



**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.