



**BOARD OF CHIROPRACTIC EXAMINERS
GOVERNMENT AND PUBLIC AFFAIRS COMMITTEE
MEETING MINUTES
December 5, 2022**

In accordance with the statutory provisions of Government Code section 11133, the Government and Public Affairs Committee (Committee) of the Board of Chiropractic Examiners (Board) met via teleconference/Webex Events with no physical public locations on December 5, 2022.

Committee Members Present

Janette N.V. Cruz, Chair
Rafael Sweet

Staff Present

Kristin Walker, Executive Officer
Dixie Van Allen, Licensing & Administration Manager
William Walker III, Enforcement Manager
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

Ms. Cruz called the meeting to order at 11:00 a.m. Mr. Sweet called the roll. All members were present, and a quorum was established.

2. Review and Possible Approval of October 4, 2022 Committee Meeting Minutes

Motion: Mr. Sweet moved to approve the minutes of the October 4, 2022 Government and Public Affairs Committee meeting.

Second: Ms. Cruz seconded the motion.

Public Comment: None.

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

Motion: Carried.

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

Ms. Walker informed the Committee that staff has continued to focus on enhancements to the Connect system and in October 2022, the Board simplified the online renewal

process for the doctor of chiropractic license by removing the continuing education (CE) documentation upload section from the application and replacing it with the same certification question that can be found on the paper application. She indicated this change allows licensees to complete their online license renewal within minutes and submit their application prior to completing their CE, as they certify that it will be completed by their license expiration date. She also stated that the satellite certificate renewal button was placed on the user dashboard for direct access and the prior functionality that required renewal of the doctor of chiropractic license before accessing the satellite certificate renewal application had been removed. Ms. Walker shared that the next software release is planned for January 2023 to fully implement cashiering in the system, make the user dashboard more intuitive for users to navigate, and allow licensees to store their CE records in the system.

Ms. Cruz asked if any system changes were necessary to implement Senate Bill 1237 (Newman, Chapter 386, Statutes of 2022). Ms. Walker replied that no system changes were needed in response to that bill. Ms. Cruz inquired about external user acceptance testing or opportunities for early adopters to provide feedback on software releases. Ms. Walker replied that she had discussed that concept with DCA and the Office of Information Services (OIS), and the only issue is potential security concerns. She explained that she is working with OIS to identify alternative options such as utilizing staff from other programs who are not familiar with the Board's internal processes to act as external users.

Ms. Walker updated the Committee on staff's participation in action planning sessions with DCA's SOLID Training and Planning Solutions on November 29 and 30, 2022, to identify the specific tasks that staff must complete to implement each of the objectives within the Board's 2022–2026 Strategic Plan. She shared that the final action plan will be presented to the Board at the next meeting and future Committee meetings will include updates on staff's progress toward completing those tasks as part of the Committee's oversight activities. Mr. Sweet thanked staff for their work on these objectives.

Ms. Walker explained that staff has been working with DCA regulatory counsel to prioritize the Board's pending regulatory proposals, discuss strategies to effectively move them forward in 2023, and develop the Board's 2023 rulemaking calendar. She updated the Committee on the following proposals:

- **Annual CE Requirements for Licensees and CE Course Approval Process (Amend California Code of Regulations [CCR], Title 16, Sections 360-364):** This proposal would amend the annual CE requirements for licensees and create a new reapproval process for previously approved courses. The Continuing Education Committee will continue their discussion of this proposal at their January 4, 2023 meeting.

- **Approval of Chiropractic Schools and Educational Requirements (Amend CCR, Title 16, Sections 330-331.16):** This proposal would align the curriculum standards with the Council on Chiropractic Education (CCE). Staff is developing the rulemaking file and may bring some additional changes to the Licensing Committee for review and discussion in 2023.
- **Basic Life Support Certification for All Licensees (Amend CCR, Title 16, Section 371 and Add CCR, Title 16, Section 371.1):** This proposal would require basic life support or cardiopulmonary resuscitation certification for all licensees as a condition of licensure in active status. Staff plans to present the proposal to the Continuing Education Committee at their January 4, 2023 meeting.
- **CE Exemptions and Reduction of Requirements (Add CCR, Title 16, Section 364.1):** This proposal would specify criteria for granting a hardship exemption from the annual CE requirement to a licensee who has been affected by a natural disaster or state of emergency. The proposal is being developed by staff.
- **CE Provider Approval Process and Appeal Process for Denial of CE Courses and Providers:** This proposal would update the appeal process for the denial of CE courses and provider applications and is planned to be addressed after the Continuing Education Committee completes the other three CE proposals.

Ms. Cruz asked if staff is aligning the CE exemption proposal with existing definitions of a natural disaster and a state of emergency. Ms. Walker responded affirmatively and explained that staff referenced existing definitions within statute.

Mr. Sweet asked for additional information regarding CCE and the chiropractic college curriculum proposal. Ms. Walker explained CCE is the national accrediting body for the doctor of chiropractic degree program and in July 2020, the Board had approved proposed language to eliminate overly prescriptive requirements within the Board's regulations, and instead, require that chiropractic colleges meet CCE's standards. She added that staff is developing a rulemaking package based on that language but will likely need to return a few policy questions to the Licensing Committee for further discussion.

Ms. Walker continued summarizing the pending regulatory proposals:

- **Delegation of Authority to the Assistant Executive Officer and Citation Program (Amend CCR, Title 16, Sections 306, 389, 390, 390.3, 390.4, and 390.5):** This proposal would delegate to the Assistant Executive Officer the authority to expedite enforcement and administrative functions on behalf of the Executive Officer. Staff is finalizing the rulemaking package for submission to DCA.

- **Disciplinary Guidelines and Uniform Standards for Substance Abusing Licensees (Amend CCR, Title 16, Section 384):** The Enforcement Committee reviewed and discussed the standard and optional terms and conditions of probation at the October 6, 2022 meeting. The remaining portion of the language that needs to be completed is the penalty guidelines for violations of the specific statutes and regulations within the Board's jurisdiction.
- **Proposals Related to Consumer Protection Enforcement Initiative (CPEI):** Two CPEI proposals relate to licensing issues and will be referred to the Licensing Committee for discussion. Staff is working with the Enforcement Committee to develop the remaining proposals.
- **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):** Staff is working with the Enforcement Committee to develop this proposal to update the Board's record keeping requirements.

Ms. Cruz asked if Assembly Bill (AB) 2188 (Quirk, Chapter 392, Statutes of 2022), which prohibits employment discrimination based on the use of cannabis on and after January 1, 2024, would affect the implementation of the Uniform Standards for Substance Abusing Licensees. Ms. Walker replied that staff will research that issue.

Ms. Walker highlighted the Board's budget and fund condition and noted that while the budget is stable, the months in reserve is projected to decline over time if the Board spends its entire budget each fiscal year. She informed the Committee that staff is continuing to closely monitor expenditures this fiscal year, particularly expenses for legal services provided by the Attorney General's office. She also stated the fund condition statement assumes no payments toward the outstanding loan from the Bureau of Automotive Repair (BAR), and staff will work with the Budget Office to assess whether annual payments can begin in spring 2023. She explained the Continuing Education Committee is also discussing a proposal for a three-year CE course approval period and a reapproval process with a lower fee, so staff will need to assess the impact of those changes to the Board's revenue and fund condition. Ms. Walker also noted the Committee will begin studying the Board's license fee structure and discussing potential recommendations for the required report to the Legislature in late 2023.

Mr. Sweet asked why the Board spent its full budgeted amount for the Attorney General's office during fiscal year 2021-22. Ms. Walker explained the COVID-19 pandemic resulted in the delay of cases at the Attorney General's office during fiscal year 2020-21 and many were adjudicated during 2021-22, which resulted in significantly higher expenses compared to the Board's historical average. Mr. Sweet asked if the Board will continue to see that level of spending going forward. Ms. Walker replied that staff does not expect the same spending level as fiscal year 2021-22 but the increase in the hourly billing rate continues to affect the Board's fund. Ms. Cruz asked if the fund

condition reflects the Board's assumptions for the updated fee schedule. Ms. Walker responded affirmatively. Ms. Cruz requested information regarding the Board's operational budget in addition to the fund condition for future discussion.

Mr. Sweet asked if there is a deadline for the Board to repay the BAR loan. Ms. Walker replied that there is no hard deadline for repayment of the loan but the Board is accruing interest on it and the goal is to begin making \$250,000 annual payments to repay the loan within six years.

Public Comment: None.

4. Update and Discussion on New Issues and Recommendations from the Board's 2022 Sunset Review

Ms. Walker provided the Committee with an update on the specific issues and recommendations for the Board that were identified during the 2022 Sunset Review process:

- **Issue #1 (Board Composition):** Staff will gather information on the composition of other DCA healing arts boards and chiropractic boards in other states, and present that information to the Committee for review and discussion at a future meeting.
- **Issue #2 (Regulations):** Staff is working with DCA regulatory counsel to identify strategies to move the pending regulatory proposals forward. In addition, new mandatory training requirements on regulations are being implemented for all staff at or above the Associate Governmental Program Analyst level.
- **Issue #3 (Strategic Plan):** No further action is necessary at this time, as the Board adopted its 2022–2026 Strategic Plan at the October 27, 2022 meeting.
- **Issue #4 (Fund Condition and Fees):** Staff will work with the Committee to monitor the impact of the Board's new fee schedule and develop the required report to the Legislature on the Board's license fee structure.
- **Issue #5 (Fee Increases and Barriers to Chiropractic Professionals):** The Board is reducing the cost of initial licensure for applicants through the updated fee schedule and the Licensing Committee will discuss the impacts of licensing fees and potential barriers to licensure at a future meeting.
- **Issue #6 (Reciprocal License Requirements):** Staff will research and compile detailed information on the chiropractic licensure requirements in other states and reciprocity requirements for other DCA healing arts boards in 2023.

- **Issue #7 (CE):** The Continuing Education Committee has made substantial progress in the development of updates to the annual CE requirements and course approval processes.
- **Issue #8 (Performance-Based Assessment of Licensee Competency):** Staff is researching similar competency assessments by other boards for discussion by the Continuing Education Committee at a future meeting.
- **Issue #9 (Enforcement Timeframes):** The Enforcement Unit participated in a project with DCA's Organizational Improvement Office (OIO) to evaluate the complaint intake, desk investigation, and field investigation processes and identify strategies to reduce timeframes. The recommendations from this project will be implemented throughout fiscal year 2022-23.
- **Issue #10 (Practice Violations):** The Board continues to encourage licensees and the public to report any misinformation within the chiropractic profession so the Enforcement Unit can investigate and take appropriate action.
- **Issue #11 (Enforcement Disclosures):** Staff will develop recommendations regarding additional measures that can be taken to ensure consumers are aware of licensees' probationary status.
- **Issue #12 (Impacts of the COVID-19 Pandemic):** Staff will work with the Committee on a retrospective review of the impacts of the COVID-19 pandemic and develop recommendations.
- **Issue #13 (Technical Changes May Improve Effectiveness of Board Operations):** This will be discussed at a future Committee meeting.

Ms. Cruz suggested contacting representatives from the chiropractic colleges to get their perspective on potential barriers facing those seeking to enter the profession in California. Ms. Walker agreed and shared that staff also plans to utilize the QBIRT data reporting tool to study access to chiropractic services within the state.

Ms. Cruz asked if staff is monitoring the implementation of AB 2098 (Low, Chapter 938, Statutes of 2022) related to COVID-19 misinformation. Ms. Walker responded affirmatively and noted that staff believes the Board already has sufficient regulatory authority to address the issue.

Public Comment: Falkyn Luouxmout, a chiropractic college student, asked if Issue #2 from the 2022 Sunset Review needs to be addressed prior to the approval of the proposed revisions to the chiropractic college curriculum requirements.

Ms. Walker explained that Issue #2 from the 2022 Sunset Review focuses on the need to make the Board's rulemaking process more efficient and does not affect the progress of any regulatory proposal.

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

Ms. Walker outlined the proposed onboarding and orientation process for new Board members:

- Within the first week of appointment, the Executive Officer places an introductory call to the new member, explains the oath of office completion requirement, confirms the member's availability to participate in the next Board meeting, informs them that a welcome package will be sent to them, and schedules the initial meet-and-greet session. The Board liaison then ships the welcome package consisting of a letter from the Board chair, all mandatory paperwork and training information, and the Board Member Resource Binder, to the new member.
- Within the first two weeks, the Executive Officer hosts the meet-and-greet session for the new member with the Board chair and staff. The Board chair then designates a current Board member to act as a mentor and identifies committee assignments for the new member.
- Within 30-45 days of appointment, the Executive Officer conducts an orientation session with the new member.
- Before the new member's first meeting, the Executive Officer schedules a call with the new member and mentor to review and discuss the meeting agenda and materials and answer any questions they may have.
- At least annually, the Board liaison distributes a copy of any new or updated policies, procedures, or guidance documents to the Board for inclusion in their resource binder and posts the information in a shared cloud folder for electronic access by Board members.

Ms. Walker shared that staff is working to develop a comprehensive Board Member Resource Binder with a description of the Board's processes, as the prior version of that binder is just a compilation of various materials.

Mr. Sweet commented that the proposed process provides a good outline for future Board members and asked if there is a specific position for a Board liaison. Ms. Walker replied that the duty statement for the Board's policy analyst position will be updated as a lead administrative analyst and that position will be assigned as the Board liaison.

Ms. Cruz expressed her interest in reviewing the contents of the existing Board member binder, an outline of the structured orientation session for the new member, and the responsibilities of the assigned mentor. She also suggested conducting a brief meeting with the new member prior to their first mail vote and developing an online Board member portal or shared drive within the next year.

Public Comment: None.

6. Review, Discussion, and Possible Recommendation Regarding Proposed Updates to the Board Member Administrative Procedure Manual

Ms. Walker informed the Committee that staff made technical updates to the Board Member Administrative Procedure Manual to reflect recent changes to the Board's mission statement, composition, and standing committees. She shared staff's suggestion that the Committee consider amending the meeting attendance policy to allow the Board chair to excuse a member who is unable to attend a meeting that has been called with less than 30 days' notice due to a scheduling conflict.

Ms. Cruz asked how Board members are notified when a disciplinary case has been held for discussion. Ms. Walker replied that in the past, the case has been brought to the Board's attention through the meeting materials. She noted staff could begin notifying the Board at the time the case is held and suggested clarifying the mail vote procedure in the manual. Ms. Cruz agreed and asked if there may be an opportunity for discussion of the specific issue at the committee level prior to the Board meeting. Ms. Walker indicated the policy issues could be routed through the appropriate committee, but the disciplinary case discussion would need to occur during closed session at a Board meeting. Ms. Cruz added that the manual could specify when the Board member will receive their identification card in the onboarding procedures.

Mr. Sweet expressed his support for amending the attendance policy to excuse a member from a meeting that was scheduled due to limited notice.

Ms. Cruz requested that the Board's mission, vision, and values and background information about the Chiropractic Initiative Act be added to the introductory section of the manual.

Public Comment: None.

7. Public Comment for Items Not on the Agenda

Public Comment: None.

8. Future Agenda Items

Public Comment: None.

9. Schedule 2023 Committee Meetings

The Committee scheduled the following meetings:

Meeting Date	Time	Location
Monday, March 13, 2023	11:00 a.m. to 1:00 p.m.	Teleconference (Webex)
Monday, June 12, 2023	11:00 a.m. to 1:00 p.m.	Teleconference (Webex)
Monday, September 18, 2023	11:00 a.m. to 1:00 p.m.	Teleconference (Webex)
Monday, December 4, 2023	11:00 a.m. to 1:00 p.m.	Teleconference (Webex)

Public Comment: None.

10. Adjournment

Ms. Cruz adjourned the meeting at 12:29 p.m.