



NOTICE OF TELECONFERENCE ENFORCEMENT COMMITTEE MEETING

Committee Members

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

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

**Friday, December 9, 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 Enforcement 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=mce34c786c1e3547b5e02d25ae0dc18da>

If joining using the link above

Webinar number: 2495 974 8730
Webinar password: BCE12092022

If joining by phone

+1-415-655-0001 US Toll
Access code: 249 597 48730
Passcode: 22312092

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, December 7, 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 Committee Meeting Minutes**
- 3. Update on Board's Enforcement Program**
- 4. Review, Discussion, and Possible Recommendation Regarding Proposed Regulations for Disciplinary Decisions Involving Sexual Contact with a Patient and Required Actions Against Registered Sex Offenders (add California Code of Regulations [CCR], Title 16, sections 384.1 and 384.2)**
- 5. Review, Discussion, and Possible Recommendation Regarding the Authorized Activities Performed by Unlicensed Individuals within a Chiropractic Practice (amend CCR, Title 16, section 312)**
- 6. Review, Discussion, and Possible Recommendation Regarding Proposal to Amend or Repeal CCR, Title 16, section 354 (Successful Examination)**
- 7. Public Comment for Items Not on the Agenda**
Note: Members of the public may offer public comment for items not on the agenda. However, the Committee may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a).]
- 8. Future Agenda Items**
Note: Members of the Committee and the public may submit proposed agenda items for a future Committee meeting. However, the Committee may not discuss or take action on any proposed matter except to decide whether to place the matter on the agenda of a future meeting. [Government Code Section 11125.]
- 9. Schedule 2023 Committee Meetings**
- 10. 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.

BCE Enforcement Committee Meeting Agenda

December 9, 2022

Page 3

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

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

Telephone: (916) 263-5355

Email: chiro.info@dca.ca.gov

Telecommunications Relay Service: Dial 711

Mailing Address:

Board of Chiropractic Examiners

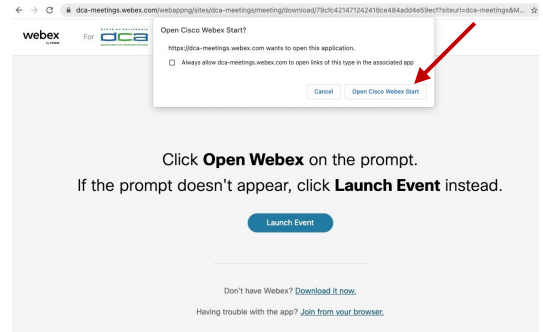
1625 N. Market Blvd., Suite N-327

Sacramento, CA 95834

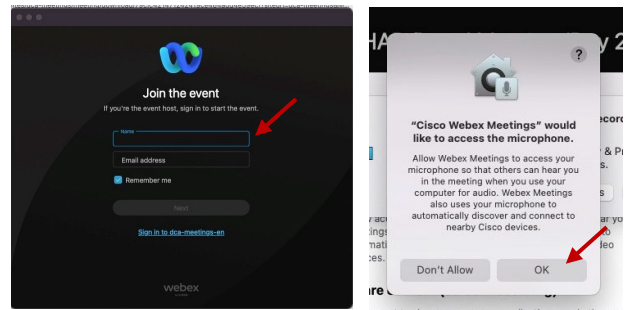
Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

If joining using the meeting link

- 1 Click on the meeting link. This can be found in the meeting notice you received.
- 2 If you have not previously used Webex on your device, your web browser may ask if you want to open Webex. Click "Open Cisco Webex Start" or "Open Webex", whichever option is presented. DO NOT click "Join from your browser", as you will not be able to participate during the meeting.



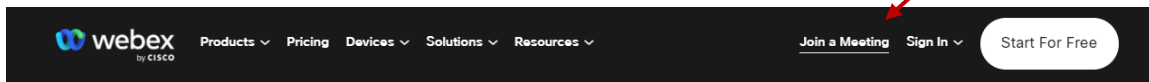
- 3 Enter your name and email address. Click "Join as a guest". Accept any request for permission to use your microphone and/or camera.



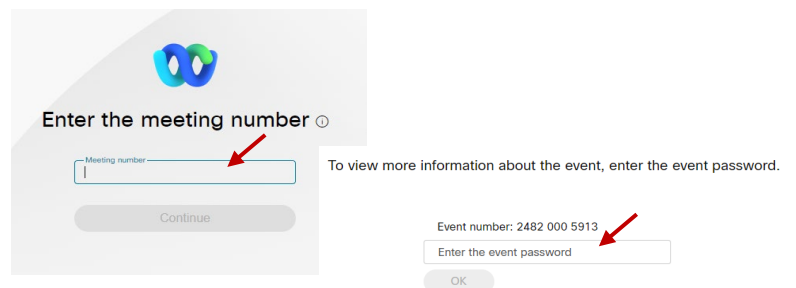
OR

If joining from Webex.com

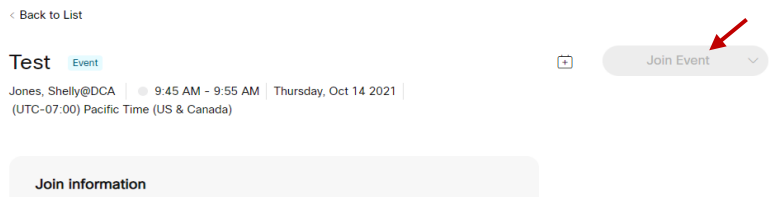
- 1 Click on "Join a Meeting" at the top of the Webex window.



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



- 3 The meeting information will be displayed. Click "Join Event".



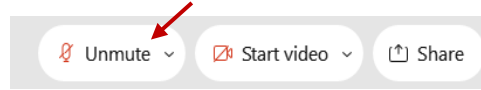
OR

Connect via telephone*:

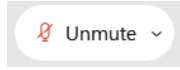
You may also join the meeting by calling in using the phone number, access code, and passcode provided in the meeting notice.

Microphone

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

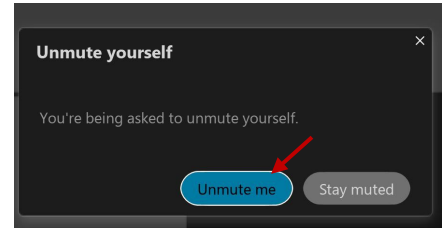


Green microphone = Unmuted: People in the meeting can hear you.



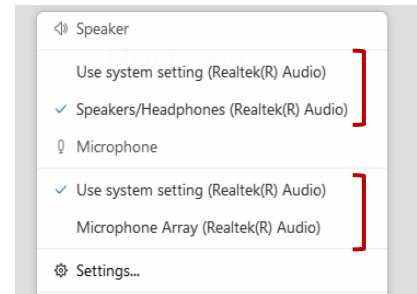
Red microphone = Muted: No one in the meeting can hear you.

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



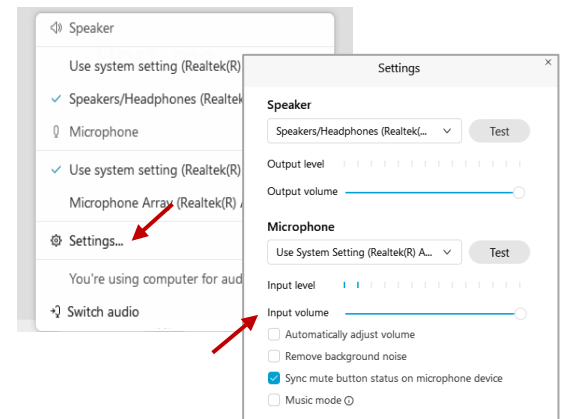
If you cannot hear or be heard

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



If your microphone volume is too low or too high

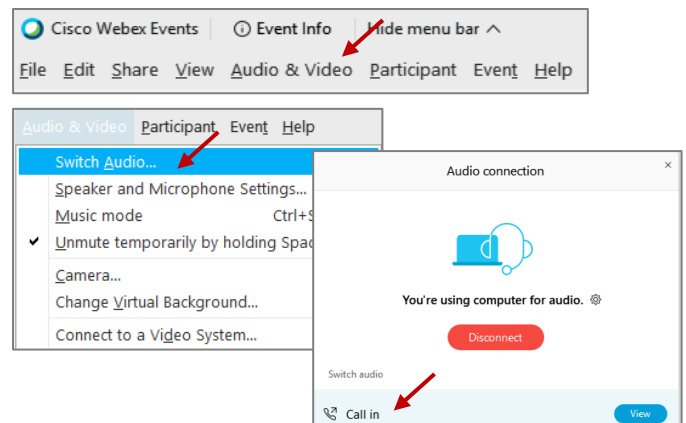
- 1 Locate the command row – click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window:
 - Click on "Settings...":
 - Drag the "Input Volume" located under microphone settings to adjust your volume.



Audio Connectivity Issues

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

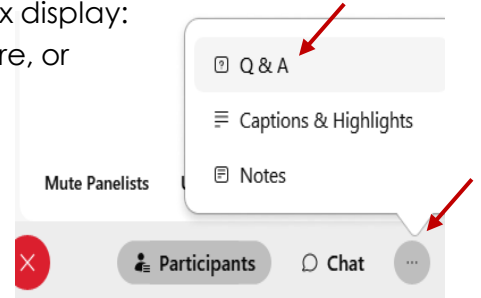
- 1 Click on "Audio & Video" from the menu bar.
- 2 Select "Switch Audio" from the drop-down menu.
- 3 Select the "Call In" option and following the directions.



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.*

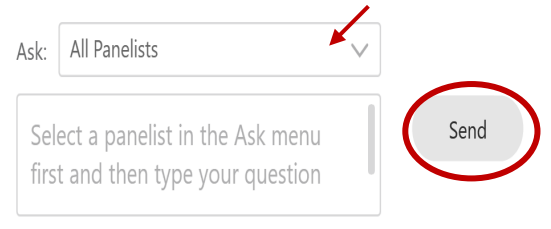
1 Access the Q&A panel at the bottom right of the Webex display:

- 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”.



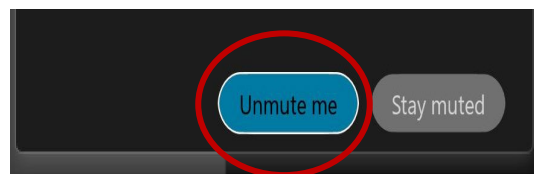
OR

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.

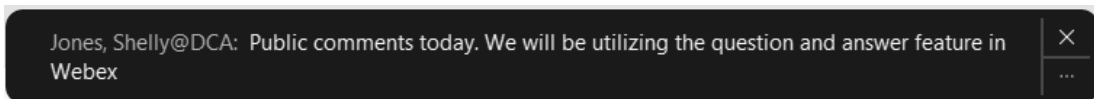


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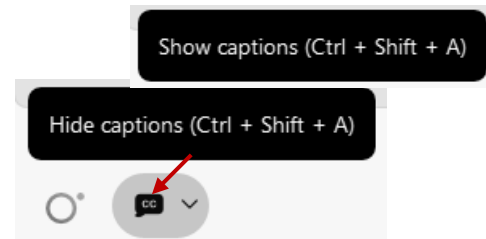
If connected via telephone:

- Press *3 to unmute your microphone.

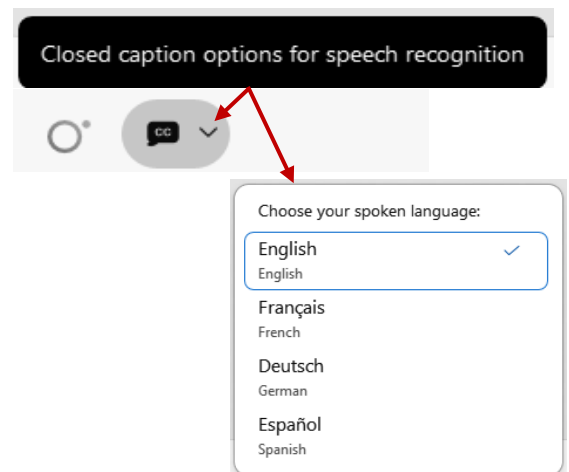
Webex provides real-time closed captioning displayed in a dialog box on your screen. The captioning box can be moved by clicking on the box and dragging it to another location on your screen.



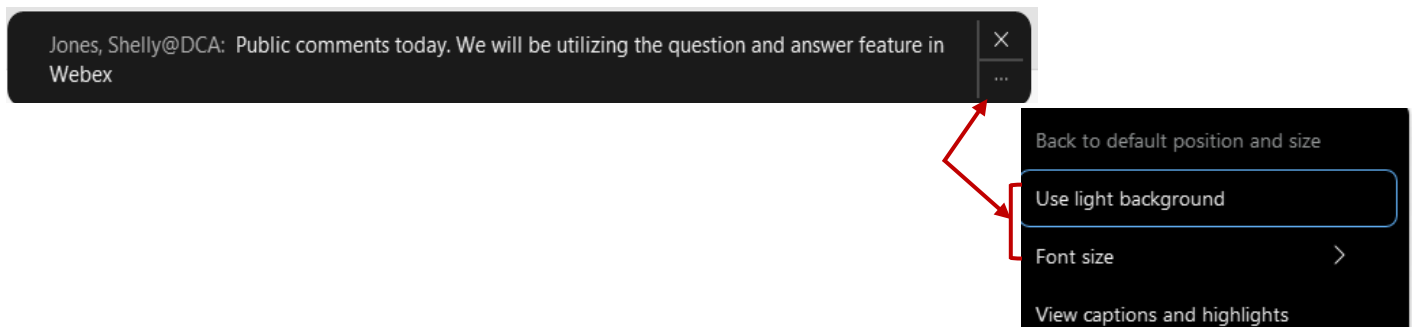
The closed captioning can be hidden from view by clicking on the closed captioning icon. You can repeat this action to unhide the dialog box.



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.





Agenda Item 1
December 9, 2022

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

Purpose of the Item

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

Committee Members

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



**Agenda Item 2
December 9, 2022**

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

Purpose of the Item

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

Action Requested

The Committee will be asked to make a motion to approve the October 6, 2022 Committee meeting minutes.

Attachment

- October 6, 2022 Enforcement Committee Meeting Minutes (Draft)



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

In accordance with the statutory provisions of Government Code section 11133, the Enforcement 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

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

Staff Present

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

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

Dr. Adams called the meeting to order at 2:36 p.m. Dr. Paris called the roll. All members were present, and a quorum was established.

2. Review and Possible Approval of December 3, 2021 Committee Meeting Minutes

Motion: Mr. Sweet moved to approve the minutes of the December 3, 2021 Enforcement Committee meeting.

Second: Dr. Paris seconded the motion.

Discussion: None.

Public Comment: None.

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

Motion: Carried.

3. Update on Board's Enforcement Program

Ms. Walker provided an update on the Board's Enforcement Program. She indicated staff has been working to finalize the recruitment announcement for expert witnesses and shared a proposed timeline for the Committee to conduct interviews with qualified applicants and make final selections in spring 2023. She informed the Committee that Senate Bill 1434 (Roth, Chapter 623, Statutes of 2022) was signed by Governor Newsom and becomes effective on January 1, 2023. She explained this bill will strengthen the existing patient notification requirement for licensees placed on probation by the Board by removing specified exemptions.

Ms. Walker updated the Committee on the regulatory proposals that affect the Enforcement Program, including the: 1) Delegation of Authority and Citation Program package, which clarifies role of the Assistant Executive Officer as the Executive Officer's designee and also ensures the Board's citation program is consistent with the provisions of Business and Professions Code (BPC) section 125.9; 2) proposal to update the Board's *Disciplinary Guidelines* and implement the Uniform Standards for Substance Abusing Licensees; 3) collection of regulatory proposals related to the Consumer Protection Enforcement Initiative (CPEI); and 4) updates to the Board's record keeping requirements.

Ms. Walker also shared that enforcement staff has been working DCA's Organizational Improvement Office (OIO) on a project to review and update its enforcement processes and identify strategies to improve productivity, reduce timeframes, and provide excellent customer service to those involved in the complaint process. She also provided the Committee with a comparison of Enforcement Program statistics for fiscal years 2017-18 through 2021-22.

Mr. Sweet asked who will be conducting the expert recruitment training sessions and about the content that will be covered during those sessions. Ms. Walker explained the Attorney General's office will deliver the majority of the training and noted their Licensing Section has a robust program for training experts on expert witness testimony and report writing.

Public Comment: None.

4. Review, Discussion, and Possible Recommendation Regarding Proposed Changes to the Record Keeping and Retention Requirements for Chiropractic Patient Records (California Code of Regulations [CCR], Title 16, section 318)

Ms. Pitto informed the Committee that the Board's current record keeping regulation – CCR, title 16, section 318 – does not: 1) specify the necessary documentation for the patient history, complaint, diagnosis/analysis, and treatment; 2) differentiate between an initial patient encounter and an established patient visit; or 3) address the retention or transfer of patient records following the closure or sale of a practice due to the

retirement, discipline, or death of a licensee. She asked the Committee to continue the discussion regarding the appropriate record keeping requirements for licensees, provide feedback and direction to staff, and consider selecting a Committee member to work directly with staff on this issue.

Dr. Paris opined that the Colorado record keeping regulations are well-defined between an initial patient visit and an established patient visit and suggested those regulations may be a good model for consideration. Dr. Adams concurred with Dr. Paris, and also shared that in his experience, many patients visit a chiropractic practice to maintain their wellness and may not necessarily have a chief complaint. Dr. Adams emphasized the importance of ensuring any proposed requirements reflect the various types of patient encounters. Dr. Paris commented that providers still typically use a standard documentation method, such as SOAP (subjective, objective, assessment, and plan) or another model, to document the patient visit regardless of whether the patient has a chief complaint or any new findings between visits.

Mr. Sweet agreed that the Colorado regulations are well-defined and asked if those documentation and retention requirements would be burdensome for providers to implement. Dr. Adams replied that it should not be an issue as chiropractic offices often have a significant volume of records and noted that digitization of records has significantly increased within the profession and drastically reduces physical storage needs.

Motion: Mr. Sweet moved to direct staff to prepare proposed language to amend CCR, title 16, section 318 to address current record keeping requirements and the retention of records following the death of a licensee or the sale of a practice, with Dr. Paris identified to assist staff with the technical components of the language, and present the proposed language to the Committee for review and discussion at a future meeting.

Second: Dr. Adams seconded the motion.

Public Comment: None.

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

Motion: Carried.

5. Review, Discussion, and Possible Recommendation Regarding Proposed Changes to the Board's *Disciplinary Guidelines and Model Disciplinary Orders* and Implementation of the Uniform Standards for Substance Abusing Licensees (CCR, Title 16, section 384)

Ms. Walker provided background information on the proposal to amend the Board's *Disciplinary Guidelines* and implement the Uniform Standards for Substance Abusing

Licensees. She explained BPC section 315 established the DCA Substance Abuse Coordination Committee and required the Committee to formulate uniform and specific standards that each healing arts board shall use in dealing with substance abusing licensees. Through this proposal, the Board is seeking to implement those standards by regulation and make necessary updates to the *Disciplinary Guidelines* to enhance its disciplinary penalties and strengthen public protection.

Ms. Walker shared that staff has been working on updates to the standard and optional conditions of probations within the *Disciplinary Guidelines* to increase the effectiveness of its probation program. She provided an overview of the proposed changes, which, in addition to clarifying the language, include:

1. Adding new standard conditions of probation requiring probationers to maintain a current and active license, reimburse the Board for its probation monitoring costs, practice a minimum of 24 hours per week while on probation, not serve as a continuing education (CE) instructor while on probation, file their current contact information and employment status, and notify their patients of their probation status;
2. Adding new optional conditions of probation for the Part IV national examination, ethics and boundaries essay examination, and limitations on practice locations; and
3. Strengthening the optional conditions of probation for practice monitoring and third-party chaperone requirements.

Mr. Sweet asked for clarification on the basis and rationale for the proposed additions and changes to the conditions of probation. Ms. Walker replied that the proposed changes are based on similar requirements other healing arts boards have implemented, challenges the Board has faced in its disciplinary cases, and opportunities to further strengthen the probation monitoring program.

Dr. Adams asked for additional information regarding the proposed condition for probationers to pay the costs of monitoring. Ms. Walker explained this idea was being presented to the Committee for initial discussion and the purpose would be to help shift the burden of paying for probation monitoring activities from the general licensing population to the specific probationers whose conduct warranted monitoring by the Board. Dr. Adams shared his support for the idea of recovering the direct costs of the time spent on probation monitoring. Mr. Sweet concurred.

Dr. Paris inquired about the potential need to include “postceptor” arrangements (postgraduate intern experiences) in the language. Ms. Walker clarified that although the Board’s regulations only address a “preceptor” program, some chiropractic colleges allow graduates to remain temporarily enrolled to participate in a “postceptor” program.

She confirmed the language in the *Disciplinary Guidelines* would prohibit a licensee on probation from serving as the intern's supervisor in either of those scenarios.

Dr. Paris suggested prohibiting a licensee on probation in any state from serving as a CE instructor, broadening the language for the ethics and boundaries assessment to allow the utilization of equivalent examinations as approved by the Board, and adding language to the community service condition to prohibit the probationer from completing their service with an organization if they have a financial, personal, or business relationship.

Ms. Walker thanked the Committee members for their feedback on the proposed changes to the conditions of probation and explained staff will incorporate their comments into the draft language and develop recommended changes to the minimum and maximum penalties for specific violations for the Committee's discussion at a future meeting.

Public Comment: A caller identified as Dr. Vy asked if the regulations could be updated to require counseling to figure out what led to the event that resulted in disciplinary action, as there are many programs that could help and there are many great teachers with disciplinary actions. Dr. Vy also asked if someone could continue to hold seminars if they are not the instructor and if participants would get credit for the seminars. In response, Ms. Knight informed Dr. Vy that those types of rehabilitative efforts may be imposed as optional terms depending on the specific facts of a case.

Dr. Paris asked about a voluntary option for treatment of substance abusing licensees be made available prior to any discipline being imposed. Ms. Walker clarified that some healing arts boards have a diversion program for this purpose and offered to provide additional information on diversion programs to the Committee at a future meeting.

Christopher Greene, D.C. stated he served as a practice monitor for several states and believes clarification to the monitoring program requirements and expectations would be very beneficial. He shared that one of the challenges for a monitor is knowing how to structure a report and what the Board expects the monitor to review. Dr. Greene also commented that there are training programs for chaperones and although the chaperone could be a staff member, the chaperone should not: 1) serve dual purposes; 2) be allowed to leave the room; or 3) be a family member.

6. Review, Discussion, and Possible Recommendation Regarding Proposed Regulations for Disciplinary Decisions Involving Sexual Contact with a Patient and Required Actions Against Registered Sex Offenders (add CCR, Title 16, sections 384.1 and 384.2)

Ms. Pitto explained on August 29, 2016, as part of the comprehensive CPEI regulatory package, the Board had approved proposed language to add CCR, title 16, sections

390.7 and 390.8, and staff subsequently renumbered these proposed sections as 384.1 and 384.2 to place them within the disciplinary portion of the Board's regulations.

Ms. Pitto stated the proposed section 384.1 (Sexual Contact with Patient) would require any proposed decision or decision that contains a finding of fact that a licensee engaged in any act of sexual contact, as defined in BPC section 729, subdivision (c), to contain an order of revocation, and a proposed decision shall not contain a stay of the revocation. She also informed the Committee that the proposed section 384.2 (Required Actions Against Sex Offenders) would require the Board to deny an application for licensure or revoke a license for an individual who is required to register as a sex offender, and would prohibit the Board from reinstating or reissuing the individual's license, issuing a stay of revocation, or placing the license on probation. Ms. Pitto asked the Committee to review and discuss the previously approved language and provide feedback to staff on whether any additional changes should be made.

Dr. Paris asked if the proposed section 384.2 would remove the Board's discretion for someone who was convicted and is currently registered as a sex offender. Ms. Walker confirmed the proposed language, as drafted, would eliminate the Board's discretion in those circumstances. Dr. Adams raised his concerns with removing the Board's discretion and provided an example of circumstances where it may not be necessary to deny an application or revoke a license to protect the public. Dr. Paris and Mr. Sweet agreed with Dr. Adams' concerns.

Ms. Walker informed the Committee that staff will gather additional information on the tiers of registration for sex offenders and similar regulations by other healing arts boards and report back to the Committee for further discussion.

Public Comment: None.

7. Public Comment for Items Not on the Agenda

Public Comment: None.

8. Future Agenda Items

Dr. Paris indicated the Continuing Education Committee was referring the issue of petitioners repeating the same continuing courses for credit to the Enforcement Committee and suggested adding this topic to a future agenda.

Dr. Adams proposed discussing a requirement for petitioners to pass Part IV of the National Board of Chiropractic Examiners (NBCE) examination.

Ms. Walker explained the Committee will be discussing the petition process as part of the CPEI regulatory proposals and suggested including those two items during that discussion. Drs. Adams and Paris concurred.

Public Comment: A caller identified as Dr. Vy inquired about obtaining CE credit for attending Board meetings. Ms. Walker informed her that the Board's regulations only allow CE credit for attendance at a Board meeting that also includes petition hearings on the same agenda.

9. Adjournment

Dr. Adams adjourned the meeting at 4:25 p.m.

DRAFT



**Agenda Item 3
December 9, 2022**

Update on Board's Enforcement Program

Purpose of the Item

The Executive Officer and Board staff will provide the Committee with an update on the Board's Enforcement 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 December 5, 2022 Memo to Committee Members Regarding Enforcement Program Activities and Statistics

MEMORANDUM

Agenda Item 3 Attachment

DATE	December 5, 2022
TO	Members of the Board of Chiropractic Examiners' Enforcement Committee
FROM	Kristin Walker, Executive Officer
SUBJECT	Update on Board's Enforcement Program

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

2022–2026 Strategic Plan

At the October 27, 2022 meeting, the Board adopted its 2022–2026 strategic plan. On November 29-30, 2022, and December 5, 2022, BCE staff participated in action planning sessions with the Department of Consumer Affairs (DCA) SOLID Training and Planning Solutions to identify the specific tasks and actions that staff will take to implement each objective within the strategic plan.

Expert Recruitment

The Enforcement Committee worked with staff to enhance BCE's expert witness selection criteria, standards, process, training materials, and application. Staff also compiled a sample case and obtained sample reports from three experts, and plans to use this information to create an expert report template and as a baseline to evaluate the writing samples that will be submitted by applicants.

In December 2022, BCE will begin the recruitment process for additional expert witnesses for the Enforcement Program with plans to finalize the selections, execute contracts with selected applicants, and conduct a training session in spring 2023.

Legislation Affecting the Board

[Senate Bill 1434 \(Roth, Chapter 623, Statutes of 2022\)](#) State Board of Chiropractic Examiners. This bill requires the Board to: 1) be subject to review by the appropriate policy committees of the Legislature as if the practice act was scheduled to be repealed on January 1, 2027; and 2) include the telephone numbers and email addresses of licensees in the Board's directory and require licensees to immediately notify the Board of a change of contact information. In addition, this bill removes specified exemptions from the probation status disclosure requirement for licensees placed on probation by

the Board. This bill also implements an updated fee schedule for the Board and directs the Board to submit a report to the Legislature that contains an update on the status of the Board's license fee structure and whether the Board needs to consider plans for restructuring its license fees.

Proposed Regulations Affecting the Enforcement Program

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

Disciplinary Guidelines and Uniform Standards for Substance Abusing Licensees (CCR, Title 16, Section 384): Staff has been developing a regulatory proposal to update the *Disciplinary Guidelines and Model Disciplinary Orders* and implement the Uniform Standards for Substance Abusing Licensees, and has determined that additional changes are necessary prior to proceeding with the regulatory process. Staff plans to collaborate with DCA regulatory legal counsel to make necessary updates and revisions to BCE's *Disciplinary Guidelines* and present proposed language to amend CCR, title 16, section 384, incorporate the revised *Disciplinary Guidelines* by reference, and implement the Uniform Standards to the Enforcement Committee, and ultimately the Board, for review and discussion at future meetings in 2023.

Proposals Related to Consumer Protection Enforcement Initiative (CPEI): These regulatory proposals will add or amend 12 sections of BCE's regulations to establish stricter reporting and disclosure requirements for licensees and applicants and increase BCE's enforcement authority. Staff had been working on a single CPEI regulation package and determined that additional changes are necessary to portions of the proposed language prior to proceeding with the regulatory process. To expeditiously move this proposal forward, BCE has divided this proposal into six smaller regulation packages grouped by general topic. Staff is developing each of these proposals for presentation to the Licensing Committee or Enforcement Committee, and ultimately the Board, for review and discussion at future meetings in 2023.

Record Keeping Requirements for Chiropractic Patient Records, Including Retention and Disposition of Records Upon Closure of Practice or Death/Incapacity of Licensee (Amend CCR, Title 16, Section 318): This proposal will update the record keeping requirements to specify the necessary documentation for the patient history, complaint, diagnosis/analysis, and treatment and to differentiate between an initial patient encounter and an established patient visit. In addition, this

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

Review of Enforcement Processes

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

Statistics

The tables below compare the annual Enforcement Program data from fiscal year 2022-23 (as of November 30, 2022) to the prior four fiscal years.

Complaints

Description	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23*
Complaints Received	642	785	474	507	187
Pending Complaints	592	594	511	360	439
Closed: No Violation	38	115	36	65	26
Closed: Insufficient Evidence	63	76	106	159	23
Closed with Merit	56	65	45	32	7
Closed: Letter of Admonishment	62	279	6	24	1

Citations

Description	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23*
Citations Issued	28	111	34	37	4
Total Fines Assessed	\$25,200	\$71,850	\$48,250	\$58,500	\$8,500
Total Fines Collected	\$29,104	\$64,820	\$35,635	\$37,126	\$17,871

Accusations

Description	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23*
Accusations Filed	23	19	28	53	7
Pending Cases	47	59	97	107	76

Disciplinary Cases Closed

Description	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23*
License Revoked	13	4	4	14	2
Revocation Stayed: Probation	14	2	8	13	11
Rev. Stayed: Susp. / Probation	0	1	1	0	0
Voluntary Surrender of License	15	5	5	13	2
Dismissed/Withdrawn	2	0	1	4	3

Statements of Issues

Description	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23*
SOI Filed	1	0	2	0	0
Withdrawn	2	0	1	0	0
Denied	1	1	1	0	0
Granted	0	0	0	0	0
Probationary License	1	0	0	0	0

Petitions for Reconsideration

Description	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23*
Filed	1	3	0	1	2
Granted	0	0	0	0	0
Denied	1	3	0	1	2

Petitions for Reinstatement of License

Description	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23*
Filed	3	8	5	3	1
Granted	0	2	0	1	0
Denied	8	5	1	7	2

Petitions for Early Termination of Probation

Description	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23*
Filed	1	1	1	2	0
Granted	0	0	0	0	1
Denied	1	2	1	3	0

Petitions for Modification of Probation

Description	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23*
Filed	0	2	1	0	0
Granted	0	2	1	0	0
Denied	0	0	0	1	0

Petitions by Board to Revoke Probation

Description	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23*
Filed	7	2	1	1	1
License Revoked	4	2	1	0	0

Probation Cases

Description	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23*
Active Probationers	80	67	61	64	69



**Agenda Item 4
December 9, 2022**

Review, Discussion, and Possible Recommendation Regarding Proposed Regulations for Disciplinary Decisions Involving Sexual Contact with a Patient and Required Actions Against Registered Sex Offenders (add California Code of Regulations [CCR], Title 16, sections 384.1 and 384.2)

Purpose of the Item

The Committee will review and discuss the regulatory proposal regarding disciplinary decisions involving sexual contact with a patient and required actions against sex offenders.

Action Requested

The Committee will be asked to continue the discussion regarding this regulatory proposal and consider making a recommendation to the Board.

Background

At the August 29, 2016 Board meeting, as part of the comprehensive Consumer Protection Enforcement Initiative (CPEI) regulatory package, the Board approved proposed language to add sections 390.7 and 390.8 to title 16 of the California Code of Regulations (CCR).

During the December 16, 2021 Board meeting, the Board voted to divide the CPEI regulation package into six packages grouped by topic. Sections 390.7 and 390.8 were grouped together. Staff subsequently renumbered these proposed sections as 384.1 and 384.2 to place them within the Board's discipline regulations.

Add CCR, Title 16, Section 384.1 (Sexual Contact with Patient)

This regulation would require any proposed decision or decision that contains any finding of fact that a licensee engaged in any act of sexual contact, as defined in Business and Professions Code (BPC) section 729, subdivision (c), to contain an order of revocation. A proposed decision shall not contain a stay of the revocation.

BPC section 729, subdivision (c)(3) and (4), states:

“(3) ‘Sexual contact’ means sexual intercourse or the touching of an intimate part of a patient for the purpose of sexual arousal, gratification, or abuse.

“(4) ‘Intimate part’ and ‘touching’ have the same meanings as defined in [Section 243.4 of the Penal Code.](#)”

Add CCR, Title 16, Section 384.2 (Required Actions Against Sex Offenders)

This regulation would require the Board to deny an application for licensure or revoke a license for an individual who is required to register as a sex offender pursuant to Penal Code section 290, or an equivalent law in another jurisdiction. This section would prohibit the Board from reinstating or reissuing the individual’s license, issuing a stay of revocation, or placing the license on probation.

At this meeting, staff will provide the Committee with an overview of the current three-tier sex offender registration system that became effective on January 1, 2021 through [Senate Bill 384 \(Chapter 541, Statutes of 2017\)](#) and regulations by other Department of Consumer Affairs healing arts boards related to sexual contact with a patient and registered sex offenders.

Following the staff presentation, the Committee will be asked to continue its discussion of this regulatory proposal.

Attachments

1. Proposed Language to Add California Code of Regulations, Title 16, Sections 384.1 and 384.2 (Previously Proposed as New Sections 390.7 and 390.8)
2. Regulations by the Physical Therapy Board of California – California Code of Regulations, Title 16, Sections 1399.15 (Guidelines for Issuing Citations and Imposing Discipline) and 1399.23 (Required Actions Against Registered Sex Offenders)

Proposed Language to Add California Code of Regulations, Title 16, Sections 384.1 and 384.2 (Previously Proposed as New Sections 390.7 and 390.8)

(as approved by the Board of Chiropractic Examiners on August 29, 2016)

§ 384.1. Sexual Contact With Patient.

Except as otherwise provided, any proposed decision or decision issued in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, that contains any finding of fact that the licensee engaged in any act of sexual contact, as defined in subdivision (c)(3) of Section 729 of the Business and Professions Code, shall contain an order of revocation. A proposed decision shall not contain a stay of the revocation.

NOTE: Authority cited: Sections 1000-4(b) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii).

Reference: Sections 1000-4(b) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii).

§ 384.2. Required Actions Against Registered Sex Offenders.

(a) Except as otherwise provided, with regard to an individual who is required to register as a sex offender pursuant to Section 290 of the Penal Code, or the equivalent in another state or territory, under military law, under federal law, or by a foreign government, or any other jurisdiction or province thereof, the board shall be subject to the following requirements:

(1) The board shall deny an application by the individual for licensure in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(2) If the individual is licensed under (Chiropractic Initiative Act of California) the board shall promptly revoke the license of the individual in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. The board shall not stay the revocation nor place the license on probation.

(3) The board shall not reinstate or reissue the individual's license. The board shall not issue a stay of license denial nor place the license on probation.

(b) This section shall not apply to any of the following:

(1) An individual who has been relieved under Section 290.5 of the Penal Code of his or her duty to register as a sex offender, or whose duty to register has otherwise

been formally terminated under California law or the law of the jurisdiction that requires his or her registration as a sex offender, provided, however, that nothing in this paragraph shall prohibit the board from exercising its discretion to deny or discipline a license under any other provision of state law.

(2) An individual who is required to register as a sex offender pursuant to Section 290 of the Penal Code solely because of a misdemeanor conviction under Section 314 of the Penal Code. However, nothing in this paragraph shall prohibit the board from exercising its discretion to deny or discipline a license under any other provision of state law based upon the licensee's conviction under Section 314 of the Penal Code.

(3) Any administrative adjudication proceeding under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code that is fully adjudicated prior to [insert effective date]. A petition for reinstatement of a revoked or surrendered license shall be considered a new proceeding for purposes of this paragraph, and the prohibition against reinstating a license to an individual who is required to register as a sex offender shall be applicable.

NOTE: Authority cited: Sections 1000-4(b) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii).
Reference: Sections 1000-4(b) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii).

§ 1399.15. Guidelines for Issuing Citations and Imposing Discipline.

16 CA ADC § 1399.15

Barclays Official California Code of Regulations

Barclays California Code of Regulations

Title 16. Professional and Vocational Regulations

Division 13.2. Physical Therapy Board of California

Article 8. Enforcement Actions, Discipline and Reinstatement of License

16 CCR § 1399.15

§ 1399.15. Guidelines for Issuing Citations and Imposing Discipline.Currentness

(a) In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the Board shall consider the “Guidelines for Issuing Citations and Imposing Discipline”, (Revised April, 2022, 7th Edition; hereafter, “Guidelines”) which are hereby incorporated by reference. Subject to paragraph (c), deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the Board, in its sole discretion, determines that the facts warrant such a deviation--for example: The presence of mitigating or aggravating factors; the age of the case; evidentiary problems.

(b) Notwithstanding the Guidelines, any proposed decision issued in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code that contains any finding of fact that the licensee engaged in any act of sexual contact, as defined in subdivision (c) of Section 729 of the Code, with a patient, or any finding that the licensee has committed a sex offense or been convicted of a sex offense, shall contain an order revoking the license. The proposed decision shall not contain an order staying the revocation of the license.

As used in this section, the term “sex offense” shall mean any of the following:

- (1) Any offense for which registration is required by Section 290 of the Penal Code or a finding that a person committed such an offense.
- (2) Any offense defined in Sections 261.5, 313.1, 647, subdivisions (a) or (d), or 647(b) of the Penal Code or a finding that a person committed such an offense.
- (3) Any attempt to commit any of the offenses specified in this section.
- (4) Any offense committed or attempted in any other state or against the laws of the United States which, if committed or attempted in this state, would be punishable as one or more of the offenses specified in this section.

(c) If the conduct found to be a violation involves drugs, alcohol, or both, and the individual is permitted to practice under conditions of probation, a clinical diagnostic evaluation shall be ordered as a condition of probation in every case, without deviation.

- (1) Each of the “Conditions Applying the Uniform Standards,” as set forth in the Guidelines, shall be included in any order subject to this subsection, but may be imposed contingent upon the outcome of the clinical diagnostic evaluation.
- (2) The Substance Abuse Coordination Committee’s “Uniform Standards Regarding Substance-Abusing Healing Arts Licensees” (Revised March 2019; hereafter, “Uniform Standards”), which are hereby incorporated by reference, shall be used in applying the probationary conditions imposed pursuant to this subsection.

(d) Nothing in this section shall prohibit the Board from imposing additional terms or conditions of probation in any order that the Board determines would provide greater public protection.

Credits

NOTE: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 315, 315.2, 315.4, 2660, 2660.1, 2660.2, 2661 and 2661.5, Business and Professions Code; and Sections 11400.20 and 11425.50(e), Government Code.

HISTORY

1. New section filed 6-25-97; operative 7-1-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 26).

2. Amendment of section heading, section and NOTE filed 8-25-2005; operative 9-24-2005 (Register 2005, No. 34).
3. Amendment of section and document "Model Guidelines for Issuing Citations and Imposing Discipline" (incorporated by reference) filed 8-5-2009; operative 9-4-2009 (Register 2009, No. 32).
4. Amendment of section and NOTE filed 1-22-2013; operative 4-1-2013 (Register 2013, No. 4).
5. Amendment of section and NOTE filed 7-30-2014; operative 10-1-2014 (Register 2014, No. 31).
6. Change without regulatory effect relocating and amending article 8 heading from preceding section 1399.20 to preceding section 1399.15 filed 9-21-2015 pursuant to section 100, title 1, California Code of Regulations (Register 2015, No. 39).
7. Amendment of the "Guidelines for Issuing Citations and Imposing Discipline" (incorporated by reference), amendment of subsections (a), (b)(2) and (c)(2) and amendment of NOTE filed 1-28-2022; operative 4-1-2022 (Register 2022, No. 4).
8. Change without regulatory effect amending the "Guidelines for Issuing Citations and Imposing Discipline" (incorporated by reference) and amending subsections (a) and (b)(2) filed 5-23-2022 pursuant to section 100, title 1, California Code of Regulations (Register 2022, No. 21).

This database is current through 11/18/22 Register 2022, No. 46.

Cal. Admin. Code tit. 16, § 1399.15, 16 CA ADC § 1399.15

END OF DOCUMENT



[Home](#) [Table of Contents](#)**§ 1399.23. Required Actions Against Registered Sex Offenders.**

16 CA ADC § 1399.23

Barclays Official California Code of Regulations

Barclays California Code of Regulations

Title 16. Professional and Vocational Regulations

Division 13.2. Physical Therapy Board of California

Article 8. Enforcement Actions, Discipline and Reinstatement of License

16 CCR § 1399.23

§ 1399.23. Required Actions Against Registered Sex Offenders.[Currentness](#)

(a) Except as otherwise provided, if an individual is required to register as a sex offender pursuant to Section 290 of the Penal Code, or the equivalent in another state or territory, or military or federal law, the Administrative Law Judge shall, in a Proposed Decision:

(1) Promptly revoke the license of the individual, in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and not stay the revocation nor place the license on probation.

(2) Not reinstate or reissue the individual's license.

(b) This section shall not apply to any of the following:

(1) An individual who has been relieved under Section 290.5 of the Penal Code of his or her duty to register as a sex offender, or whose duty to register has otherwise been formally terminated under California law or the law of the jurisdiction that required registration, provided, however, that nothing in this paragraph shall prohibit the board from exercising its discretion to discipline a licensee under any other provision of state law.

(2) An individual who is required to register as a sex offender pursuant to Section 290 of the Penal Code solely because of a misdemeanor conviction under Section 314 of the Penal Code; provided, however, that nothing in this paragraph shall prohibit the board from exercising its discretion to discipline a licensee under any other provision of state law based upon the licensee's conviction under section 314 of the Penal Code.

(c) Any administrative proceeding that is fully adjudicated prior to the effective date of this regulation shall not be subject to the provisions of this section. A petition for reinstatement of a revoked or surrendered license shall be considered a new proceeding for purposes of this paragraph, and the prohibition in subdivision (a) against reinstating a license shall govern.

Credits

NOTE: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2602, 2608, 2660, 2660.1, 2660.2, 2660.5 and 2661, Business and Professions Code.

HISTORY

1. New section filed 7-17-2012; operative 8-16-2012 (Register 2012, No. 29).

2. Change without regulatory effect amending NOTE filed 7-6-2017 pursuant to section 100, title 1, California Code of Regulations (Register 2017, No. 27).

This database is current through 11/18/22 Register 2022, No. 46.

Cal. Admin. Code tit. 16, § 1399.23, 16 CA ADC § 1399.23

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**Agenda Item 5
December 9, 2022**

**Review, Discussion, and Possible Recommendation Regarding the Authorized
Activities Performed by Unlicensed Individuals within a Chiropractic Practice
(amend CCR, Title 16, section 312)**

Purpose of the Item

The Committee will review and discuss the regulatory proposal regarding the activities that unlicensed individuals are permitted to perform within a chiropractic practice.

Action Requested

The Committee will be asked to discuss the proposal and provide direction to staff.

Background

At the August 29, 2016 Board meeting, as part of a planned comprehensive Consumer Protection Enforcement Initiative (CPEI) regulatory package, the Board approved proposed language to amend California Code of Regulations (CCR), title 16, section 312 (Supervision of Unlicensed Individuals).

During the December 16, 2021 Board meeting, the Board voted to divide the CPEI regulation package into six proposals grouped by topic. Section 312 was separated and placed in a single topic proposal.

Amend CCR, Title 16, Section 312 (Supervision of Unlicensed Individuals)

The purpose of the proposal to amend CCR, title 16, section 312 is to clarify the role of and delineate the activities that can be performed by unlicensed individuals within a chiropractic practice, define and establish the supervision requirements by a licensed doctor of chiropractic, and require that unlicensed individuals follow and provide only the treatment defined in the supervising doctor of chiropractic's treatment plan.

At this meeting, the Committee will be asked to review and discuss the proposed language, consider whether any further changes should be made, and provide feedback and direction to staff.

Attachment

- Proposed Language to Amend California Code of Regulations, Title 16, Section 312

**Proposed Language to Amend California Code of Regulations, Title 16,
Section 312**

(as approved by the Board of Chiropractic Examiners on August 29, 2016)

§ 312. ~~Illegal Practice~~ Supervision of Unlicensed Individuals.

~~Unlicensed individuals are not permitted to diagnose, analyze, or perform a chiropractic adjustment. An “unlicensed individual” is defined as any person, including a student or graduate of a chiropractic institution, who does not hold a valid California chiropractic license. An exemption is hereby created for chiropractic students ~~doctors~~ participating in board approved preceptorship programs.~~

The licensed doctor of chiropractic shall initially examine and prepare a written treatment plan for a patient prior to the provision of physiotherapy treatment. The unlicensed individual shall follow and provide only the treatment defined in the written plan.

(a) The permitted activities of unlicensed individuals are as follows:

~~(a1)~~ Unlicensed individuals may take the history of a patient. However, this activity is separate from the consultation which at all times must be conducted by the licensed doctor. The licensed doctor of chiropractic must confirm the history with the patient and determine all appropriate evaluations, imaging, examinations and referrals.

~~(b2)~~ Unlicensed individuals may conduct standard neurological, orthopedic, physical and chiropractic examinations, except they may not perform such examinations which require diagnostic or analytic interpretations nor may they at the direction of the licensed doctor of chiropractic. Unlicensed individuals may not render a conclusion either verbally or in writing to a patient regarding the patient's physical condition. As an example, unlicensed individuals may not perform evaluations of heart or lung soundings. Such individuals shall be at all times under the immediate and direct supervision of a licensed Ddoctor of Cchiropractic.

~~“Immediate and dDirect supervision” means the licensed Ddoctor of Cchiropractic shall be at all times on the premises present in the same chiropractic facility where the examinations are being conducted. The licensed Ddoctor of Cchiropractic shall be responsible for the verification of the recorded findings and will be solely responsible for rendering a conclusion based on the findings.~~

~~(c3)~~ Unlicensed individuals may administer physical physiotherapy treatments as an adjunct to chiropractic adjustment, provided the physical physiotherapy treatment is conducted under the adequate indirect supervision of a licensed Ddoctor of Cchiropractic.

Adequate “Indirect supervision” means shall include all of the following:

~~(1) The licensed doctor of chiropractic shall be present in the same chiropractic facility with the unlicensed individual at least fifty percent of any work week or portion thereof the said individual is on duty unless this requirement has been waived by the board. The licensed doctor of chiropractic shall be readily available to the said individual at all other times for advice, assistance and instruction.~~

~~(2) The doctor shall initially examine and prepare a written treatment program for a patient prior to the providing of physical therapy treatment by the unlicensed individual.~~

~~(3) The doctor shall provide periodic reevaluation of the treatment program and of the individual's performance in relation to the patient. “Periodic reevaluation” shall mean at least once every thirty days the patient is under active care.~~

~~(4) The doctor shall perform and record an evaluation of the patient and his or her response to treatment at the termination thereof.~~

~~(d4) The licensed doctor of chiropractic is responsible for evaluating a radiographic image before any markings are added that obstruct portions of a body part. The licensed doctor of chiropractic may refer the evaluation of radiographic images to a radiologist. Following the licensed doctor of chiropractic's review of the radiograph, the Unlicensed individuals may mark X-ray films administered generated by a licensed Doctor of Chiropractic. “Marking X-rays” is defined as drawing and measuring between reference points and making angular and linear measurements. Unlicensed individuals are not permitted to make any diagnostic conclusions or chiropractic analytical listings, and The licensed doctor of chiropractic is responsible for any pathological entities covered or obstructed by the markings.~~

~~(e) Unlicensed individuals may not administer~~

~~(1) Generate X-rays unless they hold a valid X-ray technician certificate from issued by the Department of Public Health Services, Radiologic Health Branch, or participate under the direct supervision of a licensed Doctor of Chiropractic in as part of a training program approved by that department and set forth in Section 25668.1 of the California Health and Safety Code. This prohibition, set forth in Section 30403 of Title 17 of the California Administrative Code includes the following activities:~~

~~(1A) Positioning of patient;~~

~~(2B) Setting up of X-ray machines;~~

~~(3C) Pushing a button to generate a radiographic beam;~~

(4D) Developing of films. However, The Department of Public Health Services has determined that unlicensed individuals may develop X-ray film if that is their sole radiologic responsibility.

(2) Unlicensed individuals are not permitted to diagnose, analyze, or perform a chiropractic adjustment. All preceptors must be under the direct supervision of a licensed doctor of chiropractic.

(c) Unlicensed individuals who exceed the permitted scope of practice set forth in this regulation shall be in violation of Section 15 of the Chiropractic Act and shall be prohibited from applying for a California chiropractic license for such time as may be determined by the board. Student doctors participating in board approved preceptorship programs are not to be considered “unlicensed individuals” when working in said program.

(d) A violation of this section shall constitute unprofessional conduct and may subject the licensee to disciplinary action.

NOTE: Authority cited: Section 4(b) of the Chiropractic Initiative Act of California (Stats. 1923, p. lxxxviii). Reference: Section 15 of the Chiropractic Initiative Act of California (Stats. 1923, p. lxxxviii) and Section 25668.1, California Health and Safety Code; Section 30403 of Title 17, California Administrative Code.



Agenda Item 7
December 9, 2022

Public Comment for Items Not on the Agenda

Purpose of the Item

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

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



**Agenda Item 8
December 9, 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 9
December 9, 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 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



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Agenda Item 10
December 9, 2022

Adjournment

Time: _____