



NOTICE OF TELECONFERENCE **GOVERNMENT AND PUBLIC AFFAIRS COMMITTEE MEETING**

Committee Members

Janette N.V. Cruz, Chair
Rafael Sweet

The Board of Chiropractic Examiners' (Board) Government and Public Affairs Committee will meet by teleconference on:

Tuesday, October 4, 2022
11:00 a.m. to 1:00 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, 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 Friday, September 30, 2022. Written comments should be directed to 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=m2ca6774d25b9ca3e62377e04d736c754>

If joining using the link above

Webinar number: 2490 463 5431
Webinar password: BCE10042022

If joining by phone

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Access code: 249 046 35431
Passcode: 22310042

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 Possible Approval of June 28, 2021 Committee Meeting Minutes**

3. **Update on Board’s Administration Program, Including Budget and Fund Condition, Business Modernization and Implementation of Connect System, and Status of Board’s Pending Rulemaking Packages**
4. **Update and Discussion on Legislation:**
 - A. [Assembly Bill \(AB\) 1102 \(Low\)](#) Telephone medical advice services.
 - B. [AB 1604 \(Holden, Chapter 313, Statutes of 2022\)](#) Civil service: the Upward Mobility Act of 2022.
 - C. [Senate Bill \(SB\) 731 \(Durazo\)](#) Criminal records: relief.
 - D. [SB 1237 \(Newman, Chapter 386, Statutes of 2022\)](#) Licenses: military service.
 - E. [SB 1434 \(Roth\)](#) State Board of Chiropractic Examiners.
5. **Review, Discussion, and Possible Recommendation Regarding Proposed Changes to the Board’s Records Retention Schedule**
6. **Review, Discussion, and Possible Recommendation Regarding the Onboarding Process for New Board Members**
7. **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).]
8. **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.]
9. **Adjournment**

This agenda can be found on the Board’s website at 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 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 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

Telecommunications Relay Service: Dial 711

Mailing Address:

Board of Chiropractic Examiners

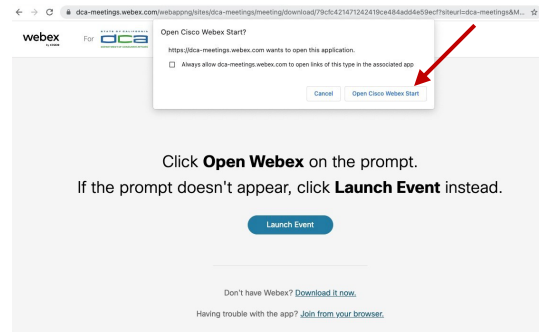
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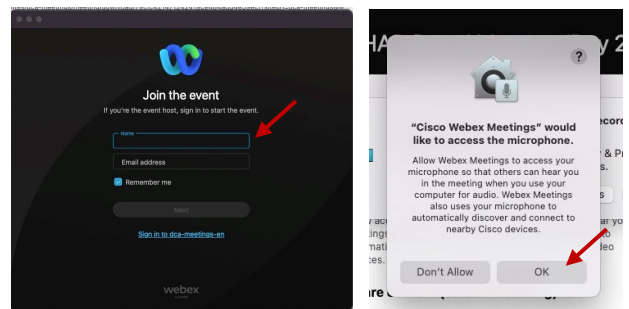
Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

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.



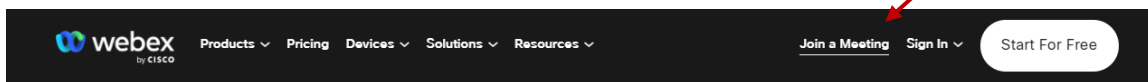
- 3 Enter your name and email address. Click "Join as a guest". Accept any request for permission to use your microphone and/or camera.



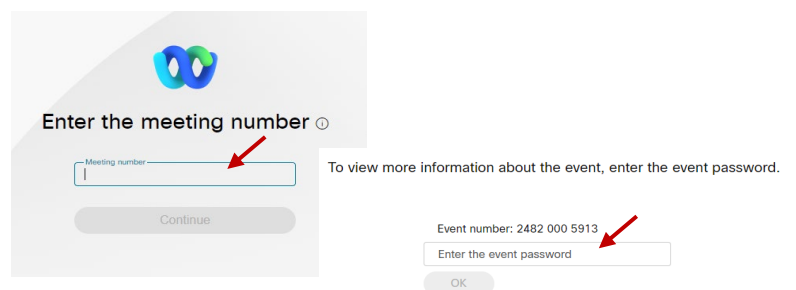
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If joining from Webex.com

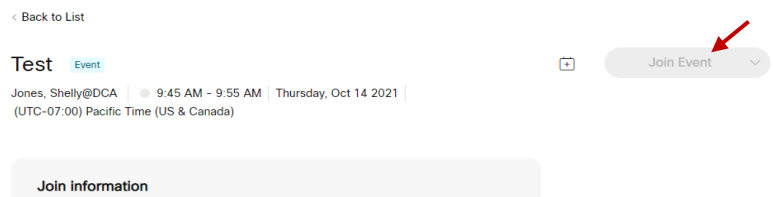
- 1 Click on "Join a Meeting" at the top of the Webex window.



- 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".



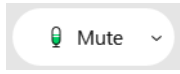
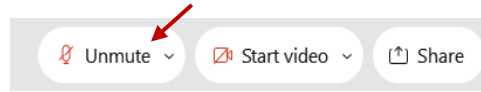
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Connect via telephone*:

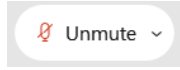
You may also join the meeting by calling in using the phone number, access code, and passcode provided in the meeting notice.

Microphone

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

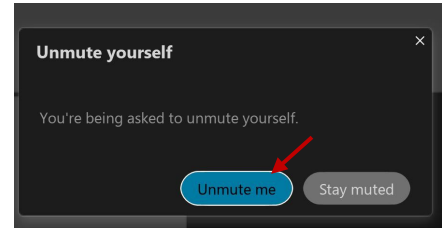


Green microphone = Unmuted: People in the meeting can hear you.



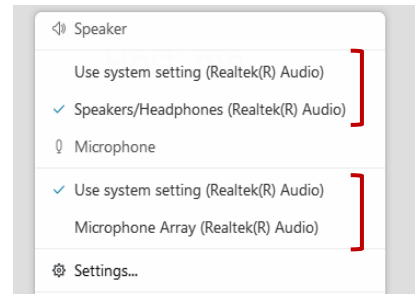
Red microphone = Muted: No one in the meeting can hear you.

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".



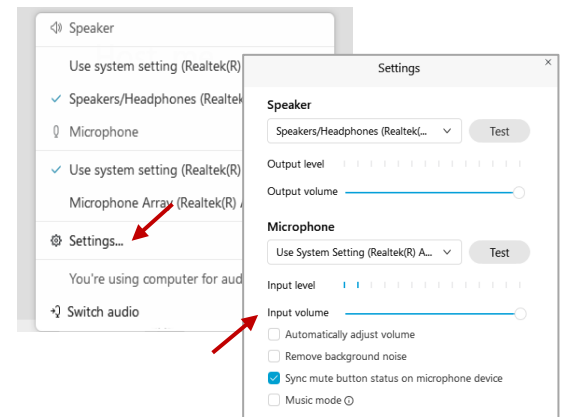
If you cannot hear or be heard

- 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

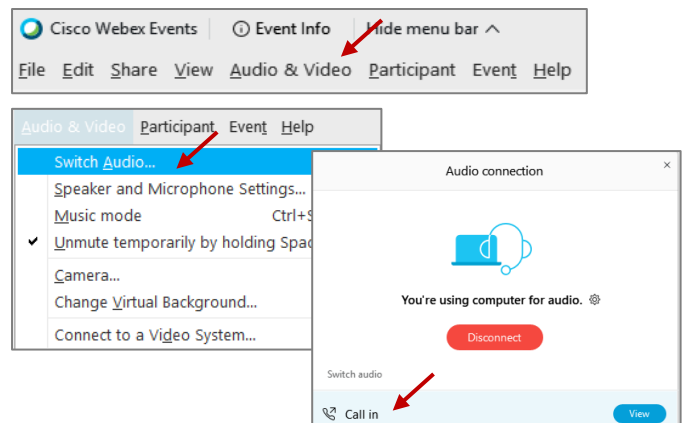
- 1 Locate the command row – click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window:
 - Click on "Settings...":
 - Drag the "Input Volume" located under microphone settings to adjust your volume.



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.

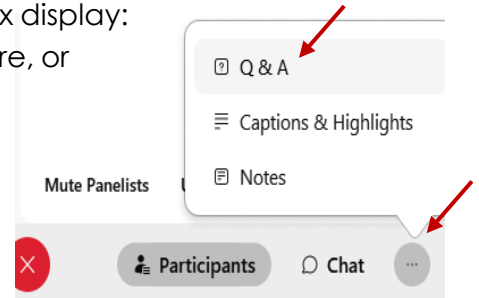
- 1 Click on "Audio & Video" from the menu bar.
- 2 Select "Switch Audio" from the drop-down menu.
- 3 Select the "Call In" option and following the directions.



The question-and-answer feature (Q&A) is utilized for questions or comments. Upon direction of the meeting facilitator, the moderator will open the Q&A panel for meeting participants to submit questions or comments. *NOTE: This feature is not accessible to those joining the meeting via telephone.*

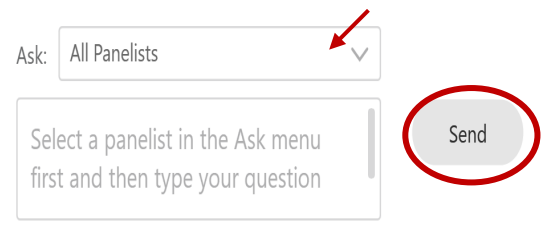
1 Access the Q&A panel at the bottom right of the Webex display:

- Click on the icon that looks like a “?” inside of a square, or
- Click on the 3 dots and select “Q&A”.



2 In the text box:

- Select “All Panelists” in the dropdown menu,
- Type your question/comment into the text box, and
- Click “Send”.



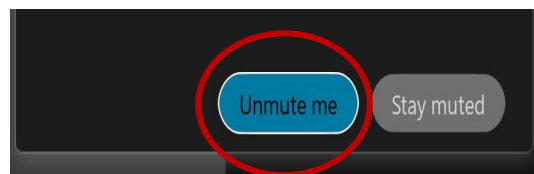
OR

If connected via telephone:

- Utilize the raise hand feature by pressing *6 to raise your hand.
- Repeat this process to lower your hand.

3 The moderator will call you by name and indicate a request has been sent to unmute your microphone. Upon hearing this prompt:

- Click the **Unmute me** button on the pop-up box that appears.

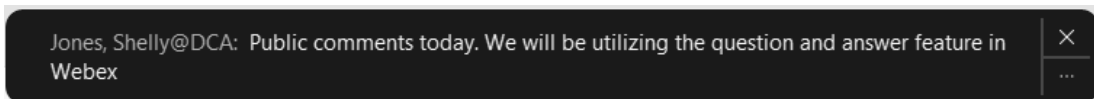


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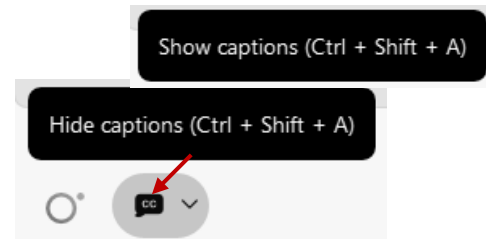
If connected via telephone:

- Press *3 to unmute your microphone.

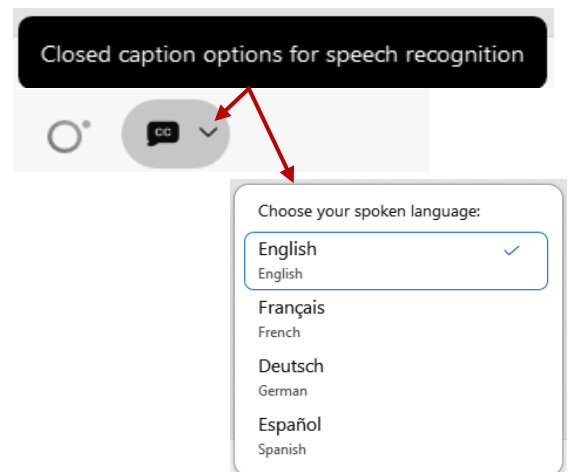
Webex provides real-time closed captioning displayed in a dialog box on your screen. The captioning box can be moved by clicking on the box and dragging it to another location on your screen.



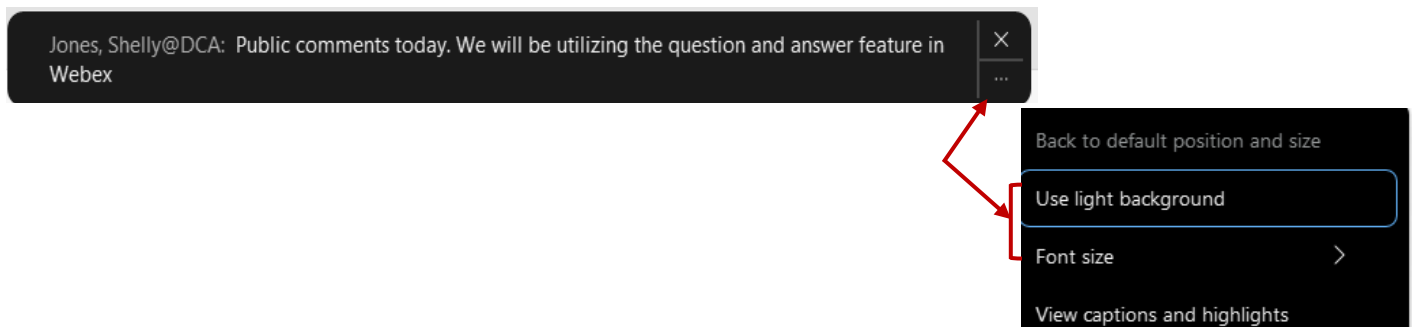
The closed captioning can be hidden from view by clicking on the closed captioning icon. You can repeat this action to unhide the dialog box.



You can select the language to be displayed by clicking the drop-down arrow next to the closed captioning icon.



You can view the closed captioning dialog box with a light or dark background or change the font size by clicking the 3 dots on the right side of the dialog box.





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Agenda Item 1
October 4, 2022

Call to Order, Roll Call, and Establishment of a Quorum

Purpose of the Item

Janette N.V. Cruz, Chair of the Board's Government and Public Affairs Committee, will call the meeting to order. Roll will be called by Rafael Sweet.

Committee Members

Janette N.V. Cruz, Chair
Rafael Sweet



Agenda Item 2
October 4, 2022

Review and Possible Approval of June 28, 2021 Committee Meeting Minutes

Purpose of the Item

The Committee will review and possibly approve the minutes of the previous meeting.

Action Requested

The Committee will be asked to make a motion to approve the June 28, 2021 Committee meeting minutes.

Attachment

- June 28, 2021 Government and Public Affairs Committee Meeting Minutes (Draft)



**BOARD OF CHIROPRACTIC EXAMINERS
GOVERNMENT AND PUBLIC AFFAIRS COMMITTEE
MEETING MINUTES
June 28, 2021**

In accordance with [Executive Order N-29-20](#), issued by Governor Gavin Newsom on March 17, 2020, the Government and Public Affairs Committee of the Board of Chiropractic Examiners (Board) met via teleconference/Webex Events with no physical public locations on June 28, 2021.

Committee Members Present

Frank Ruffino, Chair
Rafael Sweet

Staff Present

Robert Puleo, Executive Officer
Kristin Walker, Assistant Executive Officer
Dixie Van Allen, Licensing & Administration Manager
Andreia McMillen, Policy Analyst
Michael Kanotz, Board Counsel, Attorney III, Department of Consumer Affairs (DCA)

1. Call to Order & Establishment of a Quorum

Mr. Ruffino called the meeting to order at 2:04 p.m. Mr. Sweet called the roll. All members were present, and a quorum was established.

2. Public Comment for Items Not on the Agenda

There were no public comments.

3. Approval of April 13, 2021, Meeting Minutes

Motion: Mr. Sweet moved to approve the minutes of the April 13, 2021 Government and Public Affairs Committee meeting.

Second: Mr. Ruffino seconded the motion.

Discussion: None.

Public Comment: None.

Vote: 2-0 (Mr. Ruffino-AYE and Mr. Sweet-AYE).

Motion: Carried.

4. Update, Discussion and Possible Action Regarding Legislation

- a. AB 29 (Cooper) State Bodies: Meetings
- b. AB 305 (Maienschein) Veteran Services: Notice
- c. AB 646 (Low) Department of Consumer Affairs: Boards: Expunged Convictions
- d. AB 885 (Quirk) Bagley-Keene Open Meeting Act: Teleconferencing
- e. AB 1026 (Smith) Business Licenses: Veterans
- f. AB 1236 (Ting) Healing Arts: Data Collection
- g. AB 1386 (Cunningham) License Fees: Military Partners and Spouses
- h. AB 1468 (Cunningham) Prior Authorization
- i. SB 607 (Roth) Professions and Vocations
- j. SB 731 (Durazo) Criminal Records: Relief
- k. SB 772 (Ochoa-Bogh) Professions and Vocations: Citations: Minor Violations

Mr. Puleo explained the meeting agenda contained 11 bills staff had been tracking through this legislative session, but only three bills – AB 305 (Maienschein), SB 607 (Roth), and SB 731 (Durazo) – were still active.

Ms. McMillen stated AB 29 (Cooper) was held in the Senate Appropriations Committee and would have required materials for a public meeting to be provided to the public at the same time they are provided to board members or at least 72 hours in advance of the meeting. The Committee took a “watch” position on the bill at its April 13, 2021 meeting.

Mr. Ruffino requested a summary of AB 885 (Quirk) and the three active bills.

Ms. McMillen stated AB 885 (Quirk) remained in the Assembly Committee on Governmental Organization and would have amended the Bagley-Keene Open Meeting Act to require public meetings to be held by teleconference. Mr. Ruffino asked staff to monitor for similar legislation in the future.

Ms. McMillen explained AB 305 (Maienschein) was referred to the Senate Committee on Military and Veterans Affairs and would require specified state agencies to inquire whether an applicant is a veteran and request their permission to submit their information to the Department of Veterans Affairs. She shared staff is supportive of the intent to increase awareness of services and benefits available to veterans, but the bill does not directly affect DCA or the Board, so staff recommends a neutral position. Mr. Puleo clarified the bill includes 13 state agencies, including the Department of Motor Vehicles, and various universities and colleges, but it is not applicable to DCA or any of the boards and bureaus, so it does not impact the Board.

Mr. Puleo recommended a “watch” position on AB 305. Mr. Ruffino and Mr. Sweet concurred.

Ms. McMillen informed the Committee that SB 607 (Roth) was referred to the Assembly Committee on Business and Professions and would require DCA boards and bureaus to waive all application and initial license fees for the spouses and domestic partners of

active-duty military members. She shared the bill would result in a slight reduction in the Board's annual revenue, but staff is supportive of the intent to assist military personnel and their families in relocating to California and recommends a neutral position. Mr. Puleo added the fiscal impact of the bill is estimated to be less than \$3,000 per year and the Board can absorb those costs within existing resources.

Mr. Sweet asked if there is a potential risk of the fiscal impact increasing significantly in the future. Mr. Puleo stated based on the Board's historical data on military personnel and spouses seeking licensure in California, he does not anticipate a high volume of requests to waive the application fees for military spouses. He also noted the revenue from the annual license renewals after these individuals obtain licensure will help offset these costs.

Motion: Mr. Sweet moved to take a neutral position on SB 607.

Second: Mr. Ruffino seconded the motion.

Discussion: None.

Public Comment: None.

Vote: 2-0 (Mr. Ruffino-AYE and Mr. Sweet-AYE).

Motion: Carried.

Ms. McMillen stated SB 731 (Durazo) was referred to the Senate Committee on Public Safety and would require the Department of Justice to automatically dismiss or seal records related to felony arrests and convictions. She shared staff recommends a "watch" position on this bill. Mr. Puleo noted the bill broadly impacts all entities that conduct criminal background checks, not just DCA boards and bureaus. He explained this is a significant public policy issue and he is inclined to defer to the Legislature and the Governor to make the decision on whether public agencies and private employers should have access to that information.

Mr. Sweet acknowledged the potential ramifications for consumers and recommended continuing to monitor this bill.

Motion: Mr. Sweet moved to take a watch position on SB 731.

Second: Mr. Ruffino seconded the motion.

Discussion: None.

Public Comment: None.

Vote: 2-0 (Mr. Ruffino-AYE and Mr. Sweet-AYE).

Motion: Carried.

Public Comment: There were no public comments.

5. Discussion of Dates for Future Committee Meetings

The Committee tentatively scheduled the next meeting for September 28, 2022, at 2:00 p.m. by teleconference.

Public Comment: There were no public comments.

6. Future Agenda Items

There were no public comments.

7. Adjournment

Mr. Ruffino adjourned the meeting at 2:41 p.m.

DRAFT



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Agenda Item 3
October 4, 2022

Update on Board's Administration Program, Including Budget and Fund Condition, Business Modernization and Implementation of Connect System, and Status of Board's Pending Rulemaking Packages

Purpose of the Item

The Executive Officer and Board staff will provide the Committee with an update on the Board's Administration Program activities, including:

- Budget and Fund Condition
- Business Modernization and Implementation of the Connect System
- Status of the Board's Pending Rulemaking Packages

Action Requested

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

Attachment

- Executive Officer's September 28, 2022 Memo to Committee Members Regarding Administration Program Activities



MEMORANDUM

Agenda Item 3 Attachment

DATE	September 28, 2022
TO	Members of the Board of Chiropractic Examiners' Government and Public Affairs Committee
FROM	Kristin Walker, Executive Officer
SUBJECT	Update on Board's Administration Program

This report provides an overview of recent Board of Chiropractic Examiners' (BCE) Administration Program activities.

BCE Board and Committee Meetings

The following meetings have been scheduled:

- October 3, 2022 – Licensing Committee
- October 4, 2022 – Government and Public Affairs Committee
- October 6, 2022 – Continuing Education and Enforcement Committees
- October 7, 2022 – Board
- October 26-27, 2022 – Board
- December 2, 2022 – Continuing Education Committee
- December 5, 2022 – Government and Public Affairs Committee
- December 9, 2022 – Licensing and Enforcement Committees
- January 20, 2023 – Board
- April 20-21, 2023 – Board
- July 20, 2023 – Board
- October 19-20, 2023 – Board

Business Modernization Project and Implementation of the Connect System

BCE continues to collaborate with the Department of Consumer Affairs Office of Information Services 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

On July 1, 2022, BCE added functionality to the system to waive the application and initial license fees for spouses of active duty members of the military who are assigned to a duty station in California and hold a current license to practice in another state, as required by [Business and Professions Code \(BPC\) section 115.5](#).

In August 2022, BCE implemented the Department of Health Care Access and Information (HCAI) health workforce data survey for licensees to complete during their electronic license renewal process, as required by [BPC section 502](#).

BCE is currently in the maintenance and operations phase of this project and has been focusing on system enhancements to:

- Increase utilization of the system by BCE licensees
- Simplify the online renewal process for doctor of chiropractic licenses
- Make the applicant and licensee dashboards easier and more intuitive for users to navigate
- Provide the ability for licensees to maintain and store their continuing education course records in the system
- Prominently display a list of BCE links and resources and direct contact information for each of BCE's units on the user dashboard

These enhancements are expected to be released in fall 2022, and after they have been implemented, BCE will work on the development of the continuing education provider and course approval processes in the system.

Legislation Affecting the Board

[Senate Bill 1434 \(Roth, Chapter 623, Statutes of 2022\)](#) State Board of Chiropractic Examiners. This bill requires the Board to: 1) be subject to review by the appropriate policy committees of the Legislature as if the practice act was scheduled to be repealed on January 1, 2027; and 2) include the telephone numbers and email addresses of licensees in the Board's directory and require licensees to immediately notify the Board of a change of contact information. In addition, this bill removes specified exemptions from the probation status disclosure requirement for licensees placed on probation by the Board. This bill also implements an updated fee schedule for the Board and directs the Board to submit a report to the Legislature that contains an update on the status of the Board's license fee structure and whether the Board needs to consider plans for restructuring its license fees. This bill passed on August 29, 2022, and was signed by Governor Newsom on September 27, 2022.

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 being developed by staff.

Continuing Education Requirements and Mandatory Cardiopulmonary Resuscitation (CPR) Certification for All Licensees (CCR, Title 16, Sections 360, 361, 362, 362.1, 362.2, 362.3, 362.4, 362.5, 363, 363.2, 363.3, 363.4, 365, and 366): This proposal will establish minimum requirements for continuing education (CE) 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 being developed by the Continuing Education Committee.

Approval of CE Courses and Distance Learning (CCR, Title 16, Sections 363 and 363.1) This proposal will define and differentiate between the three learning formats for CE courses – “live and interactive courses given via electronic means,” “in-person learning experiences” and “distance learning.” In addition, this proposal will allow licensees to complete most of their CE hours online with the exception of courses in the subject area of chiropractic adjustive technique or chiropractic manipulation techniques, which must be conducted through an in-person learning experience. This proposal is being developed by staff.

CE Exemptions and Reduction of Requirements (CCR, Title 16, Section 364) This proposal will create a process for granting an exemption from the annual CE requirement for a licensee who provides satisfactory proof to the Board that they have been adversely affected by a natural disaster or a state or federal declared state of emergency. This proposal is planned to be presented to the Continuing Education Committee for further discussion at the December 2, 2022 meeting.

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 is developing necessary updates and revisions to BCE's *Disciplinary Guidelines* and the proposed language to amend CCR, title 16, section 384, incorporate the revised *Disciplinary Guidelines* by reference, and implement the Uniform Standards. Staff will present this proposal to the Enforcement Committee, and ultimately the Board, for review and discussion at future meetings.

Proposals Related to Consumer Protection Enforcement Initiative (CPEI): These regulatory proposals 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 had been working on a single CPEI regulation package and 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 has divided this proposal into six smaller regulation packages grouped by general topic. Staff is developing each of these proposals for presentation to the Enforcement Committee, and ultimately the Board, for review and discussion at future meetings.

Record Keeping Requirements for Chiropractic Patient Records, Including Retention and Disposition of Records Upon Closure of Practice or Death/Incapacity of Licensee (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. In addition, this proposal will

specify the retention period and requirements for the disposition of patient records. Staff is working with the Enforcement Committee to develop this proposal.

Review of Existing Licensing, CE, and Enforcement Processes

BCE staff has been conducting a comprehensive review of its existing paper-based licensing and CE processes to identify and remove any duplicative or unnecessary steps, improve processing timeframes, and prepare for the integration of these processes into the Connect system.

In addition, staff from each of BCE's units have been cross-trained on most of the licensing functions to better assist applicants, licensees, and members of the public who contact BCE.

BCE's Enforcement Unit also began a project with DCA's Organizational Improvement Office (OIO) to evaluate BCE's complaint intake, desk investigation, and field investigation processes and to identify strategies that will improve productivity, reduce investigation timeframes, and provide excellent customer service to those involved in the consumer complaint process. The recommendations from this project are expected to be fully implemented throughout fiscal year 2022-23.

Strategic Plan

BCE management worked with DCA's SOLID Training and Planning Solutions on preliminary activities for the development of the Board's 2022–2026 strategic plan. In March 2022, BCE distributed a survey to its external stakeholders to gather input and perspectives about BCE's performance and environment. In addition, SOLID conducted staff focus groups and interviewed Board members and leadership to help shape the framework and agenda for the Board's strategic planning session.

SOLID compiled and analyzed the results of the survey, focus groups, and interviews and prepared an environmental scan document to assist the Board in identifying and developing objectives for its next strategic plan. On August 18, 2022, SOLID facilitated and guided a strategic planning session for Board members. The draft strategic plan is currently being reviewed by BCE staff and is planned to be presented to the Board for adoption during the October 27, 2022 meeting.



**Agenda Item 4
October 4, 2022**

Update and Discussion on Legislation

Purpose of the Item

The Executive Officer and Board staff will provide the Committee with an update on the following bills:

- A. [Assembly Bill \(AB\) 1102 \(Low\)](#) Telephone medical advice services.
- B. [AB 1604 \(Holden, Chapter 313, Statutes of 2022\)](#) Civil service: the Upward Mobility Act of 2022.
- C. [Senate Bill \(SB\) 731 \(Durazo\)](#) Criminal records: relief.
- D. [SB 1237 \(Newman, Chapter 386, Statutes of 2022\)](#) Licenses: military service.
- E. [SB 1434 \(Roth\)](#) State Board of Chiropractic Examiners.

Action Requested

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

Background

A. [AB 1102 \(Low\)](#) Telephone medical advice services.

Status: Signed by Governor Newsom on September 28, 2022

Bill Analyses:

- 08/31/2022 - Assembly Floor Analysis
- 08/17/2022 - Senate Floor Analyses
- 07/15/2021 - Senate Floor Analyses
- 07/09/2021 - Senate Business, Professions and Economic Development
- 03/24/2021 - Assembly Floor Analysis
- 03/17/2021 - Assembly Business and Professions

Summary: This bill clarifies that a telephone medical advice service is required to ensure that all health care professionals who provide telephone medical advice services from an out-of-state location are operating consistent with the laws governing their respective licenses. This bill also specifies that a telephone medical advice service is required to comply with all directions and requests for information made by the respective healing arts licensing boards. In addition, this bill removes the requirement that a telephone medical advice service notify the Department of Consumer Affairs (DCA) within 30 days of any change of name, physical location, mailing address, or

telephone number of any business, owner, partner, corporate officer, or agent for service of process in California.

B. [AB 1604 \(Holden, Chapter 313, Statutes of 2022\)](#) Civil service: the Upward Mobility Act of 2022.

Status: Signed by Governor Newsom on September 13, 2022

Bill Analyses: 08/24/2022 - Assembly Floor Analysis
08/15/2022 - Senate Floor Analyses
08/11/2022 - Senate Appropriations
07/29/2022 - Senate Appropriations
06/24/2022 - Senate Governmental Organization
06/21/2022 - Senate Committee on Labor, Public Employment and Retirement
05/20/2022 - Assembly Floor Analysis
04/04/2022 - Assembly Appropriations
03/14/2022 - Assembly Committee on Public Employment and Retirement

Summary: This bill establishes the Upward Mobility of Act of 2022 and makes changes to existing law relating to certain processes or practices of the State Personnel Board (SPB) and the California Department of Human Resources (CalHR) that involve proposed changes to regulations; compliance for nonmerit-related audits; examinations, hiring, recruitment and retention; diversity; and state departmental upward mobility programs, pertaining to administration of the state civil service.

This bill was amended in the Senate on August 11, 2022, and the provisions relating to certain diversity requirements as applied to all state boards and commissions that consist of one or more volunteer members or commissioners were removed.

C. [SB 731 \(Durazo\)](#) Criminal records: relief.

Status: Enrolled and presented to the Governor on August 26, 2022

Bill Analyses: 07/28/2022 - Senate Floor Analyses
06/24/2022 - Assembly Floor Analysis
09/10/2021 - Senate Floor Analysis
09/02/2021 - Assembly Floor Analysis
08/31/2021 - Assembly Floor Analysis
08/16/2021 - Assembly Appropriations
06/28/2021 - Assembly Public Safety
05/25/2021 - Senate Floor Analyses
05/20/2021 - Senate Appropriations

04/30/2021 - Senate Appropriations
04/08/2021 - Senate Public Safety

Summary: This bill would expand automatic arrest record and conviction relief to additional felony offenses, as specified. This bill would also expand discretionary expungement relief to include felonies where the defendant was sentenced to state prison, rather than just realigned felonies, as specified. However, any relief granted would not release the individual from the terms and conditions of any unexpired criminal protective orders.

D. [SB 1237 \(Newman, Chapter 386, Statutes of 2022\)](#) Licenses: military service.

Status: Signed by Governor Newsom on September 17, 2022

Bill Analyses: 08/01/2022 - Assembly Appropriations
06/27/2022 - Assembly Military and Veterans Affairs
06/10/2022 - Assembly Business and Professions
05/11/2022 - Senate Floor Analyses
04/25/2022 - Senate Committee on Military and Veterans Affairs
03/31/2022 - Senate Business, Professions and Economic Development

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

E. [SB 1434 \(Roth, Chapter 623, Statutes of 2022\)](#) State Board of Chiropractic Examiners: directory.

Status: Signed by Governor Newsom on September 27, 2022

Bill Analyses: 08/22/2022 - Senate Floor Analyses
08/17/2022 - Assembly Floor Analysis
08/01/2022 - Assembly Appropriations
06/24/2022 - Assembly Business and Professions
05/21/2022 - Senate Floor Analyses
05/06/2022 - Senate Appropriations
04/14/2022 - Senate Business, Professions and Economic Development

Summary: This bill requires the Board to: 1) be subject to review by the appropriate policy committees of the Legislature as if the practice act was scheduled to be repealed on January 1, 2027; and 2) include the telephone numbers and email addresses of

licensees in the Board's directory and require licensees to immediately notify the Board of a change of contact information. In addition, this bill removes specified exemptions from the probation status disclosure requirement for licensees placed on probation by the Board. In addition, this bill includes an updated fee schedule and directs the Board to submit a report to the appropriate policy and fiscal committees of the Legislature that contains an update on the status of the Board's license fee structure and whether the Board needs to consider plans for restructuring its license fees.



Agenda Item 5
October 4, 2022

**Review, Discussion, and Possible Recommendation Regarding Proposed
Changes to the Board's Records Retention Schedule**

Purpose of the Item

The Committee will review and discuss proposed changes to the retention period for the Board's meeting minutes, continuing education records, and disciplinary case files.

Action Requested

The Committee will be asked to consider making a recommendation to the Board.

Background

The Board is required to manage its records in accordance with the policies and procedures established by the Department of Consumer Affairs and the California Records and Information Management Program (CalRIM). The maintenance, retention, preservation, and disposal of state records are accounted for by maintaining a current records retention schedule.

The Board's most recent records retention schedule, [Schedule No. 2014-01](#), was filed with CalRIM on April 18, 2014, expired on April 22, 2019, and must be updated. Most of the necessary updates to the schedule are administrative in nature, such as adding records from the Connect system, accounting for additional electronic records, and ensuring the types of records within each of the Board's units are accurately reflected in the schedule.

However, there are three policy issues for discussion by the Committee:

- 1. Board Meeting Minutes:** The last schedule specified the retention of Board meeting minutes for a total of 27 years. Due to the fact that meeting minutes provide a historical record of all formal action taken by the Board, staff recommends increasing this retention period and maintaining these records for 100 years.
- 2. Continuing Education Records:** The last schedule specified the retention of continuing education records for just one year. Staff recommends increasing this retention period to five years to align it with the Board's auditing period for licensees' continuing education records. This change will ensure staff is able to cross-reference the approved course records when conducting audits of licensees' course completion records.

- 3. Disciplinary Case Files:** The last schedule specified the retention of disciplinary case files (identified as “administrative cases” in the schedule), including cases resulting in the revocation or surrender of a license, for a total of 25 years. This timeframe is problematic as a former licensee could potentially file a new application for licensure or petition the Board for reinstatement of their revoked or surrendered license after the disciplinary case file has been destroyed. Therefore, staff recommends raising the retention period for disciplinary case files that result in the revocation or surrender of a license from 25 years to 75 years.

The Committee is asked to review the Board’s records retention schedule and discuss the staff recommendation to increase the retention periods for the Board’s meeting minutes, continuing education records, and disciplinary case files.



**Agenda Item 6
October 4, 2022**

**Review, Discussion, and Possible Recommendation Regarding the Onboarding
Process for New Board Members**

Purpose of the Item

The Committee will review, discuss, and provide feedback on the current onboarding process for new Board members.

Action Requested

The Committee will be asked to consider whether any changes to the onboarding process may be necessary.

Background

The Board Member Administrative Procedure Manual provides the following policy regarding the onboarding and orientation process for new Board members:

**Board Member Onboarding and Orientation
(Board Policy - 2013 BCE Strategic Plan)**

Within six months of initial appointment, each new Board Member shall travel to the Board office in Sacramento for orientation and onboarding meetings with the EO and one Board Member (as assigned by the Board Chair). Prior to the orientation, the new Board Member shall review their Board Member binder (provided by Board staff) and prepare questions for discussion. Items to be covered in this meeting include introductions to Board staff, review of staff roles and responsibilities, administrative processes, historical information about the Board, collaboration between staff and Board Members and overall expectations. The EO shall notify the Board Chair once the meeting has occurred.

At this meeting, the Committee is asked to review and discuss the current onboarding and orientation process for new Board members and consider whether any changes to this process may be necessary to better support new members.



**Agenda Item 7
October 4, 2022**

Public Comment for Items Not on the Agenda

Purpose of the Item

At this time, members of the public may offer public comment for items not on the meeting agenda.

The Committee may not discuss or take action on any matter raised during this public comment section that is not included on the agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7, subd. (a).]



Agenda Item 8
October 4, 2022

Future Agenda Items

Purpose of the Item

At this time, members of the Committee and the public may submit proposed agenda items for a future Committee meeting.

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.]



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Agenda Item 9
October 4, 2022

Adjournment

Time: _____