NOTICE OF TELECONFERENCE
BOARD OF CHIROPRACTIC EXAMINERS (BOARD) MEETING

901 P Street, Suite 142A
Sacramento, CA 95814
June 14, 2017
12:00 p.m.

One or more Board 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 Board at each teleconference location. The public teleconference sites for this meeting are as follows:

Teleconference Meeting Locations:

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

Heather Dehn, D.C.
4616 El Camino Ave., #B
Sacramento, CA 95821
(916) 488-0202

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

John Roza, Jr., DC
800 Douglas Blvd.
Roseville, CA 95678
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Dionne McClain, D.C.
6360 Wilshire Blvd., #410
Los Angeles, CA 90048
(323) 653-1014

Corey Lichtman, DC
538 Stevens Ave.
Solana Beach, CA 92075
(858) 876-6300

Frank Ruffino
Rancho San Diego Branch Library
11555 Via Rancho San Diego
El Cajon, CA 92019
(619) 660-5370

AGENDA

1. Call to Order & Establishment of a Quorum

Heather Dehn, D.C., Chair
Frank Ruffino, Vice Chair
Sergio Azzolino, D.C., Secretary
Julie Elginer, Dr.PH
Dionne McClain, D.C.
John Roza Jr., D.C.
Corey Lichtman, D.C.

2. Review , Discuss and Possible Action to Adopt or Amend Rulemaking: Title 16, CCR Sections 321 & 364- Application for Licensure

3. Public Comment for Items Not on the Agenda

Note: The Board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a).]

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

4. Future Agenda Items

Note: The Board 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.]

5. Adjournment

Meetings of the Board of Chiropractic Examiners are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. Public comments will be taken on agenda items at the time the specific item is raised. The Board may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at **www.chiro.ca.gov.**

The meeting facilities are accessible to individuals with physical disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting 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, Suite 142A, Sacramento, CA 95814. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

Agenda Item #1
June 14, 2017

Review , Discuss and Possible Action to Adopt or Amend Rulemaking: Title 16, CCR Sections 321 & 364 Application for Licensure

Purpose of the item

The Board will review, discuss, and approve proposed change to the Application and CE regulation.

Action(s) requested

Board members will be asked to review the amended language, ISR, and accompanying documents related to the Application and CE regulation.

Background

On April 24, 2017, OAL notified the Board of the disapproval. The reasons for the disapproval were failure to comply with the "necessity" and "clarity" standards. The Board may resubmit the package within 120 days and any changes to the regulation text or additions to the ISR, or other documents would need to be made available for at least 15 days for public comment.

Further, the main reason for concern from OAL was that in multiple instances the regulation used undefined terms which were not clearly defined or explained in the ISR. The regulation presented information in a format that was not clear.

Clarity and Necessity

"Necessity" means the record of the rulemaking must demonstrate by substantial evidence the need for a regulation. In the rulemaking record, the agency must state the specific purpose of each regulatory provision and explain why the provision is reasonably necessary to accomplish that purpose. It must also identify and include in the record any materials relied upon in proposing the provision and any other information, statement, report, or data the agency is required by law to consider or prepare in connection with the rulemaking action.

"Clarity" means the regulation is written so that the meaning of regulations will be easily understood by those persons directly affected by them.

Issue #1

The ISR provides no specific evidence of the need to adopt the following language, "If the report no longer exists or is not available, you must obtain a letter form the court, on their letterhead, specifying that fact." This lack of evidence in the record constitutes a violation of the necessity standard of the APA.

Staff Response

Proposed amendments addressing the issues brought forth by OAL can be found on:

1. Page 5 of the ISR
2. Check sheet, page 1
3. Page 3 of the application

Issue #2

The problem is that while the Board identified the specific documentation that would furnish stafisfactory evidence of military service and legal relationship status, it did not provide any evidence in the rulemaking record to explain the reasons for proposing that documentation. Thus, the Board's rulemaking record violates the necessity standard of the APA.

Staff Response

Proposed amendments addressing the issues brought forth by OAL can be found on:

1. Page 6 of the ISR
2. Page 1 of the application

Issue #3

The ISR provides no evidence of the reason to require signature under pentaly of perjury, which may lead to significant penalty. Why must the Board subject non-applicants to such a substantial condition and its potentially severe consequences. In order to meet the necessity standard of the APA, the rulemaking record must include substantial evidence demonstrating why the Board needed to adopt the forms in the ways described above.

Staff Response

Proposed amendments addressing the issues brought forth by OAL can be found on:

1. Page 9 and 10 of the ISR
2. Page 4 of the application
3. Page 1 of the Verification of Prechiropractic Hours form
4. Page 2 of the Chiropractic College Certificate form

Issue #4

The Board must refine the text—for example, by stating simply that participating licensees will receive one hour of CE credit for each hour volunteered, up to a maximum of sixteen hours—and ensure that the text is consistent with rulemaking record in order to resolve the issue and satisfy the clarity standard of the APA.

Staff Response

Proposed amendments addressing the issues brought forth by OAL can be found on:

1. Page 2 of the regulation text
2. Page 11 of the ISR

Issue #5

Discrepancies between directions on the check sheet that require applicants to provide "certified court documents and no copies will be accepted," and directions on the application form to "obtain a certified copy of an arrest report and include certified copies of all court documents for each conviction.." give rise to a series of clarity problems. These ambiguities and inconsistencies in the requirements will create confusion among directly affected applicants and may result in the unwarranted rejection of applications by the Board.

Staff Response

Proposed amendments addressing the issues brought forth by OAL can be found on:

1. Page 5 of the ISR
2. Check sheet, page 1
3. Page 3 of the application

Issue # 6

On the application under the heading, "Practice Impairment or Limitations," question #12 asks: "Do you have a current physical or mental impairment related to drugs or alcohol?" The Board must clearly define the scope and meaning of the proposed text in order to narrow this question down to a single, reasonable interpretation.

Staff Response

Proposed amendments addressing the issues brought forth by OAL can be found on:

1. Page 9 of the ISR
2. Page 3 of the application

Issue #7

Forms 09b-2 and 09B-3 are required to be signed by a representative from the chiropractic college but "only the President, Dean or Registrar." Additionally, the one form contains this requirement and one form includes no such requirement and appears to permit any school employee to sign the form. However, the ISR states that the Board requires completetion of a verification of prechiropractic and chiropractic education hours by the college's President, Dean or Registrar.

This creates an inconsistency between the forms and the Board's description of the form in the rulemaking record which is a violation of the clarity standard of the APA.

Staff Response

Proposed amendments addressing the issues brought forth by OAL can be found on:

1. Page 7 of the ISR
2. Page 1 of the Verification of Prechiropractic Hours form
3. Page 2 of the Chiropractic College Certificate form

Recommendation(s)

Board members will be asked to review and approve the amended language, ISR, and accompanying documents related to the Application and CE regulation.

Next Step

EO and staff will finalize the regulation package for resubmission to OAL.

Attachment(s)

1. OAL disapproval letter
2. Regulation text
3. ISR
4. Application for licensure

TITLE 16, BOARD OF CHIROPRACTIC EXAMINERS

Order of Adoption

The Board of Chiropractic Examiners hereby amends and adopts Section 321 of Article 3 of the Title 16 of the California Code of Regulations and Section 364 of Article 6 of Title 16 of the California Code of Regulations, as follows:

§ 321. Application for License.

An Application for a License to Practice Chiropractic shall be submitted on an application form (No. 09A-1 (Rev. ~~9/92~~ 05/16)), which is hereby incorporated by reference, and titled Application for License to Practice Chiropractic, accompanied by such evidence, statements, or documents as are therein required, and filed with the board at its office in Sacramento, with the required nonrefundable application fee of one hundred dollars ($100.00). The application shall also include verifications showing satisfactory completion of 60 prechiropractic college credits and the minimum educational requirements for licensure from the chiropractic college attended by the applicant on forms entitled "Verification of Prechiropractic Hours," No. 09B-3 (New 07/14) and entitled "Chiropractic College Certificate," No. 09B-2 (New 07/14) which are hereby incorporated by reference.

NOTE: Authority cited: Sections 1000-4(b), ~~and~~ 1000-4(c), and 1000-5, Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii), Sections 30, 114.5, 115.4, 115.5 , 480 of the Business and Professions Code and Section 11019.11 of the Government Code. Reference: Section 1000-5, Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii), Sections 30, 114.5, 115.4, 115.5, 480 of the Business and Professions Code and Section 11019.11 of the Government Code.

§364. Exemptions and Reduction of Requirement.

A licensee may qualify for a full or partial exemption, from the continuing education requirements of Section 361 if a licensee meets any of the criterion listed below:

(a) A licensee who holds a license on inactive status is not required to complete continuing education on an annual basis; however, they must provide proof of completion of the required continuing education hours prior to activating their license as specified in Section 371(f);

(b) A new licensee is exempt from continuing education requirements in the year of initial licensure;

(c) An instructor who has taught for one (1) year and currently teaches core curriculum courses for more than eight (8) credit hours per week at any Council on Chiropractic Education accredited college for at least six (6) months during any license renewal period year shall be exempt from continuing education.

(d) A licensee who teaches a board-approved continuing education course may earn one (1) hour of continuing education credit for each hour of lecture up to 24 hours per year.

(e) Notwithstanding Section 361(c), a licensee who is unable to attend continuing education courses due to a physical disability and provides written certification from a primary health care provider may earn all 24 hours of continuing education credits for the period of the license renewal through Board-approved distance learning courses as defined in Section 363.1.

(f) A licensee who participates as an examiner for the entire part four portion of the National Board of Chiropractic Examiners (NBCE) examinations shall receive a maximum of six (6) hours of continuing education credit for each examination period conducted by the NBCE during the license renewal period. The licensee must provide written certification from the NBCE confirming the licensee has met the requirements of this subsection.

(g) A licensee who participates in the entire two-day workshop as a Subject Matter Expert for the purpose of exam development of the California Law and Professional Practice Examination ~~shall receive a maximum of sixteen (16) hours of continuing education credit~~ will receive one hour of CE credit for each hour volunteered, up to a maximum of sixteen hours, which includes eight (8) hours in the Ethics and Law and eight (8) hours in the Principles of Practice subject areas as defined in sections 361(g)(11) and 361(g)(16)(A) respectively.

(~~g~~h) An active Board Member. A professional board member who has served one full year on the Board of Chiropractic Examiners shall be exempt from the continuing education requirement in each year of board member service.

(~~h~~i) ~~Notwithstanding Section 361(c), a~~ A licensee on active duty with a branch of the armed forces of the United States or the California National Guard who meets the exemption requirements specified in Business and Professions Code section 114.3 shall be exempt from continuing education requirements. ~~permitted to take all twenty-four (24) hours of required continuing education through board-approved distance learning courses as defined in Section 363.1.~~

Authority cited: Sections 114.3 and 135.5 of the Business and Professions Code and Section 1000-4(b), Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii). Reference: Sections 114.3 and 135.5 of the Business and Professions Code and Sections 1000-4(b), ~~and~~ 1000-4(e) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii).

Board of Chiropractic Examiners
Initial Statement of Reasons

Hearing Date: No Hearing Scheduled

Subject Matter of Proposed Regulations: Application for License and Continuing Education Requirements

Sections affected: Amend Section 321 in Article 3 and section 364 in Article 6, of Title 16, Division 4 of the California Code of Regulations (CCR).

Introduction:

The Board of Chiropractic Examiners (Board) currently regulates approximately 13,000 doctors of chiropractic. The Board's highest priority is protection of the public when exercising its licensing, regulatory, and enforcement functions. The primary methods by which the Board achieves this goal are: issuing licenses to eligible applicants; investigating complaints against licensees and disciplining licensees for violating provisions of the laws, regulations, and the Chiropractic Initiative Act (Act) that govern the practice of chiropractic; and monitoring licensees who have been placed on probation.

The Act, section 1000-4(b), authorizes the Board to adopt regulations as they may deem proper and necessary for the performance of its work, the effective enforcement and administration of this act, the establishment of educational requirements for license renewal, and the protection of the public.

In recent years, several pieces of legislation have been enacted to assist past and present members of the U.S. military and their spouses/domestic partners, who have professional or occupational skills, transition to civilian life and gain employment as well as ease the burden of continuing education requirements for members of the military serving on active duty. The following bills impact Board operations and Chiropractic licensure:

> Business and Professions Code (BPC) section 115.4 was enacted through SB 1226 (Correa, Chapter 657, Statutes of 2014) to require boards within DCA to expedite, and assist, the initial licensure process for an applicant who supplies satisfactory evidence to the Board that he or she has served as an active duty member of the U.S. Armed Forces and was honorably discharged.
>
> BPC section 114.5 was enacted through AB 1057 (Medina, Chapter 693, Statutes of 2013) and became effective on January 1, 2015. BPC section 114.5 requires every board within the Department of Consumer Affairs (DCA) to inquire

in all applications for licensure whether the applicant is serving in, or has previously served in the United States military.

Government Code (GC) section 11019.11 was enacted through AB 258 (Chavez, Chapter 227, Statutes of 2013) and requires every state agency to request on any written form or publication printed on or after July 1, 2014, or through its Internet website, whether an applicant has ever served in the U.S. military.

BPC section 114.3 was enacted through AB 1588 (Atkins, Chapter 742, Statutes of 2012) and requires boards under DCA to waive the renewal fees, continuing education requirements, and other renewal requirements for any licensee or registrant called to active duty as a member of the U.S. Armed Forces or the California National Guard.

BPC section 115.5 was enacted through AB 1904 (Block, Chapter 399, Statutes of 2012) and requires boards within DCA to expedite the licensure process for applicants who are married to or in a domestic partnership or other legal union with an active duty member of the U.S. military, stationed in California, and who holds a current license in another state, district or territory of the U.S. in the profession for which they are seeking licensure.

In 2014, two additional pieces of legislation were enacted which require further amendments to the Board's application for licensure:

BPC section 30 was amended through SB 1159 (Lara, Chapter 752, Statutes of 2014) to require licensing bodies under DCA to require applicants for licensure to provide either a social security number or an individual tax identification number on their application for licensure.

BPC section 480 was amended through AB 2396 (Bonta, Chapter 737, Statutes of 2014) to prohibit a licensing board under DCA from denying a license based solely on a conviction that has been dismissed pursuant to sections 1203.4, 1203.4a, or 1203.41 of the Penal Code.

In addition to reviewing existing regulations and forms for compliance with statutes enacted by the Legislature, the Board is revising the California Law and Professional Practice Examination (CLPPE) to ensure validity with the current standards of practice of chiropractic, as well as laws that govern the profession. This examination must be vetted by professional licensees acting as subject matter experts to maintain the integrity of this examination. Without the an effective incentive to encourage participation, the Board experienced difficulty in recruiting professional licensees to participate as subject matter experts, and as a result experienced increased time to complete a full review of this examination.

Anticipated Benefits from this Regulatory Action:

This proposal will expedite the licensure process for applicants designated by these provisions by establishing a process by which the Board can easily identify applicants who qualify for expedited application processing, remove a conflict in regulation to ensure that active duty members of the military, who are licensees of the Board, are provided an exemption from renewal requirements. Also, the proposed regulation establishes a process by which applicants who have not obtained a social security number but have an individual taxpayer identification number may apply for a chiropractic license.

Additionally, the proposal will increase the interest in subject matter expert participation in the review and revision of the CLPPE. The Board believes that allowing continuing education credit to be granted to licensees who participate in the CLPPE workshop will increase the pool of licensees willing to serve in this capacity. Subject Matter Expert review of the CLPPE is needed to protect the integrity of the exam by ensuring the pool of Subject Matter Experts is adequate to conduct examination workshops as necessary, and the scope of the examination is consistent with current industry laws and chiropractic principles of practice, and enhance consumer protection by updating the application for licensure with additional screening questions which are consistent with current standards for obtaining a professional license.

Specific purpose of each adoption, amendment, or repeal:

The specific purpose of this proposal is to implement, interpret and make specific the provisions of Section 1000-5 of the Act, BPC sections 27, 30, 480, 114.3, 114.5, 115.4, 115.5, 135.5, 802 and GC section 11019.11, as they pertain to licensees and applicants for licensure as doctors of chiropractic including the application for licensure and requirements to renew a license; to incorporate by reference education verification forms and a revised application for licensure, which would require applicants to provide additional background history, thereby assisting the Board in enhancing the screening process for qualified applicants in order to protect the public.

Amend section 321. Application for license.

This proposal would amend the language in 16 CCR Section 321 to incorporate by reference the proposed revisions in the “Application for License to Practice Chiropractic,” Form 09A-1 (Rev. 06/14). This section would also mandate, as part of the application requirements, verifications showing satisfactory completion of sixty (60) prechiropractic college credits and the minimal educational requirements for licensure from a chiropractic college attended by the applicant using forms entitled “Verification of Prechiropractic Hours,” No. 09B-3 (New 07/14) and “Chiropractic College Certificate,” 09B-2 (New 07/14) and incorporate these forms by reference.

Factual Basis/Rationale:

Section 1000-5, of the Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii), requires that any person wishing to practice chiropractic in this state submit an application to the board, upon such form that may be provided by the board. Additionally, Section 1000-5, of the Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii), requires applicants to provide proof of graduation from an approved chiropractic school or college and they shall present to the board at the time of submitting an application a diploma from a high school and a transcript of 60 prechiropractic college credits satisfactory to the board, or proof, satisfactory to the board, of education equivalent in training power to such high school and college courses.

Over the last few years, the Legislature has passed laws related to the licensing and continuing education of former and current members of the U.S. military. These changes in law require amendments to the Board's licensing application which is incorporated into regulation by reference. Therefore, any changes to the application must be made in regulation.

In order to properly capture the information required from applicants for licensure by the Chiropractic Initiative Act, the Board has proposed a revised application titled "Application for License to Practice Chiropractic" Form 09A-1 (Rev. 06/14) and has created two standard forms. The "Verification of Prechiropractic Hours," No. 09B-3 (New 07/14) form, is a verification showing satisfactory completion of sixty (60) prechiropractic college credits. The "Chiropractic College Certificate," 09B-2 (New 07/14) form, verifies the applicant has met the minimal educational requirements for licensure from a chiropractic college attended by the applicant.

The Board believes this revised application and new forms would be the most efficient method to collect application information from applicants and allow for expeditious processing by Board staff. Furthermore, by incorporating this revised application and forms into regulation, both applicants and Board staff will experience a more efficient process due to the continuity between the revised application and new forms.

Amendments to the Application for License to Practice Chiropractic include:

> Instructions and Check Sheet for the Application for License to Practice Chiropractic - An instruction and check sheet page has been added to provide helpful guidance to assist the applicant in preparing their application for licensure for submission to the Board, including where to obtain supplemental documentation as well as a check sheet to ensure all required supplemental information is included with the application. This page is necessary to clarify what the Board considers as a complete application for licensure in order to avoid unnecessary delays in processing.

On the check sheet there is a section referring to convictions and it provides directions for the submission of documents that no longer exist or are no longer available. The instructions state that "if the report no longer exists or is not available, you must obtain a letter from the court, on their letterhead, specifying that fact." The Board chose this specific language because receiving arrest reports or certified court documents would substantiate claims made by an applicant regarding prior arrests or convictions. Copies of arrest reports and probation documents from law enforcement agencies and/or certified court documents would be the appropriate documentation to obtain this information because such documents would be utilized as cause to deny an application for licensure if it is determined to be a substantially related offense.

The application form contains general information regarding fees associated with the application, who to send the fees to, notice regarding non-refundable application fees, general information regarding completion of the application form and a reference to the instruction sheet. 16 CCR Section 321, currently requires a non-refundable application fee of $100 to be submitted with the Application for License to Practice Chiropractic; however, the application fees and to whom to make the checks or money orders payable are not listed on the license application that is currently incorporated by reference. Additionally, a criminal background check is required by Live Scan for in-state applicants and a fee of $49.00 for out-of-state applicants to obtain a fingerprint card.

Personal Information Section – Requires the applicant to provide their official public mailing address, alternate address (practice address), home and work telephone number, Driver's License No./issue date, social security number, or individual tax identification number, gender, and a photograph. This section would also provide a space, which is optional, for applicants to provide the Board with an e-mail address. Additionally, this section inquires about whether the applicant has served in the U.S. military or is a spouse, domestic partner, or in a legal union with an active duty member of the U.S. Military stationed in California.

16 CCR Section 303 requires chiropractic licensees to provide the Board with the address of their principal office and, where appropriate, each and every sub office, also known as a satellite office. In July of 2013, the Board became a part of DCA as a result of the Governor's reorganization plan (GRP-2), which subjected the Board to several provisions in the BPC. BPC section 27 prescribes the internet disclosure requirements for websites of licensing entities under DCA and permits licensees to submit an alternate address, such as a post office box number, to use for public disclosure while using the other address for administrative purposes only.

The section requiring a social security number to apply for licensure has been amended to allow the use of an individual tax identification number or a social security number to comply with the amendment of BPC section 30 and the addition of BPC section 135.5 as a result of the recent passage of SB 1159

(Lara, Chapter 752, Statutes of 2014), which allows professional licensing entities in California to grant licenses to individuals who are not legal U.S. residents.

The sections requesting more than one telephone number, California Driver's License/issue date, gender and passport photograph were added for enforcement purposes to assist the Board in contacting and identifying the applicant for background checks during the application process, inspections and investigations once they become licensed, and for the safety of Board staff when threats of harm are received from licensees or applicants. The optional e-mail address would be used as an alternate means to contact the applicant during the application process as well as for future issues that may arise with their license, in the event that contact is unsuccessful via U.S. postal service and telephone.

This section requests applicants provide official documentation as evidence of military service or for someone married to a member of the U.S. military. In an effort to provide the most flexibility to applicants as far as documentation is concerned, the Board chose to provide guidance explaining that the documentation "includes but is not limited to military identification and military orders showing duty station or discharge papers. The Board believes that providing guidance and not being prescriptive is the best way to comply with the intent of the legislature.

Lastly, the sections inquiring about U.S. military service or marriage/legal union with a member of the U.S. military stationed in California were added to the application to comply with BPC sections 114.5 and 115.5, which establish a procedure for identifying applicants who are past or present members of the U.S. military, as well as identifying and providing priority processing of licensing applications for spouses/domestic partners/individuals in a legal union with active members of the U.S. military stationed in California. The laws related to military provide the Board with broad authority to accept evidence it deems satisfactory. requires applicants to provide evidence satisfactory to the Board that the applicant is married to, or in a domestic partnership or other legal union an active duty member of the Armed Forces of the United States. The Board believes accepting marriage licenses or equivalent documentation would be the most appropriate way to ascertain the relationship status of the applicant and his or her spouse.

Educational Background Section – Additional information required by applicants include the name and location of the high school attended, date of graduation, or GED earned as well as the name(s), location(s), dates attended, and date(s) and degree(s) earned for all undergraduate schools attended. This information complies with BPC section 1000-5 of the Act, which requires applicants to submit a diploma from a high school and a transcript of 60 prechiropractic college credits satisfactory to the Board, or proof satisfactory to the Board, of education equivalent in training power to such high school and college courses. This

information is necessary to assist the Board in determining whether the applicant has met the educational requirements for licensure. Including this information within the application for licensure will ensure that the applicant is aware of these licensure requirements and that this requirement is not overlooked during the Board's application screening process.

As part of the satisfactory proof of education required by the Act, the Board requires completion of a verification of prechiropractic hours and chiropractic education forms by the chiropractic ~~school's~~ college's registrar or an official authorized to verify academic records. The verified documents submitted to the Board must contain the official seal of the school signifying that the applicant meets the minimum educational requirements for licensure. The forms to be used for this purpose are the "Verification of Prechiropractic Hours," Form No. 09B-3 (New 07/14) and "Chiropractic College Certificate," Form No. 09B-2 (New 07/14), which are incorporated by reference.

Professional License Information Section – Questions regarding professional licensing have been added and/or expanded upon to gather a thorough application and licensing history of the applicant both in state and out of state/country. Specific changes to the application require the applicant to disclose the following:

- Applications previously filed for chiropractic examination or licensure in California and the outcome of the examination/application. This question is necessary for consumer protection to verify the history of prior applications received by the Board.
- Whether the applicant has ever been licensed to practice chiropractic in another U.S. state or federal territory, or another country. This question was expanded to include licensure in federal territories and other countries in order to gain a complete licensing history on applicants for consumer protection. This question is necessary for consumer protection to verify the history of prior applications received by the Board.
- Whether the applicant has held any other professional license in any U.S. state or federal territory or another country. This question is necessary to obtain information regarding any other professional license the applicant may hold or have held in any jurisdiction outside of California. This question is necessary for consumer protection to verify the history of prior applications received by the Board.
- Whether a license held in another state, federal territory, or country has been revoked, suspended, or subjected to discipline. This question was expanded to include discipline of a license in another country in order to conform to the question above relating to all chiropractic licenses issued to the applicant and to disclose a complete disciplinary background of chiropractic licenses held. This question is necessary for consumer protection to verify the history of prior applications received by the Board.

Disciplinary/Criminal History Section - The current application for licensure, incorporated by reference, asks only three questions regarding criminal history. These three questions have been rephrased and expanded upon to solicit a complete criminal history from applicants. Specific changes and additions to the application require the applicant to disclose the following:

- Whether the applicant has been charged with, or been found to have committed unprofessional conduct, professional incompetence, gross negligence, or repeated negligent acts or malpractice by this or any other licensing agency or hospital. This question was added for consumer protection purposes to ensure the applicant has complied with the laws, rules, and standards of practice that govern the profession(s) for which they hold a license(s).
- Whether the applicant has withdrawn an application for licensure to practice chiropractic in lieu of denial or disciplinary action by this or another agency. This question was added to determine whether the applicant has committed acts or violations, which are not disclosed as formal administrative actions, which may compromise the safety of patients.
- Whether the applicant has been denied permission to take an examination for a license to practice chiropractic or any other profession by this or another licensing agency, or whether any such action is pending. This question was modified slightly to exclude license denials, which have been placed as a separate question on the proposed application. This change was made for clarity to alleviate unintentional omissions by applicants as well as consumer protection by capturing pending administrative actions.
- Whether the applicant has ever been denied a license to practice chiropractic or any other profession by this or any other licensing agency. This portion was placed as a separate question on the proposed application for clarity to alleviate unintentional omissions by applicants.
- Whether the applicant has ever voluntarily surrendered a license to practice chiropractic or any other professional license. This question was added for consumer protection purposes to disclose adverse licensing issues that did not result in formal administrative action.
- Whether the applicant has ever been convicted or pled guilty or pled nolo contendere to ANY offense of any local, state, or federal law of any state, territory, foreign country, or U.S. federal jurisdiction. This question was expanded upon to include convictions of local, territory or U.S. federal jurisdiction laws. Additionally, the disclosure statement defining the types of convictions that must be disclosed was added for clarity to minimize omissions by applicants and compliance with the changes to BPC section 480.
- Whether any criminal action is pending against the applicant, or whether the applicant is awaiting judgment and sentencing following entry of plea or jury verdict. This question was added for consumer protection purposes to provide the Board with full disclosure of an applicant's

criminal background which has not been fully adjudicated in order for the Board to assess the applicant's ability to practice chiropractic safely.

- Whether the applicant has had a claim or action for damages filed against them in the course of the practice of chiropractic or any other healing art which resulted in malpractice settlement, judgment, or arbitration award of over $3,000.00. This question was added to the application for consumer protection to disclose malpractice claims which may not have resulted in administrative action against a license and complies with the requirements in BPC section 802(a).

Two questions regarding convictions which are asked on the current application were not included in the proposed application. The first question inquires whether the applicant has ever practiced or been convicted of practicing chiropractic without a license. The second question inquires whether the applicant has ever been convicted of practicing medicine without a license. Both of these questions are no longer necessary as this information would be disclosed through the revised questions asked in the discipline and licensing sections of the amended licensing application.

Practice Impairment or Limitations Section - The following question~~s~~ ~~were~~ was added to the application to determine the applicant's fitness and competence to practice chiropractic in this state.

- ~~Whether the applicant has a current physical or mental impairment related to drugs or alcohol.~~
- Whether the applicant has been adjudicated by a court to be mentally incompetent or whether they are currently under a conservatorship.

BPC section 480 permits the Board to deny any applicant for substantially related acts that if done by a licentiate would be grounds for suspension or revocation of the license. The~~se two~~ question~~s~~ ~~are~~ is necessary for public protection by preventing the issuance of a license to individuals who are deemed incompetent to practice chiropractic safely.

Notice and Application – A notice of probable cause to deny or revoke a license was added to the application to clarify the acts for which the Board has authority to take administrative action against an applicant or licensee. Business and Professions Code section 480 provides the authority to deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license.

Declaration/Signature – The declaration and signature line has been modified to remove the requirement to sign under penalty of perjury. It is only necessary for applicants to attest that all information provided is true, correct and completed to the best of their knowledge. This change would provide the Board with a legal

basis for denial of the application or administrative action against an applicant for failure to complete the application truthfully.

The application declaration requires the signature of the applicant and the date the application was completed by the applicant, along with the Board's address to mail the application and accompanying documentation.

Notice Regarding Information Collection and Access – A notice was added to the application to comply with the Information Practices Act and inform the licensee of the Board's authority to collect the information required in the application as well as the public disclosure policy of the contents contained in an application submitted to the Board.

Application Form 09B-2

The declaration and signature line on the chiropractic college certificate (Form No. 09—B2) form has been modified to remove the requirement to sign under penalty of perjury. It is only necessary for applicants to attest that all information provided is true, correct and completed to the best of their knowledge.

Application Form 09B-3

The declaration and signature line on the verification of prechiropractic hours (Form No. 09B-3) form has been modified to remove the requirement to sign under penalty of perjury. It is only necessary for applicants to attest that all information provided is true, correct and completed to the best of their knowledge.

Factual Basis/Rationale:

BPC section 114.5 requires boards under DCA to inquire in every application for licensure whether the applicant is serving in, or has previously served in, the military. Similarly, Government Code section 11019.11 requires every state agency that inquires about whether a person is a veteran on any written form, publication or through the Internet web site, to request this information in the specific format, "Have you ever served in the United States military?" Both pieces of legislation seek to assist state agencies in easily identifying applicants who are past and present members of the U.S. military to ensure they are afforded the licensing opportunities granted by the Legislature. Additionally, BPC section 115.5 requires boards under DCA to expedite the licensure process for spouses or persons in a legal union with active members of the military stationed in California and who hold a current license in another state, district or territory in the U.S. in the profession or vocation for which they are seeking licensure, and BPC section 115.4 requires licensing boards to expedite the licensure process for applicants who have served in the U.S. military and were honorably discharged. These laws do not specify the manner in which a board must implement these requirements,

but provides boards with the authority to adopt regulations to administer this section. This section would establish a procedure for identifying applicants eligible for expedited application processing, update the licensing application for consistency with current law pertaining to administrative discipline and criminal history, and implement a process by which applicants without social security numbers can apply for a chiropractic license.

Amend 16 CCR Section 364(g). (Exemptions and Reduction of Requirement)

This proposal would amend Section 364(g) by adding new language to Section 364(g) and renumber the current text under this subsection to 364(h). Proposed subsection (g) ~~would provide the Board with authority to grant up to sixteen (16) hours of continuing education credit (eight (8) hours in Ethics and Law; eight (8) hours in Principles of Practice) for participation in the entire two-day workshop as a Subject Matter Expert for the development of the California Law and Professional Practice Examination (CLPPE).~~ would provide the Board with authority to grant one hour of CE credit for each hour volunteered, up to a maximum of sixteen hours (16) for participation in the entire two-day workshop as a Subject Matter Expert for the development of the California Law and Professional Practice Examination (CLPPE).

Factual Basis/Rationale:

The exam review workshop takes place over the course of two eight hour working days or sixteen hours total hours. The two workshop days are divided between one day of Ethics and Law and one day of Principles of Practice. These factors were considered when the Board came up with sixteen total CE credits hours broken out between eight hours of Ethics and Law and eight hours of Practice Principles. Licensees participating in an exam workshop would be granted one hour of CE credit per one hour spent reviewing and revising the examination.

The CLPPE is the Board's examination of California laws and standards for the practice of chiropractic. In order to maintain the integrity and validity of this examination, a periodic review and revision of the examination must be performed by licensees. The Board has been working on revising the CLPPE in order to update the examination with current standards and practice in chiropractic; however, workshops have had to be cancelled and rescheduled due to difficulty in recruiting licensees to serve as Subject Matter Experts for this purpose. Currently, Subject Matter Experts receive per diem for participation, which includes cost of travel, lodging and meals at the state rate and must give up a minimum of two full days of work in their practice to serve in this capacity. Since most chiropractic businesses are sole proprietors, participating in the two-day workshop creates a financial hardship for licensees. The Board believes that offering continuing education credit as an incentive will entice a larger pool of licensees to participate in examination development in order to ensure that applicants are examined for proficiency in current laws and standards required by this state. Licensees are volunteers providing services to the Board and may be reimbursed for necessary travel expenses at the rate negotiated for State employees performing comparable duties.

Amend 16 CCR Section 364(h). (Exemptions and Reduction of Requirement)

As a result of the new language added to section 364(g), the current text in subsections (g) and (h) were renumbered to subsections (h) and (i), respectively. No changes were made to the text of this subsection.

Add 16 CCR Section 364(i). (Exemptions and Reduction of Requirement)

The current language in subsection (h) was moved and renumbered to subsection (i) as a result of the formatting changes described above. Further, the language was amended to exempt licensees who are serving on active duty in the U.S. military or California National Guard from the continuing education requirements.

Factual Basis/Rationale:

Currently, licensees serving on active duty can complete all of their required continuing education courses through distance learning. The Board was placed under the DCA as a result of the Governor's Reorganization Plan (GRP 2; Governor Brown, effective July 3, 2012) which subjected the Board to additional requirements in the BPC. Section 114.3 of the BPC requires boards under DCA to waive renewal fees, continuing education requirements, and other renewal requirements for any licensee or registrant called to active duty as a member of the U.S. Armed Forces or the California National Guard. The Board's current regulation conflicts with BPC section 114.3; therefore, this section was amended for consistency.

Underlying Data

- Senate Bill 1159 (Lara, Chapter 752, Statutes of 2014)
- Senate Bill 1226 (Correa, Chapter 657, Statutes of 2014)
- Assembly Bill 1057 (Medina, Chapter 693, Statutes of 2013)
- Assembly Bill 258 (Chavez, Chapter 227, Statutes of 2013)
- Assembly Bill 1588 (Atkins, Chapter 742, Statutes of 2012)
- Assembly Bill 1904 (Block, Chapter 399, Statutes of 2012)
- Oct. 28, 2014 Board of Chiropractic Examiners Meeting Minutes (Draft)
- Application for License to Practice Chiropractic, Form 09A-1(Rev. 9/92)
- FCLB Nation Trends of DC Licenses to Population (DC stands for Doctor of Chiropractic)
- Chiropractic College Enrollment Data – 1995 to 2013
- CA Board of Chiropractic Examiners - Table of California Licensees 2010-2015

Businesses Impact:

The Board concludes that the proposal is unlikely to create or eliminate any jobs for the profession, the proposal will not create new businesses or eliminate existing businesses, and the proposal is unlikely to impact the "expansion of businesses" because the national trend of student enrollment in chiropractic colleges and number of licensed chiropractors reported by each state over the last five years remains relatively consistent.

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states and the creation, elimination or expansion of California businesses. This proposal would specifically impact applicants who are past and present members of the military and their spouses/legal partners as well as undocumented applicants by authorizing licensing application processing privileges granted by the Legislature. The Board's proposed regulations are intended to implement section 1000-5 of the Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923 p. 1xxxviii, Government Code section 11019.11 and BPC sections 27, 30, 114.3, 114.5, 115.4, 115.5, 135.5, 480 and 802(a) in a manner that will provide the greatest protection to the people of California. Chiropractic businesses are most commonly sole practitioners, but also include partnerships or corporations. The national trend statistics show no significant increases or decreases in student enrollment in chiropractic colleges or in the numbers of licensed chiropractors throughout the United States from 2010 through 2013.

Economic Impact Assessment/Analysis:

This regulatory proposal will have the following effects:

Impact on Jobs:

This proposal will not have a significant impact upon the creation or elimination of jobs within the State of California because this proposal would specifically amend the "Application for License to Practice Chiropractic," Form 09A-1 (Rev. 06/14), to add additional questions to determine the applicant's disciplinary and criminal history to determine an applicant's fitness for licensure, to comply with numerous pieces of legislation passed which grant past and present members of the U.S. military and their spouses or significant others in a legal union with the military member expedited application processing as well as allowing undocumented individuals with individual tax identification numbers to apply for licensure. Although the application process will be expedited for specified individuals and the pool of eligible applicants expanded, the Board does not anticipate a significant increase or decrease in chiropractic jobs as a result of this proposal because the Board does not have a backlog in licensing

applications. Further, the Board does not anticipate a significant increase in jobs for undocumented applicants based on the relatively stagnant overall national trend of student enrollment in chiropractic colleges and number of licensed chiropractors reported by each state over the last five years. This analysis is based on statistics shown in the "FCLB Nation Trends of DC Licenses to Population", the "Chiropractic College Enrollment Data – 1995 to 2013" and the "CA Board of Chiropractic Examiners - Table of California Chiropractic Licensees 2010-2015."

Impact on businesses:

This proposal will not create new businesses or eliminate existing businesses and the expansion of businesses because the national trend of student enrollment in chiropractic colleges and number of licensed chiropractors reported by each state over the last five years remains relatively consistent.

Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Board has determined that this regulatory proposal will protect the health and welfare of California residents through the collection of additional disciplinary and criminal history on the licensing application in order to determine an applicant's fitness to practice chiropractic. Additionally, the Board believes that offering continuing education credit for participation as a Subject Matter Expert in the review and revision of CLPPE will ensure the efficacy and validity of the examination, thereby resulting in licensees who have demonstrated proficiency in current California laws and practices guiding their profession. This proposal will have no effect on worker safety or the State's environment.

Specific Technologies or Equipment:

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives:

The Board considered the alternative of maintaining the status quo. However, the proposed changes are derived from laws passed by the Legislature requiring Department of Consumer Affairs Board's expedite the licensing process for U.S. military members, inquire in all applications whether an applicant is serving in, or has previously served in the United States military, requires every state agency to request on any written form or publication, whether an applicant has ever served in the U.S. military. Additionally, the Legislature has required DCA Boards to waive the renewal fees, continuing education requirements, and other renewal requirements for any licensee or registrant called to active duty as a member of the U.S. Armed Forces or the California National Guard and requires boards within DCA to expedite the licensure process for applicants who are married to or in a domestic partnership or other legal union with an active duty member of the U.S. military, stationed in California, and who holds a current license in another state, district or territory of the U.S. in the profession for which they

are seeking licensure. The Board does not have the option to not implement these changes mandated by the Legislature.

Further, the Board has considered various proposals to increase licensee participation as Subject Matter Experts in the two-day examination workshop to update the CLPPE with current standards and practice in chiropractic. In order to maintain the integrity and validity of the CLPPE, a periodic review and revision of the examination must be performed by licensees. However, without offering CE credit to licensees as an incentive for participating in the workshops, the financial hardship caused by missing two days of work is too high for a large number of licensees to participate.

The Board has made an initial determination that no reasonable alternatives to the proposed amended regulations would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Check Sheet for the "Application for a License to Practice Chiropractic"

This **Check Sheet** is intended only to assist you with submitting a completed application. All applicable items must be submitted in order to assess your qualifications for licensure. Other documentation may be requested at any time. For forms and further information you may visit our website at: www.chiro.ca.gov. Standard processing time is three to five months.

Falsification or misrepresentation of any item or response on your application or any attachment hereto is sufficient basis for denial or revocation of a license

☐ **APPLICATION**

- APPLICATION FOR A CHIROPRACTIC LICENSE: A 2" x 2" photograph is required on the Application for a License to practice chiropractic. The photo must be of the head & shoulders and taken within 60 days of application.

☐ **FEES – Attach check or money order made payable to: "BOCE". All fees are nonrefundable.**

- Application Fee $100.00
- Fingerprint Processing Fee for Out-of-State Applicants ONLY - $49.00

☐ **TRANSCRIPTS -** Must be received directly from the issuing authority.

- National Board of Chiropractic Examiners - Parts I, II, III, IV, and Physiotherapy – Official transcript
- Official college transcripts from **all** chiropractic colleges attended

☐ **DOCUMENTATION**

- Photocopy of CHIROPRACTIC DIPLOMA. This can be submitted from applicant.
- VERIFICATION OF PRECHIROPRACTIC HOURS. Please contact your chiropractic college. The college will complete this form. Must be received directly from the chiropractic college.
- CHIROPRACTIC COLLEGE CERTIFICATE. Please contact your chiropractic college. The college will complete this form. Must be received directly from the chiropractic college.
- Official CERTIFICATION OF LICENSURE is required for EACH license obtained in any U.S. state, U.S. or Canadian territory; Canadian province, or U.S. federal jurisdiction, regardless of whether you practiced under that license. Each certificate should be mailed by the issuing authority directly to the CA Board of Chiropractic Examiners.
- Officially certified English translation of ALL documents which are not prepared in the English language. (**Translations will not be returned.**)

CONVICTIONS – Note that convictions adjudicated in juvenile courts or convictions two years or older under Health and Safety Code sections 11357(b), (c), (d), (e) or section 11360(b) need not be reported. Convictions expunged or set aside pursuant to section 1203.4 of the California Penal Code or equivalent non-California law MUST be disclosed. If in doubt as to whether a conviction should be disclosed, it is best to disclose the conviction. The Board receives information regarding convictions that have been expunged. For reportable **citations/arrests** on your record including those set aside, dismissed or expunged, you are required to submit the following documentation for each incident:

- A signed detailed explanation. Specify what occurred on the date(s) in question, which resulted in the citation. If the explanation is not detailed or signed, you will be asked to resubmit.
- A copy of the arrest report. If the report no longer exists or is not available, you must obtain a letter from the reporting agency, on their letterhead, specifying that fact.
- **CERTIFIED** court documents. ~~Copies will not be accepted.~~ If the report no longer exists or is not available, you must obtain a letter from the court, on their letterhead, specifying that fact.
- Documents from a court or law enforcement agency verifying proof of completion of terms of parole, probation, restitution.

☐ **CALIFORNIA APPLICANTS - FINGERPRINTS**

You must submit your fingerprints electronically. This is called Live Scan. Refer to "Live Scan Service Instructions and Form" on our website. After you've had your fingerprints completed, please submit a copy of your completed Live Scan form to our office.

☐ **OUT-OF-STATE APPLICANTS - FINGERPRINTS**

You must either come to California and complete the Live Scan or submit rolled fingerprints on cards provided by the CA Board of Chiropractic Examiners. Fingerprints must be taken by a person professionally trained in the rolling of prints. The Department of Justice requires you to use California fingerprint cards; please contact the Board and cards will be mailed to you. Any other fingerprint cards will not be accepted. The processing fee is $49.00; make your check payable to "BOCE". ***Please note:*** *On January 14, 2011, the Board adopted regulations requiring electronic fingerprinting. We will accept hard cards for initial licensure, however prior to the first renewal of your license; you must have your fingerprints submitted electronically in California.*

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

Edmund G. Brown Jr., Governor

APPLICATION FOR A LICENSE TO PRACTICE CHIROPRACTIC

FEES

Application Fee: $100.00
Fingerprint Card Fee: $49.00*
(Live Scan applicants pay fingerprint fee at time of service)

ALL FEES ARE NON-REFUNDABLE AND SHOULD BE MADE PAYABLE TO "BOCE"

*** Fee for Out of State Applicants Only – Contact the BOCE for Required Fingerprint Cards**

See instructions for completing and filing this application. Please read carefully and answer each question fully. Falsification or misrepresentation of any item or response on this application or any attachment hereto is grounds for denying a license. Please type or print legibly. If additional space is needed to answer any questions on this application, please attach the information on additional sheets of paper and submit with this application.

PERSONAL INFORMATION

NAME: **Last** **First** **Middle**

Other names you have used (include maiden name):

OFFICIAL MAILING/PUBLIC ADDRESS OF RECORD (Street Address, PO Box #, etc.): **(Will be released to the public once you are licensed)**

City **State** **Zip Code**

PRACTICE ADDRESS: Number and Street (if different from above)

City **State** **Zip Code**

Telephone Number (include area code)
Home:
Work:

Driver's License Number / State
Expiration Date:

Date of Birth:

Social Security Number or Taxpayer Identification Number:

Gender:
☐ **Female** ☐ **Male**

e-mail (optional)

*** If you answer yes to either question A or B below, please provide ~~official~~ documentation. (Documentation includes but is not limited to: military orders showing duty station and discharge papers such as a DD 214 ~~or copies of current Leave and Earnings statements~~. For Question B, documentation also includes but is not limited to: copy of marriage certificate or certified declaration/registration of domestic partnership filed with the Secretary of State. ~~For other forms of "legal union" not recognized by California, you may submit other documentary evidence of legal union issued by the State that recognizes your legal union for consideration.~~**

A. Have you ever served in the United States military?
☐ **Yes*** ☐ **No**

B. Are you a spouse, domestic partner or in a legal union with an active duty member of the U.S. Armed Forces stationed in California?
☐ **Yes*** ☐ **No**

PHOTOGRAPH
Affix a 2" x 2" passport style photo here

Photo must have been taken within the last 60 days

Altered photos are not acceptable

FOR OFFICE USE ONLY

Cashiered Date: _____

Amount Rec'd: _____

09A-1 (Rev. ~~06/14~~ 05/16)

EDUCATIONAL BACKGROUND

Name of High School	Location (City, State)	Date of Graduation or GED earned

List all undergraduate schools attended:

Dates Attended From	To	Name of college or university (no abbreviations or acronyms)	Location	Date and Degree Earned

Chiropractic college(s) attended:

Dates Attended From	To	Name of Chiropractic College	Location	Date and Degree Earned

PROFESSIONAL LICENSE INFORMATION

1. Have you ever filed an application for chiropractic examination or licensure in California?

☐ Yes ☐ No

If "Yes", please provide the year and outcome of the previous application.

2. Have you ever been licensed to practice chiropractic in any U.S. state or federal territory, or another country?

☐ Yes ☐ No

If "Yes", have each chiropractic agency submit license verification to the CA Board of Chiropractic Examiners.

Jurisdiction	License Number	Date of Issuance	Dates of Practice

3. Do you hold or have you ever held any other professional license in any U.S. state or federal territory or another country?

☐ Yes ☐ No

Profession:	Issuing Agency:	License No.:

For purposes of responding to the following question (3A), "discipline" is an administrative action that resulted in a restriction or penalty being placed on any professional license you have or have possessed, such as revocation, suspension, probation, consent order, or reprimand.

3A. If you answered "Yes" to Question Nos. 2 or 3, has this license ever been revoked, suspended or otherwise subjected to discipline?

☐ Yes ☐ No

If "Yes", provide all official documentation regarding the matter in addition to a written explanation.

Applicant Initial Here

DISCIPLINARY HISTORY

explanation on a separate attachment. Failure to provide all required documents with this application will result in the application being deemed incomplete.

For all questions below, "licensing agency" includes any disciplinary actions by any U.S. State, federal territory, other country, the U.S. Military, U.S. Public Health Service, or other agency of the U.S. Federal Government :

4. A. Have you ever been charged with, or been found to have committed unprofessional conduct, professional incompetence, gross negligence, or repeated negligent acts or malpractice by this or any other licensing agency or hospital?

☐ Yes ☐ No

B. If you answered "No" to the above question, is any such action pending?

☐ Yes ☐ No

5. Have you ever withdrawn an application for licensure to practice chiropractic in lieu of denial or disciplinary action by this or another licensing agency? ☐ Yes ☐ No

For purposes of responding to this question, "disciplinary action" is an administrative action that resulted in a restriction or penalty being placed on any professional license you have or have possessed, such as a revocation, suspension, probation, consent order, or reprimand.

6. A. Have you ever been denied permission to take an examination for a license to practice chiropractic or other professional license by this or another licensing agency?

☐ Yes ☐ No

B. If you answered "No" to the above question, is any such action pending?

☐ Yes ☐ No

7. A. Have you ever voluntarily surrendered a license to practice chiropractic or any other professional license?

☐ Yes ☐ No

B. If you answered "No" to the above question, is any such action pending?

☐ Yes ☐ No

8A. Have you ever been denied a license to practice chiropractic or any other profession by this or any other licensing agency? ☐ Yes ☐ No

B. If you answered "No" to the above question, is any such action pending?

☐ Yes ☐ No

9. Has a claim or action for damages ever been filed against you in the course of the practice of chiropractic or any other healing art which resulted in malpractice settlement, judgment, or arbitration award of over $3,000.00?

☐ Yes ☐ No

10. Have you ever been convicted or pled guilty or pled nolo contendere to ANY offense (include every misdemeanor or felony) of any local, state, or federal law of any state, territory, foreign country, or U.S. federal jurisdiction? ☐ Yes ☐ No

This includes every citation, infraction, misdemeanor and/or felony, including traffic violations of $500 or more. NOTE: Convictions that were adjudicated in the juvenile court, dismissed per Penal Code section 1000.3, or convictions two years or older under California Health and Safety Code sections 11357(b),(c),(d), (e) or section 11360(b) should NOT be reported. Convictions that were later expunged from the records of the court or set aside pursuant to sections 1203.4, 1203.4a, or 1203.41 of the California Penal Code or equivalent non-California law MUST be disclosed.

Proof of Dismissal: If you have obtained a dismissal of your conviction(s) pursuant to Penal Code sections 1203.4, 1203.4a, or 1203.41, please submit a certified copy of the court order dismissing the conviction(s) with your application.

11. Is any criminal action pending against you, or are you currently awaiting judgment and sentencing following entry of a plea or jury verdict? ☐ Yes ☐ No

PRACTICE IMPAIRMENT OR LIMITATIONS

~~12. Do you have a current physical or mental impairment related to drugs or alcohol? ☐ Yes ☐ No~~

13. Have you been adjudicated by a court to be mentally incompetent or are you currently under a conservatorship? ☐ Yes ☐ No

If "Yes", provide a detailed explanation of the circumstances, date and time of the court order or the duration of the conservatorship.

Applicant Initial Here

NOTICE: Falsification or misrepresentation of any item or response on this application or any attachment hereto is grounds for denying or revoking a license.

Application Declaration / Signature

I hereby certify ~~under penalty of perjury under the laws of the State of California~~ that the information provided is true, correct and complete to the best of my knowledge. ~~to the truth and accuracy of the foregoing information contained on this application, including any attachments.~~ I also certify that I personally read and completed this application and have read the instructions.

Signature of Applicant: _____
(Please Sign Full Name, not initials)

Signed on this _____ day of _____
MONTH YEAR

Mail your application, attachments and fees to:

State of California
Board of Chiropractic Examiners
901 P Street, Suite 142A
Sacramento, California 95814
(916) 263-5355

NOTICE REGARDING INFORMATION COLLECTION AND ACCESS

The information requested in the application and instructions is mandatory and is authorized to be collected in accordance with Sections 4 and 5 of the Chiropractic Initiative Act of California ('Act'), Business and Professions Code sections 115.5, 141, and 802(a) and Government Code section 11019.11 and Sections 303, 304, 317, 321.1, 322, 325, 326, 331.12.1 and 331.12.2 of Title 16, California Code of Regulations. The information requested will be used to determine qualifications for licensure and compliance with the requirements of the Act. Failure to provide all or any part of the requested information will result in the rejection of the application as incomplete. ~~Disclosure of your social security number or Taxpayer Identification Number is mandatory and collection is authorized by §30 of the Business and Professions Code and Pub. L 94-455 (42 U.S.C.A. §405(c)(2)(C)). Your Social Security number or Taxpayer Identification Number will be used exclusively for tax enforcement purposes, for compliance with any judgment or order for family support in accordance with Section 17520 of the Family Code, or for verification of licensure or examination status by a licensing or examination board, and where licensing is reciprocal with the requesting state. If you fail to disclose your Social Security number or Taxpayer Identification Number, you may be reported to the Franchise Tax Board and be assessed a penalty of $100.~~ Disclosure of your tax identification number is mandatory. You may provide either your Social Security Number, Federal Employer Identification Number, or Individual Taxpayer Identification Number, as applicable. This number must match the number you provide on your fingerprint forms. Section 30 of the Business and Professions Code and Public Law 94-45 5 (42 USCA 405 (c)(2)(c) authorizes collection of your tax identification number, which will be used exclusively for tax enforcement purposes, for purposes of compliance with any judgment or order for family support in accordance with section 17520 of the Family Code, or for verification of licensure or examination status by a licensing or examination entity which utilizes a national examination and where licensure is reciprocal with the requesting state. If you fail to disclose your tax identification number, your application for initial or renewal license will not be processed AND you will be reported to the Franchise Tax Board, which may assess a $100 penalty against you. Per California Civil Code Section 1798.17 (Information Practices Act), the Executive Officer of the Board is responsible for maintaining information in this application. Each individual has the right to review the personal information maintained by the agency unless the records are exempt from disclosure under Civil Code 1798.40. Requests for information may be addressed to the custodian of records at the following: Board of Chiropractic Examiners, 901 P Street, Suite 142A, Sacramento, CA 95814, (916) 263-5355.

Your name and official mailing address listed on this application will be disclosed to the public upon request if and when you become licensed as required by Business and Professions Code section 27.

NOTICE: Effective July 1, 2012, the State Board of Equalization and the Franchise Tax Board may share taxpayer information with the board. You are obligated to pay your state tax obligation and your license may be suspended if the state tax obligation is not paid.

Per sections 115.4 and 115.5 of the Business and Professions Code, the licensure process will be expedited for spouses of active duty military who are stationed in California and who hold a current license in another state, district or territory of the United States.

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

Edmund G. Brown Jr., Governor

VERIFICATION OF PRECHIROPRACTIC HOURS

NAME OF APPLICANT: _____
Last First Middle

Date of Birth:_____ Last Four Digits of SSN: _____

Matriculation Date:_____ Total Semester Credits: _____

Pursuant to the Chiropractic Initiative Act section 5, each applicant for licensure must have satisfactorily completed prechiropractic college credits prior to matriculation into the Doctor of Chiropractic program. These credits must be in accordance with the standards adopted by the Council on Chiropractic Education. Below provide the name(s) of colleges where the units were completed.

LIST NAME(S) OF COLLEGES AND/OR UNIVERSITIES ATTENDED (if additional space is needed attach a separate sheet)

1.	2.
3.	4.
5.	6.

I certify that the above named individual, did satisfactorily meet or exceed, the prechiropractic college credits required prior to matriculation into the Doctor of Chiropractic program. I declare ~~under penalty of perjury under the laws of the State of California~~ that the information provided is true, correct and complete to the best of my knowledge.

Only the ~~President, Dean or~~ Registrar or a chiropractic college official authorized to verify academic records may sign this form.

PRINT NAME _____ TITLE _____ DATE _____

SIGNATURE _____ CHIROPRACTIC COLLEGE _____ PHONE # _____

CITY, STATE _____

(Place imprint of the Chiropractic School Seal anywhere within this area)

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, CA 95814
www.chiro.ca.gov

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

Edmund G. Brown Jr., Governor

CHIROPRACTIC COLLEGE CERTIFICATE

NAME OF APPLICANT: _____
Last First Middle

Subject	Minimum Hours Required	Hours Completed by Applicant
Anatomy, including embryology, histology, and human dissection	616	
Physiology (must include laboratory work)	264	
Biochemistry, clinical nutrition, and dietetics	264	
Pathology, bacteriology, and toxicology	440	
Public health, hygiene and sanitation, and emergency care	132	
Diagnosis	792 including: 1) E.E.N.T. 2) Serology 3) Dermatology 4) Syphilology 5) Geriatrics 6) X-ray interpretation 7) Neurology	
Obstetrics, gynecology and pediatrics	132	
Principles and practice of chiropractic	518 including: 1) Chiro.technique 2) Chiro.philosophy 3) Orthopedics 4) X-ray technique & radiation protection 5) 430 clinic hours including office procedures	
Physiotherapy	120	
Psychiatry	32	
Total Hours (include required subjects and electives)	4,400	

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Clinical Experience	Minimum Hours Required	Hours Completed by Applicant
1) Physical Examinations	25 (10 NOT student patients)	
2) Urinalysis	25	
3) CBC's	20	
4) Blood chemistries	10	
5) X-ray examinations	30	
6) Proctological examinations	10	
7) Gynecological examinations	10	
8) Patient treatments including diagnostic, adjustive technique, and patient evaluation	250	
9) Written interpretation of X-ray (film or slide)	30	
10) Practical clinical experience hours	518	
11) Physiotherapy procedures performed by the student on their own clinic patients	30	

~~Affidavit~~ Certification

I hereby certify that I am in possession and control of the records of students' attendance of the _____ Chiropractic College and said records disclose that the aforementioned student entered this institution on the _____ day of _____, _____ and graduated on the day of _____, _____, _____, completing _____ school terms of _____ months resident student enrollment. This student completed the hours documented on the table above. These hours include resident and transfer credit granted toward the degree of Doctor of Chiropractic. I hereby certify ~~under penalty of perjury~~ that the information provided is true, correct and complete to the best of my knowledge.

_____ PRINT NAME

_____ TITLE

_____ CHIROPRACTIC COLLEGE

_____ CITY, STATE

_____ SIGNATURE

_____ DATE

(AFFIX COLLEGE SEAL)

State of California
Office of Administrative Law

In re: **Board of Chiropractic Examiners**	**DECISION OF DISAPPROVAL OF REGULATORY ACTION**
Regulatory Action:	**Government Code Section 11349.3**
Title 16, California Code of Regulations	**OAL Matter Number: 2017-0310-03**
Amend sections: 321, 364	**OAL Matter Type: Regular (S)**

SUMMARY OF REGULATORY ACTION

This rulemaking action by the Board of Chiropractic Examiners (Board) proposes to amend its existing "Application for License to Practice Chiropractic" (Form 09A-1, rev. 05/16), incorporated by reference in section 321 of title 16 of the California Code of Regulations (CCR), to include various new requirements. In addition, the Board proposes to incorporate two new forms in section 321: "Verification of Prechiropractic Hours" (Form 09B-3, new 07/14) and "Chiropractic College Certificate" (Form 09B-2, new 07/14). This action also includes amendments to title 16 of the CCR designed to incentivize participation in examination development and assist past and present members of the United States Armed Forces with obtaining and maintaining Board licensure.

DECISION

On March 10, 2017, the Board submitted the above-referenced regulatory action to the Office of Administrative Law (OAL) for review. On April 24, 2017, OAL notified the Board of the disapproval of this regulatory action. The reasons for the disapproval were failure to comply with the "necessity" and "clarity" standards of Government Code section 11349.1. This Decision of Disapproval of Regulatory Action explains the reasons for OAL's action.

DISCUSSION

Regulations adopted by the Board must generally be adopted pursuant to the rulemaking provisions of the Administrative Procedure Act (APA), chapter 3.5 of part 1 of division 3 of title 2 of the Government Code (secs. 11340-11361). Pursuant to section 11346 of the Government Code, any regulatory action a state agency adopts through the exercise of quasi-legislative power delegated to the agency by statute is subject to the requirements of the APA, unless a statute expressly exempts or excludes the regulation from compliance with the APA. No exemption or

exclusion applies to the present regulatory action under review. Consequently, before these regulations may become effective, the regulations and rulemaking record must be reviewed by OAL for compliance with the substantive standards and procedural requirements of the APA, in accordance with Government Code section 11349.1.

I. NECESSITY

OAL must review regulations for compliance with the necessity standard of Government Code section 11349.1. Government Code section 11349, subdivision (a), defines "necessity" as meaning "...the record of the rulemaking proceeding demonstrates by substantial evidence the need for a regulation to effectuate the purpose of the statute, court decision, or other provision of law that the regulation implements, interprets, or makes specific, taking into account the totality of the record. For purposes of this standard, evidence includes, but is not limited to, facts, studies, and expert opinion."

To further explain the meaning of substantial evidence in the context of the necessity standard, subdivision (b) of section 10 of title 1 of the CCR provides:

> In order to meet the "necessity" standard of Government Code section 11349.1, the record of the rulemaking proceeding shall include:
>
> (1) a statement of the specific purpose of each adoption, amendment, or repeal; and
>
> (2) information explaining why each provision of the adopted regulation is required to carry out the described purpose of the provision. Such information shall include, but is not limited to, facts, studies, or expert opinion. When the explanation is based upon policies, conclusions, speculation, or conjecture, the rulemaking record must include, in addition, supporting facts, studies, expert opinion, or other information. An "expert" within the meaning of this section is a person who possesses special skill or knowledge by reason of study or experience which is relevant to the regulation in question.

Additionally, subdivision (b) of section 20 of title 1 of the CCR requires that all material proposed to be incorporated by reference shall be reviewed in accordance with procedures and standards for a regulation.

In order to provide the public with an opportunity to review and comment upon an agency's need for a regulation, the APA requires a rulemaking agency to describe the need for the regulation and identify documents relied upon in proposing the regulation, if any, in the Initial Statement of Reasons (ISR), pursuant to Government Code section 11346.2, subdivision (b). As discussed below, the rulemaking record fails to comply with the necessity standard of the APA for a number of proposed regulatory provisions in Forms 09A-1, 09B-2, and 09B-3, incorporated by reference in section 321.

Issue 1. Form 09A-1 includes a cover sheet that contains instructions and information intended to help the applicant properly complete the application form. The Board refers to this cover sheet as a "check sheet." Under the heading, "CONVICTIONS," the check sheet mandates the following:

> For reportable citations/arrests on your record including those set aside, dismissed or expunged, you are required to submit the following documentation for each incident:
>
> - A signed detailed explanation. Specify what occurred on the date(s) in question, which resulted in the citation. If the explanation is not detailed or signed, you will be asked to resubmit.
> - A copy of the police/incident report. *If the report no longer exists or is not available, you must obtain a letter from the reporting agency, on their letterhead, specifying that fact.*
> - CERTIFIED court documents. Copies will not be accepted. *If the report no longer exists or is not available, you must obtain a letter from the court, on their letterhead, specifying that fact.* [Italics added for emphasis.]

The ISR provides no specific evidence of the need to adopt the italicized text above. This lack of evidence in the record constitutes a violation of the necessity standard of the APA.

Issue 2. Under the "Personal Information" section of Form 09A-1 is the following instruction:

> If you answer yes to either question A[1] or B[2] below, please provide official documentation. Documentation includes: military orders showing duty station; discharge papers or copies of current Leave and Earnings statements. For Question B, documentation also includes: copy of marriage certificate or certified declaration/registration of domestic partnership filed with the Secretary of State. For other forms of "legal union" not recognized by California, you may submit other documentary evidence of legal union issued by the State that recognizes your legal union for consideration.

The ISR describes how Business and Professions Code sections 114.3, 114.5, 115.4 and 115.5 collectively mandate the inclusion of questions A and B on Form 09A-1. However, these statutes do not expressly define "official documentation," or provide any guidance regarding the types of documentation that might be useful to verify an applicant's military history or legal relationship status. The statutes leave the Board with discretion to choose how to implement the requirements.

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[1] "Have you ever served in the United States military?"
[2] "Are you a spouse, domestic partner or in a legal union with an active duty member of the U.S. Armed Forces stationed in California?"

For example, Section 115.4 of the Business and Professions Code provides:

> (a) Notwithstanding any other law, on and after July 1, 2016, a board within the department shall expedite, and may assist, the initial licensure process for an applicant who supplies *satisfactory evidence* to the board that the applicant has served as an active duty member of the Armed Forces of the United States and was honorably discharged.
>
> (b) *A board may adopt regulations necessary to administer this section.* [Emphasis added.]

The problem is that while the Board identified the specific documentation that would furnish satisfactory evidence of military service and legal relationship status, it did not provide any evidence in the rulemaking record to explain the reasons for proposing that documentation. Thus, the Board's rulemaking record violates the necessity standard of the APA.

Issue 3. Forms 09A-1, 09B-2, and 09B-3 each require the signatory to certify, under penalty of perjury, that the information provided on the form is true and accurate.

Regarding Form 09A-1, the declaration on the last page of the form reads:

> I hereby certify under penalty of perjury under the laws of the State of California to the truth and accuracy of the foregoing information contained on this application, including any attachments. I also certify that I personally read and completed this application and have read the instructions.

The affidavit on Form 09B-2 states:

> I hereby certify under penalty of perjury that the information reported on this College Certificate is true and correct.

Finally, the statement on Form 09B-3 says:

> I declare under penalty of perjury under the laws of the State of California that the foregoing is true, correct, and complete to the best of my knowledge.

Form 09A-1 must be signed by the applicant. The ISR explains that the declaration "was added to provide the Board with a legal basis for denial of the application or administrative action of a license for failure to complete the application truthfully." The Board is suggesting in the ISR that without the signed certification under penalty of perjury, there would be no legal justification to deny an application for licensure. Yet, the declaration serves more than one purpose. In addition to risking denial of licensure, an applicant who knowingly provides false information to the Board and signs the declaration subjects himself or herself to prosecution for perjury. The ISR provides no evidence of the reason for such a requirement, which may lead to a significant penalty.

This lack of evidence is more acute in the case of the other two forms, which are used to verify that an applicant has satisfactorily completed all of the Board's prechiropractic and chiropractic education requirements. These two forms are required to be completed and certified under penalty of perjury not by the applicant, but a representative from the chiropractic school attended by the applicant. Why must the Board subject non-applicants to this substantial condition and its potentially severe consequences? This question cannot be answered because the ISR is devoid of any evidence to support this requirement.

Ultimately, in order to meet the necessity standard of the APA, the rulemaking record must include substantial evidence demonstrating why the Board needed to adopt the forms in the ways described above and the evidence then needs to be made available to the public pursuant to Government Code section 11347.1.

II. CLARITY

OAL must review regulations for compliance with the clarity standard of the APA, as required by Government Code section 11349.1. Government Code section 11349, subdivision (c), defines "clarity" as meaning "...written or displayed so that the meaning of regulations will be easily understood by those persons directly affected by them."

The clarity standard is further defined in section 16 of title 1 of the CCR, which provides the following:

> In examining a regulation for compliance with the "clarity" requirement of Government Code section 11349.1, OAL shall apply the following standards and presumptions:
>
> (a) A regulation shall be presumed not to comply with the "clarity" standard if any of the following conditions exists:
>
> (1) the regulation can, on its face, be reasonably and logically interpreted to have more than one meaning; or
>
> (2) the language of the regulation conflicts with the agency's description of the effect of the regulation; or
>
> (3) the regulation uses terms which do not have meanings generally familiar to those "directly affected" by the regulation, and those terms are defined neither in the regulation nor in the governing statute; or
>
> (4) the regulation uses language incorrectly. This includes, but is not limited to, incorrect spelling, grammar or punctuation; or
>
> (5) the regulation presents information in a format that is not readily understandable by persons "directly affected;" or
>
> (6) the regulation does not use citation styles which clearly identify published material cited in the regulation.

(b) Persons shall be presumed to be "directly affected" if they:

(1) are legally required to comply with the regulation; or

(2) are legally required to enforce the regulation; or

(3) derive from the enforcement of the regulation a benefit that is not common to the public in general; or

(4) incur from the enforcement of the regulation a detriment that is not common to the public in general.

The clarity issues discussed below must be resolved before the Department resubmits this action to OAL.

Issue 1. Section 364 of title 16 of the CCR, "Exemptions and Reduction of Requirement," provides that under certain circumstances, a licensee may be fully or partially exempt from the Board's continuing education (CE) requirements. The Board proposed the following new exemption as subdivision (g) of section 364:

> (g) A licensee who participates in *the entire two-day workshop* as a Subject Matter Expert for the purpose of exam development of the California Law and Professional Practice Examination shall receive *a maximum of sixteen (16) hours* of continuing education credit which includes eight (8) hours in the Ethics and Law and eight (8) hours in the Principles of Practice subject areas as defined in sections 361(g)(11) and 361(g)(16)(A) respectively. [Emphasis added.]

It is not clear how the Board will determine the number of CE hours a participating licensee will be credited. Logically, if a licensee participates in the entire two-day workshop, then he or she will receive full CE credit. But to a directly affected person reading subdivision (g), it appears that even if he or she participates in the entire two-day workshop, the Board may still decide to credit fewer than sixteen hours.

The ISR describes how most licensed chiropractors are sole proprietors, who would face significant financial hardship if they closed their businesses for two days. The ISR explains that the purpose of adopting subdivision (g) of section 364 is to offer a worthwhile incentive to these licensees. It is reasonable to infer from the ISR that the Board intends to grant full CE credit to those licensees who fully participate in the workshop; however, this further amplifies the ambiguity present in the proposed text.

The Board must refine the text – for example, by stating simply that participating licensees will receive one hour of CE credit for each hour volunteered, up to a maximum of sixteen hours – and ensure that the text is consistent with the rulemaking record in order to resolve the issue and satisfy the clarity standard of the APA in Government Code section 11349.1 and section 16, subdivisions (a)(1) and (a)(2), of title 1 of the CCR.

Issue 2. As previously discussed, the check sheet included with Form 09A-1 requires the applicant to provide documentation of certain reportable incidents to the Board. The requirements are excerpted below for reference.

- A signed detailed explanation
- A copy of the police/incident report
- CERTIFIED court documents. Copies will not be accepted.

On page 3 of Form 09A-1 itself, under the heading, "DISCIPLINARY HISTORY," the applicant is again instructed to submit this documentation. For each reportable incident, the form requires the applicant to:

> [A]ttach a written DETAILED explanation, obtain a *certified copy of the arrest report* and include CERTIFIED copies of all court documents for each conviction. *Include proof of completion of any terms of parole, probation, restitution or any other sanctions imposed against you.* [Italics added for emphasis.]

Discrepancies between these two sets of instructions give rise to a series of clarity problems. First, it is unclear whether "arrest report," "incident report," and "police report" are synonymous. Further, Form 09A-1 requires the applicant to submit certified copies of these reports, but the check sheet does not expressly require certified copies. Similarly, it is unclear the Board is requiring certified court documents or certified copies of court documents. Finally, it is unclear what the Board will accept as "proof" of completion of parole, probation, etc., and the check sheet does not include this requirement to provide proof of completion to the Board. These ambiguities and inconsistencies in the requirements will create confusion among directly affected applicants and may result in the unwarranted rejection of applications by the Board. These violations of Government Code section 11349.1 and section 16(a)(1) of title 1 of the CCR must be addressed by the Board prior to resubmitting this action to OAL for review.

Issue 3. Under the heading, "PRACTICE IMPAIRMENT OR LIMITATIONS," question #12 on Form 09A-1 asks: "Do you have a current physical or mental impairment related to drugs or alcohol?" This vague question can be reasonably and logically interpreted to have more than one meaning. How would an applicant know which specific physical and mental impairments are required to be reported? At what point in time is a past impairment too old to be considered current? The Board must clearly define the scope and meaning of the proposed text in order to narrow this question down to a single, reasonable interpretation that will satisfy the requirements of Government Code section 11349.1 and section 16(a)(1) of title 1 of the CCR.

Issue 4. As previously discussed, Forms 09B-2 and 09B-3 are required to be signed by a representative from the school attended by the applicant. Form 09B-3 expressly states that "[o]nly the President, Dean or Registrar of the college may sign this form." Form 09B-2

includes no such requirement, and appears to permit any school employee to sign the form. However, the ISR provides:

> As part of the satisfactory proof of education required by the Act, the Board requires completion of a verification of prechiropractic [Form 09B-3] and chiropractic [Form 09B-2] education by the chiropractic school's President, Dean or Registrar.

This creates an inconsistency between Form 09B-2 and the Board's description of the form in the rulemaking record, which is a violation of section 16, subdivision (a)(2), of title 1 of the CCR. The Board must reconcile the text and record in order to resolve the clarity issue before resubmitting this action to OAL for review.

CONCLUSION

For the reasons set forth above, OAL disapproved this regulatory action. Pursuant to Government Code section 11349.4, subdivision (a), the Department may resubmit this rulemaking action within 120 days of its receipt of this Decision of Disapproval. A copy of this disapproval decision will be e-mailed to the Board contact person on the date this decision is signed below.

Any supplement to the ISR or other document the Board may create or otherwise propose to add to the record in order to address the issues discussed above must be made available for at least 15 days for public comment pursuant to Government Code section 11347.1 prior to adoption by the Board. Additionally, any changes made to the regulation text to address the issues discussed above must be made available for at least 15 days for public comment pursuant to Government Code section 11346.8 and section 44 of title 1 of the CCR prior to adoption by the Board. The Board must document in the rulemaking record its approval of the final text after consideration of all public comments and relevant information before resubmitting to OAL.

If you have any questions, please contact me at (916) 323-6225.

Date: May 1, 2017

Eric Partington
Senior Attorney

For: Debra M. Cornez
Director

Original: Robert Puleo
Copy: Marcus McCarther