



**MODIFIED**

**NOTICE OF BOARD OF CHIROPRACTIC EXAMINERS MEETING DATES**

**Board Members**

David Paris, D.C., Chair  
 Laurence Adams, D.C., Vice Chair  
 Rafael Sweet, Secretary  
 Janette N.V. Cruz  
 Pamela Daniels, D.C.  
 Dionne McClain, D.C.

**The Board of Chiropractic Examiners (Board) will meet on:**

<p style="text-align: center;"><b>DAY 1</b></p> <p style="text-align: center;"><b>Thursday, April 21, 2022</b>  <b>12:30 p.m. to 3:30 p.m.</b>            (or until completion of business)</p> <p><b><u>TELECONFERENCE ONLY (details below)</u></b></p>	<p style="text-align: center;"><b>DAY 2</b></p> <p style="text-align: center;"><b>Friday, April 22, 2022</b>  <b>9:00 a.m. to 5:00 p.m.</b>            (or until completion of business)</p> <p><b><u>PHYSICAL MEETING LOCATION</u></b>  <b>Department of Consumer Affairs</b>  <b>Hearing Room</b>  <b>1747 N. Market Blvd., Suite 186</b>  <b>Sacramento, CA 95834</b></p>
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**Teleconference Instructions for Thursday, April 21, 2022:** The Board will hold the first portion of the public meeting on Thursday, April 21, 2022, via Webex Events. To access and participate in the meeting, please click on, or copy and paste into a URL field, the link below:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=mc4a9d85368222c18cca513e5cdd9a6dd>

**If joining using the link above**

Event number: 2481 910 6496  
 Event password: BCE04212022

**If joining by phone**

+1-415-655-0001 US Toll  
 Access code: 248 191 06496  
 Passcode: 22304212

Instructions to connect to the teleconference meeting can be found at the end of this agenda.

**Teleconference Meeting Locations**

Department of Consumer Affairs  
 El Dorado Room  
 1625 N. Market Blvd., Suite N-220  
 Sacramento, CA 95834

Dionne McClain, D.C.  
 McClain Sports & Wellness  
 6360 Wilshire Blvd., **Suite 410**  
 Los Angeles, CA 90048

**Teleconference Meeting Locations (Continued)**

Rafael Sweet  
5250 Lankershim Blvd., Suite 500  
North Hollywood, CA 91601

Pamela Daniels, D.C.  
1165 Park Avenue  
San Jose, CA 95126

David Paris, D.C.  
3455 Knighton Road, Room PR10  
Redding, CA 96002

Laurence Adams, D.C.  
101 Andrieux Street  
Sonoma, CA 95476

Janette N.V. Cruz  
Sacramento Municipal Utility District  
6201 S Street, Third Floor  
Sacramento, CA 95817

**Important Notice to the Public Regarding Friday, April 22, 2022:** The Board plans to webcast the portion of the meeting being held on Friday, April 22, 2022, at <https://thedcapage.wordpress.com/webcasts/>. Webcast availability cannot, however, be guaranteed due to limitations on resources or other technical difficulties that may arise. The meeting will not be canceled if webcast is not available. If you wish to participate or to have a guaranteed opportunity to observe, please attend at the physical meeting location specified above. Meeting adjournment may not be webcast if adjournment is the only item that occurs after a closed session.

**Note:** Members of the public may also submit written comments to the Board on any agenda item by Monday, April 18, 2022. Written comments should be directed to [chiro.info@dca.ca.gov](mailto:chiro.info@dca.ca.gov) for Board consideration.

**The Board may take action on any agenda item listed on this agenda, including information-only items.**

**AGENDA**

**Day 1**

**12:30 p.m., Thursday, April 21, 2022 by Teleconference Only (Webex)**

- 1. Open Session – Call to Order / Roll Call / Establishment of a Quorum**
- 2. Closed Session – The Board Will Meet in Closed Session to:**
  - Interview Candidates for the Executive Officer Position Pursuant to Government Code Section 11126, subd. (a)(1)
- 3. Reconvene to Open Session and Recess Until April 22, 2022 at 9:00 a.m.**

**DAY 2**

**9:00 a.m., Friday, April 22, 2022 at Department of Consumer Affairs Hearing Room**

- 4. Call to Order / Roll Call / Establishment of a Quorum**
- 5. Petition Hearings for Reinstatement of Revoked License**
  - A. Joshua Han Cho, License No. DC 27731, Case No. AC 2018-1163
  - B. Thomas Michael Klassy, License No. DC 23031, Case No. AC 2009-722
- 6. Petition Hearing for Reinstatement of Surrendered License**
  - Mark Anthony Stolyar, License No. DC 26249, Case No. 2010-812
- 7. Closed Session – The Board Will Meet in Closed Session to:**
  - A. Deliberate and Vote on Disciplinary Matters, including the Above Petitions for Reinstatement of Revoked/Surrendered License, Pursuant to Government Code Section 11126, subd. (c)(3)
  - B. Confer with and Receive Advice from Legal Counsel Regarding *Elizabeth Acosta v. Board of Chiropractic Examiners*, Los Angeles County Superior Court, Case No. BC698162 and *Elizabeth Acosta v. State of California, et al.*, Los Angeles County Superior Court, Case No. 19STCV06136, Pursuant to Government Code Section 11126, subd. (e)
  - C. Discuss and Possibly Take Action to Select and Appoint a Permanent Executive Officer Pursuant to Government Code Section 11126, subd. (a)(1)

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**1-Hour Lunch Break**

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- 8. Reconvene to Open Session**
- 9. Board Chair's Report**
- 10. Review and Approval of January 25, 2022 and March 22, 2022 Board Meeting Minutes**
- 11. Ratification of Approved License Applications**
- 12. Ratification of Approved Continuing Education Providers**
- 13. Acting Executive Officer's Report – Update on:**
  - A. Administration, Continuing Education, Enforcement, and Licensing Programs
  - B. Board's Budget and Fund Condition
  - C. Business Modernization Project and Implementation of Connect System
  - D. Status of Board's Pending Rulemaking Packages
- 14. Review, Discussion, and Possible Action on Proposal to Amend the Board's Fee Schedule (Business and Professions Code Section 1006.5)**

**15. Licensing & Continuing Education Committee Report**

- A. Update on February 9, 2022 Committee Meeting
- B. Review, Discussion, and Possible Adoption of Committee’s Motion to Amend California Code of Regulations, Title 16, Sections 361 (Continuing Education Requirements), 363 (Approval of Continuing Education Courses), 363.1 (Distance Learning Courses), and 364 (Exemptions and Reduction of Requirement)

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**15-Minute Break**

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**16. Update, Discussion, and Possible Action on Legislation**

- A. [Assembly Bill \(AB\) 646](#) (Low) Department of Consumer Affairs: boards: expunged convictions.
- B. [AB 1604](#) (Holden) The Upward Mobility Act of 2022: boards and commissions: civil service: examinations: classifications.
- C. [AB 1662](#) (Gipson) Licensing boards: disqualification from licensure: criminal conviction.
- D. [AB 1733](#) (Quirk) State bodies: open meetings.
- E. [Senate Bill \(SB\) 731](#) (Durazo) Criminal records: relief.
- F. [SB 1031](#) (Ochoa Bogh) Healing arts boards: inactive license fees.
- G. [SB 1237](#) (Newman) Licensees: military service.
- H. [SB 1365](#) (Jones) Licensing boards: procedures.
- I. [SB 1434](#) (Roth) State Board of Chiropractic Examiners: directory.

**17. Discussion and Possible Action on Chair’s Proposal for the Board to Create Separate “Licensing” and “Continuing Education” Committees**

**18. Public Comment for Items Not on the Agenda**

Note: Members of the public may offer public comment for items not on the agenda. However, the Board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a).]

**19. Future Agenda Items**

Note: Members of the Board and the public may submit proposed agenda items for a future Board meeting. However, the Board may not discuss or take action on any proposed matter except to decide whether to place the matter on the agenda of a future meeting. [Government Code Section 11125.]

**20. Adjournment**

This agenda can be found on the Board’s website at [www.chiro.ca.gov](http://www.chiro.ca.gov). The time and order of agenda items are subject to change at the discretion of the Board Chair and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to it taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Board, but the Board Chair may, at their discretion, apportion available time among those who wish to speak. Members of the public will not be permitted to yield their allotted time to other members of the public to make comments. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125 and 11125.7(a)).

The meeting is accessible to individuals with disabilities. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting the Board at:

**Telephone:** (916) 263-5355

**Email:** [chiro.info@dca.ca.gov](mailto:chiro.info@dca.ca.gov)

**Telecommunications Relay Service:** Dial 711

**Mailing Address:**

Board of Chiropractic Examiners

1625 N. Market Blvd., Suite N-327

Sacramento, CA 95834

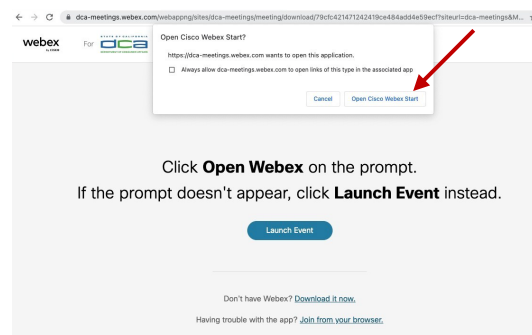
Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

### If joining using the meeting link

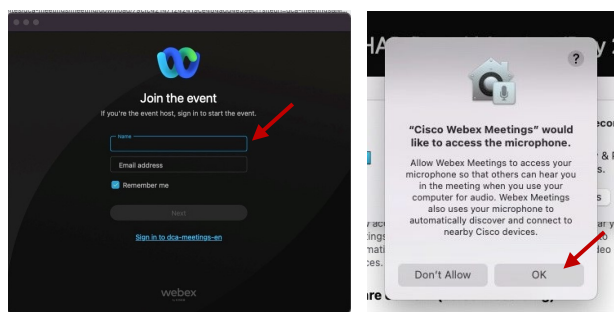
1 Click on the meeting link. This can be found in the meeting notice you received.

2 If you have not previously used Webex on your device, your web browser may ask if you want to open Webex. Click “Open Cisco Webex Start” or “Open Webex”, whichever option is presented.

DO NOT click “Join from your browser”, as you will not be able to participate during the meeting.



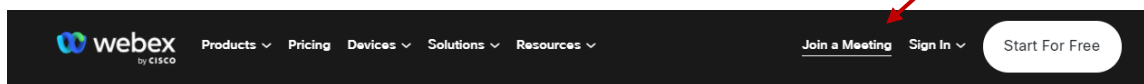
3 Enter your name and email address. Click “Join as a guest”. Accept any request for permission to use your microphone and/or camera.



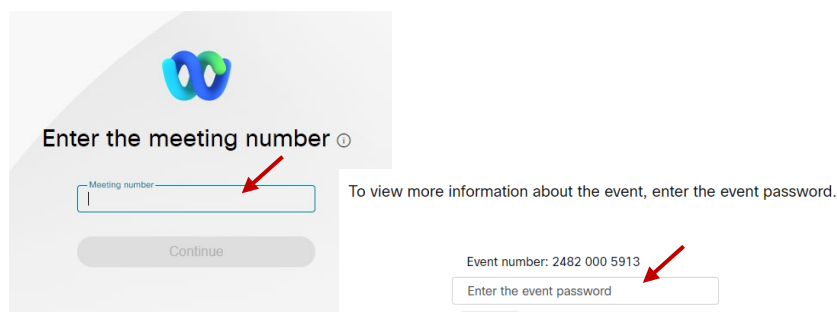
OR

### If joining from Webex.com

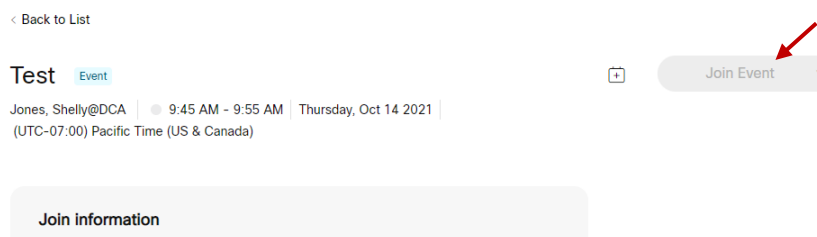
1 Click on “Join a Meeting” at the top of the Webex window.



2 Enter the meeting/event number and click “Continue”. Enter the event password and click “OK”. This can be found in the meeting notice you received.



3 The meeting information will be displayed. Click “Join Event”.



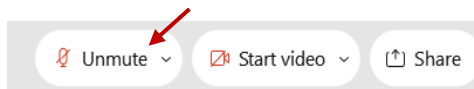
OR

### Connect via telephone:

You may also join the meeting by calling in using the phone number, access code, and passcode provided in the meeting notice.

### Microphone

Microphone control (mute/unmute button) is located on the command row.

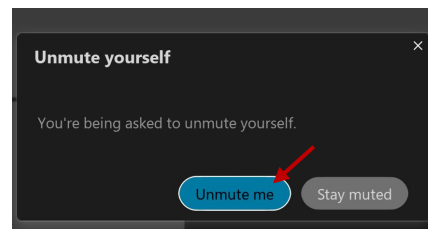


Green microphone = Unmuted: People in the meeting can hear you.



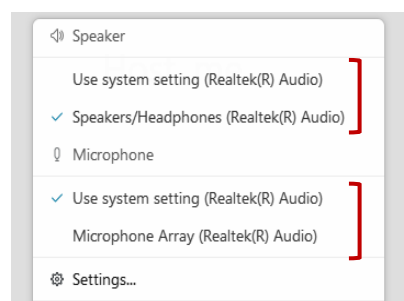
Red microphone = Muted: No one in the meeting can hear you.

*Note: Only panelists can mute/unmute their own microphones. Attendees will remain muted unless the moderator enables their microphone at which time the attendee will be provided the ability to unmute their microphone by clicking on “Unmute Me”.*



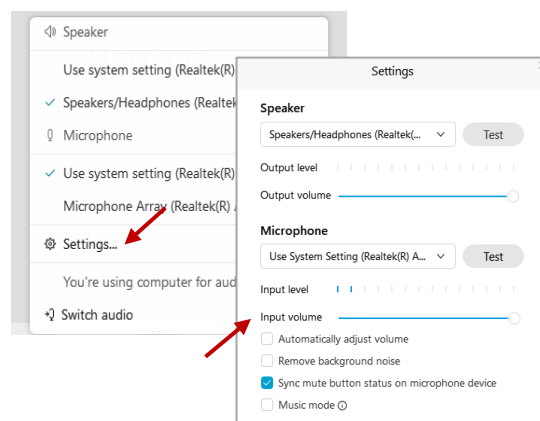
### If you cannot hear or be heard

- 1 Click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window, select a different:
  - Microphone option if participants can't hear you.
  - Speaker option if you can't hear participants.



### If your microphone volume is too low or too high

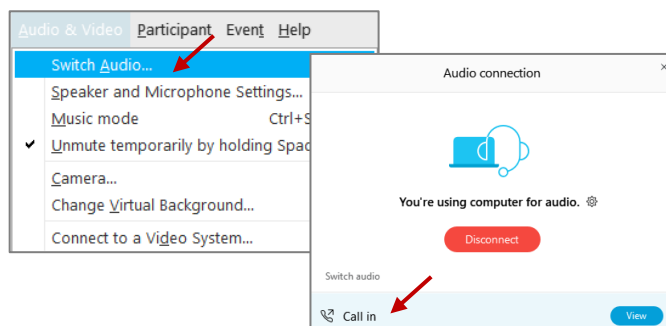
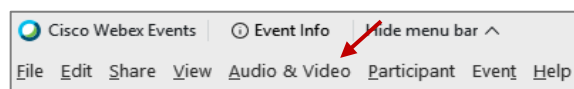
- 1 Locate the command row – click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window:
  - Click on “Settings...”:
  - Drag the “Input Volume” located under microphone settings to adjust your volume.



### Audio Connectivity Issues

If you are connected by computer or tablet and you have audio issues or no microphone/speakers, you can link your phone through webex. Your phone will then become your audio source during the meeting.

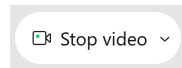
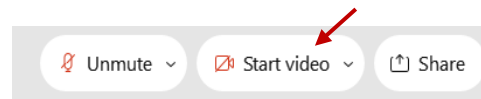
- 1 Click on “Audio & Video” from the menu bar.
- 2 Select “Switch Audio” from the drop-down menu.
- 3 Select the “Call In” option and following the directions.



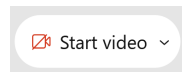
### Web Camera

Only panelists (e.g. staff, board members, presenters) can access the web camera feature.

Camera control (Start Video/Stop Video button) is located on the command row.



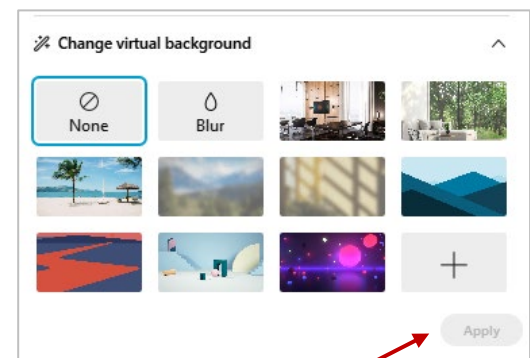
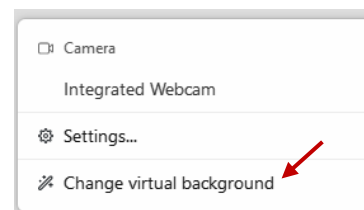
Green dot in camera = Camera is on: People in the meeting can see you.



Red dot in camera = Camera is off: No one in the meeting can see you.

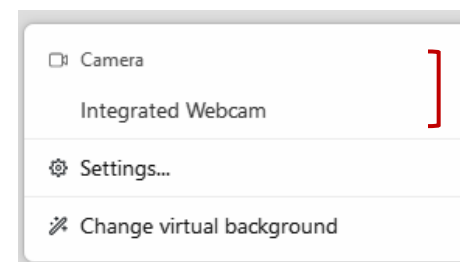
### Virtual Background

- 1 To access virtual backgrounds, click on the bottom facing arrow located on the video button.
- 2 Click on "Change Virtual Background".
- 3 From the pop-up window, click on any of the available images to display that image as your virtual background and click "Apply".



### If you cannot be seen

- 1 Locate the command row – click on the bottom facing arrow located on the video button.
- 2 From the pop-up window, select a different camera from the list.







**Agenda Item 10**  
**April 21-22, 2022**

**Review and Approval of January 25, 2022 and March 22, 2022**  
**Board Meeting Minutes**

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**Purpose of the Item**

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

**Action Requested**

The Board will be asked to make a motion to approve the January 25, 2022 and March 22, 2022 Board meeting minutes.

**Attachments**

- January 25, 2022 Board Meeting Minutes (Draft)
- March 22, 2022 Board Meeting Minutes (Draft)

**BOARD OF CHIROPRACTIC EXAMINERS  
PUBLIC SESSION MINUTES**

January 25, 2022  
Teleconference

**Board Members Present**

Dionne McClain, D.C., Chair  
David Paris, D.C., Vice Chair  
Laurence Adams, D.C.  
Janette N.V. Cruz  
Pamela Daniels, D.C.  
Rafael Sweet

**Staff Present**

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

**1. Open Session – Call to Order / Roll Call / Establishment of a Quorum**

Dr. McClain called the meeting to order at 9:13 a.m. Dr. Paris called the roll. All members were present and a quorum was established.

**2. Hearing Regarding Petition for Reinstatement of Surrendered License**

Administrative Law Judge Sean Gavin presided over and Deputy Attorney General Summer Haro appeared on behalf of the people of the State of California on the following hearing:

- Daniel Hanania Dahan Case No. AC 2014-997

**3. Hearing Regarding Petitions for Early Termination of Probation**

Administrative Law Judge Sean Gavin presided over and Deputy Attorney General Summer Haro appeared on behalf of the people of the State of California on the following hearings:

- A. Mark Steven Kimes, D.C. Case No. AC 2019-1233
- B. Michael John Foli, D.C. Case No. AC 2018-1206

#### **4. Closed Session**

The Board met in Closed Session to:

- Deliberate and Vote on Disciplinary Matters, including the Above Petitions for Reinstatement of Surrendered License and Early Termination of Probation, Pursuant to Government Code Section 11126, subd. (c)(3)

#### **5. Reconvene to Open Session**

The Board went back into Open Session.

#### **6. Update from the Department of Consumer Affairs (DCA) – DCA Board and Bureau Relations**

Carrie Holmes, Deputy Director of DCA Board and Bureau Relations, updated the Board on DCA's COVID-19 safety measures, notified the Board that Governor Newsom signed an executive order that enabled public agencies to continue to meet remotely through March 31, 2022, and reminded new Board members to complete the Board Member Orientation training.

Public Comment: None.

#### **7. Board Chair's Report**

Dr. McClain congratulated Kristin Walker on her appointment to Acting Executive Officer after the retirement of Robert Puleo on December 31, 2021. Dr. McClain informed stakeholders that the Board is continuously working to improve the functionality of the new online system called Connect and future developments include continuing education. Dr. McClain remarked that the Board is working to improve the quality of the subject matter experts and continuing education requirements.

#### **8. Acting Executive Officer's Report – Update on:**

##### **A. Administration, Continuing Education, Enforcement, and Licensing Programs**

Ms. Walker notified the Board that there are currently six vacant staff positions: the Executive Officer; the Enforcement Manager; a Special Investigator; an Associate Governmental Program Analyst; and two Office Technicians. She added that staff is actively recruiting for the Enforcement Manager and Office Technician positions.

Ms. Walker informed the Board that staff is working with DCA's SOLID Strategic Planning Solutions to begin the preliminary work on the Board's next strategic plan.

Ms. Walker noted that the Board received 352 continuing education (CE) course applications in December 2021 and had a total of 387 pending at the end of the year. Ms. Walker stated the Enforcement Program continues to focus on investigating and closing complaints and had 424 pending complaints which is consistent with staff's average workload. Ms. Walker acknowledged that the licensing population has continued to steadily decline by about 20 to 40 licenses each month this fiscal year.

## **B. Board's Budget and Fund Condition**

Ms. Walker informed the Board that there have not been any major changes since the last Board meeting on December 16, 2021. The Board's budget remains imbalanced and the Board will have under three months in reserve at the end of this fiscal year. Without any changes, insolvency will likely occur in fiscal year 2023/24. Staff met with DCA's Budget Office on January 14, 2022 and is continuing to work closely with them on this situation.

Dr. McClain asked when the Board can implement recommendations from the fee analysis study discussed at the December 16, 2022 meeting. Ms. Walker stated the Board is currently undergoing the Sunset Review process and the budget will be one of the issues brought before the Legislature for review. She added that she is working with DCA's Budget Office to determine all possible solutions, whether it be a fee increase or strategies to further cut costs to eliminate the imbalance.

## **C. Business Modernization Project and Implementation of Connect System**

Ms. Walker stated staff is continuing to work with DCA's Office of Information Services and the vendor on system refinements and implementing the next project phase which will involve continuing education functionality.

## **D. Status of Board's Pending Rulemaking Packages**

Ms. McMillen affirmed the main goal for this year is to progress through high priority rulemaking packages and complete them as quickly as possible.

Public Comment: None.

## **9. Discussion and Possible Action by the Board to Weigh Available Options 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](#)**

**MOTION: DR. PARIS MOVED TO REFER THIS DISCUSSION TO THE LICENSING & CONTINUING EDUCATION COMMITTEE.**

**SECOND: DR. MCCLAIN SECONDED THE MOTION.**

**Discussion:** Dr. Adams raised the concern that moving the discussion to the Licensing & Continuing Education Committee would delay needed action as the waiver is set to expire on March 31, 2022. Dr. Adams agreed the Licensing & CE Committee should do the comprehensive continuing education (CE) regulation package but believed the Board should direct staff to do a single item regulatory package to define distance learning as asynchronous and self-paced, as previously discussed by the Licensing & Continuing Education Committee.

Dr. McClain disagreed the Licensing & CE Committee decided to define distance learning as asynchronous and self-paced.

Dr. Paris added the Licensing & CE Committee would be meeting soon on February 9, 2022 and that discussing this issue at the Committee meeting would allow for a full discussion before a change to CE is made and that the recommendation from the Committee would go before the full Board.

Public Comment: Steven Eggleston, a chiropractic licensee, stated that the CE for his attorney's license can all be taken online and that it should be the same for chiropractic licenses.

Public Comment: Marcus Strutz, a licensee and CE provider, asserted he is a proponent of interactive video conferences and he has concerns about offering courses in person again due to the COVID-19 pandemic as the waiver is set to expire on March 31, 2022.

Public Comment: Mark Robertson suggested the Board review the Texas board's regulations as they recently made changes to their regulations in a similar manner.

Public Comment: Cliff Tao, a licensee and CE provider, agreed with the prior sentiments regarding interactive video conferences and urged the Board to move quickly.

Public Comment: Victor Tong, a licensee and CE provider, stated that whenever there is a change to CE regulations due to a waiver, it causes him to lose money due to the changes in his advertising.

Dr. McClain believed the Board needs to be careful when comparing non-healing arts boards to healing arts boards such as the Board of Chiropractic Examiners, which require hands-on training. She affirmed that public protection is the Board's first and foremost priority and that the Board needs to ensure there is quality control with CE.

Dr. Paris expressed that the Governor's Office has been very responsive and if the COVID-19 pandemic continued to make it unsafe to meet in person, there could be an

additional extension to the waiver. He added that there are currently CE providers who are offering courses in person while following safety protocols.

Dr. Paris asked Ms. Walker to read aloud the written public comments the Board received prior to the meeting. Ms. Walker stated that the Board received four written public comments. The first two are from Marcus Strutz, a licensee and CE provider. The first was in support of making Zoom an option for the required in person CE hours and provided the Board with language to review. The second comment was a list of why Zoom should be a permanent option for in person CE. The third comment expressed concerns with allowing CE to be completed online, specifically the ability to cheat and/or have someone take the course in their place. The fourth comment believed all CE could be completed online except for courses that teach adjustive technique or chiropractic manipulations.

**AMENDED MOTION: DR. ADAMS MOVED TO HAVE THE BOARD DEFINE DISTANCE LEARNING AS ASYNCHRONOUS, SELF-PACED LEARNING AND DIRECT STAFF TO DRAFT REGULATORY LANGUAGE TO PRESENT TO THE BOARD.**

**SECOND: DR. DANIELS SECONDED THE AMENDED MOTION.**

**Discussion:** Dr. Daniels stated that the California medical and registered nursing boards allow CE to be completed online and that even without the ongoing COVID-19 pandemic, the world has technologically advanced since the CE regulations were written.

Discussion ensued.

**VOTE ON AMENDED MOTION: 2-4, (DR. MCCLAIN-NAY; DR. PARIS-NAY; DR. ADAMS-AYE; MS. CRUZ-NAY; DR. DANIELS-AYE; MR. SWEET-NAY).**

**AMENDED MOTION: FAILED.**

**Discussion:** None

Public Comment: None

**VOTE ON MOTION: 6-0, (DR. MCCLAIN-AYE; DR. PARIS- AYE; DR. ADAMS-AYE; MS. CRUZ-AYE; DR. DANIELS-AYE; DR. ADAMS-AYE).**

**MOTION: CARRIED.**

## **10. Election of Board Officers for 2022**

### **A. Chair**

Mr. Hurtado called for any additional nominations for the officer position of Chair. There were none.

Dr. McClain withdrew her name for consideration, leaving Dr. Paris as the sole nomination for the office of Chair.

**DR. PARIS WAS ELECTED TO THE OFFICE OF BOARD CHAIR.**

### **B. Vice Chair**

Mr. Hurtado called for any additional nominations for the officer position of Vice Chair. There were none.

Dr. Paris withdrew his name for consideration, leaving Dr. Adams as the sole nomination for the office of Vice Chair.

**DR. ADAMS WAS ELECTED TO THE OFFICE OF BOARD VICE CHAIR.**

### **C. Secretary**

Mr. Hurtado called for any additional nominations for the officer position of Secretary. There were none.

Mr. Sweet was the sole nomination for the office of Secretary.

**MR. SWEET WAS ELECTED TO THE OFFICE OF SECRETARY.**

## **11. Remarks from the Newly Elected Board Chair**

Dr. Paris thanked his fellow Board members for their confidence in him.

## **12. Review and Approval of December 16, 2021 Meeting Minutes**

**MOTION: DR. ADAMS MOVED TO APPROVE THE MINUTES OF THE DECEMBER 16, 2021 BOARD MEETING.**

**SECOND: MR. SWEET SECONDED THE MOTION.**

**Discussion:** None.

Public Comment: None.

**VOTE: 6-0, (DR. PARIS-AYE, DR. ADAMS-AYE, MR. SWEET-AYE; MS. CRUZ-AYE; DR. DANIELS-AYE; DR. MCCLAIN-AYE).**

**MOTION: CARRIED.**

### **13. Ratification of Approved License Applications**

**MOTION: DR. ADAMS MOVED TO RATIFY THE APPROVED LICENSE APPLICATIONS.**

**SECOND: DR. MCCLAIN SECONDED THE MOTION.**

**Discussion:** None

Public Comment: None

**VOTE: 6-0, (DR. PARIS-AYE, DR. ADAMS-AYE, MR. SWEET-AYE; MS. CRUZ-AYE; DR. DANIELS-AYE; DR. MCCLAIN-AYE).**

**MOTION: CARRIED.**

### **14. Ratification of Approved Continuing Education Providers**

**MOTION: DR. MCCLAIN MOVED TO RATIFY THE APPROVED CONTINUING EDUCATION PROVIDERS.**

**SECOND: DR. ADAMS SECONDED THE MOTION.**

**Discussion:** None

Public Comment: None

**VOTE: 6-0, (DR. PARIS-AYE, DR. ADAMS-AYE, MR. SWEET-AYE; MS. CRUZ-AYE; DR. DANIELS-AYE; DR. MCCLAIN-AYE).**

**MOTION: CARRIED.**

### **15. Review, Discussion, and Possible Action on the Board's 2022 Meeting Calendar and the Scheduling of a Strategic Planning Session**

Ms. Walker explained the Board adopted its 2017-2019 Strategic Plan in October 2016 and that it typically completes a new strategic plan every three years. Due to multiple



Board member vacancies and the ongoing COVID-19 pandemic, the Board had to postpone development of its next strategic plan. Staff are asking the Board to identify an additional meeting date to conduct a full-day strategic plan development session with SOLID facilitators. Staff recommended making August 19, 2022 a two-day meeting or scheduling an additional meeting in June or July 2022.

The Board weighed options and discussion ensued.

**MOTION: DR. PARIS MOVED TO PLAN THE STRATEGIC PLANNING SESSION FOR AUGUST 18, 2022 AND CONDUCT BOARD BUSINESS ON AUGUST 19, 2022.**

**SECOND: DR. ADAMS SECONDED THE MOTION.**

**Discussion:** None.

**Public Comment:** None.

**VOTE: 6-0, (DR. PARIS-AYE, DR. ADAMS-AYE, MR. SWEET-AYE; MS. CRUZ-AYE; DR. DANIELS-AYE; DR. MCCLAIN-AYE).**

**MOTION: CARRIED.**

#### **16. Public Comment for Items Not on the Agenda**

Dr. Adams asked if the April 22, 2022 Board meeting would be held in person. Ms. Walker stated that it could be held in person and that if it were held remotely, it would be subject to the traditional notice requirements of the Bagley-Keene Open Meeting Act.

**Public Comment:** None.

#### **17. Future Agenda Items**

There were none.

#### **18. Adjournment**

Dr. Paris adjourned the meeting at 4:19 p.m.

**(Attachment A)**

**List of Approved Applications for Initial Doctor of Chiropractic Licenses  
 Issued from November 20, 2021 to December 31, 2021**

<b>First Name</b>	<b>Middle Name</b>	<b>Last Name</b>	<b>License No.*</b>	<b>Date Issued</b>
Kimberly		Delen-Briones	<b>DC 35105</b>	12/21/2021
Navjot	Kaur	Randhawa	<b>DC 35106</b>	12/21/2021
Jessica	Mee-Lynn	Bentley	<b>DC 35107</b>	12/21/2021
John	David	Stowe	<b>DC 36198</b>	12/14/2021
Cale		Fahringer	<b>DC 36199</b>	12/14/2021
Ashley	Claire	Davies	<b>DC 36200</b>	12/14/2021
Matthew		Heisig	<b>DC 36201</b>	12/14/2021
Diana	Cristina	Ramos Infante De McCune	<b>DC 36202</b>	12/14/2021
Austin	Lee	Applegate	<b>DC 36203</b>	12/14/2021
Gholamreza		Shahba	<b>DC 36204</b>	12/14/2021
Mario		Huerta Roman	<b>DC 36205</b>	12/14/2021
James		Punghorst	<b>DC 36206</b>	12/14/2021
AJ	Chia-Yuen	Zavala	<b>DC 36207</b>	12/14/2021
Ashley		Landof	<b>DC 36208</b>	12/14/2021
Nicholas	Conrad	Recupero	<b>DC 36209</b>	12/14/2021
Nicole		Chambers	<b>DC 36210</b>	12/14/2021

**\*License numbers beginning with DC 36198 were issued through the Board's new Connect system.**

**(Attachment B)**

Pending Ratification to Approve New Continuing Education Providers

<p><b>Provider Name:</b> Paolo Tresoldi</p> <p><b>CE Oversight Contact Person:</b> Paolo Tresoldi</p> <p><b>Provider Status:</b> Individual</p>	<p><b>Provider Name:</b> The Vitalist's Academy of Biomagnetic Adjustment</p> <p><b>CE Oversight Contact Person:</b> Jena Lowe</p> <p><b>Provider Status:</b> Corporation</p>
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DRAFT

**BOARD OF CHIROPRACTIC EXAMINERS  
PUBLIC SESSION MINUTES**

March 22, 2022  
Teleconference

**Board Members Present**

David Paris, D.C., Chair  
Laurence Adams, D.C., Vice Chair  
Rafael Sweet, Secretary  
Janette N.V. Cruz  
Dionne McClain, D.C.

**Board Member Absent**

Pamela Daniels, D.C.

**Staff Present**

Kristin Walker, Acting Executive Officer  
Dixie Van Allen, Licensing & Administration Manager  
Andreia McMillen, Policy Analyst  
Tammi Pitto, Enforcement Analyst  
Jason Hurtado, Board Counsel, Attorney III, Department of Consumer Affairs (DCA)

**1. Open Session – Call to Order / Roll Call / Establishment of Quorum**

Dr. Paris called the meeting to order at 12:01 p.m. Mr. Sweet called the roll. Dr. Pamela Daniels was absent. All remaining members were present and a quorum was established.

**2. Update on Board's March 7, 2022 Joint Sunset Review Oversight Hearing and Review, Discussion, and Possible Action on Board's Response to Issues Identified in the Sunset Review Background Paper and During the Hearing**

Dr. Paris updated the Board on the March 7, 2022 Joint Sunset Review Oversight Hearing held by the Senate Committee on Business, Professions, and Economic Development and the Assembly Committee on Business and Professions that he and Ms. Walker participated in on behalf of the Board. He explained the purpose of this meeting is to discuss the Board's responses to the issues raised in the background paper prepared by Committee staff. Dr. Paris added the complex issues that require a deeper discussion can be addressed through a Board or committee meeting or the strategic planning process.

Ms. Walker shared staff's recommendation for the Board to designate two members to review and approve the final written responses that will be prepared by staff after the meeting.

- **Issue #1: (BOARD COMPOSITION.) Does BCE's composition need to be updated to include additional members of the public or non-chiropractic medical professionals?**

Dr. Paris stated the Board's current composition has not compromised consumer protection, as Board members are appointed by the Governor, held accountable by the Administration, and conduct business transparently at public meetings consistent with the Board's mission to protect and serve the public, not the profession. Dr. Paris noted this topic should be referred to the Board's strategic planning session scheduled for August 18, 2022.

Ms. Cruz agreed that the issue should be discussed thoroughly, potentially at the strategic planning session.

- **Issue #2: (REGULATIONS.) What is the current timeframe for BCE regulatory packages to be approved and finalized?**

Ms. Walker shared the average timeframe for regulatory packages is about one and half years from initial package submission for departmental approval through the effective date of Board regulations, and the new Regulations Unit within the DCA Office of Legal Affairs has drastically reduced the timeframe for reviewing regulatory packages.

Ms. Walker articulated the issue that remains is the regulatory workload currently in the concept development stage. The goal for upcoming years is to clear the overaccumulation of pending regulations in this stage. The Board is also dividing some of the larger pending packages into smaller proposals so that noncontroversial portions of the regulations can move forward while other concepts are developed.

Ms. Walker noted the Board currently only has one staff position dedicated to working on regulatory and policy work and due to current vacancies, the position is often redirected to assist with essential functions and projects. To make the internal operations more efficient, staff is working closely with the DCA Office of Human Resources (OHR) on a reorganization plan and to reclassify an existing vacancy to assist with regulatory work.

Dr. McClain asked if the reorganization of staff will further affect the staff shortage and increase staff workloads. Ms. Walker explained the reorganization plan will create separate Administration and Licensing/Continuing Education Units and delineate the duties performed by each unit. She also shared after the reorganization is complete, the Board will work with DCA on a recruitment effort to fill the vacant staff positions.

- **Issue #3: (STRATEGIC PLAN.) What is the status of the BCE's strategic plan? In addition, what will the priorities be for the upcoming strategic planning sessions.**

Dr. Paris acknowledged the Strategic Plan for 2020-2022 was postponed due to COVID-19 and Board member vacancies. Now that the Board is almost fully appointed, staff has been working with SOLID Strategic Planning Solutions to resume strategic planning. The focus of the strategic planning session will be the trends identified through the environmental scan and sunset review process, and the goal is to have a new strategic plan presented to the Board during the October meeting for approval.

- **Issue #4: (FUND CONDITION AND FEES.) BCE states the need for a statutory fee increase based on the result of a recent fee audit. Does the Board anticipate the need to further increase fees proposed by the fee study? What is causing the need for multiple fee increases over such a short period of time?**

Ms. Walker identified that the prior fee study conducted a few years ago did not account for the costs associated with the Board's Business Modernization IT project (Connect), the repayment of the loan the Board obtained from the Bureau for Automotive Repair (BAR), and the unanticipated and substantial rate increase for legal services provided to the Board by the Attorney General's office.

Ms. Walker assured the Board that the current fee study takes those factors into account with a future growth factor to rebuild six months of reserves within five years. However, as a point-in-time study, it did not account for the need to increase the Board's allocation to DCA's Division of Investigation (DOI) for sworn investigations. Staff is also monitoring proposed legislation to reduce the inactive license fee to half of an active license. Both factors may necessitate the numbers be adjusted further.

Ms. Walker affirmed that the purpose of the fee study is to realign the fees with the actual costs associated with providing the services, and staff has been working closely with DCA's Budget Office to finalize a proposal.

Dr. McClain asked what efficiencies have been gained through the Connect system and if the efficiencies will save the Board money. Ms. Walker explained a significant amount of staff resources are currently dedicated to the development of the Connect system, but the online functionality has decreased the amount of staff time spent on routine tasks and will allow for more time to be dedicated to the Board's regulatory work.

Ms. Walker noted staff is finalizing the testing for the final project phase and then will be moving to the maintenance and operations phase with the opportunity to finetune what has already been developed.

Dr. McClain asked when the maintenance phase would begin and end and if a cost benefit analysis for Connect could be added to a future agenda item at a committee or

board meeting. Ms. Walker informed the Board that the maintenance and operations phase is scheduled to begin in the spring and is anticipated to last between 12 to 18 months. Ms. Walker recommended the Board discuss measuring the benefits of the project through a formal study during strategic planning.

Ms. Cruz asked if the budget could be a topic for the strategic plan and if there were plans to further adjust the fees to address the items that were not taken into consideration during the fee study. Ms. Walker stated that the fees recommended in the fee study completed by Matrix Consulting should put the Board in a better financial position; however, if the proposed legislation to reduce the inactive license fee passes, then adjustments to the fee structure would be necessary.

Ms. Walker welcomed the Board to discuss tracking the budget formally through a strategic plan objective, so the Board is not only measuring efficiencies but anticipating future budgetary concerns.

- **Issue #5: (Fee Increases and Barriers to Chiropractic Professionals.) With the need for statutory fee increases, has BCE considered how to minimize the impact of these fee increases on early-career chiropractic professionals or on underrepresented chiropractic professionals?**

Dr. Paris acknowledged the Board has not formally studied the impacts of licensing fees on early-career professionals or underrepresented groups but would like it to be a topic of discussion during strategic planning. The fee study unveiled the efficiencies gained in the initial licensing application process through the Connect system; accordingly, the Board is looking to reduce the initial application fee. Dr. Paris stated the increase to the annual license renewal of \$23 is marginal compared to other costs incurred by licensees, such as running a small business or repaying student loan debt. Ms. Walker added that the new fee structure creates parity and accurately reflects the costs of the functions performed by the Board.

Ms. Cruz and Dr. McClain agreed the strategic planning session should include a discussion on how to evaluate the impact of licensing fees on early-career professionals or underrepresented groups.

- **Issue #6: (Reciprocal License Requirements.) BCE requires applicants that hold active licenses from other states and are seeking license reciprocity in California to have completed training and evaluation equivalent to California requirements. How do California licensing requirements compare to other states? Has the BCE considered revising license reciprocity requirements for candidates holding chiropractic licenses in other states or allow reciprocity with candidates who are licensed in other countries?**

Dr. Paris shared the initial licensure and licensure through reciprocity processes are very similar except the reciprocity path allows for licensure under prior formats of the National Board of Chiropractic Examiners (NBCE) examination. In order to be eligible for licensure by reciprocity, the applicant must graduate from a Board-approved chiropractic college, complete successful examination in each of the subjects examined in California in the same year, possess a license in another state that provides reciprocity to California licensees, pass the California Chiropractic Law Examination (CCLE), and have practiced for five years. If not all criteria are met, then the applicant can apply through the initial application process. Dr. Paris requested the Board include this as a topic of discussion during strategic planning session.

- **Issue #7: (CE.) What accountability metrics are in place to ensure CE earned through distance learning is appropriate? Are licensees complying with CE requirements, as demonstrated in ongoing audits BCE staff conducts to determine CE was actually completed?**

Dr. Paris informed the Board that the Licensing & Continuing Education Committee is currently developing comprehensive changes to the Board's continuing education (CE) requirements and recently voted to move forward with a smaller regulatory proposal to narrow the definition of distance learning to asynchronous coursework, with the exception of adjustive technique, and give the Board the authority to grant exemptions to the CE requirements in cases where licensees were affected by a natural disaster or state of emergency.

Dr. Paris noted the failed audit percentage of 15.4% is higher than comparable professions, but the Board expects the failure rate to decrease over time through licensee outreach, regular auditing, and primary source verification. Ms. Walker added the primary source verification would come directly from the CE providers through the new IT system, Connect.

Dr. McClain asked why it is suggested that the target audit rates for CE be reduced from ten percent to five percent. Ms. Walker stated the target of ten percent was difficult to maintain as it is currently a paper-based process. She suggested that if the Board would like to continue auditing ten percent of the licensee population, staff can work with DCA's Office of Information Services to see if there is a more efficient way to analyze the submitted data.

Dr. McClain requested the Board examine updated CE audit data during the strategic planning session to ascertain whether the number of failed audits has returned to normal following the increase in failures at the beginning of the COVID-19 pandemic.

Dr. McClain inquired about an error on page 16 which stated DCA approved a request for a waiver extension to March 31, 2022, when the waiver was extended as a public health measure. Ms. Walker confirmed that the waiver was extended by the



Administration based on concerns relating to the Omicron variant, not a specific request that was made. Dr. McClain requested it be corrected in the written response.

- **Issue #8: (Performance-Based Assessment of Licensee Competency.) Has the Board considered adding performance-based assessment of licensee competency in addition to or in lieu of CE coursework?**

Dr. Paris reported that as part of the CE enhancements, the Licensing & Continuing Education Committee discussed requiring “knowledge check” examinations and course evaluations for Board-approved CE courses. He also noted concerns regarding a licensee’s competency are often brought to the Board’s attention through enforcement cases wherein the Board may order a licensee to take an ethics and boundaries assessment, post-licensure examination, or mental or physical examination. Dr. Paris requested the Board refer this topic for consideration during the Board’s strategic planning session.

- **Issue #9: (Enforcement Timeframes.) Since the last sunset review, the BCE has reduced the time required to complete formal discipline, but it still has not been able to meet the target timeframes set by the BCE and DCA. Has the Board considered implementing additional measures to reduce enforcement timeframes?**

Ms. Walker conveyed the Board is committed to protecting consumers through its Enforcement Program and set an aggressive goal of closing investigations within 120 days. Through technology, training, and reorganization, the Board hopes to achieve this goal in coming years.

Dr. McClain asked about the discrepancy regarding enforcement costs as the Board is collecting less than forty percent of what was assessed in disciplinary cases.

Ms. Walker replied the Enforcement Committee is working on updates to the Board’s disciplinary guidelines, and one of the key factors relating to the issue of cost recovery is when a license is revoked or surrendered, oftentimes the cost recovery is not due until they petition the Board for reinstatement of their license. Ms. Walker suggested the Enforcement Committee discuss having the cost recovery be due within a specific timeframe rather than upon reinstatement of a license.

Dr. McClain agreed and added that most petitioners do not pay cost recovery prior to petitioning the Board for reinstatement. Ms. Walker reported the Enforcement Committee is currently looking at the petitioner process as part of the Consumer Protection Enforcement Initiative regulation discussion and could include payment of cost recovery as a condition precedent to being heard by the Board. Dr. McClain requested the Enforcement Committee discuss this issue at their next meeting.

Dr. Paris agreed and affirmed that the Board's response should include that each board sets its own timeframe and in the interest of consumer protection, the Board has set an ambitious goal of 120 days.

Dr. McClain inquired about other healing arts boards' timeframes for their enforcement measures. Ms. Walker answered that staff looked at boards across the Department and found that it ranges from 90 to 365 days, but the most common timeframe was between 180 to 270 days. Dr. McClain requested that a comparison to other healing arts boards be included in the response.

Dr. McClain noted that the target timeframe for discipline was 540 days from start to finish and currently the Board is at 800 to 900 days. She asked what other boards averages are for discipline. Ms. Walker responded that 540 days, or 18 months, is the departmental standard and if internal investigation average can be reduced to 120 days, then the 540-day target is achievable. Ms. Walker agreed that a comparison to other healing arts boards discipline timeframes may be included in the response.

- **Issue #10: (Practice Violations.) Has the Board sought additional enforcement measures to curb the spread of medical misinformation within the chiropractic community?**

Dr. Paris reported the Board has had several complaints against licensees who are advertising or inferring that chiropractic care can help patients reduce their risk of COVID infection. In many cases, these complaints were related to misleading information on licensees' websites with claims about the "immune boosting" effects of chiropractic along with general health, nutritional, and wellness advice. The Board took an educational approach by notifying licensees of the complaint, reviewing their response, and closing the case after they removed any questionable or unsupported claims.

Ms. Walker added that there are egregious cases currently under investigation and the Board takes appropriate action against licensees who exceed the scope of practice.

- **Issue #11: (Enforcement Disclosures.) The Patient's Right to Know Act requires BCE licensees to disclose probationary status to patients. The BCE recommended in their report that two exemptions be removed from the Act (BPC § 1007 subdivision (c)) to strengthen consumer protection. Are there any additional measures that can be taken to ensure consumers are aware of the probationary status of licensees?**

Dr. Paris confirmed that it is in the best interest of consumer protection to remove the exemptions that could allow, from a chiropractic context, for a patient to not be informed of a licensee's probationary status. He noted that this has been previously discussed and agreed on by the Board.

Ms. Walker added that staff needs to include information on the impact of amending the Patient's Right to Know Act in the response. She stated these changes would benefit patients by eliminating inadvertent exemptions to the requirement that could allow probationers to find ways around notifying their patients of their probationary status. Since this notification requirement became effective, staff consistently receives questions from probationers related to the exemptions for "unscheduled visits" and when "the licensee is not known to the patient until immediately prior to the start of the visit", presumably in an attempt to find an avenue to circumvent this important notification requirement.

Ms. Walker added that this is troubling as these two scenarios illustrate situations where it is imperative that patients be informed of the licensee's probationary status, as they may not have had the opportunity to utilize DCA's License Search to research the licensee's background on their own.

Dr. Paris asked if there were additional measures that can be taken to ensure consumers are aware of the probationary status of licensees. Ms. Walker expressed that disciplinary information is available to consumers through DCA's License Search, but it remains a challenge ensuring that patients know about the Board and where to look for this information. She suggested the Board would benefit from additional outreach to consumers to increase public awareness.

- **Issue #12: (Impacts of the COVID-19 Pandemic.) Since March 2020, there have been a number of waivers issued through Executive Orders that impact BCE operations, BCE licensees, providers, and patients throughout the state. Do any of these waivers warrant an extension or statutory changes? How has the BCE addressed issues resulting from the pandemic and how does the Board aim to continue to address these issues as the pandemic endures?**

Ms. Walker stated that the Board supports telework for its employees but there are challenges, as the Board's current fund condition has prevented the Board from purchasing necessary equipment and software to allow staff to effectively telework on a full-time basis and the Board still heavily relies on paper-based processes. As a result, the Board currently allows up to two days per week of remote work for staff. However, the phone and fax service have recently been upgraded to allow staff to utilize these services from home.

Ms. Walker explained the Board has not yet discussed regulating telehealth within the chiropractic profession, but the Board has not observed an increase in complaints regarding telehealth. She requested that the Board discuss this issue further during strategic planning.

- **Issue 13: (Technical Changes May Improve Effectiveness of BCE Operations.) There are amendments to BCE's Practice Act that are technical in nature but may improve BCE operations and the enforcement of the Act.**

Dr. Paris stated the Board has not yet discussed any changes to the Act. Ms. Walker asked if the Board believed there were no technical changes needed in the Act or if the Board would like to further discuss it during strategic planning.

Dr. McClain, Dr. Adams, and Dr. Paris agreed that this topic should be discussed during strategic planning.

- **Issue #14: (Regulatory Review.) Review of the regulatory functions of the BCE.**

Dr. Paris informed the Board that the Board will be reviewed again on a future date to be determined.

Ms. Walker noted an additional issue raised during the meeting was the Board's outstanding loan from BAR which was based on a judgment against the Board for an employee issue and whether the licensees should be responsible for repayment of that loan. However, Ms. Walker specified that the Board's funding solely comes from licensees, applicants, or others for whom the Board is providing services. Ms. Walker asked if the Board was supportive of this being the response.

Dr. Paris, Dr. McClain, and Dr. Adams voiced their agreement.

Ms. Walker stated another issue raised during the hearing was whether there are controls in place for the Board to limit legal expenses on disciplinary cases, in light of the significant expenses incurred through the Attorney General's office. Ms. Walker noted only 14 percent of disciplinary cases go to hearing and the majority of cases are settled. While there are no formal controls in place, the Board works closely with the Deputy Attorney General (DAG) and takes their advice on determining the appropriate course of action.

**MOTION: DR. MCCLAIN MOVED TO NOMINATE MS. CRUZ AND DR. PARIS TO REVIEW AND APPROVE THE FINAL WRITTEN RESPONSE TO THE ISSUES IDENTIFIED THROUGH SUNSET REVIEW ON BEHALF OF THE BOARD.**

**SECOND: MR. SWEET SECONDED THE MOTION.**

**Discussion:** None.

**Public Comment:** None.

**VOTE: 5-0, (DR. PARIS-AYE, DR. ADAMS-AYE, MR. SWEET-AYE; MS. CRUZ-AYE; DR. MCCLAIN-AYE).**

**MOTION: CARRIED.**

### **3. Public Comment for Items Not on the Agenda**

There were no public comments.

### **4. Future Agenda Items**

Victor Tong, D.C., a CE provider, requested the Board discuss allowing live webinars to be considered for in person credit.

### **5. Adjournment**

Dr. Paris adjourned the meeting at 1:52 p.m.

DRAFT



**Agenda Item 11**  
**April 21-22, 2022**

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**Ratification of Approved License Applications**

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**Purpose of the Item**

The Board will review and ratify the attached list of approved applications for initial Doctor of Chiropractic licenses.

**Action Requested**

The Board will be asked to make a motion to ratify the attached list of approved license applications.

**Background**

Staff reviewed and confirmed that the applicants on the attached list of approved applications for initial Doctor of Chiropractic licenses met all statutory and regulatory requirements for licensure.

**Attachment**

- List of Approved Applications for Initial Doctor of Chiropractic Licenses Issued from January 1, 2022 to March 31, 2022

**List of Approved Applications for Initial Doctor of Chiropractic Licenses  
Issued from January 1, 2022 to March 31, 2022**

<b>First Name</b>	<b>Middle Name</b>	<b>Last Name</b>	<b>License No.*</b>	<b>Date Issued</b>
Choi-Yee		Lau	<b>DC 35108</b>	1/21/2022
Jennifer	Christine	Gordon	<b>DC 35109</b>	1/21/2022
Ahmed		Saleh	<b>DC 35110</b>	1/21/2022
Thor	Man	Clemens	<b>DC 35111</b>	2/9/2022
Jenifer	Elizabeth	Espenscheid	<b>DC 35112</b>	2/9/2022
Howard	Dunong	Tang	<b>DC 35113</b>	2/9/2022
Tamara	Lee	Bohren	<b>DC 35114</b>	2/9/2022
Corissa	Mae Mildred	Tobin	<b>DC 35115</b>	2/10/2022
Paul	Apostolos	Langis	<b>DC 35116</b>	2/10/2022
Christopher	Dillon	Connolly	<b>DC 35117</b>	2/10/2022
Nshan		Sayadyan	<b>DC 35118</b>	2/11/2022
Meher		Manouki	<b>DC 35119</b>	2/11/2022
Semele	Yvonne	Mellis	<b>DC 35120</b>	3/3/2022
Hyung-Bin		Kim	<b>DC 35121</b>	3/3/2022
Branden	Singh	Kapur	<b>DC 35122</b>	3/3/2022
Nicholas		Perez	<b>DC 35123</b>	3/3/2022
Brian	Anthony	Molina	<b>DC 35124</b>	3/3/2022
Santiago		Munoz-Briones	<b>DC 35125</b>	3/3/2022
Emin		Mehrabian	<b>DC 35126</b>	3/3/2022
Joshua	Adam	Satterlee	<b>DC 35127</b>	3/3/2022
Zhulin		Liu	<b>DC 35128</b>	3/9/2022
Taylor	James	Kahanowitch	<b>DC 36211</b>	1/5/2022
Hector	Louise	De Jesus	<b>DC 36212</b>	1/5/2022
Hyocheong		Byeon	<b>DC 36213</b>	1/6/2022
Ciara		Taborn	<b>DC 36214</b>	1/6/2022
Grant	Vidal	Rivera	<b>DC 36215</b>	1/6/2022
Blair	Bianca	Clement	<b>DC 36216</b>	1/6/2022

**Agenda Item 11  
Attachment**

<b>First Name</b>	<b>Middle Name</b>	<b>Last Name</b>	<b>License No.*</b>	<b>Date Issued</b>
George		Tu'ihalangingie	<b>DC 36217</b>	1/12/2022
Desiree	Noel	Robinson	<b>DC 36218</b>	1/13/2022
Cassie	Angeline	Stansberry	<b>DC 36219</b>	1/13/2022
Ali	Adam	Heidari	<b>DC 36220</b>	1/13/2022
Cassidy	Marie	Anderson	<b>DC 36221</b>	1/13/2022
Dong	Hyun	Gwag	<b>DC 36222</b>	1/25/2022
Matthew		Giessman	<b>DC 36223</b>	1/25/2022
Arjang		Khani	<b>DC 36224</b>	1/25/2022
Erin	Adele	Hallahan	<b>DC 36225</b>	1/25/2022
Fiona	Man Sze	Cheung	<b>DC 36226</b>	1/25/2022
Edward	Michael	De Leon	<b>DC 36227</b>	1/25/2022
Cristina		De Cristofaro	<b>DC 36228</b>	1/25/2022
Jason	Chueng	Yuen	<b>DC 36229</b>	1/25/2022
Violet		Arras	<b>DC 36230</b>	1/25/2022
Hirbod		Azizi	<b>DC 36231</b>	1/25/2022
Nicole		Wong-Homer	<b>DC 36232</b>	1/25/2022
Kayla	Marie	Gloisten	<b>DC 36233</b>	1/25/2022
Kathryn		Messenger	<b>DC 36234</b>	1/25/2022
Rachel		Wong-Homer	<b>DC 36235</b>	1/25/2022
Joel	Douglas	Cone	<b>DC 36236</b>	1/25/2022
Conrad	Davidson	Adams	<b>DC 36237</b>	1/25/2022
Angelene		Rivera	<b>DC 36238</b>	2/1/2022
Karisa	Anne	Groff	<b>DC 36239</b>	2/1/2022
Brianne	Alexis	Wolfer	<b>DC 36240</b>	2/1/2022
Victoria	Marie	Hall	<b>DC 36241</b>	2/1/2022
Matthew	Allen	Torres	<b>DC 36242</b>	2/1/2022
Dmitriy	V	Mikhol	<b>DC 36243</b>	2/1/2022
Mina		Pashayi-Marandi	<b>DC 36244</b>	2/1/2022
Michaela	Florence	Peterson	<b>DC 36245</b>	2/1/2022



**Agenda Item 11  
Attachment**

<b>First Name</b>	<b>Middle Name</b>	<b>Last Name</b>	<b>License No.*</b>	<b>Date Issued</b>
Nicole	Danielle	Chiaro	<b>DC 36246</b>	2/1/2022
Shaina	Nichole	Nolley	<b>DC 36247</b>	2/1/2022
Hansalak		Savage	<b>DC 36248</b>	2/1/2022
Jessica		Enriquez	<b>DC 36249</b>	2/1/2022
Tanner	Jay	Kinderman	<b>DC 36250</b>	2/1/2022
Placido		Castrejon	<b>DC 36251</b>	2/1/2022
Derrick	Jack	Stom	<b>DC 36252</b>	2/1/2022
Leah	Dale	Johnson	<b>DC 36253</b>	2/1/2022
Daniel		Meyer	<b>DC 36254</b>	2/1/2022
Andrew		Gilbaugh	<b>DC 36255</b>	2/2/2022
Mallory		Orth	<b>DC 36256</b>	2/2/2022
Prabhjot		Kaur	<b>DC 36257</b>	2/2/2022
Judith	Eda	Hoffman	<b>DC 36258</b>	2/2/2022
Corey	Chandler	Peterson	<b>DC 36259</b>	2/2/2022
Kathryn	Taylor	Fowler	<b>DC 36260</b>	2/2/2022
Alson		Kanahele	<b>DC 36261</b>	2/4/2022
Kai Hua		Hsu	<b>DC 36262</b>	2/4/2022
Oscar		Campos	<b>DC 36263</b>	2/4/2022
Ivan		Malinarich	<b>DC 36264</b>	2/4/2022
Chase	D	Kantor	<b>DC 36265</b>	2/4/2022
Julie		Gauthier	<b>DC 36266</b>	2/4/2022
Jake	Cullen	Reynolds	<b>DC 36267</b>	2/4/2022
Chloe	Noelle	Lightner	<b>DC 36268</b>	2/4/2022
Rose	Delaine	Russell	<b>DC 36269</b>	2/4/2022
William	Brett	Mason	<b>DC 36270</b>	2/4/2022
Megan		Gorton	<b>DC 36271</b>	2/4/2022
Elmira		Ghatreh Samani	<b>DC 36272</b>	2/4/2022
Javier		Balderas	<b>DC 36273</b>	2/4/2022
Sani		Kohen	<b>DC 36274</b>	2/4/2022

**Agenda Item 11  
Attachment**

<b>First Name</b>	<b>Middle Name</b>	<b>Last Name</b>	<b>License No.*</b>	<b>Date Issued</b>
Noah	Miguel	Schriefer	<b>DC 36275</b>	2/8/2022
Jenna		Lagana	<b>DC 36276</b>	2/8/2022
Isabel	Lanfair	Smith	<b>DC 36277</b>	2/8/2022
Tara		Hall	<b>DC 36278</b>	2/8/2022
Samuel	Roy	Cornell	<b>DC 36279</b>	2/8/2022
Brian		Hernandez	<b>DC 36280</b>	2/8/2022
Mason	Michael	Stahley	<b>DC 36281</b>	2/9/2022
Joshua	Daniel	Manning	<b>DC 36282</b>	2/9/2022
Shayan		Yazdani	<b>DC 36283</b>	2/9/2022
Jonathan Anthony	Enriquez	Carlos	<b>DC 36284</b>	2/9/2022
Cynthia		Alcaraz	<b>DC 36285</b>	2/9/2022
Joshua		Jensen	<b>DC 36286</b>	2/11/2022
Jayne		Chew	<b>DC 36287</b>	2/11/2022
Christopher		Lee	<b>DC 36288</b>	2/11/2022
Brianna	Mercedes	Audelo	<b>DC 36289</b>	2/11/2022
Jack		Bergstrom	<b>DC 36290</b>	2/11/2022
Ashley	Renee	Valencia	<b>DC 36291</b>	2/11/2022
Frederick	William	Fritsch	<b>DC 36292</b>	3/8/2022
Jordan	Leal	Ziegler	<b>DC 36293</b>	3/8/2022
Christopher		Nguyen	<b>DC 36294</b>	3/8/2022
Arthur		Vito	<b>DC 36295</b>	3/8/2022
Jeremy		Handley	<b>DC 36296</b>	3/8/2022
Kathryn		Gwizdak	<b>DC 36297</b>	3/8/2022
Kent		Nishiya	<b>DC 36298</b>	3/8/2022
Jasmine	Nicole	Beard	<b>DC 36299</b>	3/8/2022
Austin		Blanchon	<b>DC 36300</b>	3/8/2022
Sarah		Logan	<b>DC 36301</b>	3/8/2022
Mattea		Malerba	<b>DC 36302</b>	3/8/2022

**Agenda Item 11  
Attachment**

<b>First Name</b>	<b>Middle Name</b>	<b>Last Name</b>	<b>License No.*</b>	<b>Date Issued</b>
Jai		Patel	<b>DC 36303</b>	3/8/2022
Quianna	Kim	Winkfield	<b>DC 36304</b>	3/8/2022
Alecia	Lattoya	Beckford-Stewart	<b>DC 36305</b>	3/8/2022
Marcus	Rigoberto	Martinez	<b>DC 36306</b>	3/8/2022
Ethan		Henneberry	<b>DC 36307</b>	3/8/2022
Jay		Lee	<b>DC 36308</b>	3/8/2022
Nelson	Gabriel	Garcia Torres	<b>DC 36309</b>	3/9/2022
Charissa		Douglas	<b>DC 36310</b>	3/9/2022
David	Andres	Castro	<b>DC 36311</b>	3/9/2022
Anthony	Steven	Contreras	<b>DC 36312</b>	3/9/2022
Michael	J	Dubick	<b>DC 36313</b>	3/9/2022
Jennifer		Dufala	<b>DC 36314</b>	3/9/2022
Akiko		Akanuma	<b>DC 36315</b>	3/9/2022
Anthony		Gonzalez	<b>DC 36316</b>	3/9/2022
Jarred	Florence	Moore	<b>DC 36317</b>	3/9/2022
Kelsey	Elizabeth	Steele	<b>DC 36318</b>	3/15/2022
Mitchell	James	Lederer	<b>DC 36319</b>	3/15/2022
Trevor	Parker	Petersen	<b>DC 36320</b>	3/15/2022
Timothy	Lawrence	Esguerra	<b>DC 36321</b>	3/22/2022
Heidi	Lynn	Johnson-Schmidt	<b>DC 36322</b>	3/22/2022
Daniel	Jacob	Kaunator	<b>DC 36323</b>	3/22/2022
Benjamin		Laycock	<b>DC 36324</b>	3/22/2022
Robert		Cashel	<b>DC 36325</b>	3/29/2022
John	Paul	Meisner	<b>DC 36326</b>	3/29/2022

**\*License numbers beginning with DC 36211 were issued through the Board's new Connect system.**



**Agenda Item 12  
April 21-22, 2022**

**Ratification of Approved Continuing Education Providers**

**Purpose of the Item**

The Board will review and ratify the applications for new continuing education (CE) providers.

**Action Requested**

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

<p><b>Provider Name:</b> Cardiff Health and Wellness</p> <p><b>CE Oversight Contact Person:</b> Brook Sheehan</p> <p><b>Provider Status:</b> Corporation</p>	<p><b>Provider Name:</b> Genesis Medical College</p> <p><b>CE Oversight Contact Person:</b> Leslie Gargiulo</p> <p><b>Provider Status:</b> Corporation</p>
<p><b>Provider Name:</b> University Learning Systems</p> <p><b>CE Oversight Contact Person:</b> Charlene Celano, R.Ph.</p> <p><b>Provider Status:</b> Corporation</p>	

**Background**

Staff reviewed and confirmed that the above CE provider applications meet all regulatory requirements for approval.

**Attachment(s)**

N/A – To maintain compliance with Assembly Bill 434 (Baker, Chapter 780, Statutes of 2017) [State Web accessibility: standard and reports], the Board is unable to provide scanned documents on its website. To obtain a copy of the CE provider applications through a California Public Records Act request, please email [chiro.info@dca.ca.gov](mailto:chiro.info@dca.ca.gov) or send a written request to the Board’s office at the address above.



**Agenda Item 13**  
**April 21-22, 2022**

## **Acting Executive Officer's Report**

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### **Purpose of the Item**

The Acting Executive Officer and Board staff will provide the Board with an update on:

- A. Administration, Continuing Education, Enforcement, and Licensing Programs**
- B. Board's Budget and Fund Condition**
- C. Business Modernization Project and Implementation of Connect System**
- D. Status of Board's Pending Rulemaking Packages**

### **Action Requested**

This agenda item is informational only and provided as a status update to the Board. No Board action is required at this time.

### **Attachments**

1. Acting Executive Officer's April 15, 2022 Memo to Board Members
2. Board's Organizational Chart (as of April 14, 2022)
3. Licensing Program Statistics (as of March 31, 2022)
4. Enforcement Program Statistics (as of March 31, 2022)
  - a. Enforcement Statistics Tables
  - b. Chart of Complaints Received in FY 2021/22 by Case Category
  - c. Chart of Accusations Filed in FY 2021/22 by Alleged Violation
  - d. January 2022 Enforcement Actions
  - e. February 2022 Enforcement Actions
  - f. March 2022 Enforcement Actions
5. Regulation Tracking Sheet with an Overview of the Regulation Review Process



# MEMORANDUM

**Agenda Item 13  
Attachment 1**

<b>DATE</b>	April 15, 2022
<b>TO</b>	Members of the Board of Chiropractic Examiners
<b>FROM</b>	Kristin Walker, Acting Executive Officer
<b>SUBJECT</b>	<b>Acting Executive Officer’s Report - January 25, 2022 Meeting</b>

This report provides an overview of recent Board of Chiropractic Examiners (BCE) activities as of April 15, 2022.

## Administration

### Board Meetings

The following Board meeting dates have been scheduled for 2022:

- Thursday, April 21, 2022 through Friday, April 22, 2022
- Thursday, August 18, 2022 through Friday, August 19, 2022
- Thursday, October 27, 2022

### Budget, Fund Condition, and Results of Fee Study

BCE management met with the Department of Consumer Affairs (DCA) Budget Office on January 14, 2022, to discuss the Board’s budget and fund condition.

BCE’s current budget is structurally imbalanced. Despite BCE’s ongoing efforts to closely monitor and limit BCE’s expenses, BCE’s increasing operating costs (i.e., employee compensation and benefits, statewide and departmental pro rata, enforcement costs, etc.) continue to outpace the annual revenue received through licensing and regulatory fees.

Based on current projections, without an increase in revenue, BCE is at risk of becoming insolvent in FY 2023/24. To avoid insolvency, BCE needs to increase fees in FY 2022/23. In order to substantiate budget concerns and determine a factual basis for the increase in fees charged to licensees, BCE contracted with Matrix Consulting Group to conduct a fee analysis, assess the current fees charged, and determine what the fees should be based on actual workload and expenditures. Matrix presented their findings to the Board at the December 16, 2021 meeting.

**Acting Executive Officer's Report**  
**April 21-22, 2022 Board Meeting**  
**Page 2**

During the April 22, 2022 Board meeting, BCE staff and the DCA Budget Office will provide the Board with a presentation on BCE's current fund condition and projections, the proposed fee schedule based on the fee analysis by Matrix, and potential alternative solutions to address the structural imbalance of BCE's fund. The Board will be asked to vote on a final proposed fee schedule that will equitably distribute BCE's operational costs between applicants, licensees, and continuing education providers and provide long-term stability for BCE's fund.

**Business Modernization Project/Implementation of the Connect System**

BCE continues to collaborate with DCA's Office of Information Services (OIS) and three other programs (California Acupuncture Board; Board for Professional Engineers, Land Surveyors, and Geologists; and Bureau for Private Postsecondary Education) in the first cohort of a Business Modernization Project to develop and implement a new application, licensing, and enforcement system known as "Connect".

Through three phased software releases from September 2020 through June 2021, BCE implemented these licensing functions:

- Initial license applications (doctor of chiropractic and satellite certificates)
- License renewals (doctor of chiropractic and satellite certificates)
- Address changes and cancellation of satellite certificates
- Online payment for all other paper applications

In addition, BCE developed a system-integrated online complaint form for consumers and transitioned all new complaints and investigations to the Connect system effective July 1, 2021, to streamline the complaint intake and investigation process. Through an additional software release in November 2021, BCE added the cite and fine, discipline, and probation monitoring processes to the Connect system.

In spring 2022, BCE staff participated in user acceptance testing of the final project phase that is scheduled to be released in late April 2022. BCE also continues to work directly with OIS and the vendor to implement continuing education provider and course applications and other system refinements during the maintenance and operations project phase that is planned to be completed in late 2022.

**Office Relocation**

On December 1, 2021, BCE relocated from its downtown Sacramento office space to a suite within the DCA headquarters building in Natomas. The office move resulted in a cost savings of approximately \$1,600 per month and provides BCE with convenient access to all DCA resources and services.

## **Proposed Regulations**

**Approval of Chiropractic Schools and Educational Requirements (California Code of Regulations [CCR], Title 16, Sections 330-331.16):** This regulatory proposal will amend curriculum standards to ensure chiropractic colleges are aligned with the metrics identified by the accrediting body, the Council on Chiropractic Education, as well as eliminating any unduly prescriptive content that could be restrictive to the evolving nature of higher education. This rulemaking file is currently being developed by staff.

**Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice or Death/Incapacity of Licensee:** This regulatory proposal will amend BCE's minimum record keeping requirements to specify the retention period and disposition of patient records. This proposal is being developed by staff.

**Consumer Protection Enforcement Initiative (CPEI):** This regulatory proposal will add or amend 12 sections of BCE's regulations to establish stricter reporting and disclosure requirements for licensees and applicants and increase BCE's enforcement authority. Staff has been working on the CPEI regulation package and has determined that additional changes are necessary to portions of the proposed language prior to proceeding with the regulatory process. To expeditiously move this proposal forward, BCE is dividing it into six smaller regulation packages grouped by general topic. Staff plans to work with DCA regulatory legal counsel to develop and update proposed language for each of the regulation packages and present them to the Enforcement Committee, and ultimately the Board, for review and discussion at future meetings in 2022.

**Continuing Education Requirements and Mandatory Cardiopulmonary Resuscitation (CPR) Certification for All Licensees (CCR, Title 16, Sections 361-366):** This proposal will establish minimum requirements for continuing education providers, establish parameters for continuing education course approvals, and mandate CPR certification for all licensees. The goal is to protect patients by expanding the background check for continuing education providers and by aligning the mandatory course categories with the core competencies necessary for a doctor of chiropractic to safely practice in California. This proposal is currently being developed by the Licensing and Continuing Education Committee.

**Delegation of Authority to the Assistant Executive Officer and Citation Program (CCR, Title 16, Sections 306, 389, 390, 390.3, 390.4, and 390.5):** This regulatory proposal will delegate to the Assistant Executive Officer the authority to expedite enforcement and administrative functions on behalf of the Executive Officer. Additionally, this proposal will ensure consistency with Business and Professions Code section 125.9 regarding BCE's citation program and criteria established for evaluating compliance with a citation and order of abatement. BCE plans to notice this package in FY 2022/23.



**Disciplinary Guidelines and Uniform Standards for Substance Abusing Licensees (CCR, Title 16, Section 384):** Staff has been developing a regulatory proposal to update the *Disciplinary Guidelines and Model Disciplinary Orders* and implement the Uniform Standards for Substance Abusing Licensees, and has determined that additional changes are necessary prior to proceeding with the regulatory process. Staff plans to collaborate with DCA regulatory legal counsel to make necessary updates and revisions to BCE's *Disciplinary Guidelines* and present proposed language to amend CCR, title 16, section 384, incorporate the revised *Disciplinary Guidelines* by reference, and implement the Uniform Standards to the Enforcement Committee, and ultimately the Board, for review and discussion at future meetings in 2022.

**Record Keeping Requirements for Chiropractic Patient Records (CCR, Title 16, Section 318):** This proposal will update the record keeping requirements to specify the necessary documentation for the patient history, complaint, diagnosis/analysis, and treatment and to differentiate between an initial patient encounter and an established patient visit. Staff will work with DCA regulatory legal counsel on proposed language to amend this section and will present it to the Enforcement Committee for review at a future meeting in 2022.

### **Staff Updates**

William Walker III was selected to fill the Enforcement Manager position in the Enforcement Unit. Mr. Walker previously served as a Special Investigator and Acting Compliance Manager at the Bureau for Private Postsecondary Education. His first day at BCE was April 11, 2022.

BCE currently has five vacant staff positions: the Executive Officer; a Special Investigator; an Associate Governmental Program Analyst; and two Office Technicians. Recruitment efforts are underway to fill the vacant Office Technician positions.

### **Strategic Plan**

On January 13, 2022, management met with DCA SOLID Training and Planning Solutions to begin preliminary work on the Board's next strategic plan. In March 2022, SOLID began conducting the environmental scan/analysis, which includes a stakeholder survey, Board member interviews, staff focus group, and analysis of results.

SOLID is scheduled to facilitate a strategic planning session with Board members on August 18, 2022, and will subsequently draft a strategic plan to be adopted by the Board.

**Sunset Review**

BCE's [2021 Sunset Review Report](#) was submitted to the Assembly Committee on Business and Professions and the Senate Committee on Business, Professions and Economic Development on January 5, 2022. On March 1, 2022, BCE received the [Background Paper](#) from Committee staff identifying issues and recommendations for the Board based on the Sunset Review Report.

On March 7, 2022, Board Chair David Paris, D.C. and Acting Executive Officer Kristin Walker participated in the Joint Sunset Review Oversight Hearing held by the Committees. The Board's [final written responses](#) to the issues identified in the Background Paper and during the hearing were submitted to the Committees on April 6, 2022.

The Board's sunset bill, [Senate Bill 1434 \(Roth\) \[State Board of Chiropractic Examiners: directory\]](#), is scheduled to be heard by the Senate Committee on Business, Professions and Economic Development on April 18, 2022.

**Continuing Education**

**Audits**

In fiscal years 2017/18 through 2019/20, staff conducted a total of 3,456 continuing education (CE) audits and found 531 cases, or 15.4%, where licensees had failed to comply with the annual requirement. Staff temporarily suspended the CE audits beginning in FY 2020/21 based on the CE waivers that were issued by DCA due to the ongoing COVID-19 pandemic. Staff plans to resume conducting CE audits in spring 2022.

**Continuing Education Course and Provider Applications**

**CE Course Applications**

	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Total
<b>Received</b>	145	177	168	82	75	352	133	108	257	1,497
<b>Approved</b>	238	124	163	164	91	55	65	255	151	1,306
<b>Denied</b>	1	3	3	0	0	0	0	0	1	8
<b>Pending</b>	136	186	188	106	90	387	455	302	406	251*

**Acting Executive Officer's Report  
April 21-22, 2022 Board Meeting  
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CE Provider Applications

	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Total
<b>Received</b>	1	0	2	1	1	2	2	0	1	10
<b>Approved</b>	4	0	0	0	0	5	2	0	0	11
<b>Denied</b>	0	0	0	0	0	0	0	0	0	0
<b>Pending</b>	1	1	3	4	5	2	2	2	3	3*

\*Depicts a monthly average of pending applications.

**Waiver Information**

On January 11, 2022, the DCA Director issued [DCA Waiver DCA-22-209 Order Extending DCA-20-63, Order Waiving Restrictions on Internet-Based Continuing Education Training for Chiropractors and Naturopathic Doctors.](#)

This order extended [DCA Waiver DCA-20-63](#) to March 31, 2022, and allowed licensees to complete their CE hours 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.

**Enforcement**

**Complaints and Investigations**

	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Total
<b>Received</b>	36	56	39	32	37	41	241
<b>Avg. Days at Intake</b>	1	6	19	6	15	12	10*
<b>Closed</b>	95	84	43	54	34	20	330
<b>Avg. Days to Close</b>	394	413	383	251	449	361	378*
<b>Pending</b>	454	426	422	400	403	424	422*
<b>Avg. Age of Pending</b>	430	409	404	424	413	406	414*

**Acting Executive Officer's Report  
 April 21-22, 2022 Board Meeting  
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\*Depicts a monthly average of aging or pending caseload.

**Disciplinary Cases**

	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Total
<b>Accusations Filed</b>	7	5	4	2	5	8	31
<b>Final Decisions</b>	6	6	2	2	1	4	21
<b>Pending Cases</b>	110	112	112	113	118	115	113*

\*Depicts a monthly average of pending caseload.

**Expert Recruitment**

The Enforcement Committee worked with staff to enhance BCE's expert witness selection criteria, standards, process, training materials, and application. Staff also compiled a sample case and obtained sample reports from three experts, and plans to use this information to create an expert report template and as a baseline to evaluate the writing samples that will be submitted by applicants. In spring 2022, BCE will begin the recruitment process for additional expert witnesses for the Enforcement Program with plans to finalize the selections, execute contracts with selected applicants, and conduct a training session in late summer 2022.

**Licensing**

**California Chiropractic Law Examination (CCLE)**

The pass rates for applicants who took the CCLE from July 1, 2021 through March 31, 2022, are depicted in the following table:

	Pass	% Pass	Fail	% Fail	Total	% Total
<b>First-Time</b>	219	65.8%	53	15.9%	272	81.7%
<b>Repeat</b>	51	15.3%	10	3.0%	61	18.3%
<b>Total</b>	270	81.1%	63	18.9%	333	100%

**Acting Executive Officer's Report  
 April 21-22, 2022 Board Meeting  
 Page 8**

**License Performance Measure Data – FY 2021/22 Q1**

	<b>Complete Applications</b>	<b>Incomplete Applications</b>	<b>Total Applications Processed</b>	<b>Processing Time (Complete)</b>	<b>Processing Time (Incomplete)</b>
<b>Doctor of Chiropractic</b>	18	1	19	11 days	46 days
<b>Satellite Certificates</b>	343	59	402	4 days	--
<b>Corporation</b>	25	37	62	12 days	--
<b>Referral Service</b>	0	0	0	--	--
<b>Total</b>	386	97	483	5 days	--

Department of Consumer Affairs  
 State Board of Chiropractic Examiners  
 April 14, 2022

**BOARD MEMBERS (7)**

Vacant  
**Executive Officer**  
 620-110-8862-001

**Staff Services Manager II**  
 Kristin Walker  
**Assistant Executive Officer**  
 620-110-4801-001

**Proposed  
 Authorized Positions: 19  
 Blanket Positions: 3**

**Staff Services Manager I**  
 William Walker III  
**Enforcement Manager**  
 620-110-4800-006

**ENFORCEMENT**

**Enforcement Unit**

Tammi Pitto  
**Associate Governmental Program Analyst**  
 620-110-5393-002

Christina Bell  
**Associate Governmental Program Analyst**  
 620-110-5393-005

Marlene Valencia  
**Associate Governmental Program Analyst**  
 620-110-5393-800

Amanda Campbell  
**Associate Governmental Program Analyst**  
 620-110-5393-001

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

Susan Glover-Smith  
**Office Technician (Typing)**  
 620-110-1139-001

Kelly Siguenza  
**Seasonal Clerk**  
 620-110-1120-907

**Staff Services Manager I**  
 Dixie Van Allen  
**Admin/Licensing/CE Manager**  
 620-110-4800-008

**ADMIN/LICENSING**

**Policy/Admin**

Andreia McMillen  
**Associate Governmental Program Analyst**  
 620-110-5393-003

**Admin/Licensing**

Linda Brown (RA)  
**Associate Governmental Program Analyst**  
 620-110-5393-907

Vacant  
**Associate Governmental Program Analyst**  
 620-110-5393-801

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

Vacant  
**Office Technician (Typing)**  
 620-110-1139-009

Vacant  
**Office Technician (Typing)**  
 620-110-1139-010

**Licensing/Continuing Education**

Syeda As-Salek  
**Staff Services Analyst**  
 620-110-5157-005

Trenton Bourdon  
**Seasonal Clerk**  
 620-110-1120-907

**FIELD OPERATIONS**

**Field Operations North**

Vacant  
**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

Executive Officer \_\_\_\_\_

Personnel Office \_\_\_\_\_

**BOARD OF CHIROPRACTIC EXAMINERS  
LICENSING TRENDS  
FY 2021-22**

**New Chiropractic Licenses Issued**

Month	Received	Issued
July	23	24
August	22	27
September	36	10
October	24	18
November	15	25
December	58	17
January	67	30
February	20	63
March	18	44
April		
May		
June		

**Total Population of Clear Chiropractic Licenses**

Month	Total Licenses
July	12,568
August	12,527
September	12,497
October	12,481
November	12,456
December	12,423
January	12,407
February	12,429
March	12,430
April	
May	
June	

**Number of Restored Cancelled Licenses**

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

**New Satellite Office Certificates Issued**

Month	Received	Issued
July	119	109
August	146	129
September	82	57
October	83	116
November	58	81
December	106	77
January	134	136
February	165	95
March	230	137
April		
May		
June		

**Corporation Registrations Issued**

Month	Received	Issued
July	11	4
August	11	10
September	14	11
October	8	9
November	7	9
December	12	4
January	14	18
February	13	5
March	12	13
April		
May		
June		

**Licensing Population as of March 31, 2022**

License Type	Clear Licenses
Doctor of Chiropractic	12,407
Satellite Offices	4,344
Corporations	1,381
Referral Services	31

**Applications Received and Processed – July 1, 2021 through March 31, 2022**

<b>Application Type</b>	<b>Received</b>	<b>Issued</b>	<b>Denied</b>	<b>Pending</b>
Initial Chiropractic	283	258	0	177
Reciprocal	5	6	0	1
Restorations (Cancelled & Forfeiture)	122	129	0	19
Corporation	102	83	0	18



**BOARD OF CHIROPRACTIC EXAMINERS  
ENFORCEMENT STATISTICS**

**COMPLAINTS**

Description	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22*
Complaints Received	479	642	785	474	387
Pending Complaints	235	592	594	511	402
Closed: No Violation	75	38	115	36	46
Closed: Insufficient Evidence	72	63	76	106	139
Closed with Merit	214	56	65	45	24
Closed: Letter of Admonishment	17	62	279	6	14

**CITATIONS**

Description	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22*
Citations Issued	25	28	111	34	19
Total Fines Assessed	\$24,650	\$25,200	\$71,850	\$48,250	\$27,000
Total Fines Collected	\$29,646	\$29,104	\$64,820	\$35,635	\$25,701

**ACCUSATIONS**

Description	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22*
Accusations Filed	34	23	19	28	40
Pending Cases	55	47	59	97	96

**DISCIPLINARY CASES CLOSED**

Description	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22*
License Revoked	9	13	4	4	10
Revocation Stayed: Probation	15	14	2	8	10
Rev. Stayed: Susp. / Probation	1	0	1	1	0
Voluntary Surrender of License	9	15	5	5	11
Dismissed/Withdrawn	0	2	0	1	4

**STATEMENTS OF ISSUES**

Description	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22*
SOI Filed	2	1	0	2	0
Withdrawn	0	2	0	1	0
Denied	0	1	1	1	0
Granted	0	0	0	0	0
Probationary License Issued	0	1	0	0	0

**PETITIONS FOR RECONSIDERATION**

Description	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22*
Filed	0	1	3	0	1
Granted	0	0	0	0	0
Denied	0	1	3	0	1

**PETITIONS FOR REINSTATEMENT OF LICENSE**

Description	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22*
Filed	6	3	8	5	3
Granted	0	0	2	0	1
Denied	3	8	5	1	3

**PETITIONS FOR EARLY TERMINATION OF PROBATION**

Description	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22*
Filed	2	1	1	1	2
Granted	0	0	0	0	0
Denied	5	1	2	1	1

**PETITIONS FOR MODIFICATION OF PROBATION**

Description	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22*
Filed	1	0	2	1	0
Granted	1	0	2	1	0
Denied	0	0	0	0	1

**PETITIONS BY BOARD TO REVOKE PROBATION**

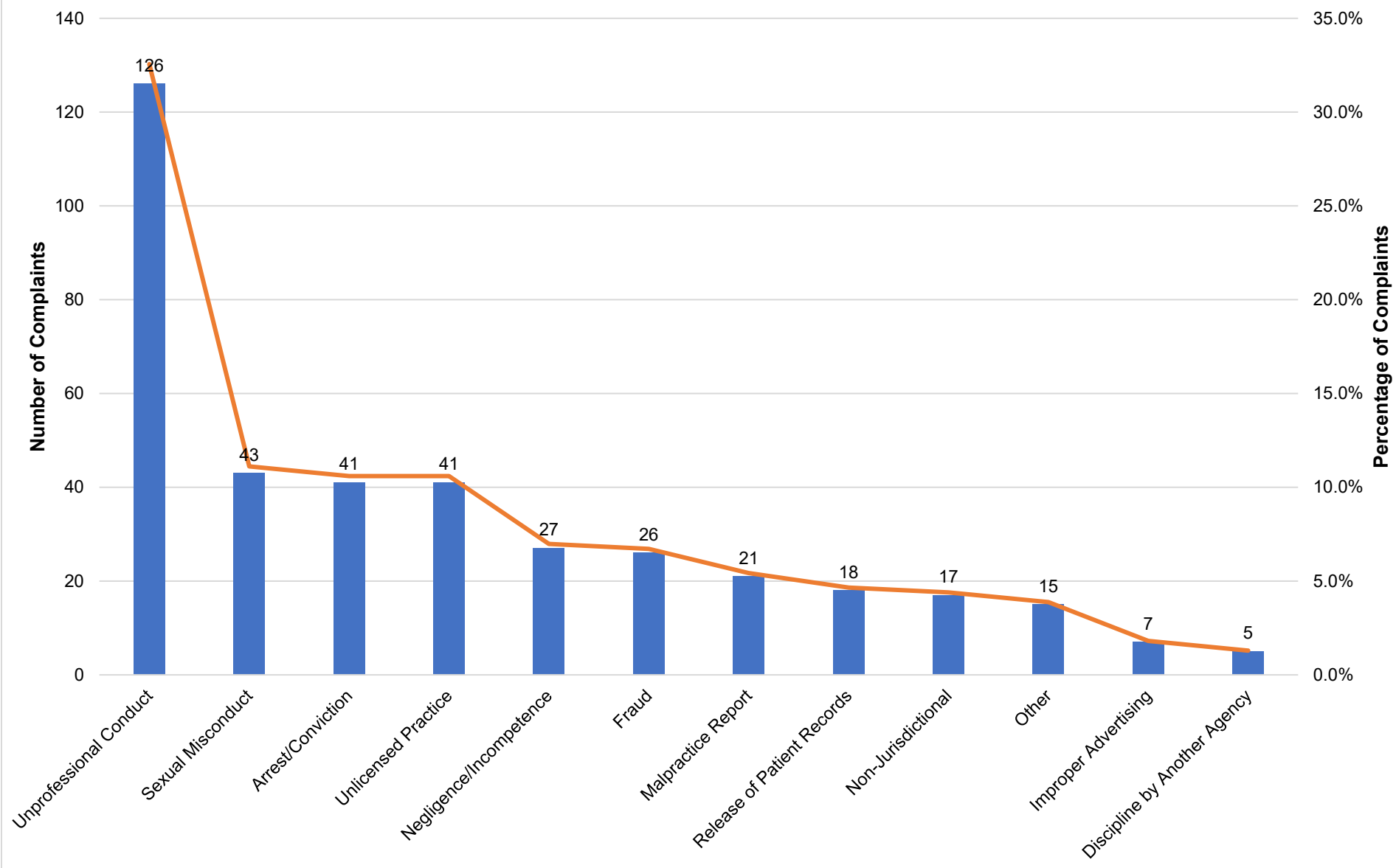
Description	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22*
Filed	6	7	2	1	1
License Revoked	9	4	2	1	0

**PROBATION CASES**

Description	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22*
Active Probationers	90	80	67	61	61

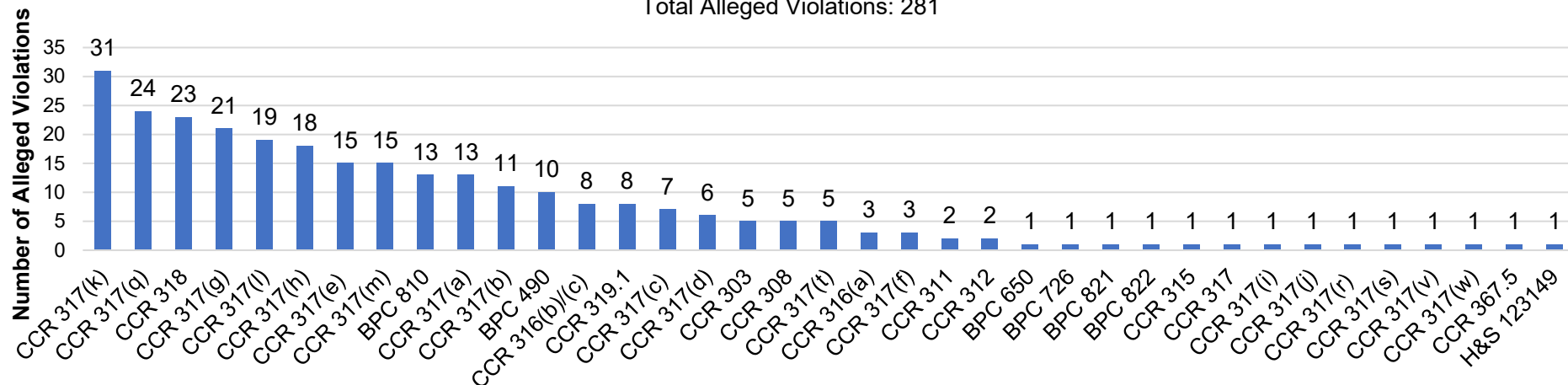
### Complaints Received July 1, 2021 - March 31, 2022

(Total Number Received: 387)



### Accusations Filed July 1, 2021 - March 31, 2022

Number of Accusations Filed: 40  
Total Alleged Violations: 281



#### Violation Codes/Descriptions

BPC 490 – Conviction of a Substantially Related Crime  
 BPC 650 – Unlawful Referral of Patients  
 BPC 726 – Sexual Misconduct  
 BPC 810 – Insurance Fraud  
 BPC 821 – Failure to Comply with Examination Order  
 BPC 822 – Impairment Due to Mental or Physical Illness  
 CCR 303 – Filing of Addresses  
 CCR 308 – Display of License  
 CCR 311 – False or Misleading Advertising  
 CCR 312 – Unlicensed Practice  
 CCR 315 – Mental Illness That Affects Ability to Practice  
 CCR 316(a) – Responsibility for Conduct on Premises  
 CCR 316(b)/(c) – Sexual Misconduct  
 CCR 317 – Unprofessional Conduct  
 CCR 317(a) – Gross Negligence  
 CCR 317(b) – Repeated Negligent Acts  
 CCR 317(c) – Incompetence  
 CCR 317(d) – Excessive Treatment  
 CCR 317(e) – Endangering the Health, Welfare, or Safety of Public

CCR 317(f) – Dangerous Use of Alcoholic Beverages  
 CCR 317(g) – Conviction of Substantially Related Crime  
 CCR 317(h) – Conviction Involving Moral Turpitude, Dishonesty, Etc.  
 CCR 317(i) – More Than One Alcohol-Related Conviction  
 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(l) – False Representation  
 CCR 317(m) – Violation of Act or Board Regulations  
 CCR 317(q) – Participation in Fraud or Misrepresentation  
 CCR 317(r) – Unauthorized Disclosure of Patient Information  
 CCR 317(s) – Employment or Use of Cappers or Steerers  
 CCR 317(t) – Compensation or Inducement for Referring Patients  
 CCR 317(v) – Waiver of Copayment Without Notifying Insurer  
 CCR 317(w) – Failure to Refer Patient  
 CCR 318 – Chiropractic Patient Records/Accountable Billings  
 CCR 319.1 – Informed Consent  
 CCR 367.5 – Render Services Without Corporation Certificate  
 H&S 123149 – Failure to Secure Electronic Records



**Agenda Item 13  
Attachment 4d**

**JANUARY 2022 ENFORCEMENT ACTIONS**

**ACCUSATIONS FILED**

Name and City	License No.	Date Filed	Alleged Violation(s)
<b>Kim, David Young</b> Los Angeles, CA	DC 22740	1/25/2022	<ul style="list-style-type: none"> <li>• BPC 490 and CCR 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime (Health Care Fraud and Illegal Remunerations)</li> <li>• CCR 317(h) – Unprofessional Conduct: Conviction Involving Moral Turpitude, Dishonesty, or Corruption</li> <li>• CCR 317(k) – Unprofessional Conduct: Acts Involving Moral Turpitude and Dishonesty</li> <li>• CCR 317(l) – Unprofessional Conduct: Falsely Representing a State of Facts</li> <li>• CCR 317(q) – Unprofessional Conduct: Participation in Acts of Fraud and/or Misrepresentation</li> <li>• BPC 810(a)(2) – Submitting False or Fraudulent Claims</li> </ul>
<b>West, Damon Sean</b> Sacramento, CA	DC 25997	1/26/2022	<ul style="list-style-type: none"> <li>• CCR 317(r) – Unprofessional Conduct: Unauthorized Disclosure of Patient Information</li> <li>• CCR 317(a), 318(a)(7), and 319.1 – Unprofessional Conduct: Gross Negligence</li> <li>• CCR 318(a) and (b) – Record Keeping</li> <li>• CCR 317(l) and (q) and 318 – Unprofessional Conduct: Accountable Billings</li> <li>• BPC 1054 and CCR 367.5 – Working Out of Namestyle</li> <li>• CCR 317(k) – Unprofessional Conduct: Acts Involving Moral Turpitude and Dishonesty</li> <li>• CCR 317(q) – Unprofessional Conduct: Participation in Acts of Fraud and/or Misrepresentation</li> <li>• CCR 317(l) – Unprofessional Conduct: Knowing Preparation of a Document Containing a Falsehood</li> <li>• CCR 317(b) – Unprofessional Conduct: Repeated Acts of Negligence</li> </ul>

## DISCIPLINARY ACTIONS

Name and City	License No.	Action	Effective Date	Violation(s)
<b>Jensen, Morgan, aka Darlene Elizabeth Jensen</b> San Bruno, CA	DC 17452	Stipulated Surrender of License	1/5/2022	<ul style="list-style-type: none"> <li>• BPC 490 and 493 and CCR 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime (Submitting Fraudulent/False Information to Obtain Medical Aid)</li> <li>• BPC 810(a)(1) and (2) – False or Fraudulent Claim</li> <li>• CCR 317(h) – Unprofessional Conduct: Conviction of a Crime Involving Dishonesty</li> <li>• CCR 317(k) – Unprofessional Conduct: Commission of an Act Involving Dishonesty</li> <li>• CCR 317(l) – Unprofessional Conduct: Making a Document Which Falsely Represents the Existence or Nonexistence of Facts</li> <li>• CCR 317(q) – Unprofessional Conduct: Participation in an Act of Fraud or Misrepresentation</li> </ul>
<b>Dancy, Cheri Roberts</b> San Leandro, CA	DC 27359	Stipulated Surrender of License	1/16/2022	<ul style="list-style-type: none"> <li>• CCR 317 – Unprofessional Conduct</li> <li>• CCR 317(a), (b), and (c) – Unprofessional Conduct: Gross Negligence, Repeated Acts of Negligence, and Incompetence</li> <li>• CCR 317(m) and 318(a) – Unprofessional Conduct: Inadequate Record Keeping</li> <li>• CCR 319.1 – Lack of Informed Consent</li> <li>• CCR 318(b) – Improper Billing</li> </ul>

Name and City	License No.	Action	Effective Date	Violation(s)
<b>Jette, Steven Allen</b> Petaluma, CA	DC 16430	Stipulated Surrender of License	1/28/2022	<ul style="list-style-type: none"> <li>• CCR 316(c) and 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime (Sexual Battery)</li> <li>• CCR 316(b) – Sexual Activity in Chiropractic Facility</li> <li>• CCR 316(c) – Unprofessional Conduct: Sexual Abuse of Patient</li> <li>• CCR 317(e) – Unprofessional Conduct: Endangering the Public</li> <li>• CCR 317(h) – Unprofessional Conduct: Crime of Moral Turpitude</li> <li>• CCR 317(k) – Unprofessional Conduct: Act of Moral Turpitude</li> </ul>

### FINAL CITATIONS

Name and City	License No.	Fine Amount	Date Final	Violation(s)
<b>Cisneros, Trinidad</b> Santa Ana, CA	DC 27592	\$1,000	1/26/2022	<ul style="list-style-type: none"> <li>• CCR 317(e) – Unprofessional Conduct: Conduct That Endangered the Health, Welfare, or Safety of the Public</li> <li>• CCR 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime (Reckless Driving)</li> <li>• CCR 317(n) – Unprofessional Conduct: Submission of False Information in Connection with an Application for Issuance of a License</li> </ul>

### 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*

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



**Agenda Item 13  
Attachment 4e**

**FEBRUARY 2022 ENFORCEMENT ACTIONS**

**ACCUSATIONS FILED**

Name and City	License No.	Date Filed	Alleged Violation(s)
<b>Glade, David</b> Los Angeles, CA	DC 17152	2/23/2022	<ul style="list-style-type: none"> <li>• CCR 316(c) and 317(g) and BPC 490 – Unprofessional Conduct: Conviction of a Substantially Related Crime (Battery)</li> <li>• CCR 317(h) – Unprofessional Conduct: Conviction of a Crime Involving Physical Violence</li> <li>• CCR 317(e) – Unprofessional Conduct: Endanger the Health, Welfare, or Safety of the Public</li> <li>• CCR 317(m) – Violation of Regulation Adopted by the Board</li> </ul>
<b>Angelopoulos, Christopher</b> Victorville, CA	DC 32157	2/24/2022	<ul style="list-style-type: none"> <li>• CCR 317(e) – Unprofessional Conduct: Committed Acts That Endangered the Public</li> <li>• CCR 317(f) – Unprofessional Conduct: Dangerous Use of Alcohol</li> </ul>
<b>Nino, Gustavo A.</b> Pasadena, CA	DC 21763	2/25/2022	<ul style="list-style-type: none"> <li>• CCR 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime (Participating in Patient Referral Rebates)</li> <li>• CCR 317(h) – Unprofessional Conduct: Conviction of a Felony Crime Involving Moral Turpitude, Dishonesty, or Corruption</li> <li>• CCR 317(k) – Unprofessional Conduct: Acts Involving Moral Turpitude, Dishonesty, or Corruption</li> <li>• CCR 317(q) – Unprofessional Conduct: Acts Involving Fraud or Misrepresentation</li> <li>• CCR 317(t) – Unprofessional Conduct: Offering, Delivering, Receiving, or Accepting of Any Rebate, Refund, or Commission</li> </ul>



Name and City	License No.	Date Filed	Alleged Violation(s)
<b>Noor, Arash</b> Los Angeles, CA	DC 32648	2/25/2022	<ul style="list-style-type: none"> <li>• CCR 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime (Participating in Patient Referral Rebates)</li> <li>• CCR 317(h) – Unprofessional Conduct: Conviction of a Felony Crime Involving Moral Turpitude, Dishonesty, or Corruption</li> <li>• CCR 317(k) – Unprofessional Conduct: Acts Involving Moral Turpitude, Dishonesty, or Corruption</li> <li>• CCR 317(q) – Unprofessional Conduct: Acts Involving Fraud or Misrepresentation</li> <li>• CCR 317(t) – Unprofessional Conduct: Offering, Delivering, Receiving, or Accepting of Any Rebate, Refund, or Commission</li> </ul>

## DISCIPLINARY ACTIONS

Name and City	License No.	Action	Effective Date	Violation(s)
<b>Bredice, Frank</b> Sherman Oaks, CA	DC 13949	Revoked	2/5/2022	<ul style="list-style-type: none"> <li>• CCR 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime</li> <li>• CCR 317(e) – Unprofessional Conduct: Conduct Which Has Endangered or is Likely to Endanger the Health, Welfare, or Safety of the Public</li> <li>• CCR 317(h) – Unprofessional Conduct: Conviction of a Misdemeanor Crime Involving Moral Turpitude, Dishonesty, or Corruption</li> <li>• CCR 317(j) – Unprofessional Conduct: Violating the Provisions of Law Regulating the Dispensing or Administration of Controlled Substances</li> <li>• CCR 317(k) – Unprofessional Conduct: Acts Involving Moral Turpitude, Dishonesty, or Corruption</li> <li>• CCR 317(q) – Unprofessional Conduct: Acts Involving Fraud or Misrepresentation</li> </ul>

Name and City	License No.	Action	Effective Date	Violation(s)
<b>Kancilia, Dirk H.</b> Henderson, NV	DC 16440	Revoked	2/6/2022	<ul style="list-style-type: none"> <li>• CCR 317(g) and (h) – Unprofessional Conduct: Conviction of a Substantially Related Crime and Involving Moral Turpitude and Corruption (Conspiracy to Commit Honest Services Mail Fraud; Healthcare Fraud)</li> <li>• CCR 317(k) and (q) – Unprofessional Conduct: Fraudulent Acts</li> <li>• BPC 810 – Insurance Fraud</li> </ul>
<b>Glade, David</b> Los Angeles, CA	DC 17152	Interim Suspension Order Granted – License Suspended	2/15/2022	N/A
<b>Pooyandeh, Rasoul</b> Pomona, CA	DC 27512	Revoked	2/24/2022	<ul style="list-style-type: none"> <li>• BPC 490 and 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime (Grand Theft)</li> <li>• CCR 317(h) – Unprofessional Conduct: Conviction Involving Moral Turpitude, Dishonesty, or Corruption</li> <li>• CCR 317(k) – Unprofessional Conduct: Acts Involving Moral Turpitude and Dishonesty</li> <li>• CCR 317(l) – Unprofessional Conduct: Falsely Representing a State of Facts</li> <li>• CCR 317(q) – Unprofessional Conduct: Participation in Acts of Fraud and/or Misrepresentation</li> <li>BPC 810(a)(2) – Unprofessional Conduct: Submitting False or Fraudulent Claims</li> </ul>

## FINAL CITATIONS

Name and City	License No.	Fine Amount	Date Final	Violation(s)
<b>Summers, Jamie</b> Emeryville, CA	DC 15689	\$1,000	2/2/2022	<ul style="list-style-type: none"> <li>• CCR 317(e) – Unprofessional Conduct: Conduct That Endangered the Health, Welfare, or Safety of the Public</li> <li>• CCR 317(f) – Unprofessional Conduct: Dangerous Use of Alcoholic Beverages</li> <li>• CCR 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime (Reckless Driving)</li> <li>• CCR 317(n) – Unprofessional Conduct: Making or Giving False Information in Connection with Application for Issuance of a License</li> </ul>
<b>Choi, Roger Sungak</b> Los Angeles, CA	DC 25126	\$1,500	2/3/2022	<ul style="list-style-type: none"> <li>• CCR 317(e) – Unprofessional Conduct: Conduct That Endangered the Health, Welfare, or Safety of the Public</li> <li>• CCR 317(f) – Unprofessional Conduct: Dangerous Use of Alcoholic Beverages</li> <li>• CCR 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime (Driving Under the Influence of Alcohol)</li> </ul>
<b>Young, David Vaughn</b> Cameron Park, CA	DC 28295	\$2,000	2/27/2022	<ul style="list-style-type: none"> <li>• CCR 317(e) – Unprofessional Conduct: Conduct That Endangered the Health, Welfare, or Safety of the Public</li> <li>• CCR 317(f) – Unprofessional Conduct: Dangerous Use of Alcoholic Beverages</li> <li>• CCR 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime (Driving Under the Influence of Alcohol)</li> </ul>

## PETITIONS FOR REINSTATEMENT OF LICENSE

*No Data to Report*

## PETITIONS FOR EARLY TERMINATION OR MODIFICATION OF PROBATION

*No Data to Report*

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

## STATEMENT OF ISSUES

*No Data to Report*



**Agenda Item 13  
Attachment 4f**

**MARCH 2022 ENFORCEMENT ACTIONS**

**ACCUSATIONS FILED**

Name and City	License No.	Date Filed	Alleged Violation(s)
<b>Miller, Jeffrey Scott</b> San Leandro, CA	DC 25600	3/1/2022	<ul style="list-style-type: none"> <li>• BPC 490 and CCR 317(g) – Unprofessional Conduct: Conviction of Substantially Related Crimes (Driving with Blood Alcohol Greater Than 0.08% and Reckless Driving)</li> <li>• CCR 317(e) – Unprofessional Conduct: Conduct Likely to Endanger the Public</li> <li>• CCR 317(f) – Unprofessional Conduct: Dangerous Use of Alcohol</li> <li>• CCR 317(i) – Unprofessional Conduct: More Than One Alcohol-Related Conviction</li> </ul>
<b>Lujan, Vicente Eduardo</b> Bakersfield, CA	DC 34013	3/18/2022	<ul style="list-style-type: none"> <li>• CCR 303 and 308 – Failure to Obtain Satellite Office Certificates and Notify Board of Office Location</li> <li>• CCR 311 – False Advertising</li> <li>• CCR 316(c) – Sexual Misconduct with Patients</li> <li>• CCR 317(a) – Unprofessional Conduct: Gross Negligence</li> <li>• CCR 317(b) – Unprofessional Conduct: Repeated Negligent Acts</li> <li>• CCR 317(c) – Unprofessional Conduct: Incompetence</li> <li>• CCR 317(e) – Unprofessional Conduct: Engaged in Conduct Which Endangered the Health, Safety, or Welfare of Public</li> <li>• CCR 317(m) and 318(a) – Failed to Record Required Patient Information and Diagnoses</li> <li>• CCR 317(m) and 318(b) – Failed to Maintain Accountable Billings</li> <li>• CCR 317(m) and 319.1 – Failed to Have a Consent to Treat Form</li> </ul>

Name and City	License No.	Date Filed	Alleged Violation(s)
<b>Abughalya, Adam Ryan</b> Irvine, CA	DC 32332	3/22/2022	<ul style="list-style-type: none"> <li>• BPC 490 and CCR 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime (Domestic Violence and Vandalism)</li> <li>• CCR 317(e) – Unprofessional Conduct: Endanger the Health, Welfare, or Safety of the Public</li> <li>• CCR 317(h) – Unprofessional Conduct: Conviction of a Crime Involving Moral Turpitude, Dishonesty, or Corruption</li> <li>• CCR 317(k) – Unprofessional Conduct: Engage in Acts Involving Moral Turpitude, Dishonesty, or Corruption</li> </ul>

## DISCIPLINARY ACTIONS

Name and City	License No.	Action	Effective Date	Violation(s)
<b>Barney, Glenn Jeffrey</b> Auburn, CA	DC 21882	Stayed Revocation, 5 Years' Probation	3/13/2022	<ul style="list-style-type: none"> <li>• CCR 316(c) and 317 – Unprofessional Conduct Including Sexual Misconduct and Harassment of a Patient</li> </ul>
<b>Candelario, Joserodel Zavala</b> Bonita, CA	DC 28449	Stipulated Surrender of License	3/13/2022	<ul style="list-style-type: none"> <li>• BPC 490 and CCR 317(g) – Unprofessional Conduct: Conviction of Substantially Related Crimes (Conspiracy, Conspiracy to Commit Health Care Fraud, False Statement on a Tax Return, and Insurance Fraud)</li> <li>• CCR 317(h) and (k) – Unprofessional Conduct: Conviction of Offenses/Acts Involving Moral Turpitude, Dishonesty, or Corruption</li> <li>• CCR 317(l) – Unprofessional Conduct: False Representation of Facts</li> <li>• BPC 650 and 810 and CCR 317(q), (s), and (t) – Unprofessional Conduct: Fraud, Use of Cappers, and Illegal Rebates</li> </ul>
<b>Lieberman, Barry Jay</b> Beverly Hills, CA	DC 19190	Stayed Revocation, 3 Years' Probation	3/26/2022	<ul style="list-style-type: none"> <li>• CCR 317(l) – Unprofessional Conduct: Making False Statement of Fact</li> </ul>

Name and City	License No.	Action	Effective Date	Violation(s)
<b>Park, Jae Ho</b> Irvine, CA	DC 26114	Stayed Revocation, 5 Years' Probation	3/26/2022	<ul style="list-style-type: none"> <li>• BPC 490 and CCR 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime (Participating in Patient Referral Rebates)</li> <li>• CCR 317(h) – Unprofessional Conduct: Conviction Involving Moral Turpitude, Dishonesty, or Corruption</li> <li>• CCR 317(k) – Unprofessional Conduct: Acts Involving Moral Turpitude and Dishonesty</li> <li>• CCR 317(q) – Unprofessional Conduct: Participation in Acts of Fraud and/or Misrepresentation</li> <li>• CCR 317(t) – Unprofessional Conduct: Participation in Referring Patients</li> </ul>

## FINAL CITATIONS

Name and City	License No.	Fine Amount	Date Final	Violation(s)
<b>Coleman, Jeffrey T.</b> Fresno, CA	DC 23639	\$1,500	3/25/2022	<ul style="list-style-type: none"> <li>• CCR 317(e) – Unprofessional Conduct: Endangered the Health, Welfare, or Safety of the Public</li> <li>• CCR 317(f) – Unprofessional Conduct: Dangerous Use of Alcoholic Beverages</li> </ul>

Name and City	License No.	Fine Amount	Date Final	Violation(s)
<b>Morita, Stephen Paul Dwayne</b> Laguna Woods, CA	DC 20320	\$2,500	3/31/2022	<ul style="list-style-type: none"> <li>• CCR 308 – Failure to Display a Current Active License in Office or Place of Practice</li> <li>• CCR 310.2 – Use of Title by an Unlicensed Person</li> <li>• CCR 312 – Engaging in the Practice of Chiropractic Without Holding an Active License</li> <li>• CCR 317 – Unprofessional Conduct</li> <li>• CCR 317(b) – Unprofessional Conduct: Repeated Negligent Acts</li> <li>• CCR 317(e) – Unprofessional Conduct: Endanger the Health, Welfare, or Safety of the Public</li> <li>• CCR 317(k) – Unprofessional Conduct: Act Involving Dishonesty</li> <li>• CCR 317(m) – Unprofessional Conduct: Violation of Board Regulations</li> <li>• CCR 317(n) – Unprofessional Conduct: Submission of False Information on License Application</li> <li>• CCR 317(q) – Unprofessional Conduct: Participation in Fraud or Misrepresentation</li> </ul>

**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*



**Regulation Tracking Sheet**

<b>Group A – Legislatively Mandated</b>		<b>DCA &amp; BCE Review Process</b>	<b>Status</b>
<b>1</b>	<b>Consumer Protection Enforcement Initiative – Chiropractic Practice Locations</b> (16 CCR Sections 303, 306.3, 308, and 308.1)	<b>Step 7 Initial Phase</b>	DCA Legal review completed. Rulemaking file is with the Board for further revisions.
<b>2</b>	<b>Consumer Protection Enforcement Initiative – Discipline by Other Agencies &amp; Licensee Reporting Requirements</b> (16 CCR Sections 304, 314, 317.3)	<b>Step 7 Initial Phase</b>	Draft rulemaking file under internal review.
<b>3</b>	<b>Revisions to BCE Disciplinary Guidelines &amp; Uniform Standards for Substance Abusing Licensees</b> (16 CCR Section 384)	<b>Step 2 Initial Phase</b>	Rulemaking file under development at the Board.
<b>Group B</b>			<b>Status</b>
<b>1</b>	<b>Revisions to Curriculum Requirements and Approval of Programs</b> (16 CCR Sections 330 – 331.16)	<b>Step 3 Initial Phase</b>	Draft rulemaking file under internal review.
<b>2</b>	<b>Continuing Education Requirements (CE Provider and Course Approval) / Mandatory Cardiopulmonary Resuscitation (CPR) Certification for all licensees</b> (16 CCR Sections 361 –366)	<b>Step 2 Initial Phase</b>	Rulemaking file under development at the Board. Continuing Education committee is currently working through policy issues regarding this regulatory proposal.
<b>3</b>	<b>Delegation of Authority to the Assistant Executive Officer / Compliance with Citation and Order of Abatement</b> (16 CCR Sections 306, 389, 390, 390.3, 390.4 and 390.5)	<b>Step 7 Initial Phase</b>	Draft rulemaking file under internal review.
<b>Group C</b>			<b>Status</b>
<b>1</b>	<b>Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice or Death/Incapacity of Licensee</b> (16 CCR Section 312.2 and 318)	<b>Step 2 Initial Phase</b>	Approved rulemaking process 4.16.15
<b>2</b>	<b>Amend or Repeal 16 CCR Section 354 - Successful Examination (Obsolete provision)</b>		Not commenced

## Regulation Summary Sheet

Proposed Regulation(s)	Proposed Change(s)
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.
Revisions to Curriculum requirements and approval of programs	Language presented to full Board for review and vote on 7.16.20.
CE Requirements (CE Provider and Course Approval) / Mandatory Cardiopulmonary Resuscitation (CPR) Certification for all licensees	This proposal will establish minimum requirements for continuing education providers, establish parameters for continuing education course approvals, and mandate CPR certification for all licensees. The goal is to protect patients by expanding the background check for continuing education providers and by aligning the mandatory course categories with the core competencies necessary for a doctor of chiropractic to safely practice in California.
Delegation of Authority to the Assistant Executive Officer	This regulatory proposal will delegate to the Assistant Executive Officer the authority to expedite enforcement and administrative functions on behalf of the Executive Officer. Additionally, this proposal will ensure consistency with Business and Professions Code section 125.9 regarding BCE's citation program and criteria established for evaluating compliance with a citation and order of abatement.
Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice or Death/Incapacity Licensee	The proposed regulation would amend the Board's minimum record keeping requirements to specify the retention period and disposition of patient records.
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	<b>BCE Staff &amp; DCA Legal Counsel</b>	Work together on proposed regulation text that is subject to EO's initial approval
2	<b>BCE Board Members</b>	Vote on proposed text and direct staff to begin regulation process.
3	<b>DCA Legal Counsel</b>	Reviews regulation documents and returns to BCE Staff with approval or suggested changes. Legal Affairs notifies the DCA Regulations Coordinator of the status.
4	<b>BCE Staff</b>	Compile four complete hard copy sets of the regulation package and submit to DCA Regulations Coordinator.
5	<b>DCA Regulations Coordinator</b>	Begins DCA initial review process
6	<b>DCA Legal Affairs Division, Legislative Affairs Division, and Budget Office</b>	Review regulation documents.
7	<b>DCA Legal Affairs Division</b>	Chief Counsel Reviews regulation documents
8	<b>DCA Legislative Affairs Division</b>	Deputy Director reviews regulation documents
9	<b>DCA Executive Office</b>	Director reviews regulation documents.
10	<b>Business, Consumer Services, &amp; Housing Agency</b>	Agency Secretary reviews regulation documents.
11	<b>DCA Regulations Coordinator</b>	Logs return of proposed regulation documents from Agency and notifies BCE of approval or concerns & suggested changes
12	<b>BCE Staff</b>	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	<b>BCE Staff</b>	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	<b>BCE Staff &amp; Board Members</b>	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 <b>or</b> 2) adopt the proposed text.
2	<b>BCE Staff</b>	Upon adoption of language, staff completes final rulemaking binder and delivers to DCA Legal.
3	<b>DCA Legal Affairs Division</b>	Rulemaking binder is logged and forwarded to BCE's Assigned Legal Counsel
4	<b>DCA Regulations Coordinator</b>	Facilitates review by DCA's Budget Office and the Department of Finance
5	<b>DCA Legal Affairs Division</b>	Binder reviewed by Assistant Chief Legal Counsel
6	<b>DCA Legislative Affairs Division</b>	Binder reviewed by Deputy Director
7	<b>DCA Executive Office</b>	Binder reviewed by Director
8	<b>Business, Consumer Services, &amp; Housing Agency</b>	Binder reviewed by Agency Secretary
9	<b>DCA Regulations Coordinator</b>	Completes closing paperwork and returns binder to BCE with final approval
10	<b>BCE Staff</b>	Submits final rulemaking file to the Office of Administrative Law for review.
11	<b>Office of Administrative Law</b>	Reviews rulemaking file for: 1) Necessity; 2) Authority; 3) Clarity; 4) Consistency; 5) Reference; and, 6) Nonduplication.
12	<b>BCE</b>	<b>If approved:</b> Rulemaking is complete; language takes effect on next effective date or date requested. <b>If disapproved:</b> Board Members decide whether to amend and resubmit or withdraw the regulatory package.



**Agenda Item 14  
April 21-22, 2022**

**Review, Discussion, and Possible Action on Proposal to Amend the Board’s Fee Schedule (Business and Professions Code Section 1006.5)**

**Purpose of the Item**

Board staff and the Department of Consumer Affairs’ (DCA) Budget Office will provide a presentation outlining the proposed fee schedule based on the analysis by Matrix Consulting Group, as well as potential alternative solutions for the Board to consider.

**Action Requested**

The Board will be asked to review, discuss, and vote on a final proposed fee schedule at this meeting.

**Background**

As a special fund entity, BCE’s annual budget is funded exclusively by the chiropractic profession through the licensing and other regulatory fees codified in [Business and Professions Code section 1006.5](#).

Despite ongoing efforts to closely monitor and limit BCE’s expenses, BCE’s current budget is structurally imbalanced, as increasing operating and enforcement costs continue to outpace the annual revenue received through these licensing and regulatory fees. Without an increase in revenue, BCE’s fund is at risk of insolvency in FY 2023/24.

In order to determine the level to set its fees, BCE contracted with Matrix Consulting Group to conduct a fee analysis, assess the current fees charged, and determine what the fees should be based on actual workload and expenditures. As a result of this analysis, Matrix Consulting Group concluded BCE is under-recovering its costs by approximately \$1.4 million and the majority of these costs relate to BCE’s Continuing Education (CE) Program.

The proposed fee schedule based on this analysis is outlined below:

Fee Name	Current Fee	Total Cost Per Unit	Surplus / (Deficit) per Unit
Biennial continuing education provider fee	\$56	\$118	(\$62)
Continuing education provider application fee	\$84	\$291	(\$207)

**BCE's Fee Schedule**  
**April 21-22, 2022**  
**Page 2**

<b>Fee Name</b>	<b>Current Fee</b>	<b>Total Cost Per Unit</b>	<b>Surplus / (Deficit) per Unit</b>
Continuing education course application fee	\$56	\$558	(\$502)
Corporation registration application fee	\$186	\$171	\$15
Corporation special report filing fee	\$31	\$98	(\$67)
Corporation renewal filing fee	\$31	\$62	(\$31)
Corporation duplicate certificate fee	\$50	\$70	(\$20)
Duplicate license fee	\$50	\$71	(\$21)
Initial license fee	\$186	\$137	\$49
License application fee	\$371	\$345	\$26
License certification / Out-of-state license verification	\$124	\$83	\$41
License renewal fee	\$313	\$336	(\$23)
Petition for early termination of probation or reduction of penalty fee	\$371	\$3,195	(\$2,824)
Petition for reinstatement of a revoked license fee	\$371	\$4,185	(\$3,814)
Preceptor fee	\$31	\$72	(\$41)
Reciprocal license application fee	\$371	\$283	\$88
Referral service application fee	\$557	\$279	\$278
Satellite certificate application fee	\$62	\$69	(\$7)
Satellite certificate renewal fee	\$31	\$50	(\$19)
Satellite certificate replacement fee	\$50	\$71	(\$21)

In addition, Section 6 of the report by Matrix Consulting Group contains a discussion of a per-hour fee for continuing education course applications compared to BCE's current practice of charging a flat-rate fee per course. Matrix concluded a fee of \$116 per hour of course instruction would be sufficient to recover BCE's current costs of processing an application.

At this meeting, Board staff and the DCA Budget Office will provide a presentation on BCE's current fund condition and projections, the proposed fee schedule based on the

**BCE's Fee Schedule**  
**April 21-22, 2022**  
**Page 3**

fee analysis by Matrix Consulting Group, and potential alternative solutions to address the structural imbalance of BCE's fund. The Board will be asked to vote on a final proposed fee schedule that will equitably distribute BCE's operational costs between applicants, licensees, and continuing education providers and provide long-term stability for BCE's fund.

**Attachment**

- Board of Chiropractic Examiners Fee Study by Matrix Consulting Group, December 2021

# **Board of Chiropractic Examiners (BCE) Fee Study**

CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS

## **FINAL REPORT**

December 2021

**matrix**   
consulting group



## Table of Contents

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# 1. Introduction and Executive Summary

The Matrix Consulting Group was retained by the Board of Chiropractic Examiners (BCE) to evaluate its fees for service. The following report summarizes the findings and conclusions associated with BCE's current and full cost recovery.

## 1 Project Background and Overview

The Board of Chiropractic Examiners was established via the Chiropractic Initiative Act in 1922, with a legal framework dictating that fees charged should cover all costs of operations, including licensing and enforcement. Given current staffing and operational costs, as well as current fee amounts, the BCE could be facing imminent insolvency. As the BCE's sole source of funding is fees charged for licensing, continuing education, and other regulatory services, the need for increased fees is paramount.

Therefore, the focus of this analysis was to evaluate the full cost associated with processing licenses associated with practicing, continuing education, reinstatement of licenses, and other similar services. The results of this study provide a tool for understanding current service levels, the cost and demand for those services, and what fees for service can be charged.

## 2 General Project Approach and Methodology

The methodology employed by the Matrix Consulting Group is a widely accepted "bottom up" approach to cost analysis, where time spent per unit of fee activity is determined for each position within a Program. Once time spent for a fee activity is determined, all applicable organizational costs are then considered in the calculation of the "full" cost of providing each service. The following table provides an overview of types of costs applied in establishing the "full" cost of services provided by the Board:

**Table 1: Overview of Cost Components**

Cost Component	Description
<b>Direct</b>	Fiscal Year 2021-22 Budgeted salaries, benefits and allowable expenditures.
<b>Indirect</b>	Administration / management, clerical, enforcement, special investigations support, and reserve requirements.

Together, the cost components in the table above comprise the calculation of the total "full" cost of providing any particular service, regardless of whether a fee for that service is charged.

The work accomplished by the Matrix Consulting Group in the analysis of the fees for service involved the following steps:

- **Staff Interviews:** The project team interviewed BCE Licensing and Enforcement staff to obtain a better understanding of how licensing services are provided.
- **Data Collection:** Data was collected for staffing, budget, and workload information and entered into the analytical fee model. Along with budgeted expenditures, the project team also worked with staff to identify the costs associated with enforcement and reserve requirements.
- **Cost Analysis:** The full cost of providing each service included in the analysis was established.
- **Review and Approval of Results with Staff:** Management has reviewed and approved these documented results.

A more detailed description of the legal considerations and fee methodology used to calculate the BCE fees is provided in subsequent chapters of this report.

### 3 Summary of Fee Study

The primary focus of this study is to determine the full cost associated with licensing-related services. The following table compares the current revenue to the full cost revenue calculated, the resulting surplus / (deficit), and cost recovery level:

**Table 2: Annual Cost Recovery Analysis**

Total Annual Revenue <sup>1</sup>	\$4,611,988
Total Annual Cost <sup>2</sup>	\$6,024,382
<b>Annual Surplus / (Deficit)</b>	<b>(\$1,412,394)</b>
<b>Cost Recovery %</b>	<b>77%</b>

Based upon the results of this analysis, the BCE is under-recovering by approximately \$1.4 million for its fee-related services. This \$1.4 million under-recovery represents a 77% cost recovery level. The cost figures in this report are meant to provide guidance to decision-makers: Management and the Board regarding the maximum allowable fees that can be charged. The following chapters provide greater detail regarding the full cost calculations for licensing services.

<sup>1</sup> Based on FY2020-21 workload and current fees.

<sup>2</sup> Includes FY2021-22 Budget Act, as well as cost obligations such as the Bureau of Automotive Repair (BAR) loan payback, supplemental pension payments, statewide prorata, general salary increases, ongoing expenditure reductions, and reserve buildup.

## 2. Legal Framework

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The California Board of Chiropractic Examiners has specific legal framework, which dictates that its fees should cover all costs of operations including licensing and any enforcement costs. In 1922 California electors approved the Chiropractic Initiative Act, which created the State Board of Chiropractic Examiners, and prescribed the terms upon which licenses could be issued to practitioners of chiropractic, as well as penalties for violation. There are three sections that are pertinent to the fee study: §4, §12.5, and §14. The following subsections provide an overview of these three sections:

### 1 §4: Powers of the Board

This section gives the Board the authority to adopt rules and regulations regarding educational requirements; establish minimum requirements for teachers at chiropractic schools and colleges; approve chiropractic schools and colleges; and employ investigators, clerical assistants, and commissioners to carry out these duties. Additional sections of the Chiropractic Initiative Act outline the Board's authority regarding issuance, revocation, and reinstatement of licenses, including:

- § 7 Certificate to practice; issuance; practice authorized
- § 9 Issuance of licenses to licensees of other states
- § 10 Rules of professional conduct; denial, suspension or revocation of license; reissuance
- § 12 Renewal Fee
- § 15 Noncompliance with and violations of act
- § 17 Enforcement of act

As it can be seen from the points above, the BCE's current fees cover all of these areas of services.

### 2 §12.5: Authority of Legislature to Fix Fees

This section provides the legislature the authority to fix fees payable by applicants and licensees and per diem compensation for the Board, and gives the legislature the authority to "... *fix the amounts of the fees payable by applicants and licensees...*". The

goal of this analysis is to provide the legislature with information regarding the full cost to determine where and how to fix the amount of the fees.

### **3 §14: Use of State Board of Chiropractic Examiners' Fund**

This section dictates that “...*all money received by the board from all sources..*” is to be deposited into the State Board of Chiropractic Examiners' Fund (a special fund), “..*and shall be expended in accordance with law for all necessary and proper expenses in carrying out the provisions of this act, upon proper claims approved by said board or a finance committee thereof.*” With its special fund designation, the Board of Chiropractic Examiners does not receive funding from taxes, grants, or the State's general fund. Therefore, it must charge license and registration fees and fines in an amount sufficient to sustain regulatory practices.

### 3. Staffing and Budget Assumptions

In order to determine the full cost of providing BCE services, staffing and budget information was collected for Fiscal Year 2020-21. This information outlined the staff available to process licensing, continuing education, and other services, as well as the budget and non-budget costs incurred by BCE. The following sections detail the staffing and budget assumptions included in this cost of service study.

#### 1 Fiscal Year 2020-21 Staffing Assumptions

In Fiscal Year 2020-21 the BCE budgeted for 19 Full Time staff positions, as well as two (2) Seasonal Clerks. Full time staff have a standard assumption of 2,080 hours, and are eligible for full vacation, holiday, and sick leave. Seasonal Clerks can work a maximum of 1,500 hours annually, and do not accrue any vacation or sick leave. The following table outlines the titles and number of budgeted positions for BCE staff.

**Table 3: Fiscal Year 2020-21 Budgeted Staff**

<b>Position Title</b>	<b>FT Positions</b>
Office Tech (Typing)	2.00
Staff Services Manager II/Sup	1.00
Staff Services Manager I	2.00
Staff Services Analyst	4.00
Management Services Tech	1.00
Assoc Gov Prog Analyst	5.00
Special Investigator	3.00
Executive Officer	1.00
Seasonal Clerk	
<b>Total Staff</b>	<b>19.00</b>

BCE staff support falls into four basic categories: direct fee-related services, enforcement activities, special investigations, or administrative support. The following points provide an overview of these categories, as well as the associated staff.

- **Fee-Related:** Staff who work directly in support of licensing, continuing education, and other fee-related services include: Office Tech (Typing), Staff Services Manager I, Staff Services Analyst Associate Government Program Analyst, and Seasonal Clerk.
- **Enforcement:** Staff who work to process complaints, and research applicable laws relating to possible violations include: Staff Services Manager I, Staff Services Analyst, Associate Government Program Analyst, and Seasonal Clerk.

- **Special Investigations:** Special Investigators are responsible for conducting field investigations.
- **Administrative Support:** Staff who manage, oversee, or support all staff include: Office Tech (Typing), Staff Services Manager II / Supervisor, Management Services Tech, Associate Government Program Analyst, Executive Officer, and Seasonal Clerk.

The project team worked with BCE staff to identify various daily, weekly, monthly, and annual activities carried out by staff that fall into each of the above categories in order to develop appropriate time estimates and cost assumptions.

## 2 Fiscal Year 2020-21 Budget Assumptions and Budget Adjustments

In order to determine appropriate costs for inclusion in the fee analysis, the project team first started with the Fiscal Year 2020-21 Budget for BCE. Expenditure line items were reviewed for appropriateness, as well as any mid-year adjustments, such as updating BCE's 2020-21 Budget to its recently enacted 2021-22 Budget (Budget Act). Finally, non-budget items were also identified for inclusion in the full cost of providing BCE services.

### (1) Fiscal Year 2020-21 Budget

The project team worked with BCE staff to review the Fiscal Year 2020-21 Budget, and incorporated adjustments associated with several expenditure line items. While the starting budget was \$5 million, based on adjustments made, the total budgeted cost included in the analysis was \$4.6 million. The following table details the Fiscal Year 2020-21 Budget, proposed Cost Adjustments, and the total Adjusted Cost, which ties to BCE's 2021-22 Enacted Budget.

**Table 4: Fiscal Year 2020-21 Budget and Adjustments**

<b>Cost Type</b>	<b>FY20-21 Budget</b>	<b>Cost Adjustments</b>	<b>Total Adjusted Cost</b>
Salary & Wages	\$1,255,000	\$133,000	\$1,388,000
Temp Help	\$8,000		\$8,000
Statutory Exempt (EO)	\$116,000		\$116,000
Overtime/Retirement Payout	\$1,000		\$1,000
Staff Benefits	\$695,000	\$47,000	\$742,000
Board Member Per Diem	\$16,000		\$16,000
General Expense	\$30,000		\$30,000
Printing	\$3,000		\$3,000
Communication	\$19,000		\$19,000
Postage	\$7,000		\$7,000
Travel In State	\$22,000		\$22,000

<b>Cost Type</b>	<b>FY20-21 Budget</b>	<b>Cost Adjustments</b>	<b>Total Adjusted Cost</b>
Training	\$9,000		\$9,000
Facilities Operations	\$141,000		\$141,000
Attorney General	\$933,000		\$933,000
Office of Administrative Hearings	\$159,000		\$159,000
Evidence/Witness Fees	\$75,000	(\$17,000)	\$58,000
C & P Services - External	\$448,000	(\$438,000)	\$10,000
DCA Pro Rata	\$1,011,000	(\$240,000)	\$771,000
Consolidated Data Center	\$27,000		\$27,000
Information Technology	\$60,000	(\$7,000)	\$53,000
Equipment	\$13,000	(\$2,000)	\$11,000
Vehicle Operations	\$42,000		\$42,000
<b>Total Budgeted Costs</b>	<b>\$5,090,000</b>	<b>(\$524,000)</b>	<b>\$4,566,000</b>

Upon review of the budgeted line items included in the budget, BCE identified approximately \$5 million in cost adjustments. Costs associated with Salary and Wages and Staff Benefits were increased by \$180,000, while costs associated with Evidence / Witness Fees, C&P Services – External, DCA Pro Rata, Information Technology, and Equipment were reduced by \$700,000.

## (2) Non-Budget Items

The BCE develops an annual budget every year to reflect known cost types such as salaries, benefits, and operating costs. However, the BCE has several non-budget expense obligations that it is required to pay, which total \$1.5 million this year. The following table outlines the non-budget expenses the BCE should incur by cost type.

**Table 5: Fiscal Year 2021-22 Non-Budget Expenses**

<b>Non-Budget Item</b>	<b>Annual Cost</b>
Office Relocation	\$29,920
Credit Card Fees	\$84,591
Direct Fund Transfer - BAR Loan Payback (\$1.448 million outstanding)	\$250,000
Direct Fund Assessment - Supplemental Pension Payments (Ends 2024-25)	\$85,000
Direct Fund Assessment - Statewide Prorata	\$297,000
General Salary Increases (eff. 7/1/2021)	\$130,000
Ongoing Expenditure Reduction	(\$16,000)
Annual Reserve	\$597,870
<b>Total Non-Budget Expenses</b>	<b>\$1,458,382</b>

Over the next several years the BCE should make payments to offset its BAR Loan, as well as Supplemental Pension Payments. It will also need to pay for Statewide Prorata, cover general salary increases, account for an ongoing expenditure reductions, account for credit card fees associated with taking online payments, and account for amortized costs associated with office relocations. Finally, the BCE needs to build back its fund reserve in order to offset any unforeseen future economic uncertainties.



### (3) Total Annual Cost

When looking at the budgeted and non-budgeted expenditures for BCE, costs total approximately \$6 million.

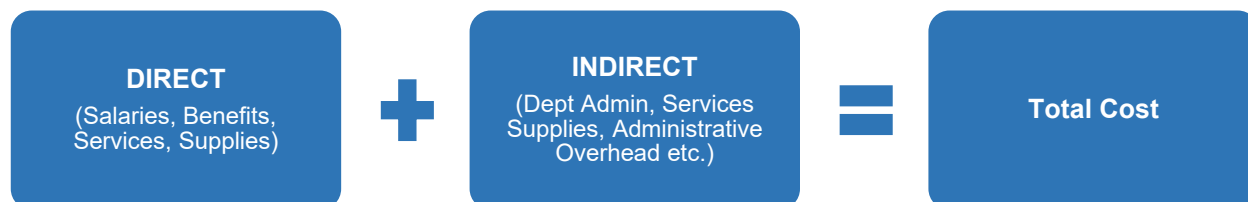
**Table 6: Fiscal Year 2021-22 Budget Assumptions**

<b>Cost Type</b>	<b>FY20-21 Budget</b>	<b>Cost Adjustments</b>	<b>Total Adjusted Cost</b>
Governor's Budget and Cost Adjustments	\$5,090,000	(\$524,000)	\$4,566,000
Non-Budget Items		\$1,458,382	\$1,458,382
<b>Total Budgeted Costs</b>	<b>\$5,090,000</b>	<b>\$934,382</b>	<b>\$6,024,382</b>

The costs identified in the previous two subsections were used as the basis for the annual costs associated with BCE services.

## 4. User Fee Methodology

The Matrix Consulting Group utilizes a cost allocation methodology commonly known and accepted as the “bottom-up” approach to establishing User Fees. The term means that several cost components are calculated for each fee or service. These components then build upon each other to comprise the total cost for providing the service. The following chart describes the components of a full cost calculation:



The general steps utilized by the project team to determine allocations of cost components to a particular fee or service are:

- Calculate fully burdened hourly rates by position, including direct & indirect costs;
- Develop time estimates for each service included in the study;
- Distribute the appropriate amount of the other cost components to each fee or service based on the staff time allocation basis, or another reasonable basis.

The results of these allocations provide detailed documentation for the reasonable estimate of the actual cost of providing each service. The following subsections discuss the fully burdened hourly rates calculated and the time estimates utilized.

### 1 Fully Burdened Hourly Rates

The fully burdened hourly rates are one of the two key factors of the full cost calculated. The fully burdened hourly rates calculated through this study are comprised of the following key components:

- **Direct Cost:** This consists of the salaries, benefits, and productive hours associated with each position. The salaries and benefits are the actual salaries and benefits budgeted for each position at the BCE. The productive hours are a calculation to reduce the billable hours from 2,080 (standard full-time hours) to the hours which are available to be billed for. This includes reduction for items such as sick leave, vacation, holidays, meetings, breaks, and trainings. Based upon review of standardized vacation and holiday, the total productive hours calculated for staff are 1702.5 hours. The 1,702.5 hours represents a billable percentage of 81%, which is within the range typically seen for state agencies at 75-85%.

- **Supplies and Services Overhead:** This overhead refers to the non-personnel budgeted items for each program or division that are necessary for the employees to be productive. This includes costs such as general expenses, printing, communication, postage, training, facilities overhead, equipment, vehicle operations, etc. These costs are divided by the total productive hours for BCE to calculate the supplies and services overhead per hour.
- **Administrative Staff Support:** This consists of the costs associated with all personnel that support the billable staff. This includes the costs associated with managerial and clerical staff, as well as the non-billable time associated with fee-related staff. The BCE has a mandate that all costs are recovered through fees, as such these costs should be considered as overhead to fees. For purposes of the BCE the administrative staff allocated over fee-related activities include Staff Services Manager II, Management Services Technician, the Executive Officer, and portions of the Office Technician, Associate Government Program Analyst, and Seasonal Clerk.

Together these cost components result in fully burdened hourly rates, which are reflective of the total cost to the BCE for each position. It is important to note that this rate is NOT meant to be reflective of actual pay to Board staff, but rather reflects the cost associated with that employee, which includes salaries, benefits, supervisory support, services and supplies, and overall agencywide support. The fully burdened hourly rate is utilized in conjunction with time estimates to calculate the full cost of service.

## 2 Time Estimates

One of the key study assumptions utilized in the “bottom up” approach is the use of time estimates for the provision of each fee related service. Utilization of time estimates is a reasonable and defensible approach, especially since experienced staff members who understand service levels and processes unique to the City developed these estimates.

The project team worked closely with BCE staff in developing time estimates with the following criteria:

- Estimates are representative of average times for providing services. Estimates for extremely difficult or abnormally simple projects are not factored into this analysis.
- Estimates reflect the time associated with the position or positions that typically perform a service.
- Estimates provided by staff are reviewed and approved by line staff and management, and often involve multiple iterations before a Study is finalized.
- Estimates are reviewed by the project team for “reasonableness” against their experience with other agencies.

- Estimates were not based on time in motion studies, as they are not practical for the scope of services and time frame for this project.
- Estimates match the current or proposed staffing levels to ensure there is no over-allocation of staff resources to fee and non-fee related activities.

The Matrix Consulting Group agrees that while the use of time estimates is not perfect, it is the best alternative available for setting a standard level of service for which to base a jurisdiction's fees for service and meets the requirements of California law.

### 3 Cost Assumptions

Along with Fully Burdened Hourly Rates and Time Estimates, the total cost calculated for the licenses issued by the Board of BCE consists of three other cost components:

1. **Special Investigations:** The BCE has three (3) Special Investigators who provide field investigations and enforcement regarding any license holder violations. These are in-depth investigations and can result in court cases and licenses being revoked.
2. **Enforcement:** The BCE has approximately six (6) Full-time staff dedicated to Enforcement activities. These staff review and process complaints and research applicable laws to determine whether a violation was committed.
3. **Reserve:** It is a best management practice that an agency have a policy regarding reserves to ensure continuity of operations in the event of an unprecedented financial situation. The BCE has a policy of accumulating a reserve equal to 6 months of the operating budget. This reserve is intended to be accumulated over a period of 5 years.

These three cost components have been included as additional costs on top of the different license and permit categories to capture the full operating costs of the BCE. The following subsections show the cost calculation assumptions that have been utilized for these three categories.

#### (1) Special Investigations

As discussed, the BCE has three (3) full-time special investigator positions. The project team calculated the full cost of special investigations by taking the fully burdened hourly rate for Special Investigations (based upon the cost components discussed in Section 1 of this Chapter) and multiplying it by the total annual available hours for the Special Investigations staff. The following table shows this calculation:

**Table 7: Calculation of Annual Special Investigations Cost**

Position Title	# of FTE	Productive Hours Per FTE <sup>3</sup>	Annual Available Hours per FTE	Fully Burdened Hourly Rate	Annual Cost
Special Investigator	3.0	1,702.5	5,107.50	\$180.425	\$920,649

Based upon the number of FTE, the annual available hours, and the fully burdened hourly rate, the annual cost for Special Investigations is approximately \$921,000. The cost for Special Investigations was allocated to permits based upon the type of activity that is being investigated. Approximately 95% of this activity is related to general license holders, as such, 95% of this cost should be borne by annual license fees, with the remaining 5% spread over the remaining license types to account for investigative actions stemming from continuing education, corporation filings, and satellite certificates. The following table shows the total cost allocated to the different types of permits:

**Table 8: Allocation of Special Investigations Costs**

Annual Special Inv. Cost	Type of Activity	% of Support	Total Allocable Cost
\$920,649	All License Types	5%	\$46,032
	Renewals Only	95%	\$874,616

Based upon the proposed percentage of support, approximately \$875,000 of the costs are allocated to License Renewals. The costs associated with licenses were then calculated into a per license cost based upon the prior fiscal year's (FY21) workload. The following table shows the per license cost:

**Table 9: Allocation of Special Investigations Costs**

Type	Allocable Cost	Annual Workload	Cost / Permit
All License Types	\$38,920	9,433	\$5
Renewals Only	\$739,478	12,759	\$69

Based upon the calculation, \$5 is added to each license type and \$69 to the license renewal fee to help recover the costs associated with Special Investigations.

## (2) Enforcement

The BCE has several different staff positions dedicated to the Enforcement function. The project team calculated the full cost of Enforcement by taking the fully burdened hourly rate for Enforcement Staff (based upon the cost components discussed in Section 1 of this Chapter) and multiplying it by the total annual available hours for the Enforcement staff. The following table shows this calculation:

<sup>3</sup> As discussed in the fully burdened hourly rates section, the project team calculated the hours that staff can bill and be productive, which takes the 2,080 (40 hrs per week for 52 weeks) and reduces them by sick, vacation, and breaks.

**Table 10: Calculation of Annual Enforcement Staff Cost**

Position Title	# of FTE	Productive Hours Per FTE <sup>4</sup>	Annual Available Hours per FTE	Fully Burdened Hourly Rate	Annual Cost
Staff Services Manager	1.0	1,702.50	1,702.50	\$182	\$309,130
Associate Govt Program Analyst	3.0	1,702.50	4,396.50	\$165	\$814,578
Staff Services Analyst	1.0	1,702.50	1,702.50	\$154	\$262,304
Seasonal Clerk <sup>5</sup>	1.0	1,478.00	1,478.00	\$122	\$179,852
<b>TOTAL STAFF COST</b>					<b>\$1,565,864</b>

Based upon the number of FTE, the annual available hours, and the fully burdened hourly rate, the annual staff cost for Enforcement is approximately \$1.6 million. In addition to staff costs for enforcement there are other fixed costs such as Attorney General, Office of Administrative Hearings, and Evidence / Witness Fees. The following table shows these additional costs incorporated with the staff costs to calculate the total annual costs for enforcement:

**Table 11: Total Annual Enforcement Costs**

Cost Category	Amount
Enforcement Staff Cost	\$1,565,864
Attorney General	\$933,000
Office of Administrative Hearings	\$159,000
Evidence / Witness Fees	\$58,000
C&P Services – External	\$10,000
DCA Pro-Rata Enforcement	\$322,000
<b>TOTAL COSTS</b>	<b>\$3,047,864</b>

The total costs associated with Enforcement related activities are approximately \$3 million, with \$1.5 million associated with external enforcement activities. This cost for Enforcement was allocated to permits based upon the type of activity that is being enforced. Approximately 95% of this activity is related to general license holders, as such, approximately 95% of this cost should be borne by annual license fees. The remaining 5% accounts for enforcement issues borne out of actions relating to continuing education, corporation filings, and satellite certifications, and is spread over these license types. The following table then shows the total cost allocated to the different types of permits:

**Table 12: Allocation of Enforcement Costs by Permit Type**

Annual Enforcement Cost	Type of Activity	% of Support	Total Allocable Cost
\$3,047,864	All License Types	5%	\$152,393
	Renewals Only	95%	\$2,895,471

<sup>4</sup> As discussed in the fully burdened hourly rates section, the project team calculated the hours that staff can bill and be productive, which takes the 2,080 (40 hrs per week for 52 weeks) and reduces them by sick, vacation, and breaks.

<sup>5</sup> The Seasonal Clerk position works a maximum of 1,500 hours and it is assumed they receive approximately half of the holidays that agency staff receive in order to calculate their billable / productive hours.

Based upon the allocation of costs, approximately \$2.9 million of the costs relate to License Renewals. The costs associated with licenses were then calculated into a per license cost based upon the prior fiscal year's (FY 2020-21) workload. The following table shows the per license cost:

**Table 13: Allocation of Enforcement Costs per Permit**

Type	Allocable Cost	Annual Workload	Cost / Permit
All License Types	\$152,393	9,433	\$16
Renewals Only	\$2,895,471	12,759	\$227

Based upon the calculation, \$16 is added to each license type and \$227 to the license renewal fee to help recover the costs associated with Enforcement.

### (3) Reserve

The BCE has a policy that there should be a reserve based on 6 months of operating annual costs for the agency. However, it is not expected that this reserve would be accumulated in a singular year. As such, the reserve and its associated costs are calculated over a 5-year time frame. Similar to Special Investigations and Enforcement, the cost for reserve accumulation was based upon a per permit cost. However, as the reserve would be applicable to all permit types, there was no difference in allocation between the permit types. The following table shows the per permit calculation for the reserve:

**Table 14: Calculation of Reserve Cost Per Permit**

Category	Annual Cost	Annual Workload	Cost Per Permit
Annual Reserve Cost	\$597,870 <sup>6</sup>	22,192	\$27

Based upon the calculation, \$27 is added to each license type to help the agency accumulate a reserve that is equal to 6 months of operating costs over a 5-year period.

<sup>6</sup> The 5 year annual operating cost is \$6 million based upon a 2% inflation factor, and the 6 month reserve is \$3 million, which spread over 5 years results in an annual cost of \$597,870.

## 5. BCE Fee Study Results

The BCE is the regulatory agency that monitors and licenses chiropractic practitioners. The fees included in this analysis include application fees, renewal fees, continuing education, corporate registration, reciprocal licenses, and satellite licenses. The following subsections discuss modifications made to the fee schedule, the detailed per unit analysis, and the annual revenue impacts for fee-related services provided by the agency.

### 1 Fee Schedule Modifications

During discussions with BCE staff, it was determined that the current fee structure reflects services being provided, and complies with regulations regarding how fees can be applied and charged. Therefore, no modifications were made to the current fee structure.

### 2 Detailed Per Unit Results

The BCE collects flat fees for items such as continuing education providers, annual license applications, corporation licenses, restoration of licenses, reciprocal licenses, and satellite licenses. The total cost calculated for each service includes direct staff cost, services and supplies, administrative overhead, special investigations, enforcement, and reserve costs. The following table details the fee title / name, the current fee amount, the total cost, and surplus and / or deficit associated with each service:

**Table 15: BCE Cost Per Unit Results**

Fee Name	Current Fee	Total Cost Per Unit	Surplus / (Deficit) per Unit
Biennial continuing education provider renewal fee	\$56	\$118	(\$62)
Continuing education provider application fee	\$84	\$291	(\$207)
Continuing education course application fee	\$56	\$558	(\$502)
Corporation registration application fee	\$186	\$171	\$15
Corporation special report filing fee	\$31	\$98	(\$67)
Corporation renewal filing fee	\$31	\$62	(\$31)
Corporation duplicate certificate fee	\$50	\$70	(\$20)
Duplicate license fee	\$50	\$71	(\$21)
Initial license fee	\$186	\$137	\$49
License application fee	\$371	\$345	\$26
License certification / Out of state license verification	\$124	\$83	\$41
License renewal fee	\$313	\$336	(\$23)
Petition for early termination of probation or reduction of penalty fee	\$371	\$3,195	(\$2,824)



Fee Name	Current Fee	Total Cost Per Unit	Surplus / (Deficit) per Unit
Petition for reinstatement of a revoked license fee	\$371	\$4,185	(\$3,814)
Preceptor fee	\$31	\$72	(\$41)
Reciprocal license application fee	\$371	\$283	\$88
Referral service application fee	\$557	\$279	\$278
Satellite certificate application fee	\$62	\$69	(\$7)
Satellite certificate renewal fee	\$31	\$50	(\$19)
Satellite certificate replacement fee	\$50	\$71	(\$21)

As the table indicates, the majority of fees charged by BCE are under-recovering. The under-recovery ranges from a low of \$7 for the Satellite Certificate Application to a high of \$3,814 for the Petition for Reinstatement of a Revoked License. The over-recovery ranges from a low of \$15 for Corporation Registration Application to a high of \$278 for Referral Service Application. The average per unit cost recovery for BCE fees is approximately 75%.

### 3 Annual Results

In order to understand how the per unit results presented in the previous section impact the BCE revenue on an annual basis, workload for FY 2020-21 was collected. The project team compared annual revenue based on current fees to projected revenue based on BCE's full cost of providing services. This analysis indicates that BCE is under-recovering by approximately \$1.4 million. The following table shows by major category, the revenue at current fee, the annual cost, and the associated annual surplus / deficit:

**Table 16: Annual Cost Recovery Analysis - BCE**

Fee Category	Revenue at Current Fee	Total Annual Cost	Annual Surplus / (Deficit)
Continuing Education	\$113,820	\$1,109,988	(\$996,168)
Corporation	\$67,756	\$112,343	(\$44,587)
Licensing Fees	\$4,248,174	\$4,505,041	(\$256,867)
Petition Fees	\$3,339	\$28,757	(\$25,418)
Preceptor Fees	\$20,088	\$46,744	(\$26,656)
Reciprocal Fees	\$742	\$566	\$176
Satellite Fees	\$158,069	\$220,943	(\$62,874)
<b>TOTAL</b>	<b>\$4,611,988</b>	<b>\$6,024,382</b>	<b>(\$1,412,394)</b>

The largest source of subsidy at \$996,000 relates to continuing education. This subsidy relates to the current fee for continuing educating course application fee, which has a \$500 per unit subsidy. The next largest source of subsidy stems from the license renewal fee, which only has a per unit subsidy of \$23, but due to the sheer volume (12,759), generates approximately \$300,000 in subsidies.

## 6. Future Schedule Modifications

During review of the BCE fee structure, discussion of converting the Continuing Education Course Application fee from a flat rate to a per course hour rate occurred. The current flat fee associated with Continuing Education Course Applications is applied regardless of the length of a course. However, staff must conduct a thorough and intensive review of each proposed course hour. Therefore, those who submit applications for a 2 hour course pay the same fee as those who submit an application for a 10 hour course.

Due to current regulations regarding how BCE can charge fees for Continuing Education Course Application, a modification was not incorporated into the current fee analysis. However, the project team did calculate a per hour fee, should the Board decide to revise current regulations. The following table details the conversion of the flat course application fee to a per course hour fee.

**Table 17: Conversion of per Course Application Flat Fee to per Course Hour Fee**

<b>Component</b>	<b>Amount</b>
Calculated Full Cost – Per Application	\$558
Total Applications Processed	1,973
Total Course Hours	9,522
Average Course Hours per Application	4.83
<b>Full Cost Per Course Hour</b>	<b>\$116</b>

The full cost of processing a Continuing Education Course Application was calculated to be \$558. In FY 2020-21, the BCE processed 1,973 applications, reflecting 9,522 course hours, resulting in an average of 4.83 course hours per application. Therefore, the project team took the full cost of processing an application (\$558), and divided it by the average number of hours per course (4.83) to arrive at a per course hour fee of \$116.

Should the Board revise current regulations regarding how Course Application fees can be assessed, and choose to implement a per course hour fee, a fee of \$116 per hour would be sufficient to recover current costs.

## 7. Results and Findings

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The results of this study found that the BCE is under-recovering its costs by approximately \$1.4 million. The majority of this under-recovery relates to Continuing Education applications and permits. The information presented in this report, as well as provided to staff under separate cover, is meant to document current costs and services, and serve as a tool to be used by the BCE and its Board to adjust its fees.

The Board should use the findings of this report to adjust current fees to a level that is appropriate for its members, while also ensuring that enough revenue is generated to offset costs. Furthermore, the Board should also consider revising the current fee structure for Course Applications to be more equitable for the fee payer.



**Agenda Item 15**  
**April 21-22, 2022**

## **Licensing & Continuing Education Committee Report**

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### **Purpose of the Item**

The Board will:

- A. Receive an update on the February 9, 2022 Licensing & Continuing Education Committee meeting; and
- B. Review, discuss, and possibly adopt the Committee's motion to amend California Code of Regulations (CCR), title 16, sections 363 (Approval of Continuing Education Courses), 363.1 (Distance Learning), and 364 (Exemptions and Reduction of Requirement).

### **Action Requested**

The Board will be asked to consider the Committee's motion to amend CCR, title 16, sections 363, 363.1, and 364.

### **Background**

#### **Board's Continuing Education Requirements**

The Board's continuing education (CE) requirements are listed in California Code of Regulations (CCR), title 16, section 361. To renew a doctor of chiropractic license in active status, licensees must complete 24 hours of CE, including a minimum of two hours in subdivision (g)(11) - Ethics and Law, and a minimum of four hours in any one of, or a combination of, the subject areas specified in subdivision (g)(3) - History Taking and Physical Examination Procedures, subdivision (g)(5) - Chiropractic Adjustive Techniques or Chiropractic Manipulation Techniques, or subdivision (g)(10) - Proper and Ethical Billing and Coding.

The remaining 18 hours of CE may be met by taking Board-approved courses in any subject area(s) and/or completing courses that are approved by the California Department of Industrial Relations Division of Workers Compensation, or any healing arts board or bureau within Division 2 of the Business and Professions Code, or approved by any organization authorized to approve CE by any healing arts board or bureau.

CCR, title 16, section 361, subdivision (c), limits licensees to a maximum of 12 hours that may be completed through distance learning as defined in CCR, title 16, section

## **Licensing & Continuing Education Committee Report**

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363.1, which identifies distance learning formats as “including, but not limited to, computer, Internet, manuals, compact disks, digital video, versatile discs, and audio and video tapes.”

### **Waivers Issued by the Department of Consumer Affairs**

On September 23, 2020, the DCA Director issued [DCA Waiver DCA-20-63 Order Waiving Restrictions on Internet-Based Continuing Education Training for Chiropractors and Naturopathic Doctors](#), which waived CCR, title 16, section 361, subdivision (c), to the extent 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 consists of Internet- or web-based courses that allow participants to concurrently interact with instructors or presenters while they observe the courses.

On November 22, 2021, the DCA Director issued [DCA Waiver DCA-21-203](#), which initially terminated the September 23, 2020 Order on December 31, 2021. On January 11, 2022, the DCA Director issued [DCA Waiver DCA-22-209](#), which withdrew and superseded the November 22, 2021 Order and set a termination date of March 31, 2022 for DCA Waiver DCA-20-63.

DCA has continued to encourage boards and bureaus to look at laws and regulations that were waived, determine if statutory or regulatory changes are needed in the future, and move forward with such changes, if necessary.

### **February 9, 2022 Licensing & Continuing Education Committee Meeting**

At the January 25, 2022 Board meeting, the Board voted to refer the matter of the termination of DCA Waiver DCA-20-63 to the Licensing & Continuing Education Committee for review and discussion.

The Committee met by teleconference (Webex) on February 9, 2022 to discuss options in response to the expiration of this waiver on March 31, 2022, and provide a motion to the Board on this issue.

The Committee weighed whether to: 1) take no action specific to the expiration of this waiver, and instead, continue the Committee’s work to comprehensively amend the Board’s CE requirements; or 2) move forward with a separate regulatory proposal to narrow the definition of “distance learning” to asynchronous coursework and/or provide the Board with the authority to waive the CE requirements for licensees affected by a natural disaster or a state of emergency, while the comprehensive updates are developed by the Committee.

## **Licensing & Continuing Education Committee Report**

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Following the discussion, the Committee approved a motion to pursue a regulatory proposal to:

1. Narrow the definition of distance learning to asynchronous coursework, thereby giving coursework completed via live, interactive videoconferencing platforms or other electronic means the same standing as a traditional, in-person classroom learning environment, with the exception of courses in chiropractic adjustive or manipulation techniques, which must be completed in-person; and
2. Provide the Board with the authority to waive the continuing education requirements when licensees have been affected by a natural disaster or state of emergency.

At this meeting, the Board is asked to review and discuss the Committee's motion to pursue a regulatory proposal to amend CCR, title 16, sections 363 (Approval of Continuing Education Courses), 363.1 (Distance Learning Courses), and 364 (Exemptions and Reduction of Requirement).

Staff is working with DCA regulatory legal counsel on proposed language to reflect the Committee's proposal, and the language will be provided as a supplemental handout to the meeting materials.

### **Attachments**

1. February 9, 2022 Licensing & Continuing Education Committee Notice and Agenda
2. California Code of Regulations, Title 16, Section 361



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

**Committee Members**

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

**The Board of Chiropractic Examiners' (Board) Licensing & Continuing Education Committee will meet by teleconference on:**

**Wednesday, February 9, 2022**

**1:00 p.m. to 3:00 p.m.**

(or until completion of business)

**The Committee may take action on any agenda item.**

**Note:** Pursuant to the statutory provisions of Government Code section 11133 and Executive Order N-1-22, neither a public location nor teleconference locations are provided. Due to potential technical difficulties or time constraints, members of the public may also submit written comments to the Board on any agenda item by Monday, February 7, 2022. Written comments should be directed to [chiro.info@dca.ca.gov](mailto:chiro.info@dca.ca.gov) for Board consideration.

**Important Notice to the Public:** The Committee will hold a public meeting via Webex Events. To access and participate in the meeting, please click on, or copy and paste into a URL field, the link below:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=medfea5a0771fb8deda9e9c25ee421f6c>

**If joining using the link above**

Event number: 2490 487 9436

Event password: BCE02092022

**If joining by phone**

+1-415-655-0001 US Toll

Access code: 249 048 79436

Passcode: 22302092

Instructions to connect to the meeting can be found at the end of this agenda.

**AGENDA**

- 1. Call to Order / Roll Call / Establishment of a Quorum**
- 2. Review and Approval of June 17, 2021 Committee Meeting Minutes**

**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)**

**4. Public Comment for Items Not on the Agenda**

Note: Members of the public may offer public comment for items not on the agenda.

However, 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).]

**5. Future Agenda Items**

Note: Members of the Committee and the public may submit proposed agenda items for a future Committee meeting. However, the Committee may not discuss or take action on any proposed matter except to decide whether to place the matter on the agenda of a future meeting. [Government Code Section 11125.]

**6. Adjournment**

This agenda can be found on the Board's website at [www.chiro.ca.gov](http://www.chiro.ca.gov). The time and order of agenda items are subject to change at the discretion of the Committee Chair and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board and its committees are open to the public.

The Board plans to webcast this meeting. To view the webcast, please visit <https://thedcapage.wordpress.com/webcasts/>. Webcast availability cannot be guaranteed due to limitations on resources or technical difficulties. The meeting will not be canceled if webcast is not available. Meeting adjournment may not be webcast if adjournment is the only item that occurs after a closed session.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Committee prior to it taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Committee, but the Committee Chair may, at their discretion, apportion available time among those who wish to speak. Members of the public will not be permitted to yield their allotted time to other members of the public to make comments. Individuals may appear before the Committee to discuss items not on the agenda; however, the Committee can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125 and 11125.7(a)).

This meeting is being held via Webex Events. The meeting is accessible to individuals with disabilities. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting the Board at:



**Telephone:** (916) 263-5355

**Email:** [chiro.info@dca.ca.gov](mailto:chiro.info@dca.ca.gov)

**Telecommunications Relay Service:** Dial 711

**Mailing Address:**

Board of Chiropractic Examiners

1625 N. Market Blvd., Suite N-327

Sacramento, CA 95834

Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

**California Code of Regulations, Title 16, Section 361**

**§ 361. Continuing Education Requirements.**

(a) For purposes of this section, "implementation date" means two years following June 8, 2011.

(b) For license renewals that expire on or after the implementation date, the number of required hours of continuing education courses shall be twenty-four (24). For license renewals that expire prior to the implementation date, the number of required hours of continuing education courses shall be twelve (12).

(c) For license renewals that expire on or after the implementation date, a maximum of twelve (12) continuing education hours may be completed through distance learning as defined in Section 363.1. For license renewals that expire prior to the implementation date, a maximum of six (6) continuing education hours may be completed through distance learning as defined in Section 363.1.

(d) Any continuing education hours accumulated before June 8, 2011 that meet the requirements in effect on the date the hours were accumulated, will be accepted by the board for license renewals.

(e) On or after the implementation date, licensees shall complete a minimum of two (2) hours in subdivision (g)(11) - Ethics and Law, a minimum of four (4) hours in any one of, or a combination of, the subject areas specified in subdivision (g)(3) - History Taking and Physical Examination Procedures, subdivision (g)(5) - Chiropractic Adjustive Techniques or Chiropractic Manipulation Techniques, or subdivision (g)(10) - Proper and Ethical Billing and Coding.

(f) With the exception of the mandatory hours referenced in subdivision (e), the remaining eighteen (18) hours of additional continuing education requirements may be met by taking courses in any of the subject areas listed in subdivision (g) or courses taken pursuant to subdivision (h). The eighteen (18) hours may include any combination of continuing education courses in subject areas specified in either subdivision (g) or approved by agencies specified in subdivision (h). By way of example, a licensee may take eight (8) hours of continuing education courses in subject areas listed in subdivision (g), that are approved by the board, and ten (10) hours of continuing education courses that are approved by the California Department of Industrial Relations, Division of Workers Compensation pursuant to subparagraph (1) of subdivision (h).

(g) Courses approved by the board shall be limited to the following subject areas:

1. Philosophy of chiropractic, including the historical development of chiropractic as an art and science and health care approach; the vertebral subluxation complex and somato-visceral reflexes including their relationships between disease and health; and other chiropractic theory and philosophy.
2. Instruction in basic sciences of anatomy, histology, neurology, physiology, nutrition, pathology, biochemistry or toxicology.
3. Instruction in various basic to comprehensive history taking and physical examination procedures, including but not limited to orthopedic, neurological and general diagnosis related to evaluation of the neuro-musculoskeletal systems, and includes general diagnosis and differential diagnosis of all conditions that affect the human body.
4. Diagnostic testing procedures, interpretation and technologies that aid in differential diagnosis of all conditions that affect the human body.
5. Chiropractic adjustive techniques or chiropractic manipulation techniques.
6. Pain management theory, including, but not limited to, current trends in treatment and instruction in the physiology and anatomy of acute, sub-acute and chronic pain.
7. Physiotherapy.
8. Instruction in Manipulation Under Anesthesia including the safe handling of patients under anesthesia.
9. Instruction in the aspects of special population care, including, but not limited to, geriatric, pediatric, and athletic care as related to the practice of chiropractic.
10. Instruction in proper and ethical billing and coding, including accurate and effective record keeping and documentation of evaluation, treatment and progress of a patient. This is not to include practice building or patient recruitment/retention or business techniques or principles that teach concepts to increase patient visits or patient fees per case.
11. Ethics and law: including but not limited to: truth in advertising; professional boundaries; mandatory reporting requirements for child abuse/neglect, elder abuse/neglect; spousal or cohabitant abuse/neglect; sexual boundaries between patient and doctors; review of the specific laws, rules and regulations related to the practice of chiropractic in the State of California.
12. Adverse event avoidance, including reduction of potential malpractice issues.
13. Pharmacology, including side effects, drug interactions and the pharmacodynamics of various commonly prescribed and over-the-counter drugs; drug reactions and

interactions with herbs, vitamins and nutritional supplements; blood and urinalysis testing used in the diagnosis and detection of disease, including use of and interpretation of drug testing strips or kits utilizing urinalysis, saliva, hair and nail clippings.

14. A licensee may earn up to a maximum of two (2) hours of continuing education credit in cardiopulmonary resuscitation, basic life support or use of an automated external defibrillator.

15. Board Meeting: A licensee may earn a maximum of four (4) hours of continuing education credit per renewal period for attending a full board meeting that includes the hearing of cases related to petitioners seeking the reinstatement of revoked licenses or early termination of probationary licenses. A petitioner may not earn any continuing education hours for attending a board meeting on the same day in which said petitioner's hearing is conducted. The attendance of a licensee at a board meeting under this subparagraph shall be monitored and confirmed by board staff designated by the Executive Officer.

16. Any of the following as related to the practice of chiropractic:

(A) Principles of practice.

(B) Wellness. (prevention, health maintenance)

(C) Rehabilitation.

(D) Public health.

(h) With the exception of the mandatory courses specified in subdivision (e), the remaining continuing education requirements may be met by taking continuing education courses, including distance learning, that are approved by either of the following:

(1) The California Department of Industrial Relations, Division of Workers Compensation.

(2) Any Healing Arts Board or Bureau within Division 2 of the Business and Professions Code or approved by any organization authorized to approve continuing education by any Healing Arts Board or Bureau in Division 2 of the Business and Professions Code.

(i) The continuing education providers and courses referenced in subdivision (h) do not need to be approved by the Board for credit to be granted nor do they need to meet the requirements contained in Sections 362, 363, and 363.1.



**Agenda Item 16**  
**April 21-22, 2022**

**Review, Discussion, and Possible Action on Legislation**

**Purpose of the Item**

Board staff will provide the Board with an update on current legislation and the Board will have an opportunity to take a position on the following bills:

- A. [Assembly Bill \(AB\) 646](#) (Low) Department of Consumer Affairs: boards: expunged convictions.
- B. [AB 1604](#) (Holden) The Upward Mobility Act of 2022: boards and commissions: civil service: examinations: classifications.
- C. [AB 1662](#) (Gipson) Licensing boards: disqualification from licensure: criminal conviction.
- D. [AB 1733](#) (Quirk) State bodies: open meetings.
- E. [Senate Bill \(SB\) 731](#) (Durazo) Criminal records: relief.
- F. [SB 1031](#) (Ochoa Bogh) Healing arts boards: inactive license fees.
- G. [SB 1237](#) (Newman) Licensees: military service.
- H. [SB 1365](#) (Jones) Licensing boards: procedures.
- I. [SB 1434](#) (Roth) State Board of Chiropractic Examiners: directory.

**Action Requested**

The Board will be asked to review and discuss pending legislation.

**Overview of Pending Legislation**

Bill	Author	Title	Status	Staff Recommendation
<b>AB 646*</b>	<b>Low</b>	Department of Consumer Affairs: boards: expunged convictions.	In Sen., Pending committee referral 2/1/2022	Watch
<b>AB 1604</b>	<b>Holden</b>	The Upward Mobility Act of 2022: boards and Commissions: civil service: examinations: classifications.	In Asm., Referred to suspense file on 4/6/2022	Watch
<b>AB 1662</b>	<b>Gipson</b>	Licensing boards: disqualification from licensure: criminal conviction.	In Asm., Referred to B&P committee. Hearing canceled at the request of author on 4/5/2022	Oppose Unless Amended

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<b>Bill</b>	<b>Author</b>	<b>Title</b>	<b>Status</b>	<b>Staff Recommendation</b>
<b>AB 1733</b>	<b>Quirk</b>	State bodies: open meetings.	In Asm., Referred to committees on G.O. and B&P. Hearing Date: 4/20/2022	Support
<b>SB 731*</b>	<b>Durazo</b>	Criminal records: relief.	Asm. Floor. Ordered to Inactive File on 4/7/2022	Watch
<b>SB 1031</b>	<b>Ochoa Bogh</b>	Healing arts boards: inactive license fees.	In Sen., Referred to B&P committee. Hearing Date: 4/18/2022	Neutral
<b>SB 1237</b>	<b>Newman</b>	Licensees: military service.	In Sen., Referred to committee on M&VA . Hearing Date: 4/26/2022	Watch
<b>SB 1365</b>	<b>Jones</b>	Licensing boards: procedures.	In Sen., Referred to committee on PUB.S. Hearing Date: 4/26/2022	Watch
<b>SB 1434</b>	<b>Roth</b>	State Board of Chiropractic Examiners: directory	In Sen., Referred to B&P committee. Hearing Date: 4/18/2022	Support

\*AB 646 and SB 731 are two-year bills. The Board took a “Watch” position on these bills at the July 16, 2021 Board meeting.

A legislative analysis of the above bills will be provided as a supplemental handout to the meeting materials.



**Agenda Item 17**  
**April 21-22, 2022**

**Discussion and Possible Action on Chair's Proposal for the Board to Create  
Separate "Licensing" and "Continuing Education" Committees**

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**Purpose of the Item**

The Board will review and discuss the proposal by Board Chair David Paris, D.C. to create separate standing committees for licensing and continuing education.

**Action Requested**

The Board will be asked to consider a motion to create a "Licensing Committee" and a "Continuing Education Committee."

**Background**

The Board currently has three standing committees:

- 1. Licensing and Continuing Education Committee:** This committee proposes regulations, policies and standards regarding chiropractic colleges, doctors of chiropractic, satellite offices, corporation registration, and continuing education providers and courses.
- 2. Enforcement and Scope of Practice Committee:** This committee proposes regulations, policies, and standards to ensure compliance with chiropractic law and regulations, and continuously seeks ways to improve the Board's enforcement activities.
- 3. Government and Public Affairs Committee:** This committee proposes and reviews policies and procedures to address audit and sunset review deficiencies; works directly with the Executive Officer and staff to monitor budget expenditures, trends, and contingent fund levels; reviews and recommends positions on legislative bills that affect the Board; develops strategies to communicate with the public through various forms of media; oversees all administrative issues regarding Board operations; and develops draft strategic plans and monitors the Board's progress in achieving goals and objectives.

The existing Licensing and Continuing Education Committee has been focused on developing comprehensive changes to the Board's continuing education (CE) requirements to expand the background check and minimum requirements for CE providers and to align the course categories with the core competencies necessary for licensees to safely practice in California. In addition, under these proposed changes, the

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Committee will hear appeals of denied CE provider and course applications and issue final decisions on those appeals on behalf of the Board.

Under Dr. Paris’ proposal, the functions of this Committee would be divided between two separate committees as follows:

- **Licensing Committee:** This committee would propose regulations, policies, and standards regarding chiropractic colleges, doctors of chiropractic, satellite offices, and corporation registrations.
- **Continuing Education Committee:** This committee would propose regulations, policies, and standards regarding continuing education providers and courses, provide oversight of staff’s auditing of continuing education, and serve as the review committee for appeals of denied continuing education and course applications.

**Staff Recommendation:** Staff supports Dr. Paris’ proposal and recommends the Board make a motion to create a “Licensing Committee” and a “Continuing Education Committee” with the functions outlined above.

**Attachment(s)**

N/A