



NOTICE OF TELECONFERENCE BOARD MEETING

October 29, 2020
9:00 a.m. to 4 p.m.
or until completion of business

Notice of Teleconference Meeting Held Under Executive Order N-29-20 (3/17/20)

FOR PUBLIC COMMENT, PLEASE LOG ON TO THIS WEBSITE:

<https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=e253d193bf469bd003c1bfd3cd0922a8e>

The preferred audio connection is via mobile phone. The phone number and access code will be provided as part of your connection to the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier, such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment. Public comments will be limited to 2 minutes per person unless, in the discretion of the Board or circumstances require a shorter period. Members of the public will not be permitted to "yield" their allotted time to other members of the public to make comments.

Important Notices to the Public: The Board of Chiropractic Examiners will hold this meeting via WebEx – access information is provided above. General instructions for using WebEx are attached to the agenda. 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.

AGENDA

- 1. Open Session – Call to Order & Establishment of a Quorum**
David Paris, D.C., Chair
Dionne McClain, D.C., Vice Chair
Frank Ruffino, Secretary
Sergio Azzolino, D.C.
Heather Dehn, D.C.
- 2. Chair's Report**
Update on the Chair's Activities and Board's accomplishments and/or goals
- 3. Approval of July 16, 2020 Board Meeting Minutes**

- 4. Ratification of Approval of License Applications**
- 5. Ratification of Denied License Applications in Which the Applicants Did Not Request a Hearing**
- 6. Ratification of Approved Continuing Education Providers**
- 7. Nomination of Board Officers for 2021. The Board will Initiate Nomination Procedures for Board Officer Positions: Chair, Vice Chair, and Secretary.**
Board members can either self-nominate or nominate other members. Voting will take place at the first meeting in 2021.
- 8. Executive Officer's Report**
 - A. Administration - Board staffing/organizational chart
 - B. Budget - Fund condition update
 - C. Licensing - Statistical trends
 - D. Enforcement - Statistical trends
 - E. Information Technology (IT) Update

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

- 9. Update, Review, Discussion and Possible Action on Long-Term Healing Arts Programs Licensing Trends**
- 10. Update, Review, Discussion and Possible Action on Licensing & Continuing Education Committee Meeting Agenda**
Board may act on any item on the attached Licensing & Continuing Education Committee meeting agenda.
- 11. Update, Discussion and Possible Action on Enforcement Committee Meeting Agenda**
Board may act on any item on the attached Enforcement meeting agenda.

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

- 12. Update, Review, and Possible Action on Revisions to AB 2138 Regulatory Language**
- 13. Update, Discussion and Possible Action on Pending Rulemaking:**
 - A. Denial of Application: Revocation or Suspension of Licensure
 - B. Revisions to Curriculum Requirements and Approval of Programs (16 CCR Sections 330 - 331.16)

- C. Continuing Education Requirements (CE Provider and Course Approval)/Mandatory
- D. Probation Status Disclosure
- E. Delegation of Authority to the Assistant Executive Officer
- F. Consumer Protection Enforcement Initiative (CPEI)
- G. Revisions to BCE Disciplinary Guidelines & Uniform Standards for Substance Abusing Licensees
- H. Sponsored Free Health Care Events - Repeal 16 CCR Section 309-309.4
- I. Cardiopulmonary Resuscitation (CPR) Certification for All Licensees
- J. Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice on Death/Incapacity of Licensee Amend or Repeal 16 CCR Section 354- Successful Examination (Obsolete provision)

14. Review, Discussion and Possible Action to Schedule End-of-Year Board Meeting

15. Review, Discussion and Possible Action Regarding the Proposed 2021 Board Meeting Schedule

16. Public Comment for Items Not on the Agenda

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17. Future Agenda Items

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

18. Closed Session

The Board will meet in Closed Session to:

- A. Receive Advice from Legal Counsel Pursuant to California Government Code Sections 11126(e) and 139361.1 Regarding Hugh Lubkin, D.C. v. Board of Chiropractic Examiners Workers' Compensation Case No. ADJ7361379

19. Closed Session

Open Session: Announcements Regarding Closed Session

20. Adjournment

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HOW TO – Join – DCA WebEx Event

The following contains instructions to join a WebEx event hosted by the Department of Consumer Affairs (DCA).

NOTE: The preferred audio connection to our event is via telephone conference and not the microphone and speakers on your computer. Further guidance relevant to the audio connection will be outlined below.

1. Navigate to the WebEx event link provided by the DCA entity (an example link is provided below for reference) via an internet browser.

Meeting link: <https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=ec77d62510c83c2eb832acdb14f0fcc24>

Event number: 145 078 4099

Event password: BCE71620

Audio conference: +1-415-655-0002 (Access code: 145 078 4099)

The screenshot shows a web browser window with the URL <https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=ec77d62510c83c2eb832acdb14f0fcc24>. The page header includes the DCA logo and the text "California Department of Consumer Affairs".

Event Information: 3/26

Event status: Started

Date and time: Thursday, March 26, 2020 10:30 am
Pacific Daylight Time (San Francisco, GMT-07:00)
[Change time zone](#)

Duration: 1 hour

Description:

By joining this event, you are accepting the Cisco Webex [Terms of Service](#) and [Privacy Statement](#).

Join Event Now

To join this event, provide the following information.

First name:

Last name:

Email address:

Event password:

[Join Now](#)

[Join by browser](#) **NEW!**

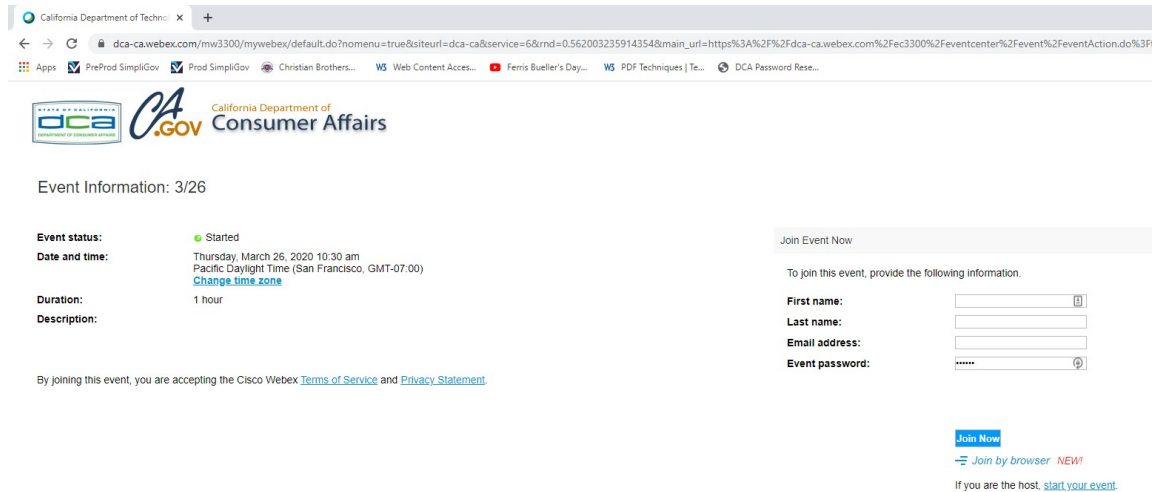
If you are the host, [start your event](#).

2. The details of the event are presented on the left of the screen and the required information for you to complete is on the right.

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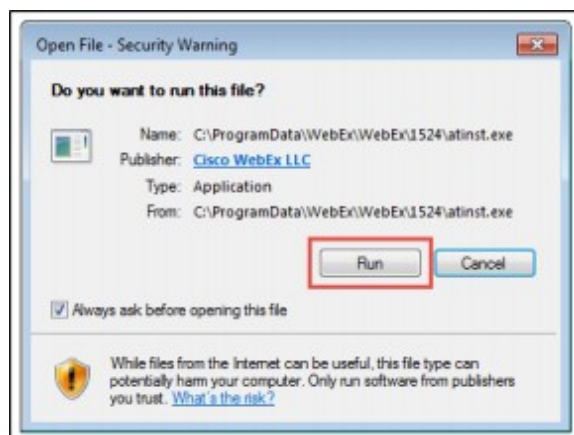
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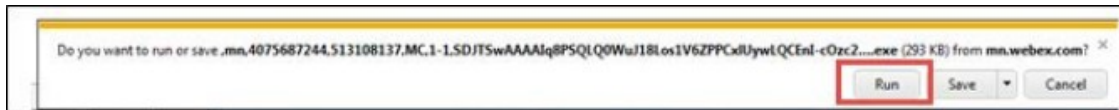
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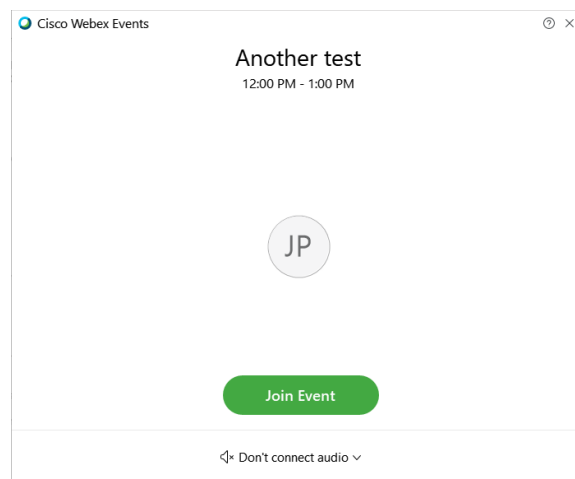
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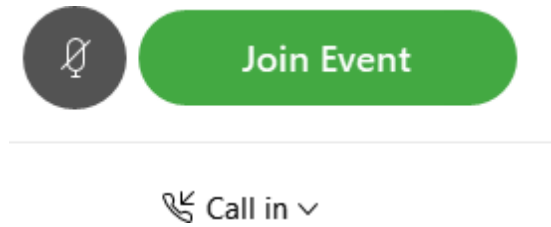
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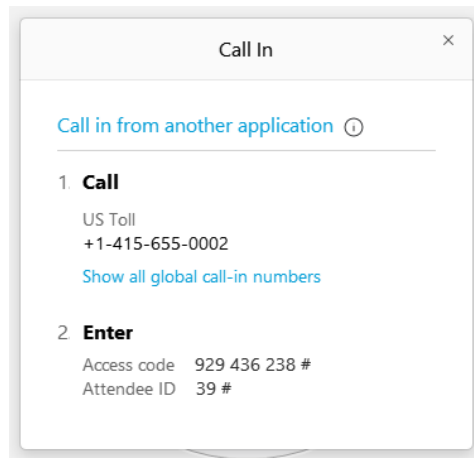
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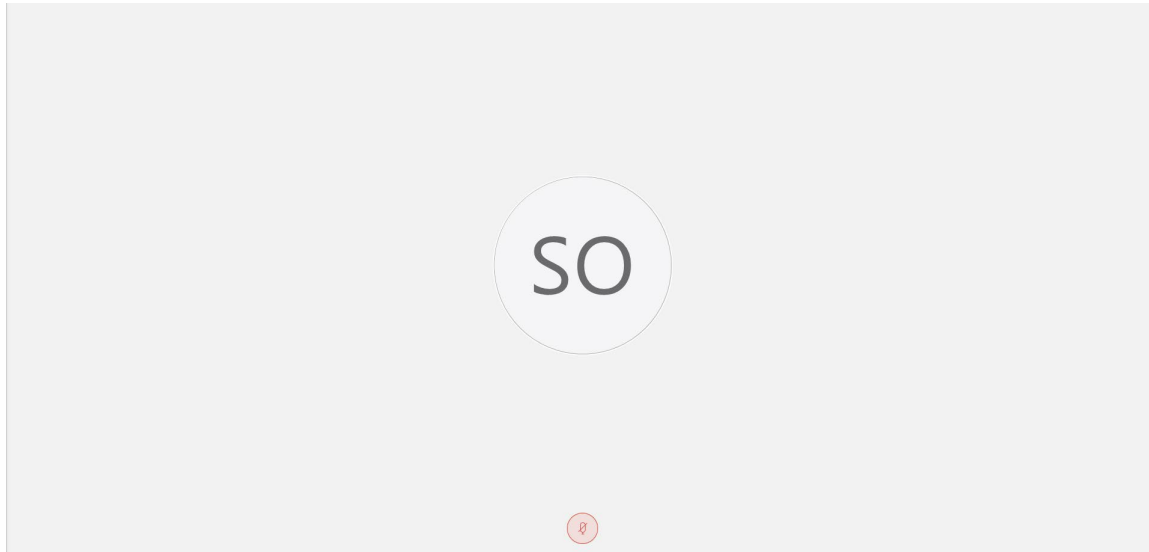


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Congratulations!

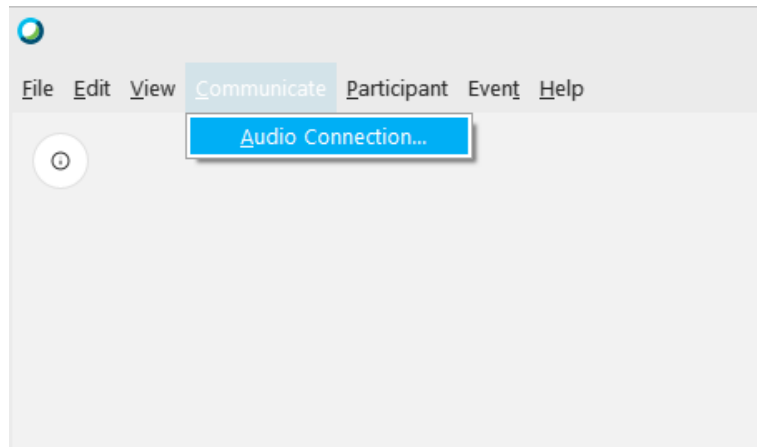


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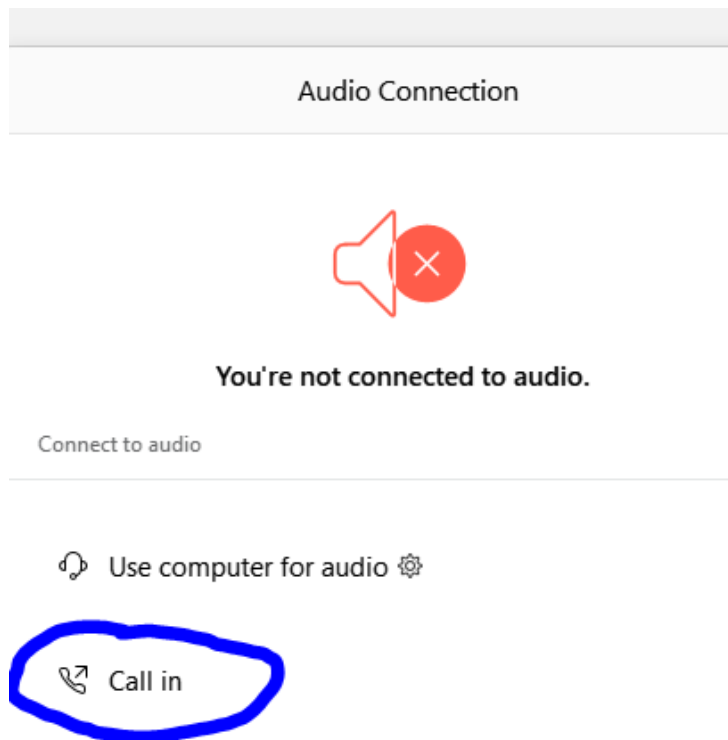
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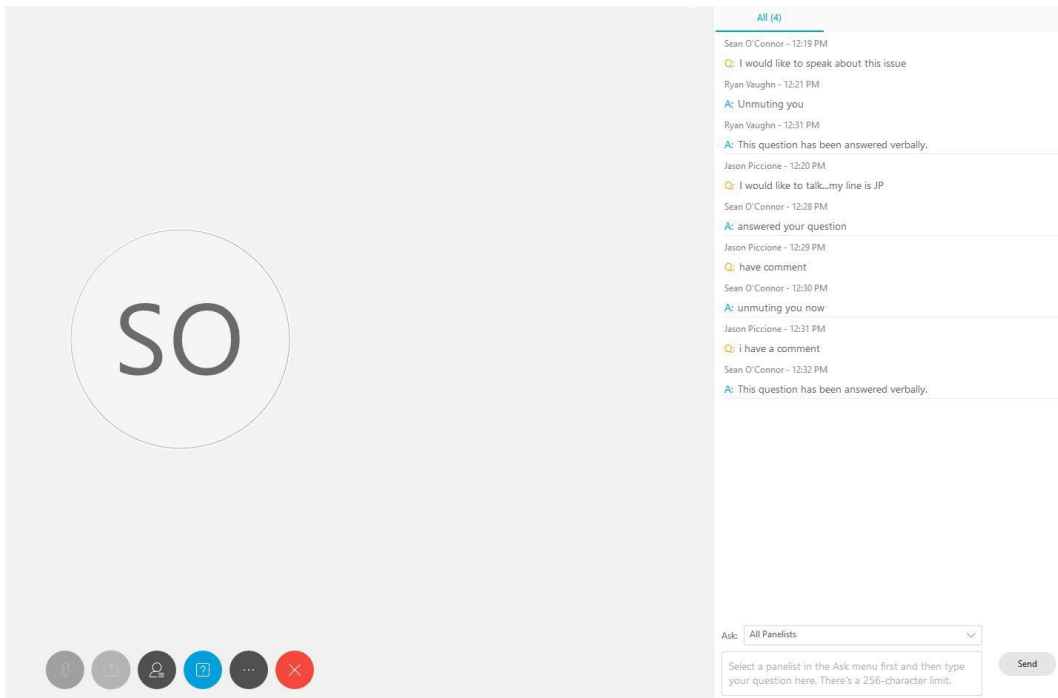
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This will bring up the 'Q and A' chat box.

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Attendee lines will be unmuted in the order the requests were received, and you will be allowed to present public comment.

NOTE: Your line will be muted at the end of the allotted public comment duration. You will be notified when you have 10 seconds remaining.



**NOTICE OF TELECONFERENCE LICENSING &
CONTINUING EDUCATION COMMITTEE MEETING**

September 18, 2020
12 p.m. to 2 p.m.
or until completion of business

Notice of Teleconference Meeting Held Under Executive Order N-29-20 (3/17/20)

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AGENDA

- 1. Call to Order & Establishment of a Quorum**
- 2. Approval of October 19th, 2019, Meeting Minutes**
- 3. Discussion on Potential Changes to Mandatory Continuing Education Competency: 5 – Professional Ethics and Jurisprudence**
- 4. Discussion on Definitions to Classroom Courses and Distance Learning Courses**

5. Review, Discussion and Possible Action on Proposed Language to Continuing Education Regulations: Sections 364 – 366

6. Public Comment for Items Not on the Agenda

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7. 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.]

8. Adjournment

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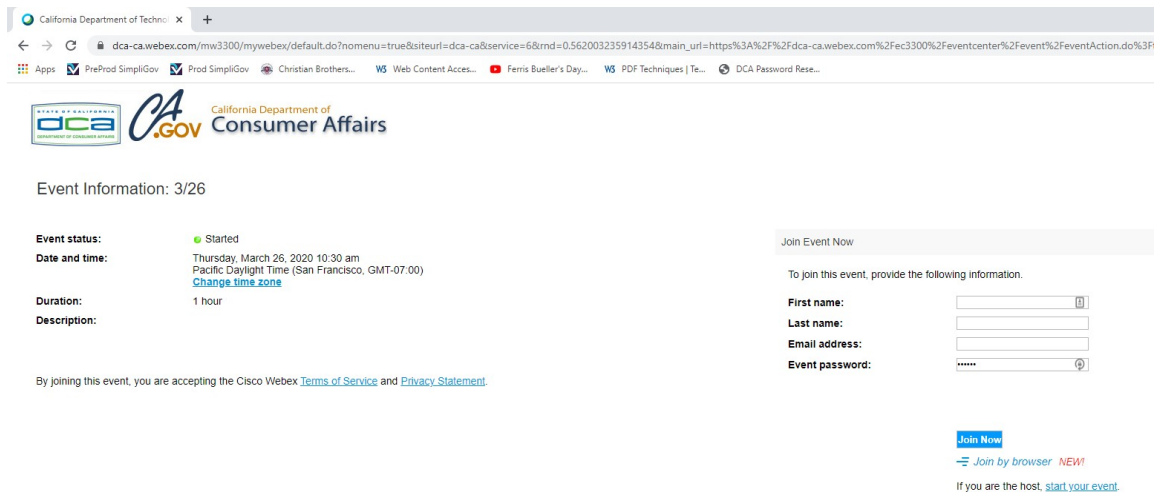
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Event number: 146 801 8977

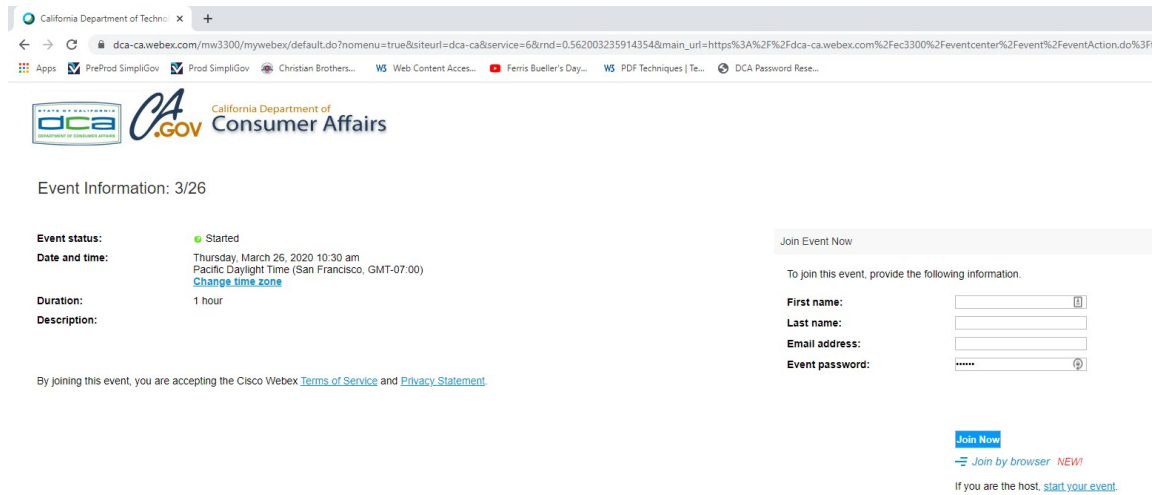
Event password: BCE091820



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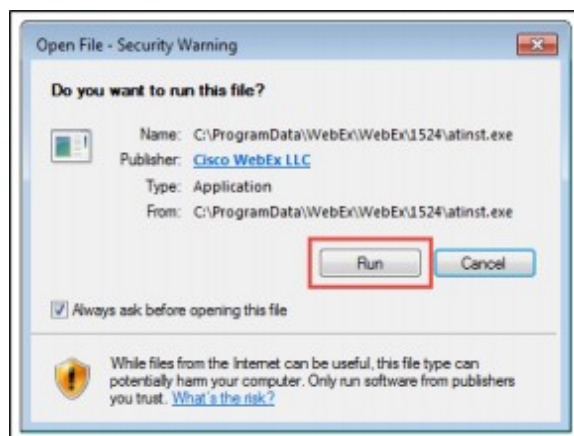
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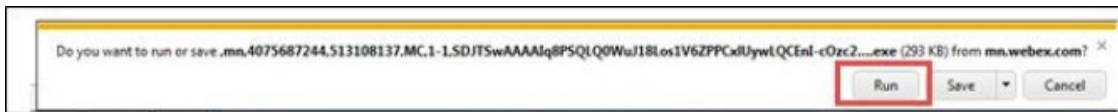
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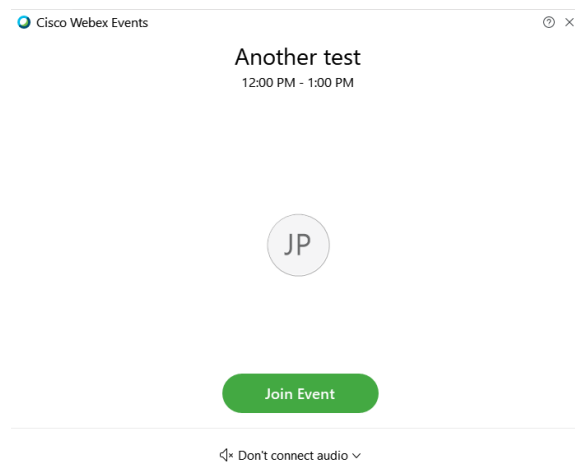
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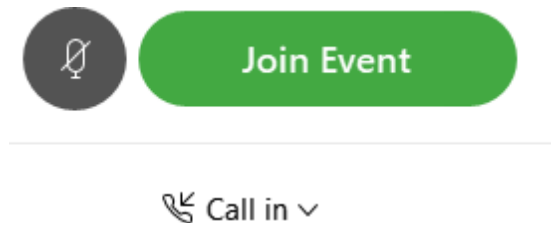
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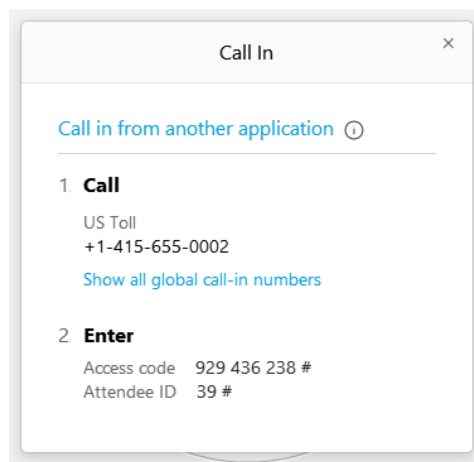
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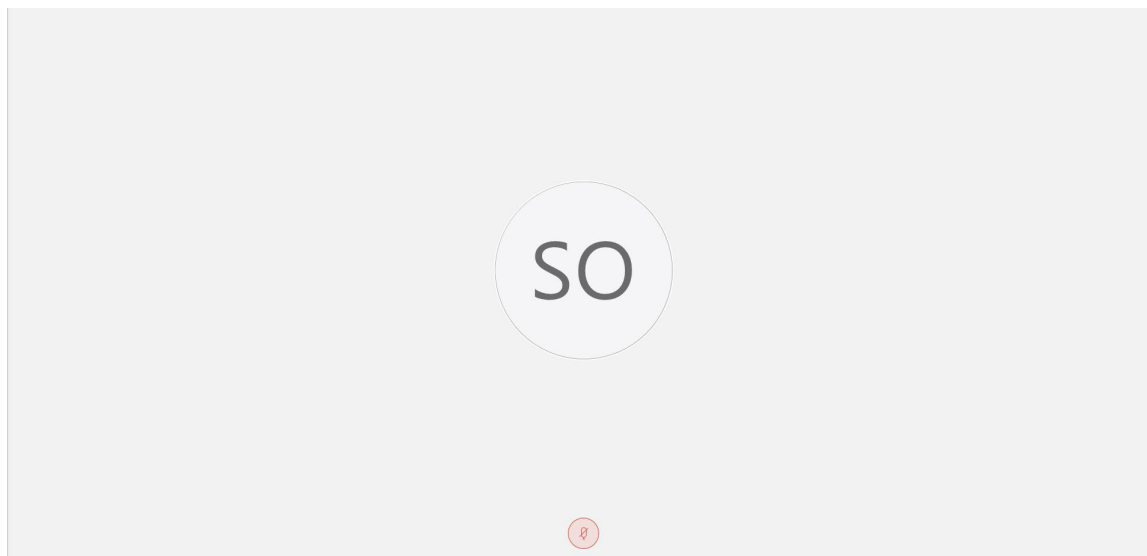


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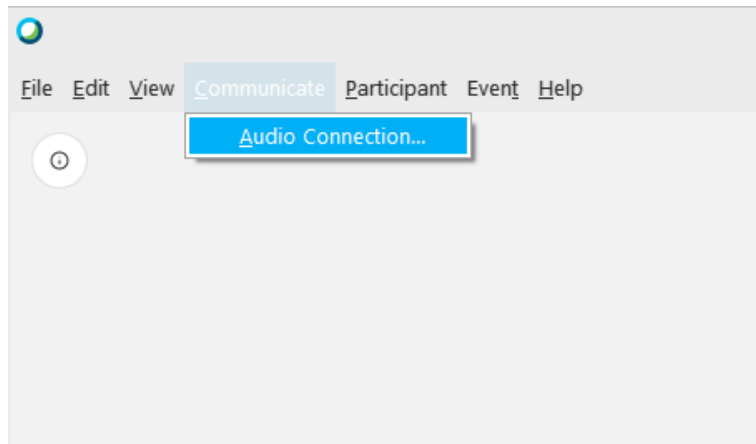


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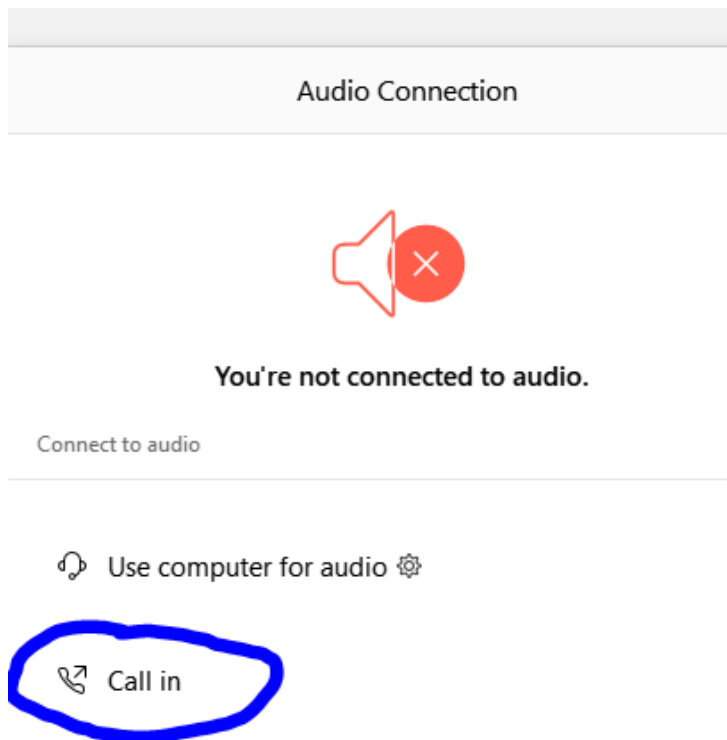
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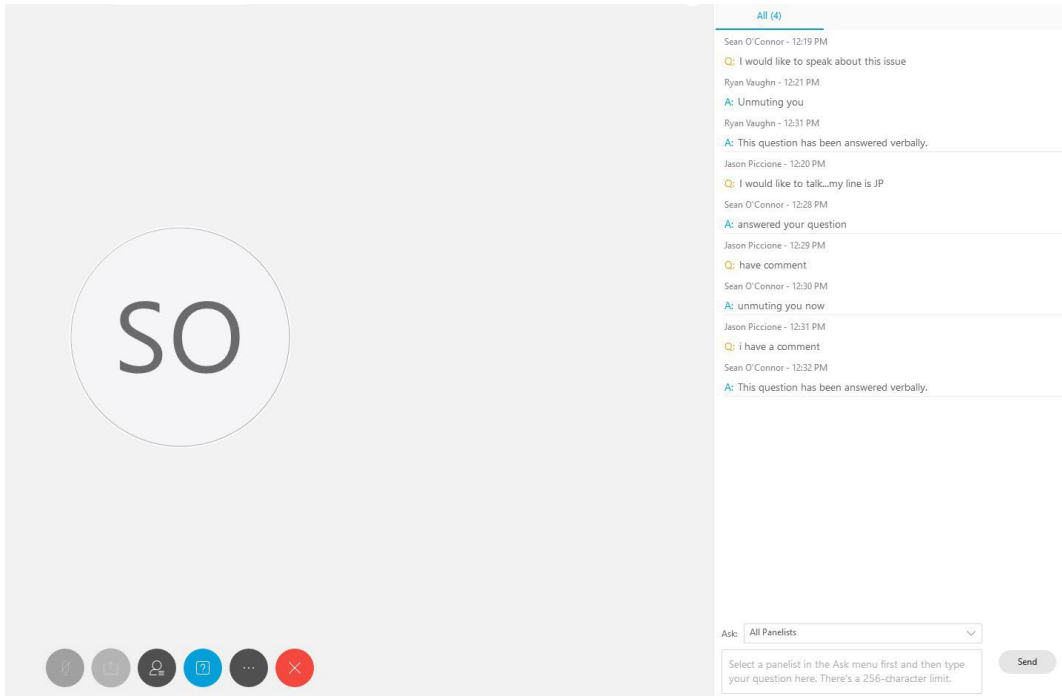
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BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
DEPARTMENT OF CONSUMER AFFAIRS • CALIFORNIA BOARD OF CHIROPRACTIC EXAMINERS
901 P St., Suite 142A, Sacramento, CA 95814
P (916) 263-5355 | Toll-Free (866) 543-1311 | F (916) 327-0039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



NOTICE OF TELECONFERENCE ENFORCEMENT COMMITTEE MEETING

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AGENDA

- 1. Call to Order & Establishment of a Quorum**
- 2. Approval of April 19, 2019, Meeting Minutes**
- 3. Review, Discussion and Possible Action on Proposed Language to Amend California Code of Regulations, Title 16, Sections 390.4 (Contested Citations) and 390.5 (Compliance with Citation/Order of Abatement)**
- 4. Review, Discussion and Possible Action Regarding the Expert Witness Program**

5. Review, Discussion and Possible Action Regarding the Top 10 Enforcement Violations

6. Update on Enforcement Program Statistical Data

7. Public Comment for Items Not on the Agenda

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Event number: 146 961 0420
Event password: BCE101620

The screenshot shows a web browser window displaying the WebEx event page for the California Department of Consumer Affairs. The browser's address bar shows the URL: <https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=e276de9b07d60ecbfa45e299cb6b0c84b>. The page header includes the DCA logo and the text "California Department of Consumer Affairs".

Event Information: 3/26

Event status: Started
Date and time: Thursday, March 26, 2020 10:30 am Pacific Daylight Time (San Francisco, GMT-07:00) [Change time zone](#)
Duration: 1 hour
Description:

By joining this event, you are accepting the Cisco Webex [Terms of Service](#) and [Privacy Statement](#).

Join Event Now

To join this event, provide the following information.

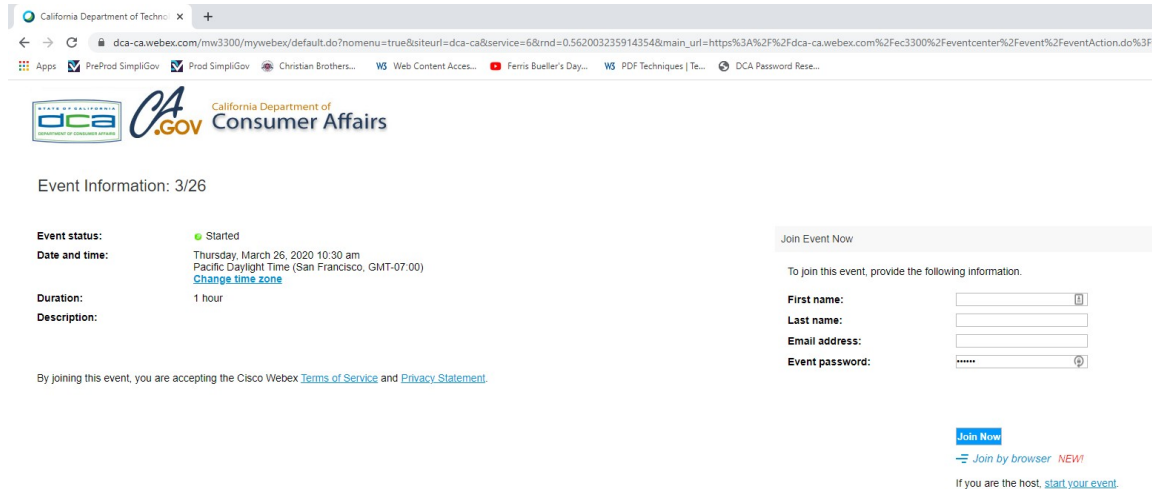
First name:
Last name:
Email address:
Event password:

[Join Now](#)
[Join by browser](#) **NEW!**
If you are the host, [start your event](#).

2. The details of the event are presented on the left of the screen and the required information for you to complete is on the right.

NOTE: If there is a potential that you will participate in this event during a Public Comment period, you must identify yourself in a manner that the event Host can then identify your line and unmute it so the event participants can hear your public comment. The 'First name', 'Last name' and 'Email address' fields do not need to reflect your identity. The department will use the name or moniker you provide here to identify your communication line should you participate during public comment.

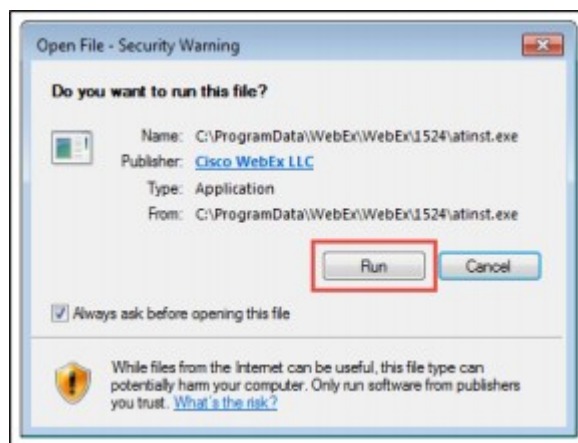
HOW TO – Join – DCA WebEx Event



3. Click the 'Join Now' button.

NOTE: The event password will be entered automatically. If you alter the password by accident, close the browser and click the event link provided again.

4. If you do not have the WebEx applet installed for your browser, a new window may open, so make sure your pop-up blocker is disabled. You may see a window asking you to open or run new software. Click 'Run'.



Depending on your computer's settings, you may be blocked from running the necessary software. If this is the case, click 'Cancel' and return to the browser tab that looks like the window below. You can bypass the above process.

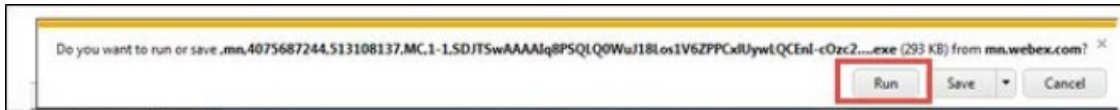
HOW TO – Join – DCA WebEx Event

Starting Webex...



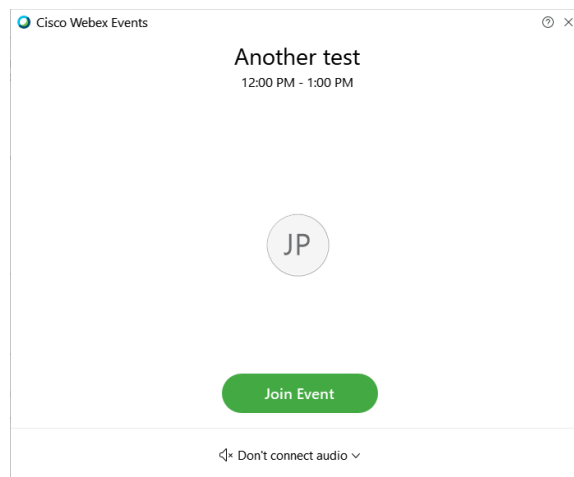
Still having trouble? [Run a temporary application](#) to join this meeting immediately.

- 5. To bypass step 4, click 'Run a temporary application'.
- 6. A dialog box will appear at the bottom of the page, click 'Run'.



The temporary software will run, and the meeting window will open.

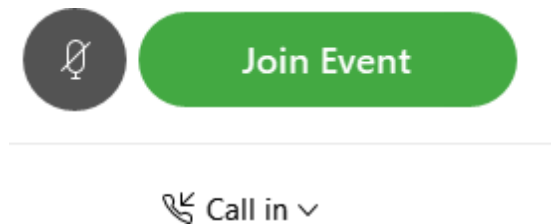
- 7. Click the audio menu below the green 'Join Event' button.



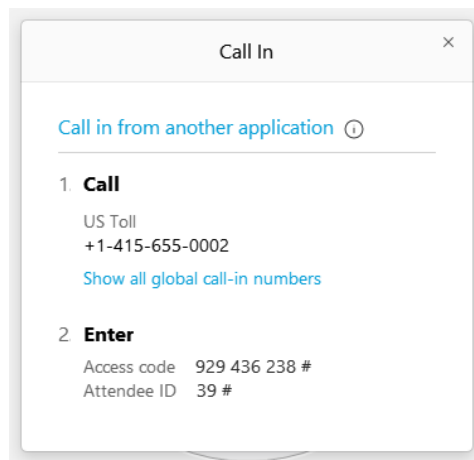
- 8. When the audio menu appears click 'Call in'.

HOW TO – Join – DCA WebEx Event

9. Click 'Join Event'. The audio conference call in information will be available after you join the Event.



10. Call into the audio conference with the details provided.

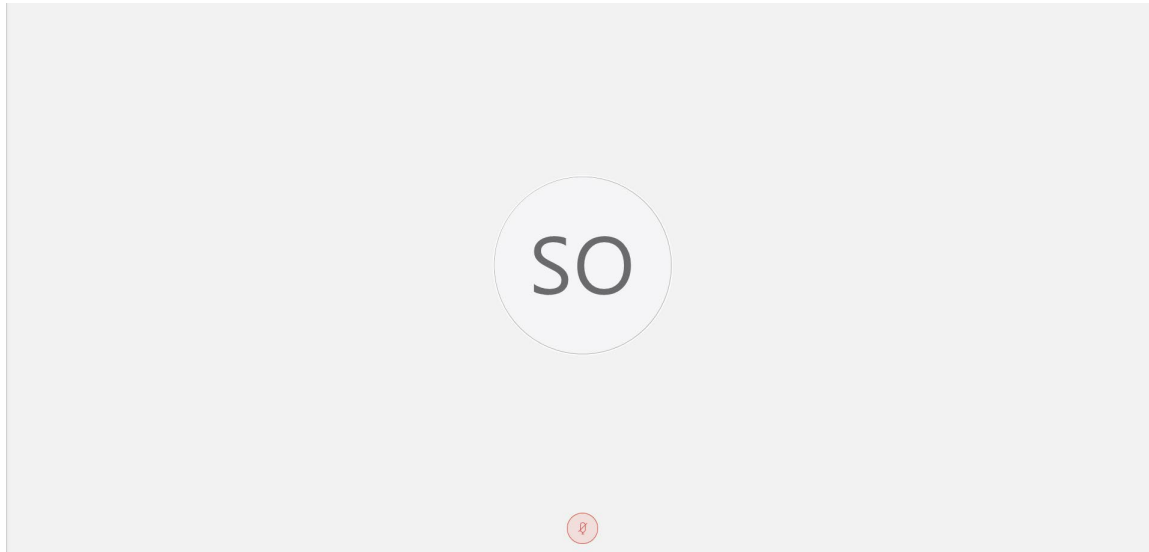


NOTE: The audio conference is the preferred method. Using your computer's microphone and speakers is not recommended.

HOW TO – Join – DCA WebEx Event

Once you successfully call into the audio conference with the information provided, your screen will look like the screen below and you have joined the event.

Congratulations!

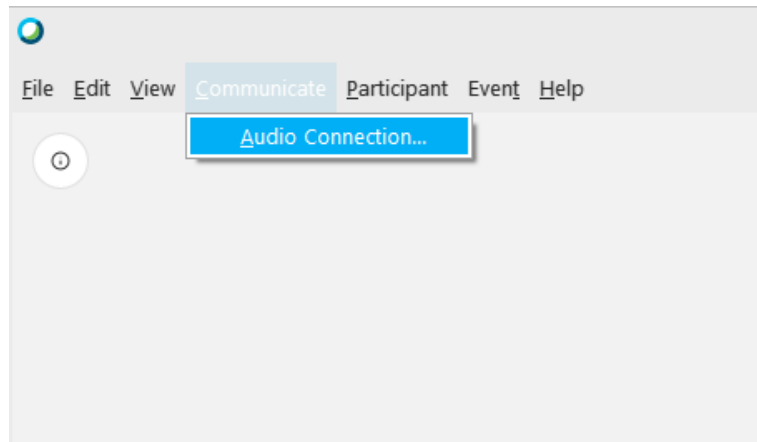


NOTE: Your audio line is muted and can only be unmuted by the event host.

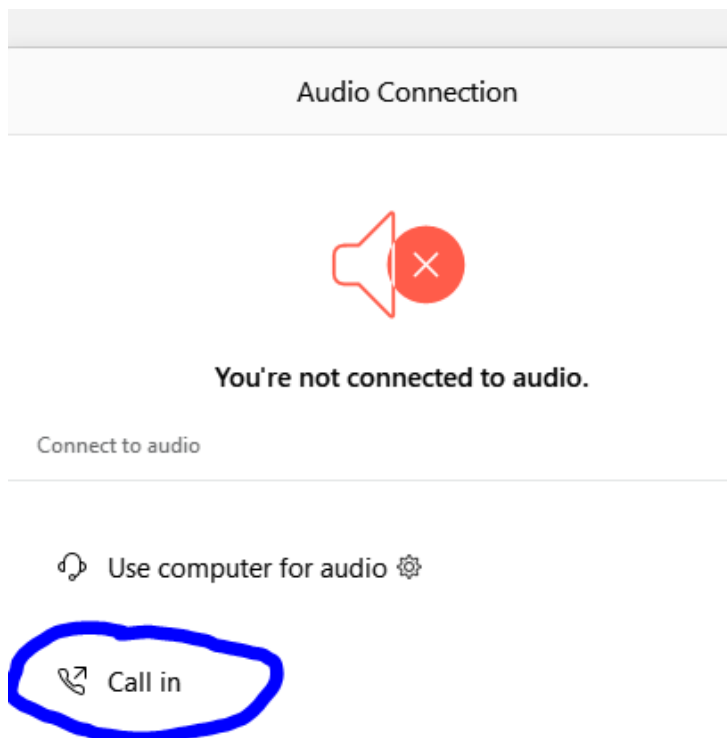
If you join the meeting using your computer's microphone and audio, or you didn't connect audio at all, you can still set that up while you are in the meeting.

Select 'Communicate' and 'Audio Connection' from top left of your screen.

HOW TO – Join – DCA WebEx Event



The 'Call In' information can be displayed by selecting 'Call in' then 'View'



You will then be presented the dial in information for you to call in from any phone.

HOW TO – Join – DCA WebEx Event Participating During a Public Comment Period

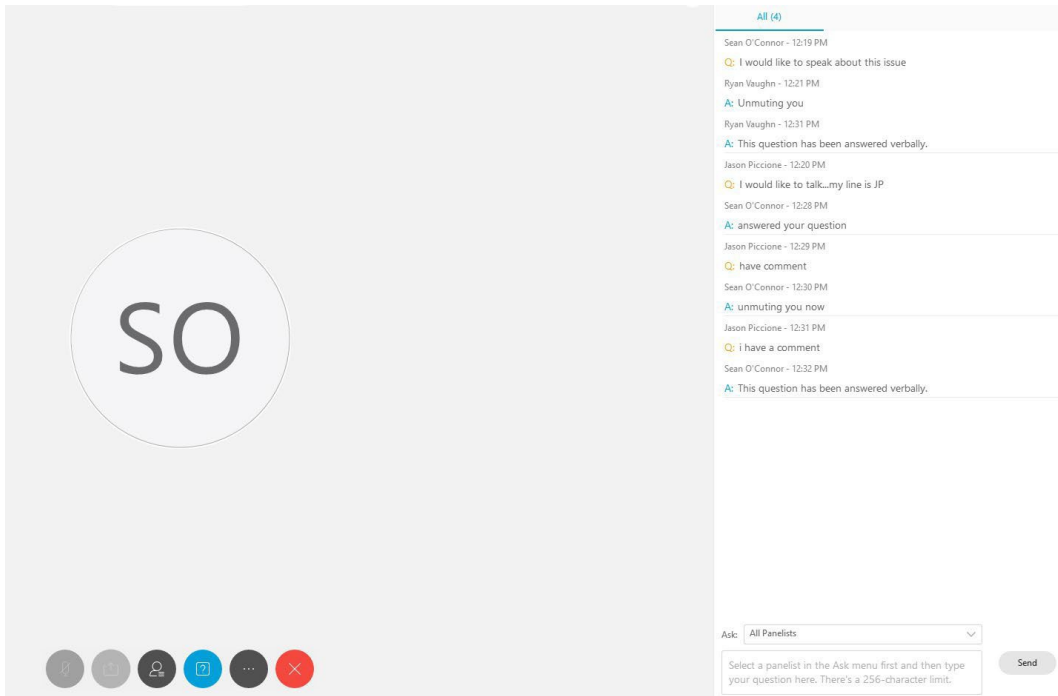
At certain times during the event, the facilitator may call for public comment. If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.



This will bring up the 'Q and A' chat box.

NOTE: The 'Q and A' button will only be available when the event host opens it during a public comment period.

HOW TO – Join – DCA WebEx Event



To request time to speak during a public comment period, make sure the 'Ask' menu is set to 'All panelists' and type 'I would like to make a public comment'.

Attendee lines will be unmuted in the order the requests were received, and you will be allowed to present public comment.

NOTE: Your line will be muted at the end of the allotted public comment duration. You will be notified when you have 10 seconds remaining.

Approval of Minutes

Purpose of the item

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

Action(s) requested

The Board will be asked to make a motion to approve the July 16, 2020 Board Meeting minutes.

Background

N/A

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

- Meeting minutes from the July 16, 2020 Board Meeting.

**BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES**

July 16, 2020
Teleconference

Board Members Present

David Paris, D.C., Chair
Dionne McClain, D.C., Vice Chair
Frank Ruffino, Secretary
Sergio Azzolino, D.C.
Heather Dehn, D.C.

Staff Present

Robert Puleo, Executive Officer
Marcus McCarther, Assistant Executive Officer
Michael Kanotz, Senior Attorney
Clay Jackson, Attorney
Dixie Van Allen, Licensing and Continuing Education Manager I
Kristin Walker, Enforcement Manager I
Natalie Boyer, Licensing Analyst
Amanda Campbell, Licensing Analyst

Call to Order

Dr. Paris called the meeting to order at 9:03 a.m.

Roll Call

Dr. McClain called the roll. With the exception of Mr. Ruffino, all members were present. A quorum was established. Mr. Ruffino joined the meeting at approximately 10:10 a.m.

Chair's Report

Dr. Paris stated the Board of Chiropractic Examiners (Board) and staff are meeting the demands of the COVID-19 pandemic. He referenced the June 4, 2020 special meeting where the Board discussed pursuing emergency regulations or a curriculum waiver to assist schools during the COVID-19 pandemic. He noted a curriculum waiver request was submitted to the Department of Consumer Affairs and the Board is awaiting a response. Dr. Paris stated his main goal for this meeting is to resume Board business following disruptions experienced since the onset of the pandemic.

Dr. Paris discussed the NBCE Part IV exam administration where he and Dr. Dehn served as examiners. He expressed pride in the improved education facilities. Dr. Paris also participated in the NBCE Part IV exam development in Colorado.

Dr. Paris noted Board Members and staff have been inundated with calls from licensees and CE providers expressing concerns about the impact of COVID-19. He commended staff for their responsiveness.

Dr. Paris urged licensees to follow the guidelines set by the Center for Disease Control (CDC) and California Department of Public Health (CDPH).

Discussion: Dr. McClain stated that she also attended testing in Dallas, Texas and was impressed by their facilities and students.

Dr. Paris thanked Dr. McClain and stated how important it was for the Board to get a wide view of testing in different areas.

Public Comment: None

Approval of January 7, 2020, April 16, 2020, and June 4, 2020 Board Meeting Minutes

MOTION: DR. AZZOLINO MOVED TO APPROVE THE MINUTES OF THE JANUARY 7, 2020, APRIL 16, 2020, AND JUNE 4, 2020 BOARD MEETINGS.

SECOND: DR. MCCLAIN SECONDED THE MOTION.

Discussion: None

VOTE: 4-0, (DR. PARIS-AYE, DR. MCCLAIN-AYE, MR. RUFFINO-ABSENT, DR. AZZOLINO-AYE, DR. DEHN-AYE).

MOTION: CARRIED.

Public Comment: None

Ratification of Approval of License Applications

MOTION: DR. AZZOLINO MOVED TO RATIFY THE APPROVED LICENSE APPLICATIONS.

SECOND: DR. DEHN SECONDED THE MOTION.

Discussion: None.

VOTE: 4-0, (DR. PARIS-AYE, DR. MCCLAIN-AYE, MR. RUFFINO-ABSENT, DR. AZZOLINO-AYE, DR. DEHN-AYE).
MOTION: CARRIED.

Public Comment: None

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

There were none.

Public Comment: Dr. Marcus Strutz, a chiropractor and continuing education provider, addressed the Board and stated the current extensions given to licensees to complete in person CE is creating a backlog of licensees who need to complete their CE, which may not be possible due to social distancing requirements. Dr. Strutz stated that if a licensee were to become infected with COVID-19 at an in-person CE course, they could endanger the lives of their patients. He believed all CE should be completed online. Dr. Strutz said he has been working with Board staff to make changes to the Board's rules and regulations.

Ratification of Approved Continuing Education Providers

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

Discussion: There was none.

VOTE: 4-0, (DR. PARIS-AYE, DR. MCCLAIN-AYE, MR. RUFFINO-ABSENT, DR. AZZOLINO-AYE, DR. DEHN-AYE).
MOTION: CARRIED.

Public Comment: None

Executive Officer's Report

A. Administration - Board staffing/organizational chart

Mr. Puleo stated most of the Board staff are working remotely each day to comply with COVID-19 social distancing requirements.

Mr. Puleo reported two vacant positions: a Management Services Technician position in the Licensing Unit and a Staff Services Analyst position in the Enforcement Unit. He

stated his hope to have these positions filled by the end of the year.

B. Budget - Fund Condition Update

Mr. Puleo reported the Board's expenditures are outpacing the revenue and based on projected revenue and expenditures, the Board's fund will likely be in a deficit sometime in the next fiscal year. Mr. Puleo advised that a fee increase will likely be necessary within the next year.

C. Licensing - Statistical Trends

Ms. Van Allen reported on the Licensing Trends Report and advised population of licensed chiropractors continues to decline. The number of new license applications slightly decreased in April and May of 2020. Ms. Van Allen noted this may have been due to testing sites closures at the onset of the COVID-19 pandemic. The number of new applications increased in June 2020, likely due to the reopening of testing sites. Ms. Van Allen stated the number of satellite applications has decreased, most likely because many chiropractors closed their offices and/or were not opening new locations, since the pandemic began.

Ms. Van Allen noted approximately 50 percent of licenses renewals were now being completed online, which has significantly reduced workload and processing timeframes. The licensing division has been notifying licensees of their ability to renew online via an insert in license renewal notices and through updates posted on the Board's social media sites and newsletters. She stated her hope that further efficiencies will be realized with the development of the Business Modernization project.

Dr. McClain thanked Ms. Van Allen and asked her if future reports could include trends for other specialties, such as Physician Assistants.

D. Enforcement - Statistical trends

Ms. Walker presented the Board's Enforcement Statistics and noted that the Board closed over 800 cases in the 19-20 fiscal year and received 783 complaints. She stated that the Board has been able to keep the number of pending complaints relatively stable.

Ms. Walker confirmed that there has been an increase in Letters of Admonishment (LOA) because they are being used as an educational tool to address minor violations such as record keeping violations and failure to complete required continuing education. This will hopefully prevent future violations.

Ms. Walker pointed out the addition of the total amount of fine collections for citations to the report which had been requested at the last Board Meeting. The 19-20 fiscal year had an increased number of citations, totaling 110. Ms. Walker stated that the use of citations was to address the more egregious CE violations. She noted the Board has

collected about 90 percent of the fines and has set up licensees on payment plans as needed.

Ms. Walker notified the Board that there was a slight decrease in disciplinary cases in the 19-20 fiscal year because there had been a large amount of closures in the 18-19 fiscal year. She stated that many cases were opened in the 19-20 fiscal year and the Board can expect to make more decisions on disciplinary cases in the next three to six months due to an increase in referrals.

Ms. Walker noted additional charts comparing the types of complaints received versus accusations filed. She stated about half of the enforcement cases resulted from CE audits. Most of the remaining complaints pertain to the following: General unprofessional conduct, improper advertising, licensee arrests/convictions, and allegations of fraud, negligence, or incompetence.

Ms. Walker noted the primary violations cited in accusations continue to be: Gross negligence, sexual misconduct, criminal convictions, serious record keeping and billing violations, and general allegations of fraud.

E. OIS - Update

Mr. McCarther provided an update on the Business Modernization project. He stated that in the 19-20 fiscal year, the Board began accepting online payments for license and satellite renewals and began working on a new IT system. He anticipates the new system will be rolled out in late August. He noted the new system will include license applications from a new online user portal. Mr. McCarther said the user portal would be an integrated system that will help streamline internal and external processes. He thanked the staff at the Board, Department of Consumer Affairs (DCA), and Office of Information Services (OIS) for their continued support.

Mr. McCarther noted managers and staff have been trained in the Quality Business Interactive Reporting Tool (QBIRT) and will soon have the ability to generate more useful reports.

Mr. McCarther notified the Board that most staff are teleworking to maintain social distancing during the COVID-19 pandemic. He stated that the staff have been working as efficiently as possible and have been able to maintain services to licensees.

Mr. Puleo thanked Marcus for overseeing this transition and ensuring it went smoothly. He thanked managers and staff for their hard work during the transition to telework as well as a new IT system. He noted the new system will help workload and waste.

Public Comment: None

Presentation and Discussion on presentation from Dr. Micheala Edwards, President, American Black Chiropractic Association

Dr. Michaela Edwards, President of the American Black Chiropractic Association (ABCA), discussed the history of the ABCA and the importance of diversity and inclusion in the chiropractic profession. Dr. Edwards informed the Board of the ABCA's mission: to integrate and improve the outcomes for people of color entering the profession of chiropractic care. She stated that the three focal initiatives are mentorship, leadership, and scholarship. Dr. Edwards advocated the importance of diversity training for chiropractors and instructors and emphasized the need for additional research and data collection to better serve all patient populations and inform curriculum.

Public Comment: None

Moved to Agenda Item 10 - Update, Discussion and Possible Action on the submission of a Waiver Request for California Code of Regulations, Title 16, Division 4, Sections 331.7 (Calendar); 331.11 (Scholastic Regulations); and 331.12.2 (Curriculum)

Mr. Puleo updated the Board on the waiver request submitted to the Department of Consumer Affairs on June 23, 2020 regarding California Code of Regulations (CCR) Sections 331.7, 331.11, and 331.12.2. Mr. Puleo reminded the Board that this waiver was submitted on behalf of the Association of Chiropractic Colleges and the Council of Chiropractic Education (CCE) to assist colleges with transitioning to online teaching methods during the COVID-19 pandemic. Board members and stakeholders will be notified as soon as a decision is received.

Dr. Paris asked Mr. Puleo how quickly the response would be received.

Mr. Puleo stated he hopes to receive a decision within a few business days. He added that Agenda Item 12 relates to proposed changes to curriculum requirements that will remove obsolete requirements. Many technological advancements have transformed the delivery of education since the Board's curriculum regulations were last amended. The existing regulations impede the schools' ability to take advantage of new technology.

Dr. McClain asked Mr. Puleo how competencies will still be met.

Mr. Puleo stated that as the accrediting body, CCE sets the standards for the colleges and determine the competencies that must be met. He added that other governmental agencies provide oversight to ensure all educational standards are met.

Mr. McCarther added that CCE has a qualitative measure for ensuring competencies are met rather than a quantitative one.

Dr. Paris attested to the robustness of each college's method for ensuring competency. He stated that Dr. Craig Little, President of CCE, could provide a demonstration to the Board showing how competencies are met.

Public Comment: None

Presentation and Discussion on presentation from Dr. William Foshee, Chair, American Chiropractic Association, Diversity Committee

Dr. William Foshee, Chair of the American Chiropractic Association's Committee on Equity, Diversity, and Inclusion gave a presentation to the Board on how inequity in culture leads to inequity in health care. He expressed the need for chiropractors to develop cultural agility through enhanced skills and knowledge of the needs of a multicultural society and have a commitment to inclusion.

Dr. Foshee added that chiropractors need to understand and meet the needs of the diverse populations they serve to elevate the health and wellness of communities. Therefore, he asserted, racism and its resulting inequities must be addressed. He reviewed the demographics of chiropractors and stated over 90 percent of chiropractors are white.

Dr. Foshee advised false beliefs and implicit bias may be driving racial and ethnic disparity in the assessment and treatment of pain. He expressed the need for curriculum changes to address the needs of all patient populations.

Dr. Dehn requested that the Board remember to include diversity and cultural competency as a requirement for CE when changes to CE regulations are discussed.

Public Comment: Dawn Benton, Executive Director of the California Chiropractic Association (CCA), thanked Dr. Foshee and stated CCA will be releasing a statement to their members regarding putting together a task force.

Dr. McClain presented a statement urging everyone to stand up against racism and fight for justice and our humanity. She stated the United States has come to a critical moment and the voices of those marginalized will no longer be muted. Dr. McClain advised that racial injustices are a health and safety issue because research has shown that internalizing it manifests in anxiety, depression, stress, and poor overall health. She stated research has also shown that racism and violence can lead to post-traumatic stress disorder (PTSD).

Dr. McClain called the death of George Floyd a reminder of the depth of racism and systemic oppression in this country. She added that racism goes against the Board's consumer protection mission. Dr. McClain encouraged all licensees, providers, schools, and organizations to become educated on implicit bias, cultural differences, macro and micro aggressions, and cultural sensitivity and to put in the work to meet the needs of

communities of color. Dr. McClain challenged these entities to evaluate and have a no tolerance policy for racism, put forth anti-racist policies, and recruit and retain people of color to increase diversity in leadership.

Dr. McClain asserted that as primary health care providers, chiropractors are an integral part of the health care system which is plagued by disparity in treatment of people of color. She asked licensees to challenge the status quo, acknowledge privilege, become educated, and support organizations working towards equity and justice.

Update, Discussion and Possible Action on Proposed Revisions to Curriculum Requirements and Approval of Programs (16 CCR Sections 330 - 331.16)

Mr. Puleo stated the purpose of updating these regulations is to remove obsolete and overly prescriptive requirements.

Mr. Jackson described the changes to CCR Sections 330 – 331.16 and stated that revisions to the regulations aren't considered substantive.

The following sections have been removed:

- CCR Sections 330, 331.4, 331.6, 331.7, 331.8, 331.9, 331.10, 331.13, 331.14, and 331.16

The following sections have been revised:

- CCR Sections 331.1, 331.3, 331.5, 331.11, 331.12.1, 331.12.2, 331.12.3, 331.12.4, and 331.15

The following section has been added:

- CCR Section 330.1

Mr. Puleo added that the mention of “perform minor surgery” was left in CCR Sections 331.12.1 and 331.12.2 despite not being within a chiropractor’s scope of practice because those sections have been replaced are only applicable to applicants who graduated prior to enactment of the new sections.

MOTION: MR. RUFFINO MOVED TO APPROVE THE PROPOSED REGULATORY TEXT REVISIONS FOR TITLE 16, CCR SECTIONS 330, 330.1, 331.1, 331.3, 331.4, 331.5, 331.6, 331.7, 331.8, 331.9, 331.10, 331.11, 331.12.1, 331.12.2, 331.12.3, 331.12.4, 331.13, 331.14, 331.15, 331.16.13, AND DIRECT STAFF TO SUBMIT THE TEXT TO THE DIRECTOR OF CONSUMER AFFAIRS AND THE BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY FOR REVIEW, AND, IF NO ADVERSE COMMENTS ARE RECEIVED, AUTHORIZE THE EXECUTIVE OFFICER TO TAKE ALL STEPS NECESSARY TO AMEND THE PRECEDING RULEMAKING PACKAGE, INCLUDING THE RENUMBERING OF THE SECTIONS AND ADDITION AND REVISION OF THE AUTHORITY AND REFERENCES FOR EACH SECTION,

INITIATE A REVISED RULEMAKING PROCESS, MAKE ANY NON-SUBSTANTIVE TECHNICAL OR GRAMMATICAL CHANGES TO THE PACKAGE, AND SET THE MATTER FOR HEARING.

SECOND: DR. MCCLAIN SECONDED THE MOTION.

Discussion: None.

VOTE: 5-0, (DR. PARIS-AYE, DR. MCCLAIN-AYE, MR. RUFFINO-AYE, DR. AZZOLINO-AYE, DR. DEHN-AYE).

MOTION: CARRIED.

Public Comment: Ana Facchinato, D.C., Dean of Los Angeles College of Chiropractic, asked what the timeline would be for the proposed changes to go into effect.

Mr. Jackson stated that the process to change regulations is lengthy and could take anywhere from six to twelve months to complete.

Update, Discussion and Possible Action on Pending Rulemaking

Mr. McCarther reported that the following rulemaking files have been submitted to DCA to commence the Initial Phase of DCA's Regulatory Review Process:

- Consumer Protection Enforcement Initiative
- Delegation of Authority to the Assistant Executive Officer

Mr. Jackson reported that the following rulemaking file's next step is to be reviewed by DCA's Executive Office.

- Denial of Application, Revocation or Suspension of Licensure

Mr. McCarther stated staff have been working on the following draft rulemaking files:

- Disciplinary Guidelines & Uniform Standards for Substance Abusing Licensees
- Continuing Education Requirements

Mr. McCarther added that staff are going to reprioritize regulations to work on the curriculum regulation changes. He notified the Board that a Licensing and Continuing Education Committee meeting would occur before the next Board meeting.

Public Comment: None

Public Comment for Items Not on the Agenda

There were none.

Future Agenda Items

Dr. Paris requested that the Licensing and Continuing Education committee discuss alternative learning methods for completing continuing education, through technology for example, to ensure quality instruction and learning outcomes and report to the Board at the next meeting.

Dr. Paris asked the Enforcement committee to discuss ways to use the provided enforcement data to inform licensees and mitigate disciplinary cases and report to the Board at the next meeting.

Dr. Azzolino asked for a future discussion on chiropractic corporate naming so that all statutes are equal across health care professions.

Closed Session

The Board went into Closed Session for deliberation and determinations regarding:

- A. 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 returned to Open Session.

Adjournment

Dr. Paris adjourned the meeting at 3:45 p.m.

(ATTACHMENT A)

Approval by Ratification of Formerly Approved License Applications
between December 1, 2019 and June 30, 2020.

Name (First, Middle, Last)			Date Issued	DC#
Gwangjong	Danny	Lee	12/5/2019	34703
Sulakshandan		Kathireson	12/6/2019	34704
Skyler	Rey	Talamantes	12/6/2019	34705
Benjamin	Koubing	Su	12/6/2019	34706
Mercedes	Alexis	Cook	12/6/2019	34707
Carrie		Huang	12/16/2019	34708
Danielle	Marie	Kronk	12/16/2019	34709
Samantha	Taylor	Voss	12/16/2019	34710
Michele	Kimberly	Bahadoor	12/16/2019	34711
Veronica		Torres	12/16/2019	34712
Justin	James	Coryell	12/16/2019	34713
Edward	Owen	Barksdale	12/24/2019	34714
Corey	Mae	Belt	12/24/2019	34715
Brian	Francis	Kane	12/24/2019	34716
Martin	Anthony	Soares	12/24/2019	34717
Allison	Lynn	Walls	1/8/2020	34718
Penny	Lynn	Harris	1/8/2020	34719
Adrian		James	1/16/2020	34720
Rodney		McBride	1/16/2020	34721
Holly	Diane	Schonberger	1/16/2020	34722
Malena	Britt	Kaufman	1/16/2020	34723
Kendra	Grace-Elene	Sietsema	1/16/2020	34724
Kristopher	Khoa	Nguyen	1/16/2020	34725
Brooke	Ashley	Herbert	1/16/2020	34726
Kevin	Tri	Lam	1/16/2020	34727
Julie	Arielle	Soloduka	1/27/2020	34728
Nicholas	Stefano	Fedele	1/27/2020	34729
Peter		Yi	1/27/2020	34730
Enya	Shifra	Katz	1/27/2020	34731
Dacy Mari	T	Ricardo	1/27/2020	34732
Ashley	Ann	Taylor	1/27/2020	34733
Iannick		Remillard	1/27/2020	34734
Pamela	Colleen	Riggs	1/27/2020	34735
Laura	Elizabeth	Zelko	1/29/2020	34736
Nicole	Elizabeth	Rodriguez	1/29/2020	34737
Faraz		Ozlati	1/29/2020	34738

Anthony	Julio	Branker	2/4/2020	34739
Clayton	Conner	Welch	2/4/2020	34740
Acacia	Marie	Mason	2/4/2020	34741
Tiffany	Vaness Moss	Raith	2/4/2020	34742
Dakota	Cassidy	Zitlaw	2/4/2020	34743
Nadzeya		Stokes	2/4/2020	34744
Hojin		Seo	2/4/2020	34745
Jose	Guillermo	Rodriguez	2/4/2020	34746
Shawn	Shahin	Tabrizi	2/4/2020	34747
Nicholas	Paul	Westfall	2/4/2020	34748
Heather	Daniel	Isensee	2/4/2020	34749
Brandon	Christopher	Parnham	2/4/2020	34750
Elidge	Demetre	Anderson	2/4/2020	34751
Karan		Seth	2/6/2020	34752
Tera	Marie	Roycraft	2/6/2020	34753
Roy	Mcrae	Hughes III	2/6/2020	34754
Eva		Quach	2/6/2020	34755
Sean	Robert	McTaggart	2/6/2020	34756
Dalbir	Singh	Bedi	2/6/2020	34757
Andrew	Basil	Reichman	2/6/2020	34758
Hunter	Thomas	Ford	2/6/2020	34759
Shelby	Denise	Kloiber	2/10/2020	34760
Matthew	Thomas	Miller	2/10/2020	34761
Justin	John	Traille	2/10/2020	34762
Victoria	Louisa	Simpson	2/10/2020	34763
Danielle	Monique	Cornelius	2/13/2020	34764
Felisha	Duc	Truong	2/13/2020	34765
Arshia		Pourdehghan	2/13/2020	34766
Edward		Tang	2/13/2020	34767
Raymond	Michael	Adams	2/13/2020	34768
Holly	Nichole	Stephens	2/14/2020	34769
Anqi		Zheng	2/14/2020	34770
Andriy		Melnyk	2/14/2020	34771
Monica	Kameel	Hanna	2/14/2020	34772
Dina		Fanai	2/20/2020	34773
Connor	James	Naasz	2/20/2020	34774
Andrea	Michell	Sandoval	2/20/2020	34775
Christopher	John	Galeotti	2/20/2020	34776
Lydia	Daoud	Guirges	2/20/2020	34777
Ramses	Anthony	Patron	2/20/2020	34778
Ashtynn	Marie	Nelson	2/24/2020	34779

Ariana	Crystal	Censullo	2/24/2020	34780
Molly	Claire	McFarland	2/24/2020	34781
Mark	Allen	O'Brien	2/24/2020	34782
Charlene	Alice	Harber	2/24/2020	34783
Mahealani		Schreindorfer	2/24/2020	34784
John	Matthew Robert	Lutz	2/24/2020	34785
Mark	Castillo	Samson	2/26/2020	34786
Michael		Espinoza	2/26/2020	34787
Lane	Nam	Tran	2/26/2020	34788
Bao-Quang		Nguyen-Phuc	2/26/2020	34789
Edward	Byungdo	Lee	2/26/2020	34790
Lauren	Yumi	Taketomo	2/26/2020	34791
Kenneth	Grant	Mittelstadt	3/4/2020	34792
Sadiq	Ali	Sheraze	3/4/2020	34793
Robert	Borden	Sheets	3/4/2020	34794
Kendra	Marilyn	Kautz	3/4/2020	34795
Daniel	Francis	Lynch	3/4/2020	34796
Mark	David	Zuber	3/18/2020	34797
Sara	Jane	Van Dyke	3/9/2020	34798
Alexandra	Juliet	Bonilla	3/9/2020	34799
Parisa		Shahidi	3/9/2020	34800
Jamie	Lynn	Staton	3/9/2020	34801
Jacy	Rose	Rainer	3/9/2020	34802
Amber	Lynn	McCallum	3/9/2020	34803
Stephanie	Nicole	Peacock	3/9/2020	34804
Lloyd	Brandon	King	3/18/2020	34805
Tian	Ying	Huang	3/18/2020	34806
Brian	Audelio	Serrano	3/18/2020	34807
Dawne	Michelle	Costantino	3/18/2020	34808
James	David	Evans	3/18/2020	34809
Monica	Stacy	Vetter	3/20/2020	34810
Brianna	Louise	Edginton	3/20/2020	34811
Anthony See Chuan		Lai	3/20/2020	34812
Jason	Patrick	Nummi	3/20/2020	34813
Levi		Cadman	3/20/2020	34814
Nicholas	Kent	Hoy	3/20/2020	34815
Brandon	David	Schroeder	4/2/2020	34816
Connor	Alexander	Farrelly	4/2/2020	34817
Dominik	Edward	Woods	5/21/2020	34818
Calvin		Ng	5/21/2020	34819
William	G	Albert	5/21/2020	34820

Andrew	Gilbert	Mahlmeister	5/21/2020	34821
Josef	Andrew	Swetz	5/29/2020	34822
Matthew	Richard	Devoe	5/29/2020	34823
Benjamin	Patrick	Maynard	5/29/2020	34824
Alexander	Michael	Tuft	5/29/2020	34825
Rena	Avital	Ahdut	5/29/2020	34826
Haydon	Trevor	Stanley	6/5/2020	34827
Jose	Arnulfo	Tienda	6/5/2020	34828
George	Ochoa	Ceja	6/5/2020	34829
Blair	Madland	Milo	6/5/2020	34830
Kiana	Nicole	Choroski	6/12/2020	34831
Ernest		Luong	6/12/2020	34832
Jordan	Renee	Odle	6/12/2020	34833
David	Todd	Hakanson	6/12/2020	34834
Immanuel	Soo	Choi	6/12/2020	34835
Deepak		Rattu	6/12/2020	34836
Josephlucas	Coan	Thompson	6/12/2020	34837
Justin	Ken-Jing	Lew	6/12/2020	34838
Victoria	Michele	Phillips	6/12/2020	34839
Sergio	Alejandro	Candelas Martinez	6/12/2020	34840
Christine	M	Chao	6/12/2020	34841
Mariecar	Joyce	Estanislao	6/12/2020	34842
Ian	Thomas	Chase	6/12/2020	34843
Karlie	Michelle	Terry	6/12/2020	34844
Joseph	Edward	Valdez II	6/12/2020	34845
Teresa	Marie	Gaytan	6/12/2020	34846
Anthony	Gabriel	Silva	6/12/2020	34847
Shao-Chien		Tai	6/19/2020	34848
J Casey		Pride	6/19/2020	34849
Christopher	Michael	Zeiter	6/19/2020	34850
Isaac		Del Toro	6/19/2020	34851
Nisha	Ann	Sachar	6/19/2020	34852
Lance		Usherenko	6/19/2020	34853
Nogol		Daneshvar	6/19/2020	34854
Cristina		Sanniola	6/19/2020	34855
Elaine	C	Thornton	6/26/2020	34856
Mary	Kathryn	Brazil	6/26/2020	34857
Zakari	Larbi	Bissani	6/26/2020	34858
Joel	K	Mackes	6/26/2020	34859
Anthony	Sean	Odney-Pacheco	6/26/2020	34860

(ATTACHMENT B)

Pending Ratification to Approve New Continuing Education Providers

<p>Provider Name: Dustin Strong, CHN-BC, ACN</p> <p>CE Oversight Contact Person: Teddi Parr</p> <p>Provider Status: Individual</p>	<p>Provider Name: Kabrita USA</p> <p>CE Oversight Contact Person: Ashley Weber</p> <p>Provider Status: Corporation</p>
<p>Provider Name: Michael A. Coppola, Jr., DC, AC</p> <p>CE Oversight Contact Person: Michael A. Coppola, Jr., DC, AC</p> <p>Provider Status: Individual</p>	<p>Provider Name: National Educational Seminars</p> <p>CE Oversight Contact Person: David Collum, DC</p> <p>Provider Status: Corporation</p>

DRAFT



State of California
Gavin Newsom, Governor

Agenda Item 4
October 29, 2020

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 July 1, 2020 and September 30, 2020, 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 July 1, 2020 and September 30, 2020.

Name (First, Middle, Last)		Date Issued	DC#	
Lisa		Ly	7/2/2020	34861
Stephanie	Ann	Morales	7/2/2020	34862
Benji	Preciado	Rocha	7/2/2020	34863
William	Eric	De Board	7/2/2020	34864
Kelly	John	Chapman	7/3/2020	34865
Manuel	Alejandro	Soto-Garcia	7/3/2020	34866
Sarah	Luisa	Schweter	7/3/2020	34867
Alexa	Taylor	Milus	7/3/2020	34868
Ace		Fletcher	7/3/2020	34869
Brook	Marylea	Foster	7/3/2020	34870
Samantha	Ellen	Morones	7/3/2020	34871
Alexander	Robert	Morrow	7/3/2020	34872
Erica	Michelle	Bass	7/8/2020	34873
Joel	Adams	Stryker	7/8/2020	34874
Jessica	Ingram	Stief	7/8/2020	34875
Ian	Thomas	Barwick	7/8/2020	34876
Wincelas	Scott	Weems	7/8/2020	34877
McKay		Holland	7/15/2020	34878
Jack	Paul	Mitchell	7/15/2020	34879
Abigail	Estrin	Petkov	7/15/2020	34880
Thomas	Zachary	Thomas	7/15/2020	34881
Kyle	Robert	Young	7/15/2020	34882
Fleming	Lee	Saballa	7/16/2020	34883
Richard	Ledosquet	Ford	7/16/2020	34884
Matthew	Anthony	O'Brien	7/16/2020	34885
Evan	Allender	Peake	7/16/2020	34886
Michael		To	7/16/2020	34887
Diego	Andres	Bignone	7/16/2020	34888
Dahren	Aman	Doss	7/16/2020	34889
Jamor		Townsend	7/22/2020	34890
Alexa	Rae	Garcia	7/22/2020	34891
Jennifer		Habchi	7/22/2020	34892
Travis	Scott	Rodman	7/30/2020	34893
Kamelia	Irena	Habina	7/30/2020	34894
Eddy	Bounpon	Mydouangchanh	7/30/2020	34895
Paris	Marie	De Grasse	8/5/2020	34896
Daniel	Webster	Veiga	8/5/2020	34897
Katarina	Skier	Payne	8/5/2020	34898

BCE Ratification of Approved License Applications

January 7, 2020

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Toshina	Christine	Crockett-Espinoza	8/5/2020	34899
Camille	Brianne	Masica	8/6/2020	34900
Henry	Antonio	Rivera Olivas	8/6/2020	34901
Andrew	Jonathan	Adam	8/6/2020	34902
Tsu	Yao	Lam	8/6/2020	34903
George		Janji	8/11/2020	34904
Alex	Michael	Dumas	8/11/2020	34905
Nathan	Daniel	Clark	8/11/2020	34906
Vennes	Gem	Su	8/11/2020	34907
Abbie	Janet	Spencer	8/12/2020	34908
Keith	Eugene	Pyne	8/12/2020	34909
Matthew	Emmanuel	Viramontes	8/12/2020	34910
Matthew	E	Kelly	8/26/2020	34911
Mary	Jeanette	Ames Brown	8/26/2020	34912
Nicholas	Ryan	Randolph	8/26/2020	34913
Allen	Frank Sonier	Stevens	8/26/2020	34914
Brittany	Reann	Rojo	9/3/2020	34915
William	Joseph	Seidl	9/3/2020	34916
Monique	Marie	Pangilinan	9/3/2020	34917
Vivian	Zhiwin	Kan	9/3/2020	34918
Erin	Rebecca	McClive	9/3/2020	34919
Taylor	Jerae	Garcia	9/3/2020	34920
Linnet		Sarkisyan	9/17/2020	34921
Brian		Lee	9/17/2020	34922
Dean	Holden	Rushing	9/17/2020	34923
Raymond	J	Martinez	9/17/2020	34924
Caitlin	Susana	Montcrieffe	9/17/2020	34925
Antonia	Juliette	Forsyth	9/23/2020	34926
Natalie	Alexandra	Noack	9/23/2020	34927
Andre	Nicoles Salcedo	Bugawan	9/23/2020	34928
Marco Antonio	G	Gudino	9/23/2020	34929
Niccolo		Caspani	9/23/2020	34930
Anthony Gil	Lawrence	Galapon-Olivas	9/23/2020	34931
Jordan	Clifton	Hines	9/23/2020	34932
Alexander	S	Choi	9/23/2020	34933



State of California
Gavin Newsom, Governor

Agenda Item 5
October 29, 2020

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 July 1, 2020 and September 30, 2020, 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

**Agenda Item 6
October 29, 2020**

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:

<p>Provider Name: Jonathan David Diaz, DC</p> <p>CE Oversight Contact Person: Jonathan David Diaz, DC</p> <p>Provider Status: Individual</p>	<p>Provider Name: Lewis N. Meltz, DC, DABCO</p> <p>CE Oversight Contact Person: Lewis N. Meltz, DC, DABCO</p> <p>Provider Status: Individual</p>
<p>Provider Name: Nicholas Loloee, DC</p> <p>CE Oversight Contact Person: Nicholas Loloee, DC</p> <p>Provider Status: Corporation</p>	<p>Provider Name: WebExercises</p> <p>CE Oversight Contact Person: Anja Dean</p> <p>Provider Status: Corporation</p>

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 can be requested via a Public Records Request, please email chiro.info@dca.ca.gov for a copy of the CE provider applications.



**Agenda Item 7
October 29, 2020**

Election of Board Officers for 2021. The Board Will Initiate Nomination Procedures for Board Officer Positions: Chair, Vice Chair, and Secretary.

Purpose of the item

The Board will nominate individuals for consideration to serve in the Board Officer positions of Chair, Vice Chair, and Secretary.

Action(s) requested

The Board will be asked for personal nominations or to nominate another Board Member to serve as a Board Officer in the positions of Chair, Vice Chair, and Secretary.

Background

At the August 8, 2018 Board meeting, Board Members voted to initiate the nomination process to elect Board Officers at the last public meeting of the year. The Board also voted on the Board Officer election process.

Recommendation(s)

N/A

Next Step

The election for Board Officers will be held at the first public Board Meeting of 2021.

Attachment(s)

- Procedure for Nominating and Electing Board Officers Document
- Roll Call Sheet



State of California
Gavin Newsom, Governor

Board of Chiropractic Examiners

Procedure for Electing Board Officers as voted on by the full Board

Election:

- Legal counsel will preside over the Election of Board Officers
- For those not currently nominated, Board Members will be asked if they would like to be considered for a Board Officer position.
- Prior to electing a Board Officer, nominees will have the opportunity to provide their statements of interest for the Board Officer positions.
- Voting will take place one position at a time, allowing individuals nominated for multiple positions to have their intentions known.
- Elections will occur by officer position; starting with the Chair, Vice Chair and Secretary.
- Voting will be held in roll call order with the Chair voting last.

Public Board Meeting
Roll call for the Election of Officers.
Names are listed in alphabetical order with the
Chair being last.
October 29, 2020

- Sergio Azzolino, D.C.
- Heather Dehn, D.C.
- Dionne McClain, D.C., Vice Chair
- Frank Ruffino, Secretary
- David Paris, D.C., Chair



State of California
Gavin Newsom, Governor

Agenda Item 8
October 29, 2020

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 Executive Officer will discuss staffing, including current vacancies, new hires, and pending recruitment efforts. He will also provide an overview of operational changes implemented in response to current state of emergency.

B. Budget

- Robert DelosReyes of the Department of Consumer Affairs Fiscal Office will provide an overview of the Board's current fiscal-year fund condition and projections for the next fiscal year.

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

- Sean O'Connor, Chief Project Delivery and Administration Services for the Department of Consumer Affairs, will provide an update on the Board's various information technology projects.

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

- Organizational Chart/Staff Functions
- Updated Fund Condition
- Licensing Statistics
- Enforcement Statistics



FY 2020-21
Authorized Positions: 19

BOARD MEMBERS (7)

Exempt
Robert Puleo
Executive Officer
620-110-8862-001

SSMII
Marcus McCarther
Assistant Executive Officer
620-110-4801-001

Licensing/Admin
Vacant
Management Services Technician
620-110-5278-001

SSMI
Kristin Walker
Enforcement Manager
620-110-4800-006

SSMI
Dixie Van Allen
Admin/ Licensing/ CE Manager
620-110-4800-008

Enforcement

Field Operations

Licensing/Administrative

Enforcement

Tammi Pitto
Assoc. Gov. Program Analyst
620-110-5393-002

Christina Bell
Assoc. Gov. Program Analyst
620-110-5393-005

Valerie James
Staff Services Analyst
620-110-5157-009

Marlene Valencia
Assoc. Gov. Program Analyst
620-110-5393-800

Vacant
Staff Services Analyst
620-110-5157-004

Vacant
Seasonal Clerk
620-110-1120-XXX

Field Operations North

Maria Martinez
Special Investigator
620-110-8612-001

Denise Robertson
Special Investigator
620-110-8612-002

Field Operations South

Yanti Soliman
Special Investigator
620-110-8612-003

Policy/Admin

Andrea McMillen
Assoc. Gov. Program Analyst
620-110-5393-003

Admin/Licensing

Brianna Lauziere
Staff Services Analyst
620-110-5157-008

Estralita Jennings
Office Technician (T)
620-110-1139-010

Alyssa Vasquez
Office Technician (T)
620-110-1139-009

Licensing/Continuing Education

Natalie Boyer
Assoc. Gov. Program Analyst
620-110-5393-801

Amanda Campbell
Staff Services Analyst
620-110-5157-005

Emily Ponce
Seasonal Clerk
620-110-1120-907

Executive Officer _____

Personnel Office _____

Analysis of Fund Condition

0152 - Board of Chiropractic Examiners
(Dollars in Thousands)

	Actual 2019-20	CY 2020-21	BY 2021-22	BY+1 2022-23	BY+2 2023-24	BY+3 2024-25	BY+4 2025-26
BEGINNING BALANCE	\$2,151	\$2,364	\$1,054	-\$20	-\$1,097	-\$2,174	-\$3,251
Prior Year Adjustment	-\$65	\$0	\$0	\$0	\$0	\$0	\$0
Adjusted Beginning Balance	\$2,086	\$2,364	\$1,054	-\$20	-\$1,097	-\$2,174	-\$3,251
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS							
Revenues							
4121200 - Delinquent fees	\$39	\$47	\$35	\$35	\$35	\$35	\$35
4127400 - Renewal fees	\$4,086	\$3,893	\$3,859	\$3,859	\$3,859	\$3,859	\$3,859
4129200 - Other regulatory fees	\$132	\$67	\$69	\$69	\$69	\$69	\$69
4129400 - Other regulatory licenses and permits	\$361	\$378	\$385	\$385	\$385	\$385	\$385
4163000 - Income from surplus money investments	\$38	\$7	\$3	\$0	\$0	\$0	\$0
4171400 - Escheat of unclaimed checks and warrants	\$1	\$0	\$0	\$0	\$0	\$0	\$0
4172500 - Miscellaneous revenues	\$2	\$1	\$1	\$1	\$1	\$1	\$1
Totals, Revenues	\$4,659	\$4,393	\$4,352	\$4,349	\$4,349	\$4,349	\$4,349
BAR Special Fund Loan Repayment	\$0	-\$250	-\$250	-\$250	-\$250	-\$250	-\$198
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$4,659	\$4,143	\$4,102	\$4,099	\$4,099	\$4,099	\$4,151
TOTAL RESOURCES	\$6,745	\$6,507	\$5,156	\$4,079	\$3,002	\$1,925	\$900

Analysis of Fund Condition

	Actual 2019-20	CY 2020-21	BY 2021-22	BY+1 2022-23	BY+2 2023-24	BY+3 2024-25	BY+4 2025-26
EXPENDITURES AND EXPENDITURE ADJUSTMENTS							
Expenditures:							
1111 Program Expenditures (State Operations)	\$4,038	\$5,072	\$4,795	\$4,795	\$4,795	\$4,795	\$4,795
8880 Financial Information System for California (State Operations)	-\$1	\$0	\$0	\$0	\$0	\$0	\$0
9892 Supplemental Pension Payments (State Operations)	\$85	\$85	\$85	\$85	\$85	\$85	\$85
9900 Statewide Pro Rata	\$259	\$296	\$296	\$296	\$296	\$296	\$296
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$4,381	\$5,453	\$5,176	\$5,176	\$5,176	\$5,176	\$5,176
FUND BALANCE							
Reserve for economic uncertainties	\$2,364	\$1,054	-\$20	-\$1,097	-\$2,174	-\$3,251	-\$4,276
Months in Reserve	5.2	2.4	0.0	-2.5	-5.0	-7.5	-9.8

NOTES:

- Budget Act 2020
- + 2019-20 Final Expenditure and Revenue Figures
- + Estimated Expenditures for 2020-21 through 2025-26
- + Outstanding BAR Loan of \$1.448 million w/ BAR Loan Repayments (\$250,000 starting in 2020-21)
- + Assumes workload and revenue projections are realized in BY +1 and ongoing

**BOARD OF CHIROPRACTIC EXAMINERS
LICENSING TRENDS
FY 2020-21**

Total Population of Clear Chiropractic Licenses

Month	Total Licenses
July	12,775
August	12,742
September	12,715

New Satellite Office Certificates Issued

Month	Received	Issued
July	110	35
August	103	37
September	108	161

Number of Restored Cancelled Licenses

Month	Received	Issued
July	1	2
August	1	0
September	1	1

Corporation Registrations Issued

Month	Received	Issued
July	4	6
August	9	5
September	11	8

Licensing Population as of September 30, 2020

License Type	Clear Licenses
Chiropractors	12,715
Satellite Offices	4,065
Corporation Registrations	1,331

New Chiropractic Licenses Issued

Month	Received	Issued
July	12	34
August	37	19
September	37	14

Applications Received and Processed – July 1, 2020 through Sept. 30, 2020

Application Type	Received	Issued	Denied	Pending
Initial Chiropractic	86	67	0	118
Reciprocal	1	0	0	1
Restorations (Cancelled & Forfeiture)	30	23	0	20
Corporation	24	19	0	11

**BOARD OF CHIROPRACTIC EXAMINERS
ENFORCEMENT STATISTICS**

COMPLAINTS

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Complaints Received	490	479	641	783	134
Pending Complaints	183	235	613	591	646
Closed: No Violation	75	75	38	115	3
Closed: Insufficient Evidence	79	72	63	76	19
Closed with Merit	184	214	56	65	3
Closed: Letter of Admonishment	4	17	62	279	0

CITATIONS

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Citations Issued	26	25	27	110	6
Total Fines Assessed	\$36,900	\$24,650	\$25,200	\$71,850	\$7,500
Total Fines Collected	\$24,750	\$29,646	\$29,104	\$64,820	\$6,410

ACCUSATIONS

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Accusations Filed	35	34	21	15	4
Pending Cases	65	55	38	51	58

DISCIPLINARY CASES CLOSED

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
License Revoked	10	9	13	5	3
Revocation Stayed: Probation	11	15	14	2	1
Rev. Stayed: Susp. / Probation	5	1	0	1	0
Voluntary Surrender of License	14	9	15	5	0
Dismissed/Withdrawn	6	0	2	0	0

STATEMENTS OF ISSUES

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
SOI Filed	1	2	1	0	1
Withdrawn	0	0	1	0	0
Denied	0	0	0	0	0
Granted	0	0	0	0	0
Probationary License Issued	0	0	1	0	0

PETITIONS FOR RECONSIDERATION

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Filed	0	0	1	3	1
Granted	0	0	0	0	1
Denied	0	0	1	3	0

PETITIONS FOR REINSTATEMENT OF LICENSE

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Filed	6	6	3	8	0
Granted	0	0	0	2	0
Denied	3	3	8	5	0

PETITIONS FOR EARLY TERMINATION OF PROBATION

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Filed	3	2	1	1	0
Granted	0	0	0	0	0
Denied	2	5	1	2	0

PETITIONS FOR MODIFICATION OF PROBATION

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Filed	0	1	0	2	0
Granted	0	1	0	2	0
Denied	0	0	0	0	0

PETITIONS BY BOARD TO REVOKE PROBATION

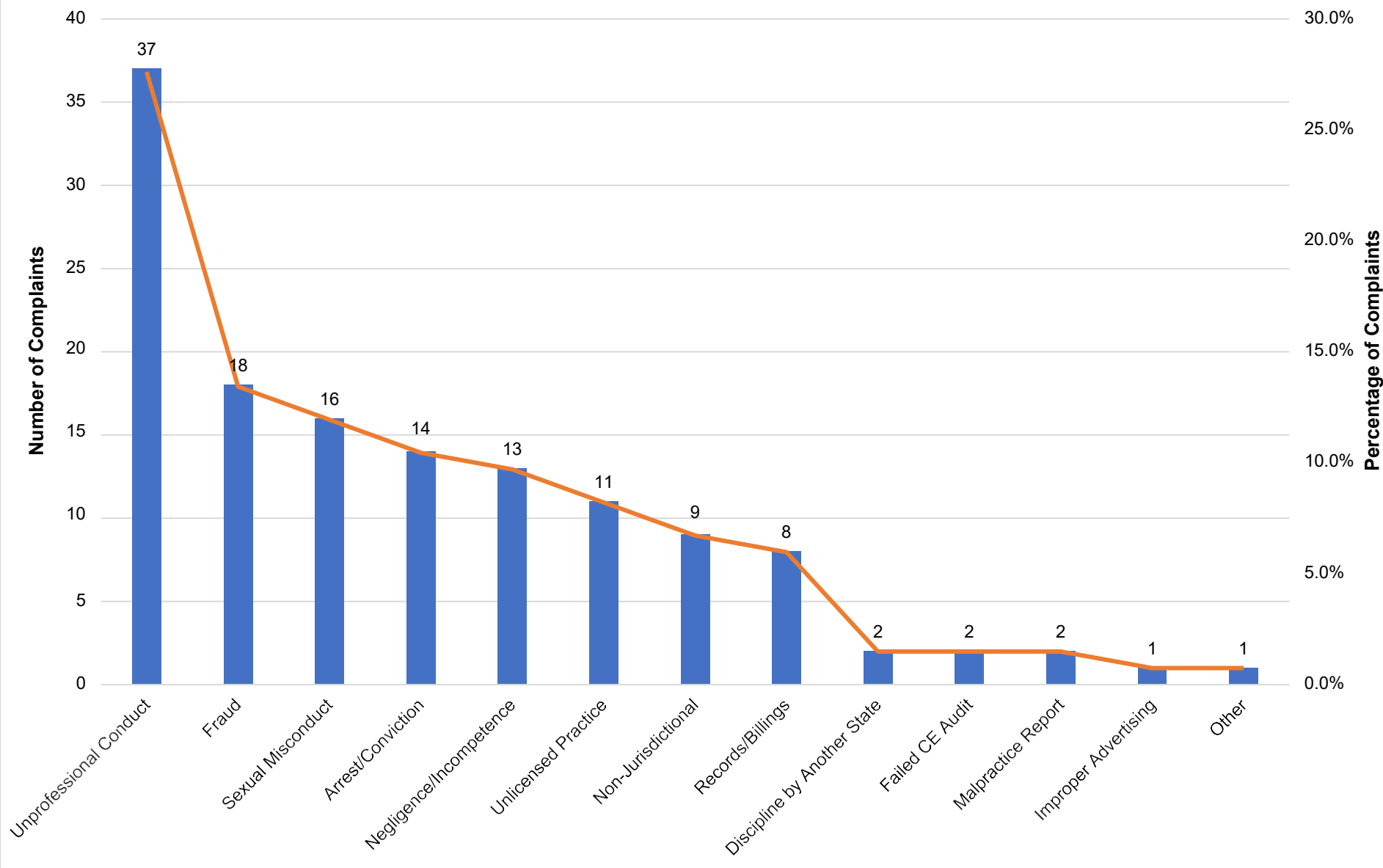
Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Filed	5	6	7	2	1
License Revoked	10	9	4	2	1

PROBATION CASES

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Active Probationers	92	90	80	67	67

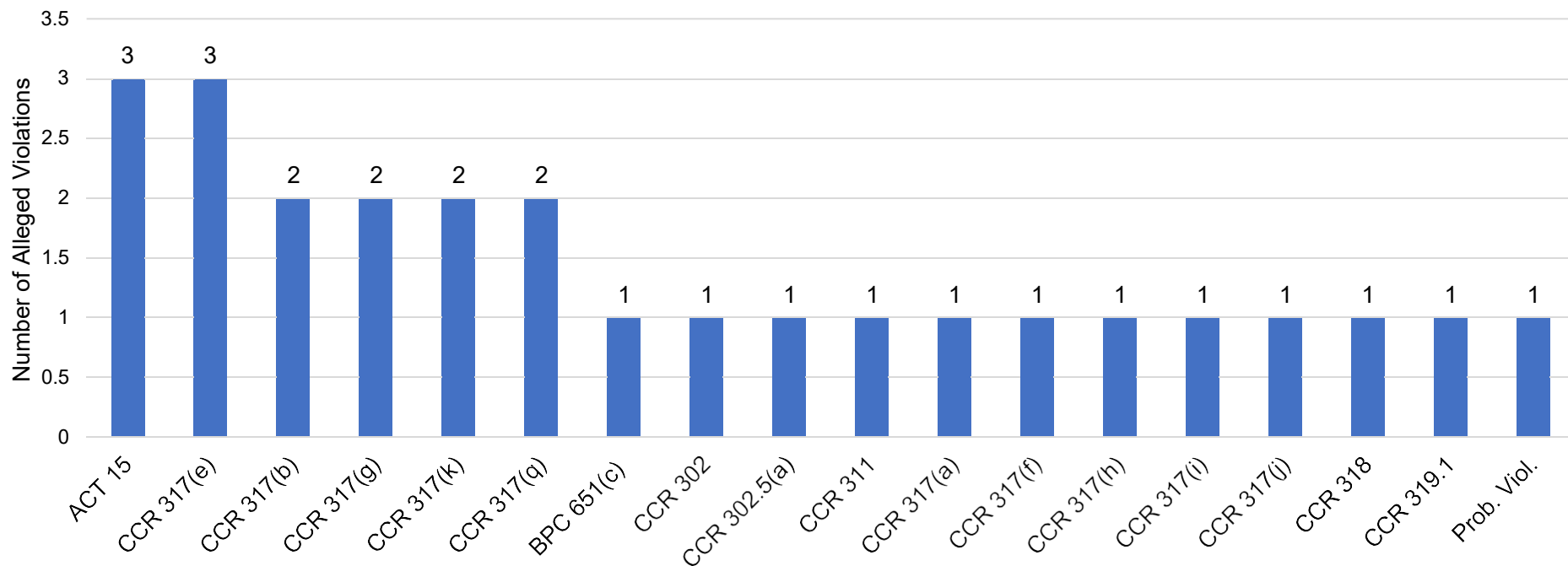
Complaints Received July 1, 2020 - October 12, 2020

(Total Number Received: 134)



Accusations Filed July 1, 2020 - October 12, 2020

Number of Accusations Filed: 4
Total Alleged Violations: 26



Violation Codes/Descriptions

ACT 15 – Noncompliance with and Violations of Act
 BPC 651 – Price Advertising and Discounts
 CCR 302 – Scope of Practice
 CCR 302.5(a) – Use of Unapproved Lasers
 CCR 311 – Advertisements
 CCR 317(a) – Gross Negligence
 CCR 317(b) – Repeated Negligent Acts
 CCR 317(e) – Endangering the Health, Welfare, or Safety of Public
 CCR 317(f) – Dangerous Use of Drugs or Alcoholic Beverages
 CCR 317(g) – Conviction of Substantially Related Crime
 CCR 317(h) – Conviction Involving Moral Turpitude, Dishonesty, Etc.

CCR 317(i) – Conviction of More Than One Misdemeanor or a Felony Involving Drugs or Alcoholic Beverages
 CCR 317(j) – Violation of Any Provisions of Law Regulating Dispensing or Administration of Narcotics, Dangerous Drugs, or Controlled Substances
 CCR 317(k) – Act of Moral Turpitude, Dishonesty, or Corruption
 CCR 317(q) – Participation in Fraud or Misrepresentation
 CCR 318 – Chiropractic Patient Records/Accountable Billing
 CCR 319.1 – Informed Consent
 Prob. Viol. – Failure to Comply with Board’s Probation Program

JULY 2020 ENFORCEMENT ACTIONS

ACCUSATIONS FILED

Name and City	License No.	Date Filed	Alleged Violation(s)
Mojabe, Mohammed R. Rancho Cucamonga, CA	DC 21064	7/6/2020	<ul style="list-style-type: none"> • CCR 317(a) – Unprofessional Conduct: Gross Negligence • CCR 317(b) – Unprofessional Conduct: Repeated Acts of Negligence • CCR 317(e) – Unprofessional Conduct: Conduct Endangering the Public • CCR 318(a)(7) and 319.1 – Unprofessional Conduct: Lack of Informed Consent • CCR 311 – False or Misleading Advertising • CCR 302 – Exceeding the Scope of Practice by Offering Acupuncture Services • Act 15 – Failure to Identify Nature of Practice
Yoo, Phillip Brian Garden Grove, CA (Accusation and Petition to Revoke Probation Filed)	DC 31461	7/6/2020	<ul style="list-style-type: none"> • CCR 302.5(a)(1) – Unprofessional Conduct: Use of Unapproved Lasers • CCR 317(k) – Unprofessional Conduct: Moral Turpitude • CCR 317(q) – Unprofessional Conduct: Participation in Misrepresentation Related to Advertising • CCR 317(m) – Unprofessional Conduct: Violation of the Chiropractic Act by Advertising as a Doctor Without Using the Designation of Chiropractor or D.C. After His Name • CCR 317(q) – Unprofessional Conduct: Participation in Misrepresentation Related to Use of Title • CCR 317(b) – Unprofessional Conduct: Repeated Negligent Acts • CCR 317(q) – Unprofessional Conduct: Participation in Misrepresentation Related to Price Advertising and Discounts • Failure to Comply with the Terms and Conditions of Probation: Obey All Laws

DISCIPLINARY ACTIONS

Name and City	License No.	Action	Effective Date	Violation(s)
Bachmeyer, Trevor Alamo, CA	DC 29377	Revoked	7/8/2020	<ul style="list-style-type: none"> • CCR 317(m) and 366 – Unprofessional Conduct: Failure to Provide Verification of Continuing Education to the Board • CCR 317(m) and 318(a) – Unprofessional Conduct: Failure to Provide Patient Records to the Board • Failure to Comply with the Terms and Conditions of Probation: Obey All Laws; Submit Quarterly Probation Reports; Comply with Probation Monitoring; Submit Monthly Cost Recovery Installments; Submit a Billing Monitor; and Take and Pass an Ethics and Boundaries Examination
Papa, Lauren Michelle Van Nuys, CA	DC 25778	Revoked	7/8/2020	<ul style="list-style-type: none"> • CCR 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime • BPC 810 – Unprofessional Conduct: Insurance Fraud • CCR 317(h) – Unprofessional Conduct: Conviction of a Felony Crime Involving Moral Turpitude, Dishonesty, or Corruption • CCR 317(k) – 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

Name and City	License No.	Action	Effective Date	Violation(s)
Kimes, Mark Steven Salinas, CA	DC 17504	Revocation Stayed, 5 Years' Probation	7/11/2020	<ul style="list-style-type: none"> • BPC 490 and 493 and CCR 317(g) – Unprofessional Conduct: Conviction of a Crime That Is Substantially Related to the Qualifications, Duties, and Functions of a Chiropractor • CCR 317(e) – Unprofessional Conduct: Endangering the Health, Welfare, or Safety of the Public • CCR 317(h) – Unprofessional Conduct: Conviction of a Crime Involving Moral Turpitude • CCR 317(k) – Unprofessional Conduct: Commission of an Act Involving Moral Turpitude
Frank, Kenneth Folsom, CA	DC 28230	Revoked	7/23/2020	<ul style="list-style-type: none"> • CCR 317(g) and (h) – Unprofessional Conduct: Conviction for Violating Penal Code Section 243.4(c) (Sexual Battery) • BPC 726 and CCR 316(b) and (c) – Unprofessional Conduct: Sexual Misconduct with a Patient • CCR 317(e) – Unprofessional Conduct: Conduct Likely to Endanger the Health, Welfare, or Safety of the Public • CCR 317(k) – Unprofessional Conduct: Commission of Act Involving Moral Turpitude

FINAL CITATIONS

Name and City	License No.	Fine Amount	Date Final	Violation(s)
Phipps, Colin Holbert San Francisco, CA	DC 27634	\$500	7/4/2020	<ul style="list-style-type: none"> • CCR 361(b) – 24-Hour CE Requirement • CCR 361(e) – Mandatory CE Categories • CCR 371(c) – Renewal CE Requirement
Connor, Kenneth Costa Mesa, CA	DC 21926 (Expired 3/31/2014; Canceled)	\$4,000	7/11/2020	<ul style="list-style-type: none"> • CCR 310.2 – Use of Title by Unlicensed Persons • CCR 312 – Unlicensed Practice

Name and City	License No.	Fine Amount	Date Final	Violation(s)
Balfour, Fredric Burbank, CA	DC 13442	\$500	7/12/2020	<ul style="list-style-type: none"> • CCR 361(b) – 24-Hour CE Requirement • CCR 361(e) – Mandatory CE Categories • CCR 366 – Failure to Retain CE Certificates of Completion for 4 Years • CCR 371(c) – Renewal CE Requirement

PETITIONS FOR REINSTATEMENT OF LICENSE

No Data to Report

PETITIONS FOR EARLY TERMINATION OR MODIFICATION OF PROBATION

No Data to Report

STATEMENT OF ISSUES

No Data to Report



AUGUST 2020 ENFORCEMENT ACTIONS

ACCUSATIONS FILED

No Data to Report

DISCIPLINARY ACTIONS

No Data to Report

FINAL CITATIONS

No Data to Report

PETITIONS FOR REINSTATEMENT OF LICENSE

No Data to Report

PETITIONS FOR EARLY TERMINATION OR MODIFICATION OF PROBATION

No Data to Report

STATEMENT OF ISSUES

No Data to Report



SEPTEMBER 2020 ENFORCEMENT ACTIONS

ACCUSATIONS FILED

Name and City	License No.	Date Filed	Alleged Violation(s)
Bredice, Frank Sherman Oaks, CA	DC 13949	9/15/2020	<ul style="list-style-type: none"> • CCR 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime • CCR 317(e) – Unprofessional Conduct: Conduct Which Has Endangered or is Likely to Endanger the Health, Welfare, or Safety of the Public • CCR 317(h) – Unprofessional Conduct: Conviction of a Misdemeanor Crime Involving Moral Turpitude, Dishonesty, or Corruption • CCR 317(j) – Unprofessional Conduct: Violating the Provisions of Law Regulating the Dispensing or Administration of Controlled Substances • CCR 317(k) – Unprofessional Conduct: Acts Involving Moral Turpitude, Dishonesty, or Corruption • CCR 317(q) – Unprofessional Conduct: Acts Involving Fraud or Misrepresentation

DISCIPLINARY ACTIONS

No Data to Report

FINAL CITATIONS

No Data to Report

PETITIONS FOR REINSTATEMENT OF LICENSE

No Data to Report

PETITIONS FOR EARLY TERMINATION OR MODIFICATION OF PROBATION

No Data to Report

STATEMENT OF ISSUES

No Data to Report

Long Term California Healing Arts Programs Licensing Trends

Board	2014		2015		2016		2017		2018		2019		Population Trend
	Total	New	Total	New	Total	New	Total	New	Total	New	Total	New	
Acupuncture	17,059	872	17,581	565	16,126	518	11,999	534	12,185	452	12,353	416	Increasing over last 3 years
Chiropractic	13,402	323	13,337	345	13,262	306	13,191	318	13,075	318	12,943	311	Decreasing
Dental	42,550	1,035	42,284	1,088	41,083	962	41,084	1,171	57,337	1,192	58,727	1,224	Increasing over last 3 years
Medical	137,320	5,522	138,741	5,882	141,967	6,317	144,441	6,802	147,494	6,694	149,765	6,694	Increasing
Naturopathic Medicine	525	69	501	81	619	65	674	102	745	94	1,073	78	Increasing
Occupational Therapy	N/A	854	13,858	961	12,791	1,035	13,380	1,177	13,905	1,308	14,106	1,261	Increasing over last 3 years
Osteopathic Medical	8,011	608	8,747	681	9,074	684	9,843	910	10,511	891	11,120	582	Increasing
Physical Therapy	27,128	1,192	27,965	1,226	28,865	1,443	29,366	1,655	30,449	1,805	31,618	1,811	Increasing
Registered Nursing	414,159	20,208	433,551	22,911	418,980	24,135	432,080	30,595	442,383	29,714	451,934	37,052	Increasing over last 4 years
Physician Assistant	9,482	775	10,293	9	10,764	942	11,534	1,064	12,311	1,096	13,113	1,256	Increasing

**Agenda Item 9
October 29, 2020**

**Update, Review, Discussion and Possible Action on Long-Term Healing Arts
Programs Licensing Trends**

Purpose of the item

The Board will review and discuss California healing arts licensing trends.

Action(s) requested

N/A

Background

At the July 16th, 2020 Board Meeting, Board members expressed interest in discussing healing arts licensing trends and directed staff to gather statistical information. Statistical information related to physician assistants was specifically requested to be included. Based on the information, chiropractic licensees have been decreasing while the other healing arts licensees have been steadily increasing.

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

- California Healing Arts Licensing Trend Data

**Agenda Item 10
October 29, 2020**

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

Purpose of the item

The Board will receive an update from the September 18th, 2020 Licensing & Continuing Education (CE) Committee Meeting.

Action(s) requested

No action required.

Background

The Licensing & CE Committee discussed changes to the mandatory CE hours and competency areas. The Committee held a discussion regarding reducing the number of hours required under Competency 7 – Chiropractic Adjustment/Manipulation. Ultimately the Committee decided to maintain the four required hours, unless further supporting material was presented to the Committee to substantiate the reduction in hours. The Committee also discussed content changes in Competency 5 – Professional Ethics and Jurisprudence. The Committee is striving to reduce disciplinary actions by utilizing CE courses to educate licensees about the top enforcement violations seen by the Board.

The Committee began the discussions surrounding defining classroom courses versus distance learning courses. While the Committee made progress in this area, there are still in-depth discussions that need to occur to properly define these distance learning modalities for the CE regulations.

Finally, the Committee reviewed and discussed the proposed language and policy changes to California Code of Regulations (CCR) Sections 364-366. The Committee Members agreed that adding a stipulation authorizing the Board to make necessary changes to CE requirements during national and local states of emergencies was prudent, considering the present challenges created by the Covid-19 outbreak.

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

- Licensing & Continuing Education Committee Meeting Agenda – September 18, 2020



**NOTICE OF TELECONFERENCE LICENSING &
CONTINUING EDUCATION COMMITTEE MEETING**

September 18, 2020
12 p.m. to 2 p.m.
or until completion of business

Notice of Teleconference Meeting Held Under Executive Order N-29-20 (3/17/20)

FOR PUBLIC COMMENT, PLEASE LOG ON TO THIS WEBSITE

<https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=ef247a60760d56cfc4fa0d18cda617506>

The preferred audio connection is via mobile phone. The phone number and access code will be provided as part of your connection to the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier, such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment. Public comments will be limited to 2 minutes per person unless, in the discretion of the Board, circumstances require a shorter period. Members of the public will not be permitted to "yield" their allotted time to other members of the public to make comments.

Important Notices to the Public: The Board of Chiropractic Examiners will hold this meeting via WebEx – access information is provided above. General instructions for using WebEx are attached to the agenda. 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.

AGENDA

- 1. Call to Order & Establishment of a Quorum**
- 2. Approval of October 19th, 2019, Meeting Minutes**
- 3. Discussion on Potential Changes to Mandatory Continuing Education Competency: 5 – Professional Ethics and Jurisprudence**
- 4. Discussion on Definitions to Classroom Courses and Distance Learning Courses**

5. Review, Discussion and Possible Action on Proposed Language to Continuing Education Regulations: Sections 364 – 366

6. Public Comment for 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.

7. 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.]

8. Adjournment

In accordance with Executive Order N-29-20, no physical location is available for observation and public comment, so please plan to attend the meeting telephonically. 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.

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.

HOW TO – Join – DCA WebEx Event

The following contains instructions to join a WebEx event hosted by the Department of Consumer Affairs (DCA).

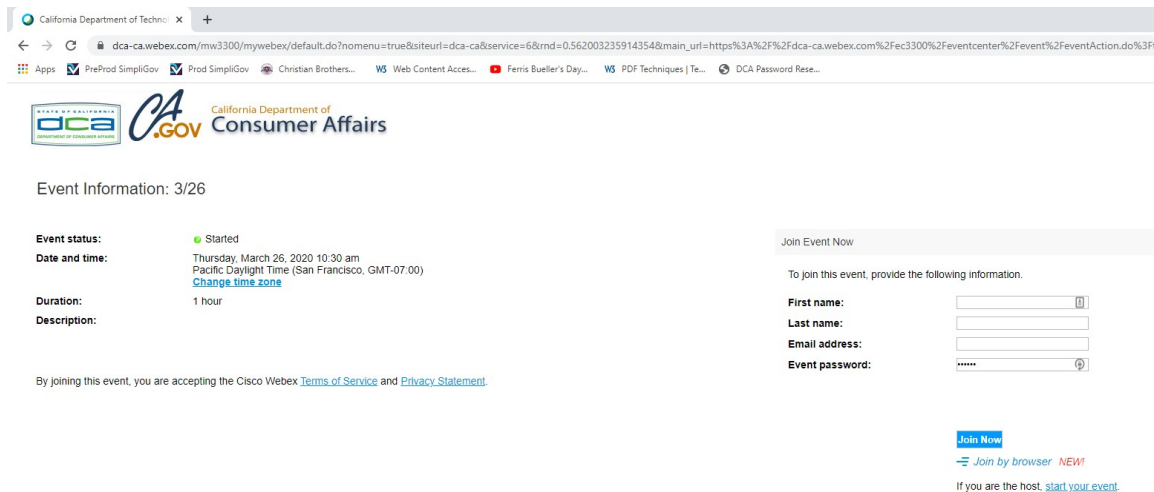
NOTE: The preferred audio connection to our event is via telephone conference and not the microphone and speakers on your computer. Further guidance relevant to the audio connection will be outlined below.

1. Navigate to the WebEx event link provided by the DCA entity (an example link is provided below for reference) via an internet browser.

Meeting link: <https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=ef247a60760d56cfc4fa0d18cda617506>

Event number: 146 801 8977

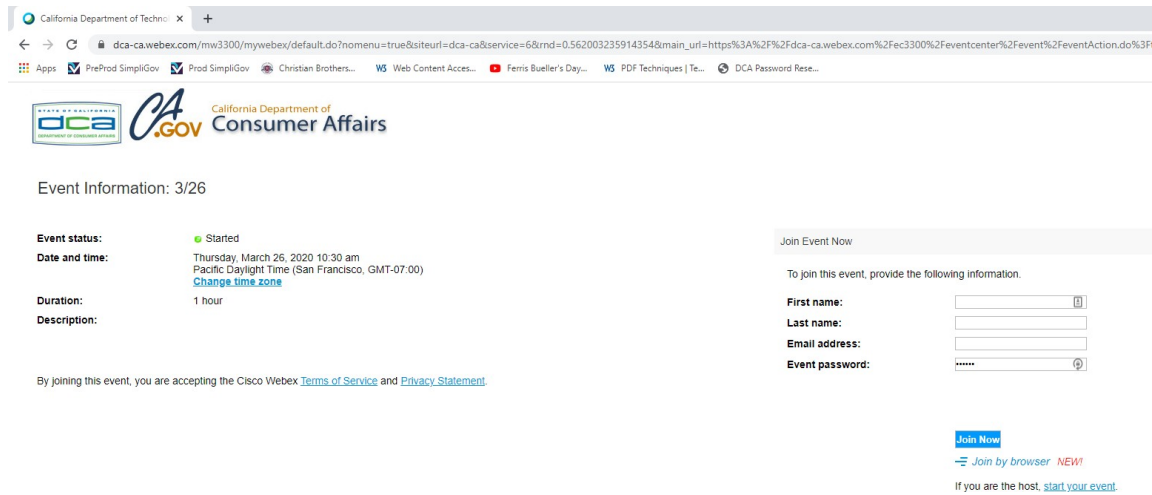
Event password: BCE091820



2. The details of the event are presented on the left of the screen and the required information for you to complete is on the right.

NOTE: If there is a potential that you will participate in this event during a Public Comment period, you must identify yourself in a manner that the event Host can then identify your line and unmute it so the event participants can hear your public comment. The 'First name', 'Last name' and 'Email address' fields do not need to reflect your identity. The department will use the name or moniker you provide here to identify your communication line should you participate during public comment.

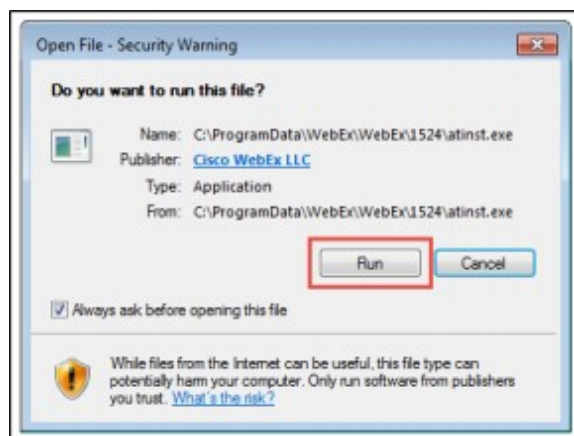
HOW TO – Join – DCA WebEx Event



3. Click the 'Join Now' button.

NOTE: The event password will be entered automatically. If you alter the password by accident, close the browser and click the event link provided again.

4. If you do not have the WebEx applet installed for your browser, a new window may open, so make sure your pop-up blocker is disabled. You may see a window asking you to open or run new software. Click 'Run'.



Depending on your computer's settings, you may be blocked from running the necessary software. If this is the case, click 'Cancel' and return to the browser tab that looks like the window below. You can bypass the above process.

HOW TO – Join – DCA WebEx Event

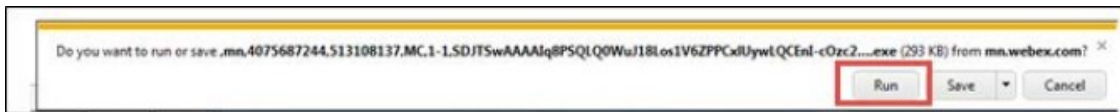
Starting Webex...



Still having trouble? [Run a temporary application](#) to join this meeting immediately.

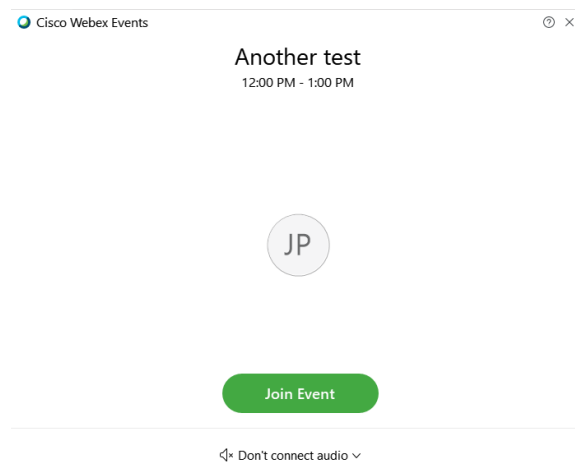
5. To bypass step 4, click 'Run a temporary application'.

6. A dialog box will appear at the bottom of the page, click 'Run'.



The temporary software will run, and the meeting window will open.

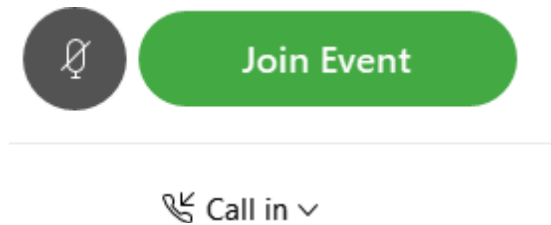
7. Click the audio menu below the green 'Join Event' button.



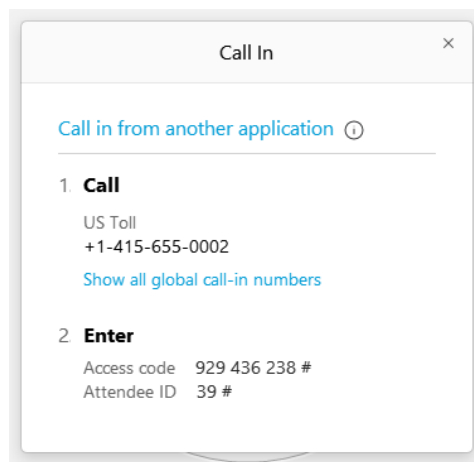
8. When the audio menu appears click 'Call in'.

HOW TO – Join – DCA WebEx Event

9. Click 'Join Event'. The audio conference call in information will be available after you join the Event.



10. Call into the audio conference with the details provided.

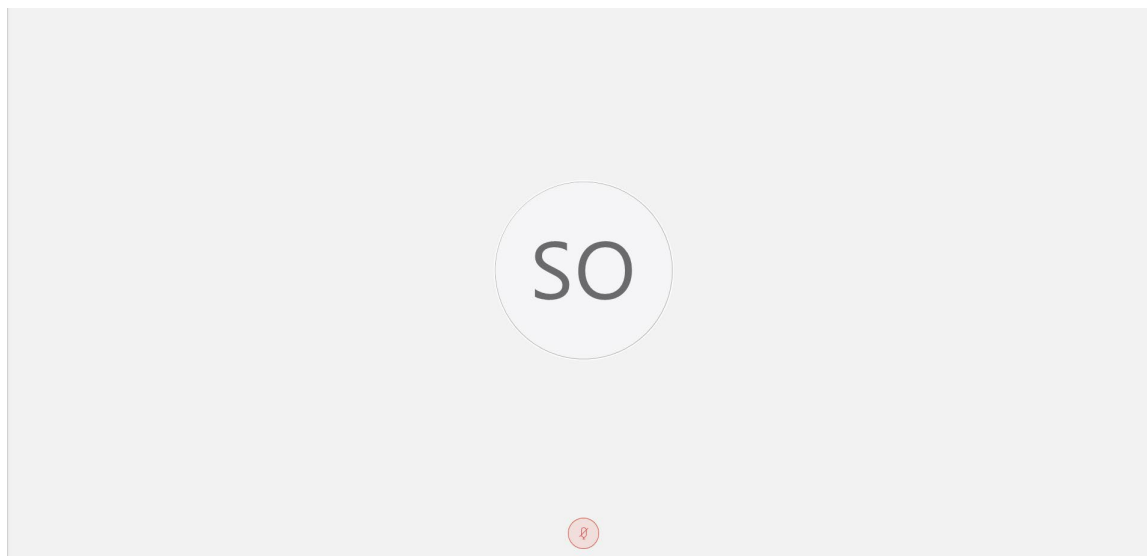


NOTE: The audio conference is the preferred method. Using your computer's microphone and speakers is not recommended.

HOW TO – Join – DCA WebEx Event

Once you successfully call into the audio conference with the information provided, your screen will look like the screen below and you have joined the event.

Congratulations!

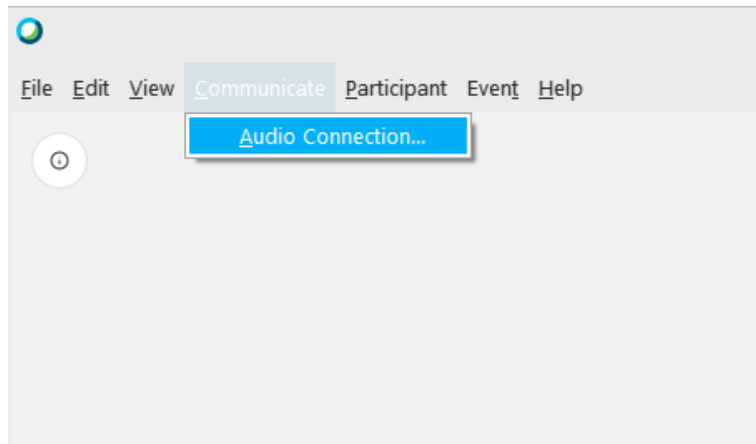


NOTE: Your audio line is muted and can only be unmuted by the event host.

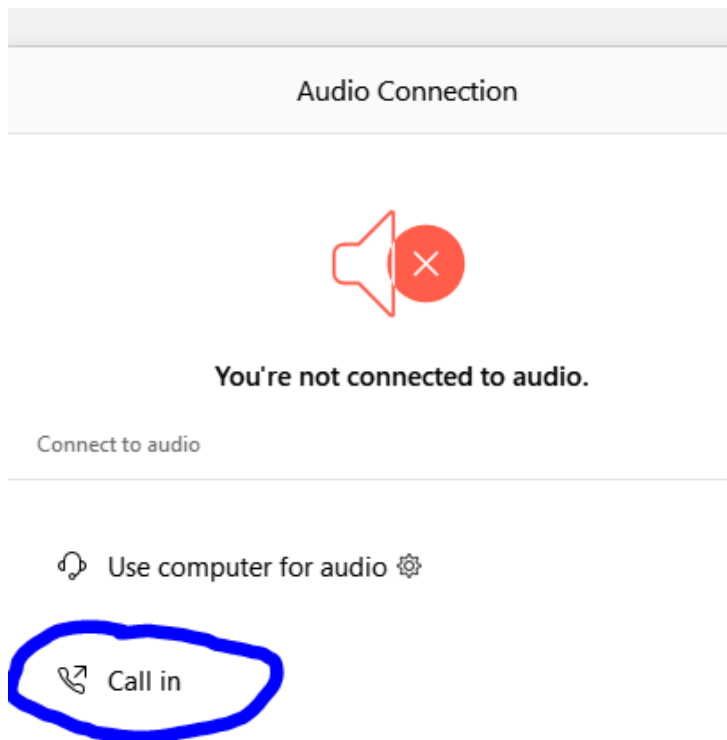
If you join the meeting using your computer's microphone and audio, or you didn't connect audio at all, you can still set that up while you are in the meeting.

Select 'Communicate' and 'Audio Connection' from top left of your screen.

HOW TO – Join – DCA WebEx Event



The 'Call In' information can be displayed by selecting 'Call in' then 'View'



You will then be presented the dial in information for you to call in from any phone.

HOW TO – Join – DCA WebEx Event Participating During a Public Comment Period

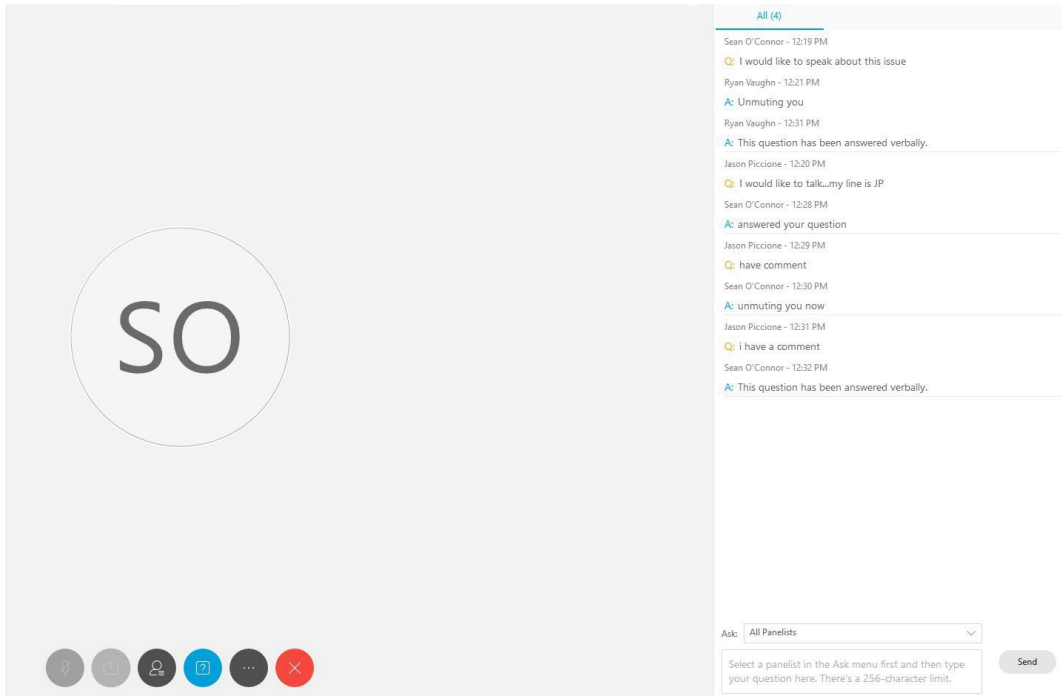
At certain times during the event, the facilitator may call for public comment. If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.



This will bring up the 'Q and A' chat box.

NOTE: The 'Q and A' button will only be available when the event host opens it during a public comment period.

HOW TO – Join – DCA WebEx Event



To request time to speak during a public comment period, make sure the 'Ask' menu is set to 'All panelists' and type 'I would like to make a public comment'.

Attendee lines will be unmuted in the order the requests were received, and you will be allowed to present public comment.

NOTE: Your line will be muted at the end of the allotted public comment duration. You will be notified when you have 10 seconds remaining.



State of California
Gavin Newsom, Governor

Agenda Item 11
October 29, 2020

Update, Review, Discussion and Possible Action on Enforcement Committee Meeting Agenda

Purpose of the item

The Board will receive an update on the October 16, 2020 Enforcement Committee meeting.

Action(s) requested

The Board will be asked to consider the Committee's recommendation to approve the proposed language to amend California Code of Regulations (CCR), title 16, sections 390.4 (Contested Citations) and 390.5 (Compliance with Citation/Order of Abatement) and commence the rulemaking process.

Background

The Enforcement Committee met on October 16, 2020, and discussed the following items:

Amend CCR, Title 16, Sections 390.4 and 390.5

Business and Professions Code (BPC) section 125.9 authorizes the Board to establish by regulation a system for the issuance of a citation which may contain an order of abatement or an order to pay an administrative fine assessed by the Board for violations of the laws and regulations within the Board's jurisdiction.

The Board's citation system has been established through CCR, title 16, sections 390-390.6. However, the system does not contain the following required provisions:

- If a hearing is not requested, payment of any fine shall not constitute an admission of the violation charged. (BPC section 125.9(b)(4))
- Failure of a licensee to pay a fine within 30 days of the date of assessment, unless the citation is being appealed, may result in disciplinary action being taken by the board. Where a citation is not contested and a fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the license. A license shall not be renewed without payment of the renewal fee and fine. (BPC section 125.9(b)(5))

Staff proposed amendments CCR, title 16, sections 390.4 and 390.5 in order to add these required provisions to the Board's citation system. Additionally, staff proposed an amendment to CCR, title 16, section 390.4 to change the deadline for requesting an informal conference from 14 days after service of the citation to 30 days of the date of issuance of the citation, for consistency with the deadline for requesting a formal administrative hearing.

During the meeting, the Committee reviewed and discussed the draft language, and recommended that the Board approve the regulatory language as proposed and commence the rulemaking process.

Update on the Board's Expert Witness Program

The Committee previously worked with staff to enhance the expert witness selection criteria, standards, process, training materials, and application. Staff compiled a sample case and obtained sample reports from three experts, and is using this information to create an expert report template and as a baseline to evaluate the writing samples that will be submitted during the recruitment process.

Discussion Regarding the Top 10 Enforcement Violations

Staff compiled the most common violations that resulted in citations or disciplinary actions by the Board from January 2019 through September 2020 into a "top 10" list and presented it to the Committee for discussion. Staff will use the data, along with examples of complaints received and common issues encountered by the Enforcement Unit, to develop separate outreach materials specifically tailored to licensees and the public with a goal of educating the public on what to expect during a chiropractic visit and advising licensees on common issues to avoid in order to prevent disciplinary action.

Update on Enforcement Program Statistical Data

The Committee received an update on the Enforcement Program's statistical data and requested more detailed information regarding the source of the complaints received and examples of the complaints categorized as "unprofessional conduct." Staff is developing reports that contain this data and will present them to the Enforcement Committee for discussion at the next meeting.

Recommendation(s)

The Committee recommends the Board make a motion to approve the regulatory language as proposed (or with amendments) to amend CCR, title 16, sections 390.4 (Contested Citations) and 390.5 (Compliance with Citation/Order of

Abatement), and delegate authority to the Executive Officer to make non-substantive changes and commence the rulemaking process.

Next Step

N/A

Attachment(s)

- October 16, 2020 Enforcement Committee Meeting Agenda
- Proposed Language to Amend CCR, Title 16, Sections 390.4 and 390.5



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 TELECONFERENCE ENFORCEMENT COMMITTEE MEETING

October 16, 2020
12:00 p.m. to 2:00 p.m.
or until completion of business

Notice of Teleconference Meeting Held Under Executive Order N-29-20 (3/17/20)

FOR PUBLIC COMMENT, PLEASE LOG ON TO THIS WEBSITE

<https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=e276de9b07d60ecbfa45e299cb6b0c84b>

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AGENDA

- 1. Call to Order & Establishment of a Quorum**
- 2. Approval of April 19, 2019, Meeting Minutes**
- 3. Review, Discussion and Possible Action on Proposed Language to Amend California Code of Regulations, Title 16, Sections 390.4 (Contested Citations) and 390.5 (Compliance with Citation/Order of Abatement)**
- 4. Review, Discussion and Possible Action Regarding the Expert Witness Program**

5. Review, Discussion and Possible Action Regarding the Top 10 Enforcement Violations

6. Update on Enforcement Program Statistical Data

7. Public Comment for Items Not on the Agenda

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

8. Future Agenda Items

Note: The Committee may not discuss or take action on any matter raised during this section, except to decide whether to place the matter on the agenda of a future meeting (Government Code section 11125).

9. Adjournment

In accordance with Executive Order N-29-20, no physical location is available for observation and public comment, so please plan to attend the meeting via the WebEx Platform or telephonically. 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.

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, e-mailing chiro.info@dca.ca.gov, or sending 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.

HOW TO – Join – DCA WebEx Event

The following contains instructions to join a WebEx event hosted by the Department of Consumer Affairs (DCA).

NOTE: The preferred audio connection to our event is via telephone conference and not the microphone and speakers on your computer. Further guidance relevant to the audio connection will be outlined below.

1. Navigate to the WebEx event link provided by the DCA entity (an example link is provided below for reference) via an internet browser.

Meeting link:

<https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=e276de9b07d60ecbfa45e299cb6b0c84b>

Event number: 146 961 0420
Event password: BCE101620

The screenshot shows a web browser window with the URL <https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=e276de9b07d60ecbfa45e299cb6b0c84b>. The page header includes the DCA logo and "California Department of Consumer Affairs". The main content is divided into two sections:

- Event Information:** 3/26
- Event status:** Started
- Date and time:** Thursday, March 26, 2020 10:30 am Pacific Daylight Time (San Francisco, GMT-07:00) [Change time zone](#)
- Duration:** 1 hour
- Description:**

Below the event information, there is a link: "By joining this event, you are accepting the Cisco Webex [Terms of Service](#) and [Privacy Statement](#)."

On the right side, there is a "Join Event Now" section with the text: "To join this event, provide the following information." Below this are four input fields:

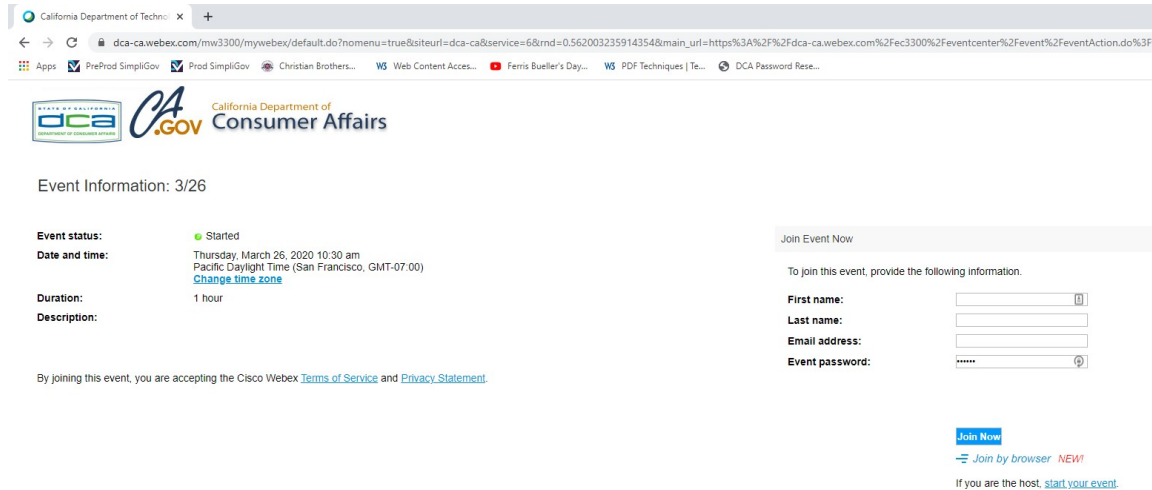
- First name:**
- Last name:**
- Email address:**
- Event password:**

At the bottom right, there is a "Join Now" button and a link: "Join by browser NEW!". Below that, it says: "If you are the host, [start your event](#)."

2. The details of the event are presented on the left of the screen and the required information for you to complete is on the right.

NOTE: If there is a potential that you will participate in this event during a Public Comment period, you must identify yourself in a manner that the event Host can then identify your line and unmute it so the event participants can hear your public comment. The 'First name', 'Last name' and 'Email address' fields do not need to reflect your identity. The department will use the name or moniker you provide here to identify your communication line should you participate during public comment.

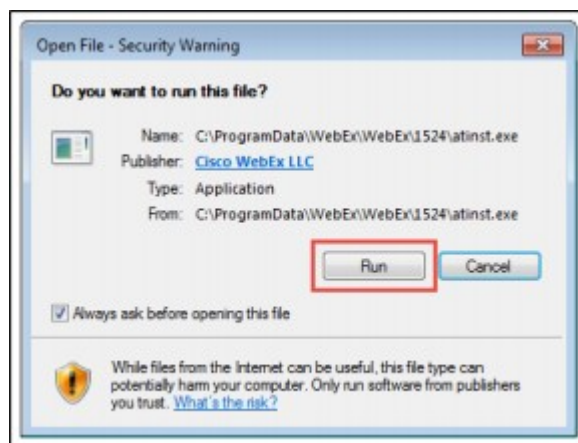
HOW TO – Join – DCA WebEx Event



3. Click the 'Join Now' button.

NOTE: The event password will be entered automatically. If you alter the password by accident, close the browser and click the event link provided again.

4. If you do not have the WebEx applet installed for your browser, a new window may open, so make sure your pop-up blocker is disabled. You may see a window asking you to open or run new software. Click 'Run'.



Depending on your computer's settings, you may be blocked from running the necessary software. If this is the case, click 'Cancel' and return to the browser tab that looks like the window below. You can bypass the above process.

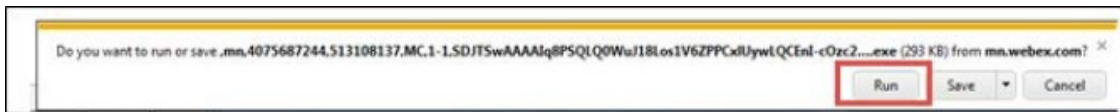
HOW TO – Join – DCA WebEx Event

Starting Webex...



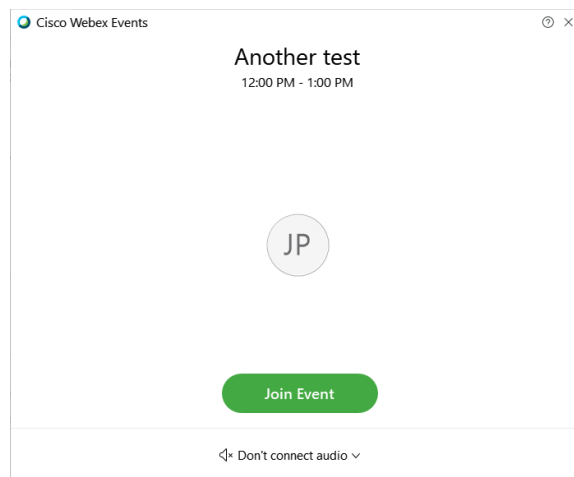
Still having trouble? [Run a temporary application](#) to join this meeting immediately.

- 5. To bypass step 4, click 'Run a temporary application'.
- 6. A dialog box will appear at the bottom of the page, click 'Run'.



The temporary software will run, and the meeting window will open.

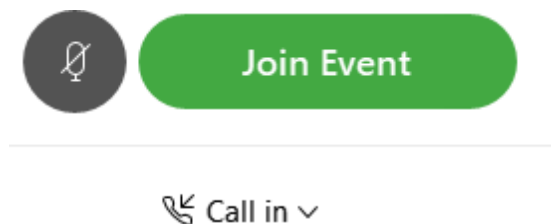
- 7. Click the audio menu below the green 'Join Event' button.



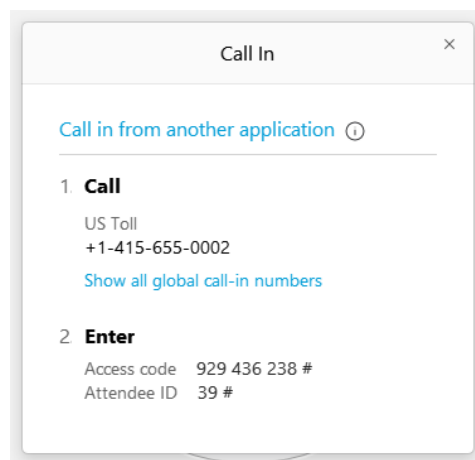
- 8. When the audio menu appears click 'Call in'.

HOW TO – Join – DCA WebEx Event

9. Click 'Join Event'. The audio conference call in information will be available after you join the Event.



10. Call into the audio conference with the details provided.

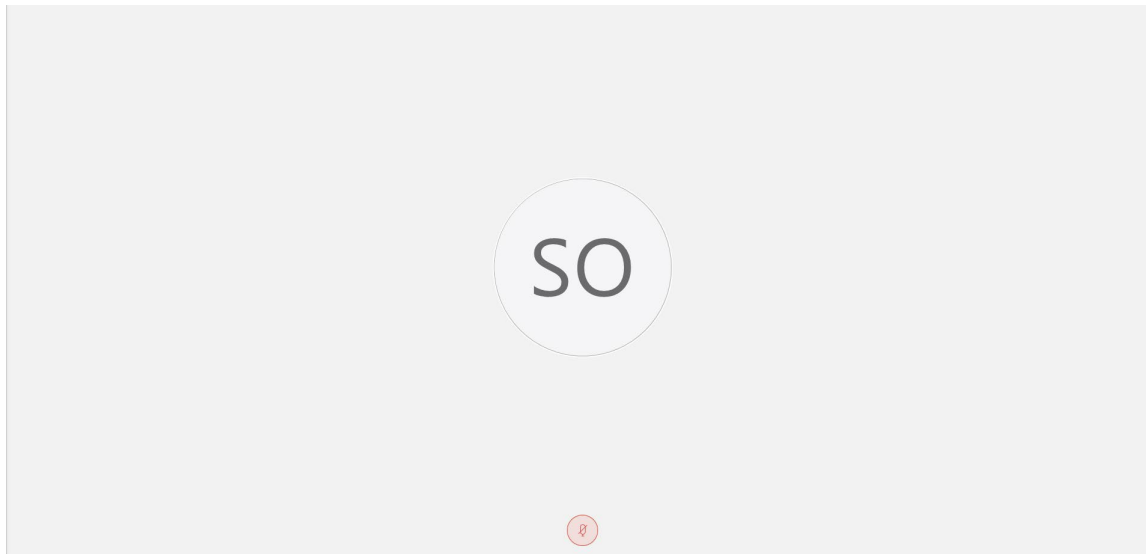


NOTE: The audio conference is the preferred method. Using your computer's microphone and speakers is not recommended.

HOW TO – Join – DCA WebEx Event

Once you successfully call into the audio conference with the information provided, your screen will look like the screen below and you have joined the event.

Congratulations!

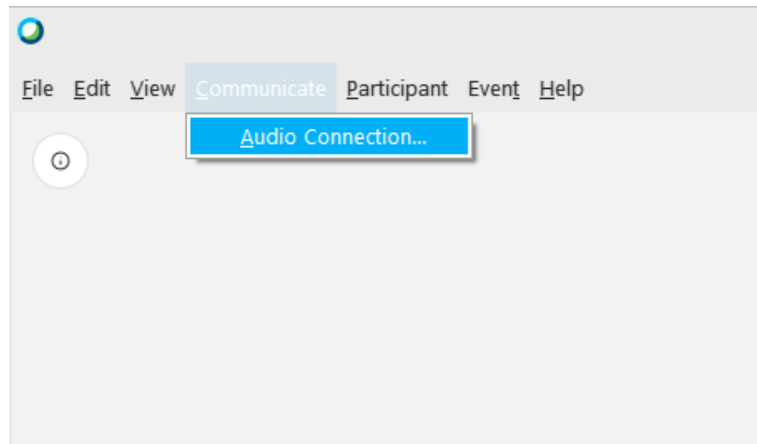


NOTE: Your audio line is muted and can only be unmuted by the event host.

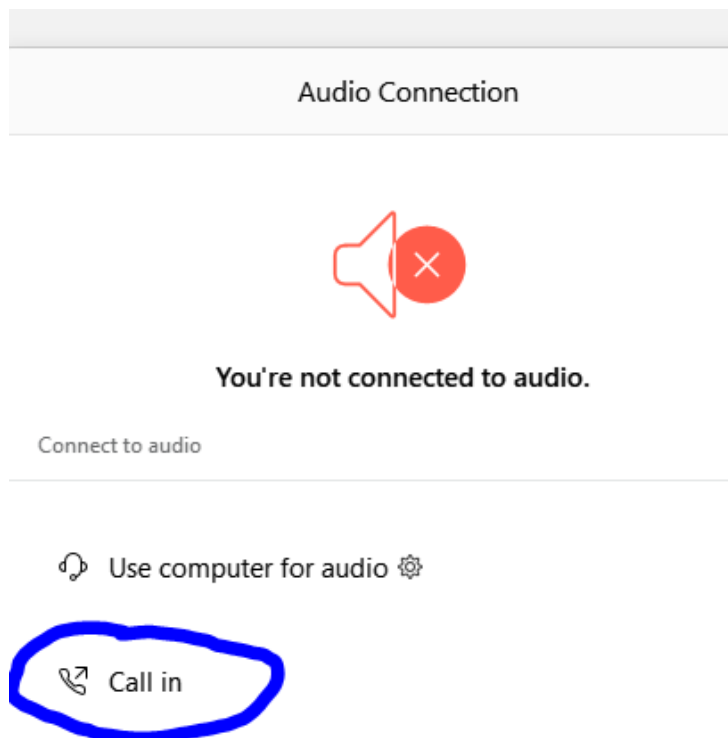
If you join the meeting using your computer's microphone and audio, or you didn't connect audio at all, you can still set that up while you are in the meeting.

Select 'Communicate' and 'Audio Connection' from top left of your screen.

HOW TO – Join – DCA WebEx Event



The 'Call In' information can be displayed by selecting 'Call in' then 'View'



You will then be presented the dial in information for you to call in from any phone.

HOW TO – Join – DCA WebEx Event Participating During a Public Comment Period

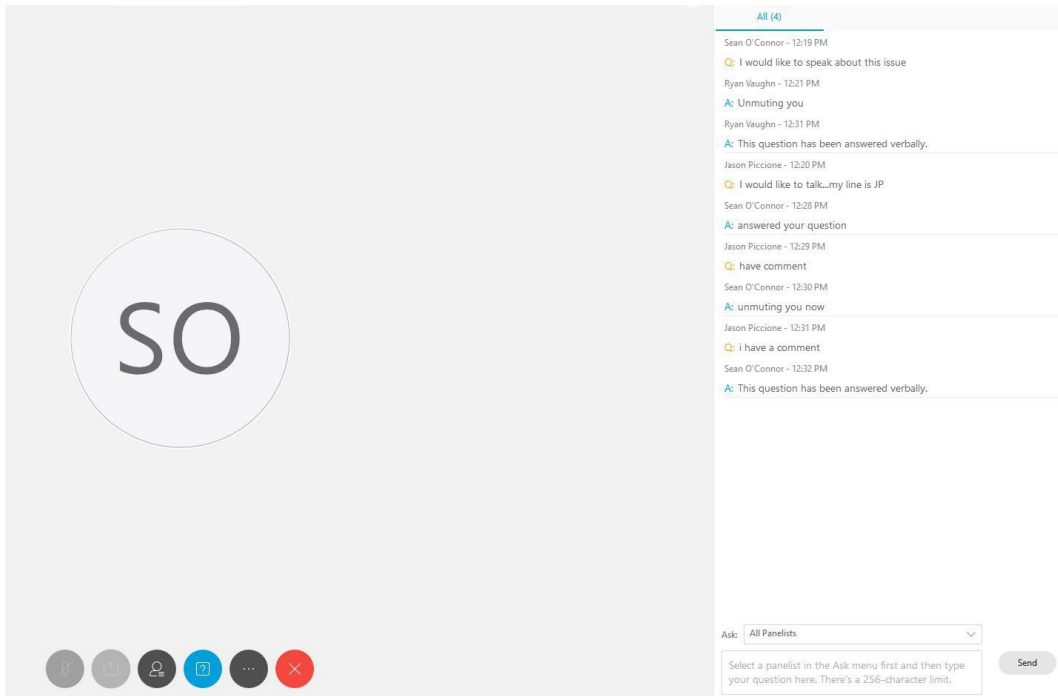
At certain times during the event, the facilitator may call for public comment. If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.



This will bring up the 'Q and A' chat box.

NOTE: The 'Q and A' button will only be available when the event host opens it during a public comment period.

HOW TO – Join – DCA WebEx Event



To request time to speak during a public comment period, make sure the ‘Ask’ menu is set to ‘All panelists’ and type ‘I would like to make a public comment’.

Attendee lines will be unmuted in the order the requests were received, and you will be allowed to present public comment.

NOTE: Your line will be muted at the end of the allotted public comment duration. You will be notified when you have 10 seconds remaining.

Proposed Language to Amend
California Code of Regulations, Title 16, Sections 390.4 and 390.5

§ 390.4. Contested Citations.

(a) The citation shall inform the licensee that if he/she desires a hearing to contest the finding of a violation, that hearing shall be requested by written notice to the board within 30 calendar days of the date of issuance of the citation. If a hearing is not requested pursuant to this section, payment of any fine shall not constitute an admission of the violation charged. Hearings shall be held pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) In addition to requesting a hearing provided for in subdivision (a) of this section, the cited person may, within 1430 calendar days ~~after service of the date of issuance~~ of the citation, submit a written request for an informal conference with the Executive Officer.

(c) The Executive Officer or his/her designee shall, within 30 calendar days from receipt of the written request, hold an informal conference with the person cited and/or his/her legal counsel or authorized representative.

(d) The Executive Officer or his/her designee may affirm, modify or dismiss the citation, at the conclusion of the informal conference. A written decision stating the reasons for the decision shall be mailed to the cited person and his/her legal counsel, if any, within 14 calendar days from the date of the informal conference. This decision shall be deemed to be a final order with regard to the citation issued.

(e) If the citation is dismissed, the request for a hearing shall be deemed withdrawn. If the citation is affirmed or modified, the cited person may, in his/her discretion, withdraw the request for a hearing or proceed with the administrative hearing process.

Note: Authority cited: Sections 125.9, 1000-4(b) and 1000-10, Business and Professions Code; and Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii.
Reference: Sections 1000-4(b) and 1000-10, Business and Professions Code; and Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii.

§ 390.5. Compliance with Citation/Order of Abatement.

(a) Orders of abatement may be extended for good cause. If a cited person who has been issued an order of abatement is unable to complete the correction within the time set forth in the citation because of conditions beyond his/her control after the exercise of reasonable diligence, the person cited may request an extension of time from the Executive Officer or his/her designee in which to complete the correction. Such a request shall be in writing and shall be made within the time set forth for abatement.

(b) When a citation or order of abatement is not contested or if the order is appealed and the person cited does not prevail, failure to abate the violation within the time allowed ~~or pay the fine that is imposed, if one was,~~ shall constitute a violation and a failure to comply with the citation or order of abatement.

(c) Failure of a licensee to pay a fine within 30 days of the date of assessment, unless the citation is being appealed, may result in disciplinary action being taken by the board. Where a citation is not contested and a fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the license. A license shall not be renewed without payment of the renewal fee and fine.

(ed) Failure to timely comply with an order of abatement or pay a fine that is imposed is unprofessional conduct and may result in disciplinary action being taken by the board.

Note: Authority cited: Sections 125.9, 1000-4(b) and 1000-10, Business and Professions Code; and Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii.
Reference: Sections 1000-4(b) and 1000-10, Business and Professions Code; and Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii.

**Agenda Item 12
October 29, 2020**

**Update, Discussion and Possible Action on Revisions to AB 2138 Regulatory
Language**

Purpose of the Item

This proposal will amend an ongoing rulemaking action implementing additional changes to the text of Assembly Bill 2138 (Chiu, Chapter 995, Statutes of 2018) that have been negotiated between the Department of Consumer Affairs (DCA) and the Office of Administrative Law (OAL) following the Board's prior approval of language for its current regulatory sections in this regard. Because the revisions to the package are significant, it is requested that the Board vote to adopt the new and revised text, as a whole, to avoid conflicting actions being taken by the Board in varying motions and actions.

Action(s) requested

The Board will be asked to make a motion to approve the proposed regulatory text for Title 16, CCR sections 316.5, 326 and 327, and direct staff to submit the text to the Director of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, and, if no adverse comments are received, authorize the Executive Officer to take all steps necessary to amend the preceding rulemaking package, initiate a rulemaking process, make any non-substantive technical or grammatical changes to the package, and set the matter for hearing if necessary.

Background

Existing law (Business and Professions Code section 480) previously authorized the Board to deny an application for licensure based on a conviction for a crime or act that was substantially related to the licensed business or profession. Likewise, Section 490 authorized the Board to suspend or revoke a license on the basis that the licensee was convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession.

The Legislature's intent in enacting AB 2138 was "to reduce licensing and employment barriers for people who are rehabilitated." Section 480 was amended to restrict the Board's ability to use prior convictions or acts when denying licenses. Beginning on July 1, 2020, the Board may not deny a license to an applicant because the applicant was convicted of a crime, professional misconduct or acts underlying the conviction, if the applicant has a certificate of rehabilitation, was granted clemency, made a showing of rehabilitation, or the conviction was dismissed or expunged, in most cases.

At its May 21, 2019 Board Meeting, The Board approved regulatory language to implement AB 2138 (Chiu, Chapter 995, Statutes of 2018). Key provisions of that Bill, which became effective on July 1, 2020, are as follows:

- Only Permits a board to deny a license on grounds that an applicant has been convicted of a crime or has been subject to formal discipline if either of these are met (Business and Professions Code (BPC) §480(a):
 1. The conviction was within 7 years of the date of the application and is substantially related to the qualifications, functions, or duties of the profession. The 7-year limit does not apply to convictions for a serious felony (defined in Penal Code §1192.7), or for those who must register as a sex offender as described in Penal Code §290(d)(2) or (3).
 2. The applicant has been subject to formal discipline by a licensing board within the past 7 years for professional misconduct that would have been cause for disciplinary action by the Board and is substantially related to the profession. (The prior disciplinary action cannot be used to deny if it was based on a dismissed or expunged conviction.)
- Prohibits a board from requiring that an applicant for licensure disclose information about his or her criminal history. However, a board is permitted to request this information for the purpose of determining substantial relationship or evidence of rehabilitation. In such a case, the applicant must be informed that the disclosure is voluntary and failure to disclose will not be a factor in a board's decision to grant or deny an application. (BPC §480(f)(2)).
- Requires each board to develop criteria to determine whether a crime is substantially related to the qualifications, functions, or duties of the profession. These criteria will aid the board when considering the denial, suspension, or revocation of a license. The criteria must include all of the following (BPC §481):
 1. The nature and gravity of the offense.
 2. The number of years elapsed since the date of the offense.
 3. The nature and duties of the profession in which the applicant seeks licensure or is licensed.
- Prohibits a board from denying a license based on a conviction without considering evidence of rehabilitation. (BPC §481)
- Requires each board to develop criteria to evaluate rehabilitation when considering denying, suspending, or revoking a license. A showing of rehabilitation shall be considered if the applicant or licensee has completed their criminal sentence without a violation of parole or probation, or if the board finds its criteria for rehabilitation has been met. (BPC §482)

History of Rulemaking Proposal

Because the AB 2138 regulations must be completed by each board and bureau under DCA, DCA Legal prepared a basic template of the required amendments for all boards and bureaus to use in January 2019. DCA Legal recommended boards and bureaus use the template, as a starting point, making modifications as needed to meet each practice act's unique needs. Board staff used the DCA template to draft the regulations, making modifications as needed to meet the needs of the Board. The language in the template was drafted in consultation with OAL, so that the review of DCA's 35+ packages would not be held up during their review at OAL.

In November 2019, the Veterinary Medical Board's (VMB) AB 2138 regulation package was the first to go to OAL for final review. However, upon review of the VMB package, OAL advised the VMB that it would require several textual changes for the package to be approved. OAL advised the VMB that while several of the required changes were likely non-substantive, other recommended revisions would be considered substantive (which meant they needed to go back to their board for approval, and then to a 15-day public comment period.)

Based upon these recommendations, the VMB ended up withdrawing their initial AB 2138 regulations from OAL and taking the proposed text changes (that were negotiated between DCA Legal and OAL) back to the VMB for consideration and approval. The revised VMB regulations were resubmitted in June 2020 to OAL for reconsideration. This proposal accounts for the items that VMB was advised to address, along with several other clarifications due to other issues raised by OAL in other reviews.

Status of the Regulatory Proposal

The Board's current AB 2138 rulemaking package does not meet the procedural requirements of the Administrative Procedure Act (APA), as determined by the Office of Administrative Law (OAL). Additionally, it requires changes to the text that require new Board action. Staff and legal counsel recommend that the text of the rulemaking package be amended to make it comply with the APA, so that it will pass review by OAL upon submission. These revisions are being made earlier in the process than other Boards, to avoid having numerous revisions by the Board and re-submissions to the Director and Agency for review and approval.

Modifications to the AB 2138 Regulatory Text

Based upon the changes made in VMB's AB 2138 regulations and following consultation with DCA Legal, staff made the proposed revisions to the Board's AB 2138 regulation text, as set forth in the attached text. The significant revisions in the text have been highlighted for easy review during the Board Meeting.

Recommendation

All of the listed changes correspond to those negotiated between OAL and DCA. The new language largely provides additional clarity over the previous iterations. The Board also has the option of adding the section related to its unprofessional conduct section, to this version of the text, so that the categories listed, therein, will be considered to be substantially related for the purpose of denial, suspension, or revocation of a license

pursuant to Section 141, Division 1.5, or Section 10(b) of the Chiropractic Initiative Act of California (Unprofessional Conduct).

Motion

If the language is approved, as recommended, the motion will be as follows:

Move to Approve the proposed regulatory text for Title 16, CCR sections 316.5, 326 and 327, and direct staff to submit the text to the Director of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, and, if no adverse comments are received, authorize the Executive Officer to take all steps necessary to amend the preceding rulemaking package, initiate a rulemaking process, make any non-substantive technical or grammatical changes to the package, and set the matter for hearing if necessary.

Attachments:

Attachment A: Proposed Regulatory Amendments

Attachment B: Text of AB 2138 (Chapter 995, Statutes of 2018)

Title 16. Board of Chiropractic Examiners

PROPOSED AB 2138 COMPLIANCE LANGUAGE

Legend: Added text is indicated with an underline.
Deleted text is indicated by ~~strikeout~~.

1. Add Section 316.5 to Article 2 of Division 4 of Title 16 of the California Code of Regulations to read:

§ 316.5 Substantial Relationship Criteria.

- (a) For the purposes of the denial, suspension or revocation of a license pursuant to section 141, Division 1.5 (commencing with section 475) of the Business and Professions code, or a violation of section 10(b) of the Chiropractic Initiative Act of California, a crime, professional misconduct, or act shall be considered substantially related to the qualifications, functions or duties of a licensee, if, to a substantial degree, it evidences present or potential unfitness of a person holding a license to perform the functions authorized by the license in a manner consistent with the public health, safety or welfare.
- (b) In making the substantial relationship determination required under subdivision (a) for a crime, the board shall consider all of the following criteria:
- (1) The nature and gravity of the offense.
 - (2) The number of years elapsed since the date of the offense.
 - (3) The nature and duties of a chiropractor.
- (c) For purposes of subsection (a), a substantially related crime, professional misconduct, or act shall include, but is not limited to, the following:
- (1) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or term of the Chiropractic Initiative Act of California, these regulations and/or other state or federal laws governing the practice of chiropractic.
 - (2) Conviction of a crime or act of child abuse, as defined in sections 270 through 273.75 of the Penal Code, or dependent adult or elder abuse.
 - (3) A conviction requiring a person to register as a sex offender pursuant to section 290 of the Penal Code.
 - (4) Any crime, professional misconduct, or act involving the sale, gift, administration, or furnishing of narcotics or dangerous drugs or dangerous devices, as defined in Section 4022 of the Business and Professions Code.
 - (5) Conviction for assault, battery or other violence including, but not limited to, those violations listed in subsection (d) of Penal Code 11160.
 - (6) Conviction of a crime involving lewd conduct or sexual impropriety, as defined in Business and Professions Code 726.

Commented [JC1]: I propose adding this since OAL questioned what "other violence" meant and the scope of the term's application. Including this list helps explain where the Board is going with this term.+

Commented [HH2]: Against a person only? Psych had animals too. "physical violence against a person" if that is what they mean.

Commented [JC3R2]: By adding PC 11160(d), we resolve a lot of the issues related to scope of violence, etc., since it is specifically tailored to healthcare professionals and their crimes.

Robert and Marcus, are you ok with this revision going to the Board?

Commented [JC4R2]:

- (7) Conviction of a crime or act involving fiscal dishonesty, theft, fraud or deceit.
- (8) Conviction or act involving the use of drugs or alcohol to an extent or in a manner dangerous to the individual or the public.

Note: Authority cited: Sections 4(b), 10(a), 10 (b), Chiropractic Initiative Act of California, Stats. 1923, p. lxxxviii and Business and Professions Code Sections 480 and 490. Reference: Sections 141, 480, 481, 482, 488, 493, Business and Professions Code.

2. Amend Section 326 of Article 3 of Division 4 of Title 16 of the California Code of Regulations to read:

§ 326 Criteria for Rehabilitation. Rehabilitation Criteria for Denials, Reinstatements, and Reissuance of a License.

(a) When considering the denial of a license under section 480 of the Business and Professions Code or granting a petition for reinstatement under section 1003 of the Code or restoration of a license pursuant to subdivision (c) of Section 10 of the Chiropractic Initiative Act of California, on the ground that the applicant or petitioner has been convicted of a crime, the Board shall evaluate whether the applicant or petitioner made a showing of rehabilitation if the applicant or petitioner completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the Board shall consider the following criteria:

- (1) The nature and gravity of the crime(s).
- (2) The length(s) of the applicable parole or probation period(s).
- (3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.
- (4) The terms or conditions of parole or probation and the extent to which they bear on the applicant's or petitioner's rehabilitation.
- (5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(b) If the applicant or petitioner has not completed the criminal sentence at issue without a violation of parole or probation, or the board determines that the applicant or petitioner did not make the showing of rehabilitation based on the criteria in subsection (a), or the denial is based on professional misconduct, or the denial is based on one or more of the grounds specified in Section 10(b) of the Chiropractic Initiative Act of California, the board shall apply the following criteria in evaluating an applicant's or petitioner's rehabilitation:

- (1) The nature and gravity of the act(s), professional misconduct, or crime(s) under consideration as grounds for denial.
- (2) Evidence of any act(s), professional misconduct, or crime(s) committed subsequent to the act(s), professional misconduct, or crime(s) under consideration as grounds for denial.

- (3) The time that has elapsed since commission of the act(s), professional or crime(s) referred to in subparagraphs (1) or (2).
- (4) Whether the applicant or petitioner has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.
- (5) The criteria in subsection (a)(1) through (5), as applicable.
- (6) Evidence, if any, of rehabilitation submitted by the applicant or petitioner.

(c) When considering a petition for reinstatement of a license, under the provisions of section 1003 of the Business and Professions Code or restoration of a license pursuant to subdivision (c) of Section 10 of the Chiropractic Initiative Act of California, the Board shall evaluate evidence of rehabilitation submitted by the petitioner considering those criteria specified in subsection (a) of this section.

(a) When considering the denial of a license, the Board, in evaluating the rehabilitation of the applicant and his or her present eligibility for a license, will consider the following criteria: Chiropractic Initiative Act of California

for denial:

- (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial.
- (3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).
- (4) Whether the applicant has complied with any terms of parole, probation, restitution
- (5) Evidence, if any, of rehabilitation submitted by the applicant.

(b) When considering the suspension or revocation of a license on the grounds that a licensee has been convicted of a crime, the Board, in evaluating the rehabilitation of such person and his or her present eligibility for a license, will consider the following criteria:

- (1) Nature and severity of the act(s) or offense(s).
- (2) Total criminal record.
- (3) The time that has elapsed since the commission of the act(s) or offense(s).
- (4) Whether the licensee has complied with all terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
- (5) Evidence, if any, of rehabilitation submitted by the licensee.

Note: Authority cited: Sections 4000-4(b), Section 4000-10(a), Section 4000-10(b), Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 4xxxviii) and Business and Professions Code Section 482.-Reference: Sections 141, 480, 481, 482, 488, 493, Business and Professions Code.

3. Add Section 327 to Article 3 of Division 4 of Title 16 of the California Code of Regulations to read:

§ 327 Rehabilitation Criteria for Suspensions or Revocations.

(a) When considering the suspension or revocation of a chiropractic license under section 490 of the Business and Professions Code on the ground that the person holding the license has been convicted of a crime, the board shall evaluate whether the licensee has made a showing of rehabilitation if the licensee completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the Board shall consider the following criteria:

- (1) Nature and gravity of the crime(s).
- (2) The length(s) of the applicable parole or probation period(s).
- (3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.
- (4) The terms or conditions of parole or probation and the extent to which they bear on the licensee's rehabilitation.
- (5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(b) If the licensee has not completed the criminal sentence without a violation of parole or probation, or the Board determines that the licensee did not make a showing of rehabilitation based on the criteria in subsection (a), or the suspension or revocation is based upon a disciplinary action as described in section 141 of the code, or the suspension or revocation is based upon one or more of the grounds specified in section 10(b) of the Chiropractic Initiative Act of California, the Board shall apply the following criteria in evaluating the licensee's rehabilitation:

- (1) Nature and gravity of the act(s), disciplinary action(s), or crime(s);
- (2) Total criminal record.
- (3) The time that has elapsed since commission of the act(s), disciplinary action(s), or crime(s).
- (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
- (5) If applicable, evidence of dismissal proceedings pursuant to section 1203.4 of the Penal Code.
- (6) The criteria in subsection (a)(1) through (5), as applicable.
- (7) Evidence, if any, of rehabilitation submitted by the licensee.

Note: Authority cited: Sections 4(b), 10(a), 10(b), Chiropractic Initiative Act of California, Stats. 1923, p. lxxxviii and Business and Professions Code Section 482. Reference: Sections 141, 480, 481, 482, 488, 493, Business and Professions Code.

Assembly Bill No. 2138

CHAPTER 995

An act to amend, repeal, and add Sections 7.5, 480, 481, 482, 488, 493, and 11345.2 of, and to add Section 480.2 to, the Business and Professions Code, relating to professions and vocations.

[Approved by Governor September 30, 2018. Filed with Secretary of State September 30, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

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

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to deny, suspend, or revoke a license or take disciplinary action against a licensee on the grounds that the applicant or licensee has, among other things, been convicted of a crime, as specified. Existing law provides that a person shall not be denied a license solely on the basis that the person has been convicted of a felony if he or she has obtained a certificate of rehabilitation or that the person has been convicted of a misdemeanor if he or she has met applicable requirements of rehabilitation developed by the board, as specified. Existing law also prohibits a person from being denied a license solely on the basis of a conviction that has been dismissed, as specified. Existing law requires a board to develop criteria to aid it when considering the denial, suspension, or revocation of a license to determine whether a crime is substantially related to the qualifications, functions, or duties of the business or profession the board regulates and requires a board to develop criteria to evaluate the rehabilitation of a person when considering the denial, suspension, or revocation of a license.

This bill would revise and recast those provisions to instead authorize a board to, among other things, deny, revoke, or suspend a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime only if the applicant or licensee has been convicted of a crime within the preceding 7 years from the date of application that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, regardless of whether the applicant was incarcerated for that crime, or if the applicant has been convicted of a crime that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made and for which the applicant is presently incarcerated or for which the applicant was released from incarceration within the preceding 7 years, except as specified. The bill would prohibit a board from denying a person a license based on the conviction of a crime, or on the basis of acts underlying

a conviction, as defined, for a crime, if the conviction has been dismissed or expunged, if the person has provided evidence of rehabilitation, if the person has been granted clemency or a pardon, or if an arrest resulted in a disposition other than a conviction.

The bill would require the board to develop criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession. The bill would require a board to consider whether a person has made a showing of rehabilitation if certain conditions are met. The bill would require a board to follow certain procedures when requesting or acting on an applicant's or licensee's criminal history information. The bill would also require a board to annually submit a report to the Legislature and post the report on its Internet Web site containing specified deidentified information regarding actions taken by a board based on an applicant or licensee's criminal history information.

Existing law authorizes a board to deny a license on the grounds that an applicant knowingly made a false statement of fact that is required to be revealed in the application for licensure.

This bill would prohibit a board from denying a license based solely on an applicant's failure to disclose a fact that would not have been cause for denial of the license had the fact been disclosed.

Existing law authorizes a board, after a specified hearing requested by an applicant for licensure to take various actions in relation to denying or granting the applicant the license.

This bill would revise and recast those provisions to eliminate some of the more specific options that the board may take in these circumstances.

This bill would clarify that the existing above-described provisions continue to apply to the State Athletic Commission, the Bureau for Private Postsecondary Education, and the California Horse Racing Board.

This bill would also make necessary conforming changes.

This bill would make these provisions operative on July 1, 2020.

DIGEST KEY

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

BILL TEXT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.

Section 7.5 of the Business and Professions Code is amended to read:

7.5.

(a) A conviction within the meaning of this code means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to

take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code. However, a board may not deny a license to an applicant who is otherwise qualified pursuant to subdivision (b) of Section 480.

Nothing in this section shall apply to the licensure of persons pursuant to Chapter 4 (commencing with Section 6000) of Division 3.

(b) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 2.

Section 7.5 is added to the Business and Professions Code, to read:

7.5.

(a) A conviction within the meaning of this code means a judgment following a plea or verdict of guilty or a plea of nolo contendere or finding of guilt. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence. However, a board may not deny a license to an applicant who is otherwise qualified pursuant to subdivision (b) or (c) of Section 480.

(b) (1) Nothing in this section shall apply to the licensure of persons pursuant to Chapter 4 (commencing with Section 6000) of Division 3.

(2) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(A) The State Athletic Commission.

(B) The Bureau for Private Postsecondary Education.

(C) The California Horse Racing Board.

(c) Except as provided in subdivision (b), this section controls over and supersedes the definition of conviction contained within individual practice acts under this code.

(d) This section shall become operative on July 1, 2020.

SEC. 3.

Section 480 of the Business and Professions Code is amended to read:

480.

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken

when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

(3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

(b) Notwithstanding any other provision of this code, a person shall not be denied a license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate the rehabilitation of a person when considering the denial of a license under subdivision (a) of Section 482.

(c) Notwithstanding any other provisions of this code, a person shall not be denied a license solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof of the dismissal.

(d) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license.

(e) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 4.

Section 480 is added to the Business and Professions Code, to read:

480.

(a) Notwithstanding any other provision of this code, a board may deny a license regulated by this code on the grounds that the applicant has been convicted of a crime or has been subject to formal discipline only if either of the following conditions are met:

(1) The applicant has been convicted of a crime within the preceding seven years from the date of application that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, regardless of whether the applicant was incarcerated for that crime, or the applicant has been convicted of a crime that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made and for which the applicant is presently incarcerated or for which the applicant was released from incarceration within the

preceding seven years from the date of application. However, the preceding seven-year limitation shall not apply in either of the following situations:

(A) The applicant was convicted of a serious felony, as defined in Section 1192.7 of the Penal Code or a crime for which registration is required pursuant to paragraph (2) or (3) of subdivision (d) of Section 290 of the Penal Code.

(B) The applicant was convicted of a financial crime currently classified as a felony that is directly and adversely related to the fiduciary qualifications, functions, or duties of the business or profession for which the application is made, pursuant to regulations adopted by the board, and for which the applicant is seeking licensure under any of the following:

(i) Chapter 1 (commencing with Section 5000) of Division 3.

(ii) Chapter 6 (commencing with Section 6500) of Division 3.

(iii) Chapter 9 (commencing with Section 7000) of Division 3.

(iv) Chapter 11.3 (commencing with Section 7512) of Division 3.

(v) Licensure as a funeral director or cemetery manager under Chapter 12 (commencing with Section 7600) of Division 3.

(vi) Division 4 (commencing with Section 10000).

(2) The applicant has been subjected to formal discipline by a licensing board in or outside California within the preceding seven years from the date of application based on professional misconduct that would have been cause for discipline before the board for which the present application is made and that is substantially related to the qualifications, functions, or duties of the business or profession for which the present application is made. However, prior disciplinary action by a licensing board within the preceding seven years shall not be the basis for denial of a license if the basis for that disciplinary action was a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code or a comparable dismissal or expungement.

(b) Notwithstanding any other provision of this code, a person shall not be denied a license on the basis that he or she has been convicted of a crime, or on the basis of acts underlying a conviction for a crime, if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code, has been granted clemency or a pardon by a state or federal executive, or has made a showing of rehabilitation pursuant to Section 482.

(c) Notwithstanding any other provision of this code, a person shall not be denied a license on the basis of any conviction, or on the basis of the acts underlying the conviction, that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code, or a comparable dismissal or expungement. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code shall provide proof of the dismissal if it is not reflected on the report furnished by the Department of Justice.

(d) Notwithstanding any other provision of this code, a board shall not deny a license on the basis of an arrest that resulted in a disposition other than a conviction, including an arrest that resulted in an infraction, citation, or a juvenile adjudication.

(e) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license. A board shall not deny a license based solely on an applicant's failure to disclose a fact that would not have been cause for denial of the license had it been disclosed.

(f) A board shall follow the following procedures in requesting or acting on an applicant's criminal history information:

(1) A board issuing a license pursuant to Chapter 3 (commencing with Section 5500), Chapter 3.5 (commencing with Section 5615), Chapter 10 (commencing with Section 7301), Chapter 20 (commencing with Section 9800), or Chapter 20.3 (commencing with Section 9880), of Division 3, or Chapter 3 (commencing with Section 19000) or Chapter 3.1 (commencing with Section 19225) of Division 8 may require applicants for licensure under those chapters to disclose criminal conviction history on an application for licensure.

(2) Except as provided in paragraph (1), a board shall not require an applicant for licensure to disclose any information or documentation regarding the applicant's criminal history. However, a board may request mitigating information from an applicant regarding the applicant's criminal history for purposes of determining substantial relation or demonstrating evidence of rehabilitation, provided that the applicant is informed that disclosure is voluntary and that the applicant's decision not to disclose any information shall not be a factor in a board's decision to grant or deny an application for licensure.

(3) If a board decides to deny an application for licensure based solely or in part on the applicant's conviction history, the board shall notify the applicant in writing of all of the following:

(A) The denial or disqualification of licensure.

(B) Any existing procedure the board has for the applicant to challenge the decision or to request reconsideration.

(C) That the applicant has the right to appeal the board's decision.

(D) The processes for the applicant to request a copy of his or her complete conviction history and question the accuracy or completeness of the record pursuant to Sections 11122 to 11127 of the Penal Code.

(g) (1) For a minimum of three years, each board under this code shall retain application forms and other documents submitted by an applicant, any notice provided to an applicant, all other communications received from and provided to an applicant, and criminal history reports of an applicant.

(2) Each board under this code shall retain the number of applications received for each license and the number of applications requiring inquiries regarding criminal history. In addition, each licensing authority shall retain all of the following information:

(A) The number of applicants with a criminal record who received notice of denial or disqualification of licensure.

(B) The number of applicants with a criminal record who provided evidence of mitigation or rehabilitation.

(C) The number of applicants with a criminal record who appealed any denial or disqualification of licensure.

(D) The final disposition and demographic information, consisting of voluntarily provided information on race or gender, of any applicant described in subparagraph (A), (B), or (C).

(3) (A) Each board under this code shall annually make available to the public through the board's Internet Web site and through a report submitted to the appropriate policy committees of the Legislature deidentified information collected pursuant to this subdivision. Each board shall ensure confidentiality of the individual applicants.

(B) A report pursuant to subparagraph (A) shall be submitted in compliance with Section 9795 of the Government Code.

(h) "Conviction" as used in this section shall have the same meaning as defined in Section 7.5.

(i) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(1) The State Athletic Commission.

(2) The Bureau for Private Postsecondary Education.

(3) The California Horse Racing Board.

(j) This section shall become operative on July 1, 2020.

SEC. 5.

Section 480.2 is added to the Business and Professions Code, to read:

480.2.

(a) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may deny a license regulated by it on the grounds that the applicant has one of the following:

(1) Been convicted of a crime.

(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

(3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

(b) Notwithstanding any other provision of this code, a person shall not be denied a license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed by the Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board to evaluate the rehabilitation of a person when considering the denial of a license under paragraph (1) of subdivision (f).

(c) Notwithstanding any other provisions of this code, a person shall not be denied a license by the Bureau for Private Postsecondary Education, the State Athletic Commission, or the California Horse Racing Board solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof of the dismissal.

(d) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may deny a license regulated by it on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license.

(e) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board shall develop criteria to aid it, when considering the denial, suspension or revocation of a license, to determine whether a crime or act is substantially related to the qualifications, functions, or duties of the business or profession it regulates.

(f) (1) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board shall develop criteria to evaluate the rehabilitation of a person either when:

(A) Considering the denial of a license under this section.

(B) Considering suspension or revocation of a license under Section 490.

(2) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

(g) Except as otherwise provided by law, following a hearing requested by an applicant pursuant to subdivision (b) of Section 485, the Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may take any of the following actions:

(1) Grant the license effective upon completion of all licensing requirements by the applicant.

(2) Grant the license effective upon completion of all licensing requirements by the applicant, immediately revoke the license, stay the revocation, and impose probationary conditions on the license, which may include suspension.

(3) Deny the license.

(4) Take other action in relation to denying or granting the license as the Bureau for Private Postsecondary Education, the State Athletic Commission, or the California Horse Racing Board, in its discretion, may deem proper.

(h) Notwithstanding any other law, in a proceeding conducted by the Bureau for Private Postsecondary Education, the State Athletic Commission, or the California Horse Racing Board to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

(i) Notwithstanding Section 7.5, a conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that the Bureau for Private Postsecondary Education, the State Athletic Commission, or the California Horse Racing Board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

(j) This section shall become operative on July 1, 2020.

SEC. 6.

Section 481 of the Business and Professions Code is amended to read:

481.

(a) Each board under the provisions of this code shall develop criteria to aid it, when considering the denial, suspension or revocation of a license, to determine whether a crime or act is substantially related to the qualifications, functions, or duties of the business or profession it regulates.

(b) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 7.

Section 481 is added to the Business and Professions Code, to read:

481.

(a) Each board under this code shall develop criteria to aid it, when considering the denial, suspension, or revocation of a license, to determine whether a crime is substantially related to the qualifications, functions, or duties of the business or profession it regulates.

(b) Criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession a board regulates shall include all of the following:

(1) The nature and gravity of the offense.

(2) The number of years elapsed since the date of the offense.

(3) The nature and duties of the profession in which the applicant seeks licensure or in which the licensee is licensed.

(c) A board shall not deny a license based in whole or in part on a conviction without considering evidence of rehabilitation submitted by an applicant pursuant to any process established in the practice act or regulations of the particular board and as directed by Section 482.

(d) Each board shall post on its Internet Web site a summary of the criteria used to consider whether a crime is considered to be substantially related to the qualifications, functions, or duties of the business or profession it regulates consistent with this section.

(e) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(1) The State Athletic Commission.

(2) The Bureau for Private Postsecondary Education.

(3) The California Horse Racing Board.

(f) This section shall become operative on July 1, 2020.

SEC. 8.

Section 482 of the Business and Professions Code is amended to read:

482.

(a) Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(1) Considering the denial of a license by the board under Section 480; or

(2) Considering suspension or revocation of a license under Section 490.

(b) Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

(c) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 9.

Section 482 is added to the Business and Professions Code, to read:

482.

(a) Each board under this code shall develop criteria to evaluate the rehabilitation of a person when doing either of the following:

(1) Considering the denial of a license by the board under Section 480.

(2) Considering suspension or revocation of a license under Section 490.

(b) Each board shall consider whether an applicant or licensee has made a showing of rehabilitation if either of the following are met:

(1) The applicant or licensee has completed the criminal sentence at issue without a violation of parole or probation.

(2) The board, applying its criteria for rehabilitation, finds that the applicant is rehabilitated.

(c) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(1) The State Athletic Commission.

(2) The Bureau for Private Postsecondary Education.

(3) The California Horse Racing Board.

(d) This section shall become operative on July 1, 2020.

SEC. 10.

Section 488 of the Business and Professions Code is amended to read:

488.

(a) Except as otherwise provided by law, following a hearing requested by an applicant pursuant to subdivision (b) of Section 485, the board may take any of the following actions:

(1) Grant the license effective upon completion of all licensing requirements by the applicant.

(2) Grant the license effective upon completion of all licensing requirements by the applicant, immediately revoke the license, stay the revocation, and impose probationary conditions on the license, which may include suspension.

(3) Deny the license.

(4) Take other action in relation to denying or granting the license as the board in its discretion may deem proper.

(b) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 11.

Section 488 is added to the Business and Professions Code, to read:

488.

(a) Except as otherwise provided by law, following a hearing requested by an applicant pursuant to subdivision (b) of Section 485, the board may take any of the following actions:

(1) Grant the license effective upon completion of all licensing requirements by the applicant.

(2) Grant the license effective upon completion of all licensing requirements by the applicant, immediately revoke the license, stay the revocation, and impose probationary conditions on the license, which may include suspension.

(3) Deny the license.

(4) Take other action in relation to denying or granting the license as the board in its discretion may deem proper.

(b) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(1) The State Athletic Commission.

(2) The Bureau for Private Postsecondary Education.

(3) The California Horse Racing Board.

(c) This section shall become operative on July 1, 2020.

SEC. 12.

Section 493 of the Business and Professions Code is amended to read:

493.

(a) Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

(b) As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

(c) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 13.

Section 493 is added to the Business and Professions Code, to read:

493.

(a) Notwithstanding any other law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact.

(b) (1) Criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession the board regulates shall include all of the following:

(A) The nature and gravity of the offense.

(B) The number of years elapsed since the date of the offense.

(C) The nature and duties of the profession.

(2) A board shall not categorically bar an applicant based solely on the type of conviction without considering evidence of rehabilitation.

(c) As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

(d) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(1) The State Athletic Commission.

(2) The Bureau for Private Postsecondary Education.

(3) The California Horse Racing Board.

(e) This section shall become operative on July 1, 2020.

SEC. 14.

Section 11345.2 of the Business and Professions Code is amended to read:

11345.2.

(a) An individual shall not act as a controlling person for a registrant if any of the following apply:

(1) The individual has entered a plea of guilty or no contest to, or been convicted of, a felony. Notwithstanding subdivision (c) of Section 480, if the individual's felony conviction has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code, the bureau may allow the individual to act as a controlling person.

(2) The individual has had a license or certificate to act as an appraiser or to engage in activities related to the transfer of real property refused, denied, canceled, or revoked in this state or any other state.

(b) Any individual who acts as a controlling person of an appraisal management company and who enters a plea of guilty or no contest to, or is convicted of, a felony, or who has a license or certificate as an appraiser refused, denied, canceled, or revoked in any other state shall report that fact or cause that fact to be reported to the office, in writing, within 10 days of the date he or she has knowledge of that fact.

(c) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 15.

Section 11345.2 is added to the Business and Professions Code, to read:

11345.2.

(a) An individual shall not act as a controlling person for a registrant if any of the following apply:

(1) The individual has entered a plea of guilty or no contest to, or been convicted of, a felony. If the individual's felony conviction has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code, the bureau may allow the individual to act as a controlling person.

(2) The individual has had a license or certificate to act as an appraiser or to engage in activities related to the transfer of real property refused, denied, canceled, or revoked in this state or any other state.

(b) Any individual who acts as a controlling person of an appraisal management company and who enters a plea of guilty or no contest to, or is convicted of, a felony, or who has a license or certificate as an appraiser refused, denied, canceled, or revoked in any other state shall report that fact or cause that fact to be reported to the office, in writing, within 10 days of the date he or she has knowledge of that fact.

(c) This section shall become operative on July 1, 2020.

**Agenda Item 13
October 29, 2020**

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 multiple regulatory proposals in various stages of completion.

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

The Business, Consumer Services & Housing Agency has completed its review of the rulemaking file for Denial of Application, Revocation or Suspension of Licensure. Staff will now make necessary changes and assemble the file for submission to the Office of Administrative Law for publication.

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
3. DCA Regulation Review Process sheet

Regulation Tracking Sheet

Group A – Legislatively Mandated		DCA & BCE Review Process	Status
1	Denial of Application, Revocation or Suspension of Licensure (CCR Sections 316.5, 321, 326 and 327)	Step 11 Initial Phase	Business, Consumer Services & Housing Agency review completed. Rulemaking file is with the Board for further revisions.
2	Probation Status Disclosure (CCR Section 308.2)	Step 2 Initial Phase	Per legal counsel advice, section 1007 of the Business and Professions Code is self-executing. Therefore, it is not necessary to move forward with the rulemaking file.
3	Consumer Protection Enforcement Initiative	Step 6 Initial Phase	Legal review completed. Rulemaking file submitted to DCA to commence the initial review process.
4	Revisions to BCE Disciplinary Guidelines & Uniform Standards for Substance Abusing Licensees	Step 2 Initial Phase	Rulemaking file 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)	Step 2 Initial Phase	Rulemaking file under development at the Board. Language presented to full Board for review and vote on 7.16.20.
2	Continuing Education Requirements (CE Provider and Course Approval) / Mandatory Cardiopulmonary Resuscitation (CPR) Certification for all licensees	Step 2 Initial Phase	Rulemaking file 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	Step 6 Initial Phase	Legal review completed. Rulemaking file submitted to DCA to commence initial review process.
Group C			Status
1	Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice or Death/Incapacity of Licensee	Step 2 Initial Phase	Approved rulemaking process 4/16/15
2	Amend or Repeal CCR Section 354 - Successful Examination (Obsolete provision)		Not commenced

Regulation Summary Sheet

<u>Proposed Regulation</u>	<u>Proposed Change(s)</u>
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)	Language presented to full Board for review and vote on 7.16.20.
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

Department of Consumer Affairs - Regulation Review Process
INITIAL PHASE

Step	Responsible Person/Entity	Required Action
1	BCE Staff & DCA Legal Counsel	Work together on proposed regulation text that is subject to EO's initial approval
2	BCE Board Members	Vote on proposed text and direct staff to begin regulation process.
3	DCA Legal Counsel	Reviews regulation documents and returns to BCE Staff with approval or suggested changes. Legal Affairs notifies the DCA Regulations Coordinator of the status.
4	BCE Staff	Compile four complete hard copy sets of the regulation package and submit to DCA Regulations Coordinator.
5	DCA Regulations Coordinator	Begins DCA initial review process
6	DCA Legal Affairs Division, Legislative Affairs Division, and Budget Office	Review regulation documents.
7	DCA Legal Affairs Division	Chief Counsel Reviews regulation documents
8	DCA Legislative Affairs Division	Deputy Director reviews regulation documents
9	DCA Executive Office	Director reviews regulation documents.
10	Business, Consumer Services, & Housing Agency	Agency Secretary reviews regulation documents.
11	DCA Regulations Coordinator	Logs return of proposed regulation documents from Agency and notifies BCE of approval or concerns & suggested changes
12	BCE Staff	Submits Rulemaking File to the Office of Administrative Law for Notice/PUBLICATION. (If any changes to language last approved by the Board are needed, a vote by the Board may be necessary). 45-Day Public Comment Period begins on date of PUBLICATION.
13	BCE Staff	Receives written comments submitted during the 45-Day Public Comment Period; schedules Public Hearing if requested.

**Department of Consumer Affairs - Regulation Review Process
FINAL PHASE**

Step	Responsible Person/Entity	Required Action
1	BCE Staff & Board Members	Staff review and summarize comments received during 45-day public comment period/hearing. Board Members discuss comments at a public Board Meeting and determine whether to 1) amend the language and issue 15-day public comment period <i>or</i> 2) adopt the proposed text.
2	BCE Staff	Upon adoption of language, staff completes final rulemaking binder and delivers to DCA Legal.
3	DCA Legal Affairs Division	Rulemaking binder is logged and forwarded to BCE's Assigned Legal Counsel
4	DCA Regulations Coordinator	Facilitates review by DCA's Budget Office and the Department of Finance
5	DCA Legal Affairs Division	Binder reviewed by Assistant Chief Legal Counsel
6	DCA Legislative Affairs Division	Binder reviewed by Deputy Director
7	DCA Executive Office	Binder reviewed by Director
8	Business, Consumer Services, & Housing Agency	Binder reviewed by Agency Secretary
9	DCA Regulations Coordinator	Completes closing paperwork and returns binder to BCE with final approval
10	BCE Staff	Submits final rulemaking file to the Office of Administrative Law for review.
11	Office of Administrative Law	Reviews rulemaking file for: 1) Necessity; 2) Authority; 3) Clarity; 4) Consistency; 5) Reference; and, 6) Nonduplication.
12	BCE	If approved: Rulemaking is complete; language takes effect on next effective date or date requested. If disapproved: Board Members decide whether to amend and resubmit or withdraw the regulatory package.



State of California
Gavin Newsom, Governor

Agenda Item 14
October 29, 2020

Schedule End-of-Year Board Meeting
December 2020

Purpose of the item

The Board will review and approve an additional Board meeting in 2020 to hear petitioners.

Action(s) requested

Board approval of additional meeting date in December 2020.

Background

Due to the COVID-19 pandemic, the Board was unable to hold petition hearings at the April, July, and October Board meetings. Scheduling an additional Board meeting in 2020 held via teleconference will allow the Board to resume petition hearings.

Recommendation(s)

Staff recommends the Board approve a meeting date on December 10, 2020 or December 17, 2020.

Next Step

N/A

Attachment(s)

- December 2020 Schedule/Calendar

December 2020

Sun.	Mon.	Tues.	Wed.	Thur.	Fri.	Sat.
29	30	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31	1	2

Key

- Red/Circle = Holiday, offices closed
- Red = Holiday
- X = Conflicts, dates unavailable
- Highlighted = Recommended date

Holidays

- December 11, 2020: Hanukkah (first day)
- December 18, 2020: Last Day of Hanukkah
- December 25, 2020: Christmas Day



State of California
Gavin Newsom, Governor

Agenda Item 15
October 29, 2020

Proposed Board Meeting Schedule
January – December 2021

Purpose of the item

The Board will review and approve meeting dates for 2021.

Action(s) requested

Board approval of meeting dates for the 2021 calendar year.

Background

Annually, at the last meeting of the year, Board Members discuss and approve meeting dates for the following year.

Recommendation(s)

Staff recommends the Board approve meeting dates in January, April, July and October of 2021.

Next Step

N/A

Attachment(s)

- 2021 Proposed Board Meeting Schedule/Calendar

2021 Calendar

January

Su	Mo	Tu	We	Th	Fr	Sa
27	28	29	30	31	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31	1	2	3	4	5	6

February

Su	Mo	Tu	We	Th	Fr	Sa
31	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	1	2	3	4	5	6

March

Su	Mo	Tu	We	Th	Fr	Sa
28	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31	1	2	3

April

Su	Mo	Tu	We	Th	Fr	Sa
28	29	30	31	1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	1

May

Su	Mo	Tu	We	Th	Fr	Sa
25	26	27	28	29	30	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31	1	2	3	4	5

June

Su	Mo	Tu	We	Th	Fr	Sa
30	31	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	1	2	3

July

Su	Mo	Tu	We	Th	Fr	Sa
27	28	29	30	1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

August

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31	1	2	3	4

September

Su	Mo	Tu	We	Th	Fr	Sa
29	30	31	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	1	2

October

Su	Mo	Tu	We	Th	Fr	Sa
26	27	28	29	30	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31	1	2	3	4	5	6

November

Su	Mo	Tu	We	Th	Fr	Sa
31	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	1	2	3	4

December

Su	Mo	Tu	We	Th	Fr	Sa
28	29	30	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	1

Key

Red/Circle = Holiday, offices closed

Red = Holiday

X = Conflicts, dates unavailable

Highlight = Recommended date

List of Holidays 2021

- January 1, 2021: New Year's Day
- January 18, 2021: Martin Luther King Jr. Day
- February 15, 2021: Presidents' Day
- March 28, 2021: Passover (first day)
- March 31, 2021: César Chávez Day
- April 4, 2021: Passover (last day)
- May 31, 2021: Memorial Day
- July 4, 2021: Independence Day
- July 5, 2021: Independence Day (observed)
- September 6, 2021: Labor Day
- September 16, 2021: Yom Kippur
- September 27, 2021: Last Day of Sukkot
- October 11, 2021: Columbus Day
- November 11, 2021: Veterans Day
- November 25, 2021: Thanksgiving Day
- November 29, 2021: Hanukkah (first day)
- December 6, 2021: Last Day of Hanukkah
- December 25, 2021: Christmas Day