

Board of Chiropractic Examiners

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**NOTICE OF PUBLIC MEETING****Continuing Education Committee**

September 24, 2008
8:30 a.m.
State Capitol
Assembly Room 126
Sacramento, CA 95814

AGENDA**CALL TO ORDER****Approval of Minutes**

- September 4, 2008

Discussion and Possible Action

- Update on the Draft Proposal to Amend the Continuing Education Regulations

Discussion and Possible Action

- Process to Review and Approve Continuing Education Courses

Public Comment**Future Agenda Items****ADJOURNMENT****CONTINUING EDUCATION COMMITTEE**

Richard Tyler, D.C., Chair
Hugh Lubkin, 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 is accessible to the physically disabled. If a person needs disability-related accommodations or modifications in order to participate in the meeting, please make a request no later than five working days before the meeting to the Board by contacting Marlene Valencia at (916) 263-5355 ext. 5363 or sending a written request to that person at the Board of Chiropractic Examiners, 2525 Natomas Park Drive, Suite 260, Sacramento, CA 95833. Requests for further information should be directed to Ms. Valencia at the same address and telephone number.

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**BOARD OF CHIROPRACTIC EXAMINERS
MEETING MINUTES
Continuing Education Committee
September 4, 2008
2525 Natomas Park Drive, Ste. 100
Sacramento, CA 95833**

Committee Members

Richard Tyler, D.C., Chair
Hugh Lubkin, D.C.

Staff Present

Brian Stiger, Executive Officer
LaVonne Powell, Senior Staff Counsel
John Melendez, Staff Services Manager
April Alameda, Staff Services Analyst
Genie Mitsuahara, Senior Staff Analyst
Valerie James, Office Technician

Call to Order

Dr. Tyler called the meeting to order 2:29 p.m.

Roll Call

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

Approval of Minutes

April 24, 2008

DR. LUBKIN MOVED TO APPROVE THE APRIL 24, 2008, MINUTES; DR. TYLER SECONDED THE MOTION; VOTE 2-0; MOTION CARRIED.

Process to Review and Approve Continuing Education Courses

Dr. Tyler provided a brief overview of the past review and approval process for continuing education courses. The process involved committee members meeting with Board staff to review and approve

staff recommendations for course approval. Dr. Tyler emphasized that in the prior review and approval process licensed chiropractors were involved.

Dr. Tyler raised concerns with the current process in that it does not include a chiropractic presence for the final approval.

Dr. Lubkin provided the highlights of a discussion he had with Mr. Stiger regarding the current approval process. He recommended that staff consult one of the Board's experts to assist staff review and evaluate continuing education courses. The experts would be selected by their specialties. Dr. Lubkin also cautioned that the staff should not be micro-managed to the extent that they become ineffective.

Dr. Lubkin also mentioned that appeals should be heard by the Continuing Education committee if the appeal was not resolved by the Executive Officer.

Ms. Powell raised concerns about a three tier appeal system, which slows down the process and the final decision is ultimately made by the full Board. Under the committee's proposal the appeals would include the Executive Officer then the Continuing Education Committee then the full Board. Ms. Powell indicated that course providers have not raised any complaints to the Board regarding the current review and approval process.

Dr. Tyler raised concerns with staff making determinations on course approvals without being a chiropractor. Dr. Lubkin stated that Board staff has the ability to consult a Board trained subject matter expert when issues arise.

Ms. Powell stated that state employees are professionals and that Genie Mitsuvara is a professional in reviewing and approving continuing education courses and probably knows more than anyone in the state about these courses.

Dr. Tyler mentioned that after the continuing education regulations are revised, what would be the purpose of the continuing education committee? Ms. Powell said that the committee needs to focus on policy issues.

Mr. Stiger explained how chiropractic experts are selected, trained, and used during the review and approval process of continuing education courses.

Dr. Charles Davis, International Chiropractic Association of California stated that many courses are repeated on a yearly basis, which does not require an expert to be involved in every single continuing education course. He stated that some courses need to be audited.

Dr. Lubkin stated he would like to see the Board audit 10% of the continuing education courses approved by the Board on an annual basis.

DR. TYLER MOVED THAT MR. STIGER DEVELOP A REVIEW PROCESS THAT INCLUDE THE USE OF BOARD EXPERTS THAT WILL BE PRESENTED TO THE FULL BOARD; DR. LUBKIN SECONDED THE MOTION; VOTE 2-0; MOTION CARRIED.

Update on the Draft Proposal to Amend the Continuing Education Regulations

Dr. Davis recommended that chiropractors be required to take the same courses required of all health care providers and let chiropractors select the remainder of the courses to make up the required number of hours.

Mr. Stiger provided a brief update on the progress of the workgroup created to draft a proposed re-write of the continuing education regulations. Mr. Stiger indicated five areas of change including: increase CE hours from 12 hours to 24 hours; up to 12 hours could be earned through distance learning; a combination of mandatory and elective courses; the 50 minute hour; and a new fee structure.

Dr. Tyler believes that adjustive technique should be a mandatory course. Dr. Davis recommends that adjustive techniques should be an elective course.

Dr. Ray Welch expressed appreciation for being on the work group. He also opposes the increase in required number of hours and supports mandatory hours for adjustive technique.

Kristine Shultz, California Chiropractic Association, made positive comments about the work group.

Dr. Tyler asked Mr. Stiger to prepare an update of the working group's progress at the next meeting.

ADJOURNMENT

Dr. Tyler adjourned the meeting at 3:17 p.m.

Draft Proposed Regulatory Language for Continuing Education
Revised September 17, 2008

§355. Renewal, and Restoration and Reinstatement.

~~(a) Commencing with the renewal period for 1973, The doctor of chiropractic license expires at midnight annually on the last day of the licensee's birth month. A licensee may not engage in the practice of chiropractic in California under an expired license. The licensee shall submit, prior to expiration of the license, a renewal application, an annual renewal fee of one hundred and fifty dollars (\$150.00), and a statement that he or she has completed within the past twelve (12) months continuing education meeting the requirements of section 356. each license and each applicant for restoration of a license that was forfeited for failure to renew shall, as a condition to renewal or restoration of his or her license and in addition to paying the annual renewal fee of one hundred fifty dollars (\$150.00) or restoration fee of double the annual renewal fee as provided by section 12 of the Act (California Business and Professions Code section 1000 12), and submit evidentiary documentation proof that he or she has completed within the past 12 months a course of continuing education approved by the board on a form (No. 09RA-1 (8/91) provided by the board titled Renewal Application. The Renewal Application as provided by the board will indicate the current year of renewal. Continuing education requirements must be completed prior to expiration of the license.~~

~~(b) In lieu of submitting the proof of completion of continuing education required under subsection (a) above, any such licensee or applicant may submit a statement, which shall be verified or certified under penalty of perjury, that he or she will not engage in the practice of Chiropractic within the State of California during the period for which renewal or restoration is sought unless he or she first completes an approved course of continuing education and submits proof thereof to the board; and that he or she understands that failure to do so will constitute grounds for the suspension or revocation of his or her license. A license that has expired for failure to renew may be renewed at any time within three years after the expiration date. If no application is received within three years, the Board shall cancel the license. A licensee may request that his or her license be placed on inactive status. The licensee may not engage in the practice of chiropractic in California under an inactive license. To renew a license as inactive, the licensee shall submit a renewal application and renewal fee prior to expiration of the license. To restore an inactive license to active status, the licensing shall complete a form provided by the Board titled "Inactive to Active License Request" and documentation that he or she has either (1) completed continuing education meeting the requirements of section 356 for each year that the license was inactive; or (2) held an active license in another state.~~

~~(c) To restore a cancelled license, the person must submit to the Board's office, in compliance with the application instructions, an application for restoration, pay a fee of twice the annual amount of the renewal fee, and provide evidence of Board approved continuing education, as specified in California Code of Regulations, section 356, for each 12 month period in which the license was cancelled. Continuing education required to restore a cancelled licensed must be commenced and completed during the 12 month period immediately preceding the request for restoration. A license that is not renewed within sixty (60) days of its expiration is forfeited. A forfeited license may be renewed at any time within three (3) years after the expiration date. To restore a forfeited license, the licensee shall submit an application on a form provided by the Board titled "Restoration Application", provide documentation that he or she has completed the continuing education meeting the requirements of section 356 for each year that the license was forfeited, and pay a fee of twice the annual renewal fee.~~

~~(d) Licenses for doctors of chiropractic which heretofore expired on the last day of December each year will henceforth expire on the last day of the birth month of the licensee in each year.~~

~~To facilitate the conversion to the birthdate renewal system for doctors of chiropractic, licenses that expire on December 31, 1991 will be renewed for periods from seven (7) to eighteen (18) months. The fee to be paid shall be that determined by multiplying 1/12 of the renewal fee by the number of months of licensure in accord with the following schedule. All fees shall be rounded to the nearest whole dollar.~~

Will Be Licensed for		
Licenses Born In	The Period	Months of Licensure
January	January 92 January 93	13
February	January 92 February 93	14
March	January 92 March 93	15
April	January 92 April 93	16
May	January 92 May 93	17
June	January 92 June 93	18
July	January 92 July 92	7
August	January 92 August 92	8
September	January 92 September 92	9
October	January 92 October 92	10
November	January 92 November 92	11
December	January 92 December 92	12

~~This will be a one time reduction or increase, effective January 1992 all licenses will be annually renewed on a birthdate renewal system.~~

~~This subsection shall remain in effect until June 30, 1993, and on such date is repealed.~~

A license that is not renewed within three (3) years of its expiration shall be cancelled. To restore a cancelled license, the licensee shall submit an application on a form provided by the Board titled "Application for Restoration After Cancellation", provide documentation that he or she has completed the continuing education meeting the requirements of section 356 for each year that the license was cancelled, and pay a fee of twice the annual renewal fee.

NOTE: Authority cited: Sections 1000-4(b) and 1000-10(a), Business and Professions Code. Reference: Section 1000-12, Business and Professions Code.

HISTORY:

1. New article 6 (sections 355 through 358) filed 1-31-72; effective thirtieth day thereafter (Register 72, No. 6).
2. Amendment of subsection (a) filed 5-26-88; operative 6-25-88 (Register 88, No. 23).
3. Amendment of subsection (a) and new subsection (c) filed 4-23-91; operative 5-23-91 (Register 91, No. 21).
4. Amendment of subsection (b), new subsection (c) and subsection relettering filed 3-19-2001; operative 4-18-2001 (Register 2001, No. 12).

§355.1. Continued Jurisdiction of a License.

The suspension, expiration, cancellation, or forfeiture by operation of law of a license issued by the board, or its suspension, or forfeiture, by order of the board or by order of a court of law, or its surrender without the written consent of the board shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

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

HISTORY:

1. New section filed 12-6-2000; operative 1-5-2001 (Register 2000, No. 49).
2. Editorial correction restoring inadvertently omitted word (Register 2001, No. 3).
3. Amendment filed 7-7-2003; operative 8-6-2003 (Register 2003, No. 28).

§355.2. Inactive License.

~~A licensed chiropractor may apply to the board to request that his or her license be placed on inactive status. An inactive license shall be renewed during the same time period at which an active license is renewed. The renewal fee for a license in an inactive status shall be the same fee assessed for renewal of an active license. Licensees holding an inactive license shall be exempt from continuing education requirements.~~

~~—The holder of an inactive license shall not engage in the practice of chiropractic during the time the license is inactive.~~

~~—Licensees on inactive status who have not committed any acts or crimes constituting grounds for discipline may submit a written request for an active license and the following:~~

~~—(a) Evidence of board approved continuing education for each 12 month period or portion thereof the license was inactive. The continuing education must be taken prior to the request for activation and shall comply with California Code of Regulations section 356; or~~

~~—(b) If practicing in another state, provide proof of licensure and continuing education from that state for each 12 month period the license was inactive in California.~~

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

HISTORY:

1. New section filed 7-2-2001; operative 8-1-2001 (Register 2001, No. 27).

§356. Continuing Education Requirements ~~Course Content~~.

~~(a) All doctors engaged in active practice, whether on a full time or part time basis, shall complete a minimum of twelve (12) hours per licensing year of continuing education courses approved by the board.~~

~~—The board shall consider for approval the application of any continuing education course which conforms to the criteria below and is sponsored by a board approved continuing education provider.~~

~~—A continuing education course may contain more than twelve (12) hours of approved subject material. Any twelve (12) approved hours may be selected for continuing education credit, provided, however, the same course may not be attended more than once for credit within that licensing year, and four (4) hours of every twelve (12) hours selected for continuing education credit must be in the subject area of adjustive technique. The four (4) hours in adjustive technique may be satisfied by lecture and demonstration.~~

~~—The basic objectives and goals of continuing education are the growth, maintenance of knowledge and competency, the cultivation of skills, and greater understanding, with a continual striving for excellence in chiropractic care and the improvement in the health and welfare of the public.~~

Licenses engaged in active practice shall complete a minimum of twenty-four (24) hours of Board approved continuing education during the licensure year. A maximum of twelve (12) hours per licensing year of continuing education courses may be completed through distance learning courses. The same course may not be attended more than once for credit within the same renewal period.

~~(b) Each course approved by the board must present subject material directly related to the concepts of chiropractic, principles and practice including diagnostic procedures, patient care and management. The board recommends special attention be given to the following: Licenses are required to complete the following mandatory continuing education for each license renewal period:~~

~~(1) Principles of practice of chiropractic and office procedures including, but not limited to: A minimum of four (4) hours each licensing year shall be completed in adjustive technique. The four (4) hours in adjustive technique may be satisfied by lecture, demonstration or both.~~

~~(A) Chiropractic treatment and adjustment technique, including physiotherapy, nutrition and dietetics;~~

~~(B) Examination and diagnosis or analysis including physical, laboratory, orthopedic, neurological and differential;~~

~~(2) Radiographic technique and interpretation involving all phases of roentgenology as permitted by law; A minimum of four (4) hours in patient evaluation, including but not limited to, patient history, physical examination, diagnosis, differential diagnosis, and adverse event avoidance;~~

~~(A) Study of the methods employed in the prevention of excessive radiation and safety precautions to the patient;~~

~~(3) Postgraduate studies including, but not limited to, subjects contained within groups one through six of Section 5 of the Chiropractic Initiative Act; A minimum of two (2) hours in ethics and law, including but not limited to, professional boundaries, ethics, mandatory reporting requirements, laws related to the practice of chiropractic.~~

~~—(4) Insurance procedures and reporting.~~

(c) Licensees may earn continuing education credit for courses offered by providers that are approved by the California Department of Industrial Relations, Division of Workers Compensation.

(d) Licensees may earn up to two (2) continuing education hours for each renewal cycle offered by providers that are approved by any board or bureau in Division 2 of the Business and Professions Code; or approved by any organization authorized to approve continuing education by any board or bureau in Division 2 of the Business and Professions Code.

NOTE: Authority cited: Sections 1000-4(b) and 1000-4(e), Business and Professions Code. Reference: Sections 1000-4(b) and 1000-10(a), Business and Professions Code.

HISTORY:

1. Amendment filed 5-5-78; effective thirtieth day thereafter (Register 78, No. 18).
2. Amendment of subsection (d) filed 7-30-87; operative 8-29-87 (Register 87, No. 32).
3. Amendment of subsection (d) filed 6-3-92; operative 7-3-92 (Register 92, No. 23).
4. Amendment filed 3-22-99; operative 3-22-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 13).

§356.1. Cardiopulmonary Resuscitation/Basic Life Support Training.

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

HISTORY: 1. New section filed 10-22-2003; operative 11-21-2003 (Register 2003, No. 43).
2. Repealer filed 4-9-2007, operative 5-9-2007 (Register 2007, No. 15)

§356.5. Continuing Education Provider Approval, Duties and Responsibilities.

~~—(a) In order to become and remain eligible for approval by the board as a continuing education provider, each provider must comply with provisions (b)(1) through (b)(10) of this section and provisions of section 357. Failure to comply with these provisions may result in the withdrawal of approval of the provider by the board. A provider that has had its approval withdrawn by the board shall not be eligible to provide continuing education credit until the board reinstates the provider.~~

~~A provider that has lost approval may reapply to the board for approval as a continuing education provider after a period of suspension established by the board at the time that approval is withdrawn not to exceed two years.~~

~~—(b) Each continuing education provider shall:~~

~~—(1) Make written application to the board for approval as a continuing education provider, and also provide to the board a written mission statement that outlines the provider's continuing education objectives and declares the provider's commitment to conform to the standards set forth in this section. Applications for approval shall be submitted to the board office at least 30 days prior to a scheduled board meeting. Providers with applications that are incomplete will be notified of the deficiencies in writing within three weeks from the~~

date of receipt. Complete applications will be reviewed at the scheduled board meeting and notification of the board's decision will be provided in writing within two weeks following the board meeting;

~~—(2) Have engaged in the business of providing education to licensed health care professionals consisting of no less than one course in each year of a five year period immediately preceding the date of application for approval by the board as a continuing education provider;~~

~~—(3) Designate a person responsible for overseeing all continuing education activities of the provider and provide written notification to the board identifying that individual;~~

~~—(4) Use teaching methods that ensure student comprehension of the subject matter and concepts being taught;~~

~~—(5) Establish and maintain procedures for documenting completion of courses, retain attendance records for at least four (4) years from the date of course completion, and furnish the board with a roster of persons completing the course, including the name and state chiropractic license number of each course participant, within 60 days of course completion. Failure to submit the list of course participants within sixty (60) days of course completion may be grounds for withdrawal or denial of course approval;~~

~~—(6) If any participant's absence from the room exceeds ten (10) minutes during any one hour period, credit for that hour shall be forfeited and such forfeiture shall be noted in the provider's attendance report submitted to the board as required in subsection (b)(5) of this section.~~

~~It shall further be the responsibility of the provider to see that each person in attendance is in place at the start of each course period. Failure to maintain proper attendance monitoring procedures may be grounds for withdrawal or denial of course approval;~~

~~—(7) Ensure availability to course participants of meeting rooms, study aids, audiovisual aids, and self-instructional materials designed to foster learning and ensure student comprehension of the subject matter and concepts being taught;~~

~~—(8) Disclose in any continuing education course advertising if expenses of the program are underwritten or subsidized by any vendors of goods, supplies, or services;~~

~~—(9) Inform the board immediately of any event that may affect the provider's approval as a continuing education provider by the board;~~

~~—(10) Inform the board in writing immediately of any change to the course that would affect the date, time or location when or where the course will be held.~~

NOTE: Authority cited: Sections 1000-4(b) and 1000-4(e), Business and Professions Code. Reference: Sections 1000-4(b) and 1000-10(a), Business and Professions Code.

HISTORY:

1. New section filed 3-22-99; operative 3-22-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 13).

§357. Continuing Education Exemptions, Reductions and Accommodations - Approval of Continuing Education Courses.

~~(a) The application for approval of a continuing education course shall be submitted to the board office at least 45 days prior to the date of the course and shall include a nonrefundable application fee of \$50.00 and any other documentary information required by the board pursuant to section 356. The application fee for ongoing postgraduate courses presented by chiropractic institutions accredited by the Council on Chiropractic Education (C.C.E.) is due upon initial receipt of the application for approval, regardless of the number of course meetings in one calendar year. Courses with schedules continuing into a second calendar year must submit a new application for the second year if continuing education credit hours are to be offered for that year. The new application for the second year must contain the required fee (\$50.00).~~

~~— If a course meets the criteria of the board, the board shall notify the provider when a course has been approved.~~

~~— Mention of such approval shall be included in announcements of the program and the printed program itself as follows: "Approved by the California State Board of Chiropractic Examiners for license renewal."~~

~~— (b) Any board member, or members, or board designee shall have the right to inspect or audit any approved chiropractic course in progress.~~

~~— (c) The board, may, after notification and an opportunity to be heard, withdraw approval of any continuing education course, and shall immediately notify the provider of such action.~~

(a) The following licensees are exempt from the continuing education requirements of section 356:

(1) Inactive licensees;

(2) New licensees who are in their initial year of licensure;

(3) Full-time and part-time instructors who teach more than 20 hours per week at a Council on Chiropractic Education accredited college for at least six (6) months in the renewal year. The instructor must provide certification from the college verifying the hours taught.

(4) Board Members who have served one full year on the Board will be exempt only for each year he or she serves on the Board.

(b) A licensees who teach a board-approved continuing education course may earn two (2) hours credit for each hour of lecturing up to a maximum of eight (8) credit hours. Credit for the same course presentation shall be granted only once during each renewal cycle.

(1) Commissioners on Examination who administer the practical examination at least twelve (12) hours annually will be credited twelve (12) hours towards their twenty-four hours of continuing education in the years they act as Commissioners on Examination. Commissioners on Examination must provide a certification from the National Board of Chiropractic Examiners confirming the commissioner's involvement.

(c) If a licensee is unable to attend continuing education courses due to a physical disability or serving as active duty in the military the board may approve upon request that the licensee obtain all required credit through distant learning courses. The licensee shall provide evidentiary documentation on a form provided by the Board.

NOTE: Authority cited: Sections 1000-4(b), 1000-(e), Business and Professions Code. Reference: Sections 1000-4(b), 1000-10(a), Business and Professions Code.

HISTORY;

1. Amendment filed 1-4-77; effective thirtieth day thereafter (Register 77, No. 2).
2. Amendment filed 5-5-78; effective thirtieth day thereafter (Register 78, No. 18).
3. Amendment of subsection (a) filed 2-15-79; effective thirtieth day thereafter (Register 79, No. 7).
4. Amendment of subsection (a) filed 7-30-87; operative 8-29-87 (Register 87, No. 32).
5. Editorial correction of subsection (a) printing error (Register 87, No. 38).
6. Amendment filed 3-22-99; operative 3-22-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 13).

§358. Exemptions and Reduction of Requirement. — Continuing Education Providers.

~~—(a) All doctors of chiropractic specifically exempted from, or obtaining a reduction in continuing education requirements include the following:~~

~~—(1) Inactive licentiates;~~

~~—(2) New licentiates in the year of initial licensure;~~

~~—(3) Teachers. A full time teacher, and part time teachers who teach more than 20 hours per week as defined by C.C.E. regulation, shall be exempt from the required hours until no longer engaged in full time chiropractic teaching.~~

~~—(4) Lecturers. A lecturer shall be given two hours credit for each hour of actual lecturing at a recognized course. Credit for the same course presentation shall be granted only once during each year.~~

~~—(5) If a doctor is unable to attend a continuing education course due to ill health, credit may be granted by the board upon request for documented completion of twelve (12) twenty four (24) hours of recorded or videotaped approved continuing education course work. Such an exemption request must be made prior to the date that the required continuing education must be completed and in writing to the board's office and must also be accompanied by an attending doctor's statement.~~

~~The licensee shall send to the board's office a signed affidavit affirming he or she has completed twelve (12) Twenty four (24) hours of approved continuing education tapes and must provide the board with the names and dates of the approved continuing education courses comprising the lecture tapes.~~

~~—(6) Commissioners on Examination. Commissioners on Examination who administer the practical examination at least twelve (12) hours annually shall be exempt from the continuing education requirement in the years they act as Commissioners on Examination. Commissioners on Examination seeking this exemption must provide a certification from the National Board of Chiropractic Examiners confirming the commissioner's involvement.~~

~~(7) Active Board Members. Professional board members who have served one full year on the Board of Chiropractic Examiners shall be exempt from the continuing education requirement in each year of board member service.~~

Applicants who wish to become board approved providers shall meet the qualifications of either:

- (a) Applicants who wish to become continuing education providers who are authorized to approve their own courses shall complete the form entitled "Application for CE Providers Authorized to Approve Own Courses" (Rev.) which is incorporated herein by reference and shall meet all of the requirements contained in the application.
- (b) Applicants who wish to become continuing education providers who must obtain Board approval before they are authorized to provide a course shall complete the form entitled "Application for CE Providers not Authorized to Approve Their Own Courses" (Rev.) which is incorporated herein by reference and shall meet all of the requirements contained in the application.
- (c) If denied, an applicant may petition the board for reconsideration within 30 days from the date of denial. The petition will be heard by the full board at the next available board meeting.

NOTE: Authority cited: Section 1000-4(b), Business and Professions Code. Reference: Sections 1000-4(b) and 1000-4(e), Business and Professions Code.

HISTORY:

1. Amendment filed 1-4-77; effective thirtieth day thereafter (Register 77, No. 2).
2. Repealer and new section filed 5-5-78; effective thirtieth day thereafter (Register 78, No. 18).
3. New subsection (6) filed 9-27-79; effective thirtieth day thereafter (Register 79, No. 39).
4. Amendment filed 7-30-87; operative 8-29-87 (Register 87, No. 32).
5. Amendment filed 3-22-99; operative 3-22-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 13).

§359. ~~Revoked or Suspended Licenses~~ Continuing Education Course Requirements.

~~Any person making application for reinstatement or restoration of a license which has been revoked or suspended may be required, as a part of the relief granted, to complete an approved course of continuing education, or to complete such study or training as the board may require.~~

(a) The basic objectives and goals of continuing education are the growth, maintenance of knowledge and competency, the cultivation of skills, and greater understanding, with a continual striving for excellence in chiropractic care and the improvement in the health and welfare of the public.

(b) The application for approval of a continuing education course shall be completed on a form prescribed by the board. Continuing education course applications must be received by the board office at least 45 days prior to the date of the course and shall include a nonrefundable application fee of \$ per each hour of course content requested.

(c) The board shall consider for approval the application of any continuing education course, which conforms to the criteria below and is sponsored by a board approved continuing education provider.

(1) A continuing education course may contain more than twenty-four (24) hours of approved subject material. No more than 12 hours of instruction shall be given during any twenty- four (24) hour period.

(2) Each course approved by the board must present subject material directly related to the concepts of chiropractic, principles and practice including diagnostic procedures, patient care and patient management. No course may include, reference to, or advertise increased profit or other financial gain, methods to increase patient volume, or advocate recommending services to patients to generate income.

(3) Topics that may be approved for continuing education include, but are not limited to, mandatory requirements as outlined in Section 356; principles of practice; patient documentation; nutrition; public health; diagnostic imaging and interpretation; laboratory results and interpretation; philosophy of chiropractic; clinical science; pain management; rehabilitation; and Cardiopulmonary Resuscitation;

(4) Continuing education credit shall be based on a contact hour defined as fifty (50) minutes of participation. Regular class breaks shall be at the discretion of the instructor and shall be scheduled to promote learning. Calculation of continuing education course credit shall not include time for breaks. If any participant's absence from the room exceeds ten (10) minutes during any contact hour, credit for that hour shall be forfeited.

(5) Continuing education courses offered as distance learning may include manuals, compact disks (CD), digital disc (DVD), audio and video tapes, computer or internet courses and other emerging formats as determined by the board.

(A) Distance learning courses shall include a well defined set of learning objectives and a testing component that reflects mastery of the key learning objectives.

(B) Internet based courses must include a mechanism to demonstrate the participant is interacting with the program during each full hour of learning.

(C) The certificate of completion issued for a Internet based course must include the date the program was completed along with the log in and log out times for the program.

(d) Topics that will not be approved are those that only benefit the licensee; financial management, income generation, billing, collections, self-motivation, practice-building, and patient recruitment.

(e) Applicants with incomplete information will be notified of the deficiencies in writing within two (2) weeks from the date of receipt.

(f) Any change of course content requires submittal of a new application.

(g) The board or board designee, after notification and an opportunity to be heard, withdrawal approval of any continuing education course, and shall notify the provider of such action.

(h) Any board member, or members, or board designee shall have the right to inspect or audit any approved chiropractic course in progress.

HISTORY:

1. New section filed 5-5-78; effective thirtieth day thereafter (Register 78, No. 18).

§360. Continuing Education Audits.

The Board shall conduct ~~random~~ audits to verify compliance with Continuing Education requirements of active licensees. Licensees shall retain documents of completion issued to them at the time of attendance of Board-approved Continuing Education courses for a period of four years and shall forward such proof to the Board within 30 days upon request.

Licensees who fail to retain documents of completion shall obtain duplicate documents, from Board-approved Continuing Education providers, who shall issue duplicates only to licensees whose names appear on the providers' rosters of course attendees. The documents of completion shall be clearly marked "duplicate" and shall contain the licensees' names and license numbers, as well as providers' names, course approval numbers, dates of attendance, and hours earned.

Licensees who furnish false or misleading information to the Board regarding their Continuing Education hours shall be subject to disciplinary action.

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

HISTORY: 1. New section filed 10-16-2003; operative 11-15-2003 (Register 2003, No. 42).

Board of Chiropractic Examiners

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**Memorandum**

Date: September 17, 2008

To: Continuing Education Committee
Board of Chiropractic Examiners

Via: 
Brian Stiger
Executive Officer

From: John Melendez
Licensing and Continuing Education

Subject: Revised Continuing Education Approval Process

This memorandum is intended to describe the current Continuing Education Course approval process.

Within 21 days of receipt, the Licensing Analyst completes a comprehensive review of the documentation submitted by the approved continuing education course provider.

During the initial phase of the review, the Licensing Analyst ensures the following required documents and information have been received:

- Course Syllabi
- Completed Course Application
- Hour By Hour Course Outline
- Course Dates and Locations
- Brochure-Promotional Materials
- Sample Certificate of Completion
- Instructors and Corresponding Hours of Instruction
- Number of Continuing Education Hours Requested

Throughout the initial phase of the evaluation process, the Licensing Analyst verifies the accuracy and consistency of the information provided.

It is significant to note that efforts will be directed toward "fast tracking" courses meeting the following criteria:

- Prior year Board approval
- No Change to Course Content
- No Change in Number of Hours of Instruction
- No Change in the Number of Continuing Education Hours Requested

During the second phase of the evaluation process, the Licensing Analyst utilizes all available resources to perform a detailed analysis of the course content in order to ensure that the course information to be presented is fully consistent with established chiropractic scope of practice parameters. The Licensing Analyst maintains a comprehensive worksheet delineating relevant course analysis data.

The Licensing Analyst will consult with a fully vetted and trained Chiropractic Expert in the event a question or concern regarding the appropriateness of a course arises during this phase.

Following completion of the evaluation process, the Licensing Analyst provides written notification of course approval or denial. Should a course be denied, the provider is fully advised of the established appeal process.

There appear to be numerous benefits to the current continuing education approval process when compared to the previous process. These benefits include the following:

- The utilization of fully vetted and trained Chiropractic Experts to review and resolve questions regarding course appropriateness.
- The establishment of a timely appeal process which allows the provider to present an appeal to the Executive Officer.
- An expedited approval process resulting in a sixty-five percent reduction in approval process time when compared to the prior process (i.e. 21 days versus 60 days).
- Substantial reduction of the pre-course course submission timeframe as provider course submission is no longer required to be completed 30 days prior to the Board meeting.
- A significant reduction in staff time previously devoted to the completion of committee worksheets and written rationale for course approval, denial or reduction of approved hours; as well as the resources required to copy-mail course applications and attachments to Committee Members for review.
- The Continuing Education Committee is no longer burdened with performing an extensive and time consuming review process thereby allowing the devotion of additional time to establishing, improving and refining continuing education policy.

- Alleviation of potential conflict of interest issues upon appeal to the Board.
- Elimination of the previously required provision of handouts and lecture notes by providers

Since the implementation of the revised approval process approximately one year ago, there has been no evidence that a continuing education course has been inappropriately approved.

Moreover, the appeal process has been effective in resolving disputed course denials. Of the four appeals received and heard by the Executive Officer, two resulted in course approval while the remaining two appeals resulted in confirmed denials. There have been no appeals beyond the Executive Officer level to date.