BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

NOTICE OF TELECONFERENCE
LICENSING, CONTINUING EDUCATION & PUBLIC RELATIONS COMMITTEE MEETING

May 22, 2014
2:00 p.m.
901 P Street, Suite 142A
Sacramento, CA 95814
(916) 263-5355

Teleconference Location with Public Access

Corey Lichtman, DC
634 Stevens Ave.
Solana Beach, CA 92075
(858) 350-6290

Heather Dehn, DC
John Roza, Jr., DC
901 P St, #142A
Sacramento, CA 95814

AGENDA

1. **Call to Order**

2. **Approval of Minutes**
   April 17, 2014

3. **Reviewing Anglo-European College of Chiropractic's Requirements for Compatibility to USA Standards for Possible Recognition of International Applicants**

4. **Review and Discussion of Identifying the Top Licensee Violations and Asking Continuing Education Providers to Disseminate this Information to Attendees of their Continuing Education Courses**

5. **Review and Discussion of Providing an Insert to be Mailed with License Renewal Forms on Asking for Licensees to Serve as Continuing Education Course Auditors**

6. **Review and Discussion Regarding Chiropractors Performing Physical Examinations for High School Athletic Programs**

7. **Review and Discussion of Board Quarterly Newsletter and Social Media**

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

9. Future Agenda Items

10. Adjournment

LICENSING, CONTINUING EDUCATION
& PUBLIC RELATIONS COMMITTEE
Heather Dehn, D.C., Chair
John Roza Jr., D.C.
Corey Lichtman, D.C.

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, 901 P Street, Suite 142A, Sacramento, CA 95814. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

NOTICE OF TELECONFERENCE
LICENSING, CONTINUING EDUCATION & PUBLIC RELATIONS COMMITTEE MEETING
June 26, 2014
2:30 p.m.

One or more Committee Members will participate in this meeting at the teleconference sites listed below. Each teleconference location is accessible to the public and the public will be given an opportunity to address the Licensing, Continuing Education and Public Relations Committee at each teleconference location. The public teleconference sites for this meeting are as follows:

Teleconference Meeting Locations:

Corey Lichtman, DC
634 Stevens Ave.
Solana Beach, CA 92075
(858) 350-6290

Heather Dehn, DC
John Roza, Jr., DC
901 P St, #142A
Sacramento, CA 95814

AGENDA

1. **Call to Order**

2. **Approval of Minutes**
   May 22, 2014

3. **Continued Review of Anglo-European College of Chiropractic's Requirements for Compatibility to USA Standards for Possible Recognition of International Applicants**

4. **Review and Discussion of Providing an Insert to be Mailed with License Renewal Forms on Asking for Licensees to Serve as Continuing Education Course Auditors**

5. **Review and Discussion Regarding Chiropractors Performing Physical Examinations for High School Athletic Programs**

6. **Update on the Progress of the Board's Biannual Newsletter**

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

8. **Future Agenda Items**

9. **Adjournment**

LICENSING, CONTINUING EDUCATION & PUBLIC RELATIONS COMMITTEE

Heather Dehn, D.C., Chair
John Roza Jr., D.C.
Corey Lichtman, D.C.

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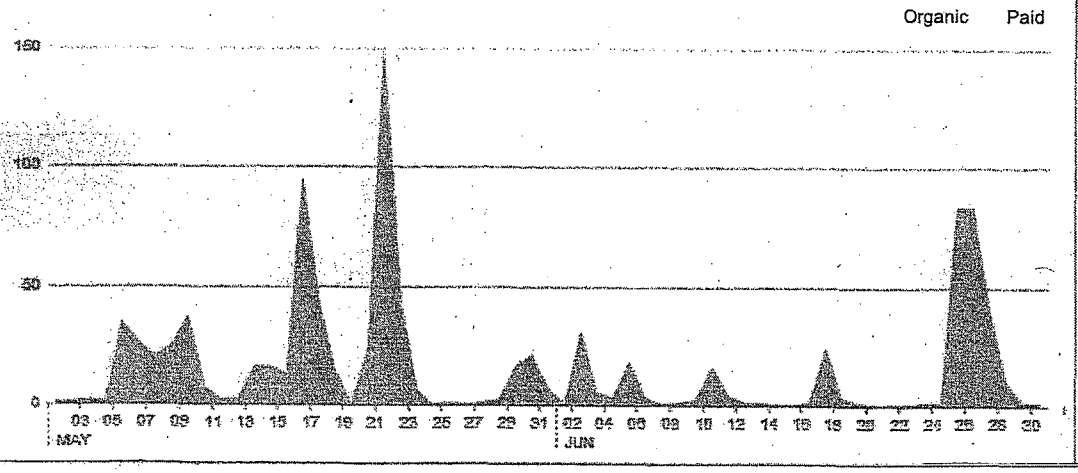
Board of Chiropractic Examiners
Facebook and Twitter Statistics
May/June 2014

Facebook Statistics		
Category	Data as of May 2014	Data as of June 2014
Total Likes	99	104
Page Visits	192	47
*Account Re-activated on 5/5/2014		

Twitter Statistics		
Category	Data as of May 2014	Data as of June 2014
Number of Tweets	11	2
Number of Followers	27	34
*Account Re-activated on 5/5/2014		

Post Reach

The number of people your post was served to.



BENCHMARK

Compare your average performance over time.

Organic

Paid

Your Fans | People Reached | People Engaged | Check-ins

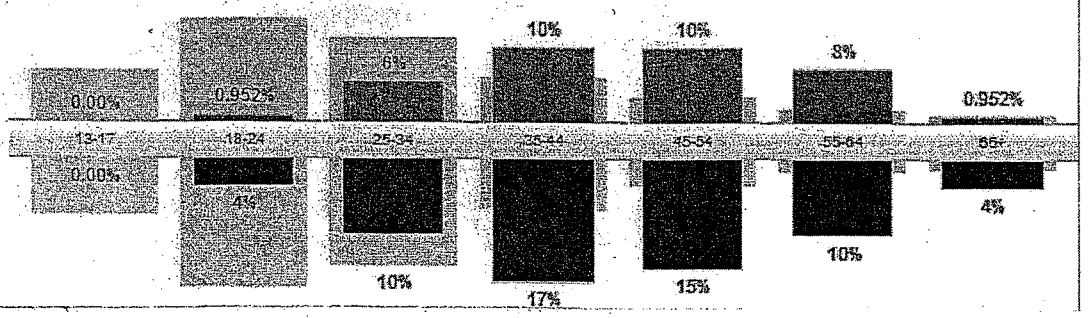
The people who like your Page

Women

36% Your Fans | 46% All Facebook

Men

61% Your Fans | 54% All Facebook



BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

NOTICE OF PUBLIC MEETING
GOVERNMENT AFFAIRS & STRATEGIC PLANNING COMMITTEE

May 22, 2014
10:00 a.m.
901 P Street, Ste. 142A
Sacramento, CA 95814
(916) 263-5355

Teleconference Locations with Public Access

Julie Elginer, Dr. PH
Agoura Hills Library
29901 Ladyface Court
Agoura Hills, CA 91301-2582
(818) 889-2278

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

Frank Ruffino
Office of General Services Administrator
700 E. Naples Ct.
Chula Vista, CA 91911
(619) 205-1415

AGENDA

1. **CALL TO ORDER**

2. **Approval of Minutes**
   April 8, 2014

3. **Legislative Update**
   - AB 1711 (Cooley) - Administrative Procedures Act: economic impact assessment
   - AB 790 (Gomez) - Child abuse: reporting
   - AB 2058 (Wilk) - Open Meetings
   - AB 2165 (Patterson) - Professions and Vocations: licensing
   - SB 218 (Yee) - California traditional Chinese medicine traumatologist certification
   - SB 981 (Huff) - Regulations: review process
   - SB 1159(Lara) - Professions and vocations: license suspension or restriction
   - SB 1256 (Mitchell) - Medical services: credit
   - AB 1702 (Maienschein) – Delay or Denial of Licensure Due to Incarceration
   - AB 1758 (Patterson) – Healing Arts: License Renewal Fees
   - AB 1903 (Donnelly) – Department of Consumer Affairs Meetings
   - AB 2147 (Melendez) – Agency Disclosure of Personal Information

- AB 2396 (Bonta) – Denial of Licensure for Felony Convictions
- AB 2638 (Chau) – The Department of Consumer Affairs
- AB 2720 (Ting) – Requires State Agencies to Record Votes in Meeting Minutes
- SB 1091 (Galgiani) – Administrative Procedures: California Regulatory Notice Register: proposed rulemaking activities
- SB 1258 (DeSaulnier) – Controlled Substances: Prescriptions: reporting
- AB 809 (Logue) – Telehealth Patient Consent
- SB 1215 (Hernandez) – Healing Arts Licensees: referrals
- SB 1445 (Evans) – Use of Telehealth at Regional Centers
- AB 2143 (Williams) – Clinical Laboratories: chiropractors
- AB 186 (Maienshein) – Professions and Vocations: Military spouses: temporary licenses

4. Review and Discussion of BCE Strategic Plan Goals Assigned to the Government Affairs & Strategic Plan Committee

- Goal 4 – Organizational Effectiveness
- Goal 7 – Government Affairs

5. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

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

6. FUTURE AGENDA ITEMS

7. ADJOURNMENT

GOVERNMENT AFFAIRS COMMITTEE
Julie Elginer, Dr. PH, Chair
Dionne McClain, D.C.
Frank Ruffino

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

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.**

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BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

NOTICE OF PUBLIC MEETING

TELECONFERENCE - GOVERNMENT AFFAIRS & STRATEGIC PLANNING COMMITTEE
July 1, 2014, 10:00 a.m.

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

Teleconference Meeting Locations:

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

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

Frank Ruffino, Public Member
Office of General Services Administrator
700 E. Naples Ct.
Chula Vista, CA 91911
(619) 205-1415

AGENDA

1. **CALL TO ORDER**

2. **Approval of Minutes**
   May 22, 2014

3. **Legislative Update**
   - AB 2143 (Williams) – Clinical Laboratories: chiropractors
   - SB 1256 (Mitchell) - Medical services: credit
   - AB 186 (Maienshein) – Professions and Vocations: Military spouses: temporary licenses
   - AB 2058 (Wilk) - Open Meetings
   - AB 1702 (Maienschein) – Delay or Denial of Licensure Due to Incarceration
   - AB 2720 (Ting) – State Agencies: meetings: record of action taken
   - AB 809 (Logue) – Telehealth Patient Consent
   - AB 1711 (Cooley) - Administrative Procedures Act: economic impact assessment
   - SB 1159 (Lara) - Professions and vocations: license suspension or restriction
   - AB 2396 (Bonta) – Denial of Licensure for Felony Convictions

4. Review and Discussion of BCE Strategic Plan Goals Assigned to the Government Affairs & Strategic Plan Committee

- Goal 4 – Organizational Effectiveness
- Goal 7 – Government Affairs

5. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

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

6. FUTURE AGENDA ITEMS

7. ADJOURNMENT

GOVERNMENT AFFAIRS COMMITTEE

Julie Elginer, Dr. PH, Chair
Dionne McClain, D.C.
Frank Ruffino, Public Member

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Summary of Legislation Discussed at the July 1, 2014 Govt. Affairs Committee Meeting

SUPPORT:

- AB 2143 (Williams) – Clinical Laboratories: chiropractors
  - This bill would exempt doctors of chiropractic who are listed on the Dept. of Transportation National Registry of Certified Examiners from clinical laboratory requirements and require the doctor of chiropractic to refer a patient with abnormal test results to their primary care physician.

SUPPORT AS AMENDED:

- SB 1256 (Mitchell) – Medical services: credit
  - This bill would prohibit all healing arts licensees, including dentists, or their employees, from establishing a line of credit extended by a third party for a patient without first providing written notice and a written treatment plan.
  - Status – 07/02/14 Passed Assem. Appropriations Comm. (17-0), Read 2nd time; ordered to consent calendar.

NEUTRAL:

- AB 2058 (Wilk) – Open Meetings
  - This bill would clarify the Bagley-Keene Act by specifying that all standing committees are subject to the transparency of open meeting regulations, regardless of the size of its membership.
  - Status – 06/30/14 Passed Sen. Appropriations Comm. (6-0, 1 abstain); ordered to 3rd reading.

- AB 1702 (Maienschein) – Professions and Vocations: incarceration
  - This bill would prohibit a licensing entity from delaying or denying a license solely on the basis that some or all of the requirements for licensure were obtained while the applicant was incarcerated. The BCE is specifically exempt from the requirements of this bill.
  - Status – 07/01/14 Ordered to 3rd reading – Sen. Appropriations

- AB 2720 (Ting) – State Agencies: meetings: record of action taken
  - This bill would require all state boards and commissions to publicly report the vote of each member on actions taken during meetings.
  - 06/26/14 – In Senate; held at desk (minor amendment suggested by Gov.)

- AB 809 (Logue) – Healing Arts: telehealth
  - This is an emergency statute that would amend the Telehealth Advancement Act of 2011 by limiting a health care provider's requirement to obtain a patient's oral consent to the first use of telehealth only.
  - 05/19/14 – Referred to Sen. Comm. on Health; hearing postponed by author

◦ AB 186 (Maienschein) – Professions and Vocations: military spouses: temporary licenses

- This bill would require boards within DCA who have not established a temporary licensing process prior to January 1, 2014, to issue a 12-month temporary license to a spouse or domestic partner of an active duty member of the Armed Forces. The BCE is specifically exempt from the provisions of this bill.
- Status – 06/30/14 Passed Sen. Appropriations Comm. (5-0, 2 abstain); Ordered to 3rd reading.

WATCH:

◦ AB 1711 (Cooley) – Administrative Procedures Act: economic impact assessment

- This bill would specify that the Economic Impact Assessment shall be included in the initial statement of reasons for all non-major rulemaking actions and direct the Dept. of Finance to prepare instructions for agencies to use in preparing the assessment.
- Statius - 06/26/14 Passed Sen. Appropriations (6-0); Re-referred to Appropriations; hearing date set 08/04/14.

◦ SB 1159 (Lara) – Professions and vocations: license applicants: federal tax identification number

- This bill would require applicants for professional licensure, other than a partnership, to provide a federal taxpayer identification number or social security number on their application for licensure and require licensing entities to report individuals to the Franchise Tax Board who fail to provide such information.
- Status – 06/26/14 Passed Assem. Appropriations (12-2); Read 2nd time & amended; Re-referred to Appropriations Committee.

◦ AB 2396 (Bonta) – Convictions: expungement: licenses

- This bill would prohibit a board within DCA from denying a license based solely on a conviction that has been dismissed pursuant to section 1203.4, 1203.4a, or 1203.41 of the Penal Code.
- Status – Passed Sen. BP&ED Committee (5-3); re-referred to Appropriations Committee; hearing date 08/04/14.

DEAD BILLS

◦ AB 2165 (Patterson) – Professions and Vocations: licenses

- This bill would require boards within DCA to complete the application review process and issue a license to applicants who have satisfied all licensure requirements within 45 days of the application filing date and require boards to offer a licensing examination at least six times per year, unless the board uses a national exam.
- POSITION: OPPOSE

◦ SB 218 (Yee) – California Traditional Chinese Medicine traumatolgist certification

- This bill would establish the non-profit California Traditional Chinese Medicine Traumatology Council (Council) who would be charged with developing

educational and training standards for applicants and authorize the Council to issue certificates to qualified applicants as well as discipline certificate holders for violations.
    - POSITION: OPPOSE

- SB 981 (Huff) – Regulations: review process
    - This bill would require state agencies to review each regulation adopted prior to January 1, 2014 and provide a report of the findings to the Legislature on or before January 1, 2016, and every 5 years thereafter.
    - POSITION: OPPOSE

- SB 1091 (Galgiani) – Administrative Procedures: California Regulatory Notice Register
    - This bill would require state agencies to involve all parties that are subject to proposed regulations in public discussion regarding the proposed regulation prior to public action of the notice in the California Regulatory Notice Register.
    - POSITION - OPPOSE

- SB 1258 (DeSaulnier) – Controlled Substances: prescriptions: reporting
    - This bill would make several changes to the ways that controlled substances are prescribed and tracked. The bill would require medical providers to use electronic prescribing systems, require additional reporting of controlled substance prescribing to the state, and place additional restrictions on the prescribing of controlled substances.
    - POSITION – NEUTRAL

- AB 790 (Gomez) – Child abuse: reporting
    - This bill would require all mandated reports to individually report suspected or known instances of child abuse or neglect, unless they are a healthcare provider.
    - POSITION – WATCH

- AB 2147 (Melendez) – State Government Internet websites: information practices
    - This bill would require state agencies that use an Internet Web site to obtain information through an electronic form and shares that information with another state agency or private party to include a disclosure notice and prohibit state agencies from utilizing or sharing such information until the person acts to submit the form.
    - POSITION – WATCH

Board of Chiropractic Examiners
Bill Analysis

Bill Number: AB 2143
Author: Assembly Member Das Williams
Bill Version: Amended May 27, 2014
Subject: Clinical laboratories: chiropractors
Sponsor: California Chiropractic Association

STATUS OF BILL: 06/24/14 Passed Sen. B.,P.&E.D. Comm. (8-0), Re-referred to Appropriations Comm.

SUMMARY:
This is an urgency bill that would exempt doctors of chiropractic (DC's) who are listed on the Dept. of Transportation (DOT) National Registry of Certified Examiners from clinical laboratory requirements and require the doctor of chiropractic to refer a patient with abnormal test results to their primary care physician.

EXISTING LAW:

- Defines "CLIA" to mean the federal Clinical Laboratory Improvement Amendments of 1988. (Business and Professions Code (BPC) Section 1202.5))
- Defines a "clinical laboratory test or examination" to mean the detection, identification, measurement, evaluation, correlation, monitoring, and reporting of any particular analyte, entity, or substance within a biological specimen for the purpose of obtaining scientific data which may be used as an aid to ascertain the presence, progress, and source of a disease or physiological condition in a human being, or used as an aid in the prevention, prognosis, monitoring or treatment of a physiological or pathological condition in a human being, or for the performance of non-diagnostic tests for assessing the health of an individual. (BPC 1206 (a)(5))
- Defines a "clinical laboratory" to mean any place used, or any establishment, or institution organized or operated, for the performance of clinical laboratory tests or examinations or the practical application of the clinical laboratory sciences which may include any means that applies the clinical laboratory sciences. (BPC 1206 (a)(8))
- Prohibits, except as otherwise specified, a person from performing a clinical laboratory test or examination classified as waived under CLIA unless the clinical laboratory test or examination is performed under the overall operation and administration of the laboratory director, as specified. (BPC 1206.5)
- Defines a "laboratory director" to mean any person who is a duly licensed physician and surgeon, or only for purposes of a clinical laboratory test or examination classified as waived, is a duly licensed clinical laboratory scientist, a duly licensed limited clinical laboratory scientist, a duly licensed naturopathic doctor or a duly licensed optometrist serving as the director of a laboratory which only performs clinical laboratory tests, as specified. (BPC 1209)

THIS BILL WOULD:

- Exempt DC's listed on the most current federal Department of Transportation and National Registry of Certified Medical Examiners (National Registry) from specified clinical laboratory requirements when performing urine specific gravity, urine protein, urine blood, and urine sugar tests that are classified as waived clinical laboratory tests under CLIA for the sole purpose of completing the Department of Motor Vehicles Medical Examination Report, as specified.
- Require a DC to obtain a valid certificate of waiver and comply with all other requirements for the performance of waived clinical laboratory tests under applicable federal regulations.
- Require a DC who receives an abnormal finding to refer the applicant to the applicant's primary physician.

BACKGROUND:

According to the author, "[DCs] regularly perform pre-employment physicals. More specifically, they are included on the list of providers who are authorized to perform the DOT medical examination for commercial drivers' license holders. The federal government expects a shortage of providers available to perform the DOT examination. The reason is, beginning May of 2014, all providers who perform the examination must be listed on the [National Registry] further limiting those who can perform these tests. In fact, [DCs] are the *only* providers on the National Registry who cannot perform the urine dipstick test on site. Further, the extra step for scheduling an additional appointment means extra time, extra expense and delays for completion of the required examination.

"By granting [DCs] the CLIA waiver for this specific dipstick test, [this bill] will help fill the impending shortage of providers and reduce delays for those commercial drivers' license holders who choose to have a [DCs] perform their physical."

FISCAL IMPACT:

The BCE does not anticipate a fiscal or workload impact as a result of this bill. This bill pertains solely to chiropractors listed on the DOT National Registry of Certified Medical Examiners and patients applying for a commercial driver's license. This bill will reduce costs for chiropractors who currently provide these examinations and have to pay another medical provider to work under their CLIA authority as a lab director to perform the lab tests required for this type of physical examination.

SUPPORT & OPPOSITION:

Support:

California Chiropractic Association (sponsor)

Opposition:

None on file

ARGUMENTS:

Pro:

- The California Chiropractic Association writes in support, "This measure would exempt [DCs] listed on the federal [DOT, NRCME] from the requirement of using or becoming a laboratory director in order to obtain a CLIA certificate of waiver of which is necessary in order to perform required urine dipstick tests for DOT commercial drivers' license medical examination. [DCs] perform commercial drivers' license medical examinations and pre-employment physicals. As with every other health care provider conducting the examinations and physicals, [DCs] should be provided a CLIA Waiver for the necessary urine dipstick tests."
- This bill will expand the pool of healthcare providers who can provide these tests to applicant's for commercial driver's licenses thereby increasing access and convenience for applicants.
- This bill may have a positive fiscal impact upon chiropractors who currently pay another healthcare professional to work under their CLIA waiver.

Con:

- Chiropractors can currently perform these tests in their office, but are required to utilize another healthcare provider's CLIA authority as a lab director.

STAFF RECOMMENDED POSITION:

SUPPORT – This bill will expand the number of providers who can provide the testing required for applicants of commercial driver's licenses, providing these applicants with greater access and convenience in completing the required physical examination. This bill provides consumer protection by requiring doctors of chiropractic to refer patients with abnormal test results to their primary physician.

AMENDED IN ASSEMBLY MAY 27, 2014

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL No. 2143

Introduced by Assembly Member Williams

February 20, 2014

An act to amend Section 1241 of the Business and Professions Code, relating to healing arts, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2143, as amended, Williams. Clinical laboratories: chiropractors.

Under existing law, the State Department of Public Health licenses and regulates clinical laboratories and certain clinical laboratory personnel performing clinical laboratory tests or examinations, subject to certain exceptions, including individuals who perform clinical laboratory tests or examinations approved by the federal Food and Drug Administration for sale as an over-the-counter test kit. Under the Chiropractic Act, enacted by an initiative measure, the State Board of Chiropractic Examiners licenses and regulates chiropractors.

This bill would exempt chiropractors listed on the federal Department of Transportation National Registry of Certified Medical Examiners who perform urine specific gravity, urine protein, urine blood, and urine sugar tests as those tests relate to the National Registry of Certified Medical Examiners, as adopted by the United States Department of Transportation, that are classified as waived clinical laboratory tests under the federal Clinical Laboratory Improvement Amendments of 1988 (CLIA) for the sole purpose of completing the Department of

Motor Vehicles medical examination report, if the chiropractor obtains a valid certificate of waiver and complies with all other requirements for the performance of waived clinical laboratory tests under applicable federal regulations. The bill would require a chiropractor who receives an abnormal finding, to refer the applicant to the applicant's primary care physician and surgeon.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~ $^2/_3$. 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 1241 of the Business and Professions
2 Code is amended to read:
3 1241. (a) This chapter applies to all clinical laboratories in
4 California or receiving biological specimens originating in
5 California for the purpose of performing a clinical laboratory test
6 or examination, and to all persons performing clinical laboratory
7 tests or examinations or engaging in clinical laboratory practice
8 in California or on biological specimens originating in California,
9 except as provided in subdivision (b).
10 (b) This chapter shall not apply to any of the following clinical
11 laboratories, or to persons performing clinical laboratory tests or
12 examinations in any of the following clinical laboratories:
13 (1) Those owned and operated by the United States of America,
14 or any department, agency, or official thereof acting in his or her
15 official capacity to the extent that the Secretary of the federal
16 Department of Health and Human Services has modified the
17 application of CLIA requirements to those laboratories.
18 (2) Public health laboratories, as defined in Section 1206.
19 (3) Those that perform clinical laboratory tests or examinations
20 for forensic purposes only.
21 (4) Those that perform clinical laboratory tests or examinations
22 for research and teaching purposes only and do not report or use
23 patient-specific results for the diagnosis, prevention, or treatment
24 of any disease or impairment of, or for the assessment of the health
25 of, an individual.
26 (5) Those that perform clinical laboratory tests or examinations
27 certified by the National Institutes on Drug Abuse only for those

1 certified tests or examinations. However, all other clinical
2 laboratory tests or examinations conducted by the laboratory are
3 subject to this chapter.
4 (6) Those that register with the State Department of Health Care
5 Services pursuant to subdivision (c) to perform blood glucose
6 testing for the purposes of monitoring a minor child diagnosed
7 with diabetes if the person performing the test has been entrusted
8 with the care and control of the child by the child's parent or legal
9 guardian and provided that all of the following occur:
10 (A) The blood glucose monitoring test is performed with a blood
11 glucose monitoring instrument that has been approved by the
12 federal Food and Drug Administration for sale over the counter to
13 the public without a prescription.
14 (B) The person has been provided written instructions by the
15 child's health care provider or an agent of the child's health care
16 provider in accordance with the manufacturer's instructions on the
17 proper use of the monitoring instrument and the handling of any
18 lancets, test strips, cotton balls, or other items used during the
19 process of conducting a blood glucose test.
20 (C) The person, receiving written authorization from the minor's
21 parent or legal guardian, complies with written instructions from
22 the child's health care provider, or an agent of the child's health
23 care provider, regarding the performance of the test and the
24 operation of the blood glucose monitoring instrument, including
25 how to determine if the results are within the normal or therapeutic
26 range for the child, and any restriction on activities or diet that
27 may be necessary.
28 (D) The person complies with specific written instructions from
29 the child's health care provider or an agent of the child's health
30 care provider regarding the identification of symptoms of
31 hypoglycemia or hyperglycemia, and actions to be taken when
32 results are not within the normal or therapeutic range for the child.
33 The instructions shall also contain the telephone number of the
34 child's health care provider and the telephone number of the child's
35 parent or legal guardian.
36 (E) The person records the results of the blood glucose tests and
37 provides them to the child's parent or legal guardian on a daily
38 basis.
39 (F) The person complies with universal precautions when
40 performing the testing and posts a list of the universal precautions

in a prominent place within the proximity where the test is conducted.

(7) Those individuals who perform clinical laboratory tests or examinations, approved by the federal Food and Drug Administration for sale to the public without a prescription in the form of an over-the-counter test kit, on their own bodies or on their minor children or legal wards.

(8) Those certified emergency medical technicians and licensed paramedics providing basic life support services or advanced life support services as defined in Section 1797.52 of the Health and Safety Code who perform only blood glucose tests that are classified as waived clinical laboratory tests under CLIA, if the provider of those services obtains a valid certificate of waiver and complies with all other requirements for the performance of waived clinical laboratory tests under applicable federal regulations.

(9) Those doctors of chiropractic listed on the most current federal Department of Transportation National Registry of Certified Medical Examiners that perform urine specific gravity, urine protein, urine blood, and urine sugar tests as those tests relate to the National Registry of Certified Medical Examiners, as adopted by the United States Department of Transportation, as published by the notice in the Federal Register, Volume 77, Number 77, Friday, April 20, 2012, on pages 24104 to 24135, inclusive, and pursuant to Section 391.42 of Title 49 of the Code of Federal Regulations, that are classified as waived clinical laboratory tests under CLIA for the sole purpose of completing the Department of Motor Vehicles Medical Examination Report, if the doctor of chiropractic obtains a valid certificate of waiver and complies with all other requirements for the performance of waived clinical laboratory tests under applicable federal regulations. If a doctor of chiropractic receives an abnormal finding, the doctor of chiropractic shall refer the applicant to the applicant's primary care physician.

(c) Any place where blood glucose testing is performed pursuant to paragraph (6) of subdivision (b) shall register by notifying the State Department of Health Care Services in writing no later than 30 days after testing has commenced. Registrants pursuant to this subdivision shall not be required to pay any registration or renewal fees nor shall they be subject to routine inspection by the State Department of Health Care Services.

1 *SEC. 2. This act is an urgency statute necessary for the*
2 *immediate preservation of the public peace, health, or safety within*
3 *the meaning of Article IV of the Constitution and shall go into*
4 *immediate effect. The facts constituting the necessity are:*
5 *Federal law requires a commercial driver whose current medical*
6 *certificate expires on or after May 21, 2014, to be examined by a*
7 *medical professional listed on the National Registry of Certified*
8 *Medical Examiners who has completed training and successfully*
9 *passed a test on the Federal Motor Carrier Safety Administration's*
10 *physical qualification standards. The federal government expects*
11 *a shortage of medical professionals available to perform those*
12 *examinations. By allowing chiropractors to perform those*
13 *examinations immediately, this act will help alleviate the*
14 *anticipated shortage.*

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BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

NOTICE OF TELECONFERENCE
ENFORCEMENT COMMITTEE MEETING
June 26, 2014
11:45 a.m.

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

Teleconference Meeting Locations:

Sergio Azzolino, DC
1545 Broadway St., #1A
San Francisco, CA 94109
(415) 563-3800

Heather Dehn, DC
Frank Ruffino
901 P St., #142A
Sacramento, CA 95814

AGENDA

1. **Call to Order**

2. **Approval of Minutes**
   April 29, 2014

3. **Discussion Regarding Proposed Changes to Title 16, CCR Section 317(w) (Failure to Refer)**

4. **Discussion Regarding Establishing a Standard for Maintenance of Patient Records When a Practice Closes**

5. **Discussion Regarding Statute of Limitations for Filing a Consumer Complaint Against a Licensed Chiropractor**

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

7. **Future Agenda Items**

8. **Adjournment**

ENFORCEMENT COMMITTEE

Sergio Azzolino, D.C., Chair
Heather Dehn, D.C.
Frank Ruffino

Meetings of the Board of Chiropractic Examiners' Committee 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's Committee may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at **www.chiro.ca.gov**.

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