

0152 - Board of Chiropractic Examiners

(Dollars in Thousands)

**2022-23 Governor's Budget with 2021-22 FM 06 Projections W/ AG
Augmentation**

	PY 2020-21	CY 2021-22	BY 2022-23	BY+1 2023-24
BEGINNING BALANCE	\$2,364	\$2,168	\$1,281	\$543
Prior Year Adjustment	-\$86	\$0	\$0	\$0
Adjusted Beginning Balance	\$2,278	\$2,168	\$1,281	\$543
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS				
Revenues				
4121200 - Delinquent fees	\$75	\$59	\$24	\$24
4127400 - Renewal fees	\$4,035	\$3,961	\$3,892	\$3,892
4129200 - Other regulatory fees	\$132	\$116	\$78	\$78
4129400 - Other regulatory licenses and permits	\$401	\$396	\$339	\$339
4163000 - Income from surplus money investments	\$14	\$3	\$16	\$0
4171400 - Escheat of unclaimed checks and warrants	\$1	\$3	\$0	\$0
4172500 - Miscellaneous revenues	\$1	\$8	\$1	\$1
4173500 - Settlements and judgements	\$3	\$0	\$0	\$0
Totals, Revenues	\$4,662	\$4,546	\$4,350	\$4,334
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$4,662	\$4,546	\$4,350	\$4,334
TOTAL RESOURCES	\$6,940	\$6,714	\$5,631	\$4,877
	PY 2020-21	CY 2021-22	BY 2022-23	BY+1 2023-24
EXPENDITURES AND EXPENDITURE ADJUSTMENTS				
Expenditures:				
1111 Program Expenditures (State Operations)	\$4,453	\$4,653	\$4,624	\$4,763
AG Augmentation	\$0	\$398	\$0	\$0
9892 Supplemental Pension Payments (State Operations)	\$85	\$85	\$85	\$85
9900 Statewide Pro Rata	\$234	\$297	\$379	\$379
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$4,772	\$5,433	\$5,088	\$5,227
FUND BALANCE				
Reserve for economic uncertainties	\$2,168	\$1,281	\$543	-\$350
Months in Reserve	4.8	3.0	1.2	-0.8

NOTES:

Assumes workload and revenue projections are realized in BY +1 and ongoing.
Expenditure growth projected at 3% beginning BY +1.
CY Projections includes AG Augmentation of \$398k.

Title 16. Board of Chiropractic Examiners

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

Proposed Language

Amend Sections 363, 363.1, and 364 of Article 6 in Division 4 of Title 16 of the California Code of Regulations to read as follows:

§ 363. Approval of Continuing Education Courses.

(a) Providers must complete and submit a “Continuing Education Course Application” form (Revision date 02/10) which is hereby incorporated by reference, and pay the non-refundable application fee as provided by Section 360(c) at least 45 days prior to the date of the course. Providers shall submit and complete one application for each continuing education course being offered.

(b)(1) A “course” is defined as an approved program of coordinated instruction in any one of the subject areas as defined in Section 361(g) and given by an approved Provider. Once approved, a course may be given any number of times for one year following approval, with the single continuing education course fee paid one time annually by the provider. A course may not consist of more than one subject area as defined in Section 361(g).

(2) “Live and interactive courses given via electronic means” is defined as lectures, webinars, workshops or audio or video conferences delivered via the internet or computer networks in real time, which means online meetings with participatory interaction between the licensee and the instructor attending and presenting the content during the instructional period at the same time.

(3) “In-person learning experience” is defined as in-person lectures, in-person workshops, in-person demonstrations, or in-person classroom studies which allow participatory interaction between the licensee and the instructor during the instructional period at the same time and place.

(c) The following documentation shall be submitted with each Continuing Education Course Application:

(1) An hourly breakdown of the continuing education course;

(2) A final copy of the syllabus/course schedule including seminar name, date and location of seminar, instructor(s) name, course description, educational objectives, teaching methods, course schedule/outline, recommended reading, disclosure of

expenses underwritten or subsidized by vendors of any goods, and supplies or services;

(3) A copy of the course brochure and all other promotional material to be used;

(4) A curriculum vitae for each instructor including the instructor's name and address; the type of educational degree including the name of the college and year the degree was received; license information including status and name of licensing agency; certification including status and name of certifying agency; the type, location and years of practical experience; the type, location and years of teaching experience; the type, location and years of research experience; the type, location and years of other relevant experience; and the title, journal, and date of publications.

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

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

Within 10 days of the hearing before the board, the Executive Officer shall provide written notification of the board's decision to the applicant. The board's decision shall be the final order in the matter.

(e) Only those courses that meet the following shall be approved:

(1) No more than twelve (12) hours of continuing education credit shall be awarded to an individual licensee for coursework completed on a specific date.

(2) Each hour of continuing education credit shall be based on at least fifty (50) minutes of participation in an organized learning experience. Class breaks shall be at the discretion of the instructor and shall not count towards a course hour.

(3) Providers of in-person courses shall furnish a sign-in sheet that contains the course date(s), each licensee's name, license number, and designated space for each licensee to sign in at the beginning and conclusion of the course each day. Furthermore, the form shall state that a licensee by signing their name on that sheet, is declaring under penalty of perjury, that they personally attended the stated course, on the listed date(s) and they personally attended the listed hours of course work. Each licensee shall be responsible for signing the "sign-in sheet" at the start and

conclusion of each day's coursework, and failure to do so may invalidate credit for that day's coursework. Providers shall retain sign-in sheets for four (4) years from the date of course completion and shall provide copies to the Board within thirty (30) days upon written request.

(4) Providers of live and interactive courses given via electronic means shall:

(A) Establish measures for licensee participatory interaction, including participant attendance reports, in-content quizzes, participant polls, real time participant video requirements, and records of participant log in and log out times. Providers shall retain those records for four (4) years from the date of course completion and shall provide copies to the Board within thirty (30) days from the date of the Board's written request.

(B) Provide written notice to the licensee prior to enrolling in the course regarding the technology requirements to successfully participate in the course, including any hardware, software, internet connection speed, or browser requirements.

(C) Make technical assistance available to the licensee throughout the duration of the course to answer questions regarding the course, such as web links to resources that can provide the licensee an immediate response, providing current contact information for instructors that would allow a licensee to email or instant message an instructor and get an immediate response, and/or establishing online discussion boards for sharing real time messages and questions with instructors and participants.

(5) A course in the subject area of chiropractic adjustive techniques or chiropractic manipulation techniques, as specified in Section 361(g)(5), shall be conducted through an in-person learning experience.

(f) The board shall not approve the following subjects for continuing education courses: financial management, income generation, practice building, collections, self-motivation, and patient recruitment.

(g) If a provider makes a substantive change in content of an approved course, he or she shall notify the board as soon as possible of the changes prior to giving the course. A new application may be required as determined by the Executive Officer.

(h) The Executive Officer, after notification, may withdraw approval of any continuing education course for good cause, including, but not limited to, violations of any provision of this regulation or falsification of information and shall provide written notification of such action to the provider. The provider may request an informal hearing with the Executive Officer regarding the reasons for withdrawal of approval stated in the Executive Officer's notification. The appeal must be filed within 30 days of the date of the notification. The Executive Officer shall schedule the informal hearing within 30 days of receipt of the appeal request. Within 10 days following the informal hearing, the Executive Officer shall provide written notification of his or her decision to the provider. If the Executive Officer upholds his or her decision under this subsection, the provider

may, within 30 days of the date of the Executive Officer's notification, request a hearing before the board to appeal the Executive Officer's decision. The Executive Officer shall schedule the requested hearing at a future board meeting but not later than 180 days following receipt of the request. Within 10 days of the hearing before the board, the Executive Officer shall provide written notification of the board's decision to the provider. The board's decision shall be the final order in the matter.

Note: Authority cited: ~~Sections 1000-4(b) and 1000-4(e), Business and Professions Code~~ (Chiropractic Initiative Act of California Stats. 1923 p. 14xxxviii).

Reference: ~~Sections 1000-4(b) and 1000-10(a), Business and Professions Code~~ (Chiropractic Initiative Act of California Stats. 1923 p. 14xxxviii).

§ 363.1. Distance Learning Courses.

“Distance learning” is defined as a form of learning conducted online or outside of a classroom and that does not offer participatory interaction between the licensee and the instructor during the instructional period. In addition to the applicable requirements of Sections 362 and 363, providers of continuing education courses offered through distance learning formats, including, but not limited to, programs or applications on a data-enabled device, such as a computer, tablet, or smart phone; Internet, manuals, compact disks, digital video, versatile discs, and audio and video tapes, shall meet all of the following:

- (a) Disclose course instructors' curriculum vitae or resumes.
- (b) Explain the appropriate level of technology required for a student licensee to successfully participate in the course.
- (c) Make available technical assistance as appropriate to the format.
- (d) Contain security measures to protect the learner's identity, course and related content from unauthorized access.
- (e) Establish a deadline for successful completion of the course through a requirement that a licensee must pass a test of the subject matter. The test may include:
 - (1) An interactive test where the licensee submits answers electronically to the educational provider and receives instant feedback on whether the answer chosen by the licensee is correct and why, and whether the licensee has passed the test; or
 - (2) Completion of a self-assessment test by the licensee that must be submitted to the provider, graded, and returned to the licensee with the correct answers and an explanation of why the answer chosen by the licensee was correct or incorrect.
- (f) Review instructional materials annually to ensure the content is current and relevant.

(g) The continuing education provider shall notify the licensee when he or she is leaving a continuing education site and directed to a promotional or sponsored site. Course material may not endorse manufacturers, distributors, or other sellers of chiropractic products or services. Nothing in this section shall be interpreted to prohibit a provider from mentioning a specific product or service solely for educational purposes.

Note: Authority cited: ~~Sections 1000-4(b) and 1000-4(e), Business and Professions Code~~ (Chiropractic Initiative Act of California Stats. 1923 p. 14xxxviii).

Reference: ~~Section 1000-4(b) and 1000-10(a), Business and Professions Code~~ (Chiropractic Initiative Act of California Stats. 1923 p. 14xxxviii).

§ 364. Exemptions and Reduction of Requirement.

A licensee may qualify for a full or partial exemption, from the continuing education requirements of Section 361 if a licensee meets any of the criterion listed below:

(a) A licensee who holds a license on inactive status is not required to complete continuing education on an annual basis; however, they must provide proof of completion of the required continuing education hours prior to activating their license as specified in Section 371(f);

(b) A new licensee is exempt from continuing education requirements in the year of initial licensure;

(c) An instructor who has taught for one (1) year and currently teaches core curriculum courses for more than eight (8) credit hours per week at any Council on Chiropractic Education accredited college for at least six (6) months during any license renewal period year shall be exempt from continuing education.

(d) A licensee who teaches a board-approved continuing education course may earn one (1) hour of continuing education credit for each hour of lecture up to 24 hours per year.

(e) Notwithstanding Section 361(c), a licensee who is unable to attend continuing education courses due to a physical disability and provides written certification from a primary health care provider may earn all 24 hours of continuing education credits for the period of the license renewal through Board-approved distance learning courses as defined in Section 363.1.

(f) A licensee who participates as an examiner for the entire part four portion of the National Board of Chiropractic Examiners (NBCE) examinations shall receive a maximum of six (6) hours of continuing education credit for each examination period conducted by the NBCE during the license renewal period. The licensee must provide written certification from the NBCE confirming the licensee has met the requirements of this subsection.

(g) A licensee who participates in the entire two-day workshop as a Subject Matter Expert for the purpose of exam development of the California Law and Professional Practice Examination will receive one hour of CE credit for each hour volunteered, up to a maximum of sixteen hours, which includes eight (8) hours in the Ethics and Law and eight (8) hours in the Principles of Practice subject areas as defined in sections 361(g)(11) and 361(g)(16)(A), respectively.

(h) An active Board Member. A professional board member who has served one full year on the Board of Chiropractic Examiners shall be exempt from the continuing education requirement in each year of board member service.

(i) A licensee on active duty with a branch of the armed forces of the United States or the California National Guard who meets the exemption requirements specified in Business and Professions Code section 114.3 shall be exempt from continuing education requirements.

(j) A licensee provides satisfactory proof to the Board that they have been adversely affected within the last year by a natural disaster as defined in Government Code section 8680.3 or a state or federal declared state of emergency as defined in Government Code section 8558.

(1) "Satisfactory proof" shall mean a written statement and supporting documentation that includes the following:

(A) The licensee's name, address, phone number, and email (if applicable).

(B) A request for a full or partial exemption from the Board's continuing education requirements and a statement that the licensee's address is associated with the area where and when a state of emergency or natural disaster has been determined or declared. If the request is for a partial exemption, the licensee shall identify in their request the specific requirements in Section 361 from which the applicant is requesting exemption;

(C) An explanation of how the state of emergency or natural disaster has caused an economic or medical hardship that prevents the licensee from completing the continuing education requirements and details as to why the request for exemption should be approved.

(D) Documentation supporting and confirming the licensee's statement of hardship required in section (j)(1)(C), above. Such supporting documentation may include proof of residency in the affected area, financial records, or written certification from a primary health care provider.

(2) The Board or its designee may approve or deny a licensee's written request for a full or partial exemption. Within fourteen (14) days of receipt of a written request for an exemption pursuant to this subsection, the Board or its designee shall provide written notification to the licensee of approval or denial and stating the reasons for the decision.

(3) The licensee may submit a written request for reconsideration of the denial of any request for exemption pursuant to this subsection to the Board or its designee within fifteen (15) days of the date of the Board's or its designee's denial. The written request shall provide the reasons the licensee warrants a reconsideration of the denial. The Board or its designee shall issue its decision in writing within thirty (30) days of receipt of the licensee's request for reconsideration.

Note: Authority cited: Sections 114.3 and 135.5, Business and Professions Code; and ~~Section 1000-4(b), Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 4xxxviii|xxxviii).~~

Reference: Sections 114.3 and 135.5, Business and Professions Code; and ~~Sections 1000-4(b), 1000-4(e) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 4xxxviii|xxxviii).~~

DRAFT



MEMORANDUM

Agenda Item 16 Handout

DATE	April 21, 2022
TO	Members of the Board of Chiropractic Examiners
FROM	Andreia McMillen, Policy Analyst
SUBJECT	Analysis of 2022 Legislation

The purpose of this memorandum is to provide Board members with an update on the 2022 legislation that will be discussed during the April 22, 2022 Board meeting.

Hyperlinks to the legislation, status, and analyses are included in this document to ensure access to current information, as legislation is frequently amended.

A. [Assembly Bill \(AB\) 646 \(Low, 2021\)](#) Department of Consumer Affairs: boards: expunged convictions.

Status: In Senate, pending referral to policy committee

Bill Analyses:
 01/25/2022 - Assembly Floor Analysis
 04/19/2021 - Assembly Appropriations
 04/06/2021 - Assembly Business and Professions

Next Hearing Date: TBA

Summary: This bill would require a board within the Department of Consumer Affairs (DCA) that has posted on its online license search system that a person’s license was revoked because the person has been convicted of a crime to, within 90 days of receiving a certified copy of an expungement order from the person, either:

- 1) Post notification of the expungement order if the person reapplies for licensure or has been relicensed; or
- 2) Remove the initial posting that the person’s license was revoked and information regarding arrests, charges, and convictions, if the person is not currently licensed and does not apply for licensure.

This bill would also require a board to charge a fee of \$25 to cover the reasonable regulatory cost of administering this section, unless there is no cost, and provide a board with authority to adopt regulations to implement this fee.

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Background: According to the author's office, "[w]hile an expungement does not eliminate the person's records, it provides a potential opportunity for a rehabilitated individual to secure employment through state licensure. If the individual agrees to not seek to practice in the profession for which the license was revoked, it is fair, provided expungement, to give the individual a chance for a new start." This bill is designed to reduce employment barriers for people with previous criminal records who have been rehabilitated and whose convictions have been expunged through the judicial process.

Staff Comments: Staff is supportive of the intent of this bill to reduce employment barriers but is concerned the bill could conflict with the Board's consumer protection mandate by limiting the disciplinary history information that can be publicly disclosed on the Board's online license search system. It is also not clear if the fee authorized by the bill will be sufficient to cover the additional workload and expenses that will be incurred by the Board.

At the July 16, 2021 Board meeting, the Board took a "watch" position on this bill. Staff recommends maintaining this position.

Staff Recommended Position: Maintain WATCH Position

B. [AB 1604 \(Holden, 2022\)](#) The Upward Mobility Act of 2022: boards and commissions: civil service: examinations: classifications.

Status: Assembly Appropriations Committee, referred to suspense file

Bill Analyses: 04/04/2022 - Assembly Appropriations
03/14/2022 - Assembly Committee on Public Employment and Retirement

Next Hearing Date: TBA

Summary: This bill would require all state boards and commissions consisting of one or more volunteer members to have at least one board member or commissioner from an underrepresented community, as defined.

Background: According to the author's office, "[i]n 2020, Governor Newsom took a bold step forward by signing AB 979, which requires each publicly held corporation whose principal executive offices are located in California to have a minimum number of directors from underrepresented on its board of directors. The goal was plain and simple; we need to increase upward mobility opportunities for people of color. This was a praise-worthy step for employees in the private sector. However, there are perpetual barriers to upward mobility that exist in our public sector civil service system. Upward mobility is integral to achieving racial justice and we should be setting the example."

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Staff Comments: A similar bill was proposed in 2021, AB 105 (Holden), which was vetoed by Governor Newsom because elements of the bill conflict with existing constitutional requirements, labor agreements, and current data collection efforts, and may have unintended consequences that warrant further consideration. Staff recommends watching this bill.

Staff Recommended Position: WATCH

C. [AB 1662 \(Gipson, 2022\)](#) Licensing boards: disqualification from licensure: criminal conviction.

Status: Assembly Business and Professions Committee

Bill Analysis: N/A

Next Hearing Date: April 26, 2022

Summary: This bill would authorize a prospective applicant that has been convicted of a crime to submit to a board a request for a preapplication determination that includes information provided by the prospective applicant regarding their criminal conviction. The bill would require a board that receives that request to determine if the prospective applicant would be disqualified from licensure by the board based on the information submitted with the request, and deliver that determination to the prospective applicant.

Background: According to the author's office, "Californians with criminal records face regulatory barriers that can deter or exclude them from good-paying licensed professions. One of the main barriers that people with criminal records face when trying to apply for a licensed profession is the expensive tuition that comes with training and courses one needs to take, just to find out that they were denied due to their criminal record."

Staff Comments: This bill would require the Board to review criminal conviction information submitted by a prospective applicant and determine if the applicant would be disqualified from licensure based on that information. Staff estimates this review and determination would cost the Board \$600 in staff compensation per request. Staff anticipates an increase in workload and operating costs associated with the implementation of this bill.

In addition, the Board may face challenges in providing an accurate preapplication determination, as the Board would need to rely on the information provided by the prospective applicant, rather than an independent investigation of the underlying facts leading to the criminal conviction, and the applicant's criminal history at the time they request the preapplication determination may no longer be relevant at the time they complete their chiropractic education and seek licensure. Therefore, staff recommends opposing this bill unless it is amended to make it clear that the preapplication

determination is informational only and non-binding on the Board during the licensure process.

Staff Recommended Position: OPPOSE UNLESS AMENDED

D. [AB 1733 \(Quirk, 2022\)](#) State bodies: open meetings.

Status: Assembly Governmental Organization Committee, hearing postponed by committee

Bill Analysis: N/A

Next Hearing Date: TBA

Summary: This bill would specify that a “meeting” held under the Bagley-Keene Open Meeting Act includes a meeting held entirely by teleconference, as defined. This bill would remove existing provisions that require each teleconference location to be identified in the notice and agenda and accessible to the public, and instead, require the state body to adhere to certain specified requirements, such as: holding all open meetings by teleconference; ensuring the public has the means to hear, observe, and address the state body during the meeting; providing the public with at least one physical location where they can participate; posting the meeting agendas online and at the physical meeting location with information indicating how the meeting can be accessed; and ensuring that if a means of remote participation fails, the meeting must adjourn. This bill would take effect immediately as an urgency statute.

Background: According to the author’s office, “[t]he COVID-19 global pandemic has disrupted the way organizations function, just as it has disrupted daily life in general. In 2020, as California’s infection rates began to climb, California implemented stay-at-home orders and businesses (both private and public) shut down physical work sites in an attempt to reduce the spread of infection caused by the virus. The lockdown prompted Governor Newsom to issue Executive Order N-29-20, which suspended Bagley-Keene requirements and authorized any local legislative body or state body to hold public meetings via teleconference. This suspension was extended until March 31, 2022. AB 1733 modernizes the teleconferencing statute of Bagley-Keene to encourage more participation and engagement in public service.”

Staff Comments: This bill would increase public access to board and committee meetings by requiring both a physical location and a means of remote participation and would allow members of the Board to remotely participate in a meeting from a non-public location, such as their homes or private offices. However, if the means of remote participation fails during a meeting and cannot be restored, the Board must end or adjourn the meeting and comply with various public notification requirements to reconvene the board meeting.

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This bill would also eliminate the requirement for the Board to meet at least once per calendar year in northern California and southern California if the Board's meetings are held entirely by teleconference.

Staff estimates this bill would result in cost savings to the Board of up to \$20,000 per year by reducing or eliminating the costs associated with Board member and staff travel for meetings. Staff recommends supporting this bill.

Staff Recommended Position: SUPPORT

E. [Senate Bill \(SB\) 731 \(Durazo, 2021\)](#) Criminal records: relief.

Status: In Assembly, ordered to inactive file

Bill Analyses:

- 09/10/2021 – Senate Floor Analysis
- 09/02/2021 – Assembly Floor Analysis
- 08/31/2021 – Assembly Floor Analysis
- 08/16/2021 – Assembly Appropriations
- 06/28/2021 – Assembly Public Safety
- 05/25/2021 – Senate Floor Analysis
- 05/20/2021 – Senate Appropriations
- 04/30/2021 – Senate Appropriations
- 04/08/2021 – Senate Public Safety

Next Hearing Date: N/A

Summary: This bill would expand automatic arrest record and conviction relief to additional felony offenses, as specified. This bill would also expand discretionary expungement relief to include felonies where the defendant was sentenced to state prison, rather than just realigned felonies, as specified.

Background: According to the author's office, "[n]ationally, an estimated 70 million people (nearly one in three adults, and 8 million people in California alone) have a past arrest or conviction on their record. The vast majority of people with convictions have long finished their sentence in prison, jail, parole or probation and exited the 'deepest end' of the justice system. Despite the data on recidivism, California still maintains these records until the person reaches 100 years of age. Due to widespread usage of background checks in today's society, the availability of these records present thousands of barriers for one quarter of the state's population resulting in chronic housing insecurities, long-term unemployment, and widespread constraints on civic participation. These collateral consequences disproportionately impact Black and Latino communities and have become one of the leading drivers of multi-generational poverty."

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Staff Comments: This bill would expand upon recent criminal justice reforms by creating further mechanisms for conviction dismissal. While the bill will limit the criminal history information a regulatory board will have access to, it will remove barriers that currently prevent individuals with prior criminal histories from obtaining employment and becoming productive members of their communities.

At the July 16, 2021 Board meeting, the Board took a “watch” position on this bill. Because SB 731 was moved to inactive file on April 7, 2022, staff will continue to monitor the status of this bill and any progress or developments. Staff recommends maintaining this position.

Staff Recommended Position: Maintain WATCH Position

F. [SB 1031 \(Ochoa Bogh, 2022\)](#) Healing arts boards: inactive license fees.

Status: Senate Appropriations Committee

Bill Analysis: 04/14/2022 - Senate Business, Professions and Economic Development

Next Hearing Date: TBA

Summary: This bill would require the renewal fee for an inactive license issued by DCA healing arts boards to be half the amount of the fee for a renewal of an active license, unless the board establishes a lower fee.

Background: According to the author’s office, “[w]ith the worsening labor shortage among healthcare professionals, especially as a result of the COVID-19 pandemic, it is crucial that the state provides financial flexibility for workers who choose to take a temporary pause on their profession. An inactive license provides for long-term flexibility and allows workers to use the hiatus for a multitude of reasons, including recovering from burnout, starting a family, or caring for a family member with long-term health issues. Maintaining an inactive license makes for a much easier transition back to active license status as compared to a licensee transitioning their license from delinquent or retired. Although inactive status provides for flexibility logistically, if renewal fees are not reduced as compared to an active status license, it may hinder workers from being able to make the financial decision to go on inactive status if need be.”

Staff Comments: The Board currently licenses approximately 12,500 licensees with about 1,400 inactive licensees. The annual renewal fee for a doctor of chiropractic license is currently set at \$313 regardless of whether the licensee chooses to renew the license as “active” or “inactive.” This fee provides the main source of revenue for the Board’s annual budget.

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This bill would reduce the fee for the renewal of an inactive license to 50% of the fee for an active license, thereby reducing the Board's annual revenue by approximately \$219,000. This fiscal impact would not be absorbable, and the Board would need to increase the annual renewal fee for an active license to cover the loss of revenue from holders of inactive licenses. Staff recommends taking a neutral position on this bill and including the annual renewal fees for active and inactive licenses in the discussion of the Board's fee proposal.

Staff Recommended Position: NEUTRAL

G. [SB 1237 \(Newman, 2022\)](#) Licenses: military service.

Status: Senate Military and Veterans Affairs Committee

Bill Analysis: 03/31/2022 - Senate Business, Professions and Economic Development

Next Hearing Date: April 26, 2022

Summary: This bill would clarify the definition of "active duty" for purposes of an individual called to active duty as a member of the United States Armed Forces or the California National Guard to be eligible for a waiver of renewal fees, continuing education requirements, and other renewal requirements of DCA boards and bureaus.

Background: AB 1588 (Atkins, Chapter 742, Statutes of 2012) authorized DCA entities to provide waivers from professional license renewal fees and continuing education requirements for active duty members of the United States Armed Forces. The waivers do not apply to entities that have a similar statutorily authorized renewal waiver process for military personnel. A 2013 memo issued by DCA designed to assist programs in implementing AB 1588 noted, "Legislative notes indicate that Section 114.3 presupposes a service member's temporary change in lifestyle and circumstance whereby the fulfillment of renewal requirements like continuing education and the submittal of fees would be near impossible. The waiver applies equally to those reservists called up to active duty, or to career active duty military personnel that are ordered to a change in circumstance. Not all career military licensees that fall under the broader definition of 'active' military by working full time, then, would be eligible for the waiver. Only career active-duty licensees that have a temporary change in assignment to a remote location in order to perform a military task would qualify for the waiver. Conversely, those military personnel that have orders to serve in a permanent, career position at a base are not 'called to active duty' within the meaning of the exemption...The granting of military renewal waivers, however, should be reserved for what is commonly referred to as a 'TOY' or temporary duty assignment." This narrow interpretation has caused confusion and resulted in unintended consequences whereby military personnel have been denied the opportunity to take advantage of waivers if their

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active duty is longer than a specified timeframe, even as they remain called to active duty.

Staff Comments: Amendments made to this bill on March 30, 2022, removed the provision to waive the renewal fees of a licensee called to active duty if the licensee is stationed outside of California. This bill would, instead, clarify that “called to active duty” has the same meaning as “active duty” and also include individuals who are on active duty in the California National Guard. This bill does not impact Board operations at this time. Staff recommends watching this bill.

Staff Recommended Position: WATCH

H. [SB 1365 \(Jones, 2022\)](#) Licensing boards: procedures.

Status: Senate Public Safety Committee

Bill Analysis: 03/31/2022 - Senate Business, Professions and Economic Development

Hearing Date: April 26, 2022

Summary: This bill would require each board within DCA to publicly post on its website a list of criteria used to evaluate applicants with criminal convictions so that potential applicants for licensure may be better informed about their possibilities for gaining licensure before investing time and resources into education, training, and application fees. This bill would also require DCA to develop a process for each board to use in verifying applicant information and performing background checks of applicants, and develop a procedure to provide for an informal appeals process that would occur between an initial license denial and an administrative hearing.

Background: According to the author’s office, [t]here is an overall lack in consistency across DCA boards in how these particular applicants are handled. The current process lets boards have their own autonomy over how they award licensure. In the event these boards find an applicant has previous convictions, they proceed with their own procedures. This means there is not a consolidated way for applicants to understand all the requirements necessary for their applications. Majority of these boards do not include a step in the application process to provide court documents describing their criminal history. This provides a disadvantage to the applicants because according to the current Business and Professions Code, they must disclose their criminal history. However, if the previous convictions are unrelated to the licensed practice, this information is less likely to affect the review process.”

The current laws for licensure make it difficult for the formerly incarcerated population to apply for licenses. There is limited information and few resources available to support these individuals as they apply. Therefore, there is a growing need for clearer

instructions and better transparency of this process, so all applicants are aware of the existing rules of each license.

Staff Comments: Pursuant to AB 2138 (Chiu and Low, Chapter 995, Statutes of 2018), the Board has promulgated regulations that define the criteria that must be considered to determine if a crime is substantially related to the qualifications of the chiropractic profession and that define the evidence of rehabilitation the Board must consider before denying issuance of a license. These regulations are posted on the Board's website.

Staff supports efforts to increase transparency to prospective applicants about their possibilities for licensure before investing time and resources into pursuing a chiropractic education. The Board averages 13 license applications per year from applicants with criminal records. The costs associated with implementing this bill are currently unknown, but staff anticipates the informal appeals process could have a negative fiscal impact on the Board's budget. Staff recommends watching this bill.

Staff Recommended Position: WATCH

I. [SB 1434 \(Roth, 2022\)](#) State Board of Chiropractic Examiners: directory.

Status: Senate Appropriations Committee

Bill Analysis: 04/14/2022 - Senate Business, Professions and Economic Development

Next Hearing Date: TBA

Summary: This bill would require the Board to: 1) be subject to review by the appropriate policy committees of the Legislature as if the practice act was scheduled to be repealed on January 1, 2017; 2) include the telephone numbers and email addresses of licensees in the Board's directory and require licensees to immediately notify the Board of a change of contact information; and 3) submit a report to the appropriate policy and fiscal committees of the Legislature by July 1, 2023, that contains an update on the Board's plans for restructuring its license fees. In addition, this bill would remove specified exemptions from the probation status disclosure requirement for licensees placed on probation by the Board.

Background: On March 7, 2022, the Senate Committee on Business, Professions and Economic Development and the Assembly Committee on Business and Professions held a Joint Sunset Review Oversight Hearing on the Board's administration. Prior to the hearing, Committee staff prepared a background paper identifying issues and recommendations for the Board based on the information provided in the Board's Sunset Review Report.

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This is the Board's sunset bill and it is intended to improve oversight of chiropractic and chiropractic licensees stemming from the sunset review oversight of the Board and implement legislative changes as recommended by staff of the Committees.

Staff Comments: This bill extends the Board's oversight review date by four years, modernizes the Board's directory, requires the submission of an update on the Board's plans to restructure its license fees, and strengthens consumer protection by ensuring patients are properly notified of a licensee's probationary status and can make informed decisions prior to receiving chiropractic care. Staff recommends supporting this bill.

Staff Recommended Position: SUPPORT