



State of California
Edmund G. Brown Jr., Governor

Agenda Item 13
October 14, 2016

Update and Possible Action on Regulations

Purpose of the item

The Board will receive a status update on pending regulatory proposals.

Action(s) requested

No action requested at this time.

Background

The Board currently has ten regulatory proposals in various stages of completion.

Recommendation(s)

No recommendations at this time.

Next Step

N/A

Attachment(s)

1. BCE regulation tracking sheet
2. BCE regulation summary sheet

BCE List of Prioritized Proposed Regulatory Changes

Group A – Legislatively Mandated

Status

1	Application for Licensure (CCR Section 321)	Regulation adopted by the Board. Package has been submitted to DCA for final review.
2	Consumer Protection Enforcement Initiative	Board approved rulemaking process 5/19/16. Package is currently under review with DCA.
3	Uniform Standards for Substance Abusing Licensees	Package under development at the Board.

Group B

Status

1	Delegation of Authority to the Assistant Executive Officer	Approved Rulemaking Process 5/19/16
2	Revisions to BCE Disciplinary Guidelines	Approved Rulemaking Process 7/30/15. Package under development at the Board.
3	Mandatory Cardiopulmonary Resuscitation (CPR) Certification for all licensees	Approved Rulemaking Process 7/30/15
4	Comprehensive Revisions/Updates to CCR Article 4 (Sections 330 – 331.16) – Approved Schools & Qualifications of Applicants (Curriculum Requirements)	Rulemaking not yet started

Group C

Status

1	Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice or Death/Incapacity of Licensee	Approved Rule Making Process 4/16/15
2	Continuing Education Requirements (CE Provider and Course Approval)	Rulemaking not yet started
3	Amend or Repeal CCR Section 354 - Successful Examination (Obsolete provision)	Rulemaking not yet started

Status options:

- Proposed Regulatory Change
- Approved Rulemaking Process
- Initiated Rulemaking Process
- Regulation adopted by Board
- Regulation pending DCA Approval
- Regulation pending OAL Approval
- Approved /Denied by OAL
- Effective Date

BCE List of Prioritized Proposed Regulatory Changes

<u>Proposed Regulation</u>	<u>Proposed Change(s)</u>
Application for Licensure (CCR Section 321)	The BCE will amend the application for licensure to comply with new legislation which will assist agencies in identifying past or present members of the military and their spouses in order to expedite the licensure process for these individuals. Additionally, the regulation would amend the CE regulations for consistency with the provisions of BPC section 114.3 to waive renewal fees, continuing education requirements, and other requirements for active duty members of the U.S. military. Also, the regulation proposes to allow the Board to award up to 16 hours of CE credit to licensees who participate in the review and revision of the California Law and Professional Practices Examination.
Consumer Protection Enforcement Initiative	The proposed changes would add or amend 11 sections within the California Code of Regulations that would establish stricter reporting and disclosure requirements by licensees and applicants and increase the board's enforcement authority and access to critical information for use in investigations.
Uniform Standards for Substance Abusing Licensees	The BCE will need to review and possibly amended the SB 1441 Uniform Standards for Substance Abusing Licensees. Ultimately, the Uniform Standards will be incorporated by reference into the Board's Disciplinary Guidelines.
Delegation of Authority to the Assistant Executive Officer	The proposed regulation would delegate to the Board's Assistant Executive Officer the authority to approve settlement agreements for revocation, surrender, and interim suspension of a license, or allow the Executive Officer to delegate this function to another designee.
Revisions to BCE Disciplinary Guidelines	The BCE's Disciplinary Guidelines are being revised to streamline the enforcement process and provide greater protection to consumers.
Mandatory Cardiopulmonary Resuscitation (CPR) Certification for all licensees	The regulation will add a new section CCR 371.1 which would require as a condition of licensure and license renewal all licensees maintain current CPR certification or basic life support from specified entities approved by the Board. Also, a licensee may earn 2 hours of CE for completion of CPR/BLS course. The regulation would also make technical and clarifying amendments for consistency and clarity.
Comprehensive Revisions/Updates to CCR Article 4 (Sections 330 – 331.16) – Approved Schools & Qualifications of Applicants (Curriculum Requirements)	
Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice or Death/Incapacity of Licensee (Amendment to CCR Sections 312.2 and 318)	
CE Requirements (CE Provider and Course Approval)	
Amend or Repeal CCR Section 354 - Successful Examination (Obsolete provision)	



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Agenda Item 14
October 14, 2016

2016 Legislation Update

Purpose of the item

This agenda item has been included to provide the Board with an update on bills discussed during the 2016 Legislative Session.

Action(s) requested

No action requested at this time.

Background

The Board tracked several bills during the 2016 Legislative session. The BCE tracked ten bills while supporting four, taking a neutral position on four, and watching one bill.

2016 Legislation Update

Chaptered Bills

AB 2744 (Gordon) Healing arts: referrals

The Board previously took a neutral position on AB 2744 (Gordon). This bill clarifies that certain types of advertising do not constitute a referral when the third party advertiser does not recommend, endorse, or otherwise select a healing arts licensee to provide the service.

SB 1348 (Cannella) Licensure applications: military experience

This bill requires regulatory boards and bureaus under the Department of Consumer Affairs (DCA) that authorize veterans to apply military experience and training towards licensure requirements to post information on the board's website about applying military experience and training towards licensure requirements.

Vetoed Bill

AB 2182 (Mullin) School athletics: neurocognitive testing

At the July 29, 2016 Board Meeting, members discussed and supported AB 2182 (Mullin). AB 2182 would have establish 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 would have require 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.

September 28, 2016, Governor Brown vetoed AB 2182 with this message:

This bill would create an unfunded new program.

Despite significant funding increases for local educational agencies over the past few years, the Local Control Funding Formula remains only 96 percent funded. Given the precarious balance of the state budget, establishing new programs with the expectation of funding in the future is counterproductive to the Administration's efforts to sustain a balanced budget and to fully fund the Local Control Funding Formula.

Additional spending to support new programs must be considered in the annual budget process.

Recommendation(s)

Staff does not have any recommendations at this time.

Next Step

N/A

Attachment(s)

- 2016 Bill Tracking Sheet

**Board of Chiropractic Examiners - 2016 Legislation Tracker
October 14, 2016**

Support

Bill	Author	Title	Status	Position
<u>AB 1992</u>	Jones	Pupil health: physical examinations	Dead: Failed in Asm B&P and reconsideration refused.	Support
<u>AB 2182</u>	Mullin	School athletics: neurocognitive testing	Vetoed by the Governor	Support
<u>AB 2407</u>	Chavez	Workers' compensation	Dead: Bill retained in committee and will be referred to a Committee for study.	Support
<u>SB 1033</u>	Hill	Medical professionals: probation	Dead: Inactive file on request of Senator Monning.	Support

Neutral

Bill	Author	Title	Status	Position
<u>SB 1155</u>	Morrell	Professions and vocations: licenses: military service.	Dead: August 11, held in committee and under submission.	Comm: Neutral
<u>SB 1217</u>	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
<u>AB 2744</u>	Gordon	Healing arts: referrals	Chaptered by Secretary of State - Chapter 360, Statutes of 2016.	Comm: Neutral

Watch

Bill	Author	Title	Status	Position
<u>SB 1195</u>	Hill	Professions and vocations: board actions: competitive impact	Dead: Ordered to inactive file on request of author.	Comm: Watch
<u>SB 1348</u>	Cannella	Licensure applications: military experience	Chaptered by Secretary of State. Chapter 174, Statutes of 2016.	Comm: Watch

No Position

Bill	Author	Title	Status	Position
<u>SB 1194</u>	Hill	Professions and vocations: board actions and regulations	Dead: August 24 set for first hearing canceled at the request of author.	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.	8/22/16
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.	9/14/16
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.	5/31/16
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.	6/23/16
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 1194	Hill	This bill would Authorizes the director of the Department of Consumer Affairs (DCA) to review, veto, or modify actions and decisions of DCA boards to ensure such actions or decisions conform with public policy, and specifies settlement authority for treble damages, as specified.	8/19/16
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.	8/22/16



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Agenda Item 15
October 14, 2016

Proposed Board Meeting Schedule
January – December 2017

Purpose of the item

The Board will review and approve meeting dates for 2017.

Action(s) requested

Board approval of meeting dates for the 2017 calendar year.

Background

Annually, at the last meeting of the year, Board Members discuss and approve meeting dates for the following year.

Recommendation(s)

Staff recommends the Board approve meetings dates in January, May, July and October of 2017.

Next Step

N/A

Attachment(s)

- 2017 Proposed Board Meeting Schedule/Calendar



State of California
Edmund G. Brown Jr., Governor

PROPOSED
Board of Chiropractic Examiners
Board Meeting Schedule
January – December 2017

January 2017 – Sacramento, California

May 2017 – Southern, California

July 2017 – Northern, California

October 2017 – Southern, California

* Dates and locations are subject to change

T (916) 263-5355
F (916) 327-0039
TT/TDD (800) 735-2929
Consumer Complaint Hotline
(866) 543-1311

Board of Chiropractic Examiners
901 P Street, Suite 142A
Sacramento, California 95814
www.chiro.ca.gov

Board of Chiropractic Examiners Proposed Board Meeting Schedule January – December 2017

January						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

February						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

March						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

April						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

May						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

June						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

July						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

August						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

September						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

October						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

November						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

December						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						