BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

NOTICE OF TELECONFERENCE
GOVERNMENT & PUBLIC AFFAIRS COMMITTEE MEETING

901 P Street, Suite 142A
Sacramento, CA 95814
January 31, 2018
916-263-5355
2:00 p.m.

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

Teleconference Meeting Locations:

901 P Street, Suite 142A
Sacramento, CA 95814
(Board Staff)

Frank Ruffino
901 P Street, Suite 142A
Sacramento, CA 95814
(916) 263-5355

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

AGENDA

1. **Call to Order & Establishment of a Quorum**

2. **Approval of Minutes**
   July 11, 2017

3. **Review and Discussion on the 2017-2019 BCE Strategic Plan Action Items for the Government & Public Affairs Committee**

4. **Review, Discussion and Possible Action on the Administrative Procedures Manual**

5. **Review, Discussion and Possible Action on AB 1013 (Low)**

6. **Update on Pending Regulations**
   1. Application for Licensure (CCR Section 321)
   2. Consumer Protection Enforcement Initiative (CPEI) (Proposed: no applicable CCR section)
   3. Uniform Standards for Substance Abusing Licensees (Proposed: no applicable CCR section)
   4. Revisions to BCE Disciplinary Guidelines (Proposed: no applicable CCR section)
   5. Mandatory Cardiopulmonary Resuscitation (CPR) Certification for all licensees (Proposed: no applicable CCR section)

6. Comprehensive Revisions/Updates to CCR Article 4 (Sections 330 – 331.16) – Approved Schools & Qualifications of Applicants (Curriculum Requirements)
7. Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice or Death/Incapacity of Licensee (Proposed: no applicable CCR section)
8. Continuing Education Requirements (CE Provider and Course Approval)
9. Amend or Repeal CCR Section 354- Successful Examination (Obsolete provision)

7. Public Comment

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

8. Future Agenda Items

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.]

9. Adjournment

GOVERNMENT & PUBLIC AFFAIRS COMMITTEE
Frank Ruffino
Corey Lichtman, D.C.

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

The meeting facilities are accessible to individuals with physical disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting 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
TELECONFERENCE MEETING MINUTES
Government & Public Affairs Committee Meeting
July 11, 2017

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

Corey Lichtman, D.C.
538 Stevens Ave.
Solana Beach, CA 9207
(858) 876-6300

Frank Ruffino
901 P Street, Suite 142A
Sacramento, CA 95814
(916) 263-5355

Committee Members Present
Frank Ruffino
Corey Lichtman, D.C.

Staff Present
Robert Puleo, Executive Officer
Dixie Van Allen, Licensing Manager
Marcus McCarther, Policy Analyst
Valerie James, Management Services Technician

Call to Order
Mr. Ruffino called the meeting to order at 10:04 a.m.

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

Approval of Minutes

MOTION: MR. RUFFINO MOVED TO APPROVE THE MINUTES OF THE SEPTEMBER 22, 2016 MEETING.
SECOND: DR. LICHTMAN SECONDED THE MOTION
VOTE: (1-0,1 ABSTAIN) (MR. RUFFINO – AYE, DR. LICHTMAN - ABSTAIN)

MOTION CARRIED

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Review and Discussion on the 2017-2019 BCE Strategic Plan Action Items for the Government & Public Affairs Committee

Mr. McCarther reviewed action items the Committee is responsible for and discussed whether those items have been completed or should be carried over for discussion during this meeting.

Mr. McCarther stated that Strategic Plan 3.1, which is to *Establish a process to utilize media outlets to strengthen Board relationships with media and to increase public awareness of Board functions,* has been addressed and it will be an ongoing topic in this Committee. He explained that this item will be discussed later in this meeting.

Mr. McCarther also referred to action item 3.1.1 *Partner with DCA's Office of Public Affairs to identify resources available to increase public awareness* and stated that this item has been completed.

McCarther referred to Strategic Plan 3.2 *Foster relationships with legislators to educate them about the role of the Board in regulating the chiropractic profession* and explained that action item 3.2.1, *Continue to schedule annual meet-and-greets with legislative offices and provide relevant information,* will be discussed later in this meeting.

Mr. McCarther referred to action item 3.2.2 *Create outreach publications and materials educating the public on the complaint process.* He explained that the Committee to plans work closely with the Enforcement Committee to develop outreach materials regarding the complaint process.

Mr. Ruffino inquired if the Committee has established a tentative deadline to work on accomplishing this item with the Enforcement Committee.

Mr. McCarther explained that he will inform Mr. Ruffino of any updates regarding the completion of this item.

Mr. McCarther referred to action item 3.2.3, *Be responsive to inquiries from legislators and their staff.* He shared that the Executive Officer, in consultation with Committee members, is highly responsive to requests from the Legislature.

Mr. McCarther referred to Strategic goal 3.3, *Identify and prioritize opportunities for Board member interactions with schools, associations, and CE providers to educate students and licensees about the role of the Board and better facilitate Reciprocal communication.* He highlighted action item 3.3.1, *Establish a calendar of events sponsored by applicable entities,* and explained that an events calendar has been created. He shared that he is currently populating it with information regarding future events.

Mr. McCarther added that the California Chiropractic Association (CCA) has an online calendar for sponsored events throughout the state, such as regional meetings, and this information has been helpful to the Board. Mr. McCarther stated that he will follow up with CCA on events scheduled for July 2017.

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Ms. Dawn Benton, Executive Director of CCA, shared that she will provide the information Mr. McCarther requested given that the CCA's website is temporarily down for maintenance.

Additionally, Mr. McCarther stated the Committee received suggestions from the Department of Consumer Affairs' (DCA) Publications Office regarding future chiropractic events. He added that additional dates will be included on the calendar and this information will be provided to Board members for review.

Mr. Ruffino asked if the Committee can review a draft of the calendar prior to the upcoming Board meeting on July 25, 2017.

Mr. McCarther responded that a Google calendar link will be shared with the Committee to allow access to the calendar at any time.

Mr. Ruffino referred to action item 3.3.2, *Request administrative approval to travel to out-of-state events a*nd inquired about the status.

Mr. Puleo shared that DCA made recent changes to its out-of-state travel policies and now allows one Board member to take state funded business trips to other states.

Ms. Van Allen reminded the Committee that the law prohibits government funded trips to states discriminating against the LGBT community and explained that Texas has recently been added to the "travel ban list".

Mr. Ruffino agreed that the travel ban limits the Board's out-of-state travel options given that eight states are now placed on the "travel ban list".

Mr. McCarther referred to action item 3.3.6, *Create standard presentation(s) for Board members to present; for example, regarding enforcement, licensing, role of the Board,* and explained that this item will be later addressed in this meeting.

Review, Discussion and Possible Action on the Administrative Procedure Manual

Mr. Ruffino inquired if there are any proposed changes regarding the Administrative Procedure Manual.

Mr. McCarther referred to page 10 of the Administrative Procedure Manual and discussed the mail ballet vote process and the resources available to Board members. He reminded the Board that, in addition to the information contained on the voting sheet, the procedures can also be found in the manual.

Mr. Puleo suggested that it would be beneficial to provide a copy of page 10 to the Board members as a reminder.

Mr. McCarther inquired whether Board members are satisfied with the current method they receive procedural information and asked if they recommend any administrative changes to streamline this process.

Mr. Ruffino shared the Assistant Executive Officer, Ms. Linda Shaw, sends out weekly reminders via e-mails to inform Board members of their mail vote duties.

Dr. Lichtman expressed concerned regarding mail vote e-mail reminders as Board members receive a large amount of e-mails that can be easily missed.

Dr. Lichtman suggested that receiving a fax reminder with a mail vote memorandum page could be an efficient method, given that memos do not contain confidential information.

Mr. Puleo inquired about the possibility of allowing Board members to receive reminders via a group text.

Mr. Ruffino and Dr. Lichtman agreed with Mr. Puleo's suggestion.

Mr. McCarther reiterated that the Committee would like to further discuss these suggestions and present them to the full Board for consideration.

Dr. Lichtman shared that having other methods as an alternative to receiving e-mail reminders is beneficial.

Mr. Ruffino also suggested that instead of receiving e-mail reminders starting with "BCE" on the subject title line, the Board could use the title "Mail Vote" at the start of the subject line so the process of searching these e-mails is streamlined.

Mr. Puleo expressed reservations regarding Mr. Ruffino's proposal because it can be time consuming for Board members to search through a large list of e-mails with the same subject title populated in a search.

Dr. Lichtman suggested that maintaining consistency is more beneficial because it gives him access to previous mail vote requests without having to change the search for future e-mails of the same nature.

Mr. Ruffino proposed replacing the current e-mail reminders from Ms. Shaw with a group text.

Mr. Ruffino inquired about the percentage of Board members' response regarding mail votes and whether they have complied with voting requirements.

Mr. Puleo responded that each Board member is expected to vote 75% of the time and they have been in compliance. Additionally, he explained that the Board can move forward with a vote if 4 out of 7 Board members complete the voting process.

Mr. Ruffino emphasized the importance of staff reminding Board members about their duty to vote.

Mr. Puleo shared that staff has made continuous efforts to remind Board members about their voting requirements at Board meetings.

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Discussion and Possible Action on the Annual Legislative Meet and Greets (Strategic Plan Goal 3.2)

Mr. Puleo explained that the annual legislative meet-and-greets take place in November and they were first introduced to the Board three years ago. He discussed the current process to meet with legislative staff at the Senate and Assembly Business and Profession Committees, the Republican Caucus and various agencies as their members are out of session in November.

Mr. Puleo shared that these meet-and-greets have become repetitive and lack substantive discussion topics as the Board communicates with legislative staff regarding pressing matters on a regular basis.

Mr. Puleo suggested that these meet-and-greets, which last 1-2 days, be substituted with as needed face-to-face meetings that would address specific issues.

Dr. Lichtman inquired about the Board's attempts to meet with legislative staff that it is not acquainted with.

Mr. Puleo provided a brief overview of the Board's legislative process, which consists of mainly working with legislators on the Senate and Assembly Business and Profession Committees. He explained that meeting their staff is beneficial because they have a direct line of communication with legislators and advise them on various matters before their Committees.

Mr. Puleo provided an example of a recent meeting with the Chair of the Assembly Business Professions Committee, Assemblymember Low. The meeting focused on the Board seeking a license renewal fee increase. He added that the Board has been working closely with Assemblymember Low on this bill and he is supportive of the Board's position in this matter.

Additionally, Mr. Puleo discussed the Board's process when it encounters a legislator who resists the Board's position on an issue. He explained that the Board provides supporting documentation to the legislator's staff and addresses any concerns. Mr. Puleo emphasized that this is an efficient legislative strategy as opposed to waiting for the meet-and-greets that take place in November.

Mr. Ruffino recommend that the Committee takes a strategic approach and schedule these meetings on an as-needed-basis.

MOTION: DR. LICHTMAN MOVED TO REMOVE THE REQUIRED ANNUAL LEGISLATIVE MEET AND GREETS WITH SUBSTITUTION OF FOCUSED MEETINGS AS NEEDED. SECOND: MR. RUFFINO SECONDED THE MOTION

Ms. James asked if this motion would change the completion date in the Strategic Plan to as needed.

Mr. McCarther responded that the Committee will make an amendment and notify the Board.

Dr. Lichtman inquired whether the focused meeting locations will be limited to Sacramento.

Mr. Puleo stated that these meetings will most likely be held in Sacramento. However, if necessary, they can take place at the legislators' district offices.

VOTE: (2-0) (DR. LICHTMAN – AYE, MR. RUFFINO – AYE)

MOTION CARRIED

Update on Efforts to Increase Public Awareness of the BCE (Strategic Plan Goal 3.1)

Mr. McCarther stated that staff and the Executive Officer met with the Deputy of DCA's Office of Public Affairs, Veronica Harms, and discussed effective ways to increase public awareness of Board functions and strengthen the process of utilizing social media outlets. Mr. McCarther shared this strategic goal will be ongoing as the Board is considering social media strategies discussed at the meeting.

Mr. Ruffino inquired about the outcome of this meeting.

Mr. Puleo responded that he is encouraged by the outcome because DCA is working on enhancing the intradepartmental communication and is also leveraging its resources to make outreach efforts on behalf of the boards and bureaus.

Dr. Lichtman asked if other boards have expressed a similar opinion.

Mr. Puleo shared that he has spoken with executive officers from other boards and many believe that this goal was not taken seriously in the past. However, it has recently been steered in a new direction to challenge the status quo.

Additionally, Mr. Puleo stated that boards and bureaus lack resources to make outreach efforts and added that DCA appears to be responsive to their needs.

Mr. McCarther emphasized the success of the meeting with the DCA's Office of Public Affairs and addressed the creation of content bank, a social media strategy discussed at the meeting. He proposed creating a social media campaign to target top 10 violations, develop 5 posts and share them over the course of a month. As a result, the Board would have the ability to post various topics consistently by using social media outlets. Mr. McCarther stated that this is an effective way of attaining followers.

Mr. McCarther proposed that the Committee should share this social media strategy with the Board as it can provide additional input to the staff creating the content bank.

Mr. Puleo stated that the Board will review the suggested content and submit it to the legal counsel to ensure it is appropriate prior to its publication.

Mr. Puleo asked the Committee to share any suggestions regarding social media strategies that can be beneficial to the public, the profession and the Board.

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Update on Public Outreach Presentation (Strategic Plan Action Item 3.3.6)

Mr. McCarther provided a brief overview of the updated presentation Dr. Lichtman requested. He stated that it is available to the Board members should they desire to make a public presentation with supporting material.

Mr. Ruffino shared that the updated version of the presentation is satisfactory and recommended that Board members become familiar with the information provided for talking points at future presentations.

Mr. Ruffino inquired whether this updated version of the presentation was used at the last California Chiropractic Association (CCA) convention on June 1-4, 2017 and what was the feedback.

Mr. Puleo explained that he and Dr. Dehn delivered the presentation to a small audience.

Ms. Benton provided positive feedback regarding the Board's presentation. She apologized for the small audience and explained that CCA's members usually attend Continuing Education presentations (CE) as it is a topic of interest to them. Ms. Benton added that CCA is working on creating a culture that welcomes a wider range of topics for discussion other than CE.

Mr. Puleo suggested that the Board could tailor CE courses to ensure licensees are exposed to valuable information and aware of the Board's role.

Mr. Puleo thanked Ms. Benton and CCA for providing the Board the opportunity to attend the CCA convention. He shared that the Board was able to gather a list of e-mail addresses from licensees to join the Board's mailing list.

Mr. Ruffino shared that he is pleased with the outcome of the CCA's convention and welcomed CCA to provide feedback on how the Board can improve its presentations.

Mr. Puleo added that, during the CCA convention, a significant number of licensees did not express interest in the Board's publication materials. He suggested that the Board should consider the resources available at various events to better disseminate these publication materials.

Public Comment

Ms. Benton inquired about travel arrangements and additional details regarding the upcoming Board meeting on July 25, 2017.

Mr. Puleo explained that the upcoming Board meeting location is approximately one hour from the airport. The meeting will start at 9:30 a.m. and should be concluded by 4:30 p.m.

Ms. Benton announced that CCA has moved their annual meeting from June to October. Additionally, she shared that CCA will be celebrating its 90th anniversary in 2018 and she extended an invitation to the Board. She suggested the Board take this opportunity to conduct a presentation.

Ms. Benton informed the Board that CCA has changed its suite number to 200. She explained that it is a minor address update but wanted to ensure the Board is aware of it.

Ms. Benton provided a recommendation to the Board regarding future presentations at CCA's events. She explained that it would be helpful that the Board adds historical background information to its presentation slides and also discusses its mission, vision and goals. Additionally, she suggested that the Board provide an overview on current topics of discussion and identifies significant issues that are being addressed.

Mr. Puleo agreed with Ms. Benton's suggestion and stated that the Board will work on making some changes related to presentation materials.

Future Agenda Items

There were no future agenda items discussed.

Adjournment

Mr. Ruffino adjourned the meeting at 11:08 a.m.

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State of California
Edmund G. Brown Jr., Governor

Agenda Item 3
January 31, 2018

Review and Discussion on the 2017-2019 BCE Strategic Plan Action Items for the Government & Public Affairs Committee

Purpose of the item

The Committee will receive an update on the 2017-2019 Strategic Plan goals and action items.

Action(s) requested

No action requested at this time.

Background

Following the completion and approval of the Strategic Plan, the Board develops action items to facilitate the completion of the Board's Goals. These items are used as objective measurements by the Board and staff to ensure the completion of the plan.

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

- BCE 2017-2019 Strategic Plan working document

Strategic Plan

2017-2019

Adopted:

Adopted Date: 10/14/2016

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Message from the Board Chair

The Board of Chiropractic Examiners is pleased to present its 2017-2019 Strategic Plan. The strategic planning process has been a collaborative effort between BCE members, staff, and the public.

This plan reflects the Board's continued commitment to work closely with stakeholders (chiropractic professionals, professional associations, California chiropractic colleges, and others who expressed interest in the strategic direction of the Board) to meet its mission to protect the health, welfare, and safety of the public through licensure, education, and enforcement in chiropractic care.

We are proud to have accomplished the overwhelming majority of the goals from the 2014-2017 Strategic Plan and with this new blueprint we will continue to move forward as an effective and efficient organization. In this document, we have identified key issues, goal areas for which the Board will be accountable, and actions we will take to get there.

As the Board embarks upon this exciting time in the profession's history, we continue to invite all stakeholders to work with us over the next three years to achieve the goals outlined in the strategic plan.

The Board remains committed to providing the highest level of service as we undertake these endeavors.

Sergio Azzolino, D.C

Chair, Board of Chiropractic Examiners

About the Board

The Board of Chiropractic Examiners (BCE) regulates the chiropractic profession in California. We protect Californians from licensed and unlicensed individuals who engage in the fraudulent, negligent, or incompetent practice of chiropractic. The BCE oversees approximately 14,000 licensees and 19 chiropractic schools and colleges located throughout the United States and Canada.

The BCE was created on December 21, 1922, as the result of an initiative measure approved by the people on November 7, 1922. Governed by a seven member board appointed by the Governor, the board is comprised of five licensed doctors of chiropractic and two members who represent the public. Board members serve four year terms. The board employs an executive officer to lead a professional staff responsible for licensing, continuing education, enforcement, administrative, and other regulatory responsibilities. The executive officer serves at the pleasure of the board.

The BCE's annual budget is funded exclusively by the profession through licensing and other regulatory fees. The BCE does not receive any general fund monies. The BCE allocates approximately 70% of its total operating budget to enforcement related activities.

Mission

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

Vision

Excellence in chiropractic care for all Californians.

Values

Consumer Protection Service Innovation Quality

Transparency Efficiency Integrity

Strategic Goals

1

Ensure the continuous competency of all Doctors of Chiropractic by promoting licensing standards, professional conduct and requirements for continuing education.

2

Enforce laws and regulations to ensure consumer protection.

3

Communicate with consumers, licensees, governmental entities and stakeholders about the current and evolving practice of chiropractic and the regulation of the profession.

4

Ensure that statutes and regulations strengthen and support the Board's mandate and mission.

5

Effective utilization of resources to meet goals and objectives.

1

Licensing and Professional Qualification

Ensure the continuous competency of all Doctors of Chiropractic by promoting licensing standards, professional conduct and requirements for continuing education.

1.1 Interface with the Council on Chiropractic Education in order to explore the possibility of revising entrance requirements at chiropractic colleges to enhance the quality and caliber of graduates.

Objective Measurement				
A determination of the path to take is made.				
Action Item	**Responsible Party**	**Initiation Date**	**Proposed Completion Date**	**Completion Date**
1.1.1 Discuss objective scope with licensing committee at next meeting.	EO and Licensing Committee	Q1 2017	Q1 2017	Q1 2017
1.1.2 Invite CCE representative to participate in a licensing committee meeting to discuss possibility of enhancing entrance requirement.	EO and Licensing Committee	Q3 2017	Q4 2017	Q4 2017
1.1.3 Depending on results of CCE meeting, partner with SOLID to possibly convene a task force to discuss entrance requirements (FCLB, CCE, CCA, ACA).	EO and Licensing Committee		Q2 2018	
1.1.4 Determine if there is data to share with Board regarding national discussion.	EO and Licensing Committee		TBD	

1.2 Establish approval standards for continuing education providers to enhance the quality of education being provided.

Objective Measurement				
Regulations are in place.				
Action Item	**Responsible Party**	**Initiation Date**	**Proposed Completion Date**	**Completion Date**
1.2.1 Convene two focus groups (North and South) to gather information from stakeholders regarding potential standards.	Licensing Manger	Q1 2016		Q1 2016
1.2.2 Licensing Committee determines final regulatory language regarding approval standards.	Licensing Committee		TBD	
1.2.3 Prepare regulatory package	Policy Analyst		TBD	

1.3 Develop and implement an auditing process for continuing education courses to confirm compliance with requirements and conduct quality control of the courses.

Objective Measurement				
Developed auditing mechanism to maintain quality of CE courses and integrity of the CE process.				
Action Item	**Responsible Party**	**Initiation Date**	**Proposed Completion Date**	**Completion Date**
1.3.1 Review regulations to determine criteria for course content.	CE Manager		TBD	
1.3.2 Develop an auditing form/checklist for CE courses.	CE Manager		TBD	
1.3.3 Provide a quarterly list of new CE providers and dates for upcoming courses to the Licensing, Continuing Education, & Public Relations Committee.	CE Manager	Q3 2017		Ongoing
1.3.4 The Licensing, Continuing Education, & Public Relations Committee assigns auditors to attend CE courses and audit providers.	CE Manager		TBD	

1.3.5 Submit audit forms to the CE Manager and take action as appropriate.	CE Manager		TBD	

1.4 Research and implement possible technological solution(s) that address Stakeholders' current inability to utilize online services in order to enhance efficiency and convenience of Board services.

Objective Measurement				
Successful online services provided to Stakeholders.				
Action Item	**Responsible Party**	**Initiation Date**	**Proposed Completion Date**	**Completion Date**
1.4.1 Meet with DCA OIS to discuss the current IT system and possible alternatives.	EO	Q3 2016		Q3 2016
1.4.2 Partner with SOLID to map licensing and enforcement processes to determine business needs.	AEO	Q2 2017	Q1 2018	
1.4.3 Provide DCA OIS with assessment and obtain recommendations for possible IT options.	AEO and Management Team		TBD	
1.4.4 If determination is made that BreEZe meets business needs work with OIS to implement BreEZe.	AEO and Management Team		TBD	
1.4.5 If determination is made that BreEZe does not meet business needs work with OIS to implement alterative.	AEO and Management Team		TBD	

1.5 Continue to explore updating chiropractic college curriculum requirements to better align them with contemporary health care education.

Objective Measurement				
New regulations implemented regarding curriculum requirements.				
Action Item	**Responsible Party**	**Initiation Date**	**Proposed Completion Date**	**Completion Date**
1.5.1 Ask California Chiropractic colleges to recommend necessary and preferred changes to BCE curriculum regulations.	Licensing Committee Chair	Q2 2017		Q3 2017
1. 5.2 Bring recommended regulatory language to Licensing Committee to make a determination.	Chiropractic College Representatives		TBD	
1. 5.3 Licensing Committee makes recommendation to full Board.	Licensing Committee Chair		TBD	
1.5.4 Regulatory process begins.	Policy Analyst		TBD	

1.6 Develop and implement a new continuing education course regarding BCE laws.

Objective Measurement				
New regulation in place regarding the “Top Ten Violations”.				
Action Item	**Responsible Party**	**Initiation Date**	**Proposed Completion Date**	**Completion Date**
1.6.1 Collect data on enforcement statistics for recently licensed chiropractors and determine trends.	Enforcement Manager			Ongoing
1.6.2 Identify the top ten most common violations.	Enforcement Manager			Ongoing
1.6.3 Present trends to licensing committee for their review.	Enforcement Manager		Q3 2018	
1.6.4 Licensing Committee recommendation to full Board. Note: incorporate with 1.2 regulation package.	Licensing Committee		Q4 2018	

1.6.5 Create a regulation to require CE providers to incorporate the top ten violations in ethics and law course. Note: incorporate with 1.2 regulation package.	Policy Analyst		TBD	

1.7 Evaluate and make a determination about amending the Chiropractic Practice Act to affirm that the Board's mandate maintains consistency with contemporary practice.

Objective Measurement				
Determination is made regarding the direction to take in dealing with the practice act.				
Action Item	**Responsible Party**	**Initiation Date**	**Proposed Completion Date**	**Completion Date**
1.7.1 Partner with SOLID to convene stakeholder focus groups to discuss the direction of the profession.	AEO		TBD	
1.7.2 Determine if consensus is met among stakeholders.	EO and Board Chair		TBD	
1.7.3 Determine whether amending the practice act is necessary to achieve goals.	EO and Board Chair		TBD	
1.7.4 Board to make determination regarding further action.	Board Members		TBD	

Enforcement

2

Enforce laws and regulations to ensure consumer protection

2.1 Develop and disseminate educational tools and materials that better inform stakeholders of the enforcement process.

Objective Measurement				
Materials created and disseminated.				
Action Item	**Responsible Party**	**Initiation Date**	**Proposed Completion Date**	**Completion Date**
2.1.1 Establish a two-member committee of the Board to review current enforcement data and publications available and determine if content and format is sufficient for Board needs.	Board Chair and EO	Q3 2017		Q3 2017
2.1.2 New two-member committee to work with staff to develop new or revise existing materials if necessary.	Two-member committee	Q3 2017		Ongoing
2.1.3 Create outreach publications and materials educating public on complaint process. * Reference 3.2.2	Enforcement Committee		On hold	
2.1.4 Publish Expert Witness Guidelines in the Licensees and Publications tabs of Board website.	Licensing Manger	Q3 2017	TBD	

2.2 Collaborate with professional associations to establish a code of ethics that promote higher ethical standards for licensees.

Objective Measurement				
Determination is made regarding next steps.				
Action Item	**Responsible Party**	**Initiation Date**	**Proposed Completion Date**	**Completion Date**
2.2.1 Review CCA's code of ethics at enforcement committee meeting	Enforcement Committee	Q3 2017		Q3 2017
2.2.2 Determine whether additional action is necessary or not.	Board Chair and EO	Q3 2017		Q3 2017

2.3 Collaborate with other regulatory entities to increase their awareness of unlicensed practice (i.e., pastoral) and promote increased enforcement efforts to better safeguard the public.

Objective Measurement				
Other healthcare Boards/Bureaus awareness increased.				
Action Item	**Responsible Party**	**Initiation Date**	**Proposed Completion Date**	**Completion Date**
2.3.1 Communicate with other healthcare Boards/healing arts regarding cross-cutting enforcement issues.	EO	Ongoing		Ongoing
2.3.2 Track complaints and outcomes related to cross-cutting enforcement issues.	Enforcement Manager	Q2 2017		Ongoing

2.4 Educate licensees about enforcement issues related to social media in order to mitigate occurrences of these violations.

Objective Measurement				
Documents posted and licensees informed.				
Action Item	**Responsible Party**	**Initiation Date**	**Proposed Completion Date**	**Completion Date**
2.4.1 Create an outreach document that provides information on potential violations resulting from social media activity.	Enforcement Manager and Committee		Q2 2018	
2.4.2 Post outreach document on BCE newsletter, website and social media.	Licensing Manager		Q1 2019 and ongoing	

3

Public Relations and Outreach

Communicate with consumers, licensees, governmental entities and stakeholders about the current and evolving practice of chiropractic and the regulation of the profession.

3.1 Establish a process to utilize media outlets to strengthen Board relationships with media and to increase public awareness of Board functions.

Objective Measurement				
Process is in place.				
Action Item	**Responsible Party**	**Initiation Date**	**Proposed Completion Date**	**Completion Date**
3.1.1 Partner with DCA Public Affairs to identify resources available to increase public awareness.	Government Affairs Committee	Q3 2017		Q3 2017

3.2 Foster relationships with legislators to educate them about the role of the Board in regulating the chiropractic profession.

Objective Measurement				
Educated Legislature				
Action Item	**Responsible Party**	**Initiation Date**	**Proposed Completion Date**	**Completion Date**
3.2.1 Continue to schedule annual Meet & Greets with legislative offices and provide relevant information.	Government Affairs Committee			TBD
3.2.2 Create outreach publications and materials educating the public on complaint process.	Enforcement Committee		TBD	
3.2.3 Be responsive to inquiries from legislators and their staff.	EO and Policy Analyst			Ongoing

3.3 Identify and prioritize opportunities for Board member interactions with schools, associations, and CE providers to educate students and licensees about the role of the Board and to better facilitate reciprocal communication.

Objective Measurement				
Number of events attended by Board Members increased.				
Action Item	**Responsible Party**	**Initiation Date**	**Proposed Completion Date**	**Completion Date**
3.3.1 Establish a calendar of events sponsored by applicable entities.	Policy Analyst	Q3 2017	Q4 2017	
3.3.2 Request administrative approval to travel to out of state events.	Licensing Manager		Ongoing	
3.3.3 Send a letter from Board Chair to appropriate entities offering to send a Board member representative to address meetings at schools and associations and provide information about Board activities, resources permitting.	Board Chair and EO			Q4 2017
3.3.4 Encourage licensed Board members to become active in their local chiropractic community.	Board Chair and EO			Ongoing
3.3.5 Establish a tracking log to monitor Board member participation at outreach opportunities.	Policy Analyst		Q4 2017	Q3 2017
3.3.6 Create standard presentation(s) for Board members to present, i.e. enforcement, licensing, role of the Board. *Representing the Board at public or private events needs to be at the approval of the Board Chair and EO.	Policy Analyst	Q3 2017		Q4 2017

4

Laws and Regulations

Ensure that statutes and regulations strengthen and support the Board's mandate and mission.

4.1 Create a process in which the Board Chair establishes a two-person committee per regulation proposal that functions to aid in streamlining the time devoted to coordinating regulation packages.

Objective Measurement				
Reduced timelines for completed regulation packages.				
Action Item	**Responsible Party**	**Initiation Date**	**Proposed Completion Date**	**Completion Date**
4.1.1 Board Chair appoints two person committees	Board Chair and EO	Q1 2017		Q1 2017
4.1.2 Policy analyst to gather relevant background information to inform two-person committee	Policy Analyst		Ongoing	
4.1.3 Review regulation information packet developed by staff	Two-person Committee		Ongoing	
4.1.4 Work with appropriate stakeholders to draft regulation language	Two-person Committee		Ongoing	
4.1.5 Two person committee present proposed regulation to the full Board.	Two-person Committee		Ongoing	
4.1.6 If approved promulgate regulation.	Policy Analyst		Ongoing	

4.2 Explore the feasibility of promulgating a regulation that requires licensees to provide their current email address to the Board to facilitate better outreach and communication.

Objective Measurement				
Make a determination regarding mandate of email				
Action Item	**Responsible Party**	**Initiation Date**	**Proposed Completion Date**	**Completion Date**
4.2.1 Discuss with legal counsel and obtain a legal opinion regarding requiring an email address.	EO and Policy Analyst	Q4 2017	TBD	
4.2.2 Put an email field on license application.	Policy Analyst	Q1 2016	TBD	
4.2.3 If mandate is not feasible per 4.2.1 explore possibility of revising renewal form to capture email address as an option.	AEO and Licensing Manager		TBD	

5

Organizational Development

Effective utilization of resources to meet goals and objectives.

5.1 Explore options for succession planning to better safeguard the Board with continuity of services.

Objective Measurement				
Seamless transition of leadership.				
Action Item	**Responsible Party**	**Initiation Date**	**Proposed Completion Date**	**Completion Date**
5.1.1 Board leadership prepares other members to take on increased responsibility, including chairing committees and serving as Board officers.	Chair, Vice Chair and Secretary	Q1 2017		Q1 2017
5.1.2 Board Management to utilize IDP to prepare staff to assume more responsibility.	EO and AEO			Ongoing
5.1.3 Board staff to participate in DCA mentorship program.	EO	Q1 2017		Ongoing
5.1.4 Promote ongoing training and development of all staff.	All management staff			Ongoing
5.1.5 EO and AEO determine best method for transferring knowledge to the next generation of leaders.	EO and AEO	Q2 2017		Ongoing
5.1.6 Ensure all procedure manuals and instructional materials are up to date.	All management staff			Ongoing

5.2 Implement an annual review of staff duties and procedures to ensure that procedures manuals are current.

Objective Measurement				
Action Item	**Responsible Party**	**Initiation Date**	**Proposed Completion Date**	**Completion Date**
5.2.1 Engage with SOLID periodically to do process mapping	EO and AEO		Q2 2018	

5.3 Increase opportunities for team building that's inclusive of Board members and staff to educate staff and maintain team relationships.

Objective Measurement				
Improved staff/Board Member satisfaction survey				
Action Item	**Responsible Party**	**Initiation Date**	**Proposed Completion Date**	**Completion Date**
5.3.1 Schedule True Colors training for staff	AEO			Q4 2017
5.3.2 Schedule True Colors training for future Board meeting.	AEO		Q4 2018	
5.3.3 Work with SOLID to explore and identify other team building opportunities.	EO and AEO	Q1 2017		Q1 2017
5.3.4 Partner with SOLID to establish a workforce engagement plan.	EO and AEO		TBD	

5.4 Implement customer service training to better equip staff to meet the needs of stakeholders and the public.

Objective Measurement				
Improved customer service.				
Action Item	**Responsible Party**	**Initiation Date**	**Proposed Completion Date**	**Completion Date**
5.4.1 Contact SOLID to identify customer service training options.	EO and AEO	Q4 2017		Q4 2016
5.4.2 Enroll staff in appropriate customer service training.	AEO	Q1 2017		Q1 2017
5.4.3 Enroll all staff in Give 'em The Pickle team building training.	Enforcement Manager	Q2 2017		Q2 2017

Strategic Planning Process

To understand the environment in which the Board operates and identify factors that could impact the Bureau's success, the California Department of Consumer Affairs' SOLID unit conducted an environmental scan of the internal and external environments by collecting information through the following methods:

- An online survey sent to stakeholders, comprised of industry professionals, professional associations, California colleges, continuing education providers and others who expressed interest in the strategic direction of the Board. The online survey received 159 responses.
- Telephone interviews with seven Board members in May and June 2016.
- Two focus group discussion with Board staff and managers in May 2016.

STAKEHOLDERS BREAKDOWN

Stakeholder Group	Number	% of Total
Professional Licensees	143	90%
Retired Licensees	2	<1%
Consumer/Member of the Public	0	0%
Professional Associations	6	4%
School or Chiropractic College	4	3%
Continuing Education Provider	4	3%
TOTAL:	159	100%

The most significant themes and trends identified from the environmental scan were discussed by the Board during a strategic planning session facilitated by SOLID on July 28, 2016. This information guided the Board in the review of its mission, vision, and values, while directing the strategic goals and objectives outlined in this 2017 – 2019 Strategic Plan.

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This strategic plan is based on stakeholder information and discussions facilitated by SOLID for the California Board of Chiropractic Examiners in May, June and July 2016. Subsequent amendments may have been made after Bureau adoption of this plan.

State of California
Edmund G. Brown Jr., Governor

Agenda Item 4
January 31, 2018

Review, Discussion and Possible Action on the Administrative Procedure Manual

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Purpose of the item

The Committee will review and discuss the possibility of changes to the BCE Administrative Procedure Manual.

Action(s) requested

Committee members will be asked to review and approve proposed changes to the Board Member Administrative Procedures Manual.

Background

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

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

- Board Member Administrative Procedure Manual page 22

State of California

BOARD OF CHIROPRACTIC EXAMINERS
BOARD MEMBER
ADMINISTRATIVE PROCEDURE MANUAL

Adopted October 2007
Revised August 2017

Edmund G. Brown Jr., Governor
State of California

MISSION STATEMENT

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

Members of the Board

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

Executive Officer
Robert C. Puleo

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

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

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CHAPTER 1. Introduction

Overview

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

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

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

Acronyms

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

General Rules of Conduct

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 2. Board Members & Meeting Procedures

Membership
(§1 Initiative Act)

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

Board Meetings and Offices
(§6 Initiative Act)

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

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

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

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

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

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

Quorum
(§3 Initiative Act)

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

Board Member Attendance at Board Meetings
(Board Policy)

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

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

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

Agenda Items
(Board Policy)

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

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

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

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

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

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

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

Board Meeting Locations
(Board Policy – 2013 Strategic Plan)

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

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

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

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

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

Holding Disciplinary Cases for Board Meetings
(Board Policy)

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

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

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

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

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

Record of Meetings
(Board Policy)

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

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

Recording
(Government Code Section 11124.1(b))

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

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

Meeting Rules
(Board Policy)

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

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

Public Comment
(Board Policy)

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

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

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

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

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

CHAPTER 3. Travel & Salary Policies & Procedures

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

Travel Approval
(Board Policy)

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

Travel Arrangements
(Board Policy)

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

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

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

Travel Claims
(SAM Section 700 et seq.)

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

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

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

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

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

Salary Per Diem
(Board Policy)

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

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

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

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

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

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

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

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

CHAPTER 4. Board Officers & Committees

Officers of the Board
(§3 Initiative Act)

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

Officer Vacancies
(Board Policy)

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

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

Communication Between Officers
(Board Policy)

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

Committee Appointments
(Board Policy)

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

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

Standing Committees
(Board Policy)

The Board has three standing committees:

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

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

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

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

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

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

   The Committee oversees all administrative issues regarding BCE operations.

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

Committee Meetings
(Board Policy)

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 5. General Operating Procedures

Board Member Addresses
(Board Policy)

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

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

Board Member Written Correspondence and Mailings
(Board Policy)

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

Request to Access Licensee or Applicant Records
(Board Policy)

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

Communications with Other Organizations & Individuals
(Board Policy)

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

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

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

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

Press Statements and Contacts
(Board Policy)

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

Business Cards
(Board Policy)

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

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

BCE Identification Cards
(Board Policy)

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

CHAPTER 6. Board Administration & Staff

Executive Officer
(§3 Initiative Act)

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

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

Executive Officer Evaluation
(Board Policy)

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

Board Administration
(Board Policy)

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

Board Staff
(§4 Initiative Act)

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

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

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

Board Budget
(Board Policy)

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

Strategic Planning
(Board Policy)

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

Periodic Fee Audit
(Board Policy)

The Board shall periodically conduct a fee audit to determine if the revenue earned from current fees is sufficient to maintain the Board's reserve and solvency into the future. The Board shall conduct the fee analysis every three to five years using the 2017 methodology. Finally, at the Board Meeting proceeding the completion of the report, the results of the fee audit shall be provided to the Board for review.

CHAPTER 7. Other Policies & Procedures

Various Other Tasks and Responsibilities
(Board Policy)

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

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

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

Board Member Disciplinary Actions
(Board Policy)

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

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

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

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

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

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

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

Resignation of Board Members
(Board Policy)

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

Conflict of Interest
(Government Code Section 87100)

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

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

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

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

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

Contact with Licensees and Applicants
(Board Policy)

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

Contact with Respondents
(Board Policy)

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

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

Service of Legal Documents
(Board Policy)

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

Serving as an Expert Witness
(Executive Order 66.2)

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

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

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

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

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

Request for Grants
(Board Policy)

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

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

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

Gifts from Licensees and Applicants
(Board Policy)

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

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

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

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

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

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

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

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

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

The Honoraria Prohibition

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

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

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

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

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

Board Member Orientation

(Business & Professions Code Section 453 and Board Policy)

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

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

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

Ethics Training
(Government Code Section 11146)

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

Sexual Harassment Prevention Training
(Government Code Section 12950.1)

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

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

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

Injury to a Board Member
(Labor Code Section 4600)

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

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

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

Addendums

Applicable provisions of the following:

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

State of California
Edmund G. Brown Jr., Governor

Agenda Item 5
January 31, 2018

2018 Legislation Update

Purpose of the item

This agenda item has been included to provide the Board with an update on the 2018 legislative session.

Action(s) requested

No action requested at this time.

Background

Board staff is monitoring several bills that were introduced during the 2018 legislative session. Most of these bills would have potential minor programmatic impact on the Board but raise no significant policy issues. At this time, no bills require the Board to take a position.

SB 547 (Hill), Chapter 429, Statutes of 2017, temporarily increased the renewal fee for a chiropractic license from $250 to $300 to avoid Board insolvency.

AB 1013 (Low) amends the Chiropractic Initiative Act to return the temporary license renewal fee from $300 to $250 and makes non-substantive technical changes.

However, AB 1013 is a spot bill. The Executive Officer has been working with the legislature to place Board fees into statue based upon the recommendations from the 2017 Fee Audit.

The bill currently resides in Senate Rules Committee.

Recommendation(s)

Staff does not have any recommendations at this time.

Next Step

N/A

Attachment(s)

- AB 1013 bill text

AMENDED IN ASSEMBLY JANUARY 3, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL No. 1013

Introduced by Assembly Member Low

February 16, 2017

An act to amend ~~Section 3517 of the Government Code, relating to public employment.~~ *an initiative act entitled "An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the State Board of Chiropractic Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith" approved by voters November 7, 1922, (the Chiropractic Act) by amending Sections 5 and 12 of the act, relating to chiropractors.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1013, as amended, Low. ~~Public employment.~~ *Chiropractors.*

Existing law, the Chiropractic Act, enacted by initiative, provides for the licensure and regulation of chiropractors by the State Board of Chiropractic Examiners. Under the act, on and after January 1, 2019, each person practicing chiropractic, after a license has been issued, is annually required to pay the board a renewal fee of $250. Existing law authorizes the Legislature to fix these fees. Existing law directs the deposit of these funds into the State Board of Chiropractic Examiners' Fund, a continuously appropriated fund.

This bill, on and after January 1, 2019, would revise the annual renewal fee to be no more than $250, as determined by the board. The bill would also make additional nonsubstantive changes.

~~Existing law governing state employer-employee relations requires the Governor or his or her representative, as properly designated by~~

~~law, to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations, and to consider fully any presentation that is made by an employee organization on behalf of its members prior to arriving at a determination of policy or course of action.~~

~~This bill would make nonsubstantive changes to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ *yes*. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 5 of the Chiropractic Act, as amended by Section 1 of Chapter 533 of the Statutes of 1983, is amended to read:

Sec. 5. *(a)* It shall be unlawful for any person to practice chiropractic in this state without a license so to do. ~~Any~~

(b) Any person wishing to practice chiropractic in this state shall make application to the board 45 days prior to any meeting thereof, upon such form and in such manner as may be provided by the board. ~~Proof~~

(c) Proof of graduation from an approved chiropractic school or college, as defined in Section 4, must reach the board 15 days prior to any meeting thereof. ~~Each~~

(d) Each application must be accompanied by a licensee fee of not more than one hundred dollars ($100), as determined by the board. ~~Except~~

(e) Except in the cases herein otherwise prescribed, each applicant shall present to the board at the time of making such 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.

~~The~~

(f) The schedule of minimum educational requirements to enable any person to practice chiropractic in this state is as follows, except as herein otherwise provided:

Group 1

Anatomy, including embryology and histology.....14%

Group 2

Physiology.....6%

Group 3

Biochemistry and clinical nutrition.....6%

Group 4

Pathology and bacteriology.....10%

Group 5

Public health, hygiene and sanitation.....3%

Group 6

Diagnosis, dermatology, syphilology and geriatrics, and radiological technology, safety, and interpretation.....18%

Group 7

Obstetrics and gynecology and pediatrics.....3%

Group 8

Principles and practice of chiropractic, physical therapy, psychiatry, and office procedure.....25%

Total.....85%

Electives.....15%

~~Any~~

(g) *Any* applicant who had matriculated at a chiropractic college prior to the effective date of the amendments to this section submitted to the electors by the 1977-1978 Regular Session of the Legislature shall meet all requirements that existed immediately

prior to the effective date of those amendments but need not meet the change in requirements made by said amendments.

SEC. 2. Section 12 of the Chiropractic Act, as amended by Section 78 of Chapter 429 of the Statutes of 2017, is amended to read:

Sec. 12. (a) Licenses issued under the provisions of this section expire at 12 midnight on the last day of the month of birth of licentiates of the board.

(b) The board shall establish regulations for the administration of a birth month renewal program.

(c) A person practicing chiropractic within this state shall, on or before the last day of the person's month of birth of each year, after a license is issued to the person under this act, pay to the Board of Chiropractic Examiners the renewal fee specified under subdivision (d).

(d) (1) Until January 1, 2019, the renewal fee shall be three hundred dollars ($300).

(2) On and after January 1, 2019, the renewal fee shall be *no more than* two hundred fifty dollars ~~($250).~~ *($250), as determined by the board in an amount not to exceed the reasonable regulatory cost.*

(e) The secretary shall mail to a licensed chiropractor in this state, on or before 60 days prior to the last day of the month of the licensee's birth each year, a notice that the renewal fee will be due on or before the last day of the next month following the licensee's birth. Nothing in this act shall be construed to require the receipts to be recorded in like manner as original licenses.

(f) The failure, neglect or refusal of a person holding a license or certificate to practice under this act in the State of California to pay the annual fee during the time the license remains in force shall, after a period of 60 days from the last day of the month of the licensee's birth, automatically work a forfeiture of the license or certificate, and it shall not be restored except upon the written application therefor and the payment to the board of a fee of twice the annual amount of the renewal fee in effect at the time the restoration application is filed except that a licensee who fails, refuses, or neglects to pay the annual tax within a period of 60 days after the last day of the month of the licensee's birth of each year shall not be required to submit to an examination for the reissuance of the certificate.

~~SECTION 1. Section 3517 of the Government Code is amended to read:~~

~~3517. The Governor, or his or her representative, as may be properly designated by law, shall meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations, and shall consider fully any presentation that is made by the employee organization on behalf of its members before arriving at a determination of policy or course of action.~~

~~"Meet and confer in good faith" means that the Governor or his or her representative, and representatives of recognized employee organizations, shall have the mutual obligation personally to meet and confer promptly upon request by either party and continue for a reasonable period of time in order to exchange freely information, opinions, and proposals, and to endeavor to reach agreement on matters within the scope of representation before the adoption by the state of its final budget for the ensuing year. The process should include adequate time for the resolution of impasses.~~

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State of California
Edmund G. Brown Jr., Governor

Agenda Item 6
January 31, 2018

Update on Pending Regulations

Purpose of the item

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

Action(s) requested

No action requested at this time.

Background

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

Recommendation(s)

No recommendations at this time.

Next Step

N/A

Attachment(s)

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

BCE List of Prioritized Proposed Regulatory Changes

	Group A – Legislatively Mandated	Status
1	Application for Licensure (CCR Section 321)	**May 1, 2017 the Board received a disapproval letter from OAL and was granted a second extension in December 2017. The Board made necessary changes and submitted the rulemaking to DCA for final review. The package is currently under review in legal. Package must be submitted to OAL by 4/24/18 for approval.**
2	Consumer Protection Enforcement Initiative	**Rulemaking was submitted to DCA for initial review on 9/7/17. Package is under review by legal.**
3	Revisions to BCE Disciplinary Guidelines & Uniform Standards for Substance Abusing Licensees	**Package under development at the Board.**

	Group B	Status
1	Delegation of Authority to the Assistant Executive Officer	**Rulemaking was submitted to DCA for initial review on 9/7/17. Package is under review by legal.**
3	Mandatory Cardiopulmonary Resuscitation (CPR) Certification for all licensees	**Package under development at the Board. Staff anticipate submission very soon.**
4	Comprehensive Revisions/Updates to CCR Article 4 (Sections 330 – 331.16) – Approved Schools & Qualifications of Applicants (Curriculum Requirements)	Rulemaking not yet started

	Group C	Status
1	Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice or Death/Incapacity of Licensee	**Approved rulemaking process 4/16/15**
2	Continuing Education Requirements (CE Provider and Course Approval)	**Package under development at the Board.**
3	Amend or Repeal CCR Section 354 - Successful Examination (Obsolete provision)	Rulemaking not yet started

BCE List of Prioritized Proposed Regulatory Changes

Proposed Regulation	Proposed Change(s)
Application for Licensure (CCR Section 321)	The BCE will amend the application for licensure to comply with new legislation which will assist agencies in identifying past or present members of the military and their spouses in order to expedite the licensure process for these individuals. Additionally, the regulation would amend the CE regulations for consistency with the provisions of BPC section 114.3 to waive renewal fees, continuing education requirements, and other requirements for active duty members of the U.S. military. Also, the regulation proposes to allow the Board to award up to 16 hours of CE credit to licensees who participate in the review and revision of the California Law and Professional Practices Examination.
Consumer Protection Enforcement Initiative	The proposed changes would add or amend 12 sections within the California Code of Regulations that would establish stricter reporting and disclosure requirements by licensees and applicants and increase the board's enforcement authority and access to critical information for use in investigations.
Uniform Standards for Substance Abusing Licensees	The BCE will need to review and possibly amended the SB 1441 Uniform Standards for Substance Abusing Licensees. Ultimately, the Uniform Standards will be incorporated by reference into the Board's Disciplinary Guidelines.

Delegation of Authority to the Assistant Executive Officer	The proposed regulation would delegate to the Board's Assistant Executive Officer the authority to approve settlement agreements for revocation, surrender, and interim suspension of a license, or allow the Executive Officer to delegate this function to another designee.
Revisions to BCE Disciplinary Guidelines	The BCE's Disciplinary Guidelines are being revised to streamline the enforcement process and provide greater protection to consumers.
Mandatory Cardiopulmonary Resuscitation (CPR) Certification for all licensees	The regulation will add a new section CCR 371.1 which would require as a condition of licensure and license renewal all licensees maintain current CPR certification or basic life support from specified entities approved by the Board. Also, a licensee may earn 2 hours of CE for completion of CPR/BLS course. The regulation would also make technical and clarifying amendments for consistency and clarity.

Comprehensive Revisions/Updates to CCR Article 4 (Sections 330 – 331.16) – Approved Schools & Qualifications of Applicants (Curriculum Requirements)	
Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice or Death/Incapacity of Licensee (Amendment to CCR Sections 312.2 and 318)	
CE Requirements (CE Provider and Course Approval)	
Amend or Repeal CCR Section 354 - Successful Examination (Obsolete provision)	

BCE List of Prioritized Proposed Regulatory Changes