramento County Superior Court, Case No. 07AS03721
   3) Board of Chiropractic Examiners v. Carole M. Arbuckle
      Sacramento County Superior Court, Case No 03AS00948
B. Deliberation on Disciplinary Matters and Possible Action on Disciplinary Decisions
   Pursuant to California Government Code Section 11126(c)(3)

20. OPEN SESSION: Announcements Regarding Closed Session

21. 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.

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BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES
March 18, 2010
Hilton Glendale
100 W. Glenoaks Blvd.
Glendale, CA 91202

DRAFT

Board Members Present
Frederick Lerner, D.C., Chair
Hugh Lubkin, D.C., Vice Chair
Francesco Columbu, D.C., Secretary
Jeffrey Steinhardt, D.C.
Richard Tyler, D.C.

Staff Present
Robert Puleo, Interim Executive Officer
LaVonne Powell, Senior Staff Counsel
Linda Shaw, Staff Services Manager
Dixie Van Allen, Associate Governmental Program Analyst
Lavella Matthews, Associate Governmental Program Analyst
Valerie James, Office Technician
Janitzia Downey, Special Investigator
Lilia Jones, Special Investigator
Maria Martinez, Special Investigator
Denise Robertson, Special Investigator

Call to Order
Dr. Lerner called the meeting to order at 10:00 a.m.

Roll Call
Dr. Columbu called the roll. All members were present.

Chair's Report
Dr. Lerner gave the Chair's Report.

Swearing in Re-Appointed Board Members
Dr. Lerner administered the Oath of Office to the two board members who were re-appointed by Governor Schwarzenegger; Dr. Hugh Lubkin, DC and Dr. Francesco Columbu DC.

Approval of Minutes
October 22, 2009, November 19, 2009, January 21, 2010, and February 18, 2010 Board Meetings.

MOTION: DR. LERNER MOVED TO APPROVE ALL THE MINUTES AS THEY ARE
SECOND: DR. TYLER SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

Discussion
None

Public Comment
None

Board Member training on the Bagley-Keene Open Meetings Act and other relevant laws
Ms. Powell stated there is nothing new to bring forward and no issues reported; this board is doing a great job following the Open Meeting Act.

Dr. Lubkin thanked and commended Ms. Powell for her guidance.

Interim Executive Officer's Report
Mr. Puleo gave the Interim Executive Officer's Report. The topics were Administration, Budget, Licensing, and Enforcement.

Dr. Lerner asked about an article he read regarding overtime negating furloughs and if there was any relevance to this board.

Mr. Puleo responded this issue was not a concern for our board staff.

Dr. Lubkin complemented the 317 breakdown chart and asked if the timeframes are being met on the enforcement cases.

Mr. Puleo responded that the cases are currently meeting the timeframes.

Ratification of Approved License Applications

MOTION: DR. LUBKIN MOVED TO RATIFY THE APPROVED LICENSE APPLICATIONS
SECOND: DR. COLUMBU SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED
The Board ratified the attached list of approved license applications incorporated herein (Attachment A).

Discussion
None

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Ratification of Approved Continuing Education Providers

MOTION: DR. STEINHARDT MOVED TO RATIFY THE APPROVED CONTINUING EDUCATION PROVIDERS
SECOND: DR. TYLER SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED
The Board ratified the attached list of approved continuing education providers incorporated herein (Attachment B).

Discussion
None

Ratification of Denied License Applications in Which the Applicants Did Not Request a Hearing
None

Recommendation to Waive Two Year Requirement to Restore a Cancelled License

MOTION: DR. LUBKIN MOVED TO RATIFY THE RECOMMENDATION TO WAIVE TWO YEAR REQUIREMENT TO RESTORE A CANCELLED LICENSE
SECOND: DR. TYLER SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED
The Board ratified the attached list of applications in which the applicants request to waive the two year requirement to restore a cancelled license incorporated herein (Attachment C).

Discussion
None

Enforcement Committee Meeting Update
Dr. Lubkin provided an update from the Enforcement Committee.

Dr. Lerner, Mr. Puleo, and Ms. Powell had a discussion regarding SB 1111. This board is currently not part of this bill. There is a list of recommendations created by the committee to possibly put this board in the bill with the recommendations; or it may be better for us to create our own bill.

Ms. Powell suggested we ask for a leg counsel opinion regarding if there is a conflict with our Act and some of the provisions. In addition we still need to look at the 800 series.

The Board, Ms. Powell, and Mr. Puleo went through the list of recommendations and responses from the committee making modifications to possibly become a part of SB 1111. Dr. Lerner reminded the board members that this is the bill that Mr. Luis Portillo from the Department of Consumer Affairs discussed at the February 18th Board Meeting.

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MOTION: DR. LERNER MOVED TO ADOPT THE LIST OF RECOMMENDATIONS AS DISCUSSED
SECOND: DR. COLUMBU SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

Public Comment
Dr. Charles Davis, DC provided public comment stating the language needs to be so clear, that it could not be misunderstood.

Public Relations Committee Meeting Update
Dr. Lerner provided an update from the Public Relations Committee discussing the board seal, developing a brochure regarding how to choose a chiropractor, and public outreach.

MOTION: DR. COLUMBU MOVED TO ADOPT THE SEAL LABELED "A"
SECOND: DR. LUBKIN SECONDED THE MOTION
VOTE: 4-1
MOTION CARRIED

Discussion
The board members discussed the two options for the board seal.

MOTION: DR. LERNER MOVED TO ADOPT THE AMBASSADOR PROGRAM AND FORM
SECOND: DR. LUBKIN SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

Scope of Practice Committee Meeting Update
Dr. Lubkin provided an update from the Scope of Practice Committee.

Search for Executive Officer
Dr. Lerner tabled this item as there is currently nothing new to discuss.

Proposed Regulations
A. Manipulation under Anesthesia
Dr. Lerner provided an update stating that the regulation passed through OAL and has been filed with The Secretary of State and becomes effective today.

B. Continuing Education
Mr. Puleo provided an update stating it's in our best interest to withdraw the current package, clean it up and make some technical changes, then re-introduce the new package for a new 45 day comment period.

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MOTION: DR. LERNER MOVED TO WITHDRAW THE CURRENT PACKAGE, MAKE SOME TECHNICAL CHANGES, THEN REINTRODUCE A CLEAN PACKAGE WITH THE SAME REGULATORY LANGUAGE WE LEFT OFF WITH
SECOND: DR. LUBKIN SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

C. Recognition of Chiropractic Specialties
Dr. Lerner provided an update stating the regulation was approved through OAL last Tuesday.

D. Fingerprint Submissions
Ms. Van Allen provided an update.

E. California Code of Regulations Section 314 (Law Violators)
Mr. Puleo provided an update.

MOTION: DR. LUBKIN MOVED TO ADOPT THE FINAL LANUAGE FOR SECTION 314
SECOND: DR. COLUMBU SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

Public Comment
Dr. McAllister asked for clarification on the time line for re-notice of the CE regulation.

Mr. Puleo stated it should be noticed early to mid April.

Future Agenda Items
Dr. Lubkin would like more information on three new health related bills that were discussed in the governor's press conference last week.

Mr. Puleo suggested having a legislative committee meeting prior to bringing it to the full board meeting.

Hearings re: Petition for Reinstatement of Revoked License
Administrative Law Judge Susan Formaker presided over and Deputy Attorney General Tom Rinaldi appeared on behalf of the people of the State of California on the following hearings.

- Jon Postajian
- Jeffrey D. Bryant
- Richard A. Cipolone
- Amir Gharrirassi

Closed Session
Following oral testimonies, the Board went into closed session for deliberation and determinations of Petitioners.

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Adjournment
Dr. Lerner adjourned the public meeting at 4:30 p.m.

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Attachment A

Approval By Ratification of Formerly Approved License Applications
January 1, 2010 – February 28, 2010

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Name (First, Middle, Last)			Date Issued	DC#
Robin	Kaur	Randhawa	1/7/2010	31493
Hung	Huy	Le	1/14/2010	31494
Paul	Edward	Fuhrman	1/14/2010	31495
Brian	Ray	Hesser	1/14/2010	31496
Dustin	Patrick	DeRyke	1/14/2010	31497
Marresa	December	Jones	1/14/2010	31498
Matthew	Thomas	Leonard	1/14/2010	31499
Joseph	Michael	Kwait	1/14/2010	31500
Yasmeen	Amina	Khan	1/14/2010	31501
Peter		Chiang	1/14/2010	31502
Giuseppe		Moro	1/14/2010	31503
Christopher	John	Bernier	1/21/2010	31504
Wayne	Anthony	Cissell	1/21/2010	31505
Charles	Jay	Davidson	1/21/2010	31506
Leyla		Mehdizadegan	1/21/2010	31507
John	Spencer	Beall	1/21/2010	31508
Aaron	Justin	Vanderhoof	1/29/2010	31509
Melissa	Louise	Ponce	1/29/2010	31510
Travis	Wilson	Ryan	1/29/2010	31511
Bingzeng		Zou	1/29/2010	31512
Negar		Navid	2/10/2010	31513
Vi	Hoang	Nguyen	2/10/2010	31514
Ameneh		Raeisghasem	2/10/2010	31515
Jeffrey	Allan	Rockwell	2/10/2010	31516
Tawfik	Yahia Algafery	Saleh	2/10/2010	31517
Amando	Capati	Santos, Jr	2/10/2010	31518
Kristin	Nicole	Shay	2/10/2010	31519
Anthony	Scott	Smith	2/10/2010	31520
Yalda		Soha	2/10/2010	31521
Brian	H	Truong	2/10/2010	31522
Suzanne	Mae	Vlcek	2/10/2010	31523
Daniel	Jay	Wasserman	2/10/2010	31524

Jeffrey	Earl	Williams	2/10/2010	**31525**
Stephen	Robert	Besser	2/16/2010	**31526**
Dustin	John	Bouwhuis	2/16/2010	**31527**
David	Randolph	Catron	2/16/2010	**31528**
Angela	Renee	Duval	2/16/2010	**31529**
Jenny	Lynn	Enstrom	2/16/2010	**31530**
Mallory	Matteson	Feinberg	2/16/2010	**31531**
Eden	Joseph	Goldman	2/16/2010	**31532**
Craig	Romulo	Gonzales	2/16/2010	**31533**
Travis	Jon	Johnson	2/16/2010	**31534**
James	Edward	Lander	2/16/2010	**31535**
Raquelle	Marie Cardoso	Martins	2/16/2010	**31536**
Sara		Mehdizadegan	2/16/2010	**31537**
Tara	Marie	Nikolic	2/16/2010	**31538**
Sun Ho		Roh	2/16/2010	**31539**
Andrea	Calhoun	Shakarian	2/16/2010	**31540**
Daniel	Warren	Turner	2/16/2010	**31541**
William	Matthew	Ursprung	2/16/2010	**31542**
April	Joy	Walker	2/18/2010	**31543**
Pao	Vang	Vu	2/18/2010	**31544**
Frank	Joseph	Zermeno	2/18/2010	**31545**
Jamie	Lynn	Bjerkhoel	2/26/2010	**31546**
Alison	Lynn	Bremner	2/26/2010	**31547**
John	Samuel	Caponio	2/26/2010	**31548**
Aimee	Miyoko	Duncan	2/26/2010	**31549**
Matthew	Nicholas	Egan	2/26/2010	**31550**
Kathryn	Jo	Fox	2/26/2010	**31551**
Justin	James	Grasmeyer	2/26/2010	**31552**
Jessica	Emily	Green	2/26/2010	**31553**
Katie	Diane	Henery	2/26/2010	**31554**
Lauren	Elizabeth	Hunter	2/26/2010	**31555**
Rondi	Bernice	Johnson	2/26/2010	**31556**
Sally	Elisabeth	Kleinbart	2/26/2010	**31557**
Shahen		Kurestian	2/26/2010	**31558**
Kimberly	Ann	Liotta	2/26/2010	**31559**
Shereen	Rose	Manesh	2/26/2010	**31560**
Roger	Christopher	McGath	2/26/2010	**31561**
Jeffrey	Scott	Millan	2/26/2010	**31562**
Sumiko	Sekiguchi	Missimer	2/26/2010	**31563**
Linda	M	Nam	2/26/2010	**31564**
Jesse	Alan	Shakarian	2/26/2010	**31565**

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Kevin	Yong	Shin	2/26/2010	**31566**
Kelley	Jo	Watford	2/26/2010	**31567**
James	Jean	Yi	2/26/2010	**31568**
Jeremy	Scott	Summers	2/26/2010	**31569**

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Attachment B

Ratification of Formerly Approved Continuing Education Providers

Name (First, Middle, Last)	Date Approved
▪ **Alvarado Hospital**	**02/23/2010**

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Attachment C

Recommendation to Waive Two Year Requirement
on Restoration of a Cancelled License

Name (Last, First MI)	License No.	Cancellation Date
Ausmus, Donna	18503	11/30/2009
Kim, Sherri	23863	02/28/2009

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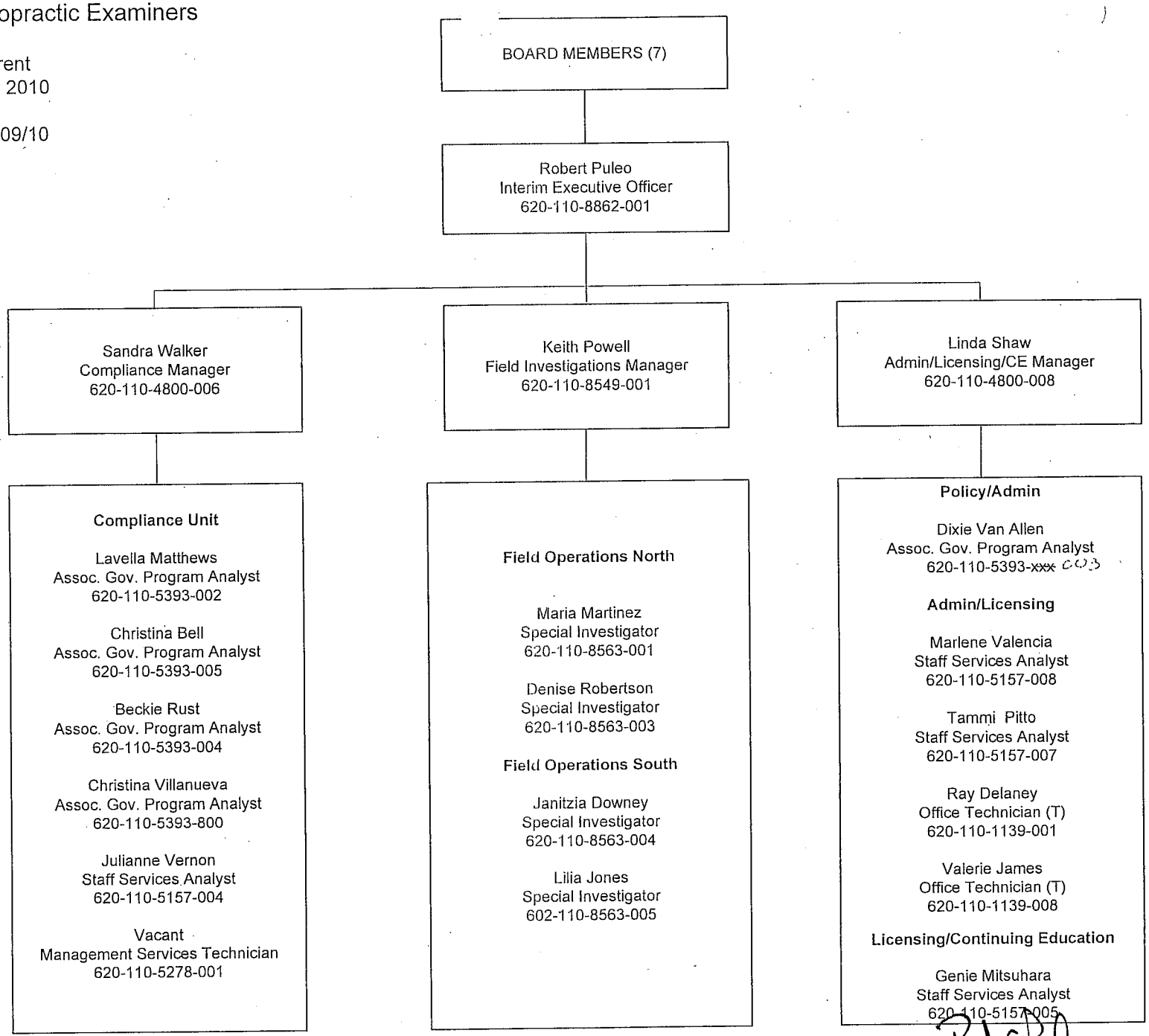
Recruitment and Selection of Vacant Positions
May 1, 2010

Classification	Date Advertised	Application Review	Interviews Conducted	Background Checks	Formal Offer	Start Date
Staff Services Analyst (Compliance Unit)	1/28/10	Completed	Completed	Yes	3/23/10	3/23/10
Management Services Technician (Compliance Unit)	4/27/10	In Progress				

State ard of Chiropractic Examiners

Current
March 2010

FY 2009/10



Interim Executive Officer Rob Puleo

Rev. 3/23/10

BOARD OF CHIROPRACTIC EXAMINERS
LICENSE STATISTICAL DATA

FY 2008/09 – FY 2009/10 COMPARISON

LICENSE TYPE	TOTAL LICENSES 5/1/2009	TOTAL LICENSES 5/1/2010	NET VARIANCE
CHIROPRACTOR	13,845	13,887	+42
SATELLITES	2,718	3,471	+753
CORPORATIONS	1,350	1,310	-40
REFERRALS	19	12	-7
TOTALS	17,932	18,680	+748

APPLICATIONS RECEIVED AND PROCESSED
MARCH 1, 2010 – APRIL 30, 2010

APPLICATION TYPE	RECEIVED	APPROVED	DENIED	WITHDRAWN	PENDING
INITIAL	57	73	0	0	148
RECIPROCAL	4	3	0	0	13
RESTORATION	49	48	0	0	15
CORPORATION	19	12	5	0	21

FUND NO. 0152

Expense Index

BOARD OF CHIROPRACTIC EXAMINERS
BUDGET REPORT
EXPENDITURE PROJECTION

March 31, 2010

MONTH 9 — Mos. Remaining: 3

OBJECT DESCRIPTION	FY 2007-08 ACTUAL EXPENDITURES (MONTH 13)	FY 2008-09 ACTUAL EXPENDITURES (MONTH 13)	FY 2008-09 PY EXPENDITURES AS OF 3/31/09	FY 2009-10 BUDGET ALLOTMENT	FY 2009-10 CY EXPENDITURES AS OF 3/31/10	FY 2009-10 PERCENT OF BUDGET SPENT	FY 2009-10 PROJECTIONS TO YEAR END	FY 2009-10 UNENCUMBERED BALANCE
PERSONAL SERVICES:								
Salaries and Wages								
Civil Service-Perm	411,012	844,062	544,901	897,503	610,507	68.0%	835,507	61,996
Temp Help (907)	4,861	52,473	25,814	4,615	4,736	102.6%	24,736	(20,121)
Board/Commission (910,920)	4,300	7,500	5,400	16,000	3,500	21.9%	5,000	11,000
S & W Statutory - Exempt			80,435	93,948	55,961		78,665	15,283
Overtime (909)	3,512	0		0	158	0.0%	3,000	(3,000)
Staff Benefits	208,524	328,968	227,627	393,518	283,489	72.0%	371,608	21,910
Salary Savings	0	0		(16,219)		0.0%	0	(16,219)
TOTAL, PERSONAL SVC	969,628	1,233,003	884,177	1,389,365	958,351	61.6%	1,318,516	70,849
OPERATING EXPENSE AND EQUIPMENT:								
General Expense	12,638	37,667	19,691	25,124	99,998	398.0%	109,998	(84,874)
Printing	4,495	18,314	1,997	3,715	914	24.6%	4,500	(785)
Communication	18,697	41,041	17,744	26,152	13,340	51.0%	27,000	(848)
Postage	21,284	14,935	3,631	6,273	2,566	40.9%	8,000	(1,727)
Travel In State	12,792	65,054	33,620	22,354	31,835	142.4%	42,447	(20,093)
Travel, Out-of-State	2,708	964	415	27,489		0.0%	0	27,489
Training	863	22,198	16,761	4,029	1,152	28.6%	20,000	(15,971)
Facilities Operations	109,487	113,807	83,350	128,126	91,808	71.7%	113,807	14,319
C & P Services - Interdept.	179,027	48,496	26,379	50,390	24,962	49.5%	30,000	20,390
C & P Services - External	417,461	217,118	171,845	40,678	176,864	434.8%	200,000	(159,322)
DP Billing (OIS) Prorata	0	0		0		0.0%	0	0
Consolidated Data Center	26,800	42,733	26,800	27,346	1,800	6.6%	43,000	(15,654)
Interagcy Agreement IT	70,000	107,673	0	54,432	109,237	200.7%	109,237	(54,805)
NOC Serv IT (Security)	49,500	16,685	9,958	67,227	6,338	9.4%	17,000	50,227
IT Consultant	0	0		56,972		0.0%	0	56,972
DP Supplies	1,217	2,152	2,152	0	391	0.0%	3,000	(3,000)
Central Admin Pro Rata	0	126,458	94,844	480,000	360,000	75.0%	480,000	0
Administrative External Svcs	178	2,319	1,367	0	726	0.0%	2,000	(2,000)
Equipment Repl/Addtl	97,530	0		0		0.0%	0	0
Minor Equipment	0	10,998	5,246	34,729		0.0%	34,729	0
Other Items of Expense	0	252	252	0		0.0%		0
Vehicle Operations	0	1,207	546	6,000	2,890	48.2%	4,000	2,000
ENFORCEMENT:								
Attorney General	342,327	991,137	242,377	997,347	555,368	55.7%	924,758	72,590
Attorney General Fingerprinting	5,128	6,340	2,906	5,000	2,142	42.8%	5,500	(500)
Office Admin. Hearing	48,411	71,078	44,624	235,080	48,373	20.6%	60,000	175,080
Evidence / Witness Fees	17,168	650	649	75,000		0.0%	5,000	70,000
Consultant Investigations	120,000	0		41,841		0.0%	5,000	36,841
Div. of Investigations	0	0		0		0.0%	0	0
Special Adjustments	0	0		0		0.0%	0	0
Forced OE&E Savings	0	0	0	0	0	0.0%	38,545	(38,545)
TOTALS, OE&E:	1,751,597	1,959,276	807,154	2,415,304	1,530,704	63.4%	2,287,520	127,784
TOTAL EXPENSE:	2,721,225	3,192,279	1,691,331	3,804,669	2,489,055	65.4%	3,606,036	198,633
Sched. Reimb. - Other	(4,312)	(5,570)	0	(34,000)	(2,157)	0.0%	(5,570)	0
Sched. Reimb. - Fingerprints	0	0	0	(10,000)	0	0.0%	0	0
Unsched. Reimb.	0	0	0	0	0	0.0%	0	0
TOTAL REIMBURSEMENTS:	0	(5,570)	0	(44,000)	(2,157)	0.0%	(5,570)	0
NET APPROPRIATION:	**2,721,225**	**3,186,709**	**1,691,331**	**3,760,669**	**2,486,898**	**66.1%**	**3,594,896**	**198,633**
							SURPLUS/(DEFICIT):	**5.28%**

Compliance Unit Statistics

Fiscal Year	05/06	06/07	07/08	08/09	09/10*
Complaints					
Received	764	702	644	655	441
Pending	760	863	824	410	228
Closed with Insufficient Evidence	118	132	107	206	123
Closed with No Violation	98	61	78	223	113
Closed with Merit	319	202	321	275	138
Letter of Admonishment	n/a	n/a	n/a	n/a	5
Citations and Fines Issued (Total Fine Amount)	36	34	28	41($19,200)	60($19,550)
Accusations					
Filed	45	41	13	64	63
Pending	142	92	73	105	112
Revoked	16	27	8	10	14
Revocation Stayed: Probation	16	23	10	4	19
Revocation Stayed: Suspension and Probation	15	15	10	7	6
Suspension	0	1	0	0	0
Suspension Stayed: Probation	0	0	0	0	1
Suspension and Probation	0	0	0	2	0
Voluntary Surrender of License	8	4	2	2	6
Dismissed/Withdrawn	0	3	3	5	15
Statement of Issues					
Filed	5	11	7	3	2
Denied	1	1	0	1	0
Probationary License	6	9	7	4	6
Withdrawn at Applicant's Request	0	2	1	0	0
Granted	8	3	0	0	0
Petition for Reconsideration					
Filed	1	1	0	1	1
Granted	1	0	0	0	0
Denied	0	1	0	1	1
Petition for Reinstatement of License					
Filed	9	10	15	13	9
Granted	1	5	12	4	2
Denied	9	4	6	11	9
Petition for Early Termination of Probation					
Filed	2	5	6	6	6
Granted	1	4	1	6	1
Denied	1	0	1	2	1
Petition for Modification of Probation					
Filed	1	0	0	0	0
Granted	1	0	0	0	0
Denied	0	0	0	0	0
Petition by Board to Revoke Probation					
Filed	2	2	0	11	20
Revoked	0	0	0	3	3
Probation Cases					
Active	188	174	159	140	138

* FY 09/10: July 1, 2009 – April 30, 2010

Revised: May 3, 2010

Violation Codes/Descriptions

The Chiropractic Initiative Act of California (ACT):

10 – Rules of Professional Conduct
15 – Noncompliance With and Violations of Act

California Code of Regulations (CCR):

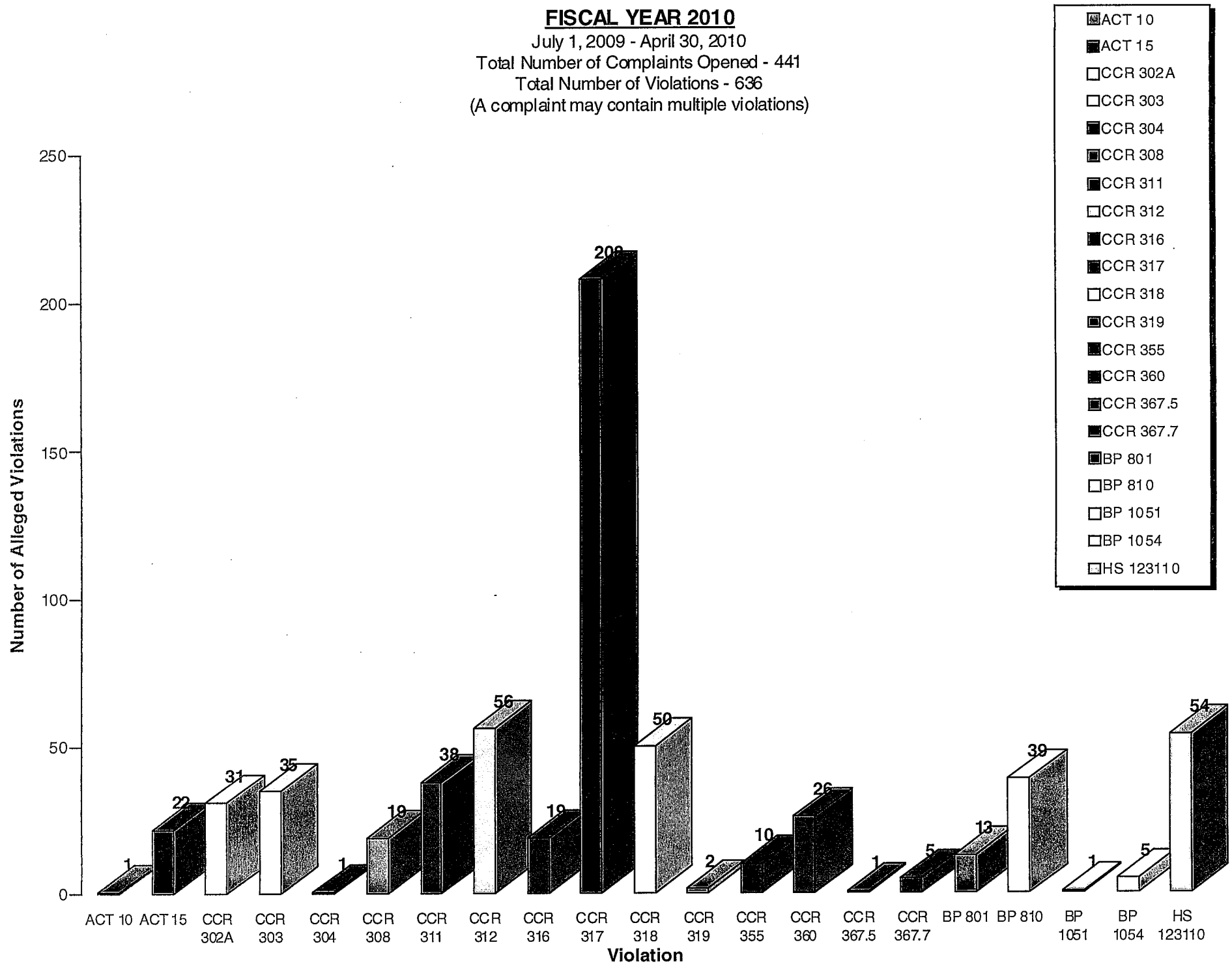
302(a) – Scope of Practice
303 – Filing of Addresses
304 – Discipline by Another State
308 – Display of License
311 – Advertisements
312 – Illegal Practice
316 – Responsibility for Conduct on Premises
317 – Unprofessional Conduct
318 – Chiropractic Patient Records/Accountable Billing
319 – Free or Discount Services
355 – Renewal and Restoration
360 – Continuing Education Audits
367.5 – Application, Review of Refusal to Approve (corporations)
367.7 – Name of Corporation

Business and Professions Code (BP):

801 – Professional Reporting Requirements (malpractice settlements)
810 – Insurance Fraud
1051 – Apply for a Corporation with the Board
1054 – Name of Chiropractic Corporation

Health and Safety Code (HS):

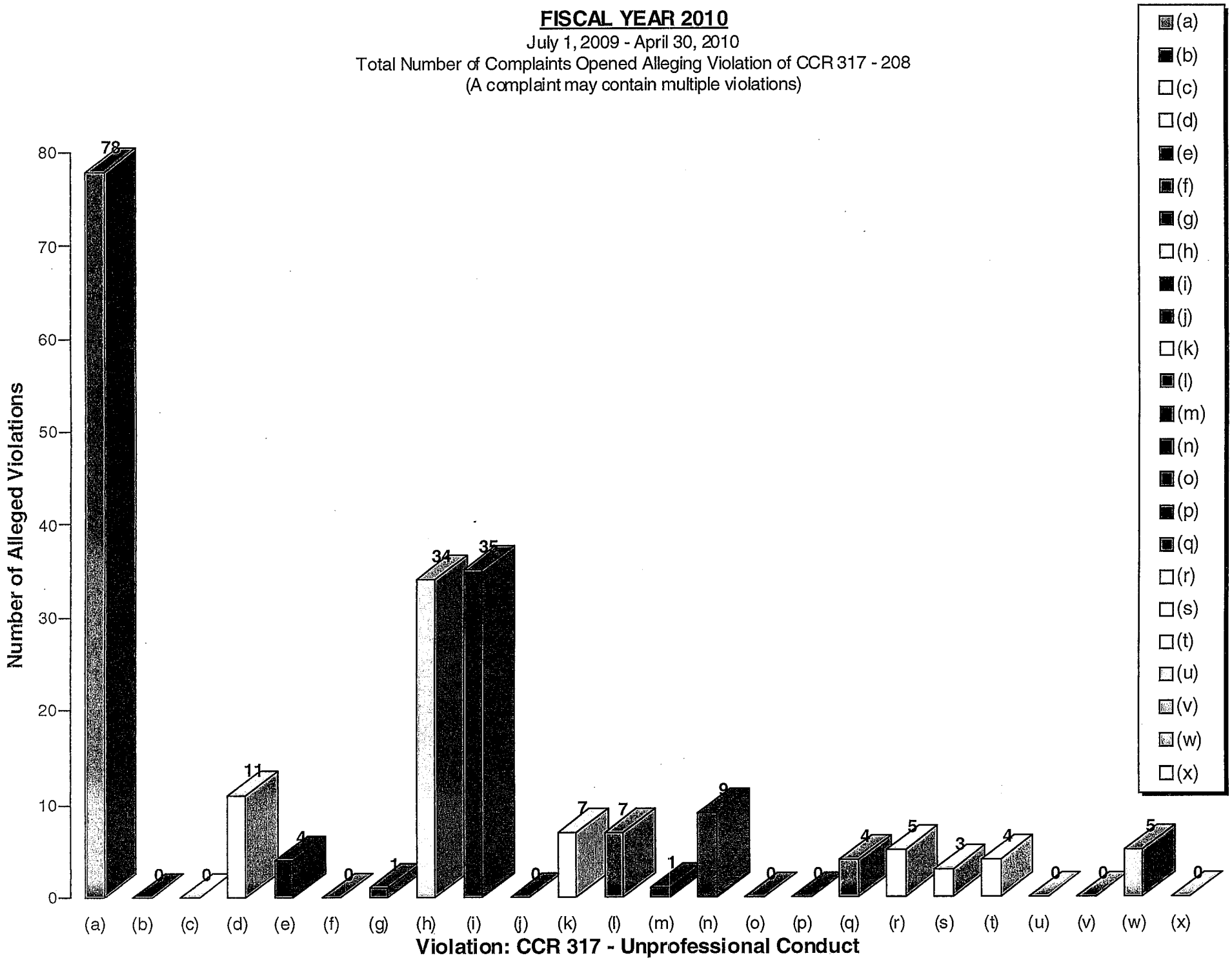
123110 – Patient Access to Health Records


FISCAL YEAR 2010
July 1, 2009 - April 30, 2010
Total Number of Complaints Opened - 441
Total Number of Violations - 636
(A complaint may contain multiple violations)
Number of Alleged Violations
250
200
150
100
50
0
1
22
31
35
1
19
38
56
19
208
50
2
10
26
1
5
13
39
1
5
54
ACT 10
ACT 15
CCR 302A
CCR 303
CCR 304
CCR 308
CCR 311
CCR 312
CCR 316
CCR 317
CCR 318
CCR 319
CCR 355
CCR 360
CCR 367.5
CCR 367.7
BP 801
BP 810
BP 1051
BP 1054
HS 123110
Violation
ACT 10
ACT 15
CCR 302A
CCR 303
CCR 304
CCR 308
CCR 311
CCR 312
CCR 316
CCR 317
CCR 318
CCR 319
CCR 355
CCR 360
CCR 367.5
CCR 367.7
BP 801
BP 810
BP 1051
BP 1054
HS 123110

Violation Codes/Descriptions

California Code of Regulations (CCR) Section 317 – Unprofessional Conduct:

(a) Gross Negligence
(b) Repeated Negligent Acts
(c) Incompetence
(d) Excessive Treatment
(e) Conduct Endangering Public
(f) Administering to Oneself Drugs/Alcohol
(g) Conviction of a Crime Related to Chiropractic Duties
(h) Conviction of a Crime Involving Moral Turpitude/Physical Violence/etc.
(i) Conviction of a Crime Involving Drugs or Alcohol
(j) Dispensing Narcotics/Dangerous Drugs/etc.
(k) Moral Turpitude/Corruption/etc
(l) False Representation
(m) Violation of the ACT/Regulations
(n) False Statement Given in Connection with an Application for Licensure
(o) Impersonating an Applicant
(p) Illegal Advertising related to Violations of Section 17500 BP
(q) Fraud/Misrepresentation
(r) Unauthorized Disclosure of Patient Records
(s) Employment/Use of Cappers or Steerers
(t) Offer/Receive Compensation for Referral
(u) Participate in an Illegal Referral Service
(v) Waiving Deductible or Co-Pay
(w) Fail to Refer Patient to Physician/Surgeon/etc.
(x) Offer or Substitution of Spinal Manipulation for Vaccination


FISCAL YEAR 2010
July 1, 2009 - April 30, 2010
Total Number of Complaints Opened Alleging Violation of CCR 317 - 208
(A complaint may contain multiple violations)
Number of Alleged Violations
0
10
20
30
40
50
60
70
80
78
0
0
11
4
0
1
34
35
0
7
7
1
9
0
0
4
5
3
4
0
0
5
0
(a)
(b)
(c)
(d)
(e)
(f)
(g)
(h)
(i)
(j)
(k)
(l)
(m)
(n)
(o)
(p)
(q)
(r)
(s)
(t)
(u)
(v)
(w)
(x)
Violation: CCR 317 - Unprofessional Conduct

STATE OF CALIFORNIA

BOARD OF CHIROPRACTIC EXAMINERS | ARNOLD SCHWARZENEGGER, GOVERNOR

MEMORANDUM

Date: May 4, 2010

To: **Board Members**

From: Robert Puleo
Interim Executive Officer

Subject: **Ratification of Formerly Approved Doctors of Chiropractic for Licensure**

This is to request that the Board ratify the attached list of individuals as Doctors of Chiropractic at the May 13, 2010, public meeting.

Between March 1, 2010 and April 30, 2010, staff reviewed and confirmed that the applicants met all statutory and regulatory requirements.

If you have any questions or concerns, please contact me at your earliest opportunity.

Approval By Ratification of Formerly Approved License Applications
March 1, 2010 – April 30, 2010

Name (First, Middle, Last)			Date Issued	DC#
Matthew	George	Bernal	3/3/2010	**31570**
Marshea	Darlene	Evans	3/3/2010	**31571**
Tracy	A	Goldych	3/3/2010	**31572**
Abraham	Hershel	Grosswasser	3/3/2010	**31573**
Heather	Lynn	Guillen	3/3/2010	**31574**
Andrew	Jacob	Gutierrez	3/3/2010	**31575**
Jacob	William Tracey	Harris	3/3/2010	**31576**
Bradley	Philip	Hartung	3/3/2010	**31577**
Douglas	Paul	Knapp	3/3/2010	**31578**
Gabrielle	Denise	Kovelman	3/3/2010	**31579**
Michael	John	Krejci	3/3/2010	**31580**
Nina	Hong Quyen	La	3/3/2010	**31581**
Euiwoong		Lee	3/3/2010	**31582**
James	Edgar	Allen III	3/11/2010	**31583**
Michelle	Capri	Bean	3/11/2010	**31584**
Joshua	Daniel	Ben	3/11/2010	**31585**
Erika	Beatriz	Bonilla	3/11/2010	**31586**
Laurel	Lyn	Butts	3/11/2010	**31587**
Jesstofed	Manuel	Cacho	3/11/2010	**31588**
Joshua	Alan	Caldwell	3/11/2010	**31589**
Stephanie	F.	Canada	3/11/2010	**31590**
Spencer	James	Cruttenden	3/11/2010	**31591**
Pouriya		Elyasi	3/11/2010	**31592**
Anne Carole	Geraldine	Foucteau-Rector	3/11/2010	**31593**
Cali		Ha	3/11/2010	**31594**
Tarik	Maurice	Hyams	3/11/2010	**31595**
Annie		Issagholyan	3/11/2010	**31596**
Michael	David	Isseks	3/11/2010	**31597**
Maxwell	Ray Martice	Lippman	3/11/2010	**31598**
Kelly	Shawn	Maguire	3/11/2010	**31599**
Wade	Lewis	Malesich	3/11/2010	**31600**
Tirtha		Mendake	3/11/2010	**31601**
Katja	Jackeline	Backe	3/11/2010	**31602**
Shalese		Madison	3/11/2010	**31603**
Douglas	Charles	Pierce	3/16/2010	**31604**

Kevin	Michael	Pierce	3/16/2010	**31605**
Jennifer	Hee Eun	VanCleave	3/16/2010	**31606**
Surachna		Virdi	3/16/2010	**31607**
Jessie	Lyn	Young	3/16/2010	**31608**
Mary	Florence	Carmella	3/18/2010	**31609**
Gordon	Joseph	Grobelny	3/18/2010	**31610**
Jennifer	Chang-Jean	Lui	3/18/2010	**31611**
Brett	Edward	Davis	3/23/2010	**31612**
Tena	Ann	Hosner	3/23/2010	**31613**
Timothy	Scott	Hulsey	3/23/2010	**31614**
Kyu	Sung	Hwang	3/23/2010	**31615**
Tina	Marie	Krell	3/23/2010	**31616**
Martin	Matthew	McDonald	3/23/2010	**31617**
Monique	Marie	Motil	3/23/2010	**31618**
Stephanie		Chiu	3/24/2010	**31619**
Ghazi	Samir	Idriss	3/24/2010	**31620**
Hector	Manuel	Rivera-Melo	3/26/2010	**31621**
Amy	Amanda	Sanders	3/26/2010	**31622**
Jeffrey	Alan	Herbert	3/26/2010	**31623**
Lynnard	Abella	Cabanas	3/26/2010	**31624**
Valerie	Jean	Cachola	3/26/2010	**31625**
Suzanne	Alicia	Chavez	3/26/2010	**31626**
Charlene	May	Lohmueller	3/26/2010	**31627**
Eric	B	Pascua	3/26/2010	**31628**
Nicky		Silver	3/26/2010	**31629**
Raymond	Gonzales	Rojas	3/30/2010	**31630**
Sheena	Danielle	Smith	3/30/2010	**31631**
Lance	Allen	Turner	3/30/2010	**31632**
Lindsey	Keeler	Mathews	4/8/2010	**31633**
Mai	Tran	Bui	4/14/2010	**31634**
Elena	Marie	Porter	4/23/2010	**31635**
Cassandra	Marilyn	Ramos-Barnes	4/23/2010	**31636**
Alicia	Jane	Thomsen	4/23/2010	**31637**
Evan	Edgar	Brady	4/23/2010	**31638**
Melissa		Diaz	4/23/2010	**31639**
Anna		Gasparian	4/23/2010	**31640**
Armen		Manoucherian	4/23/2010	**31641**
Dakota	Ray	Montgomery	4/23/2010	**31642**
Audrey	Elizabeth	Myers	4/23/2010	**31643**
Erin	Iselin	Christiansen	4/26/2010	**31644**
Megan	Jean	Duchek	4/26/2010	**31645**

STATE OF CALIFORNIA

BOARD OF CHIROPRACTIC EXAMINERS | ARNOLD SCHWARZENEGGER, GOVERNOR

MEMORANDUM

Date: April 20, 2010

To: BOARD MEMBERS

From: Robert Puleo
Interim Executive Officer

Subject: **Ratification of Formerly Approved Continuing Education Providers**

This is to request that the Board ratify the continuing education provider at the public meeting on May 13, 2010.

Staff reviewed and confirmed that the applicant met all statutory and regulatory requirements.

CONTINUING EDUCATION PROVIDERS	DATE APPROVED
1. Marcus S. Strutz, D.C.	04/20/10
2. Spinal Reflex Institute, International	04/30/10

If you have any questions or concerns, please contact me at your earliest opportunity.

STATE OF CALIFORNIA

BOARD OF CHIROPRACTIC EXAMINERS | ARNOLD SCHWARZENEGGER, GOVERNOR

MEMORANDUM

Date: May 6, 2010

To: **Board Members**

From: Robert Puleo
Interim Executive Officer

Subject: **Ratification of Denied License Applications of Doctors of Chiropractic**

The Board of Chiropractic Examiners (Board) denies licensure to applicants who do not meet all statutory and regulatory requirements for a chiropractic license in California. An applicant has 60-days after the denial is issued to appeal the decision. If the applicant does not submit an appeal to the Board, the denial is upheld.

Between March 1, 2010 and April 30, 2010, staff reviewed and confirmed that one (1) applicant did not meet all statutory and regulatory requirements for licensure. The applicant has appealed the decision and staff is working with the Attorney General's office on this appeal.

At this time, there is no ratification necessary.

If you have any questions or concerns, please contact me at your earliest opportunity.

STATE OF CALIFORNIA

BOARD OF CHIROPRACTIC EXAMINERS | ARNOLD SCHWARZENEGGER, GOVERNOR

MEMORANDUM

Date: May 6, 2010

To: **Board Members**

From: Robert Puleo
Interim Executive Officer

Subject: Recommendation to Waive Two Year Requirement on Restoration of a Cancelled License – Chiropractic Initiative Act, Section 10(c)

At this time, there is no ratification necessary for the two year requirement on a Restoration of a Cancelled License

If you have any questions or concerns, please contact me at your earliest opportunity.

STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, Governor

Board of Chiropractic Examiners
2525 Natomas Park Drive, Suite 260
Sacramento, California 95833-2931
Telephone (916) 263-5355 FAX (916) 263-5369
CA Relay Service TT/TDD (800) 735-2929
Consumer Complaint Hotline (866) 543-1311
www.chiro.ca.gov

NOTICE OF PUBLIC MEETING – CORRECTED COPY
ENFORCEMENT COMMITTEE

May 6, 2010
1:30 p.m.
Embassy Suites LAX
1440 E. Imperial Avenue
El Segundo, CA 90245
(310) 640-3600

AGENDA

1. **CALL TO ORDER**

2. **Approval of Minutes**
   March 11, 2010

3. **Consideration of Various Provisions of the Prior SB 1111**

4. **Enforcement Oversight**
   - **Establishment of a Board of Chiropractic Examiners Oversight Commission**
   - **Future Goals for the Board of Chiropractic Examiners related to Public and Consumer Protection – Proposal of Revised or New Policies and/or Regulations**

5. **Peace Officer Status for Board of Chiropractic Examiners' Investigators**

6. **PUBLIC COMMENT**

7. **FUTURE AGENDA ITEMS**

8. **ADJOURNMENT**

ENFORCEMENT COMMITTEE
Hugh Lubkin, D.C., Chair
Francesco Columbu, D.C.
Frederick Lerner, D.C.

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

A quorum of the Board may be present at the Committee meeting. However, Board members who are not on the committee may observe, but may not participate or vote. Public comments will be taken on agenda items at the time the specific item is raised. The Committee may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at www.chiro.ca.gov.

The meeting facilities are accessible to individuals with physical disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Marlene Valencia at (916) 263-5355 ext. 5363 or e-mail marlene.valencia@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
Bill Analysis

Bill Number: AB 1996
Author: Hill
Amended Date: April 14, 2010
Subject: Chiropractors: License Renewal Fee
Sponsor: Board of Chiropractic Examiners

STATUS OF BILL:

- Passed Assembly Business and Professions Committee (11-0) on April 13, 2010
- Passed Assembly Appropriations Committee (13-0) on April 28, 2010
- Currently pending on the Assembly Floor

DESCRIPTION OF CURRENT LEGISLATION:

This bill modifies the fee level for the annual renewal fee for doctors of chiropractic to authorize the board to increase the annual renewal fee from $150 to up to $250.

PURPOSE OF THE BILL:

This bill amends Section 12 of the Chiropractic Initiative Act by increasing the maximum fees the Board can charge doctors of chiropractic to renew their license. Specifically, this bill would provide the board with flexibility to increase the renewal fee to a maximum of $250 through regulations.

BACKGROUND:

Under the Chiropractic Initiative Act, each person practicing chiropractic within this state shall, on or before the last day of their month of birth of each year, pay to the Board of Chiropractic Examiners a renewal fee of not more than $150.00. Currently, expenditures exceed revenue by approximately one million dollars annually. Renewal fees for chiropractors have not been raised since 1991. The board's fund will become insolvent in FY 2011-2012 and the deficit will increase by approximately $1,000,000 each year thereafter if the renewal fee remains at the current level.

The Board expends approximately 70% of its operating budget on enforcement and anticipates expenditures will increase further as the Board continues to improve its enforcement program. Beginning January 1, 2011, this bill would provide the Board with the flexibility to increase the annual renewal fee for doctors of chiropractic from $150 up to a maximum of $250 through the regulatory process, if needed to keep the fund solvent. Increasing the annual renewal fee will enable the Board to continue its licensing and enforcement activities and fulfill its consumer protection mandate.

FISCAL IMPACT:

The Board's primary source of revenue is renewal fees; therefore, the Board must rely on these fees to pay its operating expenses. Currently, the Board licenses approximately 14,000 doctors of chiropractic. Increasing the renewal fee by up to $100 will increase the board's revenue by as much as $1,400,000. An analysis of the Board's fund condition for FY 2010-2011 through FY 2015-2016 indicates the range of increased revenue will be sufficient to support the Board's operating expenses.

SUPPORT & OPPOSITION:

Support: International Chiropractic Association of California (ICAC)
Southern California University of Health Sciences (SCUHS)

Oppose: None on Record.

Neutral: The California Chiropractic Association (CCA) has not taken an official position on the most recent amendments to this bill. However, CCA took a position of Neutral on the previous version of the bill, which would have incrementally increased the renewal fee up to $245 by fiscal year 2012/13 and given the Board authority to charge a fee of up to $295. The CCA had taken an Oppose Unless Amended position on the Introduced version of this bill, which would have authorized the Board to increase the renewal fee up to a maximum of $350.

ARGUMENTS:

Pro: This bill is necessary to ensure the continued operation of the Board of Chiropractic Examiners. This Board's responsibility of protecting consumers of chiropractic services from harm is fulfilled through its enforcement program which provides for investigation of consumer complaints and discipline of licenses for licensees who commit the most egregious violations. Approximately 70% of the Board's budget is allocated to enforcement; therefore, the majority of Board staff positions are supported by the enforcement budget. Without this fee increase, the Board would have to drastically cut its enforcement expenses to address the Board's deficit, resulting in a significant reduction in its ability to protect the public. For this reason, the Board must rely upon renewal fees, its primary source of revenue, to support its operating expenses.

Con: There is no known opposition to this bill as amended on April 14, 2010.

RECOMMENDED POSITION: Support

AMENDED IN ASSEMBLY APRIL 14, 2010

AMENDED IN ASSEMBLY APRIL 7, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL No. 1996

Introduced by Assembly Member Hill

February 17, 2010

An act to amend an initiative act entitled "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 thereof, and repealing all acts and parts of acts inconsistent therewith" approved by electors November 7, 1922, by amending Section 12 thereof, relating to chiropractors, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1996, as amended, Hill. Chiropractors: license renewal fee.

Existing law, the Chiropractic Act, enacted by initiative, provides for the licensure and regulation of chiropractors by the State Board of Chiropractic Examiners. Under the act, each person practicing chiropractic, after a license has been issued, is annually required to pay the board a renewal fee not exceeding $150, as determined by the board. Existing law authorizes the Legislature to fix these fees. Existing law directs the deposit of these funds into the State Board of Chiropractic Examiners' Fund, a continuously appropriated fund.

This bill would require a licensee to pay ~~a $150 renewal fee. On and after July 1, 2011, the bill would increase the renewal fee to $210. On and after July 1, 2012, the bill would require a licensee to pay a renewal fee of at least $245 and no more than $295~~ *an annual renewal fee of*

not more than $250, as determined by the board. By increasing the amount deposited in the State Board of Chiropractic Examiners' Fund, the bill would make an appropriation.

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

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

1 SECTION 1. Section 12 of the act cited in this title is amended
2 to read:
3 Sec.12. Licenses issued under the provisions of this section
4 expire at 12 midnight on the last day of the month of birth of
5 licentiates of the board.
6 On or before July 1, 1991, the board shall establish regulations
7 for the administration of a birth month renewal program. Each
8 person practicing chiropractic within this state shall, on or before
9 the last day of their month of birth of each year, after a license is
10 issued to them as herein provided, pay to the Board of Chiropractic
11 Examiners a renewal fee of ~~one hundred fifty dollars ($150). On~~
12 ~~and after July 1, 2011, the renewal fee shall be two hundred ten~~
13 ~~dollars ($210). On and after July 1, 2012, the renewal fee shall be~~
14 ~~at least two hundred forty-five dollars ($245) and no more than~~
15 ~~two hundred ninety-five dollars ($295),~~ *not more than two hundred*
16 *fifty dollars ($250)* as determined by the board. The secretary shall
17 mail to all licensed chiropractors in this state, on or before 60 days
18 prior to the last day of the month of their birth each year, a notice
19 that the renewal fee will be due on or before the last day of the
20 month of their birth next following. Nothing in this act shall be
21 construed to require the receipts to be recorded in like manner as
22 original licenses. The failure, neglect or refusal of any person
23 holding a license or certificate to practice under this act in the State
24 of California to pay the annual fee during the time their license
25 remains in force shall, after a period of 60 days from the last day
26 of the month of their birth automatically work a forfeiture of his
27 or her license or certificate, and it shall not be restored except upon
28 the written application therefor and the payment to the board of a
29 fee of twice the annual amount of the renewal fee in effect at the
30 time the restoration application is filed except that a licentiate who
31 fails, refuses or neglects to pay the annual tax within a period of
32 60 days after the last day of the month of his or her birth of each

1 year shall not be required to submit to an examination for the
2 reissuance of the certificate.

O

Board of Chiropractic Examiners
Bill Analysis

Bill Number: SB 1413
Author: Mark Leno
Bill Date: February 19, 2010
Subject: Access to Drinking Water
Sponsor: Governor Arnold Schwarzenegger

STATUS OF BILL: Introduced

DESCRIPTION OF CURRENT LEGISLATION:

This bill requires school districts to provide access to free, fresh drinking water in school food service areas of schools under its jurisdiction.

PURPOSE OF THE BILL:

This bill adds Section 38086 to the Education Code requiring schools to provide all California students with access to free, fresh drinking water in school food service areas by January 1, 2012.

BACKGROUND:

Section 38100 of the Education Code (EC) authorizes the governing board of a school district to establish cafeterias in the schools under its jurisdiction whenever it is advisable to do so and to make the cost of water, electricity, gas, coal, wood, fuel oil, and garbage disposal a charge against the funds of the school district.

Existing law (EC §49431.5) restricts the sale of beverages at schools as follows:

Elementary Schools: Regardless of the time of day, only the following beverages may be sold to a pupil: fruit-based drinks that have at least 50% fruit juice and no added sweetener, vegetable-based drinks that have at least 50% vegetable juice and no added sweetener, drinking water with no added sweetener, 2% fat milk, 1% fat milk, nonfat milk, soymilk, rice milk, and other similar non-dairy milk.

Middle Schools, Junior High Schools and High Schools: From one-half hour before the start of the school day until one-half hour after the end of the school day, only the following beverages may be sold to a pupil: fruit-based drinks that have at least 50% fruit juice and no added sweetener, vegetable-based drinks that have at least 50% vegetable juice and no added sweetener, 2% fat milk, 1% fat milk, nonfat milk, soymilk, rice milk, and other similar non-dairy milk, an electrolyte replacement beverage that contains no more that 42 grams of added sweetener per 20-ounce serving.
EC §38085 requires at least 50% of the items, other than federal food commodities, offered for sale each school day at any schoolsite by any entity or organization during regular school hours to be selected from the following: milk and dairy products; full-

strength fruit and vegetable juices and fruit drinks with at least 50% juice, and fruit nectars with at least 35% full-strength juice; fresh, frozen, canned and dried fruits and vegetables; nuts, seeds and nut butters; non-confection grain products; meat, poultry and fish, and their products; legumes and legume products; and any food which would qualify as one of the required food components of the Type A lunch defined in the National School Lunch Act.

The California Plumbing Code requires schools to have one drinking fountain per 150 people, and authorizes water stations to be substituted for drinking fountains where food is consumed indoors.

A large portion of schools in California have either no access to free drinking water for students during meals or have inoperable, poorly maintained, and/or unhygienic water fountains. Poor access to water presents a significant public health concern.

FISCAL IMPACT:

None to the Board of Chiropractic Examiners.

SUPPORT & OPPOSITION:

Support: California Center for Public Health Advocacy
California Medical Association
County Health Executives Association of California
Environmental Working Group
San Mateo County Board of Supervisors

Opposition: None on record.

ARGUMENTS:

Pro: The author did not provide supporting materials relative to this bill, but did provide information for prior legislation regarding findings by the RAND Corporation, a non-profit institution which provides objective research and analysis. The RAND Corporation found that public school students have limited access to drinking water, especially at meals. Some schools are under the assumption that they cannot provide free water in school cafeterias because the Education Code requires milk to be included with school meals, or because the school has a contract with a company to sell bottled water on campus. Promotion of water consumption is a simple, effective and inexpensive strategy to encourage good health in school-age children.

Con: None

RECOMMENDED POSITION: Support

SENATE BILL No. 1413

Introduced by Senator Leno

February 19, 2010

An act to add Section 38086 to the Education Code, relating to schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 1413, as introduced, Leno. Schools: food service areas: water.

(1) Existing law authorizes the governing board of a school district to establish cafeterias in the schools under its jurisdiction whenever in its judgment it is advisable to do so and to make the cost of water, electricity, gas, coal, wood, fuel oil, and garbage disposal a charge against the funds of the school district.

Existing law permits the sale of only certain beverages to pupils at schools. The beverages that may be sold include fruit-based and vegetable-based drinks, drinking water, milk, and an electrolyte replacement beverage if those beverages meet certain nutritional requirements.

This bill would require a school district to provide access to free, fresh drinking water in school food service areas by January 1, 2012.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Section 38086 is added to the Education Code,
2 to read:
3 38086. By January 1, 2012, a school district shall provide
4 access to free, fresh drinking water in the food service areas of the
5 schools under its jurisdiction.
6 SEC. 2. If the Commission on State Mandates determines that
7 this act contains costs mandated by the state, reimbursement to
8 local agencies and school districts for those costs shall be made
9 pursuant to Part 7 (commencing with Section 17500) of Division
10 4 of Title 2 of the Government Code.

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Board of Chiropractic Examiners
Bill Analysis

Bill Number: SB 1255
Author: Padilla
Bill Date: February 19, 2010
Subject: Schools: nutrition: beverages
Sponsor: Governor Arnold Schwarzenegger

STATUS OF BILL: Introduced

DESCRIPTION OF CURRENT LEGISLATION:

Commencing July 1, 2011, this bill would remove electrolyte replacement beverages from those beverages that may be sold at schools at specified times.

PURPOSE OF THE BILL:

This bill amends Section 49431.5 of the Education code to restrict the sale of electrolyte replacement beverages from being sold in public schools from 30 minutes before the start of the school day to 30 minutes after school has ended.

BACKGROUND:

Existing law (EC §49431.5) restricts the sale of beverages at schools as follows:

Elementary Schools: Regardless of the time of day, only the following beverages may be sold to a pupil: fruit-based drinks that have at least 50% fruit juice and no added sweetener, vegetable-based drinks that have at least 50% vegetable juice and no added sweetener, drinking water with no added sweetener, 2% fat milk, 1% fat milk, nonfat milk, soymilk, rice milk, and other similar non-dairy milk.

Middle Schools, Junior High Schools and High Schools: From one-half hour before the start of the school day until one-half hour after the end of the school day only the following beverages may be sold to a pupil: fruit-based drinks that have at least 50% fruit juice and no added sweetener, vegetable-based drinks that have at least 50% vegetable juice and no added sweetener, 2% fat milk, 1% fat milk, nonfat milk, soymilk, rice milk, and other similar non-dairy milk, an electrolyte replacement beverage that contains no more that 42 grams of added sweetener per 20-ounce serving.
EC §38085 requires at least 50% of the items, other than federal food commodities, offered for sale each school day at any schoolsite by any entity or organization during regular school hours to be selected from the following: milk and dairy products; full-strength fruit and vegetable juices and fruit drinks with at least 50% juice, and fruit nectars with at least 35% full-strength juice; fresh, frozen, canned and dried fruits and vegetables; nuts, seeds and nut butters; non-confection grain products; meat, poultry and fish, and their products; legumes and legume products; and any food which would

qualify as one of the required food components of the Type A lunch defined in the National School Lunch Act.

EC §49430.5(b) requires schools to follow the Enhanced Food Based Meal Pattern, Nutrient Standard Meal Planning, or Traditional Meal Pattern developed by the USDA, or the Shaping Health as Partners in Education (SHAPE) Menu Patterns developed by the state, in order to qualify for reimbursement for free and reduced-price meals sold or served to pupils.

According to the author, extensive studies show that sugar-sweetened beverages are widely consumed in California and are associated with increased rates of obesity and obesity related illnesses. Governor Schwarzenegger co-sponsored SB 965 in 2005 which eliminated sodas from public schools and limited beverages with added sweeteners. Studies show that students are overwhelmingly replacing soda with electrolyte replacement beverages, which are high in sugar and sodium. California has one of the fastest growing rates of obesity of any state in the nation. Nearly 16 million Californians are obese or overweight. One-third of children in California ages 9-11 are overweight, or are at risk of becoming overweight and increasingly suffering from nutrition-related illnesses that normally occur in adulthood, such as type II diabetes and pre-hypertension. This bill will close the loophole of allowing sweetened beverages to be offered to California students.

FISCAL IMPACT:

None to the Board of Chiropractic Examiners

SUPPORT & OPPOSITION:

Support:
American Academy of Pediatrics
American Diabetes Association
American Cancer Society
California Center for Public Health Advocacy
California Chiropractic Association
California Dental Association
California Department of Public Health
California District American Academy of Pediatrics
California Food Policy Advocates
California Medical Association
California Pan-Ethnic Health Network
California School Nurses Organization
California School Nutrition Association
California State PTA
California Teachers Association
Children's Hospital of Los Angeles
Community Clinic Association
County Health Executives Association of California
Environments
Harvard School of Public Health
Health Officers Associate of California

Hispanas Organized for Political Equality (HOPE)
Mission Community Hospital
Oakland Unified School District
Prevention Institute
San Mateo County Board of Supervisors
Strategic Alliance for Healthy Food & Activity
Two Individuals

Opposition: California Nevada Soft Drink Association

ARGUMENTS:

Pro: There is no need to substitute electrolyte replacement beverages aka sports drinks for water as the primary form of fluid replacement. The California School Nurses Association asserts that sports drinks are designed to replace the fluids and electrolytes lost only after long periods of physical activity, which does not occur during the school day, and are therefore unnecessary for students during the school day.

According to the California Department of Health, studies have shown that electrolyte replacement beverages are overwhelmingly replacing sodas as the beverage of choice for school-age children, and claims that a student who drinks a 20 oz. sports drink a day will consume enough calories to lead to a 13-pound weight gain per year.

At a joint hearing held by the Senate in November of 2009, leading nutrition and obesity researchers from across the nation testified that sweetened beverage consumption adds unnecessary calories to an individual's daily intake due to lack of nutritional value and parallels the rise in obesity in the nation.

Schools should serve as models of healthy behavior encouraging both physical activity and proper nutrition.

Con: The California Nevada Soft Drink Association (CNSDA) opposes this bill as it is written and sites that a better option would be to provide choice and no- and low-calorie beverage alternatives to these students. They note that the soft drink industry has adopted voluntary school beverage guidelines on a national basis that create a range of beverages that are appropriate for various types of school campuses based on total calories and portion size. The guidelines allow sports drinks and other beverages that contain no more than 66 calories per 8 ounce serving. They believe that sports drinks have a functional place on high school campuses, and claim their bottlers have voluntarily limited the sale of sports drinks to only high schools, and have limited portion size to no more than 12 ounces. CNSDA claims they support efforts to address the problem of obesity comprehensively rather than targeting any one food or beverage type.

RECOMMENDED POSITION: Support

AMENDED IN SENATE APRIL 28, 2010

SENATE BILL No. 1255

Introduced by Senator Padilla
(Principal coauthor: Senator Alquist)

February 19, 2010

An act to amend, *repeal, and add* Section 49431.5 of the Education Code, relating to schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 1255, as amended, Padilla. Schools: nutrition: beverages.

Existing law permits the sale of only certain beverages to pupils at schools. The beverages that may be sold include fruit-based and vegetable-based drinks, drinking water, milk, and, *in middle and junior high schools,* an electrolyte replacement beverage if those beverages meet certain nutritional requirements.

This bill, commencing July 1, 2011, ~~would remove electrolyte replacement beverages from those beverages that may be sold at schools at specified times~~ *would recast those provisions and would restrict the sale of electrolyte replacement beverages in middle, junior, and high schools to specified times before and after school.*

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

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

1 SECTION 1. Section 49431.5 of the Education Code is
2 amended to read:
3 49431.5. (a) (1) Regardless of the time of day, only the
4 following beverages may be sold to a pupil at an elementary school:

(A) Fruit-based drinks that are composed of no less than 50 percent fruit juice and have no added sweetener.

(B) Vegetable-based drinks that are composed of no less than 50 percent vegetable juice and have no added sweetener.

(C) Drinking water with no added sweetener.

(D) Two-percent-fat milk, one-percent-fat milk, nonfat milk, soy milk, rice milk, and other similar nondairy milk.

(2) An elementary school may permit the sale of beverages that do not comply with paragraph (1) as part of a school fundraising event in any of the following circumstances:

(A) The items are sold by pupils of the school and the sale of those items takes place off and away from the premises of the school.

(B) The items are sold by pupils of the school and the sale of those items takes place one-half hour or more after the end of the schoolday.

(3) From one-half hour before the start of the schoolday to one-half hour after the end of the schoolday, only the following beverages may be sold to a pupil at a middle or junior high school:

(A) Fruit-based drinks that are composed of no less than 50 percent fruit juice and have no added sweetener.

(B) Vegetable-based drinks that are composed of no less than 50 percent vegetable juice and have no added sweetener.

(C) Drinking water with no added sweetener.

(D) Two-percent-fat milk, one-percent-fat milk, nonfat milk, soy milk, rice milk, and other similar nondairy milk.

(E) An electrolyte replacement beverage that contains no more than 42 grams of added sweetener per 20-ounce serving.

(4) A middle or junior high school may permit the sale of beverages that do not comply with paragraph (3) as part of a school event if the sale of those items meets all of the following criteria:

(A) The sale occurs during a school-sponsored event and takes place at the location of that event at least one-half hour after the end of the schoolday.

(B) Vending machines, pupil stores, and cafeterias are used later than one-half hour after the end of the schoolday.

(5) This subdivision does not prohibit an elementary, or middle or junior high school from making available through a vending machine any beverage allowed under paragraph (1) or (3) at any time of day, or, in middle and junior high schools, any beverage

that does not comply with paragraph (3) if the beverage only is available not later than one-half hour before the start of the schoolday and not sooner than one-half hour after the end of the schoolday.

(b) (1) All beverages sold to a pupil from one-half hour before the start of the schoolday until one-half hour after the end of the schoolday shall be those enumerated by paragraph (2).

(2) Beverages allowed under this subdivision are all of the following:

(A) Fruit-based drinks that are composed of no less than 50 percent fruit juice and have no added sweetener.

(B) Vegetable-based drinks that are composed of no less than 50 percent vegetable juice and have no added sweetener.

(C) Drinking water with no added sweetener.

(D) Two-percent-fat milk, one-percent-fat milk, nonfat milk, soy milk, rice milk, and other similar nondairy milk.

(E) An electrolyte replacement beverage that contains no more than 42 grams of added sweetener per 20-ounce serving.

~~(3) Notwithstanding paragraphs (1) and (2) and paragraph (3) of subdivision (a), commencing on July 1, 2011, electrolyte replacement beverages shall not be sold to a pupil from one-half hour before the start of the schoolday until one-half hour after the end of the schoolday.~~

(c) For the purposes of this section, the following terms have the following meanings:

(1) "Added sweetener" means any additive that enhances the sweetness of the beverage, including added sugar, but does not include the natural sugar or sugars that are contained within the fruit juice which is a component of the beverage.

(2) "Sale of beverages" means the exchange of a beverage for money, coupons, or vouchers.

(d) It is the intent of the Legislature that the governing board of a school district annually review its compliance with this section.

(e) Notwithstanding Article 3 (commencing with Section 33050) of Chapter 1 of Part 20 of Division 2, compliance with this section may not be waived.

(f) This section shall become inoperative on July 1, 2011, and, as of January 1, 2012, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2012, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 2. Section 49431.5 is added to the Education Code, to read:

49431.5. (a) (1) All beverages sold to elementary school pupils regardless of the time of day, and to middle, junior, and senior high school pupils from one-half hour before the start of the schoolday until one-half hour after the end of the schoolday, shall be those enumerated by paragraph (2).

(2) Beverages allowed under this subdivision are all of the following:

(A) Fruit-based drinks that are composed of no less than 50 percent fruit juice and have no added sweetener.

(B) Vegetable-based drinks that are composed of no less than 50 percent vegetable juice and have no added sweetener.

(C) Drinking water with no added sweetener.

(D) Two-percent-fat milk, one-percent-fat milk, nonfat milk, soy milk, rice milk, and other similar nondairy milk.

(b) An electrolyte replacement beverage that contains no more than 42 grams of added sweetener per 20-ounce serving may be sold to middle, junior, and senior high school pupils prior to one-half hour before school and after one-half hour after school.

(c) Notwithstanding subdivision (a), an elementary school may permit the sale of beverages that do not comply with paragraph (2) of subdivision (a) as part of a school fundraising event in either of the following circumstances:

(1) The items are sold by pupils of the school and the sale of those items takes place off of and away from the premises of the school.

(2) The items are sold by pupils of the school and the sale of those items takes place one-half hour or more after the end of the schoolday.

(d) Notwithstanding subdivision (a), a middle or junior high school may permit the sale of beverages that do not comply with paragraph (2) of subdivision (a) as part of a school event if the sale of those items meets both of the following criteria:

(1) The sale occurs during a school-sponsored event and takes place at the location of that event at least one-half hour after the end of the schoolday.

(2) Vending machines, pupil stores, and cafeterias are used later than one-half hour after the end of the schoolday.

(e) (1) This section does not prohibit a school from making available through a vending machine any beverage allowed under paragraph (2) of subdivision (a) at any time of day.

(2) This section does not prohibit a middle, junior, or high school from making available through a vending machine any beverage that does not comply with paragraph (2) of subdivision (a) if the beverage is only available not later than one-half hour before the start of the schoolday and not sooner than one-half hour after the end of the schoolday.

(f) For the purposes of this section, the following terms have the following meanings:

(1) "Added sweetener" means any additive that enhances the sweetness of the beverage, including added sugar, but does not include the natural sugar or sugars that are contained within the fruit juice which is a component of the beverage.

(2) "Sale of beverages" means the exchange of a beverage for money, coupons, or vouchers.

(g) It is the intent of the Legislature that the governing board of a school district annually review its compliance with this section.

(h) Notwithstanding Article 3 (commencing with Section 33050) of Chapter 1 of Part 20, compliance with this section may not be waived.

(i) This section shall become operative on July 1, 2011.

CORRECTIONS:

Text—Page 1.

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Board of Chiropractic Examiners
Bill Analysis

Bill Number: AB 2705
Author: Hall
Bill Date: February 19, 2010
Subject: Education: physical education
Sponsor: Governor Arnold Schwarzenegger

STATUS OF BILL: Amended

DESCRIPTION OF CURRENT LEGISLATION:

This bill requires specified time requirements for moderate to vigorous physical activity (MVPA) for pupils in physical education (PE) courses and pupils participating in the After School Education and Safety Program (ASES).

PURPOSE OF THE BILL:

This bill states the intent of the Legislature to increase the flexibility of joint use policies and practices that will allow schools and communities to optimize resources, share costs, and identify creative solutions to increase access to safe places to play and exercise. This bill amends Section 8482.3 of the Education Code (EC) to require a physical fitness element in the ASES program which includes at least 30 minutes per day of moderate to vigorous physical activity as defined in the Physical Education Model Content Standards and Physical Education Framework as adopted by the State Board of Education beginning at the start of the 2013-14 school year and states that programs shall not be required to report each pupil's participation in physical fitness to the department.

This bill amends EC Section 8483.3 to include opportunities for physical fitness for at least 30 minutes per day of moderate to vigorous physical activity commencing at the start of the 2013-14 school year as a factor in determining consideration for participation in the ASES program.

This bill further amends EC Section 51210 to require at least 50 percent of the time spent in physical education to be spent in moderate to vigorous physical activity within the context of the physical education content standards and framework as adopted by the State Board of Education commencing at the start of the 2013-14 school year.

Finally, this bill amends EC 51222 to require all pupils, excepts those excused or exempt pursuant to Section 51241, to attend a physical education course where at least 50 percent of the time is spent in moderate to vigorous physical activity within the

context of the physical education content standards and framework as adopted by the State Board of Education commencing at the start of the 2013-14 school year.

BACKGROUND:

According to the author, while California law requires students to spend either 200 or 400 minutes in PE every 10 school days, studies show that very little PE time is actually spent in physical activity. MVPA is essential for reducing obesity and obesity-related diseases, such as diabetes and heart disease. According to the Journal of Medical & Science in Sports & Exercise, almost 50% of elementary students and more than 90% of adolescents do not get the recommended 60 minutes of MVPA per day. The SBE has adopted guidelines for incorporating MVPA in PE and after-school programs, and a number of schools in the state have incorporated these guidelines into their programs, leading to improved student fitness and academic achievement.

FISCAL IMPACT:

None to the Board of Chiropractic Examiners

SUPPORT & OPPOSITION:

Support:

American Diabetes Association
California Association for Health Physical Education, Recreation and Dance
Los Angeles County Board of Supervisors

Opposition:

California Federation of Teachers
Partnership for Children and Youth

ARGUMENTS:

Pro: The American Diabetes Association "believes that schools should serve as models of healthy behavior encouraging both physical activity and roper nutrition. The Association believes that increasing access to safe facilities for community recreation and exercise and increasing the requirements for physical activity for California students participating in physical education and after school programs is a positive step toward improving the health of students and communities."

Con: The California Federation of Teachers states that it does not oppose the effect of the bill, but is concerned that the imposition of time requirements for MVPA for PE and after school programs is too prescriptive and unnecessary.

STAFF RECOMMENDED POSITION: Support

AMENDED IN ASSEMBLY APRIL 14, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL No. 2705

Introduced by Assembly Member Hall

February 19, 2010

An act to amend Sections 8482.3, 8483.3, 51210, and 51222 of the Education Code, relating to physical education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2705, as amended, Hall. Education: physical education.

(1) Existing law authorizes specified school districts to enter into joint use agreements with other public entities for operation of joint use facilities.

This bill would state the intent of the Legislature to increase the flexibility of joint use policies and practices that will allow schools and communities to optimize resources, share costs, and identify creative solutions to increase access to safe places to play and exercise.

(2) Existing law establishes the After School Education and Safety Program to serve pupils in kindergarten and grades 1 to 9, inclusive, at participating public elementary, middle, junior high, and charter schools. Each component of a program shall consist of 2 specified elements.

This bill would require ~~that each component of the program contain a 3rd element of physical fitness, which will include at least 30 minutes of moderate to vigorous physical activity, as specified, commencing on January 1, 2013~~, *by the start of the 2013–14 school year, an additional physical fitness element that includes at least 30 minutes per day of moderate to vigorous physical activity as specified.*

Because this bill would require participating schools to conduct a new program, it would constitute a state mandated local program.

(3) Existing law provides that the department shall select applicants to participate in the program from among applicants who apply on forms and in a manner prescribed by the department. The application submitted shall certify that specified content, including opportunities for physical activity, is a part of the program.

This bill would require that ~~the physical activity opportunity include at least 30 minutes of moderate to vigorous physical activity, as specified, commencing on January 1, 2013~~ *opportunities for physical fitness to include at least 30 minutes per day of moderate to vigorous physical activity, as defined in the Physical Education Model Content Standards and Physical Education Framework as specified, commencing by the start of the 2013–14 school year.*

(4) Existing law requires that the adopted course of study for grades 1 to 6, inclusive, include instruction, in specified areas of study, including physical education.

This bill would require that, by ~~January 1, 2013~~ *the start of the 2013–14 school year*, at least 50% of the time spent in physical education be spent in moderate to vigorous physical activity within the context of the physical education content standards and framework as adopted by the State Board of Education.

Existing law requires that all pupils, except pupils excused or exempted as specified, attend courses of physical education for a total period of time of not less than 400 minutes each 10 schooldays.

This bill would require that, by ~~January 1, 2013~~ *the start of the 2013–14 school year*, at least 50% of the time spent in physical education be spent in moderate to vigorous physical activity within the context of the physical education content standards and framework as adopted by the State Board of Education.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

SECTION 1. It is the intent of the Legislature to increase the flexibility of joint use policies and practices that will allow schools and communities to optimize resources, share costs, and identify creative solutions to increase access to safe places to play and exercise.

SEC. 2. Section 8482.3 of the Education Code is amended to read:

8482.3. (a) The After School Education and Safety Program shall be established to serve pupils in kindergarten and grades 1 to 9, inclusive, at participating public elementary, middle, junior high, and charter schools.

(b) A program may operate a before school component of a program, an after school component, or both the before and after school components of a program, on one or multiple schoolsites. If a program operates at multiple schoolsites, only one application shall be required for its establishment.

(c) Each component of a program established pursuant to this article shall consist of the following three elements:

(1) An educational and literacy element in which tutoring or homework assistance is provided in one or more of the following areas: language arts, mathematics, history and social science, computer training, or science.

(2) An educational enrichment element, that may include, but need not be limited to, fine arts, career technical education, recreation, physical fitness, and prevention activities.

~~(3) Physical fitness that will include at least 30 minutes of moderate to vigorous physical activity utilizing the California After School Physical Activity Guidelines commencing on January 1, 2013.~~

(3) (A) By the start of the 2013–14 school year, a physical fitness element that will include at least 30 minutes per day of moderate to vigorous physical activity as defined in the Physical Education Model Content Standards and Physical Education Framework as adopted by the State Board of Education. A program may utilize the California After School Physical Activity Guidelines developed pursuant to Section 8484.8 to design the physical fitness element pursuant to this section.

(B) A program shall not be required to report to the department each pupil's participation in physical fitness.

(4) Notwithstanding any other provision of this article, the majority of the time spent by a pupil who is in kindergarten or any of grades 1 to 9, inclusive, and who is participating in a career technical education element of a program established pursuant to this article shall be at a site that complies with Section 8484.6.

(d) Applicants shall agree that snacks made available through a program shall conform to the nutrition standards in Article 2.5 (commencing with Section 49430) of Chapter 9 of Part 27.

(e) Applicants for programs established pursuant to this article may include any of the following:

(1) A local educational agency, including, but not limited to, a charter school, the California School for the Deaf (northern California), the California School for the Deaf (southern California), and the California School for the Blind.

(2) A city, county, or nonprofit organization in partnership with, and with the approval of, a local educational agency or agencies.

(f) Applicants for grants pursuant to this article shall ensure that each of the following requirements is fulfilled, if applicable:

(1) The application documents the commitments of each partner to operate a program on that site or sites.

(2) The application has been approved by the school district, or the charter school governing board, and the principal of each participating school for each schoolsite or other site.

(3) Each partner in the application agrees to share responsibility for the quality of the program.

(4) The application designates the public agency or local educational agency partner to act as the fiscal agent. For purposes of this section, "public agency" means only a county board of supervisors or if the city is incorporated or has a charter, a city council.

(5) Applicants agree to follow all fiscal reporting and auditing standards required by the department.

(6) Applicants agree to incorporate into the program both of the elements required pursuant to subdivision (c).

(7) Applicants agree to provide information to the department for the purpose of program evaluation pursuant to Section 8483.55.

(8) Applicants shall certify that program evaluations will be based upon Section 8484 and upon any requirements recommended

by the Advisory Committee on Before and After School Programs and adopted by the state board, in compliance with subdivision (g) of Section 8482.4.

(9) The application states the targeted number of pupils to be served by the program.

(10) Applicants agree to provide the following information on participating pupils to the department:

(A) Schoolday attendance rates.

(B) Pupil test scores from the Standardized Testing and Reporting Program established under Section 60640, reflecting achievement in the areas addressed by required program elements, if assessments have been established in that area.

(C) Program attendance.

(g) (1) Grantees shall review their after school program plans every three years including, but not limited to, all of the following:

(A) Program goals. A grantee may specify any new program goals that will apply to the following three years during the grant renewal process.

(B) Program content, including the elements identified in subdivision (c).

(C) Outcome measures selected from those identified in subdivision (a) of Section 8484 that the grantee will use for the next three years.

(D) Any other information requested by the department.

(E) If the program goals or outcome measures change as a result of this review, the grantee shall notify the department in a manner prescribed by the department.

(F) The grantee shall maintain documentation of the after school program plan for a minimum of five years.

(2) The department shall monitor this review as part of its onsite monitoring process.

SEC. 3. Section 8483.3 of the Education Code, as amended by Section 18 of Chapter 380 of the Statutes of 2006, is amended to read:

8483.3. (a) The department shall select applicants to participate in the program established pursuant to this article from among applicants that apply on forms and in a manner prescribed by the department. It is the intent of the Legislature that the manner prescribed by the department, to the extent possible, allow for short and concise applicant responses. To the extent possible, the

selection of applicants by the department shall result in an equitable distribution of grant awards pursuant to Section 8483.7 to applicants in northern, southern, and central California, and in urban, suburban, and rural areas of California.

(b) The department shall consider the following in selecting schools to participate in the program established pursuant to this article:

(1) Percentage of pupils eligible for free and reduced lunch.

(2) Other indicators of need for the program, including, but not limited to, socioeconomic status of the neighborhoods in which participating pupils reside, the percentage of English language learners at the school, and the availability of programs in the community in which participating pupils reside.

(c) The application shall certify all of the following:

(1) Inclusion of an educational element.

(2) Inclusion of an enrichment element. These opportunities may include arts, career technical education, recreation, technology, and other activities to support positive youth development.

(3) That the program will provide a safe physical and emotional environment and opportunities for relationship building, and promote active pupil engagement.

(4) Staff training and development will be provided.

(5) Integration with the regular schoolday and other extended learning opportunities.

(6) Community collaboration, including, but not limited to, demonstrated support of the schoolsite principal and staff.

~~(7) Opportunities for physical activity that will include at least 30 minutes of moderate to vigorous physical activity utilizing the California After School Physical Activity Guidelines commencing on January 1, 2013.~~

(7) Opportunities for physical fitness that will include at least 30 minutes per day of moderate to vigorous physical activity, as defined in the Physical Education Model Content Standards and Physical Education Framework as adopted by the State Board of Education, commencing by the start of the 2013–14 school year.

(8) Inclusion of a nutritional snack.

(9) Fiscal accountability.

(10) Availability of required local matching funds.

(11) That the program will meet all of the evaluation requirements.

(d) Subdivision (b) does not apply to an applicant school that meets the priority criteria described in subdivision (a) of Section 8482.5.

SEC. 4. Section 51210 of the Education Code is amended to read:

51210. The adopted course of study for grades 1 to 6, inclusive, shall include instruction, beginning in grade 1 and continuing through grade 6, in the following areas of study:

(a) English, including knowledge of, and appreciation for literature and the language, as well as the skills of speaking, reading, listening, spelling, handwriting, and composition.

(b) Mathematics, including concepts, operational skills, and problem solving.

(c) Social sciences, drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology, and sociology, designed to fit the maturity of the pupils. Instruction shall provide a foundation for understanding the history, resources, development, and government of California and the United States of America; the development of the American economic system including the role of the entrepreneur and labor; the relations of persons to their human and natural environment; eastern and western cultures and civilizations; contemporary issues; and the wise use of natural resources.

(d) Science, including the biological and physical aspects, with emphasis on the processes of experimental inquiry and on the place of humans in ecological systems.

(e) Visual and performing arts, including instruction in the subjects of dance, music, theatre, and visual arts, aimed at the development of aesthetic appreciation and the skills of creative expression.

(f) Health, including instruction in the principles and practices of individual, family, and community health.

(g) Physical education, with emphasis upon the physical activities for the pupils that may be conducive to health and vigor of body and mind, for a total period of time of not less than 200 minutes each 10 schooldays, exclusive of recesses and the lunch period. By ~~January 1, 2013~~ *the start of the 2013–14 school year*, at least 50 percent of the time spent in physical education shall be spent in moderate to vigorous physical activity within the context

of the physical education content standards and framework as adopted by the State Board of Education.

(h) Other studies that may be prescribed by the governing board.

SEC. 5. Section 51222 of the Education Code is amended to read:

51222. (a) All pupils, except pupils excused or exempted pursuant to Section 51241, shall be required to attend the courses of physical education for a total period of time of not less than 400 minutes each 10 schooldays. By ~~January 1, 2013~~ *the start of the 2013–14 school year*, at least 50 percent of the time spent in physical education shall be spent in moderate to vigorous physical activity within the context of the physical education content standards and framework as adopted by the State Board of Education. Any pupil may be excused from physical education classes during one of grades 10, 11, or 12 for not to exceed 24 clock hours in order to participate in automobile driver training. A pupil who is excused from physical education classes to enroll in driver training shall attend a minimum of 7,000 minutes of physical education instruction during the school year.

(b) The governing board of each school district that maintains a high school and that elects to exempt pupils from required attendance in physical education courses pursuant to paragraph (1) or (2) or both of subdivision (b) of Section 51241 shall offer those pupils so exempted a variety of elective physical education courses of not less than 400 minutes each 10 schooldays.

SEC. 6. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

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Board of Chiropractic Examiners
Bill Analysis

Bill Number: SB 1171
Author: Negrete McLeod
Bill Date: February 18, 2010
Subject: Regulatory Boards Operation
Sponsor: Negrete McLeod

STATUS OF BILL: Amended

DESCRIPTION OF CURRENT LEGISLATION:

This bill revises and recasts sunset review law for regulatory boards, deletes references to the Joint Committee for Boards, Commissions and Consumer Protection and transfers the responsibilities of the Joint Committee for Boards, Commissions and Consumer Protection to the appropriate standing policy committees of the Legislature to carry out the sunset review functions.

PURPOSE OF THE BILL:

The portions of this bill specifically pertaining to the Board of Chiropractic Examiners (board) subjects the board to review on an unspecified date and requires the board to prepare an analysis and submit a report as specified in Business and Professions Code Section 473.2(a) to the appropriate policy committees of the Legislature on or before September 1, 2011, and requires the appropriate policy committees to hold interim hearings to receive testimony on the board. Additional information added to the report required by the policy committees includes detailed statistics on complaints and enforcement actions, including processing times.

BACKGROUND:

This bill transfers Sunset Review responsibilities from the Joint Committee to the standing policy Committees of the Legislature. This is a cost-savings measure which would eliminate the costs for an additional legislative committee. Over the years, the sunset review process has relied heavily upon the expertise and staffing of the standing legislative committees for much of the sunset review work that the Joint Committee performs.

FISCAL IMPACT:

Minor absorbable cost to the board to prepare the Sunset Review Report

SUPPORT & OPPOSITION:

Support: None on Record.

Opposition: None on Record

ARGUMENTS:

Pro: None

Con: None

STAFF RECOMMENDED POSITION: Neutral

AMENDED IN SENATE APRIL 5, 2010

SENATE BILL No. 1171

Introduced by Senator Negrete McLeod

February 18, 2010

An act to amend Sections 22, 473.1, 473.15, 473.2, 473.3, 473.4, 473.6, and 9882 of, to add Sections 473.12 and 473.7 to, to repeal Sections 473.16 and 473.5 of, and to repeal and add Sections 101.1 and 473 of, the Business and Professions Code, relating to regulatory boards.

LEGISLATIVE COUNSEL'S DIGEST

SB 1171, as amended, Negrete McLeod. Regulatory boards: operations.

Existing law creates various regulatory boards, as defined, within the Department of Consumer Affairs, with board members serving specified terms of office. Existing law generally makes the regulatory boards inoperative and repealed on specified dates, unless those dates are deleted or extended by subsequent legislation, and subjects these boards that are scheduled to become inoperative and repealed as well as other boards in state government, as specified, to review by the Joint Committee on Boards, Commissions, and Consumer Protection. Under existing law, that committee, following a specified procedure, recommends whether the board should be continued or its functions modified. Existing law requires the State Board of Chiropractic Examiners and the Osteopathic Medical Board of California to submit certain analyses and reports to the committee on specified dates and requires the committee to review those boards and hold hearings as specified, and to make certain evaluations and findings.

This bill would abolish the Joint Committee on Boards, Commissions, and Consumer Protection and would authorize the appropriate policy

committees of the Legislature to carry out its duties. The bill would terminate the terms of office of each board member or bureau chief within the department on unspecified dates and would authorize successor board members and bureau chiefs to be appointed, as specified. The bill would also subject interior design organizations, the State Board of Chiropractic Examiners, the Osteopathic Medical Board of California, the Tax Education Council, ~~and~~ the Naturopathic Medical Committee, *and the certification of common interest development managers and massage therapists* to review on unspecified dates. The bill would authorize the appropriate policy committees of the Legislature to review the boards, bureaus, or entities that are scheduled to have their board membership or bureau chief so terminated or reviewed, as specified, and would authorize the appropriate policy committees of the Legislature to investigate their operations and to hold specified public hearings. The bill would require a board, bureau, or entity, if its annual report contains certain information, to post that report on its Internet Web site. The bill would make other conforming changes.

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

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

1 SECTION 1. Section 22 of the Business and Professions Code
2 is amended to read:
3 22. "Board," as used in any provision of this code, refers to
4 the board in which the administration of the provision is vested,
5 and unless otherwise expressly provided, shall include "bureau,"
6 "commission," "committee," "department," "division," "examining
7 committee," "program," and "agency."
8 SEC. 2. Section 101.1 of the Business and Professions Code
9 is repealed.
10 SEC. 3. Section 101.1 is added to the Business and Professions
11 Code, to read:
12 101.1. (a) Notwithstanding any other provision of law, if the
13 terms of office of the members of a board are terminated in
14 accordance with the act that added this section or by subsequent
15 acts, successor members shall be appointed that shall succeed to,
16 and be vested with, all the duties, powers, purposes,
17 responsibilities, and jurisdiction not otherwise repealed or made
18 inoperative of the members that they are succeeding. The successor

members shall be appointed by the same appointing authorities, for the remainder of the previous members' terms, and shall be subject to the same membership requirements as the members they are succeeding.

(b) Notwithstanding any other provision of law, if the term of office for a bureau chief is terminated in accordance with the act that added this section or by subsequent acts, a successor bureau chief shall be appointed who shall succeed to, and be vested with, all the duties, powers, purposes, responsibilities, and jurisdiction not otherwise repealed or made inoperative of the bureau chief that he or she is succeeding. The successor bureau chief shall be appointed by the same appointing ~~authorities, for the remainder of the previous bureau chief's term,~~ *authority* and shall be subject to the same requirements as the bureau chief he or she is succeeding.

SEC. 4. Section 473 of the Business and Professions Code is repealed.

SEC. 5. Section 473 is added to the Business and Professions Code, to read:

473. Whenever the provisions of this code refer to the Joint Committee on Boards, Commissions, and Consumer Protection, the reference shall be construed to be a reference to the appropriate policy committees of the Legislature.

SEC. 6. Section 473.1 of the Business and Professions Code is amended to read:

473.1. This chapter shall apply to all of the following:

(a) Every board, as defined in Section 22, that is scheduled to have its membership reconstituted on a specified date as provided by subdivision (a) of Section 473.12.

(b) Every bureau that is named in subdivision (b) of Section 473.12.

(c) Every entity that is named in subdivision (c) of Section 473.12.

SEC. 7. Section 473.12 is added to the Business and Professions Code, to read:

473.12. (a) Notwithstanding any other provision of law, the term of office of each member of the following boards in the department shall terminate on the date listed, unless a later enacted statute, that is enacted before the date listed for that board, deletes or extends that date:

(1) The Dental Board of California: January 1, ____.
(2) The Medical Board of California: January 1, ____.
(3) The State Board of Optometry: January 1, ____.
(4) The California State Board of Pharmacy: January 1, ____.
(5) The Veterinary Medical Board: January 1, ____.
(6) The California Board of Accountancy: January 1, ____.
(7) The California Architects Board: January 1, ____.
(8) The State Board of Barbering and Cosmetology: January 1, ____.
(9) The Board for Professional Engineers and Land Surveyors: January 1, ____.
(10) The Contractors' State License Board: January 1, ____.
(11) The Board of Registered Nursing: January 1, ____.
(12) The Board of Behavioral Sciences: January 1, ____.
(13) The State Athletic Commission: January 1, ____.
(14) The State Board of Guide Dogs for the Blind: January 1, ____.
(15) The Court Reporters Board of California: January 1, ____.
(16) The Board of Vocational Nursing and Psychiatric Technicians: January 1, ____.
(17) The Landscape Architects Technical Committee: January 1, ____.
(18) The Respiratory Care Board of California: January 1, ____.
(19) The Acupuncture Board: January 1, ____.
(20) The Board of Psychology: January 1, ____.
(21) The California Board of Podiatric Medicine: January 1, ____.
(22) The Physical Therapy Board of California: January 1, ____.
(23) The Physician Assistant Committee of the Medical Board of California: January 1, ____.
(24) The Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board: January 1, ____.
(25) The California Board of Occupational Therapy: January 1, ____.
(26) The Dental Hygiene Committee of California: January 1, ____.

(b) Notwithstanding any other provision of law, the term of office for the bureau chief of each of the following bureaus shall terminate on the date listed, unless a later enacted statute, that is

enacted before the date listed for that bureau, deletes or extends that date:

(1) Arbitration Review Program: January 1, ____.

(2) Bureau for Private Postsecondary Education: January 1, ____.

(3) Bureau of Automotive Repair: January 1, ____.

(4) Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation: January 1, ____.

(5) Bureau of Security and Investigative Services: January 1, ____.

(6) Cemetery and Funeral Bureau: January 1, ____.

(7) Professional Fiduciaries Bureau: January 1, ____.

(8) Telephone Medical Advice Services Bureau: January 1, ____.

(9) Division of Investigation: January 1, ____.

(c) Notwithstanding any other provision of law, the following shall be subject to review under this chapter on the following dates:

(1) Interior design certification organizations: January 1, ____.

(2) State Board of Chiropractic Examiners pursuant to Section 473.15: January 1, ____.

(3) Osteopathic Medical Board of California pursuant to Section 473.15: January 1, ____.

(4) California Tax Education Council: January 1, ____.

(5) Naturopathic Medicine Committee, Osteopathic Medical Board of California: January 1, ____.

(6) Common interest development manager certification: January 1, ____.

(7) Massage therapy certification law: January 1, ____.

(d) Nothing in this section or in Section 101.1 shall be construed to preclude, prohibit, or in any manner alter the requirement of Senate confirmation of a board member, chief officer, or other appointee that is subject to confirmation by the Senate as otherwise required by law.

(e) It is not the intent of the Legislature in enacting this section to amend the initiative measure that established the State Board of Chiropractic Examiners or the Osteopathic Medical Board of California.

SEC. 8. Section 473.15 of the Business and Professions Code is amended to read:

473.15. (a) The appropriate policy committees of the Legislature shall review the following boards established by initiative measures, as provided in this section:

(1) The State Board of Chiropractic Examiners established by an initiative measure approved by electors November 7, 1922.

(2) The Osteopathic Medical Board of California established by an initiative measure approved June 2, 1913, and acts amendatory thereto approved by electors November 7, 1922.

(b) The Osteopathic Medical Board of California shall prepare an analysis and submit a report as described in subdivision (a) of Section 473.2, to the appropriate policy committees of the Legislature on or before September 1, 2010.

(c) The State Board of Chiropractic Examiners shall prepare an analysis and submit a report as described in subdivision (a), of Section 473.2, to the appropriate policy committees of the Legislature on or before September 1, 2011.

(d) The appropriate policy committees of the Legislature shall, during the interim recess of 2011, hold public hearings to receive testimony from the Director of Consumer Affairs, the Osteopathic Medical Board of California, the State Board of Chiropractic Examiners, the public, and the regulated industry. In those hearings, each board shall be prepared to demonstrate a compelling public need for the continued existence of the board or regulatory program, and that its licensing function is the least restrictive regulation consistent with the public health, safety, and welfare.

(e) The appropriate policy committees of the Legislature shall evaluate and make determinations pursuant to Section 473.4.

(f) In the exercise of its inherent power to make investigations and ascertain facts to formulate public policy and determine the necessity and expediency of contemplated legislation for the protection of the public health, safety, and welfare, it is the intent of the Legislature that the State Board of Chiropractic Examiners and the Osteopathic Medical Board of California be reviewed pursuant to this section.

(g) It is not the intent of the Legislature in enacting this section to amend the initiative measures that established the State Board of Chiropractic Examiners or the Osteopathic Medical Board of California.

SEC. 9. Section 473.16 of the Business and Professions Code is repealed.

SEC. 10. Section 473.2 of the Business and Professions Code is amended to read:

473.2. (a) All boards or bureaus listed in Section 473.12 shall, with the assistance of the Department of Consumer Affairs, prepare an analysis and submit a report to the appropriate policy committees of the Legislature no later than ~~22~~ *16* months before that board's membership or the bureau chief's term shall be terminated pursuant to Section 473.12. The analysis and report shall include, at a minimum, all of the following:

(1) The number of complaints it received per year, the number of complaints per year that proceeded to investigation, the number of accusations filed per year, and the number and kind of disciplinary actions taken, including, but not limited to, interim suspension orders, revocations, probations, and suspensions.

(2) The average amount of time per year that elapsed between receipt of a complaint and the complaint being closed or referred to investigation; the average amount of time per year elapsed between the commencement of an investigation and the complaint either being closed or an accusation being filed; the average amount of time elapsed per year between the filing of an accusation and a final decision, including appeals; and the average and median costs per case.

(3) The average amount of time per year between final disposition of a complaint and notice to the complainant.

(4) A copy of the enforcement priorities including criteria for seeking an interim suspension order.

(5) A brief description of the board's or bureau's fund conditions, sources of revenues, and expenditure categories for the last four fiscal years by program component.

(6) A brief description of the cost per year required to implement and administer its licensing examination, ownership of the license examination, the last assessment of the relevancy and validity of the licensing examination, the passage rate for each of the last four years, and areas of examination.

(7) A copy of sponsored legislation and a description of its budget change proposals.

(8) A brief assessment as to whether its licensing fees are sufficient, too high, or too low.

(9) A brief statement detailing how the board or bureau over the prior four years has improved its enforcement, public

disclosure, accessibility to the public, including, but not limited to, Internet Web casts of its proceedings, and fiscal condition.

(b) If an annual report contains information that is required by this section, a board or bureau may submit the annual report to the committees and shall post that report on the board's or bureau's Internet Web site.

SEC. 11. Section 473.3 of the Business and Professions Code is amended to read:

473.3. Prior to the termination of the terms of office of the membership of any board or the chief of any bureau described in Section 473.12, the appropriate policy committees of the Legislature, during the interim recess preceding the date upon which a board member's or bureau chief's term of office is to be terminated, may hold public hearings to receive and consider testimony from the Director of Consumer Affairs, the board or bureau involved, the Attorney General, members of the public, and representatives of the regulated industry regarding whether the board's or bureau's policies and practices, including enforcement, disclosure, licensing examination, and fee structure, are sufficient to protect consumers and are fair to licensees and prospective licensees, whether licensure of the profession is required to protect the public, and whether an enforcement monitor may be necessary to obtain further information on operations.

SEC. 12. Section 473.4 of the Business and Professions Code is amended to read:

473.4. (a) The appropriate policy committees of the Legislature may evaluate and determine whether a board or regulatory program has demonstrated a public need for the continued existence of the regulatory program and for the degree of regulation the board or regulatory program implements based on the following factors and minimum standards of performance:

(1) Whether regulation by the board is necessary to protect the public health, safety, and welfare.

(2) Whether the basis or facts that necessitated the initial licensing or regulation of a practice or profession have changed.

(3) Whether other conditions have arisen that would warrant increased, decreased, or the same degree of regulation.

(4) If regulation of the profession or practice is necessary, whether existing statutes and regulations establish the least restrictive form of regulation consistent with the public interest,

1 considering other available regulatory mechanisms, and whether
2 the board rules enhance the public interest and are within the scope
3 of legislative intent.
4 (5) Whether the board operates and enforces its regulatory
5 responsibilities in the public interest and whether its regulatory
6 mission is impeded or enhanced by existing statutes, regulations,
7 policies, practices, or any other circumstances, including budgetary,
8 resource, and personnel matters.
9 (6) Whether an analysis of board operations indicates that the
10 board performs its statutory duties efficiently and effectively.
11 (7) Whether the composition of the board adequately represents
12 the public interest and whether the board encourages public
13 participation in its decisions rather than participation only by the
14 industry and individuals it regulates.
15 (8) Whether the board and its laws or regulations stimulate or
16 restrict competition, and the extent of the economic impact the
17 board's regulatory practices have on the state's business and
18 technological growth.
19 (9) Whether complaint, investigation, powers to intervene, and
20 disciplinary procedures adequately protect the public and whether
21 final dispositions of complaints, investigations, restraining orders,
22 and disciplinary actions are in the public interest; or if it is, instead,
23 self-serving to the profession, industry, or individuals being
24 regulated by the board.
25 (10) Whether the scope of practice of the regulated profession
26 or occupation contributes to the highest utilization of personnel
27 and whether entry requirements encourage affirmative action.
28 (11) Whether administrative and statutory changes are necessary
29 to improve board operations to enhance the public interest.
30 (b) Nothing in this section precludes any board from submitting
31 other appropriate information to the appropriate policy committees
32 of the Legislature.
33 SEC. 13. Section 473.5 of the Business and Professions Code
34 is repealed.
35 SEC. 14. Section 473.6 of the Business and Professions Code
36 is amended to read:
37 473.6. The chairpersons of the appropriate policy committees
38 of the Legislature may refer to interim study review of any
39 legislative issues or proposals to create new licensure or regulatory
40 categories, change licensing requirements, modify scope of

practice, or create a new licensing board under the provisions of this code or pursuant to Chapter 1.5 (commencing with Section 9148) of Part 1 of Division 2 of Title 2 of the Government Code.

SEC. 15. Section 473.7 is added to the Business and Professions Code, to read:

473.7. The appropriate policy committees of the Legislature may, through their oversight function, investigate the operations of any entity to which this chapter applies and hold public hearings on any matter subject to public hearing under Section 473.3.

SEC. 16. Section 9882 of the Business and Professions Code is amended to read:

9882. (a) There is in the Department of Consumer Affairs a Bureau of Automotive Repair under the supervision and control of the director. The duty of enforcing and administering this chapter is vested in the chief who is responsible to the director. The director may adopt and enforce those rules and regulations that he or she determines are reasonably necessary to carry out the purposes of this chapter and declaring the policy of the bureau, including a system for the issuance of citations for violations of this chapter as specified in Section 125.9. These rules and regulations shall be adopted pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) In 2003 and every four years thereafter, the appropriate policy committees of the Legislature may hold a public hearing to receive and consider testimony from the Director of Consumer Affairs, the bureau, the Attorney General, members of the public, and representatives of this industry regarding the bureau's policies and practices as specified in Section 473.3. The appropriate policy committees of the Legislature may evaluate and review the effectiveness and efficiency of the bureau based on factors and minimum standards of performance that are specified in Section 473.4. The bureau shall prepare an analysis and submit a report to the appropriate policy committees of the Legislature as specified in Section 473.2.

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2010 Petitioner Cost Estimate

Sacramento Meetings ($5809 petitioner costs x 3 meetings = $17,427)
*Staff Prep Hours $43.45 per hour x 30 hrs = $1303
Staff Travel Mileage-Parking = $22
DAG Costs (Hearing Prep + On Site Representation)
$170 per hour x 4 hours per petitioner x 3 petitioners= $2040
Postage for Overnight and Certified (7-13 packages) = $104
ALJ Costs (Hearing Prep + Hearing Time + Decision Time + Travel)
$187 per hour x 4 hours per petitioner x 3 petitioners = $2244
Court Reporter Costs (1/2 day job) = $200
$5809 petitioner costs / 3 petitioners = $1936 per petitioner**

Bay Area Meetings ($5949 petitioner costs x 1 meeting =$5949)
*Staff Prep Hours $43.45 per hour x 30 hrs = $1303
Staff Travel Mileage-Parking $58
DAG Costs (Hearing Prep + On Site Representation)
$170 per hour x 4 hours per petitioner x 3 petitioners= $2040
Postage for Overnight and Certified (7-13 packages) = $104
ALJ Costs (Hearing Prep + Hearing Time + Decision Time + Travel)
$187 per hour x 4 hours per petitioner x 3 petitioners = $2244
Court Reporter Costs (1/2 day job) = $200
$5949 petitioner costs / 3 petitioners = $1983 per petitioner**

Southern California Meetings ($6571 petitioner costs x 2 meetings =$13,142)
*Staff Prep Hours $43.45 per hour x 30 hrs = $1303
Staff Travel Airline, Local Mileage or RAC = $680
DAG Costs (Hearing Prep + On Site Representation)
$170 per hour x 4 hours per petitioner x 3 petitioners = $2040
Postage for Overnight and Certified (7-13 packages) = $104
ALJ Costs (Hearing Prep + Hearing Time + Decision Time + Travel)
$187 per hour x 4 hours per petitioner x 3 petitioners = $2244
Court Reporter Costs (1/2 day job) = $200
$6571 petitioner costs / 3 petitioners = $2190 per petitioner**

***AGPA Salary/Bene's $7648 mo / 176 hours =$43.45 per hour**
****$2036 is the average per petitioner cost per meeting**