BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
DEPARTMENT OF CONSUMER AFFAIRS • CALIFORNIA BOARD OF CHIROPRACTIC EXAMINERS
901 P St., Suite 142A, Sacramento, CA 95814
P (916) 263-5355 | Toll-Free (866) 543-1311 | F (916) 327-0039 | www.chiro.ca.gov

NOTICE OF BOARD MEETING

The Bristol Hotel
1055 First Avenue, City Scene Room
San Diego, CA 92101
July 25, 2019
Front Office: (562) 947-8755
9:00 a.m. to 5:00 p.m.
or until completion of business

The Board of Chiropractic Examiners (Board) plans to webcast this meeting at https://thedcapage.wordpress.com/webcasts/.
Webcast availability cannot, however, be guaranteed due to limitations on resources or other technical difficulties that may arise. If you wish to participate or to have a guaranteed opportunity to observe, please attend at the location specified above.

The Board will take a lunch break immediately following the Petitioner Hearings and Closed Session. The Board will resume normal business matters no earlier than 1:00 p.m.

AGENDA

1. **Open Session –** Call to Order & Establishment of a Quorum
   Sergio Azzolino, D.C., Chair
   Dionne McClain, D.C., Vice Chair
   Frank Ruffino. Secretary
   Heather Dehn, D.C.
   Corey Lichtman, D.C.
   David Paris, D.C.

2. **Pledge of Allegiance**

3. **Hearing Re: Petition for Reinstatement of Revoked License**
   A. Phu Ba Nguyen Case No. AC 2004-405

----------15 Minute Break----------

4. **Hearing Re: Petition for Early Termination of Probation**
   A. Mohamed El-Shimey Case No. AC 2016-1067

5. **Closed Session**
   The Board will meet in Closed Session to:
   A. Deliberate on Disciplinary Decisions and the above Petitions Pursuant to California Government Code Sections 11126(c)(3)
   B. Receive Advice from Legal Counsel Pursuant to California Government Code sections 11126(e) and 13963.1 Regarding Hugh Lubkin, D.C. v. Board of Chiropractic Examiners, Workers' Compensation Case No. ADJ7361379

----------1 Hour Lunch Break----------

6. **Open Session: Announcements Regarding Closed Session**

7. **Chair's Report**
   Update on the Chair's activities and Board's accomplishments and/or goals

8. **Approval of May 21, 2019 Board Meeting Minutes**

9. **Ratification of Approved License Applications**

10. **Ratification of Denied License Applications in Which the Applicants Did Not Request a Hearing**

11. **Ratification of Approved Continuing Education Provider Applications**

12. **Executive Officer's Report**
    A. Administration - Board staffing/organizational chart
    B. Budget - Fund condition update
    C. Licensing - Statistical trends
    D. Enforcement - Statistical trends
    E. IT Update
    F. Travel Claim Process

----------15 Minute Break----------

13. **Review, Discussion and Possible Action on Naming of Chiropractic Practices**

14. **Update, Discussion and Possible Action on June 28, 2019 Licensing & Continuing Education Committee Meeting** Board may act on any item on the attached Licensing & Continuing Education Committee meeting agenda.

15. **Update, Discussion and Possible Action on Legislation:**
    A. AB 544 (Brough)- Professions and vocations: inactive license fees and accrued and unpaid renewal fees
    B. AB 613 (Low)- Professions and vocations: regulatory fees
    C. AB 888 (Low) Opioid prescriptions; information: nonpharmacological treatment for pain
    D. SB 53 (Wilk)-Open meetings
    E. SB 425 (Hill)- Health care practitioners: licensee's file: probationary physician's and surgeons' certificate: unprofessional conduct

16. **Update, Discussion and Possible Action on Pending Rulemaking Files:**
    A. Denial of Application: Revocation or Suspension of Licensure
    B. Probation Status Disclosure
    C. Consumer Protection Enforcement Initiative (CPEI)
    D. Revisions to BCE Disciplinary Guidelines & Uniform Standards for Substance Abusing Licensees
    E. Sponsored Free Health Care Events - Repeal CCR Sections (309-309.4)
    F. Revisions to Curriculum Requirements and Approval of Programs (Sections 330 – 331.16)

G. Continuing Education Requirements (CE Provider and Course Approval)/Mandatory Cardiopulmonary Resuscitation (CPR) Certification for All Licensees
H. Delegation of Authority to the Assistant Executive Officer
I. Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice on Death/Incapacity of Licensee Amend or Repeal CCR Section 354- Successful Examination (Obsolete provision)

17. Public Comment for Items Not on the Agenda

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

18. 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.]

19. Adjournment

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

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

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NOTICE OF TELECONFERENCE
LICENSING & CONTINUING EDUCATION COMMITTEE MEETING

June 28, 2019

12:00 p.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 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
4343 Marconi Ave., #5
Sacramento, CA 95821
(916) 488-0202

David Paris, D.C.
VA Health Administration in Redding
760 Cypress Ave.
Redding, CA 96001
(530) 244-8806

AGENDA

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

2. **Approval of April 16, 2019 Committee Meeting Minutes**

3. **Review, Discussion and Possible Action on proposed language to CE regulations**

4. **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.

5. **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.]

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**.

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Agenda Item 8
July 25, 2019

Approval of Minutes

Purpose of the item

The Board will review and approve the Board Meeting minutes of the previous Board Meeting.

Action(s) requested

The Board will be asked to make a motion to approve the May 21st, 2019, Board Meeting minutes.

Background

N/A

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

- Meeting minutes from the May 21st, 2019, Board Meeting.

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BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES

May 21, 2019
Southern California University of Health Sciences
16200 E. Amber Valley Drive, Legacy Hall
Whittier, CA 90604

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Board Members Present
Sergio Azzolino, D.C., Chair
Dionne McClain, D.C., Vice Chair
Frank Ruffino, Secretary
Heather Dehn, D.C.
Corey Lichtman, D.C.
David Paris, D.C.

Staff Present
Robert Puleo, Executive Officer
Marcus McCarther, Assistant Executive Officer
Kenneth Swenson, Attorney III
Michael Kanotz, Senior Attorney
Dixie Van Allen, Staff Services Manager I
Kristin Walker, Staff Services Manager I
Valerie James, Staff Services Analyst
Natalie Boyer, Staff Services Analyst
Andreia McMillen, Associate Government Program Analyst

Call to Order
Dr. Azzolino called the meeting to order at 9:12 a.m.

Roll Call
Mr. Ruffino called the roll. All members were present. A quorum was established.

Pledge of Allegiance
Mr. Ruffino led the Pledge of Allegiance.

Opening Announcements

Hearing Re: Petition for Reinstatement of Revoked License

Administrative Law Judge, Eileen Cohn, presided over and Deputy Attorney General, Thomas Rinaldi, appeared on behalf of the people of the State of California on the following hearings:

A. Calen Daniel Case No. AC 1998-55
B. Robert Glover Case No. AC 2010-808
C. Jeffrey Nabatmama Case No. AC 2003-332

Closed Session

Following oral testimonies, the Board went into Closed Session for deliberation and determinations regarding:

A. Deliberate on Disciplinary Decisions and the above Petitions Pursuant to California Government Code Section 11126(c)(3)
B. Receive Advice from Legal Counsel Pursuant to California Government Code Sections 11126(e) and 13963.1 Regarding Hugh Lubkin, D.C. v. Board of Chiropractic Examiners, Workers' Compensation Case No. ADJ7361379

Open Session

The Board went back into Open Session.

Chair's Report

Dr. Azzolino welcomed the Board's new attorney, Mr. Michael Kanotz, to the Board Meeting and thanked Mr. Kenneth Swenson for his service and dedication to the Board. Dr. Azzolino shared the Board's recent activities in meeting with presidents of various California chiropractic colleges to discuss education standards. Further meetings are pending in this effort. Dr. Azzolino invited Dr. McClain to share her recent experiences from attending the Federation of Chiropractic Licensing Board's (FCLB) conference.

Dr. McClain reviewed the highlights from the FCLB conference, regarding changes to the National Board of Chiropractic Examiners (NBCE) exam and the noteworthy lectures throughout the conference.

Update from Department of Consumer Affairs

Mr. Patrick Le, Assistant Deputy Director for Board and Bureau Services of the Department of Consumer Affairs (DCA), provided an update to the Board on the

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departure of Director Dean Grafilo from DCA. He also reviewed progress on the Substance Abuse Coordination Committee, the Technology Advisory Group, and the DCA Open Data Portal website.

Approval of February 15, 2019 Board Meeting Minutes

MOTION: MR. RUFFINO MOVED TO APPROVE THE MINUTES OF THE FEBRUARY 15, 2019 BOARD MEETING.
SECOND: DR. PARIS SECONDED THE MOTION.

Discussion: There was none.

VOTE: 5-0, 1 - ABSTAINED (DR. AZZOLINO-AYE, DR. MCCLAIN-ABSTAIN, MR. RUFFINO-AYE, DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. PARIS-AYE).
MOTION: CARRIED.

Ratification of Approval of License Applications

MOTION: DR. DEHN MOVED TO RATIFY THE APPROVED LICENSE APPLICATIONS.
SECOND: DR. LICHTMAN SECONDED THE MOTION.

Discussion: There was none.

VOTE: 6-0, (DR. AZZOLINO-AYE, DR. MCCLAIN-AYE, MR. RUFFINO-AYE, DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. PARIS-AYE).
MOTION: CARRIED.

Ratification of Denied License Applications in Which the Applicants Did Not Request a Hearing

There was none.

Ratification of Approved Continuing Education Providers

MOTION: DR. LICHTMAN MOVED TO RATIFY THE APPROVED CONTINUING EDUCATION PROVIDERS.
SECOND: DR. DEHN SECONDED THE MOTION.

Discussion: There was none.

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VOTE: 6-0, (DR. AZZOLINO-AYE, DR. MCCLAIN-AYE, MR. RUFFINO-AYE, DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. PARIS-AYE).
MOTION: CARRIED.

Executive Officer's Report

A. Administration - Board staffing/organizational chart

Mr. Puleo shared that there were currently three vacant positions: two in the Enforcement unit and one in Administration. Two positions would go unfilled and the third was pending a hiring decision by management.

B. Budget - Fund condition update

Mr. Puleo reviewed the five-year projected budget in the Fund Condition Report.

Mr. McCarther called the Board's attention to some of the line item costs specific to the Board's new IT system. There would be some long term increases and decreases to the overall budget.

Dr. Dehn inquired if staff knew the consistent, year to year, cost of the IT system.

Mr. McCarther responded that as of yet, that could not be determined, as the Board had not gone out to bid on software packages.

Dr. Dehn also inquired about the repayment of the BAR Loan.

Mr. Puleo affirmed that future payments to the BAR Loan have been postponed.

C. Licensing - Statistical trends

Ms. Van Allen, Licensing, Continuing Education & Administration Manager, shared highlights from licensing statistics over the past eleven months. Ms. Van Allen brought focus to the decreasing number of licensees, which could be due, in part, to the total amount of cancelled licenses occurring every year compared to the amount of new licenses issued every year.

Dr. Azzolino inquired if staff issued questionnaires to individuals cancelling their licenses to gather additional information.

Ms. Van Allen responded that there was no formal process, however, informally many individuals send letters to the Board advising of their retirement from the profession.

Dr. Lichtman inquired if the Board collected age ranges of licensees.

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Ms. Van Allen provided that birth dates were required during the initial license application but staff did not compile this data in any meaningful way.

Mr. Puleo added that with the new IT system the Board would have the capability to run more reports to cross reference certain data sets.

Ms. Van Allen went on to add that the Licensing Unit had significantly increased the amount of Continuing Education (CE) audits. For the previous fiscal year, the Board audited 1,111 licensees which resulted in a 17% failure rate.

D. Enforcement - Statistical trends

Ms. Walker, Enforcement Manager, summarized key points from the most recent enforcement statistics. Ms. Walker highlighted the increased numbers in Complaints Received and Complaints Pending, due to the higher volume of failed CE audits, but anticipated this number to go down with the addition of a new staff member added to the Enforcement Unit.

Dr. Azzolino questioned the decrease in the amount of Total Fines Assessed for the 2018/2019 period.

Ms. Walker responded that the decrease was due, in part, to the unit citing minor violations that levied smaller fine amounts.

Ms. Walker went on to review the new tables of enforcement complaint data.

E. Technology update

Mr. McCarther provided an update on the technology projects the Board was completing with the assistance of DCA's Office of Information Services (OIS). The first project would allow licensees the ability to renew their licenses on the Board's website. This project is projected to be completed by the end of summer 2019. The second project is the long-term procurement of a new IT database for the Board. The Board is in the second phase of the project and will soon take bids from potential IT vendors.

Update, Discussion and Possible Action on April 19, 2019 Enforcement Committee Meeting

Dr. Paris, as the recently elected Enforcement Committee Chair, provided the update from the April 19th meeting. Dr. Paris provided the Board with a summary of the topics discussed: enforcement statistical information, the enforcement expert witness program, and upcoming rulemaking packages with suggested language for the Board.

Dr. Paris presented the motions the Committee was requesting the Board's vote.

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AB 2138 – Denial of Application, Revocation and Suspension of Licensure

COMMITTEE APPROVED MOTION: APPROVE THE REGULATORY LANGUAGE AS WRITTEN TO ADD CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 16, SECTION 316.5 SUBSTANTIAL RELATIONSHIP CRITERIA, CCR, TITLE 16, SECTION 327 REHABILITATION, REHABILITATION CRITERIA FOR SUSPENSIONS OR REVOCATIONS AND AMEND CCR, TITLE 16, SECTION 326 TO REHABILITATION CRITERIA FOR DENIALS AND REINSTATEMENTS AND DELEGATE AUTHORITY TO THE EXECUTIVE OFFICER TO MAKE NON-SUBSTANTIVE CHANGES AND COMMENCE THE RULEMAKING PROCESS.

Discussion: There was none.

VOTE: 6-0, (DR. AZZOLINO-AYE, DR. MCCLAIN-AYE, MR. RUFFINO-AYE, DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. PARIS-AYE).
MOTION: CARRIED.

SB 1448 – Probation Status Disclosure

COMMITTEE APPROVED MOTION: APPROVE THE REGULATORY LANGUAGE AS WRITTEN TO ADD CCR, TITLE 16, SECTION 308.1 PROBATION STATUS DISCLOSURE AND DELEGATE AUTHORITY TO THE EXECUTIVE OFFICER TO MAKE NON-SUBSTANTIVE CHANGES AND COMMENCE THE RULEMAKING PROCESS.

Discussion: There was none.

Public Comment: Mr. McCarther drew the Board's attention to one change that had been made after the Enforcement Committee meeting. In new language proposed for CCR, Title 16, Section 308, third paragraph, the third bullet point had been removed.

There was no opposition to the change by the Board.

VOTE: 6-0, (DR. AZZOLINO-AYE, DR. MCCLAIN-AYE, MR. RUFFINO-AYE, DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. PARIS-AYE).
MOTION: CARRIED.

Update, Discussion and Possible Action on April 16, 2019 Licensing & Continuing Education Committee Meeting

Dr. McClain provided an update regarding the April 16th Licensing & Continuing Education Committee Meeting. The Committee reviewed the Strategic Goal Plan 1 and discussed the ongoing proposed changes to CE regulations. A recommendation was brought forward to utilize the meta-competencies from the Council on Chiropractic Education's (CCE) accreditation standards as a roadmap for new CE regulation

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changes. The Committee would continue to discuss potential amendments and would bring forward any viable material to the full Board as needed.

Mr. Puleo wished to emphasize that the Committee had solely discussed potential changes to the CE regulations; nothing had been voted on by the Committee or the full Board.

Update, Discussion and Possible Action on March 26, 2019 Government & Public Affairs Committee Meeting

Mr. Puleo led the Board in a review of the March 26th Government & Public Affairs Committee Meeting.

Mr. McCarther stressed the importance to the Committee and Board of creating a Social Media Content Bank to generate relevant and engaging content for licensees. Board staff was currently responsible for the social media platforms of the Board and was seeking content suggestions and assistance from Board Members. Staff's goal was to have a healthy content bank available so social media posts that would be meaningful to licensees and the public could be distributed on a routine basis.

Mr. Puleo returned to the legislative updates from the Committee. Mr. Puleo provided a summary of AB 613 (Low) Professions and vocations: regulatory fees. The Committee recommended a watch position on this bill.

Mr. Puleo went on to review AB 888 (Low) Opioids prescriptions: information: Nonpharmacological treatment for pain. The bill was supported by the California Chiropractic Association and the Committee recommended a support position on this bill.

MOTION: MR. RUFFINO MOVED THAT THE BOARD TAKE A SUPPORT POSITION FOR AB 613 (LOW) PROFESSIONS AND VOCATIONS: REGULATORY FEES AND AB 888 (LOW) OPIOIDS PRESCRIPTIONS: INFORMATION: NONPHARMACOLOGICAL TREATMENTS FOR PAIN.
SECOND: DR. LICHTMAN SECONDED THE MOTION.

Discussion: There was none.

VOTE: 6-0, (DR. AZZOLINO-AYE, DR. MCCLAIN-AYE, MR. RUFFINO-AYE, DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. PARIS-AYE).
MOTION: CARRIED.

Dr. Dehn inquired whether a motion was necessary to accept the changes made to the Board Member Administrative Procedure Manual (BMAPM).

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COMMITTEE APPROVED MOTION: TO APPROVE THE MOST RECENT CHANGES TO THE BMAPM.

Discussion: Mr. McCarther opened the discussion by pointing out that the bulk of the substantive changes were on page eight and nine of the manual.

Dr. Dehn questioned whether it would be appropriate, under the Committee Chair section, to add scheduling Committee meetings to the responsibility of the Chair. Currently there were no committee member positions designated with this task.

Dr. Azzolino proposed allowing staff members to schedule meetings, as they often knew of pertinent content to be agendized and discussed by the committees.

Mr. Puleo agreed that staff could continue to schedule committee meetings. Additionally, if the Committee Chair or committee members wished to schedule a meeting, they could reach out to staff with agenda topics and dates.

Dr. Azzolino and Dr. Dehn agreed to leave the responsibility open to all involved parties.

Mr. Ruffino suggested it would be more appropriate to have the initial responsibility of requesting a Committee Meeting under the Committee Chair's duty statement.

Mr. Swenson stated that these responsibilities were inherent to the Committee Chair position. If the BMAPM did not specifically specify this duty, the absence of the statement did not deprive the Committee Chair the responsibility.

The Board did not feel a need to add a statement to the BMAPM.

Mr. Puleo inquired how the Board would like to refer new topics to committees, whether they should be referred directly from Board Meetings or if committees could agendize new policy content topics.

Dr. Azzolino was comfortable with either scenario.

VOTE: 6-0, (DR. AZZOLINO-AYE, DR. MCCLAIN-AYE, MR. RUFFINO-AYE, DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. PARIS-AYE).
MOTION: CARRIED.

Update, Discussion and Possible Action on Legislation

Mr. Puleo summarized five bills introduced during the 2019 legislative session. The Board would be asked to take a position on the following bills:

AB 544 (Brough) – Professions and vocations: inactive license fees and accrued and unpaid renewal fees. This bill had since been terminated in the legislature and the

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Board does not need to take a position on it.

AB 613 (Low) – Professions and vocations: regulatory fees. The Board voted, earlier in the meeting, to take a support position on this bill.

AB 888 (Low) – Opioid prescriptions: nonpharmacological treatment for pain. The Board voted, earlier in the meeting, to take a support position on this bill.

SB 53 (Wilk) – Open meetings. Staff requested the Board vote on a position for this bill.

Dr. Azzolino inquired if the processes outlined in this bill would greatly slow down the activities of the Board.

Mr. McCarther responded that since, earlier in the year, the Board had changed the composition of the committees to include three members, which requires publicly noticed meetings, this bill would not greatly affect the Board's activities.

Dr. Azzolino questioned if it was necessary for the Board to take a position on SB 53 at this time, as there did seem to be some drawbacks to the bill, but ultimately if the legislature passed the bill then the Board would comply.

Mr. Ruffino encouraged the Board to take a position of a watch status for this bill.

MOTION: MR. RUFFINO MOVED THAT THE BOARD TAKE A WATCH POSITION ON SB 53 (WILK) OPEN MEETINGS.
SECOND: DR. MCCLAIN SECONDED THE MOTION.

Discussion: Mr. Puleo added, as the bill had previously made it through the legislature, in different iterations, it would likely make it through again. It would be up to Governor Gavin Newsom to decide whether to sign the bill into law.

Dr. Azzolino inquired if there would be any harm should the Board oppose the bill.

Mr. Puleo responded that there would not.

Mr. Ruffino inquired of Mr. Le, whether DCA had taken a position regarding SB 53.

Mr. Le responded that DCA had not taken a position on this piece of legislation.

SUBSTITUTED MOTION: DR. AZZOLINO MOVED THAT THE BOARD TAKE AN OPPOSE POSITION ON SB 53 (WILK) OPEN MEETINGS.
SECOND: DR. PARIS SECONDED THE MOTION.

Discussion: Mr. Ruffino consented to the substitution of the motion.

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VOTE: 6-0, (DR. AZZOLINO-AYE, DR. MCCLAIN-AYE, MR. RUFFINO-AYE, DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. PARIS-AYE).
MOTION: CARRIED.

SB 425 (Hill) – Health care practitioners: licensee's file: probationary physician's and surgeon's certificate: unprofessional conduct. Staff is requesting the Board take a position on this bill.

MOTION: DR. AZZOLINO MOVED THAT THE BOARD TAKE A SUPPORT POSITION ON SB 425 (HILL) HEALTH CARE PRACTITIONERS: LICENSEE'S FILE: PROBATIONARY PHYSICIAN'S AND SURGEON'S CERTIFICATE: UNPROFESSIONAL CONDUCT.
SECOND: MR. RUFFINO SECONDED THE MOTION.

Discussion: There was none.

VOTE: 6-0, (DR. AZZOLINO-AYE, DR. MCCLAIN-AYE, MR. RUFFINO-AYE, DR. DEHN-AYE, DR. LICHTMAN-AYE, DR. PARIS-AYE).
MOTION: CARRIED.

Update, Discussion and Possible Action on the Federal "Sports Medicine Licensure Clarity Act of 2018"

Mr. Kanotz briefed the Board on the 'Sports Medicine Licensure Clarity Act of 2018'. The federal legislation extended the liability insurance coverage of a sports medicine professional to states the practitioner travels to with their sports team. The Act also allows sports medicine professionals to treat athletes in a different state, as long as they adhere to the scope of practice that is more restrictive, either their own or guest state.

Dr. Azzolino inquired if this superseded the Chiropractic Initiative Act.

Mr. Kanotz agreed that it does.

Update, Discussion and Possible Action on Pending Rulemaking

Ms. McMillian provided an update regarding the Denial of Application - Revocation or Suspension of Licensure regulation. Staff would be sending out public notice of the rulemaking packet soon.

Staff would also begin developing the regulatory package for the Probation Status Disclosure, as regulatory language had just been approved.

Staff had also completed changes to the Consumer Protection Enforcement Initiative and the Delegation of Authority to the Assistant Executive Officer packages and would be submitting the reviewed copies to DCA legal for secondary review.

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Public Comment for Items Not on the Agenda

Public Comment: Dr. Mark Cymerint, Triad Seminars - CE Provider, stated that he had written a letter to be shared with the CE Committee highlighting his opinions on some of the proposed changes to the CE regulations.

Mr. Puleo acknowledged that the letter would be shared with the CE Committee for review.

Future Agenda Items

There was none.

Adjournment

Dr. Azzolino adjourned the meeting at 3:31 p.m.

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(ATTACHMENT A)

Approval by Ratification of Formerly Approved License Applications between January 1, 2019 and March 31, 2019.

Name (First, Middle, Last)			Date Issued	DC#
Patricia	S	Boulogne	1/9/2019	**34402**
Anastasia	Rafaela	Cannedy	1/9/2019	**34403**
Irene	Sarah	Alejandro	1/10/2019	**34404**
Cynequa	Starlena	Caldwell	1/10/2019	**34405**
Colby	James	Wilmer	1/15/2019	**34406**
Charminae	Nicole	Barnes	1/18/2019	**34407**
Damon	Kristopher	Anthony	1/18/2019	**34408**
Harpal	Singh	Gill	1/18/2019	**34409**
Arneka	April	Montford	1/23/2019	**34410**
Nicholas	David	Rosen	1/23/2019	**34411**
Ruben	Alexander	Montane	1/25/2019	**34412**
Thao	Dung Thi Tran	Aaron	1/29/2019	**34413**
Derek	Edward Neumeier	Barkalow	1/29/2019	**34414**
Allen	Gabriel	Bittaker	1/29/2019	**34415**
Corey	Scott	Diamond	1/29/2019	**34416**
Jessica	Christina	Dzieszko	1/29/2019	**34417**
Artem	Andrey	Abakumov	1/31/2019	**34418**
Maral		Basmajian	1/31/2019	**34419**
Sean	Patrick	Golden	1/31/2019	**34420**
Keiko	Alyssa	Hamano	1/31/2019	**34421**
Monique	Mailingh	Hamon	1/31/2019	**34422**
Charlene	L	Blades	1/31/2019	**34423**
Angelica	Joy	Malek	1/31/2019	**34424**
Kindra	Melody	Woo	1/31/2019	**34425**
Amy	Leeann	Winchester	1/31/2019	**34426**
La Mar	Anthony	Sheppard	1/31/2019	**34427**
Taylor	McKean	Moore	1/31/2019	**34428**
Alexandra	Maria	Trevisan	2/1/2019	**34429**
Ronald	M	Miller	2/1/2019	**34430**
Ronald	Thomas	Merriel	2/1/2019	**34431**
Brandon	Lee	Johnson	2/1/2019	**34432**
Franchesca	Vy	Nguyen	2/1/2019	**34433**
Kyung-Oh		Suh	2/6/2019	**34434**
David	Paul	Silverman	2/6/2019	**34435**
Kevin		Lew	2/6/2019	**34436**
Brian	Chris	Nook	2/6/2019	**34437**

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Annelies	Margarete	Wentzel	2/6/2019	**34438**
Austin	Robert	Rico	2/13/2019	**34439**
Tyler	William	Simpson	2/13/2019	**34440**
Hyeong	Ju	Lee	2/13/2019	**34441**
Manraj	Singh	Mangat	2/13/2019	**34442**
Tori	Leigh	Reccord	2/13/2019	**34443**
Haig	Peter	Basmadjian	2/14/2019	**34444**
Nancy		Chu	2/14/2019	**34445**
Andres	Tomas	De La Cruz	2/14/2019	**34446**
Ross		Hartwell	2/14/2019	**34447**
Peter	Thomas	Hibl	2/14/2019	**34448**
Anja	Fatima	Huq	2/14/2019	**34449**
Solomiya		Bachinsky	2/14/2019	**34450**
Blake	Christian	Daniels	2/14/2019	**34451**
Oscar	Miguel Angel	Del Rio-Marquez	2/14/2019	**34452**
Katharine	Ann	Baker	2/14/2019	**34453**
Laura	Nicole	Capparilli	2/14/2019	**34454**
Jessica	Meagan	Flores	2/14/2019	**34455**
Amanda	Tess	Star	2/14/2019	**34456**
Ayushi		Sinha	2/14/2019	**34457**
Catherine	Helene	Leduc Ramcharan	2/14/2019	**34458**
Cody		Weaver	2/14/2019	**34459**
Marcos	M	Naccarati	2/14/2019	**34460**
Gerissen		Tang	2/14/2019	**34461**
Carie	Sin-Jy	Kwan	2/14/2019	**34462**
Thai	Ngoc	Mai	2/14/2019	**34463**
John	Robert	Sanders	2/14/2019	**34464**
Leonela	Katherine	Martinez	2/20/2019	**34465**
Valerie	Dolores	Oldenburg	2/20/2019	**34466**
Toufu Tswjfwm	Naolue	Moua	2/20/2019	**34467**
Nick	Kwangyeon	Nam	2/20/2019	**34468**
Keola	Aaron	Lorenzo	2/25/2019	**34469**
Benjamin	James	Leong	2/25/2019	**34470**
Alan	Richard	Palzer	2/25/2019	**34471**
Maily	Truc	Tran	2/25/2019	**34472**
Victoria	Trang	Pickelman	2/27/2019	**34473**
Ignacio	Alejandro	Ruiz	2/27/2019	**34474**
Sevak		Ovsepyan	2/27/2019	**34475**
Jaelee		Carlton	2/27/2019	**34476**
Sarah	Lynn	Cathers	2/27/2019	**34477**

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Fernando	Juarez	Gomez	2/27/2019	**34478**
Regina	Faith	Timbang	3/7/2019	**34479**
Jacqueline	Evamarie	Vekich	3/7/2019	**34480**
Suzanna	Kreemer	Wong	3/7/2019	**34481**
Kira	Kreemer	Wong	3/7/2019	**34482**
Christian	Rodrigo	Pinto	3/7/2019	**34483**
Tyler	Preston	Miyamoto	3/7/2019	**34484**
Oscar	Anthony	Alvarado	3/7/2019	**34485**
Michael	Anthony	Delfin	3/7/2019	**34486**
Afsaneh		Derakhshan	3/7/2019	**34487**
Christopher	Joseph	Campagna	3/8/2019	**34488**
Lauren	Alexandra	Crone	3/8/2019	**34489**
Ivonne	Alexis	Ferandell-Villarino	3/8/2019	**34490**
Meir	Mark	Cioraru	3/12/2019	**34491**
Jennifer	Leigh	Jensen	3/14/2019	**34492**
Josiah	David	Haber	3/19/2019	**34493**
Nathaniel	Aaron	Finkey	3/19/2019	**34494**
Jennifer	Miller	Bowser	3/19/2019	**34495**
Mario	Andres	Chavez	3/19/2019	**34496**
Seth	Lawrence	Gartenlaub	3/19/2019	**34497**
Jack	David	Howard	3/19/2019	**34498**
Warren	Scott	Albert	3/19/2019	**34499**
Kerri	Elizabeth	Domingo	3/19/2019	**34500**
David	James	Simpson	3/21/2019	**34501**
Madeline	Melissa	Klobuchar	3/21/2019	**34502**
Calvin	Patrick	Nell	3/21/2019	**34503**
Nicholas	Jacobos	Cone	3/29/2019	**34504**
Troy	Robert	Davis	3/29/2019	**34505**
Nathan	James	Andersen	3/29/2019	**34506**
Rae	Meyer	Bastoni	3/29/2019	**34507**
Evan	Tobias	Chin	3/29/2019	**34508**
Jason		Chin	3/29/2019	**34509**
Oscar	Lionel	Erkenswick	3/29/2019	**34510**
Alexandra	Irene	Fonseca	3/29/2019	**34511**
Amber	Dawn Depasquale	Gregory	3/29/2019	**34512**
Steven	David	Roffers	3/29/2019	**34513**
Jonathan	Gould	Warren	3/29/2019	**34514**
Andrey		Repetskiy	3/29/2019	**34515**
Tage	Sebastian	Kverneland	3/27/2019	**34516**

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(ATTACHMENT B)

Pending Ratification to Approve New Continuing Education Providers

Provider Name: Abkarian & Associates **CE Oversight Contact Person:** Albert Abkarian **Provider Status:** Corporation	**Provider Name:** Dr. Jonna Uibel Palmer, D.C. **CE Oversight Contact Person:** Jonna Palmer **Provider Status:** Individual
Provider Name: Southeast Sports Seminars **CE Oversight Contact Person:** Jessica Riddle **Provider Status:** Corporation	**Provider Name:** Dr. Linda Gerner, D.C., FICPA **CE Oversight Contact Person:** Lynn Gerner **Provider Status:** Individual
Provider Name: Gait Happens **CE Oversight Contact Person:** Milica McDowell **Provider Status:** Corporation	**Provider Name:** Human Garage **CE Oversight Contact Person:** Alex Cheng **Provider Status:** Corporation
Provider Name: Functional Movement Systems, LLC **CE Oversight Contact Person:** Jamie Harrill **Provider Status:** Partnership	**Provider Name:** Bloch Wellness & Sports Medicine **CE Oversight Contact Person:** Rochelle Neally **Provider Status:** Corporation
Provider Name: Teresa Rispoli **CE Oversight Contact Person:** Teresa Rispoli **Provider Status:** Individual	**Provider Name:** Shawn Steel Law Firm **CE Oversight Contact Person:** John Tawlian **Provider Status:** Corporation
Provider Name: Motus Education **CE Oversight Contact Person:** Kristen Newhalfen **Provider Status:** Corporation	

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BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Gavin Newsom, Governor

Agenda Item 9
July 25, 2019

Ratification of Approved License Applications

Purpose of the item

The Board will review and ratify the attached list of approved license applications.

Action(s) requested

A motion is needed to ratify the attached list of approved license applications.

Background

Between April 1, 2019 and June 30, 2019, staff reviewed and confirmed that the applicants met all statutory and regulatory requirements.

Recommendation(s)

Staff requests the Board approve the list of approved license applications.

Next Step

N/A

Attachment(s)

- List of formerly approved license applications issued between April 1, 2019 and June 30, 2019.

Name (First, Middle, Last)			Date Issued	DC#
Kerri	Ellen	Ward	4/3/2019	**34517**
Lucas	Ivan	Paredes	4/5/2019	**34518**
Dustin	Stephen	Marlow	4/5/2019	**34519**
Shea	Ashley	Stark	4/5/2019	**34520**
Darren		Siu	4/8/2019	**34521**
Ashley	Jordan	Murry	4/8/2019	**34522**
Ryan	James	Wasmund	4/11/2019	**34523**
Klinton	James	Kranski	4/17/2019	**34524**
Melinda	Noelle	Marqui	4/22/2019	**34525**
Jung	Hyun	Um	4/22/2019	**34526**
Stacy Summer	Cantero	Malimban	4/23/2019	**34527**
Amana		Wang	4/24/2019	**34528**
Corinne	Nicole	Alexander	4/25/2019	**34529**
Emily	Lorraine	Fry	4/25/2019	**34530**
Jacob	Lee	Maurer	4/30/2019	**34531**
Eunice	Hee	Nam	4/30/2019	**34532**
Brennen	Scott	Clement	5/8/2019	**34533**
Robert	Lee	Dubinick Jr.	5/8/2019	**34534**
Jacob	Nathan	Bartelt	5/8/2019	**34535**
Morgan	Anita	Cark	5/8/2019	**34536**
Danielle	Elizabeth	Diaz	5/8/2019	**34537**
Moses		Villarreal	5/9/2019	**34538**
Jamie	Katelyn	Pestana	5/9/2019	**34539**
Gianfranco		Calafiore	5/24/2019	**34540**
Surdeep	Singh	Dhaliwal	5/24/2019	**34541**
Kelsey	Elizabeth	Bjola	5/24/2019	**34542**
Jonathan	David	Adams	5/24/2019	**34543**
Tory	Nicole	Huey	5/24/2019	**34544**
Brian	David	Glynn	5/31/2019	**34545**
Rachael	Alicia	Knopf	5/31/2019	**34546**
Peter	Joseph	Quigley	5/31/2019	**34547**
Anthony	John	Schuller	5/31/2019	**34548**
Xavier	Antonio	Ortiz-Ramirez	5/31/2019	**34549**
CJ	Marie	Jarvis	5/31/2019	**34550**
Mike		Liu	5/31/2019	**34551**
Courtney	Lynn	Rokowski	5/31/2019	**34552**
Kristine	Malisa	Loharun	5/31/2019	**34553**

Rafael	Jesus	Zamora	5/31/2019	**34554**
David	Robert	Sedghi	5/31/2019	**34555**
Ariel	Morgan	Weishoff	5/31/2019	**34556**
Patrick	Kasey	Pierce	5/31/2019	**34557**
Larissa	Ann	Sternberger	5/31/2019	**34558**
Christina		Vo-Nguyen	6/5/2019	**34559**
Eric	Alexander	Pinto	6/5/2019	**34560**
Yoon	Chul	Choi	6/5/2019	**34561**
Jongrak		Jung	6/7/2019	**34562**
Tyler	George	Bigenho	6/7/2019	**34563**
Christopher	Michael	Pruter	6/7/2019	**34564**
Tomy		Ton	6/7/2019	**34565**
Raul	Gilbert	Ramirez	6/12/2019	**34566**
Hudson	Brian	Taylor	6/12/2019	**34567**
Bradley	Adam	Fitzgerald	6/12/2019	**34568**
Wyatt	Richard	Kissling	6/12/2019	**34569**
Alyssa	Mae	Sollenberger	6/12/2019	**34570**
Annie	Somi	Lee	6/12/2019	**34571**
Deanna	Margaret	Mendelsohn	6/14/2019	**34572**
Khodayar	Ashrafi	Khatiblou	6/14/2019	**34573**
Kathy	Pham	Huynh	6/14/2019	**34574**
Kelsie	Ann	Miller	6/18/2019	**34575**
Ashley	Nicole	Freidel	6/18/2019	**34576**
Mohammed	Alhadi	Jawad	6/19/2019	**34577**
Katarina	Paige	Rigali	6/19/2019	**34578**
Chieh-Hsin		Chen	6/19/2019	**34579**
Jamie	Marie	Smoak	6/19/2019	**34580**
Sun	Pil	Hwang	6/21/2019	**34581**
Chan	Young	Choi	6/21/2019	**34582**
Gene	Kou	Xiong	6/21/2019	**34583**
Robert	Baker	Hoffman	6/27/2019	**34584**
Mariya		Norkina	6/27/2019	**34585**
Shane	T	Kenning	6/27/2019	**34586**

Agenda Item 10
July 25, 2019

Ratification of Denied License Applications

Purpose of the item

The Board will review and ratify denied license applications in which an applicant did not appeal the Board's decision.

Action(s) requested

No action requested at this time.

Background

The Board of Chiropractic Examiners denies licensure to applicants who do not meet all statutory and regulatory requirements for a chiropractic license in California. Following a denial of licensure, an applicant has 60-days to appeal the Board's decision. If the applicant does not submit an appeal to the Board, the denial is upheld.

Recommendation(s)

During the period of April 1, 2019 and June 30, 2019, staff has reviewed and confirmed that applicants met all statutory and regulatory requirements for licensure. There were no denials or appeals during this time period.

At this time, no ratification is necessary.

Next Step

N/A

Attachment(s)

N/A

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Gavin Newsom, Governor

Agenda Item 11
July 25, 2019

Ratification to Approve Continuing Education Providers

Purpose of the item

The Board will be asked to review and ratify the new continuing education (CE) providers.

Action(s) requested

The Board will be asked to ratify the following new CE providers:

Provider Name: ParticipAid **CE Oversight Contact Person:** Lindsey Stevens **Provider Status:** Individual	**Provider Name:** Richard Robertshaw, D.C. **CE Oversight Contact Person:** Richard Robertshaw **Provider Status:** Individual
Provider Name: Atousa Mahdavi D.C. **CE Oversight Contact Person:** Mark Algee **Provider Status:** Individual	**Provider Name:** Carol J Phillips D.C. **CE Oversight Contact Person:** Carol Phillips **Provider Status:** Individual
Provider Name: Julie Waterman **CE Oversight Contact Person:** Mark Algee **Provider Status:** Individual	**Provider Name:** Lori Sunshine MT-BC **CE Oversight Contact Person:** Mark Algee **Provider Status:** Individual
Provider Name: Shannon Parisi D.C. **CE Oversight Contact Person:** Mark Algee **Provider Status:** Individual	**Provider Name:** Matthew Kurt Alexander **CE Oversight Contact Person:** Matt Alexander **Provider Status:** Corporation

CONT.

Provider Name: Dr PGA Golf Seminars

CE Oversight Contact Person: Dr. Raj Jackson, D.C., P.G.A

Provider Status: Individual

Background
N/A

Recommendation(s)

Staff requests the Board approve the new CE provider applicants.

Next Step
N/A

Attachment(s)

- To maintain compliance with AB 434 (Baker) State Web accessibility: standard and reports, we are no longer able to provide scanned documents on our website. Copies of the CE provider applications will be made available in person at the July 25th Board Meeting. CE provider applications can be requested via a Public Records Request.

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Gavin Newsom, Governor

Agenda Item 12
July 25, 2019

Executive Officer's Report

Purpose of the item

The Executive Officer will provide the Board Members with an update on statistics related to Board Administration, Budget, Licensing, Enforcement and IT. Board Members will have the opportunity to ask questions as necessary.

Action(s) requested

No action requested at this time.

Background

A. Administration

- The Administrative Unit currently has a vacant Management Services Technician (MST) position. Due to budget constraints, the Board is unable to fill the position at this time.
- The Licensing Unit has a vacant Staff Services Analyst (SSA) position.
- The Enforcement Unit has a vacant Staff Services Analyst (SSA) position. Due to budget constraints, the Board is unable to fill the position at this time.
- Tammi Pitto has accepted the Associate Governmental Program Analyst (AGPA) position in the Enforcement Unit.

B. Budget

- The Executive Officer will provide an overview of the attached Board Fund Condition Report.

C. Licensing

- The Licensing Manager will provide an overview of the attached licensing program data.

D. Enforcement

- The Enforcement Manager will provide an overview of the attached Enforcement program data.

E. IT Update

- The Assistant Executive Officer will provide an update on the Board's various information technology projects.

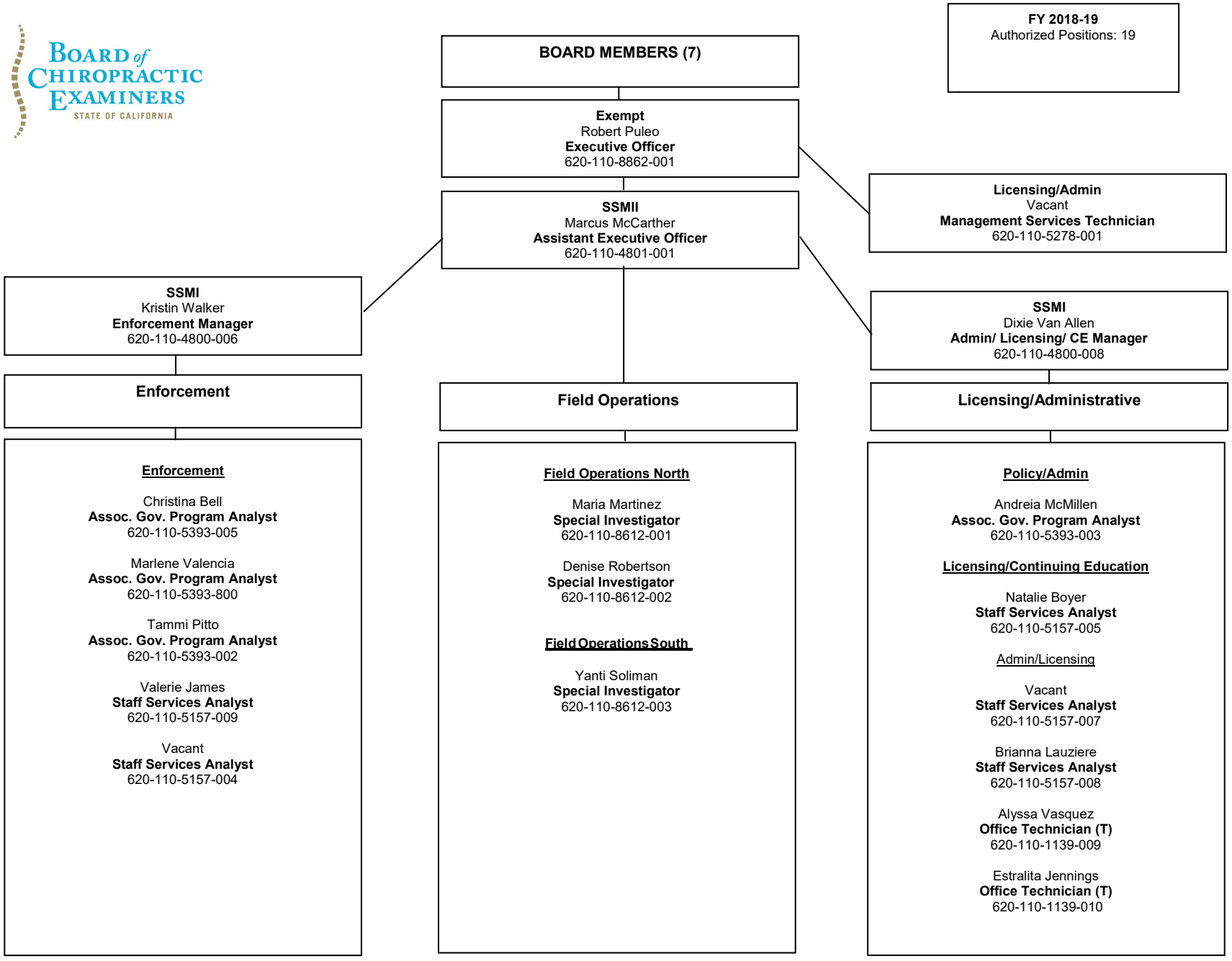
F. Travel Claims Process

- The Executive Officer will provide an update on the Board's travel claim process.

Recommendation(s)
N/A

Next Step
N/A

Attachment(s)
- Organizational Chart/Staff Functions
- Updated Fund Condition
- Licensing Statistics
- Enforcement Statistics
- Travel Claim Worksheet
- Travel Expense Claim Timeline



Executive Officer _____

Personnel Office _____

7/18/19

Board of Chiropractic Examiners Staff Functions

Executive Officer (620-110-8862-001) – Oversees management of the Board of Chiropractic Examiners. Directs negotiations for stipulated agreements, monitors deadlines and procedures for compliance with the Administrative Procedures Act. Directs the organization and coordination of committee, executive and task force meetings and compilation of data for Board meetings, ensures compliance with the Open Meetings Act, coordinates closed sessions and hearings, attends all Board meetings. Identifies the need for legislation and recommends modifications to existing statutes or regulations to the Board. Oversees all aspects of the legislative and rulemaking processes. Testifies before legislative committees on behalf of the Board, advocates consumer protection and lobbies on behalf of consumers and the Board, interprets and clarifies the Board's Initiative Act, regulations, and policies. Represents the Board before professional and health associations or other state, federal, local, or community groups/entities.

Assistant Executive Officer (620-110-4801-001) - Oversees all administrative duties of the Administration, Enforcement, Licensing/Continuing Education, and Field Investigation divisions, directly supervises managers and field staff, assists the EO with special projects, attends Board and Committee meetings, acts as the Board's liaison to DCA, attends all informal office conferences and writes resulting decisions. Oversees management of the Board in the EO's absence and backs up managers in their absence, represents the Board before professional and health associations or other state, federal, local or community groups/entities in the absence of the EO. Develops, reviews and implements policies and operating procedures, directs the development and implementation of regulations adopted by the Board. Advises EO of critical issues which may result in litigation or require legislation, regulations or policy adjustment, oversees the planning and ensures timely preparation and mailing of all Board and Committee materials, directs the preparation of recurring special reports, monitors the Board's revenue and expenditures.

Enforcement Manager (620-110-4800-006) – Manages and supervises compliance and probation programs/staff, performs case reviews and reviews case closure recommendations, participates in probationer interviews, attends informal citation conferences, reviews administrative citations and fines, monitors monthly caseload statistics, monitors success of Expert Consultant program, reviews AG billing statements for accuracy.

Enforcement Analyst (620-110-5393-002) - Reviews and investigates complex complaints, drafts recommendations for complaints including referral of complaints to the AG's office, prepares packets for Petitioner hearings, evaluates administrative cases, and proposed decisions, stipulations and default decisions for adherence to the Admin. Procedures Act and Disciplinary Guidelines, develops settlement and probationary terms for the Executive Officer's approval.

Probation Monitor (620-110-5393-005) – Monitors probationers for compliance with conditions and terms of probation, sends letters to probationers who are out of compliance with their terms of probation, coordinates site inspection or suspension visits with field staff, schedules probation interviews, refers cases to Board experts, consults with the AG's office and makes recommendations to management on cases ready for petition to revoke or accusation referral due to non-compliance issues, tracks cases waiting to be heard at Office of Administrative Hearings, recommends settlement or probationary terms for management approval, prepares stay of decision, reviews and investigates complex complaints, drafts recommendations for complaints including referral of complaints to the AG's office. Serves as coordinator for the Enforcement Committee.

Enforcement Analyst (620-110-5157-009) - Assists the public with inquiries about the complaint process, performs intake and assignment of consumer complaints and CE audits, requests court documents for subsequent arrest reports, requests Interim Suspension Orders or Penal Code 23 assistance, reviews and investigates routine consumer complaints, drafts recommendations for complaints including referral of complaints to the AG's office, reviews administrative cases and proposed decisions, stipulations and default decisions for adherence to the Admin. Procedures Act and Disciplinary Guidelines, tracks proposed decisions received and cases awaiting hearing at the Office of Administrative Hearings. Responds to subpoenas and enforcement related Public Record Act requests. Maintains enforcement files according to retention schedule. Serves as back-up to the probation monitor.

Enforcement Analyst (620-110-5393-800) - Reviews and investigates complex complaints, drafts recommendations for complaints including referral of complaints to the AG's office, prepares packets for Petitioner hearings, evaluates administrative cases, and proposed decisions, stipulations and default decisions for adherence to the Admin. Procedures Act and Disciplinary Guidelines, develops settlement and probationary terms for the Executive Officer's approval.

Enforcement Analyst (620-110-5157-004) – Assists the public with inquiries about the complaint process, performs intake and assignment of consumer complaints, requests court documents for subsequent arrest reports, requests Interim Suspension Orders or Penal Code 23 assistance, reviews and investigates routine consumer complaints, drafts recommendations for complaints including referral of complaints to the AG's office, reviews administrative cases and proposed decisions, stipulations and default decisions for adherence to the Admin. Procedures Act and Disciplinary Guidelines, tracks proposed decisions received and cases awaiting hearing at the Office of Administrative Hearings. Serves as the contact for the National Data Bank reporting.

Licensing, CE, Administration Manager (620-110-4800-008) - Manages and supervises licensing, continuing education, and administrative programs and staff, compiles and analyzes licensing workload statistics, assists applicants and licensees with licensing issues, reviews staff recommendations regarding licensure and continuing education applications and grants or denies approval, monitors development and administration of the California Law and Professional Practices Examination, attends Board and committee meetings, assists AEO and EO with preparation of special reports or projects.

Policy Analyst (620-110-5393-003) – Prepares and compiles rulemaking documents for the repeal, amendment or adoption of regulations. Identifies, tracks and analyzes legislative bills impacting the Board, acts as the back-up Personnel Liaison for Board staff, assists management with research and special projects. Acts as coordinator for the Government Affairs committee. Attends Board and committee meetings.

Retired Annuitant Policy Analyst (620-110-5393-907) – Prepares and compiles rulemaking documents for the repeal, amendment or adoption of regulations.

Administrative Assistant (620-110-5278-001) – Performs administrative tasks for the EO (responds to information requests, emails and telephone inquiries), compiles program statistical reports for EO's report at Board meetings, performs special projects assigned by EO, prioritizes EO's workload and maintains EO's calendar, coordinates EO's travel arrangements and processes travel claims.

Prepares Board meeting packets, Board meeting minutes, and operates webcasting equipment at Board and Committee meetings, identifies action items and prepares a prioritized list to the EO and management, recommends agenda items for future board meetings. Coordinates travel arrangements and travel claims for Board members, establishes contracts for meeting accommodations, provides back-up support to Licensing technicians, responds to subpoenas and public records requests, performs fleet management responsibilities, assist with preparation of contracts and interagency agreements for equipment maintenance work.

Licensing Analyst (620-110-5157-008) – Processes reciprocal and initial applications for a Chiropractic License including all supplemental documents relating to background, education and discipline, prepares deficiency and eligibility letters to applicants, restoration of cancelled and forfeited licenses, corporation applications, and inactive to active requests. Prepares contracts and interagency agreements for equipment maintenance work, supplies and training. Responds to telephone and written inquiries regarding application status, licensing requirements or processes, makes determinations and recommendations regarding licensure and denial of applicants. Refers cases to the AG's office for a Statement of Issues for applicants whose licensure was denied and decisions were appealed, prepares mail vote ballots to Board members, distributes decision to all parties once adopted by the Board. Serves as the recruitment coordinator for Examination Subject Matter Experts.

Licensing Analyst (620-110-5157-007) – Processes reciprocal and initial applications for a Chiropractic License including all supplemental documents relating to background, education and discipline, prepares deficiency and eligibility letters to applicants. Makes determinations and recommendations regarding licensure or denial of applicants. Prepares statistical reports to management, refers cases to the AG's office for a Statement of Issues for applicants whose licensure was denied and decisions were appealed, researches and responds to questions by the assigned Deputy Attorney General, prepares and mails vote ballots to Board members, distributes decision to all parties once adopted by the Board. Processes applications for Chiropractic Referral Services, approves licensees for the preceptor program, prepares information on newly licensed applicants for ratification at Board meetings. Acts as the HR Liaison for the Board and responds to inquiries on chiroinfo.

Licensing Technician (620-110-1139-008) – Processes Satellite Office certificates, renewals, license verifications and name and address changes. Answers telephones, maintains equipment and inventory of office supplies, compiles board meeting packets, and obtains approval for payment of bills.

Licensing Technician (620-110-1139-009) – Cashiers all monies received by the Board, requests refunds for overpayments, sends underpayment notices to licensees, performs Continuing Education audits, audits renewal statements for practicing with an expired license, updates CAS with information from death certificates, provides front counter support, answers telephones, greets visitors, receives and distributes mail.

CE/Licensing Analyst (620-110-5157-005) – Reviews and processes continuing education provider applications and continuing education course applications for submittal to manager for approval, maintains database of CE providers and courses, prepares information on CE providers for ratification at Board meetings, prepares approval letters for CE providers and CE courses, prepares

monthly statistical reports for the licensing manager. Acts as the Board's webmaster, maintains content on the Board's social media accounts, acts as the Liaison for the Licensing & Continuing Education Committee as well as the Board meetings.

0152 - Board of Chiropractic Examiners
Analysis of Fund Condition

Prepared 7.17.19

(Dollars in Thousands)

NOTE: $1.448 Million VIRF Loan Balance

2019-20 Budget Act

	PY 2017-18	PY 2018-19	Budget Act CY 2019-20	BY 2020-21	BY+1 2021-22
BEGINNING BALANCE	$ 2,022	$ 1,916	$ 2,364	$ 1,706	$ 894
Prior Year Adjustment	$ -	$ -	$ -	$ -	$ -
Adjusted Beginning Balance	$ 2,022	$ 1,916	$ 2,364	$ 1,706	$ 894
REVENUES AND TRANSFERS					
Revenues:					
4121200 Delinquent fees	$ 30	$ 38	$ 22	$ 22	$ 22
4127400 Renewal fees	$ 3,300	$ 3,788	$ 4,108	$ 4,108	$ 4,108
4129200 Other regulatory fees	$ 38	$ 59	$ 91	$ 91	$ 91
4129400 Other regulatory licenses and permits	$ 151	$ 268	$ 354	$ 354	$ 354
4143500 Income from surplus money investments	$ 18	$ 44	$ 20	$ 13	$ -
4172500 Miscellaneous revenues	$ 1	$ 1	$ 1	$ 1	$ 1
Totals, Revenues	$ 3,538	$ 4,198	$ 4,596	$ 4,589	$ 4,576
Totals, Resources	$ 5,560	$ 6,114	$ 6,960	$ 6,295	$ 5,470
EXPENDITURES					
Disbursements:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	$ 3,398	$ 3,447	$ 4,911	$ 5,058	$ 5,210
8880 Financial Information System for California (State Operations)	$ 6	$ -	-1	-1	-1
9892 Supplemental Pension Payment (State Operations)	$ -	$ 41	$ 85	$ 85	$ 85
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	$ 240	$ 262	$ 259	$ 259	$ 259
Total Disbursements	$ 3,644	$ 3,750	$ 5,254	$ 5,401	$ 5,553
FUND BALANCE					
Reserve for economic uncertainties	$ 1,916	$ 2,364	$ 1,706	$ 894	$ -83
Months in Reserve	6.1	5.4	3.8	1.9	$ -0.2

NOTES:

A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.
B. ASSUMES APPROPRIATION GROWTH OF 3% PER YEAR BEGINNING IN BY+1.
C. ASSUMES INTEREST RATE AT 1.5%.
D. ASSUMES NO PAYMENT TO THE VIRF LOAN

BOARD OF CHIROPRACTIC EXAMINERS
LICENSING TRENDS
FY 2018-19

Total Population of Clear Chiropractic Licenses

Month	Total Licenses
July	13,029
August	13,066
September	13,043
October	13,010
November	12,991
December	12,956
January	12,944
February	12,964
March	12,967
April	12,953
May	12,950
June	12,943

New Chiropractic License Issued

Month	Received	Issued
July	32	7
August	34	28
September	23	20
October	38	14
November	9	32
December	50	22
January	50	27
February	23	50
March	16	38
April	18	16
May	34	26
June	12	28

Number of Restored Cancelled Licenses

Month	Received	Issued
July	1	0
August	3	3
September	3	0
October	2	1
November	1	1
December	3	3
January	1	2
February	5	2
March	2	2
April	3	2
May	3	5
June	4	4

New Satellite Office Certificates Issued

Month	Received	Issued
July	84	102
August	135	168
September	123	84
October	120	135
November	87	148
December	96	89
January	72	86
February	95	48
March	96	127
April	93	54
May	91	121
June	61	74

Corporation Registrations Issued

Month	Received	Issued
July	9	10
August	8	7
September	4	4
October	10	6
November	4	5
December	7	6
January	4	3
February	14	8
March	11	12
April	12	21
May	7	6
June	13	10

Licensing Population as of June 30, 2019

License Type	Clear Licenses
Chiropractors	12,943
Satellite Offices	4,247
Corporation Registrations	1,371

Applications Received and Processed – July 1, 2018 through June 30, 2019

Application Type	Received	Issued	Denied	Pending
Initial Chiropractic	339	308	0	84
Reciprocal	0	0	0	3
Restorations (Cancelled & Forfeiture)	122	112	0	13
Corporation	103	98	0	10

Board of Chiropractic Examiners
Licensing Trends

Total Number of Active Chiropractic Licenses Per Fiscal Year

Fiscal Year	Total Licensees	Variance
2007/2008	13,816	N/A
2008/2009	13,812	- 4
2009/2010	13,901	+89
2010/2011	13,810	-91
2011/2012	13,504	-306
2012/2013	13,427	-77
2013/2014	13,402	-25
2014/2015	13,337	-65
2015/2016	13,262	-75
2016/2017	13,191	-71
2017/2018	13,075	-116
2018/2019	12,943	-132

Number of Cancelled Licenses Per Fiscal Year

Fiscal Year	Number of Cancellations
2007/2008	281
2008/2009	513
2009/2010	283
2010/2011	278
2011/2012	379
2012/2013	323
2013/2014	484
2014/2015	498
2015-2016	372
2016/2017	345
2017/2018	380
2018/2019	307

Cancelled is defined as a license that has been expired for a period of three (3) consecutive years.

Number of Restored Cancelled Licenses Per Fiscal Year

Fiscal Year	Licenses Restored
2007/2008	N/A
2008/2009	40
2009/2010	33
2010/2011	26
2011/2012	33
2012/2013	34
2013/2014	35
2014/2015	37
2015/2016	37
2016/2017	36
2017/2018	14
2018/2019	25

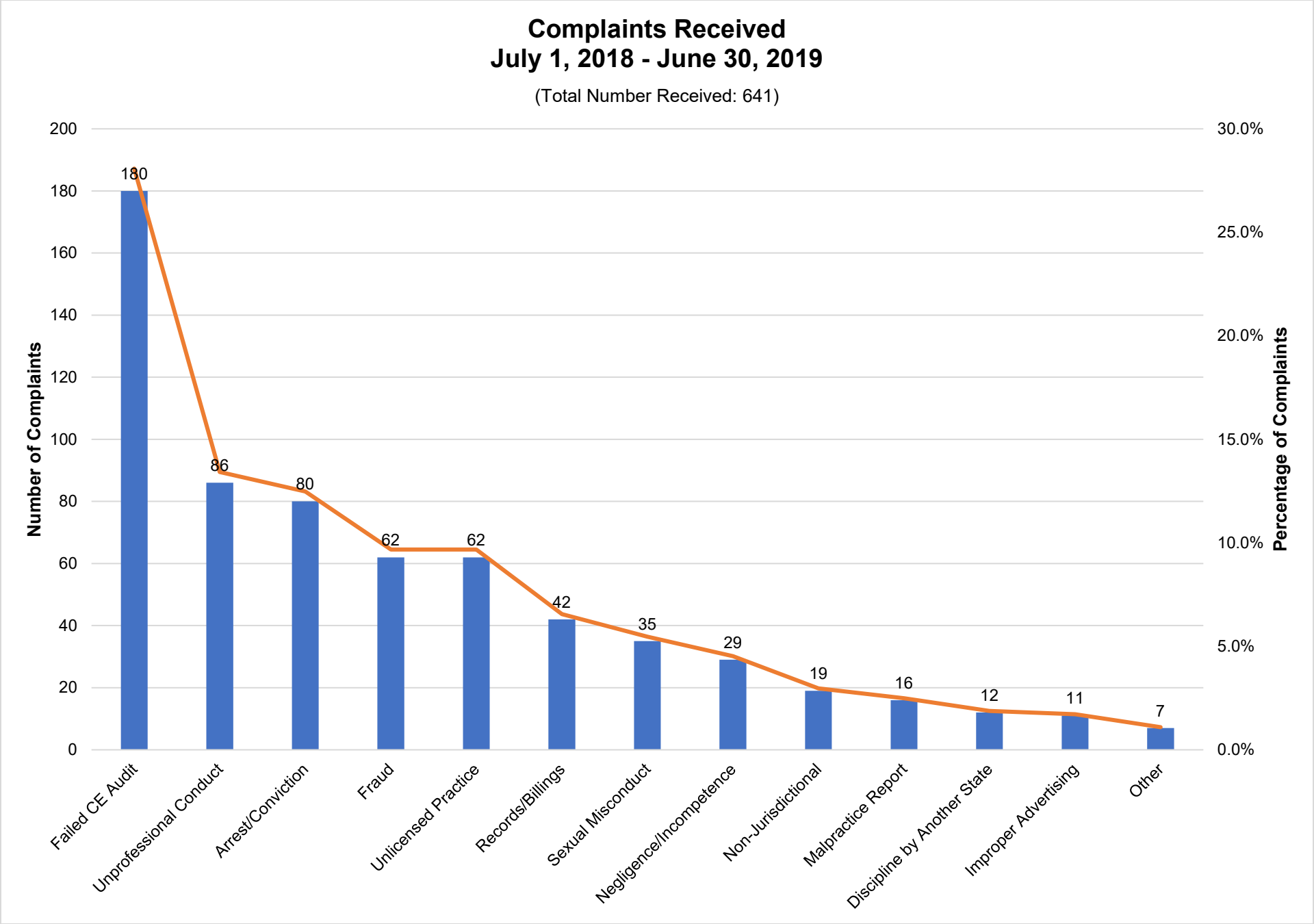
New Chiropractic Licenses Issued Per Fiscal Year

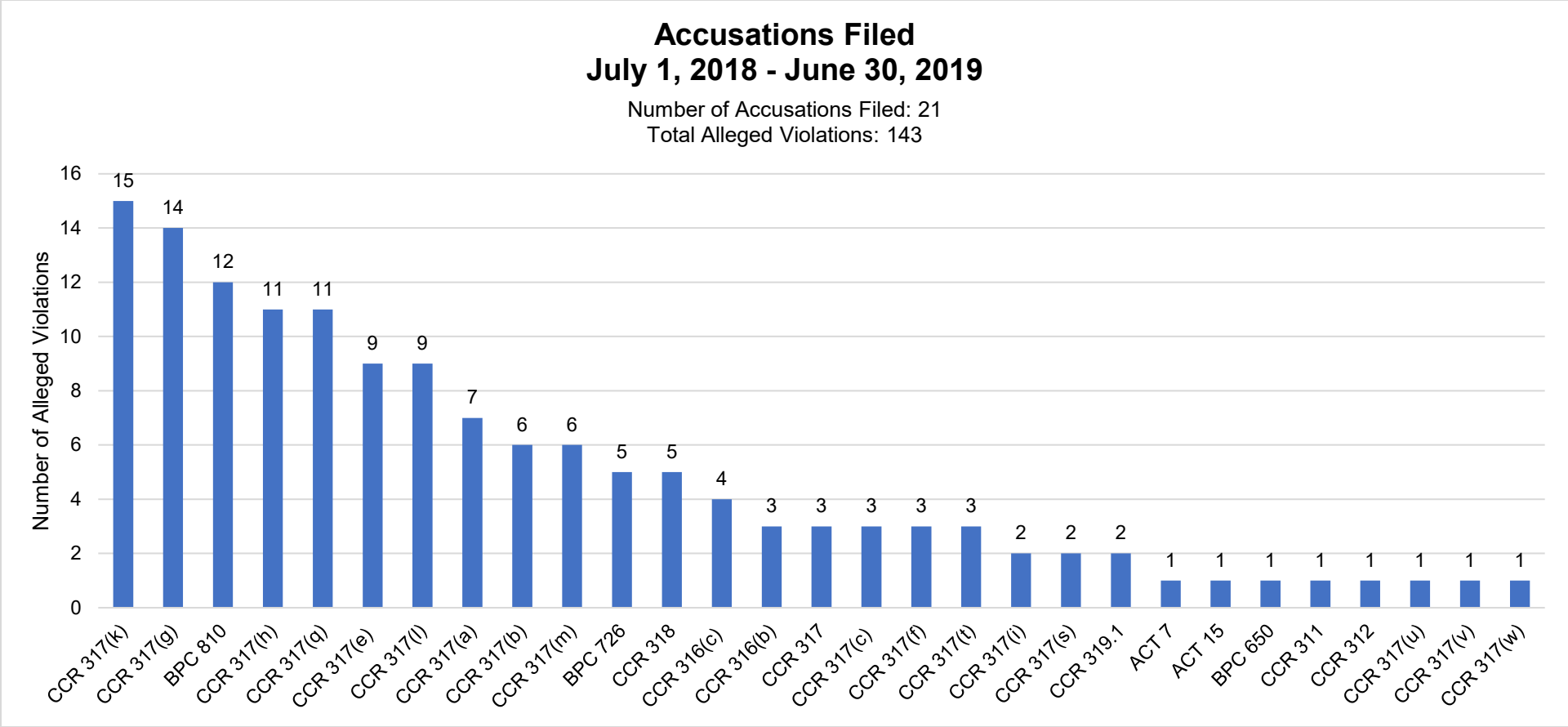
Fiscal Year	Applications Received	Licenses Issued	Variance Issued
2007/2008	415	377	N/A
2008/2009	394	336	-41
2009/2010	432	424	+88
2010/2011	370	322	-102
2011/2012	338	317	-5
2012/2013	358	319	+2
2013/2014	352	320	+1
2014/2015	362	337	+17
2015/2016	253	232	-5
2016/2017	358	318	+86
2017/2018	296	279	-39
2018/2019	339	308	+29

BOARD OF CHIROPRACTIC EXAMINERS
ENFORCEMENT STATISTICS

FISCAL YEAR	14/15	15/16	16/17	17/18	18/19
COMPLAINTS					
Received	557	581	490	479	641
Pending	270	232	183	235	613
Closed with Insufficient Evidence	57	127	79	72	63
Closed with No Violation	100	97	75	75	38
Closed with Merit	220	235	184	214	56
Letter of Admonishment	3	4	4	17	62
Citations Issued	16	17	26	25	27
Total Fines Assessed	$12,400	$11,600	$36,900	$24,650	$20,300
ACCUSATIONS					
Filed	22	31	35	34	21
Pending	64	66	65	55	38
Revoked	9	3	10	9	13
Revocation Stayed: Probation	7	13	11	15	14
Rev. Stayed: Suspension and Probation	2	4	5	1	0
Voluntary Surrender of License	8	9	14	9	15
Dismissed/Withdrawn	3	2	6	0	2
STATEMENTS OF ISSUES					
Filed	2	0	1	2	1
Denied	1	0	0	0	0
Probationary License	2	1	0	0	1
Withdrawn	1	0	0	0	1
Granted	1	0	0	0	0
PETITIONS FOR RECONSIDERATION					
Filed	0	1	0	0	1
Granted	0	0	0	0	0
Denied	0	1	0	0	1
PETITIONS FOR REINSTATEMENT OF LICENSE					
Filed	8	7	6	6	3
Granted	1	0	0	0	0
Denied	4	7	3	3	8
PETITIONS FOR EARLY TERMINATION OF PROBATION					
Filed	4	8	3	2	1
Granted	0	1	0	0	0
Denied	5	2	2	5	1
PETITIONS FOR MODIFICATION OF PROBATION					
Filed	2	3	0	1	0
Granted	1	1	0	1	0
Denied	1	0	0	0	0
PETITIONS BY BOARD TO REVOKE PROBATION					
Filed	5	8	5	6	7
Revoked	2	3	10	9	4
PROBATION CASES					
Active	123	104	92	90	80

Revised July 15, 2019


Complaints Received
July 1, 2018 - June 30, 2019
(Total Number Received: 641)
Number of Complaints
Percentage of Complaints
200
180
160
140
120
100
80
60
40
20
0
30.0%
25.0%
20.0%
15.0%
10.0%
5.0%
0.0%
180
86
80
62
62
42
35
29
19
16
12
11
7
Failed CE Audit
Unprofessional Conduct
Arrest/Conviction
Fraud
Unlicensed Practice
Records/Billings
Sexual Misconduct
Negligence/Incompetence
Non-Jurisdictional
Malpractice Report
Discipline by Another State
Improper Advertising
Other



Violation Codes/Descriptions

CCR 311 – Advertisements
CCR 312 – Illegal Practice
CCR 316(b) – Sexual Misconduct on Premises
CCR 316(c) – Sexual Misconduct/Relations
CCR 317 – Unprofessional Conduct
CCR 317(a) – Gross Negligence
CCR 317(b) – Repeated Negligent Acts
CCR 317(c) – Incompetence
CCR 317(e) – Conduct Endangering Public
CCR 317(f) – Administer to Oneself Drugs/Alcohol
CCR 317(g) – Conviction of Crime Related to Chiropractic
CCR 317(h) – Conviction of Crime Involving Moral Turpitude
CCR 317(i) – Conviction of Crime Involving Drugs/Alcohol
CCR 317(k) – Moral Turpitude/Corruption/Etc.
CCR 317(l) – False Representation
CCR 317(m) – Violation of Act/Regulations
CCR 317(q) – Fraud/Misrepresentation
CCR 317(s) – Employment/Use of Cappers or Steerers
CCR 317(t) – Offer/Receive Compensation for Referral
CCR 317(u) – Participate in Illegal Referral Service
CCR 317(v) – Waiving Deductible or Co-Pay
CCR 317(w) – Fail to Refer Patient to Physician/Surgeon/Etc.
CCR 318 – Chiropractic Patient Records/Accountable Billing
CCR 319.1 – Informed Consent
ACT 7 – Unauthorized Practice of Medicine
ACT 15 – Noncompliance with and Violations of Act
BPC 650 – Receipt of Compensation for Referrals
BPC 726 – Sexual Abuse/Misconduct/Relations
BPC 810 – Insurance Fraud

ACT: Chiropractic Initiative Act *BPC: Business and Professions Code* *CCR: California Code of Regulations, Title 16*

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MAY 2019

DISCIPLINARY ACTIONS

Name and City	License No.	Action	Effective Date	Violation(s)
Cortes, Jude Jix La Mesa, CA	DC 28938	Revoked, Stayed, 5 Years' Probation	5/2/2019	• CCR 317(g) – unprofessional conduct: convictions of substantially related crimes • CCR 317(e) – unprofessional conduct: endangering the health, welfare, or safety of the public • CCR 317(f) – unprofessional conduct: dangerous use of alcohol • CCR 317(i) – multiple alcohol-related misdemeanor convictions
Berardi, Darrin David Fairfield, CA	DC 20511	Stipulated Surrender	5/19/2019	• CCR 317(g) – unprofessional conduct: conviction of a substantially related crime • CCR 317(e) – unprofessional conduct: endangering the health, welfare, or safety of the public • CCR 317(f) – unprofessional conduct: dangerous use of alcohol • CCR 317(i) – multiple alcohol-related misdemeanor convictions
Hetrick, Douglas P. Leucadia, CA	DC 13329	Stipulated Surrender	5/31/2019	• CCR 317(a) – unprofessional conduct: gross negligence • CCR 312 – unlicensed practice • CCR 317(e) – unprofessional conduct: endangering the public • CCR 317(f) – unprofessional conduct: administration of controlled substances

ACT: Chiropractic Initiative Act
BPC: Business and Professions Code
CCR: California Code of Regulations, Title 16
H&S: Health and Safety Code

ACCUSATIONS FILED

No Data to Report

FINAL CITATIONS

No Data to Report

STATEMENT OF ISSUES

No Data to Report

LICENSE REINSTATEMENTS

No Data to Report

PETITIONS FOR REINSTATEMENT

No Data to Report

PETITIONS FOR EARLY TERMINATION OF PROBATION

No Data to Report

PETITIONS FOR MODIFICATION OF PROBATION

No Data to Report

ACT: Chiropractic Initiative Act
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JUNE 2019

ACCUSATIONS FILED

Name and City	License No.	Date Filed	Alleged Violation(s)
Hernandez, Arthur Fresno, CA	DC 26402	6/4/2019	• CCR 316(b) and (c) – unprofessional conduct: acts of sexual abuse and sexual misconduct with patients • CCR 317 – unprofessional conduct • CCR 317(a) – unprofessional conduct: gross negligence • CCR 317(e) – unprofessional conduct: endangering the health of the public • CCR 317(g) – unprofessional conduct: conviction of a substantially related crime • CCR 317(h) – unprofessional conduct: conviction of offense involving moral turpitude or physical violence • CCR 317(k) – unprofessional conduct: moral turpitude
Ji, Joonghwa Los Angeles, CA	DC 30529	6/6/2019	• CCR 317(g) – unprofessional conduct: conviction of a substantially related crime • BPC 810 – insurance fraud • CCR 317(h) – unprofessional conduct: conviction of a misdemeanor crime involving moral turpitude, dishonesty, or corruption • CCR 317(k) – unprofessional conduct: commission of acts involving moral turpitude and dishonesty • CCR 317(l) – unprofessional conduct: knowingly making false statement of fact • CCR 317(q) – unprofessional conduct: participation in acts of fraud and/or misrepresentation

ACT: Chiropractic Initiative Act
BPC: Business and Professions Code
CCR: California Code of Regulations, Title 16
H&S: Health and Safety Code

DISCIPLINARY ACTIONS

Name and City	License No.	Action	Effective Date	Violation(s)
Eoh, Na Young (aka Na Young Kim) Bakersfield, CA	DC 28688	Revoked, Stayed, 5 Years' Probation	6/16/2019	• CCR 317(g) – unprofessional conduct: conviction of a substantially related crime • BPC 810 – insurance fraud • CCR 317(h) – unprofessional conduct: conviction of a crime involving moral turpitude, dishonesty, or corruption • CCR 317(k) – unprofessional conduct: commission of acts involving moral turpitude and dishonesty • CCR 317(l) – unprofessional conduct: knowingly making false statement of fact • CCR 317(m) – unprofessional conduct: violating the provisions of the Chiropractic Act • CCR 317(q) – unprofessional conduct: participation in acts of fraud and/or misrepresentation
Cafferty, Randall John Placentia, CA	DC 20474	Stipulated Surrender	6/19/2019	• Failure to comply with the terms and conditions of probation: excessive tolling
Shaneyfelt, Dwight Allen San Rafael, CA	DC 20784	Revoked	6/28/2019	• CCR 317 – unprofessional conduct • CCR 317(r) – unprofessional conduct: improper disclosure of treatment information

FINAL CITATIONS

Name and City	License No.	Fine Amount	Date Final	Violation(s)
Wilson, Anthony Sunnyvale, CA	DC 28444	$1,500	6/5/2019	• CCR 318(a) – chiropractic patient records/required content

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H&S: Health and Safety Code

STATEMENT OF ISSUES

No Data to Report

LICENSE REINSTATEMENTS

No Data to Report

PETITIONS FOR REINSTATEMENT

No Data to Report

PETITIONS FOR EARLY TERMINATION OF PROBATION

No Data to Report

PETITIONS FOR MODIFICATION OF PROBATION

No Data to Report

ACT: Chiropractic Initiative Act
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TRAVEL CLAIM WORKSHEET

Name: _____ **SSN: XXX-XX-**_____

Address (Travel Origination): _____
_____

Purpose of Travel: _____

TRAVEL BEGIN (Date/Time): _____
TRAVEL END (Date/Time): _____

METHOD OF TRAVEL: (Attach ALL Original Receipts)

Personal Vehicle License Plate: _____Total Miles Traveled: _____

From: _____ To: _____ Roundtrip: YES / NO

Other (Rental Car, Uber, Lyft, Taxi, Shuttle, Bus):
Type: _____

Amount: $ _____

From: _____ To: _____ Roundtrip: YES / NO

Airfare: $_____
(Travel Store Itinerary)
From: _____ To: _____ Roundtrip: YES / NO

Parking: (Attach ALL Original Receipts): _____ Amount: $ _____

Bridge Toll: $_____

PER DIEM EXPENSES: (Attach ALL Original Receipts)

Hotel Name: _____Hotel Cost: $ _____
(State Allowable Rate for Area)

Total Meals: $ _____
(Claim actual expense up to the maximum allowance, meal receipts should be retained by traveler for tax purposes)

Incidental amount: $_____
(Allowed every full 24 hours)

BUSINESS EXPENSES (Attach ALL Original Receipts)

Additional Cost: $_____ Purpose: _____

SIGNATURE: _____DATE: _____

Travel Expense Claim Timeline

Process Time for Board Staff Prior to Submission to DCA – ***Approximately 8-10 days***

1) Processed immediately by Board staff upon receipt of expense documentation from traveler. Claims must be approved by the Board Chair.
2) The traveler and/or staff prepares a claim in CalATERS then submits it to the Department for approval *(Claims should be submitted within 30 days of travel).*

Process Time for CalATERS (Electronic) Expense Claims – ***Approximately 45 days***

3) The claim is sent electronically to the DCA Executive Approver for review and approval.
4) Once the DCA Executive Approver approves the claim in the system and the hard copy receipts are received by the Accounting Unit, the clock starts for the Accounting Unit. DCA Executive approval can take up to 3 weeks.
5) Accounting processes all expense claims within 10 days after the date the transmittal paperwork/receipts and the CalATERS claim are received in accounting.
6) After the claim is approved by accounting it goes into the payment cycle at State Controller's Office (SCO).
7) The SCO payment cycle takes about 4-5 business days before reimbursement is issued.
8) If the employee has direct deposit, the reimbursement will show in their bank account on the same day or one business day later.
9) If the employee doesn't have direct deposit, a warrant will be mailed to the mailing address shown in their profile on CalATERS. It can take approximately 2-5 days for the check to be received depending on the location.

Process Time for Paper Expense Claims in FI$CAL – ***Approximately 45 days***

3) The claim is sent by mail to the DCA Accounting Unit for review.
4) The Accounting Unit manually enters the claim information into CalATERS for the DCA Executive Approver.
5) Once the DCA Executive Approver approves the claim and the hard copy receipts are received by the Accounting Unit, the clock starts for the Accounting Unit. *DCA Executive approval can take up to 3 weeks.*
6) Expense claims are processed in the DCA Fi$Cal Unit within 10 business days of the date the claim form is received in Accounting.
7) It can take 1-5 business days following approval for the DCA Fi$Cal Unit to return claims to the DCA Travel Unit.
8) It can take up to 1 week for the State Controller's Office to approve claim for reimbursement in Fi$Cal, after DCA Accounting approval.
9) It can take up to 1 week from this approval date for SCO to issue the reimbursement warrant.
10) Warrants are typically delivered to DCA Accounting based on the Fi$Cal profile address and then forwarded to DCA Payroll for distribution to the board/bureau office.
11) Boards/bureaus release the warrant to the traveler.

13. Review, Discussion and Possible Action on Naming of Chiropractic Practices

Will be provided as a supplemental handout at the Board meeting.

Agenda Item 14
July 25, 2019

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

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Purpose of the item

The Board will receive an update from the June 28th, 2019 Licensing & Continuing Education (CE) Committee Meeting.

Action(s) requested

No action required.

Background

The Licensing & CE Committee met on June 28th, 2019 to compare the Qualifying Subject Areas, identified and discussed at the June 1st, 2018 Licensing & CE Committee meeting and the June 5th, 2018 full Board Meeting, to the new Meta-Competencies document. The Committee discussed similarities between the two content areas, highlighting the potential for CE Providers to offer wide ranging CE courses within the Meta-Competency model.

The Committee discussed potentially editing the mandatory hours requirement, by mandating four hours in Ethics and Law with one hour of required CE credit in a sexual or professional boundaries course.

The Committee also reviewed and discussed draft language to the CE regulations; California Code of Regulations (CCR), Title 16, Article 6 – Continuing Education, Sections 360 - 366. Discussion revolved around potential changes to the newly added Cardiopulmonary Resuscitation section.

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

- Licensing & Continuing Education Committee Meeting Agenda – June 28th, 2019

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STATE OF CALIFORNIA

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NOTICE OF TELECONFERENCE
LICENSING & CONTINUING EDUCATION COMMITTEE MEETING

June 28, 2019

12:00 p.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 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
4343 Marconi Ave., #5
Sacramento, CA 95821
(916) 488-0202

David Paris, D.C.
VA Health Administration in Redding
760 Cypress Ave.
Redding, CA 96001
(530) 244-8806

AGENDA

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

2. **Approval of April 16, 2019 Committee Meeting Minutes**

3. **Review, Discussion and Possible Action on proposed language to CE regulations**

4. **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.

5. **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.]

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 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.

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Gavin Newsom, Governor

Agenda Item 15
July 25, 2019

Update, Discussion and Possible Action on Legislative Update

Purpose of the item

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

Action(s) requested

No action requested at this time.

Background

Board staff is monitoring several bills that were introduced during the 2019 legislative session. These bills would have a potential minor but absorbable programmatic impact and raise no significant policy issues. At this time, no bills require the Board to take further action.

Support

Bill	Author	Title	Status	Position
AB 613	**Low**	Professions and Vocations: regulatory fees	In Sen. Com. on B. P. & E.D. Testimony taken on 7/1/2019 Hearing postponed by committee	Support
AB 888	**Low**	Opioid Prescriptions: Information: Nonpharmacological treatments for pain	In Sen. Com. on B. P. & E.D. Testimony taken on 7/1/2019 Hearing postponed by committee	Support
SB 425	**Hill**	Health Care Practitioners: Licensee's file: Probationary Physician's & Surgeon's Certificate: Unprofessional	Referred to Asm. Com. on APPR. 07/09/2019	Support

Oppose

Bill	Author	Title	Status	Position
AB 544	**Brough**	Professions and Vocations: Inactive license fees and accrued and unpaid renewal fees	In Asm. Com. on APPR. Held under submission.	Oppose
SB 53	**Wilk**	Open meetings	Referred to Asm. Com. on APPR. 07/10/2019	Oppose

Bill	Author	Summary	Amended
AB 613	**Low**	This bill would authorize each board and bureau within the Department of Consumer Affairs (DCA) to adjust licensing fees once every four years by an amount not greater than the increase in the California Consumer Price Index (CPI) for the preceding four years, subject to specified conditions.	**2/14/19**
AB 888	**Low**	This bill would extend the requirement for a prescriber to discuss the risks associated with opioids to patients of any age and the availability of certain nonpharmacological treatments for before issuing the first prescription for a controlled substance containing an opioid. It would also require prescribers to obtain written informed consent and to offer a referral to a provider of nonpharmacological treatments for pain as deemed appropriate by the prescriber. Additionally, it defines nonpharmacological treatments.	**4/11/19**
AB 544	**Brough**	This bill would limit the maximum renewal fee for an inactive license issued by a regulatory board within the Department of Consumer Affairs to no more than 50 % of the renewal fee for an active license. It also prohibits a board from requiring payment of accrued and unpaid renewal fees as a condition of reinstating an expired license.	**3/21/19**
SB 53	**Wilk**	This bill modifies the Bagley-Keene Open meeting Act (Bagley-Keene) to require two-member advisory committees of a “state body” to hold open, public meetings if at least one member of the advisory committee is supported by state funds.	**3/05/19**
SB 425	**Hill**	This bill would require a health facility and specified entities, with any arrangement authorizing a licensed health care professional to provide care for patients, to report allegations of sexual abuse and sexual misconduct by a licensed health care provider if a patient makes the allegation in writing. This bill specifies that the report to the appropriate licensing board shall be made within 15 days of receipt of the written allegation of sexual abuse or misconduct. This bill would also impose a fine for failure to report.	**6/27/19**

Recommendation(s)

Staff does not have any recommendations at this time.

Next Step
N/A

Attachment(s)

- SB 53 bill text
- SB 425 bill text

AMENDED IN SENATE MARCH 5, 2019

SENATE BILL No. 53

Introduced by Senator Wilk
~~(Coauthor: Assembly Member Lackey)~~
(Coauthors: Senators Bates, Glazer, Jones, and Portantino)
(Coauthors: Assembly Members Choi, Gallagher, Lackey, Mathis, and Patterson)

December 10, 2018

An act to amend Section 11121 of the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

legislative counsel's digest

SB 53, as amended, Wilk. Open meetings.

The Bagley-Keene Open Meeting Act requires that all meetings of a state body, as defined, be open and public and that all persons be permitted to attend and participate in a meeting of a state body, subject to certain conditions and exceptions.

This bill would specify that the definition of "state body" includes an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body that consists of 3 or more individuals, as prescribed, except a board, commission, committee, or similar multimember body on which a member of a body serves in ~~his or her~~ *their* official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ⅔. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

SECTION 1. Section 11121 of the Government Code is amended to read:

11121. As used in this article, "state body" means each of the following:

(a) Every state board, or commission, or similar multimember body of the state that is created by statute or required by law to conduct official meetings and every commission created by executive order.

(b) A board, commission, committee, or similar multimember body that exercises any authority of a state body delegated to it by that state body.

(c) An advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body, if created by formal action of the state body or of any member of the state body, and if the advisory body so created consists of three or more persons, except as provided in subdivision (d).

(d) A board, commission, committee, or similar multimember body on which a member of a body that is a state body pursuant to this section serves in ~~his or her~~ *their* official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.

(e) Notwithstanding subdivision (a) of Section 11121.1, the State Bar of California, as described in Section 6001 of the Business and Professions Code. This subdivision shall become operative on April 1, 2016.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to avoid unnecessary litigation and ensure the people's right to access the meetings of public bodies pursuant to Section 3 of Article 1 of the California Constitution, it is necessary that this act take effect immediately.

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AMENDED IN ASSEMBLY JUNE 27, 2019

AMENDED IN ASSEMBLY JUNE 17, 2019

AMENDED IN SENATE MAY 21, 2019

AMENDED IN SENATE APRIL 30, 2019

AMENDED IN SENATE APRIL 11, 2019

SENATE BILL No. 425

Introduced by Senator Hill

February 21, 2019

An act to amend Sections 800, 2221, and 2234 of, and to add Section 805.8 to, the Business and Professions Code, relating to healing arts.

legislative counsel's digest

SB 425, as amended, Hill. Health care practitioners: licensee's file: probationary physician's and surgeon's certificate: unprofessional conduct.

Existing law requires the Medical Board of California and specified other boards responsible for the licensure, regulation, and discipline of health care practitioners to separately create and maintain a central file of the names of all persons who hold a license, certificate, or similar authority from that board, including prescribed historical information for each licensee. Existing law makes the contents of any central file that are not public records confidential, except that the licensee or their counsel or a representative are authorized to inspect and have copies made of the licensee's complete file other than the disclosure of the identity of an information source. Existing law authorizes a board to protect an information source by providing a copy of the material with

only those deletions necessary to protect the identity of the source or by providing a comprehensive summary of the substance of the material.

This bill would delete the specification that the summary be comprehensive.

Existing law establishes a peer review process for certain healing arts licentiates, as defined, and requires the chief of staff of a medical or professional staff or other chief executive officer, medical director, or administrator of any peer review body and the chief executive officer or administrator of any licensed health care facility or clinic to report specified information, including the denial or revocation of staff privileges, as defined, for a medical disciplinary cause or reason, within 15 days of the denial or revocation to the relevant state licensing agency. Existing law makes a violation of this reporting requirement punishable by a civil fine.

This bill would require any health care facility, as defined, or other entity that makes any arrangement under which a healing arts licensee is allowed to practice or provide care for patients to report any allegation of sexual abuse or sexual misconduct, as defined, made against a healing arts licensee by a patient, if the patient or the patient's representative makes the allegation in writing, to the relevant state licensing agency within 15 days of receiving the written allegation and would require the relevant agency to investigate the circumstances underlying a received report. The bill would require such a report to be kept confidential and, with certain exceptions, such a report would not be subject to discovery or disclosure in a disciplinary hearing. The bill would make a willful failure to file the report by a health care facility or other entity punishable by a civil fine not to exceed $100,000 per violation and any other failure to make that report punishable by a civil fine not to exceed $50,000 per violation, as specified. The bill would also prohibit a person, including an employee or individual contracted or subcontracted to provide health care services, a health care facility, or other entity from incurring civil or criminal liability as a result of making a ~~report if made in good faith.~~ *report.*

The Medical Practice Act establishes the Medical Board of California for the licensure, regulation, and discipline of physicians and surgeons.

The act authorizes the board to deny a physician's and surgeon's certificate to an applicant guilty of unprofessional conduct or of any cause that would subject a licensee to revocation or suspension of their license. The act authorizes the board in its sole discretion to issue a

probationary physician's and surgeon's certificate to an applicant subject to terms and conditions.

This bill would require the board to disclose a probationary physician's and surgeon's certificate and the operative statement of issues to an inquiring member of the public and to post the certificate and statement on the board's internet website for 10 years from issuance.

The act requires the board to take action against any licensee who is charged with unprofessional conduct and provides that unprofessional conduct includes the repeated failure by a certificate holder who is the subject of an investigation by the board, in the absence of good cause, to attend and participate in an interview by the board.

This bill would delete the condition that the failure to attend and participate in an interview by the board be repeated. The bill would also delete an obsolete provision.

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

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

1 SECTION 1. Section 800 of the Business and Professions Code
2 is amended to read:
3 800. (a) The Medical Board of California, the Podiatric
4 Medical Board of California, the Board of Psychology, the Dental
5 Board of California, the Dental Hygiene Board of California, the
6 Osteopathic Medical Board of California, the State Board of
7 Chiropractic Examiners, the Board of Registered Nursing, the
8 Board of Vocational Nursing and Psychiatric Technicians of the
9 State of California, the State Board of Optometry, the Veterinary
10 Medical Board, the Board of Behavioral Sciences, the Physical
11 Therapy Board of California, the California State Board of
12 Pharmacy, the Speech-Language Pathology and Audiology and
13 Hearing Aid Dispensers Board, the California Board of
14 Occupational Therapy, the Acupuncture Board, and the Physician
15 Assistant Board shall each separately create and maintain a central
16 file of the names of all persons who hold a license, certificate, or
17 similar authority from that board. Each central file shall be created
18 and maintained to provide an individual historical record for each
19 licensee with respect to the following information:

(1) Any conviction of a crime in this or any other state that constitutes unprofessional conduct pursuant to the reporting requirements of Section 803.

(2) Any judgment or settlement requiring the licensee or the licensee's insurer to pay any amount of damages in excess of three thousand dollars ($3,000) for any claim that injury or death was proximately caused by the licensee's negligence, error or omission in practice, or by rendering unauthorized professional services, pursuant to the reporting requirements of Section 801 or 802.

(3) Any public complaints for which provision is made pursuant to subdivision (b).

(4) Disciplinary information reported pursuant to Section 805, including any additional exculpatory or explanatory statements submitted by the licentiate pursuant to subdivision (f) of Section 805. If a court finds, in a final judgment, that the peer review resulting in the 805 report was conducted in bad faith and the licensee who is the subject of the report notifies the board of that finding, the board shall include that finding in the central file. For purposes of this paragraph, "peer review" has the same meaning as defined in Section 805.

(5) Information reported pursuant to Section 805.01, including any explanatory or exculpatory information submitted by the licensee pursuant to subdivision (b) of that section.

(b) (1) Each board shall prescribe and promulgate forms on which members of the public and other licensees or certificate holders may file written complaints to the board alleging any act of misconduct in, or connected with, the performance of professional services by the licensee.

(2) If a board, or division thereof, a committee, or a panel has failed to act upon a complaint or report within five years, or has found that the complaint or report is without merit, the central file shall be purged of information relating to the complaint or report.

(3) Notwithstanding this subdivision, the Board of Psychology, the Board of Behavioral Sciences, and the Respiratory Care Board of California shall maintain complaints or reports as long as each board deems necessary.

(c) (1) The contents of any central file that are not public records under any other provision of law shall be confidential except that the licensee involved, or the licensee's counsel or representative, may inspect and have copies made of the licensee's

complete file except for the provision that may disclose the identity of an information source. For the purposes of this section, a board may protect an information source by providing a copy of the material with only those deletions necessary to protect the identity of the source or by providing a summary of the substance of the material. Whichever method is used, the board shall ensure that full disclosure is made to the subject of any personal information that could reasonably in any way reflect or convey anything detrimental, disparaging, or threatening to a licensee's reputation, rights, benefits, privileges, or qualifications, or be used by a board to make a determination that would affect a licensee's rights, benefits, privileges, or qualifications. The information required to be disclosed pursuant to Section 803.1 shall not be considered among the contents of a central file for the purposes of this subdivision.

(2) The licensee may, but is not required to, submit any additional exculpatory or explanatory statement or other information that the board shall include in the central file.

(3) Each board may permit any law enforcement or regulatory agency when required for an investigation of unlawful activity or for licensing, certification, or regulatory purposes to inspect and have copies made of that licensee's file, unless the disclosure is otherwise prohibited by law.

(4) These disclosures shall effect no change in the confidential status of these records.

SEC. 2. Section 805.8 is added to the Business and Professions Code, to read:

805.8. (a) As used in this section, the following terms shall have the following meanings:

(1) "Agency" means the relevant state licensing agency with regulatory jurisdiction over a healing arts licensee listed in paragraph (2).

(2) "Healing arts licensee" or "licensee" means a licensee licensed under Division 2 (commencing with Section 500) or any initiative act referred to in that division. "Healing arts licensee" or "licensee" also includes a person authorized to practice medicine pursuant to Sections 2064.5, 2113, and 2168.

(3) "Health care facility" means a clinic or health facility licensed or exempt from licensure pursuant to Division 2 (commencing with Section 1200) of the Health and Safety Code.

(4) "Other entity" includes, but is not limited to, a postsecondary educational institution as defined in Section 66261.5 of the Education Code.

(5) "Sexual misconduct" means inappropriate contact or communication of a sexual nature.

(b) A health care facility or other entity that makes any arrangement under which a healing arts licensee is allowed to practice or provide care for patients shall file a report of any allegation of sexual abuse or sexual misconduct made against a healing arts licensee by a patient, if the patient or the patient's representative makes the allegation in writing, to the agency within 15 days of receiving the written allegation of sexual abuse or sexual misconduct. An arrangement under which a licensee is allowed to practice or provide care for patients includes, but is not limited to, full staff privileges, active staff privileges, limited staff privileges, auxiliary staff privileges, provisional staff privileges, temporary staff privileges, courtesy staff privileges, locum tenens arrangements, and contractual arrangements to provide professional services, including, but not limited to, arrangements to provide outpatient services.

(c) The report provided pursuant to subdivision (b) shall be kept confidential and shall not be subject to discovery, except that the information may be reviewed as provided subdivision in (c) of Section 800 and may be disclosed in any subsequent disciplinary hearing conducted pursuant to the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code).

(d) A willful failure to file the report described in subdivision (b) shall be punishable by a fine, not to exceed one hundred thousand dollars ($100,000) per violation, that shall be paid by the health care facility or other entity subject to subdivision (b). The fine may be imposed in any civil or administrative action or proceeding brought by or on behalf of any agency having regulatory jurisdiction over the licensee regarding whom the report was or should have been filed. If the person who is designated or otherwise required to file the report under this section is a licensed physician and surgeon, the action or proceeding shall be brought by the Medical Board of California. If the person who is designated or otherwise required to file the report required under this section is a licensed doctor of podiatric medicine, the action or proceeding

shall be brought by the Podiatric Medical Board of California. The fine shall be paid to that agency, but not expended until appropriated by the Legislature. A violation of this subdivision may constitute unprofessional conduct by the licensee. A person who is alleged to have violated this subdivision may assert any defense available at law. As used in this subdivision, "willful" means a voluntary and intentional violation of a known legal duty.

(e) Except as provided in subdivision (c), any failure to file the report described in subdivision (b) shall be punishable by a fine, not to exceed fifty thousand dollars ($50,000) per violation, that shall be paid by the health care facility or other entity subject to subdivision (b). The fine may be imposed in any civil or administrative action or proceeding brought by or on behalf of any agency having regulatory jurisdiction over the person regarding whom the report was or should have been filed. If the person who is designated or otherwise required to file the report required under this section is a licensed physician and surgeon, the action or proceeding shall be brought by the Medical Board of California. If the person who is designated or otherwise required to file the report required under this section is a licensed doctor of podiatric medicine, the action or proceeding shall be brought by the Podiatric Medical Board of California. The fine shall be paid to that agency, but not expended until appropriated by the Legislature. The amount of the fine imposed, not exceeding fifty thousand dollars ($50,000) per violation, shall be proportional to the severity of the failure to report and shall differ based upon written findings, including whether the failure to file caused harm to a patient or created a risk to patient safety; whether any person who is designated or otherwise required by law to file the report required under this section exercised due diligence despite the failure to file or whether the person knew or should have known that a report required under this section would not be filed; whether there has been a prior failure to file a report required under this section; and whether a report was filed with another state agency or law enforcement. The amount of the fine imposed may also differ based on whether a health care facility is a small or rural ~~hospital~~ *hospital,* as defined in Section 124840 of the Health and Safety Code.

(f) A person, including an employee or individual contracted or subcontracted to provide health care services, a health care facility, or other entity shall not incur any civil or criminal liability

as a result of making a report required by this ~~section if made in good faith.~~ *section.*

(g) The agency shall investigate the circumstances underlying a report received pursuant to this section.

SEC. 3. Section 2221 of the Business and Professions Code is amended to read:

2221. (a) The board may deny a physician's and surgeon's certificate to an applicant guilty of unprofessional conduct or of any cause that would subject a licensee to revocation or suspension of their license. The board, in its sole discretion, may issue a probationary physician's and surgeon's certificate to an applicant subject to terms and conditions, including, but not limited to, any of the following conditions of probation:

(1) Practice limited to a supervised, structured environment where the licensee's activities shall be supervised by another physician and surgeon.

(2) Total or partial restrictions on drug prescribing privileges for controlled substances.

(3) Continuing medical or psychiatric treatment.

(4) Ongoing participation in a specified rehabilitation program.

(5) Enrollment and successful completion of a clinical training program.

(6) Abstention from the use of alcohol or drugs.

(7) Restrictions against engaging in certain types of medical practice.

(8) Compliance with all provisions of this chapter.

(9) Payment of the cost of probation monitoring.

(b) The board may modify or terminate the terms and conditions imposed on the probationary certificate upon receipt of a petition from the licensee. The board may assign the petition to an administrative law judge designated in Section 11371 of the Government Code. After a hearing on the petition, the administrative law judge shall provide a proposed decision to the board.

(c) The board shall deny a physician's and surgeon's certificate to an applicant who is required to register pursuant to Section 290 of the Penal Code. This subdivision does not apply to an applicant who is required to register as a sex offender pursuant to Section 290 of the Penal Code solely because of a misdemeanor conviction under Section 314 of the Penal Code.

(d) An applicant shall not be eligible to reapply for a physician's and surgeon's certificate for a minimum of three years from the effective date of the denial of their application, except that the board, in its discretion and for good cause demonstrated, may permit reapplication after not less than one year has elapsed from the effective date of the denial.

(e) The board shall disclose a probationary physician's and surgeon's certificate issued pursuant to this section and the operative statement of issues to an inquiring member of the public and shall post the certificate and statement on the board's internet website for 10 years from issuance.

SEC. 4. Section 2234 of the Business and Professions Code is amended to read:

2234. The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.

(b) Gross negligence.

(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

(1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.

(d) Incompetence.

(e) The commission of any act involving dishonesty or corruption that is substantially related to the qualifications, functions, or duties of a physician and surgeon.

(f) Any action or conduct that would have warranted the denial of a certificate.

(g) The failure by a certificate holder, in the absence of good cause, to attend and participate in an interview by the board. This subdivision shall only apply to a certificate holder who is the subject of an investigation by the board.

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Agenda Item 16
July 25, 2019

Update, Discussion and Possible Action on Pending Rulemaking

Purpose of the item

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

Action(s) requested

No action requested at this time.

Background

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

Staff are actively working on changes to the Curriculum, Continuing Education, and the Uniform Standards and Disciplinary Guidelines regulations.

Additionally, the following legislative mandated packages have been submitted to the Board's legal counsel for the initial review of the rulemaking files:

- Denial of Application, Revocation or Suspension of Licensure
- Probation Status Disclosure

Recommendation(s)

Staff does not have any recommendations at this time.

Next Step

N/A

Attachment(s)

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

Regulation Tracking Sheet

	Group A – Legislatively Mandated	Status
1	Denial of Application, Revocation or Suspension of Licensure (CCR Sections 316.5, 321, 326 and 327)	**Rulemaking was submitted to DCA for initial review on 07/22/19. Package is currently with legal.**
2	Probation Status Disclosure (CCR Section 308.2)	**Rulemaking was submitted to DCA for initial review on 07/22/19. Package is currently with legal.**
3	Consumer Protection Enforcement Initiative	Legal counsel completed the initial review of the rulemaking file. Package is with the Board for further revisions.
4	Revisions to BCE Disciplinary Guidelines & Uniform Standards for Substance Abusing Licensees	**Package under development at the Board.**
5	Sponsored Free Health Care Events - Repeal CCR Article 1.5 (Sections 309-309.4)	Not commenced
	Group B	**Status**
1	Revisions to Curriculum requirements and approval of programs (CCR Article 4, Sections 330 – 331.16)	Package under development at the Board.
2	Continuing Education Requirements (CE Provider and Course Approval) / Mandatory Cardiopulmonary Resuscitation (CPR) Certification for all licensees	**Package under development at the Board. Committee is currently working through policy issues regarding this regulatory proposal.**
3	Delegation of Authority to the Assistant Executive Officer	Legal counsel completed the initial review of the rulemaking file. Package is with the Board for further revisions.
	Group C	**Status**
1	Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice or Death/Incapacity of Licensee	Approved rulemaking process 4/16/15
2	Amend or Repeal CCR Section 354 - Successful Examination (Obsolete provision)	Not commenced

Regulation Summary Sheet

Proposed Regulation	Proposed Change(s)
Denial of Application, Revocation or Suspension of Licensure (CCR Sections 316.5, 321, 326 and 327)	Effective July 1, 2020, the BCE's application for licensure, as well as other existing regulations, will be amended to comply with new legislation, AB 2138 (Chiu, Licensing Boards: Denial of Application: Revocation or Suspension of Licensure: Criminal Conviction - Stats. 2018, Ch. 995), which will limit the Board's discretion in using prior criminal history (convictions or underlying acts) as grounds for licensing determinations and establish new prohibitions relating to the denial, suspension, and revocation of licensure. Additionally, the BCE will need to develop denial criteria, review and possibly amend existing rehabilitation criteria.
Probation Status Disclosure (CCR Section 308.2)	Effective July 1, 2019, a new law, SB 1448 (Hill, Healing Arts Licensees: Probation Status: Disclosure – Stats. 2018, Ch. 570), requires licensees who have been placed on probation on or after July 1, 2019 to notify all patients of their probationary status. The BCE's proposed regulation would add CCR section 308.2 requiring licensees on probation to provide a patient notification form, developed by the BCE, to all patients, which would ensure greater consumer protection and consistency with the provisions of BPC, section 1007.
Consumer Protection Enforcement Initiative	The proposed changes would add or amend 12 sections within the California Code of Regulations that would establish stricter reporting and disclosure requirements by licensees and applicants and increase the BCE's enforcement authority and access to critical information for use in investigations.
Revisions to BCE Disciplinary Guidelines & Uniform Standards for Substance Abusing Licensees	The BCE's Disciplinary Guidelines are being revised to streamline the enforcement process and provide greater protection to consumers. Additionally, the BCE will need to review and possibly amend the SB 1441 Uniform Standards for Substance Abusing Licensees. Ultimately, the Uniform Standards will be incorporated by reference into the Board's Disciplinary Guidelines.
Sponsored Free Health Care Events - Repeal CCR Article 1.5, Sections 309-309.4	AB 512 (Rendon): Licensure Exemption Stats. 2013, Ch.111, ceased having effect January 1, 2018. No further legislation action has been taken to extend this law. The Board will need to repeal CCR Article 1.5 Sponsored Free Health Care Events.
Revisions to Curriculum requirements and approval of programs (CCR Article, Sections 330 - 331.16	TBD
CE Requirements (CE Provider and Course Approval)	TBD
Delegation of Authority to the Assistant Executive Officer	The proposed regulation would delegate to the Board's Assistant Executive Officer the authority to approve settlement agreements for revocation, surrender, and interim suspension of a license, or allow the Executive Officer to delegate this function to another designee.
Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice or Death/Incapacity Licensee (Amendment to CCR Sections 312.2 and 318)	TBD
Amend or Repeal CCR Section 354 Successful Examination (Obsolete provision)	TBD