BOARD OF CHIROPRACTIC EXAMINERS
LICENSING TRENDS
FY 2017-18

Total Population of Clear Chiropractic Licenses

Month	Total Licenses
July	13,183
August	13,173
September	13,156
October	13,162
November	13,137
December	13,106
January	13,087
February	13,121
March	13,115
April	13,099

New Chiropractic License Issued

Month	Received	Issued
July	29	27
August	26	27
September	12	25
October	16	25
November	16	12
December	26	9
January	58	12
February	26	48
March	34	40
April	35	14

Number of Restored Cancelled Licenses

Month	Received	Issued
July	1	2
August	3	3
September	3	2
October	3	2
November	5	1
December	2	1
January	2	1
February	2	1
March	1	0
April	1	2

New Satellite Office Certificates Issued

Month	Received	Issued
July	94	102
August	117	78
September	115	160
October	30	95
November	117	73
December	103	115
January	97	122
February	137	84
March	144	143
April	133	159

Corporation Registrations Issued

Month	Received	Issued
July	5	4
August	12	13
September	6	7
October	3	6
November	7	3
December	3	1
January	5	7
February	6	9
March	6	9
April	4	6

Licensing Population as of April 30, 2018

License Type	Clear Licenses
Chiropractors	13,099
Satellite Offices	4,220
Corporation Registrations	1,421

Applications Received and Processed – July 1, 2017 through April 30, 2018

Application Type	Received	Issued	Denied	Pending
Initial Chiropractic	278	239	0	137
Reciprocal	8	0	0	8
Restorations (Cancelled & Forfeiture)	92	83	2	10
Corporation	39	48	0	6

COMPLIANCE UNIT STATS

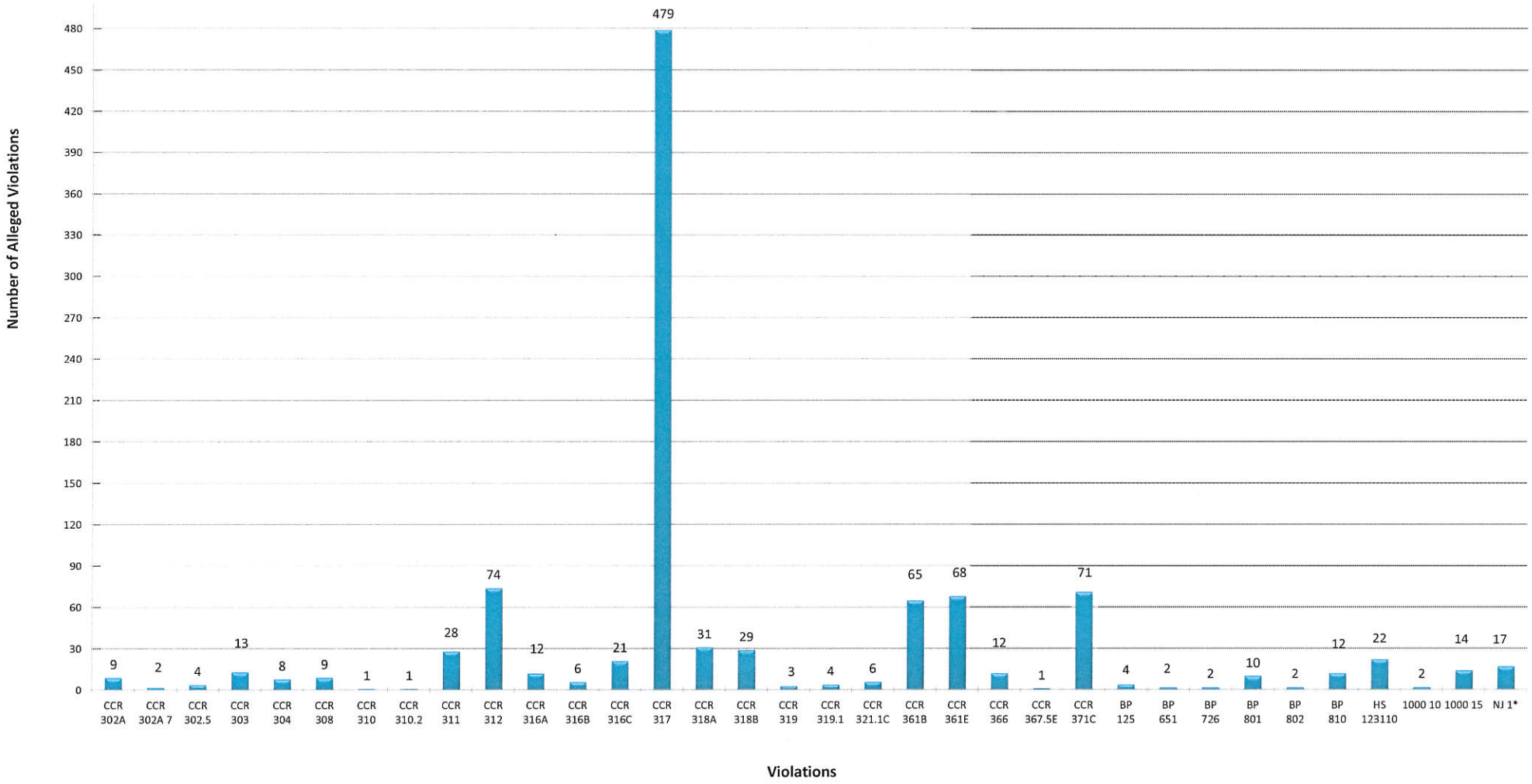
Fiscal Year	13/14	14/15	15/16	16/17	*17/18
COMPLAINTS					
Received	487	557	581	490	441
Pending	214	270	232	183	240
Closed with Insufficient Evidence	88	57	127	79	60
Closed with No Violation	140	100	97	75	65
Closed with Merit	148	220	235	184	201
Letter of Admonishment	5	3	4	4	17
Citations and Fines Issued (Total Fine Amount)	26($18,500)	16($12,400)	17($11,600)	26($36,900)	17($16,850)
ACCUSATIONS					
Filed	38	22	31	35	31
Pending	56	64	66	65	55
Revoked	12	9	3	10	6
Revocation Stayed: Probation	15	7	13	11	15
Revocation Stayed: Suspension and Probation	4	2	4	5	1
Suspension	0	0	0	0	0
Suspension Stayed: Probation	0	0	0	0	0
Suspension and Probation	0	0	0	0	0
Voluntary Surrender of License	8	8	9	14	8
Dismissed/Withdrawn	3	3	2	6	0
STATEMENT OF ISSUES					
Filed	5	2	0	1	2
Denied	2	1	0	0	0
Probationary License	1	2	1	0	0
Withdrawn	2	1	0	0	0
Granted	0	1	0	0	0
PETITION FOR RECONSIDERATION					
Filed	3	0	1	0	0
Granted	0	0	0	0	0
Denied	2	0	1	0	0
PETITION FOR REINSTATEMENT OF LICENSE					
Filed	5	8	7	6	5
Granted	1	1	0	0	0
Denied	3	4	7	3	2
PETITION FOR EARLY TERMINATION OF PROBATION					
Filed	11	4	8	3	2
Granted	0	0	1	0	0
Denied	3	5	2	2	5
PETITION FOR MODIFICATION OF PROBATION					
Filed	3	2	3	0	1
Granted	0	1	1	0	1
Denied	1	1	0	0	0
PETITION BY BOARD TO REVOKE PROBATION					
File	11	5	8	5	6
Revoked	5	2	3	10	6
PROBATION CASES					
Active	135	123	104	92	90

**FY 17/18: July 1, 2017 – May 31, 2018*

Revised June 1, 2018

Fiscal Year 2017/2018
July 1, 2017 - May 31, 2018
Total Number of Complaints Opened - 473
Total Number of Alleged Violations - 1044

(A complaint may contain multiple violation)



Unprofessional Conduct/Violation Codes/Descriptions

California Code of Regulations (CCR) Section 317 – Unprofessional Conduct:

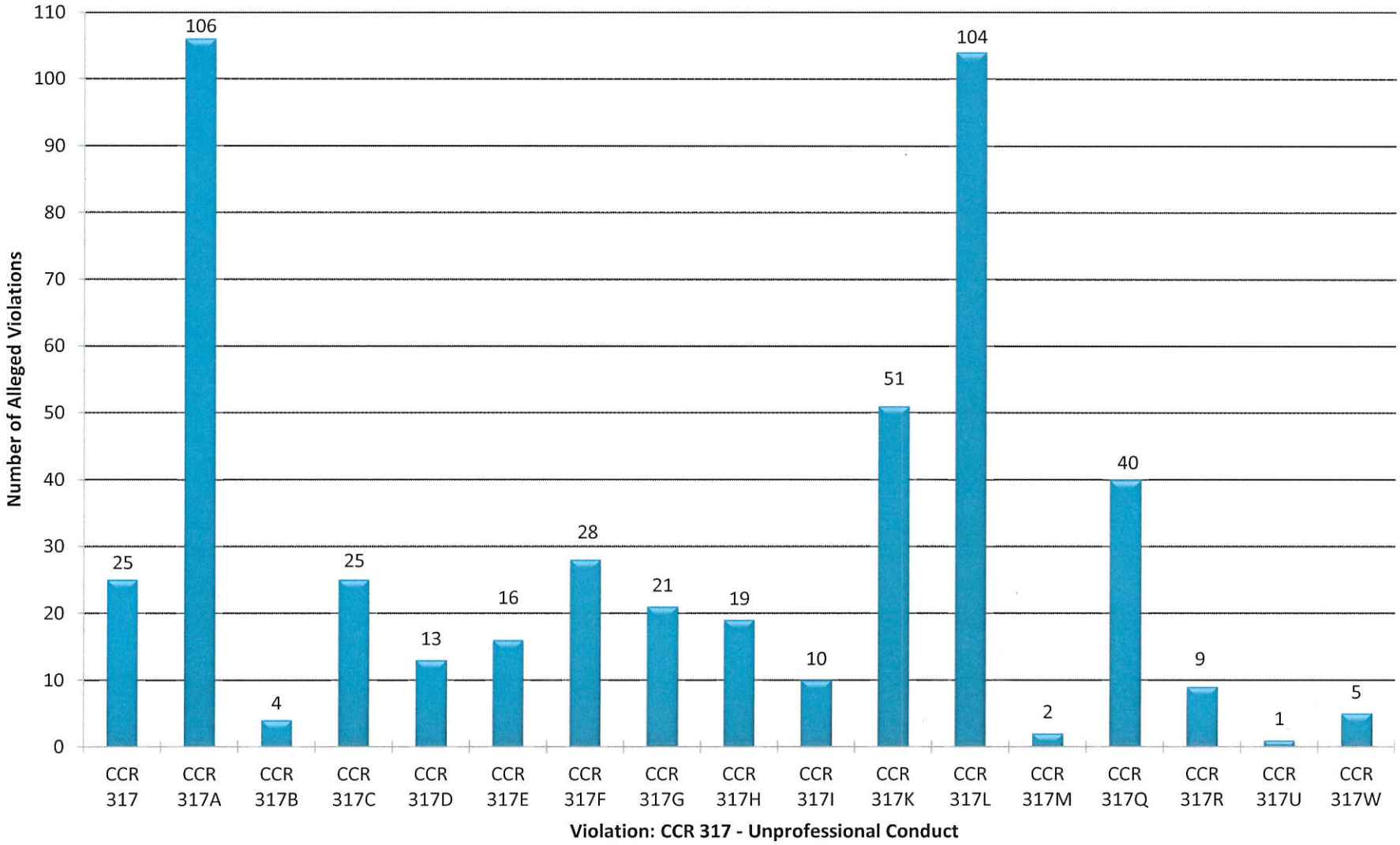
(a) Gross Negligence
(b) Repeated Negligent Acts
(c) Incompetence
(d) Excessive Treatment
(e) Conduct Endangering Public
(f) Administering to Oneself Drugs/Alcohol
(g) Conviction of a Crime Related to Chiropractic Duties
(h) Conviction of a Crime Involving Moral Turpitude/Physical Violence/etc.
(i) Conviction of a Crime Involving Drugs or Alcohol
(j) Dispensing Narcotics/Dangerous Drugs/etc.
(k) Moral Turpitude/Corruption/etc.
(l) False Representation
(m) Violation of the ACT/Regulations
(n) False Statement Given in Connection with an Application for Licensure
(o) Impersonating an Applicant
(p) Illegal Advertising related to Violations of Section 17500 BP
(q) Fraud/Misrepresentation
(r) Unauthorized Disclosure of Patient Records
(s) Employment/Use of Cappers or Steerers
(t) Offer/Receive Compensation for Referral
(u) Participate in an Illegal Referral Service
(v) Waiving Deductible or Co-Pay
(w) Fail to Refer Patient to Physician/Surgeon/etc.
(x) Offer or Substitution of Spinal Manipulation for Vaccination

Fiscal Year 2017/2018

July 1, 2017 - May 31, 2018

Number of Complaints Opened Alleging Violation of CCR 317= 479

(A complaint may contain multiple violations)



Violation Codes/Descriptions

The Chiropractic Initiative Act of California (ACT):

10 – Rules of Professional Conduct
15 – Noncompliance With and Violations of Act

California Code of Regulations (CCR):

302(a) – Scope of Practice
302.5 – Use of Laser
303 – Filing of Addresses
304 – Discipline by Another State
308 – Display of License
311 – Advertisements
312 – Illegal Practice
315 – Mental Illness
316 (a) – Responsibility for Conduct on Premises
316 (b) – Sexual Misconduct on Premises
316 (c) -- Sexual Misconduct/Relations
317 – Unprofessional Conduct
318 – Chiropractic Patient Records/Accountable Billing
319 – Free or Discount Services
319.1 – Informed Consent
321.1(c)- Fingerprint Submission
361(b) – 24 Hour CE Requirement
366 – Continuing Education Audits
367.5 – Application, Review of Refusal to Approve (corporations)
367.7 – Name of Corporation
371(c) – Renewal and Restoration

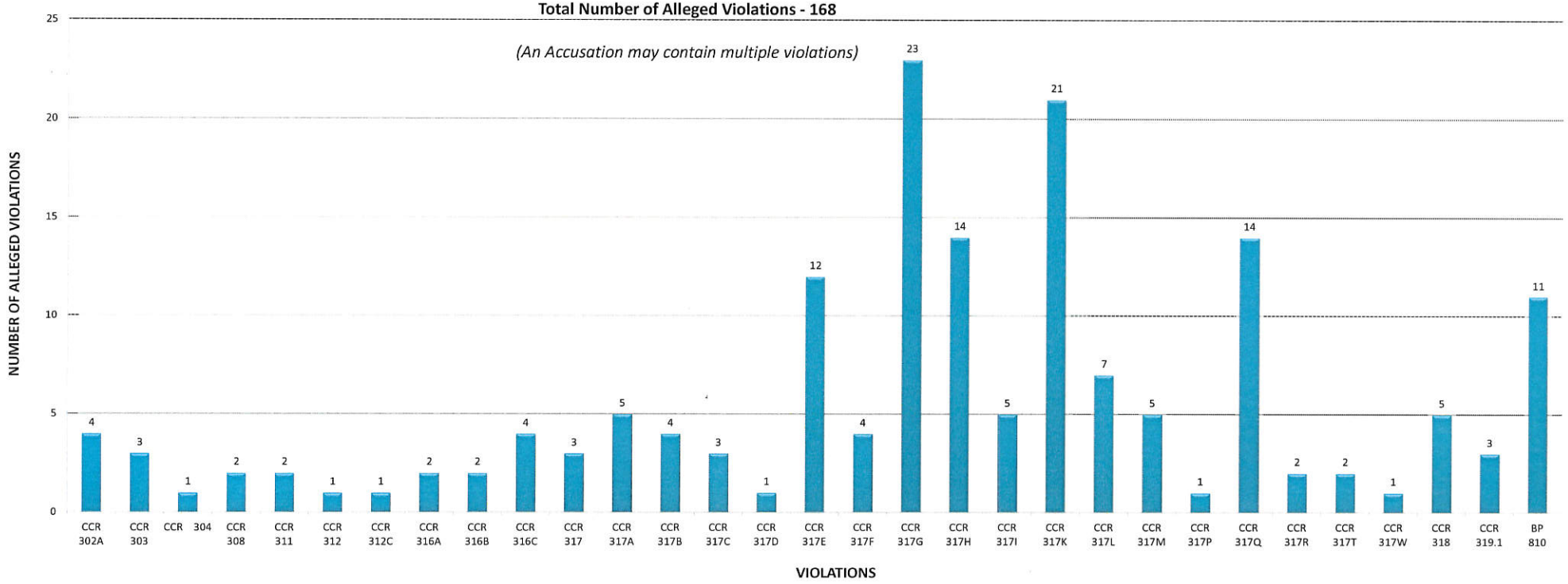
Business and Professions Code (BP):

125 – Aiding/Abet Unlicensed Activity
801 (a) – Professional Reporting Requirements (Ins-malpractice settlements)
802 (a) – Professional Reporting Requirements (Lic-malpractice settlements)
810 – Insurance Fraud
1051 – Apply for a Corporation with the Board
1054 – Name of Chiropractic Corporation
17500 – Unlawful Advertising

Health and Safety Code (HS):

123110 – Patient Access to Health Records

Fiscal Year 2017/2018
July 1, 2017 - May 31, 2018
Number of Accusations Filed - 31
Total Number of Alleged Violations - 168



BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

February 2018

ACCUSATIONS FILED

Name and City	License No.	Date Filed	Alleged Violations
Kim, Jonathan Hyungsuk **Los Angles, CA**	DC 30235	2/01/2018	Conviction of a crime which is substantially related to the duties of a chiropractor; insurance fraud; unprofessional conduct/commission of acts involving moral turpitude, dishonesty or corruption; knowingly making or signing a document related to the practice of chiropractic which falsely represents the facts; participation in the act of fraud/misrepresentation; disciplinary action taken by another state agency.
Cho, Joshua Han **Los Angeles, CA**	DC 27731	2/06/2018	Conviction of a crime which is substantially related to the duties of a chiropractor; insurance fraud; unprofessional conduct/commission of acts involving moral turpitude, dishonesty or corruption; knowingly making or signing a document related to the practice of chiropractic which falsely represents the facts; participation in acts of fraud/misrepresentation.
Bunyad, Darius **Petaluma, CA**	DC 31246	2/08/2018	Sexual acts involving patients on premises; act of sexual misconduct with a patient; unprofessional conduct/commission of acts involving moral turpitude, dishonesty or corruption; unprofessional conduct/gross negligence; act of sexual abuse, misconduct, or relations with a patient.
Elchami, Tarek **Escondido, CA**	DC 27051	2/12/2018	Conviction of a crime which is substantially related to the duties of a chiropractor; conviction of a crime involving moral turpitude, dishonesty, physical violence or corruption; unprofessional conduct/commission of acts involving moral turpitude, dishonesty or corruption; knowingly making or signing a document related to the practice of chiropractic which falsely represents the facts; participation in the act of fraud/misrepresentation; insurance fraud.

Berardi, Darrin David Fairfield, CA	DC 20511	2/20/2018	Conviction of a crime which is substantially related to the duties of a chiropractor; unprofessional conduct/ endangering the health, welfare or safety of the public; dangerous use of alcohol in a manner dangerous to the safety of oneself and the public; conviction of more than one misdemeanor involving the dangerous use of alcohol.
Michals, John Charles San Marcos, CA	DC 29213	2/22/2018	Conviction of a crime which is substantially related to the duties of a chiropractor; conviction of a crime involving moral turpitude, dishonesty, physical violence or corruption; unprofessional conduct/commission of acts involving moral turpitude, dishonesty or corruption; commission of acts of sexual abuse and misconduct with patients.
Bajwa, Sukhjeet Singh Porterville, CA	DC 30003	2/26/2018	Conviction of a crime which is substantially related to the duties of a chiropractor; unprofessional conduct/ endangering the health, welfare or safety of the public; dangerous use of alcohol in a manner dangerous to the safety of oneself and the public; conviction of more than one misdemeanor involving the dangerous use of alcohol.
Wilson, Rustin Craig Lawndale, CA	DC 32429	2/27/2018	Conviction of a crime which is substantially related to the duties of a chiropractor.

STATEMENT OF ISSUES

Name and City	License No.	Date Filed	Action	Effective Date	Violations
No Data to Report					

DISCIPLINARY ACTIONS

Name and City	License No.	Action	Effective Date	Violations
Yoo, Phillip Brian Garden Grove, CA	DC 31461	2/03/2018	Revoked, stayed, 3 yrs. probation	False advertising and misrepresentation; conspiring to violate provisions of the ACT or regulations; participation in the act of fraud/misrepresentation; false or misleading adverting that violates Business & Professional Code Section 17500; use of inappropriate title; advertising the use of unapproved lasers.
Kurestian, Shahen M. Glendale, CA	DC 31558	2/24/2018	Additional 2yrs probation	Failure to post suspension notice as directed in probation conditions; failure to obey all laws of probation.

REINSTATMENT OF LICENSE

Name and City	License No.	Date Filed	Action	Effective Date	Violations
No Data to Report					

FINAL CITATIONS ISSUED

Name and City	License Number	Fine Amount	Date Issued	Violations
No Data to Report				

PETITION FOR REINSTATEMENT

Name and City	License No.	Revocation Date	Action
No Data to Report			

PETITION FOR EARLY TERMINATION OF PROBATION

Name and City	License Number	Probation End Date	Action
No Data to Report			

PETITION FOR MODIFICATION OF PROBATION

Name and City	License Number	Probation End Date	Action
No Data to Report			

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

March 2018

ACCUSATIONS FILED

Name and City	License No.	Date Filed	Alleged Violations
Kypros, Paul Michael **Emeryville, CA**	DC 26084	3/13/2018	Unprofessional conduct/ endangering the health, welfare or safety of the public; conviction of a crime which is substantially related to the duties of a chiropractor.
Moon, Steven L. **Concord, CA**	DC 15323	3/19/2018	Conviction of a crime which is substantially related to the duties of a chiropractor; conviction of a crime involving moral turpitude, dishonesty, physical violence or corruption; unprofessional conduct/ endangering the health, welfare or safety of the public; unprofessional conduct/commission of acts involving moral turpitude, dishonesty or corruption.
Nguyen, Diem **Elk Grove, CA**	DC 27710	3/20/2018	Unprofessional conduct/gross negligence; unprofessional conduct/ incompetence; exceeding scope of practice; failure to maintain patient records/required content; conspiring to violate provisions of the ACT or regulations; failure to refer patient to a physician, surgeon or other licensed health care provider appropriate for medical condition; unprofessional conduct/ endangering the health, welfare or safety of the public; conviction of a crime which is substantially related to the duties of a chiropractor; conviction of a crime involving moral turpitude, dishonesty, physical violence or corruption; unprofessional conduct/commission of acts involving moral turpitude, dishonesty or corruption; false advertising and misrepresentation; use of advertising containing false or misleading statements.
Milman, Michael **Los Angeles, CA**	DC 30154	3/23/2018	Conviction of a crime which is substantially related to the duties of a chiropractor; insurance fraud; conviction of a crime involving moral turpitude, dishonesty, physical violence or corruption; unprofessional conduct/commission of acts involving moral turpitude, dishonesty or corruption; knowingly making or signing a document related to the practice of chiropractic, which falsely represents the facts; participation in the act of fraud/misrepresentation; conspiring to violate provisions of the ACT or regulations.

STATEMENT OF ISSUES

Name and City	License No.	Date Filed	Action	Effective Date	Violations
Brener, David Fresno, CA	DC 25313	3/08/2018	N/A	N/A	Conviction of a crime, which is substantially related to the duties of a chiropractor; conviction of a crime involving moral turpitude, dishonesty, physical violence or corruption; Acts warranting denial of licensure.

DISCIPLINARY ACTIONS

Name and City	License No.	Action	Effective Date	Violations
Mahoney, Lance Michael San Diego, CA	DC 32281	Revoked, stayed, 5 additional years of Probation	3/13/2018	Unprofessional conduct/ endangering the health, welfare or safety of the public; failure to comply with the terms and conditions of probation.
Matt, Robert Edward Roseville, CA	DC 24966	Voluntary Surrender	3/15/2018	Failure to comply with the terms and conditions of probation.
Long, Justin Christopher Anaheim, CA	DC 28576	Revoked, stayed, 30days Suspension, 5 yrs. Probation	3/29/2018	Knowingly making or signing a document related to the practice of chiropractic, which falsely represents the facts; unprofessional conduct/gross negligence; unprofessional conduct/ repeated negligent acts; unprofessional conduct/ incompetence; unprofessional conduct/ excessive treatment; unprofessional conduct/ endangering the health, welfare or safety of the public; failure to refer patient to a physician, surgeon or other licensed health care provider; exceeding scope of practice; unprofessional conduct/commission of acts involving moral turpitude, dishonesty or corruption; participation in the act of fraud/misrepresentation; failure to ensure accurate billings of chiropractic services; failure to maintain patient records/required content.

REINSTATMENT OF LICENSE

Name and City	License No.	Date Filed	Action	Effective Date	Violations
No Data to Report					

FINAL CITATIONS ISSUED

Name and City	License Number	Fine Amount	Date Issued	Violations
No Data to Report				

PETITION FOR REINSTATEMENT

Name and City	License No.	Revocation Date	Action
No Data to Report			

PETITION FOR EARLY TERMINATION OF PROBATION

Name and City	License Number	Probation End Date	Action
No Data to Report			

PETITION FOR MODIFICATION OF PROBATION

Name and City	License Number	Probation End Date	Action
No Data to Report			

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

April 2018

ACCUSATIONS FILED

Name and City	License No.	Date Filed	Alleged Violations
Garcia, Timothy Richard Oxnard, CA	DC 20192	4/09/2018	Conviction of a crime which is substantially related to the duties of a chiropractor; unprofessional conduct/commission of acts involving moral turpitude, dishonesty or corruption; acts of sexual misconduct with a patient; conviction of a crime involving moral turpitude, dishonesty, physical violence or corruption; unprofessional conduct/ endangering the health, welfare or safety of the public.
Huynh, Jack Sang Van Milpitas, CA	DC 29130	4/09/2018	Insurance fraud; conviction of a crime which is substantially related to the duties of a chiropractor; conviction of a crime involving moral turpitude, dishonesty, physical violence or corruption; unprofessional conduct/commission of acts involving moral turpitude, dishonesty or corruption; participation in the act of fraud/misrepresentation.
Farrell, Robert Joseph San Diego, CA	DC 19448	4/12/2018	Conviction of a crime which is substantially related to the duties of a chiropractor; unprofessional conduct/ endangering the health, welfare or safety of the public; dangerous use of alcohol in a manner dangerous to the safety of oneself and the public; conviction of more than one misdemeanor involving the dangerous use of alcohol.
Shaneyfelt, Dwight Allen San Rafael, CA	DC 20784	4/17/2018	Unprofessional conduct; unauthorized disclosure of patient information.
Bahou, Simone Munir Phoenix, AZ	DC 20507	4/18/2018	Conviction of a crime which is substantially related to the duties of a chiropractor; dangerous use of alcohol in a manner dangerous to the safety of oneself and the public; unprofessional conduct/endangering the health, welfare or safety of the public.

Sherf, John **Sherman Oaks, CA**	DC 31222	4/25/2018	Conviction of a crime which is substantially related to the duties of a chiropractor; conviction of a crime involving moral turpitude, dishonesty, physical violence or corruption; unprofessional conduct/commission of acts involving moral turpitude, dishonesty or corruption; knowingly making or signing a document related to the practice of chiropractic, which falsely represents the facts; participation in the act of fraud/misrepresentation; failure to comply with the terms and conditions of probation.

STATEMENT OF ISSUES

Name and City	License No.	Date Filed	Action	Effective Date	Violations
No Data to Report					

DISCIPLINARY ACTIONS

Name and City	License No.	Action	Effective Date	Violations
Hastert, Patricia Maria **Penn Valley, CA**	DC 14092	Revoked, stayed, 5 years of Probation	4/12/2018	Unprofessional conduct/gross negligence; unprofessional conduct/incompetence; unprofessional conduct; failure to obtain informed consent from patient.
Bunyad, Darius **Petaluma, CA**	DC 31246	Revoked	4/28/2018	Sexual acts involving patients on premises; acts of sexual misconduct with a patient; unprofessional conduct/commission of acts involving moral turpitude, dishonesty or corruption; unprofessional conduct/gross negligence; act of sexual abuse, misconduct, or relations with a patient.

REINSTATMENT OF LICENSE

Name and City	License No.	Date Filed	Action	Effective Date	Violations
No Data to Report					

FINAL CITATIONS ISSUED

Name and City	License Number	Fine Amount	Date Issued	Violations
No Data to Report				

PETITION FOR REINSTATEMENT

Name and City	License No.	Revocation Date	Action
No Data to Report			

PETITION FOR EARLY TERMINATION OF PROBATION

Name and City	License Number	Probation End Date	Action
No Data to Report			

PETITION FOR MODIFICATION OF PROBATION

Name and City	License Number	Probation End Date	Action
No Data to Report			

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

May 2018

ACCUSATIONS FILED

Name and City	License No.	Date Filed	Alleged Violations
Barri, Michael Edward Santa Ana, CA	DC 24281	5/15/2018	Conviction of a crime which is substantially related to the duties of a chiropractor; conviction of a crime involving moral turpitude, dishonesty, physical violence or corruption; unprofessional conduct/commission of acts involving moral turpitude, dishonesty or corruption; participation in the act of fraud/misrepresentation; accepting monetary compensation for the referral of patients to a physician in exchange for illegal kickbacks; failure to ensure accurate billings of chiropractic services; insurance fraud; offered, delivered, received, or accepted a commission, discount for referring patients, clients or customers.
Richardson, Dana Scott Vacaville, CA	DC 18607	5/16/2018	Conviction of a crime which is substantially related to the duties of a chiropractor; conviction of more than one misdemeanor involving the use of alcohol; dangerous use of alcohol in a manner dangerous to the safety of oneself and the public.
Roth, Michael Bruce Ventura, CA	DC 16839	5/31/2018	Unprofessional conduct/commission of acts involving moral turpitude, dishonesty or corruption; acts of sexual misconduct with a patient; Sexual acts involving patients on premises; act of sexual abuse, misconduct, or relations with a patient; unprofessional conduct/ endangering the health, welfare or safety of the public; violations of any provision or term of the ACT or the Regulations by the Board.

STATEMENT OF ISSUES

Name and City	License No.	Date Filed	Action	Effective Date	Violations
No Data to Report					

DISCIPLINARY ACTIONS

Name and City	License No.	Action	Effective Date	Violations
Tran, Annie My **Los Angeles, CA**	DC 30508	Stipulated Surrender	5/19/2018	Conviction of a crime which is substantially related to the duties of a chiropractor; conviction of a crime involving moral turpitude, dishonesty, physical violence or corruption; participation in the act of fraud/misrepresentation.

REINSTATMENT OF LICENSE

Name and City	License No.	Date Filed	Action	Effective Date	Violations
No Data to Report					

FINAL CITATIONS ISSUED

Name and City	License No.	Fine Amount	Date Issued	Violations
Ainsleigh, H Gordon **Meadow Vista, CA**	DC 15116	$200.00	5/10/2018	Knowingly making or signing a document related to the practice of chiropractic, which falsely represents the facts; failure to complete the Board's continuing education course requirement of twenty-four (24) hours; failure to complete continuing education requirements prior to the expiration date of the license; licensees shall complete mandatory continue education requirement within renewal period.
Egan, Monica Brooke **Novato, CA**	DC 31715	$500.00	5/30/2018	Unlicensed Individual/practicing without a valid license; failure to file current practice address with Board; failure to display a valid and current license in place of practice.

PETITION FOR REINSTATEMENT

Name and City	License No.	Revocation Date	Action
No Data to Report			

PETITION FOR EARLY TERMINATION OF PROBATION

Name and City	License Number	Probation End Date	Action
No Data to Report			

PETITION FOR MODIFICATION OF PROBATION

Name and City	License Number	Probation End Date	Action
No Data to Report			

(B) Wellness. (prevention, health maintenance)

(C) Rehabilitation.

(D) Public health.

(h) With the exception of the mandatory courses specified in subdivision (e), the remaining continuing education requirements may be met by taking continuing education courses, including distance learning, that are approved by either of the following:

(1) The California Department of Industrial Relations, Division of Workers Compensation.

(2) Any Healing Arts Board or Bureau within Division 2 of the Business and Professions Code or approved by any organization authorized to approve continuing education by any Healing Arts Board or Bureau in Division 2 of the Business and Professions Code.

(i) The continuing education providers and courses referenced in subdivision (h) do not need to be approved by the Board for credit to be granted nor do they need to meet the requirements contained in Sections 362, 363, and 363.1.

§362. Continuing Education Provider Approval, Duties, and Responsibilities.

(a) CONTINUING EDUCATION PROVIDER DENIAL AND APPEAL PROCESS: If an application is denied under this section, the applicant shall be notified in writing of the reason(s) for the denial. The applicant may request an informal hearing with the Executive Officer regarding the reasons stated in the denial notification. The appeal must be filed within 30 days of the date of the denial notification.

The Executive Officer shall schedule the informal hearing within 30 days of receipt of the appeal request. Within 10 days following the informal hearing, the Executive Officer shall provide written notification of his or her decision to the denied applicant. If the Executive Officer upholds a denial under this section, the applicant may, within 30 days of the date of the Executive Officer's denial notification, request a hearing before the board to appeal the denial. The Executive Officer shall schedule the requested hearing at a future board meeting but not later than 180 days following receipt of the request. Within 10 days of the hearing before the board, the Executive Officer shall provide written notification of the board's decision to the applicant. The board's decision shall be the final order in the matter.

(b) As used in this section, a provider is an individual, partnership, corporation, professional association, college or any other entity approved by the board to offer board approved continuing education courses to licensees to meet the annual continuing education requirements set forth in Section 361 of these regulations.

(c)(1) To apply to become an approved provider, an applicant shall complete and submit a "Continuing Education Provider Application" form (Revision date 02/10) which is hereby incorporated by reference, and pay the fee specified in Section 360(a). Applications for approval shall be submitted to the board office at least 30 days prior to a scheduled board meeting. Providers with applications that are incomplete will be notified of the deficiencies in writing within three (3) weeks from the date of receipt. Complete applications will be reviewed at the

scheduled board meeting and notification of the board's decision will be provided in writing within two (2) weeks following the board meeting.

(2) The approval of the provider shall expire two (2) years after it is issued by the board and may be renewed upon the filing of the "Continuing Education Provider Application" form (Revision date 02/10) and fee specified in Section 360(b).

(3) Providers who were approved by the board prior to the effective date of this regulation shall renew their provider status two years from June 8, 2011 by filing of the "Continuing Education Provider Application" form (Revision date 02/10) and fee specified in Section 360(b).

(4) The board will not process incomplete applications nor applications that do not include the correct application fee.

(d) Providers shall:

(1) Identify an individual responsible for overseeing all continuing education activities of the provider.

(2) Provide a course roster to the board, within 30 days, upon written request. Course rosters shall include the names of all licensees, license numbers, and e-mail addresses if available. Failure to submit the roster upon written request within thirty (30) days may result in the withdrawal or denial of previous course approval and withdrawal of provider status. Providers shall maintain the course roster for four (4) years from the date of completion of the course.

(3) Maintain course instructor curriculum vitae or resumes for four (4) years.

(4) Disclose to prospective participants the names of the individuals or organizations, if any, who have underwritten or subsidized the course. Providers may not advertise, market, or display materials or items for sale inside the room while the actual instruction is taking place. Nothing in this section shall be interpreted to prohibit a provider from mentioning a specific product or service solely for educational purposes.

(5) Inform the board in writing immediately of any change to the date, time or location of the course.

(6) Provide a certificate of completion to licensees within 30 days following completion of the continuing education course. Providers shall retain records of course completion for four (4) years from the date of completion and provide records of completion to the Board within thirty (30) days, upon written request. The certificate shall include the following information:

(A) Name and address of provider.

(B) Course title.

(C) Course approval number.

(D) Date(s) and location of course.

(E) Licensee name.

State of California
Edmund G. Brown Jr., Governor

Agenda Item 14
June 5, 2018

Update, Discussion and Possible Action on
Licensing & Continuing Education Committee Meeting Agenda

Purpose of the item

The Board will receive an update from the June 1, 2018 committee meeting.

Action(s) requested

N/A

Background

Following completion of the 2014 – 2017 BCE Strategic Plan, the Board developed action items to ensure the continued competency of Doctors of Chiropractic through licensing standards, professional conduct and requirements for continuing education. Focus groups and numerous committee meetings have been conducted to review and discuss possible ways to increase the competency of chiropractors, including, increasing entrance requirements for chiropractic colleges, and revising standards for continuing education providers and courses, revise chiropractic college curriculum requirements.

At the February 22, 2018 Board Meeting, the CE Provider applications were not ratified due to lack of a quorum in the full Board's vote. As a result, the task of revising the CE Provider Applications for compliance with the CE Provider requirements in regulation, has been assigned to this Committee.

The Licensing and Continuing Education Committee met on June 1, 2018 to review and discuss the strategic plan goals, as well as policy issues relating to Continuing Education. This committee and staff have identified numerous areas of concern within existing CE regulations. Staff has researched other state's CE regulations and has identified areas which may resolve some of the regulations which are problematic. Before drafting the actual regulatory language, the full Board must decide on two key components:

1. Subject Areas which qualify for Board-approved CE
2. Total Number of Hours Required Annually
    a. Number of mandatory Hours required annually
    b. Number of general hours required annually

Stakeholders and staff have identified numerous areas within the Board's curriculum regulations which are obsolete or problematic. Stakeholder meetings were held to identify each of the areas which should be amended, added or deleted. Thereafter, several chiropractic colleges worked collaboratively to draft a document outlining their recommendations for changes to the regulations and the necessity for each change.

2017-2019 BCE Strategic Plan

The Committee reviewed Strategic Plan goals 1.1 through 1.7 and included status updates on each goal.

Review of Pending CE Provider Applications

The Committee was provided with the requirements in law for CE Providers and copies of all pending CE Provider applications for review. It was determined that the requirements in law for CE Providers are minimal and all pending applications meet the requirements for approval and subsequent ratification of approval by the full Board.

Possible Revisions to Continuing Education Regulations

The Committee was provided a document outlining CE policy issues to discuss at the June 1, 2018 meeting. At this meeting, the Committee discussed the policy issues, which included subject areas which would qualify for Board-approved CE and the annual CE hourly requirements. The Committee approved staff's recommendations on the policy issues with amendments to the document and further discussion of the policies by the full Board.

Possible Revisions to Curriculum Regulations

The Committee was provided an update on the status of the revisions to curriculum regulations.

Recommendation(s)
N/A

Next Step
N/A

Attachment(s)

- Licensing & CE Committee Agenda
- 2017-2019 Strategic Plan – Goal 1
- Major Policy Issues for Consideration by the Licensing & Continuing Education Committee
- CCR Section 361. Continuing Education Requirements

Proposed Amendments to BCE's Continuing Education Regulations

Major Policy Issues for Consideration by the Licensing & Continuing Education Committee.

Qualifying Subject Areas

Staff strongly recommends refining the subject areas for which the Board will grant CE Credit. The Board should consider eliminating subjects which are vague or overly comprehensive, such as: Philosophy of Chiropractic; Principles of Practice; Wellness; etc. Providers regularly submit applications for courses that use these titles to describe topics that aren't focused in any substantive way on knowledge and competencies related to patient care.

Narrowing the list to specific, well-defined topics will clarify the law and streamline the course review process by establishing parameters for determining whether a course meets the requirements for approval. More importantly, these topics will ensure that training required by the Board is consistent with our Consumer Protection Mandate.

Following are suggestions for subjects directly related to core competencies and patient care.

1. Assessment ~~and diagnostic~~ procedures to include physical, orthopedic, and neurological ~~procedures~~ testing.

2. Radiology (including diagnostic imaging and interpretation).

3. Interpretation of blood and urinalysis test results.

4. Evidence-based peer reviewed ~~chiropractic treatment~~ clinical intervention

5. Chiropractic adjustive techniques or chiropractic manipulation techniques as taught in Council of Chiropractic Education (CCE) accredited colleges or formally recognized by CCE accredited colleges.

6. Physical medicine modalities and therapeutic procedures **(Policy discussion: Is physiotherapy or something else a more appropriate description of this subject area?)**

7. ~~Communicable Diseases~~ Current issues in Public Health

8. Nutrition.

9. Special population care, which shall include, but not be limited to, geriatric, pediatric, HIV, and transgender care as related to the practice of chiropractic. Instruction in this subject area must be directly related to patient care. **(Policy discussion: Necessity of including the option of courses on special populations)**

10. Accurate and effective record keeping, which includes proper and ethical billing and coding, documentation of evaluation, treatment and progress of a patient. This is not to include practice building or patient recruitment/retention or business techniques or principles that teach concepts to increase patient visits or patient fees per case or courses primarily focused on billing and coding.

11. Ethics and law: including but not limited to: truth in advertising; professional boundaries; mandatory reporting requirements for child abuse/neglect, elder abuse/neglect, and spousal or cohabitant abuse/neglect; and review of the specific laws, rules and regulations related to the practice of chiropractic in the State of California.

12. Sexual Boundaries between doctors and patients, including but not limited to misconduct or harassment between a licensee and their patients and/or staff.

13. Cardiopulmonary resuscitation, basic life support and use of an automated external defibrillator (*Note: This will probably be addressed elsewhere in the CE Regs).

14. Basic Science **(Policy discussion: What is considered basic science, how many categories should be included?)**

Mandatory Hours

To ensure all licensees receive ongoing training in areas critical to quality of care and patient safety, the Board should identify those subject areas that are essential to the safe practice of chiropractic. Staff recommends requiring annual training, as quantified, in each of the following subject areas (14 hours total):

- Four (4) hours of continuing education in assessment and diagnostic procedures (as specified in Qualifying Subject Areas #1).
- Four (4) hours in Chiropractic adjustive techniques and/or chiropractic manipulation techniques (as specified in Qualifying Subject Areas #5).
- Two (2) hours in ethics and law (as specified in Qualifying Subject Areas #11).
- Two (2) hours in sexual boundaries (as specified in Qualifying Subject Areas #12).
- Two (2) hours in Record Keeping (as specified in Qualifying Subject Area #10)

The remaining 10 hours may be satisfied through any of the 8 other Qualifying Subject Areas.

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		TBD	
1.1.4 Determine if there is data to share with Board regarding national discussion.	EO and Licensing Committee	Q4 2017		Ongoing

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		In progress	
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		In progress	
1.3.2 Develop an auditing form/checklist for CE courses.	CE Manager		In progress	
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		Q2 2018
1.4.3 Provide DCA OIS with assessment and obtain recommendations for possible IT options.	AEO and Management Team		In progress	
1.4.4 If determination is made that BreEZe meets business needs work with OIS to implement BreEZe.	AEO and Management Team		In progress	
1.4.5 If determination is made that BreEZe does not meet business needs work with OIS to implement alterative.	AEO and Management Team		In progress	

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		In progress	
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		In progress	
1.6.4 Licensing Committee recommendation to full Board. Note: incorporate with 1.2 regulation package.	Licensing Committee		In progress	

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		In progress	

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		In progress	
1.7.3 Determine whether amending the practice act is necessary to achieve goals.	EO and Board Chair		In progress	
1.7.4 Board to make determination regarding further action.	Board Members		TBD	

§361. Continuing Education Requirements.

(a) For purposes of this section, "implementation date" means two years following June 8, 2011.

(b) For license renewals that expire on or after the implementation date, the number of required hours of continuing education courses shall be twenty-four (24). For license renewals that expire prior to the implementation date, the number of required hours of continuing education courses shall be twelve (12).

(c) For license renewals that expire on or after the implementation date, a maximum of twelve (12) continuing education hours may be completed through distance learning as defined in Section 363.1. For license renewals that expire prior to the implementation date, a maximum of six (6) continuing education hours may be completed through distance learning as defined in Section 363.1.

(d) Any continuing education hours accumulated before June 8, 2011 that meet the requirements in effect on the date the hours were accumulated, will be accepted by the board for license renewals.

(e) On or after the implementation date, licensees shall complete a minimum of two (2) hours in subdivision (g)(11) - Ethics and Law, a minimum of four (4) hours in any one of, or a combination of, the subject areas specified in subdivision (g)(3) - History Taking and Physical Examination Procedures, subdivision (g)(5) - Chiropractic Adjustive Techniques or Chiropractic Manipulation Techniques, or subdivision (g)(10) - Proper and Ethical Billing and Coding.

(f) With the exception of the mandatory hours referenced in subdivision (e), the remaining eighteen (18) hours of additional continuing education requirements may be met by taking courses in any of the subject areas listed in subdivision (g) or courses taken pursuant to subdivision (h). The eighteen (18) hours may include any combination of continuing education courses in subject areas specified in either subdivision (g) or approved by agencies specified in subdivision (h). By way of example, a licensee may take eight (8) hours of continuing education courses in subject areas listed in subdivision (g), that are approved by the board, and ten (10) hours of continuing education courses that are approved by the California Department of Industrial Relations, Division of Workers Compensation pursuant to subparagraph (1) of subdivision (h).

(g) Courses approved by the board shall be limited to the following subject areas:

1. Philosophy of chiropractic, including the historical development of chiropractic as an art and science and health care approach; the vertebral subluxation complex and somato-visceral reflexes including their relationships between disease and health; and other chiropractic theory and philosophy.

2. Instruction in basic sciences of anatomy, histology, neurology, physiology, nutrition, pathology, biochemistry or toxicology.

3. Instruction in various basic to comprehensive history taking and physical examination procedures, including but not limited to orthopedic, neurological and general diagnosis related to evaluation of the neuro-musculoskeletal systems, and includes general diagnosis and differential diagnosis of all conditions that affect the human body.

4. Diagnostic testing procedures, interpretation and technologies that aid in differential diagnosis of all conditions that affect the human body.

5. Chiropractic adjustive techniques or chiropractic manipulation techniques.

6. Pain management theory, including, but not limited to, current trends in treatment and instruction in the physiology and anatomy of acute, sub-acute and chronic pain.

7. Physiotherapy.

8. Instruction in Manipulation Under Anesthesia including the safe handling of patients under anesthesia.

9. Instruction in the aspects of special population care, including, but not limited to, geriatric, pediatric, and athletic care as related to the practice of chiropractic.

10. Instruction in proper and ethical billing and coding, including accurate and effective record keeping and documentation of evaluation, treatment and progress of a patient. This is not to include practice building or patient recruitment/retention or business techniques or principles that teach concepts to increase patient visits or patient fees per case.

11. Ethics and law: including but not limited to: truth in advertising; professional boundaries; mandatory reporting requirements for child abuse/neglect, elder abuse/neglect; spousal or cohabitant abuse/neglect; sexual boundaries between patient and doctors; review of the specific laws, rules and regulations related to the practice of chiropractic in the State of California.

12. Adverse event avoidance, including reduction of potential malpractice issues.

13. Pharmacology, including side effects, drug interactions and the pharmodynamics of various commonly prescribed and over-the-counter drugs; drug reactions and interactions with herbs, vitamins and nutritional supplements; blood and urinalysis testing used in the diagnosis and detection of disease, including use of and interpretation of drug testing strips or kits utilizing urinalysis, saliva, hair and nail clippings.

14. A licensee may earn up to a maximum of two (2) hours of continuing education credit in cardiopulmonary resuscitation, basic life support or use of an automated external defibrillator.

15. Board Meeting: A licensee may earn a maximum of four (4) hours of continuing education credit per renewal period for attending a full board meeting that includes the hearing of cases related to petitioners seeking the reinstatement of revoked licenses or early termination of probationary licenses. A petitioner may not earn any continuing education hours for attending a board meeting on the same day in which said petitioner's hearing is conducted. The attendance of a licensee at a board meeting under this subparagraph shall be monitored and confirmed by board staff designated by the Executive Officer.

16. Any of the following as related to the practice of chiropractic:

(A) Principles of practice.

(B) Wellness. (prevention, health maintenance)

(C) Rehabilitation.

(D) Public health.

(h) With the exception of the mandatory courses specified in subdivision (e), the remaining continuing education requirements may be met by taking continuing education courses, including distance learning, that are approved by either of the following:

(1) The California Department of Industrial Relations, Division of Workers Compensation.

(2) Any Healing Arts Board or Bureau within Division 2 of the Business and Professions Code or approved by any organization authorized to approve continuing education by any Healing Arts Board or Bureau in Division 2 of the Business and Professions Code.

(i) The continuing education providers and courses referenced in subdivision (h) do not need to be approved by the Board for credit to be granted nor do they need to meet the requirements contained in Sections 362, 363, and 363.1.

§362. Continuing Education Provider Approval, Duties, and Responsibilities.

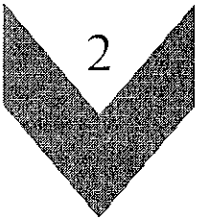
(a) CONTINUING EDUCATION PROVIDER DENIAL AND APPEAL PROCESS: If an application is denied under this section, the applicant shall be notified in writing of the reason(s) for the denial. The applicant may request an informal hearing with the Executive Officer regarding the reasons stated in the denial notification. The appeal must be filed within 30 days of the date of the denial notification.

The Executive Officer shall schedule the informal hearing within 30 days of receipt of the appeal request. Within 10 days following the informal hearing, the Executive Officer shall provide written notification of his or her decision to the denied applicant. If the Executive Officer upholds a denial under this section, the applicant may, within 30 days of the date of the Executive Officer's denial notification, request a hearing before the board to appeal the denial. The Executive Officer shall schedule the requested hearing at a future board meeting but not later than 180 days following receipt of the request. Within 10 days of the hearing before the board, the Executive Officer shall provide written notification of the board's decision to the applicant. The board's decision shall be the final order in the matter.

(b) As used in this section, a provider is an individual, partnership, corporation, professional association, college or any other entity approved by the board to offer board approved continuing education courses to licensees to meet the annual continuing education requirements set forth in Section 361 of these regulations.

(c)(1) To apply to become an approved provider, an applicant shall complete and submit a "Continuing Education Provider Application" form (Revision date 02/10) which is hereby incorporated by reference, and pay the fee specified in Section 360(a). Applications for approval shall be submitted to the board office at least 30 days prior to a scheduled board meeting. Providers with applications that are incomplete will be notified of the deficiencies in writing within three (3) weeks from the date of receipt. Complete applications will be reviewed at the

Enforcement



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		Q3 2018

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	Q3 2017	Q2 2018	Q4 2017
2.4.2 Post outreach document on BCE newsletter, website and social media.	Licensing Manager	Q3 2017	Q1 2019 and ongoing	Q4 2017

AB 2138 (Chiu) – Licensing boards: denial of application: revocation or suspension of licensure: criminal conviction.

As Amended April 2, 2018

SUMMARY: This bill would limit a regulatory board's discretion to deny a new license application, or suspend or revoke an existing license based on a criminal conviction(s).

EXISTING LAW:

- Authorizes a board to deny an application for licensure if the applicant has:
  - Been convicted of a crime.
  - Committed any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.
  - Committed any act that if done by a licensee, would be grounds for suspension or revocation of license.

- Specifies that the board may deny a license based on a conviction *only* if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

- Prohibits denying a license solely on the basis that:
  - The applicant has been convicted of a felony *if he or she has obtained a certificate of rehabilitation (as specified)*, or
  - The applicant has been convicted of a misdemeanor *if he or she has met all applicable requirements of the criteria of rehabilitation developed by the board (as specified)*.

- Prohibits denying a license <u>solely</u> based on a conviction that has been dismissed

- Allows denial if the applicant knowingly made a false statement on their application for the license.

- Authorizes a board to revoke or suspend a current license based on a conviction, only if the crime is substantially related to the qualifications, functions, or duties of the profession.

- Permits a board to suspend the license of a licensee who is not in compliance with a child support order or judgment.

- States that successful completion of a diversion program or an alcohol and drug problem assessment program shall not prohibit a board from taking disciplinary action or denying a license for professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a record pertaining to an arrest. (BPC § 492)

- States that the record of conviction of a crime is conclusive evidence that the conviction occurred for purposes of a board's decision to deny or discipline a license, but authorizes a board to inquire into the circumstances surrounding the commission of the crime to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the profession.

THIS BILL WOULD:

- Revise the definition of "conviction" within the Business and Professions Code. Clarifies that a plea of "guilty" is not considered a conviction prior to a judgement in the matter.

- Allow the Board to deny, suspend, or revoke a license based on a non-violent conviction ***only*** if the applicant is currently incarcerated for the conviction or the conviction occurred within the past five years.

- Allow the Board to deny, suspend, or revoke a license based on formal discipline by another board ***only*** if the discipline occurred within the past five years, ***and only*** if the discipline was based on professional misconduct that would have been cause for discipline before BCE.

- Allow the Board to deny, suspend, or revoke a license based on a conviction or discipline ***only*** if the underlying conduct is ***directly and adversely*** related to the qualifications, duties, or functions of a DC.

- Remove the Board's authority to deny an application based on "acts" for which there was no due process in a criminal or disciplinary proceeding.

- Prohibit the Board from denying, suspending, or revoking a license based on a conviction (or the underlying acts) that has been dismissed or for which the applicant has obtained a certificate of rehabilitation.

- Prohibit the Board from denying a license based on:
  - An arrest that resulted in a disposition other than a conviction.
  - An applicant's failure to disclose a fact that would not have been cause for denial of the license had it been disclosed.

- Remove the Board's authority to require applicants and licensees to disclose any information or documentation regarding their criminal history.

- Require the Board, when denying, suspending, or revoking a license based on a conviction(s), to notify the applicant/licensee in writing of the denial, as well as the following:
  - The applicant's/licensee's right to challenge or appeal the board's decision.
  - The procedure for challenging or appealing the decision.
  - Instructions on how to obtain a copy of their complete criminal history.

- Require the Board to retain the following information for a minimum of three years:
  - Application forms and other documents submitted by an applicant
  - Any notice provided to an applicant
  - Any other communications received from and provided to an applicant
  - Criminal history reports of an applicant.

- Require the Board to retain the following statistical information:
  - The number of applicants with a criminal record who received notice of denial or disqualification of licensure.
  - The number of applicants with a criminal record who provided evidence of mitigation or rehabilitation.
  - The number of applicants with a criminal record who appealed any denial or disqualification of licensure.
  - The final disposition and demographic information, including, but not limited to, voluntarily provided information on race or gender, of any applicant.

- Require the Board to develop criteria for determining whether a crime is directly and adversely related to the qualifications, functions, or duties of the profession. The criteria must include the following:
  - The nature and gravity of the offense.
  - The number of years elapsed since the date of the offense.
  - The nature and duties of the profession.

- Require the Board to post on its website a summary of the criteria used to consider whether a crime is directly and adversely related to the qualifications, functions, or duties of the profession.

- Require the Board to consider evidence of rehabilitation prior to denying, suspending or revoking a license based in whole or in part on a conviction.

- Limit probationary terms or restrictions placed on a license to two years or less.

- Specify that any additional probationary conditions may be imposed ***only*** if the board determines that there is clear and convincing evidence that additional conditions are necessary to address a risk shown by clear and convincing evidence.

- Require the board to develop criteria to evaluate rehabilitation of an applicant or licensee when considering denial, suspension or revocation.

- Require the Board to find that an applicant or licensee has made a showing of rehabilitation if any of the following are met:
  - The applicant or licensee has completed the criminal sentence at issue without a violation of parole or probation.
  - The applicant or licensee documents that he or she has worked in a related field continuously for at least one year prior to licensure or successfully completed a course of training in a related field, unless the board finds a public record of an official finding that the applicant committed professional misconduct in the course of that work.
  - The applicant or licensee has satisfied the criteria for rehabilitation developed by the Board.

- Require the Board to retain the following information for a minimum of three years:
  - All documents submitted by a licensee.
  - Notices provided to a licensee.
  - All other communications received from or provided to a licensee.

- Criminal history reports of a licensee.

- Require the Board to retain the following information:
  - The number of licensees with a criminal record who received notice of potential revocation or suspension of their license or who had their license suspended or revoked.
  - The number of licensees with a criminal record who provided evidence of mitigation or rehabilitation.
  - The number of licensees with a criminal record who appealed any suspension or revocation of a license.
  - The final disposition and demographic information, including, but not limited to, voluntarily provided information on race or gender, of the licensees listed above.

- Require the Board to annually report the above-listed statistical information to the Legislature and make it available to the public on the Board's website.

- Expressly supersede any contradictory provision in the Board's Act that authorize denial, suspension or revocation based on a criminal conviction, arrest, or underlying acts.

- States that limitations on suspending or revoking a license based on criminal convictions shall not prohibit a board from taking disciplinary action against a licensee for professional misconduct in the course and scope of the licensee's profession that is based on evidence that is independent of an arrest.

- Repeal the Board's ability to suspend a license non-compliance with a child support order or judgment.

BACKGROUND:

This bill is sponsored by the following criminal justice advocacy groups:

- Anti-Recidivism Coalition (Sponsor)
- East Bay Community Law Center (Sponsor)
- Legal Services for Prisoners with Children (Sponsor)
- Root & Rebound (Sponsor)
- American Civil Liberties Union (ACLU)
- American Federation of State, County and Municipal Employees (AFSCME)

According to the sponsors, California has among the highest recidivism rates in the nation, with many low-level criminal offenders committing new crimes within a year of release. The sponsors believe these factors play a significant role in the prison and jail overcrowding crisis that the Legislature has spent the past decade attempting to address. They state that one of the root causes of high recidivism rates is the inability of prior offenders to secure gainful employment upon reentry. Nearly 30 percent of California jobs require licensure, certification, or clearance by an oversight board or agency for approximately 1,773 different occupations.

The sponsors believe that many qualified people are denied occupational licenses or have licenses revoked or suspended based on prior arrests or convictions, many of which are old, unrelated to the job, or have been judicially dismissed. The state that alleviating barriers to occupational licensing is just one way California can reduce recidivism and provide economic opportunity to all its residents.

Under existing law applicable to all DCA Boards and Bureaus, a license may only be denied or disciplined for prior misconduct if the disqualifying crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made. Existing law also states that a license may not be denied or disciplined solely based on a conviction if the applicant/licensee possesses a certificate of rehabilitation, or the conviction has been dismissed.

Proponents of this bill believe the broad discretion granted to DCA's regulatory boards

The sponsors also note that the discretion granted to DCA's regulatory programs goes beyond criminal convictions and includes non-criminal activity, such as regulatory discipline. They argue that authority has opened the door for many licensure applications to be denied based purely on alleged misconduct that has not been determined to have occurred through standard due process.

Proponents of this measure believe California's occupational regulatory laws are draconian and argue that the current process for evaluating prior arrests and convictions lacks transparency and predictability. They further argue that the labyrinth of different restrictions causes confusion for applicants and deters many from applying for an occupational license despite otherwise meeting the minimum qualification for their profession.

COMMENTS:

While the BCE, supports the author's efforts to achieve consistency and transparency in how myriad regulatory programs review and consider prior arrests/convictions/discipline of applicants and licensees, we have concerns with multiple provisions of this bill.

This bill would restrict the Board's ability to obtain and consider an applicant's complete criminal/disciplinary history prior to granting them an unrestricted license to practice chiropractic. It's possible that some or all the documentation we review will reveal acts that are old, insignificant, unrelated to chiropractic, or otherwise irrelevant, we are not able to make those determinations if we're unable to see the complete record.

While some prior violations may not, in and of themselves, raise a significant level of concern, those violations, together with multiple other "minor" violations, may reveal a troubling pattern that could be indicate a lack of fitness to safely practice chiropractic.

The Board understands the concerns of applicants who've made mistakes in the past and since rehabilitated. We're also cognizant of the discretion granted to us when making denial/disciplinary decisions. A lot of thought and consultation occurs before a decision is made to deny or discipline a license.

In the past five years, only 13 applications were denied due to prior convictions/discipline. Of those, six were ultimately granted a probationary license. During this same period, only 38 licenses were revoked. Revocations are always due to egregious administrative and/or criminal violations, such as: sexual

misconduct; conviction for rape or other violent crimes, continued substance abuse, major and/or repeated insurance fraud, and gross negligence.

It is likely AB 2138 would have seriously restricted the Board's ability to obtain all of the records in some or all of the above-mentioned disciplinary matters.

RECOMMENDATION:

Staff is concerned that this bill would restrict our ability to appropriately assess an applicant or licensee's ability to practice safely. We're also concerned that, as currently written, this bill would cause significant confusion for applicants, licensees, and the Board, which may result in delayed hearings and a significant increase in challenges to Board decisions.

The Author's office is aware of these concerns and has plans to amend many of the bill's provisions.

At this time, staff recommends watching AB 2138 and working with the Author's office to resolve any significant concerns.

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			Q4 2017
3.2.2 Create outreach publications and materials educating the public on complaint process.	Enforcement Committee		On hold	
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			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

Laws and Regulations

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

4

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	Q2 2018	Q2 2018	
4.2.2 Put an email field on license application.	Policy Analyst		In progress	
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		In progress	