



**BOARD OF CHIROPRACTIC EXAMINERS
LICENSING AND CONTINUING EDUCATION COMMITTEE
MEETING MINUTES
February 9, 2022**

In accordance with the statutory provisions of Government Code section 11133 and [Executive Order N-1-22](#), issued by Governor Gavin Newsom on January 5, 2022, the Licensing and Continuing Education Committee of the Board of Chiropractic Examiners (Board) met via teleconference/Webex Events with no physical public locations on February 9, 2022.

Committee Members Present

Dionne McClain, D.C., Chair
Laurence Adams, D.C.
David Paris, D.C.

Staff Present

Kristin Walker, Acting Executive Officer
Dixie Van Allen, Licensing & Administration Manager
Amanda Campbell, Enforcement Analyst
Jason Hurtado, Board Counsel, Attorney III, Department of Consumer Affairs (DCA)
Heather Hoganson, Regulatory Counsel, Attorney III, DCA

1. Call to Order / Roll Call / Establishment of a Quorum

Dr. McClain called the meeting to order at 1:07 p.m. Dr. Paris called the roll. All members were present, and a quorum was established.

2. Review and Approval of June 17, 2021 Committee Meeting Minutes

Motion: Dr. Paris moved to approve the minutes of the June 17, 2021 Licensing and Continuing Education Committee meeting.

Second: Dr. Adams seconded the motion.

Discussion: Dr. McClain noted during the June 17, 2021 Committee meeting, she requested clarification on the accuracy of a statement contained within the draft minutes of the May 7, 2021 meeting and asked for an update on the status of that request. Ms. Walker explained that the discussion of the May 7, 2021 draft minutes, along with the requested clarification of the statement in those minutes, would be placed on the agenda of the next Committee meeting.

Dr. McClain asked for a status update on the action items from the June 17, 2021 meeting and questioned whether the minutes could be approved if those items had not been completed. Ms. Walker acknowledged there are follow-up items from the June 17, 2021 meeting that staff has been working on, but the draft minutes are an

accurate summary of the discussions that took place during the meeting and can be approved at this time by the Committee.

Dr. McClain requested that the issue regarding potential continuing education (CE) providers who have been disciplined and are still able to offer CE courses be placed on the next meeting agenda.

Public Comment: None.

Vote: 3-0 (Dr. McClain-AYE, Dr. Adams-AYE, and Dr. Paris-AYE).

Motion: Carried.

3. Discussion and Possible Action in Response to the January 11, 2022 Waiver Issued by the Director of the Department of Consumer Affairs [DCA Waiver DCA-22-209 Order Extending DCA-20-63, Order Waiving Restrictions on Internet-Based Continuing Education Training for Chiropractors and Naturopathic Doctors](#) and on the Board's Continuing Education Requirements (California Code of Regulations, Title 16, Sections 360-366)

Ms. Walker informed the Committee that on September 23, 2020, the DCA Director issued DCA Waiver DCA-20-63, which waived California Code of Regulations (CCR), title 16, section 361(c) to the extent that it limits to 12 hours the maximum number of CE hours that may be completed through distance learning, subject to the condition that distance learning in excess of 12 hours must consist of Internet or web-based courses that allow participants to concurrently interact with instructors or presenters while they observe the courses. She stated the Board has been referring to this learning format as "interactive videoconferences."

She explained on November 22, 2021, the Director issued a waiver terminating this order on December 31, 2021; however, on January 11, 2022, the Director issued DCA Waiver DCA-22-209, which withdrew and superseded the prior order and set a new termination date of March 31, 2022. She added DCA continues to encourage boards and bureaus to look at the laws and regulations that were waived, determine if any statutory or regulatory changes are needed in the future, and if so, move forward with such changes.

Ms. Walker explained the Committee has a few options to discuss and consider, including: 1) taking no action related to the expiration of this waiver, and instead, continuing the Committee's work to comprehensively amend the Board's CE requirements to expand the background check for CE providers and align the mandatory categories with the core competencies; or 2) moving forward with a separate regulatory proposal to implement some of the changes while these comprehensive updates are developed. She added potential regulatory proposal topics could include amending CCR, title 16, section 363.1 to narrow the definition of distance learning to asynchronous formats, with or without a requirement for chiropractic adjustive technique

courses to be completed in-person. Alternatively, the Committee could recommend moving forward with changes to CCR, title 16, section 364 to allow the Board to waive the annual license renewal requirement for licensees affected by a natural disaster or a state or federal declared state of emergency.

Dr. Adams asked Ms. Walker which of the options presented would provide the quickest resolution to this issue while also allowing the Committee to continue its work on the details of the comprehensive updates. Ms. Walker replied it would be more expedient for the Committee to consider taking a portion of the comprehensive proposal that addresses the issue of the waiver expiring and move forward with a separate regulatory proposal focused solely on that issue.

Dr. McClain asked if the proposed language within CCR, title 16, section 364 reflected specific exemptions that had already been discussed by the Committee. Ms. Walker confirmed that Dr. McClain was correct. At Dr. Paris' request, Ms. Walker read the following proposed language for CCR, title 16, section 364, aloud:

“During instances of natural disaster, a state or federal declared state of emergency, the Board has the authority to authorize completion of twenty-four (24) hours of continuing education through distance learning courses or waive the continuing education requirements for the period of the license renewal. The licensee shall request a waiver from the Board in writing and provide documentation of the mitigating circumstances affecting their renewal requirements.”

Dr. McClain commented that the proposed language would provide the ability to take necessary action in response to these situations and enable the Board to move forward. She also cautioned the Committee against taking action expeditiously without considering what would be prudent for safety and quality assurances.

Dr. Adams asked Dr. McClain if she was suggesting the Committee should not move forward with the proposal to amend the definition of distance learning which would then allow for live videoconferencing to be an option for licensees to complete their CE. Dr. McClain indicated live videoconferencing is already an option, but the Committee is discussing whether or not to act on the waiver that is expiring. She added DCA has been very responsive in issuing waivers in situations that require immediate action.

Dr. Adams responded that DCA expects the Board to review the requirements that were waived and take action, if necessary. He added that based on the information he has reviewed, there is a clear desire by licensees, CE providers, and other stakeholders to have the option for in-person or live videoconferencing courses, and such a change would be consistent with other healing arts boards in California.

Dr. McClain indicated the Committee has received information from both sides of the videoconferencing issue, including some conflated information. She added she has been in contact with chiropractic boards across the country and received information

from the Federation of Chiropractic Licensing Boards (FCLB) that indicates a majority of these boards do not allow full online CE contrary to popular belief.

Mr. Hurtado asked if the Committee members wished to make any additional changes to any of the other sections of the regulations, such as CCR, title 16, section 363.1, which outlines the distance learning formats. Dr. McClain indicated the Committee had discussed defining distance learning as asynchronous learning. She added the Committee had gone through each section of the Board's CE regulations and made some changes as reflected in the draft language.

Ms. Van Allen explained that the Committee could either proceed with the comprehensive updates to all of the CE regulations or take a smaller portion of those regulations and move forward with a separate proposal. She asked the Committee to consider whether they want videoconferencing courses to be counted as classroom or distance learning hours, and after answering that policy question, it can be determined whether to amend CCR, title 16, section 363.1 or 364 to reflect that decision.

Ms. Walker stated the Committee previously agreed that two-way videoconferencing would count for live CE hours with the caveat that this would not apply to the competency for chiropractic adjustive technique, which must be completed in-person. She reiterated there are two policy issues currently before the Committee. First, the Committee needs to decide whether the Board should take any action specifically in response to the expiration of the waiver or just continue with the comprehensive updates to the CE requirements. Second, if the Committee determines the Board should act, the Committee needs to make a recommendation on the path to take. Potential options include amending the definition of distance learning to allow for videoconferencing to be considered as live learning, with or without a requirement for chiropractic adjustive technique to be completed in-person, or adding an exemption for licensees affected by a natural disaster or declared state of emergency. Dr. Adams added the Committee must decide whether to act on a single proposal that would address not only the underlying need for the waiver but also other issues as well.

Dr. Paris suggested that the Committee consider moving forward with a separate proposal to amend CCR, title 16, sections 363.1 and 364, with the requirement for chiropractic adjustive technique to be completed in-person. He explained CCR, title 16, section 364 should be included to provide the ability to waive that in-person requirement when necessary. Dr. Adams expressed his support for Dr. Paris' suggestion.

Dr. McClain asked Ms. Walker if Dr. Paris' suggestion was an option. Ms. Walker indicated the Board could move forward with both concepts concurrently and the Committee would have additional time to continue refining the comprehensive updates.

Dr. Adams suggested moving forward with the update to the definition of distance learning and deferring the in-person chiropractic adjustive technique requirement and exemption language to the comprehensive proposal. He also reminded the Committee that chiropractic adjustive technique courses can be completed via distance learning

under the Board's current regulations. Dr. Paris acknowledged Dr. Adams' comment and opined that by adding the in-person requirement for chiropractic adjustive technique courses, the Committee would be strengthening the regulation in the interest of public protection.

Motion: Dr. Paris moved to pursue a regulatory proposal to amend CCR, title 16, sections 363, 363.1, and 364 by narrowing the definition of distance learning to asynchronous coursework, with the exception of courses in chiropractic adjustive technique, which must be completed in-person, and by providing the Board with the authority to waive the CE requirements when licensees have been affected by a natural disaster or state of emergency.

Second: Dr. Adams seconded the motion.

Public Comment: A chiropractor identified as Dr. Joel expressed her agreement with Dr. Adams' suggestion and asked the Committee to make distance learning available for all CE courses.

Vote: 2-1 (Dr. McClain-NO, Dr. Adams-AYE, and Dr. Paris-AYE).

Motion: Carried.

4. Public Comment for Items Not on the Agenda

Victor Tong, D.C., a licensee and CE provider, stated the DCA waiver has not been working well for licensees, the public, or providers, and the extensions and termination do not work well for planning live seminars with limited notice. Dr. Tong opined that while the Board members may think it works well to have DCA take care of the issue when there is a disaster, the pain on the public is not being experienced by the Board members because they do not have to attend CE seminars.

Cliff Tao, D.C., a licensee and CE provider, agreed with the previous comments and shared that he will be canceling a seminar in April because he does not know if he can still offer it via interactive videoconferencing and get credit for live hours. He explained it is a big deal to providers to not get as much notice as they are used to receiving. Dr. Tao added he fully supports the spirit of allowing asynchronous learning as full live classroom hours too.

5. Future Agenda Items

Dr. McClain explained that she had articulated her future agenda items during the discussion of the meeting minutes.

Marcus Strutz, D.C., a licensee and CE provider, opined the Committee made a good decision but expressed his concerns about how fast the changes will happen. He stated CE providers are currently in limbo of scheduling and canceling seminars and urged the

Board to push this proposal through quickly to benefit CE providers and licensees. He also asked the Board members to read the material he has written to them.

Dr. Joel asked if there was a way to limit the number of required hours for technique and examination procedures.

Dr. McClain thanked the public for their input and assured them that the Board members review all information that is brought forward to them.

6. Adjournment

Dr. McClain adjourned the meeting at 2:30 p.m.