



NOTICE OF TELECONFERENCE **CONTINUING EDUCATION COMMITTEE MEETING**

Committee Members

David Paris, D.C., Chair
Laurence Adams, D.C.
Pamela Daniels, D.C.

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

Friday, December 2, 2022
12:30 p.m. to 2:30 p.m.
(or until completion of business)

The Committee may take action on any agenda item.

Teleconference Instructions: The Continuing Education Committee will hold a public meeting via Webex Events. Pursuant to the statutory provisions of Government Code section 11133, neither a public location nor teleconference locations are provided.

To access and participate in the meeting via teleconference, attendees will need to click on, or copy and paste into a URL field, the link below and enter their name, email address, and the event password, or join by phone using the access information below:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m4bc2e7f2ac66ef38b75998e8f868e774>

If joining using the link above

Webinar number: 2484 797 5269
Webinar password: BCE12022022

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Access code: 248 479 75269
Passcode: 22312022

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

Members of the public may, but are not obligated to, provide their names or personal information as a condition of observing or participating in the meeting. When signing into the Webex platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier, such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make a public comment. Participants who choose not to provide their email address may utilize a fictitious email address in the following sample format: XXXXX@mailinator.com.

Note: Members of the public may also submit written comments to the Committee on any agenda item by Wednesday, November 30, 2022. Written comments should be directed to chiro.info@dca.ca.gov for Committee consideration.

AGENDA

- 1. Call to Order / Roll Call / Establishment of a Quorum**
- 2. Review and Possible Approval of October 6, 2022 and October 25, 2022 Committee Meeting Minutes**
- 3. Update on Board's Continuing Education (CE) Program**
- 4. Review, Discussion, and Possible Recommendation Regarding Proposed Changes to the Annual CE Requirements for Licensees and the Board's CE Course Review and Approval Process (Amend California Code of Regulations, Title 16, sections 360-364)**
- 5. 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).]
- 6. 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.]
- 7. Schedule 2023 Committee Meetings**
- 8. 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.

The Board plans to webcast this meeting 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 the meeting via Webex Events.

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

BCE Continuing Education Committee Meeting Agenda

December 2, 2022

Page 3

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

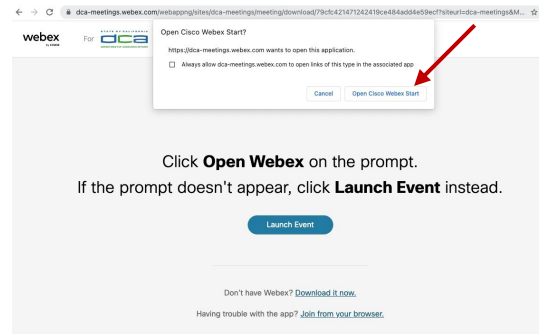
1625 N. Market Blvd., Suite N-327

Sacramento, CA 95834

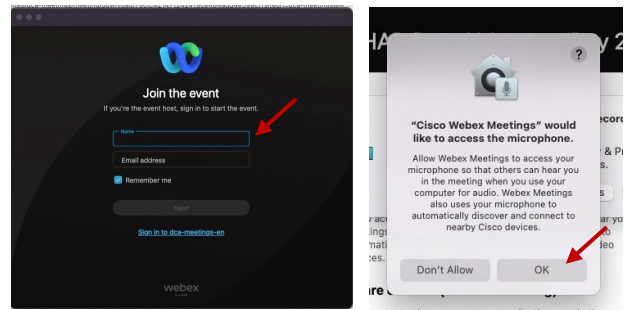
Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

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.



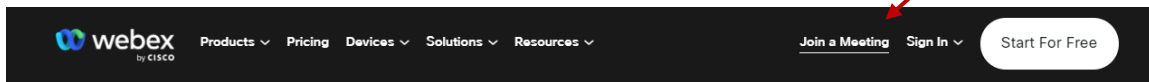
- 3 Enter your name and email address. Click "Join as a guest". Accept any request for permission to use your microphone and/or camera.



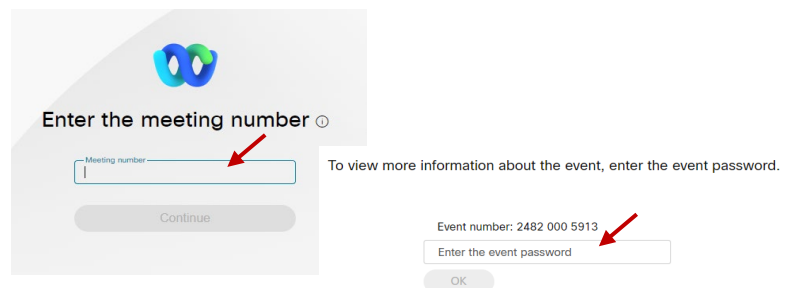
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If joining from Webex.com

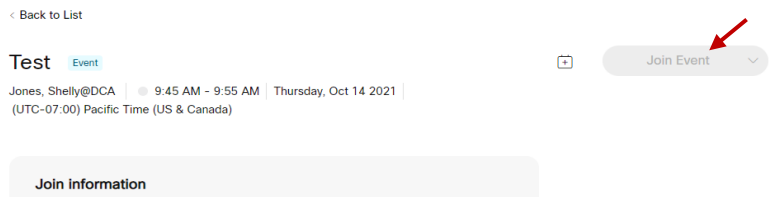
- 1 Click on "Join a Meeting" at the top of the Webex window.



- 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".



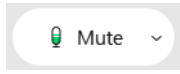
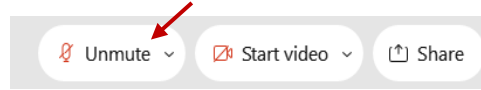
OR

Connect via telephone*:

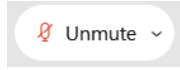
You may also join the meeting by calling in using the phone number, access code, and passcode provided in the meeting notice.

Microphone

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

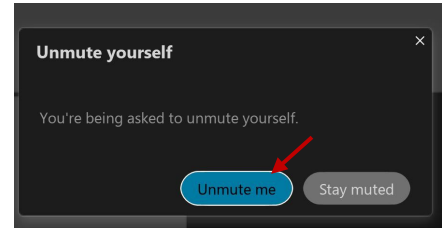


Green microphone = Unmuted: People in the meeting can hear you.



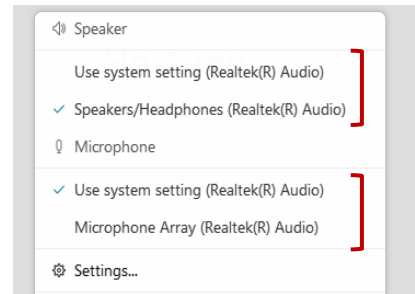
Red microphone = Muted: No one in the meeting can hear you.

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".



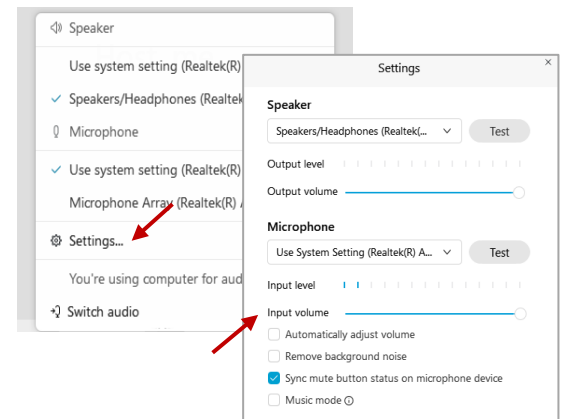
If you cannot hear or be heard

- 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

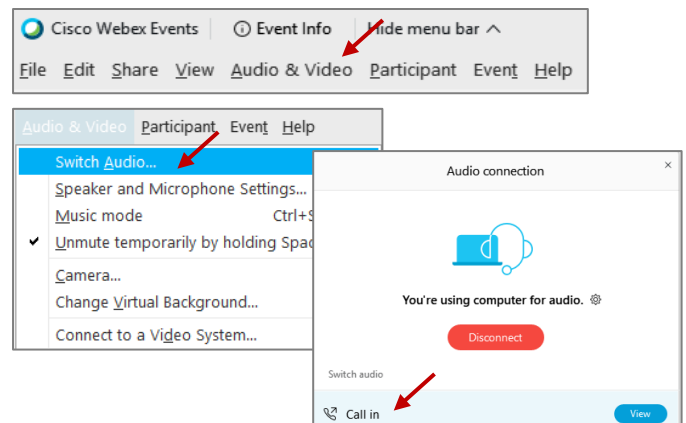
- 1 Locate the command row – click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window:
 - Click on "Settings...":
 - Drag the "Input Volume" located under microphone settings to adjust your volume.



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.

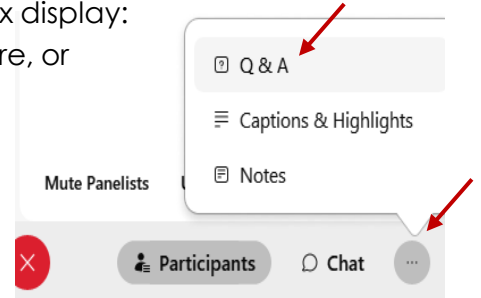
- 1 Click on "Audio & Video" from the menu bar.
- 2 Select "Switch Audio" from the drop-down menu.
- 3 Select the "Call In" option and following the directions.



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.*

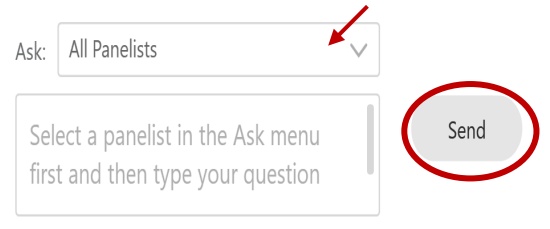
1 Access the Q&A panel at the bottom right of the Webex display:

- 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”.



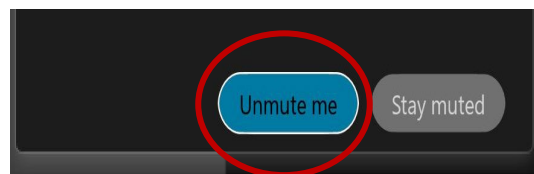
OR

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.

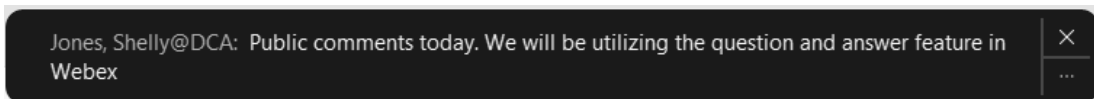


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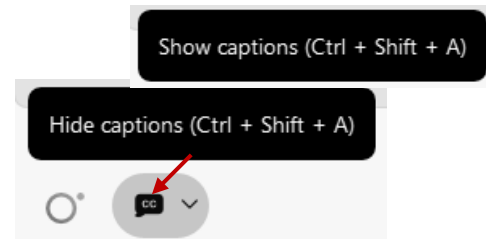
If connected via telephone:

- Press *3 to unmute your microphone.

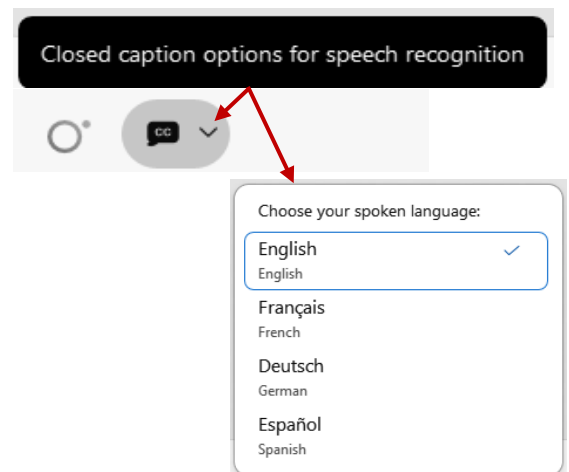
Webex provides real-time closed captioning displayed in a dialog box on your screen. The captioning box can be moved by clicking on the box and dragging it to another location on your screen.



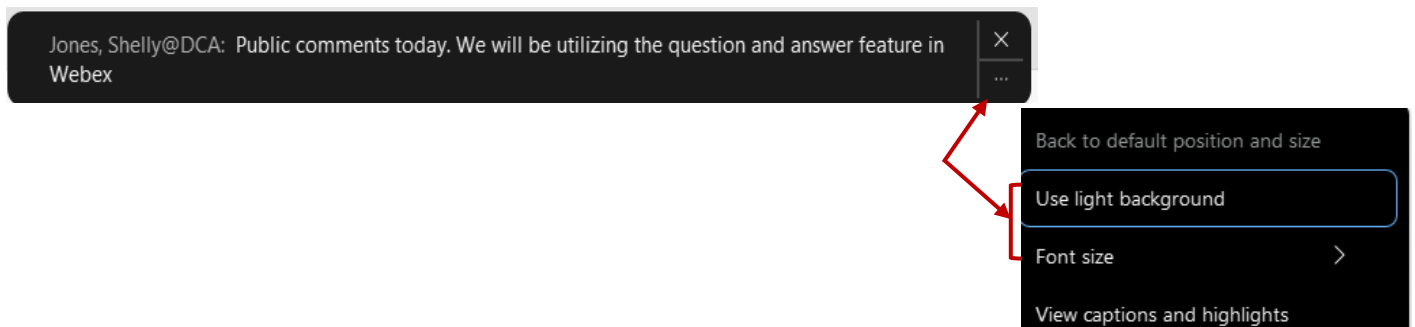
The closed captioning can be hidden from view by clicking on the closed captioning icon. You can repeat this action to unhide the dialog box.



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
December 2, 2022**

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

Purpose of the Item

David Paris, D.C., Chair of the Board's Continuing Education Committee, will call the meeting to order. Roll will be called by Laurence Adams, D.C.

Committee Members

David Paris, D.C., Chair
Laurence Adams, D.C.
Pamela Daniels, D.C.



**Agenda Item 2
December 2, 2022**

**Review and Possible Approval of October 6, 2022 and October 25, 2022
Committee Meeting Minutes**

Purpose of the Item

The Committee will review and possibly approve the minutes of the previous meetings held on October 6, 2022, and October 25, 2022.

Action Requested

The Committee will be asked to make a motion to approve the Committee meeting minutes.

Attachments

1. October 6, 2022 Continuing Education Committee Meeting Minutes (Draft)
2. October 25, 2022 Continuing Education Committee Meeting Minutes (Draft)



**BOARD OF CHIROPRACTIC EXAMINERS
CONTINUING EDUCATION COMMITTEE
MEETING MINUTES
October 6, 2022**

In accordance with the statutory provisions of Government Code section 11133, the Continuing Education Committee (Committee) of the Board of Chiropractic Examiners (Board) met via teleconference/Webex Events with no physical public locations on October 6, 2022.

Committee Members Present

David Paris, D.C., Chair
Laurence Adams, D.C.
Pamela Daniels, D.C.

Staff Present

Kristin Walker, Acting Executive Officer
Dixie Van Allen, Licensing & Administration Manager
William Walker III, Enforcement Manager
Amanda (Campbell) Ah Po, Enforcement Analyst
Sabina Knight, Board Counsel, Attorney III, Department of Consumer Affairs (DCA)

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

Dr. Paris called the meeting to order at 12:02 p.m. Dr. Adams called the roll. All members were present, and a quorum was established.

2. Review and Possible Approval of May 7, 2021 and February 9, 2022 Licensing and Continuing Education Committee Meeting Minutes

Motion: Dr. Adams moved to approve the May 7, 2021 and February 9, 2022 Licensing and Continuing Education Committee Meeting Minutes.

Second: Dr. Daniels seconded the motion.

Public Comment: None.

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

Motion: Carried.

3. Update on Board's Continuing Education (CE) Program

Ms. Walker updated the Committee on the CE Program. The Connect system was implemented as part of the Business Modernization Project. Enhancements to Connect are expected to be released by early December as part of the maintenance and

operations phase of the project. These enhancements include updating the online renewal system by replacing the CE certificate upload requirement with self-attestation to promote licensee utilization. After the enhancements are implemented, staff will work with the DCA Office of Information Services and vendor on developing the CE provider and course approval processes into the system.

Ms. Walker advised the Committee that Senate Bill (SB) 1434 (Roth, Chapter 623, Statutes of 2022) was signed by Governor Newsom on September 27, 2022 and will become effective on January 1, 2023. The bill includes an updated fee schedule, and the fee to apply to be a CE provider will increase to \$291, the fee for biennial CE provider renewal will increase to \$118, and the fee for course approval will increase to \$116 per hour of instruction.

Ms. Walker apprised the Committee on the status of proposed CE regulations. The proposal regarding the approval of CE courses and distance learning (California Code of Regulations [CCR], title 16, sections 363 and 363.1) will define and differentiate between the three learning formats for CE courses – in-person learning experiences, live and interactive courses given via electronic means, and distance learning – and allow licensees to complete CE virtually, with the exception of chiropractic adjustive technique. Ms. Walker stated staff plans to return the CE Exemptions and Reduction of Requirements proposal (amend CCR, title 16, section 364) to the Committee at the December 2, 2022 meeting for further review.

Ms. Walker stated staff has been conducting a comprehensive review of its existing paper-based processes to identify and remove any duplicative or unnecessary steps to improve processing timeframes and prepare for the integration into Connect. Ms. Walker noted a decrease in the number of received and approved CE course applications in fiscal year 2021-22 and staff will begin tracking processing times to include in future updates.

Dr. Daniels asked if “satisfactory proof” had been defined in the CE Exemptions and Reduction of Requirements (CCR, title 16, section 364) proposal. Ms. Walker stated that topic is being returned to the Committee for discussion. Initially, the Board was seeking the ability to issue an exemption to cover a population of licensees affected, but staff was advised by legal counsel that the Board does not have that broad authority, so the individual licensees must demonstrate how they meet the circumstances set by the Board. Dr. Paris asked Ms. Walker to confirm that if the state or a specific county government declared a state of emergency, then licensees would need to apply individually to the Board for exemption of the CE requirement. Ms. Walker confirmed that this was the recommendation of legal counsel.

Dr. Adams asked for the status of the proposed regulation voted on at the April 2022 meeting to change the definition of distance learning to include only on-demand formats. Ms. Walker stated the regulatory language includes the prior CE course application which will need to be updated to reflect the three new learning formats – in-

person learning experiences, live and interactive courses given via electronic means, and distance learning. Dr. Adams questioned the need for the CE course application to be updated. Ms. Walker explained that changes to the Board's regulations must stand up to scrutiny by the Office of Administrative Law (OAL). Therefore, the format for each learning environment must be defined, not only distance learning, which affects the course application. The CE course application was incorporated into the regulation in 2010. The application must be updated as well because it would no longer coincide with regulation. Later in the agenda, the Committee will discuss the course approval process which involves the same sections of regulations. This will cause a timeline issue if the Board decides to move both concurrently. The Board can either merge the regulations into a single package or hold the course approval regulation back while continuing the path currently in progress.

Dr. Adams asked for a timeline for expected completion. Ms. Walker stated the timeline depends on whether there are additional changes to the course approval process that must be included in the package to OAL and on the public's perception of the draft regulation once submitted to OAL. There is a required 45-day public notice period after OAL submittal. If the Board does not receive public comments or the comments are in support of the regulation and no changes are requested, the process moves faster and could be approved in 2023. If there are extensive public comments that require a response or issuing new text, the process will take up to one year.

Dr. Paris asked for the reasoning behind the use of "experiences" in the course format definitions. Ms. Walker stated that regulatory counsel aided staff in developing the definitions to encompass different learning experiences, such as classroom versus seminar.

Dr. Paris asked for the current percentage of licensees renewing online. Ms. Walker stated the current utilization rate is only about 25% of licensees while other boards have much higher rates. Ms. Walker reiterated the need for the enhancements that are planned to occur in the next few months to increase online renewal utilization.

Public Comment: Lewis Meltz, D.C., a licensee and CE provider, asked for the rate courses are rejected and the criteria for the rejection rates.

Marcus Strutz, D.C., a licensee and CE provider, asked for clarification on the application process and if the three different earning formats will require a separate application for the same course content.

Shasta Carey from the California Chiropractic Association asked if CE providers will receive guidance or outlines for the expectations for course application submittal.

4. Review, Discussion, and Possible Recommendation Regarding the Repetition of CE Courses

Ms. Ah Po requested the Committee discuss whether changes to the Board's current continuing education requirements are necessary to address licensees earning credit for repeating CE courses. When a person applies for reinstatement or restoration of a license, they are required to fulfill the CE requirements for each year that their license was revoked. The Board has often observed that petitioners repeat the same CE courses to meet this requirement instead of completing a variety of courses.

Ms. Ah Po explained that the Board's current regulations do not restrict or prohibit a licensee from earning CE credit multiple times by repeating a course. The Committee was asked to consider a motion to either direct staff to develop a regulatory proposal to specifically address this issue or include this topic in the comprehensive updates to the CE requirements. Staff prepared questions for the Committee to discuss.

Dr. Adams agreed that this is often seen in petitioners' applications and stated a licensee should not repeat a course more than twice in a renewal cycle. Licensees may want to take a course a second time to fully absorb the information.

Dr. Daniels stated licensees should not get credit for repeating a CE course. Many courses have their content available online after completion and licensees can review the course content without credit. Dr. Daniels stated the purpose of CE is for licensees to expand their horizons and maintain or learn new skills. Dr. Daniels added that it is not in the public's best interest to have individuals who are petitioning for reinstatement to take multiple years' worth of CE within a short period of time.

Dr. Paris agreed that licensees should not take a course more than once during a renewal cycle and proclaimed public safety is assured by licensees demonstrating a breadth of knowledge of the subject matter. Dr. Paris shared the same concerns as Dr. Daniels and noted the Board has seen an increase in petitioners repeating CE courses several times. Dr. Paris suggested the Board ensure public safety by requiring individuals who petition for reinstatement be required to take CE for each year their license was revoked or surrendered up to four years. If a license has been revoked or surrendered for five years or longer, they must pass the National Board of Chiropractic Examiners' (NBCE) Part IV Examination in order to be reinstated. Dr. Adams agreed that the NBCE Part IV Examination should be taken by those petitioning for reinstatement.

Ms. Knight stated many other healthcare boards do not allow for repetition of a course within a renewal cycle. Dr. Paris confirmed licensees will be responsible for ensuring they do not repeat CE courses within a single renewal cycle. Dr. Daniels and Dr. Adams agreed.

Dr. Daniels asked Ms. Walker if the discussion regarding limiting the repetition of courses within a renewal cycle for petitions for reinstatement or license restorations

should be discussed by the Enforcement Committee. Ms. Walker stated the Enforcement Committee should address the petition process and the Licensing Committee should address the qualifications for renewing a license that is in a forfeited or canceled status.

Public Comment: Dr. Strutz stated he has seen licensees repeat courses, but it would be impossible for providers to prevent the repeating of courses by a licensee. Dr. Strutz liked the idea of petitioners passing the NBCE examination and requiring licensees to take multiple types of classes.

Dr. Vy asked if she prepays for a class and it gets canceled, so she is forced to repeat a course, would she fail a CE audit.

Cliff Tao, D.C., a licensee and CE provider, requested the Board consider limiting the repetition of CE courses to asynchronous online courses only and allow live synchronous courses to be repeated. Dr. Tao stated he offers a live course several times a year and the course application says they will be discussing and summarizing cases, but different cases are discussed each time the course is offered. The same approval code is used every time, but each course date offers vastly different information.

Dr. Strutz agreed with Dr. Tao regarding content changes for in-person versus online courses and with Dr. Daniels regarding students being able to access course notes on his website.

Ms. Carey stated repetition of live courses should be limited to two times within a renewal period.

Dr. Adams reiterated that a CE course should not be taken more than twice within a single renewal cycle. Dr. Daniels and Dr. Paris reaffirmed that a course should only be taken a single time for credit within a single renewal cycle to promote the safety and welfare of the public.

The CE Committee recommended the Enforcement Committee discuss amending CCR, title 16, section 365 (Revoked Licenses) to limit the repetition of CE courses for petitions of reinstatement of a revoked or surrendered license and to consider requiring the NBCE Part IV examination before reinstatement if a license has been revoked for five years or more and setting a maximum of four renewal cycles' worth of CE be required.

The CE Committee recommended the Licensing Committee discuss amending CCR, title 16, section 371 (Annual License Renewals and Restoration) to limit the repetition of CE courses with a single renewal cycle when restoring a license.

Motion: Dr. Paris moved to direct staff to develop language that reflects the discussion and the desire for licensees to not get credit for repeated courses in one renewal cycle.

Second: Dr. Adams seconded the motion.

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

Public Comment: None.

Motion: Carried.

5. Review, Discussion, and Possible Recommendation Regarding Proposed Changes to Annual CE Requirements for Licensees, Including Revised Subject Areas (California Code of Regulations [CCR], Title 16, section 361)

Ms. Walker presented the topic for Committee discussion. The Committee has been developing revisions to the annual CE requirements for licensees to align mandatory subject areas with core competencies necessary for patient safety. Ms. Walker provided the Committee with summaries of the proposed CE requirements discussed to date, including:

- 24 hours of CE per renewal cycle with a minimum of 10 hours earned through the four mandatory competencies:
 - Competency 1 - Evaluation and Management (4 hours)
 - Competency 2 – Documentation, Record Keeping, and Coding (2 hours)
 - Competency 3* – Adjustment, Technique, or Manipulation (2 hours), which must be completed through an in-person learning experience
 - Competency 4 – Ethics, Law, and Jurisprudence (2 hours)

Ms. Walker stated the remaining 14 hours may be earned through a combination of activities including via Board-approved courses in Competency 5 – Electives, which is a broad category to encompass subject areas regarding the profession. Licensees can take 12 hours total via distance learning and earn a maximum of 12 hours of CE in a single day.

Dr. Daniels asked if the competencies, such as Competency 1 – Evaluation and Management, would be fully defined so staff, CE providers, and licensees will know what is considered that competency. Dr. Paris confirmed the competencies will be defined. Competency 1 refers to all aspects of history taking, physical examination, informed consent, medical decision making, and initial and follow-up evaluations.

Dr. Daniels and Dr. Adams agreed that licensees should be able to satisfy Competency 3 by taking the course in-person or via a live and interactive course given via electronic means.

Dr. Daniels contended that in-person adjustive technique courses generally do not cover informed consent or history taking and examination before the adjustment is shown, usually on an attendee, or when techniques are practiced on each other. Dr. Daniels argued that licensees could subconsciously learn from in-person courses

that there are situations where informed consent and examination are unnecessary which is a public safety issue. The Board has had many cases brought before it where no informed consent or examination was done prior to an adjustment.

Dr. Daniels informed the Committee of several studies and research papers that have shown no evidence that offline learning works better than online learning and urged the Committee to trust that licensees who are motivated will learn no matter the format. Licensees know how to perform adjustive techniques and should be competent enough to apply the new techniques learned from a live and interactive course given via electronic means.

Public Comment: Dr. Strutz stated he issued a poll of his students and 95% agreed that all hours should be able to be completed via a live videoconference. He suggested that there be requirements for adjustive technique courses offered via a videoconference, such as requiring a partner to practice the set-up.

Dr. Vy expressed how much she enjoys taking adjustive technique courses taught through live interactive video conference courses.

An individual identified as “gk” stated he is a spinal cord injury patient and would prefer chiropractors take continuing education in-person for practical skills.

Dr. Strutz disagreed with “gk” and stated CE courses are not meant to master a skill. He said it is not possible to master a technique in a two-hour course.

The Committee discussed moving forward with a motion to remove the requirement for Competency 3 to be taught solely through in person learning experiences.

Motion: Dr. Adams moved to direct staff to amend the draft regulatory language to remove the requirement that Competency 3 be taught exclusively in-person.

Dr. Paris requested the Committee consider that Competency 3 only be taught in-person or via a live and interactive course given via electronic means. Dr. Adams and Dr. Daniels agreed. Ms. Walker asked if that was the only competency that should have this requirement. Dr. Paris suggested Competencies 1 and 3 have this requirement to be taught through a live and interactive course given via electronic means or in-person because Competency 1 includes face-to-face interactions with patients, examination, and decision-making processes. Dr. Daniels and Dr. Adams agreed.

Amended Motion: Dr. Adams moved to direct staff to continue drafting the current language but require Competencies 1 and 3 be achieved through live and interactive courses given via electronic means or in-person learning experiences and Competencies 2, 4, and 5 can be achieved through any of the three learning formats.

Second: Dr. Paris seconded the amended motion.

Public Comment: None.

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

Motion: Carried.

6. Review, Discussion, and Possible Recommendation Regarding Proposed Changes to the Board's CE Course Review and Approval Process, Including a Potential Renewal Process for Previously Approved Courses (CCR, Title 16, sections 363 and 363.1)

This agenda item was tabled to the next Continuing Education Committee meeting due to time constraints.

7. Public Comment for Items Not on the Agenda

Public Comment: Dr. Strutz voiced his concern over the increase in CE provider fees that will become effective on January 1, 2023.

8. Future Agenda Items

Dr. Paris requested the Committee consider a biennial license renewal.

Public Comment: Dr. Strutz urged the Committee to come up with a solution to lower CE providers' fees.

9. Adjournment

Dr. Paris adjourned the meeting at 2:17 p.m.



**BOARD OF CHIROPRACTIC EXAMINERS
CONTINUING EDUCATION COMMITTEE
MEETING MINUTES
October 25, 2022**

In accordance with the statutory provisions of Government Code section 11133, the Continuing Education Committee (Committee) of the Board of Chiropractic Examiners (Board) met via teleconference/Webex Events with no physical public locations on October 25, 2022.

Committee Members Present

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

Committee Members Absent

Pamela Daniels, D.C. (Excused)

Staff Present

Kristin Walker, Executive Officer
Dixie Van Allen, Licensing & Administration Manager
William Walker III, Enforcement Manager
Amanda (Campbell) Ah Po, Enforcement Analyst
Sabina Knight, Board Counsel, Attorney III, Department of Consumer Affairs (DCA)
Heather Hoganson, Regulatory Counsel, Attorney III, DCA

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

Dr. Paris called the meeting to order at 12:09 p.m. Dr. Adams called the roll. Dr. Daniels was excused from the meeting. All remaining members were present, and a quorum was established.

2. Review, Discussion, and Possible Recommendation Regarding Proposed Changes to the Board's Continuing Education Course Review and Approval Process, Including a Potential Renewal Process for Previously Approved Courses (California Code of Regulations, Title 16, sections 363 and 363.1)

Ms. Walker provided an overview of the current continuing education (CE) course approval process to the Committee. To obtain approval for a CE course, Board-approved providers must complete and submit a Continuing Education Course Application form with the following documentation:

1. An hourly breakdown of the CE course;
2. A final copy of the syllabus/course schedule;
3. A copy of the course brochure and all other promotional material to be used; and
4. A curriculum vitae (CV) for each instructor.

Ms. Walker stated after the review of an application and supporting documentation, staff notifies the provider of the approval or denial of the course. Approved courses can be offered an unlimited number of times for up to one year. The Board does not currently have a renewal process for CE courses. Providers must submit a new course application if they wish to continue providing the same course after the approval period has expired.

Ms. Walker identified the comprehensive updates to the CE regulations, including revisions to the CE course approval process, that have been discussed by the CE Committee for the past few years. These changes include updating the application form, allowing providers accredited through the Federation of Chiropractic Licensing Boards' (FCLB) PACE program to apply for approval of CE courses, and adding the following requirements:

- Providers must submit a course description, including the competency, course objectives, and participant outcomes based on the Board-approved competencies.
- The instructor's CV must demonstrate they are appropriately credentialed based on the content of the course.
- Providers must submit the name and contact details of their certifying attendance official, an attestation form for each instructor, examples of course examinations to be administered during or at the conclusion of the course, an example of the certificate of completion for the course, and the post-course evaluation form.
- Courses that contain business techniques or principles that teach concepts to increase patient visits or patient billings per visit or topics outside the scope of chiropractic shall not be approved.
- Any physical activities conducted during a course must support the curricular objectives of the course.
- Providers must notify the Board of any substantive changes to an approved course and the Board will have 14 days to process and approve or deny the submitted changes. Providers may not make any changes without the Board's written approval.

Ms. Walker asked the Committee to consider whether any additional changes may be necessary, such as the implementation of a potential renewal process for courses that have been previously reviewed and approved by the Board.

Ms. Walker then read the written comments submitted by Dr. Daniels prior to the meeting. Dr. Daniels wrote there is no need for courses to be reviewed each year, but there should be a maximum three-year approval period. After three years, the course material should be updated based on the current understanding of the topic to lead to a

deeper comprehension of the subject and material. Dr. Daniels further commented that it is the provider's responsibility to provide a clear breakdown of each section of the course with the appropriate subject area clearly identified. Staff should not spend time and resources identifying them for the provider. Dr. Daniels added that the Board's fees do not keep up with the current Consumer Price Index (CPI) which makes program solvency unattainable.

Ms. Walker then read aloud the written comments submitted in a letter dated October 5, 2022, by licensee and CE provider, Marcus Strutz, D.C. Dr. Strutz shared his concerns regarding the fee increase and offered five alternative solutions, including having an annual fee for CE providers similar to licensees, reducing the hourly rate, only reviewing new CE course applications, charging less for previously approved courses, or to have courses approved previously, get re-approved every other year or less frequently. He requested definitive guidelines for providers to submit applications correctly on their first attempt.

Dr. Adams stated his concern was to decrease the workload of staff to lower the cost of CE course applications and believed creating a course renewal process with a reduced fee would be beneficial. He reiterated Dr. Daniels' comment that CE providers must clearly identify the appropriate subject areas, or competencies, in the course's hourly breakdown. Dr. Adams opined that requiring the final copy of the course syllabus and schedule and the copy of the brochure and all promotional material was redundant. He stated the curriculum and brochure would only be necessary for large events or seminars with different course options and advertisements. Smaller courses may only be listed online without a hard copy syllabus. Dr. Adams commented that it may not be appropriate for the Board to review the CV for each instructor as all chiropractic licensees in California are required to take and pass the National Board of Chiropractic Examiners (NBCE) Part IV Examination which certifies individuals. Dr. Adams asked for the Committee to clarify the exit examination requirement for CE courses and for why practice building courses are prohibited in current regulation.

Dr. Paris agreed that requiring a syllabus and outline could be redundant and suggested the regulation have text added to require promotional materials, if any, and to require links to web-based promotional materials. Dr. Paris informed the Committee that NBCE has stated it does not certify individuals, it only administers examinations that state boards may utilize for issuing licenses. However, Dr. Paris agreed a granular look at instructors' CVs may not be necessary as licensees should review the CVs of whom they are learning from when signing up for a course.

Dr. Paris asked if the exit examination was used for attendance certification or if it was an opportunity for the licensee to provide feedback on the course and asserted practice building is serving the business instead of the public and in the interest of consumer protection, practice building should not have a place in CE. Topics such as how to appropriately see patients and in a timely manner can be found in other subject areas,

such as Principles of Practice, or potentially in Competency 5 – Electives. Further, how to market your practice to certain populations is not in the best interest of consumers.

Dr. Paris suggested licensees get a maximum of eight hours of CE for attending a full Board meeting, as opposed to four hours, to incentivize licensee involvement in Board processes. Dr. Paris stated it would be more aligned with the regulation allowing licensees to earn up to 16 hours of CE, including eight hours of Ethics and Law, for volunteering as a subject matter expert in the development of questions for the California Chiropractic Law Examination (CCLE).

Dr. Paris recommended amending “course objectives” and “participant outcomes” to the phrases “course learning objectives” and “participant learning outcomes” to further define what is expected of CE providers.

Dr. Paris advised the requirement for physical activities conducted during a course have the requirement that there is protection or vetting of live models used during a demonstration; for example, an attendee being chosen to be adjusted during a course. Dr. Paris asked Ms. Walker if other healing arts boards had included similar language to aid in the safety and welfare of those participating. Ms. Walker stated the FCLB PACE program has requirements that if any live models are used for demonstration, there is informed consent and post-demonstration care is given as necessary. Dr. Paris suggested the regulations include this requirement as well for any treatment demonstrated during a course, including adjustive techniques and physiotherapy treatments.

Dr. Paris asked Dr. Adams for his opinions on a course renewal process for CE providers. Dr. Adams suggested the Board have two separate processes – one for new course applications and another for course renewals, with a limit on the number of years a course can be renewed before a full review is necessitated. Dr. Adams opined the renewal process should have a reduced fee due to the decrease in staff workload.

Ms. Walker stated there are two factors that can be adjusted regarding course approvals. There is the amount of time that a course is approved. Under current regulations, the Board approves courses for one year. The Committee could consider a biennial approval where courses are approved for two years, or longer if preferred, or the Committee could consider reducing the fee; the Legislature gave the Board the authority to reduce fees through regulation. She explained staff is requesting the Committee discuss the framework for the course approval process so staff can present a proposal at the December committee meeting.

Dr. Adams asked if there could be an initial approval period and then a longer renewal period, such as for three years with separate fees. Ms. Walker stated staff will work with counsel to work within the current language of Senate Bill 1434. Dr. Adams asked how quickly regulation can be passed. Ms. Walker stated the average length of time is one year and added that CE providers can submit all of their 2023 course applications before December 31, 2022, to avoid the fee increase for another year while the

Committee implements changes to the regulations. Ms. Walker advised the Committee that all pieces of the renewal process need to be formulated and agreed upon before the regulation process can begin.

Dr. Adams stated he agreed with Dr. Daniels' comment and suggested courses be approved for renewal for no more than three years and asked to confirm that the regulation would take a year to be passed. Ms. Walker confirmed. Dr. Adams asked how fees will be determined.

Ms. Walker responded that fees can be determined once the process has been defined and clarified that the recommendation of Dr. Daniels was to extend course approval to three years and then CE providers would need to apply with a new course application.

Ms. Walker further identified two options for a renewal process. The first is for a course to undergo an initial comprehensive review, similar to the current process, but with an annual renewal where the provider completes a certification that there are no substantive changes to the course. Changes to the instructor or promotional materials are considered non-substantive. The number of course renewals could be indefinite or the Committee could consider imposing a limit on the number of renewals permissible before a course must undergo another comprehensive review.

Dr. Paris proposed part of the renewal should involve providers certifying they have reviewed the course and made updates as necessary based on new and applicable research to ensure patient safety. He agreed with a three-year renewal, so providers are approved for three years and then must complete a self-certification or attestation to confirm it is relatively the same course. Dr. Adams agreed.

Ms. Walker asked if the initial approval would be for three years and then a renewal every three years with a self-certification annually or upon renewal. Dr. Adams responded that the first three years of approval would have a simple annual self-certification that the course remains unchanged and then at three years there would be a different attestation where the provider specifically attests that they reviewed the course for any new and applicable research and there were no substantive changes. Dr. Paris agreed and stated if there were changes, providers would be expected to reapply.

Dr. Adams asked if CE providers would need to apply with new course applications for courses already approved by the Board once the regulations include a renewal process or if they would be grandfathered in. Dr. Paris stated the new review process for new CE course applications will be more comprehensive with a more thorough review; there will be information required that prior applications did not identify. Dr. Adams questioned why staff would need to perform a comprehensive review of a course application that has been submitted annually for several years. Ms. Walker responded that the subject areas are changing to competencies which impacts prior approvals. The new course application process created by the Committee involves a higher level of scrutiny with more requirements for CE courses. Therefore, there are potentially courses approved in

the past that would not meet the new criteria and should not be grandfathered in. If the Committee wants to pursue grandfathering in courses previously approved, there will be more staff work involved in the renewal process to procure all information that was previously not submitted or accounted for in prior approvals; all courses would still need to be fully reviewed to determine if they are eligible for renewal. If all courses undergo the initial comprehensive review, the renewal process will be streamlined in the future.

Dr. Paris asked for staff to prepare both options for the Committee to discuss. Ms. Knight thanked the Committee for a productive discussion and stated staff will consult with legal and regulatory counsel to review options. Ms. Walker added that each change to regulation must have a justification in order to get approval by the Office of Administrative Law (OAL). The justification is generally what prolongs the completion of the regulatory package.

Public Comment: Dr. Strutz thanked the Committee for a productive meeting. Dr. Strutz offered insight as to why practice management was prohibited; he stated it was to prevent providers from selling their practice management programs to the attendees, such as by nutrition or vitamin companies. He stated licensees can improve their practice by billing properly and taking patient-oriented courses.

Victor Tong, D.C., a licensee and CE provider, requested providers receive notice when the new regulations go into effect and noted Hawaii has a course renewal process the Board could look to for guidance. He stated that if there are new competencies and requirements, no courses could be grandfathered into the renewal process because none will abide by the new regulations. He stated all providers must face that fact. Dr. Tong agreed that courses on marketing should be prohibited otherwise there will be ethics issues, as the emphasis on increasing income often trumps the educational professional component of CE. Licensees can take those courses without CE credit if they have that desire.

Shasta Carey from the California Chiropractic Association stated she is in favor of a three-year approval but that the new course fees are still expensive. She requested CE providers be given guidance on the new processes once implemented.

3. Public Comment for Items Not on the Agenda

Public Comment: None.

4. Future Agenda Items

Public Comment: None.

5. Adjournment

Dr. Paris adjourned the meeting at 1:24 p.m.



**Agenda Item 3
December 2, 2022**

Update on Board's Continuing Education Program

Purpose of the Item

The Executive Officer and Board staff will provide the Committee with an update on the Board's Continuing Education Program activities and statistics.

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 November 29, 2022 Memo to Committee Members Regarding Continuing Education Program Activities and Statistics



MEMORANDUM

Agenda Item 3 Attachment

DATE	November 29, 2022
TO	Members of the Board of Chiropractic Examiners' Continuing Education Committee
FROM	Kristin Walker, Executive Officer
SUBJECT	Update on Board's Continuing Education Program

This report provides an overview of recent Board of Chiropractic Examiners' (BCE) Continuing Education Program activities and statistics.

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 phased software releases from September 2020 through May 2022, BCE implemented its primary licensing and enforcement functions. 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 early 2023, 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 Continuing Education Program

[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 effective January 1, 2023, 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.

Proposed Regulations Affecting Continuing Education Program

Annual Continuing Education Requirements for Licensees and Continuing Education Course Approval Process (Amend California Code of Regulations [CCR], Title 16, Sections 360-364): This proposal will amend the annual continuing education (CE) requirements for licensees, establish five course competency areas that will be approved by the Board, define the three recognized learning formats for CE courses, update the CE course review and approval process, and create a re-approval process for CE courses that have been previously approved by the Board. This proposal will be discussed by the Continuing Education Committee at its December 2, 2022 and January 4, 2023 meetings.

Basic Life Support Certification for All Licensees (Amend CCR, Title 16, Section 371 and Add CCR, Title 16, Section 371.1): This proposal will mandate the maintenance of basic life support certification, including cardiopulmonary resuscitation (CPR), for all licensees as a condition of licensure in active status. This proposal is being developed by staff.

CE Exemptions and Reduction of Requirements (CCR, Title 16, Section 364.1) 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 being developed by staff and is planned to be presented to the Continuing Education Committee for further discussion at a future meeting.

CE Provider Approval Process and Appeal Process for Denial of CE Courses and Providers: This proposal will establish minimum requirements for approval of CE providers and update the process for appealing the denial of a CE course or provider application. This proposal is currently being developed by the Continuing Education Committee and staff.

Review of Manual, Paper-Based Processes

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

Statistics

CE Course Applications

	Jul-22	Aug-22	Sep-22	Oct-22	Total
Received	174	244	131	289	838
Approved	98	120	222	264	704
Denied	1	0	3	2	6
Pending	340	464	367	390	390*

CE Provider Applications

	Jul-22	Aug-22	Sep-22	Oct-22	Total
Received	4	2	1	2	9
Approved	0	16	0	1	17
Denied	0	0	0	0	0
Pending	16	2	3	4	6*

*Depicts a monthly average of pending applications.



**Agenda Item 4
December 2, 2022**

Review, Discussion, and Possible Recommendation Regarding Proposed Changes to the Annual CE Requirements for Licensees and the Board's CE Course Review and Approval Process (Amend California Code of Regulations, Title 16, sections 360-364)

Purpose of the Item

The Committee will review and discuss the proposed changes to the annual continuing education (CE) requirements for licensees and the Board's CE course review and approval process.

Action Requested

The Committee will be asked to discuss the draft proposed language to amend California Code of Regulations (CCR), title 16, sections 360 through 364, and provide feedback and direction to staff on the implementation of an annual certification process for approved courses and a re-approval process for courses that have been previously approved by the Board.

Background

During the Committee meetings on October 6, 2022, and October 25, 2022, the Committee discussed proposed changes to the annual CE requirements for licensees and the review and approval process for CE courses.

Annual CE Requirements for Licensees

The Committee proposed keeping the annual 24-hour requirement and defined four new mandatory competency areas with 10 mandatory hours as follows:

- Competency 1: Evaluation and Management – 4 hours*
- Competency 2: Documentation, Record Keeping, and Coding – 2 hours
- Competency 3: Adjustment, Manipulation, or Technique – 2 hours*
- Competency 4: Ethics, Law, and Jurisprudence – 2 hours

*Courses in Competencies 1 and 3 must be completed either through an in-person learning experience or a live and interactive course given via electronic means, as defined.

The remaining 14 hours may be met by completing Board-approved courses in any of the five competency areas, including Competency 5: Electives, or through other professional development activities previously discussed by the Committee.

CE Course Review and Approval Process

The Committee also discussed enhancements to the CE course review and approval process, including extending the initial approval period for CE courses from one year to three years and developing a re-approval process for CE courses that have been previously approved by the Board. The Committee also discussed the implementation of an annual certification form for CE courses.

Proposed Language to Amend CCR, Title 16, Sections 360-364

Following these meetings, staff incorporated the items discussed by the Committee and the regulatory language from the distance learning regulatory proposal into proposed language to amend CCR, title 16, sections 360 through 364.

Staff also recommends the Committee consider the following changes:

- Rename Competency 4: Ethics, Law, and Jurisprudence as “Ethics, Law, and Professional Boundaries”;
- Reduce the total number of hours per day that a licensee can earn CE credit from 12 hours to 8 hours;
- Allow licensees to earn CE credit for completion of a supervisory-level sexual harassment prevention training offered by a state or federal agency; and
- Align the criminal and disciplinary history questions on the CE instructor attestation form with the grounds for denial of a license specified in [Business and Professions Code section 480](#).

At this meeting, the Committee is asked to discuss the draft proposed language and staff recommendations, and provide further direction to staff on an annual certification process for approved courses and the re-approval process for previously approved courses.

Staff will then incorporate the Committee’s feedback into the draft language, develop an application form for re-approval of a CE course, determine appropriate fee amounts for initial and re-approval of a CE course based on the updated review process, and present that information to the Committee for consideration at the January 4, 2023 meeting.

Attachments

1. Proposed Language to Amend California Code of Regulations, Title 16, Sections 360-364 (Draft)
2. Continuing Education Instructor Attestation Form (Draft)

Title 16. Board of Chiropractic Examiners

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

Proposed Language

Amend Sections 360 through 364 of Article 6 in Division 4 of Title 16 of the California Code of Regulations to read as follows:

§ 360. Continuing Education Fees.

The following represents fees for continuing education:

- (a) Continuing Education Provider Application Fee: ~~\$75~~ \$291
- (b) Biennial Continuing Education Provider Renewal Fee: ~~\$50~~ \$118
- (c) Continuing Education Course Application Fee: ~~\$50 per course. A course is defined in Section 363.~~

(1) \$116 per hour of instruction for approval of a new continuing education course, as specified in Section 363, subdivision (b).

(2) (\$ TBD) per course for a previously approved continuing education course, as specified in Section 363, subdivision (h).

NOTE: Authority cited: Sections ~~4000-4(b) and 4000-4(e), Business and Professions Code (of the Chiropractic Initiative Act of California, Stats. 1923, p. 4xxxviii).~~
Reference: Sections ~~4000-4(b) and 4000-10(a), Business and Professions Code (of the Chiropractic Initiative Act of California, Stats. 1923, p. 4xxxviii).~~

§ 361. Annual Continuing Education Requirements for Doctors of Chiropractic.

- (a) For purposes of this section, "implementation date" means ~~two years following June 8, 2014~~ January 1, 2025.
- (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) (b) Any continuing education hours accumulated before June 8, 2014 prior to the implementation date 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).~~

(c) On or after the implementation date of January 1, 2025, licensees shall complete a minimum of twenty-four (24) hours of continuing education credit during each annual license renewal period, including the following mandatory hours:

(1) A minimum of four (4) hours of Board-approved coursework in Competency 1: Evaluation and Management, as defined in subdivision (f)(1);

(2) A minimum of two (2) hours of Board-approved coursework in Competency 2: Documentation, Record Keeping, and Coding, as defined in subdivision (f)(2);

(3) A minimum of two (2) hours of Board-approved coursework in Competency 3: Adjustment, Manipulation, or Technique, as defined in subdivision (f)(3); and

(4) A minimum of two (2) hours of Board-approved coursework in Competency 4: Ethics, Law, and Professional Boundaries, as defined in subdivision (f)(4).

(d) In addition to the mandatory hours and competencies specified in subdivision (c)(1)-(4), licensees may earn the remaining hours of continuing education credit through any combination of the following activities:

(1) Completing Board-approved coursework in Competency 5: Electives, as defined in subdivision (f)(5);

(2) Obtaining Basic Life Support certification: A licensee may earn up to a maximum of two (2) hours of continuing education credit per license renewal period for completion of an American Heart Association (AHA) or American Red Cross (ARC) course in Basic Life Support, or a Basic Life Support course taught by a provider approved by the American Safety and Health Institute (ASHI).

(3) Completing Sexual Harassment Prevention Training: A licensee may earn up to a maximum of two (2) hours of continuing education credit per license renewal period for completion of a supervisory-level sexual harassment prevention training provided by the California Department of Civil Rights or another state or federal government agency.

(4) Attending a Board meeting: A licensee may earn a maximum of eight (8) hours of continuing education credit per license renewal period for attending a Board meeting that includes the hearing of cases related to petitioners seeking the reinstatement of revoked or surrendered licenses, early termination of probation, or reduction in penalty. A petitioner may not earn any continuing education credit for attending a Board meeting on the same day in which the 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.

(5) Participating in Board Examination Development: A licensee who participates as a subject matter expert in a Board workshop for the purpose of development of the California Chiropractic Law Examination shall receive one (1) hour of continuing education credit for each hour of participation, up to a maximum of sixteen (16) hours, in Competency 4: Ethics, Law, and Professional Boundaries, as defined in subdivision (f)(4).

(6) Serving as a National Examiner: A licensee who participates as an examiner for the entire Part IV portion of the National Board of Chiropractic Examiners (NBCE) examinations shall receive a maximum of six (6) hours of continuing education credit for each examination period conducted by the NBCE during the license renewal period. The licensee must retain written certification from NBCE confirming the licensee's participation in their continuing education records.

(7) Teaching Board-approved continuing education: A licensee who teaches a Board-approved continuing education course shall receive one (1) hour of continuing education credit in the applicable competency area for each hour of course instruction.

(8) Completing continuing education coursework that is approved by any of the entities listed below. It shall be the licensee's responsibility to verify and retain proof that the coursework has been approved by one of these entities in their continuing education records.

(A) The California Department of Industrial Relations, Division of Workers' Compensation;

(B) Any healing arts board or bureau within Division 2 of the Business and Professions Code; or

(C) Any organization authorized to approve continuing education by any healing arts board or bureau in Division 2 of the Business and Professions Code.

(e) The following limitations and restrictions apply to the annual continuing education requirement:

(1) Courses in Competency 1: Evaluation and Management and Competency 3: Adjustment, Manipulation, or Technique must be completed through an in-person learning experience or a live and interactive course given via electronic means, as defined in Section 363, subdivision (a)(2) and (3).

(2) A licensee may not earn more than eight (8) hours of continuing education credit per day in any combination of the activities specified in subdivisions (c) and (d).

(3) A licensee may not earn more than twelve (12) hours of continuing education credit through distance learning, as defined in Section 363.1.

(4) A licensee may only earn continuing education credit one time for completing a specific continuing education course during a license renewal period. No additional credit shall be granted to a licensee who repeats a continuing education course during the same renewal period.

(g) (f) Courses approved by the Board shall be limited to the following subject competency areas:

(1) Competency 1: Evaluation and Management. This competency area is defined as instruction in the components of evaluation and management services for new and established patients, including a case-appropriate history; examination; diagnosis; medical decision making; clinical reasoning skills; recognition of contraindications; development, implementation, and monitoring of the treatment and care plan; discussion of risks of proposed care; and receipt of the patient's informed consent.

(2) Competency 2: Documentation, Record Keeping, and Coding. This competency area is defined as instruction in the applicable documentation, record keeping, and coding requirements for patient encounters. Courses in this competency area may include, but are not limited to, instruction in record keeping requirements for evaluation and management services and subsequent patient visits; common documentation methods, such as SOAP and PART; proper selection and application of ICD-10 diagnosis codes and CPT/HCPCS procedure codes; documentation of written and verbal patient informed consent; use of electronic health records; and federal and state laws and regulations related to patient health information privacy and security, such as the Health Information Portability and Accountability Act of 1996 (HIPAA).

(3) Competency 3: Adjustment, Manipulation, or Technique. This competency area is defined as instruction in the assessment of clinical indications, recognition of risk factors, and safe performance of chiropractic adjustment, manipulation, or technique procedures currently recognized and taught by a chiropractic college in a doctor of chiropractic degree program accredited by the Council on Chiropractic Education (CCE) and approved by the Board pursuant to Article 4, Section 330 et seq.

(4) Competency 4: Ethics, Law, and Professional Boundaries. This competency area is defined as instruction in the principles of ethics, chiropractic laws and regulations, and/or professional boundaries and their application to the practice of chiropractic. Courses in this competency area may include, but are not limited to, instruction in ethical issues in healthcare; mandatory reporting requirements; review of applicable state and federal laws and regulations related to the practice of chiropractic in California; professional boundaries and conduct with patients and staff; cultural competence, awareness of implicit biases, and equity issues in healthcare; and/or prevention of abusive conduct, bullying, and sexual harassment.

(5) Competency 5: Electives. This competency area is defined as instruction in general education topics related to the current knowledge, skills, and abilities necessary for competent practice of chiropractic in California. Courses in this competency area may include, but are not limited to, instruction in any of the following:

1. (A) 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. (B) ~~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. (C) 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. (D) 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. (E) Physiotherapy.

~~8. Instruction in (F) Manipulation Under Anesthesia, including the safe handling of patients under anesthesia.~~

~~9. Instruction in the aspects of (G) sSpecial 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. (H) Adverse event avoidance, including reduction of potential malpractice issues.~~

~~13. (I) 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)~~

(~~CL~~) Rehabilitation.

(~~DM~~) 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.~~

NOTE: Authority cited: Sections 4000-4(b) and 4000-4(e), Business and Professions Code ~~(of the~~ Chiropractic Initiative Act of California, Stats. 1923, p. 4xxxviii).

Reference: Sections 4000-4(b) and 4000-10(a), Business and Professions Code ~~(of the~~ Chiropractic Initiative Act of California, Stats. 1923, p. 4xxxviii).

§ 362. Continuing Education Provider Approval, Duties, and Responsibilities.

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

The Executive Officer shall schedule the informal hearing within thirty (30) days of receipt of the appeal request. Within ten (10) days following the informal hearing, the Executive Officer shall provide written notification of ~~his or her~~ their decision to the denied applicant. If the Executive Officer upholds a denial under this section, the applicant may, within thirty (30) days of the date of the Executive Officer's denial notification, request a hearing before the ~~h~~Board to appeal the denial. The Executive Officer shall schedule the requested hearing at a future ~~h~~Board meeting but not later than one hundred eighty (180) days following receipt of the request. Within ten (10) days of the hearing before the ~~h~~Board, the Executive Officer shall provide written notification of the ~~h~~Board's decision to the applicant. The ~~h~~Board's decision shall be the final order in the matter.

(b) As used in this section, a provider is an individual, partnership, corporation, professional association, college, health facility, government agency, or any other entity that has either been:

(1) aApproved by the bBoard pursuant to subdivision (c) to offer bBoard approved continuing education courses to licensees to meet the annual continuing education requirements set forth in Section 361 of these regulations.; or

(2) Recognized by the Federation of Chiropractic Licensing Boards (FCLB) Providers of Approved Continuing Education (PACE) program to provide chiropractic continuing education courses.

(c)(1) To apply to become an Board-approved provider, an applicant shall complete and submit a “New Continuing Education Provider Application” form (Revision date 02/10 Form No. BCE200, Rev. 12/2022), which is hereby incorporated by reference, and pay the application fee specified in Section 360, subdivision (a). Applications for approval shall be submitted to the bBoard office at least thirty (30) days prior to a scheduled bBoard meeting. Providers with applications that are incomplete will be notified of the deficiencies in writing within three (3) weeks from the date of receipt. Complete applications will be reviewed at the scheduled bBoard meeting and notification of the bBoard's decision will be provided in writing within two (2) weeks following the bBoard meeting.

(2) The approval of the provider shall expire two (2) years after it is issued by the bBoard and may be renewed upon the filing of the by completing and submitting a “Continuing Education Provider Renewal Application” form (Revision date 02/10 Form No. BCE201, Rev. 12/2022), which is hereby incorporated by reference, and paying the renewal fee specified in Section 360, subdivision (b) on or before the expiration date of the provider status.

~~(3) Providers who were approved by the board prior to the effective date of this regulation shall renew their provider status two years from June 8, 2011 by filing of the “Continuing Education Provider Application” form (Revision date 02/10) and fee specified in Section 360(b).~~

(43) The bBoard will not process incomplete applications nor applications that do not include the correct application or renewal fee.

(d) All Pproviders of Board-approved continuing education courses shall:

(1) Identify an individual responsible for overseeing all continuing education activities of the provider.

(2) Provide a course roster to the bBoard, within 30 days, upon written request. Course rosters shall include the names of all licensees, license numbers, and e-mail addresses if available. Failure to submit the roster upon written request within thirty (30) days may result in the withdrawal or denial of previous course approval and

withdrawal of provider status. Providers shall maintain the course roster for four (4) years from the date of completion of the course.

(3) Maintain course instructor curriculum vitae or resumes for four (4) years.

(4) Disclose to prospective participants the names of the individuals or organizations, if any, who have underwritten or subsidized the course. Providers may not advertise, market, or display materials or items for sale inside the room while the actual instruction is taking place. Nothing in this section shall be interpreted to prohibit a provider from mentioning a specific product or service solely for educational purposes.

(5) Inform the Board in writing immediately of any substantial changes to the date, time or location of the a course, as specified in Section 363, subdivision (i).

(6) Provide a certificate of completion to licensees within 30 days following completion of the continuing education course. Providers shall retain records of course completion for four (4) years from the date of completion and provide records of completion to the Board within thirty (30) days, upon written request. The certificate shall include the following information:

(A) Name and address of provider.

(B) Course title.

(C) Course approval number.

(D) Date(s) and location of course.

(E) Licensee name.

(F) License number.

(G) Printed name and signature of the provider's designated representative.

(H) Number of hours the licensee earned in continuing education, including the type of mandatory hours, and whether the hours were obtained in-classroom instruction through an in-person learning experience, live and interactive course given via electronic means, or distance learning.

(e) The Executive Officer, after notification, may withdraw the Board's approval or recognition of any continuing education provider specified in subdivision (b) for good cause, including, but not limited to, violations of any provision of the regulation or falsification of information, and shall provide written notification of such action to the provider. The provider may request an informal hearing with the Executive Officer regarding the reasons for withdrawal of approval stated in the Executive Officer's notification. The appeal must be filed within thirty (30) days of the date of the notification. The Executive Officer shall schedule the informal hearing within thirty (30)

days of receipt of the appeal request. Within ten (10) days following the informal hearing, the Executive Officer shall provide written notification of ~~his or her~~ their decision to the provider. If the Executive Officer upholds ~~his or her~~ their decision under this ~~subsection~~ subdivision, the provider may, within thirty (30) days of the date of the Executive Officer's notification, request a hearing before the ~~the~~ Board to appeal the Executive Officer's decision. The Executive Officer shall schedule the requested hearing at a future ~~the~~ Board meeting but not later than one hundred eighty (180) days following receipt of the request. Within ten (10) days of the hearing before the ~~the~~ Board, the Executive Officer shall provide written notification of the ~~the~~ Board's decision to the provider. The ~~the~~ Board's decision shall be the final order in the matter.

NOTE: Authority cited: Sections 4000-4(b) and 4000-4(e), ~~Business and Professions Code (of the~~ Chiropractic Initiative Act of California, Stats. 1923, p. 4xxxviii).

Reference: Sections 4000-4(b) and 4000-10(a), ~~Business and Professions Code (of the~~ Chiropractic Initiative Act of California, Stats. 1923, p. 4xxxviii).

§ 363. Approval of Continuing Education Courses.

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

~~(b) (a)(1) A "course" is defined as an approved program of coordinated instruction in any one of the subject five competency areas as defined in Section 361(g), subdivision (f), and given by an approved Pprovider as specified in Section 362, subdivision (b)(1) or (2). Once approved by the Board, a course may be given any number of times for one year following approval, with the single continuing education course fee paid one time annually by the provider during the three-year approval period. A course may not consist of more than one subject competency area as defined in Section 361(g), subdivision (f).~~

(2) "In-person learning experience" is defined as a synchronous learning format consisting of in-person lectures, in-person workshops, in-person demonstrations, or in-person classroom studies which allow for participatory interaction between the licensee and the instructor during the instructional period at the same time and place.

(3) "Live and interactive courses given via electronic means" is defined as a synchronous learning format consisting of lectures, webinars, workshops, or audio or video conferences delivered via the internet, computer networks, or other technology in real-time which allow for participatory interaction between the licensee and the instructor attending and presenting the content during the instructional period at the same time.

(4) "Distance learning" is defined in Section 363.1, subdivision (a).

(b) To apply for Board approval of a continuing education course, a provider must complete and submit a “New Continuing Education Course Application” form (Form No. BCE202, Rev. 12/2022), which is hereby incorporated by reference, and pay the non-refundable application fee specified in Section 360, subdivision (c)(1), at least 45 days prior to the first date of the course.

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

(1) A detailed course description, including the course learning objectives, participant learning outcomes, course schedule, An hourly breakdown of the continuing education course content with the instructor(s) identified, and learning format(s);

(2) A final copy of the course syllabus/course schedule including seminar containing the course name, date and location of seminar the course, instructor(s) name, course description, educational objectives, teaching methods, course schedule/outline, recommended reading, and disclosure of expenses underwritten or subsidized by vendors of any goods, and supplies or services;

(3) A copy of all advertising and promotional material to be used for the course, including a link to any web-based material brochure and all other promotional material to be used;

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

(5) A completed “Continuing Education Instructor Attestation” form (Form No. BCE203, 12/2022), which is hereby incorporated by reference, for each instructor;

(6) An example of any course examinations that will be administered during or at the conclusion of the course; and

(7) An example of the course certificate of completion that meets the requirements specified in Section 362, subdivision (d)(6).

(d) COURSE APPROVAL PROCESS: Within fifteen (15) days of receipt of an application, the Board’s staff shall review the application package to determine if the application is complete or deficient. Staff shall notify the provider in writing of any deficiencies in the application and provide a deadline of ninety (90) days to resolve the identified deficiencies. If a provider fails to resolve the deficiencies in the application within this timeframe, the application shall be deemed to be abandoned.

Within thirty (30) days of receipt of a complete course application, staff will determine whether to approve or deny the course and issue the determination to the provider in writing notifying the provider of the course approval with the course approval number, expiration of the approval period, number of approved hours, and approved competency area, or the reason(s) for the course denial.

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

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

Within ten (10) days of the hearing before the ~~h~~Board, the Executive Officer shall provide written notification of the ~~h~~Board's decision to the applicant. The ~~h~~Board's decision shall be the final order in the matter.

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

(1) Providers shall ensure the course content and instructional materials are current, relevant, and based on the knowledge, skills, and abilities necessary for the competent practice of chiropractic in California.

(2) Courses shall be taught by instructors with knowledge and expertise in the content presented, as demonstrated on the instructor's curriculum vitae (CV). Instructors shall use a variety of teaching techniques to enhance mastery of knowledge and skills through visual, auditory, and participatory learning pertinent to the competency area and course topic.

(3) Providers shall ensure all courses are offered in a fair, accessible, and unbiased manner that does not unreasonably exclude participants.

~~(4)~~ (4) No more than ~~twelve (12)~~ eight (8) hours of continuing education credit shall be awarded to an individual licensee for coursework completed on a specific date.

~~(2)~~ (5) Each hour of continuing education credit shall be based on at least fifty (50) minutes of participation in an organized learning experience. Class Course breaks shall be at the discretion of the instructor and shall not count towards a course hour.

(6) Providers of courses provided through an in-person learning experience shall furnish a sign-in sheet that contains the course date(s), each licensee's name, license number, and designated space for each licensee to sign in at the beginning and conclusion of the course each day. Furthermore, the form shall state that a licensee by signing their name on that sheet, is declaring under penalty of perjury, that they personally attended the stated course, on the listed date(s) and they personally attended the listed hours of course work. Each licensee shall be responsible for signing the "sign-in sheet" at the start and conclusion of each day's coursework, and failure to do so may invalidate credit for that day's coursework. Providers shall retain sign-in sheets for four (4) years from the date of course completion and shall provide copies to the Board within thirty (30) days upon ~~upon~~ from the date of the Board's written request.

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

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

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

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

(8) Courses in the competency areas of Competency 1: Evaluation and Management and Competency 3: Adjustment, Manipulation, or Technique, as specified in Section 361, subdivision (f)(1) and (3), shall be conducted through an in-person learning experience or a live and interactive course given via electronic means. Courses in these competency areas shall not be approved for distance learning.

(9) Any physical activities conducted during a course must support the curricular objectives of the course. Any unrelated physical activities will not be approved for continuing education credit.

(f) (g) The Board shall not approve the following subjects for continuing education courses that contain the following: financial management, income generation, practice

building, collections, self-motivation, and patient recruitment, business techniques or principles that teach concepts to increase patient visits or patient billings per visit, and/or topics outside the scope of chiropractic as defined in Section 302.

(h) To apply for re-approval of a continuing education course that has been previously approved by the Board pursuant to subdivision (d), a provider must complete and submit an "Application for Re-Approval of a Continuing Education Course" form (Form No. BCE204, 12/2022), which is hereby incorporated by reference, and pay the non-refundable application fee specified in Section 360, subdivision (c)(2).

(g) (i) A provider shall not make any substantive changes to a course without the Board's prior approval. If a provider plans to make a substantive change in the content, amount of hours, promotional material, instructor, date(s), or location(s) of an approved course, he or she the provider shall notify the Board as soon as possible of the changes prior to giving the course. A new application may be required as determined by the Executive Officer.

(h) (j) The Executive Officer, after notification, may withdraw approval of any continuing education course for good cause, including, but not limited to, violations of any provision of this regulation or falsification of information and shall provide written notification of such action to the provider. The provider may request an informal hearing with the Executive Officer regarding the reasons for withdrawal of approval stated in the Executive Officer's notification. The appeal must be filed within thirty (30) days of the date of the notification. The Executive Officer shall schedule the informal hearing within thirty (30) days of receipt of the appeal request. Within ten (10) days following the informal hearing, the Executive Officer shall provide written notification of his or her their decision to the provider. If the Executive Officer upholds his or her their decision under this subsection subdivision, the provider may, within thirty (30) days of the date of the Executive Officer's notification, request a hearing before the Board to appeal the Executive Officer's decision. The Executive Officer shall schedule the requested hearing at a future Board meeting but not later than one hundred eighty (180) days following receipt of the request. Within ten (10) days of the hearing before the Board, the Executive Officer shall provide written notification of the Board's decision to the provider. The Board's decision shall be the final order in the matter.

NOTE: Authority cited: Sections ~~4000-4(b) and 4000-4(e), Business and Professions Code~~ (of the Chiropractic Initiative Act of California, Stats. 1923, p. 4xxxviii).
Reference: Sections ~~4000-4(b) and 4000-10(a), Business and Professions Code~~ (of the Chiropractic Initiative Act of California, Stats. 1923, p. 4xxxviii).

§ 363.1. Distance Learning Courses.

(a) "Distance learning" is defined as a form of asynchronous learning conducted online or outside of a classroom and that does not offer participatory interaction between the licensee and the instructor during the instructional period.

(b) In addition to the applicable requirements of Sections 362 and 363, providers of continuing education courses offered through distance learning formats, including, but not limited to, programs or applications on a data-enabled device, such as a computer, tablet, or smart phone; Internet, manuals, compact disks, digital video, versatile discs, and audio and video tapes, shall meet all of the following:

(a) (1) Disclose course instructors' curriculum vitae or resumes.

(b) (2) Explain the appropriate level of technology required for a student licensee to successfully participate in the course.

(c) (3) Make available technical assistance as appropriate to the format.

(d) (4) Contain security measures to protect the learner's identity, course and related content from unauthorized access.

(e) (5) Establish a deadline for successful completion of the course through a requirement that a licensee must pass a test of the subject matter. The test may include:

(A) An interactive test where the licensee submits answers electronically to the educational provider and receives instant feedback on whether the answer chosen by the licensee is correct and why, and whether the licensee has passed the test; or

(B) Completion of a self-assessment test by the licensee that must be submitted to the provider, graded, and returned to the licensee with the correct answers and an explanation of why the answer chosen by the licensee was correct or incorrect.

~~(f) Review instructional materials annually to ensure the content is current and relevant.~~

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

NOTE: Authority cited: Sections 4000-4(b) and 4000-4(e), ~~Business and Professions Code~~ (of the Chiropractic Initiative Act of California, Stats. 1923, p. 4xxxviii).

Reference: Section 4000-4(b) and 4000-10(a), ~~Business and Professions Code~~ (of the Chiropractic Initiative Act of California, Stats. 1923, p. 4xxxviii).

§ 364. Exemptions and Reduction of from Annual Continuing Education Requirement.

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

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

(b) A new licensee is exempt from continuing education requirements ~~in the year during~~ their period of initial licensure; which is defined as the period of time beginning on the date the license was first issued by the Board and ending on the initial license expiration date.

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

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

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

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

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

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

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

NOTE: Authority cited: Sections 114.3 and 135.5, of the Business and Professions Code; and Section ~~1000-4(b), Business and Professions Code~~ (of the Chiropractic Initiative Act of California, Stats. 1923, p. 4[xxxviii]). Reference: Sections 114.3 and 135.5, of the Business and Professions Code; and Sections ~~1000-4(b), 1000-4(e), and 1000-10, Business and Professions Code~~ (of the Chiropractic Initiative Act of California, Stats. 1923, p. 4[xxxviii]).

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CONTINUING EDUCATION INSTRUCTOR ATTESTATION FORM

This form must be completed by the continuing education instructor and submitted with the New Continuing Education Course Application package.

Instructor's Name:
Name of Continuing Education Provider:
Course Title:

License Information

1. Are you currently, or have you ever, been licensed by the California Board of Chiropractic Examiners?
 - Yes License Number: DC _____
 - No
2. Are you currently, or have you ever, been licensed by another state or federal licensing agency?
 - Yes* No

*If you answered Yes, please provide the following information for each license:

Jurisdiction	License Number	Issue Date (MM/DD/YYYY)	Expiration Date (MM/DD/YYYY)

Criminal and Disciplinary History

3. Have you been convicted of a crime within the past seven years?

- Yes No

4. Have you ever been convicted of a serious felony, as defined in Penal Code section 1192.7, or a crime for which registration is required pursuant to Penal Code section 290, subdivision (d)(2) or (3)?

- Yes No

5. Have you been subjected to formal discipline by any licensing board within the past seven years?

- Yes No

***If you answered “Yes” to Questions 3, 4, and/or 5, please attach a detailed explanation of each criminal conviction and/or disciplinary action to this form.**

Declaration and Signature

I hereby certify that the information provided is true, correct, and complete to the best of my knowledge. I also certify that I personally read and completed this application and have read the instructions.

Instructor’s Signature: _____ **Date:** _____



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Agenda Item 5
December 2, 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 6
December 2, 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.]



**Agenda Item 7
December 2, 2022**

Schedule 2023 Committee Meetings

Purpose of the Item

The Committee will schedule its meetings for 2023.

Action Requested

The Committee will be asked to schedule meetings in spring, summer, and fall 2023.

Background

The next Committee meeting has been scheduled for Wednesday, January 4, 2023, from 12:30 p.m. to 2:30 p.m.

The Board is scheduled to meet on the following dates in 2023:

- Friday, January 20, 2023
- Thursday, April 20, 2023 through Friday, April 21, 2023
- Thursday, July 20, 2023
- Thursday, October 19, 2023 through Friday, October 20, 2023

During this meeting, the Committee will be asked to schedule meetings prior to the April, July, and October 2023 Board meetings.

Please note the following dates are state holidays:

- Monday, February 20, 2023 – Presidents' Day
- Friday, March 31, 2023 – Cesar Chavez Day
- Monday, May 29, 2023 – Memorial Day
- Tuesday, July 4, 2023 – Independence Day
- Monday, September 4, 2023 – Labor Day



BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
DEPARTMENT OF CONSUMER AFFAIRS • CALIFORNIA BOARD OF CHIROPRACTIC EXAMINERS
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Agenda Item 8
December 2, 2022

Adjournment

Time: _____