



State of California
Edmund G. Brown Jr., Governor

**Agenda Item 14
November 8, 2018**

**Review, Discussion and Possible Action on Staff Report Regarding National
Licensing Trends**

Purpose of the item

The Board will review and discuss national chiropractic licensing trends.

Action(s) requested

N/A

Background

Over the last two years, the Board has noticed a gradual decline in the licensee population. As a result, the Board has expressed concern over the decline and has tasked staff to research the issue and provide its findings to the Board.

At the June 5, 2018 board meeting, Board members expressed interest in discussing national licensing trends and directed staff to gather statistical information for a future agenda item. Staff believes that understanding internal and external factors that impact licensing statistics could help mitigate negative trends and ensure the Board's long-term sustainability.

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

- National and State Chiropractic Licensing Trend Data

10-Year Chiropractic Board Licensing Trends

State	2007			2008			2009			2010			2011			2012			Trend
	Total	New	Total	Total	New	Total	Total	New	Total	Total	New	Total	Total	New	Total	Total	New		
Arizona	2,578	95	2,463	109	2,415	89	2,359	96	2,329	59	2,313	67	2,313	67	2,313	67	2,313	Down	
California	13,817	N/A	13,807	N/A	13,841	N/A	13,850	N/A	13,597	N/A	13,441	N/A	13,441	N/A	13,441	N/A	13,441	Down	
Florida	4,909	154	4,824	223	4,923	149	5,196	149	5,196	323	5,494	295	5,494	295	5,494	295	5,494	Up	
Illinois	4,167	N/A	3,848	N/A	4,106	N/A	4,483	N/A	4,149	N/A	4,489	N/A	4,489	N/A	4,489	N/A	4,489	Up	
Nevada	602	N/A	600	N/A	641	N/A	645	N/A	632	N/A	632	N/A	632	N/A	632	N/A	632	Up	
New Mexico	504	15	508	15	508	N/A	606	15	612	18	653	30	653	30	653	30	653	Up	
New York	5,796	163	5,568	163	5,496	170	5,430	227	5,391	149	5,397	164	5,397	164	5,397	164	5,397	Down	
Oregon	1,372	116	1,378	108	1,417	91	1,468	96	1,506	86	1,524	79	1,524	79	1,524	79	1,524	Down	
Texas	4,580	266	4,602	247	4,666	286	4,839	286	4,975	305	5,317	285	5,317	285	5,317	285	5,317	Up	
Washington	2,305	N/A	2,288	N/A	2,288	N/A	2,293	N/A	2,311	N/A	2,316	N/A	2,316	N/A	2,316	N/A	2,316	Up	

State	2013			2014			2015			2016			2017			Trend
	Total	New	Total	Total	New	Total	Total	New	Total	Total	New	Total	Total	New		
Arizona	2,755	57	2,110	78	2,198	80	2,227	85	2,192	101	2,192	101	2,192	101	Down	
California	13,375	319	13,360	323	13,251	345	13,193	306	13,193	318	13,191	318	13,191	318	Down	
Florida	5,293	234	5,613	313	5,382	185	6,440	1,586	6,440	1,730	6,966	1,730	6,966	1,730	Up	
Illinois	4,681	N/A	4,140	N/A	4,293	N/A	4,379	N/A	4,379	N/A	4,435	N/A	4,435	N/A	Up	
Nevada	643	25	626	28	665	23	626	21	626	30	676	30	676	30	Up	
New Mexico	547	N/A	519	N/A	506	N/A	547	N/A	547	N/A	668	N/A	668	N/A	Up	
New York	5,364	181	5,366	141	5,367	165	5,381	124	5,381	145	5,297	145	5,297	145	Down	
Oregon	1,615	101	1,535	82	1,654	105	1,571	83	1,571	101	1,595	101	1,595	101	Down	
Texas	5,124	293	5,001	207	5,144	251	5,234	251	5,234	287	5,562	287	5,562	287	Up	
Washington	2,316	N/A	2,388	N/A	2,470	N/A	2,514	N/A	2,514	N/A	2,542	N/A	2,542	N/A	Up	

Other California Healing Arts Boards

Board	2007			2008			2009			2010			2011			2012			Trend
	Total	New	Total	Total	New	Total	Total	New	Total	Total	New	Total	Total	New	Total	Total	New		
Acupuncture	N/A	N/A	9,387	611	9,689	627	10,066	633	10,343	121	10,706	872	10,706	872	10,706	872	10,706	Up	
Chiropractic	N/A	N/A	13,807	N/A	13,841	N/A	13,850	N/A	13,597	N/A	13,441	N/A	13,441	N/A	13,441	N/A	13,441	Down	
Dental	N/A	N/A	1,250	1,020	35,529	1,046	44,291	1,051	44,291	1,035	42,550	1,035	42,550	1,035	42,550	1,035	42,550	Up	
Medical	N/A	N/A	127,436	4,687	141,337	5,110	130,670	5,272	132,842	5,351	137,320	5,522	137,320	5,522	137,320	5,522	137,320	Up	
Naturopathic Medicine	N/A	N/A	366	59	401	47	452	56	533	64	525	69	525	69	525	69	525	Up	
Occupational Therapy	N/A	N/A	N/A	601	8,985	692	11,159	647	10,517	790	N/A	854	N/A	854	N/A	854	N/A	Up	
Osteopathic Medical	N/A	N/A	5,386	388	5,683	478	6,056	575	6,462	518	8,011	608	8,011	608	8,011	608	8,011	Up	
Physical Therapy	N/A	N/A	N/A	1,005	21,843	1,076	37,993	1,141	34,210	1,078	27,128	1,192	27,128	1,192	27,128	1,192	27,128	Up	
Registered Nursing	N/A	N/A	350,516	23,624	357,822	23,357	386,545	27,948	394,533	22,679	414,159	20,208	414,159	20,208	414,159	20,208	414,159	Up	

Other California Healing Arts Boards

Board	2013			2014			2015			2016			2017			Trend
	Total	New	Total	Total	New	Total	Total	New	Total	Total	New	Total	Total	New		
Acupuncture	11,111	600	11,477	872	11,674	565	11,981	518	11,999	534	11,999	534	11,999	534	Up	
Chiropractic	13,394	319	13,402	323	13,337	345	13,262	306	13,191	318	13,191	318	13,191	318	Down	
Dental	45,443	1,059	42,550	1,035	42,284	1,088	41,083	962	41,084	1,171	41,084	1,171	41,084	1,171	Up	
Medical	135,208	5,439	137,320	5,522	138,741	5,882	141,967	6,317	144,441	6,802	144,441	6,802	144,441	6,802	Up	
Naturopathic Medicine	613	60	525	69	501	81	619	65	674	102	674	102	674	102	Up	
Occupational Therapy	12,347	860	N/A	854	13,858	961	12,791	1,055	13,380	1,177	13,380	1,177	13,380	1,177	Up	
Osteopathic Medical	6,796	524	8,011	608	8,747	681	9,074	684	9,843	910	9,843	910	9,843	910	Up	
Physical Therapy	33,185	1,150	27,128	1,192	27,965	1,226	28,865	1,443	29,366	1,655	29,366	1,655	29,366	1,655	Up	
Registered Nursing	403,438	21,679	414,159	20,208	433,551	27,911	418,980	24,135	432,080	30,595	432,080	30,595	432,080	30,595	Up	



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Agenda Item 15
November 8, 2018

Review, Discussion and Possible Action on Staff Report Regarding National Enforcement Trends

Purpose of the item

The Board will review and discuss national chiropractic enforcement trends.

Action(s) requested

N/A

Background

Over the last two years, the Board has noticed a gradual decline in the licensee population. As a result, the Board has expressed concern over the decline and has tasked staff to research the issue and provide its findings to the Board.

At the June 5, 2018 Board meeting, Board members expressed interest in discussing national data trends and directed staff to gather statistical information for a future agenda item. Staff believes that understanding internal and external factors that impact enforcement statistics could help mitigate negative trends and ensure the Board's long-term sustainability.

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

- National and State Chiropractic Enforcement Trend Data

5 Year Enforcement Statistics Chiropractic Agencies in Other States

Arizona						
Enforcement Activity	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	Trend
Complaints (Received)	81	95	98	52	65	
Letter of Reprimand	68	54	39	25	16	
Citations	5	0	3	0	0	
Accusations Filed	N/A	N/A	N/A	N/A	N/A	
Accusation	80	49	13	26	19	
Dismissed/Withdrawn						
Revoked	5	6	0	0	1	
Voluntary Surrender	3	2	1	6	0	
Suspension	0	0	0	1	0	
Probation Only	9	2	8	10	16	
Fines	5	4	3	1	1	
California						
Enforcement Activity	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	Trend
Complaints (Received)	386	487	557	581	490	
Complaints (Pending)	159	214	270	232	183	
Letter of Reprimand	2	5	3	4	4	
Citations	33	26	16	17	26	
Accusations Filed	34	38	22	31	35	
Accusation	9	3	3	2	6	
Revoked	11	12	9	3	10	
Voluntary Surrender	11	8	8	9	14	
Suspension	0	0	0	0	0	
Probation Only	31	15	10	0	11	
Fines	33	26	16	17	26	
Statement of Issues: Granted	0	0	1	0	0	
Statement of Issues: Denied	0	2	1	0	0	

Florida

Enforcement Activity	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	Trend
Complaints (Received)	299	285	339	213	175	
Letter of Reprimand	15	13	13	4	0	
Citations	23	14	4	7	2	
Accusations Filed	39	52	32	14	19	
Accusations	5	18	8	6	7	
Revoked	4	0	10	0	0	
Voluntary Surrender	6	5	5	3	2	
Suspension	5	11	7	3	1	
Probation Only	12	10	5	8	0	
Fines	27	25	18	7	1	

Illinois

Enforcement Activity	CY 2013	CY 2014	CY 2015	CY 2016	CY 2017	Trend
Complaints (Received)	N/A	N/A	N/A	N/A	N/A	
Letter of Reprimand	5	1	2	3	4	
Citations	6	1	2	4	3	
Accusations Filed	N/A	N/A	N/A	N/A	N/A	
Accusations	N/A	N/A	N/A	N/A	N/A	
Revoked	1	2	1	3	0	
Voluntary Surrender	3	1	3	1	0	
Suspension	11	7	13	29	31	
Suspension and Probation	0	0	0	1	1	
Probation Only	5	4	1	6	4	
Fines	7	3	3	4	3	

Nevada

Enforcement Activity	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	Trend
Complaints (Pending)	N/A	26	42	16	34	
Letter of Reprimand	2	0	0	0	0	
Citations	3	0	0	0	0	

	CY 2013	CY 2014	CY 2015	CY 2016	CY 2017	Trend
Accusations Filed	N/A	N/A	N/A	N/A	N/A	
Accusations	N/A	N/A	N/A	N/A	N/A	
Revoked	0	0	0	0	0	
Voluntary Surrender	0	0	0	0	0	
Suspension	0	1	0	0	0	
Suspension Stayed: Probation	0	0	0	1	0	
Probation Only	4	1	1	2	2	
Fines	12	3	3	0	6	

New Mexico						
Enforcement Activity	CY 2013	CY 2014	CY 2015	CY 2016	CY 2017	Trend
Complaints (Received)	N/A	N/A	N/A	7	N/A	
Complaints (Pending)	N/A	16	6	9	8	
Letter of Reprimand	N/A	N/A	N/A	N/A	1	
Citations	1	1	3	1	0	
Accusations Filed	N/A	N/A	N/A	N/A	N/A	
Accusations	N/A	N/A	N/A	N/A	N/A	
Revoked	N/A	N/A	N/A	N/A	N/A	
Voluntary Surrender	N/A	N/A	N/A	N/A	N/A	
Suspension	N/A	N/A	N/A	N/A	N/A	
Probation Only	N/A	N/A	N/A	N/A	N/A	
Fines	1	1	3	1	0	

New York						
Enforcement Activity	CY 2013	CY 2014	CY 2015	CY 2016	CY 2017	Trend
Complaints	N/A	N/A	N/A	N/A	N/A	
Letter of Reprimand	0	1	0	0	0	
Citations	0	1	0	0	0	
Accusations Filed	N/A	N/A	N/A	N/A	N/A	
Accusations	N/A	N/A	N/A	N/A	N/A	
Revoked	1	3	3	0	0	
Voluntary Surrender	2	1	2	7	3	
Suspension Stayed: Probation	4	3	4	6	4	
Suspension	2	3	2	1	2	
Probation Only	4	4	4	1	6	

	3	3	5	7	3	
Fines	3	3	5	7	3	
Oregon						
Enforcement Activity	CY 2013	CY 2014	CY 2015	CY 2016	CY 2017	Trend
Complaints	N/A	N/A	N/A	N/A	N/A	N/A
Letter of Reprimand	2	1	0	0	0	0
Citations	3	0	0	0	0	0
Accusations Filed	N/A	N/A	N/A	N/A	N/A	N/A
Accusations	N/A	N/A	N/A	N/A	N/A	N/A
Revoked	0	2	0	0	0	0
Voluntary Surrender	1	1	0	3	4	4
Suspension	3	2	0	3	5	5
Suspension Stayed	1	0	1	1	0	0
Probation Only	3	5	3	2	2	2
Fines	8	4	1	2	7	7
Statement of Issues: Granted	0	0	1	1	1	1
Statement of Issues: Denied	0	0	2	1	2	2
Texas						
Enforcement Activity	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	Trend
Complaints (Received)	N/A	N/A	N/A	N/A	186	186
Expired License Complaints	N/A	N/A	N/A	N/A	296	296
Letter of Reprimand	3	18	9	14	8	8
Citations	98	144	81	45	30	30
Accusations Filed	N/A	N/A	N/A	N/A	N/A	N/A
Accusations	N/A	N/A	N/A	N/A	N/A	N/A
Revoked	9	1	6	1	7	7
Voluntary Surrender	1	0	3	2	1	1
Suspension	4	1	3	1	1	1
Probation Only	6	1	2	4	3	3
Fines	98	144	81	45	30	30
Statement of Issues: Granted	0	0	0	1	0	0
Washington						
Enforcement Activity	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	Trend
Complaints (Received)	N/A	N/A	N/A	N/A	N/A	N/A

Letter of Reprimand	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Citations	8	3	0	2	2	2	N/A
Accusations Filed	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Accusation	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Revoked	0	2	1	0	0	0	0
Voluntary Surrender	0	1	1	1	1	0	0
Suspension	5	3	0	1	1	4	4
Probation Only	7	6	1	1	1	4	4
Fines	8	3	0	2	2	2	2
Statement of Issues: Granted	1	0	0	0	0	0	0

5 Year Enforcement Statistics

Accupunture						
Enforcement Activity	FY 12/13	FY 13/14	FY 14/15	CY 2016	CY 2017	Trend
Complaints Received	73	118	175	208	211	
Complaints Referred for Investigation	87	108	168	199	189	
Complaints (Pending)	1	3	2	1	15	
Citations Issued With a Fine	0	7	65	105	98	
Accusations Filed	4	14	12	23	12	
Accusations						
Dismissed/Withdrawn	0	0	0	0	4	
Revoked	4	3	2	5	0	
Voluntary Surrender	0	0	1	6	5	
Probation with Suspension	0	0	0	0	0	
Probation Only	3	4	6	12	13	
Statement of Issues Filed	0	0	1	2	1	
Statement of Issues						
Dismissed/Withdrawn	0	0	0	1	1	
Chiropractic						
Enforcement Activity	FY 12/13	FY 13/14	FY 14/15	CY 2016	CY 2017	Trend
Complaints Received	386	502	531	477	497	
Complaints Referred for Investigation	389	496	531	485	495	
Complaints (Pending)	159	15	14	11	15	
Citations Issued With a Fine	33	28	22	16	25	
Accusations Filed	34	38	20	39	40	
Accusations						
Dismissed/Withdrawn	9	3	3	2	6	
Revoked	11	13	9	4	10	
Voluntary Surrender	11	8	9	9	14	
Probation with Suspension	0	4	2	4	0	

	FY 12/13	FY 13/14	FY 14/15	CY 2016	CY 2017	Trend
Probation Only	31	15	10	0	11	
Statement of Issues Filed	3	6	2	0	3	
Statement of Issues Dismissed/Withdrawn	1	3	1	0	0	
Dental						
Enforcement Activity	FY 12/13	FY 13/14	FY 14/15	CY 2016	CY 2017	Trend
Complaints Received	2876	3032	3564	3094	3259	
Complaints Referred for Investigation	2890	3041	3506	1531	3,261	
Complaints (Pending)	23	20	78	79	48	
Citations Issued With a Fine	23	75	38	37	26	
Accusations Filed	74	71	77	71	94	
Accusations Dismissed/Withdrawn	12	3	4	13	8	
Revocation	27	32	24	18	20	
Voluntary Surrender	10	14	9	15	2	
Probation with Suspension	0	0	0	0	0	
Probation Only	45	3	10	56	44	
Statement of Issues Filed	15	18	4	10	7	
Statement of Issues Dismissed/Withdrawn	2	0	0	13	3	
Medical - Physicians and Surgeons						
Enforcement Activity	FY 12/13	FY 13/14	FY 14/15	CY 2016	CY 2017	Trend
Complaints Received	7082	8005	7946	8340	9298	
Complaints Referred for Investigation	7007	8030	7867	8493	9,391	
Complaints (Pending)	224	197	217	117	3069	
Citations Issued With a Fine	102	41	4	52	133	
Accusations Filed	291	274	310	299	314	
Accusations Dismissed/Withdrawn	27	0	24	14	20	
Revocation	51	45	40	39	42	
Voluntary Surrender	76	71	80	80	101	
Probation with Suspension	17	15	13	3	6	

Probation Only	112	109	110	117	171	
Statement of Issues Filed	4	4	6	9	3	
Statement of Issues						
Dismissed/Withdrawn	1	0	1	3	0	
Naturopathic Medicine						
Enforcement Activity	FY 12/13	FY 13/14	FY 14/15	CY 2016	CY 2017	Trend
Complaints Received	72	211	32	39	35	
Complaints Referred for Investigation	40	135	28	25	73	
Complaints (Pending)	32	76	28	51	1	
Citations Issued With a Fine	10	1	0	0	0	
Accusations Filed	0	0	1	0	1	
Accusations						
Dismissed/Withdrawn	0	0	0	0	0	
Revocation	0	0	0	0	0	
Voluntary Surrender	0	0	0	0	0	
Probation with Suspension	0	0	0	0	0	
Probation Only	0	0	1	0	1	
Statement of Issues Filed	0	0	0	0	0	
Statement of Issues						
Dismissed/Withdrawn	0	0	0	0	0	
Occupational Therapy						
Enforcement Activity	FY 12/13	FY 13/14	FY 14/15	CY 2016	CY 2017	Trend
Complaints Received	424	633	594	285	241	
Complaints Referred for Investigation	425	633	591	280	241	
Complaints (Pending)	0	0	2	3	0	
Citations Issued With a Fine	158	145	295	52	93	
Accusations Filed	10	5	3	10	8	
Accusations						
Dismissed/Withdrawn	0	1	0	0	0	
Revocation	1	2	0	1	5	
Voluntary Surrender	1	1	1	2	2	
Probation with Suspension	1	1	0	0	0	

	FY 12/13	FY 13/14	FY 14/15	CY 2016	CY 2017	Trend
Probation Only	0	8	3	5	8	
Statement of Issues Filed	3	5	4	2	1	
Statement of Issues Dismissed/Withdrawn	1	0	1	0	0	
Osteopathic Medical						
Enforcement Activity	FY 12/13	FY 13/14	FY 14/15	CY 2016	CY 2017	Trend
Complaints Received	383	377	446	520	481	
Complaints Referred for Investigation	360	349	447	481	496	
Complaints (Pending)	24	36	13	51	36	
Citations Issued With a Fine	0	3	1	4	5	
Accusations Filed	17	21	17	17	14	
Accusations Dismissed/Withdrawn	0	0	0	0	1	
Revocation	1	5	5	5	5	
Voluntary Surrender	3	5	1	4	3	
Probation with Suspension	1	1	0	0	0	
Probation Only	3	10	3	7	8	
Statement of Issues Filed	1	1	1	2	1	
Statement of Issues Dismissed/Withdrawn	0	1	0	0	0	
Physical Therapy						
Enforcement Activity	FY 12/13	FY 13/14	FY 14/15	CY 2016	CY 2017	Trend
Complaints Received	1356	1019	670	416	459	
Complaints Referred for Investigation	1334	930	661	208	459	
Complaints (Pending)	11	4	4	0	1	
Citations Issued With a Fine	254	249	98	78	38	
Accusations Filed	33	44	52	20	20	
Accusations Dismissed/Withdrawn	9	6	6	1	0	
Revocation	6	5	13	6	2	
Voluntary Surrender	9	6	11	3	5	
Probation with Suspension	1	0	1	0	0	

	FY 12/13	FY 13/14	FY 14/15	CY 2016	CY 2017	Trend
Probation Only	10	14	24	36	13	
Statement of Issues Filed	5	6	8	3	4	
Statement of Issues Dismissed/Withdrawn	3	0	1	1	2	
Registered Nursing						
Enforcement Activity	FY 12/13	FY 13/14	FY 14/15	CY 2016	CY 2017	Trend
Complaints Received	2876	3244	3464	3383	4134	
Complaints Referred for Investigation	2406	N/A	1766	3933	4,048	
Complaints (Pending)	106	N/A	174	232	282	
Citations Issued With a Fine	769	952	931	541	365	
Accusations Filed	1164	1448	884	1133	938	
Accusations Dismissed/Withdrawn	18	42	26	41	56	
Revocation	304	531	463	429	236	
Voluntary Surrender	167	302	457	214	239	
Probation with Suspension	1	1	1	6	5	
Probation Only	360	458	653	476	401	
Statement of Issues Filed	131	111	156	143	118	
Statement of Issues Dismissed/Withdrawn	6	1	7	2	9	



State of California
Edmund G. Brown Jr., Governor

**Agenda Item 16
November 8, 2018**

Update, Discussion and Possible Action on Enforcement Committee Agenda

Purpose of the item

The Board will receive an update from the October 10, 2018 Committee meeting.

Action(s) requested

N/A

Background

Following the completion of and approval of the 2014-2017 BCE Strategic Plan, the Board developed standards to evaluate expert consultants and defined their responsibilities to establish consistency among expert consultant reports. Following modifications to the Subject Expert Matter (SME) program, questions remained regarding the efficacy of the program. In an effort to address the program's existing deficiencies in the training materials and the recruitment process, Committee members agreed to complete a review of the program.

Prior to the May 31, 2018 meeting, staff completed a comprehensive review of the SME program. Upon completion of the review, staff determined that there were several policy questions for the Committee to discuss before moving forward with any changes to the program.

At the May 31, 2018 meeting, the Committee approved staff recommendations to require minimum qualification criteria for SME application submission. Additionally, the Committee approved amendments to the existing SME application form.

At the October 10, 2018 meeting, staff provided the Committee with a proposed 1- page document enumerating SME application requirements. The Committee also reviewed the revised SME application form and asked staff to make additional revisions. The Committee anticipates that revisions to the criteria and standards for SME recruitment will improve effectiveness and consistency of the program.



State of California
Edmund G. Brown Jr., Governor

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

- Enforcement Committee Agenda
- SME application form
- SME application requirements

**NOTICE OF TELECONFERENCE
ENFORCEMENT COMMITTEE MEETING**

October 10, 2018

12:30 p.m. to 1:30 p.m. or until completion of business

One or more Committee Members will participate in this Meeting at the teleconference sites listed below. Each teleconference location is accessible to the public and the public will be given an opportunity to address the Enforcement Committee at each teleconference location. The public teleconference sites for this meeting are as follows:

Teleconference Meeting Locations:

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

Sergio Azzolino, D.C., Chair
Azzolino Chiropractic Neurology
& Integrative Wellness
1545 Broadway St., Suite 1A
San Francisco, CA 94109
(415) 563-3800

Frank Ruffino, Public Member
Rancho San Diego Branch Library
1555 Via Rancho San Diego
El Cajon, CA 92019
(619) 660-5370

AGENDA

- 1. Call to Order**
- 2. Approval of Minutes**
February 8, 2018
May 31, 2018
- 3. Review, Discussion and Possible Action regarding the Standardized Training and Evaluation of Subject Matter Experts**

4. 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, 122507(a).] Public comment is encouraged; however, if time constraints mandate, comments may be limited at the discretion of the Chair.

5. 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.]

6. Adjournment

Meetings of the Board of Chiropractic Examiners' Committee 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's Committee may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at www.chiro.ca.gov.

The meeting facilities are accessible to individuals with physical disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting the Board at (916) 263-5355 ext. 5362 or e-mail chiro.info@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.



APPLICATION FOR SUBJECT MATTER EXPERT



BOARD OF CHIROPRACTIC EXAMINERS
 901 P Street, Suite 142A
 Sacramento, California 95814
 916-263-5355

Complete each section and attach your curriculum vitae/resume. If you need additional space, you may attach a separate sheet. **PLEASE TYPE OR PRINT LEGIBLY**

SECTION 1 – APPLICANT INFORMATION

NAME: (Last, First, Middle)		CHIROPRACTIC LICENSE NO.:
BUSINESS ADDRESS:		
CITY:	STATE:	ZIP Code:
TELEPHONE NUMBERS (include area code) Office: Mobile:	EMAIL ADDRESS: WEBSITE ADDRESS(ES):	

CURRENT EMPLOYMENT INFORMATION

EMPLOYER:		
ADDRESS:		
CITY	STATE	ZIP Code
TELEPHONE NUMBERS (include area code) Office: Fax:	EMAIL ADDRESS:	
POSITION: START DATE:	PRACTICE SETTING: (e.g. private, multi-disciplinary, hospital, type of group practice)	
How long have you held your current position?		

EDUCATION INFORMATION

Name & Location of Institution	Attendance		Course of Study	Date of Graduation	Degree Received
	From	To			

ACTIVE BOARD CERTIFICATIONS

Board (Organization)	Date Attained	Active Certification

SECTION 2 – PROFESSIONAL QUALIFICATIONS

Year of Initial Licensure:	Are you actively treating patients? YES <input type="checkbox"/> NO <input type="checkbox"/>
Current Status of License (i.e., active; inactive):	How many hours, per month?
Have you ever been employed by or provided services to the Board? If so, when and what services did you provide?	YES <input type="checkbox"/> NO <input type="checkbox"/>
Have you, at any time in the past two years, worked for an insurance carrier, self-insured plan, third party administrator, or chiropractic claims review company? If yes, attach a description of the services you provided and your employment relationship with the above-mentioned entities.	YES <input type="checkbox"/> NO <input type="checkbox"/>
Are you a State of California Qualified Medical Evaluator? YES <input type="checkbox"/> QME Cert No.: _____ NO <input type="checkbox"/>	Have you had disciplinary action against your QME Appointment? YES <input type="checkbox"/> NO <input type="checkbox"/>
If yes, attach a copy of the certificate.	

SECTION 3 – COURT EXPERT WITNESS EXPERIENCE

<p>Have you testified in court as a retained Expert Witness?</p> <p>YES <input type="checkbox"/> I have this experience No <input type="checkbox"/> I do NOT have this experience</p> <p>If yes, how many total years have you testified as a retained Expert Witness? _____</p> <p>Within the last 3 years:</p> <p>How many times have you testified as a retained Expert Witness? _____ How often? _____</p> <p>What was the approximate date of your last retained Expert court testimony: _____</p> <p>Additionally, do you have experience with presenting testimony in court, arbitrations or depositions in medical and legal proceedings? (Please specify the experience that applies to your area of expertise. I.e. testimony in court)</p> <p><input type="checkbox"/> I have extensive experience * _____</p> <p><input type="checkbox"/> I have some experience _____</p> <p><input type="checkbox"/> I have minimal experience _____</p> <p><input type="checkbox"/> I have no experience</p> <p>You may describe your court experience on a separate attachment if necessary.</p> <p>*If you have checked the boxes indicating extensive experience, provide explanation on a separate sheet.</p> <p>Have you testified in court as a non-retained Expert witness?</p> <p>YES <input type="checkbox"/> I have this experience No <input type="checkbox"/> I do NOT have this experience</p>

Do you have knowledge of and ability to interpret current laws and regulations in Expert testimony?

- I have extensive experience *
- I have some experience
- I have minimal experience
- I have no experience

***If you have checked the boxes indicating extensive experience, provide explanation on a separate sheet**

SECTION 4 – KNOWLEDGE AND EXPERIENCE

For each phrase listed below, please mark the statement that most accurately represents the depth of your knowledge and experience in the field of Chiropractic:

- A. Knowledge and skill in case review of medical records (including x-rays) for the purpose of medical and legal proceedings.
- I have extensive knowledge and experience *
 - I have some knowledge and experience
 - I have minimal knowledge and experience
 - I have no knowledge and experience
- B. Knowledge of and ability to interpret current chiropractic laws and regulations, including standard of care.
- I have extensive knowledge and ability *
 - I have some knowledge and ability
 - I have minimal knowledge and ability
 - I have no knowledge and ability
- C. Knowledge and experience rendering opinion or summary of findings regarding treatment utilization or questionable billing issues.
- I have extensive knowledge and experience *
 - I have some knowledge and experience
 - I have minimal knowledge and experience
 - I have no knowledge and experience
- D. Knowledge and experience in performing case management / peer review evaluations regarding the professional conduct of licensees as required by chiropractic related law.
- I have extensive knowledge and experience *
 - I have some knowledge and experience
 - I have minimal knowledge and experience
 - I have no knowledge and experience
- E. Knowledge and experience in reviewing chiropractic laws and regulations and rendering written opinions relating to the review of chiropractic related laws and regulations.
- I have extensive knowledge and experience *
 - I have some knowledge and experience
 - I have minimal knowledge and experience
 - I have no knowledge and experience

***If you have checked the boxes indicating extensive knowledge and experience, provide explanation on a separate sheet.**

SECTION 5 – ACADEMIC APPOINTMENTS

Have you ever held any academic appointments at any college or university? YES NO

If yes, attach a description of each appointment and your job duties.

Have you had disciplinary action against your academic appointment? YES NO

SECTION 6 – PEER REVIEWED PUBLICATIONS

Please list all peer reviewed articles or journals you have authorship in:

SECTION 7 – DISCIPLINARY INFORMATION

Have you ever been involved in a malpractice lawsuit or arbitration proceeding related to your treatment of a patient? YES NO

If yes, attach an explanation on a separate attachment, for each lawsuit or arbitration complaint.

Are there currently any medical malpractice lawsuits or arbitration claims pending against you?

YES NO

If yes, attach an explanation on a separate attachment, for each lawsuit or arbitration complaint.

Has your professional liability insurance coverage ever been denied, limited, or cancelled by the action of any insurance company? YES NO

If yes, attach an explanation on a separate attachment, for each occurrence.

Be sure to answer all questions. If you answer “yes” to any of the following, attach an explanation on a separate piece of paper.

(A) Has your chiropractic license (in this state or another state) or any health-related professional licensing or disciplinary body in any state, territory or foreign jurisdiction, or any branch of the military, denied, limited, placed on probation, restricted, suspended, cancelled or revoked any professional license, certificate, or registration granted to you, or imposed a fine, reprimand, or taken any other action against you?
YES NO

(B) Has your participation in any private, state, or federal health insurance program ever been the subject of disciplinary action? YES NO

(C) Has any other type of professional sanction, discipline, or other adverse action ever been taken against you? YES NO

(D) Have you ever been the subject of an investigation by any private, state, or federal health insurance program? YES NO

(E) Have you ever been convicted of a misdemeanor or felony or are you currently under indictment for any alleged criminal activities? YES NO

(F) Have you ever been the subject of an administrative, civil, or criminal complaint or investigation regarding sexual misconduct? YES NO

(G) Have you ever voluntarily surrendered a professional license, staff privileges or consented to a limitation of the same pending a review or investigation? YES NO

(H) Are there any other issues that should be disclosed that may have an adverse impact on your ability to deliver effective and objective professional services? YES NO

SECTION 8 – PERSONAL SUMMARY/WRITING SAMPLE

Attach a 1-page typed document, answering the following question (include an overview of your qualifications, including experience and training):

Why do you want to be an expert witness for the California Board of Chiropractic Examiners? How does your experience qualify you to serve as an expert for the Board of Chiropractic Examiners?

Attach a 1-page typed Statement of Qualifications (SOQ) providing a narrative discussion of the knowledge, skills, and abilities you possess in relation to the desirable qualifications as an expert consultant.

SECTION 9 – PROFESSIONAL REFERENCES (MEDICAL/LEGAL)

List two medical or legal professional references who can verify your knowledge and ability to perform the necessary functions of an Expert for the Board:

Name: (Last, First)	Relationship: How long have you known
Company	Telephone No.:
Address:	
City:	State: ZIP Code:
Name: (Last, First)	Relationship:
Company	Telephone No.:
Address:	
City:	State: ZIP Code:

SECTION 10 – AFFIDAVIT

Please Read and Initial each Paragraph

I hereby certify that I have not knowingly withheld any information that might adversely affect my appointment as an expert reviewer and the answers given by me are true and correct to the best of my knowledge. I further certify that I, the undersigned applicant, have personally completed this application. _____

I hereby authorize the Board to thoroughly investigate all of the information I have provided on this application, including attachments, as well as my references, work record, education and other matters related to my suitability for appointment as an expert and, further, authorize the references I have listed to disclose to the Board any and all letters, reports and other information related to my work records, without giving me prior notice of such disclosure. In addition, I hereby release the Board, my current and former employers and all other persons, corporations, partnerships and associations from any and all claims, demands or liabilities arising out of or in any way related to such investigation or disclosure.

I hereby certify that the information provided is true, correct and complete to the best of my knowledge.

Signature of Applicant: _____ **Date:** _____

Subject Matter Expert Program

The Board of Chiropractic Examiners (Board) established the Subject Matter Expert program as an impartial means to support the investigation and enforcement functions of the Board. The program consists of a statewide pool of skilled licensed chiropractors who consult with Board staff, review case materials and records, prepare written reports and testify at administrative hearings.

Minimum Qualifications

To be considered for an appointment as a subject matter expert, applicants must meet the minimum qualifications shown below:

- Have ten (10) or more years of licensed professional experience with the last five (5) years in active practice. Possess a current and valid license in good standing.
- Have an active practice (defined as 80 hours a month in direct patient care, clinical activity, or teaching, at least forty (40) hours of which is in direct patient care).
- No current or prior disciplinary action pending or taken against any professional license in California or any other state or territory. No criminal convictions, including any that were expunged or dismissed.
- Knowledgeable in the practice, laws, regulations and community standards of care for the practice of chiropractic in the State of California.

Qualities of a Successful Subject Matter Expert

As a Subject Matter Expert, you must be able to: review facts independently and impartially; review investigative case materials and prepare thorough and concise reports; interpret and apply sections of state law governing the practice of chiropractic; have effective communication, both when testifying and in writing reports; provide a written report describing the standard of care applicable to a given case; establish whether or not a departure from the standard of care or unprofessional conduct occurred; maintain confidentiality; able to complete and submit a written opinion within 30 days of receipt of case materials; willing to assist investigators, prosecutors, and administrative law judges in understanding the chiropractic aspects of a case; must understand the necessity of maintaining the minimum standards of the practice of chiropractic; not act as advocate for the board or the respondent chiropractor; understand the Board's role as a regulatory agency and its responsibilities to consumers of chiropractic services and the profession.

Testimony at Administrative Hearings

As a Board expert witness, you may be required to testify at administrative hearings held before an administrative law judge for cases you have reviewed, which may also require minimal travel.

Reimbursement for Subject Matter Expert Reviews

Subject matter experts are reimbursed on a case-by-case basis. The Board pays experts at the rate of \$ 100 per hour for record and case review, preparation of a written report and/or conference with Attorney General. Testimony at hearings range from \$600 maximum allowable fee per half day and \$1200 maximum allowable fee per full day.



State of California
Edmund G. Brown Jr., Governor

If you meet the minimal requirements and are interested in serving as a subject matter expert for the Board, please complete the **application** (link attached). Once completed, send the application and your Curriculum Vitae/resume to:

BOARD OF CHIROPRACTIC EXAMINERS
901 P Street, Suite 142A
Sacramento, California 95814

If you have additional questions, please email the Board at: www.chiro.ca.gov



**Agenda Item 17
November 8, 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 most recent Licensing & Continuing Education Committee Meeting.

Action(s) requested

No action required

Background

The Licensing & Continuing Education Committee met on September 25th, 2018 to review and discuss possible definitions for the subject area 'Public Health', the list of Chiropractic Adjustive Techniques provided by California chiropractic colleges, language for the proposed CPR regulations and to review suggestions for Continuing Education (CE) regulations.

Definitions for subject area 'Public Health'

The Committee reviewed potential definitions to the term 'public health', for possible inclusion to further define the subject area. This would assist staff when reviewing CE course applications and CE providers when submitting a course for CE credit. The Committee reviewed the proposed definition for any language that is too vague, narrow or broad. The Committee suggested that staff provide their proposed exclusions to the definition of 'public health' at the next Committee Meeting.

List of Chiropractic Adjustive Technique Provided by California Chiropractic Colleges

The Committee reviewed the list of chiropractic adjustive techniques as provided by the three Council on Chiropractic Education (CCE) approved California chiropractic colleges. To assist staff who are reviewing CE course applications, the Board requested staff compile a list of adjustive and manipulative techniques utilized in chiropractic



college curriculum and in faculty advised, student-led clubs. After reviewing the material, the Committee requested an expansion of the list by contacting all Chiropractic Specialty Boards and all Board approved chiropractic colleges throughout the United States, for their own list of chiropractic adjustive techniques.

Proposed CPR Regulatory Language

The Committee reviewed proposed language for a new Cardiopulmonary Resuscitation (CPR) and Basic Life Support (BLS) regulation. The Committee made several suggestions for changes to the proposed language. Staff will continue to work on revisions to the proposed language.

Suggestions to Continuing Education Regulations

The Committee reviewed several proposed changes to various segments of the CE regulations, including, Alternate Pathways, Provider Qualifications, Definition of a “Course”, Denial and Appeal Process, and Licensee Reporting Requirements. The Committee, staff and members of the public made suggestions for changes to the proposed regulations. The Committee will continue to review proposed regulations after additional research has been conducted by staff.

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

N/A

NOTICE OF TELECONFERENCE
LICENSING & CONTINUING EDUCATION COMMITTEE MEETING

September 25th, 2018

11:30 a.m. – 2:00 p.m. or until completion of business

One or more Committee Members will participate in this meeting at the teleconference sites listed below. Each teleconference location is accessible to the public and the public will be given an opportunity to address the Licensing, Continuing Education and Public Relations Committee at each teleconference location. The public teleconference sites for this meeting are as follows:

Teleconference Meeting Locations:

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

Dionne McClain, D.C., Chair
McClain Sports & Wellness, Inc.
6360 Wilshire Blvd., #410
Los Angeles, CA 90048
(323) 653-1014

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

AGENDA

- 1. Call to Order & Establishment of a Quorum**
- 2. Approval of June 1, 2018 Committee Meeting Minutes**
- 3. Review, Discussion, and Possible Action on Pending CE Provider applications; Possible Recommendation to the Full Board**
- 4. Review, Discussion, and Possible Action on Proposed Definitions to Subject Area - Public Health**
- 5. Review, Discussion and Possible Action on List of Chiropractic Adjustive Techniques Provided by California Chiropractic Colleges**
- 6. Review, Discussion and Possible Action on Proposed CPR Regulatory Language**
- 7. Review, Discussion, and Possible Action on Revisions to Sections 360-366 of Title 16 of the California Code of Regulations Regarding Continuing Education**
- 8. Public Comment on Items Not on the Agenda**

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

9. Future Agenda Items

Note: The Committee may not discuss or take action on any matter raised during this future agenda items 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.]

10. Adjournment

Meetings of the Board of Chiropractic Examiners' Committee 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's Committee may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at www.chiro.ca.gov.

The meeting facilities are accessible to individuals with physical disabilities. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting the Board at (916) 263-5355 or e-mail chiroinfo@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.
