Board of Chiropractic Examiners

Public Copy

Teleconference
Government Affairs &
Strategic Planning Committee

July 14, 2016

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 14, 2016, 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:
901 P Street, Suite 142A
Sacramento, CA 95814
(916) 263-5355
(Board Staff)

Julie Elginer, DrPH
Agoura Hills Library
29901 Ladyface Circle
Agoura Hills, CA 91301
(818) 889-2278

John Roza, D.C.
800 Douglas Blvd
Roseville, CA 95678
(916) 786-2267

Frank Ruffino
Department of Veterans Affairs
700 E. Naples Court
Chula Vista, CA 91911
(619) 205-1415

AGENDA

1. **Call to Order**

2. **Approval of Minutes**
   a. June 9, 2016

3. **Update and Discussion on the BCE Strategic Plan; Possible Recommendation to Full Board**

4. **Review and Possible Action on the BCE Administrative Procedures Manual; Possible Recommendation to Full Board**

5. **Update and Possible Action Regarding Legislation; Possible Recommendation to Full Board**
   a. AB 1992 (Jones) Pupil health: physical examinations
   b. AB 2182 (Mullin) School athletics: neurocognitive testing
   c. AB 2407 (Chavez) Workers' Compensation
   d. AB 2744 (Gordon) Healing arts: referrals
   e. SB 1033 (Hill) Medical Board: disclosure of probationary status.
   f. SB 1155 (Morrell) Professions and vocations: licenses: military service
   g. SB 1195 (Hill) Professions and vocations: board actions: competitive impact.
   h. SB 1217 (Stone) Healing arts: reporting requirements
   i. SB 1348 (Cannella) Licensure applications: military experience

6. **Discussion of Dates for Future Committee Meetings**

7. **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 Se~~tions 11125, 11125.7(a).] Public comment is encouraged; however, if time constraints mandate, comments m be limited at the discretion of the Chair.

8. Future Agenda Items

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] Public comment is encouraged; however, if time constraints mandate, comments may be limited at the discretion of the Chair.

9. Adjournment

GOVERNMENT AFFAIRS COMMITTEE

Julie Elginer, DrPH, Chair
John Roza, D.C.
Frank Ruffino, Public Member

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.

Committee 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 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 Valerie James at (916) 263-5355 ext. 5362 or e-mail valerie.james@dca.ca.gov or send a written request to the Board of Chiropractic Examiners, 901 P Street, Ste. 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.

Exhibit 2

Approval of Minutes

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

Board of Chiropractic Examiners
TELECONFERENCE MEETING MINUTES
Government Affairs Committee
June 9, 2016

Teleconference Meeting Locations
901 P Street, Suite 142A
Sacramento, CA 95814
(916) 263-5355
(Board Staff)

Julie Elginer, DrPH
Agoura Hills Library
29901 Ladyface Circle
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John Roza, D.C.
800 Douglas Blvd
Roseville, CA 95678

Mr. Frank Ruffino
Department of Veterans Affairs
700 E. Naples Court
Chula Vista, CA 91911

DRAFT

Committee Members Present
Julie Elginer, DrPH, Chair
John Roza, D.C.
Frank Ruffino

Staff Present
Robert Puleo, Executive Officer
Dixie Van Allen, Licensing Manager
Marcus McCarther, Policy Analyst

Call to Order
Dr. Elginer called the meeting to order at 11:05 a.m.

Roll Call
Dr. Roza called the roll. All Board members were present at the locations listed on the Agenda.

Approval of Minutes

MOTION: MR. RUFFINO MOVED TO APPROVE THE MINUTES OF THE MAY 12, 2016 MEETING.
SECOND: DR. ROZA SECONDED THE MOTION
VOTE: (3-0) (DR. ROZA – AYE, MR. RUFFINO – AYE, DR. ELGINER - AYE)
MOTION CARRIED (3 – 0)

Strategic Plan Process Update

Dr. Elginer explained to the Committee that this discussion item was added to provide an update on the status of the 2017-2020 strategic plan and review the current strategic plan to determine what the committee would like to bring forward to the upcoming strategic plan.

Mr. Puleo provided a status update on new strategic planning process. He shared that the stakeholder survey had closed for submission and SOLID was compiling results. He also explained that board member interviews have been completed and SOLID had conducted its meetings with BCE staff and management. Additionally, Mr. Puleo explained that there was a change in the BCE strategic plan coordinator. However, he explained, the new coordinator would be someone that the BCE had worked with on previous projects.

Dr. Elginer requested that staff follow up with SOLID staff to ensure that there would be no delays in the strategic plan timeline.

Mr. Puleo responded that staff would follow-up with SOLID.

Dr. Elginer explained that the board still needs the environmental scan from SOLID and an updated timeline. She shared that the environmental scan would go to board members before the July board meeting and that members would need to review the scan and prioritize their primary issues for discussion at the July board meeting.

Mr. Puleo shared that any additional instructions needed for participation in the July strategic planning session would come from SOLID.

Review of the Previous Strategic Plan

Dr. Elginer shared her belief that most of the strategic plan goals were met.

Goal 4.1 - Updated onboarding program and materials for Board members.

Dr. Elginer explained that organizational effectiveness should be retained in the plan. She suggested that the onboarding process should include a new board member integration process.

Dr. Elginer suggested that the board be prepared for vacancies and that there is a need to formalize an onboarding process to be incorporated into the strategic plan going forward.

Mr. Puleo asked whether strategic plan action item 4.1.1., which is to establish a process to invite new Board members to visit the BCE office to gain understanding of office functions, should become a mandatory function for new board members. He shared that without requiring new board members to come to the board office for an onboarding process, it will continue to be difficult to get board members to prioritize enough time to visit the board office for the onboarding process.

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Dr. Elginer suggested to the committee that an amended onboarding process would best fit in the board member administrative procedure manual, rather than the strategic plan.

Mr. Puleo concurred that the board member administrative procedure manual would be an appropriate place to include these changes.

Dr. Elginer shared that there is value in making this onboard process mandatory. She shared that this onboarding process is most important for those individuals who have not previously served on a board. Dr. Elginer explained that new board members need to spend time in the board office learning how the office operates and take time to review the large board member binder.

Dr. Roza expressed his agreement in the value of a mandatory onboarding process meeting conducted at the board office; however, he expressed apprehension at the inclusion of a four-hour defined time frame to spend at the board office.

Mr. Ruffino explained that he also agrees that a board office visit should be a mandatory requirement for new board members. He also shared that along with the DCA Board Member Orientation Training, the office visit should be required within the first six-months of a new board member appointment.

Mr. Puleo suggested that the language for the new board member onboarding orientation meeting, include a requirement that a meeting is conducted at the board office with the executive officer and another board member. He also suggested that the board member participant be designated by the board chair.

Dr. Elginer volunteered to work Mr. Puleo to draft language for inclusion in the board member administrative procedure manual.

Goal 4.2 - Increase Board awareness of staff functions, responsibilities, and timeframes for completing tasks.

Dr. Elginer explained that goal area 4.2 coincides with goal area 4.1 and should then be included in goal area 4.1 going forward.

Goal 4.3 - Explore alternative ways to engage public participation in Board and committee meetings that leverage new technologies.

Dr. Elginer asked whether there is a continued need to seek out ways to engage the public to increase participation at board and committee meetings. Also, she asked if this goal should remain in the strategic plan.

Mr. Puleo responded that there is not much interest in board meetings and the BCE has done as much as it can do in regard to increasing public participation. He shared that he does not believe there is a need to continue with this goal in the strategic plan.

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Dr. Elginer responded that it should be codified somewhere that the BCE believes in outreach to the public. She explained that it is the BCE culture to have meetings in various regions throughout the state. Also, she shared that hosting a board meeting at the different California Chiropractic Colleges has been very valuable for students and the public alike.

Dr. Elginer suggested adding language to the board member administrative procedure manual that requires the board to hold meetings in specific regions of the state and one meeting at a California Chiropractic College.

Mr. Puleo provided alternative language that would "encourage" the board, not "require" the board to hold one meeting a year on a California Chiropractic College campus. He explained that there could be circumstances where it is not convenient to hold a meeting at a college campus and that the board would need flexibility in such a circumstance.

Dr. Elginer explained that there are no additional items moving forward to the 2017 – 2020 strategic plan from the current strategic plan regarding Goal 4 – Organizational Effectiveness.

Goal 7.1 - Establish open lines of communication with government stakeholders to ensure the Board is well informed about information relevant to the chiropractic profession.

Dr. Elginer explained that this goal should remain. She shared that the committee has started meeting with legislative staff during the Legislature's winter recess. However, Dr. Elginer believes that there is still a need to establish relationships with legislative committee staff and other stakeholders. Also, she stated that during the July 28, 2016 strategic planning session, board members could revisit ways to bolster Goal 7.1.

Goal 7.2 - Partner with state and local government to participate in consumer related events to increase awareness of the Board's mission and consumer protection services.

Dr. Elginer explained that this goal should be removed due to the BCE's inability to travel.

Dr. Elginer stated that only Goal 7.1 would move forward to the upcoming strategic plan. Also, she explained that during the upcoming strategic planning session, the board would come up with objective measures to determine ways to broaden the board's outreach or do things differently to accomplish this goal.

Legislative Update

Mr. Puleo shared that all three bills (AB 1992, AB 2407, and SB 1033) which the board has supported have since died in the legislature.

Mr. Puleo explained that AB 1992 (Jones) failed in the Assembly Business and Profession Committee.

Dr. Roza shared that he had been contacted by a local school district requesting that he provide pre-participation sports physicals to their student athletes.

Mr. Puleo shared that if the bill comes back next year, it would be helpful if the superintendent of the school district was willing to testify in support of a bill that addresses pre-participation sport physicals.

Mr. Puleo shared that AB 2407 was retained in committee.

Mr. Puleo stated that SB 1033 was placed on the inactive file by the author.

Mr. Puleo explained that it was likely that these bills would come back in some form in the future.

SB 1195 (Hill)

Mr. Puleo explained that this bill was introduced to address the U.S. Supreme Court decision regarding the North Carolina State Board of Dental Examiners v. FTC. He shared that the bill is putting provisions in place to ensure appropriate supervision of state regulatory boards. Mr. Puleo added that the bill would address the concern that regulatory boards are engaging in anti-competitive behavior and ensure that their actions serve a state purpose.

Additionally, Mr. Puleo explained that the bill would indemnify board members from lawsuits alleging board members have engaged in anticompetitive behavior.

Mr. Puleo explained that the bill had been placed on the inactive file. Mr. Puleo was informed that the bill language might be included in another bill during the current legislative session.

Mr. Puleo recommended that the committee take a neutral or a watch position on the bill.

Dr. Elginer responded that she is in in support of the content of the bill.

Dr. Elginer referred to pg. 10 of the bill, line 17 – 21, regarding the five day time frame to file an approved rulemaking record received from the Director with the Office of Administrative Law (OAL). She asked whether this time frame would negatively impact the board's process.

Ms. Van Allen responded that there would be no change on the board's end. She explained that a completed rulemaking package is submitted to the Director and upon his/her approval, could be submitted to OAL shortly thereafter.

Mr. Puleo explained that this provision is already contained in existing law. He shared that the only change is the newly included 30-day review/approval period for the DCA Director. Mr. Puleo stated that the Director's ability to not take action has been removed. He explained that the bill would require the Director to take action and if the Director does not approve the rule or regulation within the 30-day period, the rulemaking file would die. Mr. Puleo shared that currently, if the Director declines to take action or does not disapprove a rule it would take effect.

Dr. Elginer suggested that this bill would limit the board's ability to promulgate regulation independently.

Adjournment

Dr. Elginer adjourned the meeting at 12:03 p.m.

DRAFT

Exhibit 3

Update on the BCE Strategic Plan

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

Agenda Item 3
July 14, 2016

Strategic Plan Update

Purpose of the item

The Committee will receive an update on the status of the Strategic Planning process.

Action(s) requested

No action requested.

Background

The Board completes a Strategic Plan every three years. The Board completed the 2014-2017 Strategic Plan in 2013. SOLID has completed the 8-week planning phase where it completed a SWOT analysis, focus groups with BCE staff, management and board members, and surveyed stakeholders. The week of June 27, 2016, SOLID provided the BCE with a draft environmental scan for review.

The week of the July 29th Board meeting, SOLID will conduct the full Strategic Planning Session with Board members.

Recommendation(s)

Staff has no recommendation at this time.

Next Step

Board members will participate in a Strategic Planning Session on July 28, 2016.

Attachment(s)

- Updated Strategic Plan schedule

solid planning solutions

Board of Chiropractic Examiners Strategic Plan Schedule

Updated 6/27/16		Due Date
Preliminary Meeting/overview	SOLID will meet with the BCE leadership to gather information about the BCE and to discuss the strategic planning process.	April 13, 2016 **Completed**
Determine stakeholders	BCE to determine stakeholders and obtain stakeholder email addresses for email distribution of survey(s). Recipient count provided to SOLID	April 22, 2016 **Completed**
Contact list	BCE to provide SOLID with a contact list of Board member names, numbers and email addresses	April 22, 2016 **Completed**
Approve Stakeholder Survey	SOLID will develop an online stakeholder survey as well as a staff survey. We will provide the survey draft as well as the survey announcement for your review by **April 29, 2016**	**Approved by May 2, 2016 Completed**
Board Member Email Invitation	SOLID will send an email invitation to each Board member to schedule the individual phone interviews.	**Week of May 2, 2016 Completed**
Survey Stakeholders	BCE to distribute to stakeholder by email. **SOLID will use an online survey at surveymonkey.com to obtain input from your stakeholders.*	**May 3 -18, 2016 Completed**
BCE Staff Focus Group	SOLID will facilitate **4 hour meetings** with your staff and separately with management to strengths and challenges of the Board	**May 4, 2016 Completed**
EO & AEO & Mgt Focus Group	EO/AEO & Management Focus Group	**May 10, 2016 Completed**
Board Member Phone Interviews	SOLID will schedule individual phone interviews with Board members. These interviews are 45 minutes to 1 hour in length and will cover the climate of the industry as well as their views on the Board's strategic focus for the upcoming plan.	**May 16 – 27, 2016 Completed**
Compiled Results to Executive Officer for Review	Upon completion of interviews and surveys, SOLID will compile and analyze the data and produce a trends document to use with our presentation materials. This material will be sent to you for review and approval. The final trends document will be discussed during the planning session. ***Deliverable: Environmental Scan, A-level Priority worksheets***	**Draft: June 23, 2016 Final: June 30, 2016 Completed**
Pre-Session Meeting with Executive Director	This meeting, usually held at least 1 week before the planning session, is designed for the facilitator and Executive Officer to discuss the game plan and materials for the planning session.	**Week of July 18, 2016**
Strategic Planning Session	SOLID will facilitate the strategic plan development session with the Board. The workshop will review trends identified from the surveys, interviews, focus groups and establish a Vision, Mission, Values, Goals and Objectives for the new plan.	**July 28 – 29, 2016**
Update Strategic Plan	SOLID will use the information gathered at the planning session to create the BCE strategic plan. A comprehensive draft will be sent to you for review by the target due date.	**August 11, 2016**
Board adopts Strategic Plan	Strategic plan is approved by the Board.	**October 14, 2016**
Action Planning Session	After the Board approves strategic plan, SOLID will facilitate a meeting with the Board staff to create an action plan to guide completion of strategic objectives by establishing dates, major tasks, and assigning responsibility.	**TBD**

Exhibit 4

Review and Possible Action on the Board Member Administrative Procedure Manual

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

Agenda Item 4
July 14, 2016

Review and Possible Action on the BCE Board Member Administrative Procedures Manual

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Purpose of the item

This agenda item has been included to provide the Committee with an update on the Board Members Administrative Procedure Manual (BMAPM).

Action(s) requested

The Committee will be asked to review and discuss the modifications made to the administrative procedure manual. If necessary, the Committee will have an opportunity to approve the changes and send the amended manual to the full board for review and approval.

Background

The BCE Administrative Procedure Manual was created to serve as a reference guide regarding the function of the BCE and its committees, roles of board members, and procedures for board and committee meetings. The Administrative Procedures Manual also provides general information regarding board operating procedures, administration and staff, and other policies and procedures.

At the June 9th committee meeting, members discussed possible changes to Strategic Plan Objective 4.1 regarding new member onboarding and orientation. While discussing the strategic plan action items related to effective on-boarding of new board members, Dr. Elginer suggested removing the strategic plan goal related to onboarding new members and adding new language to the BMAPM. The changes would require newly appointed board members to attend an orientation meeting at the board office within the first six months of appointment.

Additionally, committee members discussed the Strategic Plan Objective 4.3 related to increasing public attendance and participation at board meetings. Dr. Elginer suggested removing the strategic plan action items regarding outreach and adding them to the BMAPM. The suggested language would recommend that one board meeting a year is held in Northern California, one in Southern California, and one at a California Chiropractic College.

Recommendation(s)

No staff recommendation at this time.

Next Step

If approved, the amended manual will move forward to the full board for review and approval at the July 29, 2016 board meeting.

Attachment(s)

- Board Member Administrative Procedure Manual

State of California

BOARD OF CHIROPRACTIC EXAMINERS
BOARD MEMBER
ADMINISTRATIVE PROCEDURE MANUAL

Adopted October 2007
Revised June 2016

Edmund G. Brown Jr., Governor
State of California

MISSION STATEMENT

To protect the health, welfare, and safety of the public through licensure, education and enforcement in chiropractic care.

Members of the Board

Sergio Azzolino, D.C., Chair
Heather Dehn, D.C., Vice Chair
Julie A. Elginer, DrPH, Secretary
Dionne McClain, D.C.
John Roza, D.C.
Corey Lichtman, D.C.
Frank Ruffino, Public Member

Executive Officer
Robert C. Puleo

This procedure manual is a general reference including a review of some important laws, regulations, and these basic Board policies in order to guide the actions of the Board Members and ensure Board effectiveness and efficiency. The Chiropractic Initiative Act of 1922 (the Act) will be referenced and summarized throughout this procedure manual.

This Administrative Procedure Manual, regarding Board Policy, can be amended by four affirmative votes of any current or future Board.

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CHAPTER 1. Introduction

Overview

The Board of Chiropractic Examiners (Board) was created on December 21, 1922, through an initiative measure approved by the electors of California on November 7, 1922.

The Act states it is... "An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the State Board of Chiropractic Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith..."

The powers and authority of the Board is specifically defined in Section 4 of the Act. In general, the board is a policy-making and administrative review body comprised pursuant to the provisions of Section 1 to 20 of the Act. The Board, when full, is comprised of seven Members, five professional and two public, each appointed by the Governor. The Board's paramount purpose is to protect California consumers through the enforcement of the Act, other applicable laws and the California Code of Regulations related to the Practice of Chiropractic, identified herein as the Board's regulations. The Board is also mandated by the Initiative to supervise licensees, chiropractic colleges, and continuing education for relicensing.

Acronyms

ALJ	Administrative Law Judge
AG	Office of the Attorney General
APA	Administrative Procedure Act
BCE	Board of Chiropractic Examiners
B&P	Business and Professions Code
CalHR	California Department of Human Resources
CATS	Computer Assisted Testing Service
CCCP	California Code of Civil Procedure
CCR	California Code of Regulations
CE	Continuing Education
CLEAR	Council on Licensure Enforcement & Regulations
DAG	Deputy Attorney General
DCA	Department of Consumer Affairs
DOF	Department of Finance
DOI	Department of Insurance
DWC	Division of Workers Compensation
EO	Executive Officer
FCLB	Federation of Chiropractic Licensing Boards
NBCE	National Board of Chiropractic Examiners
SAM	State Administrative Manual
SCIF	State Compensation Insurance Fund
VCGCB	Victim Compensation and Government Claims Board

General Rules of Conduct

All Board Members shall act in accordance with their oath of office, and shall conduct themselves in a courteous, professional and ethical manner at all times. The Board serves at the pleasure of the governor, and shall conduct their business in an open manner, so that the public that they serve shall be both informed and involved, consistent with the provisions of the Bagley-Keene Open Meeting Act and all other governmental and civil codes applicable to similar boards within the State of California.

- Board Members are part of a state regulatory board and your individual rights to make independent public comments or statements takes a second place to supporting a uniform public presentation of a cohesive board.

- Board Members shall comply with all provisions of the Bagley-Keene Open Meeting Act and other applicable rules, regulations, codes and laws governing public employees.

- Board Members shall not speak or act for the Board without proper preauthorization from the Chair and/or EO prior to making any statement or press release. When possible, only the Chair or EO will make public statements or press statements.

- Board Members shall not privately or publicly lobby for, publicly endorse, or otherwise engage in any personal efforts that would tend to promote their own personal or political views or goals, as it pertains to issues related to jurisdiction of the Board, when those views or goals are in direct opposition to an official position adopted by the Board.

- Board Members shall not accept gifts from applicants, licensees, or members of the profession while serving on the Board. All Fair Political Practices Act Rules shall be followed.

- Board Members shall maintain the confidentiality of confidential documents and information related to Board business. Always confirm with the EO whether information is public and may be disclosed. The public's access should be from a source other than a BCE Member.

- Board Members should avoid discussion of confidential Board business with petitioners, licensees or persons not authorized to receive confidential and restricted enforcement information. Failure to do so may result in the Board Member having to recuse him/herself due to conflict of interest issues. All consumers, applicants and licensees with enforcement related questions, concerns or complaints should be referred to the EO or Chair.

- Board Members shall commit adequate time to prepare for their Board responsibilities including the reviewing of Board meeting notes, administrative

cases to be reviewed and discussed, and the review of any other materials provided to the Board Members by staff, related to official Board business.

- Submission of votes have time requirements that are critical to meeting legal timeframe constraints. Board members shall make every attempt to meet the deadlines identified by Board staff and meet the vote submission requirement established by the Board.

- BCE Members shall submit reimbursement records each month to facilitate timely reimbursement.

- All travel for Board related business, other than routine Board meetings and Committee Meetings, must be submitted in writing and preapproved by the Chair and EO before travel.

- Board Members shall recognize the equal role and responsibilities of all other Board Members and interact with one another in a polite and professional manner.

- Board Members shall act fairly, be nonpartisan, impartial, and unbiased in their role of protecting the public and enforcing the Chiropractic Initiative Act.

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

- Board Members shall follow the guidelines set forth in Executive Order 66-2.

- Board Members shall comply with all State, Department, and Board required trainings.

CHAPTER 2. Board Members & Meeting Procedures

Membership
(§1 Initiative Act)

Board Members are appointed and serve in accordance with Section 1 of the Initiative Act.

Board Meetings and Offices
(§6 Initiative Act)

Board meetings must be consistent with the Initiative Act and follow the terms and provisions of the Bagley-Keene Open Meeting Act.

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

The Board complies with the provisions of the Government Code Section 11120, et seq., commonly referred to the Bagley-Keene Open Meeting Act Robert's Rules of Order, as long as there is no conflict with any superseding codes, laws or regulations.

All Meetings shall follow the provisions of the Bagley-Keene Open Meeting Act.

Any meetings deviating from a standard public meeting may be called, when required, in accordance with the Bagley-Keene Open Meeting Act, Government Code Section 11125.4

Whenever practical and appropriate, the Board should utilize available technology to conduct meetings so as to minimize the time and expenditures associated with staff and Board Member travel as well as the cost of renting meeting space.

Quorum
(§3 Initiative Act)

A majority of the Board (four Members) is required to constitute a quorum. The Board shall follow the provisions of §3 of the Initiative Act requiring a quorum of four (4) Members to carry any motion or resolution, to adopt any rule or disciplinary action, or to authorize the issuance of any license provided for within the Act.

Board Member Attendance at Board Meetings
(Board Policy)

Being a Member of the Board is a serious commitment of time and effort to the governor, and the people of the State of California. Board Members shall attend a minimum of 75% of all scheduled committee meetings and scheduled Board meetings. In extraordinary circumstances, the Chair may excuse a Board Member from this obligation. If a Member is unable to attend a Board Meeting, he or she must contact the Board Chair or the Executive Officer, and provide a verbal notice followed by a written explanation of their absence as soon as possible thereafter.

Public Attendance at Board Meetings
(Government Code Section 11120 et seq.)

Meetings are subject to all provisions of the Bagley-Keene Open Meeting Act. This Act governs meetings of the state regulatory Boards and meetings of committees of those Boards where the committee consists of more than two Members. It specifies meeting notice, agenda requirements, and prohibits discussing or taking action on matters not included on the agenda. If the agenda contains matters which are appropriate for closed session, the agenda shall cite the particular statutory section and subdivision authorizing the closed session.

Agenda Items
(Board Policy)

Board Members may submit agenda items for a future Board meeting during the "Future Agenda Items" section of a Board meeting or directly to Executive Officer 21days prior to a Board meeting

Agenda item requests shall be placed on the Board or Committee meeting agenda within two meetings from receipt of the original request.

In the event of a conflict in scheduling an agenda topic, the Board Secretary will discuss the proposed agenda item with the Board Chair, and the Board Chair shall make the final decision to schedule the item at the upcoming or following Board Meeting. The Board Secretary will work with the Executive Officer to finalize the agenda.

Notice of Meetings
(Government Code Section 11120 et seq.)

Meeting notices, including agendas, for Board meetings will be sent to persons on the Board's mailing list at least 10 calendar days in advance, as specified in the Bagley-Keene Open Meeting Act. The notice shall include a staff person's name, work address, and work telephone number who can provide further information prior to the meeting.

Notice of Meetings Posted on the Internet
(Government Code Section 11125 et seq.)

Meeting notices shall be posted on the Board's web site at least 10 days in advance of the meeting, and include the name, address, and telephone number of staff who can provide further information prior to the meeting.

Board Meeting Locations
(Board Policy – 2013 Strategic Plan)

The Board holds meetings at various geographic locations throughout the state to increase accessibility. It is recommended that at least one meeting per year is held in Sacramento, one in Southern California, and one at a California Chiropractic College. All meeting locations will be scheduled subject to available space and budget limitations.

E-Mail Ballots
(Government Code Section 11526 and Board Policy)

The Board must approve any proposed decision or stipulation before the formal discipline becomes final and the penalty can take effect.

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

Board Members are required to submit a vote on no less than 75% of proposed stipulations and decisions provided for review. If a Board Member is unable to meet this minimum requirement, the Board Member may be subject to a conversation from the Board Chair or Vice Chair.

Holding Disciplinary Cases for Board Meetings
(Board Policy)

When voting on e-mail ballots for proposed disciplinary decisions or stipulations, a Board Member may wish to discuss a particular aspect of the decision or stipulation before voting. If this is the case, the ballot must be marked "hold for discussion," and the reason for the hold must be provided on the mail e-ballot. This allows staff the opportunity to prepare information being requested.

If one vote is cast to hold a case for discussion, the case is set aside and not processed (even if four votes have been cast on a decision). Instead the case is scheduled for a discussion during a closed session at the next Board meeting.

If the matter is held for discussion, staff counsel will preside over the closed session to assure compliance with the Administrative Procedure Act and Open Meeting Act.

If the Board Member is comfortable voting on the matter, but wishes to discuss the policy behind the decision or case, the ballot should be marked "Policy Issue for Discussion. I have voted above. Issue: _____." The Executive Officer will respond directly to the Member. If still unresolved or if the matter is to be referred to the Board, the policy issue will be placed on the agenda for discussion at the next Enforcement Committee Meeting.

Any time a Member votes to "hold for discussion" the Chair, EO and Legal Counsel will discuss the Member's concern(s) for educational purposes and to evaluate if any administrative policy modifications should be proposed.

Record of Meetings
(Board Policy)

All original video and audio recordings are to be maintained and archived indefinitely and never destroyed. The typed minutes are only a summary, not a transcript, of each Board meeting. They shall be prepared by Board staff and submitted for review by Board Members before the next Board meeting.

Board minutes must be approved or disapproved at the next scheduled meeting of the Board. When approved, the minutes shall serve as the official record of the meeting. The minutes of each Board meeting shall be maintained for 27 years per the Board's retention schedule.

Recording
(Government Code Section 11124.1(b))

The meeting may be audio and video recorded by the public or any other entity in accordance with the Bagley-Keene Open Meeting Act, the members of the public may tape record, videotape or otherwise record a meeting unless they are disruptive to the meeting and the Chair has specifically warned them of their being disruptive, then the Chair may order that their activities be ceased.

The Board may place audio and video recorded public board meetings on its web site at www.chiro.ca.gov.

Meeting Rules
(Board Policy)

The Board will use Robert's Rules of Order, to the extent that it does not conflict with state law (e.g., Bagley-Keene Open Meeting Act or other state

laws or regulations), as a guide when conducting the meetings. Questions of order are clarified by the Board's legal counsel.

Public Comment
(Board Policy)

Public comment is always encouraged and allowed, however, if time constraints mandate, time limits may be imposed at the discretion of the Chair. Due to the need for the Board to maintain fairness and neutrality when performing its adjudicative function, the Board shall not receive any information from a member of the public regarding matters that are currently under or subject to investigation, or involve a pending or criminal administrative action.

1. If, during a Board meeting, a person attempts to provide the Board with any information regarding matters that are currently under or subject to investigation or involve a pending administrative or criminal action, the person shall be advised that the Board cannot properly consider or hear such substantive information and the person must be instructed to refrain from making such comments.

2. If, during a Board meeting, a person wishes to address the Board concerning alleged errors of procedure or protocol or staff misconduct involving matters that are currently under or subject to investigation or involve a pending administrative or criminal action, the Board will address the matter as follows:

    a. Where the allegation involves errors of procedure or protocol, the Board may designate either its Executive Officer or a Board employee to review whether the proper procedure or protocol was followed and to report back to the Board.
    b. Where the allegation involves significant staff misconduct, the Board shall direct the Executive Officer to review the allegation and to report back to the Board.

3. The Board may deny a person the right to address the Board and have the person removed if such person becomes disruptive at the Board meeting. The Board accepts the conditions established in the Bagley-Keene Open Meeting Act and appreciates that at times the public may disapprove, reprimand, or otherwise present an emotional presentation to the Board, and it is the Board's duty and obligation to allow that public comment, as provided by law.

CHAPTER 3. Travel & Salary Policies & Procedures

Board related travel incurs additional expenses and potential liabilities. The State incurs liability risk any time a Board member travels to represent the BCE, regardless of whether the Board member pays for their own travel expenses. Board members must complete the appropriate paperwork and follow established policies and procedures for timely reimbursement of travel claims.

Travel Approval
(Board Policy)

Travel arrangements for regularly scheduled Board meetings and committee meetings do not require prior approval. Any other Board related travel requires preapproval by the Board Chair and Executive Officer. Expenses and per diem reimbursement are provided to Board members in accordance with established State travel reimbursement rules.

Travel Arrangements
(Board Policy)

Board Members who prefer to make their own travel arrangements are encouraged to coordinate with the Staff Travel Liaison on lodging accommodations. You need to obtain an original receipt to submit for reimbursement. Always seek hotels that charge the state rate. Preauthorization is required if the state rate is to be exceeded.

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

Out-of-state travel for all persons representing the state of California is controlled and must be approved by the Governor's Office. Permission for out-of-state travel must be obtained through the Executive Officer. Individual Board Members can not authorize out-of-state travel. Board Members will be reimbursed for actual lodging expenses, supported by vouchers, and will be reimbursed for meal and supplemental expenses. Keep all original receipts and submit with your travel expense claim.

Travel Claims
(SAM Section 700 et seq.)

Rules governing reimbursement of travel expenses for Board Members are the same as for management-level state staff. All expenses shall be claimed on the appropriate travel expense claim forms. The Board Liaison maintains these forms and completes them as needed.

The Executive Officer's travel and per diem reimbursement claims shall be submitted to the Board Chair for approval.

It is advisable for Board Members to submit their travel expense forms immediately after returning from a trip and not later than thirty days following the trip.

Salary Per Diem
(§1 Initiative Act and B&P Code Section 103)

Compensation in the form of salary per diem and reimbursement of travel and other related expenses for Board Members is regulated by the B&P Code Section 103. Board Members are paid out of the funds of the Board, as provided for within the Chiropractic Initiative Act.

Salary Per Diem
(Board Policy)

Accordingly, the following general guidelines shall be adhered to in the payment of salary per diem or reimbursement for travel:

1. A salary per diem or reimbursement for travel-related expenses shall be paid to Board Members for attendance at official Board or committee meetings.

   Attendance at gatherings, events, hearings, conferences or meetings other than official Board or committee meetings shall be approved by the Board Chair & Executive Officer prior to the Board Member's travel and attendance.

   The term "day actually spent in the discharge of official duties" shall mean such time as is expended from the commencement of a Board or committee meeting until that meeting is adjourned.

2. For Board-specified work, Board Members will be compensated for actual time spent performing work authorized by the Board Chair. This may also include, but is not limited to, authorized attendance at other gatherings, events, meetings, hearings, or conferences, such as the FCLB, NBCE, CE, Ambassador at Large, Lectures, etc.. Work also includes preparation time for Board or committee meetings and reading and deliberating mail ballots for disciplinary actions.

3. Reimbursable work does not include miscellaneous reading and information gathering unrelated to Board business and not related to any meeting, preparation time for a presentation and participation at meetings not related to official participation of the Members duties with the Board.

4. Board Members may participate on their own (i.e., as a citizen or professional) at an event or meeting but not as an official Board representative unless approved in writing by the Chair. Requests must

be submitted in writing to the Chair for approval and a copy provided to the Executive Officer. However, Board Members should recognize that even when representing themselves as "individuals," their positions might be misconstrued as that of the Board and a BCE Member must use their best effort to continue to clarify this separation.

CHAPTER 4. Board Officers & Committees

Officers of the Board
(§3 Initiative Act)

The Board shall elect at the first meeting of each new year a Chair, Vice Chair and Secretary from the Members of the Board as specified in the Initiative Act.

Officer Vacancies
(Board Policy)

The chain of administrative protocol starts with the Chair. If unavailable or recused, the Vice-Chair shall take over the duties of the Chair until the Chair returns. If the Vice-Chair is unavailable, the Secretary shall take over the duties of the Chair until the Vice Chair or Chair returns.

If the Chair becomes unable to fulfill their duties, the Vice-Chair will become the Chair until the next scheduled election. The new Chair may appoint their choice of Vice-Chair. The Secretary will remain the same. If any other officer (Vice-Chair or Secretary) becomes unavailable, the Chair shall appoint a replacement until the next general elections.

Communication Between Officers
(Board Policy)

The Chair, Vice-Chair and Secretary must have timely and effective communication for the efficient operation of the BCE. Failure to respond to email correspondences or failing to address specific topics is inconsistent with professionalism and if a repetitive failure to communicate persists, this will be discussed in a meeting with that officer the Chair and EO to resolve the concern. If all parties agree that communication can not be resolved, the Chair may agendize the ongoing concern and, if necessary, call for a special election at the next full Board Meeting.

Committee Appointments
(Board Policy)

The Chair shall establish committees, whether standing or special, as he or she deems necessary.

The composition of the committees and the appointment of the Members shall be determined by the Board Chair. The Chair may consult with the Vice Chair or Secretary and the Executive Officer. All conversations must be consistent with Bagley Keene Open Meeting Act Restrictions which mandate that no more than two Members can actively discuss Board business.

Standing Committees
(Board Policy)

The Board has three standing committees:

1. **Licensing, Continuing Education, and Public Relations Committee**
   The Committee proposes policies and standards regarding chiropractic colleges, doctors of chiropractic, satellite offices, corporation registration, and continuing education providers and courses. The Committee also develops strategies to communicate with the public through various forms of media.

2. **Enforcement and Scope of Practice Committee**
   The Committee proposes regulations, policies, and standards to ensure compliance with chiropractic law and regulations. The Committee continuously seeks ways to improve the Board's enforcement activities.

3. **Government Affairs and Strategic Planning Committee**
   The Committee proposes and reviews policies, procedures, to address audit and sunset review deficiencies.

   The Committee works directly with the Executive Officer and staff to monitor budget expenditures, trends, and the Contingent Fund levels.

   The Committee shall monitor individual line item expenditure and look for anomalies with a three year pattern for purposes of preparing a budget change proposal to correct either an under or over expenditure.

   The committee will review and recommend positions on legislative bills that affect the Board. The guidelines for identifying, tracking, analyzing, taking positions on proposed legislation are set forth in the BCE "Legislative Bill Tracking" manual.

   The Committee oversees all administrative issues regarding BCE operations.

   This Committee develops draft strategic plans and monitors the Board's progress in achieving goal and objectives. The Board must develop a strategic plan once every three years. The Committee must report progress on the strategic plan annually beginning in 2013.

Committee Meetings
(Board Policy)

Each of these committees is comprised of at least two Board Members. Staff provides technical and administrative input and support. The committees are an important venue for ensuring that staff and Board Members share

information and perspectives in crafting and implementing the Board's objectives and goals.

The Board's committees allow Board Members, the public, stakeholders and staff to discuss and conduct problem solving on issues related to the Board's objective and goals.

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

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

The committee chair will work with the Executive Officer and the Board Chair to set the committee's goals and meeting agendas. The Committee Chair coordinates the committee's work, ensures progress toward the Board's priorities, and presents reports at each meeting.

During any public committee meeting, comments from the public are encouraged, and the meetings themselves are frequently public forums on specific issues before a committee. Committees shall comply with the Bagley-Keene Open Meeting Act.

Attendance at Committee Meetings
(Board Policy and Government Code Section 11122.5 et seq.)

If a Board Member wishes to attend a meeting of a committee of which he or she is not a member, the Board Member must notify the committee chair, Executive Officer, and Board Chair.

Board Members who are not members of the committee which is meeting cannot sit at the dais, make any comment, or ask or answer any questions. Only committee members may vote during the committee meeting.

The Board's legal counsel works with the Executive Officer to assure that all meetings meet the requirements for a public meeting and are properly noticed.

Whenever possible, the Board's legal counsel shall attend committee meetings.

CHAPTER 5. General Operating Procedures

Board Member Addresses
(Board Policy)

Board Member addresses and telephone numbers are confidential and shall not be released to the public without expressed authority of the individual Board Member. A roster of Board Members is maintained for public distribution on the Board's web site using the Board's address and telephone number.

Request for DMV Confidential Status may be submitted on the completed DMV form to the Executive Officer, who will sign the form

Board Member Written Correspondence and Mailings
(Board Policy)

All correspondence, press releases, articles, memoranda or any other communication written by any Board Member in his or her official capacity must be approved by the Board Chair and Executive Officer. The Executive Officer will reproduce and distribute the document and a copy in a chronological file.

Request to Access Licensee or Applicant Records
(Board Policy)

Board Member shall not access a licensee's, or applicant's file without the Executive Officer's knowledge and approval. Records or copies of records shall not be removed from the Board's office at any time.

Communications with Other Organizations & Individuals
(Board Policy)

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

The Board has an "Ambassador at Large" program allowing Board Members to speak at public or private functions.

Any Board Member who is contacted by any of the above should inform the Board Chair or Executive Officer of the contact immediately.

All correspondence shall be issued on the Board's standard letterhead and will be disseminated by the Executive Officer.

Press Statements and Contacts
(Board Policy)

Members shall direct press inquiries to the Executive Officer who will work in conjunction with DCA Public Affairs Office to respond. Only the Board Chair or Executive Officer are authorized to publically represent the Board to the press or news agents, reporters or agencies.

Business Cards
(Board Policy)

Business cards will be provided to each Board Member with the Board Member's name and official BCE e-mail address. The business cards will provide the Board office address, telephone and fax numbers, and website address.

Board Members' personal business cards shall not reference or list their appointment as a BCE Member.

BCE Identification Cards
(Board Policy)

BCE Members shall be issued an identification card from BCE that states they are appointed, commissioned and duly sworn, and if an officer of the BCE, that shall be stated.

CHAPTER 6. Board Administration & Staff

Executive Officer
(§3 Initiative Act)

The Board employs an Executive Officer and establishes his/her salary in accordance with the State law.

The Executive Officer is responsible for the financial operations and integrity of the Board, and is the official custodian of records. The Executive Officer is an "exempt" employee, who serves at the pleasure of the Board, and may be terminated, in accordance with the provisions of the Bagley-Keene Open Meeting Act.

Executive Officer Evaluation
(Board Policy)

At the first Board meeting of each fiscal year or at any time thereafter as determined by the Board, the Board evaluation of the Executive Officer is presented by the Board Chair, or his/her Board Member designee, during a closed session. Board Members provide information to the Chair on the Executive Officer's performance in advance of this meeting. If the Board members have concerns with an Executive Officer's performance, the Board members should consult with the Deputy Director of DCA's Legal Affairs Office.

Board Administration
(Board Policy)

Strategies for the day-to-day management of programs and staff shall be the responsibility of the Executive Officer as an instrument of the Board. The Executive Officer supervises and administers the staff. Board Members shall not directly discipline, reprimand, or otherwise supervise staff.

Board Staff
(§4 Initiative Act)

Employees of the Board, with the exception of the Executive Officer, are civil service employees. Their employment, pay, benefits, discipline, termination, and conditions of employment are governed by myriad civil service laws and regulations and often by collective bargaining labor agreements.

Because of this complexity, the Board delegates this authority and responsibility for management of the civil service staff to the Executive Officer as an instrument of the Board.

Board Members may express any staff concerns to the Executive Officer but shall refrain from involvement in any civil service matters. Board Members shall not become involved in the personnel issues of any state employee.

Board Budget
(Board Policy)

One member of the Board, designated by the Board Chair, and the Executive Officer or the Executive Officer's designee will attend and testify at legislative budget hearings to communicate all budget issues to the Administration and Legislature. The Executive Officer or his/her designee shall communicate regularly with DCA's Budget Office and report all issues to the Board.

Strategic Planning
(Board Policy)

The Board must develop a strategic plan once every three years, beginning in 2013. The Government Affairs Committee shall have overall responsibility for the Board's strategic planning process and shall assist staff in the monitoring and reporting of the strategic plan to the Board.

CHAPTER 7. Other Policies & Procedures

Various Other Tasks and Responsibilities
(Board Policy)

Promotion of public safety is enhanced with goal orientation and focus. The Board shall also assign Board Members and/or staff to serve as liaison to the following:

- FCLB
- NBCE
- Ambassador at Large Presentations
- Lectures
- Attend Meetings of Other Regulatory Boards
- Meetings with Colleges and State Associations

This process shall be overseen by the Vice-Chair in consultation with the Chair.

Board Member Disciplinary Actions
(Board Policy)

If a Board Member violates any provision of the Administrative Procedure Manual, the Chair will either telephone or write to that Member identifying the concern. If the matter is not resolved, the Chair may agendize the matter at the next Board meeting.

If the violation concerns the Chair's conduct, the Vice-Chair will handle the matter until it is resolved.

Terms and Removal of Board Members
(§2 Initiative Act)

The Governor shall appoint the Members of the Board. Each appointment shall be for the term of four years, except that an appointment to fill a vacancy shall be for the unexpired term only. Each Member shall serve until his successor has been appointed and qualified or until one year has elapsed since the expiration of his term whichever first occurs.

No person shall serve more than two consecutive terms on the Board nor be eligible for appointment thereafter until the expiration of four years from the expiration of such second consecutive term, effective January 2, 1974. The Governor may remove a Member from the Board after receiving sufficient proof of the inability or misconduct of said Member.

Resignation of Board Members
(Government Code Section 1750 (b))

In the event that a Board Member chooses to resign, a letter shall be sent to the Governor's Office with the effective date of the resignation. Written notification is required by state law. A copy of this letter shall also be sent to the Board Chair and the Executive Officer.

Resignation of Board Members
(Board Policy)

In the event that a Board Member chooses to resign, the Board Member or the Executive Officer should notify the Governor's Office of Appointments.

Conflict of Interest
(Government Code Section 87100)

Board Members are responsible for complying with the California Political Reform Act (Government Code Sections 81000-91014).

Board Members must file a Statement of Economic Interest (Form 700) upon appointment to office, upon leaving office, and on an annual basis in between.

No Board Member may make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest.

Any Board Member who has a financial interest shall disqualify him or herself from making or attempting to use his or her official position to influence the decision.

Any Board Member who feels he or she is entering into a situation where there is a potential for a conflict of interest should immediately consult the Executive Officer or the Board's legal counsel.

Contact with Licensees and Applicants
(Board Policy)

Board Members shall not intervene on behalf of a licensee or applicant for licensure for any reason. They should forward all correspondence, contacts or inquiries to the Executive Officer.

Contact with Respondents
(Board Policy)

Board Members should not directly participate in complaint handling and resolution or investigations. To do so would subject the Board Member to disqualification in any future disciplinary action against the licensee.

Board Members should not discuss pending disciplinary matters with any parties to such matters, including the respondent, his/her attorney, BCE enforcement staff, and DAGs. If a Board Member is contacted by a party to a disciplinary matter, the Board Member should refer the individual to the Executive Officer. When in doubt, the Board Member should seek advice from the Executive Officer or the Board's Legal Counsel.

Service of Legal Documents
(Board Policy)

If a Board Member is personally served as a party in any legal proceeding related to his or her capacity as a Board Member, he or she must contact the Executive Officer immediately.

Serving as an Expert Witness
(Executive Order 66.2)

Pursuant to Executive Order 66-2, no employment, activity, or enterprise shall be engaged in by any gubernatorial appointee which might result in, or create the appearance of resulting in any of the following:

1. Using the prestige or influence of a State office for the appointee's private gain or advantage.

2. Using state time, facilities, equipment, or supplies for the appointee's private gain or advantage, or the private gain or advantage of another.

3. Using confidential information acquired by virtue of State involvement for the appointees private gain or advantage, or the private gain or advantage of another.

4. Receiving or accepting money or any other consideration from anyone other than the State for the performance of an act which the appointee would be required or expected to render in the regular course of hours of his or her State employment or as a part of the appointee's duties as a State officer.

Request for Grants
(Board Policy)

All requests for funding allocations to Board specific projects shall be approved by the Board during a regularly scheduled meeting.

Any requests for grants outside of Board business or projects must be made by the Executive Officer at the Chair's direction. If a Board Member makes an individual request, a copy of the request shall be forwarded to the Executive Officer as soon as possible.

The mechanism for receipt, management, and dispersal of funds shall be pre-arranged and approved by the Board.

Gifts from Licensees and Applicants
(Board Policy)

Gifts of any kind create potential obligations or conflicts of interest and should therefore be declined or reported pursuant to the California Political Reform Act.

Ex Parte Communications
(Government Code Section 11430.10 et seq.)

The Government Code contains provisions prohibiting ex parte communications. An "ex parte" communication is a communication to the decision-maker made by one party to an enforcement action without participation by the other party. While there are specified exceptions to the general prohibition, the key provision is found in subdivision (a) of section 11430.10, which states:

> "While the proceeding is pending, there shall be no communication, direct or indirect, regarding any issue in the proceeding to the presiding officer from an employee or representative of an agency that is a party or from an interested person outside the agency, without notice and an opportunity for all parties to participate in the communication."

Board Members are prohibited from an ex parte communication with Board enforcement staff, a licensee or a respondent while a proceeding is pending.

Occasionally, an applicant who is being formally denied licensure, or a licensee against whom disciplinary action is being taken, will attempt to directly contact Board Members. If the communication is written, the person should read only far enough to determine the nature of the communication. Once he or she realizes it is from a person against whom an action is pending, they should reseal the documents and send them to the Executive Officer.

If a Board Member receives a telephone call from an applicant under any circumstances or licensee against whom an action is pending, he or she should immediately tell the person they cannot speak to them about the matter and inform the Executive Officer and the Board's legal counsel.

If the person insists on discussing the case, he or she should be told that the Board Member will be required to recuse him or herself from any participation in the matter. Therefore, continued discussion is of no benefit to the applicant or licensee.

If a Board Member believes that he or she has received an unlawful ex parte communication, he or she should contact the Executive Officer and the Board's legal counsel.

The Honoraria Prohibition

(Government Code Section 89503)
(FPPC Regulations, Title 2, Division 6)

As a general rule, Members of the Board should decline honoraria for speaking at, or otherwise participating in, professional association conferences and meetings. A Member of a state Board is precluded from accepting an honorarium from any source, if the Member would be required to report the receipt of income or gifts from that source on his or her statement of economic interest.

Board Members are required to report income from, among other entities, professional associations and continuing education providers. Therefore, a Board Member should decline all offers for honoraria for speaking or appearing before such entities.

There are limited exceptions to the honoraria prohibition. The acceptance of an honorarium is not prohibited under the following circumstances:
(1) when a honorarium is returned to the donor (unused) within 30 days; (2) when an honorarium is delivered to the State Controller within thirty days for donation to the General Fund (for which a tax deduction is not claimed); and (3) when an honorarium is not delivered to the Board Member, but is donated directly to a bona fide charitable, educational, civic, religious, or similar tax exempt, non-profit organization.

In light of this prohibition, Members should report all offers of honoraria to the Board Chair so that he or she, in consultation with the Executive Officer and staff counsel, may determine whether the potential for conflict of interest exists.

Board Member Orientation

(Business & Professions Code Section 453 and Board Policy)

B&P Section 453 requires every newly appointed Board Member, within one year of assuming office, to complete a training and orientation program offered by DCA regarding, among other things, his or her functions, responsibilities, and obligations as a Member of a Board.

Per DCA Legal Opinion, Board Member Orientation Training is required for newly appointed Board Members and reappointed Board Members as every appointment is considered a new appointment.

It is the BCE's policy that new Board Members shall, to the extent possible complete the orientation training within six months of assuming office. Additional training shall be provided at the request of the Board or individual Board Members.

Ethics Training
(Government Code Section 11146)

California law requires all appointees to take an ethics orientation within the first six months of their appointment and to repeat this ethics orientation every two years throughout their term.

Sexual Harassment Prevention Training
(Government Code Section 12950.1)

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

Board Member Onboarding and Orientation
(Board Policy - 2013 BCE Strategic Plan)

Within six months of initial appointment, each new board member shall travel to the board office in Sacramento for orientation and onboarding meetings with the executive officer and one board member (as assigned by the Board Chair). Prior to the orientation, the new board member shall review their board member binder (provided by board staff), and prepare questions for discussion. Items to be covered in this meeting include introductions to board staff, review of staff roles and responsibilities, administrative processes, historical information about the board, collaboration between staff and board members and overall expectations. The executive officer shall notify the board chair once the meeting has occurred.

Injury to a Board Member
(Labor Code Section 4600)

If you are or believe you may have been injured, notify the Executive Officer. Injuries are required to be reported and this assists the Executive Officer in remaining compliant with the Labor Code Rules and Regulations. The reported injury will be reviewed by State Compensation Insurance Fund. They have the option to either accept or deny that claim. If the claim is denied, and you believe you have a legitimate claim, you should consult with an attorney. If the claim of injury is accepted by the insurance carrier, then treatment is provided in accordance with the California Labor Code (L.C.). Specifically: L.C. 4600(a) Medical, surgical, chiropractic, acupuncture, and hospital treatment, including nursing, medicines, medical and surgical supplies, crutches, and apparatuses, including orthotic and prosthetic devices and

services, that is reasonably required to cure or relieve the injured worker from the effects of his or her injury shall be provided by the employer.

If You Have Additional Questions: Ask the Executive Officer or Staff Counsel. You can also call the Department of Industrial Relations, Division of Workers Compensation at (800) 736-7401 or go to the DWC web site at http://www.dir.ca.gov/dwc.

Addendums

Applicable provisions of the following:

- Executive Order 66-2
- Government Code
- State Administrative Manual
- Bagley-Keene Open Meeting Act
- Business and Professions Code
- Initiative Act
- Labor Code

Exhibit 5

Legislative Update

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

Agenda Item 5
July 14, 2016

Update and Possible Action Regarding Legislation

Purpose of the item

This agenda item has been included to provide the Committee with an update on the bills staff is tracking during the current two-year legislative session.

Action(s) requested

The Committee will be asked to review and discuss the bills provided below. If necessary, the Committee will have an opportunity to take a position on any new or previously discussed bills.

Background

Board staff is currently tracking multiple bills during 2016 legislative session.

Support

Bill	Author	Title	Status	Position
AB 1992	Jones	Pupil health: physical examinations	**Dead**: Failed in Asm B&P and reconsideration refused.	Support
AB 2407	Chavez	Workers' compensation	**Dead**: Bill retained in committee and will be referred to a Committee for study.	Support
SB 1033	Hill	Medical professionals: probation	**Dead**: Inactive file on request of Senator Monning.	Support

Neutral

Bill	Author	Title	Status	Position
SB 1155	Morrell	Professions and vocations: licenses: military service.	**Asm**: Re-referred to Com. on APPR.	Comm: Neutral
SB 1217	Stone	Healing arts: reporting requirements: professional liability resulting in death or personal injury	**Dead:** Failed passage in B&P committee (4/18/16).	Comm: Neutral
AB 2744	Gordon	Healing arts: referrals	**Sen**: Re-referred to Com. on APPR.	Comm: Neutral

Watch

Bill	Author	Title	Status	Position
SB 1195	Hill	Professions and vocations: board actions: competitive impact	**Dead:** Ordered to inactive file on request of author.	Comm: Watch
SB 1348	Cannella	Licensure applications: military experience	**Asm:** Ordered to consent calendar	Comm: Watch

Unreviewed Bill

Bill	Author	Title	Status	Position
AB 2182	Mullin	School athletics: neurocognitive testing	**Sen**: Re-referred to Com. on APPR.	No position

Summary of Bills

Bill	Author	Summary	Amended
AB 1992	Jones	This bill would add chiropractors, naturopathic doctors, and nurse practitioners to the list of health care professionals authorized to perform a physical examination as a condition of participation in an interscholastic athletic program.	
AB 2182	Mullin	This bill would establish the Neurocognitive Testing Pilot Grant Program to provide funds to Title I schools for neurocognitive testing. As part of the pilot program, this bill requires school districts, charter schools, and private schools that elect to offer sports programs to collect and maintain data on traumatic brain injuries and concussions sustained during these activities.	5/31/16
AB 2407	Chavez	This bill would require medical providers treating injured workers with back injuries to assess the employee's level of risk for chronic back pain and determine if the criteria is met for a surgical consultation. This bill would specify that treatments that may be deemed appropriate after the assessment, including chiropractic manipulation.	4/27/16
AB 2744	Gordon	This bill would provide that payment or receipt of consideration for advertising, in which a licensee offers or sells prepaid services, is not referral of patients.	6/16/16
SB 1033	Hill	This bill would require the Medical Board of California (Board) through regulation to require a licensee on probation, for specific serious offenses, to disclose his or her probationary status to patients before each visit throughout the duration of probation. The bill would also require the Board to place each licensee's probation summary on various public documents and the Board's webpages.	5/10/16
SB 1155	Morrell	The bill would require every Board within DCA, to grant a fee waiver for the application for and issuance of an initial license to an individual who has been honorably discharged from the United States Armed Forces.	5/31/16
SB 1195	Hill	This bill would grant authority to the Director of the Department of Consumer Affairs (DCA) to review decisions and other actions by boards within the Department to determine if the action restrains trade. The bill would require the Office of Administrative Law (OAL) to perform additional reviews of regulations proposed by boards within the Department. The bill would extend the statutory sunset of the Veterinary Medical Board	6/1/16
SB 1217	Stone	This bill would increase the reporting requirements from three thousand ($3,000) dollars to ten thousand dollars ($10,000) for any judgement or settlement requiring payment of damages for death or personal injury caused by a licensee's negligence, error, or omission in practice. The bill would also require Board files on individual licensees to include reported judgements or settlements with damages over $10,000.	4/12/16
SB 1348	Cannella	This bill would require DCA licensing Board's that currently allow veterans to apply military experience and training toward licensing requirements, to modify their application to advise veterans about their ability to apply that military experience and training towards their licensure requirements.	5/31/16

Recommendation(s)

Any staff recommendations regarding Committee action are included on each individual bill's analysis.

Next Step

N/A

Attachment(s)

- AB 2182 (Mullin) School athletics: neurocognitive testing

Board of Chiropractic Examiners
Bill Analysis

Bill Number: AB 2182
Author: Assembly member Kevin Mullin
Bill Version: Amended May 21, 2016
Subject: School athletics: neurocognitive testing
Sponsor: Author
Status of Bill: Re-referred to Com. on APPR.

Summary:

This bill, contingent upon an appropriation, establishes the Neurocognitive Testing Pilot Grant Program to provide funds to Title I schools for the purpose of neurocognitive testing. As part of the pilot program, this bill requires school districts, charter schools, and private schools that elect to offer sports programs to collect and maintain data on traumatic brain injuries and concussions sustained during these activities.

Existing Law:

- Requires a school district, charter school, or private school that elects to offer an athletic program to immediately remove from athletic activity for the remainder of the day an athlete who is suspected of sustaining a concussion or head injury.
- Prohibits the athlete from returning to the activity until he or she has been evaluated by a licensed health care provider and receives a written clearance from the health care provider.
- Provides that if the licensed health care provider determines that the athlete sustained a concussion or a head injury, the athlete shall complete a graduated return-to-play protocol of no less than seven days in duration under the supervision of a licensed health care provider.
- Annually requires a concussion and head injury information sheet to be signed by the athlete's parent prior to participation in athletic activity (Education Code § 49475)
- Requires each high school sports coach to complete a coaching education program developed by the employing school district or the California Interscholastic Federation that meets specified guidelines (Education Code § 49032)
- Requires high school athletic coaches to complete training regarding the identification of concussions (Education Code § 35179.1)

This Bill Would:

- Establish the Neurocognitive Testing Pilot Grant Program to provide grant funding to Title I schools for the purposes of neurocognitive testing.
- Require the California Department of Education (CDE) to establish an application process for school districts to apply on behalf of Title I schools interested in participating in the pilot program. Requires the grants to be apportioned under the pilot program to a total of three

school districts, which shall comprise one school district in each of the following regions of the state: southern, central, and northern.

- Require each school district to commit to participating in the pilot program for four school years in order to track pupils tested in grade 9 through completion of high school.
- Establish specific requirements for the use of the grant funds.
- Defines "neurocognitive testing" as a comprehensive evaluation of a person's cognitive status by specific neurologic domains, including, but not necessarily limited to, memory, attention, problem solving, language, visuospatial, processing speed, motor, and emotion.
- Require the CDE to, based on the data collected by the county office of education located in the area of participating school districts, prepare a written report to the legislature on or before December 31, 2021, and to comply with Government Code Section 9795.
- Specifies that the program shall remain in effect until January 1, 2022, unless a later enacted statute, that is enacted before January 1, 2022, deletes or extends that date.
- Requires a school district, charter school, or private school that elects to offer an interscholastic athletic program to collect and maintain data on traumatic brain injuries and concussions sustained by any of its pupils during an interscholastic athletic activity. Requires this data to be reported periodically to the appropriate county office of education, but provides that the names of the injured pupils be kept confidential. Requires the county office of education to compile and retain the data for summary and analysis as it deems necessary.

Background:

According to the author's office:

> A concussion is a traumatic brain injury (TBI) caused by a bump, blow, or jolt to the head. Although concussions are generally considered mild TBIs, they can have serious consequences if not properly diagnosed and managed. Athletes who sustain concussions are at greater risk of chronic traumatic encephalopathy, depression, early onset dementia, and long-term brain damage.
>
> Research shows that the human brain does not fully develop until a person's mid-20s. Therefore, young athletes experiencing head injuries are at greater risk of long-term brain damage if injured during the critical stages of brain development. From 2002 to 2012, the number of reported sports-related concussions among student athletes doubled. This increase in reported concussions is attributed to various factors, including greater awareness and recognition of TBIs. However, research shows that it is likely that self-reported concussion symptoms are under diagnosed, which may lead athletes to return to play prematurely. The Institute of Medicine and the National Research Council published a report that indicates the lack of information related to concussions among youth. The report calls for more comprehensive data collection system to capture and identify the incidence of sports-related concussions among youth ages five to 21.

Fiscal Impact:

According to a fiscal analysis completed by the Senate Education Committee, Proposition 98/General Fund cost potentially in the tens of thousands to fund the pilot program. General Fund costs to the CDE of approximately $264,000 to administer the grant program for four years. Unknown, reimbursable Proposition 98/General Fund state mandated costs, likely in the thousands of dollars, for county offices of education to compile and retain data for summary and analysis.

Support & Opposition:

Support:

California Concussion Institute
California Optometric Association
California Psychological Association
Consumer Attorneys of California
San Mateo Union High School District

Opposition:

No opposition on file

Arguments:

Pro:

- The pilot program would allow participating school districts to conduct neurological testing to evaluate an athletes neurocognitive function and health to participate in athletics. The information gathered from the test would be used evaluate an athletes condition to return-to-play following an injury. Finally, this bill would help generate data (which is made available to families) to provide a better understanding of the frequency of sports-related head injuries among young athletes.
- The bill also requires school districts, charter schools and private schools that elect to offer interscholastic sports to collect and report data on traumatic brain injuries and concussions.

Con:

- This bill would incur General Fund costs to the Department of Education of approximately $264,000 to administer and operate the grant program for four years. Also, there would be unknown cost the counties that participate in the pilot program.

Staff Recommended Position: NEUTRAL

This bill takes a strong stand to combat the instances of traumatic brain injuries caused by concussions sustained while participating in interscholastic athletics; however; the changes to the law are contained within the Education Code.

The board's purview is mostly contained within the Business and Professions Code and concerns protecting the health, welfare, and safety of the public through licensure, education, and enforcement of the Chiropractic Initiative Act. Finally, the bill has been given a fiscal impact of $264,000 that would come out of the General Fund and includes unknown costs to the local governments that participate in the program.

AMENDED IN ASSEMBLY MAY 31, 2016

AMENDED IN ASSEMBLY APRIL 13, 2016

AMENDED IN ASSEMBLY MARCH 29, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL No. 2182

Introduced by Assembly Member Mullin

February 18, 2016

An act to add Section 49475.6 to, and to add and repeal Section 49475.5 of, the Education Code, relating to school athletics.

LEGISLATIVE COUNSEL'S DIGEST

AB 2182, as amended, Mullin. School athletics: neurocognitive testing.

(1) Existing law requires a school district, charter school, or private school, if it offers an athletic program, to immediately remove an athlete from an athletic activity for the remainder of the day if the athlete is suspected of sustaining a concussion or head injury, and prohibits the athlete from returning to the athletic activity until the athlete is evaluated by a licensed health care provider, trained in the management of concussions and acting within the scope of his or her practice, and the athlete receives written clearance from the licensed health care provider to return to the athletic activity. Existing law also requires, on a yearly basis, a concussion and head injury information sheet to be signed and returned by the athlete and athlete's parent or guardian before the athlete initiates practice or competition.

~~This bill would express legislative findings and declarations relating to concussions or traumatic injuries sustained by pupils participating~~

~~in high school interscholastic athletics and the value of neurocognitive testing.~~

~~The~~

This bill would establish the Neurocognitive Testing Pilot Grant Program to ~~commence in the 2017–18 school year.~~ *provide grant funding to Title I schools for the purposes of neurocognitive testing.* The bill would require the ~~State Department of Education to develop an application for school districts interested in participating in the pilot program.~~ *Superintendent of Public Instruction to establish an application process for school districts to apply on behalf of Title I schools interested in participating in the pilot program. The bill would require grants under the pilot program to be apportioned to a total of 3 school districts, comprising one school district in each of the following regions of the state: southern, central, and northern.* A participating school district would be required to commit to participating in the pilot program for 4 school years in order to track pupils tested in grade 9 through completion of high school. ~~The~~

The bill would ~~provide~~ *require* that grant ~~funds, based on an appropriation in the annual Budget Act or another statute,~~ *funds* would be used for baseline *and postinjury* neurocognitive testing, as defined, for pupils *attending a Title I school serving any of grades 9 to 12, inclusive,* who participate in interscholastic athletics in any of 12 designated sports. The bill would require this *baseline and postinjury neurocognitive* testing to take place at the beginning of an athletic season before any competitions have taken place and after any head injury, and would require that ~~this~~ baseline neurocognitive testing be repeated at intervals not exceeding 24 months for as long as the athlete is enrolled at the ~~school.~~ *school and participating in one or more of the 12 sports listed in the bill. The bill would require the baseline and postinjury neurocognitive testing conducted pursuant to the bill to be administered by individuals, including, but not necessarily limited to, employees of a participating school district, who have been trained to administer these tests.*

The bill would also provide that grant funds could be used for training of personnel and consultation with experts, as specified. The bill would further provide that, under the pilot program, the parent or guardian of each athlete participating in any of the 12 interscholastic sports listed in the bill would be notified, in writing, that the results of baseline and postinjury neurocognitive testing conducted on his or her child are

available to the child's parent or guardian, or could be shared with the athlete's physician, upon request.

The bill would also provide that grant funds could be used for reporting specified data relating to the baseline neurocognitive testing to the appropriate county office of education. The bill would require the State Department of Education to submit a report containing specified information to the appropriate policy committees of the Legislature on or before December 31, 2021.

These provisions would be contingent upon the appropriation of funds for their purposes in the annual Budget Act or another statute.

These provisions would be repealed on January 1, 2022.

(2) Existing law provides that, if a licensed health care provider determines that an athlete sustained a concussion or a head injury while engaging in an athletic activity, the athlete is required to complete a graduated return-to-play protocol of no less than 7 days in duration under the supervision of a licensed health care provider.

This bill would require a school district, charter school, or private school that offers an interscholastic athletic program to collect and maintain data on traumatic brain injuries and concussions sustained by any of its pupils during an interscholastic athletic activity. The bill would require that this data be reported periodically to the appropriate county office of education, and would require the county office of education to compile and retain the data for summary and analysis as it deems necessary. By imposing new duties on county offices of education, the bill would impose a state-mandated local program.

(3) 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. The Legislature finds and declares all of the~~
2 ~~following:~~

~~(a) The California Interscholastic Federation (CIF), California's governing body for high school sports, requires that, if it is suspected that a pupil has sustained a concussion or traumatic brain injury in an athletic competition, the pupil must be removed from competition immediately and required to receive written clearance from a licensed health care provider before returning to competition.~~

~~(b) Section 49475 of the Education Code, as it was amended by Assembly Bill 2127 of the 2013–14 Regular Session of the Legislature effective January 1, 2015, provides that a pupil athlete who has been diagnosed with a concussion cannot return to play sooner than seven days after having been evaluated and diagnosed by a licensed health care provider.~~

~~(c) The value of neurocognitive testing is that it establishes a baseline of each athlete's normal neurocognitive functioning before beginning athletic activity. By establishing this baseline, an athlete with a suspected head injury can then be retested to help assess the degree of injury.~~

~~(d) Following any kind of head injury, athletes retake the test and have the results judged against the baseline test. This is especially important when an athlete experiences numerous hits to the head.~~

~~SEC. 2.~~

SECTION 1. Section 49475.5 is added to the Education Code, to read:

49475.5. (a) The Neurocognitive Testing Pilot Grant Program is hereby ~~established, commencing with the 2017–18 school year. The department shall develop an application for school districts interested in participating in the pilot program. A participating school district shall commit to participating in the pilot program for four school years in order to track pupils tested in grade 9 through completion of high school.~~ *established to provide grant funding to Title I schools for the purposes of neurocognitive testing.*

(b) ~~Grant funds, based on an appropriation in the annual Budget Act or another statute,~~ *The Superintendent shall establish an application process for school districts to apply on behalf of Title I schools interested in participating in the pilot program. Grants shall be apportioned under the pilot program to a total of three school districts, which shall comprise one school district in each of the following regions of the state: southern, central, and*

northern. Each school district shall commit to participating in the pilot program for four school years in order to track pupils tested in grade 9 through completion of high school. Grant funding shall be used for the following:

(1) (A) Baseline *and postinjury* neurocognitive testing of pupils attending *a Title I school serving any of* grades 9 to 12, inclusive, participating in interscholastic athletics in any of the following sports:

(i) Baseball.
(ii) Basketball.
(iii) Cheerleading.
(iv) Field hockey.
(v) Football.
(vi) Ice hockey.
(vii) Lacrosse.
(viii) Rugby.
(ix) Soccer.
(x) Softball.
(xi) Volleyball.
(xii) Wrestling.

(B) The baseline *and postinjury* neurocognitive testing conducted pursuant to this subdivision shall take place at the beginning of an athletic season before any competitions have taken place and after any head injury, and *baseline testing* shall be repeated at intervals not exceeding 24 months for as long as the athlete is enrolled at th~~e school.~~ *school, provided that the athlete is still participating in one or more of the 12 sports listed in subparagraph (A). The baseline and postinjury neurocognitive testing conducted pursuant to this subdivision shall be administered by individuals who have been trained to administer these tests. These individuals may include, but are not necessarily limited to, employees of a participating school district.*

(2) Postinjury neurocognitive testing of an athlete who is suspected of sustaining a concussion or head injury in an interscholastic athletic activity. Postinjury neurocognitive tests shall be conducted within 72 hours of the occurrence of the injury.

(3) Training of personnel or to consult with experts on the interpretation of postinjury test results. The parent or guardian of each athlete participating in any of the sports listed in paragraph (1) shall also be notified, in writing, that the results of baseline

and postinjury neurocognitive testing conducted on his or her child are available to the child's parent or guardian upon request. These neurocognitive testing results may also be shared with the athlete's physician upon the request of the athlete's parent or guardian.

(4) Reporting to the county office of education data that includes an overview of the baseline neurocognitive testing conducted for each of the sports listed in paragraph (1), and an overview of normal, abnormal, and followup postinjury neurocognitive tests. The data shall also include the number of athletes who discontinue participation in the sport following a concussion and postinjury testing.

(c) For purposes of this section, "neurocognitive testing" means a comprehensive evaluation of a person's cognitive status by specific neurologic domains, including, but not necessarily limited to, memory, attention, problem solving, language, visuospatial, processing speed, motor, and emotion.

(d) (1) The department shall, based on the data collected by the county offices of education located in the area of participating school districts, prepare a report including, but not necessarily limited to, all of the following information:

(A) The number of athletes who received the baseline tests.

(B) The number of athletes who received the postinjury tests.

(C) The number of athletes who had taken the tests and discontinued participation in any of the sports set forth in subdivision (b) due to concussion injuries.

(2) The report prepared pursuant to this subdivision shall be submitted to the appropriate policy committees of the Legislature on or before December 31, 2021, and shall comply with Section 9795 of the Government Code.

~~(e)~~

(e) This section is contingent upon the appropriation of funds for its purposes in the annual Budget Act or another statute.

(f) This section shall remain in effect only until January 1, 2022, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2022, deletes or extends that date.

~~SEC. 3.~~

SEC. 2. Section 49475.6 is added to the Education Code, to read:

49475.6. A school district, charter school, or private school that elects to offer an interscholastic athletic program shall collect

and maintain data on traumatic brain injuries and concussions sustained by any of its pupils during an interscholastic athletic activity. This data shall be reported periodically to the appropriate county office of education, but the names of the injured pupils shall be kept confidential. The county office of education shall compile and retain the data for summary and analysis as it deems necessary.

~~SEC. 4.~~

SEC. 3. 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.

O